

114TH CONGRESS  
1ST SESSION

# H. R. 2638

To amend the Communications Act of 1934 to reform and modernize the  
Universal Service Fund Lifeline Assistance Program.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2015

Ms. MATSUI (for herself, Mr. PALLONE, Ms. ESHOO, Mr. MICHAEL F. DOYLE  
of Pennsylvania, Mr. BEN RAY LUJÁN of New Mexico, and Mr. WELCH)  
introduced the following bill; which was referred to the Committee on En-  
ergy and Commerce

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## A BILL

To amend the Communications Act of 1934 to reform and  
modernize the Universal Service Fund Lifeline Assistance  
Program.

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 “Broadband Adoption  
5 Act of 2015”.

6 **SEC. 2. BROADBAND LIFELINE ASSISTANCE PROGRAM.**

7 Section 254(j) of the Communications Act of 1934  
8 (47 U.S.C. 254(j)) is amended to read as follows:

9 “(j) LIFELINE ASSISTANCE.—

1           “(1) IN GENERAL.—Nothing in this section,  
2           other than paragraph (2) of this subsection, shall af-  
3           fect the collection, distribution, or administration of  
4           the Lifeline program of the Commission set forth  
5           under sections 54.400 through 54.417 of title 47,  
6           Code of Federal Regulations, or any successor there-  
7           to.

8           “(2) BROADBAND LIFELINE ASSISTANCE PRO-  
9           GRAM.—

10           “(A) DEFINITIONS.—In this paragraph—

11                   “(i) the term ‘broadband Internet ac-  
12                   cess service’ has the meaning given that  
13                   term under section 8.11(a) of title 47,  
14                   Code of Federal Regulations, or any suc-  
15                   cessor thereto;

16                   “(ii) the terms ‘duplicative support’  
17                   and ‘qualifying low-income consumer’ have  
18                   the meanings given those terms in section  
19                   54.400 of title 47, Code of Federal Regula-  
20                   tions, or any successor thereto;

21                   “(iii) the term ‘Lifeline program’  
22                   means the Lifeline program of the Com-  
23                   mission set forth under sections 54.400  
24                   through 54.417 of title 47, Code of Fed-

1 eral Regulations, or any successor thereto;  
2 and

3 “(iv) the term ‘participating broad-  
4 band Internet access service provider’  
5 means a provider of broadband Internet  
6 access service that elects to participate in  
7 the Lifeline program to provide broadband  
8 Internet access service to qualifying low-in-  
9 come consumers under the final rule  
10 adopted under subparagraph (C)(i).

11 “(B) PURPOSE.—The purpose of this para-  
12 graph is to promote the adoption of broadband  
13 Internet access service by all people of the  
14 United States while recognizing that the price  
15 of broadband Internet access service is one of  
16 the barriers to adoption for low-income house-  
17 holds.

18 “(C) ESTABLISHMENT.—

19 “(i) IN GENERAL.—Not later than  
20 270 days after the date of enactment of  
21 the Broadband Adoption Act of 2015, the  
22 Commission shall adopt a final rule estab-  
23 lishing Lifeline support under the Lifeline  
24 program for broadband Internet access  
25 service to enable qualifying low-income

1 consumers in urban and rural areas to  
2 purchase broadband Internet access service  
3 at reduced charges by reimbursing partici-  
4 pating broadband Internet access service  
5 providers for each such consumer served.

6 “(ii) MODEL.—The final rule adopted  
7 under clause (i) shall provide that a quali-  
8 fying low-income consumer may elect to  
9 apply Lifeline support under the Lifeline  
10 program to basic telephone service, voice  
11 telephony service, or broadband Internet  
12 access service, regardless of whether the  
13 service is purchased as a stand-alone serv-  
14 ice or as part of a bundle of services.

