

116TH CONGRESS
2D SESSION

H. R. 8808

To amend title VI of the Social Security Act to permit the use of payments received under the Coronavirus Relief Fund for grants for the deployment of infrastructure for the provision of broadband internet access service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 24, 2020

Mr. ADERHOLT (for himself, Mr. LATTA, Mr. JOHNSON of Ohio, Mr. BYRNE, and Mrs. RODGERS of Washington) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To amend title VI of the Social Security Act to permit the use of payments received under the Coronavirus Relief Fund for grants for the deployment of infrastructure for the provision of broadband internet access service, and for other purposes.

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 “Enabling Extra Time
5 to Extend Network Deployment Act” or the “EXTEND
6 Act”.

1 **SEC. 2. USE OF CORONAVIRUS RELIEF FUND PAYMENTS**
2 **FOR GRANTS FOR DEPLOYMENT OF**
3 **BROADBAND INFRASTRUCTURE.**

4 (a) IN GENERAL.—Section 601 of the Social Security
5 Act (42 U.S.C. 801) is amended—

6 (1) by redesignating subsections (e) through (g)
7 as subsections (f) through (h), respectively;

8 (2) in subsection (b)(2), by striking “subsection
9 (e)” and inserting “subsection (f)”; and

10 (3) by inserting after subsection (d) the fol-
11 lowing:

12 “(e) GRANTS FOR DEPLOYMENT OF BROADBAND IN-
13 FRASTRUCTURE.—

14 “(1) IN GENERAL.—For the purposes of sub-
15 section (d), a grant awarded in accordance with this
16 subsection to a provider of broadband internet ac-
17 cess service for the deployment of infrastructure for
18 the provision of such service shall be treated as an
19 eligible expenditure under paragraph (1) of such
20 subsection (d) and paragraph (3) of such subsection
21 shall be applied to such an expenditure by sub-
22 stituting ‘December 31, 2021’ for ‘December 30,
23 2020’.

24 “(2) LIMITATION REGARDING MUNICIPAL
25 BROADBAND.—A State, Tribal government, or unit

1 of local government may not use funds provided
2 under a payment made under this section—

3 “(A) to provide or offer for sale broadband
4 internet access service; or

5 “(B) to purchase, lease, or otherwise ob-
6 tain facilities that are used exclusively to pro-
7 vide broadband internet access service by—

8 “(i) the State, Tribal government, or
9 unit of local government; or

10 “(ii) a third party.

11 “(3) LIMITATION REGARDING OVER-
12 BUILDING.—

13 “(A) IN GENERAL.—A State, Tribal gov-
14 ernment, or unit of local government may not
15 award a grant from funds provided under a
16 payment made under this section for the de-
17 ployment of infrastructure for the provision of
18 broadband internet access in an area that is not
19 an unserved area unless the State, Tribal gov-
20 ernment, or unit of local government has
21 awarded grants from such funds for the deploy-
22 ment of such infrastructure in all unserved
23 areas in the State, or in the jurisdiction of the
24 Tribal government or unit of local government,
25 as the case may be, such that no such area will

1 remain an unserved area after such deployment
2 is complete.

3 “(B) DETERMINATION OF UNSERVED
4 AREAS.—To determine whether an area is an
5 unserved area for purposes of subparagraph
6 (A), a State, Tribal government, or unit of local
7 government shall—

8 “(i) except as provided in clause (ii),
9 use the maps created under section
10 802(c)(1) of the Communications Act of
11 1934 (47 U.S.C. 642(c)(1)); and

12 “(ii) until such maps are available,
13 use the final list of eligible areas released
14 by the Commission in the matter of Rural
15 Digital Opportunity Fund (WC Docket No.
16 19–126), except that the State, Tribal gov-
17 ernment, or unit of local government shall
18 exclude any area in the State, or in the ju-
19 risdiction of the Tribal government or unit
20 of local government, as the case may be,
21 with respect to which (as of the time of the
22 determination)—

23 “(I) funding has been awarded
24 through the Rural Digital Oppor-
25 tunity Fund Phase I Auction; or

1 “(II) there is an enforceable com-
2 mitment by a provider of broadband
3 internet access service to provide such
4 service in the area, even if the service
5 is not yet available, unless the pro-
6 vider is not meeting any applicable
7 build-out deadlines.

8 “(4) ADDITIONAL REQUIREMENTS.—A State,
9 Tribal government, or unit of local government may
10 not award a grant from funds provided under a pay-
11 ment made under this section for the deployment of
12 infrastructure for the provision of broadband inter-
13 net access service unless the State, Tribal govern-
14 ment, or unit of local government—

15 “(A) at least 90 days before awarding such
16 grant, provides public notice, and an oppor-
17 tunity for challenge that begins on the date on
18 which such public notice is provided and ends
19 on the date that is 90 days thereafter, of which
20 areas have been determined to be unserved
21 areas under paragraph (3)(B) for purposes of
22 the awarding of such grant;

23 “(B) awards such grant in a techno-
24 logically neutral manner;

1 “(C) does not require a provider of
2 broadband internet access service to be des-
3 ignated as an eligible telecommunications car-
4 rier under section 214(e) of the Communica-
5 tions Act of 1934 (47 U.S.C. 214(e)) as a con-
6 dition of receiving grant funds;

7 “(D) does not require a provider of
8 broadband internet access service to meet any
9 requirement relating to the provision of such
10 service (including an open access or rate re-
11 quirement) as a condition of receiving grant
12 funds, except for a requirement that applies to
13 providers of broadband internet access service
14 as of the date of the enactment of this sub-
15 section;

16 “(E) prohibits a provider of broadband
17 internet access service from using grant funds
18 to repay, or make any other payment relating
19 to, a loan made by any public or private lender;
20 and

21 “(F) prohibits a provider of broadband
22 internet access service from using grant funds
23 as collateral for a loan made by any public or
24 private lender.

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

1 “(A) BROADBAND INTERNET ACCESS
2 SERVICE.—The term ‘broadband internet access
3 service’ has the meaning given such term in
4 section 8.1(b) of title 47, Code of Federal Reg-
5 ulations (or any successor regulation).

6 “(B) COMMISSION.—The term ‘Commis-
7 sion’ means the Federal Communications Com-
8 mission.”.

9 (b) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendments made by
11 this section shall apply with respect to payments
12 made under section 601 of the Social Security Act
13 (42 U.S.C. 801) on or after March 27, 2020, includ-
14 ing with respect to a grant from funds provided
15 under such a payment for the deployment of infra-
16 structure for the provision of broadband internet ac-
17 cess service that was awarded, or the expenditure of
18 such funds for a purpose described in subsection
19 (e)(2) of such section that was incurred, by a State,
20 Tribal government, or unit of local government be-
21 fore the date of the enactment of this Act.

22 (2) DEFINITIONS.—In this subsection, the
23 terms defined in section 601 of the Social Security

1 Act (42 U.S.C. 801) have the meanings given such
2 terms in such section.

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