

of the project to build out middle mile infrastructure.

(B) Effect on interim buildout requirements

If the Assistant Secretary grants an extension under subparagraph (A), the Assistant Secretary shall modify any buildout requirements established under paragraph (4)(B)(i) as necessary.

(f) Federal share

The amount of a middle mile grant awarded to an eligible entity may not exceed 70 percent of the total project cost.

(g) Special rules for Tribal governments

(1) Waivers; alternative requirements

The Assistant Secretary, in consultation with Tribal governments and Native entities, may waive, or specify alternative requirements for, any provision of subsections (c) through (f) if the Assistant Secretary finds that the waiver or alternative requirement is necessary—

(A) for the effective delivery and administration of middle mile grants to Tribal governments; or

(B) the construction, improvement, or acquisition of middle mile infrastructure on trust land.

(2) Tribally unserved areas; tribally underserved areas

The Assistant Secretary, in consultation with Tribal governments and Native entities, shall develop a process for designating Tribally unserved areas and Tribally underserved areas for purposes of this section.

(h) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$1,000,000,000 for fiscal years 2022 through 2026.

(Pub. L. 117–58, div. F, title IV, §60401, Nov. 15, 2021, 135 Stat. 1231.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(16)(B)(iii)(II), (17)(B)(ii)(II), means div. F of Pub. L. 117–58, Nov. 15, 2021, 135 Stat. 1182, see Definitions note set out below. For complete classification of this Act to the Code, see Tables.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definition of “this Act” as used in this section, see section 2 of Pub. L. 117–58, set out as a note under section 1 of Title 1, General Provisions.

SUBCHAPTER IV—BROADBAND AFFORDABILITY

§ 1751. Definitions

In this subchapter—

(1) the term “broadband internet access service” has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation; and

(2) the term “Commission” means the Federal Communications Commission.

(Pub. L. 117–58, div. F, title V, §60501, Nov. 15, 2021, 135 Stat. 1238.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original, “this title”, meaning title V of div. F of Pub. L. 117–58, which enacted this section and sections 1753 and 1754 of this title, amended sections 644 and 1752 of this title, and enacted provisions set out as notes under section 1752 of this title. For complete classification of title V to the Code, see Tables.

§ 1752. Benefit for broadband service

(a) Definitions

In this section:

(1) Broadband internet access service

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

(2) Broadband provider

The term “broadband provider” means a provider of broadband internet access service.

(3) Commission

The term “Commission” means the Federal Communications Commission.

(4) Connected device

The term “connected device” means a laptop or desktop computer or a tablet.

(5) Designated as an eligible telecommunications carrier

The term “designated as an eligible telecommunications carrier”, with respect to a broadband provider, means the broadband provider is designated as an eligible telecommunications carrier under section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)).

(6) Eligible household

The term “eligible household” means, regardless of whether the household or any member of the household receives support under subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation), and regardless of whether any member of the household has any past or present arrangements with a broadband provider, a household in which—

(A) at least one member of the household meets the qualifications in subsection (a) or (b) of section 54.409 of title 47, Code of Federal Regulations (or any successor regulation) except that such subsection (a), including for purposes of such subsection (b), shall be applied by substituting “200 percent” for “135 percent”;

(B) at least one member of the household has applied for and been approved to receive benefits under the free and reduced price lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program under section 1773 of title 42;

(C) at least one member of the household has received a Federal Pell Grant under sec-

tion 1070a of title 20 in the current award year, if such award is verifiable through the National Verifier or National Lifeline Accountability Database or the participating provider verifies eligibility under subsection (a)(2)(B);

(D) at least one member of the household meets the eligibility criteria for a participating provider's existing low-income program, subject to the requirements of subsection (a)(2)(B) and any other eligibility requirements the Commission may consider necessary for the public interest; or

(E) at least one member of the household receives assistance through the special supplemental nutritional program for women, infants, and children established by section 1786 of title 42.

(7) Affordable connectivity benefit

(A) In general

Subject to subparagraph (B), the term “affordable connectivity benefit” means a monthly discount for an eligible household applied to the actual amount charged to such household, in an amount equal to such amount charged, but not more than \$30, or, if an internet service offering is provided to an eligible household on Tribal land, not more than \$75.

