

117TH CONGRESS
1ST SESSION

H. R. 2666

To amend the Communications Act of 1934 to prohibit providers of broadband internet access service from increasing rates or enforcing data caps or allowances during an emergency or major disaster, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2021

Mr. VAN DREW introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to prohibit providers of broadband internet access service from increasing rates or enforcing data caps or allowances during an emergency or major disaster, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “New Overages in Crisis
5 Areas Prevention Act” or the “NO CAP Act”.

1 **SEC. 2. REQUIREMENTS FOR BROADBAND PROVIDERS**
2 **DURING EMERGENCIES AND MAJOR DISAS-**
3 **TERS.**

4 Title VII of the Communications Act of 1934 (47
5 U.S.C. 601 et seq.) is amended by adding at the end the
6 following:

7 **“SEC. 723. REQUIREMENTS FOR BROADBAND PROVIDERS**
8 **DURING EMERGENCIES AND MAJOR DISAS-**
9 **TERS.**

10 “(a) IN GENERAL.—During a covered period with re-
11 spect to a covered area, a provider of broadband internet
12 access service may not, with respect to a customer of such
13 provider in such area—

14 “(1) increase any rate, fee, or other charge re-
15 lating to such service;

16 “(2) impose any rate, fee, or other charge relat-
17 ing to such service that did not apply before such
18 period; or

19 “(3) enforce any data cap or allowance, regard-
20 less of whether such data cap or allowance applied
21 before such period.

22 “(b) INAPPLICABILITY TO MOBILE BROADBAND
23 INTERNET ACCESS SERVICE.—This section does not apply
24 with respect to mobile broadband internet access service.

25 “(c) DEFINITIONS.—In this section:

1 “(1) BROADBAND INTERNET ACCESS SERV-
2 ICE.—

3 “(A) IN GENERAL.—The term ‘broadband
4 internet access service’ means a mass-market
5 retail service by wire or radio that provides the
6 capability to transmit data to and receive data
7 from all or substantially all internet endpoints,
8 including any capabilities that are incidental to
9 and enable the operation of the communications
10 service, but excluding dial-up internet access
11 service.

12 “(B) FUNCTIONAL EQUIVALENT; EVA-
13 SION.—The term ‘broadband internet access
14 service’ includes any service that—

15 “(i) provides a functional equivalent
16 of the service described in subparagraph
17 (A); or

18 “(ii) is used to evade the protections
19 set forth in this section.

20 “(2) COVERED AREA.—The term ‘covered area’
21 means a geographical area with respect to which—

22 “(A) a major disaster or emergency is de-
23 clared under the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42
25 U.S.C. 5121 et seq.); or

1 “(B) a public health emergency is declared
2 under section 319 of the Public Health Service
3 Act (42 U.S.C. 247d).

4 “(3) COVERED PERIOD.—The term ‘covered pe-
5 riod’ means, with respect to a covered area, the pe-
6 riod that—

7 “(A) begins on the date of the declaration
8 with respect to such area of—

9 “(i) a major disaster or emergency
10 under the Robert T. Stafford Disaster Re-
11 lief and Emergency Assistance Act (42
12 U.S.C. 5121 et seq.); or

13 “(ii) a public health emergency under
14 section 319 of the Public Health Service
15 Act (42 U.S.C. 247d); and

16 “(B) ends on the date that is 60 days after
17 the termination of such major disaster, emer-
18 gency, or public health emergency (as the case
19 may be).

20 “(4) DATA CAP OR ALLOWANCE.—The term
21 ‘data cap or allowance’ means a limit on, or a fee-
22 based structure with the purpose of limiting, the
23 number of bits a customer may download or upload
24 using broadband internet access service during a pe-
25 riod of time specified by the provider of such service.

1 “(5) EDUCATIONAL INSTITUTION.—The term
2 ‘educational institution’ means—

3 “(A) an elementary school (as defined in
4 section 8101 of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 7801));

6 “(B) a secondary school (as defined in
7 such section); and

8 “(C) an institution of higher education (as
9 defined in section 101 of the Higher Education
10 Act of 1965 (20 U.S.C. 1001)).

11 “(6) MOBILE BROADBAND INTERNET ACCESS
12 SERVICE.—

13 “(A) IN GENERAL.—The term ‘mobile
14 broadband internet access service’ means a
15 broadband internet access service that serves
16 end users primarily using mobile stations.

17 “(B) INCLUSIONS.—The term ‘mobile
18 broadband internet access service’ includes—

19 “(i) broadband internet access serv-
20 ices that use smartphones or mobile-net-
21 work-enabled tablet computers as the pri-
22 mary endpoints for connection to the inter-
23 net; and

24 “(ii) mobile satellite broadband serv-
25 ices.

1 “(C) EXCLUSION.—The term ‘mobile
2 broadband internet access service’ does not in-
3 clude a broadband internet access service pro-
4 vided to an educational institution and made
5 available by such institution for educational
6 purposes to students enrolled at such institu-
7 tion.”.

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