

116TH CONGRESS
2D SESSION

S. 4015

To provide funds to assess the availability, accelerate the deployment, and improve the sustainability of advanced communications services and communications infrastructure in rural America, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2020

Mr. THUNE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide funds to assess the availability, accelerate the deployment, and improve the sustainability of advanced communications services and communications infrastructure in rural America, 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 “Rural Connectivity Ad-
5 vancement Program Act of 2020”.

1 **SEC. 2. DEPOSIT OF SPECTRUM AUCTION PROCEEDS IN**
 2 **RURAL BROADBAND ASSESSMENT AND DE-**
 3 **PLOYMENT FUND.**

4 Section 309(j)(8) of the Communications Act of 1934
 5 (47 U.S.C. 309(j)(8)) is amended—

6 (1) in subparagraph (A), by striking “and (G)”
 7 and inserting “(G), and (H)”; and

8 (2) by adding at the end the following:

9 “(H) ASSESSMENT AND DEPLOYMENT SET-
 10 ASIDE.—

11 “(i) IN GENERAL.—Notwithstanding
 12 subparagraph (A), and except as provided
 13 in subparagraphs (B), (D), (E), (F), and
 14 (G), 10 percent of the net proceeds from
 15 each use of a system of competitive bidding
 16 under this subsection completed before
 17 September 30, 2022, shall be deposited in
 18 the Rural Broadband Assessment and De-
 19 ployment Fund established under section 3
 20 of the Rural Connectivity Advancement
 21 Program Act of 2020.

22 “(ii) NET PROCEEDS DEFINED.—For
 23 purposes of this subparagraph, the term
 24 ‘net proceeds’, with respect to the use of a
 25 system of competitive bidding, means the

1 proceeds remaining after subtracting all
 2 auction-related expenditures, including—

3 “(I) relocation payments, includ-
 4 ing accelerated relocation payments;

5 “(II) payments to incumbent li-
 6 censees for the relinquishment of all
 7 or a portion of the spectrum usage
 8 rights of those licensees;

9 “(III) costs associated with the
 10 reallocation of spectrum, whether on
 11 an exclusive or shared use basis;

12 “(IV) relocation or sharing costs,
 13 including for planning for relocation
 14 or sharing; and

15 “(V) bidding credits.”.

16 **SEC. 3. DIRECTION AND USE OF RURAL BROADBAND AS-**
 17 **SESSMENT AND DEPLOYMENT FUND PRO-**
 18 **CEEDS.**

19 (a) DEFINITIONS.—In this subsection—

20 (1) the term “Commission” means the Federal
 21 Communications Commission; and

22 (2) the term “high-cost programs” means—

23 (A) the program for Universal Service
 24 Support for High-Cost Areas set forth under

1 subpart D of part 54 of title 47, Code of Fed-
2 eral Regulations, or any successor regulations;

3 (B) the Rural Digital Opportunity Fund
4 set forth under subpart J of part 54 of title 47,
5 Code of Federal Regulations, or any successor
6 regulations;

7 (C) the Interstate Common Line Support
8 Mechanism for Rate-of-Return Carriers set
9 forth under subpart K of part 54 of title 47,
10 Code of Federal Regulations, or any successor
11 regulations;

12 (D) the Mobility Fund set forth under sub-
13 part L of part 54 of title 47, Code of Federal
14 Regulations, or any successor regulations;

15 (E) the High Cost Loop Support for Rate-
16 of-Return Carriers program set forth under
17 subpart M of part 54 of title 47, Code of Fed-
18 eral Regulations, or any successor regulations;

19 (F) the Uniendo a Puerto Rico Fund and
20 the Connect USVI Fund set forth under sub-
21 part O of part 54 of title 47, Code of Federal
22 Regulations, or any successor regulations; and

23 (G) the Rural Broadband Experiments, as
24 established by the Commission under part 54 of
25 title 47, Code of Federal Regulations.

1 (b) ESTABLISHMENT OF FUND.—There is estab-
2 lished in the Treasury of the United States a fund to be
3 known as the “Rural Broadband Assessment and Deploy-
4 ment Fund”.

