

1           **DIVISION D—BROADBAND**  
2 **TITLE I—BROADBAND GRANTS**  
3 **FOR STATES, DISTRICT OF**  
4 **COLUMBIA, PUERTO RICO,**  
5 **AND TERRITORIES**

6 **SEC. 41001. FINDINGS.**

7 Congress finds the following:

8           (1) Access to affordable, reliable, high-speed  
9 broadband is essential to full participation in mod-  
10 ern life in the United States.

11           (2) The persistent “digital divide” in the  
12 United States is a barrier to the economic competi-  
13 tiveness of the United States and equitable distribu-  
14 tion of essential public services, including health care  
15 and education.

16           (3) The digital divide disproportionately affects  
17 communities of color, lower-income areas, and rural  
18 areas, and the benefits of broadband should be  
19 broadly enjoyed by all.

20           (4) In many communities across the country,  
21 increased competition among broadband providers  
22 has the potential to offer consumers more afford-  
23 able, high-quality options for broadband service.

1           (5) The 2019 novel coronavirus pandemic has  
2           underscored the critical importance of affordable,  
3           high-speed broadband for individuals, families, and  
4           communities to be able to work, learn, and connect  
5           remotely while supporting social distancing.

6 **SEC. 41002. GRANTS FOR BROADBAND DEPLOYMENT.**

7           (a) DEFINITIONS.—

8           (1) AREAS, LOCATIONS, AND INSTITUTIONS  
9           LACKING BROADBAND ACCESS.—In this section:

10           (A) UNSERVED LOCATION.—The term  
11           “unserved location” means a broadband-service-  
12           able location, as determined in accordance with  
13           the broadband DATA maps, that—

14                   (i) has no access to broadband service;

15                   or

16                   (ii) lacks access to reliable broadband  
17           service offered with—

18                           (I) a speed of not less than—

19                                   (aa) 25 megabits per second  
20                                   for downloads; and

21                                   (bb) 3 megabits per second  
22                                   for uploads; and

23                           (II) a latency sufficient to sup-  
24           port real-time, interactive applica-  
25           tions.

1 (B) UNSERVED SERVICE PROJECT.—

2 (i) IN GENERAL.—The term  
3 “unserved service project” means a project  
4 in which not less than 80 percent of  
5 broadband-serviceable locations served by  
6 the project are unserved locations.

7 (ii) ASSISTANT SECRETARY AUTHOR-  
8 ITY.—The Assistant Secretary may modify  
9 the definition under clause (i) as nec-  
10 essary, but may not modify the definition  
11 of the term “unserved location”.

12 (C) UNDERSERVED LOCATION.—The term  
13 “underserved location” means a location—

14 (i) that is not an unserved location;  
15 and

16 (ii) as determined in accordance with  
17 the broadband DATA maps, lacks access  
18 to reliable broadband service offered  
19 with—

20 (I) a speed of not less than—

21 (aa) 100 megabits per sec-  
22 ond for downloads; and

23 (bb) 20 megabits per second  
24 for uploads; and

1 (II) a latency sufficient to sup-  
2 port real-time, interactive applica-  
3 tions.

4 (D) UNDERSERVED SERVICE PROJECT.—

5 (i) IN GENERAL.—The term “under-  
6 served service project” means a project in  
7 which not less than 80 percent of  
8 broadband-serviceable locations served by  
9 the project are underserved locations.

10 (ii) ASSISTANT SECRETARY AUTHOR-  
11 ITY.—The Assistant Secretary may modify  
12 the definition under clause (i) as nec-  
13 essary, but may not modify the definition  
14 of the term “underserved location”.

15 (E) ELIGIBLE COMMUNITY ANCHOR INSTI-  
16 TUTION.—The term “eligible community anchor  
17 institution” means a community anchor institu-  
18 tion that lacks access to gigabit-level broadband  
19 service.

20 (2) OTHER DEFINITIONS.—In this section:

21 (A) ASSISTANT SECRETARY.—The term  
22 “Assistant Secretary” means the Assistant Sec-  
23 retary of Commerce for Communications and  
24 Information.

1 (B) BROADBAND; BROADBAND SERVICE.—  
2 The term “broadband” or “broadband service”  
3 has the meaning given the term “broadband  
4 internet access service” in section 8.1(b) of title  
5 47, Code of Federal Regulations, or any suc-  
6 cessor regulation.

7 (C) BROADBAND DATA MAPS.—The term  
8 “broadband DATA maps” means the maps cre-  
9 ated under section 802(c)(1) of the Commu-  
10 nications Act of 1934 (47 U.S.C. 642(c)(1)).

11 (D) COMMISSION.—The term “Commis-  
12 sion” means the Federal Communications Com-  
13 mission.

14 (E) COMMUNITY ANCHOR INSTITUTION.—  
15 The term “community anchor institution”  
16 means an entity such as a school, library,  
17 health clinic, hospital or other medical provider,  
18 public safety entity, institution of higher edu-  
19 cation, public housing organization, or commu-  
20 nity support organization that facilitates great-  
21 er use of broadband service by vulnerable popu-  
22 lations, including low-income individuals, unem-  
23 ployed individuals, and aged individuals.

24 (F) ELIGIBLE ENTITY.—The term “eligible  
25 entity” means a State.

1 (G) HIGH-COST AREA.—

2 (i) IN GENERAL.—The term “high-  
3 cost area” means an unserved area in  
4 which the cost of building out broadband  
5 service is higher, as compared with the av-  
6 erage cost of building out broadband serv-  
7 ice in unserved areas in the United States  
8 (as determined by the Assistant Secretary,  
9 in coordination with the Commission), in-  
10 corporating factors that include—

11 (I) the remote location of the  
12 area;

13 (II) the lack of population den-  
14 sity of the area;

15 (III) the unique topography of  
16 the area;

17 (IV) a high rate of poverty in the  
18 area; or

19 (V) any other factor identified by  
20 the Assistant Secretary, in coordina-  
21 tion with the Commission, that con-  
22 tributes to the higher cost of deploy-  
23 ing broadband service in the area.

24 (ii) UNSERVED AREA.—For purposes  
25 of clause (i), the term “unserved area”

1 means an area in which not less than 80  
2 percent of broadband-serviceable locations  
3 are unserved locations.

4 (H) LOCATION; BROADBAND-SERVICEABLE  
5 LOCATION.—The terms “location” and  
6 “broadband-serviceable location” have the  
7 meanings given those terms by the Commission  
8 under rules and guidance that are in effect, as  
9 of the date of enactment of this Act.

10 [(I) LOW-COST BROADBAND SERVICE OP-  
11 TION .—The term “low-cost broadband service  
12 option” *[Note: to be supplied, pending agree-  
13 ment on language].]*

14 (J) PRIORITY BROADBAND PROJECT.—The  
15 term “priority broadband project” means a  
16 project designed to—

17 (i) provide broadband service that  
18 meets speed, latency, reliability, consist-  
19 ency in quality of service, and related cri-  
20 teria as the Assistant Secretary shall de-  
21 termine; and

22 (ii) ensure that the network built by  
23 the project can easily scale speeds over  
24 time to—

1 (I) meet the evolving connectivity  
2 needs of households and businesses;  
3 and

4 (II) support the deployment of  
5 5G, successor wireless technologies,  
6 and other advanced services.

7 (K) PROGRAM.—The term “Program”  
8 means the Broadband Equity, Access, and De-  
9 ployment Program established under subsection  
10 (b)(1).

11 (L) PROJECT.—The term “project” means  
12 an undertaking by a subgrantee under this sec-  
13 tion to construct and deploy infrastructure for  
14 the provision of broadband service.

15 (M) RELIABLE BROADBAND SERVICE.—  
16 The term “reliable broadband service” means  
17 broadband service that meets performance cri-  
18 teria for service availability, adaptability to  
19 changing end-user requirements, length of serv-  
20 iceable life, or other criteria, other than upload  
21 and download speeds, as determined by the As-  
22 sistant Secretary in coordination with the Com-  
23 mission.

24 (N) STATE.—The term “State” has the  
25 meaning given the term in section 158 of the



1 National Telecommunications and Information  
2 Administration Organization Act (47 U.S.C.  
3 942), except that that definition shall be ap-  
4 plied by striking “, and any other territory or  
5 possession of the United States”.

6 (O) SUBGRANTEE.—The term “sub-  
7 grantee” means an entity that receives grant  
8 funds from an eligible entity to carry out activi-  
9 ties under subsection (f).

10 (b) BROADBAND EQUITY, ACCESS, AND DEPLOY-  
11 MENT PROGRAM.—

12 (1) ESTABLISHMENT.—Not later than 180 days  
13 after the date of enactment of this Act, the Assist-  
14 ant Secretary shall establish a grant program, to be  
15 known as the “Broadband Equity, Access, and De-  
16 ployment Program”, under which the Assistant Sec-  
17 retary makes grants to eligible entities, in accord-  
18 ance with this section, to bridge the digital divide.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—  
20 There is authorized to be appropriated to the Assist-  
21 ant Secretary to carry out the Program  
22 \$40,000,000,000.

23 (3) OBLIGATION TIMELINE.—The Assistant  
24 Secretary shall obligate all amounts appropriated  
25 pursuant to paragraph (2) in an expedient manner

1 after the Assistant Secretary issues the notice of  
2 funding opportunity under subsection (e)(1).

3 (4) TECHNICAL SUPPORT AND ASSISTANCE.—

4 (A) PROGRAM ASSISTANCE.—As part of  
5 the Program, the Assistant Secretary, in con-  
6 sultation with the Commission, shall provide  
7 technical support and assistance to eligible enti-  
8 ties to facilitate their participation in the Pro-  
9 gram, including by assisting eligible entities  
10 with—

11 (i) the development of grant applica-  
12 tions under the Program;

13 (ii) the development of plans and pro-  
14 cedures for distribution of funds under the  
15 Program; and

16 (iii) other technical support as deter-  
17 mined by the Assistant Secretary.

18 (B) GENERAL ASSISTANCE.—The Assist-  
19 ant Secretary shall provide technical and other  
20 assistance to eligible entities—

21 (i) to support the expansion of  
22 broadband, with priority for—

23 (I) expansion in rural areas; and

24 (II) eligible entities that consist-  
25 ently rank below most other eligible

1 entities with respect to broadband ac-  
2 cess and deployment; and  
3 (ii) regarding cybersecurity resources  
4 and programs available through Federal  
5 agencies, including the Election Assistance  
6 Commission, the Cybersecurity and Infra-  
7 structure Security Agency, the Federal  
8 Trade Commission, and the National Insti-  
9 tute of Standards and Technology.

10 (c) ALLOCATION.—

11 (1) ALLOCATION FOR HIGH-COST AREAS.—

12 (A) IN GENERAL.—On or after the date on  
13 which the broadband DATA maps are made  
14 public, the Assistant Secretary shall allocate to  
15 eligible entities, in accordance with subpara-  
16 graph (B) of this paragraph, 10 percent of the  
17 amount appropriated pursuant to subsection  
18 (b)(2).

19 (B) FORMULA.—The Assistant Secretary  
20 shall calculate the amount allocated to an eligi-  
21 ble entity under subparagraph (A) by—

22 (i) dividing the number of unserved  
23 locations in high-cost areas in the eligible  
24 entity by the total number of unserved lo-

1 cations in high-cost areas in the United  
2 States; and

3 (ii) multiplying the quotient obtained  
4 under clause (i) by the amount made avail-  
5 able under subparagraph (A).

6 (2) MINIMUM INITIAL ALLOCATION.—Of the  
7 amount appropriated pursuant to subsection  
8 (b)(2)—

9 (A) except as provided in subparagraph  
10 (B) of this paragraph, \$100,000,000 shall be  
11 allocated to each State; and

12 (B) \$100,000,000 shall be allocated to,  
13 and divided equally among, the United States  
14 Virgin Islands, Guam, American Samoa, and  
15 the Commonwealth of the Northern Mariana Is-  
16 lands.

17 (3) ALLOCATION OF REMAINING AMOUNTS.—

18 (A) IN GENERAL.—On or after the date on  
19 which the broadband DATA maps are made  
20 public, of the amount appropriated pursuant to  
21 subsection (b)(2), the Assistant Secretary shall  
22 allocate to eligible entities, in accordance with  
23 subparagraph (B) of this paragraph, the  
24 amount remaining after compliance with para-  
25 graphs (1) and (2) of this subsection.

1 (B) ALLOCATION.—The amount allocated  
2 to an eligible entity under subparagraph (B)  
3 shall be calculated by—

4 (i) dividing the number of unserved  
5 locations in the eligible entity by the total  
6 number of unserved locations in the United  
7 States; and

8 (ii) multiplying the quotient obtained  
9 under clause (i) by the amount made avail-  
10 able under subparagraph (A).

11 (4) AVAILABILITY CONDITIONED ON APPROVAL  
12 OF APPLICATIONS.—The availability of amounts allo-  
13 cated under paragraph (1), (2), or (3) to an eligible  
14 entity shall be subject to approval by the Assistant  
15 Secretary of the letter of intent, initial proposal, or  
16 final proposal of the eligible entity, as applicable,  
17 under subsection (e).

18 (5) CONTINGENCY PROCEDURES.—

19 (A) DEFINITION.—In this paragraph, the  
20 term “covered application” means a letter of in-  
21 tent, initial proposal, or final proposal under  
22 this section.

23 (B) POLITICAL SUBDIVISIONS AND CON-  
24 SORTIA.—

1 (i) APPLICATION FAILURES.—The As-  
2 sistant Secretary, in carrying out the Pro-  
3 gram, shall provide that if an eligible enti-  
4 ty fails to submit a covered application by  
5 the applicable deadline, or a covered appli-  
6 cation submitted by an eligible entity is not  
7 approved by the applicable deadline, a po-  
8 litical subdivision or consortium of political  
9 subdivisions of the eligible entity may sub-  
10 mit the applicable type of covered applica-  
11 tion in place of the eligible entity.

12 (ii) TREATMENT OF POLITICAL SUB-  
13 DIVISION OR CONSORTIUM AS ELIGIBLE  
14 ENTITY.—In the case of a political subdivi-  
15 sion or consortium of political subdivisions  
16 that submits a covered application under  
17 clause (i) that is approved by the Assistant  
18 Secretary—

19 (I) except as provided in sub-  
20 clause (II) of this clause, any ref-  
21 erence in this section to an eligible en-  
22 tity shall be deemed to refer to the  
23 political subdivision or consortium;  
24 and

1 (II) any reference in this section  
2 to an eligible entity in a geographic  
3 sense shall be deemed to refer to the  
4 eligible entity in whose place the polit-  
5 ical subdivision or consortium sub-  
6 mitted the covered application.

7 (C) REALLOCATION TO OTHER ELIGIBLE  
8 ENTITIES.—

9 (i) APPLICATION FAILURES.—The As-  
10 sistant Secretary, in carrying out the Pro-  
11 gram, shall provide that if an eligible enti-  
12 ty fails to submit a covered application by  
13 the applicable deadline, or a covered appli-  
14 cation submitted by an eligible entity is not  
15 approved by the applicable deadline, as  
16 provided in subparagraph (A)), and no po-  
17 litical subdivision or consortium of political  
18 subdivisions of the eligible entity submits a  
19 covered application by the applicable dead-  
20 line, or no covered application submitted  
21 by such a political subdivision or consor-  
22 tium is approved by the applicable dead-  
23 line, as provided in subparagraph (B), the  
24 Assistant Secretary—

1 (I) shall reallocate the amounts  
2 that would have been available to the  
3 eligible entity pursuant to that type of  
4 covered application to other eligible  
5 entities that submitted that type of  
6 covered application by the applicable  
7 deadline; and

8 (II) shall reallocate the amounts  
9 described in subclause (I) of this  
10 clause in accordance with the formula  
11 under paragraph (3).

12 (ii) FAILURE TO USE FULL ALLOCA-  
13 TION.—The Assistant Secretary, in car-  
14 rying out the Program, shall provide that  
15 if an eligible entity fails to use the full  
16 amount allocated to the eligible entity  
17 under this subsection by the applicable  
18 deadline, the Assistant Secretary—

19 (I) shall reallocate the unused  
20 amounts to other eligible entities with  
21 approved final proposals; and

22 (II) shall reallocate the amounts  
23 described in subclause (I) in accord-  
24 ance with the formula under para-  
25 graph (3).



1 (d) ADMINISTRATIVE EXPENSES.—

2 (1) ASSISTANT SECRETARY.—The Assistant  
3 Secretary may use not more than 2 percent of  
4 amounts appropriated pursuant to subsection (b) for  
5 administrative purposes.

6 (2) ELIGIBLE ENTITIES.—

7 (A) PRE-DEPLOYMENT PLANNING.—An eli-  
8 gible entity may use not more than 5 percent  
9 of the amount allocated to the eligible entity  
10 under subsection (c)(2) for the planning and  
11 pre-deployment activities under subsection  
12 (e)(1)(C).

13 (B) ADMINISTRATION.—An eligible entity  
14 may use not more than 2 percent of the grant  
15 amounts made available to the eligible entity  
16 under subsection (e) for expenses relating (di-  
17 rectly or indirectly) to administration of the  
18 grant.

19 (e) IMPLEMENTATION.—

20 (1) INITIAL PROGRAM DEPLOYMENT AND PLAN-  
21 NING.—

22 (A) NOTICE OF FUNDING OPPORTUNITY;  
23 PROCESS.—Not later than 180 days after the  
24 date of enactment of this Act, the Assistant  
25 Secretary shall—

1 (i) issue a notice of funding oppor-  
2 tunity for the Program that—

3 (I) notifies eligible entities of—

4 (aa) the establishment of the  
5 Program; and

6 (bb) the amount of the min-  
7 imum initial allocation to each el-  
8 ible entity under subsection  
9 (c)(2);

10 (II) invites eligible entities to  
11 submit letters of intent under sub-  
12 paragraph (B) in order to—

13 (aa) participate in the Pro-  
14 gram; and

15 (bb) receive funding for  
16 planning and pre-deployment ac-  
17 tivities under subparagraph (C);

18 (III) contains details about the  
19 Program, including an outline of the  
20 requirements for—

21 (aa) applications for grants  
22 under the Program, which shall  
23 consist of letters of intent, initial  
24 proposals, and final proposals;  
25 and

1 (bb) allowed uses of grant  
2 amounts awarded under this sec-  
3 tion, as provided in subsection  
4 (f); and

5 (IV) includes any other informa-  
6 tion determined relevant by the As-  
7 sistant Secretary;

8 (ii) establish a process, in accordance  
9 with subparagraph (C), through which to  
10 provide funding to eligible entities for plan-  
11 ning and pre-deployment activities;

12 (iii) develop and make public a stand-  
13 ard online application form that an eligible  
14 entity may use to submit an initial pro-  
15 posal and final proposal for the grant  
16 amounts allocated to the eligible entity  
17 under subsection (c);

18 (iv) publish a template—

19 (I) initial proposal that complies  
20 with paragraph (3)(A); and

21 (II) final proposal that complies  
22 with paragraph (4)(A); and

23 (v) in consultation with the Commis-  
24 sion, establish standards for how an eligi-  
25 ble entity shall assess the capabilities and

1 capacities of a prospective subgrantee  
2 under subsection (g)(3)(A).

