

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5013

To provide incentives for improving telecommunications and technology use  
in education.

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 21, 1994

Mr. LEHMAN (for himself, Mr. LEWIS of California, Mr. COOPER, and Mr. McKEON) introduced the following bill; which was referred jointly to the Committees on Education and Labor and Energy and Commerce

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## A BILL

To provide incentives for improving telecommunications and  
technology use in education.

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; TABLE OF CONTENTS.**

4        (a) SHORT TITLE.—This Act may be cited as the  
5        “Classroom Technology Act of 1994”.

6        (b) TABLE OF CONTENTS.—The table of contents is  
7        as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

Sec. 101. Purposes.

Sec. 102. Federal leadership.

- Sec. 103. Office of Educational Technology.
- Sec. 104. Uses of funds.
- Sec. 105. Non-Federal share.
- Sec. 106. Office of Training Technology Transfer.
- Sec. 107. Authorization of appropriations.

TITLE II—STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM

- Sec. 201. State planning for improving student achievement through integration of technology into the curriculum.

TITLE III—UNIVERSAL SERVICE FOR EDUCATION

- Sec. 301. Universal service protection and advancement.
- Sec. 302. Public access.

1 **SEC. 2. DEFINITIONS.**

2 (a) IN GENERAL.—The terms used in this Act, unless  
 3 otherwise specified, shall have the same meaning given to  
 4 such terms by section 1471 of the Elementary and Sec-  
 5 ondary Education Act of 1965.

6 (b) ADDITIONAL DEFINITIONS.—For the purpose of  
 7 this Act—

8 (1) the term “all students” means students  
 9 from a broad range of backgrounds and cir-  
 10 cumstances, including disadvantaged students, stu-  
 11 dents with diverse racial, ethnic, and cultural back-  
 12 grounds, students with disabilities, students with  
 13 limited-English proficiency, students who have  
 14 dropped out of school, and academically talented  
 15 students;

16 (2) the term “information infrastructure”  
 17 means a network of communication systems de-

1 signed to exchange information among all citizens  
2 and residents of the United States;

3 (3) the terms “interoperable” and “interoper-  
4 ability” refer to the ability to easily exchange data  
5 with, and connect to, other hardware and software  
6 in order to provide the greatest accessibility for all  
7 students;

8 (4) the term “Office” means the Office of Edu-  
9 cational Technology;

10 (5) the term “public telecommunications entity”  
11 has the same meaning given to such term by section  
12 397(12) of the Communications Act of 1934;

13 (6) the term “technology” means state-of-the-  
14 art technology products and services, such as closed  
15 circuit television systems, educational television and  
16 radio programs and services, cable television, sat-  
17 ellite, copper and fiber optic transmission, computer,  
18 video and audio laser and CD-ROM discs, and video  
19 and audio tapes; and

20 (7) the term “instructional programming”  
21 means the full range of audio and video data, text,  
22 graphics, or additional state-of-the-art communica-  
23 tions, including multimedia based resources distrib-  
24 uted through interactive, command and control, or

1 passive methods for the purpose of education and in-  
2 struction.

3 **TITLE I—LEADERSHIP IN**  
4 **EDUCATIONAL TECHNOLOGY**

5 **SEC. 101. PURPOSES.**

6 It is the purpose of this title to promote achievement  
7 of the National Education Goals and—

8 (1) to provide leadership at the Federal level,  
9 through the Department of Education, by developing  
10 a national vision and strategy—

11 (A) to infuse technology and technology  
12 planning into all educational programs and  
13 training functions carried out within school sys-  
14 tems at the State and local level;

15 (B) to coordinate educational technology  
16 activities among the related Federal and State  
17 departments or agencies, industry leaders, and  
18 interested educational and parental organiza-  
19 tions; and

20 (C) to ensure that Federal technology-re-  
21 lated policies and programs facilitate the use of  
22 technology in education;

23 (2) to support State and local efforts to in-  
24 crease the effective use of technology for education;

1           (3) to ensure the availability and dissemination  
2 of knowledge (drawn from research and experience)  
3 that can form the basis for sound State and local de-  
4 cisions about investment in, and effective uses of,  
5 educational technology; and

6           (4) to monitor, and disseminate information re-  
7 garding, advancements in technology to encourage  
8 the development of effective educational uses of tech-  
9 nology.

10 **SEC. 102. FEDERAL LEADERSHIP.**

11       (a) ACTIVITIES AUTHORIZED.—

12           (1) IN GENERAL.—In order to provide Federal  
13 leadership that promotes higher student achievement  
14 through the use of technology in education and to  
15 achieve the purposes of this title, the Secretary, in  
16 consultation with the Office of Science and Tech-  
17 nology Policy, the National Science Foundation, the  
18 United States National Commission on Libraries  
19 and Information Sciences, the Department of Com-  
20 merce, the Department of Energy, the National Aer-  
21 onautics and Space Administration, and other ap-  
22 propriate Federal departments or agencies, may  
23 carry out activities designed to achieve the purposes  
24 of this title.

1           (2) TRANSFER OF FUNDS.—For the purpose of  
2 carrying out coordinated or joint activities to achieve  
3 the purposes of this title, the Secretary may accept  
4 funds from, and transfer funds to, other Federal de-  
5 partments or agencies.

6           (b) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—

7           (1) IN GENERAL.—The Secretary shall develop  
8 and publish within 12 months of the date of enact-  
9 ment of this Act, and update when the Secretary de-  
10 termines appropriate, a national long-range plan  
11 that supports the overall national technology policy  
12 and carries out the purposes of this title.

