

116TH CONGRESS
2D SESSION

S. 4095

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

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2020

Mr. WYDEN (for himself, Mr. BLUMENTHAL, Ms. HIRONO, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. MARKEY, Mr. SANDERS, Mr. BROWN, Ms. HARRIS, Mr. BOOKER, Mr. MERKLEY, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. DURBIN, Ms. BALDWIN, Ms. SMITH, Mr. VAN HOLLEN, Mr. BENNET, Ms. ROSEN, Mrs. MURRAY, Mr. CARDIN, Ms. WARREN, Mr. UDALL, Mr. REED, Mr. SCHATZ, Mr. HEINRICH, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide emergency benefits for broadband service during 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. DEFINITIONS.**

7 In this Act:

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

3 (2) EMERGENCY PERIOD DEFINED.—The term
4 “emergency period” means a period that—

5 (A) begins on the date of a determination
6 by the Secretary of Health and Human Services
7 pursuant to section 319 of the Public Health
8 Service Act (42 U.S.C. 247d) that a public
9 health emergency exists as a result of COVID–
10 19; and

11 (B) ends on the date that is 6 months
12 after the date on which such determination (in-
13 cluding any renewal thereof) terminates, except
14 that—

15 (i) for purposes of section 3, such pe-
16 riod may be extended under section
17 3(c)(4); and

18 (ii) for purposes of section 4, such pe-
19 riod may be extended under section 4(b).

20 (3) NATIONAL LIFELINE ELIGIBILITY
21 VERIFIER.—The term “National Lifeline Eligibility
22 Verifier” has the meaning given such term in section
23 54.400 of title 47, Code of Federal Regulations (or
24 any successor regulation).

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

4 **SEC. 3. BENEFIT FOR BROADBAND SERVICE DURING EMER-**
5 **GENCY PERIODS RELATING TO COVID-19.**

6 (a) DEFINITIONS.—In this section:

7 (1) BROADBAND INTERNET ACCESS SERVICE.—
8 The term “broadband internet access service” has
9 the meaning given such term in section 8.1(b) of
10 title 47, Code of Federal Regulations (or any suc-
11 cessor regulation).

12 (2) CONNECTED DEVICE.—The term “con-
13 nected device” means a laptop or desktop computer
14 or a tablet.

15 (3) ELIGIBLE HOUSEHOLD.—The term “eligible
16 household” means, regardless of whether the house-
17 hold or any member of the household receives sup-
18 port under subpart E of part 54 of title 47, Code
19 of Federal Regulations (or any successor regulation),
20 and regardless of whether any member of the house-
21 hold has any past or present arrearages with a pro-
22 vider, a household in which—

23 (A) at least one member of the household
24 meets the qualifications in subsection (a) or (b)

1 of section 54.409 of title 47, Code of Federal
2 Regulations (or any successor regulation);

3 (B) at least one member of the household
4 has applied for and been approved to receive
5 benefits under the free and reduced price lunch
6 program under the Richard B. Russell National
7 School Lunch Act (42 U.S.C. 1751 et seq.) or
8 the school breakfast program under section 4 of
9 the Child Nutrition Act of 1966 (42 U.S.C.
10 1773);

11 (C) not less than 1 member of the house-
12 hold has experienced a substantial loss of in-
13 come since February 29, 2020, documented by
14 layoff or furlough notice, application for unem-
15 ployment insurance benefits, or similar docu-
16 mentation; or

17 (D) not less than 1 member of the house-
18 hold received a Federal Pell Grant under sec-
19 tion 401 of the Higher Education Act of 1965
20 (20 U.S.C. 1070a) for the 2019–2020 or 2020–
21 2021 award year.

22 (4) EMERGENCY BROADBAND BENEFIT.—The
23 term “emergency broadband benefit” means a
24 monthly discount for an eligible household applied to
25 the normal rate or special rate for an internet serv-

1 ice offering, in an amount equal to such rate, but
2 not more than \$50, or, if an internet service offering
3 is provided to an eligible household on Tribal land,
4 not more than \$75.

5 (5) INTERNET SERVICE OFFERING.—The term
6 “internet service offering” means—

7 (A) with respect to a provider that is pro-
8 viding broadband internet access service before
9 the date of enactment of this Act, broadband
10 internet access service provided by such pro-
11 vider to a household, offered in the same man-
12 ner, and on the same or better terms, as de-
13 scribed in any of such provider’s advertisements
14 for broadband internet access service to such
15 household, as of May 1, 2020; and

16 (B) with respect to a provider that begins
17 providing broadband internet access service
18 after the date of enactment of this Act,
19 broadband internet access service provided by
20 such provider to a household, offered in the
21 same manner, and on the same or better terms,
22 as described in any of such provider’s advertise-
23 ments for broadband internet access service to
24 such household, that are comparable to the

1 terms of other providers for such service as of
2 May 1, 2020.

