To amend the Telecommunications Act of 1996 to preserve and protect the ability of State and local governments and public-private partnerships to provide broadband services.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2019

Ms. ESHOO (for herself, Mr. KHANNA, Mr. THOMPSON of California, and Ms. PINGREE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Telecommunications Act of 1996 to preserve and protect the ability of State and local governments and public-private partnerships to provide broadband services.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Community Broadband Act of 2019”.
SEC. 2. STATE, LOCAL, AND PUBLIC-PRIVATE PARTNERSHIP BROADBAND SERVICES.

Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302) is amended—

(1) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following:

“(d) STATE, LOCAL, AND PUBLIC-PRIVATE PARTNERSHIP ADVANCED TELECOMMUNICATIONS CAPABILITY AND SERVICES.—

“(1) IN GENERAL.—No State statute, regulation, or other State legal requirement may prohibit or have the effect of prohibiting any public provider or public-private partnership provider from providing, to any person or any public or private entity, advanced telecommunications capability or any service that utilizes the advanced telecommunications capability provided by such provider.

“(2) ANTIDISCRIMINATION SAFEGUARDS.—

“(A) PUBLIC PROVIDERS.—To the extent any public provider regulates competing private providers of advanced telecommunications capability or services that utilize advanced telecommunications capability, such public provider shall apply its ordinances and rules without discrimination in favor of itself or any provider.
that it owns of services that utilize advanced telecommunications capability.

“(B) Public-private partnership providers.—To the extent any State or local entity that is part of a public-private partnership provider regulates competing private providers of advanced telecommunications capability or services that utilize advanced telecommunications capability, such State or local entity shall apply its ordinances and rules without discrimination in favor of such public-private partnership provider or any provider that such State or local entity or public-private partnership provider owns of services that utilize advanced telecommunications capability.

“(3) Savings clause.—Nothing in this subsection shall exempt a public provider or public-private partnership provider from any Federal or State telecommunications law or regulation that applies to all providers of advanced telecommunications capability or services that utilize such advanced telecommunications capability.”; and

(2) in subsection (e), as redesignated—
(A) in the matter preceding paragraph (1),
by striking “this subsection” and inserting
“this section”; and

(B) by adding at the end the following:

“(3) PUBLIC PROVIDER.—The term ‘public pro-
vider’ means a State or local entity that provides ad-
vanced telecommunications capability, or any service
that utilizes such advanced telecommunications ca-
pability, to any person or public or private entity.

“(4) PUBLIC-PRIVATE PARTNERSHIP PRO-
VIDER.—The term ‘public-private partnership pro-
vider’ means a public-private partnership, between a
State or local entity and a private entity, that pro-
vides advanced telecommunications capability, or any
service that utilizes such advanced telecommuni-
cations capability, to any person or public or private
entity.

“(5) STATE OR LOCAL ENTITY.—The term
‘State or local entity’ means a State or political sub-
division thereof, any agency, authority, or instru-
mentality of a State or political subdivision thereof,
or an Indian tribe (as defined in section 4(e) of the
Indian Self-Determination and Education Assistance
Act (25 U.S.C. 5304(e))).”.