

116TH CONGRESS
2D SESSION

H. R. 7447

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 HOUSE OF REPRESENTATIVES

JULY 1, 2020

Mr. CLYBURN (for himself, Mr. UPTON, Ms. KELLY of Illinois, Mrs. HAYES, Mr. SUOZZI, Mr. COX of California, Mrs. BUSTOS, Mr. REED, Mr. BALDERSON, Mr. THOMPSON of Mississippi, Mr. RICE of South Carolina, Mr. DUNCAN, Mr. NORMAN, Ms. SPANBERGER, Mr. TRONE, Mr. WILSON of South Carolina, Mr. PALAZZO, Mr. WRIGHT, and Mr. GOTTHEIMER) introduced the following bill; which was referred to the Committee on Energy and Commerce

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) IN GENERAL.—With respect to the Rural Digital
6 Opportunity Fund Phase I auction (in this section re-
7 ferred to as the “auction”) provided for in the Report and

1 Order in the matter of Rural Digital Opportunity Fund
2 and Connect America Fund adopted by the Commission
3 on January 30, 2020 (FCC 20–5), the Commission shall
4 modify the framework for the auction adopted in such Re-
5 port and Order as follows:

6 (1) The Commission shall accept long-form ap-
7 plications before the auction, during the period that
8 begins not earlier than the date that is 30 days after
9 the date on which the Commission begins accepting
10 short-form applications and ends on September 15,
11 2020, from such applicants as are willing to commit
12 to the schedule described in paragraph (3)(C) for de-
13 ployment of networks capable of providing gigabit
14 broadband internet access service.

15 (2) If the long-form applications accepted pur-
16 suant to paragraph (1) indicate that, for any census
17 block or census block group that, as of July 31,
18 2020, was identified on the List of Eligible Areas
19 maintained by the Commission, there is only 1 quali-
20 fied applicant willing to commit to provide gigabit
21 broadband internet access service pursuant to the
22 schedule described in paragraph (3)(C), the Commis-
23 sion shall, not later than the earlier of October 15,
24 2020, or 14 days before the start of the auction—

1 (A) award to such applicant Rural Digital
2 Opportunity Fund Phase I support for such
3 census block or census block group, at 100 per-
4 cent of the reserve price (in this paragraph re-
5 ferred to as the “award”);

6 (B) remove such census block or census
7 block group from the auction; and

8 (C) reduce the budget for the auction by
9 50 percent of the amount of the award and re-
10 duce the budget for the Rural Digital Oppor-
11 tunity Fund Phase II auction provided for in
12 such Report and Order by 50 percent of the
13 amount of the award.

14 (3) The Commission shall require an applicant
15 submitting a long-form application pursuant to para-
16 graph (1), in order for such application to be consid-
17 ered complete—

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

1 group covered by the application, except that an
2 applicant that has offered gigabit broadband
3 internet access service (despite consumer equip-
4 ment limitations) for at least 2 years before the
5 date on which the application is submitted shall
6 be presumed to have demonstrated project read-
7 iness;

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

14 (C) to commit to—

15 (i) begin construction not later than 6
16 months following funding authorization;
17 and

18 (ii) begin to make service available in
19 at least one awarded census block not later
20 than 1 year following funding authoriza-
21 tion.

22 (4) A recipient of an award of support under
23 paragraph (2)(A) shall have a reasonable oppor-
24 tunity, of not less than 90 days after the date on
25 which such award of support is made, to cure any

1 deficiencies in a long-form application submitted
2 pursuant to paragraph (1).

3 (5) If a recipient of an award of support under
4 paragraph (2)(A) for a census block or census block
5 group fails to meet the deployment schedule to
6 which the recipient committed under paragraph
7 (3)(C), the Commission shall revoke such award of
8 support and include such census block or census
9 block group for competitive bidding in the Rural
10 Digital Opportunity Fund Phase II auction provided
11 for in such Report and Order, unless such deploy-
12 ment schedule is extended by the Commission for
13 good cause, due to extenuating circumstances out-
14 side the control of the recipient and the Commission
15 finds that the recipient is making good faith efforts
16 to overcome such circumstances.

17 (6) Notwithstanding any other provision of law,
18 the Commission shall not require any short-form or
19 long-form applicant to be designated as an eligible
20 telecommunications carrier under section 214(e) of
21 the Communications Act of 1934 (47 U.S.C. 214(e))
22 in order to receive Rural Digital Opportunity Fund
23 Phase I or Phase II support.

24 (b) DEFINITIONS.—In this section:

1 (1) BROADBAND INTERNET ACCESS SERVICE.—

2 The term “broadband internet access service” has
3 the meaning given such term in section 8.1(b) of
4 title 47, Code of Federal Regulations (or any suc-
5 cessor regulation).

6 (2) COMMISSION.—The term “Commission”
7 means the Federal Communications Commission.

8 (3) GIGABIT BROADBAND INTERNET ACCESS
9 SERVICE.—The term “gigabit broadband internet ac-
10 cess service” means broadband internet access serv-
11 ice with a downstream speed of at least 1 gigabit per
12 second.

13 **SEC. 2. ENSURING THE FCC CREATES ACCURATE SERVICE**
14 **MAPS.**

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

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

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

21 “(1) \$25,000,000 for fiscal year 2020; and

22 “(2) \$9,000,000 for each of the fiscal years
23 2021 through 2027.”.

24 (b) DEADLINE FOR CREATION OF MAPS.—Section
25 802(c)(1) of the Communications Act of 1934 (47 U.S.C.

- 1 642(c)(1)) is amended by striking “create” and inserting
- 2 “create, not later than October 1, 2020”.

