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Legislative Update

Your Municipal Communications Resource

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News from Washington DC

by Dave Garb, Legislative Committee Chair

Senate confirms Anna Gomez to FCC

The fifth commissioner issue at the FCC has finally been settled. On September 7th, 2023, the US Senate confirmed Anna Gomez with bipartisan support, to serve on the Federal Communications Commission (FCC). Gomez was confirmed 55-43, with Independents and Republicans crossing the aisle.

Senate Majority Leader Chuck Schumer (D-N.Y.) commented before the vote that, "Ms. Gomez's confirmation will fill the fifth and final spot on the FCC, so they can do the crucial work of expanding access to high-speed internet, administering programs for affordable internet access, and protecting consumers from junk fees, and much more."

Anna Gomez is a telecom lawyer, who is currently a communications policy adviser at the State Department. Gomez will also be the first Latina to serve on the commission in more than 20 years.

Universal Service Fund

The Communications Act of 1934 stated that all people in the United States shall have access to rapid, efficient, nationwide communications service with adequate facilities at reasonable charges.

Prior to 1996, the Universal Service Fund (USF) was created as a mechanism by which interstate long distance carriers were appraised in order to subsidize telephone service to low-income households and high-cost areas. Then in 1996, The Telecommunications Act expanded the definition to include among other things rural health care providers and eligible schools and libraries.

Currently on Capital Hill and at the FCC, reform discussions are being held in a US Senate working group. The main objective is to expand the revenue stream to go further than the interstate telecoms. They are looking to have it include all Broadband Internet Access Services in order to fund the Universal Service Fund programs.

Affordable Connectivity Program (ACP)

One in five American households lack access to broadband and that number seems to be growing. Many eligible Americans rely on the Affordable Connectivity Program (ACP) to access the internet.

The ACP provides millions of families with financial assistance to ensure every household nationwide has access to high-speed and reliable broadband. Unfortunately, current federal investment is expected to be gone by 2024.

In order to continue funding this necessary program, Representatives Josh Gottheimer (NJ-5) and Brian Fitzpatrick (PA-1) led the call for an extension of the federal Affordable Connectivity Program (ACP) in the upcoming government appropriations bill by writing to the congressional leadership. It was a bipartisan group of 45 Members of Congress, 29 Democrats and 16 Republicans, which also included Donald Norcross (NJ-1), and Thomas Kean, Jr. (NJ-7).

Here is this important letter:

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

We are writing to urge you to extend funding for the Affordable Connectivity Program (ACP), which provides families with financial assistance for broadband access, to help bridge the digital divide. Congress has a role in ensuring that high-speed and reliable broadband is accessible to every household, nationwide. We urge you to include full funding for the Affordable Connectivity Program (ACP) in the upcoming government appropriations bill to ensure that households can access the broadband they desperately need.

In the Twenty-first Century, broadband connectivity is essential to maximizing educational opportunities, stimulating economic growth, lowering health care costs, investing in a skilled workforce, and connecting individuals with their loved ones. We saw during the pandemic how critical broadband access is to everything, from getting an education to health care to telemedicine to working from home. Unfortunately, one in five American households lack access to broadband. Nearly 40 percent of eligible Americans rely on ACP to maintain internet access and that number is rapidly growing. Current funding is expected to be depleted by 2024 creating an urgent need to extend funding.

ACP provides financial assistance that enables families to access broadband so that no one in our society is left behind. It helps families, Pell Grant recipients, and veterans afford high-speed broadband services — from monthly internet bills to installation fees and computer expenses, which often create significant financial burdens. Specifically, ACP provides eligible households with up to \$30 per month towards their internet bills, and a one-time subsidy of \$100 towards desktops, laptops, or tablet computers for children and hardworking families.

We cannot afford to let millions of Americans lose access to broadband. If funding for ACP is not extended, it would not only put the program's success at risk, but also impede the progress of other federal broadband investments and initiatives. Families and businesses across the country need broadband access, and ACP has become a vital tool in securing this access. It plays a critical role in connecting households, while also promoting digital literacy, device distribution, technical support, and online services training, resulting in its high enrollment and strong bipartisan support.

However, connecting every American to high-speed, affordable broadband requires a public- private partnership, and it is the federal government's responsibility to provide secure and reliable investments. With millions of families still lacking access to a service that has become essential for education, health care, and the economy, time is of the essence.

We have a unique window of opportunity to ensure that every family and child — rural, urban, and suburban — have access to affordable broadband, and can thrive in the digital age. ACP has become a lifeline for Americans, and we cannot afford to let it expire. We strongly urge you to prioritize the extension of funding for the Affordable Connectivity Program in the upcoming government appropriations bill. Failure to extend funding would not only leave millions of families without access to the internet but also hinder our long-term competitiveness as a nation.

Sincerely,

MEMBERS OF CONGRESS

Resolution Opposing American Broadband Deployment Act

In our August newsletter we reported in the recent Special Legislative Update, the American Broadband Deployment Act of 2023 (H.R. 3557) was passed by the Congressional House Energy and Commerce Committee. If enacted, it would impose new restrictions on local authorities' ability to regulate a variety of state and local land use and zoning issues pertaining to the deployment of the telecommunications infrastructure. This would include wireless and wireline deployment, as well as new limits on requirements and renewals of cable franchise agreements.

Due to the oppositions set forth from the National Association of Counties (NACo), the National League of Cities (NLC), the U.S. Conference of Mayors (USCM), the National Association of Telecommunications Officers and Advisors (NATOA), and JAG, word has been quickly spreading about this act.

One of the sponsors of the opposition letter for the USCM was Mayor Brian C. Wahler of Piscataway N.J. Being one of the first to see the ramifications of HR 3557, he spearheaded the creation of a municipal resolution opposing it and it was recently passed by the Piscataway Township Council.

A copy of this resolution has been shared at the following link, <https://jagonline.org/wp-content/uploads/2023/07/Broadband-Resolution.pdf>, so that all of New Jersey can use this as a guide to create their own resolutions, if they choose, to denounce this legislation.

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