

115TH CONGRESS  
2D SESSION

# H. R. 4814

To amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2018

Ms. ESHOO (for herself, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ELLISON, Mr. KHANNA, Mr. O'ROURKE, Mr. POCAN, and Mr. POLIS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services.

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 “Community Broadband  
5 Act of 2018”.

6 **SEC. 2. COMMUNITY BROADBAND CAPABILITY AND SERV-**

7 **ICES.**

8 Section 706 of the Telecommunications Act of 1996  
9 (47 U.S.C. 1302) is amended—

1           (1) by redesignating subsection (d) as sub-  
2           section (e) and inserting after subsection (e) the fol-  
3           lowing:

4           “(d) LOCAL GOVERNMENT PROVISION OF ADVANCED  
5 TELECOMMUNICATIONS CAPABILITY AND SERVICES.—

6           “(1) IN GENERAL.—No State statute, regula-  
7           tion, or other State legal requirement may prohibit  
8           or have the effect of prohibiting any public provider  
9           from providing, to any person or any public or pri-  
10          vate entity, advanced telecommunications capability  
11          or any service that utilizes the advanced tele-  
12          communications capability provided by such pro-  
13          vider.

14          “(2) ANTIDISCRIMINATION SAFEGUARDS.—To  
15          the extent any public provider regulates competing  
16          private providers of advanced telecommunications  
17          capability or services that utilize advanced tele-  
18          communications capability, it shall apply its ordi-  
19          nances and rules without discrimination in favor of  
20          itself or any provider that it owns of services that  
21          utilize advanced telecommunications capability.

22          “(3) SAVINGS CLAUSE.—Nothing in this sub-  
23          section shall exempt a public provider from any Fed-  
24          eral or State telecommunications law or regulation  
25          that applies to all providers of advanced tele-

1 communications capability or services that utilize  
2 such advanced telecommunications capability.”; and

3 (2) in subsection (e), as redesignated—

4 (A) in the matter preceding paragraph (1),  
5 by striking “this subsection” and inserting  
6 “this section”; and

7 (B) by adding at the end the following:

8 “(3) PUBLIC PROVIDER.—The term ‘public pro-  
9 vider’ means a State or political subdivision thereof,  
10 any agency, authority, or instrumentality of a State  
11 or political subdivision thereof, or an Indian tribe  
12 (as defined in section 4(e) of the Indian Self-Deter-  
13 mination and Education Assistance Act (25 U.S.C.  
14 5304(e))), that provides advanced telecommuni-  
15 cations capability, or any service that utilizes such  
16 advanced telecommunications capability, to any per-  
17 son or public or private entity.”.

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