

SECTION 1. SHORT TITLE.

This Act may be cited as the “Remote Learning During COVID-19 Act”.

SECTION 2. FINDINGS.

- (a) Almost all schools and libraries are closed due to the COVID-19 pandemic. This means that the nation’s 55 million school children are unable to attend school and increasingly rely upon remote learning based on broadband Internet access services.
- (b) Unfortunately, according to the General Accounting Office and National Center for Education Statistics, there are 7.15 million families in the United States who cannot afford broadband Internet access service.
- (c) According to Dr. Fauci and other medical professionals, the COVID-19 crisis will likely persist at least into the fall of this year and perhaps longer. As a result, many K-12 schools are unlikely to return to full operation when the next school year begins in August/September of 2020.
- (d) The lack of broadband connections at home presents a serious challenge to all school children, as some schools are prohibited from providing online instruction unless and until all of their students have access.
- (e) Because schools are closed, the COVID-19 crisis has created an “education and learning gap” that is even more challenging than the “homework gap” identified in the past.
- (f) Broadband providers are to be commended for making free and low-cost Internet services available to low-income families, but there are often restrictions or conditions placed on these offers. For example, most offers are for a limited duration—often 60-90 days—and some require families to sign up for recurring Internet access at over \$50/month.
- (g) Congress must take action to ensure that broadband Internet access service is made available and affordable so that all students can continue their education at home for the foreseeable future.

- (h) To provide online learning, schools and libraries require additional funding as soon as possible, and the flexibility to use that money in a way that provides the greatest impact for their students and patrons.
- (i) Simultaneously, schools and libraries are suffering from an increase in cybersecurity and ransomware attacks that have resulted in the loss of some or all of their stored electronic records, and often forced the school or library to close down their networks for a lengthy period of time. Thus, funding for cybersecurity is essential for keeping school and library networks, student and teacher devices, and education and administrative functions operational.
- (j) Most often, the students and teachers that do not have Internet access at home also lack computers or tablets to connect to online learning. Smartphones are inadequate for performing homework and receiving online instruction.
- (k) Congress needs to appropriate \$5.25 billion to a special fund administered by the Federal Communications Commission to make broadband service accessible to families with students and teachers at home and at other off-campus locations where educational activities occur. The FCC needs to rapidly develop and open a special application process to enable schools and libraries to apply for these funds and connects students, teachers and library patrons at home as soon as possible.
- (l) Funds for Learning has provided a detailed research study finding that the total cost of ensuring that students and teachers have sufficient broadband service and devices for 12 months could cost a total of \$7.5 billion. If schools and libraries contribute 30% to this cost, \$5.25 billion in federal funding will be needed to cover these costs.
- (m) With schools closed, “classrooms” are now taking place online both at home and in a variety of off-campus locations. The FCC needs to provide support to the provision of broadband Internet access services at any location where educational activity is likely to occur.

SECTION 3. REMOTE LEARNING DURING COVID–19 INITIATIVE.

- (a) **ADOPTION OF REGULATIONS REQUIRED.**—Not later than 21 days after the date of the enactment of this Act, and after an expedited opportunity for notice

and comment, the Commission shall adopt regulations to establish a Remote Learning Initiative and shall adopt rules to implement the following:

(1) The Commission shall open an application process beginning no later than 7 days after the Commission adopts the regulations required in this section to allow eligible entities to apply for funding to facilitate the provision of broadband Internet access service at homes of students, teachers and library patrons and at other off-campus locations where educational activities occur.

(A) Eligible entities for this program include an elementary school, secondary school, or library (including a Tribal elementary school, Tribal secondary school, or Tribal library) and consortia of such schools and libraries. For purposes of determining the eligibility of a Tribal library for support under the regulations required by this subsection, the portion of paragraph (4) of section 254(h) of the Communications Act of 1934 ([47 U.S.C. 254\(h\)](#)) relating to eligibility for assistance from a State library administrative agency under the Library Services and Technology Act shall not apply.

(B) In implementing the Remote Learning During COVID-19 Initiative, the Commission shall ensure that eligible entities give priority to those low-income households that do not currently have adequate access to broadband Internet access service at home.

