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 SENATE OF THE UNITED STATES

Mr. Daines (for himself and Mr. Leahy) introduced the following bill; which was read twice and referred to the Committee on

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reprivoritizing Unserved Rural Areas and Locations for Broadband Act of 2018” or the “RURAL Broadband Act of 2018”.


SEC. 2. USE OF ASSISTANCE FOR DEPLOYMENT OF BROADBAND INFRASTRUCTURE.

Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.) is amended by adding at the end the following:

“SEC. 604. USE OF ASSISTANCE FOR DEPLOYMENT OF BROADBAND INFRASTRUCTURE.

“(a) DEFINITION OF QUALIFYING BROADBAND-CAPABLE INFRASTRUCTURE.—In this section, the term ‘qualifying broadband-capable infrastructure’ means fixed broadband-capable infrastructure—

“(1) used by a service provider to provide fixed 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 any applicable broadband speed standards under that section and the regulations issued under that section; or

“(B) the service provider is in compliance with buildout obligations to provide retail fixed broadband service that will comply with applicable broadband speed standards described in subparagraph (A); or

“(2) that—
“(A) was financed with funds provided by the Secretary under this Act or any other program carried out by the Secretary for the costs of the construction, improvement, or acquisition of facilities or equipment for the purpose of providing fixed telecommunications or broadband service; and

“(B)(i) is used to provide fixed broadband service, if—

“(I) the broadband service satisfies any applicable broadband speed standards established by the Secretary; or

“(II) the service provider is in compliance with buildout obligations to provide retail fixed broadband service that will comply with applicable broadband speed standards described in subclause (I); or

“(ii) was financed with a loan under this Act or any other program carried out by the Secretary that remains outstanding.

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

“(c) Use of Assistance in Unserved Areas.—
A loan, grant, or other assistance provided by the Sec-
retary, acting through the Administrator of the Rural
Utilities Service, to coordinate, approve, or finance the de-
ployment of broadband-capable infrastructure by a service
provider may be used to provide retail fixed broadband
service in an area in which there is no qualifying
broadband-capable infrastructure owned or operated by
another service provider.”.