

109TH CONGRESS
2^D SESSION

S. 3820

To expand broadband access for rural Americans.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2006

Mr. DURBIN introduced the following bill; which was read twice and referred
to the Committee on Commerce, Science, and Transportation

A BILL

To expand broadband access for rural Americans.

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 for Rural
5 America Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) High speed broadband communications is
9 no longer a luxury. It has become a vital service for
10 all Americans, much like water, sewer, gas, and elec-
11 tricity are essential resources for our daily lives.

1 (2) Broadband infrastructure is critical to com-
2 munity and economic development, by encouraging
3 investment, creating jobs, improving productivity,
4 fostering innovation, and increasing consumer bene-
5 fits.

6 (3) Despite the ongoing efforts by traditional
7 communications carriers to expand broadband serv-
8 ices, the rate of deployment in America is still far
9 from ideal. Recent reports indicate that America
10 continues to trail other leading industrialized coun-
11 tries, per capita, in the availability and use of
12 broadband communications.

13 (4) As our Nation falls behind the developed
14 world in broadband access, so, too, are rural resi-
15 dents falling behind city and urban residents. In
16 small towns and rural America, broadband service
17 remains largely non existent. In places where it is
18 available, rural broadband customers often pay more
19 for inferior quality than customers in cities and
20 urban areas.

21 (5) A national policy is needed to accelerate the
22 deployment of broadband services so that, no matter
23 where they live, every American can have access to
24 affordable and high-quality broadband service as
25 soon as possible.

1 **SEC. 3. PURPOSE.**

2 The purposes of this Act are to encourage the rapid
3 deployment of high quality and affordable high speed
4 broadband service to every corner of our Nation by—

5 (1) establishing a new source of funding for en-
6 tities that work to identify unserved regions of the
7 Nation and to address the lack of broadband service
8 in those areas;

9 (2) reforming the rural broadband loan pro-
10 gram to ensure that Federal funds are provided only
11 to qualified entities that will serve truly rural and
12 unserved regions of the Nation, while providing stat-
13 utory authority and Federal funding for the rural
14 broadband grant program;

15 (3) making more unlicensed spectrum available
16 for innovative wireless broadband uses that will not
17 cause harmful interference and degradation of serv-
18 ice to other wireless services;

19 (4) encouraging rural, regional, and smaller
20 wireless carriers to enter the wireless broadband
21 market by reconfiguring the size of spectrum auc-
22 tions into smaller market sizes; and

23 (5) studying policies and programs adopted by
24 State and local governments that have worked to
25 provide incentives for rapid broadband deployment.

1 **SEC. 4. BROADBAND ACCESS TRUST FUND AND OFFICE OF**
2 **BROADBAND ACCESS.**

3 (a) ESTABLISHMENT.—

4 (1) FUND ESTABLISHED.—There is established
5 in the Treasury of the United States the Broadband
6 Access Trust Fund.

7 (2) OFFICE ESTABLISHED.—

8 (A) IN GENERAL.—There is established
9 within the Federal Communications Commis-
10 sion the Office of Broadband Access.

11 (B) DUTIES.—The Office of Broadband
12 Access shall coordinate the use of all resources
13 within the Fund, as such resources relate to the
14 expansion of broadband technology into rural or
15 unserved areas.

16 (3) DEPOSITS.—The Fund shall consist of—

17 (A) the amounts appropriated pursuant to
18 subsection (f); and

19 (B) 1 percent of the proceeds of any auc-
20 tion for any bands of frequencies conducted
21 pursuant to section 309(j) of the Communica-
22 tions Act of 1934 (47 U.S.C. 309(j)).

23 (4) FUND AVAILABILITY.—

24 (A) APPROPRIATION.—There are appro-
25 priated from the Fund such sums as are au-

1 thorized by the board to be disbursed for grants
2 under this section.

3 (B) REVERSION OF UNUSED FUNDS.—Any
4 grant proceeds that remain unexpended at the
5 end of the grant period, as determined under
6 subsection (c)(3), shall revert to and be depos-
7 ited in the Fund.

8 (b) BOARD OF DIRECTORS.—

9 (1) ESTABLISHMENT.—The Fund shall be ad-
10 ministered by the Office of Broadband Access, in
11 consultation with a board of directors comprised of
12 5 members, appointed by the Chairman of the Fed-
13 eral Communications Commission, with experience in
14 1 or more of the following fields:

15 (A) Grant and investment management.

