To amend the Telecommunications Act of 1996 to preserve and protect the ability of State and local governments, public-private partnerships, and cooperatives to provide broadband 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 State and local governments, public-private partnerships, and cooperatives to provide broadband 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 2023”.

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March 6, 2023 (10:02 a.m.)
g:\V\H\030623\H030623.002.xml (86975811)
SEC. 2. STATE, LOCAL, PUBLIC-PRIVATE PARTNERSHIP, AND CO-OP BROADBAND SERVICES.

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

(1) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following:

“(d) STATE, LOCAL, PUBLIC-PRIVATE PARTNERSHIP, AND CO-OP ADVANCED TELECOMMUNICATIONS CAPABILITY AND SERVICES.—

“(1) IN GENERAL.—No State statute, regulation, or other State legal requirement may prohibit or have the effect of prohibiting any public provider, public-private partnership provider, or cooperatively organized provider from providing, to any person or any public or private entity, advanced telecommunications capability or any service that utilizes the advanced telecommunications capability provided by such provider.

“(2) ANTIDISCRIMINATION SAFEGUARDS.—

“(A) PUBLIC PROVIDERS.—To the extent any public provider regulates competing private providers of advanced telecommunications capability or services that utilize advanced telecommunications capability, such public provider shall apply its ordinances and rules without dis-
crimination in favor of itself or any provider
that it owns of services that utilize advanced
telecommunications capability.

“(B) Public-private partnership pro-
viders.—To the extent any State or local enti-
ty that is part of a public-private partnership
provider regulates competing private providers
of advanced telecommunications capability or
services that utilize advanced telecommunications capability, such State or local entity
shall apply its ordinances and rules without dis-
 crimination in favor of such public-private part-
nership provider or any provider that such
State or local entity or public-private partner-
ship provider owns of services that utilize ad-
vanced telecommunications capability.

“(3) Savings clause.—Nothing in this sub-
section shall exempt a public provider, public-private
partnership provider, or cooperatively organized pro-
vider from any Federal or State telecommunications
law or regulation that applies to all providers of ad-
vanced telecommunications capability or services
that utilize such advanced telecommunications ca-
pability.”; and

(2) in subsection (e), as redesignated—
(A) in the matter preceding paragraph (1),
by striking “this subsection” and inserting
“this section”;

(B) by redesignating paragraph (2) as
paragraph (3);

(C) by inserting after paragraph (1) the
following:

“(2) COOPERATIVELY ORGANIZED PROVIDER.—
The term ‘cooperatively organized provider’ means
an entity that is treated as a cooperative under Fed-
eral tax law and that provides advanced tele-
communications capability, or any service that uti-
lates such advanced telecommunications capability,
to any person or public or private entity.”; and

(D) by adding at the end the following:

“(4) PUBLIC PROVIDER.—The term ‘public pro-
vider’ means a State or local entity that provides ad-
vanced telecommunications capability, or any service
that utilizes such advanced telecommunications ca-
pability, to any person or public or private entity.

“(5) PUBLIC-PRIVATE PARTNERSHIP PROVIDER.—The term ‘public-private partnership pro-
vider’ means a public-private partnership, between a
State or local entity and a private entity, that pro-
vides advanced telecommunications capability, or any
service that utilizes such advanced telecommunications capability, to any person or public or private entity.

“(6) STATE OR LOCAL ENTITY.—The term ‘State or local entity’ means a State or political subdivision thereof, any agency, authority, or instrumentality of a State or political subdivision thereof, or an Indian Tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e))).”.