

116TH CONGRESS
2D SESSION

S. 4291

To provide appropriations for the deployment of rural broadband, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2020

Mr. GARDNER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide appropriations for the deployment of rural broadband, 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 “Developing Economic
5 Prosperity and Linking Our Youth through Broadband
6 Act” or the “DEPLOY Broadband Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act—

9 (1) the term “broadband internet access serv-
10 ice” has the meaning given the term in section

1 8.1(b) of title 47, Code of Federal Regulations, or
 2 any successor regulation; and

3 (2) the term “Commission” means the Federal
 4 Communications Commission.

5 **SEC. 3. APPROPRIATIONS FOR DEPLOYMENT OF RURAL**
 6 **BROADBAND.**

7 (a) IN GENERAL.—There is appropriated, out of
 8 amounts in the Treasury not otherwise appropriated,
 9 \$6,500,000,000 to the Commission, to remain available
 10 until expended, for the deployment of broadband-capable
 11 infrastructure in areas that the Commission determines
 12 are unserved with respect to broadband internet access
 13 service.

14 (b) EMERGENCY DESIGNATION.—The amount made
 15 available by paragraph (1) is designated by Congress as
 16 being for an emergency requirement pursuant to section
 17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 18 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

19 **SEC. 4. RURAL SET-ASIDE.**

20 (a) IN GENERAL.—Section 309(j)(8) of the Commu-
 21 nications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

22 (1) in subparagraph (A), by striking “and (G)”
 23 and inserting “(G), and (H)”;

(2) in subparagraph (G)(iii)(II), in the matter preceding item (aa), by striking “All” and inserting “Except as provided in subparagraph (H), all”; and
 (3) by adding at the end the following:

“(H) RURAL DIVIDEND.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A) and except as provided in subparagraphs (B), (D), (E), and (F)—

“(I) the Commission shall allocate not less than 10 percent of the net proceeds attributable to each system of competitive bidding conducted under this subsection for the deployment of broadband-capable infrastructure in areas that the Commission has determined are underserved or unserved with respect to broadband internet access service; and

“(II) subject to this subsection, not less than 50 percent of the net proceeds from each use of a system of competitive bidding under this paragraph on and after the date of enactment of this subparagraph shall be deposited in the general fund of the

1 Treasury until the date on which the
2 aggregate amount of those deposits
3 equals \$6,500,000,000.

4 “(ii) LIMITATION.—No amounts allo-
5 cated under clause (i)(I) may be combined
6 with amounts that are used to fund any
7 other program that is in existence on the
8 date on which the allocation is made, in-
9 cluding any program established under sec-
10 tion 254.

11 “(iii) RULE OF CONSTRUCTION.—
12 Nothing under this subparagraph shall be
13 construed to automatically prohibit or dis-
14 qualify a provider of broadband internet
15 access service from receiving funds under
16 any other program related to broadband
17 internet access service, including any pro-
18 gram established under section 254.

19 “(iv) DEFINITION.—In this subpara-
20 graph, the term ‘broadband internet access
21 service’ has the meaning given such term
22 in section 8.1(b) of title 47, Code of Fed-
23 eral Regulations, or any successor regula-
24 tion.”.

1 (b) PUBLIC SAFETY TRUST FUND.—Section
2 6413(b)(8) of the Middle Class Tax Relief and Job Cre-
3 ation Act of 2012 (47 U.S.C. 1457(b)(8)) is amended by
4 striking “Any” and inserting “Except as provided in sub-
5 paragraph (H) of section 309(j)(8) of the Communications
6 Act of 1934 (47 U.S.C. 309(j)(8)), any”.

7 **SEC. 5. COORDINATION.**

8 The Commission shall coordinate with the National
9 Telecommunications and Information Administration and
10 the Rural Utilities Service to avoid overbuilding of
11 broadband internet access service in areas assisted under
12 this Act and the amendments made by this Act.

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