

March 16, 2021

Sen. Maria Cantwell
Chair
Senate Commerce, Science, and Transportation Committee
511 Hart Senate Office Building
Washington, DC 20510

Sen. Roger Wicker
Ranking Member
Senate Commerce, Science, and Transportation Committee
555 Dirksen Senate Office Building
Washington, DC 20510



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Deborah Archer
President

Anthony Romero
Executive Director

Ronald Newman
*National Political
Director*

RE: Accessible, Affordable Internet for All Act

Dear Chair Cantwell and Ranking Member Wicker:

The American Civil Liberties Union writes to express our appreciation to the Senate Commerce Committee for holding the hearing “Recent Federal Actions to Expand Broadband: Are We Making Progress?” We applaud the Committee for turning its attention to this important topic at a time when the people in this country need it most. We also thank Senator Klobuchar for leading the reintroduction of the Accessible, Affordable Internet for All Act (AAIA Act) along with many other members of the Senate Commerce Committee, Majority Whip Clyburn and Members of the House Energy and Commerce Committee. We urge you to cosponsor the legislation and take swift action to advance it. 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.¹ Three in 10 Black households with children do not have high-speed internet (over 3.25 million Black children live in these households).² Nearly a quarter (23%) of Black Americans own a smart phone but do not have high speed internet at their home.³ A smartphone is not sufficient to attend class, do homework, or apply for a job. The AAIA Act will take important steps to remedy these yawning gaps in opportunity.

To begin, the bill would extend the life of the Emergency Broadband Benefit (EBB) Program by providing an additional \$6 billion to the fund. Congress created the program in December 2020 to provide a \$50 subsidy for low income households to afford broadband services, and a \$75 subsidy for households on Tribal land for the duration of the ongoing public health crisis. Right now, amidst a global pandemic, unemployed people are having to choose between

buying food and maintaining access to the broadband service that permits them to continue looking for work. School children are unable to join their classmates in virtual learning because they don't have internet access or must share one internet-connected device – often a cell phone – among multiple siblings. Senior citizens on fixed incomes are unable to access telemedicine services or, in some cases, register to receive the COVID-19 vaccine. The EBB Program represents needed relief, but current funding levels could run out as quickly as within 3-6 months. Providing additional funds to the program will ensure that families that are able to finally access broadband will not suddenly lose the service nearly as quickly as they were able to obtain it.

In addition to funding the EBB, the AAIA Act will also prioritize infrastructure deployment to unserved, underserved, and mid-tier service areas to ensure everyone will have access to broadband service in their homes by providing loans to build out in those areas, including on Tribal lands. Companies that receive those loans would also be required to offer an affordable service plan and to ensure sufficient speeds with low latency. The legislation would also take steps to include data collection and transparency surrounding broadband services, expand digital inclusion and equity efforts to address other factors preventing households from adopting broadband, and would preempt state laws that prevent municipalities from deploying their own broadband services.

The AAIA Act would take a comprehensive approach to ensuring everyone in this country has access to broadband and can afford the service. We urge you to cosponsor the bill and to take swift action to advance it through the legislative process. We look forward to working with all Members of Congress to close the digital divide for good. Please reach out to Kate Ruane, kruane@aclu.org, if you have any questions.

Sincerely,



Ronald Newman
National Political Director



Kate Ruane
Senior Legislative Counsel

¹ 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/>.

² 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/>.

³ 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-tank/2019/08/20/smartphones-help-blacks-hispanics-bridge-some-but-not-all-digital-gaps-with-whites/>.

