

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE
OFFERED BY _____**

At the end of subtitle D, add the following new chapter:

1 CHAPTER 4—OTHER MATTER
2 SEC. 3331. PROHIBITION ON GOVERNMENT OWNED
3 BROADBAND NETWORKS.

4 (a) IN GENERAL.—Except as provided in subsections
5 (b)(1) and (c), a State or political subdivision thereof may
6 not provide or offer for sale to the public, a telecommuni-
7 cations provider, or to a commercial provider of broadband
8 internet access service, retail or wholesale broadband
9 internet access service.

10 (b) TRANSITIONAL RULE.—Any State or political
11 subdivision thereof providing or offering for sale, either
12 to the public, a telecommunications provider, or to a pro-
13 vider of broadband internet access service, retail or whole-
14 sale broadband internet access service, before the date of
15 the enactment of this section—

16 (1) notwithstanding subsection (a), may con-
17 tinue to provide or offer for sale such service if the
18 Commission finds there is no more than one other

1 commercial provider of broadband internet access
2 that provides competition for that service in a par-
3 ticular area;

4 (2) shall notify each subscriber of the State or
5 political subdivision if a commercial provider of re-
6 tail broadband internet access enters the market;
7 and

8 (3) may not construct or extend facilities used
9 to deliver broadband internet access service beyond
10 the geographic area in which the State or political
11 subdivision thereof lawfully operates.

12 (c) EXCEPTION.—Notwithstanding subsection (a),
13 this section does not apply to the Tennessee Valley Au-
14 thority.

15 (d) RULES OF CONSTRUCTION.—

16 (1) IN GENERAL.—This section may not be con-
17 strued to restrict a State or political subdivision
18 thereof, from allowing the nondiscriminatory use of
19 its rights-of-way, including access to utility poles,
20 conduits, ducts, or similar support structures used
21 for the deployment of facilities necessary to deliver
22 broadband internet access service.

23 (2) PUBLIC SAFETY.—This section may not be
24 construed to restrict a State or political subdivision
25 thereof, from providing broadband facilities or serv-

1 ices for 9–1–1, enhanced 9–1–1 service, or Next
2 Generation 9–1–1.

3 (e) LIMITATION OF COMMISSION AUTHORITY.—Not-
4 withstanding any provision of law, including section 706
5 of the Communications Act of 1934 (47 U.S.C. 706), the
6 Commission may not pre-empt State laws to permit a
7 State or political subdivision thereof to provide or offer
8 for sale to the public retail or wholesale broadband inter-
9 net access service.

10 (f) DEFINITIONS.—In this section:

11 (1) 9–1–1 REQUEST FOR EMERGENCY ASSIST-
12 ANCE.—The term “9–1–1 request for emergency as-
13 sistance” means a communication, such as voice,
14 text, picture, multimedia, or any other type of data
15 that is sent to an emergency communications center
16 for the purpose of requesting emergency assistance.

17 (2) BROADBAND INTERNET ACCESS SERVICE.—
18 The term “broadband internet access service” has
19 the meaning given that term in section 8.1(b) of title
20 47, Code of Federal Regulations, or any successor
21 regulation.

22 (3) COMMONLY ACCEPTED STANDARDS.—The
23 term “commonly accepted standards” means—

24 (A) the technical standards followed by the
25 communications industry for network, device,

1 and Internet Protocol connectivity, including
2 standards developed by the Third Generation
3 Partnership Project, the Institute of Electrical
4 and Electronics Engineers, the Alliance for
5 Telecommunications Industry Solutions, the
6 Internet Engineering Taskforce, and the Inter-
7 national Telecommunications Union; and

8 (B) standards that are accredited by a rec-
9 ognized authority such as the American Na-
10 tional Standards Institute.

11 (4) EMERGENCY COMMUNICATIONS CENTER.—

12 The term “emergency communications center”
13 means a facility that is designated to receive a 9-
14 1-1 request for emergency assistance and perform
15 one or more of the following functions:

16 (A) Process and analyze 9-1-1 requests
17 for emergency assistance and other gathered in-
18 formation.

19 (B) Dispatch appropriate emergency re-
20 sponse providers.

21 (C) Transfer or exchange 9-1-1 requests
22 for emergency assistance and other gathered in-
23 formation with other emergency communica-
24 tions centers and emergency response providers.

1 (D) Analyze any communications received
2 from emergency response providers.

3 (E) Support incident command functions.

4 (5) EMERGENCY RESPONSE PROVIDER.—The
5 term “emergency response provider”—

6 (A) has the meaning given that term under
7 section 2 of the Homeland Security Act (47
8 U.S.C. 101); and

9 (B) includes Federal, State, and local gov-
10 ernmental and nongovernmental emergency
11 public safety, fire, law enforcement, emergency
12 response, emergency medical (including hospital
13 emergency facilities), and related personnel,
14 agencies, and authorities.

15 (6) ENHANCED 9–1–1 SERVICE.—The term “en-
16 hanced 9–1–1 service” has the meaning given that
17 term in section 7(10) of the Wireless Communica-
18 tions and Public Safety Act of 1999 (47 U.S.C.
19 615b(10)).

20 (7) INTEROPERABLE.—The term “interoper-
21 able” means the capability of emergency communica-
22 tions centers to receive 9–1–1 requests for emer-
23 gency assistance and related data such as location
24 information and callback numbers from the public,
25 then process and share the 9–1–1 requests for emer-

1 agency assistance and related data with other emer-
2 gency communications centers and emergency re-
3 sponse providers, regardless of jurisdiction, equip-
4 ment, device, software, service provider, or other rel-
5 evant factors, and without the need for proprietary
6 interfaces.

7 (8) NEXT GENERATION 9-1-1.—The term
8 “Next Generation 9-1-1” means an interoperable,
9 secure, Internet Protocol-based system that—

10 (A) employs commonly accepted standards;

11 (B) enables the appropriate emergency
12 communications centers to receive, process, and
13 analyze all types of 9-1-1 requests for emer-
14 gency assistance;

15 (C) acquires and integrates additional in-
16 formation useful to handling 9-1-1 requests for
17 emergency assistance; and

18 (D) supports sharing information related
19 to 9-1-1 requests for emergency assistance
20 among emergency communications centers and
21 emergency response providers.

22 (9) STATE.—The term “State” means any
23 State of the United States, the District of Columbia,
24 Puerto Rico, American Samoa, Guam, the United
25 States Virgin Islands, the Northern Mariana Is-

1 lands, and any other territory or possession of the
2 United States.

3 (10) TELECOMMUNICATIONS PROVIDER.—The
4 term “telecommunications provider” means an eligi-
5 ble telecommunications carrier as designated under
6 section 214(e)(2) of the Communications Act of
7 1934 (47 U.S.C. 214(e)(2)).

