

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 1644  
OFFERED BY MR. WALDEN OF OREGON**

Page 2, after line 17, insert the following (and re-designate succeeding provisions accordingly):

1           (1) BROADBAND INTERNET ACCESS SERVICE.—  
2           The term “broadband Internet access service” has  
3           the meaning given such term in section 8.2 of title  
4           47, Code of Federal Regulations.

Page 2, line 21, strike “The term” and insert the following:

5           (A) IN GENERAL.—The term

Page 3, after line 5, insert the following:

6           (B) FORBEARANCE.—  
7           (i) IN GENERAL.—To the extent that  
8           the Commission, through the exercise of its  
9           forbearance authority in the Report and  
10          Order on Remand, Declaratory Ruling,  
11          and Order described in subsection (b)(1),  
12          found a provision of the Communications  
13          Act of 1934 (47 U.S.C. 151 et seq.) or

1 rule to be inapplicable to broadband Inter-  
2 net access service—

3 (I) such provision or rule shall  
4 not apply to any such service; and

5 (II) the Commission shall have  
6 no authority to—

7 (aa) reverse any such for-  
8 bearance; or

9 (bb) adopt or apply any re-  
10 quirement to broadband Internet  
11 access service that is substan-  
12 tially the same as any require-  
13 ment provided for in such provi-  
14 sion or rule.

15 (ii) TREATMENT OF CERTAIN FOR-  
16 BEARANCE.—In the case of a provision of  
17 the Communications Act of 1934 (47  
18 U.S.C. 151 et seq.) or rule with respect to  
19 which the Commission, in the Report and  
20 Order on Remand, Declaratory Ruling,  
21 and Order described in subsection (b)(1),  
22 exercised its forbearance authority insofar  
23 as such provision or rule would impose an  
24 immediate requirement on broadband  
25 Internet access service but did not exercise

1           its forbearance authority insofar as such  
2           provision or rule authorizes the Commis-  
3           sion to reexamine adopting or applying a  
4           requirement to broadband Internet access  
5           service in a separate proceeding, the Com-  
6           mission shall be treated for purposes of  
7           clause (i) as having found, through the ex-  
8           ercise of its forbearance authority in such  
9           Report and Order on Remand, Declaratory  
10          Ruling, and Order, that such provision or  
11          rule is permanently inapplicable to  
12          broadband Internet access service.