3 (B) LETTER OF INTENT.—

4 (i) IN GENERAL.—An eligible entity  
5 that wishes to participate in the Program  
6 shall file a letter of intent to participate in  
7 the Program consistent with this subpara-  
8 graph.

9 (ii) FORM AND CONTENTS.—The As-  
10 sistant Secretary may establish the form  
11 and contents required for a letter of intent  
12 under this subparagraph, which contents  
13 may include—

14 (I) details of—

15 (aa) the existing broadband  
16 program or office of the eligible  
17 entity, including—

18 (AA) activities that the  
19 program or office currently  
20 conducts;

21 (BB) the number of  
22 rounds of broadband deploy-  
23 ment grants that the eligible  
24 entity has awarded, if appli-  
25 cable;

1 (CC) whether the eligi-  
2 ble entity has an eligible en-  
3 tity-wide plan and goal for  
4 availability of broadband,  
5 and any relevant deadlines,  
6 as applicable; and

7 (DD) the amount of  
8 funding that the eligible en-  
9 tity has available for  
10 broadband deployment or  
11 other broadband-related ac-  
12 tivities, including data col-  
13 lection and local planning,  
14 and the sources of that  
15 funding, including whether  
16 the funds are from the eligi-  
17 ble entity or from the Fed-  
18 eral Government under the  
19 American Rescue Plan Act  
20 of 2021 (Public Law 117-  
21 2);

22 (bb) the number of full-time  
23 employees and part-time employ-  
24 ees of the eligible entity who will  
25 assist in administering amounts

1 received under the Program and  
2 the duties assigned to those em-  
3 ployees;

4 (cc) relevant contracted sup-  
5 port; and

6 (dd) the goals of the eligible  
7 entity for the use of amounts re-  
8 ceived under the Program, the  
9 process that the eligible entity  
10 will use to distribute those  
11 amounts to subgrantees, the  
12 timeline for awarding subgrants,  
13 and oversight and reporting re-  
14 quirements that the eligible enti-  
15 ty will impose on subgrantees;

16 (II) the identification of known  
17 barriers or challenges to developing  
18 and administering a program to ad-  
19 minister grants received under the  
20 Program, if applicable;

21 (III) the identification of the ad-  
22 ditional capacity needed by the eligible  
23 entity to implement the requirements  
24 under this section, such as—

1 (aa) enhancing the capacity  
2 of the broadband program or of-  
3 fice of the eligible entity by re-  
4 ceiving technical assistance from  
5 Federal entities or other part-  
6 ners, hiring additional employees,  
7 or obtaining support from con-  
8 tracted entities; or

9 (bb) acquiring additional  
10 programmatic information or  
11 data, such as through surveys or  
12 asset inventories;

13 (IV) an explanation of how the  
14 needs described in subclause (III)  
15 were identified and how funds may be  
16 used to address those needs, including  
17 target areas;

18 (V) details of any relevant part-  
19 ners, such as organizations that may  
20 inform broadband deployment and  
21 adoption planning; and

22 (VI) any other information deter-  
23 mined relevant by the Assistant Sec-  
24 retary.

25 (C) PLANNING FUNDS.—

1 (i) IN GENERAL.—The Assistant Sec-  
2 retary shall establish a process through  
3 which an eligible entity, in submitting a  
4 letter of intent under subparagraph (B),  
5 may request access to not more than 5  
6 percent of the amount allocated to the eli-  
7 gible entity under subsection (c)(2) for use  
8 consistent with this subparagraph.

9 (ii) FUNDING AVAILABILITY.—If the  
10 Assistant Secretary approves a request  
11 from an eligible entity under clause (i), the  
12 Assistant Secretary shall make available to  
13 the eligible entity an amount, as deter-  
14 mined appropriate by the Assistant Sec-  
15 retary, that is not more than 5 percent of  
16 the amount allocated to the eligible entity  
17 under subsection (c)(2).

18 (iii) ELIGIBLE USE.—The Assistant  
19 Secretary shall determine the allowable  
20 uses of amounts made available under  
21 clause (ii), which may include—

22 (I) research and data collection,  
23 including initial identification of  
24 unserved locations and underserved lo-  
25 cations;



1 (II) the development of a prelimi-  
2 nary budget for pre-planning activi-  
3 ties;

4 (III) publications, outreach, and  
5 communications support;

6 (IV) providing technical assist-  
7 ance, including through workshops  
8 and events;

9 (V) training for employees of the  
10 broadband program or office of the el-  
11 igible entity or employees of political  
12 subdivisions of the eligible entity, and  
13 related staffing capacity or consulting  
14 or contracted support; and

15 (VI) with respect to an office  
16 that oversees broadband programs  
17 and broadband deployment in an eligi-  
18 ble entity, establishing, operating, or  
19 increasing the capacity of such a  
20 broadband office.

21 (D) ACTION PLAN.—

22 (i) IN GENERAL.—An eligible entity  
23 that receives funding from the Assistant  
24 Secretary under subparagraph (C) shall

1 submit to the Assistant Secretary a 5-year  
2 action plan, which shall—

3 (I) be informed by collaboration  
4 with local and regional entities; and

5 (II) detail—

6 (aa) investment priorities  
7 and associated costs;

8 (bb) alignment of planned  
9 spending with economic develop-  
10 ment, telehealth, and related  
11 connectivity efforts.

12 (ii) REQUIREMENTS OF ACTION  
13 PLANS.—The Assistant Secretary shall es-  
14 tablish requirements for the 5-year action  
15 plan submitted by an eligible entity under  
16 clause (i), which may include requirements  
17 to—

18 (I) address local and regional  
19 needs in the eligible entity with re-  
20 spect to broadband service;

21 (II) propose solutions for the de-  
22 ployment of affordable broadband  
23 service in the eligible entity;

24 (III) include localized data with  
25 respect to the deployment of

1 broadband service in the eligible enti-  
2 ty, including by identifying locations  
3 that should be prioritized for Federal  
4 support with respect to that deploy-  
5 ment;

6 (IV) ascertain how best to serve  
7 unserved locations in the eligible enti-  
8 ty, whether through the establishment  
9 of cooperatives or public-private part-  
10 nerships;

11 (V) identify the technical assist-  
12 ance that would be necessary to carry  
13 out the plan; and

14 (VI) assess the amount of time it  
15 would take to build out universal  
16 broadband service in the eligible enti-  
17 ty.

18 (2) NOTICE OF AVAILABLE AMOUNTS; INVITA-  
19 TION TO SUBMIT INITIAL AND FINAL PROPOSALS.—  
20 On or after the date on which the broadband DATA  
21 maps are made public, the Assistant Secretary, in  
22 coordination with the Commission, shall issue a no-  
23 tice to each eligible entity that—

1 (A) contains the estimated amount avail-  
2 able to the eligible entity under subsection (c);  
3 and

4 (B) invites the eligible entity to submit an  
5 initial proposal and final proposal for a grant  
6 under this section, in accordance with para-  
7 graphs (3) and (4) of this subsection.

8 (3) INITIAL PROPOSAL.—

9 (A) SUBMISSION.—

10 (i) IN GENERAL.—After the Assistant  
11 Secretary issues the notice under para-  
12 graph (2), an eligible entity that wishes to  
13 receive a grant under this section shall  
14 submit an initial proposal for a grant,  
15 using the online application form developed  
16 by the Assistant Secretary under para-  
17 graph (1)(A)(iii), that—

18 (I) outlines long-term objectives  
19 for deploying broadband, closing the  
20 digital divide, and enhancing economic  
21 growth and job creation, including—

22 (aa) information developed  
23 by the eligible entity as part of  
24 the action plan submitted under

1 paragraph (1)(D), if applicable;

2 and

3 (bb) information from any  
4 comparable strategic plan other-  
5 wise developed by the eligible en-  
6 tity, if applicable;

7 (II)(aa) identifies, and outlines  
8 steps to support, local and regional  
9 broadband planning processes or on-  
10 going efforts to deploy broadband or  
11 close the digital divide; and

12 (bb) describes coordination with  
13 local governments, along with local  
14 and regional broadband planning  
15 processes;

16 (III) identifies existing efforts  
17 funded by the Federal Government or  
18 a State within the jurisdiction of the  
19 eligible entity to deploy broadband  
20 and close the digital divide;

21 (IV) includes a plan to competi-  
22 tively award subgrants to ensure time-  
23 ly deployment of broadband;

24 (V) identifies—

1 (aa) each unserved location  
2 or underserved location under the  
3 jurisdiction of the eligible entity;  
4 and

5 (bb) each community anchor  
6 institution under the jurisdiction  
7 of the eligible entity that is an el-  
8 igible community anchor institu-  
9 tion; and

10 (VI) certifies the intent of the eli-  
11 gible entity to comply with all applica-  
12 ble requirements under this section,  
13 including the reporting requirements  
14 under subsection (i)(1).

15 (ii) LOCAL COORDINATION.—

16 (I) IN GENERAL.—The Assistant  
17 Secretary shall establish local coordi-  
18 nation requirements for eligible enti-  
19 ties to follow, to the greatest extent  
20 practicable.

21 (II) REQUIREMENTS.— The local  
22 coordination requirements established  
23 under subclause (I) shall include, at  
24 minimum, an opportunity for political  
25 subdivisions of an eligible entity to—

1 (aa) submit plans for consid-  
2 eration by the eligible entity; and

3 (bb) comment on the initial  
4 proposal of the eligible entity be-  
5 fore the initial proposal is sub-  
6 mitted to the Assistant Sec-  
7 retary.

8 (B) SINGLE INITIAL PROPOSAL.—An eligi-  
9 ble entity may submit only 1 initial proposal  
10 under this paragraph.

11 (C) CORRECTIONS TO INITIAL PRO-  
12 POSAL.—The Assistant Secretary may accept  
13 corrections to the initial proposal of an eligible  
14 entity after the initial proposal has been sub-  
15 mitted.

16 (D) CONSIDERATION OF INITIAL PRO-  
17 POSAL.—After receipt of an initial proposal for  
18 a grant under this paragraph, the Assistant  
19 Secretary—

20 (i) shall acknowledge receipt;

21 (ii) if the initial proposal is com-  
22 plete—

23 (I) shall determine whether the  
24 use of funds proposed in the initial  
25 proposal—

1 (aa) complies with sub-  
2 section (f);

3 (bb) is in the public interest;  
4 and

5 (cc) effectuates the purposes  
6 of this Act;

7 (II) shall approve or disapprove  
8 the initial proposal based on the de-  
9 terminations under subclause (I); and

10 (III) if the Assistant Secretary  
11 approves the initial proposal under  
12 clause (ii)(II), shall make available to  
13 the eligible entity—

14 (aa) 20 percent of the grant  
15 funds that were allocated to the  
16 eligible entity under subsection  
17 (c); or

18 (bb) a higher percentage of  
19 the grant funds that were allo-  
20 cated to the eligible entity under  
21 subsection (c), at the discretion  
22 of the Assistant Secretary; and

23 (iii) if the initial proposal is incom-  
24 plete, or is disapproved under clause  
25 (ii)(II), shall notify the eligible entity and



1 provide the eligible entity with an oppor-  
2 tunity to resubmit the initial proposal.

3 (E) CONSIDERATION OF RESUBMITTED  
4 INITIAL PROPOSAL.—After receipt of a resub-  
5 mitted initial proposal for a grant under this  
6 paragraph, the Assistant Secretary—

7 (i) shall acknowledge receipt;

8 (ii) if the initial proposal is com-  
9 plete—

10 (I) shall determine whether the  
11 use of funds proposed in the initial  
12 proposal—

13 (aa) complies with sub-  
14 section (f);

15 (bb) is in the public interest;

16 and

17 (cc) effectuates the purposes  
18 of this Act;

19 (II) shall approve or disapprove  
20 the initial proposal based on the de-  
21 terminations under subclause (I); and

22 (III) if the Assistant Secretary  
23 approves the initial proposal under  
24 clause (ii)(II), shall make available to  
25 the eligible entity—

1 (aa) 20 percent of the grant  
2 funds that were allocated to the  
3 eligible entity under subsection  
4 (c); or

5 (bb) a higher percentage of  
6 the grant funds that were allo-  
7 cated to the eligible entity under  
8 subsection (c), at the discretion  
9 of the Assistant Secretary; and

10 (iii) if the initial proposal is incom-  
11 plete, or is disapproved under clause  
12 (ii)(II), shall notify the eligible entity and  
13 provide the eligible entity with an oppor-  
14 tunity to resubmit the initial proposal.

15 (4) FINAL PROPOSAL.—

16 (A) SUBMISSION.—

17 (i) IN GENERAL.—After the Assistant  
18 Secretary approves the initial proposal of  
19 an eligible entity under paragraph (3), the  
20 eligible entity may submit a final proposal  
21 for the remainder of the amount allocated  
22 to the eligible entity under subsection (c),  
23 using the online application form developed  
24 by the Assistant Secretary under para-  
25 graph (1)(A)(iii), that includes—

1 (I) a detailed plan that specifies  
2 how the eligible entity will—

3 (aa) allocate grant funds for  
4 the deployment of broadband net-  
5 works to unserved locations and  
6 underserved locations, in accord-  
7 ance with subsection (h)(1)(A)(i);  
8 and

9 (bb) align the grant funds  
10 allocated to the eligible entity  
11 under subsection (c), where prac-  
12 ticable, with the use of other  
13 funds that the eligible entity re-  
14 ceives from the Federal Govern-  
15 ment, a State, or a private entity  
16 for related purposes;

17 (II) a timeline for implementa-  
18 tion;

19 (III) processes for oversight and  
20 accountability to ensure the proper  
21 use of the grant funds allocated to the  
22 eligible entity under subsection (c);  
23 and

24 (IV) a description of coordination  
25 with local governments, along with

1 local and regional broadband planning  
2 processes.

3 (ii) LOCAL COORDINATION.—

4 (I) IN GENERAL.—The Assistant  
5 Secretary shall establish local coordi-  
6 nation requirements for eligible enti-  
7 ties to follow, to the greatest extent  
8 practicable.

9 (II) REQUIREMENTS.— The local  
10 coordination requirements established  
11 under subclause (I) shall include, at  
12 minimum, an opportunity for political  
13 subdivisions of an eligible entity to—

14 (aa) submit plans for consid-  
15 eration by the eligible entity; and

16 (bb) comment on the final  
17 proposal of the eligible entity be-  
18 fore the final proposal is sub-  
19 mitted to the Assistant Sec-  
20 retary.

21 (iii) FEDERAL COORDINATION.—To  
22 ensure efficient and effective use of tax-  
23 payer funds, an eligible entity shall, to the  
24 greatest extent practicable, align the use of  
25 grant funds proposed in the final proposal

1 under clause (i) with funds available from  
2 other Federal programs that support  
3 broadband deployment and access.

4 (B) SINGLE FINAL PROPOSAL.—An eligible  
5 entity may submit only 1 final proposal under  
6 this paragraph.

7 (C) CORRECTIONS TO FINAL PROPOSAL.—  
8 The Assistant Secretary may accept corrections  
9 to the final proposal of an eligible entity after  
10 the final proposal has been submitted.

11 (D) CONSIDERATION OF FINAL PRO-  
12 POSAL.—After receipt of a final proposal for a  
13 grant under this paragraph, the Assistant Sec-  
14 retary—

15 (i) shall acknowledge receipt;

16 (ii) if the final proposal is complete—

17 (I) shall determine whether the  
18 use of funds proposed in the final pro-  
19 posal—

20 (aa) complies with sub-  
21 section (f);

22 (bb) is in the public interest;

23 and

24 (cc) effectuates the purposes  
25 of this Act;

1 (II) shall approve or disapprove  
2 the final proposal based on the deter-  
3 minations under subclause (I); and

4 (III) if the Assistant Secretary  
5 approves the final proposal under  
6 clause (ii)(II), shall make available to  
7 the eligible entity the remainder of the  
8 grant funds allocated to the eligible  
9 entity under subsection (c); and

10 (iii) if the final proposal is incomplete,  
11 or is disapproved under clause (ii)(II),  
12 shall notify the eligible entity and provide  
13 the eligible entity with an opportunity to  
14 resubmit the final proposal.

15 (E) CONSIDERATION OF RESUBMITTED  
16 FINAL PROPOSAL.—After receipt of a resub-  
17 mitted final proposal for a grant under this  
18 paragraph, the Assistant Secretary—

19 (i) shall acknowledge receipt;

20 (ii) if the final proposal is complete—

21 (I) shall determine whether the  
22 use of funds proposed in the final pro-  
23 posal—

24 (aa) complies with sub-  
25 section (f);

1 (bb) is in the public interest;

2 and

3 (cc) effectuates the purposes

4 of this Act;

5 (II) shall approve or disapprove

6 the final proposal based on the deter-

7 minations under subclause (I); and

8 (III) if the Assistant Secretary

9 approves the final proposal under

10 clause (ii)(II), shall make available to

11 the eligible entity the remainder of the

12 grant funds allocated to the eligible

13 entity under subsection (c); and

14 (iii) if the final proposal is incomplete,

15 or is disapproved under clause (ii)(II),

16 shall notify the eligible entity and provide

17 the eligible entity with an opportunity to

18 resubmit the final proposal.

19 (f) USE OF FUNDS.—An eligible entity may use grant

20 funds received under this section to competitively award

21 subgrants for—

22 (1) unserved service projects and underserved

23 service projects;

24 (2) connecting eligible community anchor insti-

25 tutions;

1           (3) data collection, broadband mapping, and  
2           planning;

3           (4) installing internet and Wi-Fi infrastructure  
4           or providing reduced-cost broadband within a multi-  
5           family residential building, with priority given to a  
6           residential building that—

7                   (A) has a substantial share of unserved  
8                   households; or

9                   (B) is in a location in which the percentage  
10                  of individuals with a household income that is  
11                  at or below 150 percent of the poverty line ap-  
12                  plicable to a family of the size involved (as de-  
13                  termined under section 673(2) of the Commu-  
14                  nity Services Block Grant Act (42 U.S.C.  
15                  9902(2)) is higher than the national percentage  
16                  of such individuals;

17           (5) broadband adoption, including programs to  
18           provide affordable internet-capable devices; and

19           (6) any use determined necessary by the Assist-  
20           ant Secretary to facilitate the goals of the Program.

