

Accessible, Affordable Internet for All Act

Accessible, Affordable Internet for All Act Section-by-Section

Sec. 1. Short Title; Table of contents

Sec. 2 Definitions.

Provides definitions that apply throughout the title.

Sec. 3. Sense of Congress.

States that it is the Sense of Congress that broadband service and digital literacy are increasingly critical to how Americans participate in modern society, including accessing health care and education, and that lack of internet service harms individual and community opportunities and exacerbates wealth gaps.

Sec. 4. Severability.

States that if any section of the title is held to be invalid, the other sections remain valid.

Title I – Digital Equity

Sec. 1000. Definitions.

Provides definitions that apply throughout the subtitle.

Subtitle A – Office of Internet Connectivity and Growth

Sec. 1101. Establishment of the Office of Internet Connectivity and Growth.

Requires the Assistant Secretary of Commerce for Communications and Information to establish, within the National Telecommunications and Information Administration (NTIA), an Office of Internet Connectivity and Growth (OICG).

Sec. 1102. Duties.

Establishes the duties of the OICG, including conducting outreach to communities in need of better access to, or adoption of, internet service, specifically through organizing regional workshops, trainings, and publications to provide guidance and insights for these communities. OICG will also be responsible for tracking all Federal money being used for both the construction and use of broadband infrastructure and will coordinate with other Federal agencies to conduct a study on the extent to which affordability is a contributing factor to the lack of broadband adoption and on ways to improve Federal subsidies to households to make broadband affordable.

Sec. 1103. Streamlined Applications for Support.

Requires the OICG to coordinate with other Federal agencies to streamline the application process for assistance for Federal programs supporting broadband deployment and adoption.

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Sec. 1104. Coordination of Support.

Requires the OICG to coordinate with other Federal agencies to ensure broadband-related support is being administered in an efficient, technology-neutral, and financially sustainable manner.

Sec. 1105. Rule of Construction.

Provides that this chapter should not conflict or alter anything within section 254 of the Communications Act of 1934.

Sec. 1106. Appropriation for Office of Internet Connectivity and Growth.

Appropriates \$26 million for costs related to the establishment of the OICG and authorizes \$26 million annually for continued costs to carry out its responsibilities established under in this chapter.

Subtitle B – Digital Equity Programs

Sec. 1201. State Digital Equity Capacity Grant Program.

Establishes the State Digital Equity Capacity Grant Program to aid States in digital equity and digital inclusion activities. States applying to receive grants must have an established State Digital Equity Plan and a designated administering entity. Grants are determined by formula and must be used within a five-year period to implement the State's Digital Equity Plan and to pursue digital inclusion activities consistent with that plan. Appropriates \$60 million for grants to States to develop their digital equity plans and \$625 million is provided for grants to implement these plans. No less than five percent of the funds must be used to award grants to Indian tribes, Alaska Native entities, and Native Hawaiian organizations.

Sec. 1202. Digital Equity Competitive Grant Program.

Establishes the State Digital Equity Competitive Grant Program, which will be administered by the OICG, to award grants to local entities, tribal governments, Alaska Native entities, Native Hawaiian organizations, non-profits, anchor institutions, educational entities, and workforce development programs for digital inclusion activities. Appropriates \$625 million to carry out this program, and no less than five percent of the funds must be used to award grants for Indian tribes, Alaska Native entities, and Native Hawaiian organizations.

Sec. 1203. Policy Research, Data Collection, Analysis and Modeling, Evaluation and Dissemination.

Requires that the Assistant Secretary of Commerce for Communications and Information report to Congress annually on the grants awarded under the State Digital Equity Capacity Grant Program and the Digital Equity Competitive Grant Program and evaluate how each grant has been implemented.

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Sec. 1204. General Provisions.

Provides for requirements of non discrimination, technology neutrality, and audits throughout the chapter.

Subtitle C – Broadband Service for Low-Income Consumers

Sec. 1301. Additional Broadband Benefit.

Establishes a broadband benefit program that entitles households with a member who qualifies for Lifeline, free/reduced school lunch, or are recently unemployed to receive a \$50 benefit, or a \$75 benefit on tribal lands, to put toward the monthly price of internet service. Internet service providers would be required to provide eligible households service at a price reduced by an amount up to the benefit, and those providers can seek a reimbursement from the Federal Communications Commission (FCC) for such amount. The program is appropriated \$9 billion.

