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IN THE SENATE OF THE UNITED STATES

APRIL 11, 2019

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AN ACTTo restore the open internet order of the Federal
Communications Commission.

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 “Save the Internet Act
5 of 2019”.

6 **SEC. 2. RESTORATION OF OPEN INTERNET ORDER.**

7 (a) REPEAL OF RULE.—

8 (1) IN GENERAL.—The Declaratory Ruling, Re-
9 port and Order, and Order in the matter of restor-
10 ing internet freedom that was adopted by the Com-

1 mission on December 14, 2017 (FCC 17–166), shall
2 have no force or effect.

3 (2) PROHIBITION ON REISSUED RULE OR NEW
4 RULE.—The Declaratory Ruling, Report and Order,
5 and Order described in paragraph (1) may not be
6 reissued in substantially the same form, and a new
7 rule that is substantially the same as such Declara-
8 tory Ruling, Report and Order, and Order may not
9 be issued, unless the reissued or new rule is specifi-
10 cally authorized by a law enacted after the date of
11 the enactment of this Act.

12 (b) RESTORATION OF REPEALED AND AMENDED
13 RULES.—The following are restored as in effect on Janu-
14 ary 19, 2017:

15 (1) The Report and Order on Remand, Declara-
16 tory Ruling, and Order in the matter of protecting
17 and promoting the open internet that was adopted
18 by the Commission on February 26, 2015 (FCC 15–
19 24).

20 (2) Part 8 of title 47, Code of Federal Regula-
21 tions.

22 (3) Any other rule of the Commission that was
23 amended or repealed by the Declaratory Ruling, Re-
24 port and Order, and Order described in subsection
25 (a)(1).

1 (c) DEFINITIONS.—In this section:

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

4 (2) RESTORED AS IN EFFECT ON JANUARY 19,
5 2017.—The term “restored as in effect on January
6 19, 2017” means, with respect to the Declaratory
7 Ruling and Order described in subsection (b)(1), to
8 permanently reinstate the rules and legal interpreta-
9 tions set forth in such Declaratory Ruling and Order
10 (as in effect on January 19, 2017), including any
11 decision (as in effect on such date) to apply or for-
12 bear from applying a provision of the Communica-
13 tions Act of 1934 (47 U.S.C. 151 et seq.) or a regu-
14 lation of the Commission.

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

18 **SEC. 3. EXCEPTION TO ENHANCEMENT TO TRANSPARENCY**
19 **REQUIREMENTS RELATING TO PERFORM-**
20 **ANCE CHARACTERISTICS AND NETWORK**
21 **PRACTICES FOR SMALL BUSINESSES.**

22 (a) IN GENERAL.—The enhancements to the trans-
23 parency rule relating to performance characteristics and
24 network practices of the Commission under section 8.3 of
25 title 47, Code of Federal Regulations, as described in

1 paragraphs 165 through 184 of the Report and Order on
2 Remand, Declaratory Ruling, and Order in the matter of
3 protecting and promoting the open internet that was
4 adopted by the Commission February 26, 2015 (FCC 15–
5 24), shall not apply to any small business.

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

9 (c) REPORT BY FCC.—Not later than 180 days after
10 the date of the enactment of this Act, the Commission
11 shall submit to the Committee on Energy and Commerce
12 of the House of Representatives and the Committee on
13 Commerce, Science, and Transportation of the Senate a
14 report that contains the recommendations of the Commis-
15 sion (and data supporting such recommendations) regard-
16 ing—

17 (1) whether the exception provided by sub-
18 section (a) should be made permanent; and

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

22 (d) DEFINITIONS.—In this section:

23 (1) BROADBAND INTERNET ACCESS SERVICE.—
24 The term “broadband Internet access service” has

1 the meaning given such term in section 8.2 of title
2 47, Code of Federal Regulations.

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

5 (3) SMALL BUSINESS.—The term “small busi-
6 ness” means any provider of broadband Internet ac-
7 cess service that has not more than 100,000 sub-
8 scribers aggregated over all the provider’s affiliates.

9 **SEC. 4. GAO REPORT ON INTERNET ECOSYSTEM.**

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

16 **SEC. 5. REPORT.**

17 Not later than 3 days after the date of the enactment
18 of this Act, the Federal Communications Commission shall
19 submit to the Committee on Energy and Commerce of the
20 House of Representatives and the Committee on Com-
21 merce, Science, and Transportation of the Senate a report
22 that lists the 27 provisions of title II of the Communica-
23 tions Act of 1934 (47 U.S.C. 201 et seq.) and the over
24 700 rules and regulations referred to in paragraphs 5 and

1 37 of the Report and Order on Remand, Declaratory Rul-
2 ing, and Order described in section 2(b)(1).

3 **SEC. 6. GAO REPORT ON IMPORTANCE OF OPEN INTERNET**
4 **RULES TO VULNERABLE COMMUNITIES.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of the enactment of this Act, the Comptroller General
7 of the United States shall submit to Congress a report
8 examining the importance of the open internet rules to
9 vulnerable communities.

