

Calendar No. 626115TH CONGRESS
2^D SESSION**S. 2418****[Report No. 115–345]**

To direct the Federal Communications Commission to promulgate regulations that establish a national standard for determining whether mobile and broadband services available in rural areas are reasonably comparable to those services provided in urban areas.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2018

Ms. HASSAN (for herself, Mrs. CAPITO, Ms. KLOBUCHAR, Ms. CORTEZ MASTO, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

OCTOBER 9, 2018

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To direct the Federal Communications Commission to promulgate regulations that establish a national standard for determining whether mobile and broadband services available in rural areas are reasonably comparable to those services provided in urban areas.

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 Reasonable and
 5 Comparable Wireless Access Act of 2018”.

6 **SEC. 2. AVAILABILITY OF MOBILE AND BROADBAND SERV-**
 7 **ICES IN UNDERSERVED RURAL AREAS.**

8 (a) DEFINITIONS.—In this section:

9 (1) BROADBAND INTERNET ACCESS SERVICE.—

10 The term “broadband Internet access service”—

11 (A) means a mass-market retail service by
 12 wire or radio that provides the capability to
 13 transmit data to, and receive data from, all or
 14 substantially all Internet endpoints, including
 15 any capabilities that are incidental to, and en-
 16 able the operation of, the communications serv-
 17 ice;

18 (B) includes any service that the Commis-
 19 sion finds to provide a functional equivalent of
 20 the service described in subparagraph (A); and

21 (C) does not include dial-up Internet ac-
 22 cess service.

23 (2) COMMERCIAL MOBILE DATA SERVICE.—The
 24 term “commercial mobile data service” has the
 25 meaning given the term in section 6001 of the Mid-

1 the Class Tax Relief and Job Creation Act of 2012
2 (47 U.S.C. 1401).

3 ~~(3) COMMERCIAL MOBILE SERVICE.—~~The term
4 “commercial mobile service” has the meaning given
5 the term in section ~~332~~(d) of the Communications
6 Act of 1934 (47 U.S.C. ~~332~~(d)).

7 ~~(4) COMMISSION.—~~The term “Commission”
8 means the Federal Communications Commission.

9 ~~(5) RURAL TELEPHONE COMPANY.—~~The term
10 “rural telephone company” has the meaning given
11 the term in section ~~3~~ of the Communications Act of
12 1934 (47 U.S.C. ~~153~~).

13 ~~(6) SERVICE AREA.—~~The term “service area”
14 has the meaning given the term in section 214(e) of
15 the Communications Act of 1934 (47 U.S.C.
16 214(e)).

17 ~~(b) ESTABLISHMENT OF STANDARD.—~~Not later than
18 180 days after the date of enactment of this Act, the Com-
19 mission shall promulgate regulations that establish a na-
20 tional standard to determine, with respect to access to uni-
21 versal service in rural, insular, and high-cost areas under
22 section ~~254(b)(3)~~ of the Communications Act of 1934 (47
23 U.S.C. ~~254(b)(3)~~), whether commercial mobile services,
24 commercial mobile data services, and broadband Internet

1 access services available in rural areas are reasonably com-
2 parable to those services provided in urban areas.

3 (c) ~~UNDERSERVED RURAL AREAS.~~—The standard
4 established under subsection (b) shall—

5 (1) define a rural area as any area that is—

6 (A) a rural area, as defined in section
7 54.600(b)(1) of title 47, Code of Federal Regu-
8 lations, as in effect on the date of enactment of
9 this Act; or

10 (B) a service area that is served by a rural
11 telephone company;

12 (2) define a rural area as underserved, with re-
13 spect to a service described in subsection (b), if serv-
14 ice that meets or exceeds the standard established
15 under that subsection is not available in the area;
16 and

17 (3) provide that a rural area shall be considered
18 underserved, with respect to a service described in
19 subsection (b), if tests show that the service avail-
20 able in the area does not meet or exceed the applica-
21 ble average determined under subsection (d)(1) with
22 respect to that service.

