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

IN THE SENATE OF THE UNITED STATES

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, and Mr. Heinrich) introduced the following bill; which was read twice and referred to the Committee on

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Emergency Broadband
Connections Act of 2020”.

SEC. 2. DEFINITIONS.

In this Act:
(1) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

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

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

(B) ends on the date that is 6 months after the date on which such determination (including any renewal thereof) terminates, except that—

(i) for purposes of section 3, such period may be extended under section 3(c)(4); and

(ii) for purposes of section 4, such period may be extended under section 4(b).

(3) **NATIONAL LIFELINE ELIGIBILITY VERIFIER.**—The term “National Lifeline Eligibility Verifier” has the meaning given such term in section 54.400 of title 47, Code of Federal Regulations (or any successor regulation).
(4) STATE.—The term “State” has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

SEC. 3. BENEFIT FOR BROADBAND SERVICE DURING EMERGENCY PERIODS RELATING TO COVID–19.

(a) DEFINITIONS.—In this section:

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

(2) CONNECTED DEVICE.—The term “connected device” means a laptop or desktop computer or a tablet.

(3) ELIGIBLE HOUSEHOLD.—The term “eligible household” means, regardless of whether the household or any member of the household receives support under subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation), and regardless of whether any member of the household has any past or present arrearages with a provider, a household in which—

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

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

(C) not less than 1 member of the household has experienced a substantial loss of income since February 29, 2020, documented by layoff or furlough notice, application for unemployment insurance benefits, or similar documentation; or

(D) not less than 1 member of the household received a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) for the 2019–2020 or 2020–2021 award year.

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

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

(A) with respect to a provider that is providing broadband internet access service before the date of enactment of this Act, broadband internet access service provided by such provider to a household, offered in the same manner, and on the same or better terms, as described in any of such provider’s advertisements for broadband internet access service to such household, as of May 1, 2020; and

(B) with respect to a provider that begins providing broadband internet access service after the date of enactment of this Act, broadband internet access service provided by such provider to a household, offered in the same manner, and on the same or better terms, as described in any of such provider’s advertisements for broadband internet access service to such household, that are comparable to the
terms of other providers for such service as of May 1, 2020.

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

(A) means, with respect to an internet service offering by a provider, the advertised monthly retail rate, as of May 1, 2020, including any applicable promotions or offers, including free or reduced installation fees and excluding any taxes or other governmental fees, or better; and

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

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

(8) SPECIAL RATE.—The term “special rate” means the monthly retail rate for an internet service offering that has a monthly retail rate or installation fee that is lower than the normal rate for the same speed or offers a higher broadband speed for the same rate as the normal rate, which may be restricted to recipients of the emergency broadband benefit.
(b) PROMULGATION OF REGULATIONS REQUIRED.—
Not later than 7 days after the date of enactment of this Act, the Commission shall promulgate regulations implementing this section.

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

(1) EMERGENCY BROADBAND BENEFIT.—During an emergency period, a provider shall—

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

   (B) discount the price charged to a household described in subparagraph (A) for the internet service offering in an amount equal to the emergency broadband benefit for such household.

(2) VERIFICATION OF ELIGIBILITY.—To verify whether a household is an eligible household, a provider shall—

   (A) use the National Lifeline Eligibility Verifier;

   (B) rely upon an alternative verification process of the provider, if the Commission finds such process to be sufficient to avoid waste, fraud, and abuse; or
(C) rely on a school to verify the eligibility
of a household based on the participation of the
household in the national school lunch program
described in subsection (a)(3)(B).

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

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

(B) ensure that the National Lifeline Elig-
ibility Verifier approves an eligible household to
receive the emergency broadband benefit not
later than two days after the date of the sub-
mission of information necessary to determine if
the household is an eligible household.

(4) EXTENSION OF EMERGENCY PERIOD.—

(A) IN GENERAL.—An emergency period
may be extended within a State or any portion
thereof if the State, or in the case of Tribal
land, a Tribal government, provides written,
public notice to the Commission stipulating that
an extension is necessary in furtherance of the
recovery related to COVID–19.
(B) PUBLIC NOTICE.—Not later than 48 hours after the Commission receives notice under subparagraph (A), the Commission shall post the notice on the public website of the Commission.

(5) REIMBURSEMENT.—From the Emergency Broadband Connectivity Fund established under subsection (i), the Commission shall reimburse a provider in an amount equal to the emergency broadband benefit with respect to an eligible household that receives such benefit from such provider.

(6) REIMBURSEMENT FOR CONNECTED DEVICE.—A provider that, in addition to providing the emergency broadband benefit to an eligible household, supplies such household with a connected device may be reimbursed up to $100 from the Emergency Broadband Connectivity Fund established in subsection (i) for such connected device, if the charge to such eligible household is more than $10 but less than $50 for such connected device, except that a provider may receive reimbursement for no more than one connected device per eligible household.

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

(8) Certification Required.—To receive a reimbursement under paragraph (5) or (6), a provider shall certify to the Commission the following:

(A) That the amount for which the provider is seeking reimbursement from the Emergency Broadband Connectivity Fund for an internet service offering or connected device to an eligible household is not more than the normal rate or special rate.

