

H.R. 1: The Net Neutrality Act

Proposed by Congressional Representative Ding of California's 17th District for the 113th Session of the House of

Representatives of the United States of America

An Act

To preserve the freedom of information transmitted through the internet for America.

Be it enacted by the House of Representatives of the United States of America in Congress

assembled,

Section 1. Short Title, Table of Contents

(a) Short Title: This Act may be cited as the Net Neutrality Act

(b) Table of Contents - the table of contents of this Act is as follows:

Sec 1. Short title, Table of contents

Title I: Purpose and Impact of Act

Sec 101: Understanding of Net Neutrality

Sec 102: Importance of Net Neutrality to Free Enterprise and the US Economy

Sec 103: Importance of Free Information to Future Generations

Title II: FCC Regulation

Sec 201: Goals of the FCC

Sec 202: Amendments to FCC Definitions and Stances on Net Neutrality

Sec 203: Execution and Enforcement of FCC Goals

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Title I: Purpose and Impact of Act

Sec 101: Understanding of Net Neutrality

(a) In order to facilitate the fair transfer of information on the internet, we propose for the 113th Congress to pass this Act ensuring for all future Internet Service Providers to provide equal access and speeds to all websites regardless of the origin of the website.

(b) Major Internet Service Providers (hereby referred to as ISPs) are primarily a monopolistic industry per region, severely limiting the choices that citizens have when it comes to receiving internet access. This has a large part to do with physical infrastructure, as internet service is primarily provided through large wires under the ground that are expensive to build and maintain. Since the dawn of the Internet, ISPs have allowed for users to purchase certain speeds of data transfer, which remain constant regardless of data usage or where the data is coming from. However, recent cases have shown evidence that these ISPs are moving towards limiting access to certain websites that have shown evidence of using large amounts of data, i.e. video sharing/viewing websites such as Netflix and YouTube.

(c) It is the belief of this Congress that to allow ISPs to monitor and limit websites from being accessed by the public would be to take away one of the greatest assets of the Internet. For its first 40 years, the Internet has allowed people of all demographics to access all the information they require, as well as publish information in a relatively easy way. However, if ISPs are able to control who is able to publish what, it would serve as an unnecessary censor and be detrimental to new innovation in the United States.

Sec 102: Importance of Net Neutrality to Free Enterprise and the US Economy

(a) Technological innovation is at the backbone of the current US economy, as the United States economy matures to have more complex service industries, as opposed to an industrial or agricultural-dominated industry. Therefore, in order for the US to continue to prosper, special attention must be paid towards allowing for equal access to an arena for the birth of ideas.

(b) Internet innovations have allowed for rapid increases in the economy, as evident by modern companies such as Microsoft, Apple, Google, and Yahoo! rising due to the proliferation of information. Just as important as the major corporations are to the economy are new "startup" companies that provide innovation for the future. Such startups are typically sold to larger corporations, but bring in new ideas that help maintain United States dominance over the technology industry.

(c) If net neutrality was permitted, startups would be unable to be as plentiful as they are today, and the United States would be an increasingly more difficult area to foster creative ideas. This hostile environment could be created by ISPs evoking limited broadband speeds for companies that do not pay royalties to it. Such royalties may be out of the budget of startups, and prevent ideas from being developed in any fashion. Although this is not a direct consequence of current rulings, allowing for ISPs to decide to whom they give more broadband to sets an unacceptable precedent that harms the American people.

Sec 103: Importance of Free Information to Future Generations

(a) Access to free information online has been a driving force for continued education of all people in America. In order for American to prosper in the future, a new generation of well-educated youth must be raised with the ability to access information vital to their future success. As public libraries have provided government-sponsored books and information in the past, the Internet has grown to have more free-to-access information as ever before. For nontraditional,

gifted, or financially impoverished students, the free Internet could be their best source of quality information and allows for new opportunities to be opened.

(b) In a post Net Neutrality world, sites such as Wikipedia or arxiv.org could potentially be targeted by ISPs, supported by pay-to-access information sites such as the encyclopedia Britannica or the journal Nature, to be limited in the broadband available to users for these websites. As a result, it could be very difficult to access free quality information about the world. This is a clear classist and income discrimination act that could be used by the wealthy and influential in order to solidify power. Not only does it open up the possibility of elite domination, it also prevents the lower classes from easily recognizing the discrimination against them.

