

**AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MR. MARKEY OF MASSACHUSETTS,
MR. BOUCHER OF VIRGINIA, MS. ESHOO OF
CALIFORNIA, AND MR. INSLEE OF WASH-
INGTON**

Net neutrality

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

1 **“SECTION 715. NETWORK NEUTRALITY.**

2 “(a) POLICY.—It is the policy of the United States—

3 “(1) to maintain and enhance the vibrant and
4 competitive free market that presently exists for the
5 Internet and Internet services, upon which Internet
6 commerce relies;

7 “(2) to preserve and promote the open and
8 interconnected nature of the Internet and consumer
9 empowerment and choice;

10 “(3) to foster innovation, investment, and com-
11 petition among network providers, as well as applica-
12 tion, content, and service providers;

13 “(4) to ensure vigorous and prompt enforce-
14 ment of this section’s requirements to safeguard in-



1 novation, consumer protection, and marketplace cer-
2 tainty; and

3 “(5) to preserve the security and reliability of
4 the Internet and the services that enable consumers
5 to access content, applications, and services over the
6 Internet.

7 “(b) IN GENERAL.—Each broadband network pro-
8 vider has the duty—

9 “(1) not to block, impair, degrade, discriminate
10 against, or interfere with the ability of any person
11 to use a broadband connection to access, use, send,
12 receive, or offer lawful content, applications, or serv-
13 ices over the Internet;

14 “(2) to operate its broadband network in a non-
15 discriminatory manner so that any person can offer
16 or provide content, applications, and services
17 through, or over, such broadband network with
18 equivalent or better capability than the provider ex-
19 tends to itself or affiliated parties, and without the
20 imposition of a charge for such nondiscriminatory
21 network operation;

22 “(3) if the provider prioritizes or offers en-
23 hanced quality of service to data of a particular
24 type, to prioritize or offer enhanced quality of serv-
25 ice to all data of that type (regardless of the origin



1 of such data) without imposing a surcharge or other
2 consideration for such prioritization or enhanced
3 quality of service;

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

9 “(5) to clearly and conspicuously disclose to
10 users, in plain language, accurate information about
11 the speed, nature, and limitations of their broadband
12 connection.

13 “(c) PRESERVED RIGHTS AND EXCEPTIONS.—Noth-
14 ing in this section shall prevent a broadband network pro-
15 vider from taking reasonable and nondiscriminatory meas-
16 ures to—

17 “(1) manage the functioning of its network to
18 protect the security of such network and broadband
19 network services, provided that such management
20 does not depend upon the affiliation with the
21 broadband network provider of the content, applica-
22 tions, or services on the network;

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



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

6 “(4) give priority to emergency communica-
7 tions; or

8 “(5) prevent any violation of Federal or State
9 law, or comply with any court-ordered law enforce-
10 ment directive.

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

19 “(e) DEFINITIONS.—As used in this section:

20 “(1) BROADBAND NETWORK PROVIDER.—The
21 term ‘broadband network provider’ means a person
22 or entity that owns, controls, operates, or resells and
23 controls any facility used to provide broadband net-
24 work service to the public, by whatever technology



1 and whether provided for a fee, in exchange for an
2 explicit benefit, or for free.

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

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

