116TH CONGRESS 1ST SESSION H.R. 2661

To amend the Rural Electrification Act of 1936 to provide requirements on the use of assistance for broadband deployment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2019

Mr. TIPTON (for himself and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

- To amend the Rural Electrification Act of 1936 to provide requirements on the use of assistance for broadband deployment, 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 "Reprioritizing
5 Unserved Rural Areas and Locations for Broadband Act
6 of 2019" and the "RURAL Broadband Act of 2019".

4 U.S.C. 950bb et seq.) is amended by adding at the end5 the following:

6 "SEC. 607. USE OF ASSISTANCE FOR DEPLOYMENT OF 7 BROADBAND INFRASTRUCTURE.

8 "(a) DEFINITION OF QUALIFYING BROADBAND-CA-9 PABLE INFRASTRUCTURE.—In this section, the term 10 'qualifying broadband-capable infrastructure' means fixed 11 terrestrial broadband-capable infrastructure—

"(1) used by a service provider to provide fixed
terrestrial broadband service for which the service
provider receives universal service support under section 254 of the Communications Act of 1934 (47)
U.S.C. 254), if—

"(A) the broadband service satisfies the
current speed benchmark for fixed services established by the FCC under section 706 of the
Telecommunications Act of 1996 (47 U.S.C.
1302); or

"(B) the service provider is in compliance
with buildout obligations in the relevant area to
provide retail fixed terrestrial broadband service
that will comply with the applicable broadband

1	speed standard described in subparagraph (A);
2	or
3	"(2) that—
4	"(A) was financed with funds provided by
5	the Secretary under this Act or any other pro-
6	gram carried out by the Secretary for the costs
7	of the construction, improvement, or acquisition
8	of facilities or equipment for the purpose of
9	providing fixed terrestrial telecommunications
10	or broadband service; and
11	"(B)(i) is used to provide fixed terrestrial
12	broadband service, if—
13	"(I) the broadband service satisfies
14	any applicable broadband speed standards
15	established by the Secretary; or
16	"(II) the service provider is in compli-
17	ance with buildout obligations in the rel-
18	evant area to provide retail fixed terrestrial
19	broadband service that will comply with
20	the applicable broadband speed standards
21	described in subclause (I); or
22	"(ii) was financed with a loan under this
23	Act or any other program carried out by the
24	Secretary that remains outstanding for the pur-

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1 2 pose of providing fixed terrestrial telecommunications or broadband service.

3 "(b) RESTRICTION ON USE OF ASSISTANCE.—A loan, 4 grant, or other assistance awarded under this Act, or by 5 the rural development mission area under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 6 7 et seq.), may not be used to coordinate, approve, or fi-8 nance the deployment of broadband-capable infrastructure 9 by a service provider to provide retail fixed broadband 10 service that would overbuild or otherwise duplicate qualifying broadband-capable infrastructure that another serv-11 ice provider is using to provide retail fixed terrestrial 12 13 broadband service in the same geographic area.

14 "(c) Use of Assistance in Unserved Areas.— 15 A loan, grant, or other assistance provided by the Secretary hereunder, acting through the Administrator of the 16 Rural Utilities Service, to coordinate, approve, or finance 17 the deployment of broadband-capable infrastructure by a 18 service provider may be used to provide retail fixed 19 20 broadband service only in a geographic area in which there 21 is no qualifying broadband-capable infrastructure owned 22 or operated by another service provider.".