(c) In addition, with the current media conglomerations creating super large corporations that control traditional media, the Internet is the best place to explore alternative viewpoints and opinions. However, if money could influence the content that citizens receive, then it is not difficult to imagine corporations preventing opposing viewpoints from appearing on the Internet by setting up paywalls against them. This prevents free and fair access to information, one of the most important assets of the Internet.

Title II: FCC Regulation

Sec 201: Goals of the FCC

The Federal Communications Commission (hereby referred to as the FCC) is an independent agency of the US government that regulates radio, television, wire, satellite, and cable communications throughout the 50 states in order to best serve the country. Due to the reasons argued in Title I of this Act, this Congress believes that the best course of action for the FCC to take is to increase regulation of ISPs to prevent Net Neutrality from failing. In the spirit of competition and neutrality, the FCC should be provided funding to continue regulation against

unfair broadband practice by ISPs, heavily fining corporations that do not comply with regulations.

Sec 202: Amendments to FCC Definitions and Stances on Net Neutrality

(a) The FCC should establish definitions of Net Neutrality as the "willful limitation of broadband access and speeds by an ISP to certain or specific websites with the purpose of preventing equal access to information through the Internet."

(b) In addition, the FCC should adopt the stance that corporations which intentionally provide monetary compensation to ISPs with the purpose of limiting other websites' broadband speeds or with the purpose of enhancing their own broadband speeds should be treated as inherently monopolistic and in violation of Antitrust laws such as the Clayton Act of 1914 and the Federal Trade Commission Act of 1914, and thereby duly processed by civil lawsuits as prosecuted by individual companies as well as by the Antitrust division of the US Department of Justice.

(c) In addition, the FCC should adopt the view that any purposeful obstruction of information or opinion over the internet by ISPs should be considered a direct violation of that website's right to free speech and expression, and be processed as a civil rights case against the offending ISP.

(d) Finally, the FCC should accept that the citizen's right to freedom of information over the internet is an inalienable right as guaranteed by the first amendment as part of the "freedom of speech, or of the press" clauses, and that any attempt to infringe on such rights should be fully prosecuted in civil court by the United States Department of Justice.

Sec 203: Execution and Enforcement of FCC Goals

(a) In order to ensure for the FCC to carry out the above stated goals in Sec 202, Congressional hearings shall be carried out by the 113th Congress on the FCC within one month after the passing of this bill, to affirm continued developments towards the path as detailed by this bill.

(b) To execute all of the monitoring of major ISPs in America, the FCC shall be granted no less than ___ million dollars, which should be used to hire government employees as according to the Hatch Act of 1939, the Pendleton Civil Service Act of 1883 and the Civil Service Reform Act of 1978, in order to monitor and regulate ISPs in America, ensuring that no violations of the terms stated in Sec 202 occur.

(c) In addition, in order to allow for continued fairness of ISP service, the FCC will spend _____ in order to allow for the creation of an educational website at netneutrality.gov in order to educate the public about the purposes of this bill and the rights that citizens have for freedom of information. Also, on this website, information about individual ISPs shall be provided to provide a full disclosure of all anti-neutrality information taken by any corporation or ISP.

Title III: Miscellaneous; Severability; Effective Date; Disclosure

Section 301: Amendment Process

Amendments to this Act shall be allowed for any Representatives willing to write such amendments.

Section 302: Severability

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

Section 303: Effective Date

This Act will go into effect immediately upon passage of the House of Representatives, as special circumstances have eliminated the Senate and the White House from the branches of the United States government.

Section 304: Judicial Review

In the case of any lawsuit being brought against this Act, the Supreme Court shall have original jurisdiction over such suits as this is a national law dealing with federal powers. The Congress shall be immediately notified of any objections and shall be given the privilege of intervening to inform the judicial system as well as given the privilege to amend this Act as needs fit with the suit.

Section 404: Disclosure

Disclosure of the full text of the bill shall be provided to all citizens for free access as per the Freedom of Information Act of 1967 and completely published in the Congressional Record for the 113th Congress, as to be distributed in public libraries enrolled in the Federal Depository Library Program.

Speaker of the House of Representatives

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