

116TH CONGRESS  
1ST SESSION

# S. 2816

To ensure that fixed broadband internet access service assisted by any Federal broadband support program meets a minimum speed threshold.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2019

Ms. ROSEN (for herself and Mrs. CAPITO) 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 ensure that fixed broadband internet access service assisted by any Federal broadband support program meets a minimum speed threshold.

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 Parity Act  
5 of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) AGENCY.—The term “agency” has the  
2           meaning given the term in section 551 of title 5,  
3           United States Code.

4           (2) FEDERAL BROADBAND SUPPORT PRO-  
5           GRAM.—The term “Federal broadband support pro-  
6           gram” means any of the following programs (or any  
7           other similar Federal program) to the extent the  
8           program offers fixed broadband internet access serv-  
9           ice or programs for promoting access to and adop-  
10          tion of fixed broadband internet access service for  
11          various demographic communities through various  
12          media for residential, commercial, or community  
13          providers, or academic establishments:

14                (A) The Telecommunications and Tech-  
15                nology Program of the Appalachian Regional  
16                Commission.

17                (B) The following programs of the Rural  
18                Utilities Service of the Department of Agri-  
19                culture:

20                    (i) The Telecommunications Infra-  
21                    structure Loan and Loan Guarantee Pro-  
22                    gram established under the Rural Elec-  
23                    trification Act of 1936 (7 U.S.C. 901 et  
24                    seq.).

1           (ii) Any program to provide grants,  
2           loans, or loan guarantees under sections  
3           601 through 603 of the Rural Electrifica-  
4           tion Act of 1936 (7 U.S.C. 950bb et seq.).

5           (iii) The substantially underserved  
6           trust area initiative under section 306F of  
7           the Rural Electrification Act of 1936 (7  
8           U.S.C. 936f).

9           (iv) The Community Connect Grant  
10          Program established under section 604 of  
11          the Rural Electrification Act of 1936 (7  
12          U.S.C. 950bb–3).

13          (v) The distance learning and tele-  
14          medicine grant program established under  
15          chapter 1 of subtitle D of title XXII of the  
16          Food, Agriculture, Conservation, and  
17          Trade Act of 1990 (7 U.S.C. 950aaa et  
18          seq.).

19          (C) The following programs of the Eco-  
20          nomic Development Administration of the De-  
21          partment of Commerce:

22               (i) The Public Works and Economic  
23               Adjustment Assistance Programs.

24               (ii) The Planning and Local Technical  
25               Assistance Programs.

1 (D) The following programs of the Depart-  
2 ment of Housing and Urban Development:

3 (i) The Community Development  
4 Block Grant Program under title I of the  
5 Housing and Community Development Act  
6 of 1974 (42 U.S.C. 5301 et seq.).

7 (ii) The loan guarantee program  
8 under section 108 of the Housing and  
9 Community Development Act of 1974 (42  
10 U.S.C. 5308) (commonly known as the  
11 “Section 108 Loan Guarantee Program”).

12 (iii) Assistance from the Public Hous-  
13 ing Capital Fund established under section  
14 9(d) of the United States Housing Act of  
15 1937 (42 U.S.C. 1437g(d)).

16 (iv) Assistance from the Public Hous-  
17 ing Operating Fund established under sec-  
18 tion 9(e) of the United States Housing Act  
19 of 1937 (42 U.S.C. 1437g(e)).

20 (v) The Multifamily Housing Pro-  
21 grams.

22 (vi) The Indian Community Develop-  
23 ment Block Grant Program.

24 (vii) The Indian Housing Block Grant  
25 Program under section 101 of the Native

1 American Housing Assistance and Self-De-  
2 termination Act of 1996 (25 U.S.C. 4111).

3 (viii) Loan guarantees under title VI  
4 of the Native American Housing Assist-  
5 ance and Self-Determination Act of 1996  
6 (25 U.S.C. 4191 et seq.) (commonly known  
7 as the “Title VI Loan Guarantee Pro-  
8 gram”).

9 (ix) The Choice Neighborhoods Initia-  
10 tive.

11 (x) The HOME Investment Partner-  
12 ships Program authorized under title II of  
13 the Cranston-Gonzalez National Affordable  
14 Housing Act (42 U.S.C. 12721 et seq.).

15 (xi) The Housing Trust Fund estab-  
16 lished under section 1338 of the Federal  
17 Housing Enterprises Financial Safety and  
18 Soundness Act of 1992 (12 U.S.C. 4568).

19 (xii) The Housing Opportunities for  
20 Persons With AIDS Program authorized  
21 under the AIDS Housing Opportunity Act  
22 (42 U.S.C. 12901 et seq.).

23 (E) The American Job Centers of the Em-  
24 ployment and Training Administration of the  
25 Department of Labor.

1 (F) The Library Services and Technology  
 2 Grant Programs of the Institute of Museum  
 3 and Library Services.

4 (G) Any program authorized under section  
 5 254 of the Communications Act of 1934 (47  
 6 U.S.C. 254) to help deploy fixed broadband  
 7 internet access service.

8 **SEC. 3. UNIVERSAL MINIMUM SPEEDS FOR FEDERALLY**  
 9 **SUPPORTED FIXED BROADBAND.**

10 (a) IN GENERAL.—

11 (1) REQUIREMENT.—Subject to subsection (c),  
 12 and notwithstanding any other provision of law, an  
 13 agency may not provide assistance under a Federal  
 14 broadband support program unless the fixed broad-  
 15 band internet access service to be assisted meets or  
 16 exceeds, or will meet or exceed when deployed, the  
 17 minimum speeds that were in effect on the date on  
 18 which the agency made the determination to provide  
 19 the assistance.

20 (2) MINIMUM SPEEDS.—For purposes of para-  
 21 graph (1), the term “minimum speeds” means the  
 22 minimum download and upload speeds for fixed  
 23 broadband internet access service most recently es-  
 24 tablished by the Federal Communications Commis-  
 25 sion in determining for purposes of section 706 of

1 the Telecommunications Act of 1996 (47 U.S.C.  
2 1302) whether advanced telecommunications capa-  
3 bility is being deployed to all Americans in a reason-  
4 able and timely fashion.

5 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
6 Section 601(e) of the Rural Electrification Act of 1936  
7 (7 U.S.C. 950bb(e)) is amended—

8 (1) in paragraph (1), by striking “at least—”  
9 and all that follows through the period at the end  
10 of subparagraph (B) and inserting “not less than  
11 the minimum speeds established under section 3 of  
12 the Broadband Parity Act of 2019.”; and

13 (2) in paragraph (2), by inserting “, subject to  
14 the condition that the minimum acceptable level of  
15 broadband service, as adjusted under this para-  
16 graph, may not be less than the minimum speeds de-  
17 scribed in paragraph (1)” before the period at the  
18 end.

19 (c) PROSPECTIVE APPLICABILITY.—This section and  
20 the amendments made by this section—

21 (1) shall apply to any determination of an agen-  
22 cy to provide assistance under a Federal broadband  
23 support program that is made on or after the date  
24 of enactment of this Act; and

1           (2) shall not affect any award of assistance  
2       made under a Federal broadband support program  
3       before the date of enactment of this Act.

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