13           (2) PLAN REQUIREMENTS.—The Secretary  
14 shall—

15           (A) develop the national long-range plan in  
16 consultation with other Federal departments or  
17 agencies, State and local education practitioners  
18 and policymakers, experts in technology and the  
19 educational applications of technology, rep-  
20 resentatives of distance learning consortia, rep-  
21 resentatives of telecommunications partnerships  
22 receiving assistance under the Star Schools  
23 Program Assistance Act, and providers of tech-  
24 nology services and products;

1 (B) transmit such plan to the President  
2 and to the appropriate committees of the Con-  
3 gress; and

4 (C) publish such plan in a form that is  
5 readily accessible to the public.

6 (3) CONTENTS OF THE PLAN.—The national  
7 long-range plan shall describe the Secretary’s activi-  
8 ties to promote the purposes of this title, includ-  
9 ing—

10 (A) how the Secretary will encourage the  
11 effective use of technology to provide all stu-  
12 dents the opportunity to achieve challenging  
13 State content standards and challenging State  
14 student performance standards, especially  
15 through programs administered by the Depart-  
16 ment of Education;

17 (B) joint activities in support of the overall  
18 national technology policy with other Federal  
19 departments or agencies, such as the Office of  
20 Science and Technology Policy, the National  
21 Endowment for the Humanities, the National  
22 Endowment for the Arts, the National Aero-  
23 nautics and Space Administration, the National  
24 Science Foundation, and the Departments of

1 Commerce, Energy, Health and Human Serv-  
2 ices, and Labor—

3 (i) to promote the use of technology in  
4 education, and training and lifelong learn-  
5 ing, including plans for the educational  
6 uses of a national information infrastruc-  
7 ture; and

8 (ii) to ensure that the policies and  
9 programs of such departments or agencies  
10 facilitate the use of technology for edu-  
11 cational purposes, to the extent feasible;

12 (C) how the Secretary will work with edu-  
13 cators, State and local educational agencies,  
14 and appropriate representatives of the private  
15 sector to facilitate the effective use of tech-  
16 nology in education;

17 (D) how the Secretary will promote—

18 (i) higher achievement of all students  
19 through the integration of technology into  
20 the curriculum;

21 (ii) increased access to the benefits of  
22 technology for teaching and learning for  
23 schools with a high concentration of chil-  
24 dren from low-income families;

1 (iii) the application of technological  
2 advances to use in education; and

3 (iv) increased opportunities for the  
4 professional development of teachers in the  
5 use of new technologies;

6 (E) how the Secretary will determine, in  
7 consultation with appropriate individuals, orga-  
8 nizations, industries, and agencies, the feasibil-  
9 ity and desirability of establishing guidelines to  
10 facilitate an easy exchange of data and effective  
11 use of technology in education;

12 (F) how the Secretary will utilize the out-  
13 comes of the evaluation undertaken pursuant to  
14 section 908 of the Star Schools Program Assist-  
15 ance Act to promote the purposes of this title;  
16 and

17 (G) the Secretary's long-range measurable  
18 goals and objectives relating to the purposes of  
19 this title.

20 (c) ASSISTANCE.—The Secretary shall provide assist-  
21 ance to the States to enable such States to plan effectively  
22 for the use of technology in all schools throughout the  
23 State in accordance with the purpose and requirements  
24 of section 201.

1 **SEC. 103. OFFICE OF EDUCATIONAL TECHNOLOGY.**

2 (a) AMENDMENT TO THE DEPARTMENT OF EDU-  
3 CATION ORGANIZATION ACT.—Title II of the Department  
4 of Education Organization Act (20 U.S.C. 3411 et seq.)  
5 is amended by adding at the end the following new section:

6 “OFFICE OF EDUCATIONAL TECHNOLOGY

7 “SEC. 216. There shall be in the Department of Edu-  
8 cation an Office of Educational Technology, to be adminis-  
9 tered by the Director of Educational Technology. The Di-  
10 rector of Educational Technology shall report directly to  
11 the Secretary and shall perform such additional functions  
12 as the Secretary may prescribe. Such Office shall be estab-  
13 lished in accordance with section 405A of the General  
14 Education Provisions Act.”.

15 (b) AMENDMENT TO THE GENERAL EDUCATION  
16 PROVISIONS ACT.—Part A of the General Education Pro-  
17 visions Act (20 U.S.C. 1221c et seq.) is amended by in-  
18 serting after section 405 the following new section:

19 **“SEC. 405A. OFFICE OF EDUCATIONAL TECHNOLOGY.**

20 “(a) ESTABLISHMENT.—The Secretary shall estab-  
21 lish an Office of Educational Technology (hereafter in this  
22 section referred to as the ‘Office’).

23 “(b) FUNCTIONS OF THE OFFICE.—The Director of  
24 the Office of Educational Technology (hereafter in this  
25 section referred to as the ‘Director’), through the Office,  
26 shall—

1           “(1) in support of the overall national tech-  
2           nology policy and in consultation with other Federal  
3           departments or agencies which the Director deter-  
4           mines appropriate, provide leadership to the Nation  
5           in the use of technology to promote achievement of  
6           the National Education Goals and to increase oppor-  
7           tunities for all students to achieve challenging State  
8           content and challenging State student performance  
9           standards;

10           “(2) review all programs and training functions  
11           administered by the Department and recommend  
12           policies in order to promote increased use of tech-  
13           nology and technology planning throughout all such  
14           programs and functions;

15           “(3) review all relevant programs supported by  
16           the Department to ensure that such programs are  
17           coordinated with and support the national long-  
18           range technology plan developed pursuant to this  
19           Act; and

20           “(4) perform such additional functions as the  
21           Secretary may require.