(B) High-cost areas

The Commission shall, by regulation, establish a mechanism by which a participating provider in a high-cost area (as defined in section 1702(a)(2) of this title) may provide an affordable connectivity benefit in an amount up to the amount specified in subparagraph (A) for an internet service offering provided on Tribal land upon a showing that the applicability of the lower limit under subparagraph (A) to the provision of the affordable connectivity benefit by the provider would cause particularized economic hardship to the provider such that the provider may not be able to maintain the operation of part or all of its broadband network.

(8) Internet service offering

The term “internet service offering” means, with respect to a broadband provider, broadband internet access service provided by such provider to a household.

(9) National Lifeline Accountability Database

The term “National Lifeline Accountability Database” has the meaning given such term in section 54.400 of title 47, Code of Federal Regulations (or any successor regulation).

(10) National Verifier

The term “National Verifier” has the meaning given such term in section 54.400 of title 47, Code of Federal Regulations, or any successor regulation.

(11) Participating provider

The term “participating provider” means a broadband provider that—

(A)(i) is designated as an eligible telecommunications carrier; or

(ii) meets requirements established by the Commission for participation in the Afford-

able Connectivity Program and is approved by the Commission under subsection (d)(2); and

(B) elects to participate in the Affordable Connectivity Program.

(b) Affordable Connectivity Program

(1) Establishment

The Commission shall establish a program, to be known as the “Affordable Connectivity Program”, under which the Commission shall, in accordance with this section, reimburse, using funds from the Affordable Connectivity Fund established in subsection (i), a participating provider for an affordable connectivity benefit, or an affordable connectivity benefit and a connected device, provided to an eligible household.

(2) Verification of eligibility

To verify whether a household is an eligible household, a participating provider shall—

(A) use the National Verifier or National Lifeline Accountability Database;

(B) rely upon an alternative verification process of the participating provider, if—

(i) the participating provider submits information as required by the Commission regarding the alternative verification process prior to seeking reimbursement; and

(ii) not later than 7 days after receiving the information required under clause (i), the Commission—

(I) determines that the alternative verification process will be sufficient to avoid waste, fraud, and abuse; and

(II) notifies the participating provider of the determination under subclause (I); or

(C) rely on a school to verify the eligibility of a household based on the participation of the household in the free and reduced price lunch program or the school breakfast program described in subsection (a)(6)(B).

(3) Use of National Verifier and National Lifeline Accountability Database

The Commission shall—

(A) expedite the ability of all participating providers to access the National Verifier and National Lifeline Accountability Database for purposes of determining whether a household is an eligible household, without regard to whether a participating provider is designated as an eligible telecommunications carrier; and

(B) ensure that the National Verifier and National Lifeline Accountability Database approve an eligible household to receive the affordable connectivity benefit not later than 2 days after the date of the submission of information necessary to determine if such household is an eligible household.

(4) Reimbursement

From the Affordable Connectivity Fund established in subsection (i), the Commission shall reimburse a participating provider in an amount equal to the affordable connectivity benefit with respect to an eligible household that receives such benefit from such participating provider.

(5) Reimbursement for connected device

A participating provider that, in addition to providing the affordable connectivity benefit to an eligible household, supplies such household with a connected device may be reimbursed up to \$100 from the Affordable Connectivity Fund established in subsection (i) for such connected device, if the charge to such eligible household is more than \$10 but less than \$50 for such connected device, except that a participating provider may receive reimbursement for no more than 1 connected device per eligible household.

(6) Certification required

To receive a reimbursement under paragraph (4) or (5), a participating provider shall certify to the Commission the following:

(A) That each eligible household for which the participating provider is seeking reimbursement for providing an internet service offering discounted by the affordable connectivity benefit—

(i) will not be required to pay an early termination fee if such eligible household elects to enter into a contract to receive such internet service offering if such household later terminates such contract;

(ii) was not, after December 27, 2020, subject to a mandatory waiting period for such internet service offering based on having previously received broadband internet access service from such participating provider; and

(iii) will otherwise be subject to the participating provider's generally applicable terms and conditions as applied to other customers.

(B) That each eligible household for which the participating provider is seeking reimbursement for supplying such household with a connected device has not been and will not be charged \$10 or less or \$50 or more for such device.

(C) A description of the process used by the participating provider to verify that a household is an eligible household, if the provider elects an alternative verification process under paragraph (2)(B), and that such verification process was designed to avoid waste, fraud, and abuse.

