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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. WITTMAN introduced the following bill; which was referred to the Committee on _____

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
9 “broadband service” has the same meaning as

1 Broadband Internet access service in section 8.1(b)
2 of the rules of the Federal Communications Commis-
3 sion (47 C.F.R. 8.1(b)).

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

6 (3) ELIGIBLE BROADBAND PROJECT.—The
7 term “eligible broadband project” means a project
8 proposed by an eligible partnership to provide, to a
9 proposed service area, that is identified as unserved
10 pursuant to section 3, subsection (c)(4), a retail
11 fixed terrestrial broadband service of a capability de-
12 termined by the Commission and that meets at least
13 the minimum acceptable level for such service as es-
14 tablished by the Secretary of Agriculture pursuant
15 to section 601(e) of the Rural Electrification Act of
16 1936.

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

19 (A) that includes—

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

1 (ii) at least 1 Internet service provider
2 who provides retail fixed terrestrial
3 broadband service and is unaffiliated with
4 the political subdivision of a State; and

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

13 **SEC. 3. BROADBAND GRANT PROGRAM.**

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

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

1 (1) a description of the eligible broadband
2 project (including the proposed broadband speed(s)
3 and proposed cost) that such eligible partnership in-
4 tends to undertake if awarded a grant under this
5 Act (in this Act referred to as the “proposed
6 broadband project”); and

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

10 (c) SELECTION.—

11 (1) IN GENERAL.—The Commission shall award
12 grants to eligible partnerships for eligible broadband
13 projects on a competitively and technologically neu-
14 tral basis.

15 (2) PRIORITY.—In awarding grants under sub-
16 section (a), the Commission shall give priority to ap-
17 plications for proposed broadband projects designed
18 to provide the maximum level of broadband service
19 in terms of peak speed, consistent speed, latency, re-
20 liability, and upgradability to the greatest proportion
21 of households in a proposed service area.

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

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

4 (B) shall not require grant recipients to be
5 designated as eligible telecommunications car-
6 riers pursuant to section 214 of the Commu-
7 nications Act of 1934.

8 (4) IDENTIFICATION OF UNSERVED COMMU-
9 NITIES.—

10 (A) IN GENERAL.—For the purpose of
11 awarding grants under subsection (a), the Com-
12 mission shall find a proposed service area to be
13 unserved and eligible to receive a grant if—

14 (i) fixed terrestrial broadband service
15 capacity, including any planned capacity or
16 any capacity under construction in accord-
17 ance with applicable deadlines imposed by
18 a State or political subdivision, is not
19 available within the proposed service area
20 at 25 megabits per second downstream
21 transmission capacity and 3 megabits per
22 second upstream transmission capacity or
23 greater; and

24 (ii) any Federal, State, or local gov-
25 ernment agency is not already providing fi-

1 nancial support in that area to a
2 broadband service provider (including the
3 internet service provider applicant or any
4 affiliate thereof) to deploy and offer
5 broadband service capacity to locations in
6 such area.

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

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

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

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

1 (I) analysis of third-party
2 datasets;

3 (II) data collected through crowd
4 sourcing of public input regarding
5 mapping accuracy of proposed service
6 area; and

7 (III) site specific testing where
8 mapping data is contested as incor-
9 rect; and

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

19 (d) INELIGIBLE USES OF GRANT FUNDS.—The Com-
20 mission shall not award a grant, or other assistance for
21 the deployment of broadband-capable infrastructure by a
22 service provider that would be used to provide retail fixed
23 terrestrial broadband service and that would overbuild or
24 otherwise duplicate broadband-capable infrastructure that
25 another service provider is using to provide retail fixed ter-

1 terrestrial broadband service in that same area as identified
2 consistent with subsection (c)(4), except that any other
3 proposed area covered by the same application as the ineli-
4 gible area and that is identified as unserved consistent
5 with subsection (c)(4) shall remain eligible for a grant or
6 other such assistance.

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

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

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

19 (3) have an opportunity to inform the Commis-
20 sion that such proposed broadband project would du-
21 plicate existing broadband service in the proposed
22 project area.

