

March 21, 2020

The Honorable Nancy Pelosi
Speaker of the House
U. S. House of Representatives
1236 Longworth House Office Building

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
317 Russell Senate Office Building

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
2421 Rayburn House Office Building

The Honorable Charles Schumer
Minority Leader
U.S. Senate
322 Hart Senate Office Building

Dear Speaker Pelosi, Leader McCarthy, Leader McConnell, and Leader Schumer:

We applaud your leadership in developing a response to COVID-19. We are cognizant of the extremely important work you already undertook to remove barriers to telehealth and digital health during this crisis. As students, workers, and patients continue to practice “social distancing” by learning and working from home, it is imperative that they have access to strong, reliable internet connections. Broadband is not just important to enable telework and distance learning—it is also an essential means of providing access to care as caregivers are asking their patients to stay home. However, we must have an accurate understanding as to which parts of the country remain without meaningful access to broadband from home. Today, we urge to you include additional funding for the Federal Communications Commission (FCC) to implement the Broadband Deployment Accuracy and Technological Availability (DATA) Act (S. 1822) in the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Currently, the FCC gathers data on the status and quality of existing broadband services through its Form 477 data. This data reflects not just households that actually have access to broadband, but also areas providers *could* serve. The data also treats an entire census block as served even when the service is just a single household in that block. Several policymakers called on the FCC to gather more granular data, and provisions of the Broadband DATA Act would require the FCC to take these steps. We note that the FCC began improving its data collection practices last year, and we also support Congress’ attention to the issue and providing statutory backing for those efforts with the Broadband DATA Act. While the Broadband DATA Act prohibits the FCC from using money from the federal Universal Service Fund (USF) to pay for the costs associated with it, the Act provides that the FCC “may recover costs associated with [the Act’s provisions] to the extent provided for in an appropriations Act . . .”¹ The Universal Service Administrative Company (USAC), a non-profit entity tasked with managing USF funds, has contributed to mapping improvement efforts as well. We urge policymakers to provide sufficient resources to the FCC to implement the Act successfully.

In an appropriations hearing earlier this month, FCC Chairman Ajit Pai said it would be difficult to implement the Broadband DATA Act within a known timeline because the legislation “imposes new

¹ BROADBAND DEPLOYMENT ACCURACY AND TECHNOLOGICAL AVAILABILITY (DATA) ACT (S. 1822) (116th Cong.), available at <https://www.congress.gov/bill/116th-congress/senate-bill/1822/text>.

mandates the FCC does not have the funding to be able to fulfill.”² During the COVID-19 national emergency, Americans are increasingly turning to FaceTime, Skype, Teams, and Zoom to work and connect with loved ones.³ Meanwhile, caregivers are asking COVID-19 patients to remain at home while simultaneously needing to treat them, so they are increasingly relying on video-based telehealth and remote physiologic monitoring (RPM)—modalities that rely on strong broadband connections.⁴ In times like these where everyday face to face interactions move online, these changes exacerbate inequalities of the digital divide. The millions of Americans who still cannot access broadband at home lack an important means of accessing work, education, and healthcare—and simply put, we need to know exactly where they are so that federal resources can support deployment to them. Accurate and granular maps are central to our efforts to close the digital divide and without them, underserved and unserved areas will remain out of reach. Therefore, we urge Congress to include additional funding for the FCC to implement the provisions of the Broadband DATA Act in the CARES Act.

Appropriating sufficient funding for the FCC to improve its mapping efforts—and the ability to accomplish this on a compressed timeline—is only a small step towards ensuring more Americans have broadband access. Thank you for considering our request, and we look forward to working with you on the extremely important and bipartisan task of responding to the COVID-19 pandemic.

Sincerely,

A handwritten signature in black ink that reads "Morgan Reed". The signature is fluid and cursive, with the first name "Morgan" and last name "Reed" clearly distinguishable.

Morgan Reed
President
ACT | The App Association

² See John Eggerton, “Pai: FCC Lacks Resources to Implement Broadband DATA Act,” MULTICHANNEL NEWS (Mar. 11, 2020), available at <https://www.multichannel.com/news/pai-fcc-lacks-resources-to-implement-broadband-data-act>

³ See Dalvin Brown, “Is Zoom ready for most of America to work online?” USA TODAY (Mar. 13, 2020), available at <https://www.usatoday.com/story/tech/2020/03/13/can-zoom-internet-handle-most-of-america-working-from-home/5042182002/>

⁴ See Brian Gormley, “Remote-Care Companies Scale Up to Combat Coronavirus Threat,” Mar. 20, 2020), available at <https://www.wsj.com/articles/remote-care-companies-scale-up-to-combat-coronavirus-threat-11584696603>.