

116TH CONGRESS
2D SESSION

H. R. 6456

To establish a grant program that provides grants to expand broadband service.

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 2020

Mr. WITTMAN (for himself and Mr. JOHNSON of Ohio) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a grant program that provides grants to expand broadband service.

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 “Serving Rural America
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) BROADBAND SERVICE.—The term “broad-
9 band service” has the same meaning as Broadband
10 internet access service in section 8.1(b) of the rules

1 of the Federal Communications Commission (47
2 C.F.R. 8.1(b)).

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

5 (3) ELIGIBLE BROADBAND PROJECT.—The
6 term “eligible broadband project” means a project
7 proposed by an eligible partnership to provide, to a
8 proposed service area, that is identified as unserved
9 pursuant to section 3, subsection (c)(4), a retail
10 fixed terrestrial broadband service of a capability de-
11 termined by the Commission and that meets at least
12 the minimum acceptable level for such service as es-
13 tablished by the Secretary of Agriculture pursuant
14 to section 601(e) of the Rural Electrification Act of
15 1936.

16 (4) ELIGIBLE PARTNERSHIP.—The term “eligi-
17 ble partnership” means a partnership—

18 (A) that includes—

19 (i) at least 1 political subdivision of a
20 State or a federally recognized Indian
21 Tribe (such as a city, county, wireless au-
22 thority, or planning district commission);
23 and

24 (ii) at least 1 internet service provider
25 who provides retail fixed terrestrial

1 broadband service and is unaffiliated with
2 the political subdivision of a State; and

3 (B) where the political subdivision or fed-
4 erally recognized Indian Tribe uses an open and
5 transparent process and applies criteria that
6 does not discriminate against any entity to se-
7 lect the internet service provider as a partner or
8 impose any requirement on such entity other
9 than an agreement to meet the project require-
10 ments as described in section 3(j).

11 **SEC. 3. BROADBAND GRANT PROGRAM.**

12 (a) PROGRAM ESTABLISHED.—Not later than 1 year
13 after the date of enactment of this Act, the Federal Com-
14 munications Commission shall establish a program that
15 provides grants, from amounts made available to carry out
16 this Act, to eligible partnerships for eligible broadband
17 projects.

18 (b) APPLICATIONS.—To be eligible to receive a grant
19 under subsection (a), an eligible partnership shall submit
20 an application at such time, in such manner, and con-
21 taining such information as the Commission may require,
22 including—

23 (1) a description of the eligible broadband
24 project (including the proposed broadband speed(s)
25 and proposed cost) that such eligible partnership in-

tends to undertake if awarded a grant under this Act (in this Act referred to as the “proposed broadband project”); and

(2) a description of the proposed service area to be served by the proposed broadband project (in this Act referred to as the “proposed service area”).

(c) SELECTION.—

(1) IN GENERAL.—The Commission shall award grants to eligible partnerships for eligible broadband projects on a competitively and technologically neutral basis.

(2) PRIORITY.—In awarding grants under subsection (a), the Commission shall give priority to applications for proposed broadband projects designed to provide the maximum level of broadband service in terms of peak speed, consistent speed, latency, reliability, and upgradability to the greatest proportion of households in a proposed service area.

(3) NONDISCRIMINATION.—In awarding grants under subsection (a), the Commission—

(A) shall not discriminate against eligible partnerships that have not previously received a grant under this section; and

(B) shall not require grant recipients to be designated as eligible telecommunications car-

riers pursuant to section 214 of the Communications Act of 1934.

(4) IDENTIFICATION OF UNSERVED COMMUNITIES.—

(A) IN GENERAL.—For the purpose of awarding grants under subsection (a), the Commission shall find a proposed service area to be unserved and eligible to receive a grant if—

(i) fixed terrestrial broadband service capacity, including any planned capacity or any capacity under construction in accordance with applicable deadlines imposed by a State or political subdivision, is not available within the proposed service area at 25 megabits per second downstream transmission capacity and 3 megabits per second upstream transmission capacity or greater; and

(ii) any Federal, State, or local government agency is not already providing financial support in that area to a broadband service provider (including the internet service provider applicant or any affiliate thereof) to deploy and offer

1 broadband service capacity to locations in
2 such area.

