

116TH CONGRESS
1ST SESSION

H. R. 1644

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Save the Internet Act
3 of 2019”.

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

5 (a) REPEAL OF RULE.—

6 (1) IN GENERAL.—The Declaratory Ruling, Re-
7 port and Order, and Order in the matter of restor-
8 ing internet freedom that was adopted by the Com-
9 mission on December 14, 2017 (FCC 17–166), shall
10 have no force or effect.

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

20 (b) RESTORATION OF REPEALED AND AMENDED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

23 (1) The Report and Order on Remand, Declara-
24 tory Ruling, and Order in the matter of protecting
25 and promoting the open internet that was adopted

1 by the Commission on February 26, 2015 (FCC 15–
2 24).

3 (2) Part 8 of title 47, Code of Federal Regula-
4 tions.

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6 amended or repealed by the Declaratory Ruling, Re-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

9 (c) DEFINITIONS.—In this section:

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

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

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

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

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

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

17 (c) REPORT BY FCC.—Not later than 180 days after
18 the date of the enactment of this Act, the Commission
19 shall submit to the Committee on Energy and Commerce
20 of the House of Representatives and the Committee on
21 Commerce, Science, and Transportation of the Senate a
22 report that contains the recommendations of the Commis-
23 sion (and data supporting such recommendations) regard-
24 ing—

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

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

4 (d) DEFINITIONS.—In this section:

5 (1) BROADBAND INTERNET ACCESS SERVICE.—

6 The term “broadband Internet access service” has
7 the meaning given such term in section 8.2 of title
8 47, Code of Federal Regulations.

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

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

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

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

22 **SEC. 5. REPORT.**

23 Not later than 3 days 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 lists the 27 provisions of title II of the Communica-
 4 tions Act of 1934 (47 U.S.C. 201 et seq.) and the over
 5 700 rules and regulations referred to in paragraphs 5 and
 6 37 of the Report and Order on Remand, Declaratory Rul-
 7 ing, and Order described in section 2(b)(1).

8 **SEC. 6. GAO REPORT ON IMPORTANCE OF OPEN INTERNET**
 9 **RULES TO VULNERABLE COMMUNITIES.**

10 (a) IN GENERAL.—Not later than 1 year after the
 11 date of the enactment of this Act, the Comptroller General
 12 of the United States shall submit to Congress a report
 13 examining the importance of the open internet rules to
 14 vulnerable communities.

15 (b) DEFINITIONS.—In this section:

16 (1) OPEN INTERNET RULES.—The term “open
 17 internet rules” means the rules described in section
 18 2(b).

19 (2) VULNERABLE COMMUNITIES.—The term
 20 “vulnerable communities” means—

21 (A) ethnic and racial minorities;

22 (B) socioeconomically disadvantaged
 23 groups;

24 (C) rural populations;

25 (D) individuals with disabilities; and

1 (E) the elderly.

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

3 Not later than 1 year after the date of the enactment
4 of this Act, the Federal Communications Commission shall
5 submit to the Committee on Energy and Commerce of the
6 House of Representatives and the Committee on Com-
7 merce, Science, and Transportation of the Senate a report
8 that describes all enforcement actions taken by the Com-
9 mission under the rules described in section 2(b) since
10 such date of enactment, including the amount of each fine
11 imposed or settlement agreed to, the actions taken by the
12 Commission to collect such fines and settlements, and the
13 amounts of such fines and settlements collected.

14 **SEC. 8. GAO REPORT ON BROADBAND INTERNET ACCESS**
15 **SERVICE COMPETITION.**

16 Not later than 1 year after the date of the enactment
17 of this Act, the Comptroller General shall submit to the
18 Committee on Energy and Commerce of the House of
19 Representatives and the Committee on Commerce,
20 Science, and Transportation of the Senate a report that—

21 (1) examines the efforts by the Federal Com-
22 munications Commission to assess competition for
23 providers of broadband Internet access service (as
24 defined in section 8.2 of title 47, Code of Federal
25 Regulations) in the market;

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

3 (3) includes a description of the steps, if any,
4 the Commission can take to better increase competi-
5 tion among providers of broadband Internet access
6 service (as defined in section 8.2 of title 47, Code
7 of Federal Regulations) in the market.