10 (b) DEFINITIONS.—In this section:

11 (1) OPEN INTERNET RULES.—The term “open
12 internet rules” means the rules described in section
13 2(b).

14 (2) VULNERABLE COMMUNITIES.—The term
15 “vulnerable communities” means—

16 (A) ethnic and racial minorities;

17 (B) socioeconomically disadvantaged
18 groups;

19 (C) rural populations;

20 (D) individuals with disabilities; and

21 (E) the elderly.

22 **SEC. 7. REPORT BY FCC ON ENFORCEMENT ACTIONS.**

23 Not later than 1 year after the date of the enactment
24 of this Act, the Federal Communications Commission shall
25 submit to the Committee on Energy and Commerce of the

1 House of Representatives and the Committee on Com-
2 merce, Science, and Transportation of the Senate a report
3 that describes all enforcement actions taken by the Com-
4 mission under the rules described in section 2(b) since
5 such date of enactment, including the amount of each fine
6 imposed or settlement agreed to, the actions taken by the
7 Commission to collect such fines and settlements, and the
8 amounts of such fines and settlements collected.

9 **SEC. 8. GAO REPORT ON BROADBAND INTERNET ACCESS**
10 **SERVICE COMPETITION.**

11 Not later than 1 year after the date of the enactment
12 of this Act, the Comptroller General shall submit to the
13 Committee on Energy and Commerce of the House of
14 Representatives and the Committee on Commerce,
15 Science, and Transportation of the Senate a report that—

16 (1) examines the efforts by the Federal Com-
17 munications Commission to assess competition for
18 providers of broadband Internet access service (as
19 defined in section 8.2 of title 47, Code of Federal
20 Regulations) in the market;

21 (2) describes how the Commission can better
22 assess competition; and

23 (3) includes a description of the steps, if any,
24 the Commission can take to better increase competi-
25 tion among providers of broadband Internet access

1 service (as defined in section 8.2 of title 47, Code
2 of Federal Regulations) in the market.

3 **SEC. 9. ENGAGEMENT AND OUTREACH IN INDIAN COUNTRY**
4 **REGARDING THE IMPORTANCE OF ADDRESS-**
5 **ING THE UNIQUE BROADBAND INTERNET AC-**
6 **CESS SERVICE CHALLENGES.**

7 (a) **ENGAGEMENT WITH TRIBAL COMMUNITIES TO**
8 **ADDRESS BROADBAND INTERNET ACCESS SERVICE**
9 **NEEDS.**—Not later than 3 months after the date of the
10 enactment of this Act, the Federal Communications Com-
11 mission shall engage with and obtain feedback from Tribal
12 stakeholders and providers of broadband Internet access
13 service (as defined in section 8.2 of title 47, Code of Fed-
14 eral Regulations) on the effectiveness of the Commission’s
15 obligation to consult with Indian Tribes to determine
16 whether the Commission needs to clarify the Commission’s
17 Tribal engagement statement and ensure accessible and
18 affordable broadband Internet access service (as defined
19 in section 8.2 of title 47, Code of Federal Regulations)
20 in the Tribal lands and areas through the engagement and
21 outreach.

22 (b) **FINDINGS.**—The Congress finds the following:

23 (1) According to an estimate from the U.S.
24 Census Bureau, just 53% of Native Americans living

1 on Tribal lands have access to high-speed internet
2 service.

3 (2) The Government Accountability Office has
4 found that the Federal Communications Commission
5 data has overstated broadband availability and ac-
6 cess on Tribal lands in the United States.

7 (3) A Federal court recently vacated a Federal
8 Communications Commission order that limited Fed-
9 eral subsidies for wireless providers serving Tribal
10 lands.

11 (4) The United States Government, industry,
12 and non-governmental organizations should do more
13 to identify and address the unique broadband access
14 challenges faced by individuals living on reservations
15 and Tribal lands.

16 **SEC. 10. ACCURACY OF DATA UNDERLYING BROADBAND**
17 **DEPLOYMENT REPORTS.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) The Commission has released reports on its
20 inquiries under section 706(b) of the Telecommuni-
21 cations Act of 1996 (47 U.S.C. 1302(b)) that detail
22 the state of the deployment of broadband service in
23 the United States.

1 (2) Congress and the Commission have relied
2 upon the accuracy of such reports to develop
3 broadband policy.

4 (3) The findings of such reports have been par-
5 ticularly important to fostering rural broadband de-
6 ployment and broadband deployment to schools and
7 classrooms.

8 (b) REQUIREMENTS.—The Commission—

9 (1) may not release a report on an inquiry
10 under section 706(b) of the Telecommunications Act
11 of 1996 (47 U.S.C. 1302(b)) based on broadband
12 deployment data that the Commission knows to be
13 inaccurate; and

14 (2) shall use its best efforts to accurately detail
15 broadband deployment in the United States and cor-
16 rect inaccuracies in statements made by the Com-
17 mission prior to the release of a report about the re-
18 port.

