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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To make high-speed broadband internet service accessible and affordable
to all Americans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CLYBURN introduced the following bill; which was referred to the
Committee on _____

A BILL

To make high-speed broadband internet service accessible
and affordable to all Americans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Accessible, Affordable Internet for All Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Sense of Congress.
- Sec. 4. Severability.

TITLE I—DIGITAL EQUITY

Sec. 1000. Definitions.

Subtitle A—Office of Internet Connectivity and Growth

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

Sec. 1102. Duties.

Sec. 1103. Streamlined applications for support.

Sec. 1104. Coordination of support.

Sec. 1105. Rule of construction.

Sec. 1106. Funding.

Subtitle B—Digital Equity Programs

Sec. 1201. State Digital Equity Capacity Grant Program.

Sec. 1202. Digital Equity Competitive Grant Program.

Sec. 1203. Policy research, data collection, analysis and modeling, evaluation, and dissemination.

Sec. 1204. General provisions.

Subtitle C—Broadband Service for Low-Income Consumers

Sec. 1301. Additional broadband benefit.

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

Sec. 1303. Federal coordination between Lifeline and SNAP verification.

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.

TITLE II—BROADBAND TRANSPARENCY

Sec. 2001. Definitions.

Sec. 2002. Broadband transparency.

Sec. 2003. Distribution of data.

Sec. 2004. Coordination with certain other Federal agencies.

Sec. 2005. Broadband consumer labels.

Sec. 2006. Appropriation for 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.

Subtitle B—Broadband Infrastructure Finance and Innovation

Sec. 3201. Definitions.

Sec. 3202. Determination of eligibility and project selection.

Sec. 3203. Secured loans.

Sec. 3204. Lines of credit.

Sec. 3205. Alternative prudential lending standards for small projects.

Sec. 3206. Program administration.

Sec. 3207. State and local permits.

Sec. 3208. Regulations.

Sec. 3209. Funding.
Sec. 3210. Reports to Congress.

Subtitle C—Wi-Fi on School Buses

Sec. 3301. E-rate support for school bus Wi-Fi.

TITLE IV—COMMUNITY BROADBAND

Sec. 4001. State, local, public-private partnership, and co-op broadband services.

TITLE V—BROADBAND INFRASTRUCTURE DEPLOYMENT

Sec. 5001. Broadband infrastructure deployment.

TITLE VI—REPEAL OF RULE AND PROHIBITION ON USE OF NPRM

Sec. 6001. Repeal of rule and prohibition on use of NPRM.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

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

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

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

1 (3) ASSISTANT SECRETARY.—The term “Assist-
2 ant Secretary” means the Assistant Secretary of
3 Commerce for Communications and Information.

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

6 (5) COVERED HOUSEHOLD.—The term “covered
7 household” means a household the income of which
8 does not exceed 150 percent of the poverty thresh-
9 old, as determined by using criteria of poverty estab-
10 lished by the Bureau of the Census, for a household
11 of the size involved.

12 (6) COVERED POPULATIONS.—The term “cov-
13 ered populations” means—

14 (A) individuals who are members of cov-
15 ered households;

16 (B) aging individuals;

17 (C) incarcerated individuals, other than in-
18 dividuals who are incarcerated in a Federal cor-
19 rectional facility (including a private facility op-
20 erated under contract with the Federal Govern-
21 ment);

22 (D) veterans;

23 (E) individuals with disabilities;

24 (F) individuals with a language barrier, in-
25 cluding individuals who—

- 1 (i) are English learners; or
2 (ii) have low levels of literacy;
3 (G) individuals who are members of a ra-
4 cial or ethnic minority group; and
5 (H) individuals who primarily reside in a
6 rural area.

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

11 (8) DISABILITY.—The term “disability” has the
12 meaning given the term in section 3 of the Ameri-
13 cans with Disabilities Act of 1990 (42 U.S.C.
14 12102).

15 (9) FEDERAL AGENCY.—The term “Federal
16 agency” has the meaning given the term “agency”
17 in section 551 of title 5, United States Code.

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

22 (11) INSTITUTION OF HIGHER EDUCATION.—
23 The term “institution of higher education”—

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

4 (B) includes a postsecondary vocational in-
5 stitution.

6 (12) POSTSECONDARY VOCATIONAL INSTITU-
7 TION.—The term “postsecondary vocational institu-
8 tion” has the meaning given the term in section
9 102(c) of the Higher Education Act of 1965 (20
10 U.S.C. 1002(c)).

11 (13) RURAL AREA.—The term “rural area” has
12 the meaning given the term in section 13 of the
13 Rural Electrification Act of 1936 (7 U.S.C. 913).

14 (14) STATE.—The term “State” has the mean-
15 ing given the term in section 3 of the Communica-
16 tions Act of 1934 (47 U.S.C. 153).

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

20 **SEC. 3. SENSE OF CONGRESS.**

21 (a) IN GENERAL.—It is the sense of Congress that—

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

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

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

3 (2) digital exclusion—

4 (A) carries a high societal and economic
5 cost;

6 (B) materially harms the opportunity of an
7 individual with respect to the economic success,
8 educational achievement, positive health out-
9 comes, social inclusion, and civic engagement of
10 that individual;

11 (C) materially harms the opportunity of
12 areas where it is especially widespread with re-
13 spect to economic success, educational achieve-
14 ment, positive health outcomes, social cohesion,
15 and civic institutions; and

16 (D) exacerbates existing wealth and income
17 gaps, especially those experienced by covered
18 populations and between regions;

19 (3) achieving accessible and affordable access to
20 broadband service, as well as digital literacy, for all
21 people of the United States requires additional and
22 sustained research efforts and investment;

23 (4) the Federal Government, as well as State,
24 Tribal, and local governments, have made social,
25 legal, and economic obligations that necessarily ex-

1 tend to how the citizens and residents of those gov-
2 ernments access and use the internet; and

3 (5) achieving accessible and affordable access to
4 broadband service is a matter of social and economic
5 justice and is worth pursuing.

6 (b) **BROADBAND SERVICE DEFINED.**—In this sec-
7 tion, the term “broadband service” has the meaning given
8 the term “broadband internet access service” in section
9 8.1(b) of title 47, Code of Federal Regulations, or any
10 successor regulation.

11 **SEC. 4. SEVERABILITY.**

12 If any provision of this Act, an amendment made by
13 this Act, or the application of such provision or amend-
14 ment to any person or circumstance is held to be invalid,
15 the remainder of this Act and the amendments made by
16 this Act, and the application of such provision or amend-
17 ment to any other person or circumstance, shall not be
18 affected thereby.

19 **TITLE I—DIGITAL EQUITY**

20 **SEC. 1000. DEFINITIONS.**

21 In this title:

22 (1) **ADOPTION OF BROADBAND SERVICE.**—The
23 term “adoption of broadband service” means the
24 process by which an individual obtains daily access
25 to broadband service—

1 (A) with a download speed of at least 25
2 megabits per second, an upload speed of at
3 least 3 megabits per second, and a latency that
4 is sufficiently low to allow real-time, interactive
5 applications;

6 (B) with the digital skills that are nec-
7 essary for the individual to participate online;
8 and

9 (C) on a—

10 (i) personal device; and

11 (ii) secure and convenient network.

