

115TH CONGRESS
2D SESSION

S. 3255

To prohibit the President or a Federal agency from constructing, operating, or offering wholesale or retail services on broadband networks without authorization from Congress, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2018

Mr. CRUZ (for himself and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prohibit the President or a Federal agency from constructing, operating, or offering wholesale or retail services on broadband networks without authorization from Congress, and for other purposes.

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 “Eliminate From Regu-
5 lators Opportunities to Nationalize The Internet In Every
6 Respect Act” or the “E-FRONTIER Act”.

1 **SEC. 2. PROHIBITION AGAINST THE PRESIDENT OR A FED-**
2 **ERAL AGENCY CONSTRUCTING, OPERATING,**
3 **OR OFFERING SERVICES ON BROADBAND**
4 **NETWORKS.**

5 (a) DEFINITIONS.—In this section—

6 (1) the term “agency” has the meaning given
7 the term in section 902 of title 5, United States
8 Code;

9 (2) the term “broadband network”—

10 (A) means a communications network, the
11 primary purpose of which is to provide con-
12 sumers with the capability to transmit data to
13 and receive data from all or substantially all
14 internet endpoints; and

15 (B) includes a next-generation mobile
16 broadband network;

17 (3) the term “nationwide public safety broad-
18 band network” has the meaning given the term in
19 section 6001 of the Middle Class Tax Relief and Job
20 Creation Act of 2012 (47 U.S.C. 1401); and

21 (4) the term “President” means the President
22 of the United States.

23 (b) PROHIBITION.—Neither the President nor an
24 agency may construct, operate, or offer wholesale or retail
25 service on a broadband network unless a duly enacted Act

1 of Congress signed into law by the President provides the
 2 President or the agency, as applicable, with that authority.

3 (c) RULES OF CONSTRUCTION.—Nothing in this sec-
 4 tion may be construed to—

5 (1) limit, restrict, or circumvent in any way—

6 (A) the implementation of the nationwide
 7 public safety broadband network; or

8 (B) any rules implementing the nationwide
 9 public safety broadband network under title VI
 10 of the Middle Class Tax Relief and Job Cre-
 11 ation Act of 2012 (47 U.S.C. 1401 et seq.); or

12 (2) affect the authority of the President under
 13 section 706 of the Communications Act of 1934 (47
 14 U.S.C. 606).

15 **SEC. 3. REPORT ON VULNERABILITIES OF UNITED STATES**
 16 **BROADBAND NETWORKS.**

17 (a) DEFINITION.—In this section, the term “broad-
 18 band network” has the meaning given the term in section
 19 2(a).

20 (b) REPORT.—Not later than 180 days after the date
 21 of enactment of this Act, the Comptroller General of the
 22 United States shall conduct a study and submit to the
 23 Committee on Commerce, Science, and Transportation of
 24 the Senate and the Committee on Energy and Commerce

1 of the House of Representatives a report, which shall in-
2 clude—

3 (1) a discussion and analysis of—

4 (A) potential threats facing broadband net-
5 works in the United States from—

6 (i) the Government of the People's
7 Republic of China;

8 (ii) the Government of Iran;

9 (iii) the Government of the Russian
10 Federation; and

11 (iv) any other potential foreign adver-
12 sary of the United States; and

13 (B) the risks associated with using foreign
14 equipment and services in broadband networks
15 in the United States; and

16 (2) recommendations, if any, regarding how
17 service providers with respect to broadband networks
18 in the United States can reduce the vulnerabilities of
19 those networks to foreign threats.

○