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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

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”.

1 **SEC. 2. STATE, LOCAL, PUBLIC-PRIVATE PARTNERSHIP,**
2 **AND CO-OP BROADBAND SERVICES.**

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) STATE, LOCAL, PUBLIC-PRIVATE PARTNER-
9 SHIP, AND CO-OP ADVANCED TELECOMMUNICATIONS CA-
10 PABILITY AND SERVICES.—

11 “(1) IN GENERAL.—No State statute, regula-
12 tion, or other State legal requirement may prohibit
13 or have the effect of prohibiting any public provider,
14 public-private partnership provider, or cooperatively
15 organized provider from providing, to any person or
16 any public or private entity, advanced telecommuni-
17 cations capability or any service that utilizes the ad-
18 vanced telecommunications capability provided by
19 such provider.

20 “(2) ANTIDISCRIMINATION SAFEGUARDS.—

21 “(A) PUBLIC PROVIDERS.—To the extent
22 any public provider regulates competing private
23 providers of advanced telecommunications capa-
24 bility or services that utilize advanced tele-
25 communications capability, such public provider
26 shall apply its ordinances and rules without dis-

1 crimination in favor of itself or any provider
2 that it owns of services that utilize advanced
3 telecommunications capability.

4 “(B) PUBLIC-PRIVATE PARTNERSHIP PRO-
5 VIDERS.—To the extent any State or local enti-
6 ty that is part of a public-private partnership
7 provider regulates competing private providers
8 of advanced telecommunications capability or
9 services that utilize advanced telecommuni-
10 cations capability, such State or local entity
11 shall apply its ordinances and rules without dis-
12 crimination in favor of such public-private part-
13 nership provider or any provider that such
14 State or local entity or public-private partner-
15 ship provider owns of services that utilize ad-
16 vanced telecommunications capability.

17 “(3) SAVINGS CLAUSE.—Nothing in this sub-
18 section shall exempt a public provider, public-private
19 partnership provider, or cooperatively organized pro-
20 vider from any Federal or State telecommunications
21 law or regulation that applies to all providers of ad-
22 vanced telecommunications capability or services
23 that utilize such advanced telecommunications capa-
24 bility.”; and

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

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

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

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

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

15 (D) by adding at the end the following:

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

21 “(5) PUBLIC-PRIVATE PARTNERSHIP PRO-
22 VIDER.—The term ‘public-private partnership pro-
23 vider’ means a public-private partnership, between a
24 State or local entity and a private entity, that pro-
25 vides advanced telecommunications capability, or any

1 service that utilizes such advanced telecommuni-
2 cations capability, to any person or public or private
3 entity.

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