

116TH CONGRESS
2D SESSION

H. R. 7494

To direct the Assistant Secretary of Commerce for Communications and Information to establish a pilot program to increase access to internet-capable devices through public-private partnerships, to establish best practices for States and Indian Tribes for reducing the barriers to, and increasing the adoption of, broadband internet access service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2020

Mr. O'HALLERAN (for himself and Mr. JOHNSON of Ohio) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Assistant Secretary of Commerce for Communications and Information to establish a pilot program to increase access to internet-capable devices through public-private partnerships, to establish best practices for States and Indian Tribes for reducing the barriers to, and increasing the adoption of, broadband internet access service, 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 “Broadband Adoption
3 and Opportunity Act”.

4 **SEC. 2. INTERNET-CAPABLE DEVICE ACCESS PILOT PRO-**
5 **GRAM.**

6 (a) PILOT PROGRAM.—Not later than 180 days after
7 the date of the enactment of this Act, the Assistant Sec-
8 retary shall establish a pilot program for the purposes of
9 using public-private partnerships seeking to—

- 10 (1) refurbish internet-capable devices; and
11 (2) establish or carry out one or more donation,
12 lending, or purchasing programs that increases ac-
13 cess to such refurbished devices to individuals that
14 do not have internet-capable devices.

15 (b) APPLICATION.—To be eligible to participate in
16 the pilot program under this section, a public-private part-
17 nership shall submit to the Assistant Secretary an applica-
18 tion, in such a form and in such a manner as the Assistant
19 Secretary may require.

20 (c) CRITERIA.—In determining whether to approve
21 an application submitted by a public-private partnership
22 under this section, the Assistant Secretary shall consider,
23 in addition to other such criteria as the Assistant Sec-
24 retary determines appropriate—

- 25 (1) the ability of the public-private partnership
26 to—

1 (A) refurbish internet-capable devices; and

2 (B) establish or carry out one or more do-
3 nation, lending, or purchasing programs that
4 increases access to refurbished internet-capable
5 devices to individuals that do not have internet-
6 capable devices; and

7 (2) the extent to which the public-private part-
8 nership demonstrates in the application—

9 (A) organizational experience in—

10 (i) refurbishing internet-capable de-
11 vices;

12 (ii) identifying individuals that do not
13 have internet-capable devices; and

14 (iii) providing training and end-user
15 support to such individuals as part of a
16 comprehensive digital inclusion program;
17 and

18 (B) the ability to establish or carry out one
19 or more donation, lending, or purchasing pro-
20 grams that provide refurbished internet-capable
21 devices to individuals in a county that the As-
22 sistant Secretary determines has a significant
23 need for internet-capable devices.

24 (d) DETERMINATION OF SIGNIFICANT NEED.—For
25 the purpose of determining whether a county has a signifi-

1 cant need for internet-capable devices under subsection
2 (c)(2)(B), the Assistant Secretary may consider relevant
3 data provided by the American Community Survey or the
4 Federal Communications Commission.

5 (e) DURATION.—The Assistant Secretary shall carry
6 out the pilot program under this section for a period not
7 longer than 5 years.

8 (f) REPORT.—Not later than 180 days after the ter-
9 mination of the pilot program under this section, the As-
10 sistant Secretary shall submit to the Committee on Com-
11 merce, Science, and Transportation of the Senate and the
12 Committee on Energy and Commerce of the House of
13 Representatives, and make available to the public, a report
14 on the efficacy of the pilot program, including—

15 (1) any outcome measures used by the Assist-
16 ant Secretary to determine efficacy;

17 (2) the efficacy of public-private partnerships
18 participating in the pilot program under this section
19 in—

20 (A) refurbishing internet-capable devices;

21 and

22 (B) establishing or carrying out a dona-
23 tion, lending, or purchasing programs that pro-
24 vides refurbished internet-capable devices to in-

1 dividuals that do not have internet-capable de-
2 vices; and

3 (3) any barriers that prevent or hinder access
4 to internet-capable devices, as identified by the As-
5 sistant Secretary.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There are authorized to be
8 appropriated to the Assistant Secretary to carry out
9 this section \$50,000,000 for fiscal year 2021, which
10 shall remain available until expended.

11 (2) ADMINISTRATIVE COSTS.—Not more than 5
12 percent of the amount appropriated under para-
13 graph (1) shall be used for administrative expenses.

14 (h) PUBLIC-PRIVATE PARTNERSHIP DEFINED.—In
15 this section, the term “public-private partnership” means
16 a partnership between at least two entities, which may in-
17 clude the following:

18 (1) A private sector entity.

19 (2) A nonprofit organization.

20 (3) A library.

21 (4) A community anchor institution.

22 (5) A provider of broadband internet access
23 service.

1 (6) An appropriate State agency (or in the case
2 of an Indian Tribe, the tribal equivalent of an ap-
3 propriate State agency).

