

117TH CONGRESS
1ST SESSION

H. R. 3376

To amend the Communications Act of 1934 to promote broadband deployment by increasing participation in broadband support programs.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

Mr. BUTTERFIELD introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to promote broadband deployment by increasing participation in broadband support programs.

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 “Expanding Opportuni-
5 ties for Broadband Deployment Act”.

6 **SEC. 2. EXPAND PARTICIPATION IN BROADBAND SUPPORT**
7 **PROGRAMS.**

8 (a) SPECIAL SERVICES.—Section 254(c)(3) of the
9 Communications Act of 1934 (47 U.S.C. 254(c)(3)) is
10 amended to read as follows:

1 “(3) SPECIAL SERVICES.—In addition to the
2 services included in the definition of universal serv-
3 ice under paragraph (1), the Commission—

4 “(A) shall designate broadband service (in
5 this subparagraph meaning evolving, high-
6 speed, mass-market retail service by wire or
7 radio that provides the capability to transmit
8 data to and receive data from all or substan-
9 tially all internet endpoints) as supported by
10 the Federal universal service support mecha-
11 nisms; and

12 “(B) may designate additional services for
13 such support mechanisms for schools, libraries,
14 and health care providers for the purposes of
15 subsection (h).”.

16 (b) FEDERAL UNIVERSAL SERVICE SUPPORT.—Sec-
17 tion 254(e) of the Communications Act of 1934 (47
18 U.S.C. 254(e)) is amended to read as follows:

19 “(e) UNIVERSAL SERVICE SUPPORT.—

20 “(1) Except as provided in paragraph (2), after
21 the date on which Commission regulations imple-
22 menting this section take effect, only an eligible tele-
23 communications carrier designated under section
24 214(e) shall be eligible to receive specific Federal
25 universal service support.

1 “(2) A provider of broadband service, and any
2 affiliate thereof, that has not been designated as an
3 eligible telecommunications carrier under section
4 214(e) of this title shall be eligible to receive specific
5 Federal universal service support for the provision of
6 broadband service, if such provider or affiliate meets
7 the applicable Commission legal, financial, and tech-
8 nical requirements for receiving such support.

9 “(3) In assessing a broadband service provider’s
10 financial qualifications under paragraph (2), the
11 Commission shall allow such provider to choose to
12 demonstrate its financial viability and security
13 through either—

14 “(A) a letter of credit issued by a bank ac-
15 ceptable to the Commission;

16 “(B) a performance bond;

17 “(C) credit rating issued by national rat-
18 ings agencies;

19 “(D) its Form 10-K most recently filed
20 with the U.S. Securities and Exchange Commis-
21 sion, provided that such Form 10-K shows the
22 ability of a publicly traded applicant to meet fi-
23 nancial eligibility requirements, such as by ref-
24 erence to an applicant’s debt/EBITDA ratio,
25 cash flow, or other criteria; or

1 “(E) financial records audited by an unaf-
2 filiated, qualified firm covering the preceding
3 two fiscal years showing the ability to meet fi-
4 nancial eligibility requirements.

5 “(4) A recipient of support pursuant to para-
6 graphs (1) and (2) shall use that support only for
7 the provision, maintenance, and upgrading of facili-
8 ties and services for which the support is intended.
9 Any such support should be explicit and sufficient to
10 achieve the purposes of this section.

11 “(5) A provider of broadband service, and any
12 affiliate thereof, that receives specific Federal uni-
13 versal service support pursuant to this subsection
14 shall be subject to any deployment, public interest,
15 or reporting requirement established under part 54
16 of title 47, Code of Federal Regulations, for eligible
17 communications carriers that receive such support.”.

18 **SEC. 3. UNIVERSAL SERVICE OBLIGATIONS.**

19 Providers will comply with all applicable Commission
20 requirements as set forth in part 54 of title 47, Code of
21 Federal Regulations.

○