

Reps. Eshoo and Markey Introduce Bill to Preserve Free and Open Internet

Reps. Anna G. Eshoo (D-CA) and Edward J. Markey (D-MA) introduced a bill today that will establish overarching national broadband policy and ensures an open and consumer oriented Internet.

“The Internet has thrived and revolutionized business and the economy precisely because it started as an open technology,” Rep. Eshoo said. “This bill will ensure that the non-discriminatory framework that allows the Internet to thrive and competition on the Web to flourish is preserved at a time when our economy needs it the most.”

“The Internet is a success today because it was open to everyone with an idea,” said Rep. Markey. “That openness and freedom has been at risk since the Supreme Court decision in Brand X. This bill will protect consumers and content providers because it will restore the guarantee that one does not have to ask permission to innovate.”

H.R. 3458, the Internet Freedom Preservation Act, is designed to assess and promote Internet freedom for consumers and content providers. The bill states that it is the policy of the United States to protect the right of consumers to access lawful content, run lawful applications, and use lawful services of their choice on the Internet while preserving and promoting the open and interconnected nature of broadband networks, enabling consumers to connect to such networks their choice of lawful devices, as long as such devices do not harm the network. The legislation also directs the Federal Communications Commission (FCC) to promulgate several rules relating to enforcement and implementation of the legislation, including rules to ensure that providers of Internet access service fulfill the duties and disclose meaningful information to consumers about a provider’s Internet access service in clear, uniform, and conspicuous manner. H.R. 3458 makes clear that it does not prohibit an Internet access provider from engaging in reasonable network management consistent with the policies and duties of nondiscrimination and openness set forth in the bill, nor does the legislation affect any law or regulation addressing prohibited or unlawful activity, including any laws or regulations prohibiting theft of content.

Rep. Markey introduced similar Internet freedom legislation in the 110th Congress, H.R. 5353, which Rep. Eshoo also co-sponsored. In the 109th Congress, Rep. Markey offered a net neutrality amendment to the COPE Act in May 2006.

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