

116TH CONGRESS  
2D SESSION

# H. R. 6881

To provide a benefit for broadband service during emergency periods relating to COVID–19, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2020

Mr. VEASEY introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To provide a benefit for broadband service during emergency periods relating to COVID–19, 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 “Emergency Broadband  
5 Connections Act of 2020”.

6 **SEC. 2. BENEFIT FOR BROADBAND SERVICE DURING EMER-**  
7 **GENCY PERIODS RELATING TO COVID–19.**

8 (a) PROMULGATION OF REGULATIONS REQUIRED.—

9 Not later than 7 days after the date of the enactment of

1 this Act, the Commission shall promulgate regulations im-  
2 plementing this section.

3 (b) REQUIREMENTS.—The regulations promulgated  
4 pursuant to subsection (a) shall establish the following:

5 (1) EMERGENCY BROADBAND BENEFIT.—Dur-  
6 ing an emergency period, a provider shall provide an  
7 eligible household with an internet service offering,  
8 upon request by a member of such household. Such  
9 provider shall discount the price charged to such  
10 household for such internet service offering in an  
11 amount equal to the emergency broadband benefit  
12 for such household.

13 (2) VERIFICATION OF ELIGIBILITY.—To verify  
14 whether a household is an eligible household, a pro-  
15 vider shall either—

16 (A) use the National Lifeline Eligibility  
17 Verifier; or

18 (B) rely upon an alternative verification  
19 process of the provider, if the Commission finds  
20 such process to be sufficient to avoid waste,  
21 fraud, and abuse.

22 (3) USE OF NATIONAL LIFELINE ELIGIBILITY  
23 VERIFIER.—The Commission shall—

24 (A) expedite the ability of all providers to  
25 access the National Lifeline Eligibility Verifier

1 for purposes of determining whether a house-  
2 hold is an eligible household; and

3 (B) ensure that the National Lifeline Eligi-  
4 bility Verifier approves an eligible household to  
5 receive the emergency broadband benefit not  
6 later than two days after the date of the sub-  
7 mission of information necessary to determine if  
8 such household is an eligible household.

9 (4) EXTENSION OF EMERGENCY PERIOD.—An  
10 emergency period may be extended within a State or  
11 any portion thereof if the State, or in the case of  
12 Tribal land, a Tribal government, provides written,  
13 public notice to the Commission stipulating that an  
14 extension is necessary in furtherance of the recovery  
15 related to COVID–19. The Commission shall, within  
16 48 hours after receiving such notice, post the notice  
17 on the public website of the Commission.

18 (5) REIMBURSEMENT.—From the Emergency  
19 Broadband Connectivity Fund established in sub-  
20 section (h), the Commission shall reimburse a pro-  
21 vider in an amount equal to the emergency  
22 broadband benefit with respect to an eligible house-  
23 hold that receives such benefit from such provider.

24 (6) REIMBURSEMENT FOR CONNECTED DE-  
25 VICE.—A provider that, in addition to providing the

1 emergency broadband benefit to an eligible house-  
2 hold, supplies such household with a connected de-  
3 vice may be reimbursed up to \$100 from the Emer-  
4 gency Broadband Connectivity Fund established in  
5 subsection (h) for such connected device, if the  
6 charge to such eligible household is more than \$10  
7 but less than \$50 for such connected device, except  
8 that a provider may receive reimbursement for no  
9 more than one connected device per eligible house-  
10 hold.

11 (7) NO RETROACTIVE REIMBURSEMENT.—A  
12 provider may not receive a reimbursement from the  
13 Emergency Broadband Connectivity Fund for pro-  
14 viding an internet service offering discounted by the  
15 emergency broadband benefit, or for supplying a  
16 connected device, that was provided or supplied (as  
17 the case may be) before the date of the enactment  
18 of this Act.

19 (8) CERTIFICATION REQUIRED.—To receive a  
20 reimbursement under paragraph (5) or (6), a pro-  
21 vider shall certify to the Commission the following:

22 (A) That the amount for which the pro-  
23 vider is seeking reimbursement from the Emer-  
24 gency Broadband Connectivity Fund for an

1 internet service offering to an eligible household  
2 is not more than the normal rate.

