

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for E-Rate support for Wi-Fi hotspots, modems, routers, and connected devices during emergency periods relating to COVID–19, and for other purposes.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 4049

To authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MARKEY (for himself, Mr. BENNET, Ms. HASSAN, and Mr. VAN HOLLEN)

Viz:

1 At the end of subtitle G of title X, add the following:

2 **SEC. 1085. E-RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER**
3 **EQUIPMENT, AND CONNECTED DEVICES DUR-**
4 **ING EMERGENCY PERIODS RELATING TO**
5 **COVID–19.**

6 (a) DEFINITIONS.—In this section:

7 (1) **ADVANCED TELECOMMUNICATIONS AND IN-**
8 **FORMATION SERVICES.**—The term “advanced tele-

1 communications and information services” means
2 advanced telecommunications and information serv-
3 ices, as that term is used in section 254(h) of the
4 Communications Act of 1934 (47 U.S.C. 254(h)).

5 (2) COMMISSION.—The term “Commission”
6 means the Federal Communications Commission.

7 (3) CONNECTED DEVICE.—The term “con-
8 nected device” means a laptop computer, tablet com-
9 puter, or similar device that is capable of connecting
10 to advanced telecommunications and information
11 services.

12 (4) COVERED REGULATIONS.—The term “cov-
13 ered regulations” means the regulations promul-
14 gated under subsection (b).

15 (5) COVID-19 EMERGENCY PERIOD.—The
16 term “COVID-19 emergency period” means the pe-
17 riod during which a public health emergency de-
18 clared pursuant to section 319 of the Public Health
19 Service Act (42 U.S.C. 247d) with respect to
20 COVID-19, including under any renewal of such
21 declaration, is in effect.

22 (6) EMERGENCY CONNECTIVITY FUND.—The
23 term “Emergency Connectivity Fund” means the
24 fund established under subsection (h)(1).

1 (7) ELIGIBLE EQUIPMENT.—The term “eligible
2 equipment” means the following:

3 (A) Wi-Fi hotspots.

4 (B) Modems.

5 (C) Routers.

6 (D) Devices that combine a modem and
7 router.

8 (E) Connected devices.

9 (8) LIBRARY.—The term “library” includes a
10 library consortium.

11 (9) WI-FI.—The term “Wi-Fi” means a wire-
12 less networking protocol based on Institute of Elec-
13 trical and Electronics Engineers standard 802.11
14 (or any successor standard).

15 (10) WI-FI HOTSPOT.—The term “Wi-Fi
16 hotspot” means a device that is capable of—

17 (A) receiving mobile advanced tele-
18 communications and information services; and

19 (B) sharing such services with another de-
20 vice through the use of Wi-Fi.

21 (b) REGULATIONS REQUIRED.—Not later than 7
22 days after the date of enactment of this Act, the Commis-
23 sion shall promulgate regulations providing for the provi-
24 sion, from amounts made available from the Emergency
25 Connectivity Fund, of support under section 254(h)(1)(B)

1 of the Communications Act of 1934 (47 U.S.C.
2 254(h)(1)(B)) to an elementary school, secondary school,
3 or library (including a Tribal elementary school, Tribal
4 secondary school, or Tribal library) eligible for support
5 under that section, during a COVID–19 emergency period
6 (including any portion of the period occurring before the
7 date of enactment of this Act) of eligible equipment or
8 advanced telecommunications and information services,
9 for use by—

10 (1) in the case of a school, students and staff
11 of the school at locations that include locations other
12 than the school; and

13 (2) in the case of a library, patrons of the li-
14 brary at locations that include locations other than
15 the library.

16 (c) ELIGIBILITY OF TRIBAL LIBRARIES.—For pur-
17 poses of determining the eligibility of a Tribal library for
18 support under the covered regulations, the portion of para-
19 graph (4) of section 254(h) of the Communications Act
20 of 1934 (47 U.S.C. 254(h)) relating to eligibility for as-
21 sistance from a State library administrative agency under
22 the Library Services and Technology Act (20 U.S.C. 9121
23 et seq.) shall not apply.

