

# TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY

Resolution TST-20-57

## A RESOLUTION ON THE LIFELINE NATIONAL VERIFIER LAUNCH AND MINIMUM SERVICE STANDARDS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes the Lifeline program, enacted in 1985, was created to provide a discount on essential communications services for qualifying low-income consumers to ensure that all Americans have the opportunities and security that such service brings, including being able to connect to jobs, family, academic, healthcare, social, civic opportunities and emergency services;

WHEREAS, in 2012, the Federal Communications Commission (“FCC”) approved extending Lifeline support to include both voice and broadband internet service;

WHEREAS, Section 254(b) of the federal Communications Act establishes the universal service principle that “[c]onsumers in all regions of the Nation, including low-income consumers . . . should have access to telecommunications and information services” at reasonable and affordable rates;

WHEREAS, millions of Americans do not have access to broadband and the opportunities that come with it because of the high cost of the service and insurmountable barrier that deprives them of work opportunities, education, vital communications for family safety, news, banking, health care, and commerce;

WHEREAS, 53 percent of U.S. adults who make \$30,000 or less reported having access to broadband at home, compared to 80 percent of those making between \$30,000 and \$99,000 per year and 94 percent of those making more than \$100,000 annually;

WHEREAS, this digital divide disproportionately harms communities of color when 72 percent of white Americans have broadband access at home, compared to 57 percent of Black Americans and 47 percent of Hispanic Americans;

WHEREAS, the Lifeline program is crucial to closing the “Homework Gap” where students whose families can afford home internet access have more opportunities in learning than those who can afford it;

WHEREAS, it is estimated that 70 percent of teachers in the U.S. assign homework requiring internet access to fulfill, but only 35 percent of school-age children live in households earning less than \$30,000 annually have no high-speed broadband access at home;

WHEREAS, the Pew Research Center has found that 25 percent of Black teenagers say that they are at least sometimes unable to complete due to a lack of digital access, including 13% who say this happens to them often this is compared to 4% of white teens and 6% of Hispanic teens;

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WHEREAS, the U.S. Department of Education reports that 39 percent of Black children did not have internet access at home because the service was too expensive, compared to only 25 percent of white children in the same economic circumstance;

WHEREAS, the Lifeline program offers critical access to health care services, including connecting low-income families to their doctors, pharmacies, and other health care services supported by online services that assist patients in making appointments and managing chronic health conditions;

WHEREAS, the Federal Communications Commission (FCC) and some state Public Service Commissions have attempted to restrict access to qualified low-income families by imposing artificial program spending caps, and limiting the kinds of broadband services;

WHEREAS, the current FCC minimum service standard beginning in December 1, 2018 permitted support of \$9.25 per month for each eligible household for either (a) 1000 mobile voice minutes, (b) 2 GB of mobile broadband data, or (c) a voice/data bundle that meets either of the minimum service standards for voice or data;

WHEREAS, on December 1, 2019, the support for voice was reduced to \$7.25 for 1000 voice minutes per month for each eligible household or bundled voice/data services that meet the voice minimum, reduced to \$5.25 on December 1, 2020, and on December 1, 2021, Lifeline support for voice will be eliminated;

WHEREAS, the minimum standards set for mobile broadband data will make it more difficult for low income households to afford their mobile service;

WHEREAS, these program limitations will have adverse effects on closing the digital divide in low-income, Black, and Hispanic families and deprive these families of the same socio-economic opportunities available to more affluent families;

WHEREAS, according to USAC's 2018 Annual Report, approximately 53% of Lifeline disbursements go to support either a voice-only or bundled voice services (bundles of voice and broadband that meet the voice minimum service standard) for low-income consumers;

WHEREAS, if the FCC eliminates Lifeline voice support, it will significantly and negatively impact low-income households, making it more difficult for individuals living in those households to stay connected using the essential communications services that best suit their needs and circumstances;

WHEREAS, NARUC, the National Association of State Utility Consumer Advocates ("NASUCA"), the AARP (formerly known as the American Association of Retired Persons), the National Association for the Advancement of Colored People ("NAACP"), the Leadership Conference on Human Rights ("LCHR"), and many others have filed comments at the FCC advocating for full voice support in the Lifeline program;

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WHEREAS, the Lifeline Modernization Order directed the FCC to prepare a State of the Lifeline Marketplace Report (the “Report”) by June 30, 2021, and the FCC specifically anticipated that the Report would evaluate the appropriateness of the transition in the minimum service standards for broadband data usage;

WHEREAS, a reduction of support to \$7.25 for 1000 voice minutes per month/household or bundled voice/data services that meet the voice minimum, and a mandated increase over the current 2 GB data requirement could adversely impact service providers’ ability to continue to participate in Lifeline and consumers’ ability to afford Lifeline supported services, including minorities, veterans, seniors and those living in rural areas;

WHEREAS, numerous stakeholders have filed a Joint Petition to Pause Implementation of the December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study;

WHEREAS, many consumers including minorities, seniors, and families with children, rely on voice services to access essential services including to contact first responders in time of emergency, reach social service agencies, access healthcare, and keep connected to other essential services; and

WHEREAS, on December 4, 2015 the NBCSL passed Resolution TST-16-13, Encouraging Modernization of the Lifeline Program that included a call for the FCC to encourage raising awareness of the Lifeline program and aid in program enrollment as a part of its modernization efforts.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges the FCC to maintain the full \$9.25 per month for each eligible household in Lifeline support for voice services at the December 1, 2018 service levels, and the FCC should not phase-down or eliminate support for voice services as it has proposed for 2019 to 2021;

BE IT FURTHER RESOLVED, that the NBCSL supports and further urges an increase over the \$9.25 per month for each eligible household for both voice and broadband services as these services are significantly more expensive than the current subsidy;

BE IT FURTHER RESOLVED, that the NBCSL also urges the FCC to ensure that high speed data levels for voice plans are in line with affordable cell phone plans so that these plans remain affordable for most consumers;

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials and agencies as appropriate.

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**SPONSOR(S): Representative Billy Mitchell (GA) and Representative Vernon Jones (GA)**

**Committee of Jurisdiction: Telecommunications, Science, and Technology Policy Committee**

**Certified by Committee Co-Chairs: Representative K.C. Ohaebosim (KS) and Senator Audrey Gibson (FL)**

**Ratified in Plenary Session: Ratification Date is December 6, 2019**

**Ratification is certified by: Representative Gilda Cobb-Hunter (SC), President**