(7) Requirement to allow customers to apply affordable connectivity benefit to any internet service offering**(A) In general**

A participating provider—

(i) shall allow an eligible household to apply the affordable connectivity benefit to any internet service offering of the participating provider at the same terms available to households that are not eligible households; and

(ii) may not require the eligible household to submit to a credit check in order to apply the affordable connectivity benefit to an internet service offering of the participating provider.

(B) Nonpayment

Nothing in subparagraph (A) shall prevent a participating provider from terminating

the provision of broadband internet access service to a subscriber after 90 days of non-payment.

(8) Public awareness

A participating provider, in collaboration with the applicable State agencies, public interest groups, and non-profit organizations, in order to increase the adoption of broadband internet access service by consumers, shall carry out public awareness campaigns in service areas that are designed to highlight—

(A) the value and benefits of broadband internet access service; and

(B) the existence of the Affordable Connectivity Program.

(9) Oversight

The Commission—

(A) shall establish a dedicated complaint process for consumers who participate in the Affordable Connectivity Program to file complaints about the compliance of participating providers with, including with respect to the quality of service received under, the Program;

(B) shall require a participating provider to supply information about the existence of the complaint process described in subparagraph (A) to subscribers who participate in the Affordable Connectivity Program;

(C)(i) shall act expeditiously to investigate potential violations of and enforce compliance with this section, including under clause (ii) of this subparagraph; and

(ii) in enforcing compliance with this section, may impose forfeiture penalties under section 503 of the Communications Act of 1934 (47 U.S.C. 503); and

(D) shall regularly issue public reports about complaints regarding the compliance of participating providers with the Affordable Connectivity Program.

(10) Information on Affordable Connectivity Program**(A) Participating providers**

When a customer subscribes to, or renews a subscription to, an internet service offering of a participating provider, the participating provider shall notify the customer about the existence of the Affordable Connectivity Program and how to enroll in the Program.

(B) Federal agencies

The Commission shall collaborate with relevant Federal agencies, including to ensure relevant Federal agencies update their System of Records Notices, to ensure that a household that participates in any program that qualifies the household for the Affordable Connectivity Program is provided information about the Program, including how to enroll in the Program.

(C) Commission outreach**(i) In general**

The Commission may conduct outreach efforts to encourage eligible households to enroll in the Affordable Connectivity Program.

(ii) Activities

In carrying out clause (i), the Commission may—

- (I) facilitate consumer research;
- (II) conduct focus groups;
- (III) engage in paid media campaigns;
- (IV) provide grants to outreach partners; and
- (V) provide an orderly transition for participating providers and consumers from the Emergency Broadband Benefit Program established under paragraph (1) (as that paragraph was in effect on the day before November 15, 2021) to the Affordable Connectivity Program.

(11) Consumer protection issues**(A) In general**

The Commission shall, after providing notice and opportunity for comment in accordance with section 553 of title 5, promulgate rules to protect consumers who participate in, or seek to participate in, the Affordable Connectivity Program from—

- (i) inappropriate upselling or downselling by a participating provider;
- (ii) inappropriate requirements that a consumer opt in to an extended service contract as a condition of participating in the Affordable Connectivity Program;
- (iii) inappropriate restrictions on the ability of a consumer to switch internet service offerings or otherwise apply support from the Affordable Connectivity Program to a different internet service offering with a participating provider;
- (iv) inappropriate restrictions on the ability of a consumer to switch participating providers, other than a requirement that the customer return any customer premises equipment provided by a participating provider; and
- (v) similar restrictions that amount to unjust and unreasonable acts or practices that undermine the purpose, intent, or integrity of the Affordable Connectivity Program.

(B) Exceptions

In complying with this paragraph, the Commission may take advantage of the exceptions set forth in subsections (e) and (f).

(12) Audit requirements

The Commission shall adopt audit requirements to ensure that participating providers are in compliance with the requirements of this section and to prevent waste, fraud, and abuse in the Affordable Connectivity Program. A finding of waste, fraud, or abuse or an improper payment (as such term is defined in section 2(d) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note))¹ identified by the Commission or the Inspector General of the Commission shall include the following:

- (A) The name of the participating provider.
- (B) The amount of funding made available from the Affordable Connectivity Fund to the participating provider.

(C) The amount of funding determined to be an improper payment to a participating provider.

