

Snapshot: Affordable Connectivity Program

Acknowledgments

This brief is a continuation of the Snapshot series, an initiative of The Leadership Conference's Center for Civil Rights and Technology (Center) meant to educate and empower civil and human rights organizations looking to engage on technology policy issues.

The Center is a joint project of The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund. The Center, launched in September 2023, serves as a hub for advocacy, education, and research at the intersection of civil rights and technology policy. Our experts dive into the most pressing policy issues in three key areas: AI and privacy, voting and platform accountability, and broadband access.

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Snapshot: Affordable Connectivity Program outlines the past, present, and future status of the Affordable Connectivity Program and the fight for equitable access to broadband internet across the United States.

The author and publisher are solely responsible for the accuracy of statements and interpretations contained in this publication.

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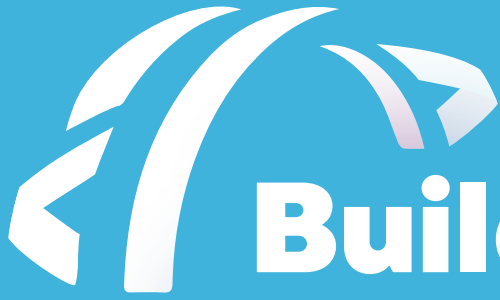
I. Overview

Broadband access for all has long been a critical issue for The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund. With the launch of the Center for Civil Rights and Technology in September 2023, these legacy civil rights organizations renewed their commitment and dedication to closing the digital divide — the persistent gap between people who have access to digital technology and those who do not. The startling connections among demographics, regions, and lack of access to broadband highlight the critical need to close this gap.

Today, access to high quality, affordable internet is essential to attaining good-paying jobs, quality health care, education opportunities, and so many more critical goods and services. Despite broadband internet's importance to everyday life, more than 24 million people lack access to quality broadband in the United States — especially people who live in rural areas, tribal lands, communities of color, and low-income neighborhoods.ⁱ Digital redlining, like housing redlining, has limited the quality and prevalence of broadband service in communities of color and low-income neighborhoods.ⁱⁱ

The Affordable Connectivity Program (ACP) filled this gap by providing low-income households up to \$30-a-month toward broadband service (and up to \$75-a-month for low-income households living on Tribal lands), which meant that families no longer needed to choose between internet access and other household essentials like groceries, rent, and utilities. The ACP was a monumental step in closing the digital divide, but the program's lapse in funding in May 2024 and an increasingly uncertain political environment following the 2024 election threatens this progress. Although J.D. Vance has been a staunch supporter of the program while in the Senate, it is unclear what his approach will be as the incoming vice president. Additionally, incoming Senate Commerce Committee Chair Ted Cruz has been an outspoken opponent of the program and is unlikely to support funding.

In the next section, we discuss the past, present, and future status of the ACP, including efforts to close the digital divide, the current state of play, and options for the future.



Building on Past Successes



II. Building on Past Successes



Lifeline Program

The predecessor to the ACP is the Lifeline program, a public-private partnership created in 1985 during the Reagan administration to help defray the cost of communication for low-income households.ⁱⁱⁱ The program was meant to evolve over time, but originally began as an implicit subsidy for landline telephone local calls. In 2005, wireless service was added to Lifeline, first as an emergency response to Hurricane Katrina, and then later as a permanent part of the regular program. In 2016, the Federal Communications Commission (FCC) added broadband service to Lifeline. The 2016 Lifeline Modernization Order established a “phaseout” of Lifeline support for voice-only service. Under this order, Lifeline support will shift to a broadband subsidy. The FCC’s Wireline Competition Bureau has subsequently issued a series of pauses to the phaseout of voice-only service support, keeping support for voice-only Lifeline at \$5.25/month.^{iv}

