

118TH CONGRESS
2D SESSION

S. 4317

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 SENATE OF THE UNITED STATES

MAY 9, 2024

Mr. LUJÁN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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”.

1 **SEC. 2. ADDITIONAL “RIP AND REPLACE” FUNDING.**

2 (a) INCREASE IN EXPENDITURE LIMIT.—Section
3 4(k) of the Secure and Trusted Communications Networks
4 Act of 2019 (47 U.S.C. 1603(k)) is amended by striking
5 “\$1,900,000,000” and inserting “\$4,980,000,000”.

6 (b) APPROPRIATION OF FUNDS.—There is appro-
7 priated to the Federal Communications Commission for
8 fiscal year 2024, out of amounts in the Treasury not oth-
9 erwise appropriated, \$3,080,000,000, to remain available
10 until expended, to carry out section 4 of the Secure and
11 Trusted Communications Networks Act of 2019 (47
12 U.S.C. 1603).

13 **SEC. 3. IMPROVING THE AFFORDABLE CONNECTIVITY PRO-**
14 **GRAM.**

15 (a) IMPROVING VERIFICATION OF ELIGIBILITY.—

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

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

23 (B) in subsection (b)(2), by striking
24 “shall” and all that follows and inserting the
25 following: “shall use the National Verifier and
26 National Lifeline Accountability Database.”.

1 (2) REPEAL OF ELIGIBILITY THROUGH A PRO-
2 VIDER’S EXISTING LOW-INCOME PROGRAM.—Section
3 904(a)(6) of division N of the Consolidated Appro-
4 priations Act, 2021 (47 U.S.C. 1752(a)(6)) is
5 amended—

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

8 (B) by striking subparagraph (D); and

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

11 (3) LIMITATION ON ELIGIBILITY THROUGH THE
12 COMMUNITY ELIGIBILITY PROVISION OF THE FREE
13 LUNCH PROGRAM AND THE FREE SCHOOL BREAK-
14 FAST PROGRAM.—Section 904(a)(6) of division N of
15 the Consolidated Appropriations Act, 2021 (47
16 U.S.C. 1752(a)(6)) is amended by striking subpara-
17 graph (B) and inserting the following:

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

19 “(i) is eligible for and receives—

20 “(I) free or reduced price lunch
21 under the school lunch program estab-
22 lished under the Richard B. Russell
23 National School Lunch Act (42
24 U.S.C. 1751 et seq.); or

1 “(II) free or reduced price break-
 2 fast under the school breakfast pro-
 3 gram established under section 4 of
 4 the Child Nutrition Act of 1966 (42
 5 U.S.C. 1773); and

6 “(ii) attends a school the local edu-
 7 cational agency of which does not elect to
 8 receive special assistance payments under
 9 section 11(a)(1)(F) of the Richard B. Rus-
 10 sell National School Lunch Act (42 U.S.C.
 11 1759a(a)(1)(F)).”.

12 (4) REDUCTION OF ELIGIBLE HOUSEHOLDS.—
 13 Section 904(a)(6)(A) of division N of the Consoli-
 14 dated Appropriations Act, 2021 (47 U.S.C.
 15 1752(a)(6)(A)) is amended by striking “except that”
 16 and all that follows and inserting a semicolon.

17 (5) EFFECTIVE DATE; RULES.—

18 (A) DEFINITIONS.—In this paragraph—

19 (i) the terms “affordable connectivity
 20 benefit”, “Commission”, “eligible house-
 21 hold”, and “participating provider” have
 22 the meanings given those terms in section
 23 904(a) of division N of the Consolidated
 24 Appropriations Act, 2021 (47 U.S.C.

1 1752(a)), as amended by this subsection;
2 and

3 (ii) the term “Affordable Connectivity
4 Program” means the program established
5 under section 904(b)(1) of division N of
6 the Consolidated Appropriations Act, 2021
7 (47 U.S.C. 1752(b)(1)).

8 (B) EFFECTIVE DATE.—Except as pro-
9 vided in subparagraph (C), the amendments
10 made by this subsection shall take effect on the
11 date of enactment of this Act.

12 (C) ENROLLED HOUSEHOLDS.—A house-
13 hold that received the affordable connectivity
14 benefit as of April 30, 2024, but is no longer
15 an eligible household by reason of the amend-
16 ments made by this subsection shall nonetheless
17 be treated an eligible household until the date
18 that is 180 days after the date of enactment of
19 this Act.

20 (D) UPDATING RULES.—Not later than
21 180 days after the date of enactment of this
22 Act, the Commission shall update the rules of
23 the Commission relating to the Affordable
24 Connectivity Program to implement the amend-
25 ments made by this subsection.

1 (E) RE-CERTIFICATION.—During the pe-
2 riod beginning on the date on which the Com-
3 mission updates the rules under subparagraph
4 (D) and ending on the date that is 240 days
5 after the date of enactment of this Act, a par-
6 ticipating provider or the Administrator of the
7 Universal Service Administrative Company, as
8 applicable, shall re-certify the eligibility of a
9 household for the Affordable Connectivity Pro-
10 gram in accordance with section 54.1806(f) of
11 title 47, Code of Federal Regulations, or any
12 successor regulation, based on the amendments
13 made by this subsection.