12 (2) ANCHOR INSTITUTION.—The term “anchor
13 institution” means a public or private school, a li-
14 brary, a medical or healthcare provider, a museum,
15 a public safety entity, a public housing agency, a
16 community college, an institution of higher edu-
17 cation, a religious organization, or any other com-
18 munity support organization or agency.

19 (3) ASSISTANT SECRETARY.—Except in section
20 1101, the term “Assistant Secretary” means the As-
21 sistant Secretary, acting through the Office.

22 (4) BROADBAND SERVICE.—The term
23 “broadband service” has the meaning given the term
24 “broadband internet access service” in section 8.1(b)

1 of title 47, Code of Federal Regulations, or any suc-
2 cessor regulation.

3 (5) COVERED PROGRAMS.—The term “covered
4 programs” means the State Digital Equity Capacity
5 Grant Program established under section 1201 and
6 the Digital Equity Competitive Grant Program es-
7 tablished under section 1202.

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

13 (7) DIGITAL INCLUSION ACTIVITIES.—The term
14 “digital inclusion activities”—

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

- 20 (i) reliable broadband service;
- 21 (ii) internet-enabled devices that meet
22 the needs of the user; and
- 23 (iii) applications and online content
24 designed to enable and encourage self-suf-

1 iciency, participation, and collaboration;

2 and

3 (B) includes—

4 (i) the provision of digital literacy
5 training;

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

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

11 (8) ELIGIBLE STATE.—The term “eligible
12 State” means—

13 (A) with respect to planning grants made
14 available under section 1201(c)(3), a State with
15 respect to which the Assistant Secretary has
16 approved an application submitted to the As-
17 sistant Secretary under section 1201(c)(3)(C);
18 and

19 (B) with respect to capacity grants award-
20 ed under section 1201(d), a State with respect
21 to which the Assistant Secretary has approved
22 an application submitted to the Assistant Sec-
23 retary under section 1201(d)(2), including ap-
24 proval of the State Digital Equity Plan devel-
25 oped by the State under section 1201(e).

1 (9) FEDERAL BROADBAND SERVICE SUPPORT
2 PROGRAM.—The term “Federal broadband service
3 support program” does not include any Universal
4 Service Fund program and means any of the fol-
5 lowing programs (or any other similar Federal pro-
6 gram) to the extent the program offers broadband
7 service or programs for promoting access to
8 broadband service and adoption of broadband service
9 for various demographic communities through var-
10 ious media for residential, commercial, or community
11 providers or anchor institutions:

12 (A) The Telecommunications and Tech-
13 nology Program of the Appalachian Regional
14 Commission.

15 (B) The Telecommunications Infrastruc-
16 ture Loans and Loan Guarantees, the Rural
17 Broadband Access Loans and Loan Guarantees,
18 the Substantially Underserved Trust Areas Pro-
19 visions, the Community Connect Grant Pro-
20 gram, and the Distance Learning and Tele-
21 medicine Grant Program of the Rural Utilities
22 Service of the Department of Agriculture.

23 (C) The Public Works and Economic Ad-
24 justment Assistance Programs and the Plan-
25 ning and Local Technical Assistance Programs

1 of the Economic Development Administration of
2 the Department of Commerce.

3 (D) The Community Development Block
4 Grants and Section 108 Loan Guarantees, the
5 Funds for Public Housing Authorities: Capital
6 Fund and Operating Fund, the Multifamily
7 Housing, the Indian Community Development
8 Block Grant Program, the Indian Housing
9 Block Grant Program, the Title VI Loan Guar-
10 antee Program, Choice Neighborhoods, the
11 HOME Investment Partnerships Program, the
12 Housing Trust Fund, and the Housing Oppor-
13 tunities for Persons with AIDS of the Depart-
14 ment of Housing and Urban Development.

15 (E) The American Job Centers of the Em-
16 ployment and Training Administration of the
17 Department of Labor.

18 (F) The Library Services and Technology
19 Grant Programs of the Institute of Museum
20 and Library Services.

21 (G) The State Digital Equity Capacity
22 Grant Program established under section 1201.

23 (H) The Digital Equity Competitive Grant
24 Program established under section 1202.

1 (I) The program established under section
2 723 of the Communications Act of 1934 (relat-
3 ing to expansion of access to broadband service
4 for unserved areas, areas with low-tier service,
5 areas with mid-tier service, and unserved an-
6 chor institutions), as added by section 3101.

7 (J) The broadband infrastructure finance
8 and innovation program established under sub-
9 title B of title III.

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

13 (11) LOCAL EDUCATIONAL AGENCY.—The term
14 “local educational agency” has the meaning given
15 the term in section 8101(30) of the Elementary and
16 Secondary Education Act of 1965 (20 U.S.C.
17 7801(30)).

18 (12) MEDICAID ENROLLEE.—The term “Med-
19 icaid enrollee” means, with respect to a State, an in-
20 dividual enrolled in the State plan under title XIX
21 of the Social Security Act (42 U.S.C. 1396 et seq.)
22 or a waiver of that plan.

23 (13) NATIONAL LIFELINE ELIGIBILITY
24 VERIFIER.—The term “National Lifeline Eligibility
25 Verifier” has the meaning given such term in section

1 54.400 of title 47, Code of Federal Regulations (or
2 any successor regulation).

3 (14) OFFICE.—The term “Office” means the
4 Office of Internet Connectivity and Growth estab-
5 lished pursuant to section 1101.

6 (15) PUBLIC HOUSING AGENCY.—The term
7 “public housing agency” has the meaning given the
8 term in section 3(b) of the United States Housing
9 Act of 1937 (42 U.S.C. 1437a(b)).

10 (16) SNAP PARTICIPANT.—The term “SNAP
11 participant” means an individual who is a member
12 of a household that participates in the supplemental
13 nutrition assistance program under the Food and
14 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

15 (17) SOCIALLY AND ECONOMICALLY DISADVAN-
16 TAGED SMALL BUSINESS CONCERN.—The term “so-
17 cially and economically disadvantaged small business
18 concern” has the meaning given the term in section
19 8(a)(4) of the Small Business Act (15 U.S.C.
20 637(a)(4)).

21 (18) TRIBALLY DESIGNATED ENTITY.—The
22 term “tribally designated entity” means an entity
23 designated by an Indian Tribe to carry out activities
24 under this title.

1 (19) UNIVERSAL SERVICE FUND PROGRAM.—
2 The term “Universal Service Fund program” means
3 any program authorized under section 254 of the
4 Communications Act of 1934 (47 U.S.C. 254), to
5 the extent such program provides support for
6 broadband service deployment.

