ENSURING PHONE AND INTERNET ACCESS THROUGH LIFELINE AND AFFORDABLE CONNECTIVITY PROGRAM ACT OF 2022

NOVEMBER 14, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 4275]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 4275) to provide for certain reports on enrollment in the Lifeline program, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

39–006
SECTION 1. SHORT TITLE.

This Act may be cited as the “Ensuring Phone and Internet Access Through Lifeline and Affordable Connectivity Program Act of 2022”.

SEC. 2. REPORTS ON ENROLLMENT IN CERTAIN PROGRAMS.

(a) ANNUAL REPORT ON ENROLLMENT IN LIFELINE AND AFFORDABLE CONNECTIVITY PROGRAMS THROUGH QUALIFYING PROGRAMS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 2 calendar years after the calendar year during which the first report is submitted under this subsection, the Commission shall submit to Congress a report on—

(1) enrollment in the Lifeline program by individuals participating in each of the Lifeline qualifying programs, broken out by each of the Lifeline qualifying programs, to the extent the Commission holds or has access to the necessary data relating to such enrollment; and

(2) enrollment in the Affordable Connectivity Program by individuals participating in each of the Affordable Connectivity Program qualifying programs, broken out by each of the Affordable Connectivity Program qualifying programs, to the extent the Commission holds or has access to the necessary data relating to such enrollment.

(b) GAO STUDY AND REPORT ON EFFORTS TO PROMOTE ENROLLMENT IN LIFELINE AND AFFORDABLE CONNECTIVITY PROGRAMS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress identifying outreach and publicity efforts to promote participation and enrollment in the Lifeline program and, separately, the Affordable Connectivity Program.

(c) DEFINITIONS.—In this section:

(1) AFFORDABLE CONNECTIVITY PROGRAM QUALIFYING PROGRAM.—The term “Affordable Connectivity Program qualifying program” means the programs set forth in paragraphs (1), (3), (4), and (6) of section 54.1800(j) of title 47, Code of Federal Regulations, or any successor regulation.

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

(3) LIFELINE QUALIFYING PROGRAM.—The term “Lifeline qualifying program” means the programs set forth in subsections (a)(2) and (b) of section 54.409 of title 47, Code of Federal Regulations, or any successor regulation.

I. PURPOSE AND SUMMARY

H.R. 4275, the “Ensuring Phone and Internet Access Through Lifeline and Affordable Connectivity Program Act of 2022,” requires the Federal Communications Commission (FCC) to annually, for two years, submit a report to Congress on enrollment in Lifeline and, separately, the Affordable Connectivity Program, broken down by how individuals participating in each of the programs qualify for enrollment. The FCC will use only information for the report to which it already has access. The legislation also requires the Government Accountability Office (GAO) to submit a report to Congress identifying outreach and publicity efforts to promote participation and enrollment in the Lifeline program and the Affordable Connectivity Program, including the outreach requirement in the Infrastructure Investment and Jobs Creation Act.

II. BACKGROUND AND NEED FOR LEGISLATION

Lifeline and the Affordable Connectivity Program (ACP) are programs that allow millions of American families across the country to have access to phone service or high-speed broadband. Individuals who qualify for the Supplemental Nutrition Program (SNAP), Medicaid, Supplemental Security Income (SSI), Federal Public Housing Assistance (FPHA), Veterans Pensions and Survivor Benefits all qualify for Lifeline and ACP. The goal of this legislation is for Congress to gain a better understanding of how participating households qualify for the programs, as well as identify outreach and publicity efforts to promote participation and enrollment in the
Lifeline program and, separately, the Affordable Connectivity Program.

III. COMMITTEE HEARINGS

For the purposes of section 3(c) of rule XIII of the Rules of the House of Representatives, the following hearings were used to develop or consider H.R. 4275:

The Subcommittee on Communications and Technology held a hearing on May 24, 2022. The hearing was entitled, “Strengthening our Communications Networks: Legislation to Connect and Protect.” The Subcommittee received testimony from the following witnesses:

- Mark Gibson, Director, Business Development & Spectrum Policy, CommScope and Regulatory Officer of the OnGo Alliance;
- Anna M. Gomez, Partner, Wiley Rein LLP;
- Thomas E. Kadri, Ph.D., Assistant Professor, University of Georgia School of Law; and
- Alisa Valentin, Ph.D., Senior Director of Technology and Telecommunications, National Urban League.

IV. COMMITTEE CONSIDERATION

H.R. 4275, the “Ensuring Phone and Internet Access for SNAP Recipients Act of 2022,” was introduced on June 30, 2021, by Representatives Luria (D–VA) and Katko (R–NY) and was referred to the Committee on Energy and Commerce. Subsequently, the bill was referred to the Subcommittee on Communications and Technology on July 1, 2021.

