

116TH CONGRESS  
2D SESSION

# S. 4021

To accelerate rural broadband deployment.

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IN THE SENATE OF THE UNITED STATES

JUNE 22, 2020

Mr. WICKER (for himself, Mrs. CAPITO, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To accelerate rural broadband deployment.

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 “Accelerating  
5 Broadband Connectivity Act of 2020”.

6 **SEC. 2. ACCELERATING BROADBAND CONNECTIVITY.**

7 (a) DEFINITIONS.—In this section—

8 (1) the term “Commission” means the Federal  
9 Communications Commission;

10 (2) the terms “Phase I” and “Phase II” mean  
11 Phase I and Phase II, respectively, of the Rural Dig-

1       ital Opportunity Fund auction provided for in the  
2       Report and Order in the matter of Rural Digital Op-  
3       portunity Fund and Connect America Fund adopted  
4       by the Commission on January 30, 2020 (FCC 20–  
5       5);

6               (3) the term “qualified carrier” means a terres-  
7       trial telecommunications carrier that receives sup-  
8       port from the Rural Digital Opportunity Fund  
9       under subpart J of part 54 of title 47, Code of Fed-  
10      eral Regulations, or any successor regulations; and

11              (4) the term “Rural Digital Opportunity Fund  
12      support” means support from the Rural Digital Op-  
13      portunity Fund under subpart J of part 54 of title  
14      47, Code of Federal Regulations, or any successor  
15      regulations.

16      (b) ACCELERATING BROADBAND CONNECTIVITY  
17      FUND.—There is established in the Treasury of the  
18      United States a fund to be known as the “Accelerating  
19      Broadband Connectivity Fund”.

20      (c) AVAILABILITY OF FUNDS.—The Commission may  
21      use amounts in the Accelerating Broadband Connectivity  
22      Fund to provide support to qualified carriers in accord-  
23      ance with subsection (d).

24      (d) AMOUNT AND USE OF FUNDS.—

25              (1) IN GENERAL.—

1 (A) PHASE I SUPPORT RECIPIENTS.—The  
2 Commission shall make one-time funding offers  
3 to qualified carriers that receive Rural Digital  
4 Opportunity Fund support during Phase I, and  
5 that commit to meeting the conditions under  
6 paragraph (2), to accelerate the broadband de-  
7 ployment obligations assumed by those carriers  
8 with respect to that support.

9 (B) PHASE II SUPPORT RECIPIENTS.—The  
10 Commission shall use any amounts in the Accel-  
11 erating Broadband Connectivity Fund that are  
12 not otherwise committed under subparagraph  
13 (A) to make one-time funding offers to qualified  
14 carriers that receive Rural Digital Opportunity  
15 Fund support during Phase II, and that com-  
16 mit to meeting the conditions under paragraph  
17 (2), to accelerate the broadband deployment ob-  
18 ligations assumed by those carriers with respect  
19 to that support.

20 (2) CONDITIONS.—

21 (A) IN GENERAL.—A qualified carrier that  
22 receives amounts under paragraph (1) shall—

23 (i) begin construction of the  
24 broadband network for which the amounts  
25 are awarded not later than 180 days after

1 the date on which the award under para-  
2 graph (1) is authorized;

3 (ii) begin to make broadband service  
4 available from the broadband network de-  
5 ployed using Rural Digital Opportunity  
6 Fund support not later than 1 year after  
7 the date on which the award under para-  
8 graph (1) is authorized; and

9 (iii) meet all buildout obligations from  
10 the Rural Digital Opportunity Fund sup-  
11 port not later than 3 years after the date  
12 on which the award under paragraph (1) is  
13 authorized.

14 (B) FORCE MAJEURE.—The Commission  
15 shall adopt rules under subsection (f)(1) to pro-  
16 vide for the extension of a deadline under sub-  
17 paragraph (A) of this paragraph if an event  
18 outside the control of a qualified carrier pre-  
19 vents the qualified carrier from meeting the  
20 deadline.

21 (3) AMOUNT OF AWARD.—The amount awarded  
22 to a qualified carrier under paragraph (1) shall be  
23 proportional to the amount of Rural Digital Oppor-  
24 tunity Fund support received by the qualified car-  
25 rier.

1 (e) DOCUMENTATION REQUIRED.—A qualified car-  
2 rier that receives amounts under this section shall—

3 (1) maintain appropriate documentation dem-  
4 onstrating the use of the amounts; and

5 (2) make the documentation described in para-  
6 graph (1) available upon request as prescribed by  
7 the Commission.

8 (f) EXPEDITED RULEMAKING.—

9 (1) IN GENERAL.—The Commission shall adopt  
10 rules to carry out this section as needed on an expe-  
11 dited basis.

12 (2) USE OF EXISTING RULES AUTHORIZED.—  
13 To the extent the Commission determines necessary  
14 in the public interest, the Commission may rely on  
15 the rules under part 54 of title 47, Code of Federal  
16 Regulations, and funding distribution mechanisms  
17 established under those rules in administering funds  
18 made available under this section.

19 (3) ADMINISTRATIVE PROCEDURE ACT EXEMP-  
20 TION.—The Commission shall adopt rules under  
21 paragraph (1) without regard to the notice and com-  
22 ment requirements under section 553 of title 5,  
23 United States Code.

24 (4) PAPERWORK REDUCTION ACT EXEMP-  
25 TION.—A collection of information conducted or

1 sponsored under this section shall not constitute a  
2 collection of information for the purposes of sub-  
3 chapter I of chapter 35 of title 44, United States  
4 Code (commonly referred to as the “Paperwork Re-  
5 duction Act”).

6 (g) ENFORCEMENT.—

7 (1) IN GENERAL.—The Commission shall imple-  
8 ment and enforce this section as if it were a part of  
9 the Communications Act of 1934 (47 U.S.C. 151 et  
10 seq.).

11 (2) UNLAWFUL FUNDING APPLICATION.—

12 (A) OFFENSE.—It shall be unlawful for a  
13 person to willfully, knowingly, or recklessly seek  
14 funding under this section if doing so would  
15 violate—

16 (i) this section; or

17 (ii) any rules of the Commission.

18 (B) FORFEITURES.—Any person who vio-  
19 lates subparagraph (A) shall be subject to a  
20 forfeiture in an amount of not more than 3  
21 times the amount of funds made available to  
22 the person under this section, in addition to any  
23 forfeiture authorized under section 503 of the  
24 Communications Act of 1934 (47 U.S.C. 503).

1           (3) AUDIT AND INQUIRY REQUIREMENTS.—The  
2           Commission shall adopt requirements, through the  
3           expedited rulemaking under subsection (f), to—

4                   (A) ensure that a qualified carrier that re-  
5                   ceives amounts under this section complies with  
6                   the requirements of this section; and

7                   (B) prevent waste, fraud, and abuse of the  
8                   amounts distributed under this section.

9           (h) AUTHORIZATION OF APPROPRIATIONS.—There  
10          are authorized to be appropriated to the Accelerating  
11          Broadband Connectivity Fund \$6,000,000,000 for pur-  
12          poses of this section.

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