23 (f) BROADBAND BUILD-OUT DATA AND REPORT-
24 ING.—

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

4 (2) BUILD-OUT DATA.—Any eligible partnership
5 that receives a grant under this Act shall provide to
6 the Commission complete, reliable, and precise infor-
7 mation in a format specified by the Commission that
8 indicates the location of new broadband service the
9 eligible partnership is providing through the eligible
10 broadband project.

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

14 (A) the date of completion of any eligible
15 broadband project milestones established by the
16 Commission; or

17 (B) the date of completion of the eligible
18 broadband project.

19 (g) FEDERAL CONTRIBUTION.—The amount of any
20 grant provided to an eligible partnership under this Act
21 may not exceed 75 percent of the total proposed cost of
22 the eligible broadband project.

23 (h) TECHNICAL ASSISTANCE.—

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

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

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

13 (i) RELATION TO OTHER FEDERAL BROADBAND
14 PROGRAMS.—

15 (1) UNIVERSAL SERVICE FUND.—The Commis-
16 sion shall coordinate to ensure that any grants made
17 under this Act complement and do not conflict with
18 the high-cost universal service support provided
19 under section 254 of the Communications Act of
20 1934 (47 U.S.C. 254).

21 (2) RURAL UTILITIES SERVICE.—The Commis-
22 sion shall coordinate with the Secretary of Agri-
23 culture to ensure that any grants made under this
24 Act complement and do not conflict with loans and
25 grants provided by the Department of Agriculture

1 under title VI of the Rural Electrification Act of
2 1936 (7 U.S.C. 950bb et seq.), including the
3 Broadband Grants, Loans, and Loan Guarantees
4 program and the Community Connect Programs,
5 and the ReConnect Program.

6 (j) PROJECT REQUIREMENTS.—Any project funded
7 through the program shall meet the following require-
8 ments:

9 (1) The project shall offer broadband service
10 with a download speed of at least 100 megabits per
11 second, an upload speed of at least 20 megabits per
12 second, and a latency sufficient to real time applica-
13 tions.

14 (2) For any project that involves underground
15 fiber-optic cable along a roadway, the project shall
16 include consistent conduit access points, as defined
17 by the Commission.

18 (3) The project shall incorporate best manage-
19 ment practices, as defined by the Commission, for
20 buildout and maintenance.

21 (4) The network shall be capable of, and the
22 provider shall offer to any broadband customer in
23 the proposed service area, fixed terrestrial voice serv-
24 ice that includes the ability to dial 911 without a

1 mandate for the user to subscribe to broadband as
2 well.

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

7 (l) DATES AND RULEMAKING.—

8 (1) RULEMAKING.—Not later than 120 days
9 after the enactment of the “Serving Rural America
10 Act”, the Commission shall announce a Notice of
11 Proposed Rule Making in the Federal Register, that
12 establishes—

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

16 (B) notice requirements for which entities
17 have applied to bid for funding;

18 (C) the results of the grant program, in-
19 cluding identifying funding recipients, the serv-
20 ice area the project will service, the type of
21 service the recipient will provide, and the
22 amount of funding the recipient will receive;

23 (D) broadband buildout milestones; and

24 (E) annual certification from award recipi-
25 ents that identifies speed of service provided in

1 each service area of a project to ensure compli-
2 ance with the broadband buildout milestones es-
3 tablished under subparagraph (D).

4 (2) FUNDING OPPORTUNITY ANNOUNCE-
5 MENT.—Not later than 1 year after the enactment
6 of this Act, the Commission shall announce a Fund-
7 ing Opportunity Announcement in the Federal Reg-
8 ister.

9 **SEC. 4. INFORMATION SHARING.**

10 (a) INFORMATION SHARING WITH FEDERAL COMMU-
11 NICATIONS COMMISSION AND RURAL UTILITIES SERV-
12 ICE.—The Commission shall share with the Rural Utilities
13 Service information received pursuant to subsections
14 (f)(2) and (k)(1)(E).

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

19 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

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

24 FCC shall report to Congress annually on the
25 progress of the program based on broadband buildout data

- 1 provided by grant participants and data as reflected by
- 2 the National Broadband Map.