(C) Eligible entities may apply for and receive funding from the Remote Learning During COVID-19 Initiative for the following eligible expenses:

(i) the purchase of broadband Internet access services (including monthly recurring costs, installation costs, and routers, Wi-Fi hotspots or other customer premise equipment necessary to distribute the broadband internet access service to end-user devices) from commercial and non-commercial broadband providers;

(ii) the purchase and installation of broadband network equipment, including wireless base stations and access points, and provision of broadband Internet access service by the school or library;

(iii) cybersecurity tools and services to protect school and library networks and connected devices from harmful disruption; and

(iv) the one-time cost of purchasing and making available connected devices capable of receiving and transmitting broadband Internet access service content and adequate to engage in on-line learning and instruction.

(D) Notwithstanding any other provision of law and to reduce the regulatory restrictions on schools and libraries, eligible entities shall be permitted to extend their broadband services from the school or library campus to homes and other off-campus locations where educational activities occur during and after the national COVID-19 emergency and shall be permitted to use their broadband facilities to provide backhaul connectivity to other providers of broadband Internet access service without a reduction in eligible entities' Universal Service Fund support.

(E) Notwithstanding any other provision of law, the Commission shall waive the competitive bidding process for the duration of the national COVID-19 emergency to allow eligible entities to obtain funding to increase immediately the capacity of their broadband services purchased under the traditional E-rate program from their existing provider of service.

(F) The Commission shall provide support under the Remote Learning During COVID-19 Initiative for eligible entities to obtain cybersecurity tools and services whether provided on a school or library campus or off-site.

(2) The Commission shall apply the same discount matrix rate for funding Remote Learning During COVID-19 applications as it applies to traditional E-rate applications, except that the discounted share is increased by up to 20% for Remote Learning During COVID-19 applications submitted by libraries and library consortia (not to exceed the maximum E-rate discount permitted). A school or library receiving Remote Learning During COVID-19 support may use other federal funding for its portion of the cost that is not supported by the Remote Learning During COVID-19 funding, as long as the total amount of federal funding received is not greater than the cost of providing the eligible services and equipment.

(3) Funding may be provided for eligible expenses incurred by the eligible entities beginning from the date of the announcement of the national COVID-19 emergency through the end of the fiscal year 2021.

(4) To ensure funding is available to meet the needs of all eligible schools and libraries, the Commission shall establish appropriate funding caps at the applicant level.

(5) The Commission shall adopt and implement a rolling application process to allow eligible entities to apply for funding from the Remote Learning During COVID-19 Initiative as soon as practicable without requiring a competitive bidding process. Applicants must certify that they are complying with all local and state procurement regulations.

(6) The Commission shall adopt and implement a rapid review process that incorporates reasonable measures to ensure compliance so that each application for Remote Learning During COVID-19 funding is decided within 14 days after the application is submitted. This rapid review process of Remote Learning During COVID-19 applications shall be conducted separate from the processing of traditional E-rate applications and shall not disturb or delay the processing of any other Commission funding programs.

(7) The Commission shall authorize disbursement of funds for each request for payment for the Remote Learning During COVID-19 Initiative not later than 15 days after the date on which such a request is submitted in compliance with an approved application.

(8) The Commission shall provide in the regulations required by this subsection that, in the case of an eligible entity that purchases equipment described in this subsection using support received under such regulations, such eligible entity—

(A) may, after the emergency period with respect to which such support is received, use such equipment for such purposes as such eligible entity considers appropriate, subject to any restrictions provided in such regulations (or any successor regulation); and

(B) may not sell or otherwise transfer such equipment in exchange for anything (including a service) of value, except that such eligible entity may exchange such equipment for upgraded equipment of the same type.

(9) The Commission shall waive the gift rule in the Remote Learning During COVID-19 Initiative and in the traditional E-rate program through the end of fiscal year 2021.

SECTION 4. APPROPRIATIONS.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the Emergency Remote Learning During COVID-19 Fund.

(b) **APPROPRIATIONS.**—There is appropriated to the Emergency Remote Learning During COVID-19 Fund, out of any money in the Treasury not otherwise appropriated, \$5,250,000,000 in fiscal year 2020, to remain available through fiscal year 2021.

