

STATEMENT OF THE EDUCATION AND LIBRARIES NETWORKS COALITION ON THE 5TH CIRCUIT'S RULING IN CONSUMERS' RESEARCH ET AL. V. FCC

July 25, 2024

We are outraged by the 5th Circuit Court of Appeals' decision in Consumers' Research et al. v FCC that the funding mechanism of the Universal Service Fund is unconstitutional. If this decision stands, the E-Rate, Rural Health Care, High Cost and Lifeline programs, which comprise the Universal Service Fund, will come to an abrupt halt. In the case of E-Rate, this decision could lead to cutting off broadband access for tens of millions of students, educators and library patrons. We cannot let that happen.

EdLiNC, which represents the major K-12 public and private education associations and the American Library Association that helped enact and implement the E-Rate program, rejects the 5th Circuit's absurd decision and vows to fight it. We will not allow a narrow two vote majority decision upend the E-Rate, which has almost single-handedly made ubiquitous broadband access a reality in our nation's schools and libraries over the last 25 years.

We plan to work with FCC Chairwoman Rosenworcel and our allies in Congress to reverse the 5th Circuit's ruling and ensure that E-Rate will continue to provide all students educators and library patrons with access to the online world as envisioned by the bipartisan Congressional authors of this program.

AASA: The School Superintendents Association
American Federation of School Administrators
American Library Association
Association of Education Service Agencies
Association of School Business Officials International
CoSN – Consortium for School Networking
National Association for Pupil Transportation
National Association of Elementary School Principals
National Association of Federally Impacted Schools
National Association of Independent Schools
National Association of Secondary School Principals
National Catholic Educational Association
National Education Association
National Rural Education Association
National School Boards Association

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