

117TH CONGRESS
1ST SESSION

S. 2729

To direct the Federal Communications Commission to establish a program through which eligible individuals may obtain vouchers for the purchase of connected devices, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2021

Mr. WARNOCK introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To direct the Federal Communications Commission to establish a program through which eligible individuals may obtain vouchers for the purchase of connected devices, 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 “Device Access for
5 Every American Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) approximately 25 percent of adults in the
2 United States do not own a computer;

3 (2) 4,400,000 households with students still
4 lack consistent access to a computer, which prevents
5 those students from completing schoolwork;

6 (3) there are no reliable estimates about the
7 number of students forced to share a computer with
8 another member of their household, potentially fore-
9 ing the household to choose between important on-
10 line activities such as work and learning;

11 (4) for those households without a computer or
12 tablet, most cannot afford one; and

13 (5) while computer access is nearly ubiquitous
14 among high-income households, 40 percent of low-in-
15 come adults lack a computer.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) COMMISSION.—The term “Commission”
19 means the Federal Communications Commission.

20 (2) CONNECTED DEVICE.—The term “con-
21 nected device” means any of the following:

22 (A) A desktop computer.

23 (B) A laptop computer.

24 (C) A tablet computer.

1 (D) Any similar device (except for a tele-
2 phone or smartphone) that the Commission de-
3 termines should be eligible for the use of a
4 voucher under the program.

5 (3) ELIGIBLE EXPENSES.—The term “eligible
6 expenses” means, with respect to a connected de-
7 vice—

8 (A) the retail price of the connected device;

9 (B) any sales taxes collected by the retailer
10 with respect to the sale of the connected device;

11 (C) any shipping charges assessed by the
12 retailer with respect to the connected device;

13 and

14 (D) any reasonable (as defined by the
15 Commission) product warranty and technical
16 support services.

17 (4) ELIGIBLE INDIVIDUAL.—The term “eligible
18 individual” means an individual who is a member of
19 an eligible household, as defined in section 904(a)(6)
20 of division N of the Consolidated Appropriations
21 Act, 2021 (Public Law 116–260), except that—

22 (A) in determining under subparagraph

23 (A) of such section 904(a)(6) for purposes of
24 this paragraph whether at least 1 member of
25 the household meets the qualifications in sub-

1 section (a) or (b) of section 54.409 of title 47,
 2 Code of Federal Regulations, or any successor
 3 regulation, paragraph (1) of such subsection (a)
 4 shall be applied by striking “135 percent” and
 5 inserting “150 percent”; and

6 (B) subparagraphs (C) and (E) of such
 7 section 904(a)(6) shall not apply for purposes
 8 of this paragraph.

9 (5) PROGRAM.—The term “program” means
 10 the program established under section 4.

11 **SEC. 4. CONNECTED DEVICE VOUCHER PROGRAM.**

12 (a) ESTABLISHMENT; REGULATIONS.—Not later
 13 than 180 days after the date of enactment of this Act,
 14 the Commission shall establish, and promulgate regula-
 15 tions to implement in accordance with this section, a pro-
 16 gram through which—

17 (1) an eligible individual may obtain a voucher
 18 that can be applied toward the purchase of a con-
 19 nected device from a retailer; and

20 (2) the Commission reimburses the retailer in
 21 an amount equal to the lesser of—

22 (A) the amount of the voucher; or

23 (B) the eligible expenses with respect to
 24 the connected device.

25 (b) AMOUNT OF VOUCHER.—

1 (1) IN GENERAL.—The amount of a voucher
2 under the program shall be \$400, as such amount
3 may be adjusted by the Commission under para-
4 graph (2).

5 (2) REEVALUATION; ADJUSTMENT.—Not later
6 than 3 years after the date on which the Commis-
7 sion promulgates regulations under subsection (a),
8 and every 3 years thereafter, the Commission
9 shall—

10 (A) reevaluate the amount of the voucher;

11 and

12 (B) after conducting such reevaluation, if
13 necessary to ensure that the voucher reflects
14 the average amount of eligible expenses with re-
15 spect to a connected device, adjust the amount
16 of the voucher.

17 (3) PRICE OF CONNECTED DEVICE EXCEEDING
18 AMOUNT OF VOUCHER.—If the eligible expenses with
19 respect to a connected device exceed the amount of
20 the voucher, an eligible individual may—

21 (A) apply the voucher to such expenses;

22 and

23 (B) pay the remainder of such expenses to
24 the retailer from other funds available to the in-
25 dividual.

1 (c) NUMBER AND FREQUENCY OF VOUCHERS.—An
2 eligible individual may obtain 1 voucher under the pro-
3 gram every 4 years, except that not more than 2 eligible
4 individuals per household may obtain a voucher under the
5 program every 4 years.