16 (B) Advanced communications technology.

17 (C) Rural communications services.

18 (D) Community-based economic develop-
19 ment.

20 (2) FUNCTIONS.—The board shall—

21 (A) establish reasonable and prudent cri-
22 teria for the selection of grant recipients under
23 this section;

24 (B) determine the amount of grants
25 awarded to such recipients; and

1 (C) review the use of grant funds by such
2 recipients.

3 (3) COMPENSATION PROHIBITED; EXPENSES
4 PROVIDED.—The members of the board shall serve
5 without compensation, but may, from appropriated
6 funds available for the administrative expenses of
7 the Federal Communications Commission, receive
8 travel expenses, including per diem in lieu of subsist-
9 ence, in accordance with applicable provisions under
10 subchapter I of chapter 57 of title 5, United States
11 Code.

12 (c) PURPOSE AND ACTIVITIES OF THE FUND.—

13 (1) GRANT PURPOSES.—In order to achieve the
14 objectives and carry out the purposes of this section,
15 the Office of Broadband Access is authorized to
16 make grants, from amounts deposited pursuant to
17 subsection (a)(2) and from the interest or other in-
18 come derived from the Fund—

19 (A) to study the lack of affordable
20 broadband communications services in par-
21 ticular unserved regions of the nation, particu-
22 larly in rural areas; and

23 (B) to take steps toward providing such
24 services to such regions.

1 (2) GRANT PREFERENCE.—In making grants
2 from the Fund, the Office of Broadband Access shall
3 give preference to eligible individuals or entities that
4 are proposing rural or community-based partner-
5 ships to encourage economic development in
6 unserved regions of the nation, particularly in rural
7 areas.

8 (3) GRANT AVAILABILITY.—Grants from the
9 Fund shall be made available on a single or multi-
10 year basis to facilitate long term planning.

11 (d) ELIGIBLE ENTITIES.—

12 (1) IN GENERAL.—The following organizations
13 and entities are eligible to apply for funds under this
14 section:

15 (A) An agency or instrumentality of a
16 State or local unit of government (including an
17 agency or instrumentality of a territory or pos-
18 session of the United States).

19 (B) A nonprofit agency or organization
20 that is exempt from taxes under section
21 501(c)(3) of the Internal Revenue Code of 1986
22 (26 U.S.C. 501(c)(3)).

23 (C) An institution of higher education.

24 (D) Any legally organized incorporated or-
25 ganization or other legal entity, including a co-

1 operative, a private corporation, or a limited li-
2 ability company.

3 (2) PREFERENCE.—

4 (A) NONLICENSED ENTITIES.—In deter-
5 mining which legally organized incorporated or-
6 ganizations or other legal entities shall receive
7 grants from the Fund, the Office of Broadband
8 Access shall give preference to those organiza-
9 tions and entities that are not already licensed
10 by the Federal Communications Commission to
11 provide voice, data, video, or other communica-
12 tions or information services.

13 (B) SECONDARY PRIORITY FOR ALREADY
14 LICENSED ENTITIES.—The Office of Broadband
15 Access shall only award grants from the Fund
16 to those organizations and entities that are al-
17 ready licensed by the Federal Communications
18 Commission to provide voice, data, video, or
19 other communications or information services
20 only after all applications by nonlicensed orga-
21 nizations described in subparagraph (A) have
22 been considered.

23 (e) PERMISSIBLE USES OF FUNDS.—Amounts made
24 available by grants from the Fund under this section may
25 be used by eligible entities for conducting feasibility stud-

1 ies, mapping, economic analysis, and other activities done
2 to determine—

3 (1) the reasons for the lack of affordable
4 broadband communications services in particular
5 unserved regions of the nation, particularly in rural
6 areas; and

7 (2) the scale, scope, and type of broadband
8 services most suitable for each particular unserved
9 area.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Fund
12 \$10,000,000 for fiscal year 2007 and each of the 5 suc-
13 ceeding fiscal years.

14 (g) REPORTS.—

15 (1) BY GRANT RECIPIENTS.—Each grant recipi-
16 ent shall submit to the Federal Communications
17 Commission and the board a report on the use of
18 the funds provided by the grant.

19 (2) BY FCC.—

20 (A) IN GENERAL.—The Federal Commu-
21 nications Commission shall annually submit to
22 Congress a report on the operations of the
23 Fund and the grants made by the Fund.

