

117TH CONGRESS
1ST SESSION

H. R. 3654

To expand access to electromagnetic spectrum for the provision of broadband service in rural areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2021

Mr. CAWTHORN (for himself and Mr. KELLY of Mississippi) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To expand access to electromagnetic spectrum for the provision of broadband service in rural areas, 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 Opportunities
5 for Broadband in Underserved Settlements and Towns
6 Act” or the “ROBUST Act”.

1 **SEC. 2. ACCESS TO ELECTROMAGNETIC SPECTRUM FOR**
2 **PROVISION OF BROADBAND SERVICE IN**
3 **RURAL AREAS.**

4 (a) EVALUATION OF SPECTRUM USE.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of the enactment of this Act, the Commis-
7 sion shall conduct an evaluation of all covered li-
8 censes that are in effect as of the date of the enact-
9 ment of this Act in order to determine whether spec-
10 trum usage rights under such licenses are unutilized
11 or underutilized in rural areas.

12 (2) EFFECT OF INFRASTRUCTURE DEPLOY-
13 MENT ON DETERMINATION.—In conducting the eval-
14 uation under paragraph (1), the Commission may
15 not determine that spectrum usage rights are unuti-
16 lized or underutilized if—

17 (A) in the case of a license that contains
18 terms regarding when the licensee is required to
19 deploy infrastructure or to begin utilizing such
20 spectrum usage rights, the licensee is in compli-
21 ance with such terms; or

22 (B) in the case of a license that does not
23 contain such terms—

24 (i) the licensee is, at the time when
25 the Commission conducts the evaluation, in

1 the process of deploying infrastructure to
2 utilize such spectrum usage rights; and

3 (ii) after the deployment is complete,
4 the spectrum usage rights will not be un-
5 utilized or underutilized.

6 (3) RECOMMENDATION TO LEASE UNUTILIZED
7 OR UNDERUTILIZED SPECTRUM USAGE RIGHTS.—If
8 the Commission determines in the evaluation con-
9 ducted under paragraph (1) that any spectrum
10 usage rights under a covered license are unutilized
11 or underutilized in a rural area, the Commission
12 shall, not later than 90 days after completing such
13 evaluation, issue a recommendation to the licensee
14 that the licensee lease such unutilized or underuti-
15 lized spectrum usage rights to other entities for the
16 provision of broadband service in such area, in ac-
17 cordance with subpart X of part 1 of title 47, Code
18 of Federal Regulations (or any successor regulation).

19 (b) SENSE OF CONGRESS ON REDUCTION OF LI-
20 CENSE SIZES.—It is the sense of Congress that, in issuing
21 any covered license (except for a renewal of such a li-
22 cense), the Commission should ensure that the geographic
23 area in which such license permits the use of spectrum
24 is as small as feasible, as determined by the Commission.

25 (c) DEFINITIONS.—In this section:

1 (1) BROADBAND SERVICE.—The term
2 “broadband service” means broadband internet ac-
3 cess service (as defined in section 8.1(b) of title 47,
4 Code of Federal Regulations (or any successor regu-
5 lation)).

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

8 (3) COVERED LICENSE.—The term “covered li-
9 cense” means a license for the use of electro-
10 magnetic spectrum issued by the Commission under
11 the Communications Act of 1934 (47 U.S.C. 151 et
12 seq.)—

13 (A) under the terms of which a licensee
14 may use such spectrum for the provision of
15 broadband service, regardless of whether such
16 terms expressly refer to the provision of
17 broadband service; and

18 (B) any part of the geographic scope of
19 which includes a rural area, in whole or in part.

20 (4) RURAL AREA.—The term “rural area”
21 means a county with a population density of fewer
22 than 100 individuals per square mile.

1 **SEC. 3. ELIGIBILITY AND PERFORMANCE REQUIREMENTS**
2 **UNDER THE BROADBAND RECONNECT PRO-**
3 **GRAM.**

4 In carrying out the broadband loan and grant pilot
5 program authorized under section 779 of division A of the
6 Consolidated Appropriations Act, 2018 (Public Law 115–
7 141; 132 Stat. 399) (commonly known as the “Broadband
8 ReConnect Program”, “ReConnect Program”, or “Rural
9 eConnectivity Pilot Program”), the Secretary of Agri-
10 culture shall—

11 (1) with respect to any award receiving grant
12 assistance under the program, give the highest pri-
13 ority to those projects providing a download speed of
14 at least 25 megabits per second and an upload speed
15 of at least 3 megabits per second;

16 (2) have a licensed engineer or otherwise quali-
17 fied person available to provide guidance to any new
18 applicant for assistance from the program; and

19 (3) use a portion of the amounts made available
20 for the program to cover the costs incurred by appli-
21 cants for a loan under the program to prepare re-
22 quired preliminary engineering reports.

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