3 (6) NORMAL RATE.—The term “normal rate”—

4 (A) means, with respect to an internet
5 service offering by a provider, the advertised
6 monthly retail rate, as of May 1, 2020, includ-
7 ing any applicable promotions or offers, includ-
8 ing free or reduced installation fees and exclud-
9 ing any taxes or other governmental fees, or
10 better; and

11 (B) includes, with respect to an internet
12 service offering by a provider, any service offer-
13 ing that the provider makes available only to
14 low-income households.

15 (7) PROVIDER.—The term “provider” means a
16 provider of broadband internet access service.

17 (8) SPECIAL RATE.—The term “special rate”
18 means the monthly retail rate for an internet service
19 offering that has a monthly retail rate or installation
20 fee that is lower than the normal rate for the same
21 speed or offers a higher broadband speed for the
22 same rate as the normal rate, which may be re-
23 stricted to recipients of the emergency broadband
24 benefit.

1 (b) PROMULGATION OF REGULATIONS REQUIRED.—
2 Not later than 7 days after the date of enactment of this
3 Act, the Commission shall promulgate regulations imple-
4 menting this section.

5 (c) REQUIREMENTS.—The regulations promulgated
6 pursuant to subsection (b) shall establish the following:

7 (1) EMERGENCY BROADBAND BENEFIT.—Dur-
8 ing an emergency period, a provider shall—

9 (A) provide an eligible household with an
10 internet service offering, upon request by a
11 member of such household; and

12 (B) discount the price charged to a house-
13 hold described in subparagraph (A) for the
14 internet service offering in an amount equal to
15 the emergency broadband benefit for such
16 household.

17 (2) VERIFICATION OF ELIGIBILITY.—To verify
18 whether a household is an eligible household, a pro-
19 vider shall—

20 (A) use the National Lifeline Eligibility
21 Verifier;

22 (B) rely upon an alternative verification
23 process of the provider, if the Commission finds
24 such process to be sufficient to avoid waste,
25 fraud, and abuse; or

1 (C) rely on a school to verify the eligibility
2 of a household based on the participation of the
3 household in the national school lunch program
4 described in subsection (a)(3)(B).

5 (3) USE OF NATIONAL LIFELINE ELIGIBILITY
6 VERIFIER.—The Commission shall—

7 (A) expedite the ability of all providers to
8 access the National Lifeline Eligibility Verifier
9 for purposes of determining whether a house-
10 hold is an eligible household; and

11 (B) ensure that the National Lifeline Eligi-
12 bility Verifier approves an eligible household to
13 receive the emergency broadband benefit not
14 later than two days after the date of the sub-
15 mission of information necessary to determine if
16 the household is an eligible household.

17 (4) EXTENSION OF EMERGENCY PERIOD.—

18 (A) IN GENERAL.—An emergency period
19 may be extended within a State or any portion
20 thereof if the State, or in the case of Tribal
21 land, a Tribal government, provides written,
22 public notice to the Commission stipulating that
23 an extension is necessary in furtherance of the
24 recovery related to COVID–19.

1 (B) PUBLIC NOTICE.—Not later than 48
2 hours after the Commission receives notice
3 under subparagraph (A), the Commission shall
4 post the notice on the public website of the
5 Commission.

6 (5) REIMBURSEMENT.—From the Emergency
7 Broadband Connectivity Fund established under
8 subsection (i), the Commission shall reimburse a
9 provider in an amount equal to the emergency
10 broadband benefit with respect to an eligible house-
11 hold that receives such benefit from such provider.

12 (6) REIMBURSEMENT FOR CONNECTED DE-
13 VICE.—A provider that, in addition to providing the
14 emergency broadband benefit to an eligible house-
15 hold, supplies such household with a connected de-
16 vice may be reimbursed up to \$100 from the Emer-
17 gency Broadband Connectivity Fund established in
18 subsection (i) for such connected device, if the
19 charge to such eligible household is more than \$10
20 but less than \$50 for such connected device, except
21 that a provider may receive reimbursement for no
22 more than one connected device per eligible house-
23 hold.

24 (7) NO RETROACTIVE REIMBURSEMENT.—A
25 provider may not receive a reimbursement from the

1 Emergency Broadband Connectivity Fund for pro-
2 viding an internet service offering discounted by the
3 emergency broadband benefit, or for supplying a
4 connected device, that was provided or supplied (as
5 the case may be) before the date of the enactment
6 of this Act.