21           (g) GENERAL PROGRAM REQUIREMENTS.—

22                   (1) SUBGRANTEE OBLIGATIONS.—A subgrantee,  
23           in carrying out activities using amounts received  
24           from an eligible entity under this section—



1 (A) shall adhere to quality-of-service stand-  
2 ards, as established by the Assistant Secretary;

3 (B) shall comply with prudent cybersecu-  
4 rity and supply chain risk management prac-  
5 tices, as specified by the Commission, in con-  
6 sultation with the Director of the National In-  
7 stitute of Standards and Technology and the  
8 Assistant Secretary;

9 (C) shall incorporate best practices, as de-  
10 fined by the Assistant Secretary, for ensuring  
11 reliability and resilience of broadband infra-  
12 structure; and

13 (D) may not use the amounts to purchase  
14 or support—

15 (i) any covered communications equip-  
16 ment or service, as defined in section 9 of  
17 the Secure and Trusted Communications  
18 Networks Act of 2019 (47 U.S.C. 1608);  
19 or

20 (ii) fiber optic cable and optical trans-  
21 mission equipment manufactured in the  
22 People's Republic of China, except that the  
23 Assistant Secretary may waive the applica-  
24 tion of this clause with respect to a project  
25 if the eligible entity that awards a

1 subgrant for the project shows that such  
2 application would unreasonably increase  
3 the cost of the project.

4 (2) ELIGIBLE ENTITY OBLIGATIONS.—In dis-  
5 tributing funds to subgrantees under this section, an  
6 eligible entity shall—

7 (A) ensure that any prospective sub-  
8 grantee—

9 (i) is capable of carrying out activities  
10 funded by the subgrant in a competent  
11 manner in compliance with all applicable  
12 Federal, State, and local laws; and

13 (ii) has the financial and managerial  
14 capacity—

15 (I) to meet—

16 (aa) the commitments of the  
17 subgrantee under the subgrant;  
18 and

19 (bb) the requirements of the  
20 Program; and

21 (II) as may be further prescribed  
22 by the Assistant Secretary; and

23 (iii) has the technical and operational  
24 capability to provide the services promised

1 in the subgrant in the manner con-  
2 templated by the subgrant award;

3 (B) stipulate, in any contract with a sub-  
4 grantee for the use of such funds, reasonable  
5 provisions for recovery of funds for nonperform-  
6 ance; and

7 (C)(i) distribute the funds in an equitable  
8 and non-discriminatory manner; and

9 (ii) ensure, through a stipulation in any  
10 contract with a subgrantee for the use of such  
11 funds, that each subgrantee uses the funds in  
12 an equitable and nondiscriminatory manner.

13 (3) DEOBLIGATION OF AWARDS; INTERNET DIS-  
14 CLOSURE.—The Assistant Secretary—

15 (A) shall establish, in coordination with  
16 relevant Federal and State partners, appro-  
17 priate mechanisms to ensure appropriate use of  
18 funds made available under this section;

19 (B) may, in addition to other authority  
20 under applicable law—

21 (i) deobligate grant funds awarded to  
22 an eligible entity that—

23 (I) violates paragraph (2); or

24 (II) demonstrates an insufficient  
25 level of performance, or wasteful or

1 fraudulent spending, as defined in ad-  
2 vance by the Assistant Secretary; and  
3 (ii) award grant funds that are  
4 deobligated under clause (i) to new or ex-  
5 isting applicants consistent with this sec-  
6 tion; and

7 (C) shall create and maintain a fully  
8 searchable database, accessible on the internet  
9 at no cost to the public, that contains informa-  
10 tion sufficient to allow the public to understand  
11 and monitor grants and subgrants awarded  
12 under the Program.

13 (h) BROADBAND NETWORK DEPLOYMENT.—

14 (1) ORDER OF AWARDS; PRIORITY.—

15 (A) IN GENERAL.—An eligible entity, in  
16 awarding subgrants for the deployment of a  
17 broadband network using grant funds received  
18 under this section, as authorized under sub-  
19 section (f)(1)—

20 (i) shall award funding in a manner  
21 that—

22 (I) prioritizes unserved service  
23 projects;

24 (II) after certifying to the Assist-  
25 ant Secretary that the eligible entity

1 will fund the deployment of broadband  
2 infrastructure to serve all unserved lo-  
3 cations within the eligible entity,  
4 prioritizes underserved service  
5 projects; and

6 (III) after prioritizing under-  
7 served service projects, provides fund-  
8 ing to connect eligible community an-  
9 chor institutions;

10 (ii) in providing funding under clauses  
11 (i), (ii), and (iii) of subparagraph (A),  
12 shall prioritize funding for deployment of  
13 broadband infrastructure for priority  
14 broadband projects;

15 (iii) may not exclude cooperatives,  
16 nonprofit organizations, public-private  
17 partnerships, private companies, public or  
18 private utilities, public utility districts, or  
19 local governments from eligibility for such  
20 grant funds; and

21 (iv) shall give priority to projects  
22 based on—

23 (I) deployment of a broadband  
24 network to persistent poverty counties  
25 or high-poverty areas;

1 (II) the speeds of the proposed  
2 broadband service;

3 (III) the expediency with which a  
4 project can be completed; and

5 (IV) a demonstrated record of  
6 and plans to be in compliance with  
7 Federal labor and employment laws.

8 (B) AUTHORITY OF ASSISTANT SEC-  
9 RETARY.—The Assistant Secretary may provide  
10 additional guidance on the prioritization of sub-  
11 grants awarded for the deployment of a  
12 broadband network using grant funds received  
13 under this section.

14 (2) CHALLENGE PROCESS.—

15 (A) IN GENERAL.—After submitting an  
16 initial proposal under subsection (e)(3) and be-  
17 fore allocating grant funds received under this  
18 section for the deployment of broadband net-  
19 works, an eligible entity shall ensure a trans-  
20 parent, evidence-based, and expeditious chal-  
21 lenge process under which a unit of local gov-  
22 ernment, nonprofit organization, or other  
23 broadband service provider can challenge a de-  
24 termination made by the eligible entity in the  
25 initial proposal as to whether a particular loca-

1 tion or community anchor institution within the  
2 jurisdiction of the eligible entity is eligible for  
3 the grant funds, including whether a particular  
4 location is unserved or underserved.

5 (B) FINAL IDENTIFICATION; NOTIFICATION  
6 OF FUNDING ELIGIBILITY.—After resolving  
7 each challenge under subparagraph (A), and  
8 not later than 60 days before allocating grant  
9 funds received under this section for the deploy-  
10 ment of broadband networks, an eligible entity  
11 shall provide public notice of the final classifica-  
12 tion of each unserved location, underserved lo-  
13 cation, or eligible community anchor institution  
14 within the jurisdiction of the eligible entity.

15 (C) CONSULTATION WITH NTIA.—An eligi-  
16 ble entity shall notify the Assistant Secretary of  
17 any modification to the initial proposal of the  
18 eligible entity submitted under subsection (e)(3)  
19 that is necessitated by a successful challenge  
20 under subparagraph (A) of this paragraph.

21 (D) NTIA AUTHORITY.—The Assistant  
22 Secretary—

23 (i) may modify the challenge process  
24 required under subparagraph (A) as nec-  
25 essary; and

1 (ii) may reverse the determination of  
2 an eligible entity with respect to the eligi-  
3 bility of a particular location or community  
4 anchor institution for grant funds under  
5 this section.

6 (E) DEADLINE FOR RESOLUTION OF CHAL-  
7 LENGE PROCESS UNDER BROADBAND DATA  
8 ACT.—

9 (i) IN GENERAL.—Section  
10 802(b)(5)(C)(i) of the Communications Act  
11 of 1934 (47 U.S.C. 642(b)(5)(C)(i)) is  
12 amended by striking “challenges” and in-  
13 sserting the following: “challenges, which  
14 shall require that the Commission resolve a  
15 challenge not later than 60 days after the  
16 date on which coverage data is submitted  
17 to the Commission to challenge the accu-  
18 racy of a map or information described in  
19 subparagraph (A)”.

20 [(ii) DEADLINE.—Not later than  
21 [\_\_\_\_\_], the Commission shall issue a  
22 rule or amend an existing rule, as appro-  
23 priate, to implement the amendment made  
24 by clause (i). - Note: as wanted? I'm not  
25 sure if the FCC has issued the rules to es-



1                    *tablish the challenge process under 47*  
2                    *U.S.C. 642(b)(5) yet.】*

3                    (3) NON-FEDERAL SHARE OF BROADBAND IN-  
4                    FRASTRUCTURE DEPLOYMENT COSTS.—

5                    (A) IN GENERAL.—

6                    (i) MATCHING REQUIREMENT.—In al-  
7                    locating grant funds received under this  
8                    section for deployment of broadband net-  
9                    works, an eligible entity shall provide, or  
10                    require a subgrantee to provide, a con-  
11                    tribution, derived from non-Federal funds  
12                    (or funds from a Federal regional commis-  
13                    sion or authority), except in high-cost  
14                    areas or as otherwise provided by this Act,  
15                    of not less than 25 percent of project costs.

16                    (ii) WAIVER.—Upon request by an eli-  
17                    gible entity or a subgrantee, the Assistant  
18                    Secretary may reduce or waive the re-  
19                    quired matching contribution under clause  
20                    (i).

21                    (B) SOURCE OF MATCH.—A matching con-  
22                    tribution under subparagraph (A)—

23                    (i) may be provided by an eligible en-  
24                    tity, a unit of local government, a utility  
25                    company, a cooperative, a nonprofit orga-

1 nization, a for-profit company, regional  
2 planning or governmental organization, a  
3 Federal regional commission or authority,  
4 or any combination thereof;

5 (ii) may include in-kind contributions;  
6 and

7 (iii) may include funds that were pro-  
8 vided to an eligible entity or a sub-  
9 grantee—

10 (I) under—

11 (aa) the Families First  
12 Coronavirus Response Act (Pub-  
13 lic Law 116–127; 134 Stat. 178);

14 (bb) the CARES Act (Public  
15 Law 116–136; 134 Stat. 281);

16 (cc) the Consolidated Appro-  
17 priations Act, 2021 (Public Law  
18 116–260; 134 Stat. 1182);

19 (dd) the American Rescue  
20 Plan Act of 2021 (Public Law  
21 117–2; 135 Stat. 4); or

22 (ee) any amendment made  
23 by an Act described in any of  
24 items (aa) through (dd); and

1 (II) for the purpose of deploy-  
2 ment of broadband service, as de-  
3 scribed in the applicable provision of  
4 law described in subclause (I).

5 (C) DEFINITION.—For purposes of this  
6 paragraph, the term “Federal regional commis-  
7 sion or authority” means—

8 (i) the Appalachian Regional Commis-  
9 sion;

10 (ii) the Delta Regional Authority; and

11 (iii) the Northern Border Regional  
12 Commission.

13 (4) DEPLOYMENT AND PROVISION OF SERVICE  
14 REQUIREMENTS.—An entity that receives a subgrant  
15 under subsection (f)(1) for the deployment of a  
16 broadband network—

17 (A) in providing broadband service using  
18 the network—

19 (i) shall provide broadband service—

20 (I) at a speed of not less than  
21 100 megabits per second for  
22 downloads and 20 megabits per sec-  
23 ond for uploads;

24 (II) with a latency that is suffi-  
25 ciently low to allow reasonably fore-

1 seeable, real-time, interactive applica-  
2 tions; and

3 (III) with network outages that  
4 do not exceed, on average, 48 hours  
5 over any 365-day period;

6 (ii) shall provide access to broadband  
7 service to each customer served by the  
8 project that desires broadband service; and

9 (iii) shall offer not less than 1 low-  
10 cost broadband service option for low-in-  
11 come subscribers;

12 (B) shall deploy the broadband network  
13 and begin providing broadband service to each  
14 customer that desires broadband service not  
15 later than 4 years after the date on which the  
16 entity receives the subgrant, except that an eli-  
17 gible entity may extend the deadline under this  
18 subparagraph if—

19 (i) the eligible entity has a plan for  
20 use of the grant funds;

21 (ii) the construction project is under-  
22 way; or

23 (iii) extenuating circumstances require  
24 an extension of time to allow the project to  
25 be completed;

1 (C) for any project that involves laying  
2 fiber optic cables or conduit underground or  
3 along a roadway, shall include interspersed con-  
4 duit access points at regular and short inter-  
5 vals;

6 (D) may use the subgrant to deploy  
7 broadband infrastructure in or through any  
8 area required to reach interconnection points or  
9 otherwise to ensure the technical feasibility and  
10 financial sustainability of a project providing  
11 broadband service to an unserved location, un-  
12 derserved location, or eligible community anchor  
13 institution;

14 (E) once the network has been deployed,  
15 shall provide public notice, online and through  
16 other means, of that fact to the locations and  
17 areas to which broadband service has been pro-  
18 vided and share the public notice with the eligi-  
19 ble entity that awarded the subgrant;

20 (F) shall carry out public awareness cam-  
21 paigns in service areas that are designed to  
22 highlight the value and benefits of broadband  
23 service in order to increase the adoption of  
24 broadband service by consumers; and

1 (G) if the entity is no longer able to pro-  
2 vide broadband service to the locations covered  
3 by the subgrant at any time, shall sell the net-  
4 work capacity at a reasonable, wholesale rate on  
5 a nondiscriminatory basis to other broadband  
6 service providers or public sector entities.

7 (5) RETURN OF FUNDS.—An entity that re-  
8 ceives a subgrant from an eligible entity under sub-  
9 section (f)(1) and fails to comply with any require-  
10 ment under this subsection shall return up to the  
11 entire amount of the subgrant to the eligible entity,  
12 at the discretion of the eligible entity in consultation  
13 with the Assistant Secretary.

14 **[(6) REASONABLE PERMITTING FEES.—**If an  
15 entity that receives a subgrant under subsection  
16 (f)(1) requires access to a right-of-way, including for  
17 a pole attachment, from the Federal Government or  
18 a State or local government in order to deploy the  
19 broadband network, the Federal Government or  
20 State or local government may only charge the enti-  
21 ty a reasonable fee in an amount that is consistent  
22 with the amount of the fee that the Federal Govern-  
23 ment or State or local government charges for utility  
24 permits**],** whichever is lowest - *Note: unclear what 2*

1        *(or more) fees are being compared in determining the*  
2        *“lowest”.* **].]**

3        (i) REGULATIONS.—The Assistant Secretary may  
4 issue such regulations or other guidance, forms, instruc-  
5 tions, and publications as may be necessary or appropriate  
6 to carry out the programs, projects, or activities author-  
7 ized under this section, including to ensure that those pro-  
8 grams, projects, or activities are completed in a timely and  
9 effective manner.

10        (j) REPORTING.—

11            (1) ELIGIBLE ENTITIES.—

12                    (A) INITIAL REPORT.—Not later than 90  
13 days after receiving grant funds under this sec-  
14 tion, for the sole purposes of providing trans-  
15 parency and providing information to inform fu-  
16 ture Federal broadband planning, an eligible  
17 entity shall submit to the Assistant Secretary a  
18 report that—

19                            (i) describes the planned and actual  
20 use of funds;

21                            (ii) describes the planned and actual  
22 process of subgranting;

23                            (iii) identifies the establishment of ap-  
24 propriate mechanisms by the eligible entity  
25 to ensure that all subgrantees of the eligi-

1 ble entity comply with the eligible uses pre-  
2 scribed under subsection (f); and

3 (iv) includes any other information re-  
4 quired by the Assistant Secretary.

5 (B) SEMIANNUAL REPORT.—Not later  
6 than 1 year after receiving grant funds under  
7 this section, and semiannually thereafter until  
8 the funds have been expended, an eligible entity  
9 shall submit to the Assistant Secretary a re-  
10 port, with respect to the 6-month period imme-  
11 diately preceding the report date, that—

12 (i) describes how the eligible entity ex-  
13 pended the grant funds; and

14 (ii) certifies that the eligible entity  
15 complied with the requirements of this sec-  
16 tion and with any additional reporting re-  
17 quirements prescribed by the Assistant  
18 Secretary, including—

19 (I) a description of each service  
20 provided with the grant funds; and

21 (II) the number of locations at  
22 which broadband service was provided  
23 using the grant funds.

24 (C) FINAL REPORT.—Not later than 1  
25 year after an eligible entity has expended all



1 grant funds received under this section, the eli-  
2 gible entity shall submit to the Assistant Sec-  
3 retary a report that—

4 (i) describes how the eligible entity ex-  
5 pended the funds;

6 (ii) includes each report that the eligi-  
7 ble entity received from a subgrantee  
8 under paragraph (2); and

9 (iii) certifies that the eligible entity  
10 complied with the requirements of this sec-  
11 tion and with any additional reporting re-  
12 quirements prescribed by the Assistant  
13 Secretary, including—

14 (I) a description of each service  
15 provided with the grant funds; and

16 (II) the number of locations at  
17 which, and residents for whom,  
18 broadband service was provided using  
19 the grant funds.

20 (D) PROVISION TO FCC AND USDA.—Sub-  
21 ject to section 904(b)(2) of division FF of the  
22 Consolidated Appropriations Act, 2021 (Public  
23 Law 116–260) (relating to an interagency  
24 agreement), the Assistant Secretary shall co-  
25 ordinate with the Commission and the Depart-

1           ment of Agriculture, including providing the  
2           final reports received under subparagraph (C)  
3           to the Commission and the Department of Agri-  
4           culture to be used when determining whether to  
5           award funds for the deployment of broadband  
6           under any program administered by those agen-  
7           cies.

8                   (E) FEDERAL AGENCY REPORTING RE-  
9           QUIREMENT.—

10                   (i) DEFINITIONS.—In this subpara-  
11           graph, the terms “agency” and “Federal  
12           broadband support program” have the  
13           meanings given those terms in section 903  
14           of division FF of the Consolidated Appro-  
15           priations Act, 2021 (Public Law 116–260)  
16           (also known as the “ACCESS  
17           BROADBAND Act”).

18                   (ii) REQUIREMENT.—An agency that  
19           offers a Federal broadband support pro-  
20           gram shall provide data to the Assistant  
21           Secretary, in a manner and format pre-  
22           scribed by the Assistant Secretary, to pro-  
23           mote coordination of efforts to track con-  
24           struction and use of broadband infrastruc-  
25           ture.

1 (2) SUBGRANTEES.—

2 (A) SEMIANNUAL REPORT.—The recipient  
3 of a subgrant from an eligible entity under this  
4 section shall submit to the eligible entity a  
5 semiannual report for the duration of the  
6 subgrant to track the effectiveness of the use of  
7 funds provided.