3 (B) That each eligible household for which  
4 a provider is seeking reimbursement for pro-  
5 viding an internet service offering discounted by  
6 the emergency broadband benefit—

7 (i) has not been and will not be  
8 charged—

9 (I) for such offering, if the nor-  
10 mal rate for such offering is less than  
11 or equal to the amount of the emer-  
12 gency broadband benefit for such  
13 household; or

14 (II) more for such offering than  
15 the difference between the normal rate  
16 for such offering and the amount of  
17 the emergency broadband benefit for  
18 such household;

19 (ii) will not be required to pay an  
20 early termination fee if such eligible house-  
21 hold elects to enter into a contract to re-  
22 ceive such internet service offering if such  
23 household later terminates such contract;  
24 and

1 (iii) was not subject to a mandatory  
2 waiting period for such internet service of-  
3 fering based on having previously received  
4 broadband internet access service from  
5 such provider.

6 (C) A description of the process used by  
7 the provider to verify that a household is an eli-  
8 gible household, if the provider elects an alter-  
9 native verification process under paragraph  
10 (2)(B), and that such verification process was  
11 designed to avoid waste, fraud, and abuse.

12 (9) AUDIT REQUIREMENTS.—The Commission  
13 shall adopt audit requirements to ensure that pro-  
14 viders are in compliance with the requirements of  
15 this section and to prevent waste, fraud, and abuse  
16 in the emergency broadband benefit program estab-  
17 lished under this section.

18 (c) ELIGIBLE PROVIDERS.—Notwithstanding sub-  
19 section (e) of this section, the Commission shall provide  
20 a reimbursement to a provider under this section without  
21 requiring such provider to be designated as an eligible tele-  
22 communications carrier under section 214(e) of the Com-  
23 munications Act of 1934 (47 U.S.C. 214(e)).

24 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
25 tion shall affect the collection, distribution, or administra-

1 tion of the Lifeline Assistance Program governed by the  
2 rules set forth in subpart E of part 54 of title 47, Code  
3 of Federal Regulations (or any successor regulation).

4 (e) PART 54 REGULATIONS.—Nothing in this section  
5 shall be construed to prevent the Commission from pro-  
6 viding that the regulations in part 54 of title 47, Code  
7 of Federal Regulations (or any successor regulation), shall  
8 apply in whole or in part to support provided under the  
9 regulations required by subsection (a), shall not apply in  
10 whole or in part to such support, or shall be modified in  
11 whole or in part for purposes of application to such sup-  
12 port.

13 (f) ENFORCEMENT.—A violation of this section or a  
14 regulation promulgated under this section, including the  
15 knowing or reckless denial of an internet service offering  
16 discounted by the emergency broadband benefit to an eligi-  
17 ble household that requests such an offering, shall be  
18 treated as a violation of the Communications Act of 1934  
19 (47 U.S.C. 151 et seq.) or a regulation promulgated under  
20 such Act. The Commission shall enforce this section and  
21 the regulations promulgated under this section in the same  
22 manner, by the same means, and with the same jurisdic-  
23 tion, powers, and duties as though all applicable terms and  
24 provisions of the Communications Act of 1934 were incor-  
25 porated into and made a part of this section.

1 (g) EXEMPTIONS.—

2 (1) NOTICE AND COMMENT RULEMAKING RE-  
3 QUIREMENTS.—Section 553 of title 5, United States  
4 Code, shall not apply to a regulation promulgated  
5 under subsection (a) or a rulemaking to promulgate  
6 such a regulation.

7 (2) PAPERWORK REDUCTION ACT REQUIRE-  
8 MENTS.—A collection of information conducted or  
9 sponsored under the regulations required by sub-  
10 section (a) shall not constitute a collection of infor-  
11 mation for the purposes of subchapter I of chapter  
12 35 of title 44, United States Code (commonly re-  
13 ferred to as the Paperwork Reduction Act).

14 (h) EMERGENCY BROADBAND CONNECTIVITY  
15 FUND.—

16 (1) ESTABLISHMENT.—There is established in  
17 the Treasury of the United States a fund to be  
18 known as the Emergency Broadband Connectivity  
19 Fund.