7 (20) UNIVERSAL SERVICE MECHANISM.—The
8 term “universal service mechanism” means any
9 funding stream provided by a Universal Service
10 Fund program to support broadband service deploy-
11 ment.

12 (21) WORKFORCE DEVELOPMENT PROGRAM.—
13 The term “workforce development program” has the
14 meaning given the term in section 3 of the Work-
15 force Innovation and Opportunity Act (29 U.S.C.
16 3102).

17 **Subtitle A—Office of Internet**
18 **Connectivity and Growth**

19 **SEC. 1101. ESTABLISHMENT OF THE OFFICE OF INTERNET**
20 **CONNECTIVITY AND GROWTH.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the Assistant Secretary shall establish
23 the Office of Internet Connectivity and Growth within the
24 National Telecommunications and Information Adminis-
25 tration.

1 **SEC. 1102. DUTIES.**

2 (a) **OUTREACH.**—The Office shall—

3 (1) connect with communities that need access
4 to broadband service and improved digital inclusion
5 activities through various forms of outreach and
6 communication techniques;

7 (2) hold regional workshops across the country
8 to share best practices and effective strategies for
9 promoting access to broadband service and adoption
10 of broadband service;

11 (3) develop targeted broadband service training
12 and presentations for various demographic commu-
13 nities through various media; and

14 (4) develop and distribute publications (includ-
15 ing toolkits, primers, manuals, and white papers)
16 providing guidance, strategies, and insights to com-
17 munities as the communities develop strategies to
18 expand access to broadband service and adoption of
19 broadband service.

20 (b) **TRACKING OF FEDERAL DOLLARS.**—

21 (1) **BROADBAND SERVICE INFRASTRUCTURE.**—
22 The Office shall track the construction and use of
23 and access to any broadband service infrastructure
24 built using any Federal support in a central data-
25 base.

1 (2) ACCOUNTING MECHANISM.—The Office
2 shall develop a streamlined accounting mechanism
3 by which any Federal agency offering a Federal
4 broadband service support program, and the Com-
5 mission with respect to the Universal Service Fund
6 programs, shall provide the information described in
7 paragraph (1) in a standardized and efficient fash-
8 ion.

9 (3) REPORT.—Not later than 1 year after the
10 date of the enactment of this Act, and every year
11 thereafter, the Office shall make public on the
12 website of the Office and submit to the Committee
13 on Energy and Commerce of the House of Rep-
14 resentatives and the Committee on Commerce,
15 Science, and Transportation of the Senate a report
16 on the following:

17 (A) A description of the work of the Office
18 for the previous year and the number of resi-
19 dents of the United States that received
20 broadband service as result of Federal
21 broadband service support programs and the
22 Universal Service Fund programs.

23 (B) A description of how many residents of
24 the United States were provided broadband
25 service by which universal service mechanism or

1 which Federal broadband service support pro-
2 gram.

3 (C) An estimate of the economic impact of
4 such broadband service deployment efforts on
5 the local economy, including any effect on small
6 businesses or jobs.

7 (D) A description of any non-economic
8 benefits of such broadband service deployment
9 efforts, including any effect on civic engage-
10 ment.

11 (c) STUDY AND REPORT ON AFFORDABILITY OF
12 ADOPTION OF BROADBAND SERVICE.—

13 (1) STUDY.—The Office, in consultation with
14 the Commission, the Department of Agriculture, the
15 Department of the Treasury, and such other Federal
16 agencies as the Office considers appropriate, shall,
17 not later than 1 year after the date of the enactment
18 of this Act, and biennially thereafter, conduct a
19 study that examines the following:

20 (A) The number of households for which
21 cost is a barrier to the adoption of broadband
22 service, the financial circumstances of such
23 households, and whether such households are
24 eligible for the broadband benefit under section
25 1301.

1 (B) The extent to which the cost of adop-
2 tion of broadband service is a financial burden
3 to households that have adopted broadband
4 service, the financial circumstances of such fi-
5 nancially burdened households, and whether
6 such households are receiving the broadband
7 benefit under section 1301.

8 (C) The appropriate standard to determine
9 whether adoption of broadband service is af-
10 fordable for households, given the financial cir-
11 cumstances of such households.

12 (D) The feasibility of providing additional
13 Federal subsidies, including expanding the eligi-
14 bility for or increasing the amount of the
15 broadband benefit under section 1301, to
16 households to cover the difference between the
17 cost of adoption of broadband service (deter-
18 mined before applying such additional Federal
19 subsidies) and the price at which adoption of
20 broadband service would be affordable.

21 (E) How a program to provide additional
22 Federal subsidies as described in subparagraph
23 (D) should be administered to most effectively
24 facilitate adoption of broadband service at the
25 lowest overall expense to the Federal Govern-

1 ment, including measures that would ensure
2 that the availability of the subsidies does not
3 result in providers raising the price of
4 broadband service for households receiving sub-
5 sidies.

6 (F) How participation in the Lifeline pro-
7 gram of the Commission has changed in the 5
8 years prior to the date of the enactment of this
9 Act, including—

10 (i) geographic information at the cen-
11 sus-block level depicting the scale of
12 change in participation in each area; and

13 (ii) information on changes in partici-
14 pation by specific types of Lifeline-sup-
15 ported services, including fixed voice te-
16 lephony service, mobile voice telephony
17 service, fixed broadband service, and mo-
18 bile broadband service and, in the case of
19 any Lifeline-supported services provided as
20 part of a bundle of services to which a
21 Lifeline discount is applied, which Lifeline-
22 supported services are part of such bundle
23 and whether or not each Lifeline-supported
24 service in such bundle meets Lifeline min-
25 imum service standards.

1 (G) How competition impacts the price of
2 broadband service.

3 (2) REPORT.—Not later than 1 year after the
4 date of the enactment of this Act, and biennially
5 thereafter, the Office shall submit to Congress a re-
6 port on the results of the study conducted under
7 paragraph (1).

8 (3) COST DEFINED.—In this subsection, the
9 term “cost” means, with respect to adoption of
10 broadband service, the cost of adoption of broadband
11 service to a household after applying any subsidies
12 that reduce such cost.

13 **SEC. 1103. STREAMLINED APPLICATIONS FOR SUPPORT.**

14 (a) FEDERAL AGENCY CONSULTATION.—The Office
15 shall consult with any Federal agency offering a Federal
16 broadband service support program to streamline and
17 standardize the application process for financial assistance
18 for such program.

19 (b) FEDERAL AGENCY STREAMLINING.—Any Fed-
20 eral agency offering a Federal broadband service support
21 program shall amend the applications of such agency for
22 broadband service support, to the extent practicable and
23 as necessary, to streamline and standardize applications
24 for Federal broadband service support programs across
25 the Government.

1 (c) SINGLE APPLICATION.—To the greatest extent
2 practicable, the Office shall seek to create one application
3 that may be submitted to apply for all, or substantially
4 all, Federal broadband service support programs.