24 (B) REQUIRED CONTENT.—The report re-
25 quired under subparagraph (A) shall include—

1 (i) an identification of the grants
2 made, the recipients thereof, and the
3 planned uses of the amounts made avail-
4 able;

5 (ii) a financial report on the oper-
6 ations and condition of the Fund; and

7 (iii) a description of the results of the
8 use of funds provided by grants under this
9 section, including the status of broadband
10 availability in the regions covered by such
11 grants.

12 (C) INFORMATION REQUIRED.—

13 (i) IN GENERAL.—The Federal Com-
14 munications Commission shall revise FCC
15 Form 477 reporting requirements not later
16 than 180 days after the date of enactment
17 of this Act to require broadband service
18 providers to report the following informa-
19 tion:

20 (I) Identification of location
21 where the provider provides
22 broadband service to customers, iden-
23 tified by zip code plus 4 digit location
24 (referred to in this subparagraph as
25 “service area”).

1 (II) Percentage of residential
2 households and businesses in each
3 service area that are offered
4 broadband service by the provider,
5 and the percentage of such residential
6 households and businesses that sub-
7 scribe to each service plan offered.

8 (III) The average price per
9 megabit of download speed and upload
10 speed in each service area.

11 (IV) Identification by service
12 area of the provider's broadband serv-
13 ice's actual average throughput, and
14 contention ratio of the number of
15 users sharing the same line.

16 (ii) EXCEPTION.—The Federal Com-
17 munications Commission may exempt a
18 broadband service provider from the re-
19 quirements of this subparagraph if the
20 Federal Communications Commission de-
21 termines that a provider's compliance with
22 the reporting requirements is cost prohibi-
23 tive, as defined by the Federal Commu-
24 nications Commission.

1 (D) REPORT.—The Federal Communica-
2 tions Commission shall provide to Congress on
3 an annual basis a report, using available Cen-
4 sus Bureau data, containing the following infor-
5 mation for each service area that is not served
6 by any broadband service provider:

- 7 (i) Population.
8 (ii) Population density.
9 (iii) Average per capita income.

10 (h) REGULATIONS.—The Federal Communications
11 Commission may prescribe such regulations as may be
12 necessary and appropriate to carry out this section.

13 (i) DEFINITIONS.—As used in this section—

14 (1) the term “the Fund” means the Broadband
15 Access Trust Fund established pursuant to sub-
16 section (a); and

17 (2) the term “the board” means the board of
18 directors established pursuant to subsection (b).

19 **SEC. 5. USDA BROADBAND PROGRAM REFORMS.**

20 (a) REAUTHORIZATION.—Section 601(k) of the Rural
21 Electrification Act of 1936 (7 U.S.C. 950bb(k)) is amend-
22 ed by striking “2007” and inserting “2012”.

23 (b) CLARIFICATION OF ELIGIBLE RURAL COMMU-
24 NITY.—Section 601(b)(2) of the Rural Electrification Act

1 of 1936 (7 U.S.C. 950bb(b)(2)) is amended to read as
2 follows:

3 “(2) ELIGIBLE RURAL COMMUNITY.—The term
4 ‘eligible rural community’ means any area of the
5 United States that is not—

6 “(A) included within the boundaries of any
7 incorporated city, village, borough, or town with
8 a population in excess of 25,000 inhabitants;

9 “(B) located within 10 miles of any such
10 city, village, borough, or town; and

11 “(C) an area where a majority of its resi-
12 dential customers have access to broadband
13 service offered at a price per megabit of
14 download speed and upload speed comparable to
15 the nearest urban area.”.

16 (c) ADDITIONAL REQUIREMENTS FOR ELIGIBLE EN-
17 TITIES.—Section 601 of the Rural Electrification Act of
18 1936 (7 U.S.C. 950bb) is amended—

19 (1) in subsection (c)—

20 (A) in paragraph (1), by striking “(1) IN
21 GENERAL.—”; and

22 (B) by striking paragraph (2); and

23 (2) in subsection (d)(1)—

24 (A) in subparagraph (A), by striking “;
25 and” and inserting a semicolon;

1 (B) in subparagraph (B), by striking the
2 period at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(C) demonstrate that any loan or loan
5 guarantee obtained under this section will be
6 used only to furnish, improve, or extend
7 broadband service to those eligible rural com-
8 munities.”.

