

An Internet Constitution

by U.S. Rep. Mike Coffman

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Innovations such as electricity, passenger cars, and air travel have provided all of us with a better quality of life and millions of jobs. The same is true for the Internet – unquestionably the most impactful innovation of the last 25 years. However, while a solid legal structure of consumer protections were built around these other innovative technologies, we cannot yet say the same for the online world. Although the Federal Communications Commission (FCC) has made several attempts at establishing some basic ground rules, its actions to date have proven controversial and have not created the legal framework we need here in the U.S. to make the most of the Internet.

Back in 2003, law professor Tim Wu warned that Internet Service Providers (ISPs) could limit consumers' access to certain applications and advised regulators to “forbid broadband operators, absent a showing of harm, from restricting what users do with their Internet connection.” This straight-forward concept became known as “net neutrality.” Several years later, the Republican-controlled FCC unanimously adopted much of FCC Chairman Michael Powell's “four Internet freedoms.” These four items broadly supported competition and the freedom of consumers to access all lawful online content. The FCC again took steps in 2010 and 2015 to further solidify these net neutrality principles, only to see the FCC reverse course completely in 2017 under a new Chairman.

Due to these dramatic shifts, it is clear to me that consumers cannot count on the FCC to provide them with basic protections when it comes to their Internet service. This must change. The Internet is indispensable to our everyday lives and Congress needs to end the confusion at the FCC by establishing clear, bright-line rules that are not subject to the whims of unelected bureaucrats.

Today, I am introducing a bill that will enshrine net neutrality principles in law so that neither this FCC, nor any future FCC, can alter them. The provisions of my bill will ensure that consumers can access all online content free from blocking or throttling by their ISP. Further, ISPs may not engage in the market-distorting practice of paid prioritization. These arrangements only advantage large businesses with the resources to edge out smaller rivals or those seeking to enter the online marketplace. Such a setup goes against one of the founding principles of the Internet – that it be free and open to all.

Due to the importance of net neutrality, I believe we need to pursue all options available to us. To that end, I am also adding my name to the discharge petition that will bring to the House floor a resolution that will overturn the 2017 actions of the FCC. This Congressional Review Act (CRA) has already passed the Senate by a bipartisan vote and it is time for the House to have an up or down vote on restoring these essential consumer protections.

Congress can no longer defer to the FCC and must provide their members with clear, unambiguous direction in this area. I hope that my colleagues in the House of Representatives will support both my bill and the CRA. Doing so will allow Congress to take an “all of the above” strategy in defending our Internet freedoms and a competitive online marketplace.

It is time for Congress to act and I am proud to lead the charge in supporting consumers, small business owners, main street businesses, tech startups, and edge providers by establishing an “Internet Constitution” we all can rely on. The Internet is just too important. I invite you to join me in this effort.