(B) That each eligible household for which a provider is seeking reimbursement for providing an internet service offering or connected device discounted by the emergency broadband benefit—

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

(I) for such offering, if the normal rate or special rate for such offering is not more than $50, or, if an
internet service offering is provided to an eligible household on Tribal land, not more than $75; or

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

(ii) will not be required to pay an early termination fee if such eligible household elects to enter into a contract to receive such internet service offering if such household later terminates such contract;

(iii)(I) will not be denied such internet service offering or connected device based on consideration of a credit report or credit score; and

(II) in the case of an eligible household that would traditionally be determined ineligible based on consideration of a credit report or credit score, is provided access to—

(a) the best plan for internet service offered by the provider with speeds not less than 25 Mbps down-
stream and 3Mbps upstream, if the rate for such offering is less than $50;
or
(bb) if a plan described in item (aa) is not available for less than $50, the lowest priced internet service offering of the provider with speeds not less than 25 Mbps downstream and 3Mbps upstream;
(iv) was not subject to a mandatory waiting period for such internet service offering or connected device based on having previously received broadband internet access service from such provider; and
(v) has attested that the household has not previously received a connected device under this provision from another provider.
(C) A description of the process used by the provider to verify that a household is an eligible household, if the provider elects an alternative verification process under paragraph (2)(B), and that such verification process was designed to avoid waste, fraud, and abuse.
(9) Audit Requirements.—The Commission shall adopt audit requirements to ensure that providers are in compliance with the requirements of this section and to prevent waste, fraud, and abuse in the emergency broadband benefit program established under this section.

(10) Consumer Recourse.—The Commission shall adopt an informal process for consumers to report noncompliance with these provisions, under which—

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

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

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

(d) Eligible Providers.—Notwithstanding subsection (f) of this section, the Commission shall provide a reimbursement to a provider under this section without requiring such provider to be designated as an eligible tele-
communications carrier under section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)).

(e) **Rule of Construction.**—Nothing in this section shall affect the collection, distribution, or administration of the Lifeline Assistance Program governed by the rules set forth in subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation).

(f) **Part 54 Regulations.**—Nothing in this section shall be construed to prevent the Commission from providing that the regulations in part 54 of title 47, Code of Federal Regulations (or any successor regulation), shall apply in whole or in part to support provided under the regulations required by subsection (b), shall not apply in whole or in part to such support, or shall be modified in whole or in part for purposes of application to such support.

(g) **Enforcement.**—A violation of this section or a regulation promulgated under this section, including the knowing or reckless denial of an internet service offering discounted by the emergency broadband benefit to an eligible household that requests such an offering, shall be treated as a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or a regulation promulgated under such Act. The Commission shall enforce this section and the regulations promulgated under this section in the same
manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Communications Act of 1934 were incorporated into and made a part of this section.

(h) Exemptions.—

(1) Notice and comment rulemaking requirements.—Section 553 of title 5, United States Code, shall not apply to a regulation promulgated under subsection (b) or a rulemaking to promulgate such a regulation.

(2) Paperwork reduction act requirements.—A collection of information conducted or sponsored under the regulations required by subsection (b) shall not constitute a collection of information for the purposes of subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”).

(i) Emergency Broadband Connectivity Fund.—

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

(2) Authorization of appropriations.—There is authorized to be appropriated to the Emer-
gency Broadband Connectivity Fund $8,800,000,000
for fiscal year 2020, to remain available through fis-
cal year 2021.

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

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

(j) AUDIT.—

(1) IN GENERAL.—For each of fiscal years
2020 and 2021, the Inspector General for the Com-
mission and the Enforcement Bureau shall conduct
robust auditing of the program established under
this section based on the audit requirements established under subsection (e)(9).

(2) REPORT.—For each audit conducted under paragraph (1), the Inspector General and the Enforcement Bureau shall submit a report to Congress detailing the findings of the audit.

SEC. 4. ENHANCED LIFELINE BENEFITS DURING EMERGENCY PERIODS.

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

(1) the minimum service standard for Lifeline supported mobile voice service shall provide an unlimited number of minutes per month;

(2) the minimum service standard for Lifeline supported mobile data service shall provide an unlimited data allowance each month and 4G speeds, where available; and

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

(b) EXTENSION OF EMERGENCY PERIOD.—

(1) IN GENERAL.—An emergency period may be extended within a State or any portion thereof for a maximum of 6 months, if the State, or in the case of Tribal land, a Tribal government, provides written, public notice to the Commission stipulating that an extension is necessary in furtherance of the recovery related to COVID–19.

(2) PUBLIC NOTICE.—Not later than 48 hours after the Commission receives notice under paragraph (1), the Commission shall post the notice on the public website of the Commission.

(c) UPDATE OF STANDARDS.—Not later than 90 days after the date of enactment of this Act, the Commission shall update the Lifeline service standards in section 54.408 of title 47, Code of Federal Regulations, to require all Lifeline-supported mobile broadband services, where technically feasible, to offer service that includes, at no additional charge, tethering and the same average download speed offered and data allowance offered to comparable services that are not part of the Lifeline program.
(d) REGULATIONS.—The Commission shall adopt, on an expedited basis, any regulations needed to carry out this section.

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

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

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

(c) CERTIFICATION TO CONGRESS.—Not later than 21 days after the date of the enactment of this Act, the Commission shall certify to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the
Senate that the grants required by subsection (a) have been made and that funds have been disbursed as required by subsection (b).

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

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