

1 **TITLE IX—INTERNET CONSUMER**
2 **BILL OF RIGHTS ACT**

3 **SEC. 901. SHORT TITLE.**

4 This title may be cited as the “Internet Consumer
5 Bill of Rights Act of 2006”.

6 **SEC. 902. FINDINGS.**

7 Congress finds that the Federal Communications
8 Commission should seek to—

9 (1) preserve the free-flow of ideas and informa-
10 tion on the Internet;

11 (2) promote public discourse on the Internet;

12 (3) preserve the vibrant and competitive free
13 market that presently exists for the Internet and
14 other interactive computer services unfettered by
15 Federal or State regulation;

16 (4) encourage investment and innovation in
17 Internet networks and applications markets through
18 a diversity of business models; and

19 (5) promote deployment of broadband networks
20 nationwide.

21 **SEC. 903. CONSUMER INTERNET BILL OF RIGHTS.**

22 (a) **IN GENERAL.**—Except as otherwise provided in
23 this title, with respect to Internet services, each Internet
24 service provider shall allow each subscriber to—

1 (1) access and post any lawful content of that
2 subscriber's choosing;

3 (2) access any web page of that subscriber's
4 choosing;

5 (3) access and run any voice application, soft-
6 ware, or service of that subscriber's choosing;

7 (4) access and run any video application, soft-
8 ware, or service of that subscriber's choosing;

9 (5) access and run any email application, soft-
10 ware, or service of that subscriber's choosing;

11 (6) access and run any search engine of that
12 subscriber's choosing;

13 (7) access and run any other application, soft-
14 ware, or service of that subscriber's choosing;

15 (8) connect any legal device of that subscriber's
16 choosing to the Internet access equipment of that
17 subscriber, if such device does not harm the network
18 of the Internet service provider; and

19 (9) receive clear and conspicuous information,
20 in plain language, about the estimated speeds, capa-
21 bilities, limitations, and pricing of any Internet serv-
22 ice offered to the public.

23 (b) NO INTERFERENCE WITH THE INTERNET.—A
24 subscriber may exercise any of the rights enumerated in
25 subsection (a)—

1 (1) without interference from any Federal,
2 State, or local government, except as specifically au-
3 thorized by law;

4 (2) without interference from an Internet serv-
5 ice provider, except as otherwise provided by law;

6 (3) for any legal purpose; and

7 (4) subject to the limitations of the Internet
8 service such subscriber has purchased.

9 **SEC. 904. APPLICATION OF THE FIRST AMENDMENT.**

10 Consistent with the First Amendment to the United
11 States Constitution, as applied to the States through the
12 Fourteenth Amendment to the United States Constitu-
13 tion—

14 (1) no Federal, State, or local government may
15 limit, restrict, ban, prohibit, or otherwise regulate
16 content on the Internet because of the religious
17 views, political views, or any other views expressed
18 in such content unless specifically authorized by law;
19 and

20 (2) no Internet service provider engaged in
21 interstate commerce may limit, restrict, ban, pro-
22 hibit, or otherwise regulate content on the Internet
23 because of the religious views, political views, or any
24 other views expressed in such content unless specifi-
25 cally authorized by law.

1 **SEC. 905. STAND-ALONE INTERNET SERVICE SHALL BE OF-**
2 **FERED TO THE PUBLIC.**

3 An Internet service provider shall offer to any poten-
4 tial subscriber any Internet service such provider offers
5 without requiring that subscriber to purchase or use any
6 telecommunications service, information service, IP-en-
7 abled voice service, video service, or other service offered
8 by such Internet service provider.

9 **SEC. 906. NETWORK SECURITY, WORMS, VIRUSES, DENIAL**
10 **OF SERVICE, PARENTAL CONTROLS, AND**
11 **BLOCKING CHILD PORNOGRAPHY.**

12 An Internet service provider may—

13 (1) protect the security, privacy, or integrity of
14 the network or facilities of such provider, the com-
15 puter of any subscriber, or any service, including
16 by—

17 (A) blocking worms or viruses; or

18 (B) preventing denial of service attacks;

19 (2) facilitate diagnostics, technical support,
20 maintenance, network management, or repair of the
21 network or service of such provider;

22 (3) prevent or detect unauthorized, fraudulent,
23 or otherwise unlawful uses of the network or service
24 of such provider;

1 (4) block access to content, applications, or
2 services that Federal or State law expressly author-
3 izes to be blocked, including child pornography;

4 (5) provide consumers Parental Control applica-
5 tions, devices, or services, including—

6 (A) blocking access to websites with ob-
7 scene or adult content;

8 (B) blocking display of video content based
9 on a common rating; or

10 (C) offering a family friendly tier of serv-
11 ice; and

12 (6) allow a subscriber to elect to have content,
13 applications, or services blocked at the request of
14 such subscriber.

