DIVISION D—BROADBAND

TITLE I—BROADBAND GRANTS
FOR STATES, DISTRICT OF
COLUMBIA, PUERTO RICO,
AND TERRITORIES

SEC. 41001. FINDINGS.

Congress finds the following:

(1) Access to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States.

(2) The persistent “digital divide” in the United States is a barrier to the economic competitiveness of the United States and equitable distribution of essential public services, including health care and education.

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

(4) In many communities across the country, increased competition among broadband providers has the potential to offer consumers more affordable, high-quality options for broadband service.
(5) The 2019 novel coronavirus pandemic has underscored the critical importance of affordable, high-speed broadband for individuals, families, and communities to be able to work, learn, and connect remotely while supporting social distancing.

SEC. 41002. GRANTS FOR BROADBAND DEPLOYMENT.

(a) Definitions.—

(1) Areas, locations, and institutions lacking broadband access.—In this section:

(A) Unserved location.—The term “unserved location” means a broadband-serviceable location, as determined in accordance with the broadband DATA maps, that—

(i) has no access to broadband service;

or

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

(I) a speed of not less than—

(aa) 25 megabits per second for downloads; and

(bb) 3 megabits per second for uploads; and

(II) a latency sufficient to support real-time, interactive applications.
(B) UNSERVED SERVICE PROJECT.—

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

(ii) ASSISTANT SECRETARY AUTHORITY.—The Assistant Secretary may modify the definition under clause (i) as necessary, but may not modify the definition of the term “unserved location”.

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

(i) that is not an unserved location; and

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

(I) a speed of not less than—

(aa) 100 megabits per second for downloads; and

(bb) 20 megabits per second for uploads; and
(II) a latency sufficient to support real-time, interactive applications.

(D) UNDERSERVED SERVICE PROJECT.—

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

(ii) ASSISTANT SECRETARY AUTHORITY.—The Assistant Secretary may modify the definition under clause (i) as necessary, but may not modify the definition of the term “underserved location”.

(E) ELIGIBLE COMMUNITY ANCHOR INSTITUTION.—The term “eligible community anchor institution” means a community anchor institution that lacks access to gigabit-level broadband service.

(2) OTHER DEFINITIONS.—In this section:

(A) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.
(B) **BROADBAND; BROADBAND SERVICE.**—
The term “broadband” or “broadband service” has the meaning given the term “broadband internet access service” in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(C) **BROADBAND DATA MAPS.**—The term “broadband DATA maps” means the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)).

(D) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(E) **COMMUNITY ANCHOR INSTITUTION.**—
The term “community anchor institution” means an entity such as a school, library, health clinic, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals.

(F) **ELIGIBLE ENTITY.**—The term “eligible entity” means a State.
(G) **HIGH-COST AREA.**—

(i) **IN GENERAL.**—The term “high-cost area” means an unserved area in which the cost of building out broadband service is higher, as compared with the average cost of building out broadband service in unserved areas in the United States (as determined by the Assistant Secretary, in coordination with the Commission), incorporating factors that include—

(I) the remote location of the area;

(II) the lack of population density of the area;

(III) the unique topography of the area;

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

(V) any other factor identified by the Assistant Secretary, in coordination with the Commission, that contributes to the higher cost of deploying broadband service in the area.

(ii) **UNSERVED AREA.**—For purposes of clause (i), the term “unserved area”
means an area in which not less than 80 percent of broadband-serviceable locations are unserved locations.

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

[(I) LOW-COST BROADBAND SERVICE OPTION.—The term “low-cost broadband service option” [Note: to be supplied, pending agreement on language].]

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

(i) provide broadband service that meets speed, latency, reliability, consistency in quality of service, and related criteria as the Assistant Secretary shall determine; and

(ii) ensure that the network built by the project can easily scale speeds over time to—
(I) meet the evolving connectivity needs of households and businesses; and

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

(K) PROGRAM.—The term “Program” means the Broadband Equity, Access, and Deployment Program established under subsection (b)(1).

(L) PROJECT.—The term “project” means an undertaking by a subgrantee under this section to construct and deploy infrastructure for the provision of broadband service.

(M) RELIABLE BROADBAND SERVICE.—The term “reliable broadband service” means broadband service that meets performance criteria for service availability, adaptability to changing end-user requirements, length of serviceable life, or other criteria, other than upload and download speeds, as determined by the Assistant Secretary in coordination with the Commission.

(N) STATE.—The term “State” has the meaning given the term in section 158 of the
National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), except that that definition shall be applied by striking “, and any other territory or possession of the United States”.

(O) Subgrantee.—The term “subgrantee” means an entity that receives grant funds from an eligible entity to carry out activities under subsection (f).

(b) Broadband Equity, Access, and Deployment Program.—

(1) Establishment.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall establish a grant program, to be known as the “Broadband Equity, Access, and Deployment Program”, under which the Assistant Secretary makes grants to eligible entities, in accordance with this section, to bridge the digital divide.

(2) Authorization of Appropriations.—There is authorized to be appropriated to the Assistant Secretary to carry out the Program $40,000,000,000.

(3) Obligation Timeline.—The Assistant Secretary shall obligate all amounts appropriated pursuant to paragraph (2) in an expedient manner
after the Assistant Secretary issues the notice of funding opportunity under subsection (e)(1).

(4) TECHNICAL SUPPORT AND ASSISTANCE.—

(A) PROGRAM ASSISTANCE.—As part of the Program, the Assistant Secretary, in consultation with the Commission, shall provide technical support and assistance to eligible entities to facilitate their participation in the Program, including by assisting eligible entities with—

(i) the development of grant applications under the Program;

(ii) the development of plans and procedures for distribution of funds under the Program; and

(iii) other technical support as determined by the Assistant Secretary.

(B) GENERAL ASSISTANCE.—The Assistant Secretary shall provide technical and other assistance to eligible entities—

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

(I) expansion in rural areas; and

(II) eligible entities that consistently rank below most other eligible
entities with respect to broadband access and deployment; and

(ii) regarding cybersecurity resources and programs available through Federal agencies, including the Election Assistance Commission, the Cybersecurity and Infrastructure Security Agency, the Federal Trade Commission, and the National Institute of Standards and Technology.

(c) Allocation.—

(1) Allocation for high-cost areas.—

(A) In general.—On or after the date on which the broadband DATA maps are made public, the Assistant Secretary shall allocate to eligible entities, in accordance with subparagraph (B) of this paragraph, 10 percent of the amount appropriated pursuant to subsection (b)(2).

(B) Formula.—The Assistant Secretary shall calculate the amount allocated to an eligible entity under subparagraph (A) by—

(i) dividing the number of unserved locations in high-cost areas in the eligible entity by the total number of unserved lo-
ocations in high-cost areas in the United
States; and

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

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

(A) except as provided in subparagraph

(B) of this paragraph, $100,000,000 shall be
allocated to each State; and

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

(3) ALLOCATION OF REMAINING AMOUNTS.—

(A) IN GENERAL.—On or after the date on
which the broadband DATA maps are made
public, of the amount appropriated pursuant to
subsection (b)(2), the Assistant Secretary shall
allocate to eligible entities, in accordance with
subparagraph (B) of this paragraph, the
amount remaining after compliance with para-
graphs (1) and (2) of this subsection.
(B) ALLOCATION.—The amount allocated to an eligible entity under subparagraph (B) shall be calculated by—

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

(ii) multiplying the quotient obtained under clause (i) by the amount made available under subparagraph (A).

(4) AVAILABILITY CONDITIONED ON APPROVAL OF APPLICATIONS.—The availability of amounts allocated under paragraph (1), (2), or (3) to an eligible entity shall be subject to approval by the Assistant Secretary of the letter of intent, initial proposal, or final proposal of the eligible entity, as applicable, under subsection (e).

(5) CONTINGENCY PROCEDURES.—

(A) DEFINITION.—In this paragraph, the term “covered application” means a letter of intent, initial proposal, or final proposal under this section.

(B) POLITICAL SUBDIVISIONS AND CONSORTIA.—
(i) Application failures.—The Assistant Secretary, in carrying out the Program, shall provide that if an eligible entity fails to submit a covered application by the applicable deadline, or a covered application submitted by an eligible entity is not approved by the applicable deadline, a political subdivision or consortium of political subdivisions of the eligible entity may submit the applicable type of covered application in place of the eligible entity.

(ii) Treatment of political subdivision or consortium as eligible entity.—In the case of a political subdivision or consortium of political subdivisions that submits a covered application under clause (i) that is approved by the Assistant Secretary—

(I) except as provided in subclause (II) of this clause, any reference in this section to an eligible entity shall be deemed to refer to the political subdivision or consortium; and
(II) any reference in this section
to an eligible entity in a geographic
sense shall be deemed to refer to the
eligible entity in whose place the polit-
cical subdivision or consortium sub-
mitted the covered application.

(C) Reallocation to Other Eligible
Entities.—

(i) Application Failures.—The As-
sistant Secretary, in carrying out the Pro-
gram, shall provide that if an eligible enti-
ty fails to submit a covered application by
the applicable deadline, or a covered appli-
cation submitted by an eligible entity is not
approved by the applicable deadline, as
provided in subparagraph (A)), and no po-
itical subdivision or consortium of political
subdivisions of the eligible entity submits a
covered application by the applicable dead-
line, or no covered application submitted
by such a political subdivision or consor-
tium is approved by the applicable dead-
line, as provided in subparagraph (B), the
Assistant Secretary—
(I) shall reallocate the amounts that would have been available to the eligible entity pursuant to that type of covered application to other eligible entities that submitted that type of covered application by the applicable deadline; and

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

(ii) Failure to use full allocation.—The Assistant Secretary, in carrying out the Program, shall provide that if an eligible entity fails to use the full amount allocated to the eligible entity under this subsection by the applicable deadline, the Assistant Secretary—

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

(II) shall reallocate the amounts described in subclause (I) in accordance with the formula under paragraph (3).
(d) Administrative Expenses.—

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

(2) Eligible Entities.—

(A) Pre-deployment Planning.—An eligible entity may use not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2) for the planning and pre-deployment activities under subsection (e)(1)(C).

(B) Administration.—An eligible entity may use not more than 2 percent of the grant amounts made available to the eligible entity under subsection (e) for expenses relating (directly or indirectly) to administration of the grant.

