

**AMENDMENT TO H.R. 5252, AS REPORTED
OFFERED BY MR. MARKEY OF MASSACHUSETTS,
MR. BOUCHER OF VIRGINIA, MS. ESHOO OF
CALIFORNIA, AND MR. INSLEE OF WASH-
INGTON**

Net neutrality

Strike section 201 of the bill and insert the fol-
lowing:

1 SECTION 201. NETWORK NEUTRALITY.

2 (a) AMENDMENT.—Title VII of the Communications
3 Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding
4 at the end the following new section:

5 “SEC. 715. NETWORK NEUTRALITY.

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

7 “(1) to maintain and enhance the vibrant and
8 competitive free market that presently exists for the
9 Internet and Internet services, upon which Internet
10 commerce relies;

11 “(2) to preserve and promote the open and
12 interconnected nature of the Internet and consumer
13 empowerment and choice;



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

4 “(4) to ensure vigorous and prompt enforce-
5 ment of this section’s requirements to safeguard in-
6 novation, consumer protection, and marketplace cer-
7 tainty; and

8 “(5) to preserve the security and reliability of
9 the Internet and the services that enable consumers
10 to access content, applications, and services over the
11 Internet.

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

14 “(1) not to block, impair, degrade, discriminate
15 against, or interfere with the ability of any person
16 to use a broadband connection to access, use, send,
17 receive, or offer lawful content, applications, or serv-
18 ices over the Internet;

19 “(2) to operate its broadband network in a non-
20 discriminatory manner so that any person can offer
21 or provide content, applications, and services
22 through, or over, such broadband network with
23 equivalent or better capability than the provider ex-
24 tends to itself or affiliated parties, and without the



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

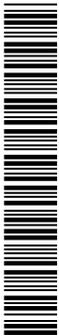
3 “(3) if the provider prioritizes or offers en-
4 hanced quality of service to data of a particular
5 type, to prioritize or offer enhanced quality of serv-
6 ice to all data of that type (regardless of the origin
7 of such data) without imposing a surcharge or other
8 consideration for such prioritization or enhanced
9 quality of service;

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

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

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

23 “(1) manage the functioning of its network to
24 protect the security of such network and broadband
25 network services, provided that such management



1 does not depend upon the affiliation with the
2 broadband network provider of the content, applica-
3 tions, or services on the network;

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

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

11 “(4) give priority to emergency communications
12 and telemedicine services; or

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

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

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



1 “(1) BROADBAND NETWORK PROVIDER.—The
2 term ‘broadband network provider’ means a person
3 or entity that owns, controls, operates, or resells and
4 controls any facility used to provide broadband net-
5 work service to the public, by whatever technology
6 and whether provided for a fee, in exchange for an
7 explicit benefit, or for free.

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

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

18 (b) SAVINGS PROVISION.—Nothing in this section
19 shall be construed to modify, impair, or supersede the ap-
20 plicability of the antitrust laws, as such term is defined
21 in section 602(e)(4) of the Telecommunications Act of
22 1996.

In the heading of title II of the bill, strike “**EN-
FORCEMENT OF BROADBAND POLICY**”



STATEMENT” and insert **“NETWORK NEU-
TRALITY”**.

Conform the table of contents accordingly.

