

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To provide funds to assess the availability, accelerate the deployment, and improve the sustainability of advanced communications services and communications infrastructure in rural America, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. THUNE (for himself, Ms. HASSAN, Mr. MORAN, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To provide funds to assess the availability, accelerate the deployment, and improve the sustainability of advanced communications services and communications infrastructure in rural America, 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. SHORT TITLE.**

4 This Act may be cited as the “Rural Connectivity Ad-  
5 vancement Program Act of 2021”.

1 **SEC. 2. DEPOSIT OF SPECTRUM AUCTION PROCEEDS IN**  
2 **RURAL BROADBAND ASSESSMENT AND DE-**  
3 **PLOYMENT FUND.**

4 Section 309(j)(8) of the Communications Act of 1934  
5 (47 U.S.C. 309(j)(8)) is amended—

6 (1) in subparagraph (A), by striking “and (G)”  
7 and inserting “(G), and (H)”; and

8 (2) by adding at the end the following:

9 “(H) CERTAIN PROCEEDS DESIGNATED  
10 FOR RURAL BROADBAND ASSESSMENT AND DE-  
11 PLOYMENT FUND.—

12 “(i) ASSESSMENT AND DEPLOYMENT  
13 SET-ASIDE.—Notwithstanding subpara-  
14 graph (A), and except as provided in sub-  
15 paragraphs (B), (D), (E), (F), and (G), 10  
16 percent of the net proceeds from each use  
17 of a system of competitive bidding under  
18 this subsection that is mandated by an Act  
19 of Congress and that begins on or after the  
20 date of enactment of the Rural  
21 Connectivity Advancement Program Act of  
22 2021 shall be deposited in the Rural  
23 Broadband Assessment and Deployment  
24 Fund established under section 3 of that  
25 Act.

1           “(ii) DEFINITION.—For purposes of  
2 this subparagraph, the term ‘net proceeds’,  
3 with respect to the use of a system of com-  
4 petitive bidding, means the proceeds re-  
5 maining after subtracting all auction-re-  
6 lated expenditures, including—

7           “(I) relocation payments, includ-  
8 ing accelerated relocation payments;

9           “(II) payments to incumbent li-  
10 censees for the relinquishment of all  
11 or a portion of the spectrum usage  
12 rights of those licensees;

13           “(III) costs associated with the  
14 reallocation of spectrum, whether on  
15 an exclusive or shared use basis;

16           “(IV) relocation or sharing costs,  
17 including for planning for relocation  
18 or sharing; and

19           “(V) bidding credits.”.

20 **SEC. 3. DIRECTION AND USE OF RURAL BROADBAND AS-**  
21 **SESSMENT AND DEPLOYMENT FUND PRO-**  
22 **CEEDS.**

23 (a) DEFINITIONS.—In this section—

24           (1) the term “Commission” means the Federal  
25 Communications Commission;

1 (2) the term “high-cost programs” means—

2 (A) the program for Universal Service  
3 Support for High-Cost Areas set forth under  
4 subpart D of part 54 of title 47, Code of Fed-  
5 eral Regulations, or any successor regulations;

6 (B) the Rural Digital Opportunity Fund  
7 set forth under subpart J of part 54 of title 47,  
8 Code of Federal Regulations, or any successor  
9 regulations;

10 (C) the Interstate Common Line Support  
11 Mechanism for Rate-of-Return Carriers set  
12 forth under subpart K of part 54 of title 47,  
13 Code of Federal Regulations, or any successor  
14 regulations;

15 (D) the Mobility Fund set forth under sub-  
16 part L of part 54 of title 47, Code of Federal  
17 Regulations, or any successor regulations;

18 (E) the High Cost Loop Support for Rate-  
19 of-Return Carriers program set forth under  
20 subpart M of part 54 of title 47, Code of Fed-  
21 eral Regulations, or any successor regulations;

22 (F) the Uniendo a Puerto Rico Fund and  
23 the Connect USVI Fund set forth under sub-  
24 part O of part 54 of title 47, Code of Federal  
25 Regulations, or any successor regulations; and

1 (G) the Rural Broadband Experiments, as  
2 established by the Commission under part 54 of  
3 title 47, Code of Federal Regulations;

4 (3) the term “net proceeds” has the meaning  
5 given the term in subparagraph (II) of section  
6 309(j)(8) of the Communications Act of 1934 (47  
7 U.S.C. 309(j)(8)), as added by section 2 of this Act;  
8 and

9 (4) the term “Rural Broadband Assessment  
10 and Deployment Fund” means the fund established  
11 under subsection (b).