22           “(c) PERSONNEL.—The Director is authorized to se-  
23           lect, appoint, and employ such officers and employees as  
24           may be necessary to carry out the functions of the Office,  
25           subject to the provisions of title 5, United States Code

1 (governing appointments in the competitive service), and  
2 the provisions of chapter 51 and subchapter III of chapter  
3 53 of such title (relating to classification and General  
4 Schedule pay rates.

5 “(d) EXPERTS AND CONSULTANTS.—The Secretary  
6 may obtain the services of experts and consultants in ac-  
7 cordance with section 3109 of title 5, United States  
8 Code.”.

9 (c) COMPENSATION OF THE DIRECTOR.—Section  
10 5315 of title 5, United States Code, is amended by adding  
11 at the end the following:

12 “Director of the Office of Educational Tech-  
13 nology.”.

14 **SEC. 104. USES OF FUNDS.**

15 (a) IN GENERAL.—The Secretary shall use funds ap-  
16 propriated pursuant to the authority of section 107 for  
17 activities designed to carry out the purpose of this title,  
18 including—

19 (1) providing assistance to technical assistance  
20 providers to enable such providers to improve sub-  
21 stantially the services such providers offer to edu-  
22 cators regarding the educational uses of technology,  
23 including professional development;

24 (2) consulting with representatives of industry,  
25 elementary and secondary education, higher edu-

1 cation, and appropriate experts in technology and  
2 the educational applications of technology, in carry-  
3 ing out the activities assisted under this title;

4 (3) research on, and the development of, guide-  
5 lines to facilitate maximum interoperability, effi-  
6 ciency and easy exchange of data for effective use of  
7 technology in education;

8 (4) research on, and the development of, edu-  
9 cational applications of the most advanced and newly  
10 emerging technologies;

11 (5) the development, demonstration, and eval-  
12 uation of applications of existing technology in pre-  
13 school education, elementary and secondary edu-  
14 cation, training and lifelong learning, and profes-  
15 sional development of educational personnel;

16 (6) the development and evaluation of software  
17 and other products, including multimedia television  
18 programming, that incorporate advances in tech-  
19 nology and help achieve the National Education  
20 Goals, challenging State content standards and chal-  
21 lenging State student performance standards;

22 (7) the development, demonstration, and eval-  
23 uation of model strategies for preparing teachers  
24 and other personnel to use technology effectively to  
25 improve teaching and learning;

1           (8) the development of model programs that  
2 demonstrate the educational effectiveness of tech-  
3 nology in urban and rural areas and economically  
4 distressed communities;

5           (9) research on, and the evaluation of, the ef-  
6 fectiveness and benefits of technology in education  
7 giving priority to research on, and evaluation of,  
8 such effectiveness and benefits in elementary and  
9 secondary schools;

10          (10) a biannual assessment of, and report to  
11 the public regarding, the uses of technology in ele-  
12 mentary and secondary education throughout the  
13 United States upon which private businesses and  
14 Federal, State and local governments may rely for  
15 decisionmaking about the need for, and provision of,  
16 appropriate technologies in schools, which assess-  
17 ment and report shall use, to the extent possible, ex-  
18 isting information and resources;

19          (11) conferences on, and dissemination of infor-  
20 mation regarding, the uses of technology in edu-  
21 cation;

22          (12) encouraging collaboration between the De-  
23 partment of Education and other Federal agencies  
24 in the development, implementation, evaluation and

1 funding of applications of technology for education,  
2 as appropriate; and

3 (13) such other activities as the Secretary de-  
4 termines will meet the purposes of this title.

5 (b) SPECIAL RULES.—

6 (1) IN GENERAL.—The Secretary shall carry  
7 out the activities described in subsection (a) directly  
8 or by grant or contract.

9 (2) GRANTS AND CONTRACTS.—Each grant or  
10 contract under this title shall be awarded—

11 (A) on a competitive basis; and

12 (B) pursuant to a peer review process.

13 **SEC. 105. NON-FEDERAL SHARE.**

14 (a) IN GENERAL.—Subject to subsections (b) and (c),  
15 the Secretary may require any recipient of a grant or con-  
16 tract under this title to share in the cost (not to exceed  
17 50 percent of such cost) of the activities assisted under  
18 such grant or contract, which non-Federal share shall be  
19 announced through a notice in the Federal Register and  
20 may be in the form of cash or in-kind contributions, fairly  
21 valued.

22 (b) INCREASE.—The Secretary may increase the non-  
23 Federal share that is required of a recipient of a grant  
24 or contract under this title after the first year such recipi-  
25 ent receives funds under such grant or contract.

1 (c) MAXIMUM.—The non-Federal share required  
2 under this section shall not exceed 50 percent of the cost  
3 of the activities assisted pursuant to a grant or contract  
4 under this title.

5 **SEC. 106. OFFICE OF TRAINING TECHNOLOGY TRANSFER.**

6 (a) TRANSFER.—

7 (1) IN GENERAL.—The Office of Training  
8 Technology Transfer as established under section  
9 6103 of the Training Technology Transfer Act of  
10 1988 (20 U.S.C. 5093) is transferred to the Office  
11 of Educational Technology.

