

**DISSENTING STATEMENT OF
COMMISSIONER NATHAN SIMINGTON**

Re: *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Declaratory Ruling (October 19, 2023).

I am disappointed that the Commission has decided to pursue this unlawful course of action. The Telecommunications Act could not state more clearly that E-Rate may only be used to subsidize internet connectivity for elementary schools, secondary schools, and libraries, and a school bus is neither a school nor a library. This item eviscerates Congress's restrictions on E-Rate and makes a mockery of the law. If Congress had meant for E-Rate to apply to any educational purpose, broadly defined, it would have said so. Instead, it specifically limited the applicability of the program to schools and libraries. All attempts to expand it beyond those bounds are unlawful.

That alone is an open-and-shut case against this declaratory ruling. But even if it was lawful, using E-Rate for school bus Wi-Fi would still be wasteful and unlikely to benefit students and teachers. The federal government already subsidizes mobile internet connections through the ACP and Lifeline programs, and the vast majority of children old enough to use the internet without intense supervision already have internet-connected smartphones, many with mobile hotspot capability. On top of that, anyone who has ever ridden a school bus should be skeptical that any significant proportion of children will sit quietly and do homework on their laptops instead of socializing with their friends on the bus and browsing social media on their phones.

I applaud Senators Cruz, Budd, and Capito for introducing a bill yesterday that would require that schools receiving E-Rate funds prohibit children from using school connections to browse social media. I agree with them that the federal government should not be complicit in giving children harmful access to social media without parental supervision, but as the sponsors of the bill make clear, passage of the bill would not remedy the unlawfulness and wastefulness of this school bus Wi-Fi program.

Instead of pursuing illegal expansions of E-Rate outside of schools and libraries, the FCC should be considering reforms of the E-Rate program to combat waste, fraud, and abuse and simplify its administration. One such reform—a federally run competitive bidding portal that will allow us to better enforce E-Rate's competitive bidding rules—is currently languishing before the Commission, and I encourage the Chairwoman to bring a final order implementing it to a Commission vote.