



August 27, 2020

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Chairman Pai,

We write to express our profound frustration that the Federal Communications Commission (FCC) has failed to take forceful action to keep households connected during the COVID-19 pandemic. As millions of American families face unprecedented financial pressures and educational challenges, we urge the FCC to reverse proposed changes to the Lifeline program, take immediate steps to open its assistance to more households, and ensure that its services meet the pressing needs of families during this crisis.

The COVID-19 pandemic has exposed and even reinforced the vast homework gap that has left millions of children offline because their parents cannot afford broadband internet access. Schools across the country are grappling with this digital divide as they decide whether they can safely reopen and whether virtual learning will work. According to Common Sense Media, one quarter of students nationally are at risk of being left out of the classroom because they lack broadband or connected devices, a toll that falls disproportionately and disastrously on communities of color.<sup>1</sup> Unfortunately, the homework gap has already had an immense cost to children during this crisis, as some students have been forced to forgo online lectures and miss important homework. We are alarmed that as students head back to class – in person or online – there is still no national plan from the FCC to secure families’ access to their educational future. This looming disaster is one product of the vast digital divide that hinders families’ educational futures, economic opportunities, and health, which FCC should vigorously bridge through Lifeline and other USF programs

The FCC already has the ability to take immediate steps to close the homework gap and ensure that families have access to broadband. One of the FCC’s most important assistance programs, Lifeline, was established under the Reagan Administration to provide discounts for free or low cost phone services to those who qualify for other financial assistance. In the four decades since, the Lifeline program has been supported and expanded on a bipartisan basis – a resounding recognition that phone and internet access is essential for economic security, health, and family life. Lifeline has lived up to its name for

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<sup>1</sup> “The Homework Gap: Teacher Perspectives on Closing the Digital Divide,” Common Sense Media. <https://www.commonsensemedia.org/kids-action/publications/homework-gap>

millions of veterans needing telehealth services,<sup>2</sup> domestic violence survivors,<sup>3</sup> older Americans, those experiencing housing insecurity, and other vulnerable Americans. Our immense reliance on broadband during the pandemic for telework, virtual learning, social connections, and telehealth has proven the original, bipartisan vision of Lifeline.

Regrettably, under your Chairmanship, the FCC has actively worked to undermine and destabilize the Lifeline program, which has left more families vulnerable during the pandemic by widening the learning gap and lessening household's ability to access crucial services, such as unemployment benefits, food assistance, and health resources. Since the first weeks of your tenure, the FCC has sought to block new broadband providers' participation in the Lifeline program, curtail benefits in tribal areas, exclude existing carriers, rollback reforms for registering new carriers, make it harder for new applicants to subscribe, prevent carriers from offering free in-person distribution of phones, reduce incentives to enroll subscribers, and add more barriers for participating carriers and subscriber. These proposals have been so extreme that they would lead to cutting off carriers serving almost 70% of Lifeline subscribers.<sup>4</sup>

The FCC has also failed to complete important reforms to ease burdens on consumers and reduce fraud, such as the full implementation of the National Verifier meant to automate registration and preserve the integrity of Lifeline.<sup>5</sup> Lastly, carriers face continued uncertainty about the long-term stability of the program given the open FCC proposals to cut back participation and compensation for services. The consequences of this sustained assault on Lifeline are stark – less than 20% eligible households subscribe to services, as much as a 30% drop during your watch.<sup>6</sup>

The FCC should step up to tackle the profound inequities and divides that American families are struggling with during this national crisis. We appreciate that the FCC issued and extended the temporary waivers in response to the pandemic to pause usage and subscriber documentation requirements, and also appreciate that it partnered with state utility commissioners to improve public awareness of the program.<sup>7</sup> But, by the benchmark established during previous crises, such as Hurricane Katrina, the FCC response falls far short.<sup>8</sup> Lifeline could be a reprieve for millions of households. The FCC should take the initiative to ensure that Lifeline meets the connectivity needs of households sheltering in place at home and facing financial hardship during the COVID-19 crisis. However, regrettably, you have asked your Commissioner

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<sup>2</sup> Rosenworcel, J. "This program helps 1.3 million vets stay connected. The FCC wants to gut it," *Military Times*. <https://www.militarytimes.com/opinion/commentary/2018/06/08/this-program-helps-13-million-vets-stay-connected-the-fcc-wants-to-gut-it/>

<sup>3</sup> "Affordable Connectivity for Families Traumatized by Domestic Violence," National Consumer Law Center. <https://www.nclc.org/images/pdf/take-action/lifeline/domestic-violence.pdf>

<sup>4</sup> "Lifeline's proposed reseller ban will likely harm low-income households," American Enterprise Institute. <http://www.aei.org/publication/lifelines-proposed-reseller-ban-will-likely-harm-low-income-households/>

<sup>5</sup> Specifically, the National Lifeline Eligibility Verifier is not connected to many state databases for program like SNAP. *See*, "Eligibility Decision Process," Universal Service Administrative Company. <https://www.usac.org/lifeline/eligibility/national-verifier/eligibility-decision-process/>

<sup>6</sup> Starks, G. "Remarks Of Commissioner Geoffrey Starks Mediajustice #Right2connect Town Hall." <https://docs.fcc.gov/public/attachments/DOC-363795A1.pdf>

