

AMENDMENT TO
RULES COMMITTEE PRINT 116-57
OFFERED BY MS. MENG OF NEW YORK

At the end of subtitle E of title X, add the following:

1 **SEC. 10 ____ . E-RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER**
2 **EQUIPMENT, AND CONNECTED DEVICES DUR-**
3 **ING EMERGENCY PERIODS RELATING TO**
4 **COVID-19.**

5 (a) DEFINITIONS.—In this section:

6 (1) ADVANCED TELECOMMUNICATIONS AND IN-
7 FORMATION SERVICES.—The term “advanced tele-
8 communications and information services” means
9 advanced telecommunications and information serv-
10 ices, as that term is used in section 254(h) of the
11 Communications Act of 1934 (47 U.S.C. 254(h)).

12 (2) COMMISSION.—The term “Commission”
13 means the Federal Communications Commission.

14 (3) CONNECTED DEVICE.—The term “con-
15 nected device” means a laptop computer, tablet com-
16 puter, or similar device that is capable of connecting
17 to advanced telecommunications and information
18 services.

1 (4) COVERED REGULATIONS.—The term “cov-
2 ered regulations” means the regulations promul-
3 gated under subsection (b).

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

11 (6) EMERGENCY CONNECTIVITY FUND.—The
12 term “Emergency Connectivity Fund” means the
13 fund established under subsection (h)(1).

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

16 (A) Wi-Fi hotspots.

17 (B) Modems.

18 (C) Routers.

19 (D) Devices that combine a modem and
20 router.

21 (E) Connected devices.

22 (8) LIBRARY.—The term “library” includes a
23 library consortium.

24 (9) WI-FI.—The term “Wi-Fi” means a wire-
25 less networking protocol based on Institute of Elec-

1 trical and Electronics Engineers standard 802.11
2 (or any successor standard).

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

5 (A) receiving mobile advanced tele-
6 communications and information services; and

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

9 (b) REGULATIONS REQUIRED.—Not later than 7
10 days after the date of enactment of this Act, the Commis-
11 sion shall promulgate regulations providing for the provi-
12 sion, from amounts made available from the Emergency
13 Connectivity Fund, of support under section 254(h)(1)(B)
14 of the Communications Act of 1934 (47 U.S.C.
15 254(h)(1)(B)) to an elementary school, secondary school,
16 or library (including a Tribal elementary school, Tribal
17 secondary school, or Tribal library) eligible for support
18 under that section, during a COVID–19 emergency period
19 (including any portion of the period occurring before the
20 date of enactment of this Act) of eligible equipment or
21 advanced telecommunications and information services,
22 for use by—

23 (1) in the case of a school, students and staff
24 of the school at locations that include locations other
25 than the school; and

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

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

12 (d) PRIORITIZATION OF SUPPORT.—The Commission
13 shall provide in the covered regulations for a mechanism
14 to require a school or library to prioritize the provision
15 of eligible equipment or advanced telecommunications and
16 information services (or both), for which support is re-
17 ceived under those regulations, to students and staff or
18 patrons (as the case may be) that the school or library
19 believes do not have access to eligible equipment or ad-
20 vanced telecommunications and information services (or
21 do not have access to either), respectively, at the resi-
22 dences of the students and staff or patrons.

23 (e) TREATMENT OF EQUIPMENT AFTER EMERGENCY
24 PERIOD.—The Commission shall provide in the covered
25 regulations that, in the case of a school or library that

1 purchases eligible equipment using support received under
2 the covered regulations, the school or library—

3 (1) may, after the COVID–19 emergency period
4 with respect to which the support is received, use the
5 equipment for any purposes that the school or li-
6 brary considers appropriate, subject to any restric-
7 tions provided in the covered regulations (or any
8 successor regulation); and

9 (2) may not sell or otherwise transfer the equip-
10 ment in exchange for any thing (including a service)
11 of value, except that the school or library may ex-
12 change the equipment for upgraded equipment of
13 the same type.

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

21 (g) PROCEDURAL MATTERS.—

22 (1) PART 54 REGULATIONS.—Nothing in this
23 section shall be construed to prevent the Commission
24 from providing that the regulations in part 54 of
25 title 47, Code of Federal Regulations—

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

3 (B) shall not apply in whole or in part to
4 support provided under the covered regulations;
5 or

6 (C) shall be modified in whole or in part
7 for purposes of application to support provided
8 under the covered regulations.

9 (2) EXEMPTION FROM CERTAIN RULEMAKING
10 REQUIREMENTS.—Subsections (b), (c), and (d) of
11 section 553 of title 5, United States Code, shall not
12 apply to the covered regulations or a rulemaking to
13 promulgate the covered regulations.

14 (3) PAPERWORK REDUCTION ACT EXEMP-
15 TION.—A collection of information conducted or
16 sponsored under the covered regulations, or under
17 section 254 of the Communications Act of 1934 (47
18 U.S.C. 254) in connection with support provided
19 under the covered regulations, shall not constitute a
20 collection of information for the purposes of sub-
21 chapter I of chapter 35 of title 44, United States
22 Code (commonly referred to as the “Paperwork Re-
23 duction Act”).

24 (h) EMERGENCY CONNECTIVITY FUND.—

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

4 (2) APPROPRIATION.—There is appropriated to
5 the Emergency Connectivity Fund, out of any money
6 in the Treasury not otherwise appropriated,
7 \$4,000,000,000 for fiscal year 2020, to remain
8 available through fiscal year 2021.

9 (3) USE OF FUNDS.—Amounts in the Emer-
10 gency Connectivity Fund shall be available to the
11 Commission to provide support under the covered
12 regulations.

13 (4) RELATIONSHIP TO UNIVERSAL SERVICE
14 CONTRIBUTIONS.—Support provided under the cov-
15 ered regulations shall be provided from amounts
16 made available under paragraph (3) and not from
17 contributions under section 254(d) of the Commu-
18 nications Act of 1934 (47 U.S.C. 254(d)).

