H. R. 111

To appropriate funds for the Federal Communications Commission’s “rip and replace” program and Affordable Connectivity Program, to improve the Affordable Connectivity Program, to require a spectrum auction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. BUDZINSKI introduced the following bill; which was referred to the Committee on ____________________

A BILL

To appropriate funds for the Federal Communications Commission’s “rip and replace” program and Affordable Connectivity Program, to improve the Affordable Connectivity Program, to require a spectrum auction, 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 “Secure and Affordable
5 Broadband Extension Act”.

(Original Signature of Member)
SEC. 2. ADDITIONAL “RIP AND REPLACE” FUNDING.

(a) INCREASE IN EXPENDITURE LIMIT.—Section 24(k) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(k)) is amended by striking “$1,900,000,000” and inserting “$4,980,000,000”.

(b) APPROPRIATION OF FUNDS.—There is appropriated to the Federal Communications Commission for fiscal year 2024, out of amounts in the Treasury not otherwise appropriated, $3,080,000,000, to remain available until expended, to carry out section 4 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603).

SEC. 3. IMPROVING THE AFFORDABLE CONNECTIVITY PROGRAM.

(a) IMPROVING VERIFICATION OF ELIGIBILITY.—

(1) REQUIRED USE OF NATIONAL VERIFIER TO DETERMINE ELIGIBILITY.—Section 904 of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752) is amended—

(A) in subsection (a)(6)(C), by striking “or the participating provider verifies eligibility under subsection (a)(2)(B)”;

(B) in subsection (b)(2), by striking “shall” and all that follows and inserting the following: “shall use the National Verifier and National Lifeline Accountability Database.”.
(2) Repeal of eligibility through a provider’s existing low-income program.—Section 904(a)(6) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(a)(6)) is amended—

(A) in subparagraph (C), by adding “or” at the end;

(B) by striking subparagraph (D); and

(C) by redesignating subparagraph (E) as subparagraph (D).

(3) Limitation on eligibility through the community eligibility provision of the free lunch program and the free school breakfast program.—Section 904(a)(6) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(a)(6)) is amended by striking subparagraph (B) and inserting the following:

“(B) at least 1 member of the household—

“(i) is eligible for and receives—

“(I) free or reduced price lunch under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or
“(II) free or reduced price breakfast under the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(ii) attends a school the local educational agency of which does not elect to receive special assistance payments under section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F));”.

(4) REDUCTION OF ELIGIBLE HOUSEHOLDS.—

Section 904(a)(6)(A) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(a)(6)(A)) is amended by striking “except that” and all that follows and inserting a semicolon.

(5) EFFECTIVE DATE; RULES.—

(A) DEFINITIONS.—In this paragraph—

(i) the terms “affordable connectivity benefit”, “Commission”, “eligible household”, and “participating provider” have the meanings given those terms in section 904(a) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C.
1752(a)), as amended by this subsection; and

(ii) the term “Affordable Connectivity Program” means the program established under section 904(b)(1) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(b)(1)).

(B) EFFECTIVE DATE.—Except as provided in subparagraph (C), the amendments made by this subsection shall take effect on the date of enactment of this Act.

(C) ENROLLED HOUSEHOLDS.—A household that received the affordable connectivity benefit as of April 30, 2024, but is no longer an eligible household by reason of the amendments made by this subsection shall nonetheless be treated an eligible household until the date that is 180 days after the date of enactment of this Act.

(D) UPDATING RULES.—Not later than 180 days after the date of enactment of this Act, the Commission shall update the rules of the Commission relating to the Affordable Connectivity Program to implement the amendments made by this subsection.
(E) RE-CERTIFICATION.—During the period beginning on the date on which the Commission updates the rules under subparagraph (D) and ending on the date that is 240 days after the date of enactment of this Act, a participating provider or the Administrator of the Universal Service Administrative Company, as applicable, shall re-certify the eligibility of a household for the Affordable Connectivity Program in accordance with section 54.1806(f) of title 47, Code of Federal Regulations, or any successor regulation, based on the amendments made by this subsection.

