

116TH CONGRESS
2D SESSION

S. 3701

To require the Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of Education, to promulgate regulations to provide support to institutions of higher education for the provision of certain equipment and services to students of those institutions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2020

Ms. KLOBUCHAR (for herself, Ms. HIRONO, Mr. PETERS, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require the Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of Education, to promulgate regulations to provide support to institutions of higher education for the provision of certain equipment and services to students of those institutions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Supporting Connectiv-
5 ity for Higher Education Students in Need Act”.

1 **SEC. 2. FUNDS TO SUPPORT.**

2 (a) REGULATIONS REQUIRED.—

3 (1) IN GENERAL.—Not later than 14 days after
 4 the date of enactment of this Act, the Assistant Sec-
 5 retary, in consultation with the Secretary of Edu-
 6 cation, shall promulgate regulations for the provi-
 7 sion, from amounts made available from the Emer-
 8 gency Higher Education Connectivity Fund estab-
 9 lished under subsection (d)(1), of support to an in-
 10 stitution of higher education for the purposes of pro-
 11 viding eligible services and eligible equipment to stu-
 12 dents of that institution.

13 (2) CONTENT.—The regulations promulgated
 14 under paragraph (1) shall—

15 (A) prioritize support for—

16 (i) an institution of higher education
 17 that is eligible to receive a grant under
 18 part A or B of title III or title V of the
 19 Higher Education Act of 1965 (20 U.S.C.
 20 1057 et seq., 1060 et seq., 1101 et seq.),
 21 including—

22 (I) a historically Black college or
 23 university;

24 (II) a Hispanic-serving institu-
 25 tion;

1 (III) a Tribal College or Univer-
2 sity; and

3 (IV) a minority-serving institu-
4 tion; and

5 (ii) a rural-serving institution;

6 (B) provide a mechanism to require an in-
7 stitution of higher education to prioritize the
8 provision of an eligible service or eligible equip-
9 ment to a student who—

10 (i) is eligible to receive a Federal Pell
11 Grant;

12 (ii) is a recipient of any other need-
13 based financial aid from the Federal Gov-
14 ernment, a State, or that institution of
15 higher education;

16 (iii) is eligible for a Lifeline qualifying
17 assistance program;

18 (iv) is a low-income individual, as that
19 term is defined in section 312(g) of the
20 Higher Education Act of 1965 (20 U.S.C.
21 1058(g));

22 (v) is a first generation college stu-
23 dent, as that term is defined in section
24 646.7 of title 34, Code of Federal Regula-
25 tions (or any successor regulation);

1 (vi) has been approved to receive Fed-
2 eral or State unemployment insurance ben-
3 efits since March 1, 2020; or

4 (vii) the institution of higher edu-
5 cation believes lacks necessary connectivity
6 for participating in distance learning or
7 academic and student support services;

8 (C) establish a schedule of reasonable per-
9 student funding amounts for eligible services
10 and eligible equipment supported under those
11 regulations;

12 (D) provide that—

13 (i) an institution of higher education
14 that purchases eligible equipment using
15 support received under those regulations
16 may, after the termination of those regula-
17 tions under subsection (b), use that eligible
18 equipment for purposes that the institution
19 considers appropriate, subject to any re-
20 strictions provided in those regulations (or
21 any successor regulations that are promul-
22 gated on or before the termination date de-
23 scribed in paragraph (1) of that sub-
24 section);

1 (ii) no person that receives support
2 under those regulations may sell or other-
3 wise transfer eligible support or eligible
4 equipment in exchange for anything (in-
5 cluding a service) of value, except that
6 such person may exchange that eligible
7 equipment for upgraded equipment of the
8 same type; and

9 (iii) an institution of higher education
10 may use support received under those reg-
11 ulations to provide eligible services and eli-
12 gible equipment in conjunction with other
13 Federal funding if the total amount of
14 Federal funding received by the institution
15 is not greater than the cost of so providing
16 the eligible services and eligible equipment;
17 and

18 (E) establish reasonable requirements—

19 (i) for an institution of higher edu-
20 cation to apply for support under those
21 regulations;