(e) Implementation.—

(1) Initial Program Deployment and Planning.—

(A) Notice of Funding Opportunity; process.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall—
18

(i) issue a notice of funding opportunity for the Program that—

(I) notifies eligible entities of—

(aa) the establishment of the Program; and

(bb) the amount of the minimum initial allocation to each eligible entity under subsection (c)(2);

(II) invites eligible entities to submit letters of intent under subparagraph (B) in order to—

(aa) participate in the Program; and

(bb) receive funding for planning and pre-deployment activities under subparagraph (C);

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

(aa) applications for grants under the Program, which shall consist of letters of intent, initial proposals, and final proposals; and
(bb) allowed uses of grant amounts awarded under this section, as provided in subsection (f); and

(IV) includes any other information determined relevant by the Assistant Secretary;

(ii) establish a process, in accordance with subparagraph (C), through which to provide funding to eligible entities for planning and pre-deployment activities;

(iii) develop and make public a standard online application form that an eligible entity may use to submit an initial proposal and final proposal for the grant amounts allocated to the eligible entity under subsection (c);

(iv) publish a template—

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

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

(v) in consultation with the Commission, establish standards for how an eligible entity shall assess the capabilities and
capacities of a prospective subgrantee under subsection (g)(3)(A).

(B) LETTER OF INTENT.—

(i) IN GENERAL.—An eligible entity that wishes to participate in the Program shall file a letter of intent to participate in the Program consistent with this subparagraph.

(ii) FORM AND CONTENTS.—The Assistant Secretary may establish the form and contents required for a letter of intent under this subparagraph, which contents may include—

(I) details of—

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

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

(BB) the number of rounds of broadband deployment grants that the eligible entity has awarded, if applicable;
(CC) whether the eligible entity has an eligible entity-wide plan and goal for availability of broadband, and any relevant deadlines, as applicable; and

(DD) the amount of funding that the eligible entity has available for broadband deployment or other broadband-related activities, including data collection and local planning, and the sources of that funding, including whether the funds are from the eligible entity or from the Federal Government under the American Rescue Plan Act of 2021 (Public Law 117–2);

(bb) the number of full-time employees and part-time employees of the eligible entity who will assist in administering amounts
received under the Program and the duties assigned to those employees;

(ce) relevant contracted support; and

(dd) the goals of the eligible entity for the use of amounts received under the Program, the process that the eligible entity will use to distribute those amounts to subgrantees, the timeline for awarding subgrants, and oversight and reporting requirements that the eligible entity will impose on subgrantees;

(II) the identification of known barriers or challenges to developing and administering a program to administer grants received under the Program, if applicable;

(III) the identification of the additional capacity needed by the eligible entity to implement the requirements under this section, such as—
(aa) enhancing the capacity of the broadband program or office of the eligible entity by receiving technical assistance from Federal entities or other partners, hiring additional employees, or obtaining support from contracted entities; or

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

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

(V) details of any relevant partners, such as organizations that may inform broadband deployment and adoption planning; and

(VI) any other information determined relevant by the Assistant Secretary.

(C) PLANNING FUNDS.—
(i) **IN GENERAL.**—The Assistant Secretary shall establish a process through which an eligible entity, in submitting a letter of intent under subparagraph (B), may request access to not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2) for use consistent with this subparagraph.

(ii) **FUNDING AVAILABILITY.**—If the Assistant Secretary approves a request from an eligible entity under clause (i), the Assistant Secretary shall make available to the eligible entity an amount, as determined appropriate by the Assistant Secretary, that is not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2).

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

(I) research and data collection, including initial identification of unserved locations and underserved locations;
(II) the development of a preliminary budget for pre-planning activities;

(III) publications, outreach, and communications support;

(IV) providing technical assistance, including through workshops and events;

(V) training for employees of the broadband program or office of the eligible entity or employees of political subdivisions of the eligible entity, and related staffing capacity or consulting or contracted support; and

(VI) with respect to an office that oversees broadband programs and broadband deployment in an eligible entity, establishing, operating, or increasing the capacity of such a broadband office.

(D) ACTION PLAN.—

(i) IN GENERAL.—An eligible entity that receives funding from the Assistant Secretary under subparagraph (C) shall
submit to the Assistant Secretary a 5-year action plan, which shall—

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

(II) detail—

(aa) investment priorities and associated costs;

(bb) alignment of planned spending with economic development, telehealth, and related connectivity efforts.

(ii) Requirements of Action Plans.—The Assistant Secretary shall establish requirements for the 5-year action plan submitted by an eligible entity under clause (i), which may include requirements to—

(I) address local and regional needs in the eligible entity with respect to broadband service;

(II) propose solutions for the deployment of affordable broadband service in the eligible entity;

(III) include localized data with respect to the deployment of
broadband service in the eligible entity, including by identifying locations that should be prioritized for Federal support with respect to that deployment;

(IV) ascertain how best to serve unserved locations in the eligible entity, whether through the establishment of cooperatives or public-private partnerships;

(V) identify the technical assistance that would be necessary to carry out the plan; and

(VI) assess the amount of time it would take to build out universal broadband service in the eligible entity.

(2) NOTICE OF AVAILABLE AMOUNTS; INVITATION TO SUBMIT INITIAL AND FINAL PROPOSALS.—
On or after the date on which the broadband DATA maps are made public, the Assistant Secretary, in coordination with the Commission, shall issue a notice to each eligible entity that—
(A) contains the estimated amount available to the eligible entity under subsection (e); and
(B) invites the eligible entity to submit an initial proposal and final proposal for a grant under this section, in accordance with paragraphs (3) and (4) of this subsection.

(3) INITIAL PROPOSAL.—

(A) SUBMISSION.—

(i) IN GENERAL.—After the Assistant Secretary issues the notice under paragraph (2), an eligible entity that wishes to receive a grant under this section shall submit an initial proposal for a grant, using the online application form developed by the Assistant Secretary under paragraph (1)(A)(iii), that—

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

(aa) information developed by the eligible entity as part of the action plan submitted under
paragraph (1)(D), if applicable; and

(bb) information from any comparable strategic plan otherwise developed by the eligible entity, if applicable;

(II)(aa) identifies, and outlines steps to support, local and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide; and

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

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

(IV) includes a plan to competitively award subgrants to ensure timely deployment of broadband;

(V) identifies—
(aa) each unserved location
or underserved location under the
jurisdiction of the eligible entity;
and
(bb) each community anchor
institution under the jurisdiction
of the eligible entity that is an el-
igible community anchor institu-
tion; and
(VI) certifies the intent of the eli-
gible entity to comply with all applica-
ble requirements under this section,
including the reporting requirements
under subsection (i)(1).

(ii) LOCAL COORDINATION.—

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

(II) REQUIREMENTS.—The local
coordination requirements established
under subclause (I) shall include, at
minimum, an opportunity for political
subdivisions of an eligible entity to—
(aa) submit plans for consideration by the eligible entity; and
(bb) comment on the initial proposal of the eligible entity before the initial proposal is submitted to the Assistant Secretary.

(B) **Single Initial Proposal.**—An eligible entity may submit only 1 initial proposal under this paragraph.

(C) **Corrections to Initial Proposal.**—The Assistant Secretary may accept corrections to the initial proposal of an eligible entity after the initial proposal has been submitted.

(D) **Consideration of Initial Proposal.**—After receipt of an initial proposal for a grant under this paragraph, the Assistant Secretary—

(i) shall acknowledge receipt;

(ii) if the initial proposal is complete—

(I) shall determine whether the use of funds proposed in the initial proposal—
(aa) complies with subsection (f);

(bb) is in the public interest;

and

(cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the initial proposal based on the determinations under subclause (I); and

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

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

(bb) a higher percentage of the grant funds that were allocated to the eligible entity under subsection (c), at the discretion of the Assistant Secretary; and

(iii) if the initial proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and
provide the eligible entity with an opportunity to resubmit the initial proposal.

(E) Consideration of resubmitted initial proposal.—After receipt of a resubmitted initial proposal for a grant under this paragraph, the Assistant Secretary—

(i) shall acknowledge receipt;

(ii) if the initial proposal is complete—

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

(aa) complies with subsection (f);

(bb) is in the public interest;

and

(cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the initial proposal based on the determinations under subclause (I); and

(III) if the Assistant Secretary approves the initial proposal under clause (ii)(II), shall make available to the eligible entity—
(aa) 20 percent of the grant funds that were allocated to the eligible entity under subsection (c); or

(bb) a higher percentage of the grant funds that were allocated to the eligible entity under subsection (c), at the discretion of the Assistant Secretary; and

(iii) if the initial proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the initial proposal.

(4) Final Proposal.—

(A) Submission.—

(i) In general.—After the Assistant Secretary approves the initial proposal of an eligible entity under paragraph (3), the eligible entity may submit a final proposal for the remainder of the amount allocated to the eligible entity under subsection (c), using the online application form developed by the Assistant Secretary under paragraph (1)(A)(iii), that includes—
(I) a detailed plan that specifies how the eligible entity will—

(aa) allocate grant funds for the deployment of broadband networks to unserved locations and underserved locations, in accordance with subsection (h)(1)(A)(i); and

(bb) align the grant funds allocated to the eligible entity under subsection (c), where practicable, with the use of other funds that the eligible entity receives from the Federal Government, a State, or a private entity for related purposes;

(II) a timeline for implementation;

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

(IV) a description of coordination with local governments, along with
local and regional broadband planning processes.

(ii) LOCAL COORDINATION.—

(I) IN GENERAL.—The Assistant Secretary shall establish local coordination requirements for eligible entities to follow, to the greatest extent practicable.

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

(aa) submit plans for consideration by the eligible entity; and

(bb) comment on the final proposal of the eligible entity before the final proposal is submitted to the Assistant Secretary.

(iii) FEDERAL COORDINATION.—To ensure efficient and effective use of taxpayer funds, an eligible entity shall, to the greatest extent practicable, align the use of grant funds proposed in the final proposal
under clause (i) with funds available from
other Federal programs that support
broadband deployment and access.

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

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

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

(i) shall acknowledge receipt;

(ii) if the final proposal is complete—

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

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

(bb) is in the public interest;

and

(cc) effectuates the purposes

of this Act;
(II) shall approve or disapprove the final proposal based on the determinations under subclause (I); and

(III) if the Assistant Secretary approves the final proposal under clause (ii)(II), shall make available to the eligible entity the remainder of the grant funds allocated to the eligible entity under subsection (e); and

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

(E) Consideration of Resubmitted Final Proposal.—After receipt of a resubmitted final proposal for a grant under this paragraph, the Assistant Secretary—

(i) shall acknowledge receipt;

(ii) if the final proposal is complete—

(I) shall determine whether the use of funds proposed in the final proposal—

(aa) complies with subsection (f);
39

(bb) is in the public interest;

and

(cc) effectuates the purposes

of this Act;

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

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

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

(f) USE OF FUNDS.—An eligible entity may use grant
funds received under this section to competitively award
subgrants for—

(1) unserved service projects and underserved
service projects;

(2) connecting eligible community anchor insti-
tutions;
(3) data collection, broadband mapping, and planning;

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

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

(B) is in a location in which the percentage of individuals with a household income that is at or below 150 percent of the poverty line applicable to a family of the size involved (as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) is higher than the national percentage of such individuals;

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

(6) any use determined necessary by the Assistant Secretary to facilitate the goals of the Program.

