

Calendar No. 466

117TH CONGRESS
2^D SESSION

H. R. 4374

[Report No. 117–113, Part I]

To bolster certain rural broadband programs of the Department of
Agriculture.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2021

Mr. DAVID SCOTT of Georgia 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

AUGUST 6, 2021

Reported from the Committee on Agriculture with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

AUGUST 6, 2021

Referral to the Committee on Energy and Commerce extended for a period
ending not later than September 24, 2021

SEPTEMBER 24, 2021

Referral to the Committee on Energy and Commerce extended for a period
ending not later than October 28, 2021

OCTOBER 28, 2021

Referral to the Committee on Energy and Commerce extended for a period
ending not later than November 5, 2021

NOVEMBER 5, 2021

Referral to the Committee on Energy and Commerce extended for a period
ending not later than November 18, 2021

NOVEMBER 18, 2021

Referral to the Committee on Energy and Commerce extended for a period
ending not later than December 3, 2021

DECEMBER 3, 2021

Referral to the Committee on Energy and Commerce extended for a period
ending not later than January 21, 2022

JANUARY 21, 2022

Referral to the Committee on Energy and Commerce extended for a period
ending not later than March 18, 2022

MARCH 18, 2022

Referral to the Committee on Energy and Commerce extended for a period
ending not later than April 29, 2022

APRIL 29, 2022

Referral to the Committee on Energy and Commerce extended for a period
ending not later than May 6, 2022

MAY 6, 2022

Referral to the Committee on Energy and Commerce extended for a period
ending not later than May 26, 2022

MAY 24, 2022

Referral to the Committee on Energy and Commerce extended for a period
ending not later than June 28, 2022

JUNE 28, 2022

Referral to the Committee on Energy and Commerce extended for a period
ending not later than July 15, 2022

JULY 15, 2022

Referral to the Committee on Energy and Commerce extended for a period
ending not later than July 29, 2022

JULY 29, 2022

Referral to the Committee on Energy and Commerce extended for a period
ending not later than September 12, 2022

SEPTEMBER 9, 2022

Referral to the Committee on Energy and Commerce extended for a period
ending not later than September 22, 2022

SEPTEMBER 22, 2022

Referral to the Committee on Energy and Commerce extended for a period
ending not later than November 14, 2022

NOVEMBER 14, 2022

Referral to the Committee on Energy and Commerce extended for a period
ending not later than December 8, 2022

DECEMBER 8, 2022

Referral to the Committee on Energy and Commerce extended for a period
ending not later than December 15, 2022

DECEMBER 16, 2022

Committee on Energy and Commerce discharged; committed to the Committee
of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 9, 2021]

A BILL

To bolster certain rural broadband programs of the
Department of Agriculture.

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 *Connections for Rural America Act”.*

6 **SEC. 2. INNOVATIVE BROADBAND ADVANCEMENT PRO-**
 7 **GRAM.**

8 *Section 603(e) of the Rural Electrification Act of 1936*
 9 *(7 U.S.C. 950bb-2(e)) is amended to read as follows:*

10 “(e) *AUTHORIZATION OF APPROPRIATIONS.—*

11 “(1) *IN GENERAL.—There is authorized to be ap-*
 12 *propriated to the Secretary \$300,000,000 for each of*
 13 *fiscal years 2022 through 2029, to remain available*
 14 *until expended, to carry out projects in States and*
 15 *territories selected by the Secretary to be diverse on*
 16 *the basis of geography, topography, and demo-*
 17 *graphics.*

18 “(2) *LIMITATION.—Not more than \$25,000,000*
 19 *of the amounts made available under paragraph (1)*
 20 *for each fiscal year may be provided for a single*
 21 *project.”.*

22 **SEC. 3. RURAL BROADBAND PROGRAM LOANS AND GRANTS.**

23 “(a) *IN GENERAL.—Section 601 of the Rural Elec-*
 24 *trification Act of 1936 (7 U.S.C. 950bb) is amended—*

