



IN THE CONGRESS OF THE UNITED STATES

NOVEMBER 17th, 2020

Mr. Morales and Mr. Loulou (for themselves, Ms. Kyouko, Mr. Koay, Mr. Romerio, Mr. Carton) introduced the following bill,
which was subsequently referred to the Senate.

To create and establish Net Neutrality protections for the Internet across the United States.

*Be it enacted by the Senate and the House of Representatives of the United States
in America assembled,*

SECTION 1. SHORT TITLE.

This act may be cited as the “Net Neutrality Protections Act.” or NNPA for short

SECTION 2. FINDINGS.

Congress finds that —

- (a) The term “Net Neutrality” is the principle that all Internet service providers must treat all Internet communications equally and prohibits any ISP from slowing down or blocking any content, applications, and websites.
- (b) The authority of the Federal Communications Commission is derived from the delegation of this authority from the United States Congress, under the Communications Act of 1934. The authority of the Federal Communications Commission cannot exceed its

source, the United States Congress, and thus, Congress has the authority to legislate to regulate the Federal Communications Commission.

- (c) The term "ISP" is short for Internet Service Providers like AT&T, Comcast, Verizon, and etc.
- (d) This bill is partially based upon the state of California's SB 822 sponsored by California State Senator Scott Wiener.
- (e) On September 30th 2018, SB 822 was signed by Governor Jerry Brown to legislate the protections of the FCC's 2015 Open Internet Order, under the police powers that individual states have under the Tenth Amendment. Under the premise that Congress granted the Federal Communications Commission the sole power to regulate internet providers, and that internet access did not fall under the scope of police powers as claimed by SB 822, the United States Department of Justice sued the state of California on this bill. On October 26 2018, the state of California and the Federal Communications Commission reached an agreement to not enforce SB 822.

SECTION 3. DEFINITIONS.

In this act—

- (a) APPLICATION AGNOSTIC.— The term “application agnostic” means not differentiating on the basis of source, destination, internet content, application, service, or device, or class of Internet content, application, service, or device.
- (b) CONTENT PROVIDER.— The term “content provider” means any individual or entity that provides any content or service over the Internet.
- (c) INTERNET SERVICE PROVIDER.— The term “Internet service provider” means an organization that provides services for accessing, using, or participating in the Internet.

SECTION 4. PROTECTIONS.

- (a) IN GENERAL — Internet access across the United States shall be compelled to be provided in a manner which is application agnostic.

(b) REGULATIONS — It shall be unlawful for an Internet service provider to do any of the following —

- (i) To block content, services, or non-malicious devices which are in compliance with the law.
- (ii) To provide internet service at a higher speed by differentiating between content, service, or device.
- (iii) To solicit or accept financial or other compensation from an in exchange for adjusting in any way, its delivery of Internet traffic from a content provider.
- (iv) To fail to provide accurate information to consumers regarding the performance of services provided by the Internet service provider.
- (v) To otherwise not provide Internet access to lawful content in an application agnostic manner.

(c) If Internet service providers determined by the Federal Communications Commission to be tampering with Internet access in violation with the provisions of this section, such Internet service providers shall be fined 20% of the taxable corporate income of that year, and every forthcoming year until they are determined by the Federal Communications Commission to no longer be in violation of these provisions. During this, Internet service providers will be monitored by the Federal Communications Commission.

SECTION 5. ASSISTANT SECRETARY FOR NET NEUTRALITY

- (a) CREATION — The position of Assistant Secretary for Net Neutrality (hereafter referred to as ‘the Assistant Secretary’) is established.
- (b) APPOINTMENT — The Assistant Secretary shall be appointed by the President of the United States, with the advice and consent of the Senate of the United States.
- (c) RANK — The Assistant Secretary shall report to the Federal Communications Commission Administrator.
- (d) DUTIES — The Assistant Secretary shall perform such duties and exercise such powers as the Federal Communications Commission Administrator shall prescribe, and shall have overall supervision over the regulations of Point (b) of Section 4 of this bill.

SECTION 6. EMERGENCY SERVICES.

- (a) No provision within this bill shall be construed to override any existing legislation or obligation for a Internet service provider to address the needs of emergency services.

SECTION 7. ENACTMENT

The provisions of this statute shall go into effect immediately upon the signature of the President.

SECTION 8. SEVERABILITY

- (a) SEVERABILITY — Should any provision of this Act be deemed invalid or unconstitutional for any reason in a court with relevant jurisdiction, the rest of the Act, and the application of the remaining provisions, shall not be affected.