"Death by a Thousand Cuts: The FCC's Dangerous Proposal to Kill the Lifeline Program and Hurt Low-Income Americans," Open Technology Institute. <https://www.newamerica.org/oti/events/death-by-a-thousand-cuts/>

<sup>7</sup> "NARUC and FCC Partner to Increase Awareness of Federal Lifeline Broadband and Phone Program," National Association of Regulatory Utility Commissioners. <https://www.naruc.org/about-naruc/press-releases/naruc-and-fcc-partner-to-increase-awareness-of-federal-lifeline-broadband-and-phone-program/>

<sup>8</sup> "FCC Takes Steps to Assist in Hurricane Katrina Disaster Relief," Federal Communications Commission. <https://www.fcc.gov/document/fcc-takes-steps-assist-hurricane-katrina-disaster-relief>

colleagues to vote on order that would permanently alter the minimum service standards for Lifeline without changes in contributions, which could potentially lead to the loss of the free Lifeline services in the middle of this pandemic.<sup>9</sup> We support increasing Lifeline subscribers' data allowances during this crisis, but such increases should be backed with additional funding. At this critical moment, the FCC should provide the additional financial support needed for Lifeline subscriptions to meet the data demands of virtual classroom time, telehealth, and telework during this time.<sup>10</sup>

It is time for the FCC to offer a bold plan to respond to this national crisis through bolstering the Lifeline program, and the Commission does not need to wait to act. We strongly urge you to immediately take the following steps:

- 1.) Take emergency measures to provide additional financial support to Lifeline providers during the pandemic to temporarily support unlimited mobile data and voice minutes, and notify Congress if additional funding is needed for such changes.
- 2.) Extend all current FCC waivers on Lifeline usage and subscriber documentation requirements for at least a full year, until August 2021 or when we have recovered from the pandemic.
- 3.) Close the currently outstanding Lifeline proposed rulemakings that would create new obstacles for eligible households and add unwarranted burden on carriers.
- 4.) Pause the scheduled changes to Lifeline program's minimum service standards until the Commission studies such impacts on the market in its upcoming 2021 State of Lifeline Marketplace Report, to avoid disruptions to customers' services.
- 5.) Restore the monthly subsidy to \$9.25 for plans offering voice services for subscribers who value voice over data-heavy plans and pause the planned decrease in contributions for voice support.
- 6.) Work with states to increase the automated verification of state databases with the National Verifier program by the end of this year.

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<sup>9</sup> "FCC Chairman Pai Circulates Order To Ensure Predictable Increases In Minimum Standard For Lifeline Mobile Broadband Service," Federal Communications Commission. <https://docs.fcc.gov/public/attachments/DOC-365835A1.pdf>  
"Request To Extend The Covid-19 Lifeline Waivers, Restore Lifeline Voice Support And Freeze Lifeline Minimum Standards"  
<https://ecfsapi.fcc.gov/file/10810838608207/Lifeline%20FCC%20COVID%20waivers%20voice%20min%20std%20letter%20August%202020.pdf>

<sup>10</sup> "Lifeline Program for Low-Income Consumers," Federal Communications Commission.  
<https://www.fcc.gov/general/lifeline-program-low-income-consumers>

Thank you for your attention to this important matter.

Sincerely,

*/s/ Richard Blumenthal*

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RICHARD BLUMENTHAL  
United States Senate

*/s/ Brian Schatz*

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BRIAN SCHATZ  
United States Senate

*/s/ Tammy Duckworth*

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TAMMY DUCKWORTH  
United States Senate

*/s/ Edward J. Markey*

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EDWARD J. MARKEY  
United States Senate

*/s/ Richard J. Durbin*

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RICHARD J. DURBIN  
United States Senate

*/s/ Sheldon Whitehouse*

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SHELDON WHITEHOUSE  
United States Senate

*/s/ Robert Menendez*

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ROBERT MENENDEZ  
United States Senate

*/s/ Tammy Baldwin*

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TAMMY BALDWIN  
United States Senate

*/s/ Ron Wyden*

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RON WYDEN  
United States Senate

*/s/ Mark R. Warner*

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MARK R. WARNER  
United States Senate

*/s/ Benjamin L. Cardin*

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BENJAMIN L. CARDIN  
United States Senate

*/s/ Sherrod Brown*

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SHERROD BROWN  
United States Senate

*/s/ Tina Smith*

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TINA SMITH  
United States Senate

*/s/ Jeffrey A. Merkley*

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JEFFREY A. MERKLEY  
United States Senate

*/s/ Dianne Feinstein*

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DIANNE FEINSTEIN  
United States Senate

*/s/ Mazie K. Hirono*

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MAZIE K. HIRONO  
United States Senate

*/s/ Chris Van Hollen*

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CHRIS VAN HOLLEN  
United States Senate

*/s/ Robert P. Casey, Jr.*

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ROBERT P. CASEY, JR.  
United States Senate

*/s/ Tim Kaine*

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TIM KAINE  
United States Senate

*/s/ Kamala D. Harris*

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KAMALA D. HARRIS  
United States Senate

*/s/ Amy Klobuchar*

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AMY KLOBUCHAR  
United States Senate

*/s/ Bernard Sanders*

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BERNARD SANDERS  
United States Senate

*/s/ Jack Reed*

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JACK REED  
United States Senate

*/s/ Christopher S. Murphy*

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CHRISTOPHER S. MURPHY  
United States Senate

*/s/ Patty Murray*

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PATTY MURRAY  
United States Senate