22 (ii) for an institution of higher edu-
23 cation to procure eligible services and eligi-
24 ble equipment with support obtained under
25 those regulations;

1 (iii) with respect to reporting, record-
 2 keeping, retention of documents, compli-
 3 ance, and audits for an institution of high-
 4 er education that receives support under
 5 those regulations;

6 (iv) for payment and distribution of
 7 support to institutions of higher education
 8 under those regulations; and

9 (v) with respect to any other processes
 10 that the Assistant Secretary, in consulta-
 11 tion with the Secretary of Education, de-
 12 termines to be appropriate.

13 (b) TERMINATION OF REGULATIONS.—

14 (1) IN GENERAL.—Subject to paragraph (2),
 15 the regulations promulgated under subsection (a)
 16 shall terminate on the date that is 60 days after the
 17 date on which the public health emergency declared
 18 by the Secretary of Health and Human Services
 19 under section 319 of the Public Health Service Act
 20 (42 U.S.C. 247d) with respect to COVID–19, or any
 21 renewal of that declaration, terminates.

22 (2) CONTINUITY OF FUNDING.—If, during the
 23 period in which the regulations promulgated under
 24 subsection (a) are in effect, the Assistant Secretary
 25 makes a commitment to provide support to an insti-

tution of higher education under those regulations, the Assistant Secretary may make a payment with respect to that commitment on any date that is on or before September 30, 2021.

(c) EXEMPTIONS.—

(1) NOTICE AND COMMENT RULEMAKING REQUIREMENTS.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall not apply with respect to a regulation promulgated under subsection (a) of this section or a rulemaking to promulgate such a regulation.

(2) PAPERWORK REDUCTION ACT REQUIREMENTS.—A collection of information conducted or sponsored under the regulations promulgated under subsection (a) shall not constitute a collection of information for the purposes of subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”).

(d) EMERGENCY HIGHER EDUCATION CONNECTIVITY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Emergency Higher Education Connectivity Fund”.

1 (2) APPROPRIATION.—There is appropriated to
 2 the Emergency Higher Education Connectivity
 3 Fund, out of any money in the Treasury not other-
 4 wise appropriated, \$1,000,000,000 for fiscal year
 5 2020, to remain available through fiscal year 2021.

6 (3) USE OF FUNDS.—Amounts in the Emer-
 7 gency Higher Education Connectivity Fund shall be
 8 available to the Assistant Secretary to provide sup-
 9 port under the regulations promulgated under sub-
 10 section (a).

11 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
 12 tion, any regulation promulgated under this section, or
 13 any policy established by an institution of higher education
 14 to implement this section or a regulation promulgated
 15 under this section may be construed to preclude any stu-
 16 dent from receiving support provided under this section
 17 or a regulation promulgated under this section.

18 (f) DEFINITIONS.—In this section:

19 (1) ASSISTANT SECRETARY.—The term “Assist-
 20 ant Secretary” means the Assistant Secretary of
 21 Commerce for Communications and Information.

22 (2) BROADBAND INTERNET ACCESS SERVICE.—
 23 The term “broadband internet access service” has
 24 the meaning given the term in section 8.1(b) of title

1 47, Code of Federal Regulations (or any successor
2 regulation).

3 (3) ELIGIBLE EQUIPMENT.—The term “eligible
4 equipment” means any of the following:

5 (A) A laptop computer, tablet computer, or
6 similar device capable of connecting to broad-
7 band internet access service.

8 (B) A modem.

9 (C) A router.

10 (D) A device that combines a modem and
11 a router.

12 (E) A Wi-Fi hotspot.

13 (4) ELIGIBLE SERVICE.—The term “eligible
14 service” means—

15 (A) broadband internet access service; and

16 (B) video-conferencing systems and serv-
17 ices used for distance learning.

18 (5) FEDERAL PELL GRANT.—The term “Fed-
19 eral Pell Grant” means a grant under section 401
20 of the Higher Education Act of 1965 (20 U.S.C.
21 1070a).

