

118TH CONGRESS  
2D SESSION

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

To address defaults with respect to awards made under broadband programs carried out by the Federal Communications Commission, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To address defaults with respect to awards made under broadband programs carried out by the Federal Communications Commission, 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 “Broadband Fairness  
5 Act”.

6 **SEC. 2. POLICY.**

7 It is the policy of the United States that, with respect  
8 to an award made under a broadband program carried out  
9 by the Federal Communications Commission, the award

1 should serve the State in which the funds comprising the  
2 award were intended to be expended.

3 **SEC. 3. DEFAULTS IN FCC BROADBAND PROGRAMS.**

4 (a) DEFINITIONS.—In this section:

5 (1) BROADBAND INTERNET ACCESS SERVICE.—

6 The term “broadband internet access service” has  
7 the meaning given the term in section 8.1(b) of title  
8 47, Code of Federal Regulations, or any successor  
9 regulation.

10 (2) BROADBAND PROGRAM.—The term

11 “broadband program” means any program adminis-  
12 tered by the Commission that is directly or indirectly  
13 intended to increase the deployment of, access to,  
14 the affordability of, or the adoption of broadband  
15 internet access service.

16 (3) COMMISSION.—The term “Commission”

17 means the Federal Communications Commission.

18 (4) DEFAULT.—The term “default” means,

19 with respect to an award under a broadband pro-  
20 gram, that the recipient of the award—

21 (A) fails to timely file a Long-Form Appli-  
22 cation with respect to the award;

23 (B) fails to meet the document submission  
24 deadlines established by the Commission with  
25 respect to the award;

1 (C) is found by the Commission to be ineli-  
2 gible or unqualified to receive the award; or

3 (D) is otherwise disqualified by the Com-  
4 mission for any reason before the authorization  
5 of support under the award.

6 (5) INDIAN TRIBE.—The term “Indian Tribe”  
7 has the meaning given the term in section 4 of the  
8 Indian Self-Determination and Education Assistance  
9 Act (25 U.S.C. 5304).

10 (6) STATE.—The term “State”—

11 (A) has the meaning given the term in sec-  
12 tion 3 of the Communications Act of 1934 (47  
13 U.S.C. 153); and

14 (B) includes an Indian Tribe.

15 (7) STATE GOVERNMENT.—The term “State  
16 government” or “government of a State”—

17 (A) means the government of a State; and

18 (B) with respect to an Indian Tribe, means  
19 the Tribal government with respect to that In-  
20 dian Tribe.

21 (b) EFFECT OF DEFAULT.—Notwithstanding any  
22 other provision of law or regulation, upon a default with  
23 respect to an award under a broadband program, the fol-  
24 lowing shall apply:

1           (1) The geographic region proposed to be  
2 served by the award shall be eligible to receive sup-  
3 port under—

4                   (A) other broadband programs; and

5                   (B) any program administered by any Fed-  
6 eral agency other than the Commission that is  
7 directly or indirectly intended to increase the  
8 deployment of, access to, the affordability of, or  
9 the adoption of broadband internet access serv-  
10 ice.

11           (2)(A) Any amount of the award that is for-  
12 feited after the default shall not be deposited in the  
13 Treasury of the United States and instead shall be  
14 made available by the Commission to the govern-  
15 ment of the State that was the subject of the award  
16 (or the activities under the award) so that such  
17 State government is able, to the maximum extent  
18 practicable, to provide the benefits that were pro-  
19 posed to be provided under the award.

20                   (B) If multiple States were the subject of the  
21 award (or the activities under the award), the Com-  
22 mission shall make available amounts under sub-  
23 paragraph (A) to the government of each such State  
24 in the same proportion, as calculated by the Com-  
25 mission, that the award (or the activities under the

1       award) would have been made available if the award  
2       had been carried out.

3           (3) With respect to benefits provided by a State  
4       government under paragraph (2)—

5           (A) any minimum speed requirements that  
6       were applicable with respect to the original  
7       award shall remain in effect with respect to the  
8       benefits provided by the State government  
9       under that paragraph; and

10          (B) the State government, if necessary,  
11       may supplement the amounts made available to  
12       the State government under that paragraph  
13       with funds of the State government.