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Interim President & CEO
Wade Henderson

May 6, 2021

The Honorable Michael F. Doyle
Chair
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U. S. House of Representatives
Washington, DC 20515

The Honorable Robert E. Latta
Ranking Member
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U. S. House of Representatives
Washington, DC 20515

Dear Chairman Doyle and Ranking Member Latta,

On behalf of the Leadership Conference on Civil and Human Rights and its Media/Telecommunications Task Force, we thank you for the opportunity to submit our views regarding the critical need for a permanent broadband affordability and inclusion plan. The Leadership Conference is a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the rights of all persons in the United States. The Media/Telecommunications Task Force is committed to ensuring that all communities, particularly those who are underserved, have access to affordable, reliable, high-quality advanced communications services. We ask that this letter be entered into the record of the hearing entitled "Broadband Equity: Addressing Disparities in Access and Affordability" on May 6, 2021.

Broadband has become an essential service in modern life. It is as important now as electricity was during the last century. Everyone in the U.S. deserves access to affordable broadband. Due to the COVID-19 public health and economic crisis, the need for affordable high-speed internet is more apparent now than it has ever been. Internet connectivity is essential for work, education, healthcare, news and information, and accessing critical government services and programs. It provides telemedicine to seniors and veterans, plugs the homework gap by enabling children to learn at home, and creates immediate and long-lasting economic benefits. As just one example, our coalition member Asian Americans Advancing Justice | AAJC has found that high quality reliable broadband is necessary to keep immigrant families connected to their in-language communities both in the U.S. and abroad, provide the elderly with more accessible health care, provide students with ESL homework assistance programs, provide job training programs for refugee populations, and to connect community members to essential federal, state, and local services and benefits.

These services were essential before the pandemic and communities expect to rely even more heavily on tech and remote solutions even after the pandemic subsides.

However, disparities in broadband adoption continue, depriving historically disadvantaged communities of the very opportunities they need to participate fully in American society. Twenty-nine percent of Black households and 35 percent of Hispanic households do not have broadband at home (as compared with only 20 percent of white households). Fifty-nine percent of low-income parents say their children faced difficulties with virtual learning.¹ A Brookings neighborhood-level analysis found that the majority of digitally disconnected households live in metropolitan areas. The same analysis found that the gaps are particularly noticeable in certain neighborhoods, with the average majority-white tract having an average broadband adoption rate of 83.7 percent compared to the average majority-Black tract's broadband adoption rate of 67.4 percent.² While the Federal Communications Commission's own deployment report concluded that broadband is unavailable to 21.3 million people, other studies have shown that the number could be as high as 42 million.³ Cost is a significant barrier.⁴ The FCC found that non-promotional rates for lower-tiered broadband service increased by 20 percent from 2015 and 2020.⁵ And beyond cost, full adoption is not possible without digital inclusion programs from trusted community partners.⁶

Through the Emergency Broadband Benefit program, Congress has made it clear that affordable connectivity is a top priority that has bipartisan support. We consider the Emergency Broadband Benefit program to be an important watershed moment in helping to connect millions of households to affordable broadband—but it is only the first step. The pandemic accelerated an already-existing societal transition to online learning, employment and commerce. The end of the pandemic will not erase these changes. A rapid and bold effort to support a permanent broadband benefit and digital inclusion program is necessary to meaningfully address the serious gaps in broadband adoption.⁷

We urge Congress to adopt a permanent broadband affordability and adoption plan that:

- Guarantees to every requesting low-income household a broadband benefit that ensures affordability and tailors the support amount to the quality of the product.
- Sets the initial minimum service standards and support amounts that will be regularly re-evaluated and adjusted based on new mandated data collections on deployment, adoption, pricing and cost, and in light of changing market conditions and to achieve adoption goals.
- Establishes a permanent, sustainable funding source by committing spectrum auction proceeds to a Digital Equity Fund that creates a \$100 billion endowment dedicated to low-income affordability and adoption, supplemented in the short term by forward-funded appropriations while auction proceeds accumulate until the Fund target is met.
- Creates a state-of-the art model that puts an efficient and easy-to-use consumer experience at the center of program design.⁸
- Incorporates and augments the provisions from the existing Emergency Broadband Benefit with respect to ISP accountability,⁹ consumer protection,¹⁰ and program eligibility.¹¹

The plan must address the non-price factors impacting adoption by:

- Adopting the Digital Equity Act, which appropriates \$120 million each for state comprehensive digital equity plan and for digital equity projects undertaken by individual groups, coalitions, and/or communities of interest and directs the National Telecommunications and Information Agency (NTIA) at the Department of Commerce to evaluate and recommend the most effective practices.¹²
- Establishing an Office of Digital Equity at the Department of Commerce to help coordinate training targeted to demographic groups with the lowest rates of adoption.¹³
- Creating a National Digital Navigators Corps through a collaboration between NTIA and the Corporation for National and Community Service (CNCS) to conduct training and outreach in non-adopting communities.