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

10 (A) That the amount for which the pro-
11 vider is seeking reimbursement from the Emer-
12 gency Broadband Connectivity Fund for an
13 internet service offering or connected device to
14 an eligible household is not more than the nor-
15 mal rate or special rate.

16 (B) That each eligible household for which
17 a provider is seeking reimbursement for pro-
18 viding an internet service offering or connected
19 device discounted by the emergency broadband
20 benefit—

21 (i) has not been and will not be
22 charged—

23 (I) for such offering, if the nor-
24 mal rate or special rate for such offer-
25 ing is not more than \$50, or, if an

1 internet service offering is provided to
2 an eligible household on Tribal land,
3 not more than \$75; or

4 (II) more for such offering than
5 the difference between the normal rate
6 or special rate for such offering and
7 the amount of the emergency
8 broadband benefit for such household;

9 (ii) will not be required to pay an
10 early termination fee if such eligible house-
11 hold elects to enter into a contract to re-
12 ceive such internet service offering if such
13 household later terminates such contract;

14 (iii)(I) will not be denied such internet
15 service offering or connected device based
16 on consideration of a credit report or cred-
17 it score; and

18 (II) in the case of an eligible house-
19 hold that would traditionally be determined
20 ineligible based on consideration of a credit
21 report or credit score, is provided access
22 to—

23 (aa) the best plan for internet
24 service offered by the provider with
25 speeds not less than 25 Mbps down-

1 stream and 3Mbps upstream, if the
2 rate for such offering is less than \$50;
3 or

4 (bb) if a plan described in item
5 (aa) is not available for less than \$50,
6 the lowest priced internet service of-
7 fering of the provider with speeds not
8 less than 25 Mbps downstream and
9 3Mbps upstream;

10 (iv) was not subject to a mandatory
11 waiting period for such internet service of-
12 fering or connected device based on having
13 previously received broadband internet ac-
14 cess service from such provider; and

15 (v) has attested that the household
16 has not previously received a connected de-
17 vice under this provision from another pro-
18 vider.

19 (C) A description of the process used by
20 the provider to verify that a household is an eli-
21 gible household, if the provider elects an alter-
22 native verification process under paragraph
23 (2)(B), and that such verification process was
24 designed to avoid waste, fraud, and abuse.

1 (9) AUDIT REQUIREMENTS.—The Commission
2 shall adopt audit requirements to ensure that pro-
3 viders are in compliance with the requirements of
4 this section and to prevent waste, fraud, and abuse
5 in the emergency broadband benefit program estab-
6 lished under this section.

7 (10) CONSUMER RECOURSE.—The Commission
8 shall adopt an informal process for consumers to re-
9 port noncompliance with these provisions, under
10 which—

11 (A) a provider about which a report of
12 noncompliance is filed shall provide a response
13 to the report not later than 30 days after the
14 date on which the report is filed;

15 (B) the Commission shall publish each re-
16 port of noncompliance not later than 14 days
17 after the date on which the report is filed; and

18 (C) each report of noncompliance shall be
19 forwarded to the Enforcement Bureau of the
20 Commission.

21 (d) ELIGIBLE PROVIDERS.—Notwithstanding sub-
22 section (f) of this section, the Commission shall provide
23 a reimbursement to a provider under this section without
24 requiring such provider to be designated as an eligible tele-

1 communications carrier under section 214(e) of the Com-
2 munications Act of 1934 (47 U.S.C. 214(e)).

3 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall affect the collection, distribution, or administra-
5 tion of the Lifeline Assistance Program governed by the
6 rules set forth in subpart E of part 54 of title 47, Code
7 of Federal Regulations (or any successor regulation).

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

17 (g) ENFORCEMENT.—A violation of this section or a
18 regulation promulgated under this section, including the
19 knowing or reckless denial of an internet service offering
20 discounted by the emergency broadband benefit to an eligi-
21 ble household that requests such an offering, shall be
22 treated as a violation of the Communications Act of 1934
23 (47 U.S.C. 151 et seq.) or a regulation promulgated under
24 such Act. The Commission shall enforce this section and
25 the regulations promulgated under this section in the same

1 manner, by the same means, and with the same jurisdic-
2 tion, powers, and duties as though all applicable terms and
3 provisions of the Communications Act of 1934 were incor-
4 porated into and made a part of this section.

5 (h) EXEMPTIONS.—

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

11 (2) PAPERWORK REDUCTION ACT REQUIRE-
12 MENTS.—A collection of information conducted or
13 sponsored under the regulations required by sub-
14 section (b) shall not constitute a collection of infor-
15 mation for the purposes of subchapter I of chapter
16 35 of title 44, United States Code (commonly re-
17 ferred to as the “Paperwork Reduction Act”).