8 **SEC. 9. ENGAGEMENT AND OUTREACH IN INDIAN COUNTRY**
9 **REGARDING THE IMPORTANCE OF ADDRESS-**
10 **ING THE UNIQUE BROADBAND INTERNET AC-**
11 **CESS SERVICE CHALLENGES.**

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

1 in the Tribal lands and areas through the engagement and
2 outreach.

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

4 (1) According to an estimate from the U.S.
5 Census Bureau, just 53% of Native Americans living
6 on Tribal lands have access to high-speed internet
7 service.

8 (2) The Government Accountability Office has
9 found that the Federal Communications Commission
10 data has overstated broadband availability and ac-
11 cess on Tribal lands in the United States.

12 (3) A Federal court recently vacated a Federal
13 Communications Commission order that limited Fed-
14 eral subsidies for wireless providers serving Tribal
15 lands.

16 (4) The United States Government, industry,
17 and non-governmental organizations should do more
18 to identify and address the unique broadband access
19 challenges faced by individuals living on reservations
20 and Tribal lands.

21 **SEC. 10. ACCURACY OF DATA UNDERLYING BROADBAND**
22 **DEPLOYMENT REPORTS.**

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

24 (1) The Commission has released reports on its
25 inquiries under section 706(b) of the Telecommuni-

1 cations Act of 1996 (47 U.S.C. 1302(b)) that detail
2 the state of the deployment of broadband service in
3 the United States.

4 (2) Congress and the Commission have relied
5 upon the accuracy of such reports to develop
6 broadband policy.

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

11 (b) REQUIREMENTS.—The Commission—

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

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

22 (c) COMMISSION DEFINED.—In this section, the term
23 “Commission” means the Federal Communications Com-
24 mission.

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

2 (a) REPORT.—Not later than 1 year after the date
3 of the enactment of this Act, the Comptroller General of
4 the United States shall submit to Congress and the Fed-
5 eral Communications Commission a report that con-
6 tains—

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

12 (2) recommendations with respect to policies
13 and regulations to ensure rural areas are provided
14 affordable access to broadband Internet access serv-
15 ice.

16 (b) DEFINITIONS.—In this section:

17 (1) BROADBAND INTERNET ACCESS SERVICE.—
18 The term “broadband Internet access service” has
19 the meaning given such term in section 8.2 of title
20 47, Code of Federal Regulations.

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

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

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

4 **SEC. 12. GAO REPORT ON CHALLENGES TO ACCURATE**
5 **MAPPING.**

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

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

14 (2) submit to Congress a report that—

15 (A) identifies—

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

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

1 (B) provides recommendations for how the
2 Federal Communications Commission can
3 produce more accurate, reliable, and granular
4 maps that depict wireline and wireless
5 broadband Internet access service deployment
6 in the United States.

7 (b) BROADBAND INTERNET ACCESS SERVICE DE-
8 FINED.—In this section, the term “broadband Internet ac-
9 cess service” has the meaning given such term in section
10 8.2 of title 47, Code of Federal Regulations.

11 **SEC. 13. GAO REPORT ON BENEFITS OF STANDALONE**
12 **BROADBAND.**

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

1 (b) DEFINITION.—As used in subsection (a), the
2 term “provider of broadband internet access” means a
3 provider of broadband internet access, as such term is de-
4 fined in section 8.2 of title 47, Code of Federal Regula-
5 tions.

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

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

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

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

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

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

5 (b) BROADBAND INTERNET ACCESS SERVICE DE-
6 FINED.—In this section, the term “broadband Internet ac-
7 cess service” has the meaning given such term in section
8 8.2 of title 47, Code of Federal Regulations.

Passed the House of Representatives April 10, 2019.

Attest:

Clerk.

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1ST SESSION

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