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DIVISION \_\_—BROADBAND

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

SEC. \_\_ 001. 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. \_\_ 002. GRANTS FOR BROADBAND DEPLOYMENT.

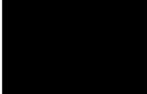
(a) Definitions.—

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





1 the project are unserved locations.

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

4 (i) that is not an unserved location; and

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

7 (I) a speed of not less than—

8 (aa) 100 megabits per second for downloads; and

9 (bb) 20 megabits per second for uploads; and

10 (II) a latency sufficient to support real-time, interactive applications.

11 (D) UNDERSERVED SERVICE PROJECT.—The term “underserved service project”  
12 means a project in which not less than 80 percent of broadband-serviceable locations  
13 served by the project are unserved locations or underserved locations.

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

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

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

20 (B) BROADBAND; BROADBAND SERVICE.—The term “broadband” or “broadband  
21 service” has the meaning given the term “broadband internet access service” in section  
22 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

23 (C) BROADBAND DATA MAPS.—The term “broadband DATA maps” means the maps  
24 created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C.  
25 642(c)(1)).

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

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

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

35 (G) HIGH-COST AREA.—

36 (i) IN GENERAL.—The term “high-cost area” means an unserved area in which  
37 the cost of building out broadband service is higher, as compared with the average  
38 cost of building out broadband service in unserved areas in the United States (as  
39 determined by the Assistant Secretary, in consultation with the Commission),





1 incorporating factors that include—  
 2 (I) the remote location of the area;  
 3 (II) the lack of population density of the area;  
 4 (III) the unique topography of the area;  
 5 (IV) a high rate of poverty in the area; or  
 6 (V) any other factor identified by the Assistant Secretary, in consultation  
 7 with the Commission, that contributes to the higher cost of deploying  
 8 broadband service in the area.

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

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

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

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

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

23 (I) meet the evolving connectivity needs of households and businesses;  
 24 and

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

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

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

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

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



[REDACTED]

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

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

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

8 (2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the  
9 Assistant Secretary to carry out the Program \$40,000,000,000.

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

13 (4) TECHNICAL SUPPORT AND ASSISTANCE.—

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

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

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

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

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

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

25 (I) expansion in rural areas; and

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

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

32 (c) Allocation.—

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

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

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



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

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

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

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

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

13 (3) ALLOCATION OF REMAINING AMOUNTS.—

14 (A) IN GENERAL.—On or after the date on which the broadband DATA maps are  
15 made public, of the amount appropriated pursuant to subsection (b)(2), the Assistant  
16 Secretary shall allocate to eligible entities, in accordance with subparagraph (B) of this  
17 paragraph, the amount remaining after compliance with paragraphs (1) and (2) of this  
18 subsection.

19 (B) ALLOCATION.—The amount allocated to an eligible entity under subparagraph  
20 (B) shall be calculated by—

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

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

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

29 (5) CONTINGENCY PROCEDURES.—

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

32 (B) POLITICAL SUBDIVISIONS AND CONSORTIA.—

33 (i) APPLICATION FAILURES.—The Assistant Secretary, in carrying out the  
34 Program, shall provide that if an eligible entity fails to submit a covered  
35 application by the applicable deadline, or a covered application submitted by an  
36 eligible entity is not approved by the applicable deadline, a political subdivision  
37 or consortium of political subdivisions of the eligible entity may submit the  
38 applicable type of covered application in place of the eligible entity.

39 (ii) TREATMENT OF POLITICAL SUBDIVISION OR CONSORTIUM AS ELIGIBLE  
40 ENTITY.—In the case of a political subdivision or consortium of political





1 subdivisions that submits a covered application under clause (i) that is approved  
2 by the Assistant Secretary—

3 (I) except as provided in subclause (II) of this clause, any reference in this  
4 section to an eligible entity shall be deemed to refer to the political  
5 subdivision or consortium; and

6 (II) any reference in this section to an eligible entity in a geographic sense  
7 shall be deemed to refer to the eligible entity in whose place the political  
8 subdivision or consortium submitted the covered application.

9 (C) REALLOCATION TO OTHER ELIGIBLE ENTITIES.—

10 (i) APPLICATION FAILURES.—The Assistant Secretary, in carrying out the  
11 Program, shall provide that if an eligible entity fails to submit a covered  
12 application by the applicable deadline, or a covered application submitted by an  
13 eligible entity is not approved by the applicable deadline, as provided in  
14 subparagraph (A)), and no political subdivision or consortium of political  
15 subdivisions of the eligible entity submits a covered application by the applicable  
16 deadline, or no covered application submitted by such a political subdivision or  
17 consortium is approved by the applicable deadline, as provided in subparagraph  
18 (B), the Assistant Secretary—

19 (I) shall reallocate the amounts that would have been available to the  
20 eligible entity pursuant to that type of covered application to other eligible  
21 entities that submitted that type of covered application by the applicable  
22 deadline; and

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

25 (ii) FAILURE TO USE FULL ALLOCATION.—The Assistant Secretary, in carrying  
26 out the Program, shall provide that if an eligible entity fails to use the full amount  
27 allocated to the eligible entity under this subsection by the applicable deadline,  
28 the Assistant Secretary—

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

31 (II) shall reallocate the amounts described in subclause (I) in accordance  
32 with the formula under paragraph (3).

33 (d) Administrative Expenses.—

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

36 (2) ELIGIBLE ENTITIES.—

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

40 (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—

(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)(2)(A).

(B) LETTER OF INTENT.—

(i) IN GENERAL.—An eligible entity that wishes to participate in the Program

1 shall file a letter of intent to participate in the Program consistent with this  
2 subparagraph.

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

6 (I) details of—

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

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

10 (BB) the number of rounds of broadband deployment grants that  
11 the eligible entity has awarded, if applicable;

12 (CC) whether the eligible entity has an eligible entity-wide plan  
13 and goal for availability of broadband, and any relevant deadlines, as  
14 applicable; and

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

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

24 (cc) relevant contracted support; and

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

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

33 (III) the identification of the additional capacity needed by the eligible  
34 entity to implement the requirements under this section, such as—

35 (aa) enhancing the capacity of the broadband program or office of the  
36 eligible entity by receiving technical assistance from Federal entities or  
37 other partners, hiring additional employees, or obtaining support from  
38 contracted entities; or

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

[REDACTED]

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

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

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

7 (C) PLANNING FUNDS.—

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

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

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

19 (I) research and data collection, including initial identification of unserved  
20 locations and underserved locations;

21 (II) the development of a preliminary budget for pre-planning activities;

22 (III) publications, outreach, and communications support;

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

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

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

31 (D) ACTION PLAN.—

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

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

36 (II) detail—

37 (aa) investment priorities and associated costs;

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



1 (ii) REQUIREMENTS OF ACTION PLANS.—The Assistant Secretary shall establish  
 2 requirements for the 5-year action plan submitted by an eligible entity under  
 3 clause (i), which may include requirements to—

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

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

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

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

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

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

18 (2) NOTICE OF AVAILABLE AMOUNTS; INVITATION TO SUBMIT INITIAL AND FINAL  
 19 PROPOSALS.—On or after the date on which the broadband DATA maps are made public,  
 20 the Assistant Secretary, in coordination with the Commission, shall issue a notice to each  
 21 eligible entity that—

22 (A) contains the estimated amount available to the eligible entity under subsection  
 23 (c); and

24 (B) invites the eligible entity to submit an initial proposal and final proposal for a  
 25 grant under this section, in accordance with paragraphs (3) and (4) of this subsection.

26 (3) INITIAL PROPOSAL.—

27 (A) SUBMISSION.—

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

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

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

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

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



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

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

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

8 (V) identifies—

9 (aa) each unserved location or underserved location under the  
10 jurisdiction of the eligible entity; and

11 (bb) each community anchor institution under the jurisdiction of the  
12 eligible entity that is an eligible community anchor institution; and

13 (VI) certifies the intent of the eligible entity to comply with all applicable  
14 requirements under this section, including the reporting requirements under  
15 subsection (j)(1).

16 (ii) LOCAL COORDINATION.—

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

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

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

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

26 (B) SINGLE INITIAL PROPOSAL.—An eligible entity may submit only 1 initial  
27 proposal under this paragraph.

28 (C) CORRECTIONS TO INITIAL PROPOSAL.—The Assistant Secretary may accept  
29 corrections to the initial proposal of an eligible entity after the initial proposal has been  
30 submitted.

31 (D) CONSIDERATION OF INITIAL PROPOSAL.—After receipt of an initial proposal for a  
32 grant under this paragraph, the Assistant Secretary—

33 (i) shall acknowledge receipt;

34 (ii) if the initial proposal is complete—

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

37 (aa) complies with subsection (f);

38 (bb) is in the public interest; and



- 1 (cc) effectuates the purposes of this Act;
- 2 (II) shall approve or disapprove the initial proposal based on the
- 3 determinations under subclause (I); and
- 4 (III) if the Assistant Secretary approves the initial proposal under clause
- 5 (ii)(II), shall make available to the eligible entity—
- 6 (aa) 20 percent of the grant funds that were allocated to the eligible
- 7 entity under subsection (c); or
- 8 (bb) a higher percentage of the grant funds that were allocated to the
- 9 eligible entity under subsection (c), at the discretion of the Assistant
- 10 Secretary; and
- 11 (iii) if the initial proposal is incomplete, or is disapproved under clause (ii)(II),
- 12 shall notify the eligible entity and provide the eligible entity with an opportunity
- 13 to resubmit the initial proposal.

14 (E) CONSIDERATION OF RESUBMITTED INITIAL PROPOSAL.—After receipt of a  
 15 resubmitted initial proposal for a grant under this paragraph, the Assistant Secretary—

- 16 (i) shall acknowledge receipt;
- 17 (ii) if the initial proposal is complete—
- 18 (I) shall determine whether the use of funds proposed in the initial
- 19 proposal—
- 20 (aa) complies with subsection (f);
- 21 (bb) is in the public interest; and
- 22 (cc) effectuates the purposes of this Act;
- 23 (II) shall approve or disapprove the initial proposal based on the
- 24 determinations under subclause (I); and
- 25 (III) if the Assistant Secretary approves the initial proposal under clause
- 26 (ii)(II), shall make available to the eligible entity—
- 27 (aa) 20 percent of the grant funds that were allocated to the eligible
- 28 entity under subsection (c); or
- 29 (bb) a higher percentage of the grant funds that were allocated to the
- 30 eligible entity under subsection (c), at the discretion of the Assistant
- 31 Secretary; and
- 32 (iii) if the initial proposal is incomplete, or is disapproved under clause (ii)(II),
- 33 shall notify the eligible entity and provide the eligible entity with an opportunity
- 34 to resubmit the initial proposal.

