

116TH CONGRESS
1ST SESSION

H. R. 1860

To prohibit the Federal Communications Commission from regulating the rates charged for broadband internet access service.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2019

Mr. KINZINGER (for himself, Mr. SCALISE, Mr. LONG, Mr. GUTHRIE, and Mr. JOHNSON of Ohio) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit the Federal Communications Commission from regulating the rates charged for broadband internet access service.

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 “No Rate Regulation
5 of Broadband Internet Access Act”.

6 **SEC. 2. REGULATION OF BROADBAND RATES PROHIBITED.**

7 Notwithstanding any other provision of law, the Fed-
8 eral Communications Commission may not regulate the
9 rates charged for broadband internet access service.

1 **SEC. 3. EXCEPTIONS.**

2 Nothing in this Act shall be construed to affect the
3 authority of the Commission to—

4 (1) condition receipt of universal service sup-
5 port under section 254 of the Communications Act
6 of 1934 (47 U.S.C. 254) by a provider of broadband
7 internet access service on the regulation of the rates
8 charged by such provider for the supported service;

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

12 (3) prohibit or restrict paid prioritization.

13 **SEC. 4. ADDITIONAL RULE OF CONSTRUCTION.**

14 For purposes of this Act, broadband internet access
15 service shall not be construed to include data roaming or
16 interconnection.

17 **SEC. 5. DEFINITIONS.**

18 In this Act:

19 (1) **BROADBAND INTERNET ACCESS SERVICE.**—

20 The term “broadband internet access service” has
21 the meaning given such term in section 8.1 of title
22 47, Code of Federal Regulations.

23 (2) **COMMISSION.**—The term “Commission”
24 means the Federal Communications Commission.

25 (3) **PAID PRIORITIZATION.**—The term “paid
26 prioritization” means the management of the net-

1 work of a provider of broadband internet access
2 service to directly or indirectly favor some traffic
3 over other traffic, including through use of tech-
4 niques such as traffic shaping, prioritization, re-
5 source reservation, or other forms of preferential
6 traffic management, either—

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

9 (B) to benefit an affiliated entity.

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

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

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