

110TH CONGRESS  
2D SESSION

# H. R. 5353

To establish broadband policy and direct the Federal Communications Commission to conduct a proceeding and public broadband summits to assess competition, consumer protection, and consumer choice issues relating to broadband Internet access services, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2008

Mr. MARKEY (for himself and Mr. PICKERING) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To establish broadband policy and direct the Federal Communications Commission to conduct a proceeding and public broadband summits to assess competition, consumer protection, and consumer choice issues relating to broadband Internet access services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Internet Freedom  
5 Preservation Act of 2008”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Internet has had profound benefits for  
4 numerous aspects of daily life for millions of people  
5 throughout the United States and is increasingly  
6 vital to the economy of the United States.

7 (2) The importance of the broadband market-  
8 place to citizens, communities, and commerce war-  
9 rants a thorough inquiry to obtain input and ideas  
10 for a variety of broadband policies that will promote  
11 openness, competition, innovation, and affordable,  
12 ubiquitous broadband service for all individuals in  
13 the United States.

14 **SEC. 3. BROADBAND POLICY.**

15 Title I of the Communications Act of 1934 (47  
16 U.S.C. 151 et seq.) is amended by adding at the end the  
17 following new section:

18 **“SEC. 12. BROADBAND POLICY.**

19 “It is the policy of the United States—

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

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

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

11           “(4) to safeguard the open marketplace of ideas  
12 on the Internet by adopting and enforcing baseline  
13 protections to guard against unreasonable discrimi-  
14 natory favoritism for, or degradation of, content by  
15 network operators based upon its source, ownership,  
16 or destination on the Internet.”.

17 **SEC. 4. INTERNET FREEDOM ASSESSMENT.**

18 (a) INTERNET FREEDOM ASSESSMENT REQUIRED.—

19           (1) IN GENERAL.—Within 90 days after the  
20 date of the enactment of this Act, the Federal Com-  
21 munications Commission (in this Act referred to as  
22 the “Commission”) shall commence a proceeding on  
23 broadband services and consumer rights.

1           (2) SPECIFIC REQUIREMENTS.—As part of the  
2 proceeding under this section, the Commission shall  
3 assess—

4           (A) whether broadband network providers  
5 adhere to the Commission’s Broadband Policy  
6 Statement of August, 2005 (FCC 05–151), in-  
7 cluding whether, consistent with the needs of  
8 law enforcement, such providers refrain from  
9 blocking, thwarting, or unreasonably interfering  
10 with the ability of consumers to—

11           (i) access, use, send, receive, or offer  
12 lawful content, applications, or services  
13 over broadband networks, including the  
14 Internet;

15           (ii) use lawful applications and serv-  
16 ices of their choice; and

17           (iii) attach or connect their choice of  
18 legal devices to use in conjunction with  
19 their broadband telecommunications or in-  
20 formation services, provided such devices  
21 do not harm the network;

22           (B) whether broadband network providers  
23 add charges for quality of service, or other simi-  
24 lar additional fees or surcharges, to certain  
25 Internet applications and service providers, and

1           whether such pricing conflicts with the policies  
2           of the United States stated in section 12 of the  
3           Communications Act of 1934 (as added by sec-  
4           tion 3 of this Act);

5           (C) whether broadband network providers  
6           offer to consumers parental control protection  
7           tools, services to combat unsolicited commercial  
8           electronic mail, and other similar consumer  
9           services, the manner in which such services are  
10          offered, and the extent to which such services  
11          are consistent with such policies of the United  
12          States;

13          (D) practices by which network providers  
14          manage or prioritize network traffic, including  
15          prioritization for emergency communications,  
16          and whether and in what instances such prac-  
17          tices may be consistent with such policies of the  
18          United States;

19          (E) with respect to content, applications,  
20          and services—

21                  (i) the historic economic benefits of an  
22                  open platform;

23                  (ii) the relationship between competi-  
24                  tion in the broadband Internet access mar-  
25                  ket and an open platform; and

1 (iii) the policy choices and results of  
2 global competitors with respect to access  
3 competition and an open platform;

4 (F) whether the need for enforceable rules  
5 governing openness, consumer rights, and con-  
6 sumer protections or prohibiting unreasonable  
7 discrimination is lessened if a broadband net-  
8 work provider provides significantly high band-  
9 width speeds to consumers; and

10 (G) the potential of policies promoting  
11 openness in spectrum allocation, universal serv-  
12 ice programs, and video franchising to expand  
13 innovation through protection from unreason-  
14 able interference by network owners of an open  
15 marketplace for speech and commerce in con-  
16 tent, applications, and services.

17 (b) PUBLIC BROADBAND SUMMITS REQUIRED.—

18 (1) IN GENERAL.—As part of the proceeding  
19 required under subsection (a), and within 1 year  
20 after the date of the enactment of this Act, the  
21 Commission shall conduct a minimum of 8 public  
22 broadband summits, in geographically diverse loca-  
23 tions, around the United States. The Commission  
24 shall publicly announce the time and location of each  
25 such summit at least 30 days in advance.

1           (2) PURPOSE OF PUBLIC BROADBAND SUM-  
2           MITS.—Such public broadband summits shall seek to  
3           bring together, among others, consumers, consumer  
4           advocates, small business owners, corporations, ven-  
5           ture capitalists, State and local governments, aca-  
6           demia, labor organizations, religious organizations,  
7           representatives of higher education, primary and  
8           secondary schools, public libraries, public safety, and  
9           the technology sector to assess competition, con-  
10          sumer protection, and consumer choice issues related  
11          to broadband Internet access services.

12          (c) INTERNET INPUT.—As part of the proceeding re-  
13          quired under subsection (a), the Commission shall seek to  
14          utilize broadband technology to encourage input from and  
15          communication with the people of the United States  
16          through the Internet in a manner that will maximize the  
17          ability of such people to participate in such proceeding.

18          (d) REPORT TO CONGRESS.—Within 90 days after  
19          completing the summits under subsection (b), the Com-  
20          mission shall submit a report to Congress—

21                 (1) summarizing the results of the assessment  
22                 under subsection (a), including information gained  
23                 from the public summits under subsection (b); and

24                 (2) providing recommendations on how to pro-  
25                 mote competition, safeguard free speech, and ensure

- 1 robust consumer protections and consumer choice re-
- 2 lating to broadband Internet access services.

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