5 (d) WEBSITE REQUIRED.—Not later than 180 days
6 after the date of the enactment of this Act, the Office shall
7 create a central website through which potential applicants
8 can learn about and apply for support through any Fed-
9 eral broadband service support program.

10 **SEC. 1104. COORDINATION OF SUPPORT.**

11 The Office, any Federal agency that offers a Federal
12 broadband service support program, and the Commission
13 with respect to the Universal Service Fund programs shall
14 coordinate to ensure that support is being distributed in
15 an efficient, technology-neutral, and financially sustain-
16 able manner, with the goals of achieving universal access
17 to affordable broadband service and promoting the most
18 job and economic growth for all residents of the United
19 States.

20 **SEC. 1105. RULE OF CONSTRUCTION.**

21 Nothing in this subtitle is intended to alter or amend
22 any provision of section 254 of the Communications Act
23 of 1934 (47 U.S.C. 254).

1 **SEC. 1106. FUNDING.**

2 (a) APPROPRIATION.—There are appropriated to the
3 Assistant Secretary, out of any money in the Treasury not
4 otherwise appropriated, \$26,000,000 to carry out this sub-
5 title for fiscal year 2021, to remain available until ex-
6 pended.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to the Assistant Sec-
9 retary \$26,000,000 to carry out this subtitle for fiscal year
10 2022 and each fiscal year thereafter, to remain available
11 until expended.

12 **Subtitle B—Digital Equity**
13 **Programs**

14 **SEC. 1201. STATE DIGITAL EQUITY CAPACITY GRANT PRO-**
15 **GRAM.**

16 (a) ESTABLISHMENT; PURPOSE.—

17 (1) IN GENERAL.—The Assistant Secretary
18 shall establish in the Office the State Digital Equity
19 Capacity Grant Program (referred to in this section
20 as the “Program”)—

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

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

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

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

11 (A) consult with—

12 (i) the Secretary of Agriculture;

13 (ii) the Secretary of Housing and
14 Urban Development;

15 (iii) the Secretary of Education;

16 (iv) the Secretary of Labor;

17 (v) the Secretary of Health and
18 Human Services;

19 (vi) the Secretary of Veterans Affairs;

20 (vii) the Secretary of the Interior;

21 (viii) the Assistant Secretary for In-
22 dian Affairs of the Department of the Inte-
23 rior;

24 (ix) the Commission;

25 (x) the Federal Trade Commission;

1 (xi) the Director of the Institute of
2 Museum and Library Services;

3 (xii) the Administrator of the Small
4 Business Administration;

5 (xiii) the Federal Cochairman of the
6 Appalachian Regional Commission; and

7 (xiv) the head of any other Federal
8 agency that the Assistant Secretary deter-
9 mines to be appropriate; and

10 (B) ensure that the Program complements
11 and enhances, and does not conflict with, other
12 Federal broadband service support programs
13 and Universal Service Fund programs.

14 (b) ADMINISTERING ENTITY.—

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

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

1 (B) develop, implement, and oversee the
2 State Digital Equity Plan for the State de-
3 scribed in subsection (c);

4 (C) make subgrants to any of the entities
5 described in clauses (i) through (xi) of sub-
6 section (c)(1)(D) that is located in the State in
7 support of—

8 (i) the State Digital Equity Plan for
9 the State; and

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

12 (D) serve as—

13 (i) an advocate for digital equity poli-
14 cies and digital inclusion activities; and

15 (ii) a repository of best practice mate-
16 rials regarding the policies and activities
17 described in clause (i).

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

23 (A) The State.

24 (B) A political subdivision, agency, or in-
25 strumentality of the State.

1 (C) An Indian Tribe located in the State,
2 a tribally designated entity located in the State,
3 or a Native Hawaiian organization located in
4 the State.

5 (c) STATE DIGITAL EQUITY PLAN.—

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

10 (A) an identification of the barriers to dig-
11 ital equity faced by covered populations in the
12 State;

13 (B) measurable objectives for documenting
14 and promoting, among each group described in
15 subparagraphs (A) through (H) of section 2(6)
16 located in that State—

17 (i) the availability of, and affordability
18 of access to, broadband service and tech-
19 nology needed for the use of broadband
20 service;

21 (ii) public awareness of such avail-
22 ability and affordability and of subsidies
23 available to increase such affordability (in-
24 cluding subsidies available through the

1 Lifeline program of the Commission), in-
2 cluding objectives to—

3 (I) inform Medicaid enrollees and
4 SNAP participants, and organizations
5 that serve Medicaid enrollees and
6 SNAP participants, of potential eligi-
7 bility for the Lifeline program; and

8 (II) provide Medicaid enrollees
9 and SNAP participants with informa-
10 tion about the Lifeline program, in-
11 cluding—

12 (aa) how to apply for the
13 Lifeline program; and

14 (bb) a description of the
15 prohibition on more than one
16 subscriber in each household re-
17 ceiving a service provided under
18 the Lifeline program;

19 (iii) the online accessibility and
20 inclusivity of public resources and services;

21 (iv) digital literacy;

22 (v) awareness of, and the use of,
23 measures to secure the online privacy of,
24 and cybersecurity with respect to, an indi-
25 vidual; and

1 (vi) the availability and affordability
2 of consumer devices and technical support
3 for those devices;

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

7 (i) economic and workforce develop-
8 ment goals, plans, and outcomes;

9 (ii) educational outcomes;

10 (iii) health outcomes;

11 (iv) civic and social engagement; and

12 (v) delivery of other essential services;

13 (D) in order to achieve the objectives de-
14 scribed in subparagraph (B), a description of
15 how the State plans to collaborate with key
16 stakeholders in the State, which may include—

17 (i) anchor institutions;

18 (ii) county and municipal govern-
19 ments;

20 (iii) local educational agencies;

21 (iv) where applicable, Indian Tribes,
22 tribally designated entities, or Native Ha-
23 waiian organizations;

24 (v) nonprofit organizations;

25 (vi) organizations that represent—

- 1 (I) individuals with disabilities,
2 including organizations that represent
3 children with disabilities;
- 4 (II) aging individuals;
- 5 (III) individuals with a language
6 barrier, including individuals who—
- 7 (aa) are English learners; or
8 (bb) have low levels of lit-
9 eracy;
- 10 (IV) veterans;
- 11 (V) individuals residing in rural
12 areas; and
- 13 (VI) incarcerated individuals in
14 that State, other than individuals who
15 are incarcerated in a Federal correc-
16 tional facility (including a private fa-
17 cility operated under contract with the
18 Federal Government);
- 19 (vii) civil rights organizations;
- 20 (viii) entities that carry out workforce
21 development programs;
- 22 (ix) agencies of the State that are re-
23 sponsible for administering or supervising
24 adult education and literacy activities in
25 the State;

1 (x) public housing agencies whose ju-
2 risdictions are located in the State; and

3 (xi) a consortium of any of the enti-
4 ties described in clauses (i) through (x);
5 and

6 (E) a list of organizations with which the
7 administering entity for the State collaborated
8 in developing and implementing the Plan.