35 (4) FINAL PROPOSAL.—

36 (A) SUBMISSION.—

- 37 (i) IN GENERAL.—After the Assistant Secretary approves the initial proposal of
- 38 an eligible entity under paragraph (3), the eligible entity may submit a final



1 proposal for the remainder of the amount allocated to the eligible entity under  
2 subsection (c), using the online application form developed by the Assistant  
3 Secretary under paragraph (1)(A)(iii), that includes—

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

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

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

12 (II) a timeline for implementation;

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

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

17 (ii) LOCAL COORDINATION.—

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

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

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

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

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

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

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

37 (D) CONSIDERATION OF FINAL PROPOSAL.—After receipt of a final proposal for a  
38 grant under this paragraph, the Assistant Secretary—

39 (i) shall acknowledge receipt;



1 (ii) if the final proposal is complete—  
 2 (I) shall determine whether the use of funds proposed in the final  
 3 proposal—  
 4 (aa) complies with subsection (f);  
 5 (bb) is in the public interest; and  
 6 (cc) effectuates the purposes of this Act;  
 7 (II) shall approve or disapprove the final proposal based on the  
 8 determinations under subclause (I); and  
 9 (III) if the Assistant Secretary approves the final proposal under clause  
 10 (ii)(II), shall make available to the eligible entity the remainder of the grant  
 11 funds allocated to the eligible entity under subsection (c); and  
 12 (iii) if the final proposal is incomplete, or is disapproved under clause (ii)(II),  
 13 shall notify the eligible entity and provide the eligible entity with an opportunity  
 14 to resubmit the final proposal.

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

17 (i) shall acknowledge receipt;  
 18 (ii) if the final proposal is complete—  
 19 (I) shall determine whether the use of funds proposed in the final  
 20 proposal—  
 21 (aa) complies with subsection (f);  
 22 (bb) is in the public interest; and  
 23 (cc) effectuates the purposes of this Act;  
 24 (II) shall approve or disapprove the final proposal based on the  
 25 determinations under subclause (I); and  
 26 (III) if the Assistant Secretary approves the final proposal under clause  
 27 (ii)(II), shall make available to the eligible entity the remainder of the grant  
 28 funds allocated to the eligible entity under subsection (c); and  
 29 (iii) if the final proposal is incomplete, or is disapproved under clause (ii)(II),  
 30 shall notify the eligible entity and provide the eligible entity with an opportunity  
 31 to resubmit the final proposal.

32 (f) Use of Funds.—An eligible entity may use grant funds received under this section to  
 33 competitively award subgrants for—

- 34 (1) unserved service projects and underserved service projects;
- 35 (2) connecting eligible community anchor institutions;
- 36 (3) data collection, broadband mapping, and planning;
- 37 (4) installing internet and Wi-Fi infrastructure or providing reduced-cost broadband



1 within a multi-family residential building, with priority given to a residential building  
2 that—

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

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

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

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

12 (g) General Program Requirements.—

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

15 (A) shall adhere to quality-of-service standards, as established by the Assistant  
16 Secretary;

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

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

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

23 (i) any covered communications equipment or service, as defined in section 9  
24 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C.  
25 1608); or

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

31 (2) ELIGIBLE ENTITY OBLIGATIONS.—In distributing funds to subgrantees under this  
32 section, an eligible entity shall—

33 (A) ensure that any prospective subgrantee—

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

36 (ii) has the financial and managerial capacity to meet—

37 (I) the commitments of the subgrantee under the subgrant;

38 (II) the requirements of the Program; and



1 (III) such requirements as may be further prescribed by the Assistant  
2 Secretary; and

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

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

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

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

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

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

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

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

17 (I) violates paragraph (2); or

18 (II) demonstrates an insufficient level of performance, or wasteful or  
19 fraudulent spending, as defined in advance by the Assistant Secretary; and

20 (ii) award grant funds that are deobligated under clause (i) to new or existing  
21 applicants consistent with this section; and

22 (C) shall create and maintain a fully searchable database, accessible on the internet  
23 at no cost to the public, that contains information sufficient to allow the public to  
24 understand and monitor grants and subgrants awarded under the Program.

25 (h) Broadband Network Deployment.—

26 (1) ORDER OF AWARDS; PRIORITY.—

27 (A) IN GENERAL.—An eligible entity, in awarding subgrants for the deployment of a  
28 broadband network using grant funds received under this section, as authorized under  
29 subsection (f)(1)—

30 (i) shall award funding in a manner that—

31 (I) prioritizes unserved service projects;

32 (II) after certifying to the Assistant Secretary that the eligible entity will  
33 ensure coverage of broadband service to all unserved locations within the  
34 eligible entity, prioritizes underserved service projects; and

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

37 (ii) in providing funding under subclauses (I), (II), and (III) of clause (i), shall  
38 prioritize funding for deployment of broadband infrastructure for priority



1 broadband projects;

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

5 (iv) shall give priority to projects based on—

6 (I) deployment of a broadband network to persistent poverty counties or  
7 high-poverty areas;

8 (II) the speeds of the proposed broadband service;

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

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

12 (B) AUTHORITY OF ASSISTANT SECRETARY.—The Assistant Secretary may provide  
13 additional guidance on the prioritization of subgrants awarded for the deployment of a  
14 broadband network using grant funds received under this section.

15 (2) CHALLENGE PROCESS.—

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

24 (B) FINAL IDENTIFICATION; NOTIFICATION OF FUNDING ELIGIBILITY.—After resolving  
25 each challenge under subparagraph (A), and not later than 60 days before allocating  
26 grant funds received under this section for the deployment of broadband networks, an  
27 eligible entity shall provide public notice of the final classification of each unserved  
28 location, underserved location, or eligible community anchor institution within the  
29 jurisdiction of the eligible entity.

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

34 (D) NTIA AUTHORITY.—The Assistant Secretary—

35 (i) may modify the challenge process required under subparagraph (A) as  
36 necessary; and

37 (ii) may reverse the determination of an eligible entity with respect to the  
38 eligibility of a particular location or community anchor institution for grant funds  
39 under this section.

40 (E) EXPEDITING BROADBAND DATA COLLECTION ACTIVITIES.—

1 (i) DEADLINE FOR RESOLUTION OF CHALLENGE PROCESS UNDER BROADBAND  
2 DATA ACT.—Section 802(b)(5)(C)(i) of the Communications Act of 1934 (47  
3 U.S.C. 642(b)(5)(C)(i)) is amended by striking “challenges” and inserting the  
4 following: “challenges, which shall require that the Commission resolve a  
5 challenge not later than 90 days after the date on which a final response by a  
6 provider to a challenge to the accuracy of a map or information described in  
7 subparagraph (A) is complete”.

8 (ii) PAPERWORK REDUCTION ACT EXEMPTION EXPANSION.—Section 806(b) of  
9 the Communications Act of 1934 (47 U.S.C. 646(b)) is amended by striking “the  
10 initial rule making required under section 802(a)(1)” and inserting “any rule  
11 making or other action by the Commission required under this title”.

12 (iii) IMPLEMENTATION.—The Commission shall implement the amendments  
13 made by this subparagraph as soon as possible after the date of enactment of this  
14 Act.

15 (3) NON-FEDERAL SHARE OF BROADBAND INFRASTRUCTURE DEPLOYMENT COSTS.—

16 (A) IN GENERAL.—

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

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

26 (B) SOURCE OF MATCH.—A matching contribution under subparagraph (A)—

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

31 (ii) may include in-kind contributions; and

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

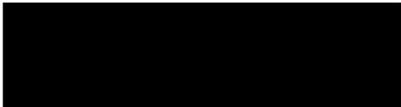
34 (I) under—

35 (aa) the Families First Coronavirus Response Act (Public Law 116–  
36 127; 134 Stat. 178);

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

38 (cc) the Consolidated Appropriations Act, 2021 (Public Law 116–  
39 260; 134 Stat. 1182);

40 (dd) the American Rescue Plan Act of 2021 (Public Law 117–2; 135



1 Stat. 4); or  
 2 (ee) any amendment made by an Act described in any of items (aa)  
 3 through (dd); and

4 (II) for the purpose of deployment of broadband service, as described in  
 5 the applicable provision of law described in subclause (I).

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

- 8 (i) the Appalachian Regional Commission;
- 9 (ii) the Delta Regional Authority;
- 10 (iii) the Denali Commission; and
- 11 (iv) the Northern Border Regional Commission.

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

14 (A) in providing broadband service using the network—

- 15 (i) shall provide broadband service—
  - 16 (I) at a speed of not less than 100 megabits per second for downloads and
  - 17 20 megabits per second for uploads;
  - 18 (II) with a latency that is sufficiently low to allow reasonably foreseeable,
  - 19 real-time, interactive applications; and
  - 20 (III) with network outages that do not exceed, on average, 48 hours over
  - 21 any 365-day period; and

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

24 (B) shall offer not less than 1 low-cost broadband service option for eligible  
 25 subscribers, as those terms are defined in paragraph (5) of this subsection;

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

- 30 (i) the eligible entity has a plan for use of the grant funds;
- 31 (ii) the construction project is underway; or
- 32 (iii) extenuating circumstances require an extension of time to allow the project  
 33 to be completed;

34 (D) for any project that involves laying fiber optic cables or conduit underground or  
 35 along a roadway, shall include interspersed conduit access points at regular and short  
 36 intervals;

37 (E) may use the subgrant to deploy broadband infrastructure in or through any area





1 required to reach interconnection points or otherwise to ensure the technical feasibility  
 2 and financial sustainability of a project providing broadband service to an unserved  
 3 location, underserved location, or eligible community anchor institution;

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

8 (G) shall carry out public awareness campaigns in service areas that are designed to  
 9 highlight the value and benefits of broadband service in order to increase the adoption  
 10 of broadband service by consumers; and

11 (H) if the entity is no longer able to provide broadband service to the locations  
 12 covered by the subgrant at any time, shall sell the network capacity at a reasonable,  
 13 wholesale rate on a nondiscriminatory basis to other broadband service providers or  
 14 public sector entities.

