October 1, 2020

The Honorable Tammy Baldwin
United States Senate
709 Hart Senate Office Building
Washington, DC 20510

Dear Senator Baldwin:

Thank you for your letter regarding the Commission’s efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

In response to this sudden shift, the Commission quickly worked to facilitate the transition to online learning by waiving and extending several E-Rate program rules and deadlines. One such waiver of the Commission’s gift rule enables service providers to offer, and program participants to solicit and accept, free broadband connections, devices, and other services that support remote learning, which would otherwise be prohibited under our rules. Similarly, we have extended a number of E-Rate program deadlines to alleviate administrative and compliance burdens on schools and libraries during the pandemic. This relief included a 35-day extension of the initial application filing window for funding year 2020 and a one-year extension of the service implementation deadline for special construction to deploy fiber. Additionally, to facilitate community connectivity during the coronavirus pandemic, we clarified that schools and libraries that are closed due to COVID-19 may permit the general public to use E-Rate-supported Wi-Fi networks while on the school’s campus or library property.

Most recently, we opened a second funding year 2020 filing window to allow schools to request additional E-Rate funding specifically to address increased on-campus bandwidth needs resulting from the pandemic. Schools are increasingly shifting to 1:1 student-to-device ratios in classrooms, relying on live streaming of classroom instruction to students at home, and expanding use of cloud-based educational tools and platforms—all of which can significantly increase on-campus bandwidth requirements. The second filing window will close on October 16, 2020.

I also would point out that Congress has also provided $16 billion in CARES Act funding—a massive injection of funding that is 400% more than the annual cap for the E-Rate program—to help schools during COVID-19. Congress also made it explicit that this funding can be used for remote learning. We’ve been working with the Department of Education to help make sure that schools know about this important resource, and I would hope and expect that educators would prioritize their students’ needs as they spend these funds. Many have already
done so, including officials in Alabama, Connecticut, Delaware, Oklahoma, and the District of Columbia who are deploying CARES Act funding for the benefit of students. We’ve also been working with the Institute of Museum and Library Services to get the word out to libraries and Tribal organizations about CARES Act funding that is available to help the bridge the digital divide in their communities.

And just this week, the Federal Communications Commission enabled hundreds of rural broadband providers to offer discounts and service upgrades to families with children who are eligible for free or reduced-price school lunches through the National School Lunch Program. Specifically, the National Exchange Carrier Association worked with the FCC’s Wireline Competition Bureau staff on tariff revisions that will provide eligible new customers of rural carriers a 25% discount on certain broadband services and offer existing eligible customers faster connections at no cost, all with the goal of helping connect low-income students to remote learning.

While these efforts are providing much needed support for remote learning, the Commission is limited in its ability to take the further action you request. The Commission must act within the bounds of the statutory authority given to the agency by Congress and use E-Rate program funding for broadband and other “services” provided to school “classrooms.” As such, wireless connectivity and devices supplied to students at home unfortunately do not qualify for E-Rate support under the law, regardless of whether they are being used for educational purposes. And because agencies only have the authority granted to them by Congress, we do not have the authority to waive these statutory requirements. See City of Arlington, Tex. v. FCC, 569 U.S. 290, 297 (2013); Chrysler Corp. v. Brown, 441 U.S. 281, 302 (1979).

That’s why we have been working, and will continue to work, with Congress on dedicated funding for remote learning to give students across this country an opportunity to connect with their teachers and online educational resources from home. This includes funding for Wi-Fi hotspots, Wi-Fi enabled modems, end-user devices, and broadband connectivity for students who need these tools to do online learning at home. I remain willing to work with Congress on solutions to this problem, especially a remote learning initiative of the kind I proposed back in the first month of the pandemic.

Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai
Dear Senator Bennet:

Thank you for your letter regarding the Commission’s efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

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Ajit V. Pai
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Ajit V. Pai
The Honorable Cory Booker  
United States Senate  
717 Hart Senate Office Building  
Washington, DC 20510  

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Ajit V. Pai
October 1, 2020

The Honorable Maria Cantwell  
United States Senate  
511 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Cantwell:

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Sincerely,

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October 1, 2020

The Honorable Benjamin L. Cardin
United States Senate
509 Hart Senate Office Building
Washington, DC 20510

Dear Senator Cardin:

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Please let me know if I can be of any further assistance.

