

117TH CONGRESS  
1ST SESSION

# S. 1695

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

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IN THE SENATE OF THE UNITED STATES

MAY 19, 2021

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

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## 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.—

24 “(A) IN GENERAL.—The term ‘eligible re-  
 25 cipient’ means an eligible recipient.

1           “(B) INCLUSIONS.—The term ‘eligible re-  
2           cipient’ includes—

3                   “(i) a public-private partnership; and

4                   “(ii) a consortium formed for the pur-  
5                   pose of providing, extending, expanding, or  
6                   improving high-speed broadband service  
7                   between 1 or more eligible recipients and 1  
8                   or more for-profit organizations.

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

15           “(b) BROADBAND PROJECTS.—

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

20                   “(2) DATA REQUESTED.—In reviewing an ap-  
21                   plication submitted under paragraph (1), the Sec-  
22                   retary shall request from the Federal Communica-  
23                   tions Commission, the Administrator of the National  
24                   Telecommunications and Information Administra-

1 tion, the Secretary of Agriculture, and the Appa-  
2 lachian Regional Commission data on—

3 “(A) the level and extent of broadband  
4 service that exists in the area proposed to be  
5 served; and

6 “(B) the level and extent of broadband  
7 service that will be deployed in the area pro-  
8 posed to be served pursuant to another Federal  
9 program.

10 “(3) INTEREST IN REAL OR PERSONAL PROP-  
11 ERTY.—For any broadband project carried out by an  
12 eligible recipient that is a public-private partnership  
13 or consortium, the Secretary shall require that title  
14 to any real or personal property acquired or im-  
15 proved with grant funds, or if the recipient will not  
16 acquire title, another possessory interest acceptable  
17 to the Secretary, be vested in a public partner or eli-  
18 gible nonprofit organization or association for the  
19 useful life of the project, after which title may be  
20 transferred to any member of the public-private  
21 partnership or consortium in accordance with regu-  
22 lations promulgated by the Secretary.

23 “(4) PROCUREMENT.—Notwithstanding any  
24 other provision of law, no person or entity shall be  
25 disqualified from competing to provide goods or serv-

1       ices related to a broadband project on the basis that  
2       the person or entity participated in the development  
3       of the broadband project or in the drafting of speci-  
4       fications, requirements, statements of work, or simi-  
5       lar documents related to the goods or services to be  
6       provided.

7               “(5) BROADBAND PROJECT PROPERTY.—

8                       “(A) IN GENERAL.—The Secretary may  
9                       permit a recipient of a grant for a broadband  
10                      project to grant an option to acquire real or  
11                      personal property (including contractual rights  
12                      and intangible property) related to that project  
13                      to a third party on such terms as the Secretary  
14                      determines to be appropriate, subject to the  
15                      condition that the option may only be exercised  
16                      after the Secretary releases the Federal interest  
17                      in the property.

18                     “(B) TREATMENT.—The grant or exercise  
19                     of an option described in subparagraph (A)  
20                     shall not constitute a redistribution of grant  
21                     funds under section 217.

22               “(c) SOURCES OF ASSISTANCE.—A grant provided  
23       under this section may be provided from amounts made  
24       available to carry out this title in combination with  
25       amounts made available under any other Federal program.

1       “(d) NON-FEDERAL SHARE.—In determining the  
2 amount of the non-Federal share of the cost of a  
3 broadband project, the Secretary may provide credit to-  
4 ward the non-Federal share for the present value of allow-  
5 able contributions over the useful life of the broadband  
6 project, subject to the condition that the Secretary may  
7 require such assurances of the value of the rights and of  
8 the commitment of the rights as the Secretary determines  
9 to be appropriate.”.

10       (b) CLERICAL AMENDMENT.—The table of contents  
11 in section 1(b) of the Public Works and Economic Devel-  
12 opment Act of 1965 (42 U.S.C. 3121 note; Public Law  
13 89–136) is amended by inserting after the item relating  
14 to section 218 the following:

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

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