

**Calendar No. 567**

116TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
116-274 }

ADVANCING CRITICAL CONNECTIVITY EX-  
PANDS SERVICE, SMALL BUSINESS RE-  
SOURCE, OPPORTUNITIES, ACCESS, AND  
DATA BASED ON ASSESSED NEED AND DE-  
MAND ACT

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 1046



OCTOBER 1, 2020.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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## Calendar No. 567

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ADVANCING CRITICAL CONNECTIVITY EXPANDS SERVICE, SMALL BUSINESS RESOURCES, OPPORTUNITIES, ACCESS, AND DATA BASED ON ASSESSED NEED AND DEMAND ACT

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Mr. WICKER, from the Committee on Commerce, Science, and Transportation, submitted the following

### R E P O R T

[To accompany S. 1046]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1046) to establish the Office of Internet Connectivity and Growth, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

#### PURPOSE OF THE BILL

The purpose of S. 1046 is to create a new Office of Internet Connectivity and Growth (Office) within the National Telecommunications and Information Administration (NTIA), tasked with performing certain responsibilities related to broadband access, adoption, and deployment.

#### BACKGROUND AND NEEDS

The United States faces a persistent digital divide. Although more than 98 percent of Americans have access to high-speed broadband,<sup>1</sup> over 20 million Americans are still without such service.<sup>2</sup> The Federal Government has established a number of programs designed to increase access to broadband in urban, subur-

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<sup>1</sup>High-speed broadband is defined as fixed terrestrial service at 25 megabits per second (Mbps) download speeds and 3 Mbps upload speeds and mobile long-term evolution (LTE) service at 5 Mbps/1 Mbps.

<sup>2</sup>Federal Communications Commission, *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, 2019 Broadband Deployment Report*, GN docket no. 18-238 at para. 2, released May 29, 2019 (<https://docs.fcc.gov/public/attachments/FCC-19-44A1.pdf>) (accessed May 18, 2020).

ban, rural, Tribal, and remote areas across the country. In addition to the Universal Service Fund programs managed by the Federal Communications Commission (FCC), several other Federal agencies run programs that provide funding to support broadband access or adoption.

Navigating the myriad Federal broadband support programs can be challenging for entities seeking assistance. Not only are Federal broadband support programs spread across multiple Executive Branch agencies, but the programs often have different qualifications and applications; address different needs; and may not be well-promoted.<sup>3</sup> Streamlining and standardizing applications for broadband support across these programs (to the extent such standardization is possible) and better promoting these programs to the public can help those seeking Federal broadband support to access those programs more efficiently.

NTIA has attempted to accomplish some of this simplification through its BroadbandUSA program. BroadbandUSA currently serves local and State governments, industry, and nonprofits that seek to enhance broadband connectivity.<sup>4</sup> The program provides online and in-person technical assistance to communities on how to improve broadband access. It also holds regional workshops, publishes guides and tools to assist communities trying to increase broadband access or adoption, and convenes agencies and broadband stakeholder groups to promote coordination.<sup>5</sup> Congress, however, has not formally authorized this program, and some believe that elevating the work done by BroadbandUSA into a formal office within NTIA would give it more credibility outside the Government, more focus within NTIA leadership, and a more effective platform to coordinate across Executive Branch broadband programs.

S. 1046 seeks to address some of the shortcomings stakeholders have pointed out with respect to BroadbandUSA and Federal broadband support programs at large. It would create a new office within NTIA and confer upon that office certain specific responsibilities, including attempting to streamline application processes for those programs.

#### SUMMARY OF PROVISIONS

S. 1046, as amended, would do the following:

- Establish the Office of Internet Connectivity and Growth within NTIA.
- Direct the Office to conduct outreach with local communities to promote access and adoption of high-speed broadband service.
- Require the Office to work with agencies that offer a Federal broadband support program (as that term is defined in the bill) to streamline and standardize the process for applying for Federal broadband support.
- Establish that nothing in the bill is intended to alter or amend the FCC's Universal Service Fund programs.

<sup>3</sup>BroadbandUSA, *Broadband Funding Guide* ([https://broadbandusa.ntia.doc.gov/sites/default/files/resource-files/bbusa\\_federal\\_funding\\_all\\_190409.pdf](https://broadbandusa.ntia.doc.gov/sites/default/files/resource-files/bbusa_federal_funding_all_190409.pdf)) (accessed May 18, 2020).

<sup>4</sup>BroadbandUSA, "Frequently Asked Questions" (<https://broadbandusa.ntia.doc.gov/faq-list>) (accessed May 18, 2020).

<sup>5</sup>BroadbandUSA, "How Can We Help" (<https://broadbandusa.ntia.doc.gov/ntia-common-content/how-we-can-help>) (accessed May 18, 2020).

- Prohibit the authorization of new appropriations to carry out this Act.