8 (B) CONTENTS.—Each report submitted  
9 under subparagraph (A) shall—

10 (i) describe each type of project car-  
11 ried out using the subgrant and the dura-  
12 tion of the subgrant;

13 (ii) in the case of a broadband infra-  
14 structure project—

15 (I) include a list of addresses or  
16 locations that constitute the service lo-  
17 cations that will be served by the  
18 broadband infrastructure to be con-  
19 structed;

20 (II) identify whether each ad-  
21 dress or location described in sub-  
22 clause (I) is residential, commercial,  
23 or a community anchor institution;

60

1 (III) describe the types of facili-  
2 ties that have been constructed and  
3 installed;

4 (IV) describe the peak and off-  
5 peak actual speeds of the broadband  
6 service being offered;

7 (V) describe the maximum adver-  
8 tised speed of the broadband service  
9 being offered;

10 (VI) describe the non-pro-  
11 motional prices, including any associ-  
12 ated fees, charged for different tiers  
13 of broadband service being offered;

14 (VII) include any other data that  
15 would be required to comply with the  
16 data and mapping collection standards  
17 of the Commission under section  
18 1.7004 of title 47, Code of Federal  
19 Regulations, or any successor regula-  
20 tion, for broadband infrastructure  
21 projects; and

22 (VIII) comply with any other rea-  
23 sonable reporting requirements deter-  
24 mined by the eligible entity or the As-  
25 sistant Secretary; and

1 (iii) certify that the information in the  
2 report is accurate.

3 (3) STANDARDIZATION AND COORDINATION.—

4 The Assistant Secretary and the Commission shall  
5 collaborate to—

6 (A) standardize and coordinate reporting  
7 of locations at which broadband service was  
8 provided using grant funds received under this  
9 section in accordance with title VIII of the  
10 Communications Act of 1934 (47 U.S.C. 641 et  
11 seq.); and

12 (B) provide a standardized methodology to  
13 recipients of grants and subgrantees under this  
14 section for reporting the information described  
15 in subparagraph (A).

16 (4) INFORMATION ON BROADBAND SUBSIDIES  
17 AND LOW-INCOME PLANS.—

18 (A) ESTABLISHMENT OF WEBSITE.—Not  
19 later than 2 years after the date of enactment  
20 of this Act, the Assistant Secretary, in con-  
21 sultation with the Commission, shall establish a  
22 publicly available website that—

23 (i) allows a consumer to determine,  
24 based on financial information entered by

1 the consumer, whether the consumer is eli-  
2 gible—

3 (I) to receive a Federal or State  
4 subsidy with respect to broadband  
5 service; or

6 (II) for a low-income plan with  
7 respect to broadband service; and

8 (ii) contains information regarding  
9 how to apply for the applicable benefit de-  
10 scribed in clause (i).

11 (B) PROVISION OF DATA.—A Federal enti-  
12 ty, State entity receiving Federal funds, or pro-  
13 vider of broadband service that offers a subsidy  
14 or low-income plan, as applicable, with respect  
15 to broadband service shall provide data to the  
16 Assistant Secretary in a manner and format as  
17 established by the Assistant Secretary as nec-  
18 essary for the Assistant Secretary to carry out  
19 subparagraph (A).

20 (k) RELATION TO OTHER PUBLIC FUNDING.—Not-  
21 withstanding any other provision of law—

22 (1) an entity that has received amounts from  
23 the Federal Government or a State or local govern-  
24 ment for the purpose of expanding access to

1 broadband service may receive a subgrant under  
2 subsection (f) in accordance with this section; and

3 (2) the receipt of a subgrant under subsection  
4 (f) by an entity described in paragraph (1) of this  
5 subsection shall not affect the eligibility of the entity  
6 to receive the amounts from the Federal Government  
7 or a State or local government described in that  
8 paragraph.

9 (l) SUPPLEMENT NOT SUPPLANT.—Grant funds  
10 awarded to an eligible entity under this section shall be  
11 used to supplement, and not supplant, the amounts that  
12 the eligible entity would otherwise make available for the  
13 purposes for which the grant funds may be used.

14 (m) SENSE OF CONGRESS REGARDING FEDERAL  
15 AGENCY COORDINATION.—It is the sense of Congress that  
16 Federal agencies responsible for supporting broadband de-  
17 ployment, including the Commission, the Department of  
18 Commerce, and the Department of Agriculture, to the ex-  
19 tent possible, should align the goals, application and re-  
20 porting processes, and project requirements with respect  
21 to broadband deployment supported by those agencies.

22 (n) MAINTENANCE OF STANDARDS.—Section 602 of  
23 the Public Works and Economic Development Act of 1965  
24 (42 U.S.C. 3212) shall apply to any entity that receives

1 assistance, whether directly or indirectly, under any pro-  
2 gram—

3 (1) that pertains to deploying broadband serv-  
4 ice; and

5 (2) for which the Assistant Secretary has ad-  
6 ministrative responsibility as provided by law or by  
7 delegation of authority pursuant to law.

8 (o) JUDICIAL REVIEW.—

9 (1) IN GENERAL.—The United States District  
10 Court for the District of Columbia shall have exclu-  
11 sive jurisdiction to review a decision of the Assistant  
12 Secretary made under this section.

13 (2) STANDARD OF REVIEW.—In carrying out  
14 any review described in paragraph (1), the court  
15 shall affirm the decision of the Assistant Secretary  
16 unless—

17 (A) the decision was procured by corrup-  
18 tion, fraud, or undue means;

19 (B) there was actual partiality or corrup-  
20 tion in the Assistant Secretary; or

21 (C) the Assistant Secretary was guilty of—

22 (i) misconduct in refusing to hear evi-  
23 dence pertinent and material to the deci-  
24 sion; or



1 (ii) any other misbehavior by which  
2 the rights of any party have been preju-  
3 diced.

4 (p) EXEMPTION FROM CERTAIN LAWS.—Any action  
5 taken or decision made by the Assistant Secretary under  
6 this section shall be exempt from the requirements of—

7 (1) section 3506 of title 44, United States Code  
8 (commonly referred to as the “Paperwork Reduction  
9 Act”);

10 (2) chapter 5 or 7 of title 5, United States  
11 Code (commonly referred to as the “Administrative  
12 Procedures Act”); and

13 (3) chapter 6 of title 5, United States Code  
14 (commonly referred to as the “Regulatory Flexibility  
15 Act”).

16 **SEC. 41003. BROADBAND DATA MAPS.**

17 (a) DEFINITION.—In this section, the term “Commis-  
18 sion” means the Federal Communications Commission.

19 (b) PROVISION OF INFORMATION.—A broadband pro-  
20 vider shall provide the Commission with any information,  
21 in the format, type, or specification requested by the Com-  
22 mission, necessary to augment the collection of data by  
23 the Commission under—

24 (1) title VIII of the Communications Act of  
25 1934 (47 U.S.C. 641 et seq.); or

1 (2) the Form 477 data collection program.

2 (c) NOTICE OF INITIAL BROADBAND DATA COLLEC-  
3 TION FILING DEADLINE.—The Commission—

4 (1) shall provide notice to broadband providers  
5 not later than 60 days before the initial deadline for  
6 submission of data under section 802(a)(1)(A) of the  
7 Communications Act of 1934 (47 U.S.C.  
8 642(a)(1)(A)); and

9 (2) notwithstanding any prior decision of the  
10 Commission to the contrary, shall not be required to  
11 provide notice not later than 6 months before the  
12 initial deadline described in paragraph (1).

13 (d) AVAILABILITY OF CENSUS DATA.—

14 (1) IN GENERAL.—Section 802(b)(1) of the  
15 Communications Act of 1934 (47 U.S.C. 802(b)(1))  
16 is amended by adding at the end the following:

17 “(D) AVAILABILITY OF CENSUS DATA.—

18 The Secretary of Commerce shall submit to the  
19 Commission, for inclusion in the Fabric, a  
20 count of the aggregate number of housing units  
21 in each census block, as collected by the Bureau  
22 of the Census.”.

23 (2) PROVISION OF UPDATED 2020 CENSUS  
24 DATA.—Not later than 30 days after receiving a re-  
25 quest from the Commission, the Secretary of Com-

1 merce, in implementing the amendment made by  
2 paragraph (1), shall provide the Commission with a  
3 count of the aggregate number of housing units in  
4 each census block, as collected during the 2020 de-  
5 cennial census of population.

6 (e) PUBLICATION OF BROADBAND DATA MAPS ON  
7 INTERNET.—Section 802(c)(6) of the Communications  
8 Act of 1934 (47 U.S.C. 642(c)(6)) is amended, in the mat-  
9 ter preceding paragraph (6), by inserting “, including on  
10 a publicly available website,” after “make public”.

11 **SEC. 41004. REPORT ON FUTURE OF UNIVERSAL SERVICE**  
12 **FUND.**

13 (a) DEFINITIONS.—In this section—

14 (1) the term “Commission” means the Federal  
15 Communications Commission; and

16 (2) the term “universal service goals for  
17 broadband” means the statutorily mandated goals of  
18 universal service for advanced telecommunications  
19 capability under section 706 of the Telecommuni-  
20 cations Act of 1996 (47 U.S.C. 1302).

21 (b) EVALUATION.—Not later than 30 days after the  
22 date of enactment of this Act, the Commission shall com-  
23 mence a proceeding to evaluate the implications of this  
24 Act and the amendments made by this Act on how the

1 Commission should achieve the universal service goals for  
2 broadband.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than 270 days  
5 after the date of enactment of this Act, the Commis-  
6 sion shall submit to Congress a report on the op-  
7 tions of the Commission for improving its effective-  
8 ness in achieving the universal service goals for  
9 broadband in light of this Act and the amendments  
10 made by this Act, and other legislation that address-  
11 es those goals.

12 (2) RECOMMENDATIONS.—In the report sub-  
13 mitted under paragraph (1), the Commission may  
14 make recommendations for Congress on further ac-  
15 tions the Commission and Congress could take to  
16 improve the ability of the Commission to achieve the  
17 universal service goals for broadband.

18 (3) SCOPE OF UNIVERSAL SERVICE.—In sub-  
19 mitting the report under paragraph (1), the Com-  
20 mission—

21 (A) may not in any way reduce the con-  
22 gressional mandate to achieve the universal  
23 service goals for broadband; and

24 (B) may provide recommendations for Con-  
25 gress to expand the universal service goals for

1 broadband, if the Commission believes such an  
2 expansion is in the public interest.

3 **TITLE II—TRIBAL**  
4 **CONNECTIVITY TECHNICAL**  
5 **AMENDMENTS.**

6 **SEC. 42001. TRIBAL CONNECTIVITY TECHNICAL AMEND-**  
7 **MENTS.**

8 Section 905(c) of division N of the Consolidated Ap-  
9 propriations Act, 2021 (Public Law 116–260) is amend-  
10 ed—

11 (1) in subsection (c)—

12 (A) in paragraph (4)—

13 (i) in subparagraph (A)(i), by striking  
14 “180 days after receiving grant funds” and  
15 inserting “18 months after receiving an al-  
16 location of funds pursuant to a specific  
17 grant award”;

18 (ii) in subparagraph (B)—

19 (I) in clause (i), by striking “1  
20 year after receiving grant funds” and  
21 inserting “4 years after receiving an  
22 allocation of funds pursuant to a spe-  
23 cific grant award”;

24 (II) by redesignating clause (iii)  
25 as clause (iv); and

1 (III) by inserting after clause (ii)  
2 the following:

3 “(iii) EXTENSIONS FOR OTHER  
4 PROJECTS.—The Assistant Secretary may,  
5 for good cause shown, extend the period  
6 under clause (i) for an eligible entity that  
7 proposes to use the grant funds for an eli-  
8 gible use other than construction of  
9 broadband infrastructure, based on a de-  
10 tailed showing by the eligible entity of the  
11 need for an extension.”; and

12 (iii) by adding at the end the fol-  
13 lowing:

14 “(C) MULTIPLE GRANT AWARDS.—If the  
15 Assistant Secretary awards multiple grants to  
16 an eligible entity under this subsection, the  
17 deadlines under subparagraphs (A) and (B)  
18 shall apply individually to each grant award.”;  
19 and

20 (B) by striking paragraph (6) and insert-  
21 ing the following:

22 “(6) ADMINISTRATIVE EXPENSES OF ELIGIBLE  
23 ENTITIES.—

24 “(A) IN GENERAL.—Except as provided in  
25 subparagraph (B), an eligible entity may use

1 not more than 2 percent of grant funds received  
2 under this subsection for administrative pur-  
3 poses.

4 “(B) BROADBAND INFRASTRUCTURE  
5 PROJECTS.—An eligible entity that proposes to  
6 use grant funds for the construction of  
7 broadband infrastructure may use an amount of  
8 the grant funds equal to not more than 2.5 per-  
9 cent of the total project cost for planning, feasi-  
10 bility, and sustainability studies related to the  
11 project.”; and

12 (2) in subsection (e), by adding at the end the  
13 following:

14 “(6) ADDITIONAL APPROPRIATIONS FOR TRIBAL  
15 BROADBAND CONNECTIVITY PROGRAM.—

16 “(A) DEFINITION.—In this paragraph, the  
17 term ‘initial round of funding’—

18 “(i) means the allocation under para-  
19 graph (2)(E) of funds appropriated under  
20 subsection (b)(1); and

21 “(ii) does not include any reallocation  
22 of funds under paragraph (2)(F).

23 “(B) NEW FUNDING.—If Congress appro-  
24 priates additional funds for grants under sub-

1 section (c) after the date of enactment of this  
2 Act, the Assistant Secretary—

3 “(i) may use a portion of the funds to  
4 fully fund any grants under that sub-  
5 section for which the Assistant Secretary  
6 received an application and which the As-  
7 sistant Secretary did not fully fund during  
8 the initial round of funding; and

9 “(ii) shall allocate any remaining  
10 funds through subsequent funding rounds  
11 consistent with the requirements of this  
12 section, except as provided in subpara-  
13 graph (C) of this paragraph.

14 “(C) EXCEPTIONS.—If Congress appro-  
15 priates additional funds for grants under sub-  
16 section (c) after the date of enactment of this  
17 Act—

18 “(i) the Assistant Secretary shall not  
19 be required to issue an additional notice  
20 under paragraph (1) of this subsection, but  
21 shall inform eligible entities that additional  
22 funding has been made available for grants  
23 under subsection (c) and describe the  
24 changes made to the Tribal Broadband  
25 Connectivity Program under that sub-



1 section by **section 42001 of the *Note: insert short title of larger bill***];

2  
3 “(ii) the requirement under paragraph  
4 (2)(C) of this subsection shall be applied  
5 individually to each round of funding for  
6 grants under subsection (c);

7 “(iii) paragraph (2)(A) of this sub-  
8 section shall be applied by substituting  
9 ‘180-day period beginning on the date on  
10 which the Assistant Secretary informs eli-  
11 gible entities that additional funding has  
12 been made available for grants under sub-  
13 section (c)’ for ‘90-day period beginning on  
14 the date on which the Assistant Secretary  
15 issues the notice under paragraph (1)’; and

16 “(iv) notwithstanding paragraph  
17 (2)(F) of this subsection, in the case of  
18 funds appropriated under subsection (b)(1)  
19 that were not allocated during the initial  
20 round of funding, the Assistant Secretary  
21 may elect to allocate the funds during any  
22 subsequent round of funding for grants  
23 under subsection (c).”.

1 **TITLE III—DIGITAL EQUITY ACT**  
2 **OF 2021**

3 **SEC. 43001. SHORT TITLE.**

4 This title may be cited as the “Digital Equity Act  
5 of 2021”.

6 **SEC. 43002. DEFINITIONS.**

7 In this title:

8 (1) **ADOPTION OF BROADBAND.**—The term  
9 “adoption of broadband” means the process by  
10 which an individual obtains daily access to the inter-  
11 net—

12 (A) at a speed, quality, and capacity—

13 (i) that is necessary for the individual  
14 to accomplish common tasks; and

15 (ii) such that the access qualifies as  
16 an advanced telecommunications capability;

17 (B) with the digital skills that are nec-  
18 essary for the individual to participate online;

19 and

20 (C) on a—

21 (i) personal device; and

22 (ii) secure and convenient network.

23 (2) **ADVANCED TELECOMMUNICATIONS CAPA-**  
24 **BILITY.**—The term “advanced telecommunications  
25 capability” has the meaning given the term in sec-

1 tion 706(d) of the Telecommunications Act of 1996  
2 (47 U.S.C. 1302(d)).

3 (3) AGING INDIVIDUAL.—The term “aging indi-  
4 vidual” has the meaning given the term “older indi-  
5 vidual” in section 102 of the Older Americans Act  
6 of 1965 (42 U.S.C. 3002).

7 (4) APPROPRIATE COMMITTEES OF CON-  
8 GRESS.—The term “appropriate committees of Con-  
9 gress” means—

10 (A) the Committee on Appropriations of  
11 the Senate;

12 (B) the Committee on Commerce, Science,  
13 and Transportation of the Senate;

14 (C) the Committee on Appropriations of  
15 the House of Representatives; and

16 (D) the Committee on Energy and Com-  
17 merce of the House of Representatives.

18 (5) ASSISTANT SECRETARY.—The term “Assist-  
19 ant Secretary” means the Assistant Secretary of  
20 Commerce for Communications and Information.

21 (6) COMMUNITY ANCHOR INSTITUTION.—The  
22 term “community anchor institution” means a pub-  
23 lic school, a library, a medical or healthcare pro-  
24 vider, a community college or other institution of  
25 higher education, a State library agency, and any

1 other nonprofit or governmental community support  
2 organization.

3 (7) COVERED HOUSEHOLD.—The term “covered  
4 household” means a household, the taxable income  
5 of which for the most recently completed taxable  
6 year is not more than 150 percent of an amount  
7 equal to the poverty level, as determined by using  
8 criteria of poverty established by the Bureau of the  
9 Census.

10 (8) COVERED POPULATIONS.—The term “cov-  
11 ered populations” means—

12 (A) individuals who live in covered house-  
13 holds;

14 (B) aging individuals;

15 (C) incarcerated individuals, other than in-  
16 dividuals who are incarcerated in a Federal cor-  
17 rectional facility;

18 (D) veterans;

19 (E) individuals with disabilities;

20 (F) individuals with a language barrier, in-  
21 cluding individuals who—

22 (i) are English learners; and

23 (ii) have low levels of literacy;

24 (G) individuals who are members of a ra-  
25 cial or ethnic minority group; and

1 (H) individuals who primarily reside in a  
2 rural area.

3 (9) COVERED PROGRAMS.—The term “covered  
4 programs” means the State Digital Equity Capacity  
5 Grant Program established under section 43004 and  
6 the Digital Equity Competitive Grant Program es-  
7 tablished under section 43005.

8 (10) DIGITAL EQUITY.—The term “digital eq-  
9 uity” means the condition in which individuals and  
10 communities have the information technology capac-  
11 ity that is needed for full participation in the society  
12 and economy of the United States.