(g) GENERAL PROGRAM REQUIREMENTS.—

(1) SUBGRANTEE OBLIGATIONS.—A subgrantee, in carrying out activities using amounts received from an eligible entity under this section—
(A) shall adhere to quality-of-service standards, as established by the Assistant Secretary;

(B) shall comply with prudent cybersecurity and supply chain risk management practices, as specified by the Commission, in consultation with the Director of the National Institute of Standards and Technology and the Assistant Secretary;

(C) shall incorporate best practices, as defined by the Assistant Secretary, for ensuring reliability and resilience of broadband infrastructure; and

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

(i) any covered communications equipment or service, as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608); or

(ii) fiber optic cable and optical transmission equipment manufactured in the People's Republic of China, except that the Assistant Secretary may waive the application of this clause with respect to a project if the eligible entity that awards a
subgrant for the project shows that such
application would unreasonably increase
the cost of the project.

(2) Eligible Entity Obligations.—In dis-
distributing funds to subgrantees under this section, an
eligible entity shall—

(A) ensure that any prospective sub-
grantee—

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

(ii) has the financial and managerial
capacity—

(I) to meet—

(aa) the commitments of the
subgrantee under the subgrant;
and

(bb) the requirements of the
Program; and

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

(iii) has the technical and operational
capability to provide the services promised
in the subgrant in the manner contemplated by the subgrant award;

(B) stipulate, in any contract with a subgrantee for the use of such funds, reasonable provisions for recovery of funds for nonperformance; and

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

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

(3) DEOBIGATION OF AWARDS; INTERNET DISCLOSURE.—The Assistant Secretary—

(A) shall establish, in coordination with relevant Federal and State partners, appropriate mechanisms to ensure appropriate use of funds made available under this section;

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

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

(I) violates paragraph (2); or

(II) demonstrates an insufficient level of performance, or wasteful or
fraudulent spending, as defined in advance by the Assistant Secretary; and
(ii) award grant funds that are
deobligated under clause (i) to new or existing applicants consistent with this section; and
(C) shall create and maintain a fully searchable database, accessible on the internet at no cost to the public, that contains information sufficient to allow the public to understand and monitor grants and subgrants awarded under the Program.

(h) Broadband Network Deployment.—
(1) Order of Awards; Priority.—
(A) In General.—An eligible entity, in awarding subgrants for the deployment of a broadband network using grant funds received under this section, as authorized under subsection (f)(1)—
(i) shall award funding in a manner that—
(I) prioritizes unserved service projects;
(II) after certifying to the Assistant Secretary that the eligible entity
will fund the deployment of broadband infrastructure to serve all unserved locations within the eligible entity, prioritizes underserved service projects; and

(III) after prioritizing underserved service projects, provides funding to connect eligible community anchor institutions;

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

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

(iv) shall give priority to projects based on—

(I) deployment of a broadband network to persistent poverty counties or high-poverty areas;
(II) the speeds of the proposed broadband service;

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

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

(B) Authority of Assistant Secretary.—The Assistant Secretary may provide additional guidance on the prioritization of sub-grants awarded for the deployment of a broadband network using grant funds received under this section.

(2) Challenge process.—

(A) In general.—After submitting an initial proposal under subsection (e)(3) and before allocating grant funds received under this section for the deployment of broadband networks, an eligible entity shall ensure a transparent, evidence-based, and expeditious challenge process under which a unit of local government, nonprofit organization, or other broadband service provider can challenge a determination made by the eligible entity in the initial proposal as to whether a particular loca-
tion or community anchor institution within the jurisdiction of the eligible entity is eligible for the grant funds, including whether a particular location is unserved or underserved.

(B) **Final Identification; Notification of Funding Eligibility.**—After resolving each challenge under subparagraph (A), and not later than 60 days before allocating grant funds received under this section for the deployment of broadband networks, an eligible entity shall provide public notice of the final classification of each unserved location, underserved location, or eligible community anchor institution within the jurisdiction of the eligible entity.

(C) **Consultation with NTIA.**—An eligible entity shall notify the Assistant Secretary of any modification to the initial proposal of the eligible entity submitted under subsection (e)(3) that is necessitated by a successful challenge under subparagraph (A) of this paragraph.

(D) **NTIA Authority.**—The Assistant Secretary—

(i) may modify the challenge process required under subparagraph (A) as necessary; and
(ii) may reverse the determination of an eligible entity with respect to the eligibility of a particular location or community anchor institution for grant funds under this section.

(E) Deadline for resolution of challenge process under Broadband Data Act.—

(i) In general.—Section 802(b)(5)(C)(i) of the Communications Act of 1934 (47 U.S.C. 642(b)(5)(C)(i)) is amended by striking “challenges” and inserting the following: “challenges, which shall require that the Commission resolve a challenge not later than 60 days after the date on which coverage data is submitted to the Commission to challenge the accuracy of a map or information described in subparagraph (A)”.

[(ii) Deadline.—Not later than [________], the Commission shall issue a rule or amend an existing rule, as appropriate, to implement the amendment made by clause (i). - Note: as wanted? I'm not sure if the FCC has issued the rules to es-
establish the challenge process under 47 U.S.C. 642(b)(5) yet.]

(3) Non-federal share of broadband infrastructure deployment costs.—

(A) In general.—

(i) Matching requirement.—In allocating grant funds received under this section for deployment of broadband networks, an eligible entity shall provide, or require a subgrantee to provide, a contribution, derived from non-Federal funds (or funds from a Federal regional commission or authority), except in high-cost areas or as otherwise provided by this Act, of not less than 25 percent of project costs.

(ii) Waiver.—Upon request by an eligible entity or a subgrantee, the Assistant Secretary may reduce or waive the required matching contribution under clause (i).

(B) Source of match.—A matching contribution under subparagraph (A)—

(i) may be provided by an eligible entity, a unit of local government, a utility company, a cooperative, a nonprofit orga-
ization, a for-profit company, regional planning or governmental organization, a Federal regional commission or authority, or any combination thereof;

(ii) may include in-kind contributions;

and

(iii) may include funds that were provided to an eligible entity or a subgrantee—

(I) under—

(aa) the Families First Coronavirus Response Act (Public Law 116–127; 134 Stat. 178);

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

(cc) the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1182);

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

(ee) any amendment made by an Act described in any of items (aa) through (dd); and
(II) for the purpose of deployment of broadband service, as described in the applicable provision of law described in subclause (I).

(C) Definition.—For purposes of this paragraph, the term “Federal regional commission or authority” means—

(i) the Appalachian Regional Commission;

(ii) the Delta Regional Authority; and

(iii) the Northern Border Regional Commission.

(4) Deployment and provision of service requirements.—An entity that receives a subgrant under subsection (f)(1) for the deployment of a broadband network—

(A) in providing broadband service using the network—

(i) shall provide broadband service—

(I) at a speed of not less than 100 megabits per second for downloads and 20 megabits per second for uploads;

(II) with a latency that is sufficiently low to allow reasonably fore-
seeable, real-time, interactive applications; and

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

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

(iii) shall offer not less than 1 low-cost broadband service option for low-income subscribers;

(B) shall deploy the broadband network and begin providing broadband service to each customer that desires broadband service not later than 4 years after the date on which the entity receives the subgrant, except that an eligible entity may extend the deadline under this subparagraph if—

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

(ii) the construction project is underway; or

(iii) extenuating circumstances require an extension of time to allow the project to be completed;
(C) for any project that involves laying fiber optic cables or conduit underground or along a roadway, shall include interspersed conduit access points at regular and short intervals;

(D) may use the subgrant to deploy broadband infrastructure in or through any area required to reach interconnection points or otherwise to ensure the technical feasibility and financial sustainability of a project providing broadband service to an unserved location, underserved location, or eligible community anchor institution;

(E) once the network has been deployed, shall provide public notice, online and through other means, of that fact to the locations and areas to which broadband service has been provided and share the public notice with the eligible entity that awarded the subgrant;

(F) shall carry out public awareness campaigns in service areas that are designed to highlight the value and benefits of broadband service in order to increase the adoption of broadband service by consumers; and
(G) if the entity is no longer able to provide broadband service to the locations covered by the subgrant at any time, shall sell the network capacity at a reasonable, wholesale rate on a nondiscriminatory basis to other broadband service providers or public sector entities.

(5) RETURN OF FUNDS.—An entity that receives a subgrant from an eligible entity under subsection (f)(1) and fails to comply with any requirement under this subsection shall return up to the entire amount of the subgrant to the eligible entity, at the discretion of the eligible entity in consultation with the Assistant Secretary.

(6) REASONABLE PERMITTING FEES.—If an entity that receives a subgrant under subsection (f)(1) requires access to a right-of-way, including for a pole attachment, from the Federal Government or a State or local government in order to deploy the broadband network, the Federal Government or State or local government may only charge the entity a reasonable fee in an amount that is consistent with the amount of the fee that the Federal Government or State or local government charges for utility permits, whichever is lowest - Note: unclear what
(or more) fees are being compared in determining the "lowest".]

(i) REGULATIONS.—The Assistant Secretary may issue such regulations or other guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that those programs, projects, or activities are completed in a timely and effective manner.

(j) REPORTING.—

(1) ELIGIBLE ENTITIES.—

(A) INITIAL REPORT.—Not later than 90 days after receiving grant funds under this section, for the sole purposes of providing transparency and providing information to inform future Federal broadband planning, an eligible entity shall submit to the Assistant Secretary a report that—

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

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

(iii) identifies the establishment of appropriate mechanisms by the eligible entity to ensure that all subgrantees of the eligi-
ble entity comply with the eligible uses prescribed under subsection (f); and

(iv) includes any other information required by the Assistant Secretary.

(B) Semiannual report.—Not later than 1 year after receiving grant funds under this section, and semiannually thereafter until the funds have been expended, an eligible entity shall submit to the Assistant Secretary a report, with respect to the 6-month period immediately preceding the report date, that—

(i) describes how the eligible entity expended the grant funds; and

(ii) certifies that the eligible entity complied with the requirements of this section and with any additional reporting requirements prescribed by the Assistant Secretary, including—

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

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

(C) Final report.—Not later than 1 year after an eligible entity has expended all
grant funds received under this section, the eligible entity shall submit to the Assistant Secretary a report that—

(i) describes how the eligible entity expended the funds;

(ii) includes each report that the eligible entity received from a subgrantee under paragraph (2); and

(iii) certifies that the eligible entity complied with the requirements of this section and with any additional reporting requirements prescribed by the Assistant Secretary, including—

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

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

(D) PROVISION TO FCC AND USDA.—Subject to section 904(b)(2) of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260) (relating to an interagency agreement), the Assistant Secretary shall coordinate with the Commission and the Depart-
ment of Agriculture, including providing the final reports received under subparagraph (C) to the Commission and the Department of Agriculture to be used when determining whether to award funds for the deployment of broadband under any program administered by those agencies.

