

116TH CONGRESS
1ST SESSION

S. 2018

To provide Federal matching funding for State-level broadband programs.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2019

Ms. COLLINS (for herself and Mr. JONES) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide Federal matching funding for State-level
broadband programs.

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 “American Broadband
5 Buildout Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) BROADBAND INTERNET ACCESS SERVICE.—

9 The term “broadband internet access service”—

(A) means mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service; and

(B) includes any service that the Commission finds to be providing a functional equivalent of the service described in subparagraph (A) or that is used to evade the protections set forth in part 8 of title 47, Code of Federal Regulations, or any successor thereto.

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

(3) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State; or

(B) an entity authorized by a State to spend funds for a purpose described in section 3 or 4.

(4) LAST-MILE INFRASTRUCTURE.—The term “last-mile infrastructure” means infrastructure the predominant purpose of which is to provide

1 broadband internet access service to end users or
2 end user devices, including households, businesses,
3 community anchor institutions, public safety entities,
4 and critical community facilities.

5 (5) OVERBUILDING.—The term “overbuilding”
6 means deploying broadband infrastructure in an
7 area that, prior to the deployment, already had—

8 (A) facilities capable of providing
9 broadband internet access service at a speed of
10 not less than 25 megabits per second for
11 downloads and 3 megabits per second for
12 uploads; or

13 (B) broadband infrastructure that was
14 built using funds from a Federal or State pro-
15 gram that were provided for the express pur-
16 pose of deploying broadband infrastructure.

17 (6) QUALIFYING PROJECT.—The term “quali-
18 fying project” means a project—

19 (A) to construct last-mile infrastructure
20 that will provide broadband internet access
21 service at a speed of not less than 25 megabits
22 per second for downloads and 10 megabits per
23 second for uploads in an unserved area, without
24 engaging in overbuilding; and

1 (B) that is funded by a public-private part-
 2 nership in which—

3 (i) the State in which the project is lo-
 4 cated provides a portion of the funds; and

5 (ii) the private company that will pro-
 6 vide broadband internet access service to
 7 customers connected to the last-mile infra-
 8 structure provides not less than 25 percent
 9 of the funds.

10 (7) STATE.—The term “State” has the mean-
 11 ing given the term in section 3 of the Communica-
 12 tions Act of 1934 (47 U.S.C. 153).

13 (8) UNSERVED AREA.—The term “unserved
 14 area” means a census block in which broadband
 15 internet access service at a speed of not less than 25
 16 megabits per second for downloads and 3 megabits
 17 per second for uploads is not available.

18 **SEC. 3. LAST-MILE BROADBAND INFRASTRUCTURE.**

19 (a) IN GENERAL.—The Commission shall award
 20 grants to eligible entities for qualifying projects.

21 (b) PRIORITIZATION.—

22 (1) IN GENERAL.—Subject to paragraph (2), if
 23 amounts made available to carry out this section are
 24 insufficient to finance all qualifying projects for
 25 which the Commission receives an application for

1 funding under this section, the Commission shall
 2 give priority to qualifying projects in States in
 3 which, according to figure 32 in the report of the
 4 Commission entitled “Internet Access Services: Sta-
 5 tus as of June 30, 2017”, published in November
 6 2018—

7 (A) fewer than 68 percent of households
 8 subscribed to fixed terrestrial broadband inter-
 9 net access service with a speed of not less
 10 than—

11 (i) 10 megabits per second for
 12 downloads; and

13 (ii) 1 megabit per second for uploads;
 14 and

15 (B) fewer than 40.5 percent of households
 16 subscribed to fixed terrestrial broadband inter-
 17 net access service with a speed of not less
 18 than—

19 (i) 25 megabits per second for
 20 downloads; and

21 (ii) 3 megabits per second for uploads.

22 (2) HIGH-COST, GEOGRAPHICALLY CHAL-
 23 LENGED AREAS.—The Commission shall ensure that
 24 not less than 15 percent of the amounts awarded
 25 under paragraph (1) are used in areas that are high-

1 cost and geographically challenged, as determined by
2 the Commission.

3 **SEC. 4. PUBLIC AWARENESS CAMPAIGNS; DIGITAL LIT-**
4 **ERACY PROGRAMS.**

5 The Commission shall award grants to eligible enti-
6 ties—

7 (1) to carry out public awareness campaigns de-
8 signed to highlight the value and benefits of
9 broadband internet access service, in order to in-
10 crease the adoption of broadband internet access
11 service; and

12 (2) to support digital literacy programs in areas
13 in which a qualifying project that receives funding
14 under section 3 is located.

15 **SEC. 5. FEDERAL SHARE.**

16 (a) IN GENERAL.—The Federal share of the cost of
17 a project, campaign, or program that receives funding
18 under this Act shall be not more than 50 percent.

