

The Honorable Janet Yellen  
Secretary of the Treasury  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, DC 20220

March 29, 2021

Dear Secretary Yellen:

The American Civil Liberties Union, on behalf of its members, supporters and activists, writes to urge you to provide maximum flexibility for state, territory, and Tribal governments to use the \$10 billion Coronavirus Capital Investment Funds created by the American Rescue Plan to fund a variety of projects that would increase and improve access to broadband services, including, specifically, measures to address affordability and digital inclusion efforts.<sup>1</sup> In light of the recent creation of the Emergency Broadband Benefit, which will help millions of Americans afford access to broadband, we strongly support creating a cut out of the funds reserved to support broadband adoption efforts.

The pandemic has exposed and exacerbated broad and deep inequalities in this country. To begin to address these historic problems, the ACLU has launched its systemic equality agenda.<sup>2</sup> One pillar is to advance policies that will increase equitable access to broadband. Access to broadband internet service is essential for everyone in this country to realize their potential, yet, for too long, it has been out of reach for many of us. Today, 17 percent of American adults do not have subscriptions to any form of broadband, including 34 percent of Black adults.<sup>3</sup> Three in 10 Black households with children do not have high-speed internet (over 3.25 million Black children live in these households).<sup>4</sup> Nearly a quarter (23%) of Black Americans own a smart phone but do not have high speed internet at their home.<sup>5</sup> These statistics provide evidence that access to broadband is a racial equity issue.



National Office  
125 Broad Street  
18th Floor  
New York, NY 10004  
[aclu.org](http://aclu.org)

**Deborah N. Archer**  
President

**Anthony D. Romero**  
Executive Director

---

<sup>1</sup> Broadband access refers broadly to all policy challenges facing people's varying levels of ability to use broadband services. Broadband access, more specifically, can refer to whether broadband services are available to a particular household. Broadband adoption refers to the degree to which households are able to afford to pay for broadband services and to whether they have the devices and digital skills to meaningfully use broadband services.

<sup>2</sup> Press Release, ACLU Launches Systemic Equality Agenda (Feb. 9, 2021), <https://www.aclu.org/press-releases/aclu-launches-new-systemic-equality-racial-justice-agenda>.

<sup>3</sup> Monica Anderson, *Mobile Technology and Home Broadband*, PEW RES. CNTR. (Jun. 13, 2019), <https://www.pewresearch.org/internet/2019/06/13/mobile-technology-and-home-broadband-2019/>.

<sup>4</sup> John B. Horrigan, *Students of Color Caught in the Homework Gap* (Washington, DC: Alliance for Excellent Education, July 22, 2020), <https://futureready.org/homework-gap/>.

<sup>5</sup> Perrin, Andrew, and Erica Turner, *Smartphones help blacks, Hispanics bridge some—but not all—digital gaps with whites*, PEW RES. CNTR. (2019). <https://www.pewresearch.org/fact->

Congress has taken a number of steps recently to begin to address these concerns. Among them was the creation of the Emergency Broadband Benefit, which the Federal Communications Commission is currently implementing. This benefit, in addition to many of the other recent programs created to address the digital divide, will require significant investment and community outreach to ensure that it is a success. However, no funds have yet been dedicated to assisting people in the process of adopting broadband services. Communities need these types of investments, to various degrees, to truly ensure inclusive broadband access. For that reason, we support creating a carve out of the Coronavirus Capital Relief Investment Funds dedicated to supporting broadband adoption efforts.



National Office  
125 Broad Street  
18th Floor  
New York, NY 10004  
[aclu.org](http://aclu.org)

**Deborah N. Archer**  
President

**Anthony D. Romero**  
Executive Director

We also support the recommendations of the National Digital Inclusion Alliance (NDIA) for the Treasury Department to provide broad flexibility to states, territories, and Tribal governments to use these funds for:

- capital projects (new broadband infrastructure or upgrades of existing infrastructure, including middle mile);
- ancillary services (such as broadband mapping, distance learning, digital inclusion and digital literacy efforts); and
- cost-support efforts (measures to promote equitable utilization of capital project-enabled services), including
- affordable broadband programs (such as free or reduced-cost broadband service, or preventing disconnection of existing broadband service).<sup>6</sup>

Thank you for your attention and consideration of our input. If you have any further questions, please reach out to Kate Ruane, [kruane@aclu.org](mailto:kruane@aclu.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Newman".

Ronald Newman  
National Political Director

A handwritten signature in black ink, appearing to read "Kate Ruane".

Kate Ruane  
Senior Legislative Counsel

---

[tank/2019/08/20/smartphones-help-blacks-hispanics-bridge-some-but-not-all-digital-gaps-with-whites/](https://www.aclu.org/news/technology-and-digital-rights/tank/2019/08/20/smartphones-help-blacks-hispanics-bridge-some-but-not-all-digital-gaps-with-whites/).

<sup>6</sup> Letter from NDIA to Secretary Yellen regarding Coronavirus Capital Investment Funds.