(D) A description of to what extent funding made available from the Affordable Connectivity Fund that was an improper payment was used for a reimbursement for a connected device or a reimbursement for an internet service offering.

(E) Whether, in the case of a connected device, such device, or the value thereof, has been recovered.

(F) Whether any funding from the Affordable Connectivity Fund was made available to a participating provider for an affordable connectivity benefit for a person outside the eligible household.

(G) Whether any funding from the Affordable Connectivity Fund was made available to reimburse a participating provider for an affordable connectivity benefit made available to an eligible household in which all members of such household necessary to satisfy the eligibility requirements described in subsection (a)(6) were deceased.

(13) Random audit required

Not later than 1 year after December 27, 2020, the Inspector General of the Commission shall conduct an audit of a representative sample of participating providers receiving reimbursements under the Affordable Connectivity Program.

(14) Notification of audit findings

Not later than 7 days after a finding made by the Commission under the requirements of paragraph (12), the Commission shall notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate with any information described in such paragraph that the Commission has obtained.

(15) Expiration of Program

At the conclusion of the Affordable Connectivity Program, any participating eligible households shall be subject to a participating provider's generally applicable terms and conditions.

(c) Regulations required**(1) In general**

Not later than 60 days after December 27, 2020, the Commission shall promulgate regulations to implement this section.

(2) Comment periods

As part of the rulemaking under paragraph (1), the Commission shall—

- (A) provide a 20-day public comment period that begins not later than 5 days after December 27, 2020;
- (B) provide a 20-day public reply comment period that immediately follows the period under subparagraph (A); and
- (C) during the comment periods under subparagraphs (A) and (B), seek comment on—
 - (i) the provision of assistance from the Affordable Connectivity Fund established in subsection (i) consistent with this section; and

¹ See References in Text note below.

(ii) other related matters.

(d) Eligibility of providers

(1) Relation to eligible telecommunications carrier designation

The Commission may not require a broadband provider to be designated as an eligible telecommunications carrier in order to be a participating provider.

(2) Expedited approval process

(A) In general

The Commission shall establish an expedited process by which the Commission approves as participating providers broadband providers that are not designated as eligible telecommunications carriers and elect to participate in the Affordable Connectivity Program.

(B) Exception

Notwithstanding subparagraph (A), the Commission shall automatically approve as a participating provider a broadband provider that has an established program as of April 1, 2020, that is widely available and offers internet service offerings to eligible households and maintains verification processes that are sufficient to avoid fraud, waste, and abuse.

(e) Rule of construction

Nothing in this section shall affect the collection, distribution, or administration of the Lifeline Assistance Program governed by the rules set forth in subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation).

(f) Part 54 regulations

Nothing in this section shall be construed to prevent the Commission from providing that the regulations in part 54 of title 47, Code of Federal Regulations, or any successor regulation, shall apply in whole or in part to the Affordable Connectivity Program, shall not apply in whole or in part to such Program, or shall be modified in whole or in part for purposes of application to such Program.

(g) 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.

(h) Exemptions

(1) Certain rulemaking requirements

Section 553 of title 5 shall not apply to a regulation promulgated under subsection (c) 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 by

subsection (c) shall not constitute a collection of information for the purposes of subchapter I of chapter 35 of title 44 (commonly referred to as the Paperwork Reduction Act).

(i) Affordable Connectivity Fund

(1) Establishment

There is established in the Treasury of the United States a fund to be known as the Affordable Connectivity Fund.

(2) Appropriation

There is appropriated to the Affordable Connectivity Fund, out of any money in the Treasury not otherwise appropriated, \$3,200,000,000 for fiscal year 2021, to remain available until expended.

(3) Use of funds

Amounts in the Affordable Connectivity Fund shall be available to the Commission for reimbursements to participating providers under this section, and the Commission may use not more than 2 percent of such amounts to administer the Affordable Connectivity Program.

(4) Relationship to universal service contributions

Reimbursements provided under this section shall be provided from amounts made available under this subsection and not from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)).

(5) Use of Universal Service Administrative Company permitted

The Commission shall have the authority to avail itself of the services of the Universal Service Administrative Company to implement the Affordable Connectivity Program, including developing and processing reimbursements and distributing funds to participating providers.

