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Telecommunications and the 119th Congress: A Primer on Programs, Authorities, and Emerging Issues

The development and implementation of U.S. telecommunications policy involves a complex array of technologies, federal agencies, and private companies with varying goals and interests. Potential telecommunications issues in the 119th Congress include broadband, spectrum, public safety, security of telecommunications networks, and artificial intelligence (AI).

Number and Focus of Federal Broadband Programs

Federal broadband funding for closing the digital divide—the gap between people who have access to broadband and those who do not—is complex. Several agencies offer programs that provide support for broadband, and Congress may debate reform options for these programs. For example, S. 323 would direct the development of a national strategy to synchronize these programs. Related options for Congress could include assessments of the effectiveness of federal broadband programs and of state roles in addressing gaps in broadband access.

Adjustment of the Broadband Equity, Access, and Deployment Program

In P.L. 117-58, Congress appropriated \$42.45 billion for the National Telecommunications and Information Administration (NTIA) to “make[] grants . . . to bridge the digital divide” under the Broadband Equity, Access, and Deployment (BEAD) Program. BEAD funds broadband projects with a priority to provide “affordable, reliable, high-speed broadband” service to locations currently lacking such access. As the program entered its fourth year in November 2024, some Members of Congress questioned its implementation, including when BEAD-funded projects will start and whether NTIA should adjust its administration of the program to expedite broadband deployment. As of March 2025, although funding had been obligated to states, most BEAD funding had not been distributed to internet service providers to implement their deployment projects, largely because many states had not completed all steps to use the funds, which are required by the law or specified in NTIA’s notice of funding opportunity (NOFO).

The 119th Congress may consider a range of options related to adjustment of the program. Examples of such options could include continuing congressional oversight of BEAD implementation with existing program requirements or expediting implementation by directing NTIA to loosen or remove some of its requirements for states and subgrantees. Some debates on the requirements include (1) whether states must account for climate-related risks to BEAD-funded projects at a level detailed in NTIA’s NOFO and (2) whether subgrantees must provide a project workforce plan with information related to whether the workforce is

unionized. Another issue is whether to keep or expand NTIA’s current interpretations of the terms *priority broadband projects* and *reliable broadband service* in the law, which prioritizes fiber-optic technology and does not include satellite-based connectivity technology. H.R. 1870 would amend certain aspects of P.L. 117-58 related to the BEAD program—some of which are discussed above. Finally, Congress may consider whether to amend P.L. 117-58 to increase or decrease BEAD funding.

Universal Service Fund Reform

The Federal Communications Commission (FCC) has established four Universal Service Fund (USF) programs: the High Cost Program, the Lifeline Program, the Rural Health Care Program, and the Schools and Libraries Program. The USF is intended to ensure that all Americans have access to telecommunications services at just, reasonable, and affordable rates. Some Members have proposed reexamining the USF and the fees it charges carriers (which may be passed on to consumers) and evaluating the appropriateness of FCC authorities. For example, the 118th Congress considered expanding the types of entities that contribute to the fund (e.g., rural 5G), expanding the contribution base (S. 856, S. 3321, S. 975, H.R. 1812), directing spectrum auction revenues to support the USF, and funding the USF through the appropriations process.

Some Members have called on Congress to reexamine the USF as a “hidden tax” placed on carriers, to limit FCC authorities, and to increase congressional oversight of USF spending. In response to three lawsuits brought by Consumers’ Research, in July 2024, the U.S. Court of Appeals for the Fifth Circuit ruled the USF unconstitutional as a tax. This decision conflicted with previous decisions by the Fifth and Eleventh U.S. Courts of Appeals, both of which rejected that claim. The U.S. Supreme Court heard arguments on the case on March 26, 2025. A decision is expected in June 2025.

Future of the Affordable Connectivity Program

Congress established the Affordable Connectivity Program (ACP) through P.L. 117-58 and appropriated \$14.2 billion for the program. The ACP supplemented the USF’s Lifeline Program and provided internet service discounts to eligible households. Despite proposed legislation in the 118th Congress (S. 3565, H.R. 6929, S. 4208) intended to provide additional funds for the ACP, the program ended on June 1, 2024. The 119th Congress could consider reviving the ACP, authorizing and appropriating funding for a program similar to the ACP, or assessing whether the ACP is still needed.

Spectrum Auction Authority

In 1993, Congress authorized the FCC to use competitive bidding (i.e., auctions) to grant licenses to use specific radio frequencies for commercial wireless communications. The authorization for the FCC to conduct such auctions expired on March 9, 2023. In total, 13 bills introduced in the 117th and 118th Congresses proposed reinstating FCC auction authority, but none became law. Congress could consider reinstating the FCC’s auction authority through a stand-alone bill, a comprehensive spectrum package, or other vehicle. Congress could also grant auction authority for specific bands, as it did in December 2024 in P.L. 118-159 for the Advanced Wireless Services 3 band.

