To direct the Federal Communications Commission to establish a program to make grants available to States to inform Medicaid enrollees, SNAP participants, and low-income residents of potential eligibility for the Affordable Connectivity and Lifeline programs of the Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2023

Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. MARKEY, Mr. WELCH, Mr. PADILLA, Ms. DUCKWORTH, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To direct the Federal Communications Commission to establish a program to make grants available to States to inform Medicaid enrollees, SNAP participants, and low-income residents of potential eligibility for the Affordable Connectivity and Lifeline programs of the Commission, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Promoting Access to Broadband Act of 2023”.

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SEC. 2. AFFORDABLE CONNECTIVITY AND LIFELINE ENROLLMENT OUTREACH GRANTS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(2) COVERED INDIVIDUALS.—The term “covered individuals” means—

(A) Medicaid enrollees;

(B) SNAP participants; and

(C) low-income residents.

(3) COVERED PROGRAM.—The term “covered program” means—

(A) the Affordable Connectivity Program established under section 904(b) of division N of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1752(b)), or any successor program; and

(B) the Lifeline program established under subpart E of part 54 of title 47, Code of Federal Regulations, or any successor regulation.

(4) ELIGIBLE-BUT-NOT-ENROLLED.—The term “eligible-but-not-enrolled” means, with respect to an individual, that the individual is eligible for, but is not enrolled in, a covered program.

(5) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term “Indian tribe” in...

(6) **Low-income.**—The term “low-income” means a gross annual income that qualifies a household for participation in a covered program.

(7) **Medicaid enrollee.**—The term “Medicaid enrollee” means, with respect to a State, an individual enrolled in the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or a waiver of that plan.

(8) **Reach.**—The term “reach” means, with respect to an individual, to inform the individual of potential eligibility for a covered program and to provide the individual with information about the covered program, as described in subsection (e).

(9) **SNAP participant.**—The term “SNAP participant” means an individual who is a member of a household that participates in the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

(10) **State.**—The term “State” means each State of the United States, the District of Columbia, each commonwealth, territory, or possession of the United States, and each Indian Tribe.
(b) Establishment.—The Commission shall establish a competitive program to make grants available to States to inform covered individuals of potential eligibility for a covered program.

(c) Application.—

(1) In general.—The Commission may only award a grant under this section to a State that submits an application at such time, in such form, and with such information and assurances as the Commission may require.

(2) Matters required to be included.—An application submitted by a State under paragraph (1) shall include—

(A) the number of covered individuals in the State;

(B) a plan for the activities that the State will conduct using grant funds, including a list of each agency within the State that will assist in carrying out those activities; and

(C) an estimate of the percentage of eligible-but-not-enrolled individuals in the State who will be reached by those activities.

(d) Selection.—
(1) **MINIMUM OF 5 STATES.**—The Commission shall award grants under this section to not fewer than 5 States.

(2) **FACTORS FOR CONSIDERATION.**—In awarding grants under this section, the Commission shall give favorable consideration—

(A) to States that have higher numbers of covered individuals; and

(B) to States proposing, in the plans submitted under subsection (c)(2)(B), to conduct activities that have the potential to reach higher percentages of eligible-but-not-enrolled individuals in those States, as determined by the Commission, taking into consideration the estimates submitted under subsection (c)(2)(C).

(3) **GEOGRAPHIC DIVERSITY.**—In awarding grants under this section, the Commission shall, to the maximum extent practicable, select States from different geographic regions of the United States.

(e) **USE OF FUNDS.**—

(1) **IN GENERAL.**—A State that receives a grant under this section shall use grant funds, in accordance with the plan included in the application of the State under subsection (c)(2)(B), to—
(A) inform covered individuals and organizations or agencies that serve those individuals, as the case may be under the terms of the grant awarded to the State, of potential eligibility for a covered program;

(B) provide those covered individuals with information about covered programs, including—

(i) how to apply for a covered program; and

(ii) a description of the prohibition on more than 1 subscriber in each household receiving a service provided under a covered program; and

(C) partner with nonprofit and community-based organizations to provide those covered individuals with assistance applying for a covered program and information about product and technology choices.