(E) FEDERAL AGENCY REPORTING REQUIREMENT.—

(i) DEFINITIONS.—In this subparagraph, the terms “agency” and “Federal broadband support program” have the meanings given those terms in section 903 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260) (also known as the “ACCESS BROADBAND Act”).

(ii) REQUIREMENT.—An agency that offers a Federal broadband support program shall provide data to the Assistant Secretary, in a manner and format prescribed by the Assistant Secretary, to promote coordination of efforts to track construction and use of broadband infrastructure.
(2) Subgrantees.—

(A) Semiannual report.—The recipient of a subgrant from an eligible entity under this section shall submit to the eligible entity a semiannual report for the duration of the subgrant to track the effectiveness of the use of funds provided.

(B) Contents.—Each report submitted under subparagraph (A) shall—

(i) describe each type of project carried out using the subgrant and the duration of the subgrant;

(ii) in the case of a broadband infrastructure project—

(I) include a list of addresses or locations that constitute the service locations that will be served by the broadband infrastructure to be constructed;

(II) identify whether each address or location described in subclause (I) is residential, commercial, or a community anchor institution;
(III) describe the types of facilities that have been constructed and installed;

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

(V) describe the maximum advertised speed of the broadband service being offered;

(VI) describe the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered;

(VII) include any other data that would be required to comply with the data and mapping collection standards of the Commission under section 1.7004 of title 47, Code of Federal Regulations, or any successor regulation, for broadband infrastructure projects; and

(VIII) comply with any other reasonable reporting requirements determined by the eligible entity or the Assistant Secretary; and
(iii) certify that the information in the report is accurate.

(3) **STANDARDIZATION AND COORDINATION.**—

The Assistant Secretary and the Commission shall collaborate to—

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

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

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

(A) **ESTABLISHMENT OF WEBSITE.**—Not later than 2 years after the date of enactment of this Act, the Assistant Secretary, in consultation with the Commission, shall establish a publicly available website that—

(i) allows a consumer to determine, based on financial information entered by
the consumer, whether the consumer is eligible—

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

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

(ii) contains information regarding how to apply for the applicable benefit described in clause (i).

(B) PROVISION OF DATA.—A Federal entity, State entity receiving Federal funds, or provider of broadband service that offers a subsidy or low-income plan, as applicable, with respect to broadband service shall provide data to the Assistant Secretary in a manner and format as established by the Assistant Secretary as necessary for the Assistant Secretary to carry out subparagraph (A).

(k) RELATION TO OTHER PUBLIC FUNDING.—Notwithstanding any other provision of law—

(1) an entity that has received amounts from the Federal Government or a State or local government for the purpose of expanding access to
broadband service may receive a subgrant under subsection (f) in accordance with this section; and

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

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

(m) SENSE OF CONGRESS REGARDING FEDERAL AGENCY COORDINATION.—It is the sense of Congress that Federal agencies responsible for supporting broadband deployment, including the Commission, the Department of Commerce, and the Department of Agriculture, to the extent possible, should align the goals, application and reporting processes, and project requirements with respect to broadband deployment supported by those agencies.

(n) MAINTENANCE OF STANDARDS.—Section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212) shall apply to any entity that receives
assistance, whether directly or indirectly, under any program—

(1) that pertains to deploying broadband service; and

(2) for which the Assistant Secretary has administrative responsibility as provided by law or by delegation of authority pursuant to law.

(o) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to review a decision of the Assistant Secretary made under this section.

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

(A) the decision was procured by corruption, fraud, or undue means;

(B) there was actual partiality or corruption in the Assistant Secretary; or

(C) the Assistant Secretary was guilty of—

(i) misconduct in refusing to hear evidence pertinent and material to the decision; or
(ii) any other misbehavior by which the rights of any party have been prejudiced.

(p) Exemption From Certain Laws.—Any action taken or decision made by the Assistant Secretary under this section shall be exempt from the requirements of—

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

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

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

SEC. 41003. BROADBAND DATA MAPS.

(a) Definition.—In this section, the term “Commission” means the Federal Communications Commission.

(b) Provision of Information.—A broadband provider shall provide the Commission with any information, in the format, type, or specification requested by the Commission, necessary to augment the collection of data by the Commission under—

(1) title VIII of the Communications Act of 1934 (47 U.S.C. 641 et seq.); or
(2) the Form 477 data collection program.

(e) Notice of Initial Broadband Data Collection Filing Deadline.—The Commission—

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

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

(d) Availability of Census Data.—

(1) In General.—Section 802(b)(1) of the Communications Act of 1934 (47 U.S.C. 802(b)(1)) is amended by adding at the end the following:

“(D) Availability of census data.—

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

(2) Provision of Updated 2020 Census Data.—Not later than 30 days after receiving a request from the Commission, the Secretary of Com-
merce, in implementing the amendment made by paragraph (1), shall provide the Commission with a count of the aggregate number of housing units in each census block, as collected during the 2020 decennial census of population.

(e) Publication of Broadband Data Maps on Internet.—Section 802(c)(6) of the Communications Act of 1934 (47 U.S.C. 642(c)(6)) is amended, in the matter preceding paragraph (6), by inserting “, including on a publicly available website,” after “make public”.

SEC. 41004. REPORT ON FUTURE OF UNIVERSAL SERVICE FUND.

(a) Definitions.—In this section—

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

(2) the term “universal service goals for broadband” means the statutorily mandated goals of universal service for advanced telecommunications capability under section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302).

(b) Evaluation.—Not later than 30 days after the date of enactment of this Act, the Commission shall commence a proceeding to evaluate the implications of this Act and the amendments made by this Act on how the
Commission should achieve the universal service goals for broadband.

(c) Report.—

(1) In general.—Not later than 270 days after the date of enactment of this Act, the Commission shall submit to Congress a report on the options of the Commission for improving its effectiveness in achieving the universal service goals for broadband in light of this Act and the amendments made by this Act, and other legislation that addresses those goals.

(2) Recommendations.—In the report submitted under paragraph (1), the Commission may make recommendations for Congress on further actions the Commission and Congress could take to improve the ability of the Commission to achieve the universal service goals for broadband.

(3) Scope of universal service.—In submitting the report under paragraph (1), the Commission—

(A) may not in any way reduce the congressional mandate to achieve the universal service goals for broadband; and

(B) may provide recommendations for Congress to expand the universal service goals for broadband.
broadband, if the Commission believes such an
expansion is in the public interest.

TITLE II—TRIBAL
CONNECTIVITY TECHNICAL
AMENDMENTS.

SEC. 42001. TRIBAL CONNECTIVITY TECHNICAL AMEND-
MENTS.

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

(1) in subsection (c)—

(A) in paragraph (4)—

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

(ii) in subparagraph (B)—

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

(II) by redesignating clause (iii)
as clause (iv); and
(III) by inserting after clause (ii) the following:

“(iii) Extensions for other projects.—The Assistant Secretary may, for good cause shown, extend the period under clause (i) for an eligible entity that proposes to use the grant funds for an eligible use other than construction of broadband infrastructure, based on a detailed showing by the eligible entity of the need for an extension.”; and

(iii) by adding at the end the following:

“(C) Multiple grant awards.—If the Assistant Secretary awards multiple grants to an eligible entity under this subsection, the deadlines under subparagraphs (A) and (B) shall apply individually to each grant award.”; and

(B) by striking paragraph (6) and inserting the following:

“(6) Administrative expenses of eligible entities.—

“(A) In general.—Except as provided in subparagraph (B), an eligible entity may use
not more than 2 percent of grant funds received
under this subsection for administrative pur-
poses.

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

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

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

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

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

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

“(B) NEW FUNDING.—If Congress approp-
riates additional funds for grants under sub-
section (c) after the date of enactment of this Act, the Assistant Secretary—

“(i) may use a portion of the funds to fully fund any grants under that subsection for which the Assistant Secretary received an application and which the Assistant Secretary did not fully fund during the initial round of funding; and

“(ii) shall allocate any remaining funds through subsequent funding rounds consistent with the requirements of this section, except as provided in subparagraph (C) of this paragraph.

“(C) EXCEPTIONS.—If Congress appropriates additional funds for grants under subsection (c) after the date of enactment of this Act—

“(i) the Assistant Secretary shall not be required to issue an additional notice under paragraph (1) of this subsection, but shall inform eligible entities that additional funding has been made available for grants under subsection (c) and describe the changes made to the Tribal Broadband Connectivity Program under that sub-
section by [section 42001 of the [Note: insert short title of larger bill]];

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

“(iii) paragraph (2)(A) of this subsection shall be applied by substituting ‘180-day period beginning on the date on which the Assistant Secretary informs eligible entities that additional funding has been made available for grants under subsection (e)’ for ‘90-day period beginning on the date on which the Assistant Secretary issues the notice under paragraph (1)’; and

“(iv) notwithstanding paragraph (2)(F) of this subsection, in the case of funds appropriated under subsection (b)(1) that were not allocated during the initial round of funding, the Assistant Secretary may elect to allocate the funds during any subsequent round of funding for grants under subsection (e).”.
TITLE III—DIGITAL EQUITY ACT
OF 2021

SEC. 43001. SHORT TITLE.
This title may be cited as the “Digital Equity Act of 2021”.

SEC. 43002. DEFINITIONS.
In this title:

(1) ADOPTION OF BROADBAND.—The term “adoption of broadband” means the process by which an individual obtains daily access to the internet—

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

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

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

(B) with the digital skills that are necessary for the individual to participate online; and

(C) on a—

(i) personal device; and

(ii) secure and convenient network.

(2) ADVANCED TELECOMMUNICATIONS CAPABILITY.—The term “advanced telecommunications capability” has the meaning given the term in sec-
tion 706(d) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)).

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

(4) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Appropriations of the Senate;

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

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

(D) the Committee on Energy and Commerce of the House of Representatives.

(5) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(6) COMMUNITY ANCHOR INSTITUTION.—The term “community anchor institution” means a public school, a library, a medical or healthcare provider, a community college or other institution of higher education, a State library agency, and any
other nonprofit or governmental community support organization.