1 (1) *in the section heading, by striking “ACCESS*
 2 *TO BROADBAND TELECOMMUNICATIONS SERV-*
 3 *ICES IN RURAL AREAS” and inserting “RECON-*
 4 *NECT RURAL BROADBAND PROGRAM”;*

5 (2) *by striking subsection (a) and inserting the*
 6 *following:*

7 “(a) *ESTABLISHMENT; PURPOSE.—The Secretary shall*
 8 *establish a program, which shall be known as the ‘ReCon-*
 9 *nect Rural Broadband Program’, to provide grants, loans,*
 10 *and loan guarantees to finance the costs of the construction,*
 11 *improvement, and acquisition of facilities and equipment*
 12 *for broadband service in rural areas.”;*

13 (3) *in subsection (c)(2), by striking subpara-*
 14 *graphs (A) and (B) and inserting the following:*

15 “(A) *IN GENERAL.—In making grants,*
 16 *making loans, and guaranteeing loans under*
 17 *paragraph (1), the Secretary shall give the high-*
 18 *est priority to applications for projects to pro-*
 19 *vide broadband service to unserved rural commu-*
 20 *nities that do not have any residential*
 21 *broadband service of at least—*

22 “(i) *a 10-Mbps downstream trans-*
 23 *mission capacity; and*

24 “(ii) *a 1-Mbps upstream transmission*
 25 *capacity.*

1 “(B) *OTHER.*—After giving priority to the
 2 applications described in clauses (i) and (ii) of
 3 subparagraph (A), the Secretary shall then give
 4 priority to applications for projects to provide
 5 broadband service to rural communities—

6 “(i) *with a population of less than*
 7 *10,000 inhabitants; or*

8 “(ii) *with a high percentage of low in-*
 9 *come families or persons (as defined in sec-*
 10 *tion 501(b) of the Housing Act of 1949).*

11 “(C) *PORTS IN RURAL AREAS PRIORITY.*—

12 “(i) *DEFINITION OF PORT.*—In this
 13 subparagraph, the term ‘port’ means—

14 “(I) *any port on the navigable*
 15 *waters of the United States, including*
 16 *territories;*

17 “(II) *any harbor, marine ter-*
 18 *minal, or other shore side facility used*
 19 *principally for the movement of goods*
 20 *on inland waters; and*

21 “(III) *any port formed in accord-*
 22 *ance with applicable State or territory*
 23 *law.*

24 “(ii) *PRIORITY.*—In addition to the
 25 priority given under subparagraph (B), the

Secretary shall give equal priority to an application for a project that would increase the availability of broadband service in a port in a rural area.

“(D) *ADDITIONAL CONSIDERATIONS.*—In making grants, making loans, and guaranteeing loans under this subsection, the Secretary shall consider whether an application was developed with the participation of community stakeholders, and will receive a substantial portion of the funding for the project from community stakeholders or other non-Federal sources.”;

(4) in subsection (c)(3)—

(A) in subparagraph (B)—

(i) by striking “and” at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) shall be subject to a grant agreement of not less than ten years.”;

(B) in subparagraph (D)(i)—

(i) in subclause (I), by striking “(2)(A)(i)” and inserting “(2)(A)”; and

1 (ii) in subclause (II), by striking “any
 2 of subclauses (I) through (IV) of paragraph
 3 (2)(B)(i)” and inserting “clause (i) or (ii)
 4 of paragraph (2)(B)”;
 5 (C) by striking subparagraph (E) and in-
 6 serting the following:

7 “(E) APPLICATIONS.—

8 “(i) GRANT-ONLY APPLICATIONS.—The
 9 Secretary shall establish an application
 10 process that permits an application for a
 11 grant-only award.

