

117TH CONGRESS
1ST SESSION

S. 1884

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

IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

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

A BILL

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

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 2021”.

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 Universal Service Fund high-cost
 5 program authorized to help deploy fixed
 6 broadband internet access service.

7 (H) The following programs of the Depart-
 8 ment of the Treasury:

9 (i) The Coronavirus State Fiscal Re-
 10 covery Fund under section 602 of the So-
 11 cial Security Act, as added by section
 12 9901(a) of the American Rescue Plan Act
 13 of 2021 (Public Law 117–2).

14 (ii) The Coronavirus Local Fiscal Re-
 15 covery Fund under section 603 of the So-
 16 cial Security Act, as added by section
 17 9901(a) of the American Rescue Plan Act
 18 of 2021 (Public Law 117–2).

19 (iii) The Coronavirus Capital Projects
 20 Fund under section 604 of the Social Se-
 21 curity Act, as added by section 9901(a) of
 22 the American Rescue Plan Act of 2021
 23 (Public Law 117–2).

24 (3) UNIVERSAL SERVICE FUND HIGH-COST PRO-
 25 GRAM.—The term “Universal Service Fund high-cost

1 program” has the meaning given the term in section
 2 903 of division FF of the Consolidated Appropria-
 3 tions Act, 2021 (47 U.S.C. 1307).

4 **SEC. 3. UNIVERSAL MINIMUM LEVEL OF SERVICE FOR FED-**
 5 **ERALLY SUPPORTED FIXED BROADBAND.**

6 (a) RULEMAKING.—Not later than 180 days after the
 7 date of enactment of this Act, the Federal Communica-
 8 tions Commission, in consultation with the Secretary of
 9 Agriculture, the Secretary of Commerce, the Secretary of
 10 Housing and Urban Development, and the head of each
 11 other agency that provides assistance under a Federal
 12 broadband support program, shall conduct a rulemaking
 13 to establish a minimum level of service for fixed broadband
 14 internet access service assisted by a Federal broadband
 15 support program to ensure that such service can sup-
 16 port—

- 17 (1) virtual learning;
- 18 (2) telehealth services; and
- 19 (3) telework.

20 (b) MINIMUM LEVEL OF SERVICE.—The minimum
 21 level of service established under subsection (a) shall, in
 22 a technology-neutral manner, include—

- 23 (1) a minimum download speed;
- 24 (2) a minimum upload speed; and
- 25 (3) a maximum latency.

1 (c) REQUIREMENT.—

2 (1) IN GENERAL.—Except as provided in para-
 3 graph (2), subject to subsection (e), and notwith-
 4 standing any other provision of law, an agency may
 5 not provide assistance under a Federal broadband
 6 support program unless the fixed broadband internet
 7 access service to be assisted meets or exceeds, or will
 8 meet or exceed when deployed, the minimum level of
 9 service established under subsection (a) that was in
 10 effect on the date on which the agency made the de-
 11 termination to provide the assistance.

12 (2) INFEASIBILITY.—Paragraph (1) shall not
 13 apply if the agency providing assistance determines
 14 that the provision of fixed broadband internet access
 15 service that meets or exceeds the minimum level of
 16 service described in that paragraph is infeasible.

17 (d) TECHNICAL AND CONFORMING AMENDMENT.—

18 Section 601(e) of the Rural Electrification Act of 1936
 19 (7 U.S.C. 950bb(e)) is amended—

20 (1) in paragraph (1), by striking “at least—”
 21 and all that follows through the period at the end
 22 of subparagraph (B) and inserting “not less than
 23 the minimum level of service established under sec-
 24 tion 3(a) of the Broadband Parity Act of 2021.”;
 25 and

1 (2) in paragraph (2), by inserting “, subject to
2 the condition that the minimum acceptable level of
3 broadband service, as adjusted under this para-
4 graph, may not be less than the minimum level of
5 service described in paragraph (1)” before the period
6 at the end.

7 (e) PROSPECTIVE APPLICABILITY.—This section and
8 the amendments made by this section—

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

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

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