13 (11) DIGITAL INCLUSION.—The term “digital  
14 inclusion”—

15 (A) means the activities that are necessary  
16 to ensure that all individuals in the United  
17 States have access to, and the use of, affordable  
18 information and communication technologies,  
19 such as—

20 (i) reliable fixed and wireless  
21 broadband internet service;

22 (ii) internet-enabled devices that meet  
23 the needs of the user; and

24 (iii) applications and online content  
25 designed to enable and encourage self-suf-

1           iciency, participation, and collaboration;  
2           and

3           (B) includes—

4                 (i) obtaining access to digital literacy  
5           training;

6                 (ii) the provision of quality technical  
7           support; and

8                 (iii) obtaining basic awareness of  
9           measures to ensure online privacy and cy-  
10          bersecurity.

11           (12) DIGITAL LITERACY.—The term “digital lit-  
12          eracy” means the skills associated with using tech-  
13          nology to enable users to find, evaluate, organize,  
14          create, and communicate information.

15           (13) DISABILITY.—The term “disability” has  
16          the meaning given the term in section 3 of the  
17          Americans with Disabilities Act of 1990 (42 U.S.C.  
18          12102).

19           (14) ELIGIBLE STATE.—The term “eligible  
20          State” means—

21                 (A) with respect to planning grants made  
22          available under section 43004(e)(3), a State  
23          with respect to which the Assistant Secretary  
24          has approved an application submitted to the

1 Assistant Secretary under section  
2 43004(c)(3)(C); and

3 (B) with respect to capacity grants award-  
4 ed under section 43004(d), a State with respect  
5 to which the Assistant Secretary has approved  
6 an application submitted to the Assistant Sec-  
7 retary under section 43004(d)(2), including ap-  
8 proval of the State Digital Equity Plan devel-  
9 oped by the State under section 43004(e).

10 (15) GENDER IDENTITY.—The term “gender  
11 identity” has the meaning given the term in section  
12 249(c) of title 18, United States Code.

13 (16) INDIAN TRIBE.—The term “Indian tribe”  
14 has the meaning given the term in section 4(e) of  
15 the Indian Self-Determination and Education Assist-  
16 ance Act (25 U.S.C. 5304(e)).

17 (17) INSTITUTION OF HIGHER EDUCATION.—  
18 The term “institution of higher education”—

19 (A) has the meaning given the term in sec-  
20 tion 101 of the Higher Education Act of 1965  
21 (20 U.S.C. 1001); and

22 (B) includes a postsecondary vocational in-  
23 stitution.

24 (18) LOCAL EDUCATIONAL AGENCY.—The term  
25 “local educational agency” has the meaning given

1 the term in section 8101(30) of the Elementary and  
2 Secondary Education Act of 1965 (20 U.S.C.  
3 7801(30)).

4 (19) POSTSECONDARY VOCATIONAL INSTITU-  
5 TION.—The term “postsecondary vocational institu-  
6 tion” has the meaning given the term in section  
7 102(c) of the Higher Education Act of 1965 (20  
8 U.S.C. 1002(c)).

9 (20) RURAL AREA.—The term “rural area” has  
10 the meaning given the term in section 601(b)(3) of  
11 the Rural Electrification Act of 1936 (7 U.S.C.  
12 950bb(b)(3)).

13 (21) SOCIALLY AND ECONOMICALLY DISADVAN-  
14 TAGED SMALL BUSINESS CONCERN.—The term “so-  
15 cially and economically disadvantaged small business  
16 concern” has the meaning given the term in section  
17 8(a)(4) of the Small Business Act (15 U.S.C.  
18 637(a)(4)).

19 (22) STATE.—The term “State” means—

20 (A) any State of the United States;

21 (B) the District of Columbia; and

22 (C) the Commonwealth of Puerto Rico.

23 (23) VETERAN.—The term “veteran” has the  
24 meaning given the term in section 101 of title 38,  
25 United States Code.



1           (24) WORKFORCE DEVELOPMENT PROGRAM.—  
2           The term “workforce development program” has the  
3           meaning given the term in section 3(66) of the  
4           Workforce Innovation and Opportunity Act (29  
5           U.S.C. 3102(66)).

6 **SEC. 43003. SENSE OF CONGRESS.**

7           It is the sense of Congress that—

8           (1) a broadband connection and digital literacy  
9           are increasingly critical to how individuals—

10                   (A) participate in the society, economy,  
11                   and civic institutions of the United States; and

12                   (B) access health care and essential serv-  
13                   ices, obtain education, and build careers;

14           (2) digital exclusion—

15                   (A) carries a high societal and economic  
16                   cost;

17                   (B) materially harms the opportunity of an  
18                   individual with respect to the economic success,  
19                   educational achievement, positive health out-  
20                   comes, social inclusion, and civic engagement of  
21                   that individual; and

22                   (C) exacerbates existing wealth and income  
23                   gaps, especially those experienced by covered  
24                   populations;

1           (3) achieving digital equity for all people of the  
2 United States requires additional and sustained in-  
3 vestment and research efforts;

4           (4) the Federal Government, as well as State,  
5 tribal, territorial, and local governments, have made  
6 social, legal, and economic obligations that nec-  
7 essarily extend to how the citizens and residents of  
8 those governments access and use the internet; and

9           (5) achieving digital equity is a matter of social  
10 and economic justice and is worth pursuing.

11 **SEC. 43004. STATE DIGITAL EQUITY CAPACITY GRANT PRO-**  
12 **GRAM.**

13 (a) ESTABLISHMENT; PURPOSE.—

14           (1) IN GENERAL.—The Assistant Secretary  
15 shall establish in the Department of Commerce the  
16 State Digital Equity Capacity Grant Program (re-  
17 ferred to in this section as the “Program”)—

18           (A) the purpose of which is to promote the  
19 achievement of digital equity, support digital in-  
20 clusion activities, and build capacity for efforts  
21 by States relating to the adoption of broadband  
22 by residents of those States;

23           (B) through which the Assistant Secretary  
24 shall make grants to States in accordance with  
25 the requirements of this section; and

1 (C) which shall ensure that States have the  
2 capacity to promote the achievement of digital  
3 equity and support digital inclusion activities.

4 (2) CONSULTATION WITH OTHER FEDERAL  
5 AGENCIES; NO CONFLICT.—In establishing the Pro-  
6 gram under paragraph (1), the Assistant Secretary  
7 shall—

8 (A) consult with—

- 9 (i) the Secretary of Agriculture;
- 10 (ii) the Secretary of Housing and  
11 Urban Development;
- 12 (iii) the Secretary of Education;
- 13 (iv) the Secretary of Labor;
- 14 (v) the Secretary of Health and  
15 Human Services;
- 16 (vi) the Secretary of Veterans Affairs;
- 17 (vii) the Secretary of the Interior;
- 18 (viii) the Federal Communications  
19 Commission;
- 20 (ix) the Federal Trade Commission;
- 21 (x) the Director of the Institute of  
22 Museum and Library Services;
- 23 (xi) the Administrator of the Small  
24 Business Administration;

1 (xii) the Federal Co-Chair of the Ap-  
2 palachian Regional Commission; and

3 (xiii) the head of any other agency  
4 that the Assistant Secretary determines to  
5 be appropriate; and

6 (B) ensure that the Program complements  
7 and enhances, and does not conflict with, other  
8 Federal broadband initiatives and programs.

9 (b) ADMINISTERING ENTITY.—

10 (1) SELECTION; FUNCTION.—The governor (or  
11 equivalent official) of a State that wishes to be  
12 awarded a grant under this section shall, from  
13 among entities that are eligible under paragraph (2),  
14 select an administering entity for that State, which  
15 shall—

16 (A) serve as the recipient of, and admin-  
17 istering agent for, any grant awarded to the  
18 State under this section;

19 (B) develop, implement, and oversee the  
20 State Digital Equity Plan for the State de-  
21 scribed in subsection (c);

22 (C) make subgrants to any entity described  
23 in subsection (c)(1)(D) that is located in the  
24 State in support of—

1 (i) the State Digital Equity Plan for  
2 the State; and

3 (ii) digital inclusion activities in the  
4 State generally; and

5 (D) serve as—

6 (i) an advocate for digital equity pol-  
7 icy and digital inclusion activities; and

8 (ii) a repository of best practice mate-  
9 rials regarding the policies and activities  
10 described in clause (i).

11 (2) ELIGIBLE ENTITIES.—Any of the following  
12 entities may serve as the administering entity for a  
13 State for the purposes of this section if the entity  
14 has demonstrated a capacity to administer the Pro-  
15 gram on a statewide level:

16 (A) The State, a political subdivision,  
17 agency, or instrumentality of the State, an In-  
18 dian tribe located in the State, an Alaska Na-  
19 tive entity located in the State, or a Native Ha-  
20 waiian organization located in the State.

21 (B) A foundation, corporation, institution,  
22 association, or coalition that is—

23 (i) a not-for-profit entity;

24 (ii) located in the State; and

25 (iii) not a school.

1 (C) A community anchor institution, other  
2 than a school, that is located in the State.

3 (D) A local educational agency that is lo-  
4 cated in the State.

5 (E) An entity located in the State that car-  
6 ries out a workforce development program.

7 (F) An agency of the State that is respon-  
8 sible for administering or supervising adult edu-  
9 cation and literacy activities in the State.

10 (G) A public housing authority that is lo-  
11 cated in the State.

12 (H) A partnership between any of the enti-  
13 ties described in subparagraphs (A) through  
14 (G).

15 (c) STATE DIGITAL EQUITY PLAN.—

16 (1) DEVELOPMENT; CONTENTS.—A State that  
17 wishes to be awarded a grant under subsection (d)  
18 shall develop a State Digital Equity Plan for the  
19 State, which shall include—

20 (A) the identification of the barriers to dig-  
21 ital equity faced by covered populations in the  
22 State;

23 (B) measurable objectives for documenting  
24 and promoting, among each group described in

1           subparagraphs (A) through (H) of section  
2           43002(8) located in that State—

3                   (i) the availability of, and affordability  
4                   of access to, fixed and wireless broadband  
5                   technology;

6                   (ii) the online accessibility and  
7                   inclusivity of public resources and services;

8                   (iii) digital literacy;

9                   (iv) awareness of, and the use of,  
10                  measures to secure the online privacy of,  
11                  and cybersecurity with respect to, an indi-  
12                  vidual; and

13                  (v) the availability and affordability of  
14                  consumer devices and technical support for  
15                  those devices;

16           (C) an assessment of how the objectives  
17           described in subparagraph (B) will impact and  
18           interact with the State's—

19                   (i) economic and workforce develop-  
20                   ment goals, plans, and outcomes;

21                   (ii) educational outcomes;

22                   (iii) health outcomes;

23                   (iv) civic and social engagement; and

24                   (v) delivery of other essential services;

1 (D) in order to achieve the objectives de-  
2 scribed in subparagraph (B), a description of  
3 how the State plans to collaborate with key  
4 stakeholders in the State, which may include—  
5 (i) community anchor institutions;  
6 (ii) county and municipal govern-  
7 ments;  
8 (iii) local educational agencies;  
9 (iv) where applicable, Indian tribes,  
10 Alaska Native entities, or Native Hawaiian  
11 organizations;  
12 (v) nonprofit organizations;  
13 (vi) organizations that represent—  
14 (I) individuals with disabilities,  
15 including organizations that represent  
16 children with disabilities;  
17 (II) aging individuals;  
18 (III) individuals with language  
19 barriers, including—  
20 (aa) individuals who are  
21 English learners; and  
22 (bb) individuals who have  
23 low levels of literacy;  
24 (IV) veterans; and



1 (V) individuals in that State who  
2 are incarcerated in facilities other  
3 than Federal correctional facilities;

4 (vii) civil rights organizations;

5 (viii) entities that carry out workforce  
6 development programs;

7 (ix) agencies of the State that are re-  
8 sponsible for administering or supervising  
9 adult education and literacy activities in  
10 the State;

11 (x) public housing authorities in the  
12 State; and

13 (xi) a partnership between any of the  
14 entities described in clauses (i) through  
15 (x); and

16 (E) a list of organizations with which the  
17 administering entity for the State collaborated  
18 in developing and implementing the Plan.

19 (2) PUBLIC AVAILABILITY.—

20 (A) IN GENERAL.—The administering enti-  
21 ty for a State shall make the State Digital Eq-  
22 uity Plan of the State available for public com-  
23 ment for a period of not less than 30 days be-  
24 fore the date on which the State submits an ap-

1           plication to the Assistant Secretary under sub-  
2           section (d)(2).

3                   (B) CONSIDERATION OF COMMENTS RE-  
4           CEIVED.—The administering entity for a State  
5           shall, with respect to an application submitted  
6           to the Assistant Secretary under subsection  
7           (d)(2)—

8                   (i) before submitting the application—

9                           (I) consider all comments re-  
10                           ceived during the comment period de-  
11                           scribed in subparagraph (A) with re-  
12                           spect to the application (referred to in  
13                           this subparagraph as the “comment  
14                           period”); and

15                           (II) make any changes to the  
16                           plan that the administering entity de-  
17                           termines to be worthwhile; and

18                   (ii) when submitting the application—

19                           (I) describe any changes pursued  
20                           by the administering entity in re-  
21                           sponse to comments received during  
22                           the comment period; and

23                           (II) include a written response to  
24                           each comment received during the  
25                           comment period.

1 (3) PLANNING GRANTS.—

2 (A) IN GENERAL.—Beginning in the first  
3 fiscal year that begins after the date of enact-  
4 ment of this Act, the Assistant Secretary shall,  
5 in accordance with the requirements of this  
6 paragraph, award planning grants to States for  
7 the purpose of developing the State Digital Eq-  
8 uity Plans of those States under this sub-  
9 section.

10 (B) ELIGIBILITY.—In order to be awarded  
11 a planning grant under this paragraph, a  
12 State—

13 (i) shall submit to the Assistant Sec-  
14 retary an application under subparagraph  
15 (C); and

16 (ii) may not have been awarded, at  
17 any time, a planning grant under this  
18 paragraph.

19 (C) APPLICATION.—A State that wishes to  
20 be awarded a planning grant under this para-  
21 graph shall, not later than 60 days after the  
22 date on which the notice of funding availability  
23 with respect to the grant is released, submit to  
24 the Assistant Secretary an application, in a for-

1 mat to be determined by the Assistant Sec-  
2 retary, that contains the following materials:

3 (i) A description of the entity selected  
4 to serve as the administering entity for the  
5 State, as described in subsection (b).

6 (ii) A certification from the State  
7 that, not later than 1 year after the date  
8 on which the Assistant Secretary awards  
9 the planning grant to the State, the ad-  
10 ministering entity for that State shall de-  
11 velop a State Digital Equity Plan under  
12 this subsection, which—

13 (I) the administering entity shall  
14 submit to the Assistant Secretary; and

15 (II) shall comply with the re-  
16 quirements of this subsection, includ-  
17 ing the requirement under paragraph  
18 (2)(B).

19 (iii) The assurances required under  
20 subsection (e).

21 (D) AWARDS.—

22 (i) AMOUNT OF GRANT.—A planning  
23 grant awarded to an eligible State under  
24 this paragraph shall be determined accord-

1 ing to the formula under subsection  
2 (d)(3)(A)(i).

3 (ii) DURATION.—

4 (I) IN GENERAL.—Except as pro-  
5 vided in subclause (II), with respect to  
6 a planning grant awarded to an eligi-  
7 ble State under this paragraph, the  
8 State shall expend the grant funds  
9 during the 1-year period beginning on  
10 the date on which the State is award-  
11 ed the grant funds.

12 (II) EXCEPTION.—The Assistant  
13 Secretary may grant an extension of  
14 not longer than 180 days with respect  
15 to the requirement under subclause  
16 (I).

17 (iii) CHALLENGE MECHANISM.—The  
18 Assistant Secretary shall ensure that any  
19 eligible State to which a planning grant is  
20 awarded under this paragraph may appeal  
21 or otherwise challenge in a timely fashion  
22 the amount of the grant awarded to the  
23 State, as determined under clause (i).

24 (E) USE OF FUNDS.—An eligible State to  
25 which a planning grant is awarded under this

1 paragraph shall, through the administering en-  
2 tity for that State, use the grant funds only for  
3 the following purposes:

4 (i) To develop the State Digital Eq-  
5 uity Plan of the State under this sub-  
6 section.

7 (ii)(I) Subject to subclause (II), to  
8 make subgrants to any of the entities de-  
9 scribed in paragraph (1)(D) to assist in  
10 the development of the State Digital Eq-  
11 uity Plan of the State under this sub-  
12 section.

13 (II) If the administering entity for a  
14 State makes a subgrant described in sub-  
15 clause (I), the administering entity shall,  
16 with respect to the subgrant, provide to the  
17 State the assurances required under sub-  
18 section (e).

19 (d) STATE CAPACITY GRANTS.—

20 (1) IN GENERAL.—Beginning not later than 2  
21 years after the date on which the Assistant Sec-  
22 retary begins awarding planning grants under sub-  
23 section (c)(3), the Assistant Secretary shall each  
24 year award grants to eligible States to support—

1 (A) the implementation of the State Dig-  
2 ital Equity Plans of those States; and

3 (B) digital inclusion activities in those  
4 States.

5 (2) APPLICATION.—A State that wishes to be  
6 awarded a grant under this subsection shall, not  
7 later than 60 days after the date on which the notice  
8 of funding availability with respect to the grant is  
9 released, submit to the Assistant Secretary an appli-  
10 cation, in a format to be determined by the Assist-  
11 ant Secretary, that contains the following materials:

12 (A) A description of the entity selected to  
13 serve as the administering entity for the State,  
14 as described in subsection (b).

15 (B) The State Digital Equity Plan of that  
16 State, as described in subsection (c).

17 (C) A certification that the State, acting  
18 through the administering entity for the State,  
19 shall—

20 (i) implement the State Digital Equity  
21 Plan of the State; and

22 (ii) make grants in a manner that is  
23 consistent with the aims of the Plan de-  
24 scribed in clause (i).

1 (D) The assurances required under sub-  
2 section (e).

3 (E) In the case of a State to which the As-  
4 sistant Secretary has previously awarded a  
5 grant under this subsection, any amendments  
6 to the State Digital Equity Plan of that State,  
7 as compared with the State Digital Equity Plan  
8 of the State previously submitted.

9 (3) AWARDS.—

10 (A) AMOUNT OF GRANT.—

11 (i) FORMULA.—Subject to clauses (ii),  
12 (iii), and (iv), the Assistant Secretary shall  
13 calculate the amount of a grant awarded to  
14 an eligible State under this subsection in  
15 accordance with the following criteria,  
16 using the best available data for all States  
17 for the fiscal year in which the grant is  
18 awarded:

19 (I) 50 percent of the total grant  
20 amount shall be based on the popu-  
21 lation of the eligible State in propor-  
22 tion to the total population of all eligi-  
23 ble States.

