

103D CONGRESS
2D SESSION

H. R. 5013

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

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

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;

(4) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.

10 SEC. 102. FEDERAL LEADERSHIP.

11 (a) ACTIVITIES AUTHORIZED.—

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;

(B) transmit such plan to the President and to the appropriate committees of the Congress; and

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

(3) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this title, including—

(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State content standards and challenging State student performance standards, especially through programs administered by the Department of Education;

(B) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of

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

17 (D) how the Secretary will promote—

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

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 EDUCATION ORGANIZATION ACT.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) 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 Education an Office of Educational Technology, to be administered by the Director of Educational Technology. The Director of Educational Technology shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe. Such Office shall be established in accordance with section 405A of the General Education Provisions Act.”.

15 (b) AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT.—Part A of the General Education Provisions Act (20 U.S.C. 1221c et seq.) is amended by inserting after section 405 the following new section:

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

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

23 “(b) FUNCTIONS OF THE OFFICE.—The Director of the Office of Educational Technology (hereafter in this section referred to as the ‘Director’), through the Office, 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 ffectiveness 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 TTEGRATION 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 $1\frac{1}{2}$
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 resentatives 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.

TITLE III—NATIONAL TELECOMMUNICATIONS AND INFORMATION INFRASTRUCTURE 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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