

Internet Protection Act

- **SECTION 1. SHORT TITLE. 1**
- **SEC. 2. PROVISION OF INTERNET INFORMATION SERVICES. 1**

105th CONGRESS

1st Session

H.R. 2372

To ensure that the development of the Internet and interactive computer services is unfettered by Federal and State regulation.

IN THE HOUSE OF REPRESENTATIVES

July 31, 1997

Mr. WHITE (for himself, Mr. BOUCHER, Mr. TAUZIN, Mr. OXLEY, Mr. COX of California, and Mr. LAZIO of New York) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To ensure that the development of the Internet and interactive computer services is unfettered by Federal and State regulation.

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 `Internet Protection Act of 1997'.

SEC. 2. PROVISION OF INTERNET INFORMATION SERVICES. ➡

Title II of the Communications Act of 1934 is amended by inserting after section 230 (47 U.S.C. 230) the following new section:

`SEC. 231. PROVISION OF INTERNET INFORMATION SERVICES.

`(a) POLICIES- The policies of this section are as follows:

`(1) PRIVATE INITIATIVE- In order to support rapid and efficient technological and commercial innovation, deployment, and adoption of Internet information services, it shall be the policy of the United States to rely on private initiative and to avoid, to the maximum extent possible, government restriction or supervision of such services.

`(2) AFFIRMATION OF COMMISSION PUBLIC INTEREST JUDGMENT- Except as set forth in this section--

`(A) regulation of Internet information services, including services previously referred to in Commission actions as enhanced services, is not in the public interest; and

`(B) the Congress reserves the authority to determine when and if, after the date of enactment of this section, regulation of Internet information services is in the public interest.

`(3) INTERSTATE AND INTERNATIONAL IMPLICATIONS- It shall be the policy of the Federal Government in its relationships with both foreign governments and the States of the Union, to support and advance the policies of this section and the purposes of this Act.

`(b) FREEDOM FROM REGULATION-

`(1) LIMITATIONS ON COMMISSION AUTHORITY- Except as expressly provided in this section, nothing in this Act shall be construed to grant authority to the Commission with respect to--

`(A) the rates, charges, practices, classifications, facilities, or services for or in connection with the provision of Internet information services to customers;

`(B) technical specifications or standards for the provision of Internet information services; or

`(C) any other regulation of the provision of Internet information services.

`(2) PARALLEL LIMITATION AND SUPERSESION OF STATE AUTHORITY- Notwithstanding section 2(b) or any other provision of this Act--

`(A) no State commission shall have any authority to take any action with respect to Internet information services that the Commission is prohibited by this section from taking with respect to such services; and

`(B) no State commission shall have any authority to take any action with respect to Internet information services that is inconsistent with, or that would substantially frustrate, an action taken by the Commission with respect to such services, including an action to withdraw, or refrain from, regulation of such services.

`(3) EXCEPTIONS TO FEDERAL AND STATE LIMITATIONS-

`(A) ACCESS TO TELECOMMUNICATIONS SERVICES- Nothing in this subsection shall prohibit the Commission or a State commission from--

`(i) prohibiting any incumbent local exchange carrier that is engaged in the provision of Internet information services from subsidizing its provision of such services from revenues obtained from the provision of telephone exchange service, telephone toll service, or telephone exchange access service; or

`(ii) prohibiting any incumbent local exchange carrier from preferring or discriminating in favor of its Internet information service operations in its provision of telecommunications service.

`(B) TELECOMMUNICATIONS ACT IMPLEMENTATION- Nothing in this subsection shall limit or otherwise affect the implementation of the Telecommunications Act of 1996 (P.L. 104-104) or the amendments made by such Act.

`(C) NATIONAL SECURITY, LAW ENFORCEMENT, NETWORK RELIABILITY- Nothing in this subsection shall prohibit the Commission from taking actions necessary to protect national security or network reliability, or assist law enforcement, as otherwise authorized by this Act or the Communications Assistance for Law Enforcement Act.

`(c) DEREGULATORY LEVERAGE FROM INTERNET INFORMATION SERVICES-

`(1) DEREGULATION BASED ON ADOPTION OF INTERNET INFORMATION SERVICE SUBSTITUTES- With respect to any geographic market, a service provided by a nonaffiliated Internet information service provider is a substitute for a comparable regulated service for a substantial portion of the geographic market for such regulated service, the Commission shall forbear from applying any regulation or any provision of any title of this Act to the provision of such comparable regulated service within such market if the Commission determines that--

`(A) enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that service are just and reasonable and are not unjustly or unreasonably discriminatory;

`(B) enforcement of such regulation or provision is not necessary for the protection of consumers;

`(C) forbearance is necessary to promote parity among service providers; and

`(D) forbearance is consistent with the public interest.

`(2) PETITION FOR FORBEARANCE- Any person that provides any regulated service may submit a petition to the Commission requesting that the Commission exercise the authority granted under this subsection with respect to that person, or any regulated service offered by that person within a geographic market. Any such petition shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under paragraph (1) within one year after the Commission receives it. The Commission may grant or deny a petition in whole or in part.

`(3) STATE LIMITATION- A State commission may not continue to apply or enforce any provision of this Act that the Commission has determined to forbear from applying under paragraph (1).

`(4) LIMITATION- The Commission may not forbear from applying the requirements of section 251(c) or 271 under paragraph (1) of this section until it determines that those requirements have been fully implemented.

`(d) DUTY OF COMMISSION TO REPORT NEED FOR ADDITIONAL EXCEPTIONS-

`(1) ONGOING INFORMATION- The Commission shall keep the Committee on Commerce

of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate fully and currently informed with respect to developments in the provision of Internet information services.

`(2) NEED FOR LEGISLATIVE CHANGES- If, any time after the date of enactment of this section, the Commission determines that any such development requires that a limitation on the Commission under this section be removed, or that an exception to any such limitation be granted, the Commission shall promptly report such determination to the Congress, together with the Commission's recommendations for appropriate legislative changes.

`(e) INTERNET INFORMATION SERVICES DEFINITION- As used in this section, the term 'Internet information service' means any information service, and--

`(1) includes--

`(A) the Internet, and the provision of access to, and access software for, the Internet; and

`(B) interactive computer services, and the provision of access to, and access software for, interactive computer services; but

`(2) does not include, except for purposes of subsection (c), the provision of video programming (as such term is defined in section 602) directly to subscribers.

`(f) ADDITIONAL DEFINITIONS-

`(1) INTERNET; INTERACTIVE COMPUTER SERVICES- The terms 'Internet' and 'interactive computer service' have the meanings provided in section 230(e).

`(2) INCUMBENT LOCAL EXCHANGE CARRIER- The term 'incumbent local exchange carrier' has the meaning provided in section 251(h).

`(3) REGULATED SERVICE- The term 'regulated service' means any service that the Commission, pursuant to title II, III, or VI, has authority with respect to--

`(A) the rates, charges, practices, classifications, facilities, or services for or in connection with the provision of such service;

`(B) technical specifications or standards for the provision of such service; or

`(C) any other regulation of the provision of such service to customers.'