9 (d) **COMMUNITY CONNECT GRANT PROGRAM.**—Title
10 VI of the Rural Electrification Act of 1936 (7 U.S.C.
11 950bb et seq.) is amended by adding at the end the fol-
12 lowing:

13 **“SEC. 602. COMMUNITY CONNECT GRANT PROGRAM.**

14 “(a) **PURPOSES.**—The purposes of this section are—

15 “(1) to provide financial assistance in the form
16 of grants to eligible applicants that will provide, on
17 a community-oriented connectivity basis, broadband
18 service that fosters economic growth and delivers en-
19 hanced educational, health care, and public safety
20 services; and

21 “(2) to ensure the deployment of broadband
22 service to extremely rural, lower-income communities
23 on a community-oriented connectivity basis.

24 “(b) **GRANTS AUTHORIZED.**—

1 “(1) IN GENERAL.—The Secretary may award
2 a grant to any eligible applicant to provide
3 broadband services in accordance with the provisions
4 of this section.

5 “(2) AWARD BASIS.—The Secretary shall award
6 grants under this section on a competitive basis.

7 “(c) ELIGIBLE APPLICANT.—To be eligible to obtain
8 a grant under this section, an applicant shall—

9 “(1) be—

10 “(A) legally organized as an incorporated
11 organization;

12 “(B) an Indian tribe or tribal organization,
13 as defined in subsections (b) and (c) of section
14 4 of the Indian Self-Determination and Edu-
15 cation Assistance Act (25 U.S.C. 450b(b) and
16 (c));

17 “(C) a State or local unit of government;

18 “(D) an institution of higher education; or

19 “(E) any other legal entity, including a co-
20 operative, a private corporation, or a limited li-
21 ability company organized on a for-profit or
22 not-for-profit basis;

23 “(2) have the legal capacity and authority to—

24 “(A) own and operate the broadband facili-
25 ties proposed in its application;

1 “(B) enter into contracts; and

2 “(C) otherwise comply with applicable Fed-
3 eral statutes and regulations; and

4 “(3) develop a project that—

5 “(A) serves an eligible rural community;

6 “(B) deploys basic broadband service, free
7 of all charges for at least 2 years, to all critical
8 community facilities located within a proposed
9 service area;

10 “(C) offers basic broadband service to resi-
11 dential and business customers within a pro-
12 posed service area; and

13 “(D) provides—

14 “(i) a community center with at least
15 10 computer access points within a pro-
16 posed service area; and

17 “(ii) broadband service to such cen-
18 ters free of charge for at least 2 years.

19 “(d) APPLICATION.—

20 “(1) SUBMISSION.—Each applicant seeking a
21 grant under this section shall submit an application
22 containing—

23 “(A) any information or documentation re-
24 quired under section 1739.15 of title 7, Code of
25 Federal Regulations; and

1 “(B) such other information or documenta-
2 tion that the Secretary may require.

3 “(2) REVIEW AND SCORING OF APPLICA-
4 TIONS.—The Secretary shall review and score any
5 applications received under this section using the
6 same methods, and in the same manner, as de-
7 scribed in sections 1739.16 and 1739.17 of title 7,
8 Code of Federal Regulations.

9 “(e) USE OF FUNDS.—A grant awarded to an eligible
10 applicant pursuant to this section may be used to—

11 “(1) construct, acquire, or lease facilities, in-
12 cluding spectrum, to deploy broadband service to all
13 participating critical community facilities and all re-
14 quired facilities needed to offer such service to resi-
15 dential and business customers located within a pro-
16 posed service area;

17 “(2) improve, expand, construct, or acquire a
18 community center that furnishes free access to
19 broadband service, provided that such community
20 center is open and accessible to area residents be-
21 fore, during, and after normal working hours and on
22 Saturday or Sunday;

23 “(3) purchase any end user equipment needed
24 to carry out the project of the applicant described in
25 subsection (c)(3);

1 “(4) pay the operating expenses incurred in
2 providing—

3 “(A) broadband service to critical commu-
4 nity facilities for the first 2 years of operation;
5 and

6 “(B) training and instruction on how to
7 use such services; and

8 “(5) purchase any land, building, or building
9 construction needed to carry out the project of the
10 applicant described in subsection (c)(3).