15 (5) LOW-COST BROADBAND SERVICE OPTION.—

16 (A) DEFINITIONS.—In this paragraph—

17 (i) the term “eligible subscriber” shall have the meaning given the term by the  
 18 Assistant Secretary for purposes of this paragraph; and

19 (ii) the term “low-cost broadband service option” shall be defined by an eligible  
 20 entity for subgrantees of the eligible entity in accordance with subparagraph (B).

21 (B) DEFINING “LOW-COST BROADBAND SERVICE OPTION”.—

22 (i) PROPOSAL.—An eligible entity shall submit to the Assistant Secretary for  
 23 approval, in the final proposal of the eligible entity submitted under subsection  
 24 (e)(4), a proposed definition of “low-cost broadband service option” that shall  
 25 apply to subgrantees of the eligible entity for purposes of the requirement under  
 26 paragraph (4)(B) of this subsection.

27 (ii) CONSULTATION.—An eligible entity shall consult with the Assistant  
 28 Secretary and prospective subgrantees regarding a proposed definition of “low-  
 29 cost broadband service option” before submitting the proposed definition to the  
 30 Assistant Secretary under clause (i).

31 (iii) APPROVAL OF ASSISTANT SECRETARY.—

32 (I) IN GENERAL.—A proposed definition of “low-cost broadband service  
 33 option” submitted by an eligible entity under clause (i) shall not take effect  
 34 until the Assistant Secretary approves the final proposal of the eligible entity  
 35 submitted under subsection (e)(4), including approval of the proposed  
 36 definition of “low-cost broadband service option”.

37 (II) RESUBMISSION.—If the Assistant Secretary does not approve a  
 38 proposed definition of “low-cost broadband service option” submitted by an  
 39 eligible entity under clause (i), the Assistant Secretary shall—

40 (aa) notify the eligible entity and provide the eligible entity with an





1 opportunity to resubmit the final proposal, as provided in subsection  
2 (e)(4), with an improved definition of “low-cost broadband service  
3 option”; and

4 (bb) provide the eligible entity with instructions on how to cure the  
5 defects in the proposed definition.

6 (iv) PUBLIC DISCLOSURE.—After the Assistant Secretary approves the final  
7 proposal of an eligible entity under subsection (e)(4), and before the Assistant  
8 Secretary disburses any funds to the eligible entity based on that approval, the  
9 Assistant Secretary shall publicly disclose the eligible entity’s definition of “low-  
10 cost broadband service option”.

11 (C) NONPERFORMANCE.—The Assistant Secretary shall develop procedures under  
12 which the Assistant Secretary or an eligible entity may—

13 (i) evaluate the compliance of a subgrantee with the requirement under  
14 paragraph (4)(B); and

15 (ii) take corrective action, including recoupment of funds from the subgrantee,  
16 for noncompliance with the requirement under paragraph (4)(B).

17 (D) NO REGULATION OF RATES PERMITTED.—Nothing in this title may be construed  
18 to authorize the Assistant Secretary or the National Telecommunications and  
19 Information Administration to regulate the rates charged for broadband service.

20 (E) GUIDANCE.—The Assistant Secretary may issue guidance to eligible entities to  
21 carry out the purposes of this paragraph.

22 (6) RETURN OF FUNDS.—An entity that receives a subgrant from an eligible entity under  
23 subsection (f) and fails to comply with any requirement under this subsection shall return up  
24 to the entire amount of the subgrant to the eligible entity, at the discretion of the eligible  
25 entity or the Assistant Secretary.

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

30 (j) Reporting.—

31 (1) ELIGIBLE ENTITIES.—

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

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

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

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





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

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

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

7 (ii) describes each service provided with the grant funds;

8 (iii) describes the number of locations at which broadband service was made  
9 available using the grant funds, and the number of those locations at which  
10 broadband service was utilized; and

11 (iv) certifies that the eligible entity complied with the requirements of this  
12 section and with any additional reporting requirements prescribed by the Assistant  
13 Secretary.

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

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

18 (ii) describes each service provided with the grant funds;

19 (iii) describes the number of locations at which broadband service was made  
20 available using the grant funds, and the number of those locations at which  
21 broadband service was utilized;

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

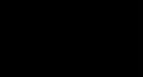
24 (v) certifies that the eligible entity complied with the requirements of this  
25 section and with any additional reporting requirements prescribed by the Assistant  
26 Secretary.

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

34 (E) FEDERAL AGENCY REPORTING REQUIREMENT.—

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

39 (ii) REQUIREMENT.—An agency that offers a Federal broadband support  
40 program shall provide data to the Assistant Secretary, in a manner and format





1 prescribed by the Assistant Secretary, to promote coordination of efforts to track  
2 construction and use of broadband infrastructure.

3 (2) SUBGRANTEES.—

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

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

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

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

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

14 (II) identify whether each address or location described in subclause (I) is  
15 residential, commercial, or a community anchor institution;

16 (III) describe the types of facilities that have been constructed and  
17 installed;

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

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

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

24 (VII) include any other data that would be required to comply with the  
25 data and mapping collection standards of the Commission under section  
26 1.7004 of title 47, Code of Federal Regulations, or any successor regulation,  
27 for broadband infrastructure projects; and

28 (VIII) comply with any other reasonable reporting requirements  
29 determined by the eligible entity or the Assistant Secretary; and

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

31 (3) STANDARDIZATION AND COORDINATION.—The Assistant Secretary and the  
32 Commission shall collaborate to—

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

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

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



[REDACTED]

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

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

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

7 or

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

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

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

16 (k) Relation to Other Public Funding.—Notwithstanding any other provision of law—

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

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

23 (l) Supplement Not Supplant.—Grant funds awarded to an eligible entity under this section  
24 shall be used to supplement, and not supplant, the amounts that the eligible entity would  
25 otherwise make available for the purposes for which the grant funds may be used.

26 (m) Sense of Congress Regarding Federal Agency Coordination.—It is the sense of Congress  
27 that Federal agencies responsible for supporting broadband deployment, including the  
28 Commission, the Department of Commerce, and the Department of Agriculture, to the extent  
29 possible, should align the goals, application and reporting processes, and project requirements  
30 with respect to broadband deployment supported by those agencies.

31 (n) Judicial Review.—

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

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

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

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

39 (C) the Assistant Secretary was guilty of—



- 1 (i) misconduct in refusing to review the administrative record; or
- 2 (ii) any other misbehavior by which the rights of any party have been
- 3 prejudiced.

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

- 6 (1) section 3506 of title 44, United States Code (commonly referred to as the “Paperwork  
7 Reduction Act”);
- 8 (2) chapter 5 or 7 of title 5, United States Code (commonly referred to as the  
9 “Administrative Procedures Act”); and
- 10 (3) chapter 6 of title 5, United States Code (commonly referred to as the “Regulatory  
11 Flexibility Act”).

12 **SEC.     003. BROADBAND DATA MAPS.**

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

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

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

20 (c) Notice of Initial Broadband DATA Collection Filing Deadline.—The Commission—

- 21 (1) shall provide notice to broadband providers not later than 60 days before the initial  
22 deadline for submission of data under section 802(a)(1)(A) of the Communications Act of  
23 1934 (47 U.S.C. 642(a)(1)(A)); and
- 24 (2) notwithstanding any prior decision of the Commission to the contrary, shall not be  
25 required to provide notice not later than 6 months before the initial deadline described in  
26 paragraph (1).

27 (d) Availability of Census Data.—

28 (1) IN GENERAL.—Section 802(b)(1) of the Communications Act of 1934 (47 U.S.C.  
29 802(b)(1)) is amended by adding at the end the following:

30 “(D) AVAILABILITY OF CENSUS DATA.—The Secretary of Commerce shall submit to  
31 the Commission, for inclusion in the Fabric, a count of the aggregate number of  
32 housing units in each census block, as collected by the Bureau of the Census.”.

33 (2) PROVISION OF UPDATED 2020 CENSUS DATA.—Not later than 30 days after receiving a  
34 request from the Commission, the Secretary of Commerce, in implementing the amendment  
35 made by paragraph (1), shall provide the Commission with a count of the aggregate number  
36 of housing units in each census block, as collected during the 2020 decennial census of  
37 population.

38 (e) Publication of Broadband DATA Maps on Internet.—Section 802(c)(6) of the



1 Communications Act of 1934 (47 U.S.C. 642(c)(6)) is amended, in the matter preceding  
2 paragraph (6), by inserting “, including on a publicly available website,” after “make public”.

3 **SEC. \_\_004. REPORT ON FUTURE OF UNIVERSAL**  
4 **SERVICE FUND.**

5 (a) Definitions.—In this section—

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

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

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

14 (c) Report.—

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

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

24 (3) SCOPE OF UNIVERSAL SERVICE.—In submitting the report under paragraph (1), the  
25 Commission—

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

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

31 **TITLE II—TRIBAL CONNECTIVITY TECHNICAL**  
32 **AMENDMENTS.**

33 **SEC. \_\_001. TRIBAL CONNECTIVITY TECHNICAL**  
34 **AMENDMENTS.**

35 Section 905 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–  
36 260) is amended—

37 (1) in subsection (c)—



1 (A) in paragraph (1)(B), by striking “during the COVID–19 pandemic”;  
2 (B) in paragraph (4)—  
3 (i) in subparagraph (A)—  
4 (I) in clause (i), by striking “180 days after receiving grant funds” and  
5 inserting “18 months after receiving an allocation of funds pursuant to a  
6 specific grant award”; and  
7 (II) in clause (ii), by striking “revert to the general fund of the Treasury”  
8 and inserting “be made available to other eligible entities for the purposes  
9 provided in this subsection”;  
10 (ii) in subparagraph (B)—  
11 (I) in clause (i), by striking “1 year after receiving grant funds” and  
12 inserting “4 years after receiving an allocation of funds pursuant to a specific  
13 grant award”;  
14 (II) by redesignating clause (iii) as clause (iv); and  
15 (III) by inserting after clause (ii) the following:  
16 “(iii) EXTENSIONS FOR OTHER PROJECTS.—The Assistant Secretary may, for  
17 good cause shown, extend the period under clause (i) for an eligible entity that  
18 proposes to use the grant funds for an eligible use other than construction of  
19 broadband infrastructure, based on a detailed showing by the eligible entity of the  
20 need for an extension.”; and  
21 (iii) by adding at the end the following:  
22 “(C) MULTIPLE GRANT AWARDS.—If the Assistant Secretary awards multiple grants  
23 to an eligible entity under this subsection, the deadlines under subparagraphs (A) and  
24 (B) shall apply individually to each grant award.”; and  
25 (C) by striking paragraph (6) and inserting the following:  
26 “(6) ADMINISTRATIVE EXPENSES OF ELIGIBLE ENTITIES.—  
27 “(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible entity may  
28 use not more than 2 percent of grant funds received under this subsection for  
29 administrative purposes.  
30 “(B) BROADBAND INFRASTRUCTURE PROJECTS.—An eligible entity that proposes to  
31 use grant funds for the construction of broadband infrastructure may use an amount of  
32 the grant funds equal to not more than 2.5 percent of the total project cost for planning,  
33 feasibility, and sustainability studies related to the project.”; and  
34 (2) in subsection (e), by adding at the end the following:  
35 “(6) ADDITIONAL APPROPRIATIONS FOR TRIBAL BROADBAND CONNECTIVITY PROGRAM.—  
36 “(A) DEFINITION.—In this paragraph, the term ‘initial round of funding’—  
37 “(i) means the allocation under paragraph (2)(E) of funds appropriated under  
38 subsection (b)(1); and





