

111TH CONGRESS
2D SESSION

H. R. 4619

To amend the Communications Act of 1934 to create a pilot program to bridge the digital divide by providing vouchers for broadband service to eligible students, to increase access to advanced telecommunications and information services for community colleges and head start programs, to establish a pilot program for discounted electronic books, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2010

Mr. MARKEY of Massachusetts (for himself, Mrs. CAPPS, and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to create a pilot program to bridge the digital divide by providing vouchers for broadband service to eligible students, to increase access to advanced telecommunications and information services for community colleges and head start programs, to establish a pilot program for discounted electronic books, 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 “E-Rate 2.0 Act of
3 2010”.

4 **SEC. 2. E-RATE 2.0 PROGRAM FOR INCREASED ADOPTION.**

5 Section 254(h) of the Communications Act of 1934
6 (47 U.S.C. 254(h)) is amended—

7 (1) by redesignating paragraph (7) as para-
8 graph (10); and

9 (2) by adding after paragraph (6) the following:

10 “(7) DIGITAL DIVIDE MITIGATION.—

11 “(A) IN GENERAL.—The Commission shall
12 implement a pilot program to extend broadband
13 service to students who—

14 “(i) qualify for funding under the fed-
15 erally subsidized school lunch program;

16 “(ii) attend secondary schools that re-
17 ceive support under this section; and

18 “(iii) who possess a computer for use
19 at home.

20 “(B) USE OF FUNDS.—The pilot program
21 shall distribute funding to such secondary
22 schools to dispense vouchers to eligible students
23 to be used for monthly service fees for residen-
24 tial broadband service for such students.

25 “(C) RULES.—The Commission shall pro-
26 mulgate rules to implement the pilot program,

including rules to prevent vouchers from being sold or transferred to non-qualifying individuals.

“(D) LIMITATIONS.—

“(i) DURATION.—The pilot program shall be in effect for a period of 5 years after the effective date of the regulations promulgated under subparagraph (C).

“(ii) MAXIMUM AMOUNT.—There is authorized to be appropriated to the Commission to implement the pilot program not more than \$500,000,000 per year for the period described in clause (i).”.

SEC. 3. ELIGIBILITY FOR DISCOUNTED RATES FOR COMMUNITY COLLEGES AND HEAD START PROGRAMS.

(a) IN GENERAL.—Section 254(h) of such Act (47 U.S.C. 254(h)) is further amended—

(1) in paragraph (2)(A), by striking “classrooms,” and inserting “classrooms, community colleges, head start programs”; and

(2) in paragraph (10) (as redesignated under section 2(1))—

1 (A) in subparagraph (C), by striking
2 “school,” and inserting “school, a community
3 college, a head start program”; and

4 (B) by adding at the end the following:

5 “(J) COMMUNITY COLLEGE.—The term
6 ‘community college’ has the meaning given the
7 term ‘junior or community college’ in section
8 312 of the Higher Education Act of 1965 (20
9 U.S.C. 1058).

10 “(K) HEAD START PROGRAM.—The term
11 ‘head start program’ means any local public or
12 private nonprofit agency that is designated by
13 the Secretary of Health and Human Services as
14 a Head Start agency under section 641 of the
15 Head Start Act (42 U.S.C. 9836).”.

16 (b) PILOT PROJECT.—Section 254(h) of such Act (47
17 U.S.C. 254(h)) is further amended by inserting after para-
18 graph (7), as added by section 2, the following:

19 “(8) COMMUNITY COLLEGES AND HEAD START
20 PROGRAMS PILOT PROJECT.—

21 “(A) IN GENERAL.—The Commission shall
22 implement a pilot project, not to exceed
23 \$150,000,000 in any one year, to extend fund-
24 ing for broadband equipment and services
25 under this section to those community college

1 or head start program applicants who best dem-
2 onstrate need, maximization potential of
3 broadband use consistent with their educational
4 mission, and innovation with respect to use of
5 broadband, web-based information and applica-
6 tions.

7 “(B) RULEMAKING REQUIRED.—The Com-
8 mission shall adopt rules as necessary to imple-
9 ment this paragraph.

