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Senators Push for Home Broadband E-Rate Funding

Sens. Ed Markey (D., Mass.) and Chris Van Hollen (D., Md.), joined by American Federation of Teachers President Randi Weingarten and American Federation of School Administrators President Ernest Logan, today called on the Senate to take up legislation that would provide \$4 billion in funding to help millions of students be able to access the Internet at home during the coronavirus pandemic.

They also urged FCC Chairman Ajit Pai to use the E-rate program to allocate funding so students can connect to the Internet at home.

To that end, Mr. Markey and Mr. Van Hollen also sent a letter signed by 38 Democratic senators to Mr. Pai, arguing the FCC has “clear authority” to authorize the E-rate program to allocate funds for home Internet access.

“Although you have previously asserted otherwise based on your narrow interpretation of the law, the statute authorizing E-rate does not preclude the FCC from expanding this program to fund connections at students’ homes — which, because schools have had to close their doors, have become de facto classrooms for millions of children,” the letter said.

The senators also pointed to other requests — including those from the state of Colorado and the Department of the Interior — for the FCC to take action to authorize changes to the E-rate program to allow for funding home Internet use.

“As schools across the country continue to rely on remote learning for the duration of this pandemic, we believe that the nationwide demand for E-rate funding will only grow,” the senators said.

The FCC also does not need to wait for Congress to provide more funding, they said.

“Providing more funding through the E-rate, as opposed to setting up a new program, is the best way to help students continue their education at home,” the senators said, adding: “The FCC has the power to help mitigate the impact of the coronavirus on our most vulnerable families. We now urge you in the strongest possible terms to utilize this authority to provide internet connectivity and devices for children in need.”

The senators and educators are trying to “shine a bright light on a problem that predated the coronavirus, but has been only exacerbated by the ongoing pandemic,” Mr. Markey said today during an online press conference.

There is a need for “urgent action” by Congress and the FCC, he said.

“The reason it’s urgent is because we have a homework gap that is leading to a learning gap that will lead to an opportunity gap for 16 million children” without access to the Internet at home, Mr. Markey said, adding: “[T]hese 16 million children without connectivity — who are disproportionately from poor, low-income, rural communities, disproportionately black and brown, disproportionately those [who] are already not in educational situations that suburban children are in — they will fall further and further behind in their studies every single day.”

It is “unacceptable,” he said, that students outside of suburban, affluent communities are being “denied the equalizing opportunities of equal education” that access to broadband could provide.

“And it can be and should be corrected,” he said. “And it has to happen immediately.”

The senator called upon Senate Majority Leader Mitch McConnell (R., Ky.) to bring up broadband funding legislation for a vote.

“These children are vulnerable,” Mr. Markey said. “They will be left behind.”

Echoing the statements in the letter to Mr. Pai, Mr. Markey argued the E-rate program is flexible enough that the FCC could be interpreted in a way that allows funding to be used to subsidize Internet access at students’ homes.

Mr. Pai is “misinterpreting” the E-rate program by maintaining that funding cannot be used to subsidize Internet access at students’ homes, Mr. Markey said.

“The FCC can do that,” Mr. Markey said. “He is making an explicit decision not to use that money. He is turning the FCC into ‘Failing to Connect Children.’ That’s what the FCC stands for in the middle of this crisis. For months, Ajit Pai and the FCC have refused to broadly interpret this law in a way that will help kids. All I can say is, there’s a crisis going on right now. ... It is a crisis for these children, and it is going to cause dramatic, long-term problems for them, for their families, and for our country.”

Mr. Markey also argued the FCC has \$1.6 billion in E-rate funding available now that it could use for home Internet access.

Mr. Van Hollen agreed that as the new school year gets underway and the pandemic continues, time is of the essence to make sure students can access the Internet at home.

“We need to move urgently on this,” he said, adding: “What had been a homework gap that needed to be closed has become a full-blown learning gap, as 16 million of our students lack the ability to connect to the Internet, either because they lack a device, they don’t have a hotspot, or they don’t have a connection, or because the cost of [a data plan] is just too high.”

Mr. Van Hollen also argued the “damage will be long lasting” for students who are unable to complete their schoolwork because of a lack of Internet access, and also highlighted the “deep disparities” between wealthy and low-income students.

“We need to bring up a package, an emergency response package,” that includes the \$4 billion in funding the senators are calling for, Mr. Van Hollen said.

Mr. Van Hollen was also critical of Mr. McConnell for not already including such funding in coronavirus recovery legislation.

“Sen. McConnell needs to come back to the table with a meaningful plan, not one that shortchanges our students,” Mr. Van Hollen said.

The FCC also needs to take the steps necessary to devote E-rate funding to home Internet access for students, he said.

“It’s very clear that they have the authority to essentially say that our kitchen tables and living rooms which have become classrooms in this pandemic, are the functional equivalent [of classrooms] during this pandemic,” he said.

Mr. Pai “continues to drag his feet on this important issue, despite the fact we’re in the middle of a pandemic. ... We need to continue to press him because that is fastest way to get immediate help to connect our students and teachers,” Mr. Van Hollen said.

Ms. Weingarten argued the \$4 billion is the “nitty gritty of what we need right now” to help students continue their schoolwork during the pandemic.

“I am sick and tired of people, in all-caps tweets, telling us what to do without giving us the resources that were foreseeable months, and months, and months ago,” she said. “The E-rate program ... could easily have been used throughout this pandemic to actually create connectivity in homes. Homes became kids’ schools.”

She was also highly critical of Mr. McConnell for not including money to help students to connect to the Internet in coronavirus relief legislation.

“Kids need to have this connectivity,” Ms. Weingarten said. “And this needs to be done right now.”

Mr. Logan said school administrators do not have the financial ability to continue to find ways to provide Internet access to their students.

“My members are saying, ‘Give us the resources. We can do the job,’” he said.

The FCC could have taken action early on in the pandemic to use E-rate funding, but “Instead they’ve done nothing,” Mr. Logan said.

Mr. Logan argued it should be a “no-brainer” for lawmakers to provide the \$4 billion the senators are proposing. —Jeff Williams

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