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

2 “(B) NEW FUNDING.—If Congress appropriates additional funds for grants under  
3 subsection (c) after the date of enactment of this Act, the Assistant Secretary—

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

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

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

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

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

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

24 “(iv) notwithstanding paragraph (2)(F) of this subsection, in the case of funds  
25 appropriated under subsection (b)(1) that were not allocated during the initial  
26 round of funding, the Assistant Secretary may elect to allocate the funds during  
27 any subsequent round of funding for grants under subsection (c).”.

28 **TITLE III—DIGITAL EQUITY ACT OF 2021**

29 **SEC. \_\_\_001. SHORT TITLE.**

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

31 **SEC. \_\_002. DEFINITIONS.**

32 In this title:

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

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

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

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





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

3 (C) on a—

- 4 (i) personal device; and
- 5 (ii) secure and convenient network.

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

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

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

- 13 (A) the Committee on Appropriations of the Senate;
- 14 (B) the Committee on Commerce, Science, and Transportation of the Senate;
- 15 (C) the Committee on Appropriations of the House of Representatives; and
- 16 (D) the Committee on Energy and Commerce of the House of Representatives.

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

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

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

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

- 28 (A) individuals who live in covered households;
- 29 (B) aging individuals;
- 30 (C) incarcerated individuals, other than individuals who are incarcerated in a Federal  
31 correctional facility;
- 32 (D) veterans;
- 33 (E) individuals with disabilities;
- 34 (F) individuals with a language barrier, including individuals who—
  - 35 (i) are English learners; and
  - 36 (ii) have low levels of literacy;





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

3 (9) COVERED PROGRAMS.—The term “covered programs” means the State Digital Equity  
 4 Capacity Grant Program established under [section \_004] and the Digital Equity  
 5 Competitive Grant Program established under [section \_005].

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

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

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

- 13 (i) reliable fixed and wireless broadband internet service;
- 14 (ii) internet-enabled devices that meet the needs of the user; and
- 15 (iii) applications and online content designed to enable and encourage self-  
 16 sufficiency, participation, and collaboration; and

17 (B) includes—

- 18 (i) obtaining access to digital literacy training;
- 19 (ii) the provision of quality technical support; and
- 20 (iii) obtaining basic awareness of measures to ensure online privacy and  
 21 cybersecurity.

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

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

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

28 (A) with respect to planning grants made available under [section \_004(c)(3)], a  
 29 State with respect to which the Assistant Secretary has approved an application  
 30 submitted to the Assistant Secretary under [section \_004(c)(3)(C)]; and

31 (B) with respect to capacity grants awarded under [section \_004](d), a State with  
 32 respect to which the Assistant Secretary has approved an application submitted to the  
 33 Assistant Secretary under [section \_004(d)(2)], including approval of the State Digital  
 34 Equity Plan developed by the State under [section \_004(c)].

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

37 (16) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section  
 38 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).





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

2 (A) has the meaning given the term in section 101 of the Higher Education Act of  
3 1965 (20 U.S.C. 1001); and

4 (B) includes a postsecondary vocational institution.

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

8 (19) POSTSECONDARY VOCATIONAL INSTITUTION.—The term “postsecondary vocational  
9 institution” has the meaning given the term in section 102(c) of the Higher Education Act of  
10 1965 (20 U.S.C. 1002(c)).

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

13 (21) STATE.—The term “State” means—

14 (A) any State of the United States;

15 (B) the District of Columbia; and

16 (C) the Commonwealth of Puerto Rico.

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

19 (23) WORKFORCE DEVELOPMENT PROGRAM.—The term “workforce development  
20 program” has the meaning given the term in section 3(66) of the Workforce Innovation and  
21 Opportunity Act (29 U.S.C. 3102(66)).

22 **SEC. \_\_ 003. SENSE OF CONGRESS.**

23 It is the sense of Congress that—

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

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

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

29 (2) digital exclusion—

30 (A) carries a high societal and economic cost;

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

34 (C) exacerbates existing wealth and income gaps, especially those experienced by  
35 covered populations;

36 (3) achieving digital equity for all people of the United States requires additional and  
37 sustained investment and research efforts;



[REDACTED]

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

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

6 **SEC. \_\_004. STATE DIGITAL EQUITY CAPACITY GRANT**  
7 **PROGRAM.**

8 (a) Establishment; Purpose.—

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

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

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

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

19 (2) CONSULTATION WITH OTHER FEDERAL AGENCIES; NO CONFLICT.—In establishing the  
20 Program under paragraph (1), the Assistant Secretary shall—

21 (A) consult with—

22 (i) the Secretary of Agriculture;

23 (ii) the Secretary of Housing and Urban Development;

24 (iii) the Secretary of Education;

25 (iv) the Secretary of Labor;

26 (v) the Secretary of Health and Human Services;

27 (vi) the Secretary of Veterans Affairs;

28 (vii) the Secretary of the Interior;

29 (viii) the Federal Communications Commission;

30 (ix) the Federal Trade Commission;

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

32 (xi) the Administrator of the Small Business Administration;

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

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



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

3 (b) Administering Entity.—

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

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

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

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

13 (i) the State Digital Equity Plan for the State; and

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

15 (D) serve as—

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

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

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

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

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

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

27 (ii) providing services in the State; and

28 (iii) not a school.

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

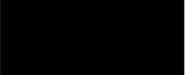
30 (D) A local educational agency that is located in the State.

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

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

34 (G) A public or multi-family housing authority that is located in the State.

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



1 (c) State Digital Equity Plan.—

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

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

6 (B) measurable objectives for documenting and promoting, among each group  
7 described in subparagraphs (A) through (H) of [section \_002(8)] located in that State—

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

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

11 (iii) digital literacy;

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

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

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

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

19 (ii) educational outcomes;

20 (iii) health outcomes;

21 (iv) civic and social engagement; and

22 (v) delivery of other essential services;

23 (D) in order to achieve the objectives described in subparagraph (B), a description of  
24 how the State plans to collaborate with key stakeholders in the State, which may  
25 include—

26 (i) community anchor institutions;

27 (ii) county and municipal governments;

28 (iii) local educational agencies;

29 (iv) where applicable, Indian Tribes, Alaska Native entities, or Native  
30 Hawaiian organizations;

31 (v) nonprofit organizations;

32 (vi) organizations that represent—

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

35 (II) aging individuals;

36 (III) individuals with language barriers, including—



- 1 (aa) individuals who are English learners; and
- 2 (bb) individuals who have low levels of literacy;
- 3 (IV) veterans; and
- 4 (V) individuals in that State who are incarcerated in facilities other than
- 5 Federal correctional facilities;
- 6 (vii) civil rights organizations;
- 7 (viii) entities that carry out workforce development programs;
- 8 (ix) agencies of the State that are responsible for administering or supervising
- 9 adult education and literacy activities in the State;
- 10 (x) public housing authorities in the State; and
- 11 (xi) a partnership between any of the entities described in clauses (i) through
- 12 (x); and
- 13 (E) a list of organizations with which the administering entity for the State
- 14 collaborated in developing and implementing the Plan.

15 (2) PUBLIC AVAILABILITY.—

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

20 (B) CONSIDERATION OF COMMENTS RECEIVED.—The administering entity for a State  
 21 shall, with respect to an application submitted to the Assistant Secretary under  
 22 subsection (d)(2)—

23 (i) before submitting the application—

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

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

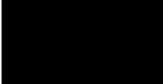
29 (ii) when submitting the application—

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

32 (II) include a written response to each comment received during the  
 33 comment period.

34 (3) PLANNING GRANTS.—

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





1 (B) ELIGIBILITY.—In order to be awarded a planning grant under this paragraph, a  
2 State—

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

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

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

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

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

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

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

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

22 (D) AWARDS.—

23 (i) AMOUNT OF GRANT.—A planning grant awarded to an eligible State under  
24 this paragraph shall be determined according to the formula under subsection  
25 (d)(3)(A)(i).

26 (ii) DURATION.—

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

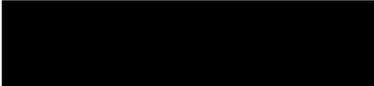
31 (II) EXCEPTION.—The Assistant Secretary may grant an extension of not  
32 longer than 180 days with respect to the requirement under subclause (I).

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

37 (E) USE OF FUNDS.—An eligible State to which a planning grant is awarded under  
38 this paragraph shall, through the administering entity for that State, use the grant funds  
39 only for the following purposes:

40 (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





1 members of covered populations.

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

7 (aa) the annual inquiry of the Federal Communications Commission  
8 conducted under section 706(b) of the Telecommunications Act of 1996  
9 (47 U.S.C. 1302(b));

10 (bb) the American Community Survey or, if necessary, other data  
11 collected by the Bureau of the Census;

12 (cc) the NTIA Internet Use Survey, which is administered as the  
13 Computer and Internet Use Supplement to the Current Population  
14 Survey of the Bureau of the Census; and

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

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

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

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

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

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

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

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

41 (D) USE OF FUNDS.—The administering entity for an eligible State to which a grant





1 is awarded under this subsection shall use the grant amounts for the following  
2 purposes:

3 (i)(I) Subject to subclause (II), to update or maintain the State Digital Equity  
4 Plan of the State.

