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116TH CONGRESS  
1ST SESSION

# H. R. 1644

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IN THE SENATE OF THE UNITED STATES

APRIL 11, 2019

Received; read the first time

APRIL 29, 2019

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## AN ACT

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 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12 (b) RESTORATION OF REPEALED AND AMENDED  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23 amended or repealed by the Declaratory Ruling, Re-  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 sscribers 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.

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

Passed the House of Representatives April 10, 2019.

Attest: **CHERYL L. JOHNSON,**  
*Clerk.*

Calendar No. 74

116TH CONGRESS  
1ST Session

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***AN ACT***

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

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