(j) Safe harbor

The Commission may not enforce a violation of this section under section 501, 502, or 503 of the Communications Act of 1934 (47 U.S.C. 501; 502; 503), or any rules of the Commission promulgated under such sections of such Act, if a participating provider demonstrates to the Commission that such provider relied in good faith on information provided to such provider to make the verification required by subsection (b)(2).

(Pub. L. 116-260, div. N, title IX, §904, Dec. 27, 2020, 134 Stat. 2129; Pub. L. 117-58, div. F, title V, §60502(a), (b)(1), Nov. 15, 2021, 135 Stat. 1238, 1241.)

Editorial Notes

REFERENCES IN TEXT

The Richard B. Russell National School Lunch Act, referred to in subsec. (a)(6)(B), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

Section 2(d) of the Improper Payments Information Act of 2002, referred to in subsec. (b)(12), is section 2(d) of Pub. L. 107-300, Nov. 26, 2002, 116 Stat. 2350, which

was set out in a note under section 3321 of Title 31, Money and Finance, and was repealed by Pub. L. 116-117, §3(a)(1), Mar. 2, 2020, 134 Stat. 133. See, generally, subchapter IV of chapter 33 of Title 31.

The Communications Act of 1934, referred to in subsec. (g), is act June 19, 1934, ch. 652, 48 Stat. 1064, which is classified principally to chapter 5 (§151 et seq.) of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

CODIFICATION

Section was formerly set out as a note under section 1301 of this title.

AMENDMENTS

2021—Pub. L. 117-58, §60502(a)(1)(A), struck out “during emergency period relating to COVID-19” after “service” in section catchline.

Pub. L. 117-58, §60502(a)(2)(D)–(F), substituted, wherever appearing in text, “Affordable Connectivity” for “Emergency Broadband Benefit”, “Affordable” for “Emergency Broadband”, and “affordable connectivity” for “emergency broadband”.

Subsec. (a)(6)(A). Pub. L. 117-58, §60502(b)(1)(A)(i)(I), inserted before semicolon at end “except that such subsection (a), including for purposes of such subsection (b), shall be applied by substituting ‘200 percent’ for ‘135 percent’”.

Subsec. (a)(6)(C). Pub. L. 117-58, §60502(b)(1)(A)(i)(II)–(IV), redesignated subpar. (D) as (C), struck out “or” at end, and struck out former subpar. (C) which read as follows: “at least one member of the household has experienced a substantial loss of income since February 29, 2020, that is documented by layoff or furlough notice, application for unemployment insurance benefits, or similar documentation or that is otherwise verifiable through the National Verifier or National Lifeline Accountability Database;”.

Subsec. (a)(6)(D). Pub. L. 117-58, §60502(b)(1)(A)(i)(III), (V), redesignated subpar. (E) as (D), struck out “or COVID-19” before “program”, and substituted “; or” for period at end. Former subpar. (D) redesignated (C).

Subsec. (a)(6)(E). Pub. L. 117-58, §60502(b)(1)(A)(i)(VI), added subpar. (E). Former subpar. (E) redesignated (D).

Subsec. (a)(7). Pub. L. 117-58, §60502(b)(1)(A)(ii), substituted “\$30” for “\$50” and struck out “which shall be no more than the standard rate for an internet service offering and associated equipment,” after “such household;”.

Pub. L. 117-58, §60502(a)(3)(A), designated existing provisions as subpar. (A), inserted heading, substituted “Subject to subparagraph (B), the term” for “The term”, and added subpar. (B).

Pub. L. 117-58, §60502(a)(2)(A), substituted “Affordable connectivity” for “Emergency broadband” in heading.

Subsec. (a)(8). Pub. L. 117-58, §60502(b)(1)(A)(iii), struck out at end “, offered in the same manner, and on the same terms, as described in any of such provider’s offerings for broadband internet access service to such household, as on December 1, 2020”.

Pub. L. 117-58, §60502(a)(1)(B), redesignated par. (9) as (8) and struck out former par. (8) which defined “emergency period”.

Subsec. (a)(9) to (11). Pub. L. 117-58, §60502(a)(1)(B)(ii), redesignated pars. (10) to (12) as (9) to (11), respectively. Former par. (9) redesignated (8).

Subsec. (a)(12), (13). Pub. L. 117-58, §60502(b)(1)(A)(ii), (iv), redesignated par. (13) as (12) and then struck it out. Prior to amendment, par. defined the term “standard rate”. Former par. (12) redesignated (11).