4 **SEC. 3. DEVELOPMENT OF BEST PRACTICES.**

5 (a) IN GENERAL.—Not later than 18 months after
6 the date of the enactment of this Act, the Assistant Sec-
7 retary shall, in consultation with the Federal Communica-
8 tions Commission, States and Indian Tribes, and the enti-
9 ties described in subsection (b), develop recommendations
10 for States and Indian Tribes (and any political subdivi-
11 sions thereof, respectively) on best practices for reducing
12 the barriers to, and increasing the adoption of, broadband
13 internet access service within the respective State or In-
14 dian Tribe (or any political subdivision thereof, respec-
15 tively), including best practices for—

16 (1) determining how to increase the adoption of
17 broadband internet access service among individuals
18 (including individuals with disabilities) in different
19 educational, racial, ethnic, socio-economic, and age
20 groups;

21 (2) developing informational strategies for indi-
22 viduals (including individuals with disabilities) in
23 different educational, racial, ethnic, socio-economic,
24 and age groups that help such individuals identify,

1 and understand how to qualify for, low-cost
2 broadband internet access service programs;

3 (3) determining how to assist libraries, commu-
4 nity anchor institutions, or nonprofit organizations
5 in establishing or expanding technical training pro-
6 grams for individuals (including individuals with dis-
7 abilities) in different educational, racial, ethnic,
8 socio-economic, and age groups, to learn skills to use
9 internet-capable devices to access services or accom-
10 plish tasks; and

11 (4) identifying the appropriate data metrics to
12 use to measure the adoption of broadband internet
13 access service within the respective State or Indian
14 Tribe (or political subdivision thereof, respectively).

15 (b) ENTITIES DESCRIBED.—The entities described in
16 this subsection are as follows:

17 (1) Community anchor institutions.

18 (2) Libraries.

19 (3) Appropriate State agencies.

20 (4) State educational agencies.

21 (5) State library administrative agencies.

22 (6) Nonprofit organizations.

23 (7) Cooperative organizations.

24 (8) Private sector entities.

1 (9) Providers of broadband internet access serv-
2 ice.

3 (10) Bureau-funded schools.

4 (c) DEVELOPMENT OF BEST PRACTICES.—In devel-
5 oping the best practices under subsection (a), the Assist-
6 ant Secretary shall identify, and include in such best prac-
7 tices, any resources available through the Broadband USA
8 program of the National Telecommunications and Infor-
9 mation Administration that a State or Indian Tribe (or
10 political subdivisions thereof, respectively) may use for the
11 purpose of increasing the adoption of broadband internet
12 access service within the respective State or Indian Tribe.

13 **SEC. 4. DEFINITIONS.**

14 In this Act:

15 (1) ADOPTION OF BROADBAND INTERNET AC-
16 CESS SERVICE.—The term “adoption of broadband
17 internet access service” means the process by which
18 an individual—

19 (A) develops skills necessary to accomplish
20 common tasks using broadband internet access
21 service; and

22 (B) obtains daily access to the internet
23 through broadband internet access service.

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

4 (3) APPROPRIATE STATE AGENCY.—The term
5 “appropriate State agency” has the meaning given
6 the term in section 706(a) of the RAY BAUM’S Act
7 of 2018 (47 U.S.C. 1504).

8 (4) BROADBAND INTERNET ACCESS SERVICE.—
9 The term “broadband internet access service” has
10 the meaning given that term in section 8.1(b) of title
11 47, Code of Federal Regulations, or any successor
12 regulation.

13 (5) BUREAU-FUNDED SCHOOL.—The term “bu-
14 reau-funded school” has the meaning given the term
15 in section 1141 of the Education Amendments of
16 1978 (25 U.S.C. 2021).

17 (6) COMMUNITY ANCHOR INSTITUTION.—The
18 term “community anchor institution” has the mean-
19 ing given the term in section 54.5 of title 47, Code
20 of Federal Regulations.

21 (7) DISABILITY.—The term “disability” has the
22 meaning given the term in section 3 of the Ameri-
23 cans with Disabilities Act of 1990 (42 U.S.C.
24 12102).

1 (8) INDIAN TRIBE.—The term “Indian Tribe”
2 has the meaning given the term “Indian tribe” in
3 section 4(e) of the Indian Self-Determination and
4 Education Assistance Act (25 U.S.C. 5304(e)).

5 (9) INTERNET-CAPABLE DEVICE.—The term
6 “internet-capable device” means a desktop com-
7 puter, laptop computer, tablet computer, or similar
8 device that is capable of connecting to broadband
9 internet access service, either by receiving such serv-
10 ice directly or through the use of Wi-Fi.

11 (10) LIBRARY.—The term “library” has the
12 meaning given the term in section 213 of the Mu-
13 seum and Library Services Act (20 U.S.C. 9122) in-
14 cluding only—

15 (A) a public library;

16 (B) a public elementary school or sec-
17 ondary school library;

18 (C) a Tribal library; and

19 (D) an academic library.

20 (11) REFURBISH.—The term “refurbish”
21 means the process to repair the condition of or up-
22 date the software of an internet-capable device in
23 such a form and in such a manner so that such de-
24 vice is capable of accessing and performing tasks or
25 services through broadband internet access service.

1 (12) STATE.—The term “State” means the 50
2 States, the District of Columbia, and the territories
3 and possessions of the United States.

4 (13) STATE EDUCATIONAL AGENCY.—The term
5 “State educational agency” has the meaning given
6 the term in section 300.41 of title 34, Code of Fed-
7 eral Regulations.

8 (14) STATE LIBRARY ADMINISTRATIVE AGEN-
9 CY.—The term “State library administrative agen-
10 cy” has the meaning given the term in section 213
11 of the Museum and Library Services Act (20 U.S.C.
12 9122).

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