19 (c) COMMISSION DEFINED.—In this section, the term
20 “Commission” means the Federal Communications Com-
21 mission.

22 **SEC. 11. GAO REPORT ON HIGH-SPEED INFRASTRUCTURE.**

23 (a) REPORT.—Not later than 1 year after the date
24 of the enactment of this Act, the Comptroller General of
25 the United States shall submit to Congress and the Fed-

1 eral Communications Commission a report that con-
2 tains—

3 (1) a list of ways the Federal Government can
4 promote the deployment of broadband Internet ac-
5 cess service, especially the buildout of such service to
6 rural areas and areas without access to such service
7 at high speeds; and

8 (2) recommendations with respect to policies
9 and regulations to ensure rural areas are provided
10 affordable access to broadband Internet access serv-
11 ice.

12 (b) DEFINITIONS.—In this section:

13 (1) BROADBAND INTERNET ACCESS SERVICE.—
14 The term “broadband Internet access service” has
15 the meaning given such term in section 8.2 of title
16 47, Code of Federal Regulations.

17 (2) RURAL AREA.—The term “rural area”
18 means any area other than—

19 (A) a city, town, or incorporated area that
20 has a population of more than 20,000 inhab-
21 itants; or

22 (B) an urbanized area contiguous and ad-
23 jacent to a city or town that has a population
24 of more than 50,000 inhabitants.

1 **SEC. 12. GAO REPORT ON CHALLENGES TO ACCURATE**
2 **MAPPING.**

3 (a) REPORT.—Not later than 1 year after the date
4 of the enactment of this Act, the Comptroller General of
5 the United States shall—

6 (1) determine the accuracy and granularity of
7 the maps produced by the Federal Communications
8 Commission that depict wireline and wireless
9 broadband Internet access service deployment in the
10 United States; and

11 (2) submit to Congress a report that—

12 (A) identifies—

13 (i) any program of the Federal Com-
14 munications Commission under a rule re-
15 stored under section 2(b) that relies on
16 such maps, including any funding pro-
17 gram; and

18 (ii) any action of the Federal Commu-
19 nications Commission taken under a rule
20 restored under section 2(b) that relies on
21 such maps, including any assessment of
22 competition in an industry; and

23 (B) provides recommendations for how the
24 Federal Communications Commission can
25 produce more accurate, reliable, and granular
26 maps that depict wireline and wireless

1 broadband Internet access service deployment
2 in the United States.

3 (b) BROADBAND INTERNET ACCESS SERVICE DE-
4 FINED.—In this section, the term “broadband Internet ac-
5 cess service” has the meaning given such term in section
6 8.2 of title 47, Code of Federal Regulations.

7 **SEC. 13. GAO REPORT ON BENEFITS OF STANDALONE**
8 **BROADBAND.**

9 (a) REPORT.—Not later than 1 year after the date
10 of enactment of this Act the Comptroller General of the
11 United States shall transmit to the Committee on Energy
12 and Commerce of the House of Representatives and the
13 Committee on Commerce, Science, and Transportation of
14 the Senate a report that assesses the benefits to con-
15 sumers of broadband internet access service being offered
16 on a standalone basis (and not as part of a bundle with
17 other services) by providers of broadband internet access.
18 Such report shall include recommendations for legislation
19 to increase the availability of standalone broadband inter-
20 net access service to consumers, particularly those living
21 in rural areas.

22 (b) DEFINITION.—As used in subsection (a), the
23 term “provider of broadband internet access” means a
24 provider of broadband internet access, as such term is de-

1 fined in section 8.2 of title 47, Code of Federal Regula-
2 tions.

3 **SEC. 14. PLAN RELATING TO FORM 477 DATA COLLECTION.**

4 Not later than 30 days after the date of the enact-
5 ment of this Act, the Federal Communications Commis-
6 sion shall submit to Congress a report containing a plan
7 for how the Commission will evaluate and address prob-
8 lems with the collection on Form 477 of data regarding
9 the deployment of broadband Internet access service (as
10 defined in section 8.2 of title 47, Code of Federal Regula-
11 tions).

12 **SEC. 15. LAWFUL CONTENT.**

13 (a) IN GENERAL.—As described in the Report and
14 Order on Remand, Declaratory Ruling, and Order in the
15 matter of protecting and promoting the open internet that
16 was adopted by the Federal Communications Commission
17 on February 26, 2015 (FCC 15–24)—

18 (1) nothing in this Act prohibits providers of
19 broadband Internet access service from blocking con-
20 tent that is not lawful, such as child pornography or
21 copyright-infringing materials; and

22 (2) nothing in this Act imposes any inde-
23 pendent legal obligation on providers of broadband
24 Internet access service to be the arbiter of what is
25 lawful content.

1 (b) BROADBAND INTERNET ACCESS SERVICE DE-
2 FINED.—In this section, the term “broadband Internet ac-
3 cess service” has the meaning given such term in section
4 8.2 of title 47, Code of Federal Regulations.

Passed the House of Representatives April 10, 2019.

Attest: CHERYL L. JOHNSON,
Clerk.

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