

TELECOMMUNICATION, SCIENCE AND TECHNOLOGY

Resolution TST-18-19

A RESOLUTION URGING CONGRESS TO PROTECT OPEN INTERNET PRINCIPLES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that the internet has transformed American life for the better, creating new economic, cultural, educational, and civic opportunities for members of the African American community;

WHEREAS, protecting the openness of the internet is vital to continued innovation, economic advancement, and the free expression of all Americans, including organizers and activists working to advance the rights and opportunities of the African American community;

WHEREAS, the persistence of a "digital divide" has denied many Americans - including a disproportionate number of African Americans - full participation in the economic, educational, and civic opportunities enabled by access to the internet;

WHEREAS, one key pathway to solve this "digital divide" is continued and increased investment in broadband network deployment, especially in rural and low-income areas, which depends on public policies that encourage rather than discourage greater network investment;

WHEREAS, another key tool to close the "digital divide" are public-private partnerships that give low-income families access to free or low cost broadband service, digital literacy training, and educational tools;

WHEREAS, in 2015, in a well-intentioned but poorly designed effort to protect the internet's openness, the FCC abandoned a two-decade long bipartisan consensus and unreasonably reclassified broadband as a Title II "telecommunications service" generally used for public utilities such as wireline telephones;

WHEREAS, this reclassification is likely to discourage investment and innovation and slow the deployment of high-speed broadband networks by introducing significantly greater risks and uncertainties into the internet ecosystem;

WHEREAS, this reclassification rests on a determination by the FCC, not the will of Congress, and is therefore subject to reconsideration and reversal by subsequent FCC administrations, leaving open internet protections at considerable risk and exposure to the changing winds of politics;

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WHEREAS, in 1999, the Chairman of the FCC stated that the best decision government ever made with respect to the Internet was the decision that the FCC had previously made 15 years prior NOT to impose regulation on it;

WHEREAS, in 2010, the FCC enacted rules that would protect the internet's openness by prohibiting network providers from blocking sites, throttling traffic, or otherwise unreasonably discriminating in their treatment of data on their networks, but courts subsequently ruled that these rules were insufficiently grounded in statutory authority;

WHEREAS, enshrining those same open internet protections in statute would solve the jurisdictional problem faced by the FCC and include prohibitions against blocking, throttling, and unreasonable discrimination; and

WHEREAS, a legislative solution would permanently enshrine open internet protections in federal statute without the uncertainty, reversibility, or disincentives to investment that are the hallmarks of Title II reclassification.

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) calls upon Members of Congress of the United States to enact Net Neutrality legislation that would protect the internet's openness by prohibiting network providers from blocking sites, throttling traffic, or otherwise unreasonably discriminating in their treatment of data on their networks; and

BE IT FINALLY RESOLVED, that the NBCSL send a copy of this resolution to the President of the United States, the Vice President of the United States, members of Congress, and other federal and state government officials as appropriate.

SPONSOR: Senator Valencia Seay (GA)

Committee of Jurisdiction: Telecommunication, Science and Technology Policy Committee

Certified by Committee Chair(s): Senator Valencia Seay (GA) and Senator Anastasia Pittman (OK)

Ratified in Plenary Session: Ratification Date is December 3, 2017

Ratification is certified by: Representative Gregory W. Porter (IN), President