24 (d) PRIORITIZATION OF SUPPORT.—The Commission
25 shall provide in the covered regulations for a mechanism

1 to require a school or library to prioritize the provision
2 of eligible equipment or advanced telecommunications and
3 information services (or both), for which support is re-
4 ceived under those regulations, to students and staff or
5 patrons (as the case may be) that the school or library
6 believes do not have access to eligible equipment or ad-
7 vanced telecommunications and information services (or
8 do not have access to either), respectively, at the resi-
9 dences of the students and staff or patrons.

10 (e) TREATMENT OF EQUIPMENT AFTER EMERGENCY
11 PERIOD.—The Commission shall provide in the covered
12 regulations that, in the case of a school or library that
13 purchases eligible equipment using support received under
14 the covered regulations, the school or library—

15 (1) may, after the COVID–19 emergency period
16 with respect to which the support is received, use the
17 equipment for any purposes that the school or li-
18 brary considers appropriate, subject to any restric-
19 tions provided in the covered regulations (or any
20 successor regulation); and

21 (2) may not sell or otherwise transfer the equip-
22 ment in exchange for any thing (including a service)
23 of value, except that the school or library may ex-
24 change the equipment for upgraded equipment of
25 the same type.

1 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to affect any authority of the Com-
3 mission under section 254(h)(1)(B) of the Communica-
4 tions Act of 1934 (47 U.S.C. 254(h)(1)(B)) to allow sup-
5 port under that section to be used for the purposes de-
6 scribed in subsection (b) of this section other than as re-
7 quired by that subsection.

8 (g) PROCEDURAL MATTERS.—

9 (1) PART 54 REGULATIONS.—Nothing in this
10 section shall be construed to prevent the Commission
11 from providing that the regulations in part 54 of
12 title 47, Code of Federal Regulations—

13 (A) shall apply in whole or in part to sup-
14 port provided under the covered regulations;

15 (B) shall not apply in whole or in part to
16 support provided under the covered regulations;

17 or

18 (C) shall be modified in whole or in part
19 for purposes of application to support provided
20 under the covered regulations.

21 (2) EXEMPTION FROM CERTAIN RULEMAKING
22 REQUIREMENTS.—Subsections (b), (c), and (d) of
23 section 553 of title 5, United States Code, shall not
24 apply to the covered regulations or a rulemaking to
25 promulgate the covered regulations.

1 (3) PAPERWORK REDUCTION ACT EXEMP-
2 TION.—A collection of information conducted or
3 sponsored under the covered regulations, or under
4 section 254 of the Communications Act of 1934 (47
5 U.S.C. 254) in connection with support provided
6 under the covered regulations, shall not constitute a
7 collection of information for the purposes of sub-
8 chapter I of chapter 35 of title 44, United States
9 Code (commonly referred to as the “Paperwork Re-
10 duction Act”).

11 (h) EMERGENCY CONNECTIVITY FUND.—

12 (1) ESTABLISHMENT.—There is established in
13 the Treasury of the United States a fund to be
14 known as the “Emergency Connectivity Fund”.

15 (2) APPROPRIATION.—There is appropriated to
16 the Emergency Connectivity Fund, out of any money
17 in the Treasury not otherwise appropriated,
18 \$4,000,000,000 for fiscal year 2020, to remain
19 available through fiscal year 2021.

20 (3) USE OF FUNDS.—Amounts in the Emer-
21 gency Connectivity Fund shall be available to the
22 Commission to provide support under the covered
23 regulations.

24 (4) RELATIONSHIP TO UNIVERSAL SERVICE
25 CONTRIBUTIONS.—Support provided under the cov-

1 ered regulations shall be provided from amounts
2 made available under paragraph (3) and not from
3 contributions under section 254(d) of the Commu-
4 nications Act of 1934 (47 U.S.C. 254(d)).