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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

To amend the Communications Act of 1934 to clarify the eligibility of broadband internet access services for Federal universal service support, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PETERSON introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Communications Act of 1934 to clarify the eligibility of broadband internet access services for Federal universal service support, 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 “Universal Broadband
5 Act of 2019”.

6 **SEC. 2. UNIVERSAL SERVICE SUPPORT FOR BROADBAND**
7 **INTERNET ACCESS SERVICES.**

8 (a) CLARIFICATION OF ELIGIBILITY FOR SUPPORT.—

1 (1) IN GENERAL.—Section 254(c) of the Com-
2 munications Act of 1934 (47 U.S.C. 254(c)) is
3 amended by adding at the end the following:

4 “(4) BROADBAND INTERNET ACCESS SERV-
5 ICES.—In addition to the services included in the
6 definition of universal service under paragraph (1),
7 the Commission shall designate broadband internet
8 access services as services that are supported by
9 Federal universal service support mechanisms. In
10 designating services under this paragraph, the Com-
11 mission shall ensure that the services designated are
12 sufficient for the purposes for which consumers use
13 broadband internet access services, as such purposes
14 evolve over time.”.

15 (2) OBLIGATIONS OF ELIGIBLE TELECOMMUNI-
16 CATIONS CARRIERS.—Section 214(e)(1)(A) of the
17 Communications Act of 1934 (47 U.S.C.
18 214(e)(1)(A)) is amended by inserting “all of” after
19 “offer”.

20 (b) CONTRIBUTIONS TO UNIVERSAL SERVICE.—

21 (1) PROVIDERS OF BROADBAND INTERNET AC-
22 CESS SERVICES REQUIRED TO CONTRIBUTE.—Sec-
23 tion 254 of the Communications Act of 1934 (47
24 U.S.C. 254) is amended—

1 (A) in subsection (b)(4), by inserting “and
2 all providers of broadband internet access serv-
3 ices” after “telecommunications services”; and

4 (B) in subsection (d)—

5 (i) in the heading, by striking “TELE-
6 COMMUNICATIONS CARRIER”;

7 (ii) in the first sentence, by inserting
8 “and every provider of broadband internet
9 access services” after “telecommunications
10 services”; and

11 (iii) in the second sentence—

12 (I) by inserting “, or provider or
13 class of providers,” after “carriers”;
14 and

15 (II) by inserting “or provider’s”
16 after “carrier’s” each place it appears.

17 (2) ADDITIONAL MATTERS RELATING TO UNI-
18 VERSAL SERVICE CONTRIBUTIONS.—Section 254(d)
19 of the Communications Act of 1934 (47 U.S.C.
20 254(d)) is amended—

21 (A) by striking “Every telecommunications
22 carrier” and inserting the following:

23 “(1) IN GENERAL.—Every telecommunications
24 carrier”; and

25 (B) by adding at the end the following:

1 “(2) EXCLUSION FROM CONTRIBUTION BASE OF
2 SERVICES PROVIDED TO LIFELINE CONSUMERS.—In
3 determining the amount that a telecommunications
4 carrier or provider of a broadband internet access
5 service is required to contribute under this sub-
6 section, the Commission shall exclude from the de-
7 termination any services provided by such carrier or
8 provider to consumers who receive services through
9 the Lifeline program of the Commission.

10 “(3) CONSIDERATION OF ANTICIPATED FUND-
11 ING NEEDS.—

12 “(A) IN GENERAL.—In determining the
13 amount of contributions required under this
14 subsection, the Commission shall consider fore-
15 casts of anticipated demand for services that
16 are supported by each of the Federal universal
17 service support mechanisms over periods that
18 are sufficiently long to allow for adequate plan-
19 ning, thereby ensuring sufficient and predict-
20 able funding for each such mechanism.