24 (II) 25 percent of the total grant  
25 amount shall be based on the number



1 of individuals in the eligible State who  
2 are members of covered populations in  
3 proportion to the total number of indi-  
4 viduals in all eligible States who are  
5 members of covered populations.

6 (III) 25 percent of the total  
7 grant amount shall be based on the  
8 comparative lack of availability and  
9 adoption of broadband in the eligible  
10 State in proportion to the lack of  
11 availability and adoption of broadband  
12 of all eligible States, which shall be  
13 determined according to data collected  
14 from—

15 (aa) the annual inquiry of  
16 the Federal Communications  
17 Commission conducted under sec-  
18 tion 706(b) of the Telecommuni-  
19 cations Act of 1996 (47 U.S.C.  
20 1302(b));

21 (bb) the American Commu-  
22 nity Survey or, if necessary,  
23 other data collected by the Bu-  
24 reau of the Census;

1 (cc) the Internet and Com-  
2 puter Use Supplement to the  
3 Current Population Survey of the  
4 Bureau of the Census; and

5 (dd) any other source that  
6 the Assistant Secretary, after ap-  
7 propriate notice and opportunity  
8 for public comment, determines  
9 to be appropriate.

10 (ii) MINIMUM AWARD.—The amount  
11 of a grant awarded to an eligible State  
12 under this subsection in a fiscal year shall  
13 be not less than 0.5 percent of the total  
14 amount made available to award grants to  
15 eligible States for that fiscal year.

16 (iii) ADDITIONAL AMOUNTS.—If, after  
17 awarding planning grants to States under  
18 subsection (c)(3) and capacity grants to el-  
19 igible States under this subsection in a fis-  
20 cal year, there are amounts remaining to  
21 carry out this section, the Assistant Sec-  
22 retary shall distribute those amounts—

23 (I) to eligible States to which the  
24 Assistant Secretary has awarded

1 grants under this subsection for that  
2 fiscal year; and

3 (II) in accordance with the for-  
4 mula described in clause (i).

5 (iv) DATA UNAVAILABLE.—If, in a fis-  
6 cal year, the Commonwealth of Puerto  
7 Rico (referred to in this clause as “Puerto  
8 Rico”) is an eligible State and specific data  
9 for Puerto Rico is unavailable for a factor  
10 described in subclause (I), (II), or (II) of  
11 clause (i), the Assistant Secretary shall use  
12 the median data point with respect to that  
13 factor among all eligible States and assign  
14 it to Puerto Rico for the purposes of mak-  
15 ing any calculation under that clause for  
16 that fiscal year.

17 (B) DURATION.—With respect to a grant  
18 awarded to an eligible State under this sub-  
19 section, the eligible State shall expend the grant  
20 funds during the 5-year period beginning on the  
21 date on which the eligible State is awarded the  
22 grant funds.

23 (C) CHALLENGE MECHANISM.—The As-  
24 sistant Secretary shall ensure that any eligible  
25 State to which a grant is awarded under this

1 subsection may appeal or otherwise challenge in  
2 a timely fashion the amount of the grant  
3 awarded to the State, as determined under sub-  
4 paragraph (A).

5 (D) USE OF FUNDS.—The administering  
6 entity for an eligible State to which a grant is  
7 awarded under this subsection shall use the  
8 grant amounts for the following purposes:

9 (i)(I) Subject to subclause (II), to up-  
10 date or maintain the State Digital Equity  
11 Plan of the State.

12 (II) An administering entity for an el-  
13 igible State to which a grant is awarded  
14 under this subsection may use not more  
15 than 20 percent of the amount of the  
16 grant for the purpose described in sub-  
17 clause (I).

18 (ii) To implement the State Digital  
19 Equity Plan of the State.

20 (iii)(I) Subject to subclause (II), to  
21 award a grant to any entity that is de-  
22 scribed in section 43005(b) and is located  
23 in the eligible State in order to—

1 (aa) assist in the implementation  
2 of the State Digital Equity Plan of  
3 the State;

4 (bb) pursue digital inclusion ac-  
5 tivities in the State consistent with  
6 the State Digital Equity Plan of the  
7 State; and

8 (cc) report to the State regarding  
9 the digital inclusion activities of the  
10 entity.

11 (II) Before an administering entity  
12 for an eligible State may award a grant  
13 under subclause (I), the administering en-  
14 tity shall require the entity to which the  
15 grant is awarded to certify that—

16 (aa) the entity shall carry out the  
17 activities required under items (aa),  
18 (bb), and (cc) of that subclause;

19 (bb) the receipt of the grant shall  
20 not result in unjust enrichment of the  
21 entity; and

22 (cc) the entity shall cooperate  
23 with any evaluation—

1 (AA) of any program that  
2 relates to a grant awarded to the  
3 entity; and

4 (BB) that is carried out by  
5 or for the administering entity,  
6 the Assistant Secretary, or an-  
7 other Federal official.

8 (iv)(I) Subject to subclause (II), to  
9 evaluate the efficacy of the efforts funded  
10 by grants made under clause (iii).

11 (II) An administering entity for an el-  
12 igible State to which a grant is awarded  
13 under this subsection may use not more  
14 than 5 percent of the amount of the grant  
15 for a purpose described in subclause (I).

16 (v)(I) Subject to subclause (II), for  
17 the administrative costs incurred in car-  
18 rying out the activities described in clauses  
19 (i) through (iv).

20 (II) An administering entity for an el-  
21 igible State to which a grant is awarded  
22 under this subsection may use not more  
23 than 3 percent of the amount of the grant  
24 for a purpose described in subclause (I).

1 (e) ASSURANCES.—When applying for a grant under  
2 this section, a State shall include in the application for  
3 that grant assurances that—

4 (1) if an entity described in section 43005(b) is  
5 awarded grant funds under this section (referred to  
6 in this subsection as a “covered recipient”), provide  
7 that—

8 (A) the covered recipient shall use the  
9 grant funds in accordance with any applicable  
10 statute, regulation, and application procedure;

11 (B) the administering entity for that State  
12 shall adopt and use proper methods of admin-  
13 istering any grant that the covered recipient is  
14 awarded, including by—

15 (i) enforcing any obligation imposed  
16 under law on any agency, institution, orga-  
17 nization, or other entity that is responsible  
18 for carrying out the program to which the  
19 grant relates;

20 (ii) correcting any deficiency in the  
21 operation of a program to which the grant  
22 relates, as identified through an audit or  
23 another monitoring or evaluation proce-  
24 dure; and

1 (iii) adopting written procedures for  
2 the receipt and resolution of complaints al-  
3 leging a violation of law with respect to a  
4 program to which the grant relates; and

5 (C) the administering entity for that State  
6 shall cooperate in carrying out any evaluation—

7 (i) of any program that relates to a  
8 grant awarded to the covered recipient;  
9 and

10 (ii) that is carried out by or for the  
11 Assistant Secretary or another Federal of-  
12 ficial;

13 (2) the administering entity for that State  
14 shall—

15 (A) use fiscal control and fund accounting  
16 procedures that ensure the proper disbursement  
17 of, and accounting for, any Federal funds that  
18 the State is awarded under this section;

19 (B) submit to the Assistant Secretary any  
20 reports that may be necessary to enable the As-  
21 sistant Secretary to perform the duties of the  
22 Assistant Secretary under this section;

23 (C) maintain any records and provide any  
24 information to the Assistant Secretary, includ-  
25 ing those records, that the Assistant Secretary



1 determines is necessary to enable the Assistant  
2 Secretary to perform the duties of the Assistant  
3 Secretary under this section; and

4 (D) with respect to any significant pro-  
5 posed change or amendment to the State Dig-  
6 ital Equity Plan for the State, make the change  
7 or amendment available for public comment in  
8 accordance with subsection (c)(2); and

9 (3) the State, before submitting to the Assist-  
10 ant Secretary the State Digital Equity Plan of the  
11 State, has complied with the requirements of sub-  
12 section (c)(2).

13 (f) TERMINATION OF GRANT.—

14 (1) IN GENERAL.—The Assistant Secretary  
15 shall terminate a grant awarded to an eligible State  
16 under this section if, after notice to the State and  
17 opportunity for a hearing, the Assistant Secretary—

18 (A) presents to the State a rationale and  
19 supporting information that clearly dem-  
20 onstrates that—

21 (i) the grant funds are not contrib-  
22 uting to the development or execution of  
23 the State Digital Equity Plan of the State,  
24 as applicable; and

1 (ii) the State is not upholding assur-  
2 ances made by the State to the Assistant  
3 Secretary under subsection (e); and

4 (B) determines that the grant is no longer  
5 necessary to achieve the original purpose for  
6 which Assistant Secretary awarded the grant.

7 (2) REDISTRIBUTION.—If the Assistant Sec-  
8 retary, in a fiscal year, terminates a grant under  
9 paragraph (1), the Assistant Secretary shall redis-  
10 tribute the unspent grant amounts—

11 (A) to eligible States to which the Assist-  
12 ant Secretary has awarded grants under sub-  
13 section (d) for that fiscal year; and

14 (B) in accordance with the formula de-  
15 scribed in subsection (d)(3)(A)(i).

16 (g) REPORTING AND INFORMATION REQUIREMENTS;  
17 INTERNET DISCLOSURE.—The Assistant Secretary—

18 (1) shall—

19 (A) require any entity to which a grant, in-  
20 cluding a subgrant, is awarded under this sec-  
21 tion to publicly report, for each year during the  
22 period described in subsection (c)(3)(D)(ii) or  
23 (d)(3)(B), as applicable, with respect to the  
24 grant, and in a format specified by the Assist-  
25 ant Secretary, on—

1 (i) the use of that grant by the entity;

2 (ii) the progress of the entity towards

3 fulfilling the objectives for which the grant

4 was awarded; and

5 (iii) the implementation of the State

6 Digital Equity Plan of the State;

7 (B) establish appropriate mechanisms to

8 ensure that each eligible State to which a grant

9 is awarded under this section—

10 (i) uses the grant amounts in an ap-

11 propriate manner; and

12 (ii) complies with all terms with re-

13 spect to the use of the grant amounts; and

14 (C) create and maintain a fully searchable

15 database, which shall be accessible on the inter-

16 net at no cost to the public, that contains, at

17 a minimum—

18 (i) the application of each State that

19 has applied for a grant under this section;

20 (ii) the status of each application de-

21 scribed in clause (i);

22 (iii) each report submitted by an enti-

23 ty under subparagraph (A);

24 (iv) a record of public comments made

25 regarding the State Digital Equity Plan of

1 a State, as well as any written responses to  
2 or actions taken as a result of those com-  
3 ments; and

4 (v) any other information that is suf-  
5 ficient to allow the public to understand  
6 and monitor grants awarded under this  
7 section; and

8 (2) may establish additional reporting and in-  
9 formation requirements for any recipient of a grant  
10 under this section.

11 (h) SUPPLEMENT NOT SUPPLANT.—A grant or  
12 subgrant awarded under this section shall supplement, not  
13 supplant, other Federal or State funds that have been  
14 made available to carry out activities described in this sec-  
15 tion.

16 (i) SET ASIDES.—From amounts made available in  
17 a fiscal year to carry out the Program, the Assistant Sec-  
18 retary shall reserve—

19 (1) not more than 5 percent for the implemen-  
20 tation and administration of the Program, which  
21 shall include—

22 (A) providing technical support and assist-  
23 ance, including ensuring consistency in data re-  
24 porting;

25 (B) providing assistance to—

1 (i) States, or administering entities  
2 for States, to prepare the applications of  
3 those States; and

4 (ii) administering entities with respect  
5 to grants awarded under this section; and

6 (C) developing the report required under  
7 section 43006(a);

8 (2) not less than 5 percent to award grants to,  
9 or enter into contracts or cooperative agreements  
10 with, Indian tribes, Alaska Native entities, and Na-  
11 tive Hawaiian organizations to allow those tribes,  
12 entities, and organizations to carry out the activities  
13 described in this section; and

14 (3) not less than 1 percent to award grants to,  
15 or enter into contracts or cooperative agreements  
16 with, the United States Virgin Islands, Guam,  
17 American Samoa, the Commonwealth of the North-  
18 ern Mariana Islands, and any other territory or pos-  
19 session of the United States that is not a State to  
20 enable those entities to carry out the activities de-  
21 scribed in this section.

22 (j) RULES.—The Assistant Secretary may prescribe  
23 such rules as may be necessary to carry out this section.

24 (k) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated—

1 (1) \$60,000,000 for the award of grants under  
2 subsection (c)(3), which shall remain available until  
3 expended;

4 (2) for each of the first 5 fiscal years in which  
5 amounts are made available to award grants under  
6 subsection (d), \$125,000,000 for the award of those  
7 grants; and

8 (3) such sums as may be necessary to carry out  
9 this section for each fiscal year after the end of the  
10 5-fiscal year period described in paragraph (2).

11 **SEC. 43005. DIGITAL EQUITY COMPETITIVE GRANT PRO-**  
12 **GRAM.**

13 (a) ESTABLISHMENT.—

14 (1) IN GENERAL.—Not later than 30 days after  
15 the date on which the Assistant Secretary begins  
16 awarding grants under section 43004(d), and not  
17 before that date, the Assistant Secretary shall estab-  
18 lish in the Department of Commerce the Digital Eq-  
19 uity Competitive Grant Program (referred to in this  
20 section as the “Program”), the purpose of which is  
21 to award grants to support efforts to achieve digital  
22 equity, promote digital inclusion activities, and spur  
23 greater adoption of broadband among covered popu-  
24 lations.

1           (2) CONSULTATION; NO CONFLICT.—In estab-  
2           lishing the Program under paragraph (1), the As-  
3           sistant Secretary—

4                   (A) may consult a State with respect to—

5                           (i) the identification of groups de-  
6                           scribed in subparagraphs (A) through (H)  
7                           of section 43002(8) located in that State;  
8                           and

9                           (ii) the allocation of grant funds with-  
10                          in that State for projects in or affecting  
11                          the State; and

12                   (B) shall—

13                           (i) consult with—

14                                   (I) the Secretary of Agriculture;

15                                   (II) the Secretary of Housing  
16                                   and Urban Development;

17                                   (III) the Secretary of Education;

18                                   (IV) the Secretary of Labor;

19                                   (V) the Secretary of Health and  
20                                   Human Services;

21                                   (VI) the Secretary of Veterans  
22                                   Affairs;

23                                   (VII) the Secretary of the Inte-  
24                                   rior;

112

1 (VIII) the Federal Communica-  
2 tions Commission;

3 (IX) the Federal Trade Commis-  
4 sion;

5 (X) the Director of the Institute  
6 of Museum and Library Services;

7 (XI) the Administrator of the  
8 Small Business Administration;

9 (XII) the Federal Co-Chair of  
10 the Appalachian Regional Commis-  
11 sion; and

12 (XIII) the head of any other  
13 agency that the Assistant Secretary  
14 determines to be appropriate; and

15 (ii) ensure that the Program com-  
16 plements and enhances, and does not con-  
17 flict with, other Federal broadband initia-  
18 tives and programs.

19 (b) ELIGIBILITY.—The Assistant Secretary may  
20 award a grant under the Program to any of the following  
21 entities if the entity is not serving, and has not served,  
22 as the administering entity for a State under section  
23 43004(b):

24 (1) A political subdivision, agency, or instru-  
25 mentality of a State, including an agency of a State



1 that is responsible for administering or supervising  
2 adult education and literacy activities in the State.

3 (2) An Indian tribe, an Alaska Native entity, or  
4 a Native Hawaiian organization.

5 (3) A foundation, corporation, institution, or  
6 association that is—

7 (A) a not-for-profit entity; and

8 (B) not a school.

9 (4) A community anchor institution.

10 (5) A local educational agency.

11 (6) An entity that carries out a workforce devel-  
12 opment program.

13 (7) A partnership between any of the entities  
14 described in paragraphs (1) through (6).

15 (8) A partnership between—

16 (A) an entity described in any of para-  
17 graphs (1) through (6); and

18 (B) an entity that—

19 (i) the Assistant Secretary, by rule,  
20 determines to be in the public interest; and

21 (ii) is not a school.

22 (c) APPLICATION.—An entity that wishes to be  
23 awarded a grant under the Program shall submit to the  
24 Assistant Secretary an application—

1 (1) at such time, in such form, and containing  
2 such information as the Assistant Secretary may re-  
3 quire; and

4 (2) that—

5 (A) provides a detailed explanation of how  
6 the entity will use any grant amounts awarded  
7 under the Program to carry out the purposes of  
8 the Program in an efficient and expeditious  
9 manner;

10 (B) identifies the period in which the ap-  
11 plicant will expend the grant funds awarded  
12 under the Program;

13 (C) includes—

14 (i) a justification for the amount of  
15 the grant that the applicant is requesting;  
16 and

17 (ii) for each fiscal year in which the  
18 applicant will expend the grant funds, a  
19 budget for the activities that the grant  
20 funds will support;

21 (D) demonstrates to the satisfaction of the  
22 Assistant Secretary that the entity—

23 (i) is capable of carrying out—

24 (I) the project or function to  
25 which the application relates; and

1 (II) the activities described in  
2 subsection (h)—

3 (aa) in a competent manner;

4 and

5 (bb) in compliance with all

6 applicable Federal, State, and

7 local laws; and

8 (ii) if the applicant is an entity de-  
9 scribed in subsection (b)(1), shall appro-  
10 priate or otherwise unconditionally obligate  
11 from non-Federal sources funds that are  
12 necessary to meet the requirements of sub-  
13 section (e);

14 (E) discloses to the Assistant Secretary the  
15 source and amount of other Federal, State, or  
16 outside funding sources from which the entity  
17 receives, or has applied for, funding for activi-  
18 ties or projects to which the application relates;  
19 and

20 (F) provides—

21 (i) the assurances that are required  
22 under subsection (f); and

23 (ii) an assurance that the entity shall  
24 follow such additional procedures as the  
25 Assistant Secretary may require to ensure

1                   that grant funds are used and accounted  
2                   for in an appropriate manner.

3           (d) AWARD OF GRANTS.—

4                   (1) FACTORS CONSIDERED IN AWARD OF  
5           GRANTS.—In deciding whether to award a grant  
6           under the Program, the Assistant Secretary shall, to  
7           the extent practicable, consider—

8                   (A) whether—

9                           (i) an application shall, if approved—

10                                   (I) increase internet access and  
11                                   the adoption of broadband among cov-  
12                                   ered populations to be served by the  
13                                   applicant; and

14                                   (II) not result in unjust enrich-  
15                                   ment; and

16                           (ii) the applicant is, or plans to sub-  
17                           contract with, a socially and economically  
18                           disadvantaged small business concern;

19                   (B) the comparative geographic diversity of  
20           the application in relation to other eligible ap-  
21           plications; and

22                   (C) the extent to which an application may  
23           duplicate or conflict with another program.