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Ajit V. Pai
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Please let me know if I can be of any further assistance.
The Honorable Kirsten Gillibrand  
United States Senate  
478 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Gillibrand:

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Sincerely,

Ajit V. Pai
October 1, 2020

The Honorable Kamala D. Harris  
United States Senate  
112 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Harris:

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Sincerely,

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The Honorable Maggie Hassan  
United States Senate  
330 Hart Senate Office Building  
Washington, DC 20510  

Dear Senator Hassan:  

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The Honorable Angus King
United States Senate
133 Hart Senate Office Building
Washington, DC 20510

Dear Senator King:

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Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai
October 1, 2020

The Honorable Amy Klobuchar  
United States Senate  
425 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Klobuchar:

Thank you for your letter regarding the Commission’s efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

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Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai
The Honorable Patrick J. Leahy  
United States Senate  
437 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Leahy:

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Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai
The Honorable Edward J. Markey  
United States Senate  
255 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Markey:

Thank you for your letter regarding the Commission’s efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

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Please let me know if I can be of any further assistance.

Sincerely,

            Ajit V. Pai
The Honorable Catherine Cortez Masto  
United States Senate  
516 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Cortez Masto:

Thank you for your letter regarding the Commission's efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

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Sincerely,

[Signature]

Ajit V. Pai

[Signature]
October 1, 2020

The Honorable Robert Menendez
United States Senate
528 Hart Senate Office Building
Washington, DC 20510

Dear Senator Menendez:

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Ajit V. Pai

[Signature]
The Honorable Jeff Merkley  
United States Senate  
313 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Merkley:

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Sincerely,

FCC

Ajit V. Pai
The Honorable Christopher S. Murphy  
United States Senate  
136 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Murphy:

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Sincerely,

Ajit V. Pai
The Honorable Patty Murray  
United States Senate  
154 Russell Senate Office Building  
Washington, DC 20510 

Dear Senator Murray:

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Please let me know if I can be of any further assistance.

Sincerely,

[Signature]

Ajit V. Pai
Dear Senator Peters:

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Ajit V. Pai
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Sincerely,

Ajit V. Pai
The Honorable Jacky Rosen  
United States Senate  
144 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Rosen:

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Ajit Pai
October 1, 2020

The Honorable Bernard Sanders
United States Senate
332 Dirksen Senate Office Building
Washington, DC 20510

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Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai
The Honorable Brian Schatz  
United States Senate  
722 Hart Senate Office Building  
Washington, DC 20510

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October 1, 2020

The Honorable Charles E. Schumer  
United States Senate  
322 Hart Senate Office Building  
Washington, DC 20510

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[Signature]

Ajit V. Pai
The Honorable Tina Smith  
United States Senate  
720 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Smith:

Thank you for your letter regarding the Commission’s efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

In response to this sudden shift, the Commission quickly worked to facilitate the transition to online learning by waiving and extending several E-Rate program rules and deadlines. One such waiver of the Commission’s gift rule enables service providers to offer, and program participants to solicit and accept, free broadband connections, devices, and other services that support remote learning, which would otherwise be prohibited under our rules. Similarly, we have extended a number of E-Rate program deadlines to alleviate administrative and compliance burdens on schools and libraries during the pandemic. This relief included a 35-day extension of the initial application filing window for funding year 2020 and a one-year extension of the service implementation deadline for special construction to deploy fiber. Additionally, to facilitate community connectivity during the coronavirus pandemic, we clarified that schools and libraries that are closed due to COVID-19 may permit the general public to use E-Rate-supported Wi-Fi networks while on the school’s campus or library property.

Most recently, we opened a second funding year 2020 filing window to allow schools to request additional E-Rate funding specifically to address increased on-campus bandwidth needs resulting from the pandemic. Schools are increasingly shifting to 1:1 student-to-device ratios in classrooms, relying on live streaming of classroom instruction to students at home, and expanding use of cloud-based educational tools and platforms—all of which can significantly increase on-campus bandwidth requirements. The second filing window will close on October 16, 2020.