(c) **USE OF FUNDS.**—Amounts in the Emergency Remote Learning During COVID-19 Fund shall be available to the Commission to carry out the Remote Learning During COVID-19 Initiative, as set forth in this Act and the regulations adopted under Section (3).

(d) **RELATIONSHIP TO UNIVERSAL SERVICE CONTRIBUTIONS.**—Universal service support provided under the regulations required by Section (3) shall be provided from amounts made available under this Section and not from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)). Such support shall be in addition to, and not in replacement of, funds authorized by the Commission for the Universal Service Fund prior to the enactment of this Act from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)).

SECTION 5. DEFINITIONS.

(a) The term “broadband Internet access service” means has the meaning given the term in section 8.1(b) of 14 title 47, Code of Federal Regulations, or any successor regulation [and includes a service that provides an uninterrupted connection to the Internet at a minimum speed of 25 Mbps download and 3 Mbps upload].

(b) The term “broadband network equipment” includes Wi-Fi hotspots, modems, routers, devices that combine a modem and router, antennas, base stations, access points, and other equipment used to transmit broadband services.

(c) The term “Commission” means the Federal Communications Commission.

(d) The term "connected device" means a laptop computer, tablet computer, or similar end user device that is capable of connecting to broadband Internet access services and adequate to engage in on-line learning and instruction.

(e) The term "cybersecurity tools and services" means equipment, monitoring, and response services that protect networks, network traffic, network attached systems, and end user devices from unauthorized access or attacks that are designed to exploit, damage, destroy or exfiltrate systems or data. Such tools include but are not restricted to --

(i) firewalls,

(ii) tools that detect and block denial-of-service (DOS) attacks, unauthorized network intrusion, viruses, malware, spyware, malicious applications, malicious and illegal content, and unlawful or inappropriate content to minors,

(iii) network traffic encryption,

(iv) virtual private networks (VPNs), and

(v) network monitoring tools that include log collection and analysis, identity and access management, and network access control.

(vi) The term "educational activities" means any formal or informal learning that takes place in off-campus locations and related activities that are integral, immediate, and proximate to the education of students, or in the case of libraries, integral, immediate, and proximate to the provision of library services to library patrons.

(vii) The term "national COVID-19 emergency" means the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) as a result of COVID-19, including any renewal thereof.

(viii) The term "off-campus location" means a place that is not physically located on the premises of a school or library where students, teachers or library patrons frequently access a broadband connection for educational activities.

(ix) The term "students" means students enrolled in pre-kindergarten through high school, including part-time students, as defined by each state.

(x) The term "teachers" means teachers providing instruction to students from kindergarten through high school as defined by each state.

(xi) The term “traditional E-rate program” means the program in subpart F of part 54 of title 47, Code of Federal Regulations in effect prior to the enactment of this Act.

(xii) The term “Wi-Fi hot spot” means a device that is capable of receiving broadband internet access service and sharing such services with another device through the use of Wi-Fi.

SECTION 6. TIMING.

(a) **EFFECTIVE DATE OF REGULATIONS.**—The regulations required under Section (3) shall take effect on the date on which such regulations are adopted.

(b) **TERMINATION OF REGULATIONS.**—Except to the extent that the Commission determines that some or all of the regulations promulgated under Section (3) should remain in effect, such regulations shall terminate on the earlier of—

(1) the date on which the funding appropriated under this Act is exhausted, or

(2) September 30, 2021.

SECTION 7. ADDITIONAL PROVISIONS.

(a) **EXEMPTIONS.**—

(1) **NOTICE AND COMMENT RULEMAKING REQUIREMENTS.**—Section 553 of title 5, United States Code, shall not apply to a regulation promulgated under subsection (a) or a rulemaking to promulgate such a regulation.

(2) **PAPERWORK REDUCTION ACT REQUIREMENTS.**—A collection of information conducted or sponsored under the regulations required by subsection (a), or under section 254 of the Communications Act of 1934 (47 U.S.C. 254) in connection with universal service support provided under such regulations, shall not constitute a collection of information for the purposes of subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the Paperwork Reduction Act).

(b) Amounts in the Emergency Remote Learning During COVID-19 Fund shall be available to the Commission to implement and process applications for the Remote Learning During COVID-19 Initiative under the regulations required by this Act.