National Spectrum Strategy

Managing competing demands for spectrum, including those from federal, commercial, and other users seeking to launch new technologies, poses challenges for policymakers but could contribute to U.S. economic growth and competitiveness.

In November 2023, NTIA developed a National Spectrum Strategy (NSS) that outlined four “pillars” for improving spectrum management. The NSS focused on developing a pipeline to support existing and future demands for spectrum, collaboratively planning over the long term to support the nation’s evolving spectrum needs, facilitating spectrum innovations, and expanding spectrum expertise.

Given competing needs among users and challenges in interagency coordination to resolve spectrum issues, the NSS first reaffirms the statutory roles of the FCC as the exclusive regulator of nonfederal spectrum use and NTIA as the sole agency responsible for authorizing federal spectrum use. The NSS recognizes the authority of other agencies to carry out their missions that rely on spectrum.

One of the four pillars of the NSS is creating a pipeline for repurposing spectrum to meet growing needs. The NSS identifies a total of 2,786 megahertz of spectrum bandwidth in five bands with federal allocations to be studied for possible repurposing, including the 3.1-3.45 gigahertz (GHz), 5.03-5.091 GHz, 7.125-8.4 GHz, 18.1-18.6 GHz, and 37.0-37.6 GHz bands.

The Trump Administration may adopt, amend, or dismiss the policy priorities in the NSS and NSS Implementation Plan or develop a new strategy. Options for Congress could include directing NTIA to develop and lead a new spectrum strategy and coordinate with other federal agencies to implement such a strategy. Congress also could choose to codify in statute some actionable items in the NSS, such as identifying spectrum for study or auction and encouraging research and development in dynamic spectrum sharing. As an example, S. 4207, introduced in the 118th Congress, would have directed NTIA to establish “a national testbed for dynamic spectrum sharing” using emerging technologies such as AI.

Spectrum Pipeline

Bills introduced in the 118th Congress (e.g., H.R. 3565, S. 4207, S. 3909) proposed studying, reallocating, or sharing bands for commercial use. Of particular interest was the 3.1-3.45 GHz band, which is used primarily for Department of Defense (DOD) radar systems. The NSS has designated NTIA and DOD to co-lead the study for repurposing the

band for nonfederal use or shared federal/nonfederal use. The NSS Implementation Plan set a target date of October 2026 for the study’s final report, which could guide future congressional decisions about the band.

Congress has also targeted other bands for future studies and auctions, such as those identified in the NSS, and bands under consideration by the FCC, including the 12.7-13.25 GHz band. Congress could consider naming specific bands for study or auction, such as those identified globally for mobile or for future 6G use, or directing the FCC and NTIA to identify bands to be auctioned, as proposed in H.R. 651.

Public Safety Considerations

Congress may consider whether to reauthorize the First Responder Network Authority (FirstNet)—an independent agency under NTIA responsible for overseeing the public safety broadband network that serves first responders in every state and territory. The agency’s authority expires in 2027; public safety users are urging Congress to extend FirstNet’s authorities to avoid any lapse in service.

Many 911 centers are migrating to Next Generation 911—improvements that would enhance emergency response and provide interconnection with FirstNet. In the 118th Congress, some Members proposed using appropriations (H.R. 1784, S. 2712) or spectrum auction proceeds (H.R. 3565) for local 911 center upgrades. The 119th Congress may continue debating whether and how to provide federal funding for the transition.

Security of Telecommunications Networks

Congress has expressed concern with untrusted telecom network equipment that poses a threat to U.S. national security. In P.L. 115-232, Congress restricted purchase and use of untrusted equipment (e.g., the China-based companies Huawei Technologies Co. and ZTE Corporation). Further options could include identifying and restricting the use of other untrusted equipment in law or authorizing agencies to identify untrusted equipment.

In some cases, Congress has funded the replacement of such equipment from networks. In P.L. 116-124, Congress established a program to reimburse small wireless providers for costs to “rip and replace” Huawei and ZTE equipment from their telecom networks. In P.L. 116-260, Congress provided nearly \$2 billion to the FCC to reimburse eligible entities for costs to rip and replace the untrusted equipment. The funding did not cover all provider costs. In P.L. 118-159, Congress authorized the FCC to borrow \$3.08 billion from the Department of the Treasury to fully fund the reimbursement program, to be repaid from a future spectrum auction. Some providers assert that costs have increased since initial estimates were submitted. The 119th Congress may consider whether additional funds are needed and continue its oversight of efforts to remove equipment found to pose a threat.

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