I also would point out that Congress has also provided $16 billion in CARES Act funding—a massive injection of funding that is 400% more than the annual cap for the E-Rate program—to help schools during COVID-19. Congress also made it explicit that this funding can be used for remote learning. We’ve been working with the Department of Education to help make sure that schools know about this important resource, and I would hope and expect that educators would prioritize their students’ needs as they spend these funds. Many have already
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That’s why we have been working, and will continue to work, with Congress on dedicated funding for remote learning to give students across this country an opportunity to connect with their teachers and online educational resources from home. This includes funding for Wi-Fi hotspots, Wi-Fi enabled modems, end-user devices, and broadband connectivity for students who need these tools to do online learning at home. I remain willing to work with Congress on solutions to this problem, especially a remote learning initiative of the kind I proposed back in the first month of the pandemic.

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Sincerely,

Ajit V. Pai
October 1, 2020

The Honorable Tom Udall
United States Senate
531 Hart Senate Office Building
Washington, DC 20510

Dear Senator Udall:

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Ajit V. Pai
The Honorable Chris Van Hollen  
United States Senate  
110 Hart Senate Office Building  
Washington, DC 20510  

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Sincerely,

Ajit V. Pai
October 1, 2020

The Honorable Elizabeth Warren
United States Senate
317 Hart Senate Office Building
Washington, DC 20510

Dear Senator Warren:

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[Signature]

Ajit V. Pai
October 1, 2020

The Honorable Patrick J. Leahy
United States Senate
437 Russell Senate Office Building
Washington, DC 20510

Dear Senator Leahy:

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The Honorable Kamala D. Harris
United States Senate
112 Hart Senate Office Building
Washington, DC 20510

Dear Senator Harris:

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The Honorable Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, DC 20510  

Dear Senator Feinstein:  

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The Honorable Christopher S. Murphy  
United States Senate  
136 Hart Senate Office Building  
Washington, DC 20510

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The Honorable Ron Wyden  
United States Senate  
221 Dirksen Senate Office Building  
Washington, DC 20510

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The Honorable Catherine Cortez Masto  
United States Senate  
516 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Cortez Masto:

Thank you for your letter regarding the Commission’s efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

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October 1, 2020

The Honorable Bob Casey
United States Senate
393 Russell Senate Office Building
Washington, DC 20510

Dear Senator Casey:

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October 1, 2020

The Honorable Gary Peters
United States Senate
724 Hart Senate Office Building
Washington, DC 20510

Dear Senator Peters:

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The Honorable Angus King  
United States Senate  
133 Hart Senate Office Building  
Washington, DC 20510

Dear Senator King:

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The Honorable Robert Menendez  
United States Senate  
528 Hart Senate Office Building  
Washington, DC 20510  

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The Honorable Debbie Stabenow  
United States Senate  
731 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Stabenow:

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October 1, 2020

The Honorable Jacky Rosen  
United States Senate  
144 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Rosen:

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October 1, 2020

The Honorable Patty Murray
United States Senate
154 Russell Senate Office Building
Washington, DC 20510

Dear Senator Murray:

Thank you for your letter regarding the Commission’s efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

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The Honorable Jeff Merkley  
United States Senate  
313 Hart Senate Office Building  
Washington, DC 20510  

Dear Senator Merkley:

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The Honorable Tim Kaine  
United States Senate  
231 Russell Senate Office Building  
Washington, DC 20510  

Dear Senator Kaine:

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The Honorable Jeanne Shaheen  
United States Senate  
506 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Shaheen:

Thank you for your letter regarding the Commission’s efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

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The Honorable Bernard Sanders  
United States Senate  
332 Dirksen Senate Office Building  
Washington, DC 20510

October 1, 2020

Dear Senator Sanders:

Thank you for your letter regarding the Commission’s efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

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October 1, 2020

The Honorable Kirsten Gillibrand
United States Senate
478 Russell Senate Office Building
Washington, DC 20510

Dear Senator Gillibrand:

Thank you for your letter regarding the Commission’s efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

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The Honorable Richard J. Durbin  
United States Senate  
711 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Durbin:

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The Honorable Richard Blumenthal  
United States Senate  
706 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Blumenthal:

Thank you for your letter regarding the Commission’s efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

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The Honorable Amy Klobuchar  
United States Senate  
425 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Klobuchar:

Thank you for your letter regarding the Commission's efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

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The Honorable Tammy Duckworth  
United States Senate  
524 Hart Senate Office Building  
Washington, DC 20510  

Dear Senator Duckworth:  

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The Honorable Brian Schatz  
United States Senate  
722 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Schatz:

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The Honorable Michael Bennet  
United States Senate  
261 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Bennet:

Thank you for your letter regarding the Commission’s efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

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done so, including officials in Alabama, Connecticut, Delaware, Oklahoma, and the District of Columbia who are deploying CARES Act funding for the benefit of students. We’ve also been working with the Institute of Museum and Library Services to get the word out to libraries and Tribal organizations about CARES Act funding that is available to help the bridge the digital divide in their communities.