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

(8) COVERED POPULATIONS.—The term “covered populations” means—

(A) individuals who live in covered households;

(B) aging individuals;

(C) incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility;

(D) veterans;

(E) individuals with disabilities;

(F) individuals with a language barrier, including individuals who—

(i) are English learners; and

(ii) have low levels of literacy;

(G) individuals who are members of a racial or ethnic minority group; and
(H) individuals who primarily reside in a rural area.

(9) **Covered Programs.**—The term “covered programs” means the State Digital Equity Capacity Grant Program established under section 43004 and the Digital Equity Competitive Grant Program established under section 43005.

(10) **Digital Equity.**—The term “digital equity” means the condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.

(11) **Digital Inclusion.**—The term “digital inclusion”—

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

(i) reliable fixed and wireless broadband internet service;

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

(iii) applications and online content designed to enable and encourage self-suf-
ficiency, participation, and collaboration;

and

(B) includes—

(i) obtaining access to digital literacy training;

(ii) the provision of quality technical support; and

(iii) obtaining basic awareness of measures to ensure online privacy and cybersecurity.

(12) Digital literacy.—The term “digital literacy” means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.

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

(14) Eligible state.—The term “eligible State” means—

(A) with respect to planning grants made available under section 43004(c)(3), a State with respect to which the Assistant Secretary has approved an application submitted to the
Assistant Secretary under section 43004(e)(3)(C); and

(B) with respect to capacity grants awarded under section 43004(d), a State with respect to which the Assistant Secretary has approved an application submitted to the Assistant Secretary under section 43004(d)(2), including approval of the State Digital Equity Plan developed by the State under section 43004(c).

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

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

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

(A) has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(B) includes a postsecondary vocational institution.

(18) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given
the term in section 8101(30) of the Elementary and
Secondary Education Act of 1965 (20 U.S.C.
7801(30)).

(19) Postsecondary vocational institution.—The term “postsecondary vocational institution” has the meaning given the term in section 102(e) of the Higher Education Act of 1965 (20 U.S.C. 1002(e)).

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

(21) Socially and economically disadvantaged small business concern.—The term “socially and economically disadvantaged small business concern” has the meaning given the term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

(22) State.—The term “State” means—

(A) any State of the United States;
(B) the District of Columbia; and
(C) the Commonwealth of Puerto Rico.

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

The term “workforce development program” has the meaning given the term in section 3(66) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(66)).

SEC. 43003. SENSE OF CONGRESS.

It is the sense of Congress that—

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

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

(B) access health care and essential services, obtain education, and build careers;

(2) digital exclusion—

(A) carries a high societal and economic cost;

(B) materially harms the opportunity of an individual with respect to the economic success, educational achievement, positive health outcomes, social inclusion, and civic engagement of that individual; and

(C) exacerbates existing wealth and income gaps, especially those experienced by covered populations;
(3) achieving digital equity for all people of the United States requires additional and sustained investment and research efforts;

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

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

SEC. 43004. STATE DIGITAL EQUITY CAPACITY GRANT PROGRAM.

(a) Establishment; Purpose.—

(1) In general.—The Assistant Secretary shall establish in the Department of Commerce the State Digital Equity Capacity Grant Program (referred to in this section as the “Program”)—

(A) the purpose of which is to promote the achievement of digital equity, support digital inclusion activities, and build capacity for efforts by States relating to the adoption of broadband by residents of those States;

(B) through which the Assistant Secretary shall make grants to States in accordance with the requirements of this section; and
(C) which shall ensure that States have the
capacity to promote the achievement of digital
equity and support digital inclusion activities.

(2) Consultation with other federal
agencies; no conflict.—In establishing the Pro-
gram under paragraph (1), the Assistant Secretary
shall—

(A) consult with—

(i) the Secretary of Agriculture;

(ii) the Secretary of Housing and
Urban Development;

(iii) the Secretary of Education;

(iv) the Secretary of Labor;

(v) the Secretary of Health and
Human Services;

(vi) the Secretary of Veterans Affairs;

(vii) the Secretary of the Interior;

(viii) the Federal Communications
Commission;

(ix) the Federal Trade Commission;

(x) the Director of the Institute of
Museum and Library Services;

(xi) the Administrator of the Small
Business Administration;
(xii) the Federal Co-Chair of the Appalachian Regional Commission; and

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

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

(b) Administering Entity.—

(1) Selection; function.—The governor (or equivalent official) of a State that wishes to be awarded a grant under this section shall, from among entities that are eligible under paragraph (2), select an administering entity for that State, which shall—

(A) serve as the recipient of, and administering agent for, any grant awarded to the State under this section;

(B) develop, implement, and oversee the State Digital Equity Plan for the State described in subsection (c);

(C) make subgrants to any entity described in subsection (c)(1)(D) that is located in the State in support of—
(i) the State Digital Equity Plan for the State; and

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

(D) serve as—

(i) an advocate for digital equity policy and digital inclusion activities; and

(ii) a repository of best practice materials regarding the policies and activities described in clause (i).

(2) **Eligible Entities.**—Any of the following entities may serve as the administering entity for a State for the purposes of this section if the entity has demonstrated a capacity to administer the Program on a statewide level:

(A) The State, a political subdivision, agency, or instrumentality of the State, an Indian tribe located in the State, an Alaska Native entity located in the State, or a Native Hawaiian organization located in the State.

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

(i) a not-for-profit entity;

(ii) located in the State; and

(iii) not a school.
(C) A community anchor institution, other than a school, that is located in the State.

(D) A local educational agency that is located in the State.

(E) An entity located in the State that carries out a workforce development program.

(F) An agency of the State that is responsible for administering or supervising adult education and literacy activities in the State.

(G) A public housing authority that is located in the State.

(H) A partnership between any of the entities described in subparagraphs (A) through (G).

(c) **STATE DIGITAL EQUITY PLAN.**—

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

(A) the identification of the barriers to digital equity faced by covered populations in the State;

(B) measurable objectives for documenting and promoting, among each group described in
subparagraphs (A) through (H) of section 43002(8) located in that State—

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

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

(iii) digital literacy;

(iv) awareness of, and the use of, measures to secure the online privacy of, and cybersecurity with respect to, an individual; and

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

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

(i) economic and workforce development goals, plans, and outcomes;

(ii) educational outcomes;

(iii) health outcomes;

(iv) civic and social engagement; and

(v) delivery of other essential services;
(D) in order to achieve the objectives described in subparagraph (B), a description of how the State plans to collaborate with key stakeholders in the State, which may include—

(i) community anchor institutions;

(ii) county and municipal governments;

(iii) local educational agencies;

(iv) where applicable, Indian tribes, Alaska Native entities, or Native Hawaiian organizations;

(v) nonprofit organizations;

(vi) organizations that represent—

(I) individuals with disabilities, including organizations that represent children with disabilities;

(II) aging individuals;

(III) individuals with language barriers, including—

(aa) individuals who are English learners; and

(bb) individuals who have low levels of literacy;

(IV) veterans; and
(V) individuals in that State who are incarcerated in facilities other than Federal correctional facilities;
(vii) civil rights organizations;
(viii) entities that carry out workforce development programs;
(ix) agencies of the State that are responsible for administering or supervising adult education and literacy activities in the State;
(x) public housing authorities in the State; and
(xi) a partnership between any of the entities described in clauses (i) through (x); and
(E) a list of organizations with which the administering entity for the State collaborated in developing and implementing the Plan.

(2) Public availability.—

(A) In general.—The administering entity for a State shall make the State Digital Equity Plan of the State available for public comment for a period of not less than 30 days before the date on which the State submits an ap-
application to the Assistant Secretary under subsection (d)(2).

(B) Consideration of comments received.—The administering entity for a State shall, with respect to an application submitted to the Assistant Secretary under subsection (d)(2)—

(i) before submitting the application—

(I) consider all comments received during the comment period described in subparagraph (A) with respect to the application (referred to in this subparagraph as the “comment period”); and

(II) make any changes to the plan that the administering entity determines to be worthwhile; and

(ii) when submitting the application—

(I) describe any changes pursued by the administering entity in response to comments received during the comment period; and

(II) include a written response to each comment received during the comment period.
(3) **Planning Grants.**—

(A) **In General.**—Beginning in the first fiscal year that begins after the date of enactment of this Act, the Assistant Secretary shall, in accordance with the requirements of this paragraph, award planning grants to States for the purpose of developing the State Digital Equity Plans of those States under this subsection.

(B) **Eligibility.**—In order to be awarded a planning grant under this paragraph, a State—

(i) shall submit to the Assistant Secretary an application under subparagraph (C); and

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

(C) **Application.**—A State that wishes to be awarded a planning grant under this paragraph shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the Assistant Secretary an application, in a for-
mat to be determined by the Assistant Secretary, that contains the following materials:

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

(ii) A certification from the State that, not later than 1 year after the date on which the Assistant Secretary awards the planning grant to the State, the administering entity for that State shall develop a State Digital Equity Plan under this subsection, which—

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

(II) shall comply with the requirements of this subsection, including the requirement under paragraph (2)(B).

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

(D) AWARDS.—

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

(ii) **Duration.**—

(I) **In General.**—Except as provided in subclause (II), with respect to a planning grant awarded to an eligible State under this paragraph, the State shall expend the grant funds during the 1-year period beginning on the date on which the State is awarded the grant funds.

(II) **Exception.**—The Assistant Secretary may grant an extension of not longer than 180 days with respect to the requirement under subclause (I).

(iii) **Challenge Mechanism.**—The Assistant Secretary shall ensure that any eligible State to which a planning grant is awarded under this paragraph may appeal or otherwise challenge in a timely fashion the amount of the grant awarded to the State, as determined under clause (i).

(E) **Use of Funds.**—An eligible State to which a planning grant is awarded under this
paragraph shall, through the administering entity for that State, use the grant funds only for the following purposes:

(i) To develop the State Digital Equity Plan of the State under this subsection.

(ii)(I) Subject to subclause (II), to make subgrants to any of the entities described in paragraph (1)(D) to assist in the development of the State Digital Equity Plan of the State under this subsection.

(II) If the administering entity for a State makes a subgrant described in subclause (I), the administering entity shall, with respect to the subgrant, provide to the State the assurances required under subsection (e).

(d) STATE CAPACITY GRANTS.—

(1) IN GENERAL.—Beginning not later than 2 years after the date on which the Assistant Secretary begins awarding planning grants under subsection (c)(3), the Assistant Secretary shall each year award grants to eligible States to support—
(A) the implementation of the State Digital Equity Plans of those States; and

(B) digital inclusion activities in those States.

(2) APPLICATION.—A State that wishes to be awarded a grant under this subsection shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the Assistant Secretary an application, in a format to be determined by the Assistant Secretary, that contains the following materials:

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

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

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

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

(ii) make grants in a manner that is consistent with the aims of the Plan described in clause (i).
(D) The assurances required under subsection (e).

