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(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R.

To amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services.

IN THE HOUSE OF REPRESENTATIVES

Ms. ESHOO introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services.

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 “Community Broadband
5 Act of 2016”.

1 **SEC. 2. COMMUNITY BROADBAND CAPABILITY AND SERV-**
2 **ICES.**

3 Section 706 of the Telecommunications Act of 1996
4 (47 U.S.C. 1302) is amended—

5 (1) by redesignating subsection (d) as sub-
6 section (e) and inserting after subsection (e) the fol-
7 lowing:

8 “(d) LOCAL GOVERNMENT PROVISION OF ADVANCED
9 TELECOMMUNICATIONS CAPABILITY AND SERVICES.—

10 “(1) IN GENERAL.—No State statute, regula-
11 tion, or other State legal requirement may prohibit
12 or have the effect of prohibiting any public provider
13 from providing, to any person or any public or pri-
14 vate entity, advanced telecommunications capability
15 or any service that utilizes the advanced tele-
16 communications capability provided by such pro-
17 vider.

18 “(2) ANTIDISCRIMINATION SAFEGUARDS.—To
19 the extent any public provider regulates competing
20 private providers of advanced telecommunications
21 capability or services that utilize advanced tele-
22 communications capability, it shall apply its ordi-
23 nances and rules without discrimination in favor of
24 itself or any provider that it owns of services that
25 utilize advanced telecommunications capability.

1 “(3) SAVINGS CLAUSE.—Nothing in this sub-
2 section shall exempt a public provider from any Fed-
3 eral or State telecommunications law or regulation
4 that applies to all providers of advanced tele-
5 communications capability or services that utilize
6 such advanced telecommunications capability.”; and

7 (2) in subsection (e), as redesignated—

8 (A) in the matter preceding paragraph (1),
9 by striking “this subsection” and inserting
10 “this section”; and

11 (B) by adding at the end the following:

12 “(3) PUBLIC PROVIDER.—The term ‘public pro-
13 vider’ means a State or political subdivision thereof,
14 any agency, authority, or instrumentality of a State
15 or political subdivision thereof, or an Indian tribe
16 (as defined in section 4(e) of the Indian Self-Deter-
17 mination and Education Assistance Act (25 U.S.C.
18 5304(e))), that provides advanced telecommuni-
19 cations capability, or any service that utilizes such
20 advanced telecommunications capability, to any per-
21 son or public or private entity.”.