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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

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.

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IN THE HOUSE OF REPRESENTATIVES

Mr. ADERHOLT introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**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  
24 Act (42 U.S.C. 801) have the meanings given such  
25 terms in such section.