11 “(f) MATCHING REQUIREMENT.—

12 “(1) IN GENERAL.—Each eligible applicant
13 shall contribute not less than 15 percent of the
14 grant amount requested in any application.

15 “(2) FORM.—The matching contribution de-
16 scribed in paragraph (1) may be in the following
17 form:

18 “(A) Cash for eligible grant purposes.

19 “(B) In-kind contributions for purposes
20 that could have been financed with grant funds
21 under this section. In-kind contributions shall
22 be new or non-depreciated assets with estab-
23 lished monetary values. Manufacturers’ or serv-
24 ice providers’ discounts shall not be considered
25 a matching contribution.

1 “(C) The rental value of space provided
2 within an existing community center, provided
3 that such space is provided free of charge to
4 such applicant, for the first 2 years of oper-
5 ation.

6 “(D) Salary expenses incurred for any in-
7 dividual operating the community center, for
8 the first 2 years of operation.

9 “(E) Expenses incurred in operating a
10 community center, for the first 2 years of oper-
11 ation.

12 “(3) PRIOR COSTS.—Costs incurred by an ap-
13 plicant, or by others on behalf of an applicant, for
14 facilities, installed equipment, or other services ren-
15 dered prior to submission of a completed application
16 shall not be considered an acceptable use of grant
17 funds under subsection (e) or a matching contribu-
18 tion.

19 “(4) RENTAL VALUES.—Rental values of space
20 provided, as described in paragraph (1)(C), shall be
21 substantiated by rental agreements documenting the
22 cost of space of a similar size in a similar location.

23 “(5) REASONABLENESS REVIEW.—Rental val-
24 ues, salaries, and other expenses incurred in oper-
25 ating a community center shall be subject to review

1 by the Secretary for reasonableness in relation to the
2 scope of the applicant's project described in sub-
3 section (c)(3).

4 “(6) OTHER ASSISTANCE.—Any financial assist-
5 ance from any other Federal source shall not be con-
6 sidered a matching contribution under this section
7 unless there is a Federal statutory exception specifi-
8 cally authorizing the Federal financial assistance to
9 be considered as such.

10 “(g) OTHER REQUIREMENTS.—Each applicant shall
11 comply with the reporting, oversight, and auditing require-
12 ments described in sections 1739.19 and 1739.20 of title
13 7, Code of Federal Regulations.

14 “(h) DEFINITIONS.—As used in this section:

15 “(1) BASIC BROADBAND SERVICE.—The term
16 ‘basic broadband service’ means the broadband serv-
17 ice level provided by an applicant at the lowest rate
18 or service package level for residential or business
19 customers, as appropriate, provided that such service
20 meets the requirements of this section.

21 “(2) BROADBAND SERVICE.—The term
22 ‘broadband service’ means providing an information-
23 rate equivalent to at least 200 kilobits/second in the
24 consumer's connection to the network, both from the

1 provider to the consumer (downstream) and from
2 the consumer to the provider (upstream).

3 “(3) COMMUNITY CENTER.—The term ‘commu-
4 nity center’—

5 “(A) means a public building, or a section
6 of a public building with at least 10 computer
7 access points, that is used for the purposes of
8 providing free access to or instruction in the
9 use of broadband service, and is of the appro-
10 priate size to accommodate this purpose; and

11 “(B) may include schools, libraries, or a
12 city hall.

13 “(4) COMPUTER ACCESS POINT.—The term
14 ‘computer access point’ means a computer terminal
15 with access to basic broadband service.

16 “(5) CRITICAL COMMUNITY FACILITIES.—The
17 term ‘critical community facilities’ means any public
18 school or education center, public library, public
19 medical clinic, public hospital, community college,
20 public university, or any law enforcement, fire, or
21 ambulance station in a proposed service area.

22 “(6) END USER EQUIPMENT.—The term ‘end
23 user equipment’ means computer hardware and soft-
24 ware, audio or video equipment, computer network
25 components, telecommunications terminal equip-

1 ment, inside wiring, interactive video equipment, or
2 other facilities required for the provision and use of
3 broadband service.

4 “(7) RURAL AREA.—The term ‘rural area’
5 means any area of the United States that is not—

6 “(A) included within the boundaries of any
7 incorporated or unincorporated city, village,
8 borough, or town with a population in excess of
9 25,000 inhabitants; and

10 “(B) located within 10 miles of any such
11 city, village, borough, or town.