22 (6) HISPANIC-SERVING INSTITUTION.—The
23 term “Hispanic-serving institution” has the meaning
24 given the term in section 502 of the Higher Edu-
25 cation Act of 1965 (20 U.S.C. 1101a).

1 (7) HISTORICALLY BLACK COLLEGE OR UNI-
 2 VERSITY.—The term “historically Black college or
 3 university” has the meaning given the term “part B
 4 institution” in section 322 of the Higher Education
 5 Act of 1965 (20 U.S.C. 1061).

6 (8) INSTITUTION OF HIGHER EDUCATION.—The
 7 term “institution of higher education” means—

8 (A) an institution of higher education, as
 9 that term is defined in section 101 of the High-
 10 er Education Act of 1965 (20 U.S.C. 1001); or

11 (B) a postsecondary vocational institution,
 12 as that term is defined in section 102(c) of the
 13 Higher Education Act of 1965 (20 U.S.C.
 14 1002(c)).

15 (9) LIFELINE QUALIFYING ASSISTANCE PRO-
 16 GRAM.—The term “Lifeline qualifying assistance
 17 program” means a program described in section
 18 54.400(j) of title 47, Code of Federal Regulations
 19 (or any successor regulation).

20 (10) MINORITY-SERVING INSTITUTION.—The
 21 term “minority-serving institution” means any of
 22 the following:

23 (A) An Alaska Native-serving institution
 24 (as that term is defined in section 317(b) of the

1 Higher Education Act of 1965 (20 U.S.C.
2 1059d(b))).

3 (B) A Native Hawaiian-serving institution
4 (as that term is defined in section 317(b) of the
5 Higher Education Act of 1965 (20 U.S.C.
6 1059d(b))).

7 (C) A Predominantly Black institution (as
8 that term is defined in section 371(c) of the
9 Higher Education Act of 1965 (20 U.S.C.
10 1067q(c))).

11 (D) An Asian American and Native Amer-
12 ican Pacific Islander-serving institution (as that
13 term is defined in section 320(b) of the Higher
14 Education Act of 1965 (20 U.S.C. 1059g(b))).

15 (E) A Native American-serving, nontribal
16 institution (as that term is defined in section
17 319(b) of the Higher Education Act of 1965
18 (20 U.S.C. 1059f(b))).

19 (F) A consortium of any of the following:

20 (i) A historically Black college or uni-
21 versity.

22 (ii) A Hispanic-serving institution.

23 (iii) A Tribal College or University.

24 (iv) An institution described in any of
25 subparagraphs (A) through (E).

1 (11) RURAL-SERVING INSTITUTION.—The term
2 “rural-serving institution” has the meaning given
3 the term “rural-serving institution of higher edu-
4 cation” in section 861(b) of the Higher Education
5 Act of 1965 (20 U.S.C. 1161q(b)).

6 (12) STATE.—The term “State” has the mean-
7 ing given the term in section 103 of the Higher
8 Education Act of 1965 (20 U.S.C. 1003).

9 (13) STUDENT.—The term “student”, when
10 used with respect to an institution of higher edu-
11 cation, means an individual who, during the period
12 in which the individual receives support under the
13 regulations promulgated under subsection (a), is—

14 (A) registered as a student with the insti-
15 tution;

16 (B) enrolled in not less than 1 class of the
17 institution; or

18 (C) otherwise considered a student by the
19 institution.

20 (14) TRIBAL COLLEGE OR UNIVERSITY.—The
21 term “Tribal College or University” has the meaning
22 given the term in section 316 of the Higher Edu-
23 cation Act of 1965 (20 U.S.C. 1059c).

24 (15) WI-FI.—The term “Wi-Fi” means a wire-
25 less networking protocol based on Institute of Elec-

1 trical and Electronics Engineers standard 802.11
2 (or any successor standard).

3 (16) WI-FI HOTSPOT.—The term “Wi-Fi
4 hotspot” means a device that is capable of—

5 (A) receiving broadband internet access
6 service; and

7 (B) sharing broadband internet access
8 service with another device through the use of
9 Wi-Fi.

○