18 (i) EMERGENCY BROADBAND CONNECTIVITY
19 FUND.—

20 (1) ESTABLISHMENT.—There is established in
21 the Treasury of the United States a fund to be
22 known as the Emergency Broadband Connectivity
23 Fund.

24 (2) AUTHORIZATION OF APPROPRIATIONS.—
25 There is authorized to be appropriated to the Emer-

1 agency Broadband Connectivity Fund \$8,800,000,000
2 for fiscal year 2020, to remain available through fis-
3 cal year 2021.

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

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

20 (j) AUDIT.—

21 (1) IN GENERAL.—For each of fiscal years
22 2020 and 2021, the Inspector General for the Com-
23 mission and the Enforcement Bureau shall conduct
24 robust auditing of the program established under

1 this section based on the audit requirements estab-
2 lished under subsection (c)(9).

3 (2) REPORT.—For each audit conducted under
4 paragraph (1), the Inspector General and the En-
5 forcement Bureau shall submit a report to Congress
6 detailing the findings of the audit.

7 **SEC. 4. ENHANCED LIFELINE BENEFITS DURING EMER-**
8 **GENCY PERIODS.**

9 (a) ENHANCED MINIMUM SERVICE STANDARDS FOR
10 LIFELINE BENEFITS DURING EMERGENCY PERIODS.—

11 During an emergency period—

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

15 (2) the minimum service standard for Lifeline
16 supported mobile data service shall provide an un-
17 limited data allowance each month and 4G speeds,
18 where available; and

19 (3) the Basic Support Amount and Tribal
20 Lands Support Amount, as described in section
21 54.403 of title 47, Code of Federal Regulations (or
22 any successor regulation), shall be increased by an
23 amount necessary, as determined by the Commis-
24 sion, to offset any incremental increase in cost asso-

1 ciated with the requirements in paragraphs (1) and
2 (2).

3 (b) EXTENSION OF EMERGENCY PERIOD.—

4 (1) IN GENERAL.—An emergency period may be
5 extended within a State or any portion thereof for
6 a maximum of 6 months, if the State, or in the case
7 of Tribal land, a Tribal government, provides writ-
8 ten, public notice to the Commission stipulating that
9 an extension is necessary in furtherance of the re-
10 covery related to COVID–19.

11 (2) PUBLIC NOTICE.—Not later than 48 hours
12 after the Commission receives notice under para-
13 graph (1), the Commission shall post the notice on
14 the public website of the Commission.

15 (c) UPDATE OF STANDARDS.—Not later than 90
16 days after the date of enactment of this Act, the Commis-
17 sion shall update the Lifeline service standards in section
18 54.408 of title 47, Code of Federal Regulations, to require
19 all Lifeline-supported mobile broadband services, where
20 technically feasible, to offer service that includes, at no
21 additional charge, tethering and the same average
22 download speed offered and data allowance offered to com-
23 parable services that are not part of the Lifeline program.

1 (d) REGULATIONS.—The Commission shall adopt, on
2 an expedited basis, any regulations needed to carry out
3 this section.

4 **SEC. 5. GRANTS TO STATES TO STRENGTHEN NATIONAL**
5 **LIFELINE ELIGIBILITY VERIFIER.**

6 (a) IN GENERAL.—From amounts appropriated
7 under subsection (d), the Commission shall, not later than
8 7 days after the date of the enactment of this Act, make
9 a grant to each State, in an amount in proportion to the
10 population of such State, for the purpose of connecting
11 the database used by such State for purposes of the sup-
12 plemental nutrition assistance program under the Food
13 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to the
14 National Lifeline Eligibility Verifier, so that the receipt
15 by a household of benefits under such program is reflected
16 in the National Lifeline Eligibility Verifier.

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

21 (c) CERTIFICATION TO CONGRESS.—Not later than
22 21 days after the date of the enactment of this Act, the
23 Commission shall certify to the Committee on Energy and
24 Commerce of the House of Representatives and the Com-
25 mittee on Commerce, Science, and Transportation of the

1 Senate that the grants required by subsection (a) have
2 been made and that funds have been disbursed as required
3 by subsection (b).

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

8 (e) SUNSET.—The authority in this section shall ter-
9 minate on the date that is 180 days after the date on
10 which the determination by the Secretary of Health and
11 Human Services pursuant to section 319 of the Public
12 Health Service Act (42 U.S.C. 247d) that a public health
13 emergency exists as a result of COVID–19 expires.

○