

**STATEMENT OF  
COMMISSIONER GEOFFREY STARKS**

Re: *Emergency Broadband Benefit Program*, WC Docket No. 20-445.

In June of 2020, I co-authored an op-ed with leaders Reverend Al Sharpton, Vanita Gupta, Marc Morial, and Maurita Coley entitled, *Broadband Access Is a Civil Right We Can't Afford to Lose—But Many Can't Afford to Have*.<sup>1</sup> The first line in that piece reads: “There is a broadband emergency in America.” I am deeply proud of today’s action that follows through with that fierce urgency of now. If we are successful—and we must be—the Emergency Broadband Benefit (EBB) will reach more disconnected low-income households and people of color than any previous FCC effort to close the digital divide.

For the past year, Americans have banded together to fight the novel coronavirus. Together we have cared for loved ones, supported local businesses, and helped children continue their educations virtually. While many of us migrated our lives online to keep our communities safe and healthy, tens of millions of Americans without access to high-quality, affordable broadband have been left out of that digital shift. Our long-standing digital divide has morphed into a monstrous COVID-19 divide.

While the FCC has focused on expanding rural access, we have yet to take up the central reason that 77 million Americans lack access to an adequate home broadband connection: affordability. No family should have to decide between keeping the lights on or getting the household connected. Even now, Black Americans and other people of color are significantly less likely to have a home broadband connection than their counterparts. This cannot stand. We can no longer defer the hard work on digital equity and believe that a future group and time will solve this issue. This is the time, and now is the moment. When we focus on broadband in America, we must focus on the smoldering front that communities of color constitute in our battle for internet equality. As we look to our shared future, we have an unparalleled opportunity to rebuild our economy by connecting the unconnected, keep Americans safe by advancing telemedicine, and broaden the horizons of young learners everywhere by supporting remote education.

That brings us to today. I am proud to approve the rules implementing the Emergency Broadband Benefit Program—the largest COVID-emergency broadband program to date. As I have said many times over the last few weeks, I have great expectations for this program. Importantly, the EBB not only supports people who are eligible for the FCC’s existing Lifeline program (generally households at or below 135 percent of the Federal Poverty Guidelines), but it also extends to families with students enrolled in free or reduced-price school lunch or breakfast programs, people who have received a Federal Pell Grant, and those who have experienced a COVID-related loss of income. Greater support and more expansive eligibility ensure the program reaches those most in need during this coronavirus crisis.

There are a number of important features in today’s Order, and I want to highlight just a few. First, in accord with the Consolidated Appropriations Act of 2021, I am glad that we are expanding the capabilities of the National Verifier to allow verification of eligibility based on substantial loss of income, Federal Pell Grant participation, and participation in the Richard B. Russell National School Lunch Act or the school breakfast program under section 4 of the Child Nutrition Act. The Order directs the Universal Service Administrative Company (USAC) to enter database agreements to make verifying these new categories through the National Verifier automatic to the extent possible and to accept a wide variety of documentation if manual review is required. For laudable privacy and security reasons, setting up new database connections can be a burdensome and time-consuming process. It’s well worth the effort. A recent GAO report on the National Verifier documents that the manual review process has not worked

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<sup>1</sup> Reverend Al Sharpton, Commissioner Geoffrey Starks, Vanita Gupta, Marc Morial, & Maurita Coley, *Broadband Access is a Civil Right We Can't Afford to Lose – But Many Can't Afford to Have*, ESSENCE (June 17, 2020), <https://www.essence.com/news/broadband-access-is-a-civil-right-we-cant-afford-to-lose-but-many-cant-afford-to-have/>.

well for many people applying to the FCC's Lifeline program. In fact, two-thirds of applicants who underwent manual review between June 2018 and June 2020 did not get across the finish line and complete their applications.<sup>2</sup>

We heard from many broadband providers that they hoped to simplify their participation by relying on the National Verifier exclusively, rather than alternative verification means. These important changes will ensure that more eligible families have more provider options in the program—especially Pell Grant recipients. Just last week, I held my second annual HBCU Presidents' Roundtable where I heard an update about the pressing internet access issues HBCU students have faced during the pandemic period. HBCUs graduate about 20 percent of all Black undergrads, and more than half of HBCU students are the first in their families to attend college. Moreover, 75 percent of HBCU students qualify for Pell Grants. I will closely monitor the development of verification systems for Pell Grant recipients to ensure student-onboarding systems are efficient and effective, so that the EBB properly serves the next generation of leaders.

