

The Heritage Foundation
214 Massachusetts Ave NE
Washington, DC 20002

March 29, 2024

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

Dear Chairwoman Rosenworcel,

The Heritage Foundation respectfully submits an ex parte comment for the notice of proposed rulemaking, WC Docket No. 21-31, addressing the homework gap by expanding the E-rate program and providing free Wi-Fi hotspots. We oppose this proposed rule due to its arbitrariness, lack of evidence, erosion of parental authority, wasteful spending, and lack of authority. The Heritage Foundation urges the Federal Communications Commission (FCC or Commission) not to finalize it.

The FCC states under the “Need for, and Objectives of, the Proposed Rules” section that the primary objectives of the proposed rule are to address remote learning needs and help close the homework gap.¹ The Commission does not provide any evidence of how providing hotspots outside of schools, libraries, and the homes of students will lead to improved homework completion or quality rates. Therefore, we conclude that this rule is arbitrary and not evidence-based.

On the contrary, there is ample evidence that kids consume hours of media and that the heavy exposure has negative ramifications. Common Sense Media found that between 2019 and 2021, the total amount of screen time consumed each day went from 4:44 to 5:33 among tweens (8 to 12 year-olds) and from 7:22 to 8:39 among teens (13 to 18 year olds).² Kids’ excessive exposure to electronic devices can lead to sleep deprivation, ADHD, anxiety, depression, aggression, developmental issues, and impulsivity, among other issues.³

The pandemic intensified at-home online learning, and researchers at Johns Hopkins University found that remote learning had significant negative impacts on children’s physical, social and cognitive development.⁴ Again, as Common Sense Media’s research shows, kids increased their amount of time spent in front of screens from 2019 to 2021. Schools have since returned to in-person learning, but kids’ screen time is still climbing. Pew research found in 2023 that 43% of teens are

¹ FCC, WC-Docket No. 21 – 31, p. 37, November 8, 2023, [FCC-23-91A1.pdf](#) (March 13, 2024).

² Common Sense Media, The Common Sense Census: Media Use by Tweens and Teens, 2021, https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf (March 13, 2024).

³ Nicole Beurkens, “Screen Time Can be Dangerous for Kids’ Mental & Physical Health,” Holistic Child Psychology, November 18, 2017, <https://www.drbeurkens.com/dangers-overexposure-electronics-kids-mental-physical-health/> (March 13, 2024).

⁴ Katelyn Esmonde and Keshia Pollack Porter, “Distance learning makes it harder to kids to exercise, especially in low-income communities,” The Conversation, October 15, 2020, <https://theconversation.com/distance-learning-makes-it-harder-for-kids-to-exercise-especially-in-low-income-communities-146522> (March 27, 2024).

online almost constantly. This is up from 24% in the 2014-2015 survey.⁵ Providing free Wi-Fi hotspots for kids provides open-ended internet access, lacks limitations, and facilitates excessive internet use. We are glad the FCC acknowledged the harms that extensive internet access has on children under the age of 5, and therefore excluded this age group from the proposed program.⁶ We urge the Commission to consider the negative ramifications of extending internet access on all children. While some children may sometimes use a hotspot to complete homework, it is unreasonable to expect unsupervised children to have the discipline to only use a hotspot for homework. It is naïve to think that kids will not use it for entertainment and other purposes.

Kids are likely to come across harmful content while unsupervised. According to research conducted by Barna Group, roughly 80% of children between the ages of 12 and 17 have come across pornography and over 50% seek it out.⁷ According to a report by the United Kingdom's Children's Commissioner, nearly 40% of children between ages nine and 11 have seen porn.⁸ Ease of access to internet-connected devices without supervision increases the odds of children coming across or seeking inappropriate content. While the Children's Internet Protection Act requires schools to block pornography and other obscenity in order to receive E-rate funding, social media is excluded from the law. Pew research found that among kids between the ages of 13 and 17, 58% use TikTok, 51% use Snapchat, 47% use Instagram, and 19% use Facebook.⁹ Collectively, 84% of teens (13 to 18) use social media. 32% say they would not want to live without YouTube.¹⁰ Bots, spam, and many legitimate accounts that feature pornographic content flood social media to entice curious users to click links for more content on external sites. The search bars in social media applications (apps) serve as in-app browsers that enable backdoor access to the internet, and the platforms are not sufficient at preventing or eliminating obscene content.