9 (2) PUBLIC AVAILABILITY.—

10 (A) IN GENERAL.—The administering enti-
11 ty for a State shall make the State Digital Eq-
12 uity Plan of the State available for public com-
13 ment for a period of not less than 30 days be-
14 fore the date on which the State submits an ap-
15 plication to the Assistant Secretary under sub-
16 section (d)(2).

17 (B) CONSIDERATION OF COMMENTS RE-
18 CEIVED.—The administering entity for a State
19 shall, with respect to an application submitted
20 to the Assistant Secretary under subsection
21 (d)(2)—

22 (i) before submitting the application—

23 (I) consider all comments re-
24 ceived during the comment period de-
25 scribed in subparagraph (A) with re-

1 spect to the application (referred to in
2 this subparagraph as the “comment
3 period”); and

4 (II) make any changes to the
5 plan that the administering entity de-
6 termines to be appropriate; and

7 (ii) when submitting the application—

8 (I) describe any changes pursued
9 by the administering entity in re-
10 sponse to comments received during
11 the comment period; and

12 (II) include a written response to
13 each comment received during the
14 comment period.

15 (3) PLANNING GRANTS.—

16 (A) IN GENERAL.—Beginning in the first
17 fiscal year that begins after the date of the en-
18 actment of this Act, the Assistant Secretary
19 shall, in accordance with the requirements of
20 this paragraph, award planning grants to
21 States for the purpose of developing the State
22 Digital Equity Plans of those States under this
23 subsection.

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

4 (i) shall submit to the Assistant Sec-
5 retary an application under subparagraph
6 (C); and

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

10 (C) APPLICATION.—A State that wishes to
11 be awarded a planning grant under this para-
12 graph shall, not later than 60 days after the
13 date on which the notice of funding availability
14 with respect to the grant is released, submit to
15 the Assistant Secretary an application, in a for-
16 mat to be determined by the Assistant Sec-
17 retary, that contains the following materials:

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

21 (ii) A certification from the State
22 that, not later than 1 year after the date
23 on which the Assistant Secretary awards
24 the planning grant to the State, the ad-
25 ministering entity for that State will sub-

1 mit to the Assistant Secretary a State Digital
2 Equity Plan developed under this sub-
3 section, which will comply with the require-
4 ments of this subsection, including the re-
5 quirements of paragraph (2).

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

8 (D) AWARDS.—

9 (i) AMOUNT OF GRANT.—The amount
10 of a planning grant awarded to an eligible
11 State under this paragraph shall be deter-
12 mined according to the formula under sub-
13 section (d)(3)(A)(i).

14 (ii) DURATION.—

15 (I) IN GENERAL.—Except as pro-
16 vided in subclause (II), with respect to
17 a planning grant awarded to an eligi-
18 ble State under this paragraph, the
19 State shall expend the grant funds
20 during the 1-year period beginning on
21 the date on which the State is award-
22 ed the grant funds.

23 (II) EXCEPTION.—The Assistant
24 Secretary may grant an extension of
25 not longer than 180 days with respect

1 to the requirement under subclause
2 (I).

3 (iii) CHALLENGE MECHANISM.—The
4 Assistant Secretary shall ensure that any
5 eligible State to which a planning grant is
6 awarded under this paragraph may appeal
7 or otherwise challenge in a timely fashion
8 the amount of the grant awarded to the
9 State, as determined under clause (i).

10 (E) USE OF FUNDS.—An eligible State to
11 which a planning grant is awarded under this
12 paragraph shall, through the administering en-
13 tity for that State, use the grant funds only for
14 the following purposes:

15 (i) To develop the State Digital Eq-
16 uity Plan of the State under this sub-
17 section.

18 (ii)(I) Subject to subclause (II), to
19 make subgrants to any of the entities de-
20 scribed in clauses (i) through (xi) of para-
21 graph (1)(D) to assist in the development
22 of the State Digital Equity Plan of the
23 State under this subsection.

24 (II) If the administering entity for a
25 State makes a subgrant described in sub-

1 clause (I), the administering entity shall,
2 with respect to the subgrant, provide to the
3 State the assurances required under sub-
4 section (e).

5 (d) STATE CAPACITY GRANTS.—

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

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

13 (B) digital inclusion activities in those
14 States.

15 (2) APPLICATION.—A State that wishes to be
16 awarded a grant under this subsection shall, not
17 later than 60 days after the date on which the notice
18 of funding availability with respect to the grant is
19 released, submit to the Assistant Secretary an appli-
20 cation, in a format to be determined by the Assist-
21 ant Secretary, that contains the following materials:

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

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

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

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

8 (ii) make grants in a manner that is
9 consistent with the aims of the Plan de-
10 scribed in clause (i).

11 (D) The assurances required under sub-
12 section (e).

13 (E) In the case of a State to which the As-
14 sistant Secretary has previously awarded a
15 grant under this subsection, any amendments
16 to the State Digital Equity Plan of that State,
17 as compared with the State Digital Equity Plan
18 of the State previously submitted.

19 (3) AWARDS.—

20 (A) AMOUNT OF GRANT.—

21 (i) FORMULA.—Subject to clauses (ii),
22 (iii), and (iv), the Assistant Secretary shall
23 calculate the amount of a grant awarded to
24 an eligible State under this subsection in
25 accordance with the following criteria,

1 using the best available data for all States
2 for the fiscal year in which the grant is
3 awarded:

4 (I) 50 percent of the total grant
5 amount shall be based on the popu-
6 lation of the eligible State in propor-
7 tion to the total population of all eligi-
8 ble States.

9 (II) 25 percent of the total grant
10 amount shall be based on the number
11 of individuals in the eligible State who
12 are members of covered populations in
13 proportion to the total number of indi-
14 viduals in all eligible States who are
15 members of covered populations.

16 (III) 25 percent of the total
17 grant amount shall be based on the
18 lack of availability of broadband serv-
19 ice and lack of adoption of broadband
20 service in the eligible State in propor-
21 tion to the lack of availability of
22 broadband service and lack of adop-
23 tion of broadband service in all eligi-
24 ble States, which shall be determined
25 according to data collected—

1 (aa) from the annual inquiry
2 of the Commission conducted
3 under section 706(b) of the Tele-
4 communications Act of 1996 (47
5 U.S.C. 1302(b));

6 (bb) from the American
7 Community Survey or, if nec-
8 essary, other data collected by
9 the Bureau of the Census;

10 (cc) from the Internet and
11 Computer Use Supplement to the
12 Current Population Survey of the
13 Bureau of the Census;

14 (dd) by the Commission pur-
15 suant to the rules issued under
16 section 802 of the Communica-
17 tions Act of 1934 (47 U.S.C.
18 642); and

19 (ee) from any other source
20 that the Assistant Secretary,
21 after appropriate notice and op-
22 portunity for public comment, de-
23 termines to be appropriate.

