

118TH CONGRESS
1ST SESSION

S. _____

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

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

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.

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 “Promoting Access to
5 Broadband Act of 2023”.

1 **SEC. 2. AFFORDABLE CONNECTIVITY AND LIFELINE EN-**
2 **ROLLMENT OUTREACH GRANTS.**

3 (a) DEFINITIONS.—In this section:

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

6 (2) COVERED INDIVIDUALS.—The term “cov-
7 ered individuals” means—

8 (A) Medicaid enrollees;

9 (B) SNAP participants; and

10 (C) low-income residents.

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

13 (A) the Affordable Connectivity Program
14 established under section 904(b) of division N
15 of the Consolidated Appropriations Act, 2021
16 (47 U.S.C. 1752(b)), or any successor program;
17 and

18 (B) the Lifeline program established under
19 subpart E of part 54 of title 47, Code of Fed-
20 eral Regulations, or any successor regulation.

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

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

1 section 4 of the Native American Housing Assist-
2 ance and Self-Determination Act of 1996 (25 U.S.C.
3 4103).

4 (6) LOW-INCOME.—The term “low-income”
5 means a gross annual income that qualifies a house-
6 hold for participation in a covered program.

7 (7) MEDICAID ENROLLEE.—The term “Med-
8 icaid enrollee” means, with respect to a State, an in-
9 dividual enrolled in the State plan under title XIX
10 of the Social Security Act (42 U.S.C. 1396 et seq.)
11 or a waiver of that plan.

12 (8) REACH.—The term “reach” means, with re-
13 spect to an individual, to inform the individual of po-
14 tential eligibility for a covered program and to pro-
15 vide the individual with information about the cov-
16 ered program, as described in subsection (e).

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

22 (10) STATE.—The term “State” means each
23 State of the United States, the District of Columbia,
24 each commonwealth, territory, or possession of the
25 United States, and each Indian Tribe.

1 (b) ESTABLISHMENT.—The Commission shall estab-
2 lish a competitive program to make grants available to
3 States to inform covered individuals of potential eligibility
4 for a covered program.

5 (c) APPLICATION.—

6 (1) IN GENERAL.—The Commission may only
7 award a grant under this section to a State that
8 submits an application at such time, in such form,
9 and with such information and assurances as the
10 Commission may require.

11 (2) MATTERS REQUIRED TO BE INCLUDED.—
12 An application submitted by a State under para-
13 graph (1) shall include—

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

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

20 (C) an estimate of the percentage of eligi-
21 ble-but-not-enrolled individuals in the State who
22 will be reached by those activities.

23 (d) SELECTION.—

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

4 (2) FACTORS FOR CONSIDERATION.—In award-
5 ing grants under this section, the Commission shall
6 give favorable consideration—

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

9 (B) to States proposing, in the plans sub-
10 mitted under subsection (c)(2)(B), to conduct
11 activities that have the potential to reach higher
12 percentages of eligible-but-not-enrolled individ-
13 uals in those States, as determined by the Com-
14 mission, taking into consideration the estimates
15 submitted under subsection (c)(2)(C).

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

20 (e) USE OF FUNDS.—

21 (1) IN GENERAL.—A State that receives a
22 grant under this section shall use grant funds, in ac-
23 cordance with the plan included in the application of
24 the State under subsection (c)(2)(B), to—

1 (A) inform covered individuals and organi-
2 zations or agencies that serve those individuals,
3 as the case may be under the terms of the
4 grant awarded to the State, of potential eligi-
5 bility for a covered program;

6 (B) provide those covered individuals with
7 information about covered programs, includ-
8 ing—

9 (i) how to apply for a covered pro-
10 gram; and

11 (ii) a description of the prohibition on
12 more than 1 subscriber in each household
13 receiving a service provided under a cov-
14 ered program; and

15 (C) partner with nonprofit and community-
16 based organizations to provide those covered in-
17 dividuals with assistance applying for a covered
18 program and information about product and
19 technology choices.

20 (2) MULTIPLE STATE AGENCIES.—A State that
21 receives a grant under this section may provide
22 grant funds to 1 or more agencies located within the
23 State, as identified under subsection (c)(2)(B), to
24 carry out the activities under the grant.

