

that was adopted by the Commission on February 26, 2015 (FCC 15-24).

(2) Part 8 of title 47, Code of Federal Regulations.

(3) Any other rule of the Commission that was amended or repealed by the Declaratory Ruling, Report and Order, and Order described in subsection (a)(1).

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(2) RESTORED AS IN EFFECT ON JANUARY 19, 2017.—The term “restored as in effect on January 19, 2017” means, with respect to the Declaratory Ruling and Order described in subsection (b)(1), to permanently reinstate the rules and legal interpretations set forth in such Declaratory Ruling and Order (as in effect on January 19, 2017), including any decision (as in effect on such date) to apply or forbear from applying a provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or a regulation of the Commission.

(3) RULE.—The term “rule” has the meaning given such term in section 804 of title 5, United States Code.

SEC. 3. EXCEPTION TO ENHANCEMENT TO TRANSPARENCY REQUIREMENTS RELATING TO PERFORMANCE CHARACTERISTICS AND NETWORK PRACTICES FOR SMALL BUSINESSES.

(a) IN GENERAL.—The enhancements to the transparency rule relating to performance characteristics and network practices of the Commission under section 8.3 of title 47, Code of Federal Regulations, as described in paragraphs 165 through 184 of the Report and Order on Remand, Declaratory Ruling, and Order in the matter of protecting and promoting the open internet that was adopted by the Commission February 26, 2015 (FCC 15-24), shall not apply to any small business.

(b) SUNSET.—Subsection (a) shall not have any force or effect after the date that is 1 year after the date of the enactment of this Act.

(c) REPORT BY FCC.—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains the recommendations of the Commission (and data supporting such recommendations) regarding—

(1) whether the exception provided by subsection (a) should be made permanent; and

(2) whether the definition of the term “small business” for purposes of such exception should be modified from the definition in subsection (d)(3).

(d) DEFINITIONS.—In this section:

(1) BROADBAND INTERNET ACCESS SERVICE.—The term “broadband Internet access service” has the meaning given such term in section 8.2 of title 47, Code of Federal Regulations.

(2) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(3) SMALL BUSINESS.—The term “small business” means any provider of broadband Internet access service that has not more than 100,000 subscribers aggregated over all the provider’s affiliates.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute is in order except those printed in part A of House Report 116-37. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and con-

trolled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BURGESS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 116-37.

Mr. BURGESS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

SEC. 4. GAO REPORT ON INTERNET ECOSYSTEM.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report examining the effect of the rules described in section 2(b) on the virtuous cycle of the internet ecosystem and whether such rules protect the access of consumers to a free and open internet.

The Acting CHAIR. Pursuant to House Resolution 294, the gentleman from Texas (Mr. BURGESS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Madam Chair, I yield myself 2 minutes.

This amendment directs the Comptroller General of the United States to submit to Congress a report examining the influence of all entities on the virtuous cycle of the internet ecosystem and whether such rules protect the access of consumers to a free and open internet.

A portion of a consumer’s online experience is through social media platforms and through other edge providers. Examples of this would include Facebook, Google, Twitter, and YouTube, among others.

□ 1630

Nothing in the Save the Internet Act reviews all parts of the internet ecosystem. Yet, so-called edge providers are the services exercising the most discretion over content delivery.

As we saw last year with testimony in the Energy and Commerce Committee from Facebook and Twitter, the algorithms written by these companies are proprietary, and those proprietary algorithms may manipulate consumer access. We understand the role of these service providers and how each is weighted against the others. We have transparency rules for broadband providers, but not for edge providers.

The bill targets broadband service providers by reclassifying them as utilities under title II of the Communications Act, but we cannot achieve effective net neutrality principles without including the influence of edge providers on the internet ecosystem. For this reason, the amendment simply directs the Government Accountability Office to study the full internet ecosystem so that we can better understand the influence of all online entities in order to protect access to a free and open internet for every consumer.

Madam Chair, I reserve the balance of my time.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Ms. BASS) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2030. An act to direct the Secretary of the Interior to execute and carry out agreements concerning Colorado River Drought Contingency Management and Operations, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

SAVE THE INTERNET ACT OF 2019

The Committee resumed its sitting.

Mr. MICHAEL F. DOYLE of Pennsylvania. Madam Chair, I claim the time in opposition to the amendment, even though I am not opposed to it.

The Acting CHAIR (Ms. KAPTUR). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. MICHAEL F. DOYLE of Pennsylvania. Madam Chair, I yield myself as much time as I may consume.

The Save the Internet Act is narrowly focused on ISPs as the gatekeepers to the internet. They control the networks, so they have the ability to shape and control traffic as it moves over their network.

Edge providers play a different role in the internet ecosystem and are not in the same class as internet service providers.

There are numerous cases of documented abuses by ISPs going back several years. I am sure that is a big part of why net neutrality has such overwhelming bipartisan support. Even 82 percent of Republicans oppose the FCC’s 2017 rollback of the rules.

Now, that is not to say that there are not problems on the edge—there are—but that is not what this bill is about.

So in the spirit of bipartisanship, we are going to accept this amendment. We hear the concerns of Mr. BURGESS and our friends on the other side of the aisle, and we want to work together with them to address this.

We appreciate Mr. BURGESS’ willingness to work with us to find a compromise on this issue.

Madam Chair, I reserve the balance of my time.

Mr. BURGESS. Madam Chair, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN), the valuable ranking member of the full committee.

Mr. WALDEN. Madam Chair, I want to thank the gentleman from Texas (Mr. BURGESS) for his work on this amendment, and the Democrats for accepting this very thoughtful approach.

Americans are more and more concerned about the role that tech companies play in this Information Age. You