5 (II) An administering entity for an eligible State to which a grant is awarded  
6 under this subsection may use not more than 20 percent of the amount of the grant  
7 for the purpose described in subclause (I).

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

9 (iii)(I) Subject to subclause (II), to award a grant to any entity that is described  
10 in [section \_005(b)] and is located in the eligible State in order to—

11 (aa) assist in the implementation of the State Digital Equity Plan of the  
12 State;

13 (bb) pursue digital inclusion activities in the State consistent with the State  
14 Digital Equity Plan of the State; and

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

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

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

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

24 (cc) the entity shall cooperate with any evaluation—

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

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

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

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

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

35 (II) An administering entity for an eligible State to which a grant is awarded  
36 under this subsection may use not more than 3 percent of the amount of the grant  
37 for a purpose described in subclause (I).

38 (e) Assurances.—When applying for a grant under this section, a State shall include in the  
39 application for that grant assurances that—



[REDACTED]

1 (1) if an entity described in [section \_005(b)] is awarded grant funds under this section  
2 (referred to in this subsection as a “covered recipient”), provide that—

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

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

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

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

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

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

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

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

21 (2) the administering entity for that State shall—

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

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

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

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

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

36 (f) Termination of Grant.—

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

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

3 (i) the grant funds are not contributing to the development or execution of the  
4 State Digital Equity Plan of the State, as applicable; and

5 (ii) the State is not upholding assurances made by the State to the Assistant  
6 Secretary under subsection (e); and

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

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

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

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

14 (g) Reporting and Information Requirements; Internet Disclosure.—The Assistant Secretary—  
15 (1) shall—

16 (A) require any entity to which a grant, including a subgrant, is awarded under this  
17 section to publicly report, for each year during the period described in subsection  
18 (c)(3)(D)(ii) or (d)(3)(B), as applicable, with respect to the grant, and in a format  
19 specified by the Assistant Secretary, on—

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

21 (ii) the progress of the entity towards fulfilling the objectives for which the  
22 grant was awarded; and

23 (iii) the implementation of the State Digital Equity Plan of the State;

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

26 (i) uses the grant amounts in an appropriate manner; and

27 (ii) complies with all terms with respect to the use of the grant amounts; and

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

30 (i) the application of each State that has applied for a grant under this section;

31 (ii) the status of each application described in clause (i);

32 (iii) each report submitted by an entity under subparagraph (A);

33 (iv) a record of public comments made regarding the State Digital Equity Plan  
34 of a State, as well as any written responses to or actions taken as a result of those  
35 comments; and

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



1 (2) may establish additional reporting and information requirements for any recipient of a  
2 grant under this section.

3 (h) Supplement Not Supplant.—A grant or subgrant awarded under this section shall  
4 supplement, not supplant, other Federal or State funds that have been made available to carry out  
5 activities described in this section.

6 (i) Set Asides.—From amounts made available in a fiscal year to carry out the Program, the  
7 Assistant Secretary shall reserve—

8 (1) not more than 5 percent for the implementation and administration of the Program,  
9 which shall include—

10 (A) providing technical support and assistance, including ensuring consistency in  
11 data reporting;

12 (B) providing assistance to—

13 (i) States, or administering entities for States, to prepare the applications of  
14 those States; and

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

16 (C) developing the report required under [section \_006(a)];

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

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

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

28 (k) Authorization of Appropriations.—There are authorized to be appropriated—

29 (1) \$60,000,000 for the award of grants under subsection (c)(3), which shall remain  
30 available until expended;

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

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

35 **SEC. \_\_005. DIGITAL EQUITY COMPETITIVE GRANT**  
36 **PROGRAM.**

37 (a) Establishment.—

38 (1) IN GENERAL.—Not later than 30 days after the date on which the Assistant Secretary



1 begins awarding grants under [section \_004(d)], and not before that date, the Assistant  
2 Secretary shall establish in the Department of Commerce the Digital Equity Competitive  
3 Grant Program (referred to in this section as the “Program”), the purpose of which is to  
4 award grants to support efforts to achieve digital equity, promote digital inclusion activities,  
5 and spur greater adoption of broadband among covered populations.

6 (2) CONSULTATION; NO CONFLICT.—In establishing the Program under paragraph (1), the  
7 Assistant Secretary—

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

9 (i) the identification of groups described in subparagraphs (A) through (H) of  
10 [section \_002(8)] located in that State; and

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

13 (B) shall—

14 (i) consult with—

15 (I) the Secretary of Agriculture;

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

17 (III) the Secretary of Education;

18 (IV) the Secretary of Labor;

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

20 (VI) the Secretary of Veterans Affairs;

21 (VII) the Secretary of the Interior;

22 (VIII) the Federal Communications Commission;

23 (IX) the Federal Trade Commission;

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

25 (XI) the Administrator of the Small Business Administration;

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

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

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

31 (b) Eligibility.—The Assistant Secretary may award a grant under the Program to any of the  
32 following entities if the entity is not serving, and has not served, as the administering entity for a  
33 State under [section \_004(b)]:

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



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

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

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

4 (B) not a school.

5 (4) A community anchor institution.

6 (5) A local educational agency.

7 (6) An entity that carries out a workforce development program.

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

9 (8) A partnership between—

10 (A) an entity described in any of paragraphs (1) through (6); and

11 (B) an entity that—

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

13 (ii) is not a school.

14 (c) Application.—An entity that wishes to be awarded a grant under the Program shall submit  
15 to the Assistant Secretary an application—

16 (1) at such time, in such form, and containing such information as the Assistant Secretary  
17 may require; and

18 (2) that—

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

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

24 (C) includes—

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

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

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

30 (i) is capable of carrying out—

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

32 (II) the activities described in subsection (h)—

33 (aa) in a competent manner; and

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





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

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

7 (F) provides—

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

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

12 (d) Award of Grants.—

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

15 (A) whether an application shall, if approved—

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

18 (ii) not result in unjust enrichment;

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

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

23 (2) USE OF FUNDS.—

24 (A) IN GENERAL.—In addition to the activities required under subparagraph (B), an  
25 entity to which the Assistant Secretary awards a grant under the Program shall use the  
26 grant amounts to support not less than 1 of the following activities:

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

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

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

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

34 (II) other workforce development programs.

35 (iv) To make available equipment, instrumentation, networking capability,  
36 hardware and software, or digital network technology for broadband services to  
37 covered populations at low or no cost.

38 (v) To construct, upgrade, expend, or operate new or existing public access





1 computing centers for covered populations through community anchor  
2 institutions.

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

5 (B) EVALUATION.—

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

9 (ii) SUBMISSION TO ASSISTANT SECRETARY.—An entity to which the Assistant  
10 Secretary awards a grant under the Program shall submit to the Assistant  
11 Secretary each measurement and evaluation performed under clause (i)—

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

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

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

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

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

23 (i) except as provided in clause (ii), shall expend the grant amounts during the  
24 4-year period beginning on the date on which the entity is awarded the grant  
25 amounts; and

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

30 (e) Federal Share.—

31 (1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of any project  
32 for which the Assistant Secretary awards a grant under the Program may not exceed 90  
33 percent.

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

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

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



[REDACTED]

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

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

4 (A) in accordance with any applicable statute, regulation, and application procedure;  
5 and

6 (B) to the extent required under applicable law;

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

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

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

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

17 (3) cooperate with respect to any evaluation—

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

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

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

22 (5) submit to the Assistant Secretary any reports that may be necessary to enable the  
23 Assistant Secretary to perform the duties of the Assistant Secretary under the Program; and

24 (6) maintain any records and provide any information to the Assistant Secretary,  
25 including those records, that the Assistant Secretary determines is necessary to enable the  
26 Assistant Secretary to perform the duties of the Assistant Secretary under the Program.

27 (g) Deobligation or Termination of Grant.—In addition to other authority under applicable  
28 law, the Assistant Secretary may—

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

31 (A) presents to the entity a rationale and supporting information that clearly  
32 demonstrates that—

33 (i) the grant funds are not being used in a manner that is consistent with the  
34 application with respect to the grant submitted by the entity under subsection (c);  
35 and

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

38 (B) determines that the grant is no longer necessary to achieve the original purpose



- 1 for which Assistant Secretary awarded the grant; and
- 2 (2) with respect to any grant funds that the Assistant Secretary deobligates or terminates  
3 under paragraph (1), competitively award the grant funds to another applicant, consistent  
4 with the requirements of this section.
- 5 (h) Reporting and Information Requirements; Internet Disclosure.—The Assistant Secretary—  
6 (1) shall—
- 7 (A) require any entity to which the Assistant Secretary awards a grant under the  
8 Program to, for each year during the period described in subsection (d)(2)(D) with  
9 respect to the grant, submit to the Assistant Secretary a report, in a format specified by  
10 the Assistant Secretary, regarding—
- 11 (i) the amount of the grant;
- 12 (ii) the use by the entity of the grant amounts; and
- 13 (iii) the progress of the entity towards fulfilling the objectives for which the  
14 grant was awarded;
- 15 (B) establish mechanisms to ensure appropriate use of, and compliance with respect  
16 to all terms regarding, grant funds awarded under the Program;
- 17 (C) create and maintain a fully searchable database, which shall be accessible on the  
18 internet at no cost to the public, that contains, at a minimum—
- 19 (i) a list of each entity that has applied for a grant under the Program;
- 20 (ii) a description of each application described in clause (i), including the  
21 proposed purpose of each grant described in that clause;
- 22 (iii) the status of each application described in clause (i), including whether the  
23 Assistant Secretary has awarded a grant with respect to the application and, if so,  
24 the amount of the grant;
- 25 (iv) each report submitted by an entity under subparagraph (A); and
- 26 (v) any other information that is sufficient to allow the public to understand and  
27 monitor grants awarded under the Program; and
- 28 (D) ensure that any entity with respect to which an award is deobligated or  
29 terminated under subsection (g) may, in a timely manner, appeal or otherwise  
30 challenge that deobligation or termination, as applicable; and
- 31 (2) may establish additional reporting and information requirements for any recipient of a  
32 grant under the Program.
- 33 (i) Supplement Not Supplant.—A grant awarded to an entity under the Program shall  
34 supplement, not supplant, other Federal or State funds that have been made available to the entity  
35 to carry out activities described in this section.
- 36 (j) Set Asides.—From amounts made available in a fiscal year to carry out the Program, the  
37 Assistant Secretary shall reserve—
- 38 (1) 5 percent for the implementation and administration of the Program, which shall





- 1 include—
- 2 (A) providing technical support and assistance, including ensuring consistency in
- 3 data reporting;
- 4 (B) providing assistance to entities to prepare the applications of those entities with
- 5 respect to grants awarded under this section;
- 6 (C) developing the report required under [section \_006(a)]; and
- 7 (D) conducting outreach to entities that may be eligible to be awarded a grant under
- 8 the Program regarding opportunities to apply for such a grant;

- 9 (2) 5 percent to award grants to, or enter into contracts or cooperative agreements with,
- 10 Indian Tribes, Alaska Native entities, and Native Hawaiian organizations to allow those
- 11 tribes, entities, and organizations to carry out the activities described in this section; and
- 12 (3) 1 percent to award grants to, or enter into contracts or cooperative agreements with,
- 13 the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the
- 14 Northern Mariana Islands, and any other territory or possession of the United States that is
- 15 not a State to enable those entities to carry out the activities described in this section.