15 **SEC. 907. ENFORCEMENT.**

16 (a) **IN GENERAL.**—The Federal Communications
17 Commission shall, by rule, establish an adjudicatory en-
18 forcement procedure under which—

19 (1) any subscriber aggrieved by a violation of
20 the requirements of section 903 may initiate an en-
21 forcement action by filing a complaint, in such form
22 and in such manner as the Commission may pre-
23 scribe; and

24 (2) the Commission shall make a determination,
25 after notice and an opportunity for a hearing, with

1 respect to any bona fide complaint not later than
2 120 days after the date on which such complaint is
3 received.

4 (b) PENALTY FOR VIOLATIONS.—Any person who
5 violates any provision of this title shall be subject to a
6 fine pursuant to section 503(b)(2)(C) of the Communica-
7 tions Act of 1934 (47 U.S.C. 503(b)(2)(C)).

8 (c) EQUITABLE RELIEF AVAILABLE.—In response to
9 any complaint of a violation of this title, the Commission
10 may—

11 (1) issue an injunction or temporary restraining
12 order; or

13 (2) provide such other equitable relief as the
14 Commission determines appropriate.

15 **SEC. 908. COMMISSION PROHIBITED FROM ISSUING REGU-**
16 **LATIONS.**

17 Except as provided in section 907(a), the Commission
18 shall not—

19 (1) promulgate any regulations implementing
20 this title; nor

21 (2) enlarge or modify the obligations imposed
22 on Internet service providers through the adjudica-
23 tory process under section 907.

1 SEC. 909. FCC REVIEW.

2 (a) IN GENERAL.—Beginning 1 year after the date
3 of enactment of this Act, the Federal Communications
4 Commission shall report annually to the Committee on
5 Commerce, Science, and Transportation of the Senate and
6 the Committee on Energy and Commerce of the House
7 of Representatives regarding—

8 (1) the developments in Internet traffic proc-
9 essing, routing, peering, transport, and interconnec-
10 tion;

11 (2) how such developments impact the free-flow
12 of information over the public Internet and the con-
13 sumer and small business experience using the pub-
14 lic Internet;

15 (3) business relationships between Internet
16 service providers and applications and online user
17 service providers; and

18 (4) the development of and services available
19 over public and private Internet offerings.

20 (b) DETERMINATIONS AND RECOMMENDATIONS.—

21 The Federal Communications Commission shall make
22 such recommendations under subsection (a), as the Com-
23 mission determines appropriate.

24 SEC. 910. EXCEPTIONS.

25 Nothing in this title shall—

1 (1) preclude an Internet service provider from
2 displaying advertisements in connection with a
3 broadband service; or

4 (2) apply to a service in which Internet service
5 is not the primary service, such as a video service of-
6 fered under Title VI of the Communications Act of
7 1934 (47 U.S.C. 521 et seq.).

8 **SEC. 911. DEFINITIONS.**

9 In this title:

10 (1) **INTERNET SERVICE.**—The term “Internet
11 service” means any service that provides access to
12 the public Internet directly to the public.

13 (2) **SUBSCRIBER.**—The term “subscriber”
14 means a retail end user that purchases Internet
15 service.

16 **TITLE X—MISCELLANEOUS**

17 **SEC. 1001. COMMISSIONER PARTICIPATION IN FORUMS**
18 **AND MEETINGS.**

19 (a) **IN GENERAL.**—Section 5 (47 U.S.C. 155) is
20 amended by adding at the end the following:

21 “(f) **MEETINGS.**—

22 “(1) **ATTENDANCE REQUIRED.**—Notwith-
23 standing 552b of title 5, United States Code, and
24 section 4(h) of this Act, the Commission may con-