12 (b) ESTABLISHMENT OF FUND.—There is estab-  
13 lished in the Treasury of the United States a fund to be  
14 known as the “Rural Broadband Assessment and Deploy-  
15 ment Fund”.

16 (c) BORROWING AUTHORITY.—

17 (1) IN GENERAL.—With respect to any auction  
18 described in subparagraph (II)(i) of section  
19 309(j)(8) of the Communications Act of 1934 (47  
20 U.S.C. 309(j)(8)), as added by section 2 of this Act,  
21 on or after the date on which the Commission makes  
22 a final determination of the amount of net proceeds  
23 that will be deposited in the Rural Broadband As-  
24 sessment and Deployment Fund under such sub-  
25 paragraph (II)(i) as a result of that auction, the

1 Commission may borrow not more than that amount  
2 from the Treasury of the United States.

3 (2) REIMBURSEMENT.—The Commission shall  
4 reimburse the general fund of the Treasury, without  
5 interest, for any amounts borrowed under paragraph  
6 (1) as funds are deposited into the Rural Broadband  
7 Assessment and Deployment Fund.

8 (d) AVAILABILITY OF AMOUNTS.—Any amounts bor-  
9 rowed under subsection (c)(1) and any amounts in the  
10 Rural Broadband Assessment and Deployment Fund that  
11 are not necessary for reimbursement of the general fund  
12 of the Treasury for such borrowed amounts shall be avail-  
13 able to the Commission for use in accordance with sub-  
14 section (e).

15 (e) USE OF AMOUNTS.—

16 (1) ESTABLISHMENT OF PROGRAM OR PRO-  
17 GRAMS.—The Commission shall use the amounts  
18 made available under subsection (d) to establish 1 or  
19 more programs that are separate from, but are co-  
20 ordinated with and complement, the high-cost pro-  
21 grams to address—

22 (A) gaps that remain in broadband inter-  
23 net access service coverage in high-cost rural  
24 areas despite the operations of the high-cost  
25 programs; and

1 (B) shortfalls in sufficient funding of the  
2 high-cost programs that could adversely affect  
3 the sustainability of services or reasonable com-  
4 parability of rates that are supported by those  
5 programs.

6 (2) PURPOSES.—In carrying out paragraph (1),  
7 the Commission shall use amounts made available  
8 under subsection (d) in an efficient and cost-effec-  
9 tive manner only—

10 (A) for the assessment of, and to provide  
11 subsidies in a technology-neutral manner  
12 through a competitive process (subject to  
13 weighting preferences for performance quality  
14 and other service metrics as the Commission  
15 may find appropriate) to providers for support  
16 of, deployment of broadband-capable infrastruc-  
17 ture in high-cost rural areas that the Commis-  
18 sion determines are unserved by fixed terres-  
19 trial broadband internet access service at a  
20 download speed of not less than 25 megabits  
21 per second and an upload speed of not less than  
22 3 megabits per second (or such higher speed as  
23 the Commission may determine appropriate  
24 based upon an evolving definition of universal  
25 service); and

1 (B) to assess, and provide subsidies to pro-  
2 viders to enable providers to sustain, broadband  
3 internet access service in any rural area in  
4 which—

5 (i) not more than 1 provider of fixed  
6 terrestrial broadband internet access serv-  
7 ice operates; and

8 (ii) the high-cost nature of the area  
9 precludes the offering of voice service and  
10 broadband internet access service at rates  
11 and performance levels available in urban  
12 areas as determined by the Urban Rate  
13 Survey conducted by the Commission.

14 (3) TRIBAL CONSIDERATIONS.—In distributing  
15 amounts under this subsection, the Commission shall  
16 consider the broadband internet access service needs  
17 of residents of Tribal lands (as defined in section  
18 54.400 of title 47, Code of Federal Regulations, or  
19 any successor regulation).