(E) In the case of a State to which the Assistant Secretary has previously awarded a grant under this subsection, any amendments to the State Digital Equity Plan of that State, as compared with the State Digital Equity Plan of the State previously submitted.

(3) AWARDS.—

(A) AMOUNT OF GRANT.—

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

(I) 50 percent of the total grant amount shall be based on the population of the eligible State in proportion to the total population of all eligible States.

(II) 25 percent of the total grant amount shall be based on the number
of individuals in the eligible State who are members of covered populations in proportion to the total number of individuals in all eligible States who are members of covered populations.

(III) 25 percent of the total grant amount shall be based on the comparative lack of availability and adoption of broadband in the eligible State in proportion to the lack of availability and adoption of broadband of all eligible States, which shall be determined according to data collected from—

(aa) the annual inquiry of the Federal Communications Commission conducted under section 706(b) of the Telecommunications Act of 1996 (47 U.S.C. 1302(b));

(bb) the American Community Survey or, if necessary, other data collected by the Bureau of the Census;
(cc) the Internet and Computer Use Supplement to the Current Population Survey of the Bureau of the Census; and

(dd) any other source that the Assistant Secretary, after appropriate notice and opportunity for public comment, determines to be appropriate.

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

(iii) **ADDITIONAL AMOUNTS.**—If, after awarding planning grants to States under subsection (c)(3) and capacity grants to eligible States under this subsection in a fiscal year, there are amounts remaining to carry out this section, the Assistant Secretary shall distribute those amounts—

(I) to eligible States to which the Assistant Secretary has awarded
grants under this subsection for that fiscal year; and

(II) in accordance with the formula described in clause (i).

(iv) DATA UNAVAILABLE.—If, in a fiscal year, the Commonwealth of Puerto Rico (referred to in this clause as “Puerto Rico”) is an eligible State and specific data for Puerto Rico is unavailable for a factor described in subclause (I), (II), or (II) of clause (i), the Assistant Secretary shall use the median data point with respect to that factor among all eligible States and assign it to Puerto Rico for the purposes of making any calculation under that clause for that fiscal year.

(B) DURATION.—With respect to a grant awarded to an eligible State under this subsection, the eligible State shall expend the grant funds during the 5-year period beginning on the date on which the eligible State is awarded the grant funds.

(C) CHALLENGE MECHANISM.—The Assistant Secretary shall ensure that any eligible State to which a grant is awarded under this
subsection may appeal or otherwise challenge in a timely fashion the amount of the grant awarded to the State, as determined under sub-
paragraph (A).

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

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

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

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

(iii)(I) Subject to subclause (II), to award a grant to any entity that is de-
scribed in section 43005(b) and is located in the eligible State in order to—
(aa) assist in the implementation
of the State Digital Equity Plan of
the State;

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

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

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

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

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

(cc) the entity shall cooperate
with any evaluation—
(AA) of any program that relates to a grant awarded to the entity; and

(BB) that is carried out by or for the administering entity, the Assistant Secretary, or another Federal official.

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

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 5 percent of the amount of the grant for a purpose described in subclause (I).

(v)(I) Subject to subclause (II), for the administrative costs incurred in carrying out the activities described in clauses (i) through (iv).

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 3 percent of the amount of the grant for a purpose described in subclause (I).
(c) ASSURANCES.—When applying for a grant under this section, a State shall include in the application for that grant assurances that—

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

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

(B) the administering entity for that State shall adopt and use proper methods of administering any grant that the covered recipient is awarded, including by—

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

(ii) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and
(iii) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates; and

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

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

(ii) that is carried out by or for the Assistant Secretary or another Federal official;

(2) the administering entity for that State shall—

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

(B) submit to the Assistant Secretary any reports that may be necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under this section;

(C) maintain any records and provide any information to the Assistant Secretary, including those records, that the Assistant Secretary
determines is necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under this section; and

(D) with respect to any significant proposed change or amendment to the State Digital Equity Plan for the State, make the change or amendment available for public comment in accordance with subsection (c)(2); and

(3) the State, before submitting to the Assistant Secretary the State Digital Equity Plan of the State, has complied with the requirements of subsection (c)(2).

(f) Termination of Grant.—

(1) In general.—The Assistant Secretary shall terminate a grant awarded to an eligible State under this section if, after notice to the State and opportunity for a hearing, the Assistant Secretary—

(A) presents to the State a rationale and supporting information that clearly demonstrates that—

(i) the grant funds are not contributing to the development or execution of the State Digital Equity Plan of the State, as applicable; and
(ii) the State is not upholding assurances made by the State to the Assistant Secretary under subsection (e); and

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

(2) REDISTRIBUTION.—If the Assistant Secretary, in a fiscal year, terminates a grant under paragraph (1), the Assistant Secretary shall redistribute the unspent grant amounts—

(A) to eligible States to which the Assistant Secretary has awarded grants under subsection (d) for that fiscal year; and

(B) in accordance with the formula described in subsection (d)(3)(A)(i).

(g) REPORTING AND INFORMATION REQUIREMENTS;

INTERNET DISCLOSURE.—The Assistant Secretary—

(1) shall—

(A) require any entity to which a grant, including a subgrant, is awarded under this section to publicly report, for each year during the period described in subsection (c)(3)(D)(ii) or (d)(3)(B), as applicable, with respect to the grant, and in a format specified by the Assistant Secretary, on—
(i) the use of that grant by the entity;
(ii) the progress of the entity towards fulfilling the objectives for which the grant was awarded; and
(iii) the implementation of the State Digital Equity Plan of the State;

(B) establish appropriate mechanisms to ensure that each eligible State to which a grant is awarded under this section—

(i) uses the grant amounts in an appropriate manner; and
(ii) complies with all terms with respect to the use of the grant amounts; and

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum—

(i) the application of each State that has applied for a grant under this section;
(ii) the status of each application described in clause (i);
(iii) each report submitted by an entity under subparagraph (A);
(iv) a record of public comments made regarding the State Digital Equity Plan of
a State, as well as any written responses to
or actions taken as a result of those com-
ments; and

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

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

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

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

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

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

(B) providing assistance to—
(i) States, or administering entities for States, to prepare the applications of those States; and

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

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

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

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

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

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—
(1) $60,000,000 for the award of grants under subsection (c)(3), which shall remain available until expended;

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

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

SEC. 43005. DIGITAL EQUITY COMPETITIVE GRANT PROGRAM.

(a) Establishment.—

(1) In general.—Not later than 30 days after the date on which the Assistant Secretary begins awarding grants under section 43004(d), and not before that date, the Assistant Secretary shall establish in the Department of Commerce the Digital Equity Competitive Grant Program (referred to in this section as the “Program”), the purpose of which is to award grants to support efforts to achieve digital equity, promote digital inclusion activities, and spur greater adoption of broadband among covered populations.
(2) **Consultation; no conflict.**—In establishing the Program under paragraph (1), the Assistant Secretary—

(A) may consult a State with respect to—

(i) the identification of groups described in subparagraphs (A) through (H) of section 43002(8) located in that State; and

(ii) the allocation of grant funds within that State for projects in or affecting the State; and

(B) shall—

(i) consult with—

(I) the Secretary of Agriculture;

(II) the Secretary of Housing and Urban Development;

(III) the Secretary of Education;

(IV) the Secretary of Labor;

(V) the Secretary of Health and Human Services;

(VI) the Secretary of Veterans Affairs;

(VII) the Secretary of the Interior;
112

(VIII) the Federal Communications Commission;

(IX) the Federal Trade Commission;

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

(XI) the Administrator of the Small Business Administration;

(XII) the Federal Co-Chair of the Appalachian Regional Commission; and

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

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

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

(1) A political subdivision, agency, or instrumentality of a State, including an agency of a State
that is responsible for administering or supervising
adult education and literacy activities in the State.

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

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

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

(B) not a school.

(4) A community anchor institution.

(5) A local educational agency.

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

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

(8) A partnership between—

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

(B) an entity that—

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

(ii) is not a school.

(c) APPLICATION.—An entity that wishes to be
awarded a grant under the Program shall submit to the
Assistant Secretary an application—
1. at such time, in such form, and containing such information as the Assistant Secretary may require; and

2. (2) that—

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

(B) identifies the period in which the applicant will expend the grant funds awarded under the Program;

(C) includes—

(i) a justification for the amount of the grant that the applicant is requesting;

and

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

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

(i) is capable of carrying out—

(I) the project or function to which the application relates; and
(II) the activities described in subsection (h)—

(aa) in a competent manner;

and

(bb) in compliance with all applicable Federal, State, and local laws; and

(ii) if the applicant is an entity described in subsection (b)(1), shall appropriate or otherwise unconditionally obligate from non-Federal sources funds that are necessary to meet the requirements of subsection (e);

(E) discloses to the Assistant Secretary the source and amount of other Federal, State, or outside funding sources from which the entity receives, or has applied for, funding for activities or projects to which the application relates; and

(F) provides—

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

(ii) an assurance that the entity shall follow such additional procedures as the Assistant Secretary may require to ensure
that grant funds are used and accounted for in an appropriate manner.

(d) AWARD OF GRANTS.—

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

(A) whether—

(i) an application shall, if approved—

(I) increase internet access and the adoption of broadband among covered populations to be served by the applicant; and

(II) not result in unjust enrichment; and

(ii) the applicant is, or plans to subcontract with, a socially and economically disadvantaged small business concern;

(B) the comparative geographic diversity of the application in relation to other eligible applications; and

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

(2) USE OF FUNDS.—
(A) In general.—In addition to the activities required under subparagraph (B), an entity to which the Assistant Secretary awards a grant under the Program shall use the grant amounts to support not less than 1 of the following activities:

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

(ii) To facilitate the adoption of broadband by covered populations in order to provide educational and employment opportunities to those populations.

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

(I) training programs for covered populations that cover basic, advanced, and applied skills; or

(II) other workforce development programs.

(iv) To make available equipment, instrumentation, networking capability, hardware and software, or digital network technology for broadband services to covered populations at low or no cost.
(v) To construct, upgrade, expend, or operate new or existing public access computing centers for covered populations through community anchor institutions.

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

(B) Evaluation.—

(i) In general.—An entity to which the Assistant Secretary awards a grant under the Program shall use not more than 10 percent of the grant amounts to measure and evaluate the activities supported with the grant amounts.

(ii) Submission to Assistant Secretary.—An entity to which the Assistant Secretary awards a grant under the Program shall submit to the Assistant Secretary each measurement and evaluation performed under clause (i)—

(I) in a manner specified by the Assistant Secretary;
(II) not later than 15 months after the date on which the entity is awarded the grant amounts; and

(III) annually after the submission described in subclause (II) for any year in which the entity expends grant amounts.