3 (B) FINDING.—In making a finding under
4 subparagraph (A), the Commission shall—

5 (i) use available data on broadband
6 coverage (including the universal service
7 funding) authorizations overseen by the
8 Commission and confer with and obtain
9 data from the Rural Utilities Service with
10 respect to existing service capacity in the
11 proposed service area;

12 (ii) review any other mapping data
13 that is relevant to service capacity valida-
14 tion, as determined by the Commission;

15 (iii) provide reasonable opportunities,
16 as described in subsection (d)(2) for input
17 and presentation of data with respect to
18 existing or already-planned service avail-
19 ability by providers and other stakeholders
20 including—

21 (I) analysis of third-party data-
22 sets;

23 (II) data collected through crowd
24 sourcing of public input regarding

1 mapping accuracy of proposed service
2 area; and

3 (III) site specific testing where
4 mapping data is contested as incor-
5 rect; and

6 (iv) post on the Commission's website
7 and publish in the Federal Register the
8 proposed service area and provide the pub-
9 lic a period of at least 45 days after Fed-
10 eral Register publication to submit com-
11 ments, including with information that the
12 Commission shall keep confidential upon
13 request of the commenting party, to the
14 Commission on the proposed service area.

15 (d) INELIGIBLE USES OF GRANT FUNDS.—The Com-
16 mission shall not award a grant, or other assistance for
17 the deployment of broadband-capable infrastructure by a
18 service provider that would be used to provide retail fixed
19 terrestrial broadband service and that would overbuild or
20 otherwise duplicate broadband-capable infrastructure that
21 another service provider is using to provide retail fixed ter-
22 restrial broadband service in that same area as identified
23 consistent with subsection (c)(4), except that any other
24 proposed area covered by the same application as the ineli-
25 gible area and that is identified as unserved consistent

1 with subsection (c)(4) shall remain eligible for a grant or
2 other such assistance.

3 (e) PUBLIC NOTICE.—The Commission shall estab-
4 lish a process through which, before the Commission
5 awards a grant to such eligible partnership, members of
6 the public and or any service provider—

7 (1) are notified that the Commission is consid-
8 ering awarding a grant to an eligible partnership for
9 a proposed broadband project;

10 (2) are notified they may participate in a chal-
11 lenge process to address claims about the eligibility
12 of the area for a grant based upon existing or al-
13 ready-planned provision of retail fixed terrestrial
14 broadband services; and

15 (3) have an opportunity to inform the Commis-
16 sion that such proposed broadband project would du-
17 plicate existing broadband service in the proposed
18 project area.

19 (f) BROADBAND BUILD-OUT DATA AND REPORT-
20 ING.—

21 (1) IN GENERAL.—The Commission shall estab-
22 lish broadband build-out, reporting, and account-
23 ability requirements.

24 (2) BUILD-OUT DATA.—Any eligible partnership
25 that receives a grant under this Act shall provide to

1 the Commission complete, reliable, and precise infor-
2 mation in a format specified by the Commission that
3 indicates the location of new broadband service the
4 eligible partnership is providing through the eligible
5 broadband project.

6 (3) DATE.—The information described in sub-
7 section (f)(2) shall be provided to the Commission
8 not later than 90 days after the earlier of—

9 (A) the date of completion of any eligible
10 broadband project milestones established by the
11 Commission; or

12 (B) the date of completion of the eligible
13 broadband project.

14 (g) FEDERAL CONTRIBUTION.—The amount of any
15 grant provided to an eligible partnership under this Act
16 may not exceed 75 percent of the total proposed cost of
17 the eligible broadband project.

18 (h) TECHNICAL ASSISTANCE.—

19 (1) IN GENERAL.—The Commission may pro-
20 vide technical assistance and training to any eligible
21 partnership applying for a grant under this Act.

22 (2) FUNDING.—Not more than 5 percent of
23 amounts appropriated to carry out this Act for a fis-
24 cal year may be used for technical assistance and
25 training.

1 (3) COORDINATION.—When providing technical
2 assistance and training to an eligible partnership,
3 the Commission shall coordinate with any State offi-
4 cial responsible for broadband expansion in the State
5 containing the proposed service area.

