

106TH CONGRESS
1ST SESSION

S. 1043

To provide freedom from regulation by the Federal Communications
Commission for the Internet.

IN THE SENATE OF THE UNITED STATES

MAY 13, 1999

Mr. McCAIN introduced the following bill; which was read twice and referred
to the Committee on Commerce, Science, and Transportation

A BILL

To provide freedom from regulation by the Federal
Communications Commission for the Internet.

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 “Internet Regulatory
5 Freedom Act of 1999”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to eliminate unnecessary
8 regulation that impedes making advanced Internet service
9 available to all Americans at affordable prices.

1 **SEC. 3. PROVISION OF INTERNET SERVICES.**

2 Part I of title II of the Communications Act of 1934
3 (47 U.S.C. 201 et seq.) is amended by adding at the end
4 thereof the following:

5 **“SEC. 231. PROVISION OF INTERNET SERVICES.**

6 “(a) **POLICY.**—Since Internet services are inherently
7 interstate in nature, it is the policy of the United States
8 to assure that all Americans have the opportunity to ben-
9 efit from access to advanced Internet services at affordable
10 rates by eliminating regulation that impedes the competi-
11 tive deployment of advanced broadband data networks.

12 “(b) **FREEDOM FROM REGULATION; LIMITATION ON**
13 **COMMISSION’S AUTHORITY.**—Notwithstanding any other
14 provision, including section 271, of this Act, nothing in
15 this Act applies to, or grants authority to Commission
16 with respect to—

17 “(1) the imposition of wholesale discount obli-
18 gations on bulk offerings of advanced services to
19 providers of Internet services or telecommunications
20 carriers under section 251(c)(4), or the duty to pro-
21 vide as network elements, under section 251(c)(3),
22 the facilities and equipment used exclusively to pro-
23 vide Internet services;

24 “(2) technical standards or specifications for
25 the provision of Internet services; or

26 “(3) the provision of Internet services.

1 “(c) INTERNET SERVICES DEFINED.—In this sec-
 2 tion, the term ‘Internet services’ means services, other
 3 than voice-only telecommunication services, that consist
 4 of, or include—

5 “(1) the transmission of writing, signs, signals,
 6 pictures, or sounds by means of the Internet or any
 7 other network that includes Internet protocol-based
 8 or other packet-switched or equivalent technology,
 9 including the facilities and equipment exclusively
 10 used to provide those services; and

11 “(2) the transmission of data between a user
 12 and the Internet or such other network.

13 “(d) ISP NOT A PROVIDER OF INTRASTATE COMMU-
 14 NICATION SERVICE.—A provider of Internet services may
 15 not be considered to be a carrier providing intrastate com-
 16 munication service described in section 2(b)(1) because it
 17 provides Internet services.”.

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