

(May 20, 1936, ch. 432, title VI, § 604, as added Pub. L. 115–334, title VI, § 6204, Dec. 20, 2018, 132 Stat. 4737.)

§ 950bb–4. Outdated broadband systems

(a) In general

Except as provided in subsection (b), the Secretary shall consider any portion of a service territory that is subject to an outstanding grant agreement between the Secretary and a broadband provider to be unserved for the purposes of all broadband assistance programs under this chapter, if the broadband service in that portion of a service territory is less than 10 Mbps downstream transmission capacity or less than 1 Mbps upstream transmission capacity.

(b) Exception

The Secretary shall not consider a portion of a service territory described in subsection (a) to be unserved if the broadband service provider has constructed or begun to construct broadband facilities that meet the minimum acceptable level of service established under section 950bb(e) of this title, in that portion of the service territory.

(May 20, 1936, ch. 432, title VI, § 605, as added Pub. L. 115–334, title VI, § 6205(a), Dec. 20, 2018, 132 Stat. 4739.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 115–334, title VI, § 6205(b), Dec. 20, 2018, 132 Stat. 4739, provided that: “The amendment made by this section [enacting this section] shall not take effect until October 1, 2020.”

§ 950bb–5. Default and deobligation; deferral

(a) Default and deobligation

In addition to other authority under applicable law, the Secretary shall establish written procedures for all broadband programs so that, to the maximum extent practicable, the programs are administered to—

- (1) recover funds from loan and grant defaults;
- (2) deobligate any awards, less allowable costs that demonstrate an insufficient level of performance (including metrics determined by the Secretary) or fraudulent spending, to the extent funds with respect to the award are available in the account relating to the program established by this subchapter;
- (3) award those funds, on a competitive basis, to new or existing applicants consistent with this subchapter; and
- (4) minimize overlap among the programs.

(b) Deferral period

In determining the terms and conditions of assistance provided under this subchapter, the Secretary may establish a deferral period of not shorter than the buildout period established for the project involved in order to support the financial feasibility and long-term sustainability of the project.

(May 20, 1936, ch. 432, title VI, § 606, as added Pub. L. 115–334, title VI, § 6206, Dec. 20, 2018, 132 Stat. 4739.)

§ 950bb–6. Federal broadband program coordination

(a) Consultation between USDA and NTIA

The Secretary shall consult with the Assistant Secretary to assist in the verification of eligibility of the broadband loan and grant programs of the Department of Agriculture. In providing assistance under the preceding sentence, the Assistant Secretary shall make available the broadband assessment and mapping capabilities of the National Telecommunications and Information Administration.

(b) Consultation between USDA and FCC

(1) By USDA

The Secretary shall consult with the Commission before providing broadband assistance for a project to serve an area with respect to which another entity is receiving Connect America Fund or Mobility Fund support under the Federal universal service support mechanisms established under section 254 of title 47.

(2) By FCC

The Commission shall consult with the Secretary before offering or providing Connect America Fund or Mobility Fund support under the Federal universal service support mechanisms established under section 254 of title 47 to serve an area with respect to which another entity has received broadband assistance under a loan or grant program of the Department of Agriculture.

(c) Report to Congress

Not later than 1 year after December 20, 2018, the Secretary, the Commission, and the Assistant Secretary shall submit to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate a report on how best to coordinate federally supported broadband programs and activities in order to achieve the following objectives:

- (1) Promote high-quality broadband service that meets the long-term needs of rural residents and businesses, by evaluating the broadband service needs in rural areas for each decade through 2050.
- (2) Support the long-term viability, sustainability, and utility of federally supported rural broadband infrastructure, by analyzing the technical capabilities of the technologies currently available and reasonably expected to be available by 2035 to meet the broadband service needs of rural residents identified under paragraph (1), including by analyzing the following:
 - (A) The real-world performance of such technologies, including data rates, latency, data usage restrictions, and other aspects of service quality, as defined by the Commission.
 - (B) The suitability of each such technology for residential, agricultural, educational, healthcare, commercial, and industrial purposes in rural areas.
 - (C) The cost to deploy and support such technologies in several rural geographies.

(D) The costs associated with online platforms, specifically the resulting constraints on rural network bandwidth.

(3) Identify and quantify the availability of broadband service and ongoing broadband deployment in rural areas, including ways to do the following:

(A) Harmonize broadband notification and reporting requirements and develop common verification procedures across all federally supported broadband programs.

(B) Consolidate and utilize the existing broadband service data.

(C) Collect and share data on those projects in rural areas where Federal programs are currently supporting broadband deployment, including areas with respect to which an entity is receiving—

(i) support under a broadband assistance program of the Department of Agriculture; or

(ii) Connect America Fund or Mobility Fund support under the Federal universal service support mechanisms established under section 254 of title 47.

(D) Leverage support technologies and services from online platforms for providers of broadband service in rural areas.

(d) Definitions

In this section:

(1) Assistant Secretary

The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(2) Commission

The term “Commission” means the Federal Communications Commission.

(3) Rural area

The term “rural area” has the meaning given the term in section 950bb(b)(3) of this title.

(Pub. L. 115-334, title VI, § 6212, Dec. 20, 2018, 132 Stat. 4744.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Agriculture Improvement Act of 2018, and not as part of the Rural Electrification Act of 1936 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

“Secretary” means the Secretary of Agriculture, see section 2 of Pub. L. 115-334, set out as a note under section 9001 of this title.

SUBCHAPTER VII—GENERAL AND ADMINISTRATIVE PROVISIONS

§ 950cc. Public notice, assessments, and reporting requirements

(a) Notice requirements

The Secretary shall promptly make available to the public,¹ a fully searchable database on

the website of the Rural Utilities Service that contains information on all retail broadband projects provided assistance or for which assistance is sought that are administered by the Secretary, including, at a minimum—

(1) notice of each application for assistance describing the application, including—

(A) the identity of the applicant;

(B) a description of each application, including—

(i) a map of the proposed service area of the applicant; and

(ii) the amount and type of support requested by each applicant;

(C) the status of each application; and

(D) the estimated number and proportion of service points in the proposed service territory without fixed broadband service, whether terrestrial or wireless;

(2) notice of each entity receiving assistance administered by the Secretary, including—

(A) the name of the entity;

(B) the type of assistance being received;

(C) the purpose for which the entity is receiving the assistance; and

(D) each annual report submitted under subsection (c) (redacted to protect any proprietary information in the report); and

(3) such other information as is sufficient to allow the public to understand assistance provided.

(b) Service area assessment

(1) In general

The Secretary shall, with respect to a retail broadband application for assistance, which is outside an area in which the applicant receives Federal universal service support—

(A) after giving notice required by subsection (a)(1), afford service providers not less than 45 days to voluntarily submit information required by the Secretary onto the agency’s online mapping tool with respect to areas that are coterminous with the proposed service area of the application (or any parts thereof), such that the Secretary may assess whether the application submitted meets the eligibility requirements under this subchapter; and

(B) if no broadband service provider submits information under paragraph (1), consider the number of providers in the proposed service area to be established by using any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts.

(2) Assessment of unserved communities

In the case of an application given the highest priority under section 950bb(c)(2)(A)(i) of this title, the Secretary shall confirm that each unserved rural community identified in the application is eligible for funding by—

(A) conferring with, and obtaining data from, the Chair of the Federal Communications Commission and the Administrator of the National Telecommunications and Information Administration with respect to the service level in the service area proposed in the application;

¹ So in original. The comma probably should not appear.