21 “(B) PROHIBITION ON CONTRIBUTION
22 LIMIT.—The Commission may not establish any
23 limit on the total amount of contributions re-
24 quired under this subsection with respect to all
25 Federal universal service support mechanisms,

1 except for establishing the amount that pro-
2 viders are required to contribute with respect to
3 a particular time period based on the projected
4 demand for services that are supported by Fed-
5 eral universal service support mechanisms over
6 such time period.”.

7 (c) ACCESS IN TRIBAL AREAS.—Section 254(b)(3) of
8 the Communications Act of 1934 (47 U.S.C. 254(b)(3))
9 is amended—

10 (1) in the heading, by striking “ACCESS IN
11 RURAL AND HIGH COST AREAS” and inserting “AC-
12 CESS IN ALL REGIONS”; and

13 (2) by inserting “Tribal,” after “insular,”.

14 (d) PROHIBITION ON EXPENDITURE LIMIT.—Section
15 254 of the Communications Act of 1934 (47 U.S.C. 254)
16 is amended by adding at the end the following:

17 “(m) PROHIBITION ON EXPENDITURE LIMIT.—The
18 Commission may not establish any limit on the total
19 amount of funds that may be expended through all Fed-
20 eral universal service support mechanisms. Nothing in the
21 preceding sentence shall be construed to prohibit the Com-
22 mission from ensuring that funds expended through the
23 Federal universal service support mechanisms are ex-
24 pended for services eligible for support through such
25 mechanisms.”.

1 (e) CONSULTATION REQUIRED.—Section 254 of the
2 Communications Act of 1934, as amended by subsection
3 (d), is further amended by adding at the end the following:

4 “(n) CONSULTATION REQUIRED.—In administering
5 the Federal universal service support mechanisms estab-
6 lished under this section, the Commission shall consult
7 with the Assistant Secretary of Commerce for Commu-
8 nications and Information and the Secretary of Agri-
9 culture regarding the distribution of funds for deployment
10 of broadband services in rural areas, in order to avoid du-
11 plication and overbuilding to the maximum extent prac-
12 ticable.”.

13 (f) REPORTING REQUIREMENTS.—Section 254 of the
14 Communications Act of 1934, as amended by subsections
15 (d) and (e), is further amended by adding at the end the
16 following:

17 “(o) REPORTING REQUIREMENTS.—Not later than
18 180 days after the end of each calendar year, the Commis-
19 sion shall submit to Congress a report that contains the
20 following:

21 “(1) A statement of the total amount expended
22 in such year to support broadband internet access
23 services through the Federal universal service sup-
24 port mechanisms for high-cost areas.

1 “(2) A statement of the amount, of the total
2 amount stated under paragraph (1), expended in
3 each of the following:

4 “(A) Rural areas.

5 “(B) Insular areas.

6 “(C) Tribal areas.

7 “(D) Areas that, as of the beginning of
8 such year, were unserved areas, as determined
9 by the Commission.

10 “(3) A description of progress during such year
11 in advancing the universal service principles de-
12 scribed in subsection (b) and the requirements for
13 meeting future growth in the demand for the serv-
14 ices that are supported by Federal universal service
15 support mechanisms, including challenges that may
16 prevent the advancement of such principles.”.

17 (g) BROADBAND INTERNET ACCESS SERVICE DE-
18 FINED.—Section 254 of the Communications Act of 1934,
19 as amended by subsections (d), (e), and (f), is further
20 amended by adding at the end the following:

21 “(p) BROADBAND INTERNET ACCESS SERVICE DE-
22 FINED.—In this section, the term ‘broadband internet ac-
23 cess service’—

24 “(1) means a mass-market retail service by wire
25 or radio that provides the capability to transmit data

1 to and receive data from all or substantially all
2 internet endpoints, including any capabilities that
3 are incidental to and enable the operation of the
4 communications service, but excluding dial-up inter-
5 net access service; and

6 “(2) includes any service that the Commission
7 finds to be providing a functional equivalent of the
8 service described in paragraph (1).”.