

116TH CONGRESS
2D SESSION

S. 3690

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

MAY 12, 2020

Mr. BENNET (for Mr. MARKEY (for himself, Mr. VAN HOLLEN, Mr. BENNET, Ms. HASSAN, Mr. SCHUMER, Mr. SCHATZ, Mr. BOOKER, Mr. JONES, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. KING, Ms. BALDWIN, Mr. BROWN, Mr. DURBIN, Ms. HARRIS, Mr. MURPHY, Mr. WYDEN, Mr. CARDIN, Mrs. SHAHEEN, Mr. SANDERS, Mr. REED, Ms. KLOBUCHAR, Ms. CORTEZ MASTO, Ms. ROSEN, Ms. HIRONO, Ms. SMITH, Mr. MERKLEY, Ms. DUCKWORTH, Ms. WARREN, Mr. WHITEHOUSE, Mr. UDALL, Mr. PETERS, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. KAINE, Mr. MENENDEZ, Mr. CASEY, Mr. CARPER, Ms. SINEMA, Mr. COONS, Mr. HEINRICH, Mr. WARNER, Ms. STABENOW, Mr. LEAHY, and Mr. TESTER)) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Emergency Edu-
3 cational Connections Act of 2020”.

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

8 (a) DEFINITIONS.—In this section:

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

15 (2) COMMISSION.—The term “Commission”
16 means the Federal Communications Commission.

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

22 (4) COVERED REGULATIONS.—The term “cov-
23 ered regulations” means the regulations promul-
24 gated under subsection (b).

25 (5) COVID-19 EMERGENCY PERIOD.—The
26 term “COVID-19 emergency period” means the pe-

1 riod during which a public health emergency de-
 2 clared pursuant to section 319 of the Public Health
 3 Service Act (42 U.S.C. 247d) with respect to
 4 COVID–19, including under any renewal of such
 5 declaration, is in effect.

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

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

11 (A) Wi-Fi hotspots.

12 (B) Modems.

13 (C) Routers.

14 (D) Devices that combine a modem and
 15 router.

16 (E) Connected devices.

17 (8) LIBRARY.—The term “library” includes a
 18 library consortium.

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

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

1 (A) receiving mobile advanced tele-
2 communications and information services; and

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

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

19 (1) in the case of a school, students and staff
20 of the school at locations that include locations other
21 than the school; and

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

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

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

20 (e) TREATMENT OF EQUIPMENT AFTER EMERGENCY
21 PERIOD.—The Commission shall provide in the covered
22 regulations that, in the case of a school or library that
23 purchases eligible equipment using support received under
24 the covered regulations, the school or library—

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

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

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

19 (g) **PROCEDURAL MATTERS.**—

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

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

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

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

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

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

22 (h) EMERGENCY CONNECTIVITY FUND.—

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

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

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

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

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