

AMENDMENT TO H.R. _____

**OFFERED BY MR. MARKEY OF MASSACHUSETTS,
MR. BOUCHER OF VIRGINIA, MS. ESHOO OF
CALIFORNIA, AND MR. INSLEE OF WASH-
INGTON**

Network neutrality

Strike section 715 of the Communications Act of 1934, as added by section 201 of the bill, and insert the following:

1 **“SEC. 715. NETWORK NEUTRALITY.**

2 “(a) IN GENERAL.—Each broadband network pro-
3 vider has the duty—

4 “(1) not to block, impair, degrade, discriminate
5 against, or interfere with the ability of any person
6 to use a broadband connection to access, use, send,
7 receive, or offer lawful content, applications, or serv-
8 ices over the Internet;

9 “(2) to operate its broadband network in a non-
10 discriminatory manner so that any person can offer
11 or provide content, applications, and services
12 through, or over, such broadband network with
13 equivalent or better capability than the provider ex-
14 tends to itself or affiliated parties, and without the



1 imposition of a charge for such nondiscriminatory
2 network operation;

3 “(3) to prioritize content, applications, or serv-
4 ices within the provider’s network, if the provider
5 chooses to prioritize any data, based only upon the
6 type of content, applications, or services and without
7 charge for such prioritization;

8 “(4) to enable a user to attach and use any de-
9 vice to the operator’s network that does not phys-
10 ically damage, make unauthorized use of, or materi-
11 ally degrade other users’ utilization of, the network;
12 and

13 “(5) to clearly and conspicuously disclose to
14 users, in plain language, accurate information about
15 the speed, nature, and limitations of their broadband
16 connection.

17 “(b) PRESERVED RIGHTS AND EXCEPTIONS.—Noth-
18 ing in this section shall prevent a broadband network pro-
19 vider from taking reasonable and nondiscriminatory meas-
20 ures to—

21 “(1) manage the functioning of its network to
22 protect the security of such network and broadband
23 network services, provided that such management
24 does not depend upon the affiliation with the



1 broadband network provider of the content, applica-
2 tions, or services on the network;

3 “(2) offer varied service plans to users at de-
4 fined levels of bandwidth and different prices;

5 “(3) offer consumer protection services (includ-
6 ing services for the prevention of unsolicited com-
7 mercial electronic messages, parental controls, or
8 other similar capabilities), or offer cable service, so
9 long as a user may refuse or disable such services;

10 “(4) give priority to emergency communica-
11 tions; or

12 “(5) prevent any violation of Federal or State
13 law, or comply with any court-ordered law enforce-
14 ment directive.

15 “(c) EXPEDITED COMPLAINT PROCESS.—Within 180
16 days after the date of enactment of this section, the Com-
17 mission shall prescribe regulations providing for the expe-
18 dited review of any complaints alleging a violation of this
19 section. Such regulations shall include a requirement that
20 the Commission issue a final order regarding any request
21 for a ruling contained in a complaint not later than 30
22 days after the date of submission of such complaint.

23 “(d) DEFINITIONS.—As used in this section:

24 “(1) BROADBAND NETWORK PROVIDER.—The
25 term ‘broadband network provider’ means a person



1 or entity that owns, controls, operates, or resells and
2 controls any facility used to provide broadband net-
3 work service to the public, by whatever technology
4 and whether provided for a fee, in exchange for an
5 explicit benefit, or for free.

6 “(2) BROADBAND NETWORK SERVICE.—The
7 term ‘broadband network service’ means a two-way
8 transmission service that connects to the Internet
9 and transmits information at an average rate of at
10 least 200 kilobits per second in at least one direc-
11 tion.

12 “(3) USER.—The term ‘user’ means any person
13 who takes and uses broadband network service,
14 whether provided for a fee, in exchange for an ex-
15 plicit benefit, or for free.”.

