

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: 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—118th Cong., 2d Sess.**

**H. R. 3935**

To amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LUJÁN (for himself, Mr. WELCH, Mr. VANCE, Mr. WICKER, and Mr. DAINES) to the amendment (No. 1911) proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) Ms. Rosen

Viz:

1 At the end, add the following:

2 **TITLE XIV—COMMUNICATIONS**  
3 **MATTERS**

4 **SEC. 1401. ADDITIONAL "RIP AND REPLACE" FUNDING.**

5 (a) INCREASE IN EXPENDITURE LIMIT.—Section  
6 4(k) of the Secure and Trusted Communications Networks

1 Act of 2019 (47 U.S.C. 1603(k)) is amended by striking  
2 “\$1,900,000,000” and inserting “\$4,980,000,000”.

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

10 **SEC. 1402. IMPROVING THE AFFORDABLE CONNECTIVITY**  
11 **PROGRAM.**

12 (a) IMPROVING VERIFICATION OF ELIGIBILITY.—

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

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

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

24 (2) REPEAL OF ELIGIBILITY THROUGH A PRO-  
25 VIDER’S EXISTING LOW-INCOME PROGRAM.—Section

1 904(a)(6) of division N of the Consolidated Appro-  
2 priations Act, 2021 (47 U.S.C. 1752(a)(6)) is  
3 amended—

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

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

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

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

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

17 “(i) is eligible for and receives—

18 “(I) free or reduced price lunch  
19 under the school lunch program ~~school~~  
20 established under the Richard B. Rus-  
21 sell National School Lunch Act (42  
22 U.S.C. 1751 et seq.); or

23 “(II) free or reduced price break-  
24 fast under the school breakfast pro-  
25 gram established under section 4 of

1 the Child Nutrition Act of 1966 (42  
2 U.S.C. 1773); and

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

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

14 (5) EFFECTIVE DATE; RULES.—

15 (A) DEFINITIONS.—In this paragraph—

16 (i) the terms “affordable connectivity  
17 benefit”, “Commission”, “eligible house-  
18 hold”, and “participating provider” have  
19 the meanings given those terms in section  
20 904(a) of division N of the Consolidated  
21 Appropriations Act, 2021 (47 U.S.C.  
22 1752(a)), as amended by this subsection;  
23 and

24 (ii) the term “Affordable Connectivity  
25 Program” means the program established

1 under section 904(b)(1) of division N of  
2 the Consolidated Appropriations Act, 2021  
3 (47 U.S.C. 1752(b)(1)).

4 (B) EFFECTIVE DATE.—Except as pro-  
5 vided in subparagraph (C), the amendments  
6 made by this subsection shall take effect on the  
7 date of enactment of this Act.

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

16 (D) UPDATING RULES.—Not later than  
17 180 days after the date of enactment of this  
18 Act, the Commission shall update the rules of  
19 the Commission relating to the Affordable  
20 Connectivity Program to implement the amend-  
21 ments made by this subsection.

22 (E) RE-CERTIFICATION.—During the pe-  
23 riod beginning on the date on which the Com-  
24 mission updates the rules under subparagraph  
25 (D) and ending on the date that is 240 days

1 after the date of enactment of this Act, a par-  
2 ticipating provider or the Administrator of the  
3 Universal Service Administrative Company, as  
4 applicable, shall re-certify the eligibility of a  
5 household for the Affordable Connectivity Pro-  
6 gram in accordance with section 54.1806(f) of  
7 title 47, Code of Federal Regulations, or any  
8 successor regulation, based on the amendments  
9 made by this subsection.

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

14 (1) in subsection (a)—

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

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

19 (2) in subsection (b)—

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

23 (B) in paragraph (2), by striking “sub-  
24 section (b)(6)(C)” and inserting “subsection  
25 (b)(5)(C)”;

1 (C) by striking paragraph (5);

2 (D) by redesignating paragraphs (6)  
3 through (15) as paragraphs (5) through (14),  
4 respectively;

5 (E) by amending paragraph (5), as so re-  
6 designated, to read as follows:

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

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

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

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

4           (F) in paragraph (11), as so redesign-  
5           nated—

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

9           (ii) by striking subparagraph (E);

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

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

16           (G) in paragraph (13), as so redesignated,  
17           by striking “paragraph (12)” and inserting  
18           “paragraph (11)”.

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

23           “(k) ANTIFRAUD CONTROLS, PERFORMANCE GOALS,  
24           AND MEASURES.—



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

13          (d) REPORT ON EFFECTIVENESS.—Not later than 1  
14          year after the date of enactment of this Act, the Inspector  
15          General of the Federal Communications Commission shall  
16          submit to the Committee on Commerce, Science, and  
17          Transportation of the Senate and the Committee on En-  
18          ergy and Commerce of the House of Representatives a re-  
19          port analyzing the effects of this section, including the  
20          amendments made by this section, with respect to improv-  
21          ing the efficiency and quality of the Affordable  
22          Connectivity Program established under section 904 of di-  
23          vision N of the Consolidated Appropriations Act, 2021 (47  
24          U.S.C. 1752).

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

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

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

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

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

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

15 **SEC. 1403. REAUCION OF CERTAIN LICENSES.**

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

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

1 (A) the bands referred to by the Commis-  
2 sion as the “AWS–3 bands”; and

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

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

13 (A) previously offered licenses in competi-  
14 tive bidding; and

15 (B) determines there is sufficient current  
16 demand.

17 (b) COMPLETION OF REAUCTION.—The Federal  
18 Communications Commission shall complete each system  
19 of competitive bidding described in subsection (a), includ-  
20 ing receiving payments, processing applications, and  
21 granting licenses, without regard to whether the authority  
22 of the Commission under paragraph (11) of section 309(j)  
23 of the Communications Act of 1934 (47 U.S.C. 309(j))  
24 has expired.