5 (c) BORROWING AUTHORITY.—

6 (1) IN GENERAL.—Beginning on the date on
7 which the Commission announces the results of an
8 auction under section 309(j) of the Communications
9 Act of 1934 (47 U.S.C. 309(j)), the Commission
10 may borrow from the Treasury of the United States
11 an amount not to exceed the amount that will be de-
12 posited in the Rural Broadband Assessment and De-
13 ployment Fund under paragraph (8)(H) of that sec-
14 tion (as added by section 2 of this Act) as a result
15 of that auction.

16 (2) REIMBURSEMENT.—The Commission shall
17 reimburse the general fund of the Treasury, without
18 interest, for any amounts borrowed under paragraph
19 (1) as funds are deposited into the Rural Broadband
20 Assessment and Deployment Fund.

21 (d) AVAILABILITY OF AMOUNTS.—Any amounts bor-
22 rowed under subsection (c)(1) and any amounts in the
23 Rural Broadband Assessment and Deployment Fund that
24 are not necessary for reimbursement of the general fund
25 of the Treasury for such borrowed amounts shall be avail-

1 able to the Commission for use in accordance with sub-
2 section (e).

3 (e) USE OF AMOUNTS.—

4 (1) ESTABLISHMENT OF PROGRAM OR PRO-
5 GRAMS.—The Commission shall use the amounts
6 made available under subsection (d) to establish 1 or
7 more programs that are separate from, but are co-
8 ordinated with and complement, the high-cost pro-
9 grams to address—

10 (A) gaps that remain in broadband inter-
11 net access service coverage in high-cost rural
12 areas despite the operations of the high-cost
13 programs; and

14 (B) shortfalls in sufficient funding of the
15 high-cost programs that could adversely affect
16 the sustainability of services or reasonable com-
17 parability of rates that are supported by those
18 programs.

19 (2) PURPOSES.—In carrying out paragraph (1),
20 the Commission shall use amounts made available
21 under subsection (d) in an efficient and cost-effec-
22 tive manner only—

23 (A) for the assessment of, and to provide
24 subsidies in a technology-neutral manner
25 through a competitive process (subject to

1 weighting preferences for performance quality
2 and other service metrics as the Commission
3 may find appropriate) to providers for support
4 of, deployment of broadband-capable infrastruc-
5 ture in high-cost rural areas that the Commis-
6 sion determines are unserved by fixed terres-
7 trial broadband internet access service at a
8 download speed of not less than 25 megabits
9 per second and an upload speed of not less than
10 3 megabits per second (or such higher speed as
11 the Commission may determine appropriate
12 based upon an evolving definition of universal
13 service); and

14 (B) to assess, and provide subsidies to pro-
15 viders to enable providers to sustain, broadband
16 internet access service in any rural area in
17 which—

18 (i) only one provider of fixed terres-
19 trial broadband internet access service op-
20 erates; and

21 (ii) the high-cost nature of the area
22 precludes the offering of voice service and
23 broadband internet access service at rates
24 and performance levels available in urban

1 areas as determined by the Urban Rate
2 Survey conducted by the Commission.

3 (3) TRIBAL CONSIDERATIONS.—In distributing
4 amounts under this subsection, the Commission shall
5 consider the broadband internet access service needs
6 of residents of Tribal lands (as defined in section
7 54.400 of title 47, Code of Federal Regulations, or
8 any successor regulation).

9 (4) LIMITATIONS.—

10 (A) PROHIBITION ON FUNDING OTHER
11 PROGRAMS.—

12 (i) IN GENERAL.—The Commission
13 may not use amounts made available under
14 subsection (d) to fund any program that
15 was not established by the Commission
16 under paragraph (1) of this subsection, in-
17 cluding any program established under sec-
18 tion 254 of the Communications Act of
19 1934 (47 U.S.C. 254) in effect on the date
20 of enactment of this Act, except for using
21 the Universal Service Administrative Com-
22 pany to administer funding.

23 (ii) RULE OF CONSTRUCTION.—Noth-
24 ing in clause (i) shall be construed to pro-
25 hibit the Commission from using amounts

1 made available under subsection (d) to
2 supplement the provision of support under
3 the high-cost programs, as authorized
4 under paragraph (1)(B) of this subsection.