Sec. 1302. Grants to States to Strengthen National Lifeline Eligibility Verifier.

Appropriates \$200 million in funding to help states participate in the National Lifeline Eligibility Verifier.

Sec. 1303. Federal Coordination Between Lifeline and SNAP Verification.

Requires the FCC to coordinate with the Department of Agriculture to set up automated connections between the National Lifeline Eligibility Verifier and the National Accuracy Clearinghouse for the Supplemental Nutrition Assistance Program (SNAP).

Subtitle D – E-Rate Support for Wi-Fi Hotspots, Other Equipment, and Connected Devices

Sec. 1401. E-Rate Support for Wi-Fi Hotspots, Other Equipment, and Connected Devices.

Establishes a grant program at the FCC, using the authorities that established the E-Rate program, for schools and libraries to fund connectivity for students and teachers in the digital classroom. The program could be used to fund wired and wireless broadband connections at home, and provide connected devices, including laptops and tablets, to homes of students and teachers. The program also supports mobile hotspot-lending by schools or libraries, among other things. The section appropriates \$5 billion to carry out this program, of which five percent of funds is set aside for use on Tribal Lands.

Title II – Broadband Transparency

Sec. 2001. Definitions.

Provides definitions that apply throughout the subtitle.

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Sec. 2002. Broadband Transparency.

Requires the FCC to adopt rules to collect from service providers certain data regarding price of broadband service plans and subscription rates and data to determine the resiliency of the network in the event of a natural disaster or emergency.

Sec. 2003. Distribution of Data.

Requires the FCC to make all data collected under Section 31202 available to other Federal agencies, State-run broadband entities, a unit of local government, and an individual conducting research for noncommercial purposes. The FCC may not share any of this data with an entity or individual unless the agency has determined that they have the capacity to properly protect any personally identifiable information contained in the data.

Sec. 2004. Coordination with Certain Other Federal Agencies.

Amends the BROADBAND DATA Act to require the FCC to coordinate with the Postmaster General, or any other agency that operates delivery fleet vehicles, whenever coordination would be beneficial for data collection.

Sec. 2005. Broadband Consumer Labels.

Requires the FCC to issue rules to promote and incentivize a standard format for broadband internet service providers to disclose to consumers the price and terms of their service offerings.

Sec. 2006. Appropriation for Broadband DATA Act.

Appropriates \$24 million to the FCC to collect data and generate broadband availability maps required under the BROADBAND DATA Act.

Title III – Broadband Access

Subtitle A – Expansion of Broadband Access

Sec. 3101. Expansion of Broadband Access in Unserved Areas and Areas With Low-Tier or Mid-Tier Service.

Appropriates \$80 billion to fund competitive bidding systems to build broadband infrastructure. Seventy-five percent of the funding is to be used for a nationwide system of competitive bidding to fund broadband deployment in unserved areas, defined as areas with service below 25/25 Megabits per second (Mbps), and areas with low-tier service, defined as areas with service between 25/25 and 100/100 Mbps. The remaining funds (25 percent) are to be distributed among States, by population, for States to conduct statewide systems of competitive bidding for broadband deployment in unserved areas, areas with low-tier service, and to unserved anchor institutions (anchor institutions with speeds less than 1 gigabit per 1,000 users). If a State does not have unserved areas or areas with low-tier service, funding may be used for broadband deployment in areas with mid-tier service,

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defined as greater than 100/100 Mbps but less than 1 gigabit per second symmetrical. The section also establishes certain preferences for the projects, including where access will be expanded in

unserved areas and on Tribal lands; where higher speeds than the minimum specified will be offered; where the project will result in new open access networks where providers may use certain network elements to deliver their own internet service; where the project will increase access for persistent poverty counties or high-poverty areas at subsidized rates; and where completion will happen in advance of the maximum allowed buildout of four years.

The section also establishes certain requirements for projects funded under the program, including offering broadband service that provides at least 100/100 Mbps with sufficiently low latency, offering broadband service at prices that are comparable to, or lower than, the prices charged for comparable service, and offering an affordable service plan.