(2) MULTIPLE STATE AGENCIES.—A State that receives a grant under this section may provide grant funds to 1 or more agencies located within the State, as identified under subsection (e)(2)(B), to carry out the activities under the grant.
(f) Outreach to States Regarding Grant Program.—Before accepting applications for the grant program established under this section, the Commission shall conduct outreach to States to ensure that States are aware of the grant program and how to apply for a grant under the grant program.

(g) Regulations Required.—Not later than 30 days after the date of enactment of this Act, the Commission shall promulgate regulations to implement this section.

(h) Enforcement.—A violation of this section or a regulation promulgated under this section 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.

(i) Exemptions.—

(1) Certain Rulemaking Requirements.—Section 553 of title 5, United States Code, shall not apply to a regulation promulgated under this section
or a rulemaking proceeding to promulgate such a regulation.

(2) Paperwork Reduction Act Requirements.—A collection of information conducted or sponsored under the regulations required under this section shall not constitute a collection of information for the purposes of subchapter I of chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(j) Report to Congress.—

(1) In General.—Not later than 3 years after establishing the grant program under this section, the Commission shall submit to Congress a report evaluating the effectiveness of the grant program.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) the number of individuals notified of covered program eligibility by States receiving grants under this section;

(B) the number of new applicants to a covered program from States receiving grants under this section, including the number of those applicants who enrolled in a covered program; and
(C) the cost-effectiveness of the grant pro-
gram established under this section.

(k) Authorization of Appropriations.—There is
authorized to be appropriated to the Commission such
sums as may be necessary to carry out this section for
the first 5 full fiscal years beginning after the establish-
ment of the grant program under this section.

SEC. 3. GRANTS TO STATES TO STRENGTHEN NATIONAL
LIFELINE ELIGIBILITY VERIFIER.

(a) Definitions.—In this section:

(1) Commission.—The term “Commission”
means the Federal Communications Commission.

(2) Eligible Entity.—The term “eligible enti-
ty” means a State that, not later than 30 days after
the date of enactment of this Act, submits to the
Commission an application for a grant under this
section containing such information as the Commis-
sion may require.

(3) State.—The term “State” means each
State of the United States, the District of Columbia,
each commonwealth, territory, or possession of the
United States, and each federally recognized Indian
Tribe.

(b) Establishment.—Not later than 90 days after
the date of enactment of this Act, the Commission shall
establish a program to provide a grant, from amounts ap-
propriated under subsection (e), to each eligible entity for
the purpose described in subsection (c).

(e) PURPOSE.—The Commission shall make a grant
to each eligible entity for the purpose of establishing, re-
newing, reestablishing, or maintaining or amending a con-
nection between the databases of the eligible entity that
contain information concerning the receipt by a household,
or a member of a household, of benefits under a program
administered by the eligible entity (including any benefit
provided under the supplemental nutrition assistance pro-
gram under the Food and Nutrition Act of 2008 (7 U.S.C.
2011 et seq.)) and the National Lifeline Eligibility Verifier
so that the receipt by a household, or a member of a
household, of benefits under the benefits program—

(1) is reflected in the National Lifeline Elig-

bility Verifier; and

(2) can be used to verify eligibility for—

(A) the Lifeline program established under

subpart E, part 54, of title 47, Code of Federal

Regulations, or any successor regulation; and

(B) the Affordable Connectivity Program

established under section 904(b) of division N

of the Consolidated Appropriations Act, 2021

(47 U.S.C. 1752(b)), or any successor program.
(d) Disbursement of Grant Funds.—Not later than 120 days after the date on which the Commission establishes the program under subsection (b), funds provided under each grant made under such subsection shall be disbursed to the eligible entity receiving such grant.

(e) Authorization of Appropriation.—There is authorized to be appropriated such sums as may be necessary to carry out this section.