24 (ii) MINIMUM AWARD.—The amount
25 of a grant awarded to an eligible State

1 under this subsection in a fiscal year shall
2 be not less than 0.5 percent of the total
3 amount made available to award grants to
4 eligible States for that fiscal year.

5 (iii) ADDITIONAL AMOUNTS.—If, after
6 awarding planning grants to States under
7 subsection (c)(3) and capacity grants to el-
8 igible States under this subsection in a fis-
9 cal year, there are amounts remaining to
10 carry out this section, the Assistant Sec-
11 retary shall distribute those amounts—

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

16 (II) in accordance with the for-
17 mula described in clause (i).

18 (iv) DATA UNAVAILABLE.—If, in a fis-
19 cal year, the Commonwealth of Puerto
20 Rico (referred to in this clause as “Puerto
21 Rico”) is an eligible State and specific data
22 for Puerto Rico is unavailable for a factor
23 described in subclause (I), (II), or (III) of
24 clause (i), the Assistant Secretary shall use
25 the median data point with respect to that

1 factor among all eligible States and assign
2 it to Puerto Rico for the purposes of mak-
3 ing any calculation under that clause for
4 that fiscal year.

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

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

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

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

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

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

9 (iii)(I) Subject to subclause (II), to
10 award a grant to any entity that is de-
11 scribed in section 1202(b) and is located in
12 the eligible State in order to—

13 (aa) assist in the implementation
14 of the State Digital Equity Plan of
15 the State;

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

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

23 (II) Before an administering entity
24 for an eligible State may award a grant
25 under subclause (I), the administering en-

1 tity shall require the entity to which the
2 grant is awarded to certify that—

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

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

9 (cc) the entity shall cooperate
10 with any evaluation—

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

14 (BB) that is carried out by
15 or for the administering entity,
16 the Assistant Secretary, or an-
17 other Federal official.

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

21 (II) An administering entity for an el-
22 igible State to which a grant is awarded
23 under this subsection may use not more
24 than 5 percent of the amount of the grant
25 for a purpose described in subclause (I).

1 (v)(I) Subject to subclause (II), for
2 the administrative costs incurred in car-
3 rying out the activities described in clauses
4 (i) through (iv).

5 (II) An administering entity for an el-
6 igible State to which a grant is awarded
7 under this subsection may use not more
8 than 3 percent of the amount of the grant
9 for the purpose described in subclause (I).

10 (e) ASSURANCES.—When applying for a grant under
11 this section, a State shall include in the application for
12 that grant assurances that—

13 (1) if any of the entities described in clauses (i)
14 through (xi) of subsection (c)(1)(D) or section
15 1202(b) is awarded grant funds under this section
16 (referred to in this subsection as a “covered recipi-
17 ent”), provide that—

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

21 (B) the administering entity for that State
22 shall adopt and use proper methods of admin-
23 istering any grant that the covered recipient is
24 awarded, including by—

1 (i) enforcing any obligation imposed
2 under law on any agency, institution, orga-
3 nization, or other entity that is responsible
4 for carrying out the program to which the
5 grant relates;

6 (ii) correcting any deficiency in the
7 operation of a program to which the grant
8 relates, as identified through an audit or
9 another monitoring or evaluation proce-
10 dure; and

11 (iii) adopting written procedures for
12 the receipt and resolution of complaints al-
13 leging a violation of law with respect to a
14 program to which the grant relates; and

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

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

20 (ii) that is carried out by or for the
21 Assistant Secretary or another Federal of-
22 ficial;

23 (2) the administering entity for that State
24 shall—

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

5 (B) submit to the Assistant Secretary any
6 reports that may be necessary to enable the As-
7 sistant Secretary to perform the duties of the
8 Assistant Secretary under this section;

9 (C) maintain any records and provide any
10 information to the Assistant Secretary, includ-
11 ing those records, that the Assistant Secretary
12 determines is necessary to enable the Assistant
13 Secretary to perform the duties of the Assistant
14 Secretary under this section; and

15 (D) with respect to any significant pro-
16 posed change or amendment to the State Dig-
17 ital Equity Plan for the State, make the change
18 or amendment available for public comment in
19 accordance with subsection (c)(2); and

20 (3) the State, before submitting to the Assist-
21 ant Secretary the State Digital Equity Plan of the
22 State, has complied with the requirements of sub-
23 section (c)(2).

24 (f) TERMINATION OF GRANT.—

1 (1) IN GENERAL.—In addition to other author-
2 ity under applicable law, the Assistant Secretary
3 shall terminate a grant awarded to an eligible State
4 under this section if, after notice to the State and
5 opportunity for a hearing, the Assistant Secretary
6 determines, and presents to the State a rationale
7 and supporting information that clearly dem-
8 onstrates, that—

9 (A) the grant funds are not contributing to
10 the development or implementation of the State
11 Digital Equity Plan of the State, as applicable;

12 (B) the State is not upholding assurances
13 made by the State to the Assistant Secretary
14 under subsection (e); or

15 (C) the grant is no longer necessary to
16 achieve the original purpose for which the As-
17 sistant Secretary awarded the grant.

18 (2) REDISTRIBUTION.—If the Assistant Sec-
19 retary, in a fiscal year, terminates a grant under
20 paragraph (1) or under other authority under appli-
21 cable law, the Assistant Secretary shall redistribute
22 the unspent grant amounts—

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

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

3 (g) REPORTING AND INFORMATION REQUIREMENTS;
4 INTERNET DISCLOSURE.—The Assistant Secretary—

5 (1) shall—

6 (A) require any entity to which a grant, in-
7 cluding a subgrant, is awarded under this sec-
8 tion to publicly report, for each year during the
9 period described in subsection (c)(3)(D)(ii) or
10 (d)(3)(B), as applicable, with respect to the
11 grant, and in a format specified by the Assist-
12 ant Secretary, on—

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

14 (ii) the progress of the entity towards
15 fulfilling the objectives for which the grant
16 was awarded; and

17 (iii) the implementation of the State
18 Digital Equity Plan of the State;

19 (B) establish appropriate mechanisms to
20 ensure that any entity to which a grant, includ-
21 ing a subgrant, is awarded under this section—

22 (i) uses the grant amounts in an ap-
23 propriate manner; and

24 (ii) complies with all terms with re-
25 spect to the use of the grant amounts; and

1 (C) create and maintain a fully searchable
2 database, which shall be accessible on the inter-
3 net at no cost to the public, that contains, at
4 a minimum—

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

7 (ii) the status of each application de-
8 scribed in clause (i);

9 (iii) each report submitted by an enti-
10 ty under subparagraph (A);

11 (iv) a record of public comments re-
12 ceived during the comment period de-
13 scribed in subsection (c)(2)(A) regarding
14 the State Digital Equity Plan of a State,
15 as well as any written responses to or ac-
16 tions taken as a result of those comments;
17 and

18 (v) any other information that the As-
19 sistant Secretary considers appropriate to
20 ensure that the public has sufficient infor-
21 mation to understand and monitor grants
22 awarded under this section; and