23 (d) ~~DATA FROM URBAN AREAS.~~—The Commission
24 shall—

1 (1) gather data on the average signal strength
2 and average speed of commercial mobile service and
3 commercial mobile data service; and on the average
4 speed of broadband Internet access service; provided
5 in the 20 most populous metropolitan statistical
6 areas in the United States; and

7 (2) specify in the standard established under
8 subsection (b) that—

9 (A) commercial mobile service or commer-
10 cial mobile data service available in a rural area
11 is reasonably comparable to that service pro-
12 vided in an urban area only if the average sig-
13 nal strength and average speed with respect to
14 the service in the rural area meets or exceeds
15 the average determined under paragraph (1)
16 with respect to that service; and

17 (B) broadband Internet access service
18 available in a rural area is reasonably com-
19 parable to that service provided in an urban
20 area only if the average speed with respect to
21 the service in the rural area meets or exceeds
22 the average determined under paragraph (1)
23 with respect to that service.

1 (e) PERIODIC UPDATING OF DATA.—The Commis-
 2 sion shall periodically update the data gathered under sub-
 3 section (d)(1).

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Rural Reasonable and*
 6 *Comparable Wireless Access Act of 2018”.*

7 **SEC. 2. AVAILABILITY OF MOBILE BROADBAND SERVICE IN**
 8 **UNDERSERVED RURAL AREAS.**

9 (a) DEFINITIONS.—

10 (1) IN GENERAL.—*In this section:*

11 (A) COMMISSION.—*The term “Commission”*
 12 *means the Federal Communications Commission.*

13 (B) RURAL TELEPHONE COMPANY.—*The*
 14 *term “rural telephone company” has the mean-*
 15 *ing given the term in section 3 of the Commu-*
 16 *nications Act of 1934 (47 U.S.C. 153).*

17 (C) SERVICE AREA.—*The term “service*
 18 *area” has the meaning given the term in section*
 19 *214(e) of the Communications Act of 1934 (47*
 20 *U.S.C. 214(e)).*

21 (2) MOBILE BROADBAND SERVICE.—*The Com-*
 22 *mission shall define the term “mobile broadband serv-*
 23 *ice” for purposes of this section.*

24 (b) ESTABLISHMENT OF STANDARD.—

1 (1) *COMMENCEMENT OF RULEMAKING.*—Not
2 *later than 180 days after the date of enactment of this*
3 *Act, the Commission shall commence a rulemaking to*
4 *establish a national standard to determine, with re-*
5 *spect to access to universal service in rural, insular,*
6 *and high cost areas under section 254(b)(3) of the*
7 *Communications Act of 1934 (47 U.S.C. 254(b)(3)),*
8 *whether mobile broadband service available in rural*
9 *areas is reasonably comparable to mobile broadband*
10 *service provided in urban areas.*

11 (2) *PROGRESS REPORTS.*—Not less frequently
12 *than once every 180 days after commencing the rule-*
13 *making under paragraph (1), the Commission shall*
14 *submit to Congress a report on the progress of the*
15 *Commission in establishing the standard under that*
16 *paragraph.*

17 (c) *CONSIDERATIONS.*—In establishing a standard
18 *under subsection (b), the Commission shall consider—*

- 19 (1) *defining a rural area as any area—*
- 20 (A) *in which a school or library designated*
21 *as “rural” under section 54.505(b)(3)(i) of title*
22 *47, Code of Federal Regulations, as in effect on*
23 *the date of enactment of this Act, is located; or*
- 24 (B) *that is a service area that is served by*
25 *a rural telephone company;*

1 (2) *defining a rural area as underserved, with*
2 *respect to mobile broadband service, if mobile*
3 *broadband service that meets or exceeds the standard*
4 *established under subsection (b) is not available in the*
5 *area; and*

6 (3) *providing that a rural area shall be consid-*
7 *ered underserved, with respect to mobile broadband*
8 *service, if tests show that the average speed and signal*
9 *strength of mobile broadband service available in the*
10 *area do not meet or exceed the average speed and sig-*
11 *nal strength of mobile broadband service provided in*
12 *the 20 most populous metropolitan statistical areas in*
13 *the United States.*

14 (d) *DATA FROM URBAN AREAS.—To help inform the*
15 *standard established under subsection (b), the Commission*
16 *shall gather, and periodically update, data on mobile*
17 *broadband service provided in the 20 most populous metro-*
18 *politan statistical areas in the United States.*

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