19 (b) NON-FEDERAL SHARE.—A State may use
20 amounts received from the Secretary of Housing and
21 Urban Development under the community development
22 block grant program under title I of the Housing and
23 Community Development Act of 1974 (42 U.S.C. 5301 et
24 seq.), amounts received from the Appalachian Regional
25 Commission established under section 14301(a) of title

1 40, United States Code, or amounts received from the
 2 Northern Border Regional Commission established under
 3 section 15301(a)(3) of title 40, United States Code, for
 4 the non-Federal share of the cost of a project, campaign,
 5 or program that receives funding under this Act.

6 **SEC. 6. TRANSPARENCY AND ACCOUNTABILITY.**

7 (a) LAST-MILE BROADBAND INFRASTRUCTURE
 8 GRANTS.—For grants awarded under section 3, the Com-
 9 mission shall establish transparency and accountability
 10 rules under which—

11 (1) after receiving an application for a grant to
 12 carry out a qualifying project in an area, the Com-
 13 mission shall determine whether the area is served
 14 or unserved using accurate and granular information
 15 regarding the availability of broadband internet ac-
 16 cess service at the sub-census block level;

17 (2) the Commission shall—

18 (A) permit a person or entity to challenge
 19 an initial determination of the Commission
 20 under paragraph (1); and

21 (B) provide a period of not less than 45
 22 days, after the Commission makes an initial de-
 23 termination under paragraph (1) with respect
 24 to an area, during which a provider of
 25 broadband internet access service may volun-

1 tarily submit information concerning the
2 broadband internet access service that the pro-
3 vider offers in the area;

4 (3) the Commission shall provide the public
5 with notice of—

6 (A) an initial determination with respect to
7 an area under paragraph (1);

8 (B) the final determination of whether an
9 area is served or unserved after the process for
10 challenging the initial determination, as de-
11 scribed in paragraph (2), has concluded;

12 (C) the entities that have applied for a
13 grant; and

14 (D) the results of any decision regarding a
15 grant application, including by identifying—

16 (i) each eligible entity that was award-
17 ed a grant;

18 (ii) the areas that each grantee will
19 serve using the grant funds;

20 (iii) the nature of the service that
21 each grantee will provide in each area de-
22 scribed in clause (ii); and

23 (iv) the amount that the Commission
24 has authorized each grantee to use to carry

1 out a qualifying project in each unserved
2 area; and

3 (4) the Commission shall establish—

4 (A) broadband buildout milestones and
5 periodic certifications that a grantee must sub-
6 mit to demonstrate compliance with the
7 broadband buildout milestones;

8 (B) a maximum buildout timeframe of 6
9 years from the date on which the Commission
10 first awards a grant to an eligible entity;

11 (C) periodic reporting requirements for
12 grantees that identify—

13 (i) the nature of the service provided
14 in each unserved area; and

15 (ii) the latitude and longitude coordi-
16 nates of each location to which the grantee
17 has provided broadband service in each
18 census block;

19 (D) penalties for noncompliance with—

20 (i) the broadband buildout milestones
21 under subparagraph (A);

22 (ii) the certification requirements
23 under subparagraph (A); and

24 (iii) the reporting requirements under
25 subparagraph (C);

(E) procedures through which the Commission may recover grant funds, in whole or in part, from a grantee if the grantee defaults or does not comply with the requirements under this Act; and

(F) any additional methods or reporting necessary to reduce waste, fraud, and abuse within the grant program.

(b) PUBLIC AWARENESS AND DIGITAL LITERACY GRANTS.—For grants awarded under section 4, the Commission shall establish transparency and accountability rules that—

(1) require the Commission to provide the public with notice of—

(A) the entities that have applied for a grant; and

(B) the results of any decision regarding a grant application, including by—

(i) identifying each eligible entity that was awarded a grant;

(ii) identifying the areas that each grantee will serve using the grant funds;

(iii) providing a summary of the projects that each grantee will carry out in each area described in clause (ii); and

1 (iv) the amount that the Commission
2 has authorized a grantee to use to carry
3 out a public awareness campaign or sup-
4 port digital literacy programs in each area
5 described in clause (ii); and

6 (2) establish—

7 (A) project milestones and periodic certifi-
8 cations that a grantee must submit to dem-
9 onstrate compliance with the project milestones;

10 (B) a maximum project completion time-
11 frame of 6 years from the date on which the
12 Commission first awards a grant to an eligible
13 entity;

14 (C) periodic reporting requirements for
15 grantees to demonstrate progress in meeting
16 the project milestones under subparagraph (A);

17 (D) penalties for noncompliance with—

18 (i) the project milestones under sub-
19 paragraph (A);

20 (ii) the certification requirements
21 under subparagraph (A); and

22 (iii) the reporting requirements under
23 subparagraph (C);

24 (E) procedures through which the Commis-
25 sion may recover grant funds, in whole or in

1 part, from a grantee if the grantee defaults or
2 does not comply with the requirements under
3 this Act; and

4 (F) any additional methods or reporting
5 necessary to reduce waste, fraud, and abuse
6 within the grant program.

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to the Com-
9 mission to carry out this Act for fiscal year 2019,
10 \$5,000,000,000, to remain available until expended.

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