

116TH CONGRESS  
2D SESSION

# H. R. 6814

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2020

Ms. ESHOO (for herself, Ms. MATSUI, Mr. BUTTERFIELD, Mr. CASTRO of Texas, Ms. FUDGE, Ms. BLUNT ROCHESTER, and Ms. ADAMS) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FUNDS TO SUPPORT.**

5 (a) REGULATIONS REQUIRED.—

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

16 (2) CONTENT.—The regulations promulgated  
17 under paragraph (1) shall—

18 (A) prioritize support for—

19 (i) an institution of higher education  
20 that is eligible to receive a grant under  
21 part A or B of title III or title V of the  
22 Higher Education Act of 1965 (20 U.S.C.  
23 1057 et seq., 1060 et seq., 1101 et seq.),  
24 including—

25 (I) a historically Black college or  
26 university;

1 (II) a Hispanic-serving institu-  
2 tion;

3 (III) a Tribal College or Univer-  
4 sity; and

5 (IV) a minority-serving institu-  
6 tion; and

7 (ii) a rural-serving institution;

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

12 (i) is eligible to receive a Federal Pell  
13 Grant;

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

18 (iii) is eligible for a Lifeline qualifying  
19 assistance program;

20 (iv) is a low-income individual, as that  
21 term is defined in section 312(g) of the  
22 Higher Education Act of 1965 (20 U.S.C.  
23 1058(g));

24 (v) is a first generation college stu-  
25 dent, as that term is defined in section

1           646.7 of title 34, Code of Federal Regula-  
2           tions (or any successor regulation);

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

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

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

14          (D) provide that—

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

1           scribed in paragraph (1) of that sub-  
2           section);

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

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

20          (E) establish reasonable requirements—

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

24               (ii) for an institution of higher edu-  
25               cation to procure eligible services and eligi-

1 ble equipment with support obtained under  
2 those regulations;

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

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

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

15 (b) TERMINATION OF REGULATIONS.—

16 (1) IN GENERAL.—Subject to paragraph (2),  
17 the regulations promulgated under subsection (a)  
18 shall terminate on the date that is 60 days after the  
19 date on which the public health emergency declared  
20 by the Secretary of Health and Human Services  
21 under section 319 of the Public Health Service Act  
22 (42 U.S.C. 247d) with respect to COVID–19, or any  
23 renewal of that declaration, terminates.

24 (2) CONTINUITY OF FUNDING.—If, during the  
25 period in which the regulations promulgated under

1 subsection (a) are in effect, the Assistant Secretary  
2 makes a commitment to provide support to an insti-  
3 tution of higher education under those regulations,  
4 the Assistant Secretary may make a payment with  
5 respect to that commitment on any date that is on  
6 or before September 30, 2021.

7 (c) EXEMPTIONS.—

8 (1) NOTICE AND COMMENT RULEMAKING RE-  
9 QUIREMENTS.—Subsections (b), (c), and (d) of sec-  
10 tion 553 of title 5, United States Code, shall not  
11 apply with respect to a regulation promulgated  
12 under subsection (a) of this section or a rulemaking  
13 to promulgate such a regulation.

14 (2) PAPERWORK REDUCTION ACT REQUIRE-  
15 MENTS.—A collection of information conducted or  
16 sponsored under the regulations promulgated under  
17 subsection (a) shall not constitute a collection of in-  
18 formation for the purposes of subchapter I of chap-  
19 ter 35 of title 44, United States Code (commonly re-  
20 ferred to as the “Paperwork Reduction Act”).

21 (d) EMERGENCY HIGHER EDUCATION  
22 CONNECTIVITY FUND.—

23 (1) ESTABLISHMENT.—There is established in  
24 the Treasury of the United States a fund to be

1 known as the “Emergency Higher Education Con-  
2 nectivity Fund”.

3 (2) APPROPRIATION.—There is appropriated to  
4 the Emergency Higher Education Connectivity  
5 Fund, out of any money in the Treasury not other-  
6 wise appropriated, \$1,000,000,000 for fiscal year  
7 2020, to remain available through fiscal year 2021.

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

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

20 (f) DEFINITIONS.—In this section:

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

24 (2) BROADBAND INTERNET ACCESS SERVICE.—  
25 The term “broadband internet access service” has



1 the meaning given the term in section 8.1(b) of title  
2 47, Code of Federal Regulations (or any successor  
3 regulation).

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

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

9 (B) A modem.

10 (C) A router.

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

13 (E) A Wi-Fi hotspot.

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

16 (A) broadband internet access service; and

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

19 (5) FEDERAL PELL GRANT.—The term “Fed-  
20 eral Pell Grant” means a grant under section 401  
21 of the Higher Education Act of 1965 (20 U.S.C.  
22 1070a).

23 (6) HISPANIC-SERVING INSTITUTION.—The  
24 term “Hispanic-serving institution” has the meaning

1 given the term in section 502 of the Higher Edu-  
2 cation Act of 1965 (20 U.S.C. 1101a).

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

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

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

13 (B) a postsecondary vocational institution,  
14 as that term is defined in section 102(c) of the  
15 Higher Education Act of 1965 (20 U.S.C.  
16 1002(c)).

17 (9) LIFELINE QUALIFYING ASSISTANCE  
18 PROGAM.—The term “Lifeline qualifying assistance  
19 program” means a program described in section  
20 54.400(j) of title 47, Code of Federal Regulations  
21 (or any successor regulation).

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

1 (A) An Alaska Native-serving institution  
2 (as that term is defined in section 317(b) of the  
3 Higher Education Act of 1965 (20 U.S.C.  
4 1059d(b))).

5 (B) A Native Hawaiian-serving institution  
6 (as that term is defined in section 317(b) of the  
7 Higher Education Act of 1965 (20 U.S.C.  
8 1059d(b))).

9 (C) A Predominantly Black institution (as  
10 that term is defined in section 371(c) of the  
11 Higher Education Act of 1965 (20 U.S.C.  
12 1067q(c))).

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

17 (E) A Native American-serving, nontribal  
18 institution (as that term is defined in section  
19 319(b) of the Higher Education Act of 1965  
20 (20 U.S.C. 1059f(b))).

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

22 (i) A historically Black college or uni-  
23 versity.

24 (ii) A Hispanic-serving institution.

25 (iii) A Tribal College or University.

1 (iv) An institution described in any of  
2 subparagraphs (A) through (E).

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

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

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

16 (A) registered as a student with the insti-  
17 tution;

18 (B) enrolled in not less than 1 class of the  
19 institution; or

20 (C) otherwise considered a student by the  
21 institution.

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

1           (15) WI-FI.—The term “Wi-Fi” means a wire-  
2           less networking protocol based on Institute of Elec-  
3           trical and Electronics Engineers standard 802.11  
4           (or any successor standard).

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

7                   (A) receiving broadband internet access  
8                   service; and

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

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