12 “(ii) COMBINED APPLICATIONS.—The
 13 Secretary shall establish an application
 14 process that permits—

15 “(I) a single application for a
 16 grant and a loan under title I or II,
 17 or this title, that is associated with the
 18 grant; and

19 “(II) provides a single decision to
 20 award the grant and the loan.”;

21 (5) in subsection (d)(2)—

22 (A) in subparagraph (A)—

23 (i) by striking “subparagraphs (B)
 24 and (C)” and inserting “subparagraph
 25 (B)”;

1 (ii) by striking “is submitted—” and
 2 all that follows through “(i) not less” and
 3 inserting “is submitted not less” ; and

4 (iii) by striking “(e); and” and all
 5 that follows and inserting “(e).”;

6 (B) in subparagraph (B), by striking “Sub-
 7 paragraph (A)(i)” and inserting “Subparagraph
 8 (A)”; and

9 (C) by striking subparagraph (C);

10 (6) in subsection (d), by striking paragraph (5);

11 (7) by striking subsection (j) and inserting the
 12 following:

13 “(j) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 14 *authorized to be appropriated to the Secretary to carry out*
 15 *this section \$4,500,000,000 for each of fiscal years 2022*
 16 *through 2029, to remain available for 5 fiscal years after*
 17 *the fiscal year for which appropriated.”; and*

18 (8) in subsection (k), by striking “2023” and in-
 19 serting “2029”.

20 (b) *REGULATIONS.—Not later than 180 days after the*
 21 *date of the enactment of this Act, the Secretary of Agri-*
 22 *culture shall promulgate rules to carry out the amendments*
 23 *made by subsection (a) of this section, and complete the bi-*
 24 *ennial review process required by section 601(e)(2) of the*
 25 *Rural Electrification Act of 1936.*

1 (c) *SUNSET.*—*The authorities provided by section 779*
2 *of the Consolidated Appropriations Act, 2018 (Public Law*
3 *115–141) shall have no force or effect after June 30, 2022.*

4 (d) *TRANSITION RULES.*—

5 (1) *AVAILABILITY OF FUNDS FOR ADMINISTRA-*
6 *TIVE COSTS.*—*Not more than 1 percent of the unobli-*
7 *gated balances of amounts made available as of June*
8 *1, 2021, to carry out the pilot program described in*
9 *section 779 of the Consolidated Appropriations Act,*
10 *2018 (Public Law 115–141) may be used for the costs*
11 *of transitioning from the pilot program to the pro-*
12 *gram under section 601 of the Rural Electrification*
13 *Act of 1936, as amended by this Act.*

14 (2) *CONSOLIDATION OF FUNDS.*—

15 (A) *IN GENERAL.*—*The unobligated balances*
16 *of all amounts made available on or before June*
17 *30, 2022, to carry out the pilot program de-*
18 *scribed in section 779 of the Consolidated Appro-*
19 *priations Act, 2018 (Public Law 115–141) that*
20 *are in excess of the amount described in subpara-*
21 *graph (B) of this paragraph are hereby trans-*
22 *ferred to and merged with amounts made avail-*
23 *able to carry out the program authorized under*
24 *section 601 of the Rural Electrification Act of*
25 *1936.*

1 (B) *UNFUNDED APPROVALS.*—*The amount*
 2 *described in this subparagraph is the amount re-*
 3 *quired to fully fund each project approved as of*
 4 *June 30, 2022, under the pilot program de-*
 5 *scribed in such section 779 for which amounts*
 6 *were not obligated or partially obligated as of*
 7 *such date.*

8 **SEC. 4. COMMUNITY CONNECT GRANTS.**

9 *Section 604(g) of the Rural Electrification Act of 1936*
 10 *(7 U.S.C. 950bb-3(g)) is amended by striking “\$50,000,000*
 11 *for each of fiscal years 2019 through 2023” and inserting*
 12 *“\$150,000,000 for each of fiscal years 2022 through 2029,*
 13 *to remain available for 2 fiscal years after the fiscal year*
 14 *for which appropriated”.*

