

117TH CONGRESS
1ST SESSION

H. R. 3369

To codify the ReConnect Program, to expand rural broadband assistance, and to improve the administration and accountability of the broadband programs at the Department of Agriculture.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

Mr. THOMPSON of Pennsylvania (for himself, Mrs. FISCHBACH, Mr. AUSTIN SCOTT of Georgia, Mr. BAIRD, Mr. JACOBS of New York, Mr. HAGEDORN, Mr. KELLY of Mississippi, Mr. BALDERSON, Mr. CRAWFORD, Mr. ALLEN, Mrs. HARTZLER, Mr. ROUZER, Ms. LETLOW, Mr. MOORE of Alabama, Mrs. CAMMACK, Mr. MANN, Mr. JOHNSON of South Dakota, Mr. FEENSTRA, Mrs. MILLER of Illinois, Mr. RODNEY DAVIS of Illinois, Mr. LAMALFA, and Mr. BACON) 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

A BILL

To codify the ReConnect Program, to expand rural broadband assistance, and to improve the administration and accountability of the broadband programs at 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Broadband for Rural
3 America Act”.

4 **SEC. 2. STREAMLINING DUPLICATIVE BROADBAND AU-**
5 **THORITIES.**

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

8 (1) in the section heading, by striking “**AC-**
9 **CESS TO BROADBAND TELECOMMUNICATIONS**
10 **SERVICES IN RURAL AREAS**” and inserting “**RE-**
11 **CONNECT RURAL BROADBAND PROGRAM**”;

12 (2) by striking subsection (a) and inserting the
13 following:

14 “(a) ESTABLISHMENT; PURPOSE.—The Secretary
15 shall establish a program, which shall be known as the
16 ‘ReConnect Rural Broadband Program’, to provide grants,
17 loans, and loan guarantees to finance the costs of the con-
18 struction, improvement, and acquisition of facilities and
19 equipment for broadband service in rural areas.”;

20 (3) in subsection (b), by striking paragraph (2)
21 and redesignating paragraph (3) as paragraph (2);

22 (4) in subsection (c)—

23 (A) by striking paragraph (2) and insert-
24 ing the following:

25 “(2) PRIORITY.—

1 “(A) IN GENERAL.—In providing assist-
2 ance under this section the Secretary shall—

3 “(i) give the highest priority to appli-
4 cations for projects to provide broadband
5 service to unserved rural communities that
6 do not have any residential broadband
7 service of at least—

8 “(I) a 10-Mbps downstream
9 transmission capacity; and

10 “(II) a 1-Mbps upstream trans-
11 mission capacity;

12 “(ii) give priority to applicants for
13 projects which propose to serve commu-
14 nities—

15 “(I) with a population of less
16 than 10,000 permanent residents;

17 “(II) that are experiencing out-
18 migration and have adopted a stra-
19 tegic community investment plan
20 under section 379H(d) of the Consoli-
21 dated Farm and Rural Development
22 Act that includes considerations for
23 improving and expanding broadband
24 service;

1 “(III) with a high percentage of
2 low income families or persons (as de-
3 fined in section 501(b) of the Housing
4 Act of 1949 (42 U.S.C. 1471(b)); or
5 “(IV) that are isolated from
6 other significant population centers.

7 “(B) ADDITIONAL PRIORITY FOR AD-
8 VANCED PROJECTS.—After giving priority to
9 the applications described in subparagraph (A),
10 the Secretary shall then give priority to applica-
11 tions for projects which propose to provide—

12 “(i) the maximum level of broadband
13 service to the greatest proportion of rural
14 premises in the proposed service area iden-
15 tified in the application;

16 “(ii) rapid and expanded deployment
17 of fixed and mobile broadband on cropland
18 and ranchland within a service territory
19 that is not supported by funds from the
20 5G Fund for Rural America established by
21 the Federal Communications Commission
22 in the Report and Order in the matter of
23 Establishing a 5G Fund for Rural America
24 (FCC 20–150; adopted October 27, 2020),

1 for use in various applications of precision
2 agriculture.

3 “(C) ADDITIONAL PRIORITY FOR COMMU-
4 NITY STAKEHOLDERS.—The Secretary shall
5 further prioritize projects based on the number
6 of community stakeholders served, including—

7 “(i) State, local, and tribal govern-
8 ment entities;

9 “(ii) nonprofit institutions;

10 “(iii) community anchor institutions,
11 such as—

12 “(I) public libraries;

13 “(II) elementary schools and sec-
14 ondary schools (as defined in section
15 8101 of the Elementary and Sec-
16 ondary Education Act of 1965 (20
17 U.S.C. 7801));

18 “(III) institutions of higher edu-
19 cation;

20 “(IV) health care facilities; or

21 “(V) other essential community
22 facilities;

23 “(iv) rural businesses; or

24 “(v) philanthropic organizations.