6 (d) MINIMUM STANDARDS FOR CONNECTED DE-
7 VICES.—

8 (1) IN GENERAL.—A voucher under the pro-
9 gram may not be applied toward the purchase of a
10 connected device unless the connected device meets
11 minimum standards to ensure that connected devices
12 meet the needs of the average user, which the Com-
13 mission shall establish in the regulations promul-
14 gated under subsection (a).

15 (2) REEVALUATION; REVISION.—Not later than
16 3 years after the date on which the Commission pro-
17 mulgates regulations under subsection (a), and every
18 3 years thereafter, the Commission shall—

19 (A) reevaluate the minimum standards es-
20 tablished under paragraph (1); and

21 (B) after conducting such reevaluation, if
22 necessary to ensure that connected devices con-
23 tinue to meet the needs of the average user, re-
24 vise such minimum standards.

1 (3) STANDARDS FOR NEW AND REFURBISHED
2 DEVICES.—The Commission may establish separate
3 minimum standards under paragraph (1) for new
4 connected devices and for refurbished connected de-
5 vices.

6 (e) COLLABORATION WITH RETAILERS.—

7 (1) IN GENERAL.—The Commission shall col-
8 laborate with retailers to ensure the wide acceptance
9 of vouchers and the wide availability of covered de-
10 vices that will be free of charge to consumers after
11 applying a voucher.

12 (2) WEBSITE.—The Commission shall establish
13 a website, which shall—

14 (A) link to offerings by retailers of con-
15 nected devices eligible for the use of a voucher
16 under the program so that a consumer may ini-
17 tiate the purchase of such a device using the
18 voucher through the website; and

19 (B) if the number of vouchers available
20 over a particular time period is limited, indicate
21 the number of vouchers remaining.

22 (3) CATALOG.—The Commission shall establish
23 a catalog, which shall—

24 (A) be accessible to consumers without
25 internet access and include offerings by retail-

1 ers of connected devices eligible for the use of
2 a voucher under the program; and

3 (B) if the number of vouchers available
4 over a particular time period is limited, indicate
5 the number of vouchers remaining.

6 (f) ADVERTISEMENT OF PROGRAM.—The Commis-
7 sion shall advertise the availability of the program, includ-
8 ing by carrying out advertising campaigns in collaboration
9 with retailers of connected devices.

10 (g) TECHNICAL ASSISTANCE.—The Commission shall
11 provide technical assistance to retailers, eligible individ-
12 uals, and community-based organizations regarding par-
13 ticipation in the program.

14 (h) ENFORCEMENT.—

15 (1) IN GENERAL.—A violation of this section or
16 a regulation promulgated under this section shall be
17 treated as a violation of the Communications Act of
18 1934 (47 U.S.C. 151 et seq.) or a regulation pro-
19 mulgated under that Act.

20 (2) MANNER OF ENFORCEMENT.—The Com-
21 mission shall enforce this section and the regulations
22 promulgated under this section in the same manner,
23 by the same means, and with the same jurisdiction,
24 powers, and duties as though all applicable terms
25 and provisions of the Communications Act of 1934

1 (47 U.S.C. 151 et seq.) were incorporated into and
2 made a part of this section.

3 (i) USE OF UNIVERSAL SERVICE ADMINISTRATIVE
4 COMPANY PERMITTED.—The Commission shall have the
5 authority to avail itself of the services of the Universal
6 Service Administrative Company to implement the pro-
7 gram, including developing and processing reimburse-
8 ments and distributing funds.

9 (j) PAPERWORK REDUCTION ACT REQUIREMENTS.—
10 A collection of information conducted or sponsored under
11 the regulations required under subsection (a) shall not
12 constitute a collection of information for the purposes of
13 subchapter I of chapter 35 of title 44, United States Code
14 (commonly known as the “Paperwork Reduction Act”).

15 (k) PRIVACY ACT OF 1974 REQUIREMENTS.—The re-
16 quirements to publish notices related to system of records
17 notices or computer matching agreements of the agency
18 before implementation required under paragraphs (4),
19 (11), and (12) of section 552a(e) and to provide adequate
20 advanced notice under section 552a(r) of title 5, United
21 States Code (commonly known as the “Privacy Act of
22 1974”), shall not apply when the matching program is
23 necessary to determine eligibility under the program, ex-
24 cept that the notices shall be—

1 (1) sent to the Committee on Homeland Secu-
2 rity and Governmental Affairs of the Senate, the
3 Committee on Oversight and Reform of the House
4 of Representatives, and the Office of Management
5 and Budget; and

6 (2) simultaneously submitted for publication in
7 the Federal Register.

8 (1) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Commission for fiscal
10 year 2022, to remain available until September 30, 2026,
11 \$5,000,000,000 to carry out this section, of which not
12 more than 3 percent may be used to administer and pro-
13 mote the program.

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