12 (2) TECHNICAL AMENDMENT.—The first sen-  
13 tence of section 6103(a) of the Training Technology  
14 Transfer Act of 1988 (20 U.S.C. 5093(a)) is amend-  
15 ed by striking “Office of Educational Research and  
16 Improvement” and inserting “Office of Educational  
17 Technology”.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—The  
19 Training Technology Transfer Act of 1988 (20 U.S.C.  
20 5091 et seq.) is amended by adding at the end the follow-  
21 ing new section:

22 **“SEC. 6108. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated \$3,000,000  
24 for fiscal year 1995, and such sums as may be necessary

1 for each of the fiscal years 1996 through 1999, to carry  
2 out this chapter.”.

3 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated \$5,000,000  
5 for the fiscal year 1994, and such sums as may be nec-  
6 essary for each of the fiscal years 1995 through 1998, to  
7 carry out this title.

8 **TITLE II—STATE PLANNING FOR**  
9 **IMPROVING STUDENT**  
10 **ACHIEVEMENT THROUGH IN-**  
11 **TEGRATION OF TECHNOLOGY**  
12 **INTO THE CURRICULUM**

13 **SEC. 201. STATE PLANNING FOR IMPROVING STUDENT**  
14 **ACHIEVEMENT THROUGH INTEGRATION OF**  
15 **TECHNOLOGY INTO THE CURRICULUM.**

16 (a) **PURPOSE.**—It is the purpose of this section to  
17 assist each State to plan effectively for improved student  
18 learning in all schools through the use of technology as  
19 an integral part of the State improvement plan described  
20 in section 306 of the Goals 2000: Educate America Act.

21 (b) **PROGRAM AUTHORIZED.**—

22 (1) **AUTHORITY.**—The Secretary shall award  
23 grants in accordance with allocations under para-  
24 graph (2) to each State educational agency that, as  
25 part of its application under section 305 of the

1 Goals 2000: Educate America Act, requests a grant  
2 to develop (or continue the development of), and  
3 submits as part of the State improvement plan de-  
4 scribed in section 306 of such Act, a systemic state-  
5 wide plan to increase the use of state-of-the-art tech-  
6 nologies that enhance elementary and secondary stu-  
7 dent learning and professional development in sup-  
8 port of the National Education Goals and challeng-  
9 ing standards.

10 (2) FORMULA.—From the amount appropriated  
11 pursuant to the authority of subsection (f) in each  
12 fiscal year, each State educational agency with an  
13 application approved under section 305 of the Goals  
14 2000: Educate America Act shall receive a grant  
15 under paragraph (1) in such year in an amount de-  
16 termined on the same basis as allotments are made  
17 to State educational agencies under subsections (b)  
18 and (c) of section 304 of such Act for such year, ex-  
19 cept that each such State shall receive at least 1½  
20 percent of the amount appropriated pursuant to  
21 such authority or \$75,000, whichever is greater.

22 (3) DURATION.—A State educational agency  
23 may receive assistance under this section for not  
24 more than 2 fiscal years.

1 (c) PLAN OBJECTIVES.—Each State educational  
2 agency shall use funds received under this section to de-  
3 velop and, if the Secretary has approved the systemic  
4 statewide plan, to implement such plan. Such plan shall  
5 have as its objectives—

6 (1) the promotion of higher student achieve-  
7 ment through the use of technology in education;

8 (2) the participation of all schools and school  
9 districts in the State, especially those schools and  
10 districts with a high percentage of disadvantaged  
11 students;

12 (3) the development and implementation of a  
13 cost-effective, high-speed, statewide, interoperable,  
14 wide-area-communication educational technology  
15 support system for elementary and secondary schools  
16 within the State, particularly for such schools in  
17 rural areas; and

18 (4) the promotion of shared usage of equip-  
19 ment, facilities, and other technology resources by  
20 adult learners during after-school hours.

21 (d) PLAN REQUIREMENTS.—At a minimum, each  
22 systemic statewide plan shall—

23 (1) be developed by a task force that—

24 (A) includes among its members experts in  
25 the educational use of technology and rep-

1           representatives of the State panel described in sec-  
2           tion 306(b) of the Goals 2000: Educate Amer-  
3           ica Act; and

4                   (B) ensures that such plan is integrated  
5           into the State improvement plan described in  
6           section 306 of the Goals 2000: Educate Amer-  
7           ica Act;

8           (2) be developed in collaboration with the Gov-  
9           ernor, representatives of the State legislature, the  
10          State board of education, institutions of higher edu-  
11          cation, appropriate State agencies, local educational  
12          agencies, public and private telecommunication enti-  
13          ties, parents, public and school libraries, students,  
14          adult literacy providers, and leaders in the field of  
15          technology, through a process of statewide grass-  
16          roots outreach to local educational agencies and  
17          schools in the State;

18          (3) identify and describe the requirements for  
19          introducing state-of-the-art technologies into the  
20          classroom and school library in order to enhance  
21          educational curricula, including the installation and  
22          ongoing maintenance of basic connections, hardware  
23          and the necessary support materials;

24          (4) describe how the application of advanced  
25          technologies in the schools will enhance student

1 learning, provide greater access to individualized in-  
2 struction, promote the strategies described in section  
3 306(d) of the Goals 2000: Educate America Act,  
4 and help make progress toward the achievement of  
5 the National Education Goals;

6 (5) describe how the ongoing training of edu-  
7 cational personnel will be provided;

8 (6) describe the resources necessary, and proce-  
9 dures, for providing ongoing technical assistance to  
10 carry out such plan;

11 (7) provide for the dissemination on a statewide  
12 basis of exemplary programs and practices relating  
13 to the use of technology in education;

14 (8) establish a funding estimate (including a  
15 statement of likely funding sources) and a schedule  
16 for the development and implementation of such  
17 plan;

18 (9) describe how the State educational agency  
19 will assess the impact of implementing such plan on  
20 student achievement and aggregate achievement for  
21 schools;

22 (10) describe how the State educational agency  
23 and local educational agencies in the State will co-  
24 ordinate and cooperate with business and industry,

1 and with public and private telecommunications enti-  
2 ties; and

3 (11) describe the process through which such  
4 plan will be reviewed and updated periodically.