1 “(D) ADMINISTRATION.—In implementing
2 this section, the Secretary shall—

3 “(i) provide equal consideration to all
4 eligible entities, including those that have
5 not previously received assistance under
6 this title; and

7 “(ii) with respect to 2 or more appli-
8 cations that are given the same priority
9 under this paragraph, give priority to an
10 application that is proposing to serve the
11 highest number of households without suf-
12 ficient broadband service.”; and

13 (B) in paragraph (3)—

14 (i) by striking “GRANT AMOUNTS”
15 and inserting “ADDITIONAL REQUIRE-
16 MENTS FOR GRANT AWARDS”; and

17 (ii) by striking subparagraph (E) and
18 inserting the following:

19 “(E) APPLICATIONS.—

20 “(i) GRANT-ONLY APPLICATIONS.—
21 The Secretary shall establish an applica-
22 tion process that permits an application for
23 a grant-only award.

1 “(ii) COMBINED APPLICATIONS.—The
 2 Secretary shall establish an application
 3 process that permits—

4 “(I) a single application for a
 5 grant and a loan under title I or II,
 6 or this title, that is associated with
 7 the grant; and

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

10 (5) in subsection (d)—

11 (A) in paragraph (2)—

12 (i) in subparagraph (A)—

13 (I) by striking “subparagraphs
 14 (B) and (C)” and inserting “subpara-
 15 graph (B)”;

16 (II) by striking “submitted—”
 17 and all that follows through “(i)” and
 18 inserting “submitted”; and

19 (III) by striking “; and” and all
 20 that follows through “providers”; and

21 (ii) by striking subparagraph (C); and

22 (B) in paragraph (3)(B)(iii), by striking
 23 subclause (II) and inserting the following:

24 “(II) demonstrated on the maps
 25 required to be created under section

1 802(c) of the Communications Act of
2 1934 (47 U.S.C. 642(c)), if address
3 level data is available.”; and

4 (6) by striking subsection (j) and inserting the
5 following:

6 “(j) LIMITATIONS ON AUTHORIZATION OF APPRO-
7 PRIATIONS.—There is authorized to be appropriated to the
8 Secretary to carry out this section, to remain available
9 until expended—

10 “(1) \$350,000,000 for fiscal year 2021;

11 “(2) \$3,500,000,000 for fiscal year 2022; and

12 “(3) \$3,500,000,000 for fiscal year 2023.”.

13 (b) SUNSET.—The authorities provided by section
14 779 of the Consolidated Appropriations Act, 2018 (Public
15 Law 115–141) shall have no force or effect after June
16 30, 2022.

17 (c) TRANSITION RULES.—

18 (1) AVAILABILITY OF FUNDS FOR ADMINISTRA-
19 TIVE COSTS.—Not more than 1 percent of the unob-
20 ligated balances of amounts made available as of
21 June 1, 2021, to carry out the pilot program de-
22 scribed in section 779 of the Consolidated Appro-
23 priations Act, 2018 (Public Law 115–141) may be
24 used for the costs of transitioning from the pilot
25 program to the program under section 601 of the

1 Rural Electrification Act of 1936, as amended by
2 this Act.

3 (2) CONSOLIDATION OF FUNDS.—

4 (A) IN GENERAL.—The unobligated bal-
5 ances of all amounts made available on or be-
6 fore June 30, 2022, to carry out the pilot pro-
7 gram described in section 779 of the Consoli-
8 dated Appropriations Act, 2018 (Public Law
9 115–141) that are in excess of the amount de-
10 scribed in subparagraph (B) of this paragraph
11 are hereby transferred to and merged with
12 amounts made available to carry out the pro-
13 gram authorized under section 601 of the Rural
14 Electrification Act of 1936.

15 (B) UNFUNDED APPROVALS.—The amount
16 described in this subparagraph is the amount
17 required to fully fund each project approved as
18 of June 30, 2022, under the pilot program de-
19 scribed in such section 779 for which amounts
20 were not obligated or partially obligated as of
21 such date.