15 **SEC. 5. DISTANCE LEARNING AND TELEMEDICINE LOANS**
 16 **AND GRANTS.**

17 *Section 2335A of the Food, Agriculture, Conservation,*
 18 *and Trade Act of 1990 (7 U.S.C. 950aaa-5) is amended*
 19 *by striking “\$82,000,000 for each of fiscal years 2019*
 20 *through 2023” and inserting “\$150,000,000 for each of fis-*
 21 *cal years 2022 through 2029, to remain available for 2 fis-*
 22 *cal years after the fiscal year for which appropriated”.*

1 **SEC. 6. EXPANSION OF MIDDLE MILE INFRASTRUCTURE**
 2 **INTO RURAL AREAS.**

3 *Section 602(g) of the Rural Electrification Act of 1936*
 4 *(7 U.S.C. 950bb-1(g)) is amended by striking “\$10,000,000*
 5 *for each of fiscal years 2018 through 2023” and inserting*
 6 *“\$300,000,000 for each of fiscal years 2022 through 2029,*
 7 *to remain available for 2 fiscal years after the fiscal year*
 8 *for which appropriated”.*

9 **SEC. 7. BROADBAND CONNECTORS PROGRAM.**

10 *(a) IN GENERAL.—The Secretary of Agriculture shall*
 11 *establish a system for the dissemination of information and*
 12 *technical assistance on the broadband programs of the De-*
 13 *partment of Agriculture, which shall be for the use of enti-*
 14 *ties eligible, such as Indian tribes and tribal organizations,*
 15 *to receive funds under title II or VI of the Rural Electrifica-*
 16 *tion Act of 1936 (7 U.S.C. 901 et seq.) or chapter 1 of sub-*
 17 *title D of title XXIII of the Food, Agriculture, Conservation,*
 18 *and Trade Act of 1990 (7 U.S.C. 950aaa et seq.).*

19 *(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIA-*
 20 *TIONS.—To carry out subsection (a), there are authorized*
 21 *to be appropriated to the Secretary of Agriculture not more*
 22 *than \$25,000,000 for each of fiscal years 2022 through 2029,*
 23 *which are authorized to remain available through fiscal*
 24 *year 2029.*

1 **SEC. 8. COMMUNITY BROADBAND MAPPING.**

2 *Section 701 of the Rural Electrification Act of 1936*
 3 *(7 U.S.C. 950cc) is amended by redesignating subsection*
 4 *(e) as subsection (f) and inserting after subsection (d) the*
 5 *following:*

6 *“(e) COMMUNITY BROADBAND MAPPING PROGRAM.—*

7 *“(1) IN GENERAL.—The Secretary may make*
 8 *grants to eligible entities for the purpose of collecting*
 9 *broadband service data to assist the Secretary in—*

10 *“(A) establishing the availability of*
 11 *broadband service or middle mile infrastructure*
 12 *in a rural area;*

13 *“(B) determining the eligibility of a com-*
 14 *munity for assistance under any broadband pro-*
 15 *gram administered by the Secretary; or*

16 *“(C) undertaking a service area assessment*
 17 *under this section.*

18 *“(2) APPLICATION.—To apply for a grant under*
 19 *this section, an entity shall submit an application*
 20 *therefor which identifies—*

21 *“(A) the data collection area;*

22 *“(B) the purpose of the data collection;*

23 *“(C) the types of broadband service data to*
 24 *be collected;*

25 *“(D) the survey and data collection methods*
 26 *to be utilized; and*

1 “(E) any other information the Secretary
2 determines necessary to promote the integrity of
3 broadband service data collected under this sec-
4 tion.

5 “(3) *LIMITATION ON GRANT AMOUNT.*—The
6 amount of a grant made under this subsection shall
7 not exceed \$50,000.