14 (b) REPEAL OF AFFORDABLE CONNECTIVITY PRO-
15 GRAM DEVICE SUBSIDY.—Section 904 of division N of the
16 Consolidated Appropriations Act, 2021 (47 U.S.C. 1752)
17 is amended—

18 (1) in subsection (a)—

19 (A) by striking paragraph (4); and

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

23 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “, or an
2 affordable connectivity benefit and a connected
3 device,”;

4 (B) by striking paragraph (5);

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

8 (D) by amending paragraph (5), as so re-
9 designated, to read as follows:

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

17 “(A) will not be required to pay an early
18 termination fee if such eligible household elects
19 to enter into a contract to receive such internet
20 service offering if such household later termi-
21 nates such contract;

22 “(B) was not, after December 27, 2020,
23 subject to a mandatory waiting period for such
24 internet service offering based on having pre-

1 viously received broadband internet access serv-
2 vice from such participating provider; and

3 “(C) will otherwise be subject to the par-
4 ticipating provider’s generally applicable terms
5 and conditions as applied to other customers.”;

6 (E) in paragraph (11), as so redesign-
7 nated—

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

11 (ii) by striking subparagraph (E);

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

15 (iv) in subparagraph (F), as so redesi-
16 gnated, by striking “subsection (a)(6)”
17 and inserting “subsection (a)(5)”; and

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

21 (c) ANTIFRAUD CONTROLS, PERFORMANCE GOALS,
22 AND MEASURES.—Section 904 of division N of the Con-
23 solidated Appropriations Act, 2021 (47 U.S.C. 1752) is
24 amended by adding at the end the following:

1 “(k) ANTIFRAUD CONTROLS, PERFORMANCE GOALS,
2 AND MEASURES.—

3 “(1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of this subsection, the
5 Commission shall develop and implement antifraud
6 controls, performance goals, and performance meas-
7 ures for the Affordable Connectivity Program, and
8 in doing so, shall consider the recommendations sub-
9 mitted by the Comptroller General of the United
10 States to the Commission in the report entitled ‘Af-
11 fordable Broadband: FCC Could Improve Perform-
12 ance Goals and Measures, Consumer Outreach, and
13 Fraud Risk Management’, publicly released January
14 25, 2023 (GAO–23–105399).”.

15 (d) REPORT ON EFFECTIVENESS.—Not later than 1
16 year after the date of enactment of this Act, the Inspector
17 General of the Federal Communications Commission shall
18 submit to the Committee on Commerce, Science, and
19 Transportation of the Senate and the Committee on En-
20 ergy and Commerce of the House of Representatives a re-
21 port analyzing the effects of this section, including the
22 amendments made by this section, with respect to improv-
23 ing the efficiency and quality of the Affordable
24 Connectivity Program established under section 904(b)(1)

1 of division N of the Consolidated Appropriations Act,
2 2021 (47 U.S.C. 1752(b)(1)).

3 (e) APPROPRIATION OF FUNDS.—Section 904(i)(2)
4 of division N of the Consolidated Appropriations Act,
5 2021 (47 U.S.C. 1752(i)(2)) is amended—

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

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

10 “(A) FISCAL YEAR 2021.—There is”; and

11 (3) by adding at the end the following:

12 “(B) FISCAL YEAR 2024.—There is appro-
13 priated to the Affordable Connectivity Fund,
14 out of any money in the Treasury not otherwise
15 appropriated, \$6,000,000,000 for fiscal year
16 2024, to remain available until expended.”.

17 **SEC. 4. REAUCION OF CERTAIN LICENSES.**

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

1 (1) shall initiate 1 or more systems of competi-
2 tive bidding under that section to grant licenses
3 for—

4 (A) the bands referred to by the Commis-
5 sion as the “AWS-3 bands”; and

6 (B) any other unassigned spectrum bands
7 with respect to which the Commission pre-
8 viously offered licenses in competitive bidding,
9 as determined appropriate by the Commission;
10 and

11 (2) shall initiate 1 or more systems of competi-
12 tive bidding under that section to grant licenses for
13 any unassigned spectrum bands, other than the
14 bands auctioned under paragraph (1), with respect
15 to which the Commission—

16 (A) previously offered licenses in competi-
17 tive bidding; and

18 (B) determines there is sufficient current
19 demand.

20 (b) COMPLETION OF REAUCTION.—The Federal
21 Communications Commission shall complete each system
22 of competitive bidding described in subsection (a), includ-
23 ing receiving payments, processing applications, and
24 granting licenses, without regard to whether the authority
25 of the Commission under paragraph (11) of section 309(j)

1 of the Communications Act of 1934 (47 U.S.C. 309(j))
2 has expired.