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

(D) TIME LIMITATIONS.—With respect to a grant awarded to an entity under the Program, the entity—

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

(ii) during the 1-year period beginning on the date that is 4 years after the date on which the entity is awarded the grant amounts, may continue to measure and
evaluate the activities supported with the
grant amounts, as required under subpara-
graph (B).

(e) Federal Share.—

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

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

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

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

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

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

(A) in accordance with any applicable stat-
ute, regulation, and application procedure; and
(B) to the extent required under applicable law;

(2) adopt and use proper methods of administering any grant that the entity is awarded, including by—

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

(B) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and

(C) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates;

(3) cooperate with respect to any evaluation—

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

(B) that is carried out by or for the Assistant Secretary or another Federal official;

(4) use fiscal control and fund accounting procedures that ensure the proper disbursement of, and
accounting for, any Federal funds that the entity is
awarded under the Program;

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

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

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

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

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

(i) the grant funds are not being used
in a manner that is consistent with the ap-
plication with respect to the grant sub-
mitted by the entity under subsection (c);
and

(ii) the entity is not upholding assurances made by the entity to the Assistant Secretary under subsection (f); and

(B) determines that the grant is no longer necessary to achieve the original purpose for which Assistant Secretary awarded the grant; and

(2) with respect to any grant funds that the Assistant Secretary deobligates or terminates under paragraph (1), competitively award the grant funds to another applicant, consistent with the requirements of this section.

(h) REPORTING AND INFORMATION REQUIREMENTS;

INTERNET DISCLOSURE.—The Assistant Secretary—

(1) shall—

(A) require any entity to which the Assistant Secretary awards a grant under the Program to, for each year during the period described in subsection (d)(2)(D) with respect to the grant, submit to the Assistant Secretary a report, in a format specified by the Assistant Secretary, regarding—

(i) the amount of the grant;
(ii) the use by the entity of the grant amounts; and

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

(B) establish mechanisms to ensure appropriate use of, and compliance with respect to all terms regarding, grant funds awarded under the Program;

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum—

(i) a list of each entity that has applied for a grant under the Program;

(ii) a description of each application described in clause (i), including the proposed purpose of each grant described in that clause;

(iii) the status of each application described in clause (i), including whether the Assistant Secretary has awarded a grant with respect to the application and, if so, the amount of the grant;
(iv) each report submitted by an entity under subparagraph (A); and

(v) any other information that is sufficient to allow the public to understand and monitor grants awarded under the Program; and

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

(2) may establish additional reporting and information requirements for any recipient of a grant under the Program.

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

(j) SET ASIDES.—From amounts made available in a fiscal year to carry out the Program, the Assistant Secretary shall reserve—

(1) 5 percent for the implementation and administration of the Program, which shall include—
(A) providing technical support and assistance, including ensuring consistency in data reporting;

(B) providing assistance to entities to prepare the applications of those entities with respect to grants awarded under this section;

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

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

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

(3) 1 percent to award grants to, or enter into contracts or cooperative agreements with, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States that is not a State to enable those entities to carry out the activities described in this section.
(k) **RULES.**—The Assistant Secretary may prescribe such rules as may be necessary to carry out this section.

(l) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

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

(2) such sums as may be necessary for each fiscal year after the end of the 5-fiscal year period described in paragraph (1).

SEC. 43006. **POLICY RESEARCH, DATA COLLECTION, ANALYSIS AND MODELING, EVALUATION, AND DISSEMINATION.**

(a) **REPORTING REQUIREMENTS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date on which the Assistant Secretary begins awarding grants under section 43004(d)(1), and annually thereafter, the Assistant Secretary shall—

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

(i) the findings of each evaluation conducted under subparagraph (B);
(ii) a list of each grant awarded under each covered program, which shall include—

(I) the amount of each such grant;

(II) the recipient of each such grant; and

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

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

(iv) each challenge made by an applicant for, or a recipient of, a grant under the covered programs and the outcome of each such challenge; and

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

(i) whether eligible States to which grants are awarded under the program established under section 43004 are—
(I) abiding by the assurances made by those States under subsection (e) of that section;

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

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

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program; and

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

(I) abiding by the assurances made by those entities under subsection (f) of that section;

(II) meeting, or have met, the stated goals of those entities with respect to the use of the grant amounts;
(III) satisfying the requirements imposed by the Assistant Secretary on those States under subsection (h) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program.

(2) Public Availability.—The Assistant Secretary shall make each report submitted under paragraph (1)(A) publicly available in an online format that—

(A) facilitates access and ease of use;

(B) is searchable; and

(C) is accessible—

(i) to individuals with disabilities; and

(ii) in languages other than English.

(b) Authority to Contract and Enter Into Other Arrangements.—The Assistant Secretary may award grants and enter into contracts, cooperative agreements, and other arrangements with Federal agencies, public and private organizations, and other entities with expertise that the Assistant Secretary determines appropriate in order to—
(1) evaluate the impact and efficacy of activities supported by grants awarded under the covered programs; and

(2) develop, catalog, disseminate, and promote the exchange of best practices, both with respect to and independent of the covered programs, in order to achieve digital equity.

(c) Consultation and Public Engagement.—In carrying out subsection (a), and to further the objectives described in paragraphs (1) and (2) of subsection (b), the Assistant Secretary shall conduct ongoing collaboration and consult with—

(1) the Secretary of Agriculture;

(2) the Secretary of Housing and Urban Development;

(3) the Secretary of Education;

(4) the Secretary of Labor;

(5) the Secretary of Health and Human Services;

(6) the Secretary of Veterans Affairs;

(7) the Secretary of the Interior;

(8) the Federal Communications Commission;

(9) the Federal Trade Commission;

(10) the Director of the Institute of Museum and Library Services;
(11) the Administrator of the Small Business Administration;
(12) the Federal Co-Chair of the Appalachian Regional Commission;
(13) State agencies and governors of States (or equivalent officials);
(14) entities serving as administering entities for States under section 43004(b);
(15) national, State, tribal, and local organizations that provide digital inclusion, digital equity, or digital literacy services;
(16) researchers, academics, and philanthropic organizations; and
(17) other agencies, organizations (including international organizations), entities (including entities with expertise in the fields of data collection, analysis and modeling, and evaluation), and community stakeholders, as determined appropriate by the Assistant Secretary.

(d) TECHNICAL SUPPORT AND ASSISTANCE.—The Assistant Secretary shall provide technical support and assistance, assistance to entities to prepare the applications of those entities with respect to grants awarded under the covered programs, and other resources, to the extent prac-
ticable, to ensure consistency in data reporting and to meet the objectives of this section.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section, which shall remain available until expended.

SEC. 43007. GENERAL PROVISIONS.

(a) Nondiscrimination.—

(1) In general.—No individual in the United States may, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that is funded in whole or in part with funds made available to carry out this title.

(2) Enforcement.—The Assistant Secretary shall effectuate paragraph (1) with respect to any program or activity described in that paragraph by issuing regulations and taking actions consistent with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1).

(3) Judicial review.—Judicial review of an action taken by the Assistant Secretary under paragraph (2) shall be available to the extent provided in

(b) Technological Neutrality.—The Assistant Secretary shall, to the extent practicable, carry out this title in a technologically neutral manner.

c) Audit and Oversight.—Beginning in the first fiscal year in which amounts are made available to carry out an activity authorized under this title, and in each of the 4 fiscal years thereafter, there is authorized to be appropriated to the Office of Inspector General for the Department of Commerce $1,000,000 for audits and oversight of funds made available to carry out this title, which shall remain available until expended.

TITLE IV—ENABLING MIDDLE MILE BROADBAND INFRASTRUCTURE

SEC. 44001. ENABLING MIDDLE MILE BROADBAND INFRASTRUCTURE.

(a) Definitions.—In this section:

(1) Anchor institution.—The term “anchor institution” means a school, library, medical or healthcare provider, community college or other institution of higher education, or other community support organization or entity.
(2) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(3) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(4) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State, political subdivision of a State, Tribal government, technology company, electric utility, utility cooperative, public utility district, telecommunications cooperative, non-profit foundation, nonprofit corporation, non-profit institution, nonprofit association, regional planning counsel, Native entity, or economic development authority; or

(B) a partnership of 2 or more entities described in subparagraph (A).

(5) FCC FIXED BROADBAND MAP.—The term “FCC fixed broadband map” means the map created by the Commission under section 802(e)(1)(B) of the Communications Act of 1934 (47 U.S.C. 642(e)(1)(B)).

(6) INDIAN TRIBE.—The term Indian Tribe has the meaning given the term in section 4 of the In-
dian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(7) INTERCONNECT.—The term “interconnect” means the physical linking of 2 networks for the mutual exchange of traffic on non-discriminatory terms and conditions.

(8) INTERNET EXCHANGE FACILITY.—The term “internet exchange facility” means physical infrastructure through which internet service providers and content delivery networks exchange internet traffic between their networks.

(9) MIDDLE MILE INFRASTRUCTURE.—The term “middle mile infrastructure”—

(A) means any broadband infrastructure that does not connect directly to an end-user location, including an anchor institution; and

(B) includes—

(i) leased dark fiber, interoffice transport, backhaul, internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and

(ii) wired or private wireless broadband infrastructure, including micro-
wave capacity, radio tower access, and other services or infrastructure for a private wireless broadband network, such as towers, fiber, and microwave links.

(10) MIDDLE MILE GRANT.—The term “middle mile grant” means a grant awarded under subsection (c).

(11) NATIVE ENTITY.—The term “Native entity” means—

(A) an Indian Tribe;

(B) an Alaska Native Corporation;

(C) a Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517));

(D) the Department of Hawaiian Home Lands; and

(E) the Office of Hawaiian Affairs.

(12) STATE.—The term “State” has the meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(13) SUBMARINE CABLE LANDING STATION.—The term “submarine cable landing station” means a cable landing station, as that term is used in section 1.767(a)(5) of title 47, Code of Federal Regula-
tions (or any successor regulation), that can be utilized to land a submarine cable by an entity that has obtained a license under the first section of the Act entitled “An Act relating to the landing and operation of submarine cables in the United States”, approved May 27, 1921 (47 U.S.C. 34) (commonly known as the “Cable Landing Licensing Act”).

(14) **Tribal government.**—The term “Tribal government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(15) **Trust land.**—The term “trust land” has the meaning given the term in section 3765 of title 38, United States Code.

