

# Uncap America Act of 2022

In today’s world, resilient, affordable, and secure access to the Internet is a basic necessity for work, education and healthcare. Pricing structures for broadband services must encourage participation in the digital economy, promote competition and innovation, and ensure investment in national broadband infrastructure is used to its highest capacity. No family in America should worry about whether their next critical security update or telehealth appointment will cost them large overage fees. Congress should maximize use of the broadband network to its fullest capacity for economic growth, innovation, and expanded access to critical services.

The “**Uncap America Act**” would prohibit predatory data caps by ensuring caps are only used for reasonable network management. The bill would direct the FCC to promulgate regulations to define when a data cap is considered to be tailored for network management and give the Commission enforcement authority when those conditions are violated.

* **Data caps are unnecessary for many networks.** During the COVID-19 pandemic, many ISPs with national data caps [waived them](https://www.fcc.gov/companies-have-gone-above-and-beyond-call-keep-americans-connected-during-pandemic) to aid in the public health response. Comcast upgraded all customers to an unlimited data plan at no charge and reported a [32% increase in peak traffic overall, and an increase of 60% in some parts of the US](https://arstechnica.com/tech-policy/2020/03/comcast-waiving-data-cap-hasnt-hurt-its-network-why-not-make-it-permanent/). Despite this increased traffic, most networks were able to accommodate the increased traffic with [little adverse effect](https://medium.com/beat-the-virus/americas-broadband-networks-showing-strength-with-covid-19-f2a403c9700f).
* **Americans’ need for data is increasing.** In response to the COVID-19 pandemic, monthly data usage has increased at a rapid rate. According to [a study on American broadband consumption conducted by OpenVault](https://openvault.com/wp-content/uploads/2022/03/OVBI_4Q21_Report_FINAL-1.pdf), the average household now exceeds over half a terabyte in bandwidth per month. According to [a study by NPD](https://www.fiercewireless.com/wireless/alarming-unlimited-data-usage-31-4-gb-per-month-and-rising), demand on cellular data was up to 31.4GB on a monthly basis, up 25% from a year prior. Low data caps prevent households from taking advantage of this transition, expanding the digital divide.
* **Data caps harm competition and consumers.** While some network technology may require data caps for effective network management, unnecessary data caps often harm competition and lock-in consumers in order to maximize profits. Furthermore, the risk of incurring significant overage charges means consumers are less likely to automatically download security updates, leaving them and their organizations more susceptible to known cybersecurity vulnerabilities. Other pricing options such as differential speed tiering allows customers to pick the package that best sets their needs while also incentivizing off-peak bandwidth usage.

Supporting organizations include INCOMPAS, Consumer Reports and Public Knowledge.