The proposed rule obfuscates parents' and teachers' roles in overseeing their kids or students' online access. Teachers and librarians oversee children's online activity in a controlled environment. Providing hotspots outside of these settings allows kids to connect online without supervision from teachers or parents. For example, a parent who does not permit their child to use social media will have less ability to ensure their child remains off social media. A parent who limits their child's time and use of their device, such as purposefully limiting data usage or a data plan entirely, will have less authority to continue this if the child can simply access a hotspot instead. Additionally, hotspots may evade network-level blocking of certain content that schools and parents block from their Wi-Fi network. This proposed rule undermines parental authority.

Beyond the harms this proposal has on children's well-being and the role of parenting, this proposal wastes E-rate funds. As the FCC acknowledged in its proposal, "there are insufficient E-rate

⁵ Monica Anderson, Michelle Faverio and Jeffrey Gottfried, "Teens, Social Media and Technology 2023," Pew Research Center, December 11, 2023, <https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/> (March 27, 2024).

⁶ FCC, WC-Docket No. 21 – 31, p. 19, November 8, 2023, [FCC-23-91A1.pdf](https://www.fcc.gov/record/documents/attachments/2023/23-91A1.pdf) (March 13, 2024).

⁷ Barna, "Teens & Young Adults Use Porn More Than Anyone Else," January 28, 2016, <https://www.barna.com/research/teens-young-adults-use-porn-more-than-anyone-else/> (March 27, 2024).

⁸ Dame Rachel de Souza, "Evidence on pornography's influence on harmful sexual behaviour among children," Children's Commissioner, May 9, 2023, <https://www.childrenscommissioner.gov.uk/resource/pornography-and-harmful-sexual-behaviour/> (March 27, 2024).

⁹ Jennifer A. Kingston, "Pew: Many teens use social media 'almost constantly'," Axios, December 11, 2023, <https://www.axios.com/2023/12/11/social-media-teens-pew-tiktok-youtube-instagram-facebook-bereal-snapchat> (March 11, 2024).

¹⁰ Common Sense Media, The Common Sense Census: Media Use by Tweens and Teens.

funds to support Wi-Fi hotspots and services for every student, school staff member, and library patron across the nation.”¹¹ Adding another source for E-rate funds squeezes the current funding. E-rate is funded by the Universal Service Fund (USF), which is generated by a line-item surcharge on phone bills. However, because the program has already been expanded to high-cost service broadband programs, Congress has spent over \$150 billion in subsidies to meet the program’s obligations.¹² The FCC should focus on cleaning up the program and eliminating waste, fraud, and abuse before considering expansion. As Congressional members previously stated, expanding the E-rate program may lead to overbuilding and duplicating existing federal programs such as the \$42.5 billion Broadband Equity, Access, and Deployment (BEAD) program.¹³ The FCC should instead focus its efforts on ensuring existing funds are used appropriately, such as to prevent overbuilding.

Lastly, but perhaps most importantly from a legal standpoint, this rulemaking exceeds the FCC’s statutory authority. Section 254 of the Communications Act of 1934 states that E-Rate funds may only be used for telecommunications and information services in school classrooms and libraries. Because of this statutory limitation, the FCC maintained that off-campus locations are ineligible for the program until now.

The Heritage Foundation strongly opposes WC Docket No. 21-31 and urges the FCC to reconsider. The proposed rule is arbitrary and contributes to government waste. It also exceeds the FCC’s statutory authority, undermines the role and authority of parents, and negatively impacts children.

Respectfully,
The Heritage Foundation

by:

/s/ Annie Chestnut

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¹¹ FCC, WC-Docket No. 21 – 31, p. 18, November 8, 2023, [FCC-23-91A1.pdf](#) (March 13, 2024).

¹² Scott Wallsten and Gregory L. Rosston, “How to Fix the Universal Service Fund,” Technology Policy Institute, May 10, 2023, <https://techpolicyinstitute.org/publications/broadband/digital-divide/how-to-fix-the-universal-service-fund/> (March 13, 2024).

¹³ Senator Ted Cruz and Representative Cathy McMorris Rodgers, letter to Commissioner Anna Gomez, September 26, 2023, p. 3, <https://www.commerce.senate.gov/services/files/8DA42254-FE98-48F7-8F8B-B18319806A3D> (March 13, 2024).