

115TH CONGRESS
2D SESSION

H. R. 5969

To prohibit the use of Federal funds for the provision of broadband service in any State that has in effect a law, regulation, or other requirement that prohibits, limits, places conditions on, or regulates the provision of broadband service by public, cooperative, or nonprofit broadband providers.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2018

Mr. POCAN introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit the use of Federal funds for the provision of broadband service in any State that has in effect a law, regulation, or other requirement that prohibits, limits, places conditions on, or regulates the provision of broadband service by public, cooperative, or nonprofit broadband providers.

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 “Speed Up Broadband
5 Access Act of 2018”.

1 **SEC. 2. PROHIBITION ON FEDERAL FUNDS FOR**
2 **BROADBAND IN STATES THAT LIMIT PUBLIC,**
3 **CO-OP, OR NONPROFIT BROADBAND PRO-**
4 **VIDERS.**

5 (a) IN GENERAL.—No Federal funds may be used
6 for the provision of broadband service in any State that
7 has in effect a law, regulation, or other requirement hav-
8 ing the force or effect of law that prohibits, limits, places
9 conditions on, or regulates the provision of broadband
10 service—

11 (1) by a political subdivision of such State (or
12 an agency or instrumentality of such subdivision) to
13 residents of such political subdivision; or

14 (2) by any nonprofit organization, or any per-
15 son who is cooperatively organized, to residents of
16 such State.

17 (b) AVAILABILITY OF FEDERAL FUNDS FOR PUBLIC,
18 CO-OP, AND NONPROFIT BROADBAND PROVIDERS.—Sub-
19 section (a) shall not apply to the use of Federal funds
20 for the provision of broadband service by an entity de-
21 scribed in paragraph (1) or (2) of subsection (a).

22 (c) TREATMENT OF GENERALLY APPLICABLE STATE
23 LAWS.—For purposes of subsection (a), a law, regulation,
24 or other requirement having the force or effect of law that
25 applies generally to the provision of broadband service in
26 a State, including by private, for-profit providers, shall not

1 be considered to prohibit, limit, place conditions on, or
2 regulate the provision of broadband service by an entity
3 described in paragraph (1) or (2) of such subsection.

4 (d) DEFINITIONS.—In this section:

5 (1) BROADBAND SERVICE.—The term
6 “broadband service” means advanced telecommuni-
7 cations capability (as defined in section 706 of the
8 Telecommunications Act of 1996 (47 U.S.C. 1302)).

9 (2) FEDERAL FUNDS.—The term “Federal
10 funds” means any grant, loan, loan guarantee, or
11 other form of financial support that is provided by
12 the Federal Government.

13 (3) NONPROFIT ORGANIZATION.—The term
14 “nonprofit organization” means any corporation or
15 association, however organized, no part of the net
16 earnings of which inures to the benefit of any pri-
17 vate shareholder or individual.

18 (4) STATE.—The term “State” means each of
19 the several States, the District of Columbia, and
20 each commonwealth, territory, or possession of the
21 United States.

○