6 (i) RELATION TO OTHER FEDERAL BROADBAND
7 PROGRAMS.—

8 (1) UNIVERSAL SERVICE FUND.—The Commis-
9 sion shall coordinate to ensure that any grants made
10 under this Act complement and do not conflict with
11 the high-cost universal service support provided
12 under section 254 of the Communications Act of
13 1934 (47 U.S.C. 254).

14 (2) RURAL UTILITIES SERVICE.—The Commis-
15 sion shall coordinate with the Secretary of Agri-
16 culture to ensure that any grants made under this
17 Act complement and do not conflict with loans and
18 grants provided by the Department of Agriculture
19 under title VI of the Rural Electrification Act of
20 1936 (7 U.S.C. 950bb et seq.), including the Broad-
21 band Grants, Loans, and Loan Guarantees program
22 and the Community Connect Programs, and the Re-
23 Connect Program.

1 (j) PROJECT REQUIREMENTS.—Any project funded
2 through the program shall meet the following require-
3 ments:

4 (1) The project shall offer broadband service
5 with a download speed of at least 100 megabits per
6 second, an upload speed of at least 20 megabits per
7 second, and a latency sufficient to real time applica-
8 tions.

9 (2) For any project that involves underground
10 fiber-optic cable along a roadway, the project shall
11 include consistent conduit access points, as defined
12 by the Commission.

13 (3) The project shall incorporate best manage-
14 ment practices, as defined by the Commission, for
15 buildout and maintenance.

16 (4) The network shall be capable of, and the
17 provider shall offer to any broadband customer in
18 the proposed service area, fixed terrestrial voice serv-
19 ice that includes the ability to dial 911 without a
20 mandate for the user to subscribe to broadband as
21 well.

22 (k) EXCEPTIONS.—The Commission shall grant an
23 exception to project broadband speed requirements in sec-
24 tion 3(j) as deemed necessary to allow participation by eli-
25 gible partnerships in Alaska.

1 (l) DATES AND RULEMAKING.—

2 (1) RULEMAKING.—Not later than 120 days
3 after the enactment of the “Serving Rural America
4 Act”, the Commission shall announce a Notice of
5 Proposed Rulemaking in the Federal Register, that
6 establishes—

7 (A) requirements of this section, in addi-
8 tion to requirements of subsections (a), (b), (c),
9 (d), (e), (f), (g), (h), (i) and (j);

10 (B) notice requirements for which entities
11 have applied to bid for funding;

12 (C) the results of the grant program, in-
13 cluding identifying funding recipients, the serv-
14 ice area the project will service, the type of
15 service the recipient will provide, and the
16 amount of funding the recipient will receive;

17 (D) broadband buildout milestones; and

18 (E) annual certification from award recipi-
19 ents that identifies speed of service provided in
20 each service area of a project to ensure compli-
21 ance with the broadband buildout milestones es-
22 tablished under subparagraph (D).

23 (2) FUNDING OPPORTUNITY ANNOUNCE-
24 MENT.—Not later than 1 year after the enactment
25 of this Act, the Commission shall announce a Fund-

1 ing Opportunity Announcement in the Federal Reg-
2 ister.

3 **SEC. 4. INFORMATION SHARING.**

4 (a) INFORMATION SHARING WITH FEDERAL COMMU-
5 NICATIONS COMMISSION AND RURAL UTILITIES SERV-
6 ICE.—The Commission shall share with the Rural Utilities
7 Service information received pursuant to subsections
8 (f)(2) and (k)(1)(E).

9 (b) NATIONAL BROADBAND MAP.—The Commission
10 shall incorporate build-out data received pursuant to sub-
11 sections (f)(2) and (k)(1)(E) into the National Broadband
12 Map.

13 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated to carry out
15 this Act \$100,000,000 for each of the first 5 fiscal years
16 after the date of enactment of this Act.

17 **SEC. 6. FCC REPORT TO CONGRESS.**

18 FCC shall report to Congress annually on the
19 progress of the program based on broadband build-out
20 data provided by grant participants and data as reflected
21 by the National Broadband Map.

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