The Telecommunications Act of 1996 (‘96 Act) created the Universal Service Fund (USF) and added additional programs to the suite of USF programs overseen by the FCC. The FCC subsequently tasked an independent non-profit called the Universal Service Administrative Company (USAC) with managing USF.^v In managing USF, USAC is in charge of collecting contributions from telecommunications companies that were mandated by the ‘96 Act to contribute a percentage of their voice revenue to USF (also referred to as the “contribution factor”).^{vi} Notably the ‘96 Act also stated that providers of telecommunications services should make an equitable *and nondiscriminatory contribution to preserve and advance universal service*.^{vii}

USF encompasses not only Lifeline, but three other programs — the “Connect America” fund supporting high cost rural connectivity, the “E-rate” program subsidizing connections for schools and libraries, and a Rural Healthcare fund financing telecommunications and broadband services to healthcare providers in rural areas.^{viii} Lifeline and Rural Health Care, combined, comprise approximately one quarter of the USF, while Connect America and E-rate make up three quarters of USF’s funding needs.

As of June 2024, Lifeline supported 7.7 million households with more than 95 percent receiving broadband.^{ix} Unfortunately, the benefit remains at only \$9.25 per month and has not risen at a rate comparable to the cost of voice or internet service.^x Further complicating the issue, the contribution factor (the amount telecom companies are required to pay into USF based on voice service revenue and thereby fund USF programs) has dramatically increased in the past ten years (from 16.7 percent in 2017 to 34.5 percent in 2023). This is primarily due to the reduction in revenue for interstate voice service.^{xi} Some states, like California,^{xii} have their own version of Lifeline and other states, like Virginia, work with the FCC to administer the federal program and enroll participants.^{xiii} California offers a \$19 discount, and funds the program through a similar mechanism to USF.^{xiv} However information about how states administer the Lifeline program is not always readily available, nor is it collected in a consistent manner. The Center is planning to conduct a survey of state Lifeline programs in 2025 to determine how states administer this essential service.



Emergency Broadband Benefit

The COVID-19 pandemic made the consequences of the digital divide more apparent than ever. People without internet access were isolated and left behind as essential services moved online.^{xv} Students completed their homework in the parking lots of cafes and fast food restaurants because they lacked a Wi-Fi connection at home,^{xvi} while workers of color lost their jobs at higher rates due to the absence of at home internet.^{xvii}

On December 27, 2020, the nation took a monumental step toward closing the digital divide. On that date, the Consolidated Appropriations Act of 2021 was signed into law, which included a \$3.2 billion subsidy program, known as the Emergency Broadband Benefit (EBB), that provided households with a \$50-a-month voucher for broadband internet service. EBB used many of the same centralized application processes as Lifeline, but with a few critical differences. EBB had a larger benefit amount; used Lifeline eligibility plus additional eligibility criteria to expand the reach of the benefit; allowed for a broader pool of internet service providers to participate; and relied on a Congressional appropriation (not the USF) for funding. The expanded eligibility criteria covers individuals with an income at or below 135 percent of the federal poverty guidelines or who participate in certain government assistance programs (including Lifeline); households approved to receive benefits under the free and reduced school lunch program; recipients of federal Pell Grants; and those impacted in certain ways by the COVID-19 pandemic.^{xviii}

The EBB was the result of tireless work by advocates and industry to ensure that low-income households could stay connected at a time when work, schooling, and healthcare had moved online, and social media and video calling were essential for communicating with friends and family. It was a temporary but needed fix to a permanent problem.

Creation of the Affordable Connectivity Program

A little under a year later, the EBB transitioned to the \$14.2 billion ACP — a more permanent solution to the broadband affordability crisis — after President Biden signed the Infrastructure Investment and Jobs Act (IIJA) into law.^{xix} The ACP had a few modifications to EBB's eligibility criteria (most notably removing the COVID-19 based criteria and expanding the income requirement to 200 percent of the federal poverty guidelines) and was reduced to up to \$30-a-month for the regular benefit. Otherwise, ACP shared many of the program design features of the EBB.^{xx} The benefit amount for eligible households on Tribal lands remained at up to \$75-a-month and the ACP also created an up to \$75-a-month benefit for households in Broadband Equity, Access, and Deployment (BEAD) High Cost areas (see below for more details on BEAD). ACP also had dedicated funding for outreach and enrollment activities, which Lifeline and EBB both lacked.

