

116TH CONGRESS
2D SESSION

S. 5021

To require the Federal Communications Commission to make amendments to the E-rate program of the Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2020

Mrs. CAPITO (for herself and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Federal Communications Commission to make amendments to the E-rate program of the Commission, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Every Child Connected
5 Act”.

6 **SEC. 2. E-RATE PROGRAM.**

7 (a) DEFINITIONS.—In this section—

8 (1) the term “Commission” means the Federal
9 Communications Commission;

1 (2) the term “distance learning” has the mean-
 2 ing given the term in section 8101 of the Elemen-
 3 tary and Secondary Education Act of 1965 (20
 4 U.S.C. 7801); and

5 (3) the term “E-rate program” means the uni-
 6 versal service program set forth under subpart F of
 7 part 54 of title 47, Code of Federal Regulations (or
 8 any successor regulations).

9 (b) UPDATES TO E-RATE PROGRAM.—

10 (1) IN GENERAL.—Not later than 180 days
 11 after the date of enactment of this Act, the Commis-
 12 sion shall amend the E-rate program to provide
 13 that—

14 (A) activities that are integral, immediate,
 15 and proximate to the education of a student,
 16 even if those activities are performed in the
 17 home of a student, qualify as activities that are
 18 for educational purposes for the purposes of the
 19 E-rate program;

20 (B) a household in which a student is en-
 21 gaged or participating in distance learning shall
 22 be an eligible recipient under the E-rate pro-
 23 gram; and

24 (C) the aggregate annual cap on Federal
 25 universal service support under the E-rate pro-

1 gram shall be \$10,000,000,000 per funding
2 year.

3 (2) COORDINATION.—In making the amend-
4 ments required under subparagraphs (A) and (B) of
5 paragraph (1), the Commission shall coordinate with
6 the Secretary of Education and appropriate instru-
7 mentalities of State and local governments.

8 (3) TECHNICAL AND CONFORMING AMEND-
9 MENTS.—Section 254 of the Communications Act of
10 1934 (47 U.S.C. 254) is amended—

11 (A) in subsection (b)(6), by inserting “cer-
12 tain households (solely for the purposes de-
13 scribed in section 2(b)(1)(B) of the Every Child
14 Connected Act),” after “schools and class-
15 rooms,”;

16 (B) in subsection (c)(3), by inserting “cer-
17 tain households (solely for the purposes de-
18 scribed in section 2(b)(1)(B) of the Every Child
19 Connected Act),” after “schools,”; and

20 (C) in subsection (h)—

21 (i) in paragraph (1)(B), in the first
22 sentence of the matter preceding clause (i),
23 by inserting “certain households (solely for
24 the purposes described in section

1 2(b)(1)(B) of the Every Child Connected
2 Act),” after “secondary schools,”; and

3 (ii) in paragraph (2)—

4 (I) in subparagraph (A), by in-
5 serting “certain households (solely for
6 the purposes described in section
7 2(b)(1)(B) of the Every Child Con-
8 nected Act),” after “classrooms,”; and

9 (II) in subparagraph (B), by in-
10 serting “or household” after “public
11 institutional”.

12 (c) TRANSFER OF FTC CIVIL PENALTIES.—Section
13 5 of the Federal Trade Commission Act (15 U.S.C. 45)
14 is amended by adding at the end the following:

15 “(o)(1) In this subsection, the term ‘E-rate program’
16 means the universal service program set forth under sub-
17 part F of part 54 of title 47, Code of Federal Regulations
18 (or any successor regulations).

19 “(2) Subject to paragraph (3), the Secretary of the
20 Treasury shall transfer to the Federal Communications
21 Commission an amount equal to any amount collected in
22 connection with a civil penalty under subsection (l) or (m).

23 “(3) The amounts transferred to the Federal Com-
24 munications Commission pursuant to paragraph (2) shall
25 be—

1 “(A) transferred at least monthly from the gen-
2 eral fund of the Treasury to the Federal Commu-
3 nications Commission on the basis of estimates made
4 by the Secretary of the Treasury;

5 “(B) used by the Federal Communications
6 Commission to carry out the E-rate program, as
7 amended in accordance with section 2(b) of the
8 Every Child Connected Act; and

9 “(C) properly adjusted in the amounts subse-
10 quently transferred to the extent prior estimates
11 were in excess of or less than the amounts required
12 to be transferred.”.

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