5 (e) REPORTS.—Each State educational agency receiv-  
6 ing a grant under this section shall submit a report to  
7 the Secretary within 1 year of the date such agency sub-  
8 mits to the Secretary its systemic statewide plan under  
9 this section. Such report shall—

10 (1) describe the State's progress toward imple-  
11 mentation of the provisions of such plan;

12 (2) describe any revisions to the State's long-  
13 range plans for technology;

14 (3) describe the extent to which resources pro-  
15 vided pursuant to such plan are distributed among  
16 schools to promote the strategies described in section  
17 306(d) of the Goals 2000: Educate America Act;  
18 and

19 (4) include any other information the Secretary  
20 deems appropriate.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated \$5,000,000 for fiscal  
23 year 1994, and such sums as may be necessary for fiscal  
24 year 1995, to carry out this section.

1 **TITLE III—NATIONAL TELE-**  
2 **COMMUNICATIONS AND IN-**  
3 **FORMATION INFRASTRUC-**  
4 **TURE DEVELOPMENT.**

5 **SEC. 301. NATIONAL TELECOMMUNICATIONS AND INFOR-**  
6 **MATION INFRASTRUCTURE DEVELOPMENT.**

7 The National Telecommunications and Information  
8 Administration Organization Act is amended—

9 (1) by redesignating part C as part D; and

10 (2) by inserting after part B the following new  
11 parts:

12 **“PART C—TELECOMMUNICATIONS AND**  
13 **INFORMATION INFRASTRUCTURE PROGRAM**

14 **“SEC. 131. PURPOSE.**

15 “It is the purpose of this part to facilitate the devel-  
16 opment of the national telecommunications and informa-  
17 tion infrastructure by authorizing the Secretary to estab-  
18 lish and maintain, by the most efficient and economical  
19 means, a Telecommunications and Information Infrastruc-  
20 ture Development Program that will promote the wide-  
21 spread availability of advanced telecommunications tech-  
22 nologies to—

23 “(1) enhance the delivery to the public of di-  
24 verse social services, including education and health  
25 care; and

1           “(2) support, through the interconnection and  
2           improvement of existing facilities and the deploy-  
3           ment of new facilities, the formation of a nationwide,  
4           multimedia, high-speed, interactive infrastructure of  
5           varied information technologies.

6   **“SEC. 132. GRANT AUTHORITY.**

7           “(a) GRANT PURPOSES AND CRITERIA.—In accord-  
8           ance with the requirements of this part, the Secretary is  
9           authorized to award grants to eligible applicants (as de-  
10          scribed in subsection (b)(1)) to assist the development of  
11          a national telecommunications and information infrastruc-  
12          ture. The Secretary shall not award a grant under this  
13          part unless the Secretary determines that the project will  
14          promote one or more of the following objectives:

15               “(1) expand or otherwise augment tele-  
16               communications networks or information technology  
17               systems for educational institutions, research facili-  
18               ties, libraries, museums, State and local govern-  
19               ments, and other social service and public informa-  
20               tion providers;

21               “(2) enhance the ability, through interconnec-  
22               tion, of educational institutions, research facilities,  
23               libraries, museums, State and local governments,  
24               and other social service and public information pro-

1       viders to have access to existing and new sources of  
2       information;

3           “(3) the development and utilization of stand-  
4       ards for interoperability and interconnection of the  
5       various facilities, systems, and networks which would  
6       comprise a demonstration or pilot project;

7           “(4) universal availability and utilization of an  
8       advanced telecommunications and information infra-  
9       structure, especially for traditionally underserved  
10      populations; and

11          “(5) demonstrate and improve the efficiency  
12      and effectiveness of the delivery of social services,  
13      such as education and health care, to the American  
14      people.

15          “(b) APPLICATIONS FOR GRANTS.—Any eligible ap-  
16      plicant desiring to obtain a grant under this part shall  
17      submit to the Secretary an application containing such in-  
18      formation with respect to such project as the Secretary  
19      may require. Each applicant shall also provide assurances  
20      satisfactory to the Secretary that—

21           “(1) the applicant is—

22                  “(A) a consortium comprised of (i) a local  
23                  educational agency or agencies, and (ii) one or  
24                  more public libraries or institutions of higher  
25                  education, or both;

1           “(B) a nonprofit foundation, corporation,  
2 institution, or association;

3           “(C) a State or local government (or any  
4 agency thereof), or a political or special purpose  
5 subdivision of a State or local government; or

6           “(D) any enterprise owned and operated  
7 by a State or local government entity;

8           “(2) the applicant has the technical, adminis-  
9 trative, and financial capability to obtain, operate,  
10 and maintain the facilities, systems, or networks  
11 that are the subject of the application;

