

117TH CONGRESS
1ST SESSION

S. 1908

To amend the Rural Electrification Act of 1936 to improve access to broadband telecommunications services in rural areas, including by encouraging the provision of broadband loans and grants to increase broadband service in rural ports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

Mr. WYDEN 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 improve access to broadband telecommunications services in rural areas, including by encouraging the provision of broadband loans and grants to increase broadband service in rural ports, 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 “Broadband Internet
5 for Small Ports Act”.

1 **SEC. 2. ACCESS TO BROADBAND TELECOMMUNICATIONS**
 2 **SERVICES IN RURAL AREAS.**

3 Section 601 of the Rural Electrification Act of 1936
 4 (7 U.S.C. 950bb) is amended—

5 (1) in subsection (c)—

6 (A) in paragraph (2)—

7 (i) in subparagraph (A)—

8 (I) in clause (i)—

9 (aa) by striking “of at
 10 least—” and inserting a semi-
 11 colon; and

12 (bb) by striking subclauses
 13 (I) and (II);
 14 (II) in clause (iii), by striking
 15 “and” at the end;

16 (III) in clause (iv), by striking
 17 the period at the end and inserting “;
 18 and”; and

19 (IV) by adding at the end the fol-
 20 lowing:

21 “(v) give priority to applications for
 22 projects to provide rapid and expanded de-
 23 ployment of fixed and mobile broadband on
 24 cropland and ranchland within a service
 25 territory for use in various applications of
 26 precision agriculture.”;

1 (ii) in subparagraph (B)—

2 (I) in clause (i)—

3 (aa) in subclause (III), by
4 inserting “or” after the semi-
5 colon;

6 (bb) in subclause (IV), by
7 striking “or” and inserting
8 “and”; and

9 (cc) by striking subclause
10 (V); and

11 (II) in clause (ii)—

12 (aa) in the matter preceding
13 subclause (I), by striking “2”
14 and inserting “1”;

15 (bb) in subclause (IV), by
16 inserting “and” after the semi-
17 colon;

18 (cc) in subclause (V), by
19 striking “; and” and inserting a
20 period at the end; and

21 (dd) by striking subclause
22 (VI); and

23 (iii) by adding at the end the fol-
24 lowing:

25 “(C) PORTS IN RURAL AREAS PRIORITY.—

1 “(i) DEFINITION OF PORT.—In this
2 subparagraph, the term ‘port’ means—

3 “(I) any port on the navigable
4 waters of the United States, including
5 territories;

6 “(II) any harbor, marine ter-
7 minal, or other shore side facility used
8 principally for the movement of goods
9 on inland waters; and

10 “(III) any port formed in accord-
11 ance with applicable State or territory
12 law.

13 “(ii) PRIORITY.—In addition to the
14 priority given under subparagraph (B), the
15 Secretary shall give equal priority to an
16 application for a project that would in-
17 crease the availability of broadband service
18 in a port in a rural area.

19 “(D) IDENTIFICATION OF UNSERVED COM-
20 MUNITIES.—

21 “(i) IN GENERAL.—In the case of an
22 application given the highest priority under
23 subparagraph (A)(i), the Secretary shall
24 confirm that each unserved rural commu-

1 nity identified in the application is eligible
2 for funding by—

3 “(I) conferring with and obtain-
4 ing data from the Chair of the Fed-
5 eral Communications Commission and
6 the Administrator of the National
7 Telecommunications and Information
8 Administration with respect to the
9 service area proposed in the applica-
10 tion;

11 “(II) reviewing any other source
12 that is relevant to service data valida-
13 tion, as determined by the Secretary;
14 and

15 “(III) performing site-specific
16 testing to verify the unavailability of
17 any residential broadband service in
18 the unserved rural community.

19 “(ii) ADJUSTMENTS.—Not less often
20 than once every 2 years, the Secretary
21 shall review, and may adjust through no-
22 tice published in the Federal Register, the
23 unserved communities identified under
24 clause (i).”; and

(B) in paragraph (3), by striking subparagraphs (C) and (D) and inserting the following:

“(C) MAXIMUM.—Except as provided in subparagraph (D), the amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

“(D) SECRETARIAL AUTHORITY TO ADJUST.—The Secretary may make grants of up to 75 percent of the development costs of the project for which the grant is provided to an eligible entity if the Secretary determines that the project serves—

“(i) an area of rural households described in paragraph (2)(A)(ii); and

“(ii) a rural community described in any of subclauses (I) through (IV) of paragraph (2)(B)(i).”;

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “subsection (j)” and inserting “subsection (l)”; and

(ii) by adding at the end the following:

1 “(C) RELATION TO UNIVERSAL SERVICE
 2 HIGH-COST SUPPORT.—The Secretary shall
 3 communicate with the Federal Communications
 4 Commission to ensure that any grants, loans, or
 5 loan guarantees made under this section pro-
 6 vide a level of service that is not less than the
 7 level of service provided through universal serv-
 8 ice high-cost support (as defined in section 54.5
 9 of title 47, Code of Federal Regulations, or any
 10 successor regulation) provided by the Commis-
 11 sion.”;

12 (B) in paragraph (2)—

13 (i) in subparagraph (A)—

14 (I) in clause (i), by striking “50”
 15 and inserting “90”; and

16 (II) in clause (ii), by striking “3”
 17 and inserting “2”; and

18 (C) by adding at the end the following:

19 “(6) APPLICATION PROCESS.—The Secretary
 20 shall provide to an applicant of a grant, loan, or
 21 loan guarantee under this section feedback and deci-
 22 sions on funding in a timely manner.”;

23 (3) by redesignating subsections (j) and (k) as
 24 subsections (l) and (m), respectively;

1 (4) by inserting after subsection (i) the fol-
 2 lowing:

3 “(j) BROADBAND BUILDOUT DATA.—As a condition
 4 of receiving a grant, loan, or loan guarantee under this
 5 section, a recipient of assistance shall provide to the Sec-
 6 retary complete, reliable, and precise geolocation informa-
 7 tion that indicates the location of new broadband service
 8 that is being provided or upgraded within the service terri-
 9 tory supported by the grant, loan, or loan guarantee not
 10 later than 30 days after the earlier of—

11 “(1) the date of completion of any project mile-
 12 stone established by the Secretary; or

13 “(2) the date of completion of the project.

14 “(k) ENVIRONMENTAL REVIEWS.—The Secretary
 15 may obligate, but not disperse, funds under this Act before
 16 the completion of otherwise required environmental, his-
 17 torical, or other types of reviews if the Secretary deter-
 18 mines that a subsequent site-specific review shall be ade-
 19 quate and easily accomplished for the location of towers,
 20 poles, or other broadband facilities in the service area of
 21 the borrower without compromising the project or the re-
 22 quired reviews.”; and

23 (5) in subsection (l)(2)(A) (as so redesign-
 24 nated)—

1 (A) in clause (i), by striking “and” at the
2 end;

3 (B) in clause (ii), by striking the period at
4 the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(iii) set aside at least 1 percent to be
7 used for—

8 “(I) conducting oversight under
9 this section; and

10 “(II) implementing accountability
11 measures and related activities au-
12 thorized under this section.”.

○