20 (2) AUTHORIZATION OF APPROPRIATIONS.—  
21 There is authorized to be appropriated to the Emer-  
22 gency Broadband Connectivity Fund \$8,800,000,000  
23 for fiscal year 2020, to remain available through fis-  
24 cal year 2021.

1           (3) USE OF FUNDS.—Amounts in the Emer-  
2           gency Broadband Connectivity Fund shall be avail-  
3           able to the Commission for reimbursements to pro-  
4           viders under the regulations required by subsection  
5           (a).

6           (4) RELATIONSHIP TO UNIVERSAL SERVICE  
7           CONTRIBUTIONS.—Reimbursements provided under  
8           the regulations required by subsection (a) shall be  
9           provided from amounts made available under this  
10          subsection and not from contributions under section  
11          254(d) of the Communications Act of 1934 (47  
12          U.S.C. 254(d)), except the Commission may use  
13          such contributions if needed to offset expenses asso-  
14          ciated with the reliance on the National Lifeline Eli-  
15          gibility Verifier to determine eligibility of households  
16          to receive the emergency broadband benefit.

17          (i) DEFINITIONS.—In this section:

18               (1) BROADBAND INTERNET ACCESS SERVICE.—  
19               The term “broadband internet access service” has  
20               the meaning given such term in section 8.1(b) of  
21               title 47, Code of Federal Regulations (or any suc-  
22               cessor regulation).

23               (2) CONNECTED DEVICE.—The term “con-  
24               nected device” means a laptop or desktop computer  
25               or a tablet.

1           (3) ELIGIBLE HOUSEHOLD.—The term “eligible  
2 household” means, regardless of whether the house-  
3 hold or any member of the household receives sup-  
4 port under subpart E of part 54 of title 47, Code  
5 of Federal Regulations (or any successor regulation),  
6 and regardless of whether any member of the house-  
7 hold has any past or present arrearages with a pro-  
8 vider, a household in which—

9           (A) at least one member of the household  
10 meets the qualifications in subsection (a) or (b)  
11 of section 54.409 of title 47, Code of Federal  
12 Regulations (or any successor regulation);

13           (B) at least one member of the household  
14 has applied for and been approved to receive  
15 benefits under the free and reduced price lunch  
16 program under the Richard B. Russell National  
17 School Lunch Act (42 U.S.C. 1751 et seq.) or  
18 the school breakfast program under section 4 of  
19 the Child Nutrition Act of 1966 (42 U.S.C.  
20 1773); or

21           (C) at least one member of the household  
22 has experienced a substantial loss of income  
23 since February 29, 2020, documented by layoff  
24 or furlough notice, application for unemploy-

1           ment insurance benefits, or similar documenta-  
2           tion.

3           (4) EMERGENCY BROADBAND BENEFIT.—The  
4           term “emergency broadband benefit” means a  
5           monthly discount for an eligible household applied to  
6           the normal rate for an internet service offering, in  
7           an amount equal to such rate, but not more than  
8           \$50, or, if an internet service offering is provided to  
9           an eligible household on Tribal land, not more than  
10          \$75.

11          (5) EMERGENCY PERIOD.—The term “emer-  
12          gency period” means a period that—

13                 (A) begins on the date of a determination  
14                 by the Secretary of Health and Human Services  
15                 pursuant to section 319 of the Public Health  
16                 Service Act (42 U.S.C. 247d) that a public  
17                 health emergency exists as a result of COVID–  
18                 19; and

19                 (B) ends on the date that is 6 months  
20                 after the date on which such determination (in-  
21                 cluding any renewal thereof) terminates, except  
22                 as such period may be extended under sub-  
23                 section (b)(4).

24          (6) INTERNET SERVICE OFFERING.—The term  
25          “internet service offering” means, with respect to a

1 provider, broadband internet access service provided  
2 by such provider to a household, offered in the same  
3 manner, and on the same terms, as described in any  
4 of such provider’s advertisements for broadband  
5 internet access service to such household, as on May  
6 1, 2020.

7 (7) NORMAL RATE.—The term “normal rate”  
8 means, with respect to an internet service offering  
9 by a provider, the advertised monthly retail rate, as  
10 of May 1, 2020, including any applicable promotions  
11 and excluding any taxes or other governmental fees.

12 (8) PROVIDER.—The term “provider” means a  
13 provider of broadband internet access service.