24           (2) USE OF FUNDS.—

1 (A) IN GENERAL.—In addition to the ac-  
2 tivities required under subparagraph (B), an  
3 entity to which the Assistant Secretary awards  
4 a grant under the Program shall use the grant  
5 amounts to support not less than 1 of the fol-  
6 lowing activities:

7 (i) To develop and implement digital  
8 inclusion activities that benefit covered  
9 populations.

10 (ii) To facilitate the adoption of  
11 broadband by covered populations in order  
12 to provide educational and employment op-  
13 portunities to those populations.

14 (iii) To implement, consistent with the  
15 purposes of this title—

16 (I) training programs for covered  
17 populations that cover basic, ad-  
18 vanced, and applied skills; or

19 (II) other workforce development  
20 programs.

21 (iv) To make available equipment, in-  
22 strumentation, networking capability, hard-  
23 ware and software, or digital network tech-  
24 nology for broadband services to covered  
25 populations at low or no cost.

1 (v) To construct, upgrade, expend, or  
2 operate new or existing public access com-  
3 puting centers for covered populations  
4 through community anchor institutions.

5 (vi) To undertake any other project  
6 and activity that the Assistant Secretary  
7 finds to be consistent with the purposes for  
8 which the Program is established.

9 (B) EVALUATION.—

10 (i) IN GENERAL.—An entity to which  
11 the Assistant Secretary awards a grant  
12 under the Program shall use not more  
13 than 10 percent of the grant amounts to  
14 measure and evaluate the activities sup-  
15 ported with the grant amounts.

16 (ii) SUBMISSION TO ASSISTANT SEC-  
17 RETARY.—An entity to which the Assistant  
18 Secretary awards a grant under the Pro-  
19 gram shall submit to the Assistant Sec-  
20 retary each measurement and evaluation  
21 performed under clause (i)—

22 (I) in a manner specified by the  
23 Assistant Secretary;

1 (II) not later than 15 months  
2 after the date on which the entity is  
3 awarded the grant amounts; and

4 (III) annually after the submis-  
5 sion described in subclause (II) for  
6 any year in which the entity expends  
7 grant amounts.

8 (C) ADMINISTRATIVE COSTS.—An entity to  
9 which the Assistant Secretary awards a grant  
10 under the Program may use not more than 10  
11 percent of the amount of the grant for adminis-  
12 trative costs in carrying out any of the activities  
13 described in subparagraph (A).

14 (D) TIME LIMITATIONS.—With respect to  
15 a grant awarded to an entity under the Pro-  
16 gram, the entity—

17 (i) except as provided in clause (ii),  
18 shall expend the grant amounts during the  
19 4-year period beginning on the date on  
20 which the entity is awarded the grant  
21 amounts; and

22 (ii) during the 1-year period beginning  
23 on the date that is 4 years after the date  
24 on which the entity is awarded the grant  
25 amounts, may continue to measure and

1 evaluate the activities supported with the  
2 grant amounts, as required under subpara-  
3 graph (B).

4 (e) FEDERAL SHARE.—

5 (1) IN GENERAL.—Except as provided in para-  
6 graph (2), the Federal share of any project for  
7 which the Assistant Secretary awards a grant under  
8 the Program may not exceed 90 percent.

9 (2) EXCEPTION.—The Assistant Secretary may  
10 grant a waiver with respect to the limitation on the  
11 Federal share of a project described in paragraph  
12 (1) if—

13 (A) the applicant with respect to the  
14 project petitions the Assistant Secretary for the  
15 waiver; and

16 (B) the Assistant Secretary determines  
17 that the petition described in subparagraph (A)  
18 demonstrates financial need.

19 (f) ASSURANCES.—When applying for a grant under  
20 this section, an entity shall include in the application for  
21 that grant assurances that the entity shall—

22 (1) use any grant funds that the entity is  
23 awarded—

24 (A) in accordance with any applicable stat-  
25 ute, regulation, and application procedure; and



1 (B) to the extent required under applicable  
2 law;

3 (2) adopt and use proper methods of admin-  
4 istering any grant that the entity is awarded, includ-  
5 ing by—

6 (A) enforcing any obligation imposed under  
7 law on any agency, institution, organization, or  
8 other entity that is responsible for carrying out  
9 a program to which the grant relates;

10 (B) correcting any deficiency in the oper-  
11 ation of a program to which the grant relates,  
12 as identified through an audit or another moni-  
13 toring or evaluation procedure; and

14 (C) adopting written procedures for the re-  
15 ceipt and resolution of complaints alleging a  
16 violation of law with respect to a program to  
17 which the grant relates;

18 (3) cooperate with respect to any evaluation—

19 (A) of any program that relates to a grant  
20 awarded to the entity; and

21 (B) that is carried out by or for the Assist-  
22 ant Secretary or another Federal official;

23 (4) use fiscal control and fund accounting pro-  
24 cedures that ensure the proper disbursement of, and

1 accounting for, any Federal funds that the entity is  
2 awarded under the Program;

3 (5) submit to the Assistant Secretary any re-  
4 ports that may be necessary to enable the Assistant  
5 Secretary to perform the duties of the Assistant Sec-  
6 retary under the Program; and

7 (6) maintain any records and provide any infor-  
8 mation to the Assistant Secretary, including those  
9 records, that the Assistant Secretary determines is  
10 necessary to enable the Assistant Secretary to per-  
11 form the duties of the Assistant Secretary under the  
12 Program.

13 (g) DEOBLIGATION OR TERMINATION OF GRANT.—  
14 In addition to other authority under applicable law, the  
15 Assistant Secretary may—

16 (1) deobligate or terminate a grant awarded to  
17 an entity under this section if, after notice to the en-  
18 tity and opportunity for a hearing, the Assistant  
19 Secretary—

20 (A) presents to the entity a rationale and  
21 supporting information that clearly dem-  
22 onstrates that—

23 (i) the grant funds are not being used  
24 in a manner that is consistent with the ap-  
25 plication with respect to the grant sub-

1                   mitted by the entity under subsection (c);

2                   and

3                   (ii) the entity is not upholding assur-

4                   ances made by the entity to the Assistant

5                   Secretary under subsection (f); and

6                   (B) determines that the grant is no longer

7                   necessary to achieve the original purpose for

8                   which Assistant Secretary awarded the grant;

9                   and

10                  (2) with respect to any grant funds that the As-

11                  sistant Secretary deobligates or terminates under

12                  paragraph (1), competitively award the grant funds

13                  to another applicant, consistent with the require-

14                  ments of this section.

15                  (h) REPORTING AND INFORMATION REQUIREMENTS;

16                  INTERNET DISCLOSURE.—The Assistant Secretary—

17                   (1) shall—

18                   (A) require any entity to which the Assist-

19                   ant Secretary awards a grant under the Pro-

20                   gram to, for each year during the period de-

21                   scribed in subsection (d)(2)(D) with respect to

22                   the grant, submit to the Assistant Secretary a

23                   report, in a format specified by the Assistant

24                   Secretary, regarding—

25                   (i) the amount of the grant;

1 (ii) the use by the entity of the grant  
2 amounts; and

3 (iii) the progress of the entity towards  
4 fulfilling the objectives for which the grant  
5 was awarded;

6 (B) establish mechanisms to ensure appro-  
7 priate use of, and compliance with respect to all  
8 terms regarding, grant funds awarded under  
9 the Program;

10 (C) create and maintain a fully searchable  
11 database, which shall be accessible on the inter-  
12 net at no cost to the public, that contains, at  
13 a minimum—

14 (i) a list of each entity that has ap-  
15 plied for a grant under the Program;

16 (ii) a description of each application  
17 described in clause (i), including the pro-  
18 posed purpose of each grant described in  
19 that clause;

20 (iii) the status of each application de-  
21 scribed in clause (i), including whether the  
22 Assistant Secretary has awarded a grant  
23 with respect to the application and, if so,  
24 the amount of the grant;

1 (iv) each report submitted by an enti-  
2 ty under subparagraph (A); and

3 (v) any other information that is suf-  
4 ficient to allow the public to understand  
5 and monitor grants awarded under the  
6 Program; and

7 (D) ensure that any entity with respect to  
8 which an award is deobligated or terminated  
9 under subsection (g) may, in a timely manner,  
10 appeal or otherwise challenge that deobligation  
11 or termination, as applicable; and

12 (2) may establish additional reporting and in-  
13 formation requirements for any recipient of a grant  
14 under the Program.

15 (i) SUPPLEMENT NOT SUPPLANT.—A grant awarded  
16 to an entity under the Program shall supplement, not sup-  
17 plant, other Federal or State funds that have been made  
18 available to the entity to carry out activities described in  
19 this section.

20 (j) SET ASIDES.—From amounts made available in  
21 a fiscal year to carry out the Program, the Assistant Sec-  
22 retary shall reserve—

23 (1) 5 percent for the implementation and ad-  
24 ministration of the Program, which shall include—

1 (A) providing technical support and assist-  
2 ance, including ensuring consistency in data re-  
3 porting;

4 (B) providing assistance to entities to pre-  
5 pare the applications of those entities with re-  
6 spect to grants awarded under this section;

7 (C) developing the report required under  
8 section 43006(a); and

9 (D) conducting outreach to entities that  
10 may be eligible to be awarded a grant under the  
11 Program regarding opportunities to apply for  
12 such a grant;

13 (2) 5 percent to award grants to, or enter into  
14 contracts or cooperative agreements with, Indian  
15 tribes, Alaska Native entities, and Native Hawaiian  
16 organizations to allow those tribes, entities, and or-  
17 ganizations to carry out the activities described in  
18 this section; and

19 (3) 1 percent to award grants to, or enter into  
20 contracts or cooperative agreements with, the United  
21 States Virgin Islands, Guam, American Samoa, the  
22 Commonwealth of the Northern Mariana Islands,  
23 and any other territory or possession of the United  
24 States that is not a State to enable those entities to  
25 carry out the activities described in this section.

1 (k) RULES.—The Assistant Secretary may prescribe  
2 such rules as may be necessary to carry out this section.

3 (l) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to carry out this sec-  
5 tion—

6 (1) \$125,000,000 for each of the first 5 fiscal  
7 years in which funds are made available to carry out  
8 this section; and

9 (2) such sums as may be necessary for each fis-  
10 cal year after the end of the 5-fiscal year period de-  
11 scribed in paragraph (1).

12 **SEC. 43006. POLICY RESEARCH, DATA COLLECTION, ANAL-**  
13 **YSIS AND MODELING, EVALUATION, AND DIS-**  
14 **SEMINATION.**

15 (a) REPORTING REQUIREMENTS.—

16 (1) IN GENERAL.—Not later than 1 year after  
17 the date on which the Assistant Secretary begins  
18 awarding grants under section 43004(d)(1), and an-  
19 nually thereafter, the Assistant Secretary shall—

20 (A) submit to the appropriate committees  
21 of Congress a report that documents, for the  
22 year covered by the report—

23 (i) the findings of each evaluation  
24 conducted under subparagraph (B);

1 (ii) a list of each grant awarded under  
2 each covered program, which shall in-  
3 clude—

4 (I) the amount of each such  
5 grant;

6 (II) the recipient of each such  
7 grant; and

8 (III) the purpose for which each  
9 such grant was awarded;

10 (iii) any deobligation, termination, or  
11 modification of a grant awarded under the  
12 covered programs, which shall include a  
13 description of the subsequent usage of any  
14 funds to which such an action applies; and

15 (iv) each challenge made by an appli-  
16 cant for, or a recipient of, a grant under  
17 the covered programs and the outcome of  
18 each such challenge; and

19 (B) conduct evaluations of the activities  
20 carried out under the covered programs, which  
21 shall include an evaluation of—

22 (i) whether eligible States to which  
23 grants are awarded under the program es-  
24 tablished under section 43004 are—



1 (I) abiding by the assurances  
2 made by those States under sub-  
3 section (e) of that section;

4 (II) meeting, or have met, the  
5 stated goals of the Digital Equity  
6 Plans developed by the States under  
7 subsection (c) of that section;

8 (III) satisfying the requirements  
9 imposed by the Assistant Secretary on  
10 those States under subsection (g) of  
11 that section; and

12 (IV) in compliance with any  
13 other rules, requirements, or regula-  
14 tions promulgated by the Assistant  
15 Secretary in implementing that pro-  
16 gram; and

17 (ii) whether entities to which grants  
18 are awarded under the program established  
19 under section 43005 are—

20 (I) abiding by the assurances  
21 made by those entities under sub-  
22 section (f) of that section;

23 (II) meeting, or have met, the  
24 stated goals of those entities with re-  
25 spect to the use of the grant amounts;

1 (III) satisfying the requirements  
2 imposed by the Assistant Secretary on  
3 those States under subsection (h) of  
4 that section; and

5 (IV) in compliance with any  
6 other rules, requirements, or regula-  
7 tions promulgated by the Assistant  
8 Secretary in implementing that pro-  
9 gram.

10 (2) PUBLIC AVAILABILITY.—The Assistant Sec-  
11 retary shall make each report submitted under para-  
12 graph (1)(A) publicly available in an online format  
13 that—

14 (A) facilitates access and ease of use;

15 (B) is searchable; and

16 (C) is accessible—

17 (i) to individuals with disabilities; and

18 (ii) in languages other than English.

19 (b) AUTHORITY TO CONTRACT AND ENTER INTO  
20 OTHER ARRANGEMENTS.—The Assistant Secretary may  
21 award grants and enter into contracts, cooperative agree-  
22 ments, and other arrangements with Federal agencies,  
23 public and private organizations, and other entities with  
24 expertise that the Assistant Secretary determines appro-  
25 priate in order to—

1           (1) evaluate the impact and efficacy of activities  
2 supported by grants awarded under the covered pro-  
3 grams; and

4           (2) develop, catalog, disseminate, and promote  
5 the exchange of best practices, both with respect to  
6 and independent of the covered programs, in order  
7 to achieve digital equity.

8           (c) CONSULTATION AND PUBLIC ENGAGEMENT.—In  
9 carrying out subsection (a), and to further the objectives  
10 described in paragraphs (1) and (2) of subsection (b), the  
11 Assistant Secretary shall conduct ongoing collaboration  
12 and consult with—

13           (1) the Secretary of Agriculture;

14           (2) the Secretary of Housing and Urban Devel-  
15 opment;

16           (3) the Secretary of Education;

17           (4) the Secretary of Labor;

18           (5) the Secretary of Health and Human Serv-  
19 ices;

20           (6) the Secretary of Veterans Affairs;

21           (7) the Secretary of the Interior;

22           (8) the Federal Communications Commission;

23           (9) the Federal Trade Commission;

24           (10) the Director of the Institute of Museum  
25 and Library Services;

1 (11) the Administrator of the Small Business  
2 Administration;

3 (12) the Federal Co-Chair of the Appalachian  
4 Regional Commission;

5 (13) State agencies and governors of States (or  
6 equivalent officials);

7 (14) entities serving as administering entities  
8 for States under section 43004(b);

9 (15) national, State, tribal, and local organiza-  
10 tions that provide digital inclusion, digital equity, or  
11 digital literacy services;

12 (16) researchers, academics, and philanthropic  
13 organizations; and

14 (17) other agencies, organizations (including  
15 international organizations), entities (including enti-  
16 ties with expertise in the fields of data collection,  
17 analysis and modeling, and evaluation), and commu-  
18 nity stakeholders, as determined appropriate by the  
19 Assistant Secretary.

20 (d) TECHNICAL SUPPORT AND ASSISTANCE.—The  
21 Assistant Secretary shall provide technical support and as-  
22 sistance, assistance to entities to prepare the applications  
23 of those entities with respect to grants awarded under the  
24 covered programs, and other resources, to the extent prac-

1 ticable, to ensure consistency in data reporting and to  
2 meet the objectives of this section.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated such sums as may be  
5 necessary to carry out this section, which shall remain  
6 available until expended.

7 **SEC. 43007. GENERAL PROVISIONS.**

8 (a) NONDISCRIMINATION.—

9 (1) IN GENERAL.—No individual in the United  
10 States may, on the basis of actual or perceived race,  
11 color, religion, national origin, sex, gender identity,  
12 sexual orientation, age, or disability, be excluded  
13 from participation in, be denied the benefits of, or  
14 be subjected to discrimination under any program or  
15 activity that is funded in whole or in part with funds  
16 made available to carry out this title.

17 (2) ENFORCEMENT.—The Assistant Secretary  
18 shall effectuate paragraph (1) with respect to any  
19 program or activity described in that paragraph by  
20 issuing regulations and taking actions consistent  
21 with section 602 of the Civil Rights Act of 1964 (42  
22 U.S.C. 2000d–1).

23 (3) JUDICIAL REVIEW.—Judicial review of an  
24 action taken by the Assistant Secretary under para-  
25 graph (2) shall be available to the extent provided in

1 section 603 of the Civil Rights Act of 1964 (42  
2 U.S.C. 2000d-2).

3 (b) TECHNOLOGICAL NEUTRALITY.—The Assistant  
4 Secretary shall, to the extent practicable, carry out this  
5 title in a technologically neutral manner.

6 (c) AUDIT AND OVERSIGHT.—Beginning in the first  
7 fiscal year in which amounts are made available to carry  
8 out an activity authorized under this title, and in each of  
9 the 4 fiscal years thereafter, there is authorized to be ap-  
10 propriated to the Office of Inspector General for the De-  
11 partment of Commerce \$1,000,000 for audits and over-  
12 sight of funds made available to carry out this title, which  
13 shall remain available until expended.

14 **TITLE IV—ENABLING MIDDLE**  
15 **MILE BROADBAND INFRA-**  
16 **STRUCTURE**

17 **SEC. 44001. ENABLING MIDDLE MILE BROADBAND INFRA-**  
18 **STRUCTURE.**

19 (a) DEFINITIONS.—In this section:

20 (1) ANCHOR INSTITUTION.—The term “anchor  
21 institution” means a school, library, medical or  
22 healthcare provider, community college or other in-  
23 stitution of higher education, or other community  
24 support organization or entity.

1           (2) ASSISTANT SECRETARY.—The term “Assist-  
2           ant Secretary” means the Assistant Secretary of  
3           Commerce for Communications and Information.

4           (3) COMMISSION.—The term “Commission”  
5           means the Federal Communications Commission.

6           (4) ELIGIBLE ENTITY.—The term “eligible enti-  
7           ty” means—

8                   (A) a State, political subdivision of a  
9                   State, Tribal government, technology company,  
10                  electric utility, utility cooperative, public utility  
11                  district, telecommunications cooperative, non-  
12                  profit foundation, nonprofit corporation, non-  
13                  profit institution, nonprofit association, regional  
14                  planning counsel, Native entity, or economic de-  
15                  velopment authority; or

16                   (B) a partnership of 2 or more entities de-  
17                  scribed in subparagraph (A).