16 (k) Rules.—The Assistant Secretary may prescribe such rules as may be necessary to carry out  
 17 this section.

18 (l) Authorization of Appropriations.—There are authorized to be appropriated to carry out this  
 19 section—

- 20 (1) \$125,000,000 for each of the first 5 fiscal years in which funds are made available to
- 21 carry out this section; and
- 22 (2) such sums as may be necessary for each fiscal year after the end of the 5-fiscal year
- 23 period described in paragraph (1).

24 **SEC. \_\_006. POLICY RESEARCH, DATA COLLECTION,**  
 25 **ANALYSIS AND MODELING, EVALUATION, AND**  
 26 **DISSEMINATION.**

27 (a) Reporting Requirements.—

28 (1) IN GENERAL.—Not later than 1 year after the date on which the Assistant Secretary  
 29 begins awarding grants under [section \_004(d)(1)], and annually thereafter, the Assistant  
 30 Secretary shall—

- 31 (A) submit to the appropriate committees of Congress a report that documents, for
- 32 the year covered by the report—
  - 33 (i) the findings of each evaluation conducted under subparagraph (B);
  - 34 (ii) a list of each grant awarded under each covered program, which shall
  - 35 include—
    - 36 (I) the amount of each such grant;
    - 37 (II) the recipient of each such grant; and





- 1 (III) the purpose for which each such grant was awarded;
- 2 (iii) any deobligation, termination, or modification of a grant awarded under the
- 3 covered programs, which shall include a description of the subsequent usage of
- 4 any funds to which such an action applies; and
- 5 (iv) each challenge made by an applicant for, or a recipient of, a grant under the
- 6 covered programs and the outcome of each such challenge; and

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

9 (i) whether eligible States to which grants are awarded under the program  
10 established under [section \_004] are—

- 11 (I) abiding by the assurances made by those States under subsection (e) of
- 12 that section;
- 13 (II) meeting, or have met, the stated goals of the Digital Equity Plans
- 14 developed by the States under subsection (c) of that section;
- 15 (III) satisfying the requirements imposed by the Assistant Secretary on
- 16 those States under subsection (g) of that section; and
- 17 (IV) in compliance with any other rules, requirements, or regulations
- 18 promulgated by the Assistant Secretary in implementing that program; and

19 (ii) whether entities to which grants are awarded under the program established  
20 under [section \_005] are—

- 21 (I) abiding by the assurances made by those entities under subsection (f) of
- 22 that section;
- 23 (II) meeting, or have met, the stated goals of those entities with respect to
- 24 the use of the grant amounts;
- 25 (III) satisfying the requirements imposed by the Assistant Secretary on
- 26 those States under subsection (h) of that section; and
- 27 (IV) in compliance with any other rules, requirements, or regulations
- 28 promulgated by the Assistant Secretary in implementing that program.

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

- 31 (A) facilitates access and ease of use;
- 32 (B) is searchable; and
- 33 (C) is accessible—
- 34 (i) to individuals with disabilities; and
- 35 (ii) in languages other than English.

36 (b) Authority to Contract and Enter Into Other Arrangements.—The Assistant Secretary may  
37 award grants and enter into contracts, cooperative agreements, and other arrangements with  
38 Federal agencies, public and private organizations, and other entities with expertise that the





1 Assistant Secretary determines appropriate in order to—

2 (1) evaluate the impact and efficacy of activities supported by grants awarded under the  
3 covered programs; and

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

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

9 (1) the Secretary of Agriculture;

10 (2) the Secretary of Housing and Urban Development;

11 (3) the Secretary of Education;

12 (4) the Secretary of Labor;

13 (5) the Secretary of Health and Human Services;

14 (6) the Secretary of Veterans Affairs;

15 (7) the Secretary of the Interior;

16 (8) the Federal Communications Commission;

17 (9) the Federal Trade Commission;

18 (10) the Director of the Institute of Museum and Library Services;

19 (11) the Administrator of the Small Business Administration;

20 (12) the Federal Co-Chair of the Appalachian Regional Commission;

21 (13) State agencies and governors of States (or equivalent officials);

22 (14) entities serving as administering entities for States under section [ 004(b)];

23 (15) national, State, tribal, and local organizations that provide digital inclusion, digital  
24 equity, or digital literacy services;

25 (16) researchers, academics, and philanthropic organizations; and

26 (17) other agencies, organizations (including international organizations), entities  
27 (including entities with expertise in the fields of data collection, analysis and modeling, and  
28 evaluation), and community stakeholders, as determined appropriate by the Assistant  
29 Secretary.

30 (d) Technical Support and Assistance.—The Assistant Secretary shall provide technical  
31 support and assistance, assistance to entities to prepare the applications of those entities with  
32 respect to grants awarded under the covered programs, and other resources, to the extent  
33 practicable, to ensure consistency in data reporting and to meet the objectives of this section.

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

36 SEC. \_\_ 007. GENERAL PROVISIONS.





1 (a) Nondiscrimination.—

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

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

10 (3) JUDICIAL REVIEW.—Judicial review of an action taken by the Assistant Secretary  
11 under paragraph (2) shall be available to the extent provided in section 603 of the Civil  
12 Rights Act of 1964 (42 U.S.C. 2000d–2).

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

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

20 **TITLE IV—ENABLING MIDDLE MILE BROADBAND**  
21 **INFRASTRUCTURE**

22 **SEC. \_\_001. ENABLING MIDDLE MILE BROADBAND**  
23 **INFRASTRUCTURE.**

24 (a) Definitions.—In this section:

25 (1) ANCHOR INSTITUTION.—The term “anchor institution” means a school, library,  
26 medical or healthcare provider, community college or other institution of higher education,  
27 or other community support organization or entity.

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

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

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

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

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



1 (5) FCC FIXED BROADBAND MAP.—The term “FCC fixed broadband map” means the map  
2 created by the Commission under section 802(c)(1)(B) of the Communications Act of 1934  
3 (47 U.S.C. 642(c)(1)(B)).

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

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

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

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

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

14 (B) includes—

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

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

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

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

25 (A) an Indian Tribe;

26 (B) an Alaska Native Corporation;

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

29 (D) the Department of Hawaiian Home Lands; and

30 (E) the Office of Hawaiian Affairs.

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

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

[REDACTED]

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

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

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

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

12 (B) that—

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

15 (ii) is not an unserved area; and

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

18 (I) except as provided in subclause (II)—

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

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

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

25 (17) UNSERVED.—The term “unserved”, with respect to an area, means an area—

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

28 (B) that—

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

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

33 (I) except as provided in clause (II)—

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

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

36 (II) minimum download and upload speeds that are established as  
37 benchmarks by the Commission for purposes of this Act after the date of  
38 enactment of this Act, if those minimum speeds are higher than the minimum



1 speeds required under clause (i).

2 (b) Purpose; Sense of Congress.—

3 (1) PURPOSE.—The purposes of this section are—

4 (A) to encourage the expansion and extension of middle mile infrastructure to  
5 reduce the cost of connecting unserved and underserved areas to the backbone of the  
6 internet (commonly referred to as the “last mile”); and

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

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

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

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

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

17 (iii) projects that facilitate the development of carrier-neutral interconnection  
18 facilities; and

19 (iv) projects that—

20 (I) improve the redundancy and resiliency of existing middle mile  
21 infrastructure; and

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

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

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

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

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

33 (d) Applications for Grants.—

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

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





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(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 paragraph (5), 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 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 eligible entity.

(3) PROJECT ELIGIBILITY REQUIREMENTS.—

(A) CAPABILITY TO SUPPORT RETAIL BROADBAND SERVICE.—A project shall be eligible for a middle mile grant if, at the time of the application, the Assistant Secretary determines that the proposed middle mile broadband network will be capable of supporting retail broadband service.



1 (B) MAPPING DATA.—

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

6 (I) The FCC fixed broadband map.

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

10 (III) Speed and usage surveys of existing broadband service that—

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

14 (bb) are conducted by—

15 (AA) the eligible entity;

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

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

20 (ii) SHARING FACILITY LOCATIONS.—

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

23 (aa) the Assistant Secretary;

24 (bb) the Commission;

25 (cc) the Tribal government with jurisdiction over the area that will be  
26 served by the middle mile infrastructure (if applicable); and

27 (dd) the State broadband office for the State in which the area that  
28 will be served by the middle mile infrastructure is located.

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

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

36 (IV) PROTECTION OF INFORMATION.—

37 (aa) IN GENERAL.—The information provided by an eligible entity  
38 under subclause (II) may only be used for purposes of carrying out the



grant program under subsection (c) and any reporting 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 disclosure of the information if a person or entity seeks disclosure from the covered recipient under any Federal, State, or local public disclosure law.

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

(C) CONNECTION TO ANCHOR INSTITUTIONS.—To the extent feasible, an eligible entity 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 NONDISCRIMINATION.—

(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





1 by a certain date; and  
 2 (ii) penalties, which may include rescission of funds, for grantees that do not  
 3 meet requirements described in clause (i) or the deadline under paragraph (2).