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

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

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

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

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

15 (B) providing assistance to—

16 (i) States, or administering entities
17 for States, to prepare the applications of
18 those States; and

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

21 (C) developing the report required under
22 section 1203(a); and

23 (2) not less than 5 percent to award grants di-
24 rectly to Indian Tribes, tribally designated entities,
25 and Native Hawaiian organizations to allow those

1 Tribes, entities, and organizations to carry out the
2 activities described in this section.

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

5 (k) APPROPRIATION.—There are appropriated to the
6 Assistant Secretary, out of any money in the Treasury not
7 otherwise appropriated—

8 (1) for the award of grants under subsection
9 (c)(3), \$60,000,000 for fiscal year 2021, to remain
10 available until expended; and

11 (2) for the award of grants under subsection
12 (d)—

13 (A) \$125,000,000 for fiscal year 2021, to
14 remain available until expended;

15 (B) \$125,000,000 for fiscal year 2022, to
16 remain available until expended;

17 (C) \$125,000,000 for fiscal year 2023, to
18 remain available until expended;

19 (D) \$125,000,000 for fiscal year 2024, to
20 remain available until expended; and

21 (E) \$125,000,000 for fiscal year 2025, to
22 remain available until expended.

23 **SEC. 1202. DIGITAL EQUITY COMPETITIVE GRANT PRO-**
24 **GRAM.**

25 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the date on which the Assistant Secretary begins
3 awarding grants under section 1201(d), and not be-
4 fore that date, the Assistant Secretary shall estab-
5 lish in the Office the Digital Equity Competitive
6 Grant Program (referred to in this section as the
7 “Program”), the purpose of which is to award
8 grants to support efforts to achieve digital equity,
9 promote digital inclusion activities, and spur greater
10 adoption of broadband service among covered popu-
11 lations.

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

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

16 (i) the identification of groups de-
17 scribed in subparagraphs (A) through (H)
18 of section 2(6) located in that State; and

19 (ii) the allocation of grant funds with-
20 in that State for projects in or affecting
21 the State; and

22 (B) shall—

23 (i) consult with—

24 (I) the Secretary of Agriculture;

- 1 (II) the Secretary of Housing
2 and Urban Development;
- 3 (III) the Secretary of Education;
- 4 (IV) the Secretary of Labor;
- 5 (V) the Secretary of Health and
6 Human Services;
- 7 (VI) the Secretary of Veterans
8 Affairs;
- 9 (VII) the Secretary of the Inte-
10 rior;
- 11 (VIII) the Assistant Secretary for
12 Indian Affairs of the Department of
13 the Interior;
- 14 (IX) the Commission;
- 15 (X) the Federal Trade Commis-
16 sion;
- 17 (XI) the Director of the Institute
18 of Museum and Library Services;
- 19 (XII) the Administrator of the
20 Small Business Administration;
- 21 (XIII) the Federal Cochairman
22 of the Appalachian Regional Commis-
23 sion; and
- 24 (XIV) the head of any other Fed-
25 eral agency that the Assistant Sec-

1 retary determines to be appropriate;
2 and

3 (ii) ensure that the Program com-
4 plements and enhances, and does not con-
5 flict with, other Federal broadband service
6 support programs and Universal Service
7 Fund programs.

8 (b) ELIGIBILITY.—The Assistant Secretary may
9 award a grant under the Program to any of the following
10 entities if the entity is not serving, and has not served,
11 as the administering entity for a State under section
12 1201(b):

13 (1) A political subdivision, agency, or instru-
14 mentality of a State, including an agency of a State
15 that is responsible for administering or supervising
16 adult education and literacy activities in the State.

17 (2) An Indian Tribe, a tribally designated enti-
18 ty, or a Native Hawaiian organization.

19 (3) An entity that is—

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

21 (B) not a school.

22 (4) An anchor institution.

23 (5) A local educational agency.

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

1 (7) A consortium of any of the entities de-
2 scribed in paragraphs (1) through (6).

3 (8) A consortium of—

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

6 (B) an entity that—

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

9 (ii) is not a school.

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

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

16 (2) that—

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

22 (B) identifies the period in which the ap-
23 plicant will expend the grant funds awarded
24 under the Program;

25 (C) includes—

1 (i) a justification for the amount of
2 the grant that the applicant is requesting;
3 and

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

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

10 (i) is capable of carrying out the
11 project or function to which the application
12 relates and the activities described in sub-
13 section (h)—

14 (I) in a competent manner; and

15 (II) in compliance with all appli-
16 cable Federal, State, and local laws;
17 and

18 (ii) if the applicant is an entity de-
19 scribed in subsection (b)(1), will appro-
20 priate or otherwise unconditionally obligate
21 from non-Federal sources funds that are
22 necessary to meet the requirements of sub-
23 section (e);

24 (E) discloses to the Assistant Secretary the
25 source and amount of other Federal, State, or

1 outside funding sources from which the entity
2 receives, or has applied for, funding for activi-
3 ties or projects to which the application relates;
4 and

5 (F) provides—

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

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

13 (d) AWARD OF GRANTS.—

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

18 (A) whether—

19 (i) an application will, if approved—

20 (I) increase access to broadband
21 service and the adoption of broadband
22 service among covered populations to
23 be served by the applicant; and

24 (II) not result in unjust enrich-
25 ment; and

1 (ii) the applicant is, or plans to sub-
2 contract with, a socially and economically
3 disadvantaged small business concern;

4 (B) the comparative geographic diversity of
5 the application in relation to other eligible ap-
6 plications; and

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

9 (2) USE OF FUNDS.—

10 (A) IN GENERAL.—In addition to the ac-
11 tivities required under subparagraph (B), an
12 entity to which the Assistant Secretary awards
13 a grant under the Program shall use the grant
14 amounts to support not less than 1 of the fol-
15 lowing activities:

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

19 (ii) To facilitate the adoption of
20 broadband service by covered populations,
21 including by raising awareness of subsidies
22 available to increase affordability of such
23 service (including subsidies available
24 through the Lifeline program of the Com-
25 mission), in order to provide educational

1 and employment opportunities to those
2 populations.

3 (iii) To implement, consistent with the
4 purposes of this subtitle—

5 (I) training programs for covered
6 populations that cover basic, ad-
7 vanced, and applied skills; or

8 (II) other workforce development
9 programs.

10 (iv) To make available equipment, in-
11 strumentation, networking capability, hard-
12 ware and software, or digital network tech-
13 nology for broadband service to covered
14 populations at low or no cost.

15 (v) To construct, upgrade, expend, or
16 operate new or existing public access com-
17 puting centers for covered populations
18 through anchor institutions.

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

23 (B) EVALUATION.—

24 (i) IN GENERAL.—An entity to which
25 the Assistant Secretary awards a grant

1 under the Program shall use not more
2 than 10 percent of the grant amounts to
3 measure and evaluate the activities sup-
4 ported with the grant amounts.