## LEGISLATIVE HISTORY

S. 1046 was introduced on April 4, 2019, by Senator Cortez Masto (for herself and Senators Gardner, Jones, Johnson, Baldwin, and Blackburn) and was referred to the Committee on Commerce, Science and Transportation of the Senate. Senators Sinema, Rosen, and Peters are additional cosponsors. On March 11, 2020, the Committee met in open Executive Session and, by voice vote, ordered S. 1046 reported favorably with an amendment (in the nature of a substitute).

S. 1046 is substantially similar to H.R. 1328, a bill introduced on February 25, 2019, by Representative Tonko (for himself and Representative Brooks) and referred to the Committee on Energy and Commerce in the House of Representatives. H.R. 1328, as amended, passed the House by voice vote on May 8, 2019. On May 9, 2019, that bill was received in the Senate and referred to the Committee on Commerce, Science, and Transportation.

During the 115th Congress, a similar measure (S. 3346, the Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Assessed Need and Demand Act) was introduced on August 1, 2018, by Senator Cortez Masto (for herself and Senator Gardner) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senator Jones was an additional cosponsor. No further action occurred on that bill. That bill was reintroduced in the 116th Congress as S. 1046.

## ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

<b>S. 1046, ACCESS BROADBAND Act</b>			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on March 11, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	8	not estimated
Statutory pay-as-you-go procedures apply?	No	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 1046 would direct the National Telecommunications and Information Administration (NTIA) to establish the Office of Internet Connectivity and Growth to help communities develop strategies to expand the deployment and use of high-speed Internet services. The office would conduct workshops, develop broadband training, create and distribute publications, consult with other federal agencies that offer broadband support programs to streamline and standardize their applications processes, and develop a central website for information about federal broadband programs.

Using information from NTIA, CBO estimates that implementing S. 1046 would cost \$8 million over the 2020–2025 period; any spending would be subject to the availability of appropriated funds. Of that amount, \$4 million would be for five additional employees at NTIA (at an annual cost of about \$170,000 each), \$3 million for NTIA to develop and maintain a central website for federal broadband programs and to standardize federal agency applications for broadband grant assistance, and \$1 million for other agencies to coordinate their efforts with NTIA.

The CBO staff contact for this estimate is David Hughes. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

#### REGULATORY IMPACT STATEMENT

Because S. 1046 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

#### CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title.*

This section would provide that the bill may be cited as the “Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Assessed Need and Demand Act” or the “ACCESS BROADBAND Act”.

##### *Section 2. Definitions.*

This section would define five terms used throughout the bill. The term “Federal broadband support program”, in particular, is defined to include 26 specific broadband programs overseen by seven Federal agencies that are enumerated in the bill. Federal broadband support program also is defined to exclude any Universal Service Fund program. The term “Assistant Secretary” is defined to mean the Assistant Secretary of Commerce for Communications and Information.

*Section 3. Establishment of Office of Internet Connectivity and Growth.*

Section 3 would require that not later than 180 days after the enactment of this Act, the Assistant Secretary establish the Office of Internet Connectivity and Growth (Office) within NTIA.

*Section 4. Duties.*

Subsection (a) of section 4 would establish the duties of the Office. The Office would be tasked with the following:

- Connecting with communities that need access to high-speed internet and improved digital inclusion efforts through various forms of outreach and communication techniques;
- Holding regional workshops across the United States to share best practices and effective strategies for promoting broadband access and adoption;
- Developing targeted broadband training and presentations for various demographic communities through various media;
- Developing and distributing publications (including toolkits, primers, manuals, and white papers) providing guidance, strategies, and insights to communities as the communities develop strategies to expand broadband access and adoption; and
- Cooperating, as applicable, in these efforts with State agencies that provide similar broadband investments, outreach, and coordination through Federal programs.

Subsection (b) of this section would direct the Assistant Secretary to assign to the Office all activities currently performed by NTIA that are similar to the activities the Office is required to conduct by this bill. In particular, the Committee intends for NTIA to transfer the functions currently performed by NTIA's BroadbandUSA program to the Office, as those functions largely overlap with the responsibilities given to the Office under this bill.

*Section 5. Streamlined applications for support.*

Subsection (a) of this section would direct the Office to consult with any agency offering a Federal broadband support program to streamline and standardize the application process for grants or other financial assistance from that program.

Subsection (b) of this section would require any agency offering a Federal broadband support program to amend its application for broadband support, to the extent practicable and as necessary, to streamline and standardize applications for Federal broadband support programs across the Federal Government.

Under subsection (c) of this section, the Office would be required, to the greatest extent practicable, to create a single application that may be submitted to apply for all, or substantially all, Federal broadband support programs.

Subsection (d) of this section would direct the Office, not later than 180 days after enactment of this bill, to create a central website through which a potential applicant can learn about and apply for support through any Federal broadband support program.

*Section 6. Rule of construction.*

This section would establish a rule of construction that nothing in the ACCESS BROADBAND Act is intended to alter or amend any provision of section 254 of the Communications Act of 1934.<sup>6</sup>

*Section 7. No additional funds authorized.*

Section 7 would state that no additional funds are authorized to be appropriated to carry out this Act, and that the Act shall be carried out using funds otherwise authorized.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.



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<sup>6</sup>47 U.S.C. 254.