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March 29, 2022

The Honorable Frank Pallone
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Michael Doyle
Chairman
Committee on Energy and Commerce
Subcommittee on Communications and Technology
U.S. House of Representatives
Washington, DC 20515

The Honorable Robert Latta
Ranking Member
Committee on Energy and Commerce
Subcommittee on Communications and Technology
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Pallone, Ranking Member McMorris Rodgers, Chairman Doyle, and
Ranking Member Latta,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to promote and protect the rights of all persons in the United States, and our Media/Telecommunications Task Force, we thank the Committee for the opportunity to share our views in connection with the oversight hearing of the Federal Communications Commission (FCC) on March 31, 2022.

Chair Rosenworcel has been moving quickly and effectively to carry out Congress' affordable broadband legislation, implementing both the Emergency Broadband Benefit and the Affordable Connectivity Program quickly and with extensive input from the civil rights community. We appreciate the focus the FCC has placed on other civil rights priorities, including initiation of the current proceeding on carceral communications, and addressing short-term problems with Lifeline's minimum standards. Once the FCC is fully staffed with

Interim President and CEO
Wade Henderson



five commissioners, it will face a significant workload. We ask you to review our civil rights priorities with FCC leadership to ensure that they remain among the agency's highest priorities.

Our Media/Telecommunications Task Force is made up of core members of The Leadership Conference coalition with expertise in communications issues, including the United Church of Christ Media Justice Ministry, Common Cause, National Urban League, NAACP, UnidosUS, National Hispanic Media Coalition, National Consumer Law Center, Communications Workers of America, Lawyers' Committee for Civil Rights Under Law, ACLU, Public Citizen, and Asian Americans Advancing Justice | AAJC. The task force works to ensure all people have access to modern affordable communications, hold media and communications companies accountable, and ensure they are representative of the communities they serve.

We write to specifically highlight the top four civil rights priorities under the FCC's purview for the Committee's attention: 1) prioritizing accurate data and ownership diversity in the 2022 broadcast Quadrennial Review and completing it by the first quarter of 2024; 2) collaborating closely with The Leadership Conference and its members in implementing the Infrastructure Investment and Jobs Act (IIJA) provisions prohibiting digital discrimination; 3) completing the open proceedings addressing disability access and predatory rates in carceral communications; and 4) continuing the successful collaboration in achieving affordable broadband by quickly implementing the IIJA's outreach funding grant program and immediately closing the numerous harmful proceedings destabilizing the Lifeline program.

We list below the issues that comprise our agenda so that you may work with the FCC to ensure these goals are addressed.

Ensure Media Ownership Diversity

Delays in initiating and completing the congressionally mandated Quadrennial Review have led to disastrous results. Previously, the FCC has not put sufficient time or resources into ensuring the Quadrennial Reviews can achieve diversity objectives. We urge the FCC to:

- Complete the 2018 Quadrennial Review in the first quarter of 2022 and initiate the 2022 Quadrennial Review, developing and adhering to a timeline to complete the 2022 Quadrennial Review by the first quarter of 2024.
- Immediately start new studies that can be used in the 2022 Quadrennial Review.
- Correct its existing data and improve its data collection on ownership by women and people of color and establish a policy by which, prior to adoption, it will analyze any media policy proposal for its likely impact on increasing or decreasing media ownership diversity.
- Analyze media ownership rules by assessing whether local communities can meet their emergency, health, civic, cultural, and economic information requirements.
- Immediately close its harmful proceeding to raise or eliminate the national TV audience reach cap and eliminate loopholes in measuring national TV audience reach.
- By the first quarter of 2023, complete its open docket considering how to improve ownership data and EEO data collection.

End Discrimination in Communications

- Collaborate with the civil rights community to develop a robust notice of proposed rulemaking and a final report and order addressing digital discrimination as required by Section 60506 of the Infrastructure Investment and Jobs Act.
- Use its existing authority to prohibit discrimination based on protected characteristics.
- Establish a high-level Office of Civil Rights that includes the current Disability Rights Office and establish a high-level Office of Intergovernmental Affairs that includes the current Office of Native Affairs and Policies.

Improve Communications for Incarcerated People

- In the second quarter of 2022, issue an order in its pending rulemaking addressing the needs of incarcerated people with disabilities.
- By the end of the third quarter of 2022, complete its pending rulemaking further reducing the prison phone rates for incarcerated people.

Expand Equitable and Affordable Access to Broadband Internet and Telephone

- Continue its successful collaboration on the Affordable Connectivity Program (ACP) and work closely with the civil rights community on outreach and program design for underserved and non-English speaking communities as well as the implementation of the dedicated ACP consumer complaint process and reporting.
- Move promptly to develop the outreach funding program to assist nonprofit organizations with outreach for the ACP with low burdens to enable small community-based organizations to easily apply and prioritize grant recipients that focus on hard-to-reach populations.
- Immediately close the numerous harmful proceedings that destabilize the Lifeline program (e.g., proposals to prohibit wireless resellers from participating in the program, require a mandatory co-pay, or to require a hard cap on Lifeline funding leading to waiting lists and/or a benefit amount that adjusts throughout the year).
- Address any outstanding critical questions regarding Lifeline including waivers, COVID-19 response, and minimum service standards, and halt the phase out of voice support.
- Engage with the civil rights community regarding the proceeding on the future of the Universal Services Programs required by the Infrastructure Investment and Jobs Act.

Prevent Exploitative and Discriminatory Uses of Personal Data

- Conduct a rulemaking to strengthen cell phone location privacy under its Section 222 CPNI authority.

If you have any questions about the issues raised in this letter, please contact Media/Telecommunications Task Force Co-Chair Cheryl Leanza, United Church of Christ Media Justice Ministry, at cleanza@alhmail.com; Media/Telecommunications Task Force Co-Chair Yosef Getachew, director of the media and democracy program at Common Cause, at YGetachew@commoncause.org; Anita Banerji, The Leadership Conference media/tech senior program director, at banerji@civilrights.org; or Bertram Lee, Jr., The Leadership Conference media/tech counsel, at lee@civilrights.org.

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Sincerely,

A handwritten signature in black ink that reads "Wade Henderson".

Wade Henderson
Interim President and CEO

A handwritten signature in black ink that reads "Jesselyn McCurdy".

Jesselyn McCurdy
Executive Vice President of Government Affairs