The Leadership Conference on Civil and Human Rights

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November 11, 2026

The Honorable Brendan Carr
Chair
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: WC Docket Nos. 26-133, 13-184, 21-93, 21-455

Dear Chairman Carr,

On behalf of The Leadership Conference on Civil and Human Rights and the undersigned organizations, we write in response to the Notice of Proposed Rulemaking (NPRM) regarding the Federal Communications Commission's (FCC) review of the E-Rate program. The Leadership Conference is a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the rights of all persons in the United States. The Leadership Conference and our Media & Telecommunications Task Force members are uniquely qualified to offer a valuable civil rights perspective on these issues.

People across the country rely on broadband for access to news and information, education, employment, and healthcare. Unfortunately, some of our nation's most underserved and marginalized communities — people of color, people with disabilities, and residents of urban and rural areas — are often on the wrong side of the digital divide. The E-Rate program was created to help schools and libraries obtain and maintain access to sustainable, reliable, high-speed broadband at discounted rates to enable access to state-of-the-art services and technologies. Over the past three decades, E-Rate has invested more than $69 billion in school and library connectivity, serving 54 million students, 106,000 schools, and 12,500 libraries.[1]

The record in this proceeding is abundantly clear — the vast majority of the Commission's proposed changes to E-Rate would severely harm communities across the country and further widen the digital divide. Specifically, as commenters explain:

[1] *Comments of the Benton Institute for Broadband & Society*, WC Docket No. 26-133 et al. (2026).

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- E-Rate should be preserved and built upon, not terminated. Limiting or terminating the program would be devastating to the beneficiaries and the communities they serve, and have a negative economic impact on the country and local communities.[2] Cuts to the program would cause significant harm to numerous communities of various races, ethnicities, socioeconomic statuses, disability statuses, and more.
- The Commission lacks the statutory authority to end E-Rate or regulate screen time

We describe below some of the evidence in this proceeding that highlights the negative consequences of the Commission's proposed changes to the E-Rate program.

1. E-Rate should be preserved and built upon, not terminated

There is overwhelming support in the record for continuing the E-Rate program. More than 1,500 school districts, schools, and libraries filed comments supporting E-Rate.[3] E-Rate is a successful and impactful program because it is sustainable and predictable. Broadband connectivity is needed consistently, not just once, and libraries and schools rely on the program to maintain their network. Beyond public access, libraries and schools require broadband to run modern building systems, including HVAC and security; to support staff communications; and make collections, resources, and emerging technologies available. For many communities, the local library or school is their only source of broadband connectivity. Terminating the program would cause significant harm.

The Hispanic Tech and Telecommunications Partnership highlights in its comments the significant connectivity challenges facing the Hispanic community, pointing out that "an estimated 55% of Latino workers face digital skills gaps, and Hispanic and Black communities lag white communities by approximately ten years in broadband access."[4]

The Navajo Nation Telecommunications Regulatory Commission points out that E-Rate's importance to Tribal communities goes beyond helping schools and libraries purchase telecommunications infrastructure; it also helps provide 911 services to some of the most remote and underserved communities in the United States.[5]

Disabled students would be disproportionately impacted as well. Surveys have shown that disabled students and families with disabled members have significantly less access to the internet and to essential devices, including the assistive technology that some disabled students need to get online. These students

[2] The Brattle Group. "The Economic Impact of the E-Rate Program," (Oct. 2026), https://www.shlb.org/e-rate-economic-study.
[3] "Commenters Say Keep E-rate. They Split on the Details," Funds for Learning (October 15, 2026), https://www.fundsforlearning.com/news/commenters-say-keep-e-rate-they-split-on-the-details/.
[4] Comments of the Hispanic Tech and Telecommunications Partnerships, WC Docket No. 26-133 et al. (2026).
[5] Comments of the Navajo Nation Telecommunications Regulatory Commission (NNTRC), WC Docket No. 26-133 et al. (2026).

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may rely on local libraries and schools for the necessary connectivity to learn and communicate through assistive technologies.[6]

Libraries support broadband access, adoption, and digital skills and literacy, including AI literacy, for all patrons at no cost. They also offer online educational materials, such as e-books, periodicals, journals, research articles, databases, and learning tools that can be accessed online through the library's internet connection.[7] Library connectivity through public computer stations and Wi-Fi networks helps many community members who could not otherwise afford reliable broadband at home reach these important sources of information.