12           “(3) the applicant has chosen an efficient and  
13 economical means to achieve its communications or  
14 information needs, and has not failed to utilize com-  
15 mercially available network services to meet such  
16 needs to the extent such commercial services meet  
17 the needs of the applicant in the most efficient and  
18 economical manner;

19           “(4) the applicant has participated in com-  
20 prehensive planning for such facilities, systems, or  
21 networks and such planning has included an evalua-  
22 tion of alternative technologies and coordination with  
23 appropriate State agencies, as needed;

24           “(5) the amount of the grant will not exceed 50  
25 percent of the amount determined by the Secretary

1 to be the reasonable and necessary cost of such  
2 project, unless the Secretary determines that ex-  
3 traordinary circumstances warrant permitting a  
4 grant in an amount that will not exceed 75 percent  
5 of such cost; and

6 “(6) the applicant will use any facility, system,  
7 or network obtained with funds provided under this  
8 section primarily to achieve the objectives identified  
9 in the application and will comply with regulations  
10 prescribed by the Secretary with respect to resale of  
11 any capacity of such facility, system, or network.

12 “(c) ALLOCATION OF FUNDS.—Not less than 50 per-  
13 cent of the amount appropriated for grants under this part  
14 for any fiscal year shall be made available in grants to  
15 consortia described in subsection (b)(1)(B).

16 “(d) REGULATIONS; PRIORITIES.—The Secretary  
17 shall establish such regulations as may be necessary to  
18 carry out this part, including regulations relating to the  
19 order of priority to be used in approving applications and  
20 relating to determining the amount of each grant for such  
21 projects. As part of such regulations, the Secretary shall  
22 provide a preference in the award of assistance for projects  
23 that increase utilization and efficiency of existing tele-  
24 communications and information facilities. The Secretary  
25 shall seek the views of the Secretary of Education, the

1 Secretary of Health and Human Services, and the Direc-  
2 tor of the National Science Foundation in developing the  
3 regulations authorized under this part. Such regulations  
4 shall include such regulations for purposes of subsection  
5 (b)(6) as the Secretary determines to be necessary to pre-  
6 vent an applicant from using commercial resale of excess  
7 capacity to compete unfairly with providers of tele-  
8 communications services.

9 “(e) SPECIAL CONSIDERATION.—In establishing cri-  
10 teria for grants pursuant to this part, and in establishing  
11 procedures relating to the order of priority established  
12 under subsection (c) in approving applications for grants,  
13 the Secretary shall give special consideration to applica-  
14 tions that (1) will increase participation by minorities, in-  
15 dividuals with disabilities, women, and other underserved  
16 populations in the ownership of, operation of, and access  
17 to, telecommunications and information infrastructure;  
18 and (2) will avoid unnecessary duplication of existing fa-  
19 cilities and services. The Secretary shall take affirmative  
20 steps to inform minorities, individuals with disabilities,  
21 women, and other underserved populations of the avail-  
22 ability of funds under this part, and to provide such other  
23 assistance and information as may be appropriate.

1 **“SEC. 133. TRAINING AND PLANNING.**

2       “(a) TRAINING EXPENSES.—The Secretary is au-  
3 thorized to provide funds for necessary and reasonable ex-  
4 penses for training in the operation of the facilities, sys-  
5 tems, or networks developed pursuant to this part, except  
6 that such expenditures shall be authorized only for a pe-  
7 riod not to exceed one year after termination of the grant  
8 for the telecommunications or information facility, system,  
9 or network funded under this part.

10       “(b) PLANNING AND STUDIES.—The Secretary is au-  
11 thorized to provide up to 100 percent of the cost of plan-  
12 ning projects or studies that will promote the development  
13 or enhancement of the national telecommunications and  
14 information infrastructure. Any plans or studies con-  
15 ducted by or for any grant recipient under this section  
16 shall be provided to the Secretary. An applicant for a plan-  
17 ning grant shall provide such information with respect to  
18 such project as the Secretary may require and shall pro-  
19 vide assurances satisfactory to the Secretary that the ap-  
20 plicant meets the requirements of section 132(b)(1).

21 **“SEC. 134. ADMINISTRATIVE PROVISIONS.**

22       “(a) RECOVERY OF FUNDS.—If, within five years  
23 after completion of any project with respect to which a  
24 grant has been made under this part—

25               “(1) the applicant or other owner of the facility,  
26       system, or network ceases to be an agency, institu-

1       tion, foundation, corporation, association, or other  
2       entity described in section 132(b)(1); or

3             “(2) such facility, system, or network ceases to  
4       be used primarily for the intended purposes of the  
5       grant project;

6       the United States shall be entitled to recover from the ap-  
7       plicant or other owner of such facility, system, or network  
8       an amount bearing the same ratio to the value of such  
9       facility, system, or network at the time the applicant  
10      ceases to be such an entity or at the time of such deter-  
11      mination (as determined by agreement of the parties or  
12      by action brought in the United States district court for  
13      the district in which such facility, system, or network is  
14      situated), as the amount of the Federal grants bore to the  
15      cost of construction of such facility, system, or network.

16           “(b) RECORDKEEPING REQUIREMENTS.—Each recip-  
17      ient of assistance under this part shall keep such records  
18      as may be reasonably necessary to enable the Secretary  
19      to carry out the functions of the Secretary under this part,  
20      including—

21           “(1) a complete and itemized inventory of all  
22      telecommunications and information facilities, sys-  
23      tems, or networks under the control of such recipi-  
24      ent procured with funds authorized under this part;

1           “(2) records which fully disclose the amount  
2           and the disposition by such recipient of the proceeds  
3           of such assistance, the total cost of the project in  
4           connection with which such assistance is given or  
5           used, the amount and nature of that portion of the  
6           cost of the project supplied by other sources; and

7           “(3) such other records as will facilitate an ef-  
8           fective audit.

