

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

Page 13, after line 6, insert the following new section:

1 **SEC. 3313. REGULATION OF BROADBAND RATES PROHIB-**
2 **ITED.**

3 (a) REGULATION OF BROADBAND RATES PROHIB-
4 ITED.—Notwithstanding any other provision of law, the
5 Federal Communications Commission may not regulate
6 the rates charged for broadband internet access service.

7 (b) EXCEPTIONS.—Nothing in this section shall be
8 construed to affect the authority of the Commission to—

9 (1) condition receipt of universal service sup-
10 port under section 254 of the Communications Act
11 of 1934 (47 U.S.C. 254) by a provider of broadband
12 internet access service on the regulation of the rates
13 charged by such provider for the supported service;

14 (2) enforce subpart Y of part 64 of title 47,
15 Code of Federal Regulations (relating to truth-in-
16 billing requirements); or

17 (3) prohibit or restrict paid prioritization.

1 (c) ADDITIONAL RULE OF CONSTRUCTION.—For
2 purposes of this section, broadband internet access service
3 shall not be construed to include data roaming or inter-
4 connection.

5 (d) DEFINITIONS.—In this section:

6 (1) BROADBAND INTERNET ACCESS SERVICE.—
7 The term “broadband internet access service” has
8 the meaning given such term in section 8.1 of title
9 47, Code of Federal Regulations.

10 (2) COMMISSION.—The term “Commission”
11 means the Federal Communications Commission.

12 (3) PAID PRIORITIZATION.—The term “paid
13 prioritization” means the management of the net-
14 work of a provider of broadband internet access
15 service to directly or indirectly favor some traffic
16 over other traffic, including through use of tech-
17 niques such as traffic shaping, prioritization, re-
18 source reservation, or other forms of preferential
19 traffic management, either—

20 (A) in exchange for consideration (mone-
21 tary or otherwise) from a third party; or

22 (B) to benefit an affiliated entity.

23 (4) RATE.—The term “rate” means the amount
24 charged by a provider of broadband internet access
25 service for the delivery of broadband internet traffic.

1 (5) REGULATION.—The term “regulation” or
2 “regulate” means, with respect to a rate, the use by
3 the Commission of rulemaking or enforcement au-
4 thority to establish, declare, or review the reason-
5 ableness of such rate.