Subsec. (b). Pub. L. 117-58, §60502(a)(2)(B), substituted “Affordable Connectivity” for “Emergency Broadband Benefit” in heading.

Subsec. (b)(1). Pub. L. 117-58, §60502(a)(1)(C)(i), struck out “during the emergency period” before period at end.

Subsec. (b)(4). Pub. L. 117-58, §60502(a)(1)(C)(ii), struck out “during the emergency period” before period at end.

Subsec. (b)(5). Pub. L. 117-58, §60502(a)(1)(C)(iii), struck out “during the emergency period,” before “in addition to”.

Subsec. (b)(6)(A). Pub. L. 117-58, §60502(b)(1)(B)(ii), (iii), redesignated subpar. (B) as (A) and cls. (ii) to (iv) as (i) to (iii), respectively, and struck out former cl. (i) which read as follows: “has not been and will not be charged—

“(I) for such offering, if the standard rate for such offering is less than or equal to the amount of the affordable connectivity benefit for such household; or

“(II) more for such offering than the difference between the standard rate for such offering and the amount of the affordable connectivity benefit for such household;”.

Pub. L. 117-58, §60502(b)(1)(B)(i), struck out subpar. (A) which read as follows: “That the amount for which the participating provider is seeking reimbursement from the Affordable Connectivity Fund established in subsection (i) for providing an internet service offering to an eligible household is not more than the standard rate.”

Subsec. (b)(6)(B) to (D). Pub. L. 117-58, §60502(b)(1)(B)(ii), redesignated subpars. (B) to (D) as (A) to (C), respectively.

Subsec. (b)(7) to (15). Pub. L. 117-58, §60502(a)(3)(B), added pars. (7) to (11) and redesignated former pars. (7) to (10) as (12) to (15), respectively, and, in par. (14) as redesignated, substituted “paragraph (12)” for “paragraph (7)”.

Subsec. (i). Pub. L. 117-58, §60502(a)(2)(C), substituted “Affordable” for “Emergency Broadband” in heading.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117-58, div. F, title V, §60502(b)(1), Nov. 15, 2021, 135 Stat. 1241, provided in part that the amendments made to this section by section 60502(b)(1) of Pub. L. 117-58 are effective on the date on which the Federal Communications Commission submits the certification required under section 60502(b)(4) of Pub. L. 117-58, set out below, or Dec. 31, 2021, whichever is earlier.

ELIGIBILITY FOR THE AFFORDABLE CONNECTIVITY BENEFIT; TRANSITION; CERTIFICATION

Pub. L. 117-58, div. F, title V, §60502(b)(2)–(4), Nov. 15, 2021, 135 Stat. 1242, provided that:

“(2) APPLICABILITY OF AMENDMENT TO ELIGIBILITY.—A household that qualified for the Affordable Connectivity Program under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) [47 U.S.C. 1752] before the effective date in paragraph (1) [set out as a note above] and, as of that effective date, would, but for this subparagraph, see a reduction in the amount of the affordable connectivity benefit under the Program, shall, during the 60-day period beginning on that effective date, be eligible for the affordable connectivity benefit in the amount in effect with respect to that household, as of the day before that effective date.

“(3) TRANSITION.—After the effective date under paragraph (1), an eligible household that was participating in the Emergency Broadband Benefit Program under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) on the day before the date of enactment of this Act [Nov. 15, 2021] and qualifies for the Affordable Connectivity Program established under that section (as amended by this section) shall continue to have access to an affordable service offering.

“(4) CERTIFICATION REQUIRED.—On the date on which the amounts appropriated under section 904(i)(2) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) [47 U.S.C. 1752(i)(2)] have been fully expended, the [Federal Communications] Commission shall submit to Congress a certification regarding that fact.”

BROADBAND TRANSPARENCY RULES

Pub. L. 117–58, div. F, title V, § 60502(c), Nov. 15, 2021, 135 Stat. 1243, provided that:

“(1) RULES.—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the [Federal Communications] Commission shall issue final rules regarding the annual collection by the Commission of data relating to the price and subscription rates of each internet service offering of a participating provider under the Affordable Connectivity Program established under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) [47 U.S.C. 1752] (as amended by this section) to which an eligible household subscribes.