9           “(c) ACCESSIBILITY OF RECORDS.—The Secretary  
10          and the Comptroller General of the United States, or any  
11          of their duly authorized representatives, shall have access  
12          for the purpose of audit and examination to any books,  
13          documents, papers, and records of any recipient of assist-  
14          ance under this part that relate to assistance received  
15          under this part.

16          “(d) DUTY TO MONITOR.—The Secretary shall mon-  
17          itor and evaluate projects in order to determine that such  
18          projects fulfill the objectives of this part. The Secretary  
19          shall evaluate the activities of the assistance program  
20          under this part to assure that it is fulfilling its goals and  
21          objectives. The Secretary shall develop criteria for evalua-  
22          tions pursuant to section 132(c). Not later than January  
23          1, 1998, the Secretary shall submit to the Congress a sum-  
24          mary of the results of the monitoring and evaluation con-  
25          ducted under this subsection.

1       “(e) CLEARINGHOUSES.—In carrying out the require-  
2 ments of subsection (d), and in collecting studies pursuant  
3 to section 133(b), the Secretary shall provide for the col-  
4 lection and dissemination of information concerning dis-  
5 tance learning. The Secretary shall maintain information  
6 on distance learning providers; receive, review, and analyze  
7 reports of different distance learning activities; and pub-  
8 lish periodically a compilation of the reports submitted  
9 and such analysis. Such information shall be made avail-  
10 able to the public through a 1–800 telephone number.

11       **“SEC. 135. AUTHORIZATION OF APPROPRIATIONS.**

12       “There are authorized to be appropriated to carry out  
13 this part \$100,000,000 for fiscal year 1995 and  
14 \$150,000,000 for fiscal year 1996. Sums appropriated  
15 under this section for any fiscal year are authorized to  
16 remain available until expended. Sums appropriated under  
17 this section may be used by the Secretary to cover the  
18 direct and indirect costs of administering the provisions  
19 of this part, for evaluating the effectiveness of the pro-  
20 gram and projects funded pursuant to this part, and for  
21 other related activities. Up to 5 percent of the funds ap-  
22 propriated pursuant to this section may be used by the  
23 Secretary for research to support the grant making activi-  
24 ties under this part.”.

1 **TITLE III—UNIVERSAL SERVICE**  
2 **FOR EDUCATION**

3 **SEC. 301. UNIVERSAL SERVICE PROTECTION AND AD-**  
4 **VANCEMENT.**

5 (a) IN GENERAL.—Title II of the Communications  
6 Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding  
7 immediately after section 201 the following new section:

8 **“SEC. 201A. UNIVERSAL SERVICE PROTECTION AND AD-**  
9 **VANCEMENT.**

10 “(a) DUTY TO CONTRIBUTE.—It shall be the duty  
11 of every common carrier engaged in intrastate, interstate,  
12 or foreign communication by wire or radio to contribute  
13 to the preservation and advancement of universal service.  
14 Such contributions can include monetary payment, certain  
15 service obligations, in-kind payment, or other forms of  
16 contribution as determined by the Commission and any  
17 State as set forth in subsections (b) and (c).

18 “(b) RESPONSIBILITIES OF THE COMMISSION.—(1)  
19 Within one year after the date of enactment of this sec-  
20 tion, the Commission, after receiving comment from the  
21 States, shall set forth minimum guidelines for the defini-  
22 tion of universal service. Such guidelines shall ensure  
23 that—

24 “(A) universal service includes no less than  
25 voice grade telephone exchange services at a charge

1 that includes no more than a reasonable share of the  
2 joint and common costs of facilities used to provide  
3 such services; and

4 “(B) any other service that utilizes such facili-  
5 ties shall bear a reasonable share of such costs.

6 The Commission shall periodically revise such guidelines.

7 “(2) Within two years after the date of enactment  
8 of this section, the Commission shall prescribe and imple-  
9 ment regulations to provide that a charge be collected, or  
10 other action be taken, to ensure that providers of inter-  
11 state telecommunications make a contribution to the pro-  
12 tection and advancement of universal service on a competi-  
13 tively neutral basis. (Any funds contributed under this sec-  
14 tion shall be distributed to each State.)

15 “(3)(A) There is hereby established a fund to be  
16 known as the Educational Telecommunications and Tech-  
17 nology Fund (in this section referred to as the ‘Fund’).  
18 The purpose of the Fund is to provide funding for activi-  
19 ties that ensure that elementary and secondary schools in  
20 the United States have complete access to existing and  
21 innovative telecommunications and information tech-  
22 nologies and services.

23 “(B)(i) Not later than 180 days after the date of the  
24 enactment of this section, the Commission shall prescribe  
25 regulations that, notwithstanding the second sentence of

1 paragraph (2), provide for the deposit into the Fund of  
2 such portion of the monetary contributions required under  
3 that paragraph as the Commission shall prescribe.

4 “(ii) The regulations under this subparagraph shall  
5 also establish guidelines governing the deposit into the  
6 Fund of all or a portion of the following:

7 “(I) Payments to the Commission as a result of  
8 the determination by the Commission of overcharges  
9 on the part of an entity.

10 “(II) Payments of penalties assessed by the  
11 Commission.

