



1 tices of such person’s broadband internet access  
2 service sufficient—

3 (i) for consumers to make informed  
4 choices regarding use of such service; and

5 (ii) for content, application, service,  
6 and device providers to develop and market  
7 new internet offerings.

8 (2) COMMISSION REQUIREMENTS.—The Com-  
9 mission may promulgate rules to implement para-  
10 graph (1)(C). Any such rules—

11 (A) shall require, at a minimum, such per-  
12 son to display or provide links to the required  
13 information on an internet website and to up-  
14 date such information in a timely fashion to re-  
15 flect material changes in the information sub-  
16 ject to such paragraph; and

17 (B) shall not require public disclosure of—

18 (i) competitively sensitive information;

19 (ii) information that would com-  
20 promise network security; or

21 (iii) information that would under-  
22 mine the efficacy of reasonable network  
23 management practices.

24 (3) RULE OF CONSTRUCTION.—For purposes of  
25 paragraph (1)(B), reasonable network management

1 shall not be construed to be unjustly or unreason-  
2 ably discriminatory.

3 (b) ENFORCEMENT.—

4 (1) COMMISSION AUTHORITY.—The Commission  
5 shall enforce the duties established in subsections  
6 (a)(1)(A) and (a)(1)(B) through adjudication of a  
7 complaint alleging that a service violates one or  
8 more of such duties. Nothing in this section limits  
9 the Commission's authority to adopt procedures for  
10 the adjudication of a complaint, to adopt an order  
11 requiring compliance from an entity subject to a  
12 complaint, to initiate an enforcement action, or to  
13 issue a declaratory ruling or guidance.

14 (2) INJUNCTIVE RELIEF AND PENALTIES.—If  
15 the Commission finds that a provider of broadband  
16 internet access service has violated any provision of  
17 subsection (a), the Commission may issue an order  
18 enjoining such violation, including interim injunctive  
19 relief. If the Commission finds that a provider of  
20 broadband internet access service has engaged in a  
21 willful and knowing violation of such subsection, the  
22 Commission may issue a fine or forfeiture of no  
23 more than \$2,000,000 for any practice found to vio-  
24 late such subsection, consistent with the procedures  
25 in section 503 of the Communications Act of 1934

1 (47 U.S.C. 503). The Commission may not order the  
2 payment of damages for any violation of such sub-  
3 section.

4 (3) NO ADDITIONAL PRIVATE RIGHTS AUTHOR-  
5 IZED.—Nothing in this section shall be construed to  
6 authorize any private right of action in court.

7 (c) RELATIONSHIP TO OTHER LAW.—

8 (1) THE COMMISSION.—The Commission may  
9 not impose regulations on broadband internet access  
10 service or any component thereof under title II of  
11 the Communications Act of 1934 (47 U.S.C. 201 et  
12 seq.), except in the event that a provider of  
13 broadband internet access service elects to provide  
14 the transmission component of such service as a  
15 telecommunications service under such title. Except  
16 as expressly provided in this section, nothing in this  
17 section shall increase, reduce, or otherwise alter the  
18 Commission's authority.

19 (2) PROVIDERS.—Nothing in this section shall  
20 supersede any obligation or authorization a provider  
21 of broadband internet access service may have, or  
22 limit the provider's ability, to address the needs of  
23 emergency communications, law enforcement, public  
24 safety, or national security, consistent with applica-  
25 ble law. Nothing in this section shall prohibit reason-

1       able efforts by a provider of broadband internet ac-  
2       cess service to address copyright infringement or  
3       other unlawful activity.

4               (3) SAVINGS CLAUSE.—Nothing in this section  
5       shall increase, reduce, or otherwise alter the anti-  
6       trust or other authorities of the Department of Jus-  
7       tice or the Federal Trade Commission.

8       (d) DEFINITIONS.—For purposes of this section:

9               (1) BROADBAND INTERNET ACCESS SERVICE.—

10                   (A) IN GENERAL.—The term “broadband  
11       internet access service” means a mass-market  
12       retail service by wire or radio that provides the  
13       capability to transmit data to and receive data  
14       from all or substantially all internet endpoints,  
15       including any capabilities that are incidental to  
16       and enable the operation of the communications  
17       service, but excluding dial-up internet access  
18       service.

19                   (B) FUNCTIONAL EQUIVALENT; EVA-  
20       SION.—The term includes any service that—

21                           (i) the Commission finds to be pro-  
22       viding a functional equivalent of the service  
23       described in subparagraph (A); or

24                           (ii) is used to evade the protections  
25       set forth in this section.

1           (2) COMMISSION.—The term “Commission”  
2 means the Federal Communications Commission.

3           (3) REASONABLE NETWORK MANAGEMENT.—

4                 (A) IN GENERAL.—The term “reasonable  
5 network management” means a network man-  
6 agement practice that is appropriate and tai-  
7 lored to achieving a legitimate network manage-  
8 ment function, taking into account the par-  
9 ticular network architecture or technology of  
10 the provider.

11                 (B) INCLUSIONS.—The term includes ap-  
12 propriate and tailored practices—

13                         (i) to reduce or mitigate the effects of  
14 congestion on a broadband internet access  
15 service provider’s network;

16                         (ii) to ensure network security or in-  
17 tegrity;

18                         (iii) to address traffic that is harmful  
19 to or unwanted by—

20                                 (I) users, including premises op-  
21 erators;

22                                 (II) the provider’s network; or

23                                 (III) the internet;

24                                 (iv) to meet the needs of public safety;

25                                 and

1 (v) to provide services or capabilities  
2 consistent with a consumer's choices re-  
3 garding parental control or security capa-  
4 bilities.

5 (C) CONSIDERATIONS.—In determining  
6 whether a network management practice is rea-  
7 sonable, the Commission shall consider tech-  
8 nical requirements, standards, or best practices  
9 adopted by one or more independent, widely  
10 recognized internet community governance ini-  
11 tiatives or standard-setting organizations.

Amend the title so as to read: “A bill to provide for internet openness, and for other purposes.”.

