

116TH CONGRESS
2D SESSION

S. 3648

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

IN THE SENATE OF THE UNITED STATES

MAY 7, 2020

Mrs. CAPITO (for herself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. HIGH-SPEED BROADBAND DEPLOYMENT INITIA-**
 2 **TIVE.**

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

6 **“SEC. 219. HIGH-SPEED BROADBAND DEPLOYMENT INITIA-**
 7 **TIVE.**

8 “(a) DEFINITIONS.—In this section:

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

14 “(A) planning, technical assistance, or
 15 training;

16 “(B) the acquisition or development of
 17 land; or

18 “(C) the acquisition, design and engineer-
 19 ing, construction, rehabilitation, alteration, ex-
 20 pansion, or improvement of facilities, including
 21 related machinery, equipment, contractual
 22 rights, and intangible property.

23 “(2) ELIGIBLE RECIPIENT.—The term ‘eligible
 24 recipient’ includes—

25 “(A) a public-private partnership; and

1 “(B) a consortium formed for the purpose
 2 of providing, extending, expanding, or improv-
 3 ing high-speed broadband service between 1 or
 4 more eligible recipients and 1 or more for-profit
 5 organizations.

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

12 “(b) BROADBAND PROJECTS.—

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

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

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

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

14 “(4) BROADBAND PROJECT PROPERTY.—

15 “(A) IN GENERAL.—The Secretary may
16 permit a recipient of a grant for a broadband
17 project to grant an option to acquire real or
18 personal property (including contractual rights
19 and intangible property) related to that project
20 to a third party on such terms as the Secretary
21 determines to be appropriate, subject to the
22 condition that the option may only be exercised
23 after the Secretary releases the Federal interest
24 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) SOURCES OF ASSISTANCE.—A grant provided
 6 under this section may be provided from amounts made
 7 available to carry out this title in combination with
 8 amounts made available under any other Federal program.

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

18 (b) CLERICAL AMENDMENT.—The table of contents
 19 in section 1(b) of the Public Works and Economic Devel-
 20 opment Act of 1965 (42 U.S.C. 3121 note; Public Law
 21 89–136) is amended by inserting after the item relating
 22 to section 218 the following:

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

