

116TH CONGRESS  
2D SESSION

# S. 3648

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 7, 2020

Mrs. CAPITO (for herself and Mr. MANCHIN) 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.—The term ‘eligible  
 24 recipient’ includes—

25 “(A) a public-private partnership; and

1           “(B) a consortium formed for the purpose  
2           of providing, extending, expanding, or improv-  
3           ing high-speed broadband service between 1 or  
4           more eligible recipients and 1 or more for-profit  
5           organizations.

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

12          “(b) BROADBAND PROJECTS.—

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

17                 “(2) INTEREST IN REAL OR PERSONAL PROP-  
18                 ERTY.—For any broadband project carried out by an  
19                 eligible recipient that is a public-private partnership  
20                 or consortium, the Secretary shall require that title  
21                 to any real or personal property acquired or im-  
22                 proved with grant funds, or if the recipient will not  
23                 acquire title, another possessory interest acceptable  
24                 to the Secretary, be vested in a public partner or eli-  
25                 gible nonprofit organization or association for the

1 useful life of the project, after which title may be  
2 transferred to any member of the public-private  
3 partnership or consortium in accordance with regu-  
4 lations promulgated by the Secretary.

5 “(3) PROCUREMENT.—Notwithstanding any  
6 other provision of law, no person or entity shall be  
7 disqualified from competing to provide goods or serv-  
8 ices related to a broadband project on the basis that  
9 the person or entity participated in the development  
10 of the broadband project or in the drafting of speci-  
11 fications, requirements, statements of work, or simi-  
12 lar documents related to the goods or services to be  
13 provided.

14 “(4) BROADBAND PROJECT PROPERTY.—

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

1                   “(B) TREATMENT.—The grant or exercise  
2                   of an option described in subparagraph (A)  
3                   shall not constitute a redistribution of grant  
4                   funds under section 217.

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

9                   “(d) NON-FEDERAL SHARE.—In determining the  
10                  amount of the non-Federal share of the cost of a  
11                  broadband project, the Secretary may provide credit to-  
12                  ward the non-Federal share for the present value of allow-  
13                  able contributions over the useful life of the broadband  
14                  project, subject to the condition that the Secretary may  
15                  require such assurances of the value of the rights and of  
16                  the commitment of the rights as the Secretary determines  
17                  to be appropriate.”.

18                  (b) CLERICAL AMENDMENT.—The table of contents  
19                  in section 1(b) of the Public Works and Economic Devel-  
20                  opment Act of 1965 (42 U.S.C. 3121 note; Public Law  
21                  89–136) is amended by inserting after the item relating  
22                  to section 218 the following:

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

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