

116TH CONGRESS
2D SESSION

H. RES. 1144

Recognizing broadband as a human and civil right for all Americans.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2020

Ms. HAALAND (for herself and Mr. KHANNA) submitted the following resolution; which was referred to the Committee on Energy and Commerce

RESOLUTION

Recognizing broadband as a human and civil right for all
Americans.

Whereas, in 2016, the United Nations Human Rights Council passed a resolution affirming that the same rights people have offline must be protected online and called for countries to promote and facilitate access to the internet to develop knowledgeable societies with the realization of the right to freedom of expression, the right to freedom of peaceful assembly and association, and the right to education;

Whereas the First Amendment to the Constitution protects the freedom of speech and expression for all persons, and the Supreme Court has ruled that speech and expression on the internet is included in such protections;

Whereas the Federal Communications Commission (FCC) published the National Broadband Plan in 2010 to bring broadband to all Americans but, as of 2020, 22.3 percent of Americans living in rural areas lacked access to fixed broadband services, compared to only 1.5 percent of Americans living in urban areas;

Whereas digital divides contribute to and exacerbate poverty and inequality in modern society by prohibiting equal access to public services, employment opportunities, educational resources, basic liberties, and fundamental rights guaranteed to all Americans;

Whereas, in April 2020, the Department of Health and Human Services found that more than 1 in 6 people with incomes below the Federal poverty level had no access to the internet, and 18 percent of people with incomes below 100 percent of the Federal poverty level lacked internet access, compared to only 3 percent of people with incomes at or above 400 percent of the Federal poverty level;

Whereas, in 2018, the Government Accountability Office (GAO) found that only 65 percent of American Indians, Alaska Natives, and Native Hawaiians living on Tribal lands had access to fixed broadband services, and only 69 percent of households on Tribal lands have telephone services;

Whereas the Bureau of Indian Education (BIE) estimates that up to 95 percent of students attending BIE facilities lack residential internet services during the COVID-19 pandemic;

Whereas the GAO has further found that FCC data has overstated statistics relating to broadband availability and digital access on Tribal lands in the United States;

Whereas the 2017 statistics of the National Center for Education Statistics in the Department of Education showed that 34.1 percent of all higher education students engage in some form of online education courses, a 5.7-percent increase in enrollment in online higher education from the previous year;

Whereas the percentage of students enrolled in online education courses significantly increased during the pandemic and educational administrators have made remote and online learning for the 2020–2021 academic year available to avoid public health risks;

Whereas increased access to broadband promotes economic competition, entrepreneurship, and efficiency;

Whereas the World Bank found that every 10 percent increase in fixed broadband penetration accelerates economic growth by 1.21 percent in developed economies and 1.38 percent in developing economies;

Whereas counties with higher rates of broadband availability have lower unemployment rates, and broadband helps service industry businesses overcome geographic barriers that have traditionally hampered rural growth;

Whereas the American Medical Informatics Association and other public health experts have called access to wireless broadband services a social determinant of health;

Whereas data from the American Community Survey of the Bureau of the Census shows that approximately 5,000,000 households with school-age children do not have high-speed internet access at home, with a dis-

proportionate share being low-income African-American or Hispanic/Latino households, and low-income households are 4 times more likely than middle- or high-income households to lack broadband access;

Whereas the United States is a signatory of the Convention on the Rights of Persons with Disabilities, which calls on countries to take appropriate measures to promote access for persons with disabilities to new information and communication technology and systems, which can only be achieved through continued access to communication technologies; and

Whereas intentional disruptions of internet access have been used in countries across the globe to crack down on human rights, limit communication, and harm freedom of association: Now, therefore, be it

1 *Resolved,*

2 **SECTION 1. SHORT TITLE.**

3 This resolution may be cited as the “Broadband for
4 All Resolution of 2020”.

5 **SEC. 2. RECOGNIZING BROADBAND AS A HUMAN AND CIVIL**
6 **RIGHT FOR ALL AMERICANS.**

7 The House of Representatives—

8 (1) recognizes that equal access to affordable
9 and reliable fixed broadband services for all Ameri-
10 cans is a civil and human right that protects and
11 promotes the fair, equal, and impartial treatment of
12 all people regardless of race, sex, nationality, eth-

1 nicity, language, religion, economic status, or any
2 other status;

3 (2) asserts that affordable access to broadband
4 enables the promotion and propagation of human
5 rights, including equal access to information, govern-
6 ment services, use of public facilities, freedom from
7 discrimination, freedom of expression, freedom of
8 peaceful assembly and association, and the right to
9 education;

10 (3) recognizes that affordable access to
11 broadband promotes equal access for engagement in
12 our democracy and the exercise of constitutionally
13 vested rights;

14 (4) reaffirms the global and open nature of the
15 internet as a driving force in accelerating progress
16 toward development in its various forms, including
17 achieving the Sustainable Development Goals of the
18 United Nations;

19 (5) acknowledges that the human right to af-
20 fordable access to broadband may only be limited or
21 restricted if such restriction is provided for by law
22 and is nondiscriminatory, necessary, and propor-
23 tionate to a legitimate purpose, such as to protect
24 the rights of others, national security, or to protect
25 public order or health; and

1 (6) calls on the President—

2 (A) to preserve and build upon the techno-
3 logical leadership of the Federal Government
4 and Federal funding opportunities for all Amer-
5 icans to affordable access to fixed broadband
6 services and infrastructure development to
7 bridge the digital divide, especially for low-in-
8 come households and households with incomes
9 below the Federal poverty line;

10 (B) to preserve and build upon the techno-
11 logical leadership of the Federal Government
12 and Federal funding opportunities for fixed
13 broadband expansion and infrastructure devel-
14 opment, especially in rural areas and on Tribal
15 lands, and in broadband deserts;

16 (C) to ensure that Tribal sovereignty over
17 access to electromagnetic spectrum on Tribal
18 lands is protected as part of the Federal trust
19 responsibility in furtherance of Tribal self-gov-
20 ernance; and

21 (D) to further address the threat posed by
22 lack of affordable access to broadband to the
23 civil and human rights of all Americans, espe-
24 cially since the COVID–19 pandemic has fur-

- 1 ther highlighted the growing digital divide in
- 2 the United States.