“(2) UPDATES.—Not later than 180 days after the date on which rules are issued under paragraph (1), and when determined to be necessary by the Commission thereafter, the Commission shall revise the rules to verify the accuracy of data submitted pursuant to the rules.

“(3) REDUNDANCY AVOIDANCE.—Nothing in this subsection shall be construed to require the Commission, in order to meet a requirement of this subsection, to duplicate an activity that the Commission is undertaking as of the date of enactment of this Act, if—

“(A) the Commission refers to the activity in the rules issued under paragraph (1);

“(B) the activity meets the requirements of this subsection; and

“(C) the Commission discloses the activity to the public.

“(4) AVAILABILITY OF DATA.—

“(A) PUBLIC AVAILABILITY.—The Commission shall make data relating to broadband internet access service collected under the rules issued under paragraph (1) available to the public in a commonly used electronic format without risking the disclosure of personally identifiable information or proprietary information, consistent with section 0.459 of title 47, Code of Federal Regulations (or any successor regulation).

“(B) DETERMINATION OF PERSONALLY IDENTIFIABLE INFORMATION.—The Commission—

“(i) shall define the term ‘personally identifiable information’, for purposes of subparagraph (A) through notice and comment rulemaking; and

“(ii) may not make any data available to the public under subparagraph (A) before completing the rulemaking under clause (i) of this subparagraph.”

[For definition of “broadband internet access service” as used in section 60502(c) of Pub. L. 117–58, set out above, see section 1751 of this title.]

GUIDANCE

Pub. L. 117–58, div. F, title V, § 60502(d), Nov. 15, 2021, 135 Stat. 1243, provided that: “The [Federal Communications] Commission may issue such guidance, forms, instructions, or publications, or provide such technical assistance, as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section [amending this section and enacting provisions set out as notes under this section] and the amendments made by this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.”

COORDINATION

Pub. L. 117–58, div. F, title V, § 60502(e), Nov. 15, 2021, 135 Stat. 1243, provided that: “The Secretary of Agriculture, the Secretary of Education, and the Secretary of Health and Human Services shall—

“(1) not later than 60 days after the date of enactment of this Act [Nov. 15, 2021], enter into a memorandum of understanding with the Universal Service Administrative Company to provide for the expeditious sharing of data through the National Verifier (as that term is defined in section 54.400 of title 47, Code of Federal Regulations, or any successor regulation), or any successor system, for the purposes of verifying consumer eligibility for the program estab-

lished under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) [47 U.S.C. 1752], as amended by this section; and

“(2) not later than 90 days after the date of enactment of this Act, begin to share data under the memorandum of understanding described in paragraph (1) for the purposes described in that paragraph.”

§ 1753. Adoption of consumer broadband labels

(a) Final rule

Not later than 1 year after November 15, 2021, the Commission shall promulgate regulations to require the display of broadband consumer labels, as described in the Public Notice of the Commission issued on April 4, 2016 (DA 16–357), to disclose to consumers information regarding broadband internet access service plans.

(b) Introductory rate information

(1) In general

The broadband consumer label required under subsection (a) shall also include information regarding whether the offered price is an introductory rate and, if so, the price the consumer will be required to pay following the introductory period.

(2) Use in broadband data collection

The Commission shall rely on the price information displayed on the broadband consumer label required under subsection (a) for any collection of data relating to the price and subscription rates of each covered broadband internet access service under section 60502(c).

(c) Hearings

In issuing the final rule under subsection (a), the Commission shall conduct a series of public hearings to assess, at the time of the proceeding—

(1) how consumers evaluate broadband internet access service plans; and

(2) whether disclosures to consumers of information regarding broadband internet access service plans, including the disclosures required under section 8.1 of title 47, Code of Federal Regulations, are available, effective, and sufficient.

(Pub. L. 117–58, div. F, title V, § 60504, Nov. 15, 2021, 135 Stat. 1244.)

Editorial Notes

REFERENCES IN TEXT

Section 60502(c), referred to in subsec. (b)(2), is section 60502(c) of Pub. L. 117–58, which is set out as a note under section 1752 of this title.

§ 1754. Digital discrimination

(a) Statement of policy

It is the policy of the United States that, insofar as technically and economically feasible—

(1) subscribers should benefit from equal access to broadband internet access service within the service area of a provider of such service;

(2) the term “equal access”, for purposes of this section, means the equal opportunity to subscribe to an offered service that provides comparable speeds, capacities, latency, and