

Union Calendar No. 15

116TH CONGRESS
1ST SESSION

H. R. 1644

[Report No. 116–34]

To restore the open internet order of the Federal Communications
Commission.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2019

Mr. MICHAEL F. DOYLE of Pennsylvania (for himself, Ms. PELOSI, Mr. PAL-
LONE, Mr. WELCH, Mr. TONKO, Mr. MCNERNEY, Mr. DOGGETT, Ms.
ESHOO, Mr. PAPPAS, Mr. VEASEY, Mr. HUFFMAN, Mr. BEYER, Mr.
PHILLIPS, Mr. SARBANES, Mrs. DAVIS of California, Ms. MCCOLLUM,
Ms. WILD, Ms. GABBARD, Ms. PORTER, Mr. NEAL, Ms. VELÁZQUEZ, Ms.
KAPTUR, Mr. CISNEROS, Ms. MOORE, Mr. KHANNA, Mr. NEGUSE, Mr.
ESPAILLAT, Ms. PINGREE, Mr. GARAMENDI, Mr. COOPER, Mr. HIGGINS
of New York, Mrs. DINGELL, Mrs. TRAHAN, Mr. KENNEDY, Mr.
SERRANO, Mr. ENGEL, Ms. DELBENE, Ms. WATERS, Ms. OMAR, Ms.
DEGETTE, Ms. SCHAKOWSKY, Mr. ROSE of New York, Mr. VELA, Mrs.
AXNE, Mr. COURTNEY, Mr. THOMPSON of California, Mr. KIM, Mr.
SIREs, Mr. POCAN, Ms. BARRAGÁN, Ms. JACKSON LEE, Mr. COHEN, Mr.
NADLER, Mr. MALINOWSKI, Ms. HAALAND, Ms. BONAMICI, Mr. SOTO,
Mrs. CAROLYN B. MALONEY of New York, Mr. LOWENTHAL, Ms. CAS-
TOR of Florida, Mr. RYAN, Mr. PASCRELL, Ms. CLARKE of New York,
Mr. PRICE of North Carolina, Ms. WILSON of Florida, Ms. LEE of Cali-
fornia, Mr. LANGEVIN, Mr. BLUMENAUER, Ms. MATSUI, Mr. GOLDEN,
Mr. BISHOP of Georgia, Ms. JAYAPAL, Mr. GRIJALVA, Mr. SCHIFF, Mr.
KRISHNAMOORTHY, Mr. CASE, Mr. SEAN PATRICK MALONEY of New
York, Mrs. LOWEY, Ms. LOFGREN, Mrs. WATSON COLEMAN, Mrs. LAW-
RENCE, Mr. MCEACHIN, Ms. UNDERWOOD, Ms. BLUNT ROCHESTER, Mr.
SWALWELL of California, Mr. LARSON of Connecticut, Ms. HILL of Cali-
fornia, Mr. KILDEE, Mr. CRIST, Mr. DEFazio, Mr. SABLÁN, Mr.
MCGOVERN, Ms. SHALALA, Mr. DELGADO, Mr. DEUTCH, Mr. LEVIN of
Michigan, Mr. VARGAS, Mr. LUJÁN, Mr. CICILLINE, Mr. HARDER of Cali-
fornia, Mr. EVANS, Mr. LEVIN of California, Ms. CLARK of Massachu-
setts, Mr. ROUDA, Mr. LAMB, Ms. ROYBAL-ALLARD, Mr. COX of Cali-
fornia, Ms. DEAN, Mr. RASKIN, Ms. MENG, Mr. SHERMAN, Ms. NORTON,

Mr. LOEBSACK, Ms. SCANLON, Mr. RUIZ, Mr. SMITH of Washington, Mr. KEATING, Ms. KELLY of Illinois, Mr. RUSH, Ms. SPEIER, Mr. MORELLE, Mr. JEFFRIES, Ms. DELAURO, Mr. SCOTT of Virginia, Mr. CLYBURN, Mr. TRONE, Mr. YARMUTH, Mr. CONNOLLY, Ms. KUSTER of New Hampshire, Mr. GONZALEZ of Texas, Mr. LEWIS, Mr. TAKANO, and Mr. HOYER) introduced the following bill; which was referred to the Committee on Energy and Commerce

