

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.

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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

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## 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 rangeland 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

1 (B) in paragraph (3), by striking subpara-  
 2 graphs (C) and (D) and inserting the following:

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

8 “(D) SECRETARIAL AUTHORITY TO AD-  
 9 JUST.—The Secretary may make grants of up  
 10 to 75 percent of the development costs of the  
 11 project for which the grant is provided to an el-  
 12 igible entity if the Secretary determines that  
 13 the project serves—

14 “(i) an area of rural households de-  
 15 scribed in paragraph (2)(A)(ii); and

16 “(ii) a rural community described in  
 17 any of subclauses (I) through (IV) of para-  
 18 graph (2)(B)(i).”;

19 (2) in subsection (d)—

20 (A) in paragraph (1)—

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

24 (ii) by adding at the end the fol-  
 25 lowing:

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.”.

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