

ASSEMBLY RESOLUTION No. 131

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED MARCH 5, 2018

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

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District 14 (Mercer and Middlesex)

SYNOPSIS

Urges President and Congress of United States to restore “net neutrality” in federal law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/6/2018)

1 **AN ASSEMBLY RESOLUTION** urging the President and Congress of
2 the United States to restore the principle of “net neutrality” in
3 federal law.
4

5 **WHEREAS**, “Net neutrality” is a principle concerning the free and open
6 Internet, which specifically discourages Internet service providers
7 (ISPs) from speeding up or slowing down Internet access and
8 discriminating against or blocking access to content, applications,
9 or websites; and

10 **WHEREAS**, On February 26, 2015, the Federal Communications
11 Commission (FCC) approved an order entitled “In the Matter of
12 Protecting and Promoting the Open Internet,” which reclassified the
13 services provided by ISPs from “information services” under Title I
14 of the “Communications Act of 1934” to “telecommunications
15 services” under Title II of the “Communications Act of 1934;” and

16 **WHEREAS**, This reclassification allows the FCC to enact and enforce
17 rules maintaining the principle of “net neutrality”, such as
18 preventing ISPs from creating paid “fast lanes” for certain websites
19 and ensuring all Internet traffic is treated equally; and

20 **WHEREAS**, These rules ensure the free flow of information to
21 customers, uninhibited by ISP interference or discrimination, which
22 is necessary for the trade of ideas and commerce in a healthy free
23 market, fostering the growth of an informed and educated public;
24 and

25 **WHEREAS**, On December 14, 2017, the FCC voted to approve an order
26 entitled “In the Matter of Restoring Internet Freedom,” WC Docket
27 No. 17-108, which rescinded the classification of ISP services
28 under Title II, thereby revoking the regulatory authority the FCC
29 has over an ISP’s ability to block, throttle, and prioritize content
30 over its network; and

31 **WHEREAS**, FCC Chairman Ajit Pai has stated that returning to a
32 “light-touch” regulatory approach will help foster the rapid growth
33 the country has seen in Internet technology over the last several
34 decades and will allow for customer choice to determine whether
35 free and open access to the Internet is something ISPs should
36 provide; and

37 **WHEREAS**, However, most customers do not have a reasonable choice
38 in deciding on which ISP to use since a few large companies
39 control the majority of the ISP market, including the ISP market in
40 New Jersey; and

41 **WHEREAS**, With the rapid shift to an information economy and the
42 reliance of businesses on the Internet to be active participants in the
43 market, free and open access to the Internet is important for small
44 businesses that may not be able to afford access to the “fast lanes”
45 reserved for businesses with the means to pay; and

46 **WHEREAS**, There has been public and Congressional opposition
47 against the FCC order, with several members of Congress asserting
48 that it was Congress’s intent with the passage of the

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1 “Telecommunications Act of 1996” to ensure the Internet remains
2 an open platform for people, businesses, and information; and
3 **WHEREAS**, The Congressional Review Act (CRA), as part of the
4 “Contract with America Advancement Act of 1996,” Pub.L. 104-
5 121, grants Congress the ability to review a federal regulation
6 issued by a government agency and to overrule it by enacting a
7 joint resolution nullifying the regulation; and
8 **WHEREAS**, Through this process, Congress may introduce a joint
9 resolution nullifying the order passed by the FCC on December 14,
10 2017, which, if passed by both Houses and signed by the President,
11 would restore the regulatory landscape that existed prior to the
12 order’s adoption; and
13 **WHEREAS**, Alternatively, it is within Congress’s jurisdiction over the
14 FCC to introduce legislation codifying the principle of “net
15 neutrality” in the United States Code, which would require the FCC
16 to enforce the tenants of “net neutrality” through regulation of ISPs;
17 and
18 **WHEREAS**, It is altogether fitting and proper, and in the public interest,
19 that this House urge the President and Congress of the United
20 States to take action to restore the principle of “net neutrality” so
21 that it may be enforced by the FCC; now, therefore,

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23 **BE IT RESOLVED** by the General Assembly of the State of New
24 Jersey:

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26 1. This House respectfully urges the President and Congress of
27 the United States to restore the principle of “net neutrality” in
28 federal law.

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30 2. Copies of this resolution, as filed with the Secretary of State,
31 shall be transmitted by the Clerk of the General Assembly to the
32 President of the United States, the Majority Leader of the United
33 States Senate, the Speaker of the United States House of
34 Representatives, and to each member of Congress elected from this
35 State.

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STATEMENT

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40 This Assembly Resolution respectfully urges the President and
41 Congress of the United States to restore the principle of “net
42 neutrality” in federal law. “Net neutrality” is a principle concerning
43 the free and open Internet, which specifically discourages Internet
44 service providers from speeding up or slowing down Internet access
45 and discriminating against or blocking access to content,
46 applications, or websites.