12 “(iii) The Commission may prescribe in regulations  
13 under this subparagraph for the deposit into the Fund of  
14 funds from such other sources and in such amounts as  
15 the Commission determines appropriate.

16 “(4) Not later than 2 years after the date of the en-  
17 actment of this section, the Secretary of Education, the  
18 Secretary of Commerce, and the Commission shall jointly  
19 prescribe regulations relating to the disbursement of sums  
20 in the Fund. Such regulations shall include the following  
21 provisions:

22 “(A) Provisions governing the utilization of  
23 sums in the Fund, including the projects for which  
24 sums in the Fund shall be available.

1           “(B) Provisions for determining the State and  
2 local entities eligible for awards of sums from the  
3 Funds.

4           “(C) Provisions establishing a fair and expedi-  
5 tious process for the application for and selection of  
6 the entities to be awarded sums from the Fund.

7           “(D) Provisions governing the evaluation of the  
8 activities of entities that are awarded sums from the  
9 Fund.

10           “(E) Provisions ensuring that entities awarded  
11 sums in the Fund utilize such sums for the purposes  
12 for which such sums were awarded.

13           “(c) PRIMARY RESPONSIBILITY.—(1) The Commis-  
14 sion shall delegate to each State the primary responsibility  
15 for defining universal service and ensuring that universal  
16 service goals are met. Each State may impose a non-  
17 discriminatory charge on intrastate telecommunications,  
18 or take other action, as the State finds necessary to pro-  
19 tect and advance universal service.

20           “(2) In considering methods of protecting and ad-  
21 vancing universal service, the State may consider assisting  
22 directly telecommunications carriers, assisting directly in-  
23 dividuals and entities who cannot afford the cost of certain  
24 telecommunications services, assisting directly individuals  
25 or entities in purchasing or leasing equipment or program-

1 ming, allowing carriers to compete for the right to obtain  
2 funding in exchange for providing certain services, and  
3 other options. To the extent that a State establishes a  
4 fund to support universal service, all providers of tele-  
5 communications services shall be eligible to receive pay-  
6 ment from such fund.

7 “(3) If a State has not implemented procedures to  
8 carry out the objectives of paragraphs (1) and (2) within  
9 two years after the date of enactment of this section, or  
10 at any time thereafter fails to meet the objectives of such  
11 paragraphs, the Commission shall assume the primary re-  
12 sponsibility to ensure that those objectives are met.”.

13 (b) CONFORMING AMENDMENT.—Section  
14 332(c)(1)(A) of the Communications Act of 1934 (47  
15 U.S.C. 332(c)(1)(A)) is amended by inserting “201A,”  
16 immediately after “section 201,”.

17 **SEC. 302. PUBLIC ACCESS.**

18 (a) AMENDMENT.—Section 202 of the Communica-  
19 tions Act of 1934 (47 U.S.C. 202) is amended by adding  
20 at the end the following new subsection:

21 “(d)(1) Notwithstanding subsections (a) through (c),  
22 it shall be the duty of all telecommunications carriers that  
23 use public rights of way to permit educational institutions,  
24 health-care institutions, local and State governments, pub-  
25 lic broadcast stations, public libraries, other public enti-

1 ties, community newspapers, and broadcasters in the  
2 smallest markets to obtain access to intrastate and inter-  
3 state services provided by such carriers at preferential  
4 rates. Entities that obtain services under this provision  
5 may not resell such services, except to other entities that  
6 are eligible for preferential rates under this subsection.

7 “(2) Within one year after the date of enactment of  
8 this subsection, the Commission shall prescribe regulations  
9 to enforce the provisions of this subsection.”.

10 (b) RULEMAKING ON ADVANCED TELECOMMUNI-  
11 CATIONS SERVICES.—The Commission shall commence a  
12 rulemaking proceeding for the purpose of prescribing reg-  
13 ulations that—

14 (1) enhance, to the extent feasible, the availabil-  
15 ity of advanced telecommunications services to all  
16 public elementary and secondary school classrooms,  
17 health care institutions, and libraries; and

18 (2) ensure that appropriate functional require-  
19 ments or performance standards, or both, including  
20 interoperability standards, are established for tele-  
21 communications arrangements that interconnect  
22 educational institutions, health care institutions, and  
23 libraries with the public switched network.

24 (c) TELECOMMUNICATIONS SERVICES FOR EDU-  
25 CATIONAL INSTITUTIONS.—(1) Not later than 180 days

1 after the date of the enactment of this Act, the Assistant  
2 Secretary of Commerce for Communications and Informa-  
3 tion shall, in consultation with the Federal Communica-  
4 tions Commission, the Secretary of Education and Sec-  
5 retary of Commerce—

6           (A) issue a notice of inquiry into the feasibility  
7           of establishing an educational telecommunications  
8           and technology corporation in order to provide credit  
9           and grant funds to support the national goal of en-  
10          suring that elementary and secondary schools have  
11          complete access to existing and innovative tele-  
12          communications and information technologies and  
13          services;

14          (B) review alternatives for an appropriate orga-  
15          nizational form for such a corporation; and

16          (C) recommend to the Federal Communications  
17          Commission, the Secretary of Education and Sec-  
18          retary of Commerce an organizational form for such  
19          a corporation.

20          (2) The Assistant Secretary shall complete proceed-  
21          ings on the notice of inquiry and publish the recommenda-  
22          tions referred to in paragraph (1)(C) not later than 1 year  
23          after the date of enactment of this Act.

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