

The Internet Freedom Preservation Act
Introduced by
Rep. Edward J. Markey (D-MA) and Rep. Chip Pickering (R-MS)

Summary

The Internet Freedom Preservation Act is designed to assess and promote Internet freedom for consumers and content providers. Internet freedom generally embodies the notion that consumers and content providers should be free to send, receive, access and use the lawful applications, content, and services of their choice on broadband networks, possess the effective right to attach and use non-harmful devices to use in conjunction with their broadband services, and that content providers not be subjected to new, discriminatory charges by broadband network providers. These general principles have often been referred to as “network neutrality” principles as well.

The bill has three key sections.

1) Broadband Policy

The legislation establishes overarching national broadband policy. Similar to the provisions of law that today guide U.S. telecommunications and media policy, which were enacted decades ago as Section 1 of the Communications Act, the bill proposes a new section to the Communications Act to update these policy objectives and articulate new national policy for the broadband era.

The new national broadband policy contained in the bill states:

“It is the policy of the United States—

“(1) to maintain the freedom to use for lawful purposes broadband telecommunications networks, including the Internet, without unreasonable interference from or discrimination by network operators, as has been the policy and history of the Internet and the basis of user expectations since its inception;

“(2) to ensure that the Internet remains a vital force in the United States economy, thereby enabling the Nation to preserve its global leadership in online commerce and technological innovation;

“(3) to preserve and promote the open and interconnected nature of broadband networks that enable consumers to reach, and service providers to offer, lawful content, applications, and services of their choosing, using their selection of devices, as long as such devices do not harm the network; and

“(4) to safeguard the open marketplace of ideas on the Internet by adopting and enforcing baseline protections to guard against unreasonable discriminatory favoritism for, or degradation of, content by network operators based upon its source, ownership, or destination on the Internet.”

2) Internet Freedom Assessment

The second key provision of the bill tasks the Federal Communications Commission (FCC) with the job of conducting an assessment of broadband services and consumer rights. It requires the FCC to evaluate several items, including whether broadband network providers are adhering to the FCC's own Broadband Policy Statement (FCC 05-151), whether broadband network providers add charges for services that are inconsistent with the bill's expression of Internet freedom principles, and whether certain consumer-friendly applications (such as anti-spam services and parental content blocking tools), network management functions, or policies for prioritizing particular Internet traffic (such as for emergency communications) may be consistent with such principles. The assessment will also include an analysis of the benefits of an open platform for the U.S. economy and how Federal broadband policies and regulations (such as spectrum allocations, video franchising rules, or universal service programs) may impact the prospects for protecting and promoting Internet freedom.

3) Broadband Summits

Finally, the legislation also requires the FCC to conduct eight public broadband summits around the country within a year after the date of enactment of the bill. The goal of such summits is to obtain testimony and input from consumers, small business owners, entrepreneurs, investors, local governments, academics, labor organizations, and other interested parties about Internet freedom and U.S. broadband policies affecting consumer protection, competition, and consumer choice.

As part of this proceeding, the FCC is also tasked with utilizing broadband technology to also obtain input via the Internet in order to maximize the ability of citizens to participate in this inquiry.

The legislation requires the FCC to report back to Congress on the results of its Internet freedom assessment, and include information gained during its broadband summits, with recommendations for additional steps to promote competition, safeguard free speech, and ensure consumer protections and consumer choice.

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