

115TH CONGRESS
2D SESSION

S. 2970

To amend the Rural Electrification Act of 1936 to provide requirements on the use of assistance for broadband deployment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2018

Mr. DAINES (for himself and Mr. LEAHY) 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 provide requirements on the use of assistance for broadband deployment, 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 “Reprioritizing
5 Unserved Rural Areas and Locations for Broadband Act
6 of 2018” or the “RURAL Broadband Act of 2018”.

1 **SEC. 2. USE OF ASSISTANCE FOR DEPLOYMENT OF**
 2 **BROADBAND INFRASTRUCTURE.**

3 Title VI of the Rural Electrification Act of 1936 (7
 4 U.S.C. 950bb et seq.) is amended by adding at the end
 5 the following:

6 **“SEC. 604. USE OF ASSISTANCE FOR DEPLOYMENT OF**
 7 **BROADBAND INFRASTRUCTURE.**

8 “(a) **DEFINITION OF QUALIFYING BROADBAND-CA-**
 9 **PABLE INFRASTRUCTURE.**—In this section, the term
 10 ‘qualifying broadband-capable infrastructure’ means fixed
 11 broadband-capable infrastructure—

12 “(1) used by a service provider to provide fixed
 13 broadband service for which the service provider re-
 14 ceives universal service support under section 254 of
 15 the Communications Act of 1934 (47 U.S.C. 254),
 16 if—

17 “(A) the broadband service satisfies any
 18 applicable broadband speed standards under
 19 that section and the regulations issued under
 20 that section; or

21 “(B) the service provider is in compliance
 22 with buildout obligations to provide retail fixed
 23 broadband service that will comply with applica-
 24 ble broadband speed standards described in
 25 subparagraph (A); or

26 “(2) that—

1 “(A) was financed with funds provided by
2 the Secretary under this Act or any other pro-
3 gram carried out by the Secretary for the costs
4 of the construction, improvement, or acquisition
5 of facilities or equipment for the purpose of
6 providing fixed telecommunications or
7 broadband service; and

8 “(B)(i) is used to provide fixed broadband
9 service, if—

10 “(I) the broadband service satisfies
11 any applicable broadband speed standards
12 established by the Secretary; or

13 “(II) the service provider is in compli-
14 ance with buildout obligations to provide
15 retail fixed broadband service that will
16 comply with applicable broadband speed
17 standards described in subclause (I); or

18 “(ii) was financed with a loan under this
19 Act or any other program carried out by the
20 Secretary that remains outstanding.

21 “(b) RESTRICTION ON USE OF ASSISTANCE.—A loan,
22 grant, or other assistance awarded under this Act, or by
23 the rural development mission area under the Consoli-
24 dated Farm and Rural Development Act (7 U.S.C. 1921
25 et seq.), may not be used to coordinate, approve, or fi-

1 nance the deployment of broadband-capable infrastructure
2 by a service provider to provide retail fixed broadband
3 service that would overbuild or otherwise duplicate quali-
4 fying broadband-capable infrastructure that another serv-
5 ice provider is using to provide retail fixed broadband serv-
6 ice in the same area.

7 “(c) USE OF ASSISTANCE IN UNSERVED AREAS.—
8 A loan, grant, or other assistance provided by the Sec-
9 retary, acting through the Administrator of the Rural
10 Utilities Service, to coordinate, approve, or finance the de-
11 ployment of broadband-capable infrastructure by a service
12 provider may be used to provide retail fixed broadband
13 service in an area in which there is no qualifying
14 broadband-capable infrastructure owned or operated by
15 another service provider.”.

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