Second, I am pleased the Order removes roadblocks to getting families with children connected. When designing this benefit, Congress specifically targeted support for families with children participating in free and reduced-price lunch and breakfast programs. We have learned, however, that relying on those nutrition programs for eligibility presents logistical and privacy challenges. Many students who receive these meals do not have individual documentation of their participation, and schools need specific authorization under state and federal laws to release it. For many parents, the pandemic has surely made getting this kind of documentation harder. In order to reduce enrollment barriers, I called for the Commission to consider all households with students enrolled in USDA Community Eligibility Provision (CEP) schools eligible for the EBB. CEP “allows the nation's highest poverty schools and districts to serve breakfast and lunch at no cost to all enrolled students without collecting household applications.”<sup>3</sup> These low-income communities constitute some of the most persistently disconnected households in our country.

Quite clearly, we must connect these households as quickly as possible, with as few burdens as practicable. To that end, I proposed that in order to enroll these CEP households into the program, a household need only provide the name of their child's school.<sup>4</sup> I also pushed for an expedited verification process for CEP households enrolling in EBB, so they can be verified automatically without the need for follow-up interactions or documentation. I thank the Acting Chair and my colleagues for agreeing to implement this fast action with a high impact. Approving eligibility based on CEP will make broadband more accessible for the 14.9 million students attending some of the nation's highest-poverty schools, a victory that will help to ensure that they do not lag behind their peers during the ongoing public health emergency.

I thank my colleagues for working with me to ease administrative burdens on these families. This week, I met with students and Principal Willie Brewster from Brenda Scott Academy in Detroit, Michigan, a performing arts school at which 88% of students are Black and 80% of students qualify for free or reduced-price lunch. These young middle school students talked about their dreams of one day working in digital animation, film, and civil rights law. Beyond their dreams, they shared their reality with me as well. They spoke candidly about both the successes and challenges of their experiences with online learning during the COVID-19 pandemic. They talked about their needs for faster, more reliable

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<sup>2</sup> U.S. Gov't Accountability Off., GAO-21-235, FCC Has Implemented the Lifeline National Verifier but Should Improve Consumer Awareness and Experience 16 (2021).

<sup>3</sup> *Community Eligibility Provision*, U.S. Dep't of Agric., <https://www.fns.usda.gov/cn/community-eligibility-provision> (last visited Feb. 25, 2021).

<sup>4</sup> This is important because one of CEP's many benefits is reducing stigma by treating all students the same at mealtimes, and many parents may not even realize that CEP is the reason their child is receiving meals at school. This list of CEP schools is public information.

broadband, so they can engage in synchronous learning, as well as upgraded devices so they are not as dependent on their cell phones to learn. What struck me most was one eighth grader who said plainly that she “needed a better internet.” I agree. It is clear that EBB can be the start to transforming the lives of our next generation of leaders.

Reducing administrative burdens is especially important to me because we know that some households will have to transition to a different broadband provider or program to take advantage of EBB. The Order we adopt today acknowledges the critical efforts of local governments, community institutions, housing providers, schools, state departments of education, and other organizations that have created their own broadband programs. Many of these organizations connected thousands of households in senior and student residences, mobile home parks, apartment buildings, and federal housing units using bulk or sponsored billing arrangements, in which households receive service through an intermediary. We will need to work with these organizations—frequently serving at the local level—to make sure that we don’t lose eligible families that can and want to move to EBB.

Finally, I am pleased my colleagues and I have reached a solution that prioritizes transparency and consumer protection as we plan for the time when the program begins to wind down. The EBB structure—a fixed pot of funds for an uncertain number of households—presents a difficult challenge. The Order we adopt today balances the risk of leaving a significant amount of unspent money in the fund with the need to minimize bill shock in the final month of the program. Promising in advance that the final month’s subsidy would be no less than 50% of the standard amount was a fine start for the draft Order, but I could not help but worry that without better protections, millions of low-income families might owe up to \$25 dollars above their EBB-discounted payment in the program’s last month. For millions of struggling families, an unexpected \$25 bill can be a lot. To that end, I take note that many carrier-sponsored low-income broadband programs price their service at around \$10 per month. With those concerns in mind, I requested an opt-in approach for partial discounts, in which households would need to affirmatively consent to continue service during the final month of the program if they are to receive a partial subsidy. That is to say, in the final month of the EBB, I want to make sure that no families will have to pay out of pocket for broadband service unless they choose to do so. Requiring providers to seek an opt-in ensures families will not be forced to make big sacrifices to pay for an unwelcome bill or end up with an unpaid balance to a provider that potentially locks them out of future broadband opportunities. Thank you to the Acting Chair for working with me and to my colleagues for agreeing to this change.

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Diligent administration of this benefit will significantly impact families across the country, but I am mindful that this is a temporary solution to a long-term problem. Tens of millions of Americans lacked access to broadband services long before COVID-19. They need a permanent solution. I am hopeful that the EBB will serve as a substantial step toward a future where all Americans have access to high-quality, affordable broadband.

Organizing a program of this size and urgency has taken an enormous commitment from the Commission’s staff. Your unwavering dedication will ensure members of our most vulnerable communities experience the transformative impact of broadband connectivity. Thank you for preparing this Order and for the hard work yet to come.