We urge you to move swiftly and take the necessary steps to enact a permanent broadband affordability and inclusion plan. If you have any questions about the issues raised in this letter, please feel free to contact Media/Telecommunications Task Force Co-Chairs Cheryl Leanza, United Church of Christ, Office of Communication, Inc., at cleanza@alhmail.com, and Kate Ruane, American Civil Liberties Union, at kruane@aclu.org, or Bertram Lee, Jr. Leadership Conference Media/Tech Counsel, at lee@civilrights.org.

Sincerely,



Wade Henderson
Interim President and CEO



LaShawn Warren
Executive Vice President for Government Affairs

¹Internet/Broadband Fact Sheet, Pew Research Center (April 7, 2021) <https://www.pewresearch.org/internet/fact-sheet/internet-broadband/?menuItem=6ba9316e-006c-482d-be4b-69feb64c4be8>; see also Emily A. Vogels, *59% of U.S. Parents With Lower Incomes Say Their Child May Face Digital Obstacles in Schoolwork*, Pew Research Center (September 10, 2020) <https://www.pewresearch.org/fact-tank/2020/09/10/59-of-u-s-parents-with-lower-incomes-say-their-child-may-face-digital-obstacles-in-schoolwork/>;

² Adie Tomer *et al.*, *Digital prosperity: How broadband can deliver health and equity to all communities*, Brookings (Feb. 2020) <https://www.brookings.edu/research/digital-prosperity-how-broadband-can-deliver-health-and-equity-to-all-communities/>.

³ John Busby et al., *FCC Reports Broadband Unavailable to 21.3 Million Americans, BroadbandNow Study Indicates 42 Million Do Not Have Access*, Broadband Now (April 7, 2021) <https://broadbandnow.com/research/fcc-underestimates-unserved-by-50-percent>.

⁴ See Becky Chao and Claire Park, *The Cost of Connectivity 2020*, New America Open Technology Institute (July 15, 2020) <https://www.newamerica.org/oti/reports/cost-connectivity-2020/>; Kevin Taglang, *Broadband Prices are Soaring. Competition is the Answer*, Benton Institute for Broadband & Society (April 30, 2021) https://www.benton.org/blog/broadband-prices-are-soaring-competition-answer?utm_source=sendgrid&utm_medium=email&utm_campaign=Newsletters; *The High Price of High-Speed Internet*, Free Press https://www.freepress.net/sites/default/files/2021-04/high_price_of_high_speed_internet_free_press_fact_sheet.pdf.

⁵ *Urban Rate Survey Data & Resources*, Federal Communications Commission (November 30, 2020) <https://www.fcc.gov/economics-analytics/industry-analysis-division/urban-rate-survey-data-resources>.

⁶ For example, 52 percent of all U.S. adults are “relatively hesitant” when it comes to new technology and skills and 40 percent of adults need help setting up or navigating new devices. John B. Horrigan, *Digital Readiness Gaps*, Pew Research Center (2016) <https://www.pewresearch.org/internet/2016/09/20/digital-readiness-gaps/>; Consumer and Governmental Affairs Bureau Federal Communications Commission, *Strategies and Recommendations for Promoting Digital Inclusion* (2017) <https://docs.fcc.gov/public/attachments/DOC-342993A1.pdf>.

⁷ Congress should adopt the broadband program and leave in place the Lifeline program funded by the existing Universal Service Fund so that the FCC can focus it on basic voice and mobile functions and consider the appropriate benefit amount and minimum standards to best serve public safety, education, meet families’ modern needs while maximizing competition within the program.

⁸ The broadband program should use a portable digital benefit and efficient electronic systems to qualify eligible consumers accurately and automatically while maintaining maximum flexibility for all consumers to demonstrate eligibility. Programs establishing eligibility should educate eligible consumers. Special attention should be paid to addressing the program accessibility concerns of marginalized communities including non-English speakers, those with limited English proficiency, those with disabilities, and those who share housing or live in communal housing.

⁹ The Emergency Broadband program prohibits retroactive reimbursement, requires audits, and provides that a violation of the program rules, including a reckless denial of free or discounted service, is a violation of the Communications Act subject to FCC enforcement. Additional measure may be needed.

¹⁰ Under this current program, for example, ISPs may not: impose an early termination fee, refuse service based on past arrearages, subject household to a mandatory waiting period, deny a benefit based on consideration of a credit report or credit score, or upsell program participants. Additional safeguards may be needed.

¹¹ Eligibility would be as follows: within 135 percent of the federal poverty guideline; Pell Grant, Free and Reduced School Lunch, Supplemental Nutrition Assistance Program (SNAP), Medicaid, Supplemental Security Income (SSI), Federal Public Housing Assistance (FPHA), Veterans Pension and Survivors Benefit, and Tribal programs (including Bureau of Indian Affairs General Assistance, Head Start, Tribal Temporary Assistance for Needy Families (Tribal TANF), and Food Distribution Program on Indian Reservations.)

¹² Support for affordable laptops, tablets and computers should be addressed via these and other state and local governmental and non-governmental digital equity projects and plans.

¹³ The Office of Digital Equity should administer the Digital Equity Act programs and also study and provide recommendations to end digital redlining.