



## **NET NEUTRALITY: PRESERVING AN OPEN INTERNET**

### **ACTION NEEDED**

- We urge Congress to pass the Save the Internet Act (S. 682), restoring strong net neutrality protections and protecting consumers, competition, and free expression.

### **TALKING POINTS**

- The internet must remain a place where users can learn, engage, innovate, express themselves, and be entrepreneurial. Working artists of all disciplines depend on the internet to promote and sell their work, cultivate audiences, and make a living. Therefore, it is important that artists and arts organizations not be disadvantaged based on the business practices or other preferences of internet service providers (ISPs).
- ISPs must not be allowed to block, throttle, degrade, or otherwise discriminate against lawful online content. When such discrimination is allowed, smaller artists, creative entrepreneurs, and nonprofit organizations can find themselves at a disadvantage against larger commercial enterprises that are able to pay for premium delivery to end users.
- The Save the Internet Act does not impair the ability of ISPs or the federal government to protect copyrighted content openly and transparently.
- The viability of the arts and culture communities in the 21<sup>st</sup> century depends on our ability to compete on a level online playing field.
- Net neutrality principles have broad bipartisan support among the general population.
- The Save the Internet Act is a simple two-page bill that was approved by the House of Representatives in April 2019 and mirrors the Congressional Review Act legislation that passed the Senate in 2018.

### **BACKGROUND**

The open internet has created unprecedented opportunities for artists, cultural organizations, and creative entrepreneurs to promote their work or to sell their creative products and services. Because of the internet's level playing field, organizations and individuals can reach internet users without having to ask permission from an ISP or pay an additional toll to deliver lawful content to ISP subscribers who have already requested it.

ISPs can exert immense control over how internet users access sites and services. Without clear rules of the road, ISPs can potentially stifle speech that they find objectionable, discriminate against threatening business models, block certain internet applications, slow delivery of online content, or compromise users' privacy.

In December 2010, the FCC approved its Open Internet Order to preserve “net neutrality” — the principle that allows any internet user to access the lawful content or application of their choosing without interference from an ISP. These rules were made official in September 2011.

On January 14, 2014, the U.S. Court of Appeals for the D.C. Circuit overturned portions of the FCC’s Open Internet Order but affirmed the FCC’s authority to regulate broadband networks. Following a public proceeding at the FCC that saw more than 4 million individual comments filed — the vast majority in support of net neutrality — the FCC on February 26, 2015, voted on new net neutrality rules. The rules were again challenged in court and on December 4, 2015; the D.C. Circuit heard oral arguments on the merits of the new rules, and the decision was upheld on June 14, 2016.

Upon his appointment, current FCC Chairman Ajit Pai vowed to roll back these rules, and despite the broad and bipartisan public support for net neutrality, the FCC voted 3-2 to repeal the net neutrality rules on December 14, 2017. Subsequent federal court challenges have failed to restore net neutrality protections, leaving the issue up to Congress to resolve.

In April 2019, the House of Representatives approved the Save the Internet Act (H.R. 1644), but despite broad popular support, the companion bill in the Senate (S. 682) has not been brought to a vote.

The Save the Internet Act includes enhanced transparency protections, and enacts specific rules against blocking, throttling, and paid prioritization. It empowers the FCC to investigate complaints from consumers and businesses, and when necessary, to fine ISPs for violations of the Communications Act.

One survey found that 83% of voters supported keeping net neutrality rules, including 75% of Republicans, 89% of Democrats, and 86% of Independents.<sup>1</sup>

<sup>1</sup> <http://thehill.com/policy/technology/364528-poll-83-percent-of-voters-support-keeping-fccs-net-neutrality-rules>