(b) REPEAL OF AFFORDABLE CONNECTIVITY PROGRAM DEVICE SUBSIDY.—Section 904 of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752) is amended—

(1) in subsection (a)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively; and

(2) in subsection (b)—
(A) in paragraph (1), by striking "‘, or an affordable connectivity benefit and a connected device,’”;

(B) by striking paragraph (5);

(C) by redesignating paragraphs (6) through (15) as paragraphs (5) through (14), respectively;

(D) by amending paragraph (5), as so redesignated, to read as follows:

“(5) CERTIFICATION REQUIRED.—To receive a reimbursement under paragraph (4), a participating provider shall certify to the Commission that each eligible household for which the participating provider is seeking reimbursement for providing an internet service offering discounted by the affordable connectivity benefit—

“(A) 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;

“(B) was not, after December 27, 2020, subject to a mandatory waiting period for such internet service offering based on having pre-
viously received broadband internet access service from such participating provider; and

“(C) will otherwise be subject to the participating provider’s generally applicable terms and conditions as applied to other customers.”;

(E) in paragraph (11), as so redesignated—

(i) in subparagraph (D), by striking “a connected device or a reimbursement for”;

(ii) by striking subparagraph (E);

(iii) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively; and

(iv) in subparagraph (F), as so redesignated, by striking “subsection (a)(6)” and inserting “subsection (a)(5)”;

(F) in paragraph (13), as so redesignated, by striking “paragraph (12)” and inserting “paragraph (11)”.

(c) ANTIFRAUD CONTROLS, PERFORMANCE GOALS, AND MEASURES.—Section 904 of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752) is amended by adding at the end the following:
“(k) Antifraud Controls, Performance Goals, and Measures.—Not later than 180 days after the date of enactment of this subsection, the Commission shall develop and implement antifraud controls, performance goals, and performance measures for the Affordable Connectivity Program, and in doing so, shall consider the recommendations submitted by the Comptroller General of the United States to the Commission in the report entitled ‘Affordable Broadband: FCC Could Improve Performance Goals and Measures, Consumer Outreach, and Fraud Risk Management’, publicly released January 25, 2023 (GAO–23–105399).”.

(d) Report on Effectiveness.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Federal Communications Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report analyzing the effects of this section, including the amendments made by this section, with respect to improving the efficiency and quality of the Affordable Connectivity Program established under section 904(b)(1) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(b)(1)).
(c) APPROPRIATION OF FUNDS.—Section 904(i)(2) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(i)(2)) is amended—

(1) in the paragraph heading, by striking “AP-
propriation” and inserting “APPROPRIATIONS”;

(2) by striking “There is” and inserting the fol-
lowing:

“(A) Fiscal Year 2021.—There is”; and

(3) by adding at the end the following:

“(B) Fiscal Year 2024.—There is appro-
priated to the Affordable Connectivity Fund, out of any money in the Treasury not otherwise appropriated, $6,000,000,000 for fiscal year 2024, to remain available until expended.”.

SEC. 4. REALLOCATION OF CERTAIN LICENSES.

(a) FCC REALLOCATION AUTHORITY.—Not later than 2 years after the date of enactment of this Act, the Federal Communications Commission, without regard to whether the authority of the Commission under paragraph (11) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) has expired—

(1) shall initiate 1 or more systems of competi-
tive bidding under that section to grant licenses for—
(A) the bands referred to by the Commission as the “AWS–3 bands”; and
(B) any other unassigned spectrum bands with respect to which the Commission previously offered licenses in competitive bidding, as determined appropriate by the Commission; and
(2) shall initiate 1 or more systems of competitive bidding under that section to grant licenses for any unassigned spectrum bands, other than the bands auctioned under paragraph (1), with respect to which the Commission—
(A) previously offered licenses in competitive bidding; and
(B) determines there is sufficient current demand.
(b) COMPLETION OF REAUCTION.—The Federal Communications Commission shall complete each system of competitive bidding described in subsection (a), including receiving payments, processing applications, and granting licenses, without regard to whether the authority of the Commission under paragraph (11) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) has expired.