Anyone awarded funding in the nationwide system of competitive bidding must pay wages to employees working on the project funded through this program at rates not less than those prevailing on projects of a similar character in the locality and meet prevailing Federal labor and environmental requirements.

Subtitle B – Broadband Infrastructure Finance and Innovation

Sec. 3201. Definitions.

Establishes definitions that apply throughout the chapter.

Sec. 3202. Determination of Eligibility and Project Selection.

Creates the Broadband Infrastructure Financing Innovation (BIFIA) program, administered by the NTIA, to provide State and local governments, public authorities, and public-private partnerships financial assistance in the form of secured loans, lines of credit, and loan guarantees for eligible broadband infrastructure financing projects. To be eligible, NTIA must determine that BIFIA funding for the project will: (a) foster partnerships that will attract private and public investment for the project; (b) enable the project to proceed at an earlier date than the project would otherwise be able to proceed or reduce the lifecycle costs; and (c) reduce the Federal contribution for the project. Preference will be given for open access projects. Applicants must be able to demonstrate that construction on the project would begin within 90 days after receiving financial assistance.

Sec. 3203. Secured Loans.

Provides additional restrictions regarding secured loans made under the BIFIA program. The secured loans, which cannot exceed 49 percent of project costs, may be used to finance a project or to refinance interim or long-term obligations for projects that otherwise meet program requirements. In the case of bankruptcy or insolvency, the Federal government is in senior position to other debt holders.

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Sec. 3204. Lines of Credit.

Provides additional restrictions regarding lines of credit available under the BIFIA program. Eligible entities may apply for lines of credit to be used to finance eligible project costs, extraordinary repair

and replacement costs, operations and maintenance expenses, and costs of unexpected environmental restrictions. In the case of bankruptcy or insolvency, the Federal government is in senior position to other debt holders.

Sec. 3205. Alternative Prudential Lending Standards for Small Projects.

Requires the NTIA to establish alternate, streamlined lending standards for projects reasonably expected to incur less than \$20 million in eligible costs to ensure they pose no additional risks to the Federal government.

Sec. 3206. Program Administration.

Requires the NTIA to establish a program for servicing the credit instruments authorized under the program. It authorizes the NTIA to collect and spend fees to cover the expense of outside experts and firms to underwrite and service the instruments.

Sec. 3207. State and Local Permits.

Clarifies that the program does not preempt, supersede, or otherwise limit state and local laws governing construction, permitting, or rate of return.

Sec. 3208. Regulations.

Allows the Assistant Secretary of Commerce for Communications and Information to promulgate regulations necessary to administer the program.

Sec. 3209. Funding.

Appropriates \$5 billion to carry out the BIFIA program.

Sec. 3210. Reports to Congress

Requires) a report, due 12 months after passage and biannually thereafter, summarizing the financial performance of the projects funded by the program, and an additional annual report identifying and providing the status of all of the letters of interest and applications for funding received in the prior fiscal year (FY).

Subtitle C – Wi-Fi on School Buses

Sec. 3301. E-Rate Support for School Bus Wi-Fi.

Requires the FCC to update its rules to permit Wi-Fi access on school buses as eligible for support under the E-Rate program.

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Title IV – Community Broadband

Sec. 4001. State, Local, and Public-Private Partnership Broadband Services.

Prohibits state governments from enforcing laws or regulations that inhibit local governments, public-private partnerships, and cooperatives from delivering broadband service.

Title V – Broadband Infrastructure Deployment

Sec. 5001. Broadband Infrastructure Deployment

Creates a new “dig once” provision to ensure better coordination of transportation and broadband infrastructure projects, while ensuring State flexibility and preventing unfunded mandates. Creates a Dig Once Funding Task Force to estimate the cost of a nationwide “dig once” requirement, and to propose and evaluate options for funding such a requirement. Ensures Task Force consultation with stakeholders that represent rural communities and communities with limited access to broadband infrastructure.

Title VI – Repeal of Rule and Prohibition on Use of NPRM

Sec. 6001. Repeal of Rule and Prohibition on Use of NPRM.

Repeals the FCC’s Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry related to its Lifeline program that was adopted in November 2017. It also prohibits the FCC from finalizing a proposed rule that would cap the Universal Service Fund programs.