1 (f) OUTREACH TO STATES REGARDING GRANT PRO-
2 GRAM.—Before accepting applications for the grant pro-
3 gram established under this section, the Commission shall
4 conduct outreach to States to ensure that States are aware
5 of the grant program and how to apply for a grant under
6 the grant program.

7 (g) REGULATIONS REQUIRED.—Not later than 30
8 days after the date of enactment of this Act, the Commis-
9 sion shall promulgate regulations to implement this sec-
10 tion.

11 (h) ENFORCEMENT.—A violation of this section or a
12 regulation promulgated under this section shall be treated
13 as a violation of the Communications Act of 1934 (47
14 U.S.C. 151 et seq.) or a regulation promulgated under
15 such Act. The Commission shall enforce this section and
16 the regulations promulgated under this section in the same
17 manner, by the same means, and with the same jurisdic-
18 tion, powers, and duties as though all applicable terms and
19 provisions of the Communications Act of 1934 were incor-
20 porated into and made a part of this section.

21 (i) EXEMPTIONS.—

22 (1) CERTAIN RULEMAKING REQUIREMENTS.—
23 Section 553 of title 5, United States Code, shall not
24 apply to a regulation promulgated under this section

1 or a rulemaking proceeding to promulgate such a
2 regulation.

3 (2) PAPERWORK REDUCTION ACT REQUIRE-
4 MENTS.—A collection of information conducted or
5 sponsored under the regulations required under this
6 section shall not constitute a collection of informa-
7 tion for the purposes of subchapter I of chapter 35
8 of title 44, United States Code (commonly known as
9 the “Paperwork Reduction Act”).

10 (j) REPORT TO CONGRESS.—

11 (1) IN GENERAL.—Not later than 3 years after
12 establishing the grant program under this section,
13 the Commission shall submit to Congress a report
14 evaluating the effectiveness of the grant program.

15 (2) CONTENTS.—The report submitted under
16 paragraph (1) shall include—

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

20 (B) the number of new applicants to a cov-
21 ered program from States receiving grants
22 under this section, including the number of
23 those applicants who enrolled in a covered pro-
24 gram; and

1 (C) the cost-effectiveness of the grant pro-
2 gram established under this section.

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

8 **SEC. 3. GRANTS TO STATES TO STRENGTHEN NATIONAL**
9 **LIFELINE ELIGIBILITY VERIFIER.**

10 (a) DEFINITIONS.—In this section:

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

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

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

24 (b) ESTABLISHMENT.—Not later than 90 days after
25 the date of enactment of this Act, the Commission shall

1 establish a program to provide a grant, from amounts ap-
2 propriated under subsection (e), to each eligible entity for
3 the purpose described in subsection (c).

4 (c) PURPOSE.—The Commission shall make a grant
5 to each eligible entity for the purpose of establishing, re-
6 newing, reestablishing, or maintaining or amending a con-
7 nection between the databases of the eligible entity that
8 contain information concerning the receipt by a household,
9 or a member of a household, of benefits under a program
10 administered by the eligible entity (including any benefit
11 provided under the supplemental nutrition assistance pro-
12 gram under the Food and Nutrition Act of 2008 (7 U.S.C.
13 2011 et seq.)) and the National Lifeline Eligibility Verifier
14 so that the receipt by a household, or a member of a
15 household, of benefits under the benefits program—

16 (1) is reflected in the National Lifeline Eligi-
17 bility Verifier; and

18 (2) can be used to verify eligibility for—

19 (A) the Lifeline program established under
20 subpart E, part 54, of title 47, Code of Federal
21 Regulations, or any successor regulation; and

22 (B) the Affordable Connectivity Program
23 established under section 904(b) of division N
24 of the Consolidated Appropriations Act, 2021
25 (47 U.S.C. 1752(b)), or any successor program.

1 (d) DISBURSEMENT OF GRANT FUNDS.—Not later
2 than 120 days after the date on which the Commission
3 establishes the program under subsection (b), funds pro-
4 vided under each grant made under such subsection shall
5 be disbursed to the eligible entity receiving such grant.

6 (e) AUTHORIZATION OF APPROPRIATION.—There is
7 authorized to be appropriated such sums as may be nec-
8 essary to carry out this section.