5 (B) TRANSPARENCY AND ACCOUNTABILITY
6 FOR ADDRESSING GAPS IN COVERAGE.—The
7 Commission shall establish transparency and
8 accountability requirements for amounts made
9 available for the purpose set forth in paragraph
10 (1)(A) that, at a minimum—

11 (i) provide—

12 (I) a process for challenging any
13 initial determination by the Commis-
14 sion regarding whether an area is
15 served or unserved; and

16 (II) written public notice on the
17 website of the Commission of—

18 (aa) how each challenge
19 under subparagraph (I) was de-
20 cided; and

21 (bb) the reasons of the Com-
22 mission for each decision;

23 (ii) establish broadband service build-
24 out milestones and require periodic certifi-
25 cation by funding recipients to ensure com-

1 compliance with the broadband service buildout
2 milestones;

3 (iii) establish a maximum buildout
4 timeframe of 4 years beginning on the date
5 on which funding is provided;

6 (iv) establish periodic reporting re-
7 quirements for funding recipients that
8 identify, at a minimum, the nature of the
9 service provided in each area where fund-
10 ing is provided;

11 (v) establish standard penalties for
12 noncompliance with the requirements es-
13 tablished under this subparagraph and as
14 may be further prescribed by the Commis-
15 sion;

16 (vi) establish procedures for recovery
17 of funds, in whole or in part, from funding
18 recipients in the event of default or non-
19 compliance with the requirements estab-
20 lished under this subparagraph and as may
21 be further prescribed by the Commission;
22 and

23 (vii) require a funding recipient to—
24 (I) offer voice service and
25 broadband internet access service; and

1 (II) permit a consumer to sub-
2 scribe to one type of service described
3 in subclause (I) or both types.

4 (C) TRANSPARENCY AND ACCOUNTABILITY
5 FOR ADDRESSING SHORTFALLS IN FUNDING.—

6 The Commission shall establish transparency
7 and accountability requirements for amounts
8 made available for the purpose set forth in sub-
9 paragraph (1)(B) that, at a minimum—

10 (i) establish periodic reporting and
11 certification requirements for funding re-
12 cipients to ensure that the funding results
13 in the offering of voice service and
14 broadband internet access service at rea-
15 sonably comparable rates and performance
16 levels;

17 (ii) establish standard penalties for
18 noncompliance with the requirements es-
19 tablished under this subparagraph and as
20 may be further prescribed by the Commis-
21 sion;

22 (iii) establish procedures for recovery
23 of funds, in whole or in part, from funding
24 recipients in the event of default or non-
25 compliance with the requirements estab-

1 lished under this subparagraph and as may
2 be further prescribed by the Commission;
3 and

4 (iv) require a funding recipient to—
5 (I) offer voice service and
6 broadband internet access service; and
7 (II) permit a consumer to sub-
8 scribe to one type of service described
9 in subclause (I) or both types.

10 (f) REPORTS.—

11 (1) AUCTION-SPECIFIC REPORTS.—Not later
12 than 30 days after the date on which the Commis-
13 sion announces the results of an auction under sec-
14 tion 309(j) of the Communications Act of 1934 (47
15 U.S.C. 309(j)), the Commission shall publish and
16 submit to the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on
18 Energy and Commerce of the House of Representa-
19 tives a report on the amount of net proceeds that
20 will be deposited in the Rural Broadband Assess-
21 ment and Deployment Fund under paragraph
22 (8)(H) of that section (as added by section 2 of this
23 Act) as a result of that auction.

24 (2) AUCTION PROCEEDS DEPLOYMENT RE-
25 PORT.—Section 309(j) of the Communications Act

1 of 1934 (47 U.S.C. 309(j)) is amended by adding at
2 the end the following:

3 “(19) REPORT ON RURAL BROADBAND ASSESS-
4 MENT AND DEPLOYMENT FUND PROCEEDS.—Not
5 later than March 1, 2021, and not less frequently
6 than annually thereafter, the Commission shall pub-
7 lish and submit to the Committee on Commerce,
8 Science, and Transportation of the Senate and the
9 Committee on Energy and Commerce of the House
10 of Representatives a report on—

11 “(A) the distribution of amounts made
12 available under section 3(d) of the Rural
13 Connectivity Advancement Program Act of
14 2020 for the preceding year; and

15 “(B) the projected distribution of amounts
16 that will be made available under section 3(d)
17 of the Rural Connectivity Advancement Pro-
18 gram Act of 2020 for the year after the year
19 in which the report is published and sub-
20 mitted.”.

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