12 “(8) SECRETARY.—The term ‘Secretary’ means
13 the Secretary of Agriculture.

14 “(9) SERVICE AREA.—The term ‘service area’
15 means a single community, and may include the un-
16 incorporated areas or locally recognized commu-
17 nities, not recognized in the most recent decennial
18 census performed by the Bureau of the Census, lo-
19 cated outside and contiguous to the boundaries of
20 such community, in which the applicant proposes to
21 provide broadband service.

22 “(10) SPECTRUM.—The term ‘spectrum’ means
23 a defined band of frequencies that will accommodate
24 broadband service.”.

1 **SEC. 6. USDA RULEMAKING.**

2 The Secretary of Agriculture shall initiate and com-
3 plete a rulemaking to—

4 (1) consider and adopt, as necessary in the dis-
5 cretion of the Secretary, the recommendations set
6 forth in audit report 09601–4–Te, issued in Sep-
7 tember 2005, entitled “Rural Utilities Service
8 Broadband Grant and Loan Programs” by the In-
9 spector General of the United States Department of
10 Agriculture; and

11 (2) review and propose recommendations as to
12 how to best coordinate the application process of the
13 broadband loan and loan guarantee program under
14 section 601 of the Rural Electrification Act of 1936
15 and the Community Connect Grant program under
16 section 602 of such Act, as added by section 2 of
17 this Act.

18 **SEC. 7. UNLICENSED DEVICES FOR RURAL WIRELESS**
19 **BROADBAND.**

20 (a) COMPLETION OF ORDER.—Not later than 18
21 months after date of enactment of this Act, the Federal
22 Communications Commission shall issue a final order in
23 the matter of Unlicensed Operation in TV Broadcast
24 Bands, ET Docket No. 04–186.

1 (b) CONDITIONS.—In completing the final order de-
2 scribed in subsection (a), the Federal Communications
3 Commission shall—

4 (1) permit certified unlicensed devices to use, in
5 non-exclusive terms, unassigned, non-licensed tele-
6 vision broadcast channels between 54 MHz and 698
7 MHz in rural areas;

8 (2) protect incumbent certified low power auxili-
9 ary stations from harmful interference by requiring
10 certification of unlicensed devices prior to permitting
11 such devices to access or use unassigned, non-li-
12 censed television broadcast channels between 54
13 MHz and 698 MHz in rural areas, and including in
14 the certification proof of successful completion of
15 laboratory and field testing by an independent lab-
16 oratory demonstrating that unlicensed devices do not
17 cause harmful interference to incumbent certified
18 low power auxiliary stations;

19 (3) protect incumbent certified low power auxili-
20 ary stations from harmful interference by prohib-
21 iting certified unlicensed devices from operating on
22 any television broadcast channel between 54 MHz
23 and 698 MHz in rural areas already in use by an
24 incumbent certified low power auxiliary station; and

1 (4) consider additional ways to protect incum-
2 bent certified low power auxiliary stations from
3 harmful interference, such as reserving certain tele-
4 vision broadcast channels for exclusive use by incum-
5 bent certified low power auxiliary stations.

6 (c) DEFINITIONS.—As used in this section:

7 (1) CERTIFIED UNLICENSED DEVICE.—The
8 term “certified unlicensed device” means any unli-
9 censed device certified under subsection (b)(2)(D)
10 operating in a fixed location, whose primary purpose
11 is to provide broadband service to rural areas.

12 (2) INCUMBENT CERTIFIED LOW POWER AUXIL-
13 IARY STATION.—The term “incumbent certified low
14 power auxiliary station” means any certified low
15 power wireless microphone, personal wireless mon-
16 itor, or other audio auxiliary equipment operating on
17 television broadcast channels between 54 MHz and
18 698 MHz, used for entertainment, religious, news-
19 gathering, governmental, business, or personal con-
20 sumer purposes to provide real-time, high-quality
21 audio transmissions over distances of approximately
22 100 meters.

23 (3) RURAL AREA.—The term “rural area”
24 means any rural service area or rural statistical

1 area, as defined by the Federal Communications
2 Commission.