22 **SEC. 3. EXPANDING MIDDLE-MILE INFRASTRUCTURE IN**
23 **RURAL AMERICA.**

24 Section 602(g) of the Rural Electrification Act of
25 1936 (7 U.S.C. 950bb–1(g)) is amended by striking

1 “\$10,000,000 for each of fiscal years 2018” and inserting
 2 “\$150,000,000 for each of fiscal years 2021”.

3 **SEC. 4. FOSTERING BROADBAND TECHNOLOGY INNOVA-**
 4 **TION.**

5 Section 603(e) of the Rural Electrification Act of
 6 1936 (7 U.S.C. 950bb–2(e)) is amended by striking
 7 “\$10,000,000 for each of fiscal years 2019” and inserting
 8 “\$50,000,000 for each of fiscal years 2021”.

9 **SEC. 5. BROADBAND PROGRAM OVERSIGHT AND ACCOUNT-**
 10 **ABILITY.**

11 Section 701 of the Rural Electrification Act of 1936
 12 (7 U.S.C. 950cc) is amended—

13 (1) in subsection (b)(2)(A), by inserting
 14 “(which data shall include maps required to be cre-
 15 ated under section 802(c) of the Communications
 16 Act of 1934)” before “and the Administrator”; and
 17 (2) in subsection (e)—

18 (A) in the matter preceding paragraph (1),
 19 by striking “program level amounts available
 20 pursuant to” and inserting “the”; and

21 (B) by redesignating paragraphs (1)
 22 through (3) as paragraphs (2) through (4), re-
 23 spectively, and inserting before paragraph (2)
 24 (as so redesignated) the following:

1 “(1) administrative costs for carrying out such
2 title;”.

3 **SEC. 6. AMENDMENTS TO FEDERAL BROADBAND PROGRAM**

4 **COORDINATION REQUIREMENTS.**

5 Section 6212 of the Agriculture Improvement Act of
6 2018 (7 U.S.C. 950bb–6) is amended—

7 (1) by striking subsection (a);

8 (2) by redesignating subsections (b) through (d)
9 as subsections (d) through (f), respectively; and

10 (3) by inserting before subsection (d) (as so re-
11 designated) the following:

12 “(a) **ELIGIBILITY VERIFICATION.**—The Secretary
13 shall consult with the Commission to assist in the verifica-
14 tion of eligibility of the broadband loan and grant pro-
15 grams of the Department of Agriculture. In providing as-
16 sistance under the preceding sentence, the Commission
17 shall make available the broadband assessment and map-
18 ping capabilities of the Commission.

19 “(b) **INFORMATION-SHARING.**—

20 “(1) The Secretary shall semiannually submit
21 to the Assistant Secretary and the Commission com-
22 plete, reliable, and precise information (in a manner
23 consistent with how information is submitted under
24 section 802 of the Communications Act of 1934 (47
25 U.S.C. 642)) which identifies the areas for which

1 broadband service has been deployed under a loan or
2 grant program of the Department of Agriculture.

3 “(2) The Assistant Secretary shall semiannually
4 submit to the Secretary complete, reliable, and pre-
5 cise information (in a manner consistent with how
6 information is submitted under section 802 of the
7 Communications Act of 1934 (47 U.S.C. 642))
8 which identifies the areas for which broadband serv-
9 ice has been deployed under any assistance provided
10 by the Assistant Secretary, unless the Assistant Sec-
11 retary has submitted the information to the Com-
12 mission and the information is incorporated into the
13 maps required to be created under section 802(c) of
14 the Communications Act of 1934 (47 U.S.C. 642(c))
15 and is shared with the Secretary under paragraph
16 (3) of this subsection.

17 “(3) On request of the Secretary, the Commis-
18 sion shall provide to the Secretary the maps required
19 to be created under section 802(c) of the Commu-
20 nications Act of 1934 (47 U.S.C. 642(c)).

21 “(c) CONSULTATIONS BETWEEN USDA AND
22 NTIA.—

23 “(1) BY USDA.—The Secretary shall consult
24 with the Assistant Secretary before providing
25 broadband assistance for a project to serve an area

1 with respect to which another entity is receiving as-
2 sistance under any broadband assistance program
3 administered by the Assistant Secretary.

4 “(2) BY NTIA.—The Assistant Secretary shall
5 consult with the Secretary before offering or pro-
6 viding broadband assistance for a project to serve an
7 area with respect to which another entity has re-
8 ceived broadband assistance under a loan or grant
9 program of the Department of Agriculture.”.

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