20 (4) LIMITATIONS.—

21 (A) PROHIBITION ON FUNDING OTHER  
22 PROGRAMS.—

23 (i) IN GENERAL.—The Commission  
24 may not use amounts made available under  
25 subsection (d) to fund any program that



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was not established by the Commission under paragraph (1) of this subsection, including any program established under section 254 of the Communications Act of 1934 (47 U.S.C. 254) in effect on the date of enactment of this Act, except for using the Universal Service Administrative Company to administer funding.

(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to prohibit the Commission from using amounts made available under subsection (d) to supplement the provision of support under the high-cost programs, as authorized under paragraph (1)(B) of this subsection.

(B) TRANSPARENCY AND ACCOUNTABILITY FOR ADDRESSING GAPS IN COVERAGE.—The Commission shall establish transparency and accountability requirements for amounts made available for the purpose set forth in paragraph (1)(A) that, at a minimum—

- (i) provide—
  - (I) a process for challenging any initial determination by the Commis-

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sion regarding whether an area is served or unserved; and

(II) written public notice on the website of the Commission of—

(aa) how each challenge under subparagraph (I) was decided; and

(bb) the reasons of the Commission for each decision;

(ii) establish broadband service buildout milestones and require periodic certification by funding recipients to ensure compliance with the broadband service buildout milestones;

(iii) establish a maximum buildout timeframe of 4 years beginning on the date on which funding is provided to a funding recipient;

(iv) establish periodic reporting requirements for funding recipients that identify, at a minimum, the speed of, and technology used for, the service provided in each area where funding is provided;

(v) establish standard penalties for noncompliance with the requirements es-

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established under this subparagraph and as may be further prescribed by the Commission;

(vi) establish procedures for recovery of funds, in whole or in part, from funding recipients in the event of default or non-compliance with the requirements established under this subparagraph and as may be further prescribed by the Commission; and

(vii) require a funding recipient to—

(I) offer voice service and broadband internet access service; and

(II) permit a consumer to subscribe to one type of service described in subclause (I) or both types.

(C) TRANSPARENCY AND ACCOUNTABILITY FOR ADDRESSING SHORTFALLS IN FUNDING.—

The Commission shall establish transparency and accountability requirements for amounts made available for the purpose set forth in subparagraph (1)(B) that, at a minimum—

(i) establish periodic reporting and certification requirements for funding recipients to ensure that the funding results

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in the offering of voice service and broadband internet access service at reasonably comparable rates and performance levels;

(ii) establish standard penalties for noncompliance with the requirements established under this subparagraph and as may be further proscribed by the Commission;

(iii) establish procedures for recovery of funds, in whole or in part, from funding recipients in the event of default or non-compliance with the requirements established under this subparagraph and as may be further proscribed by the Commission; and

(iv) require a funding recipient to—

(I) offer voice service and broadband internet access service; and

(II) permit a consumer to subscribe to one type of service described in subclause (I) or both types.

(f) REPORTS.—

(1) ANNUAL AUCTION PROCEEDS DEPLOYMENT REPORT.—Not later than 270 days after the date of

1 enactment of this Act, and not less frequently than  
 2 annually thereafter until all amounts have been dis-  
 3 tributed, the Commission shall publish and submit  
 4 to the Committee on Commerce, Science, and Trans-  
 5 portation of the Senate and the Committee on En-  
 6 ergy and Commerce of the House of Representatives  
 7 a report on the distribution of amounts made avail-  
 8 able under subsection (d).

9 (2) AUCTION-SPECIFIC DEPOSIT REPORTS.—  
 10 Not later than 30 days after the date on which the  
 11 Commission announces the results of an auction de-  
 12 scribed in subparagraph (H)(i) of section 309(j)(8)  
 13 of the Communications Act of 1934 (47 U.S.C.  
 14 309(j)(8)), as added by section 2 of this Act, the  
 15 Commission shall publish and submit to the Com-  
 16 mittee on Commerce, Science, and Transportation of  
 17 the Senate and the Committee on Energy and Com-  
 18 merce of the House of Representatives a report that  
 19 estimates the amount of net proceeds that will be  
 20 deposited in the Rural Broadband Assessment and  
 21 Deployment Fund under that subparagraph as a re-  
 22 sult of that auction.