3 **SEC. 8. SPECTRUM AUCTION FOR RURAL WIRELESS**
4 **BROADBAND.**

5 Not later than February 1, 2007, the Federal Com-
6 munications Commission shall initiate a proceeding—

7 (1) to reevaluate and reconfigure its band plans
8 for the upper 700 MHz band (currently designated
9 Auction 31) and for the unauctioned portions of the
10 lower 700 MHz band (currently designated as Chan-
11 nel Blocks A, B, and E) so as to designate up to
12 12 MHz of paired recovered analog spectrum (as de-
13 fined in section 309(j)(15)(C)(vi) of the Communica-
14 tions Act of 1934 (47 U.S.C. 309(j)(15)(C)(vi)));
15 and

16 (2) to reconfigure its band plans to include
17 spectrum to be licensed for small geographic license
18 areas, taking into consideration the desire to pro-
19 mote infrastructure build-out and service to rural
20 and insular areas and the competitive benefits,
21 unique characteristics, and special needs of rural, re-
22 gional, and smaller wireless carriers.

1 **SEC. 9. PUBLIC-PRIVATE TASK FORCE ON BROADBAND INI-**
2 **TIATIVES.**

3 (a) ESTABLISHMENT.—There is established a task
4 force to be known as the “Rural Broadband Access Task
5 Force” (referred to in this section as the “Task Force”).

6 (b) MEMBERSHIP.—

7 (1) IN GENERAL.—The Task Force established
8 under this section shall be composed of 11 members,
9 of whom—

10 (A) 3 shall be appointed by the President;

11 (B) 2 shall be appointed by the Majority
12 Leader of the Senate;

13 (C) 2 shall be appointed by the minority
14 Leader of the Senate;

15 (D) 2 shall be appointed by the Speaker of
16 the House of Representatives; and

17 (E) 2 shall be appointed by the minority
18 Leader of the House of Representatives.

19 (2) QUALIFICATIONS.—The membership of the
20 Task Force established under this section shall in-
21 clude—

22 (A) at least 6 members of whom—

23 (i) all shall be recognized experts in
24 the field of communications;

25 (ii) 2 shall be employees of the Fed-
26 eral Government;

1 (iii) 2 shall be employees of State gov-
2 ernments; and

3 (iv) 2 shall be employees of local gov-
4 ernments;

5 (B) at least 1 member who shall be a rep-
6 resentative of a consumer or public interest or-
7 ganization;

8 (C) at least 1 member who shall be a rep-
9 resentative of interested trade associations;

10 (D) at least 1 member who shall be a rep-
11 resentative of interested academic institutions;
12 and

13 (E) at least 2 members all of whom shall
14 be especially qualified to serve on the Task
15 Force by virtue of their education, training, or
16 experience, particularly in the field of rural
17 communications access issues.

18 (3) CHAIRPERSON.—Each year, the Task Force
19 shall elect a Chairperson from among its members.

20 (4) VICE CHAIR.—Each year, the Task Force
21 shall elect a Vice Chair from among its members.

22 (c) DUTIES.—The Task Force shall—

23 (1) conduct a comprehensive survey of legisla-
24 tive, regulatory, or administrative policies or pro-

1 grams adopted by States to encourage rapid deploy-
2 ment of broadband services;

3 (2) study policies or programs that have been
4 successful in providing incentives for communica-
5 tions carriers to deploy or expand services in areas
6 that lacked such services before the introduction of
7 such incentives; and

8 (3) study traditional incentives, such as tax
9 credits or financial subsidies, as well as innovative
10 efforts, including public and private partnership pro-
11 grams and best practices that have worked well in
12 encouraging communications carriers to deploy or
13 expand services in areas that lacked such services,
14 particularly in those States with large unserved rural
15 areas.

16 (d) REPORT.—Not later than 6 months after all the
17 members of the Task Force have been appointed under
18 subsection (b), the Task Force shall submit a report to
19 Congress and to the governor of each State detailing a
20 comprehensive list of policies and programs adopted by
21 States that have succeeded in providing incentives for
22 communications carriers to deploy or expand services in
23 areas that lacked such services before the introduction of
24 such incentives.

25 (e) WORKING GROUPS.—

1 (1) IN GENERAL.—The Task Force may estab-
2 lish such working groups as the Task Force deter-
3 mines necessary in order to assist the Task Force in
4 carrying out this subsection.

5 (2) MEMBERSHIP.—Any working group estab-
6 lished under paragraph (1) may include such mem-
7 bers as the Task Force determines necessary, includ-
8 ing individuals who were not appointed as a member
9 of the Task Force under subsection (b).

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated such sums as are nec-
12 essary to carry out this section.

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