10 “(C) SPECIFICATION.—For the first 5
11 years after the date of enactment of the E-Rate
12 2.0 Act of 2010, community colleges and head
13 start programs shall receive funding for
14 broadband equipment and services from the
15 Federal government exclusively through this
16 pilot project.”.

17 **SEC. 4. ELECTRONIC BOOKS PILOT PROJECT.**

18 Section 254(h) of the Communications Act of 1934
19 (47 U.S.C. 254(h)) is further amended by inserting after
20 paragraph (8), as added by section 3, the following:

21 “(9) E-BOOKS FOR E-RATE.—

22 “(A) IN GENERAL.—The Commission shall
23 implement a pilot project, not to exceed
24 \$50,000,000 in any one year, to extend to those
25 secondary school applicants for funding under

1 this section that are eligible for the highest per-
2 centage discounted rates under the Commis-
3 sion’s regulations implementing this section an
4 opportunity to apply for meaningfully dis-
5 counted services and technologies for the use of
6 electronic books.

7 “(B) RULEMAKING REQUIRED.—The Com-
8 mission shall adopt such rules as may be nec-
9 essary to implement this paragraph, including
10 rules assuring that such technologies and serv-
11 ices are incorporated into the course curricula
12 of the applying secondary school and that im-
13 plementation is on a technology-neutral basis.

14 “(C) DURATION; REPORT.—

15 “(i) IN GENERAL.—The pilot project
16 shall last 4 years in duration.

17 “(ii) REPORT.—At the end of the
18 third year of the operation of the pilot
19 project, the Commission shall prepare and
20 submit to Congress a report assessing the
21 project. The report shall include metrics to
22 gauge the impact on digital literacy and
23 overall learning associated with the student
24 use of the electronic books project.

1 “(D) RULEMAKING REQUIRED.—The Com-
 2 mission shall commence and complete a rule-
 3 making in the final year of the pilot project and
 4 determine whether the program should be ex-
 5 tended or terminated, and if extended, what ad-
 6 ditional entities should be eligible for funding,
 7 what level of funding is reasonable and afford-
 8 able for such program, and what other modi-
 9 fications to the program are warranted con-
 10 sistent with the public interest.”.

11 **SEC. 5. IMPROVED ADMINISTRATION OF E-RATE APPLICA-**
 12 **TION PROCESS.**

13 (a) IN GENERAL.—Not later than 6 months after the
 14 date of enactment of this Act, the Federal Communica-
 15 tions Commission shall develop and implement policies and
 16 procedures to streamline and simplify the application proc-
 17 ess under section 254(h) of the Communications Act of
 18 1934 (commonly known as the “E-Rate program”) for the
 19 purpose of—

- 20 (1) improving administration of the program;
- 21 (2) increasing access to the benefits of the pro-
- 22 gram;
- 23 (3) minimizing the burden on applicants; and
- 24 (4) maintaining measures to eliminate waste,
- 25 fraud, and abuse.

1 (b) SPECIFIC MODIFICATIONS.—In carrying out sub-
2 section (a), the Federal Communications Commission shall
3 consider whether the mission and goals of the E-Rate pro-
4 gram would be better served by the following modifications
5 to the administration of the program:

6 (1) The establishment of a multi-year applica-
7 tion for Priority One services such that applicants
8 would be required to submit funding requests only
9 once every 3 years for recurring services (such as
10 telephone and Internet access services).

11 (2) The use of an interactive Web site for com-
12 municating with applicants.

13 (3) The deployment of interactive technology
14 tools, such as online application forms, as part of
15 the application process to reduce the use of paper-
16 based means of communication and to improve the
17 ability of applicants to receive clear and current in-
18 formation regarding their applications and the E-
19 Rate program.

20 **SEC. 6. E-RATE FUND CAP MODIFICATION.**

21 (a) IN GENERAL.—Not later than 6 months after the
22 date of enactment of this Act, the Federal Communica-
23 tions Commission shall complete a proceeding to revise the
24 amount of the cap provided for in section 54.507(a) of

1 title 47, Code of Federal Regulations, to account for infla-
2 tion.

3 (b) REPORT TO CONGRESS.—Not later than 30 days
4 after completing the proceeding required by subsection
5 (a), the Federal Communications Commission shall submit
6 a report to Congress explaining what methodology the
7 Commission will use to determine the appropriate adjust-
8 ment under such subsection.

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