

117TH CONGRESS
1ST SESSION

H. R. 205

To accelerate rural broadband deployment.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2021

Mr. KELLY of Mississippi introduced the following bill; which was referred to
the Committee on Energy and Commerce

A BILL

To accelerate rural broadband deployment.

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 “Accelerating
5 Broadband Connectivity Act of 2021”.

6 **SEC. 2. ACCELERATING BROADBAND CONNECTIVITY.**

7 (a) DEFINITIONS.—In this section—

8 (1) the term “Commission” means the Federal
9 Communications Commission;

10 (2) the terms “Phase I” and “Phase II” mean
11 Phase I and Phase II, respectively, of the Rural Dig-
12 ital Opportunity Fund auction provided for in the

1 Report and Order in the matter of Rural Digital Op-
2 portunity Fund and Connect America Fund adopted
3 by the Commission on January 30, 2020 (FCC 20–
4 5);

5 (3) the term “qualified carrier” means a terres-
6 trial telecommunications carrier that receives sup-
7 port from the Rural Digital Opportunity Fund
8 under subpart J of part 54 of title 47, Code of Fed-
9 eral Regulations, or any successor regulations; and

10 (4) the term “Rural Digital Opportunity Fund
11 support” means support from the Rural Digital Op-
12 portunity Fund under subpart J of part 54 of title
13 47, Code of Federal Regulations, or any successor
14 regulations.

15 (b) ACCELERATING BROADBAND CONNECTIVITY
16 FUND.—There is established in the Treasury of the
17 United States a fund to be known as the “Accelerating
18 Broadband Connectivity Fund”.

19 (c) AVAILABILITY OF FUNDS.—The Commission may
20 use amounts in the Accelerating Broadband Connectivity
21 Fund to provide support to qualified carriers in accord-
22 ance with subsection (d).

23 (d) AMOUNT AND USE OF FUNDS.—

24 (1) IN GENERAL.—

1 (A) PHASE I SUPPORT RECIPIENTS.—The
2 Commission shall make one-time funding offers
3 to qualified carriers that receive Rural Digital
4 Opportunity Fund support during Phase I, and
5 that commit to meeting the conditions under
6 paragraph (2), to accelerate the broadband de-
7 ployment obligations assumed by those carriers
8 with respect to that support.

9 (B) PHASE II SUPPORT RECIPIENTS.—The
10 Commission shall use any amounts in the Accel-
11 erating Broadband Connectivity Fund that are
12 not otherwise committed under subparagraph
13 (A) to make one-time funding offers to qualified
14 carriers that receive Rural Digital Opportunity
15 Fund support during Phase II, and that com-
16 mit to meeting the conditions under paragraph
17 (2), to accelerate the broadband deployment ob-
18 ligations assumed by those carriers with respect
19 to that support.

20 (2) CONDITIONS.—

21 (A) IN GENERAL.—A qualified carrier that
22 receives amounts under paragraph (1) shall—

23 (i) begin construction of the
24 broadband network for which the amounts
25 are awarded not later than 180 days after

the date on which the award under paragraph (1) is authorized;

(ii) begin to make broadband service available from the broadband network deployed using Rural Digital Opportunity Fund support not later than 1 year after the date on which the award under paragraph (1) is authorized; and

(iii) meet all buildout obligations from the Rural Digital Opportunity Fund support not later than 3 years after the date on which the award under paragraph (1) is authorized.

(B) FORCE MAJEURE.—The Commission shall adopt rules under subsection (f)(1) to provide for the extension of a deadline under subparagraph (A) of this paragraph if an event outside the control of a qualified carrier prevents the qualified carrier from meeting the deadline.

(3) AMOUNT OF AWARD.—The amount awarded to a qualified carrier under paragraph (1) shall be proportional to the amount of Rural Digital Opportunity Fund support received by the qualified carrier.

1 (e) DOCUMENTATION REQUIRED.—A qualified car-
2 rier that receives amounts under this section shall—

3 (1) maintain appropriate documentation dem-
4 onstrating the use of the amounts; and

5 (2) make the documentation described in para-
6 graph (1) available upon request as prescribed by
7 the Commission.

8 (f) EXPEDITED RULEMAKING.—

9 (1) IN GENERAL.—The Commission shall adopt
10 rules to carry out this section as needed on an expe-
11 dited basis.

12 (2) USE OF EXISTING RULES AUTHORIZED.—
13 To the extent the Commission determines necessary
14 in the public interest, the Commission may rely on
15 the rules under part 54 of title 47, Code of Federal
16 Regulations, and funding distribution mechanisms
17 established under those rules in administering funds
18 made available under this section.

19 (3) ADMINISTRATIVE PROCEDURE ACT EXEMP-
20 TION.—The Commission shall adopt rules under
21 paragraph (1) without regard to the notice and com-
22 ment requirements under section 553 of title 5,
23 United States Code.

24 (4) PAPERWORK REDUCTION ACT EXEMP-
25 TION.—A collection of information conducted or

1 sponsored under this section shall not constitute a
2 collection of information for the purposes of sub-
3 chapter I of chapter 35 of title 44, United States
4 Code (commonly referred to as the “Paperwork Re-
5 duction Act”).

6 (g) ENFORCEMENT.—

7 (1) IN GENERAL.—The Commission shall imple-
8 ment and enforce this section as if it were a part of
9 the Communications Act of 1934 (47 U.S.C. 151 et
10 seq.).

11 (2) UNLAWFUL FUNDING APPLICATION.—

12 (A) OFFENSE.—It shall be unlawful for a
13 person to willfully, knowingly, or recklessly seek
14 funding under this section if doing so would
15 violate—

16 (i) this section; or

17 (ii) any rules of the Commission.

18 (B) FORFEITURES.—Any person who vio-
19 lates subparagraph (A) shall be subject to a
20 forfeiture in an amount of not more than 3
21 times the amount of funds made available to
22 the person under this section, in addition to any
23 forfeiture authorized under section 503 of the
24 Communications Act of 1934 (47 U.S.C. 503).

1 (3) AUDIT AND INQUIRY REQUIREMENTS.—The
2 Commission shall adopt requirements, through the
3 expedited rulemaking under subsection (f), to—

4 (A) ensure that a qualified carrier that re-
5 ceives amounts under this section complies with
6 the requirements of this section; and

7 (B) prevent waste, fraud, and abuse of the
8 amounts distributed under this section.

9 (h) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Accelerating
11 Broadband Connectivity Fund \$6,000,000,000 for pur-
12 poses of this section.

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