

116TH CONGRESS
1ST SESSION

S. 2385

To amend the Rural Electrification Act of 1936 to improve access to broadband telecommunications services in rural areas, including by encouraging the provision of broadband loans and grants to increase broadband service in emerging harbor projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2019

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Rural Electrification Act of 1936 to improve access to broadband telecommunications services in rural areas, including by encouraging the provision of broadband loans and grants to increase broadband service in emerging harbor projects, 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 Internet
5 for Small Ports Act”.

1 **SEC. 2. ACCESS TO BROADBAND TELECOMMUNICATIONS**
2 **SERVICES IN RURAL AREAS.**

3 Section 601 of the Rural Electrification Act of 1936
4 (7 U.S.C. 950bb) is amended—

5 (1) in subsection (c)—

6 (A) in paragraph (2)—

7 (i) in subparagraph (A)—

8 (I) in clause (i)—

9 (aa) by striking “of at
10 least—” and inserting a semi-
11 colon; and

12 (bb) by striking subclauses
13 (I) and (II);

14 (II) in clause (iii), by striking
15 “and” at the end;

16 (III) in clause (iv), by striking
17 the period at the end and inserting “;
18 and”; and

19 (IV) by adding at the end the fol-
20 lowing:

21 “(v) give priority to applications for
22 projects to provide rapid and expanded de-
23 ployment of fixed and mobile broadband on
24 cropland and rangeland within a service
25 territory for use in various applications of
26 precision agriculture.”;

- 1 (ii) in subparagraph (B)—
- 2 (I) in clause (i)—
- 3 (aa) in subclause (III), by
- 4 inserting “or” after the semi-
- 5 colon;
- 6 (bb) in subclause (IV), by
- 7 striking “or” and inserting
- 8 “and”; and
- 9 (cc) by striking subclause
- 10 (V); and
- 11 (II) in clause (ii)—
- 12 (aa) in the matter preceding
- 13 subclause (I), by striking “2”
- 14 and inserting “1”;
- 15 (bb) in subclause (IV), by
- 16 inserting “and” after the semi-
- 17 colon;
- 18 (cc) in subclause (V), by
- 19 striking “; and” and inserting a
- 20 period at the end; and
- 21 (dd) by striking subclause
- 22 (VI); and
- 23 (iii) by adding at the end the fol-
- 24 lowing:

1 “(C) EMERGING HARBOR PROJECT PRI-
2 ORITY.—In addition to the priority given under
3 subparagraph (B), the Secretary shall give
4 equal priority to an application for a project
5 that would increase the availability of
6 broadband service in an emerging harbor
7 project (as defined in section 210(f) of the
8 Water Resources Development Act of 1986 (33
9 U.S.C. 2238(f))), without regard to whether the
10 application is from an emerging harbor project.

11 “(D) IDENTIFICATION OF UNSERVED COM-
12 MUNITIES.—

13 “(i) IN GENERAL.—In the case of an
14 application given the highest priority under
15 subparagraph (A)(i), the Secretary shall
16 confirm that each unserved rural commu-
17 nity identified in the application is eligible
18 for funding by—

19 “(I) conferring with and obtain-
20 ing data from the Chair of the Fed-
21 eral Communications Commission and
22 the Administrator of the National
23 Telecommunications and Information
24 Administration with respect to the

1 service area proposed in the applica-
2 tion;

3 “(II) reviewing any other source
4 that is relevant to service data valida-
5 tion, as determined by the Secretary;
6 and

7 “(III) performing site-specific
8 testing to verify the unavailability of
9 any residential broadband service in
10 the unserved rural community.

11 “(ii) ADJUSTMENTS.—Not less often
12 than once every 2 years, the Secretary
13 shall review, and may adjust through no-
14 tice published in the Federal Register, the
15 unserved communities identified under
16 clause (i).”; and

17 (B) in paragraph (3), by striking subpara-
18 graphs (C) and (D) and inserting the following:

19 “(C) MAXIMUM.—Except as provided in
20 subparagraph (D), the amount of any grant
21 made under this section shall not exceed 50
22 percent of the development costs of the project
23 for which the grant is provided.

24 “(D) SECRETARIAL AUTHORITY TO AD-
25 JUST.—The Secretary may make grants of up

1 to 75 percent of the development costs of the
2 project for which the grant is provided to an el-
3 igible entity if the Secretary determines that
4 the project serves—

5 “(i) an area of rural households de-
6 scribed in paragraph (2)(A)(ii); and

7 “(ii) a rural community described in
8 any of subclauses (I) through (IV) of para-
9 graph (2)(B)(i).”;

10 (2) in subsection (d)—

11 (A) in paragraph (1)—

12 (i) in subparagraph (B), by striking
13 “subsection (j)” and inserting “subsection
14 (l)”; and

15 (ii) by adding at the end the fol-
16 lowing:

17 “(C) RELATION TO UNIVERSAL SERVICE
18 HIGH-COST SUPPORT.—The Secretary shall co-
19 ordinate with the Federal Communications
20 Commission to ensure that any grants, loans, or
21 loan guarantees made under this section com-
22 plement and do not conflict with universal serv-
23 ice high-cost support (as defined in section 54.5
24 of title 47, Code of Federal Regulations, or any

1 successor regulation) provided by the Commis-
 2 sion.”;

3 (B) in paragraph (2)—

4 (i) in subparagraph (A)—

5 (I) in clause (i), by striking “50”
 6 and inserting “90”; and

7 (II) in clause (ii), by striking “3”
 8 and inserting “2”; and

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

10 “(6) APPLICATION PROCESS.—The Secretary
 11 shall provide to an applicant of a grant, loan, or
 12 loan guarantee under this section feedback and deci-
 13 sions on funding in a timely manner.”;

14 (3) by redesignating subsections (j) and (k) as
 15 subsections (l) and (m), respectively;

16 (4) by inserting after subsection (i) the fol-
 17 lowing:

18 “(j) BROADBAND BUILDOUT DATA.—As a condition
 19 of receiving a grant, loan, or loan guarantee under this
 20 section, a recipient of assistance shall provide to the Sec-
 21 retary complete, reliable, and precise geolocation informa-
 22 tion that indicates the location of new broadband service
 23 that is being provided or upgraded within the service terri-
 24 tory supported by the grant, loan, or loan guarantee not
 25 later than 30 days after the earlier of—

1 “(1) the date of completion of any project mile-
2 stone established by the Secretary; or

3 “(2) the date of completion of the project.

4 “(k) ENVIRONMENTAL REVIEWS.—The Secretary
5 may obligate, but not disperse, funds under this Act before
6 the completion of otherwise required environmental, his-
7 torical, or other types of reviews if the Secretary deter-
8 mines that a subsequent site-specific review shall be ade-
9 quate and easily accomplished for the location of towers,
10 poles, or other broadband facilities in the service area of
11 the borrower without compromising the project or the re-
12 quired reviews.”; and

13 (5) in subsection (l)(2)(A) (as so redesign-
14 nated)—

15 (A) in clause (i), by striking “and” at the
16 end;

17 (B) in clause (ii), by striking the period at
18 the end and inserting “; and”; and

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

20 “(iii) set aside at least 1 percent to be
21 used for—

22 “(I) conducting oversight under
23 this section; and

1 “(II) implementing accountability
2 measures and related activities au-
3 thorized under this section.”.

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