

117TH CONGRESS
1ST SESSION

H. R. 3193

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2021

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To amend the Public Works and Economic Development Act of 1965 to provide for a high-speed broadband deployment initiative.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Eliminating Barriers
3 to Rural Internet Development Grant Eligibility Act” or
4 the “E-BRIDGE Act”.

5 **SEC. 2. HIGH-SPEED BROADBAND DEPLOYMENT INITIA-**
6 **TIVE.**

7 (a) IN GENERAL.—Title II of the Public Works and
8 Economic Development Act of 1965 (42 U.S.C. 3141 et
9 seq.) is amended by adding at the end the following:

10 **“SEC. 219. HIGH-SPEED BROADBAND DEPLOYMENT INITIA-**
11 **TIVE.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) BROADBAND PROJECT.—The term
14 ‘broadband project’ means, for the purpose of pro-
15 viding, extending, expanding, or improving high-
16 speed broadband service to further the goals of this
17 Act—

18 “(A) planning, technical assistance, or
19 training;

20 “(B) the acquisition or development of
21 land; or

22 “(C) the acquisition, design and engineer-
23 ing, construction, rehabilitation, alteration, ex-
24 pansion, or improvement of facilities, including
25 related machinery, equipment, contractual
26 rights, and intangible property.

1 “(2) ELIGIBLE RECIPIENT.—

2 “(A) IN GENERAL.—The term ‘eligible re-
3 recipient’ means an eligible recipient.

4 “(B) INCLUSIONS.—The term ‘eligible re-
5 recipient’ includes—

6 “(i) a public-private partnership; and

7 “(ii) a consortium formed for the pur-
8 pose of providing, extending, expanding, or
9 improving high-speed broadband service
10 between 1 or more eligible recipients and 1
11 or more for-profit organizations.

12 “(3) HIGH-SPEED BROADBAND.—The term
13 ‘high-speed broadband’ means the provision of 2-way
14 data transmission with sufficient downstream and
15 upstream speeds to end users to permit effective
16 participation in the economy and to support eco-
17 nomic growth, as determined by the Secretary.

18 “(b) BROADBAND PROJECTS.—

19 “(1) IN GENERAL.—On the application of an el-
20 igible recipient, the Secretary may make grants
21 under this title for broadband projects, which shall
22 be subject to the provisions of this section.

23 “(2) CONSIDERATIONS.—In reviewing applica-
24 tions submitted under paragraph (1), the Secretary
25 shall take into consideration geographic diversity of

1 grants allocated, including consideration of under-
2 served markets, in addition to data requested in
3 paragraph (3).

4 “(3) DATA REQUESTED.—In reviewing an ap-
5 plication submitted under paragraph (1), the Sec-
6 retary shall request from the Federal Communica-
7 tions Commission, the Administrator of the National
8 Telecommunications and Information Administra-
9 tion, the Secretary of Agriculture, and the Appa-
10 lachian Regional Commission data on—

11 “(A) the level and extent of broadband
12 service that exists in the area proposed to be
13 served; and

14 “(B) the level and extent of broadband
15 service that will be deployed in the area pro-
16 posed to be served pursuant to another Federal
17 program.

18 “(4) INTEREST IN REAL OR PERSONAL PROP-
19 erty.—For any broadband project carried out by an
20 eligible recipient that is a public-private partnership
21 or consortium, the Secretary shall require that title
22 to any real or personal property acquired or im-
23 proved with grant funds, or if the recipient will not
24 acquire title, another possessory interest acceptable
25 to the Secretary, be vested in a public partner or eli-

1 gible nonprofit organization or association for the
2 useful life of the project, after which title may be
3 transferred to any member of the public-private
4 partnership or consortium in accordance with regu-
5 lations promulgated by the Secretary.

6 “(5) PROCUREMENT.—Notwithstanding any
7 other provision of law, no person or entity shall be
8 disqualified from competing to provide goods or serv-
9 ices related to a broadband project on the basis that
10 the person or entity participated in the development
11 of the broadband project or in the drafting of speci-
12 fications, requirements, statements of work, or simi-
13 lar documents related to the goods or services to be
14 provided.

15 “(6) BROADBAND PROJECT PROPERTY.—

16 “(A) IN GENERAL.—The Secretary may
17 permit a recipient of a grant for a broadband
18 project to grant an option to acquire real or
19 personal property (including contractual rights
20 and intangible property) related to that project
21 to a third party on such terms as the Secretary
22 determines to be appropriate, subject to the
23 condition that the option may only be exercised
24 after the Secretary releases the Federal interest
25 in the property.

1 “(B) TREATMENT.—The grant or exercise
2 of an option described in subparagraph (A)
3 shall not constitute a redistribution of grant
4 funds under section 217.

5 “(c) NON-FEDERAL SHARE.—In determining the
6 amount of the non-Federal share of the cost of a
7 broadband project, the Secretary may provide credit to-
8 ward the non-Federal share for the present value of allow-
9 able contributions over the useful life of the broadband
10 project, subject to the condition that the Secretary may
11 require such assurances of the value of the rights and of
12 the commitment of the rights as the Secretary determines
13 to be appropriate.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 in section 1(b) of the Public Works and Economic Devel-
16 opment Act of 1965 (42 U.S.C. 3121 note; Public Law
17 89–136) is amended by inserting after the item relating
18 to section 218 the following:

 “Sec. 219. High-speed broadband deployment initiative.”.

19 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

20 The budgetary effects of this Act, for the purpose of
21 complying with the Statutory Pay-As-You-Go Act of 2010,
22 shall be determined by reference to the latest statement
23 titled “Budgetary Effects of PAYGO Legislation” for this
24 Act, submitted for printing in the Congressional Record
25 by the Chairman of the House Budget Committee, pro-