There are countless stories about the impact the ACP had on people's lives.^{xxi} As just one example, a recipient of the ACP wrote about how critical the program was to helping them make it through law school, as well as connecting themselves and their family to telehealth service.^{xxii} ACP spanned racial, geographic, and other demographic lines. Nearly half of all ACP subscribers were military families, while seniors, Black Americans, and Latinos also made up a sizable portion of ACP enrollment.^{xxiii}

Beyond the deeply personal impact ACP had on millions of families across the country, it also benefited the national economy and employment. Studies from the Benton Institute for Broadband & Society found that for every dollar spent, the program provided two dollars in economic benefit through increased employment opportunities and the availability of online commerce.^{xxiv}

In addition to creating ACP, the IIJA also provided \$42.45 billion for the BEAD Program and \$2.75 billion for Digital Equity Act (DEA) Programs.^{xxv} BEAD funds will be disbursed to the states for construction of new broadband networks in areas with no or limited access. The promise of ACP providing a steady customer base incentivized companies to build the new networks through BEAD funds. In fact, studies showed that the existence of ACP reduced the BEAD subsidy needed to incentivize providers to build in rural areas by up to 25 percent per year.^{xxvi} Networks built with BEAD funds are required to offer an affordable service tier and many states were counting on ACP to satisfy that requirement. As noted, ACP also included an up to \$75-a-month subsidy for households served by a BEAD network in a high-cost area. The architects of IIJA clearly envisioned ACP as a complement to BEAD and DEA to close the digital divide.

ACP, BEAD, and DEA programs are major bipartisan achievements, with the promise of expanding digital equity and providing broadband access to millions of households. Nonetheless, the programs' detractors, like Senator Ted Cruz, R. Texas,^{xxvii} allege that NTIA has "wasted" millions of dollars on "unionized workforce and DEI labor requirements" for the BEAD program and violated the constitution by including race as a covered population for the DEA programs. These claims are fundamentally incorrect and out of touch with the reality of broadband deployment. With regard to Sen. Cruz's complaints about BEAD, the law is clear that states are only required to *consider* certain labor requirements.^{xxviii} Sen. Cruz's complaint about DEA is also a misreading of the statute, and completely ignores the fact that it was Congress who directed NTIA to include race as a covered population.^{xxix} The Leadership Conference, in comments to NTIA, emphasized the importance of utilizing unionized labor and highlighted the tangible benefits from doing so.^{xxx}



Present
Challenges



III. Present Challenges

Lapse In Funding

Unfortunately, on June 1, 2024, the funding appropriated by Congress for the ACP expired.^{xxxix} This lapse in funding means that the subsidy is no longer available to subscribers. People who relied on this subsidy, the FCC, Congress, state and local governments, Internet Service Providers (ISPs), and civil society all played a part in addressing the fallout. Many ISPs committed to offering ACP high-speed plans for \$30-or-less-per-month through the end of 2024, with some providers having plans for less than \$10-a-month.^{xxxix} But industry cannot be counted on to continue this public service, and the quality of these low-income plans varies by provider. While some of the offerings are sufficient for daily use, others are not.^{xxxix} Further, many eligible individuals likely will not take advantage of these discounted offerings due to instability of the program and loss of confidence. Initially studies at the end of the ACP showed that roughly 13 percent of households (or three million people) would disconnect from the internet entirely and 36 percent would downgrade to a cheaper or slower plan.^{xxxix}

Broad Base of Support

The lapse of the ACP led to a massive push by civil rights and other organizations across the political spectrum and the country; large and small ISPs; and local, state, and federal officials, in support of the program. In the months before and following the lapse of ACP, letters from a broad variety of organizations and officials were sent urging Congress to take action — including a sign-on letter with more than two hundred civil society organizations led by The Leadership Conference.^{xxxix} In addition, newspapers across the country published op-eds on the importance of the ACP.^{xxxix}

Legislative Efforts in the 118th Congress

Several bipartisan legislative proposals introduced in the 118th Congress aimed to provide additional funding for the ACP.