15 “(iii) DIGITAL LITERACY PROGRAM.—  
16 The Commission shall consider providing a  
17 preference to a participating broadband  
18 Internet access service provider that in-  
19 cludes components involving digital literacy  
20 programs as part of the offerings of the  
21 participating broadband Internet access  
22 service provider.

23 “(D) STATE FUNDS.—The Commission  
24 shall consult with the Federal-State Joint  
25 Board instituted under subsection (a)(1) re-

1           garding ways to encourage States to develop  
2           programs that would work in conjunction with  
3           the Lifeline program.

4           “(E) AMOUNT OF SUPPORT.—

5           “(i) IN GENERAL.—In calculating the  
6           amount of Lifeline support to be provided  
7           to each qualifying low-income consumer  
8           under the final rule adopted under sub-  
9           paragraph (C)(i), the Commission shall  
10          routinely study—

11           “(I) the prevailing market price  
12          for broadband Internet access service;

13           “(II) the prevailing speed of  
14          broadband Internet access service  
15          adopted by households; and

16           “(III) the prevailing broadband  
17          usage patterns of residential con-  
18          sumers.

19          “(ii) INFORMATION.—In carrying out  
20          clause (i), the Commission shall rely on in-  
21          formation that—

22           “(I) the Commission routinely  
23          collects; or

24           “(II) is publicly available.

25          “(F) TECHNOLOGY NEUTRAL.—

1           “(i) IN GENERAL.—To promote com-  
2 petition from service providers to qualify  
3 under the Lifeline program, the Commis-  
4 sion shall ensure that the final rule adopt-  
5 ed under subparagraph (C)(i) is neutral as  
6 to the types of technology used to provide  
7 voice telephony or broadband Internet ac-  
8 cess service under the Lifeline program.

9           “(ii) AUTHORIZATION.—A partici-  
10 pating broadband Internet access service  
11 provider—

12                   “(I) shall not be required to be  
13 an eligible telecommunications carrier  
14 (as designated under section 214(e))  
15 to receive support under the Lifeline  
16 program; and

17                   “(II) shall obtain authorization  
18 from the Commission in order to par-  
19 ticipate in the Lifeline program.

20           “(G) ACCOUNTABILITY.—

21                   “(i) NONDUPLICATION.—The final  
22 rule adopted under subparagraph (C)(i)  
23 shall incorporate regulations of the Com-  
24 mission in effect on the date of enactment  
25 of this Act that prevent the receipt of du-

1           plicative support under the Lifeline pro-  
2           gram.

3           “(ii) PREVENTING WASTE, FRAUD, OR  
4           ABUSE.—In promulgating regulations to  
5           carry out this paragraph, the Commission  
6           shall consider any appropriate measures to  
7           prevent any waste, fraud, or abuse in the  
8           administration of the Lifeline program.

9           “(iii) ELIGIBILITY.—The Commission,  
10          in consultation with other relevant Federal  
11          agencies, shall establish a national data-  
12          base to determine qualifying low-income  
13          consumer eligibility for Lifeline program  
14          subsidies.

15          “(H) EVALUATION REPORTS.—Not later  
16          than 1 year after the Commission adopts the  
17          final rule under subparagraph (C)(i), and every  
18          year thereafter, the Commission shall conduct  
19          an evaluation and issue a report on the per-  
20          formance of the Lifeline program during the  
21          12-month period preceding the date on which  
22          each report is issued.

23          “(I) GAO STUDY.—Not later than 1 year  
24          after the Commission adopts the final rule  
25          under subparagraph (C)(i), the Comptroller

1           General of the United States shall conduct a  
2           study and issue a report on the performance of  
3           the Lifeline support provided under the Lifeline  
4           program for broadband Internet access service.

5           “(3) CLARIFICATION OF AUTHORITY.—Nothing  
6           in this section shall be construed to limit the author-  
7           ity of the Commission under any other provision of  
8           law, including the authority to promulgate regula-  
9           tions to promote the adoption of broadband service  
10          by low-income households in the United States.”.

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