

117TH CONGRESS
2D SESSION

S. 4590

To provide requirements relating to data caps on broadband internet access service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2022

Mr. LUJÁN (for himself and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide requirements relating to data caps on broadband internet access service, 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 “Uncap America Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) BROADBAND INTERNET ACCESS SERVICE.—

8 The term “broadband internet access service” has
9 the meaning given the term in section 8.1(b) of title

1 47, Code of Federal Regulations, or any successor
2 regulation.

3 (2) COMMISSION.—The term “Commission”
4 means the Federal Communications Commission.

5 (3) DATA CAP.—The term “data cap” means a
6 limit on the amount of bits or other units of infor-
7 mation a customer of a broadband internet access
8 service provider may download or upload during a
9 period of time specified by the broadband internet
10 service access provider—

11 (A) before the customer—

12 (i) is charged a fee for additional
13 usage;

14 (ii) is subject to an increasing cost per
15 bit or other unit of information;

16 (iii) is charged for an incremental
17 block of usage; or

18 (iv) experiences a reduction of access
19 speed; or

20 (B) that the customer is otherwise discour-
21 aged or prevented from exceeding.

22 **SEC. 3. FINDINGS.**

23 Congress finds the following:

24 (1) Access to resilient, affordable, and secure
25 internet service is essential for individuals to partici-

1 pate in society, including by providing individuals ac-
2 cess to work, education, and health care and allow-
3 ing individuals to communicate with friends and
4 family.

5 (2) Congress has a well-established role in sup-
6 porting infrastructure for broadband internet access
7 service and ensuring that such infrastructure best
8 serves the public interest.

9 (3) It is in the public interest to ensure that
10 telecommunications networks in the United States
11 are utilized to their fullest capacity in order to en-
12 courage innovation, reduce barriers to employment,
13 and increase access to education and health care.

14 (4) Sustained strong performance of broadband
15 internet access service networks in the United States
16 during historically high demand throughout the
17 COVID–19 pandemic is evidence that many such
18 networks can accommodate significantly increased
19 usage rates without the imposition of data caps.

20 (5) While certain broadband internet access
21 service networks may require practices to effectively
22 manage congestion, those practices should be tai-
23 lored to improve equitable access among consumers.

1 (6) Unnecessary data caps limit participation in
2 the digital economy and are contrary to the public
3 interest.

4 **SEC. 4. NETWORK MANAGEMENT PRACTICES.**

5 (a) IN GENERAL.—A broadband internet access serv-
6 ice provider shall not impose a data cap except when tai-
7 lored primarily for the purposes of reasonable network
8 management or managing network congestion.

9 (b) REGULATIONS.—

10 (1) IN GENERAL.—The Commission may pre-
11 scribe such regulations as may be necessary in the
12 public interest to carry out this section.

13 (2) TAILORED DATA CAPS.—Not later than 270
14 days after the date of enactment of this Act, the
15 Commission shall promulgate regulations to define
16 the conditions under which a data cap is to be con-
17 sidered tailored to the purpose of reasonable network
18 management or managing network congestion for
19 purposes of subsection (a).

20 (c) ENFORCEMENT.—

21 (1) IN GENERAL.—The Commission shall imple-
22 ment and enforce this section as if this section were
23 a part of the Communications Act of 1934 (47
24 U.S.C. 151 et seq.).

1 (2) VIOLATIONS.—Any violation of this section
2 or any regulation promulgated under this section
3 shall be considered to be a violation of the Commu-
4 nications Act of 1934 (47 U.S.C. 151 et seq.) or a
5 regulation promulgated under that Act, respectively.

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