8 “(4) *BROADBAND SERVICE DATA USAGE.*—The
9 Secretary shall ensure that any broadband service
10 data collected under this section is—

11 “(A) measured or assessed in accordance
12 with such standards as the Secretary may estab-
13 lish;

14 “(B) accurate and verifiable in accordance
15 with such standards as the Secretary may estab-
16 lish;

17 “(C) included in any broadband maps or
18 data sets maintained by the Secretary; and

19 “(D) made available to the Chair of the
20 Federal Communications Commission and the
21 Administrator of the National Telecommuni-
22 cations and Information Administration for in-
23 clusion in any broadband maps or data sets ei-
24 ther may maintain.

25 “(5) *DEFINITIONS.*—In this subsection:

1 “(A) *BROADBAND SERVICE.*—*The term*
 2 *‘broadband service’ has the meaning given the*
 3 *term in section 601.*

4 “(B) *BROADBAND SERVICE DATA.*—

5 “(i) *IN GENERAL.*—*The term*
 6 *‘broadband service data’ means information*
 7 *related to—*

8 “(I) *the location and type of*
 9 *broadband service;*

10 “(II) *the location and type of*
 11 *broadband infrastructure;*

12 “(III) *the advertised, maximum,*
 13 *and average speed of broadband serv-*
 14 *ice;*

15 “(IV) *the average price of the*
 16 *most subscribed tier of broadband serv-*
 17 *ice;*

18 “(V) *the speed tiers of broadband*
 19 *service available in the area; or*

20 “(VI) *any additional metric the*
 21 *Secretary deems appropriate.*

22 “(ii) *FURTHER DEFINITION.*—*The Sec-*
 23 *retary shall further define the term*
 24 *‘broadband service data’ to ensure that data*
 25 *is measured and collected in a manner con-*

1 *sistent with the reporting requirements*
2 *under this section, and any broadband co-*
3 *ordination or data-sharing obligations.*

4 “(C) *ELIGIBLE ENTITY.*—*The term ‘eligible*
5 *entity’ means—*

6 “(i) *a unit of local government in a*
7 *rural area;*

8 “(ii) *a tribal government or unit of*
9 *tribal government;*

10 “(iii) *an economic development or*
11 *other community organization;*

12 “(iv) *an eligible entity under title I or*
13 *II that serves persons in rural areas;*

14 “(v) *an internet service provider that*
15 *has not more than 100,000 subscribers; or*

16 “(vi) *any other entity eligible under a*
17 *title VI program that is not an internet*
18 *service provider.*

19 “(D) *MIDDLE MILE INFRASTRUCTURE.*—*The*
20 *term ‘middle mile infrastructure’ has the mean-*
21 *ing given the term in section 602.*

22 “(E) *RURAL AREA.*—*The term ‘rural area’*
23 *has the meaning given the term in section 601.*

24 “(6) *LIMITATION ON AMOUNT MADE AVAILABLE*
25 *FOR GRANTS.*—*The Secretary may not expend more*

1 *than 1 percent of the amounts made available under*
 2 *subsection (f) for each of fiscal years 2022 through*
 3 *2029 to carry out this subsection.”.*

4 **SEC. 9. LIMITATIONS ON RESERVATION OF FUNDS.**

5 *Section 701(f) of the Rural Electrification Act of 1936*
 6 *(7 U.S.C. 950cc(f)), as so redesignated by section 8 of this*
 7 *Act, is amended to read as follows:*

8 *“(f) LIMITATIONS ON RESERVATION OF FUNDS.—Not*
 9 *less than 3 but not more than 7 percent of the amounts*
 10 *appropriated to carry out title VI shall be set aside to be*
 11 *used—*

12 *“(1) for administrative costs to carry out pro-*
 13 *grams under title VI;*

14 *“(2) for technical assistance and pre-development*
 15 *planning activities to support the most rural commu-*
 16 *nities;*

17 *“(3) to conduct oversight under title VI;*

18 *“(4) to implement accountability measures and*
 19 *related activities authorized under title VI; and*

20 *“(5) to carry out this section.”.*

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117TH CONGRESS
2D Session

H. R. 4374

[Report No. 117-113, Part I]

A BILL

To bolster certain rural broadband programs of the
Department of Agriculture.

DECEMBER 16, 2022

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