14 **SEC. 3. ENHANCED LIFELINE BENEFITS DURING EMER-**  
15 **GENCY PERIODS.**

16 (a) ENHANCED MINIMUM SERVICE STANDARDS FOR  
17 LIFELINE BENEFITS DURING EMERGENCY PERIODS.—  
18 During an emergency period—

19 (1) the minimum service standard for Lifeline  
20 supported mobile voice service shall provide an un-  
21 limited number of minutes per month;

22 (2) the minimum service standard for Lifeline  
23 supported mobile data service shall provide an un-  
24 limited data allowance each month and 4G speeds,  
25 where available; and

1           (3) the Basic Support Amount and Tribal  
2           Lands Support Amount, as described in section  
3           54.403 of title 47, Code of Federal Regulations (or  
4           any successor regulation), shall be increased by an  
5           amount necessary, as determined by the Commis-  
6           sion, to offset any incremental increase in cost asso-  
7           ciated with the requirements in paragraphs (1) and  
8           (2).

9           (b) EXTENSION OF EMERGENCY PERIOD.—An emer-  
10          gency period may be extended within a State or any por-  
11          tion thereof for a maximum of six months, if the State,  
12          or in the case of Tribal land, a Tribal government, pro-  
13          vides written, public notice to the Commission stipulating  
14          that an extension is necessary in furtherance of the recov-  
15          ery related to COVID–19. The Commission shall, within  
16          48 hours after receiving such notice, post the notice on  
17          the public website of the Commission.

18          (c) REGULATIONS.—The Commission shall adopt, on  
19          an expedited basis, any regulations needed to carry out  
20          this section.

21          (d) EMERGENCY PERIOD DEFINED.—In this section,  
22          the term “emergency period” means a period that—

23                 (1) begins on the date of a determination by the  
24                 Secretary of Health and Human Services pursuant  
25                 to section 319 of the Public Health Service Act (42

1 U.S.C. 247d) that a public health emergency exists  
2 as a result of COVID–19; and

3 (2) ends on the date that is 6 months after the  
4 date on which such determination (including any re-  
5 newal thereof) terminates, except as such period  
6 may be extended under subsection (b).

7 **SEC. 4. GRANTS TO STATES TO STRENGTHEN NATIONAL**  
8 **LIFELINE ELIGIBILITY VERIFIER.**

9 (a) IN GENERAL.—From amounts appropriated  
10 under subsection (d), the Commission shall, not later than  
11 7 days after the date of the enactment of this Act, make  
12 a grant to each State, in an amount in proportion to the  
13 population of such State, for the purpose of connecting  
14 the database used by such State for purposes of the sup-  
15 plemental nutrition assistance program under the Food  
16 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to the  
17 National Lifeline Eligibility Verifier, so that the receipt  
18 by a household of benefits under such program is reflected  
19 in the National Lifeline Eligibility Verifier.

20 (b) DISBURSEMENT OF GRANT FUNDS.—Funds  
21 under each grant made under subsection (a) shall be dis-  
22 bursed to the State receiving such grant not later than  
23 7 days after the date of the enactment of this Act.

24 (c) CERTIFICATION TO CONGRESS.—Not later than  
25 21 days after the date of the enactment of this Act, the

1 Commission shall certify to the Committee on Energy and  
2 Commerce of the House of Representatives and the Com-  
3 mittee on Commerce, Science, and Transportation of the  
4 Senate that the grants required by subsection (a) have  
5 been made and that funds have been disbursed as required  
6 by subsection (b).

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated \$200,000,000 to carry out  
9 this section for fiscal year 2020, to remain available  
10 through fiscal year 2021.

11 **SEC. 5. DEFINITIONS.**

12 In this Act:

13 (1) COMMISSION.—The term “Commission”  
14 means the Federal Communications Commission.

15 (2) NATIONAL LIFELINE ELIGIBILITY  
16 VERIFIER.—The term “National Lifeline Eligibility  
17 Verifier” has the meaning given such term in section  
18 54.400 of title 47, Code of Federal Regulations (or  
19 any successor regulation).

20 (3) STATE.—The term “State” has the mean-  
21 ing given such term in section 3 of the Communica-  
22 tions Act of 1934 (47 U.S.C. 153).

○