

118TH CONGRESS  
1ST SESSION

# S. 3321

To require the Federal Communications Commission to ensure equitable and nondiscriminatory contributions to the mechanisms that preserve and advance universal service, to reduce the financial burden on consumers, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2023

Mr. MULLIN (for himself, Mr. KELLY, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## A BILL

To require the Federal Communications Commission to ensure equitable and nondiscriminatory contributions to the mechanisms that preserve and advance universal service, to reduce the financial burden on consumers, 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 “Lowering Broadband  
5 Costs for Consumers Act of 2023”.

6 **SEC. 2. LOWERING BROADBAND COSTS FOR CONSUMERS.**

7 (a) DEFINITIONS.—In this section:

1 (1) BROADBAND INTERNET ACCESS SERVICE.—

2 The term “broadband internet access service” has  
3 the meaning given the term in section 8.1(b) of title  
4 47, Code of Federal Regulations, or any successor  
5 regulation.

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

9 (3) COMMISSION.—The term “Commission”  
10 means the Federal Communications Commission.

11 (4) EDGE PROVIDER.—The term “edge pro-  
12 vider” means a provider of online content or serv-  
13 ices, including—

14 (A) a digital advertising service;

15 (B) a search engine;

16 (C) a social media platform;

17 (D) a streaming service;

18 (E) an app store;

19 (F) a cloud computing service;

20 (G) an over-the-top messaging service or  
21 any other service that enables texting;

22 (H) a videoconferencing service;

23 (I) a video gaming service; and

24 (J) an e-commerce platform.

1           (5) ELIGIBLE TELECOMMUNICATIONS CAR-  
2           RIER.—The term “eligible telecommunications car-  
3           rier” means a common carrier designated as an eli-  
4           gible telecommunications carrier under section  
5           214(e) of the Communications Act of 1934 (47  
6           U.S.C. 214(e)).

7           (b) LOWERING BROADBAND COSTS FOR CON-  
8           SUMERS.—Section 254(d) of the Communications Act of  
9           1934 (47 U.S.C. 254(d)) is amended—

10           (1) by striking “Every” and inserting the fol-  
11           lowing:

12           “(1) IN GENERAL.—Every”; and

13           (2) by adding at the end the following:

14           “(2) RULEMAKING.—

15           “(A) INITIAL RULEMAKING.—Not later  
16           than 18 months after the date of enactment of  
17           the Lowering Broadband Costs for Consumers  
18           Act of 2023, the Commission shall complete a  
19           rulemaking to reform the Universal Service  
20           Fund by expanding the contribution base so  
21           that broadband providers and edge providers,  
22           except as provided in paragraph (3) of this sub-  
23           section, contribute on an equitable and non-  
24           discriminatory basis to the specific, predictable,  
25           and sufficient mechanisms established by the

1 Commission to preserve and advance universal  
2 service.

3 “(B) REVISIONS.—From time to time after  
4 the rulemaking described in subparagraph (A),  
5 the Commission may revise the rules adopted  
6 under that subparagraph, as necessary, to en-  
7 sure that broadband providers and edge pro-  
8 viders continue to contribute on an equitable  
9 and nondiscriminatory basis to the specific, pre-  
10 dictable, and sufficient mechanisms established  
11 by the Commission to preserve and advance  
12 universal service.

13 “(3) EXEMPTED EDGE PROVIDERS AND  
14 BROADBAND PROVIDERS.—The requirement to con-  
15 tribute described in paragraph (2) shall not apply  
16 to—

17 “(A) an edge provider that—

18 “(i) transmitted less than 3 percent of  
19 the estimated quantity of broadband data  
20 that was transmitted in the United States  
21 during the most recent year, as determined  
22 by the Commission; and

23 “(ii) earned less than \$5,000,000,000  
24 in revenue in the United States during the  
25 most recent year; or

1           “(B) an edge provider or broadband pro-  
2           vider or class of edge providers or broadband  
3           providers if the revenue of the provider is such  
4           that the level of contribution of the provider to  
5           the preservation and advancement of universal  
6           service would be de minimis.

7           “(4) BROADBAND PROVIDER; EDGE PROVIDER  
8           DEFINED.—In this subsection, the terms ‘broadband  
9           provider’ and ‘edge provider’ have the meanings  
10          given those terms in section 2 of the Lowering  
11          Broadband Costs for Consumers Act of 2023.”.

12          (c) SUPPORTING BROADBAND PROVIDERS.—

13               (1) ADOPTION OF MECHANISM.—Not later than  
14               18 months after the date of enactment of this Act,  
15               the Commission shall complete a rulemaking to  
16               adopt a new mechanism under the high-cost pro-  
17               gram of the Universal Service Fund that will provide  
18               specific, predictable, and sufficient support for ex-  
19               penses incurred by a broadband provider that is an  
20               eligible telecommunications carrier in providing sup-  
21               ported services to the extent that such expenses are  
22               not otherwise recovered from revenues earned from  
23               the assessment of just, reasonable, and affordable  
24               rates on end users in high-cost areas or from other  
25               universal service support mechanisms.

1           (2) LIMIT ON ELIGIBLE TELECOMMUNICATIONS  
2 CARRIERS.—The Commission shall ensure that not  
3 more than 1 eligible telecommunications carrier for  
4 any area receives support from the mechanism  
5 adopted through the rulemaking conducted under  
6 paragraph (1).

7           (d) ENFORCEMENT BY THE FEDERAL COMMUNICA-  
8 TIONS COMMISSION.—

9           (1) POWERS OF COMMISSION.—Except as other-  
10 wise provided, the Commission shall enforce this Act  
11 in the same manner, by the same means, and with  
12 the same jurisdiction, powers, and duties as though  
13 all applicable terms and provisions of the Commu-  
14 nications Act of 1934 (47 U.S.C. 151 et seq.) were  
15 incorporated into and made a part of this Act.

16           (2) PENALTIES, PRIVILEGES, AND IMMUNI-  
17 TIES.—Any person who violates this Act shall be  
18 subject to the penalties and entitled to the privileges  
19 and immunities provided in the Communications Act  
20 of 1934 (47 U.S.C. 151 et seq.).

21           (e) PURPOSE; RULE OF CONSTRUCTION.—

22           (1) PURPOSE.—The purpose of this section is  
23 to direct the Commission to require contributions to  
24 the Universal Service Fund from edge providers and  
25 broadband providers and to modify the high cost

1 program to promote affordable and available  
2 broadband.

3 (2) RULE OF CONSTRUCTION.—Nothing in this  
4 section shall be construed to provide the Commission  
5 with—

6 (A) any new authority over broadband pro-  
7 viders; or

8 (B) any authority over edge providers  
9 other than as described in paragraph (1).

○