4 (5) EXTENSIONS.—

5 (A) IN GENERAL.—At the request of an eligible entity, the Assistant Secretary may  
 6 extend the buildout deadline under paragraph (2) by not more than 1 year if the eligible  
 7 entity certifies that—

- 8 (i) the eligible entity has a plan for use of the middle mile grant;
- 9 (ii) the project to build out middle mile infrastructure is underway; or
- 10 (iii) extenuating circumstances require an extension of time to allow  
 11 completion of the project to build out middle mile infrastructure.

12 (B) EFFECT ON INTERIM BUILDOUT REQUIREMENTS.—If the Assistant Secretary grants  
 13 an extension under subparagraph (A), the Assistant Secretary shall modify any  
 14 buildout requirements established under paragraph (4)(B)(i) as necessary.

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

17 (g) Special Rules for Tribal Governments.—

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

- 22 (A) for the effective delivery and administration of middle mile grants to Tribal  
 23 governments; or
- 24 (B) the construction, improvement, or acquisition of middle mile infrastructure on  
 25 trust land.

26 (2) TRIBALLY UNSERVED AREAS; TRIBALLY UNDERSERVED AREAS.—The Assistant  
 27 Secretary, in consultation with Tribal governments and Native entities, shall develop a  
 28 process for designating Tribally unserved areas and Tribally underserved areas for purposes  
 29 of this section.

30 (h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this  
 31 section \$500,000,000 for fiscal years 2022 through 2026.

32 **TITLE V—BROADBAND AFFORDABILITY**

33 **SEC. \_\_001. DEFINITIONS.**

34 In this title—

- 35 (1) the term “broadband internet access service” has the meaning given the term in  
 36 section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation; and
- 37 (2) the term “Commission” means the Federal Communications Commission.



1 SEC. \_\_ 002. BROADBAND AFFORDABILITY.

2 (a) Extension and Modification of Emergency Broadband Benefit.—

3 (1) EXTENSION.—Section 904 of division N of the Consolidated Appropriations Act,  
4 2021 (Public Law 116–260) is amended—

5 (A) in the heading, by striking “during emergency period relating to covid–19”;

6 (B) in subsection (a)—

7 (i) by striking paragraph (8); and

8 (ii) by redesignating paragraphs (9) through (13) as paragraphs (8) through  
9 (12), respectively; and

10 (C) in subsection (b)—

11 (i) in paragraph (1), by striking “during the emergency period”;

12 (ii) in paragraph (4), by striking “during the emergency period”; and

13 (iii) in paragraph (5), by striking “during the emergency period.”

14 (2) CHANGE TO PROGRAM NAME.—Section 904 of division N of the Consolidated  
15 Appropriations Act, 2021 (Public Law 116–260), as amended by paragraph (1) of this  
16 subsection, is amended—

17 (A) in subsection (a)(7), in the heading, by striking “EMERGENCY BROADBAND” and  
18 inserting “AFFORDABLE CONNECTIVITY”;

19 (B) in subsection (b), in the heading, by striking “Emergency Broadband Benefit”  
20 and inserting “Affordable Connectivity”;

21 (C) in subsection (i), in the heading, by striking “Emergency Broadband” and  
22 inserting “Affordable”;

23 (D) by striking “Emergency Broadband Benefit” each place the term appears and  
24 inserting “Affordable Connectivity”;

25 (E) by striking “Emergency Broadband” each place the term appears and inserting  
26 “Affordable”; and

27 (F) by striking “emergency broadband” each place the term appears and inserting  
28 “affordable connectivity”.

29 (3) OTHER INITIAL MODIFICATIONS.—Section 904 of division N of the Consolidated  
30 Appropriations Act, 2021 (Public Law 116–260), as amended by paragraph (2) of this  
31 subsection, is amended—

32 (A) in subsection (a)(7)—

33 (i) by striking “The term” and inserting the following:

34 “(A) IN GENERAL.—Subject to subparagraph (B), the term”; and

35 (ii) by adding at the end the following:

36 “(B) HIGH-COST AREAS.—The Commission shall, by regulation, establish a

1 mechanism by which a participating provider in a high-cost area (as defined in section  
2 [ ] of the [Fill in short title of larger bill when available]) may provide an affordable  
3 connectivity benefit in an amount up to the amount specified in subparagraph (A) for  
4 an internet service offering provided on Tribal land upon a showing that the  
5 applicability of the lower limit under subparagraph (A) to the provision of the  
6 affordable connectivity benefit by the provider would cause particularized economic  
7 hardship to the provider such that the provider may not be able to maintain the  
8 operation of part or all of its broadband network.”;

9 (B) in subsection (b)—

10 (i) by redesignating paragraphs (7) through (10) as paragraphs (12) through  
11 (15), respectively;

12 (ii) by inserting after paragraph (6) the following:

13 “(7) REQUIREMENT TO ALLOW CUSTOMERS TO APPLY AFFORDABLE CONNECTIVITY BENEFIT  
14 TO ANY INTERNET SERVICE OFFERING.—

15 “(A) IN GENERAL.—A participating provider—

16 “(i) shall allow an eligible household to apply the affordable connectivity  
17 benefit to any internet service offering, at the same terms available to households  
18 that are not eligible, from the provider; and

19 “(ii) may not require the eligible household to submit to a credit check in order  
20 to apply the affordable connectivity benefit to an internet service offering of the  
21 participating provider.

22 (B) Non-Payment.—Nothing in this paragraph shall prevent a participating provider  
23 from terminating service after 90 days of non-payment.

24 “(8) PUBLIC AWARENESS.—A participating provider, in collaboration with the applicable  
25 State agencies, public interest groups, and non-profit organizations, in order to increase the  
26 adoption of broadband internet access service by consumers, shall carry out public  
27 awareness campaigns in service areas that are designed to highlight—

28 “(A) the value and benefits of broadband internet access service; and

29 “(B) the existence of the Affordable Connectivity Program.

30 “(9) OVERSIGHT.—The Commission—

31 “(A) shall establish a dedicated complaint process for consumers who participate in  
32 the Affordable Connectivity Program to file complaints about the compliance of  
33 participating providers with, including with respect to the quality of service received  
34 under, the Program;

35 “(B) shall require a participating provider to supply information about the existence  
36 of the complaint process described in subparagraph (A) to subscribers who participate  
37 in the Affordable Connectivity Program;

38 “(C)(i) shall act expeditiously to investigate [potential violations of?] and enforce  
39 compliance with this section, including under clause (ii) of this subparagraph; and

40 “(ii) in enforcing compliance with this section, may impose forfeiture penalties



1 under section 503 of the Communications Act of 1934 (47 U.S.C. 503); and  
 2 “(D) shall regularly issue public reports about complaints regarding the compliance  
 3 of participating providers with the Affordable Connectivity Program.

4 “(10) INFORMATION ON AFFORDABLE CONNECTIVITY PROGRAM.—

5 “(A) PARTICIPATING PROVIDERS.—When a customer subscribes to, or renews a  
 6 subscription to, an internet service offering of a participating provider, the participating  
 7 provider shall notify the customer about the existence of the Affordable Connectivity  
 8 Program and how to enroll in the Program.

9 “(B) FEDERAL AGENCIES.—The Commission shall collaborate with relevant Federal  
 10 agencies, including to ensure relevant Federal agencies update their System of Records  
 11 Notices, to ensure that a household that participates in any program that qualifies the  
 12 household for the Affordable Connectivity Program is provided information about the  
 13 Program, including how to enroll in the Program.

14 “(C) COMMISSION OUTREACH.—

15 “(i) IN GENERAL.—The Commission may conduct outreach efforts to encourage  
 16 eligible households to subscribe to the Program.

17 “(ii) ACTIVITIES.—Under clause (i), the Commission may—

18 “(I) facilitate consumer research;

19 “(II) conduct focus groups;

20 “(III) engage in paid media campaigns;

21 “(IV) provide grants to outreach partners; and

22 “(V) provide an orderly transition for participating providers and  
 23 consumers from the Emergency Broadband Benefit Program established  
 24 under paragraph (1) (as that paragraph was in effect on the day before the  
 25 date of enactment of the [Fill in short title of larger bill when available]) to  
 26 the Affordable Connectivity Program.

27 “(11) CONSUMER PROTECTION ISSUES.—

28 “(A) The Commission shall, after providing notice and opportunity for comment in  
 29 accordance with section 553 of title 5, United States Code, promulgate rules to protect  
 30 consumers who participate in, or seek to participate in, the Affordable Connectivity  
 31 Program from—

32 “(i) inappropriate upselling or downselling by a participating provider;

33 “(ii) inappropriate requirements that a consumer opt in to an extended service  
 34 contract as a condition of participating in the Affordable Connectivity Program;

35 “(iii) inappropriate restrictions on the ability of a consumer to switch internet  
 36 service offerings or otherwise apply support from the Affordable Connectivity  
 37 Program to a different internet service offering with a participating provider;

38 “(iv) inappropriate restrictions on the ability of a consumer to switch  
 39 participating providers, other than a requirement that the customer return any





1 customer premises equipment provided by a participating provider; and  
 2 “(v) similar restrictions that undermine the purpose, intent, or integrity of the  
 3 Affordable Connectivity Program.

4 “(B) EXCEPTIONS.—In complying with this paragraph, the Commission may take  
 5 advantage of the exceptions set forth in subsection [(e)-(f)?].”; and

6 (iii) in paragraph (14), as so redesignated, by striking “paragraph (7)” and  
 7 inserting “paragraph (12)”.

8 (b) Delayed Amendments to Affordable Connectivity Program.—

9 (1) IN GENERAL.—Effective on the date on which the Commission submits the  
 10 certification required under paragraph (4), or January 1, 2022, whichever is earlier, section  
 11 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as  
 12 amended by subsection (a) of this section, is amended—

13 (A) in subsection (a)—

14 (i) in paragraph (6)—

15 (I) in subparagraph (A), by inserting before the semicolon at the end the  
 16 following: “except that such subsection (a), including for purposes of such  
 17 subsection (b), shall be applied by substituting ‘200 percent’ for ‘135  
 18 percent’”;

19 (II) in subparagraph (C), by striking “since February 29, 2020” and  
 20 inserting “during the preceding 3 months”; and

21 (III) by striking subparagraph (E) and inserting the following:

22 “(E) at least one member of the household receives assistance through the special  
 23 supplemental nutritional program for women, infants, and children established by  
 24 section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786).”;

25 (ii) in paragraph (7)—

26 (I) by striking “which shall be no more than the standard rate for an  
 27 internet service offering and associated equipment,”; and

28 (II) by striking “\$50” and inserting “\$30”;

29 (iii) in paragraph (8), as so redesignated by subsection (a) of this section, by  
 30 striking “, offered in the same manner, and on the same terms, as described in any  
 31 of such provider’s offerings for broadband internet access service to such  
 32 household, as on December 1, 2020”; and

33 (iv) by striking paragraph (12), as so redesignated by subsection (a) of this  
 34 section; and

35 (B) in subsection (b)(6)—

36 (i) by striking subparagraph (A);

37 (ii) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B),  
 38 and (C), respectively; and



1 (iii) in subparagraph (A), as so redesignated—

2 (I) by striking clause (i); and

3 (II) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii),  
4 respectively.