On June 15, 2022, the Subcommittee on Communications and Technology met in open markup session, pursuant to notice, to consider H.R. 4275 and five other bills. During consideration of the bill, an amendment in the nature of a substitute (AINS), offered by Representative Pallone (D–NJ), was agreed to by a voice vote. Upon conclusion of consideration of the bill, the Subcommittee on Communications and Technology agreed to a motion on final passage offered by Representative Doyle (D–PA), Chairman of the Subcommittee, to order H.R. 4275 reported favorably to the full Committee, amended, by a voice vote.

On July 13, 2022, the full Committee met in open markup session, pursuant to notice, to consider H.R. 4275 and four other bills. During consideration of the bill, no amendments were offered. Upon conclusion of consideration of the bill, the full Committee agreed to a motion on final passage offered by Representative Pallone, Chairman of the Committee, to order H.R. 4275 reported favorably to the House, as amended, by a roll call vote of 48 yeas to 0 nays.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there was one record vote taken on H.R. 4275, including a motion by Mr. Pallone ordering H.R. 4275 favorably reported to the House, as amended by the Subcommittee on Communications
and Technology. The motion on final passage of the bill was approved by a record vote of 48 yeas to 0 nays. The following are the record votes taken during Committee consideration, including the names of those members voting for and against:
Committee on Energy and Commerce
117th Congress

Full Committee
(ratio: 22-26)

Roll Call Vote #129

Bill: H.R. 4275, the "Ensuring Phone and Internet Access Through Lifeline and Affordable Connectivity Program Act of 2022"

Vote: Final Passage

Disposition: AGREED TO by a roll call vote of 48 yeas to 0 nays

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VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

VIII. CONGRESSIONAL BUDGET OFFICE ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,

Hon. Frank Pallone, Jr.,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4275, the Ensuring Phone and Internet Access Through Lifeline and Affordable Connectivity Program Act of 2022.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is David Hughes.

Sincerely,

Phillip L. Swagel,
Director.

Enclosure.
H.R. 4275 would require the Federal Communications Commission (FCC) to report to the Congress annually on enrollment in its Lifeline program and its Affordable Connectivity Program, disaggregated by how applicants qualify for support. For example, Lifeline applicants may qualify based on prior enrollment in Medicaid, the Supplemental Nutrition Assistance Program, or the Supplemental Security Income program. Affordable Connectivity Program qualifications are similar.

The FCC, through the Universal Service Administrative Company, already collects this information and publishes it online. CBO estimates that any additional costs to report to the Congress would not be significant. Moreover, because the FCC is authorized to collect fees each year sufficient to offset the appropriated costs of its regulatory activities, CBO estimates that the net cost to the FCC would be negligible, assuming appropriation actions consistent with that authority.

In addition, the bill would require the Government Accountability Office, within one year of enactment, to report on efforts to promote participation and enrollment in both programs. CBO estimates the report would cost less than $500,000; any additional spending would be subject to the availability of appropriated funds.

If the FCC increased fees to offset the costs associated with implementing the act, H.R. 4275 would increase the cost of an existing mandate on private entities required to pay those fees. CBO estimates that the incremental cost of that mandate would be small and fall below the annual threshold established in the Unfunded Mandates Reform Act (UMRA) ($184 million in 2022, adjusted annually for inflation).

H.R. 4275 contains no intergovernmental mandates as defined in UMRA.

The CBO staff contacts for this estimate are David Hughes (for federal costs) and Rachel Austin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

IX. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

X. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is for Congress to know the number of Americans in the Lifeline program and the Affordable Connectivity program, broken out by each of the Lifeline qualifying programs.

XI. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 4275 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.
XII. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XIII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 4275 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIV. ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

XV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XVI. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 designates that the short title may be cited as the “Ensuring Phone and Internet Access Through Lifeline and Affordable Connectivity Program Act of 2022.”

Sec. 2. Reports on enrollment in certain programs

Section 2 requires the Commission no later than one year after the date of enactment, and annually thereafter for two calendar years after the calendar year during which the first report is submitted, to submit a report to Congress. This report must include (1) enrollment in the Lifeline program by individuals participating in each of the Lifeline qualifying programs, broken out by each of the Lifeline qualifying programs, to the extent the FCC holds or has access to the necessary data relating to such enrollment; and (2) the enrollment in the Affordable Connectivity Program by individuals participating in each of the Affordable Connectivity Program qualifying programs, broken out by each of the Affordable Connectivity Program qualifying programs, to the extent the Commission holds or has access to the necessary data.

This section also requires the GAO to submit a report to Congress identifying outreach and publicity efforts to promote participation and enrollment in the Lifeline program and, separately, the Affordable Connectivity Program one year after the date of enactment, including the outreach requirement in the Infrastructure Investment and Jobs Act.

Finally, this section defines the Affordable Connectivity Program, FCC, and Lifeline Qualifying Programs.
XVII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED
There are no changes to existing law made by the bill H.R. 4275.