It is clear from the record that cuts to E-Rate will disproportionately harm marginalized communities at a time when connectivity is as important as ever and would undermine efforts to close the digital divide.

2. The Commission lacks the authority to end E-Rate or to regulate screen time; doing so would discourage school and library participation, harming the program's beneficiaries.

Congress mandated the creation of E-Rate and provided no authority for the Commission to eliminate or limit it. Section 254 does not include an end date or goal that could justify termination. The statute authorizes the Commission to implement the statutory scheme, but no authority to dismantle it.[8] Congress is clear about the limited instances when the Commission may stop enforcing federal law.[9]

Further, commenters throughout the record raise legal concerns with the Commission's proposal to regulate screen-based instruction and other educational practices.[10] The American Civil Liberties Union makes clear that the Commission may not revise its 2011 determination that social media is not per se "harmful to minors" to expand its reach under the Children's Internet Protection Act (CIPA). Congress explicitly made clear in the statute what content is harmful to minors.[11] Decisions regarding what constitutes "inappropriate content," are delegated under CIPA to "the school board, local educational agency, library, or other authority responsible for making the determination."[12] Section 254(l)(2) of the Communications Act *bars* any "agency or instrumentality of the United States Government" from making determinations about what matter is inappropriate for minors.[13] This interpretation of the statute is shared

[6] Comments of the American Association of People with Disabilities, WC Docket No. 26-133 et al. (2026).
[7] Comments of the American Library Association, WC Docket No. 26-133 et al. at 4 (2026).
[8] Comments of the American Library Association, WC Docket No. 26-133 et al. at 19 (2026).
[9] 47 U.S.C. § 160(d) (forbearance authority).
[10] Comments of the Hispanic Tech and Telecommunications Partnerships, WC Docket No. 26-133 et al. (2026).
[11] Comments of the American Civil Liberties Union, WC Docket No. 26-133 et al. (2026).
[12] 47 U.S.C. § 254(l)(1)–(2).
[13] No federal instrumentality may: "(A) establish criteria for making such determination; (B) review the determination made by the certifying school, school board, local educational agency, library, or other authority; or (C) consider the criteria employed by the certifying school, school board, local educational agency, library, or other authority in the administration of [E-Rate in] subsection (h)(1)(B)." *Id.*

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by the Center for Democracy and Technology and the American Library Association, among others, in addition to the ACLU.[14]

Further, the Department of Education stated in a letter that it "believes these decisions [about screen use in instruction and learning] are best made by states and local communities, with input from parents and teachers."[15] Screen time is an education pedagogy question, and it should not be conflated with basic connectivity. In other words, the FCC's expertise and authority is over the connectivity to libraries and schools, and the local jurisdictions determine appropriate use. The access itself does not inherently lead to screen time abuse.

The record leaves little doubt that the Commission lacks the authority to regulate screen time, and doing so would interfere with the decisions of states, localities, teachers, parents, and students. Doing so would create additional barriers to E-Rate applicants to participate in the program, and have negative consequences for both schools and the communities they serve.

Moreover, as the American Association of People with Disabilities points out, "[d]isabled students would be disproportionately affected by any regulation of screen time or any new rule intended to reduce screen-based learning. Many disabled students rely on assistive technologies, including screen readers, refreshable braille displays, captioning, audio description, visual learning materials, and augmentative and alternative communication (AAC) devices." [16] If the Commission attempts to regulate screen time, it could pressure schools to be in violation of the Individuals with Disabilities Education Act, and neglect their responsibility to these students.

We urge the Commission to take heed of the overwhelming evidence in the record against its proposed changes to the E-Rate program and to reverse course. Thank you for your consideration on this important issue. We look forward to working with you on this issue and others of importance to our country. If you have any questions about this letter, please contact Jonathan Walter, senior policy counsel, at walter@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
American Civil Liberties Union
American Library Association
Asian and Pacific Islander American Vote (APIAVote)
Hispanic Federation
National Hispanic Media Coalition

[14] Comments of the Center for Democracy & Technology, WC Docket No. 26-133 et al. (2026); Comments of the American Library Association, WC Docket No. 26-133 et al. at 27-30 (2026).
[15] Letter from the Federal Department of Education, Office of Elementary and Secondary Education at 2 (Aug. 20, 2026), https://www.ed.gov/media/document/guidance-education-technology-and-screentime-schools-114386.pdf.
[16] Comments of the American Association of People with Disabilities, WC Docket No. 26-133 et al. (2026).

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National Urban League
United Church of Christ Media Justice Ministry