The Affordable Connectivity Program Extension Act of 2024 was sponsored by Representatives Yvette Clarke, D. N.Y., and Brian Fitzpatrick, R. Pa., in the House of Representatives (H.R. 6929) and Senators Peter Welch, D. Vt., and J.D. Vance, R. Ohio, in the Senate (S.3565).^{xxxix} The House version of the bill had 232 co-sponsors, while the Senate version had 32. It would provide an additional \$7 billion to revive ACP until a more permanent solution to funding is established.

The Secure and Affordable Broadband Extension Act was sponsored by Senators Ben Ray Lujan, D. N.M., and J.D. Vance, R. Ohio, in the Senate (S. 4317), and Representatives Nikki Budzinski, D. Ill., and Mike Carey, R. Ohio, in the House (H.R. 9193).^{xxxix} The Senate version of the bill had 15 co-sponsors, while the House version had 17. The legislation changed the ACP's eligibility requirements and removed the device subsidy in addition to providing \$6 billion for the program.

The Spectrum and National Security Act of 2024 was sponsored by Senate Commerce Committee Chair Maria Cantwell, D. Wash.^{xxix} It was primarily aimed at reauthorizing the FCC's spectrum auction authority, but contained a provision that would have allowed the FCC to borrow \$7 billion from the Treasury Department to fund ACP.

Each of these pieces of legislation highlight different potential paths forward in the 119th Congress, should lawmakers decide to renew these efforts.

Barriers to Funding

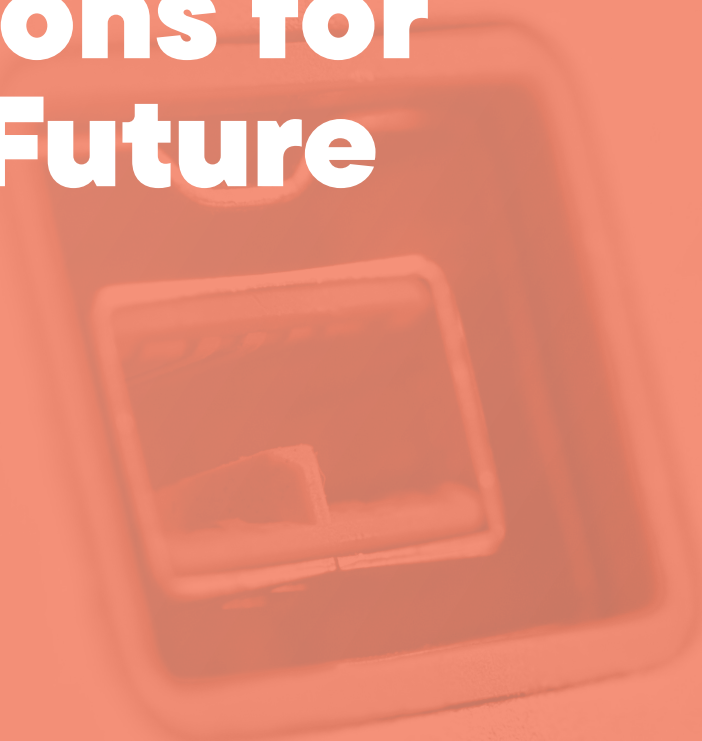
Despite overwhelming support, proven efficacy, and multiple bipartisan legislative efforts, securing temporary and permanent funding for ACP continues to be elusive. There is political opposition to the program itself, and several legislators have expressed concerns about the program structure and the eligibility requirements.^{xi}

The largest barrier, however, is determining the source of the funding for the program. Legislators have been unable to agree upon a source for an additional appropriation. There are several proposals on the table, ranging from borrowing revenue from spectrum auctions to drawing on unspent COVID funding, but legislators have struggled to come to consensus or summon the political will to act.