5 (2) APPLICABILITY OF AMENDMENT TO ELIGIBILITY.—A household that qualified for the  
6 Emergency Broadband Benefit Program under section 904 of division N of the  
7 Consolidated Appropriations Act, 2021 (Public Law 116–260) before the effective date in  
8 paragraph (1) and, as of that effective date, would, but for this subparagraph, see a reduction  
9 in the amount of the benefit under that Program, shall, during the 60-day period beginning  
10 on that effective date, be eligible for that benefit in the amount in effect with respect to that  
11 household, as of the day before that effective date.

12 (3) TRANSITION.—After the effective date under paragraph (1), an eligible household  
13 that was participating in the Emergency Broadband Benefit Program on the date of  
14 enactment of this Act and qualifies for the Affordable Connectivity Program shall continue  
15 to have access to an affordable service offering.

16 (4) CERTIFICATION REQUIRED.—On the date on which the amounts appropriated under  
17 section 904(i)(2) of division N of the Consolidated Appropriations Act, 2021 (Public Law  
18 116–260) have been fully expended, the Commission shall submit to Congress a  
19 certification regarding that fact.

20 (c) Broadband Transparency Rules.—

21 (1) DEFINITION.—In this subsection, the term “covered broadband internet access service”  
22 means internet service offerings offered by a provider that participates in the Affordable Connectivity  
23 Program, to the extent such offerings are subscribed to by eligible households.

24 (2) RULES.—Not later than 1 year after the date of enactment of this Act, the  
25 Commission shall issue final rules regarding the annual collection by the Commission of  
26 data relating to the price and subscription rates of each covered broadband internet access  
27 service.

28 (3) UPDATES.—Not later than 180 days after the date on which rules are issued under  
29 paragraph (2), and when determined to be necessary by the Commission thereafter, the  
30 Commission shall revise the rules to verify the accuracy of data submitted pursuant to the  
31 rules.

32 (4) REDUNDANCY AVOIDANCE.—Nothing in this subsection shall be construed to require  
33 the Commission, in order to meet a requirement of this subsection, to duplicate an activity  
34 that the Commission is undertaking as of the date of enactment of this Act, if—

35 (A) the Commission refers to the activity in the rules issued under paragraph (2);

36 (B) the activity meets the requirements of this subsection; and

37 (C) the Commission discloses the activity to the public.

38 (5) AVAILABILITY OF DATA.—

39 (A) PUBLIC AVAILABILITY.—The Commission shall make data relating to broadband  
40 internet access service collected under the rules issued under paragraph (2) available to



1 the public in a commonly used electronic format without risking the disclosure of  
2 personally identifiable or proprietary information, consistent with section 0.459 of title  
3 47, Code of Federal Regulations (or any successor regulation).

4 (B) DETERMINATION OF PERSONALLY IDENTIFIABLE INFORMATION.—The  
5 Commission—

6 (I) shall define the term “personally identifiable information”, for purposes  
7 of clause (i) through notice and comment rulemaking; and

8 (II) may not share any data under subparagraph (B) before completing the  
9 rulemaking under subclause (I) of this clause.

10 (d) Guidance.—The Commission may issue such guidance, forms, instructions, publications,  
11 or technical assistance as may be necessary or appropriate to carry out the programs, projects, or  
12 activities authorized under this section and the amendments made by this section, including to  
13 ensure that such programs, projects, or activities are completed in a timely and effective manner.

14 (e) Coordination.—The Secretary of Agriculture, the Secretary of Education, and the Secretary  
15 of Health and Human Services shall—

16 (1) not later than 60 days after the date of enactment of this Act, enter into a  
17 memorandum of understanding with the Universal Service Administrative Company to  
18 provide for the expeditious sharing of data through the National Verifier (as that term is  
19 defined in section 54.400 of title 47, Code of Federal Regulations, or any successor  
20 regulation), or any successor system, for the purposes of verifying consumer eligibility for  
21 the program established under section 904 of division N of the Consolidated Appropriations  
22 Act, 2021 (Public Law 116–260), as amended by this section; and

23 (2) not later than 90 days after the date of enactment of this Act, begin to share data under  
24 the memorandum of understanding described in paragraph (1) for the purposes described in  
25 that paragraph.

26 **SEC. \_\_003. COORDINATION WITH CERTAIN OTHER**  
27 **FEDERAL AGENCIES.**

28 Section 804(b)(2) of the Communications Act of 1934 (47 U.S.C. 644(b)(2)), as added by  
29 section 2 of the Broadband DATA Act (Public Law 116–130), is amended—

30 (1) in subparagraph (A), by adding “and” at the end; and

31 (2) by striking subparagraphs (B) and (C) and inserting the following:

32 “(B) coordinate with the Postmaster General, the heads of other Federal agencies  
33 that operate delivery fleet vehicles, and the Director of the Bureau of the Census for  
34 assistance with data collection whenever coordination could feasibly yield more  
35 specific geographic data.”.

36 **SEC. \_\_004. ADOPTION OF CONSUMER BROADBAND**  
37 **LABELS.**

38 (a) Final Rule.—Not later than 1 year after the date of enactment of this Act, the Commission



1 shall promulgate regulations to require the display of broadband consumer labels, as described in  
2 the Public Notice of the Commission issued on April 4, 2016 (DA 16–357), to disclose to  
3 consumers information regarding broadband internet access service plans.

4 (b) Introductory Rate Information.—

5 (1) In General. -- The broadband consumer label required under subsection (a) shall also  
6 include information regarding whether the offered price is an introductory rate and, if so, the  
7 price the consumer will be required to pay following the introductory period.

8 (2) Use in Broadband Data Collection—The Commission shall rely on the price  
9 information displayed on the broadband consumer label required under subsection (a) for any  
10 collection of data relating to the price and subscription rates of each covered broadband internet  
11 access service pursuant to section [\_\_002(b)]

12 (c) Hearings.—In issuing the final rule under subsection (a), the Commission shall conduct a  
13 series of public hearings to assess, at the time of the proceeding—

14 (1) how consumers evaluate broadband internet access service plans; and

15 (2) whether disclosures to consumers of information regarding broadband internet access  
16 service plans, including the disclosures required under section 8.1 of title 47, Code of  
17 Federal Regulations, are available, effective, and sufficient.

18 **SEC. \_\_005. GAO REPORT.**

19 (a) Definitions.—In this section, the term “appropriate committees of Congress” means—

20 (1) the Committee on Appropriations of the Senate;

21 (2) the Committee on Appropriations of the House of Representatives;

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

23 (4) the Committee on Environment and Public Works of the Senate;

24 (5) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

25 (6) the Committee on Energy and Commerce of the House of Representatives;

26 (7) the Committee on Agriculture of the House of Representatives; and

27 (8) the Committee on Transportation and Infrastructure of the House of the  
28 Representatives.

29 (b) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller  
30 General of the United States shall submit to the appropriate committees of Congress a report that  
31 evaluates the process used by the Commission for establishing, reviewing, and updating the  
32 upload and download speed thresholds for broadband internet access service, including—

33 (1) how the Commission reviews and updates broadband internet access speed  
34 thresholds;

35 (2) whether the Commission should consider future broadband internet access service  
36 speed needs when establishing broadband internet access service speed thresholds,  
37 including whether the Commission considers the need, or the anticipated need, for higher  
38 upload or download broadband internet access service speeds in the 5-year period and the



1 10-year period after the date on which a broadband internet access service speed threshold  
2 is to be established; and

3 (3) whether the Commission should consider the impacts of changing uses of the internet  
4 in establishing, reviewing, or updating broadband internet access service speed thresholds,  
5 including—

- 6 (A) the proliferation of internet-based business;
- 7 (B) working remotely and running a business from home;
- 8 (C) video teleconferencing;
- 9 (D) distance learning;
- 10 (E) in-house web hosting; and
- 11 (F) cloud data storage.

12 **SEC. \_\_006. DIGITAL DISCRIMINATION.**

13 (a) Statement of Policy.—It is the policy of the United States that, insofar as technically and  
14 economically feasible—

- 15 (1) subscribers should benefit from equal access to broadband internet access service  
16 within the service area of a provider of such service;
- 17 (2) the term “equal access”, for purposes of this section, means the equal opportunity to  
18 subscribe to an offered service that provides comparable speeds, capacities, latency, and  
19 other quality of service metrics in a given area, for comparable terms and conditions; and
- 20 (3) the Commission should take steps to ensure that all people of the United States  
21 benefit from equal access to broadband internet access service.

22 (b) Adoption of Rules.—Not later than 2 years after the date of enactment of this Act, the  
23 Commission shall adopt final rules to facilitate equal access to broadband internet access service,  
24 taking into account the issues of technical and economic feasibility presented by that objective,  
25 including—

- 26 (1) preventing digital discrimination of access based on income level, race, ethnicity,  
27 color, religion, or national origin; and
- 28 (2) identifying necessary steps for the Commissions to take to eliminate such  
29 discrimination.

30 .  
31 (c) Federal Policies.—The Commission and the Attorney General shall ensure that Federal  
32 policies promote equal access to robust broadband internet access service by prohibiting  
33 deployment discrimination based on—

- 34 (1) the income level of an area;
- 35 (2) the predominant race or ethnicity composition of an area; or
- 36 (3) other factors the Commission determines to be relevant based on the findings in the  
37 record developed from the notice of inquiry under subsection (b).





1 (d) Model State and Local Policies.—The Commission shall develop model policies and best  
2 practices that can be adopted by States and localities to ensure that broadband internet access  
3 service providers do not engage in digital discrimination.

4 (e) Complaints.—The Commission shall revise its public complaint process to accept  
5 complaints from consumers or other members of the public that relate to digital discrimination.

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