

# United States Senate

February 4, 2021

The Honorable Jessica Rosenworcel  
Acting Chairwoman  
Federal Communications Commission  
45 L Street, NE  
Washington, DC 20554

Dear Acting Chairwoman Rosenworcel:

Under your new leadership, the Federal Communications Commission (FCC) must act quickly to address a wide range of pressing issues related to the COVID-19 pandemic. Among these, we urge you to provide home internet connectivity and devices to students who are unable to participate in online learning during this ongoing emergency. We specifically call on the FCC to take long-overdue action and utilize the E-Rate program to start bridging the “homework gap” without delay.

As we approach the one year-anniversary of this public health crisis, studies indicate that as many as 12 million children in the United States still lack internet access at home and are unable to participate in online learning.<sup>1</sup> These students are disproportionately from communities of color, low-income households, Tribal lands, and rural areas.<sup>2</sup> Despite our repeated call to address this homework gap,<sup>3</sup> your predecessor at the FCC refused to use the emergency authority available to the Chair and resources available through the E-Rate program to connect these vulnerable children. This mistake allowed far too many students to fall behind in their education.

The E-Rate is, and has been for over two decades, an essential source of funding to connect the nation’s schools and libraries to the internet. Contrary to your predecessor's assertions, the FCC has always had clear emergency authority to utilize existing E-Rate funding to connect students learning online during the coronavirus pandemic. The statute authorizing this program does not preclude the FCC from freeing funds to connect students’ homes during the current crisis — which, because schools have had to close their doors, have become de facto classrooms for millions of children.

We appreciate that you have already recognized the FCC’s ability to act, including by asserting in congressional testimony that “the FCC could use E-Rate right now to provide every school

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<sup>1</sup> Common Sense Media et al., *Looking Back, Looking Forward: What It Will Take to Permanently Close the K-12 Digital Divide* (2021), <https://www.commonsensemedia.org/kids-action/publications/closing-the-k-12-digital-divide-in-the-age-of-distance-learning>.

<sup>2</sup> *Id.*

<sup>3</sup> Letter from Edward J. Markey et al., United States Senators, to Ajit Pai, Chairman, Federal Communications Commission (Sept. 17, 2020), <https://www.markey.senate.gov/news/press-releases/as-new-school-year-begins-senators-markey-schumer-cantwell-van-hollen-bennet-hassan-schatz-lead-colleagues-in-demanding-urgent-action-by-fcc-to-connect-students-to-online-learning>.

library with Wi-Fi hotspots and other connectivity devices to loan out to students who lack reliable internet access at home.”<sup>4</sup> In accordance with this statement, we urge you to now use your new leadership of the FCC to depart from the prior Commission's erroneous position. Specifically, we request that you leverage the E-Rate program to begin providing connectivity and devices for remote learning. Although the funds currently available through the E-Rate will not be enough to connect every student across the country, your prompt action would provide an essential down payment. From there, Congress must provide the resources needed to finish the job by passing our *Emergency Educational Connections Act*,<sup>5</sup> legislation that would appropriate billions more to be delivered through the E-Rate program to help close the homework gap during the pandemic.

The urgency of combined action by the FCC and Congress cannot be overstated. Together, we can provide the long-overdue support that our most vulnerable students require. We know you share our concerns and look forward to working with you to bridge the homework gap during this crisis, as well as design a permanent solution to the digital divide in the days ahead.

Thank you for your attention to this important matter. Due to the telework policies of many Senate offices during the coronavirus pandemic, physical signatures are unavailable. The listed senators have asked to be signatories to this letter.

Sincerely,

Edward J. Markey  
United States Senator

Maria Cantwell  
United States Senator

Chris Van Hollen  
United States Senator

Michael F. Bennet  
United States Senator

Margaret Wood Hassan  
United States Senator

Brian Schatz  
United States Senator

Richard Blumenthal  
United States Senator

Kirsten Gillibrand  
United States Senator

Tammy Baldwin  
United States Senator

Catherine Cortez Masto  
United States Senator

Mazie K. Hirono  
United States Senator

Mark R. Warner  
United States Senator

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<sup>4</sup> *Oversight of the Federal Communications Commission, Hearing before the Senate Committee on Commerce, Science, and Transportation*, <https://www.commerce.senate.gov/2020/6/oversight-of-the-federal-communications-commission> (statement of Commissioner Jessica Rosenworcel).

<sup>5</sup> Emergency Educational Connections Act of 2020, S. 3690, 116th Cong. (2020).

Sheldon Whitehouse  
United States Senator

Patrick J. Leahy  
United States Senator

Ron Wyden  
United States Senator

Sherrod Brown  
United States Senator

Christopher S. Murphy  
United States Senator

Cory A. Booker  
United States Senator

Jacky Rosen  
United States Senator

Jack Reed  
United States Senator

Robert P. Casey, Jr.  
United States Senator

Tim Kaine  
United States Senator

Robert Menendez  
United States Senator

Ben Ray Luján  
United States Senator

Angus S. King, Jr.  
United States Senator

Thomas R. Carper  
United States Senator

Richard J. Durbin  
United States Senator

Patty Murray  
United States Senator

Christopher A. Coons  
United States Senator

Dianne Feinstein  
United States Senator

Elizabeth Warren  
United States Senator

Jeffrey A. Merkley  
United States Senator

Jeanne Shaheen  
United States Senator

Amy Klobuchar  
United States Senator

Tina Smith  
United States Senator

Tammy Duckworth  
United States Senator

Raphael G. Warnock  
United States Senator

CC: The Honorable Geoffrey Starks, Commissioner  
The Honorable Brendan Carr, Commissioner  
The Honorable Nathan Simington, Commissioner