

116TH CONGRESS
2D SESSION

S. 4201

To direct the Federal Communications Commission to take certain actions to accelerate the Rural Digital Opportunity Fund Phase I auction, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 2, 2020

Mr. PORTMAN (for himself, Mr. BROWN, Mr. BENNET, Mr. BRAUN, and Mr. JONES) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To direct the Federal Communications Commission to take certain actions to accelerate the Rural Digital Opportunity Fund Phase I auction, 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. ACCELERATION OF RURAL DIGITAL OPPOR-**
4 **TUNITY FUND PHASE I AUCTION.**

5 (a) DEFINITIONS.—In this section:

6 (1) BROADBAND INTERNET ACCESS SERVICE.—

7 The term “broadband internet access service” has
8 the meaning given the term in section 8.1(b) of title

1 47, Code of Federal Regulations (or any successor
2 regulation).

3 (2) COMMISSION.—The term “Commission”
4 means the Federal Communications Commission.

5 (3) COVERED REPORT AND ORDER.—The term
6 “covered report and order” means the Report and
7 Order in the matter of Rural Digital Opportunity
8 Fund and Connect America Fund adopted by the
9 Commission on January 30, 2020 (FCC 20–5).

10 (4) GIGABIT BROADBAND INTERNET ACCESS
11 SERVICE.—The term “gigabit broadband internet ac-
12 cess service” means broadband internet access serv-
13 ice with a downstream speed of not less than 1 gig-
14 abit per second.

15 (5) PHASE I AUCTION; PHASE II AUCTION.—
16 The terms “Phase I auction” and “Phase II auc-
17 tion” mean the Rural Digital Opportunity Fund
18 Phase I auction and the Rural Digital Opportunity
19 Fund Phase II auction, respectively, provided for in
20 the covered Report and Order.

21 (6) PHASE I SUPPORT; PHASE II SUPPORT.—
22 The terms “Phase I support” and “Phase II sup-
23 port” mean support awarded under the Phase I auc-
24 tion or Phase II auction, respectively.

25 (b) MODIFICATION OF AUCTION FRAMEWORK.—

1 (1) IN GENERAL.—The Commission shall mod-
2 ify the framework for the Phase I auction adopted
3 in the covered report and order in accordance with
4 this subsection.

5 (2) LONG-FORM APPLICATIONS.—Before the
6 Phase I auction, during a period beginning not ear-
7 lier than the date that is 30 days after the date on
8 which the Commission begins accepting short-form
9 applications and ending on September 15, 2020, the
10 Commission shall accept long-form applications from
11 applicants that are willing to commit to the schedule
12 described in paragraph (4)(C) for deployment of net-
13 works capable of providing gigabit broadband inter-
14 net access service.

15 (3) AREAS WITH ONLY ONE WILLING AND
16 QUALIFIED APPLICANT.—If the long-form applica-
17 tions accepted under paragraph (2) indicate that, for
18 any census block or census block group that, as of
19 July 31, 2020, was identified on the List of Eligible
20 Areas maintained by the Commission, there is only
21 1 qualified applicant willing to commit to provide
22 gigabit broadband internet access service in accord-
23 ance with the schedule described in paragraph
24 (4)(C), the Commission shall, not later than the ear-

1 lier of October 15, 2020, or 14 days before the start
2 of the Phase I auction—

3 (A) award to the applicant Phase I support
4 for that census block or census block group, at
5 100 percent of the reserve price (in this para-
6 graph referred to as the “award”);

7 (B) remove the census block or census
8 block group from the Phase I auction; and

9 (C) reduce the budget for—

10 (i) the Phase I auction by 50 percent
11 of the amount of the award; and

12 (ii) the Phase II auction by 50 per-
13 cent of the amount of the award.

14 (4) REQUIRED DEMONSTRATIONS AND COMMIT-
15 MENT.—The Commission shall require an applicant
16 that submits a long-form application under para-
17 graph (2), in order for the application to be consid-
18 ered complete—

19 (A) to demonstrate project readiness by
20 providing a network design for a fiber optic
21 cable or hybrid fiber optic and coaxial cable net-
22 work (which may include other technology used
23 in conjunction with the foregoing solely on an
24 ancillary basis) to be deployed to provide gig-
25 abit broadband internet access service to loca-

1 tions in each census block or census block
2 group covered by the application, except that an
3 applicant that has offered gigabit broadband
4 internet access service (despite consumer equip-
5 ment limitations) for not less than 2 years be-
6 fore the date on which the application is sub-
7 mitted shall be presumed to have demonstrated
8 project readiness;

9 (B) to demonstrate financial stability by
10 providing a letter of commitment from a bank
11 or other documentation to establish that suffi-
12 cient credit would be available to the applicant
13 if the applicant becomes a winning bidder and
14 is awarded support; and

15 (C) to commit to—

16 (i) begin construction not later than
17 180 days after the date on which the Com-
18 mission authorizes funding for the appli-
19 cant; and

20 (ii) begin to make gigabit broadband
21 internet access service available in not less
22 than 1 awarded census block not later than
23 1 year after the date on which the Com-
24 mission authorizes funding for the appli-
25 cant.

1 (5) OPPORTUNITY TO CURE DEFICIENCIES.—A
2 recipient of an award of support under paragraph
3 (3)(A) shall have a reasonable opportunity, of not
4 less than 90 days after the date on which the award
5 of support is made, to cure any deficiencies in a
6 long-form application submitted under paragraph
7 (2).

8 (6) REVOCATION OF AWARD.—

9 (A) IN GENERAL.—Subject to subpara-
10 graph (B), if a recipient of an award of support
11 under paragraph (3)(A) for a census block or
12 census block group fails to meet the deployment
13 schedule to which the recipient committed
14 under paragraph (4)(C), the Commission shall
15 revoke the award of support and include that
16 census block or census block group for competi-
17 tive bidding in the Phase II auction.

18 (B) EXTENSION.—The Commission may
19 extend the deployment schedule to which a re-
20 cipient committed under paragraph (4)(C) for
21 good cause, due to extenuating circumstances
22 outside the control of the recipient, if the Com-
23 mission finds that the recipient is making good
24 faith efforts to overcome those circumstances.

1 (7) ELIGIBLE TELECOMMUNICATIONS CARRIER
 2 DESIGNATION NOT REQUIRED.—Notwithstanding
 3 any other provision of law, the Commission shall not
 4 require any short-form or long-form applicant to be
 5 designated as an eligible telecommunications carrier
 6 under section 214(e) of the Communications Act of
 7 1934 (47 U.S.C. 214(e)) in order to receive Phase
 8 I support or Phase II support.

9 **SEC. 2. ENSURING THE FCC CREATES ACCURATE SERVICE**
 10 **MAPS.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—Title
 12 VIII of the Communications Act of 1934 (47 U.S.C. 641
 13 et seq.) is amended by adding at the end the following:

14 **“SEC. 807. AUTHORIZATION OF APPROPRIATIONS.**

15 “There is authorized to be appropriated to the Com-
 16 mission to carry out this title—

17 “(1) \$25,000,000 for fiscal year 2020; and

18 “(2) \$9,000,000 for each of fiscal years 2021
 19 through 2027.”.

20 (b) DEADLINE FOR CREATION OF MAPS.—Section
 21 802(e)(1) of the Communications Act of 1934 (47 U.S.C.
 22 642(e)(1)) is amended, in the matter preceding subpara-
 23 graph (A), by striking “create” and inserting “create, not
 24 later than October 1, 2020”.

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