18           (5) FCC FIXED BROADBAND MAP.—The term  
19           “FCC fixed broadband map” means the map created  
20           by the Commission under section 802(c)(1)(B) of  
21           the Communications Act of 1934 (47 U.S.C.  
22           642(c)(1)(B)).

23           (6) INDIAN TRIBE.—The term Indian Tribe has  
24           the meaning given the term in section 4 of the In-

1       dian Self-Determination and Education Assistance  
2       Act (25 U.S.C. 5304)).

3               (7) INTERCONNECT.—The term “interconnect”  
4       means the physical linking of 2 networks for the mu-  
5       tual exchange of traffic on non-discriminatory terms  
6       and conditions.

7               (8) INTERNET EXCHANGE FACILITY.—The term  
8       “internet exchange facility” means physical infra-  
9       structure through which internet service providers  
10       and content delivery networks exchange internet  
11       traffic between their networks.

12              (9) MIDDLE MILE INFRASTRUCTURE.—The  
13       term “middle mile infrastructure”—

14                   (A) means any broadband infrastructure  
15       that does not connect directly to an end-user lo-  
16       cation, including an anchor institution; and

17                   (B) includes—

18                           (i) leased dark fiber, interoffice trans-  
19       port, backhaul, internet exchange facilities,  
20       carrier-neutral submarine cable landing  
21       stations, undersea cables, transport  
22       connectivity to data centers, special access  
23       transport, and other similar services; and

24                           (ii) wired or private wireless  
25       broadband infrastructure, including micro-



1 wave capacity, radio tower access, and  
2 other services or infrastructure for a pri-  
3 vate wireless broadband network, such as  
4 towers, fiber, and microwave links.

5 (10) MIDDLE MILE GRANT.—The term “middle  
6 mile grant” means a grant awarded under sub-  
7 section (c).

8 (11) NATIVE ENTITY.—The term “Native enti-  
9 ty” means—

10 (A) an Indian Tribe;

11 (B) an Alaska Native Corporation;

12 (C) a Native Hawaiian organization (as de-  
13 fined in section 6207 of the Elementary and  
14 Secondary Education Act of 1965 (20 U.S.C.  
15 7517));

16 (D) the Department of Hawaiian Home  
17 Lands; and

18 (E) the Office of Hawaiian Affairs.

19 (12) STATE.—The term “State” has the mean-  
20 ing given the term in section 3 of the Communica-  
21 tions Act of 1934 (47 U.S.C. 153).

22 (13) SUBMARINE CABLE LANDING STATION.—  
23 The term “submarine cable landing station” means  
24 a cable landing station, as that term is used in sec-  
25 tion 1.767(a)(5) of title 47, Code of Federal Regula-

1 tions (or any successor regulation), that can be uti-  
2 lized to land a submarine cable by an entity that has  
3 obtained a license under the first section of the Act  
4 entitled “An Act relating to the landing and oper-  
5 ation of submarine cables in the United States”, ap-  
6 proved May 27, 1921 (47 U.S.C. 34) (commonly  
7 known as the “Cable Landing Licensing Act”).

8 (14) TRIBAL GOVERNMENT.—The term “Tribal  
9 government” means the recognized governing body  
10 of any Indian or Alaska Native tribe, band, nation,  
11 pueblo, village, community, component band, or com-  
12 ponent reservation, individually identified (including  
13 parenthetically) in the list published most recently as  
14 of the date of enactment of this Act pursuant to sec-  
15 tion 104 of the Federally Recognized Indian Tribe  
16 List Act of 1994 (25 U.S.C. 5131).

17 (15) TRUST LAND.—The term “trust land” has  
18 the meaning given the term in section 3765 of title  
19 38, United States Code.

20 (16) UNDERSERVED.—The term “under-  
21 served”, with respect to an area, means an area—

22 (A) that is designated as a Tribally under-  
23 served area through the process described in  
24 subsection (g); or

25 (B) that—

1 (i) is of a standard size not larger  
2 than a census block, as established by the  
3 Commission;

4 (ii) is not an unserved area; and

5 (iii) as determined in accordance with  
6 the FCC fixed broadband map, does not  
7 have access to broadband service with—

8 (I) except as provided in sub-  
9 clause (II)—

10 (aa) a download speed of not  
11 less than 100 megabits per sec-  
12 ond; and

13 (bb) an upload speed of not  
14 less than 20 megabits per second;  
15 or

16 (II) minimum download and  
17 upload speeds established as bench-  
18 marks by the Commission for pur-  
19 poses of this Act after the date of en-  
20 actment of this Act, if those minimum  
21 speeds are higher than the minimum  
22 speeds required under clause (i).

23 (17) UNSERVED.—The term “unserved”, with  
24 respect to an area, means an area—

1 (A) that is designated as a Tribally under-  
2 served area through the process described in  
3 subsection (g); or

4 (B) that—

5 (i) is of a standard size not larger  
6 than a census block, as established by the  
7 Commission; and

8 (ii) as determined in accordance with  
9 the FCC fixed broadband map, does not  
10 have access to broadband service—

11 (I) initially with—

12 (aa) a download speed of not  
13 less than 25 megabits per second;  
14 and

15 (bb) an upload speed of not  
16 less than 3 megabits per second;  
17 or

18 (II) with higher download and  
19 upload speeds that are established as  
20 benchmarks by the Commission for  
21 purposes of this Act after the date of  
22 enactment of this Act.

23 (b) PURPOSE; SENSE OF CONGRESS.—

24 (1) PURPOSE.—The purposes of this section  
25 are—

1 (A) to encourage the expansion and exten-  
2 sion of middle mile infrastructure to reduce the  
3 cost of connecting unserved and underserved  
4 areas to the backbone of the internet (com-  
5 monly referred to as the “last mile”); and

6 (B) to promote broadband connection resil-  
7 iency through the creation of alternative net-  
8 work connection paths that can be designed to  
9 prevent single points of failure on a broadband  
10 network.

11 (2) SENSE OF CONGRESS.—It is the sense of  
12 Congress that—

13 (A) in awarding middle mile grants, the  
14 Assistant Secretary should give priority to—

15 (i) projects that leverage existing  
16 rights-of-way, assets, and infrastructure to  
17 minimize financial, regulatory, and permit-  
18 ting challenges;

19 (ii) projects in which the eligible enti-  
20 ty designs the route of the middle mile in-  
21 frastructure to enable the connection of  
22 unserved anchor institutions, including  
23 Tribal anchor institutions; and

24 (iii) projects that—

1 (I) improve the redundancy and  
2 resiliency of existing middle mile in-  
3 frastructure; and

4 (II) reduce regulatory and per-  
5 mitting barriers to promote the con-  
6 struction of new middle mile infra-  
7 structure; and

8 (B) a regulated utility should use funds re-  
9 ceived from a middle mile grant as a supple-  
10 ment to the core utility capital investment plan  
11 of the regulated utility to—

12 (i) facilitate increased broadband re-  
13 siliency or redundancy of existing middle  
14 mile infrastructure; or

15 (ii) provide connectivity to unserved  
16 areas and underserved areas within the  
17 service territory of the utility and nearby  
18 communities.

19 (c) MIDDLE MILE GRANTS.—The Assistant Sec-  
20 retary shall establish a program under which the Assistant  
21 Secretary makes grants on a technology-neutral, competi-  
22 tive basis to eligible entities for the construction, improve-  
23 ment, or acquisition of middle mile infrastructure.

24 (d) APPLICATIONS FOR GRANTS.—

1           (1) IN GENERAL.—The Assistant Secretary  
2 shall establish an application process for middle mile  
3 grants in accordance with this subsection.

4           (2) EVALUATION OF APPLICATIONS.—In estab-  
5 lishing an application process for middle mile grants  
6 under paragraph (1), the Assistant Secretary shall  
7 give priority to an application from an eligible entity  
8 that satisfies 2 or more of the following conditions:

9                   (A) The eligible entity adopts fiscally sus-  
10 tainable middle mile strategies.

11                   (B) The eligible entity commits to offering  
12 non-discriminatory interconnect to terrestrial  
13 and wireless last mile broadband providers and  
14 any other party making a bona fide request.

15                   (C) The eligible entity identifies specific  
16 terrestrial and wireless last mile broadband pro-  
17 viders that have—

18                           (i) expressed written interest in inter-  
19 connecting with middle mile infrastructure  
20 planned to be deployed by the eligible enti-  
21 ty; and

22                           (ii) demonstrated sustainable business  
23 plans or adequate funding sources with re-  
24 spect to the interconnect described in  
25 clause (i).

1 (D) The eligible entity has identified sup-  
2 plemental investments or in-kind support (such  
3 as waived franchise or permitting fees) that will  
4 accelerate the completion of the planned  
5 project.

6 (E) The eligible entity has demonstrated  
7 that the middle mile infrastructure will benefit  
8 national security interests of the United States  
9 and the Department of Defense.

10 (3) GRANT APPLICATION COMPETENCE.—The  
11 Assistant Secretary shall include in the application  
12 process established under paragraph (1) a require-  
13 ment that an eligible entity provide evidence that the  
14 eligible entity is capable of carrying out a proposed  
15 project in a competent manner, including by dem-  
16 onstrating that the eligible entity has the financial,  
17 technical, and operational capability to carry out the  
18 proposed project and operate the resulting middle  
19 mile broadband network.

20 (e) ELIGIBILITY.—

21 (1) PRIORITIZATION.—To be eligible to obtain a  
22 middle mile grant, an eligible entity shall agree, in  
23 the application submitted through the process estab-  
24 lished under subsection (d), to prioritize—



1 (A) connecting middle mile infrastructure  
2 to last mile networks that provide or plan to  
3 provide broadband service to households in  
4 unserved areas;

5 (B) connecting non-contiguous trust lands;  
6 or

7 (C) the offering of wholesale broadband  
8 service at reasonable rates on a carrier-neutral  
9 basis.

10 (2) BUILDOUT TIMELINE.—Subject to para-  
11 graph (5), to be eligible to obtain a middle mile  
12 grant, an eligible entity shall agree, in the applica-  
13 tion submitted through the process established under  
14 subsection (d), to complete buildout of the middle  
15 mile infrastructure described in the application by  
16 not later than 5 years after the date on which  
17 amounts from the grant are made available to the el-  
18 igible entity.

19 (3) PROJECT ELIGIBILITY REQUIREMENTS.—

20 (A) CAPABILITY TO SUPPORT RETAIL  
21 BROADBAND SERVICE.—A project shall be eligi-  
22 ble for a middle mile grant if, at the time of the  
23 application, the Assistant Secretary determines  
24 that the proposed middle mile broadband net-

1 work will be capable of supporting retail  
2 broadband service.

3 (B) MAPPING DATA.—

4 (i) USE OF MOST RECENT DATA.—In  
5 mapping out gaps in broadband coverage,  
6 an eligible entity that uses a middle mile  
7 grant to build out terrestrial or fixed wire-  
8 less middle mile infrastructure shall use  
9 the most recent broadband mapping data  
10 available from one of the following sources:

11 (I) The FCC fixed broadband  
12 map.

13 (II) The State in which the area  
14 that will be served by the middle mile  
15 infrastructure is located, or the Tribal  
16 government with jurisdiction over the  
17 area that will be served by the middle  
18 mile infrastructure (if applicable).

19 (III) Speed surveys of existing  
20 broadband service that—

21 (aa) demonstrate that more  
22 than 25 percent of the respon-  
23 dents display a broadband service  
24 speed that is slower than the

147

1 speeds required for an area to  
2 qualify as unserved; and

3 (bb) are conducted by—

4 (AA) the eligible entity;

5 (BB) the State in

6 which the area that will be

7 served by the middle mile in-

8 frastructure is located; or

9 (CC) the Tribal govern-

10 ment with jurisdiction over

11 the area that will be served

12 by the middle mile infra-

13 structure (if applicable).

14 (ii) SHARING FACILITY LOCATIONS.—

15 (I) DEFINITION.—In this clause,

16 the term “covered recipient”, with re-

17 spect to an eligible entity, means—

18 (aa) the Assistant Secretary;

19 (bb) the Commission;

20 (cc) the Tribal government

21 with jurisdiction over the area

22 that will be served by the middle

23 mile infrastructure (if applica-

24 ble); and

1 (dd) the State broadband of-  
2 fice for the State in which the  
3 area that will be served by the  
4 middle mile infrastructure is lo-  
5 cated.

6 (II) PROVISION OF INFORMA-  
7 TION.—Subject to subclauses (III)  
8 and (IV), an eligible entity that con-  
9 structs, improves, or acquires middle  
10 mile infrastructure using a middle  
11 mile grant shall share with each cov-  
12 ered recipient the location of all the  
13 middle mile broadband infrastructure.

14 (III) FORMAT.—An eligible enti-  
15 ty shall provide the information re-  
16 quired under subclause (II) to each  
17 covered recipient in a uniform format  
18 determined by the Assistant Sec-  
19 retary.

20 (IV) PROTECTION OF INFORMA-  
21 TION.—

22 (aa) IN GENERAL.—The in-  
23 formation provided by an eligible  
24 entity under subclause (II) may  
25 only be used for purposes of car-

1 rying out the grant program  
2 under subsection (c) and any re-  
3 porting related thereto.

4 (bb) LEGAL DEFENSES.—

5 (AA) IN GENERAL.—A  
6 covered recipient may not  
7 receive information under  
8 subclause (II) unless the  
9 covered recipient agrees in  
10 writing to assert all available  
11 legal defenses to the disclo-  
12 sure of the information if a  
13 person or entity seeks disclo-  
14 sure from the covered recipi-  
15 ent under any Federal,  
16 State, or local public disclo-  
17 sure law.

18 (BB) RULE OF CON-  
19 STRUCTION.—Nothing in  
20 subitem (AA) is intended to  
21 be or shall be construed as a  
22 waiver of Tribal sovereign  
23 immunity.

24 (C) CONNECTION TO ANCHOR INSTITU-  
25 TIONS.—To the extent feasible, an eligible enti-

1 ty that receives a middle mile grant to build  
2 middle mile infrastructure using fiber optic  
3 technology shall—

4 (i) ensure that the proposed middle  
5 mile broadband network will be capable of  
6 providing broadband to an anchor institu-  
7 tion at a speed of not less than—

8 (I) 1 gigabit per second for  
9 downloads; and

10 (II) 1 gigabit per second for  
11 uploads to an anchor institution; and

12 (ii) include direct interconnect facili-  
13 ties that will facilitate the provision of  
14 broadband service to anchor institutions lo-  
15 cated within 1,000 feet of the middle mile  
16 infrastructure.

17 (D) INTERCONNECTION AND NON-  
18 DISCRIMINATION.—

19 (i) IN GENERAL.—An eligible entity  
20 that receives a middle mile grant to build  
21 a middle mile project using fiber optic  
22 technology shall offer interconnection in  
23 perpetuity, where technically feasible with-  
24 out exceeding current or reasonably antici-  
25 pated capacity limitations, on reasonable

1 rates and terms to be negotiated with re-  
2 questing parties.

3 (ii) NATURE OF INTERCONNECTION.—

4 The interconnection required to be offered  
5 under clause (i) includes both the ability to  
6 connect to the public internet and physical  
7 interconnection for the exchange of traffic.

8 (iii) INCLUSION IN APPLICATION.—An

9 applicant for a middle mile grant shall dis-  
10 close the applicant's proposed interconnec-  
11 tion, nondiscrimination, and network man-  
12 agement practices in the application sub-  
13 mitted through the process established  
14 under subsection (d).

15 (4) ACCOUNTABILITY.—The Assistant Sec-  
16 retary shall—

17 (A) establish sufficient transparency, ac-  
18 countability, reporting, and oversight measures  
19 for the grant program established under sub-  
20 section (c) to deter waste, fraud, and abuse of  
21 program funds; and

22 (B) establish—

23 (i) buildout requirements for each eli-  
24 gible entity that receives a middle mile  
25 grant, which shall require the completion

1 of a certain percentage of project miles by  
2 a certain date; and

3 (ii) penalties, which may include re-  
4 scission of funds, for grantees that do not  
5 meet requirements described in clause (i)  
6 or the deadline under paragraph (2).

7 (5) EXTENSIONS.—

8 (A) IN GENERAL.—At the request of an el-  
9 igible entity, the Assistant Secretary may ex-  
10 tend the buildout deadline under paragraph (2)  
11 by not more than 1 year if the eligible entity  
12 certifies that—

13 (i) the eligible entity has a plan for  
14 use of the middle mile grant;

15 (ii) the project to build out middle  
16 mile infrastructure is underway; or

17 (iii) extenuating circumstances require  
18 an extension of time to allow completion of  
19 the project to build out middle mile infra-  
20 structure.

21 (B) EFFECT ON INTERIM BUILDOUT RE-  
22 QUIREMENTS.—If the Assistant Secretary  
23 grants an extension under subparagraph (A),  
24 the Assistant Secretary shall modify any build-



1 out requirements established under paragraph  
2 (4)(B)(i) as necessary.

3 (f) FEDERAL SHARE.—The amount of a middle mile  
4 grant awarded to an eligible entity may not exceed 70 per-  
5 cent of the total project cost.

6 (g) SPECIAL RULES FOR TRIBAL GOVERNMENTS.—

7 (1) WAIVERS; ALTERNATIVE REQUIREMENTS.—

8 The Assistant Secretary, in consultation with Tribal  
9 governments and Native entities, may waive, or  
10 specify alternative requirements for, any provision of  
11 subsections (c) through (f) if the Assistant Secretary  
12 finds that the waiver or alternative requirement is  
13 necessary—

14 (A) for the effective delivery and adminis-  
15 tration of middle mile grants to Tribal govern-  
16 ments; or

17 (B) the construction, improvement, or ac-  
18 quisition of middle mile infrastructure on trust  
19 land.

20 (2) TRIBALLY UNSERVED AREAS; TRIBALLY UN-  
21 DERSERVED AREAS.—The Assistant Secretary, in  
22 consultation with Tribal governments and Native en-  
23 tities, shall develop a process for designating Trib-  
24 ally unserved areas and Tribally underserved areas  
25 for purposes of this section.

1 (h) MAINTENANCE OF STANDARDS.—Section 602 of  
2 the Public Works and Economic Development Act of 1965  
3 (42 U.S.C. 3212) shall apply to any entity that receives  
4 assistance, whether directly or indirectly, under any pro-  
5 gram—

6 (1) that pertains to deploying broadband serv-  
7 ice; and

8 (2) for which the Assistant Secretary has ad-  
9 ministrative responsibility as provided by law or by  
10 delegation of authority pursuant to law.

11 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
12 authorized to be appropriated to carry out this section  
13 \$500,000,000 for fiscal years 2022 through 2026.