The future of ACP is also tied directly to the future of the USF. There is a long-standing, unresolved debate about the best way to reform the USF program and ACP is inextricably linked to that debate.^{xii} Stakeholders have proposed myriad solutions, ranging from expanding the contributions made by providers to include “broadband internet access service” to requiring edge providers (i.e. Alphabet, Meta, Netflix, Microsoft, etc.) to pay into the fund. One proposal even involves taxing online sports gambling to fund the USF.^{xiii} Advocates need to be creative given the importance of the USF's future.



**Options for
the Future**



IV. Options for the Future

Even if ACP is revived and permanent funding secured, there is still work to do to expand broadband access. Millions of families disconnected internet access due to the lapse in funding and may be skeptical of any future program. Public education efforts will therefore be critical.

USF Reform

In addition to engaging in legislative efforts to provide temporary funding for the ACP during the 118th Congress, policymakers formed a bicameral, bipartisan group dedicated to reforming the USF in order to make it a permanent home for ACP.^{xliv} This working group was founded by Senators Ben Ray Luján, D. N.M., and John Thune, R. S.D., who were joined by U.S. Representatives Bob Latta, R. Ohio, and Doris Matsui, D. Calif. With Senator Thune ascending to majority leader, there is uncertainty surrounding Senate Republican leadership involvement. Nonetheless, there are positive signs that point to the continuation of the USF working group. While The Leadership Conference has not taken a position on the specifics of USF reform, the current home of Lifeline needs to be the future home of ACP, given the overlapping missions of both programs. Accordingly, Congress must act on USF reform to secure the long-term future of ACP and other telecommunications access programs. As mentioned above, however, the constitutionality of the USF is also up for debate in the Supreme Court.

BEAD Deployment

While advocates and members of Congress continue to debate the future of ACP and USF, the National Telecommunications and Information Administration (NTIA) is distributing hundreds of millions of dollars out to the states for broadband deployment. NTIA has approved broadband plans for 53 out of 56 BEAD-eligible entities (50 states plus six territories), and states can now begin selecting subgrantees.^{xlv} NTIA will approve the final broadband plans for the states in 2025.

Industry Response

The ACP represented a windfall for ISPs, as tens of millions of households were now able to afford broadband internet.^{xlvi} Charter Communications, the largest participant in the program by enrollment, received nearly one billion dollars.^{xlvii} Industry has a responsibility, in the absence of a federal program, to ensure that these families remain connected in one form or another. Yet companies continue to raise the price on their low-income plan and withdraw their support for ACP. ACP is obviously a boon to both ISPs users, but also ISPs' corporate bottom line.



Path to Victory

As discussed above, despite incredible support and proven efficacy for ACP, funding proposals stalled last Congress. Industry largely abandoned its support of renewing ACP funding,^{xlviii} despite the success for their profit margins. As more time passes and the fewer consequences that legislators face due to inaction, the more the urgency to act wanes. Although there was bipartisan support in the 118th Congress, funding ACP is not likely to be a top priority for the next administration or next Congress.

Securing ACP's future will require a coordinated campaign to pressure legislators to act. A coordinated campaign can take various forms, but the focus should be storytelling. The people who depended on ACP to stay connected are the most compelling advocates. They are also constituents and voters.

There are countless firsthand accounts of individuals who experienced the benefits of ACP and are now struggling without it. As more aspects of modern life move online, the opportunity divide grows — affecting how people work; access educational opportunities, health care, essential government services, and financial services; find information; and navigate “smart” homes, appliances, and cars. Collecting those stories, capturing footage and photography to put faces to those stories, and packaging them in targeted ads in specific members districts and states and additional assets is key to taking our advocacy to the next level. The campaign could also organize a nation-wide day of action in concert with a potential Hill advocacy day on the one-year anniversary of the lapse of ACP, should the funding debate remain unresolved.

Collective action has won countless civil rights victories over the decades that yielded equal opportunity and improved the lives of millions. This type of collective action is needed more than ever. It is time to create noise to pressure Congress to act and fund the ACP.



Appendix

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X. Appendix

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