117TH CONGRESS
2D Session

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

IN THE SENATE OF THE UNITED STATES

Mr. Luján (for himself and Mr. Booker) introduced the following bill; which was read twice and referred to the Committee on ____________________

A BILL

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Uncap America Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) BROADBAND INTERNET ACCESS SERVICE.—

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

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

(3) Data cap.—The term “data cap” means a limit on the amount of bits or other units of information a customer of a broadband internet access service provider may download or upload during a period of time specified by the broadband internet service access provider—

(A) before the customer—

(i) is charged a fee for additional usage;

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

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

(iv) experiences a reduction of access speed; or

(B) that the customer is otherwise discouraged or prevented from exceeding.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Access to resilient, affordable, and secure internet service is essential for individuals to partici-
participate in society, including by providing individuals access to work, education, and health care and allowing individuals to communicate with friends and family.

(2) Congress has a well-established role in supporting infrastructure for broadband internet access service and ensuring that such infrastructure best serves the public interest.

(3) It is in the public interest to ensure that telecommunications networks in the United States are utilized to their fullest capacity in order to encourage innovation, reduce barriers to employment, and increase access to education and health care.

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

(5) While certain broadband internet access service networks may require practices to effectively manage congestion, those practices should be tailored to improve equitable access among consumers.
(6) Unnecessary data caps limit participation in the digital economy and are contrary to the public interest.

SEC. 4. NETWORK MANAGEMENT PRACTICES.

(a) IN GENERAL.—A broadband internet access service provider shall not impose a data cap except when tailored primarily for the purposes of reasonable network management or managing network congestion.

(b) REGULATIONS.—

(1) IN GENERAL.—The Commission may prescribe such regulations as may be necessary in the public interest to carry out this section.

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

(c) ENFORCEMENT.—

(1) IN GENERAL.—The Commission shall implement and enforce this section as if this section were a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.).
(2) VIOLATIONS.—Any violation of this section or any regulation promulgated under this section shall be considered to be a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or a regulation promulgated under that Act, respectively.