(16) **Underserved.**—The term “underserved”, with respect to an area, means an area—

(A) that is designated as a Tribally underserved area through the process described in subsection (g); or

(B) that—
(i) is of a standard size not larger than a census block, as established by the Commission;

(ii) is not an unserved area; and

(iii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service with—

(I) except as provided in sub-clause (II)—

(aa) a download speed of not less than 100 megabits per second; and

(bb) an upload speed of not less than 20 megabits per second;

or

(II) minimum download and upload speeds established as benchmarks by the Commission for purposes of this Act after the date of enactment of this Act, if those minimum speeds are higher than the minimum speeds required under clause (i).

(17) UNSERVED.—The term “unserved”, with respect to an area, means an area—
(A) that is designated as a Tribally underserved area through the process described in subsection (g); or

(B) that—

(i) is of a standard size not larger than a census block, as established by the Commission; and

(ii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service—

(I) initially with—

(aa) a download speed of not less than 25 megabits per second; and

(bb) an upload speed of not less than 3 megabits per second; or

(II) with higher download and upload speeds that are established as benchmarks by the Commission for purposes of this Act after the date of enactment of this Act.

(b) PURPOSE; SENSE OF CONGRESS.—

(1) PURPOSE.—The purposes of this section are—
(A) to encourage the expansion and extension of middle mile infrastructure to reduce the cost of connecting unserved and underserved areas to the backbone of the internet (commonly referred to as the “last mile”); and

(B) to promote broadband connection resiliency through the creation of alternative network connection paths that can be designed to prevent single points of failure on a broadband network.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) in awarding middle mile grants, the Assistant Secretary should give priority to—

(i) projects that leverage existing rights-of-way, assets, and infrastructure to minimize financial, regulatory, and permitting challenges;

(ii) projects in which the eligible entity designs the route of the middle mile infrastructure to enable the connection of unserved anchor institutions, including Tribal anchor institutions; and

(iii) projects that—
(I) improve the redundancy and resiliency of existing middle mile infrastructure; and

(II) reduce regulatory and permitting barriers to promote the construction of new middle mile infrastructure; and

(B) a regulated utility should use funds received from a middle mile grant as a supplement to the core utility capital investment plan of the regulated utility to—

(i) facilitate increased broadband resiliency or redundancy of existing middle mile infrastructure; or

(ii) provide connectivity to unserved areas and underserved areas within the service territory of the utility and nearby communities.

(c) MIDDLE MILE GRANTS.—The Assistant Secretary shall establish a program under which the Assistant Secretary makes grants on a technology-neutral, competitive basis to eligible entities for the construction, improvement, or acquisition of middle mile infrastructure.

(d) APPLICATIONS FOR GRANTS.—
(1) IN GENERAL.—The Assistant Secretary shall establish an application process for middle mile grants in accordance with this subsection.

(2) EVALUATION OF APPLICATIONS.—In establishing an application process for middle mile grants under paragraph (1), the Assistant Secretary shall give priority to an application from an eligible entity that satisfies 2 or more of the following conditions:

(A) The eligible entity adopts fiscally sustainable middle mile strategies.

(B) The eligible entity commits to offering non-discriminatory interconnect to terrestrial and wireless last mile broadband providers and any other party making a bona fide request.

(C) The eligible entity identifies specific terrestrial and wireless last mile broadband providers that have—

(i) expressed written interest in interconnecting with middle mile infrastructure planned to be deployed by the eligible entity; and

(ii) demonstrated sustainable business plans or adequate funding sources with respect to the interconnect described in clause (i).
(D) The eligible entity has identified supplemental investments or in-kind support (such as waived franchise or permitting fees) that will accelerate the completion of the planned project.

(E) The eligible entity has demonstrated that the middle mile infrastructure will benefit national security interests of the United States and the Department of Defense.

(3) **GRANT APPLICATION COMPETENCE.**—The Assistant Secretary shall include in the application process established under paragraph (1) a requirement that an eligible entity provide evidence that the eligible entity is capable of carrying out a proposed project in a competent manner, including by demonstrating that the eligible entity has the financial, technical, and operational capability to carry out the proposed project and operate the resulting middle mile broadband network.

(e) **ELIGIBILITY.**—

(1) **PRIORITIZATION.**—To be eligible to obtain a middle mile grant, an eligible entity shall agree, in the application submitted through the process established under subsection (d), to prioritize—
(A) connecting middle mile infrastructure
to last mile networks that provide or plan to
provide broadband service to households in
unserved areas;

(B) connecting non-contiguous trust lands;
or

(C) the offering of wholesale broadband
service at reasonable rates on a carrier-neutral
basis.

(2) Buildout Timeline.—Subject to para-
graph (5), to be eligible to obtain a middle mile
grant, an eligible entity shall agree, in the applica-
tion submitted through the process established under
subsection (d), to complete buildout of the middle
mile infrastructure described in the application by
not later than 5 years after the date on which
amounts from the grant are made available to the el-
igible entity.

(3) Project Eligibility Requirements.—

(A) Capability to Support Retail
Broadband Service.—A project shall be eligi-
ble for a middle mile grant if, at the time of the
application, the Assistant Secretary determines
that the proposed middle mile broadband net-
work will be capable of supporting retail broadband service.

(B) MAPPING DATA.—

(i) USE OF MOST RECENT DATA.—In mapping out gaps in broadband coverage, an eligible entity that uses a middle mile grant to build out terrestrial or fixed wireless middle mile infrastructure shall use the most recent broadband mapping data available from one of the following sources:

(I) The FCC fixed broadband map.

(II) The State in which the area that will be served by the middle mile infrastructure is located, or the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable).

(III) Speed surveys of existing broadband service that—

(aa) demonstrate that more than 25 percent of the respondents display a broadband service speed that is slower than the
speeds required for an area to qualify as unserved; and

(bb) are conducted by—

(AA) the eligible entity;

(BB) the State in which the area that will be served by the middle mile infrastructure is located; or

(CC) the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable).

(ii) SHARING FACILITY LOCATIONS.—

(I) DEFINITION.—In this clause, the term “covered recipient”, with respect to an eligible entity, means—

(aa) the Assistant Secretary;

(bb) the Commission;

(cc) the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable); and
(dd) the State broadband office for the State in which the area that will be served by the middle mile infrastructure is located.

(II) Provision of Information.—Subject to subclauses (III) and (IV), an eligible entity that constructs, improves, or acquires middle mile infrastructure using a middle mile grant shall share with each covered recipient the location of all the middle mile broadband infrastructure.

(III) Format.—An eligible entity shall provide the information required under subclause (II) to each covered recipient in a uniform format determined by the Assistant Secretary.

(IV) Protection of Information.—

(aa) In General.—The information provided by an eligible entity under subclause (II) may only be used for purposes of car-
ryimg out the grant program
under subsection (c) and any re-
porting related thereto.

(bb) LEGAL DEFENSES.—

(AA) IN GENERAL.—A
covered recipient may not
receive information under
subclause (II) unless the
covered recipient agrees in
writing to assert all available
legal defenses to the disclo-
sure of the information if a
person or entity seeks disclo-
sure from the covered recipi-
ent under any Federal,
State, or local public disclo-
sure law.

(BB) RULE OF CON-
STRUCTION.—Nothing in
subitem (AA) is intended to
be or shall be construed as a
waiver of Tribal sovereign
immunity.

(C) CONNECTION TO ANCHOR INSTITU-
tions.—To the extent feasible, an eligible enti-
ty that receives a middle mile grant to build middle mile infrastructure using fiber optic technology shall—

(i) ensure that the proposed middle mile broadband network will be capable of providing broadband to an anchor institution at a speed of not less than—

(I) 1 gigabit per second for downloads; and

(II) 1 gigabit per second for uploads to an anchor institution; and

(ii) include direct interconnect facilities that will facilitate the provision of broadband service to anchor institutions located within 1,000 feet of the middle mile infrastructure.

(D) INTERCONNECTION AND NON-DISCRIMINATION.—

(i) IN GENERAL.—An eligible entity that receives a middle mile grant to build a middle mile project using fiber optic technology shall offer interconnection in perpetuity, where technically feasible without exceeding current or reasonably anticipated capacity limitations, on reasonable
rates and terms to be negotiated with requesting parties.

(ii) Nature of Interconnection.—
The interconnection required to be offered under clause (i) includes both the ability to connect to the public internet and physical interconnection for the exchange of traffic.

(iii) Inclusion in Application.—An applicant for a middle mile grant shall disclose the applicant’s proposed interconnection, nondiscrimination, and network management practices in the application submitted through the process established under subsection (d).

(4) Accountability.—The Assistant Secretary shall—

(A) establish sufficient transparency, accountability, reporting, and oversight measures for the grant program established under subsection (c) to deter waste, fraud, and abuse of program funds; and

(B) establish—

(i) buildout requirements for each eligible entity that receives a middle mile grant, which shall require the completion
of a certain percentage of project miles by
a certain date; and

(ii) penalties, which may include re-
seission of funds, for grantees that do not
meet requirements described in clause (i)
or the deadline under paragraph (2).

(5) EXTENSIONS.—

(A) IN GENERAL.—At the request of an el-
igible entity, the Assistant Secretary may ex-
tend the buildout deadline under paragraph (2)
by not more than 1 year if the eligible entity
certifies that—

(i) the eligible entity has a plan for
use of the middle mile grant;

(ii) the project to build out middle
mile infrastructure is underway; or

(iii) extenuating circumstances require
an extension of time to allow completion of
the project to build out middle mile infra-
structure.

(B) EFFECT ON INTERIM BUILDOUT RE-
quirements.—If the Assistant Secretary
grants an extension under subparagraph (A),
the Assistant Secretary shall modify any build-
out requirements established under paragraph
(4)(B)(i) as necessary.

(f) Federal Share.—The amount of a middle mile
grant awarded to an eligible entity may not exceed 70 per-
cent of the total project cost.

(g) Special Rules for Tribal Governments.—

(1) Waivers; Alternative Requirements.—
The Assistant Secretary, in consultation with Tribal
governments and Native entities, may waive, or
specify alternative requirements for, any provision of
subsections (c) through (f) if the Assistant Secretary
finds that the waiver or alternative requirement is
necessary—

(A) for the effective delivery and adminis-
tration of middle mile grants to Tribal govern-
ments; or

(B) the construction, improvement, or ac-
quision of middle mile infrastructure on trust
land.

(2) Tribally Unserved Areas; Tribally Un-
dererved Areas.—The Assistant Secretary, in
consultation with Tribal governments and Native en-
tities, shall develop a process for designating Trib-
ally unserved areas and Tribally underserved areas
for purposes of this section.
(h) MAINTENANCE OF STANDARDS.—Section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212) shall apply to any entity that receives assistance, whether directly or indirectly, under any program—

(1) that pertains to deploying broadband service; and

(2) for which the Assistant Secretary has administrative responsibility as provided by law or by delegation of authority pursuant to law.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for fiscal years 2022 through 2026.