APRIL 5, 2019

Additional sponsors: Mr. LYNCH, Mr. VISCLOSKY, Mr. CASTRO of Texas, Mr. SUOZZI, Mr. DANNY K. DAVIS of Illinois, Ms. SÁNCHEZ, Miss RICE of New York, Mr. SCHNEIDER, Mr. GARCÍA of Illinois, Mr. CUMMINGS, Ms. OCASIO-CORTEZ, Ms. JUDY CHU of California, Mrs. NAPOLITANO, Ms. MUCARSEL-POWELL, Mr. CLAY, Mr. LARSEN of Washington, Ms. SEWELL of Alabama, Mr. MEEKS, Mr. KIND, Mr. CROW, Mrs. CRAIG, Ms. PRESSLEY, Mr. MOULTON, Mr. PANETTA, Ms. ESCOBAR, Mr. HIMES, Mr. CARSON of Indiana, Mr. GALLEGO, Mr. LAWSON of Florida, Ms. SPANBERGER, Mr. CUNNINGHAM, Mr. STANTON, Ms. WEXTON, Mr. DESAULNIER, Mr. CÁRDENAS, Mrs. HAYES, Mr. CARBAJAL, Mrs. LURIA, Mr. CARTWRIGHT, Ms. WASSERMAN SCHULTZ, Mr. PERLMUTTER, Mr. TED LIEU of California, Ms. TITUS, Ms. FRANKEL, Ms. SCHRIER, Mr. THOMPSON of Mississippi, Mr. LIPINSKI, Mrs. MCBATH, Ms. SLOTKIN, Ms. TLAIB, Ms. BROWNLEY of California, Mr. BERA, Mr. AGUILAR, Mr. GOMEZ, Mrs. TORRES of California, Ms. BASS, Mr. JOHNSON of Georgia, Mr. RICHMOND, Mr. CLEAVER, Ms. FUDGE, Ms. GARCIA of Texas, Mr. ALLRED, Mr. HECK, Mr. KILMER, and Mr. QUIGLEY

APRIL 5, 2019

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 8, 2019]

A BILL

To 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 restoring*
10 *internet freedom that was adopted by the Commission*
11 *on December 14, 2017 (FCC 17–166), shall have no*
12 *force or effect.*

13 *(2) PROHIBITION ON REISSUED RULE OR NEW*
14 *RULE.—The Declaratory Ruling, Report and Order,*
15 *and Order described in paragraph (1) may not be re-*
16 *issued in substantially the same form, and a new rule*
17 *that is substantially the same as such Declaratory*
18 *Ruling, Report and Order, and Order may not be*
19 *issued, unless the reissued or new rule is specifically*
20 *authorized by a law enacted after the date of the en-*
21 *actment of this Act.*

22 *(b) RESTORATION OF REPEALED AND AMENDED*
23 *RULES.—The following are restored as in effect on January*
24 *19, 2017:*

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

5 (2) *Part 8 of title 47, Code of Federal Regula-*
 6 *tions.*

7 (3) *Any other rule of the Commission that was*
 8 *amended or repealed by the Declaratory Ruling, Re-*
 9 *port and Order, and Order described in subsection*
 10 *(a)(1).*

11 (c) *DEFINITIONS.—In this section:*

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

14 (2) *RESTORED AS IN EFFECT ON JANUARY 19,*
 15 *2017.—The term “restored as in effect on January 19,*
 16 *2017” means, with respect to the Declaratory Ruling*
 17 *and Order described in subsection (b)(1), to perma-*
 18 *nently reinstate the rules and legal interpretations set*
 19 *forth in such Declaratory Ruling and Order (as in ef-*
 20 *fect on January 19, 2017), including any decision (as*
 21 *in effect on such date) to apply or forbear from ap-*
 22 *plying a provision of the Communications Act of*
 23 *1934 (47 U.S.C. 151 et seq.) or a regulation of the*
 24 *Commission.*

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

4 **SEC. 3. EXCEPTION TO ENHANCEMENT TO TRANSPARENCY**
 5 **REQUIREMENTS RELATING TO PERFORM-**
 6 **ANCE CHARACTERISTICS AND NETWORK**
 7 **PRACTICES FOR SMALL BUSINESSES.**

8 (a) *IN GENERAL.*—The enhancements to the trans-
 9 parency rule relating to performance characteristics and
 10 network practices of the Commission under section 8.3 of
 11 title 47, Code of Federal Regulations, as described in para-
 12 graphs 165 through 184 of the Report and Order on Re-
 13 mand, Declaratory Ruling, and Order in the matter of pro-
 14 tecting and promoting the open internet that was adopted
 15 by the Commission February 26, 2015 (FCC 15–24), shall
 16 not apply to any small business.

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

20 (c) *REPORT BY FCC.*—Not later than 180 days after
 21 the date of the enactment of this Act, the Commission shall
 22 submit to the Committee on Energy and Commerce of the
 23 House of Representatives and the Committee on Commerce,
 24 Science, and Transportation of the Senate a report that

1 *contains the recommendations of the Commission (and data*
 2 *supporting such recommendations) regarding—*

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

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

8 *(d) DEFINITIONS.—In this section:*

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

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

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

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