

118TH CONGRESS  
1ST SESSION

# S. 275

To require the Federal Communications Commission to establish a vetting process for prospective applicants for high-cost universal service program funding.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2023

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

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## A BILL

To require the Federal Communications Commission to establish a vetting process for prospective applicants for high-cost universal service program funding.

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 Broadband Pro-  
5 tection Act of 2023”.

6 **SEC. 2. VETTING PROCESS FOR PROSPECTIVE HIGH-COST**  
7 **UNIVERSAL SERVICE FUND APPLICANTS.**

8 (a) DEFINITIONS.—In this section—

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

3           (2) the term “covered funding” means high-cost  
4       universal service program funding provided through  
5       a competitive award process for the deployment of a  
6       broadband-capable network and the provision of sup-  
7       ported services over the network; and

8           (3) the term “new covered funding award”  
9       means an award of covered funding that is made  
10      based on an application submitted to the Commis-  
11      sion on or after the date on which rules are promul-  
12      gated under subsection (b).

13      (b) FCC RULEMAKING.—Not later than 180 days  
14      after the date of enactment of this Act, the Commission  
15      shall initiate a rulemaking proceeding to establish a vet-  
16      ting process for applicants for, and other recipients of, a  
17      new covered funding award.

18      (c) CONTENTS.—In promulgating rules under sub-  
19      section (b), the Commission shall provide that—

20           (1) an applicant for a new covered funding  
21      award shall include in the initial application a pro-  
22      posal containing sufficient detail and documentation  
23      for the Commission to ascertain that the applicant  
24      possesses the technical capability, and has a reason-  
25      able plan, to deploy the proposed network and de-

1       liver services with the relevant performance charac-  
2       teristics defined by the Commission and as pledged  
3       by the applicant;

4               (2) the proposal described in paragraph (1)  
5       shall include sufficient detail and supporting docu-  
6       mentation for the Commission to reasonably ascer-  
7       tain whether the applicant and the technology that  
8       the applicant plans to use would have the ability to  
9       perform as required given the characteristics of the  
10      locations to be served; and

11              (3) the Commission shall evaluate a proposal  
12      described in paragraph (1) against reasonable and  
13      well-established technical standards, including the  
14      technical standards adopted by the Commission in  
15      orders of the Commission relating to modernizing  
16      the FCC Form 477 Data Program (WC Docket No.  
17      11–10) (or orders of the Commission relating to  
18      modernizing any successor collection) for purposes of  
19      entities that must report broadband availability cov-  
20      erage.

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