And just this week, the Federal Communications Commission enabled hundreds of rural broadband providers to offer discounts and service upgrades to families with children who are eligible for free or reduced-price school lunches through the National School Lunch Program. Specifically, the National Exchange Carrier Association worked with the FCC’s Wireline Competition Bureau staff on tariff revisions that will provide eligible new customers of rural carriers a 25% discount on certain broadband services and offer existing eligible customers faster connections at no cost, all with the goal of helping connect low-income students to remote learning.

While these efforts are providing much needed support for remote learning, the Commission is limited in its ability to take the further action you request. The Commission must act within the bounds of the statutory authority given to the agency by Congress and use E-Rate program funding for broadband and other “services” provided to school “classrooms.” As such, wireless connectivity and devices supplied to students at home unfortunately do not qualify for E-Rate support under the law, regardless of whether they are being used for educational purposes. And because agencies only have the authority granted to them by Congress, we do not have the authority to waive these statutory requirements. See City of Arlington, Tex. v. FCC, 569 U.S. 290, 297 (2013); Chrysler Corp. v. Brown, 441 U.S. 281, 302 (1979).

That’s why we have been working, and will continue to work, with Congress on dedicated funding for remote learning to give students across this country an opportunity to connect with their teachers and online educational resources from home. This includes funding for Wi-Fi hotspots, Wi-Fi enabled modems, end-user devices, and broadband connectivity for students who need these tools to do online learning at home. I remain willing to work with Congress on solutions to this problem, especially a remote learning initiative of the kind I proposed back in the first month of the pandemic.

Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai
October 1, 2020

The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Wyden:

Thank you for your letter regarding the Commission’s efforts to help students stay connected while they shift to online learning during the ongoing COVID-19 pandemic. Extended school closures due to COVID-19 have led to unprecedented disruption of K-12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis.

In response to this sudden shift, the Commission quickly worked to facilitate the transition to online learning by waiving and extending several E-Rate program rules and deadlines. One such waiver of the Commission’s gift rule enables service providers to offer, and program participants to solicit and accept, free broadband connections, devices, and other services that support remote learning, which would otherwise be prohibited under our rules. Similarly, we have extended a number of E-Rate program deadlines to alleviate administrative and compliance burdens on schools and libraries during the pandemic. This relief included a 35-day extension of the initial application filing window for funding year 2020 and a one-year extension of the service implementation deadline for special construction to deploy fiber. Additionally, to facilitate community connectivity during the coronavirus pandemic, we clarified that schools and libraries that are closed due to COVID-19 may permit the general public to use E-Rate-supported Wi-Fi networks while on the school’s campus or library property.

Most recently, we opened a second funding year 2020 filing window to allow schools to request additional E-Rate funding specifically to address increased on-campus bandwidth needs resulting from the pandemic. Schools are increasingly shifting to 1:1 student-to-device ratios in classrooms, relying on live streaming of classroom instruction to students at home, and expanding use of cloud-based educational tools and platforms—all of which can significantly increase on-campus bandwidth requirements. The second filing window will close on October 16, 2020.

I also would point out that Congress has also provided $16 billion in CARES Act funding—a massive injection of funding that is 400% more than the annual cap for the E-Rate program—to help schools during COVID-19. Congress also made it explicit that this funding can be used for remote learning. We’ve been working with the Department of Education to help make sure that schools know about this important resource, and I would hope and expect that educators would prioritize their students’ needs as they spend these funds. Many have already
done so, including officials in Alabama, Connecticut, Delaware, Oklahoma, and the District of Columbia who are deploying CARES Act funding for the benefit of students. We’ve also been working with the Institute of Museum and Library Services to get the word out to libraries and Tribal organizations about CARES Act funding that is available to help the bridge the digital divide in their communities.

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