5 (ii) SUBMISSION TO ASSISTANT SEC-
6 RETARY.—An entity to which the Assistant
7 Secretary awards a grant under the Pro-
8 gram shall submit to the Assistant Sec-
9 retary each measurement and evaluation
10 performed under clause (i)—

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

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

16 (III) annually after the submis-
17 sion described in subclause (II) for
18 any year in which the entity expends
19 grant amounts.

20 (C) ADMINISTRATIVE COSTS.—An entity to
21 which the Assistant Secretary awards a grant
22 under the Program may use not more than 10
23 percent of the amount of the grant for adminis-
24 trative costs in carrying out any of the activities
25 described in subparagraph (A).

1 (D) TIME LIMITATIONS.—With respect to
2 a grant awarded to an entity under the Pro-
3 gram, the entity—

4 (i) except as provided in clause (ii),
5 shall expend the grant amounts during the
6 4-year period beginning on the date on
7 which the entity is awarded the grant
8 amounts; and

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

16 (E) CONTRACTING REQUIREMENTS.—All
17 laborers and mechanics employed by contractors
18 or subcontractors in the performance of con-
19 struction, alteration, or repair work carried out,
20 in whole or in part, with a grant under the Pro-
21 gram shall be paid wages at rates not less than
22 those prevailing on projects of a similar char-
23 acter in the locality as determined by the Sec-
24 retary of Labor in accordance with subchapter
25 IV of chapter 31 of title 40, United States

1 Code. With respect to the labor standards in
2 this subparagraph, the Secretary of Labor shall
3 have the authority and functions set forth in
4 Reorganization Plan Numbered 14 of 1950 (64
5 Stat. 1267; 5 U.S.C. App.) and section 3145 of
6 title 40, United States Code.

7 (F) NEUTRALITY REQUIREMENT.—An em-
8 ployer to which the Assistant Secretary awards
9 a grant under the Program shall remain neutral
10 with respect to the exercise of employees and
11 labor organizations of the right to organize and
12 bargain under the National Labor Relations Act
13 (29 U.S.C. 151 et seq.).

14 (G) REFERRAL OF ALLEGED VIOLATIONS
15 OF APPLICABLE FEDERAL LABOR AND EMPLOY-
16 MENT LAWS.—The Assistant Secretary shall
17 refer any alleged violation of an applicable labor
18 and employment law to the appropriate Federal
19 agency for investigation and enforcement, any
20 alleged violation of subparagraph (E) or (F) to
21 the National Labor Relations Board for inves-
22 tigation and enforcement, utilizing all appro-
23 priate remedies up to and including debarment
24 from the Program.

25 (e) FEDERAL SHARE.—

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

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

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

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

15 (f) ASSURANCES.—When applying for a grant under
16 this section, an entity shall include in the application for
17 that grant assurances that the entity will—

18 (1) use any grant funds that the entity is
19 awarded in accordance with any applicable statute,
20 regulation, or application procedure;

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

24 (A) enforcing any obligation imposed under
25 law on any agency, institution, organization, or

1 other entity that is responsible for carrying out
2 a program to which the grant relates;

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

7 (C) adopting written procedures for the re-
8 ceipt and resolution of complaints alleging a
9 violation of law with respect to a program to
10 which the grant relates;

11 (3) cooperate with respect to any evaluation—

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

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

16 (4) use fiscal control and fund accounting pro-
17 cedures that ensure the proper disbursement of, and
18 accounting for, any Federal funds that the entity is
19 awarded under the Program;

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

24 (6) maintain any records and provide any infor-
25 mation to the Assistant Secretary, including those

1 records, that the Assistant Secretary determines is
2 necessary to enable the Assistant Secretary to per-
3 form the duties of the Assistant Secretary under the
4 Program.

5 (g) TERMINATION OF GRANT.—In addition to other
6 authority under applicable law, the Assistant Secretary
7 shall—

8 (1) terminate a grant awarded to an entity
9 under this section if, after notice to the entity and
10 opportunity for a hearing, the Assistant Secretary
11 determines, and presents to the entity a rationale
12 and supporting information that clearly dem-
13 onstrates, that—

14 (A) the grant funds are not being used in
15 a manner that is consistent with the application
16 with respect to the grant submitted by the enti-
17 ty under subsection (c);

18 (B) the entity is not upholding assurances
19 made by the entity to the Assistant Secretary
20 under subsection (f); or

21 (C) the grant is no longer necessary to
22 achieve the original purpose for which the As-
23 sistant Secretary awarded the grant; and

24 (2) with respect to any grant funds that the As-
25 sistant Secretary terminates under paragraph (1) or

1 under other authority under applicable law, competi-
2 tively award the grant funds to another applicant (if
3 such an applicant exists), consistent with the re-
4 quirements of this section.

5 (h) REPORTING AND INFORMATION REQUIREMENTS;
6 INTERNET DISCLOSURE.—The Assistant Secretary—

7 (1) shall—

8 (A) require any entity to which the Assist-
9 ant Secretary awards a grant under the Pro-
10 gram to, for each year during the period de-
11 scribed in clause (i) of subsection (d)(2)(D)
12 with respect to the grant and during the period
13 described in clause (ii) of such subsection with
14 respect to the grant if the entity continues to
15 measure and evaluate the activities supported
16 with the grant amounts during such period,
17 submit to the Assistant Secretary a report, in
18 a format specified by the Assistant Secretary,
19 regarding—

20 (i) the use by the entity of the grant
21 amounts; and

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

1 (B) establish mechanisms to ensure appro-
2 priate use of, and compliance with respect to all
3 terms regarding, grant funds awarded under
4 the Program;

5 (C) create and maintain a fully searchable
6 database, which shall be accessible on the inter-
7 net at no cost to the public, that contains, at
8 a minimum—

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

11 (ii) a description of each application
12 described in clause (i), including the pro-
13 posed purpose of each grant described in
14 that clause;

15 (iii) the status of each application de-
16 scribed in clause (i), including whether the
17 Assistant Secretary has awarded a grant
18 with respect to the application and, if so,
19 the amount of the grant;

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

22 (v) any other information that the As-
23 sistant Secretary considers appropriate to
24 ensure that the public has sufficient infor-

1 mation to understand and monitor grants
2 awarded under the Program; and

3 (D) ensure that any entity with respect to
4 which an award is terminated under subsection
5 (g) may, in a timely manner, appeal or other-
6 wise challenge that termination; and

7 (2) may establish additional reporting and in-
8 formation requirements for any recipient of a grant
9 under the Program.

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

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

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

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

1 (B) providing assistance to entities to pre-
2 pare the applications of those entities with re-
3 spect to grants awarded under this section;

4 (C) developing the report required under
5 section 1203(a); and

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

10 (2) not less than 5 percent to award grants di-
11 rectly to Indian Tribes, tribally designated entities,
12 and Native Hawaiian organizations to allow those
13 Tribes, entities, and organizations to carry out the
14 activities described in this section.

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

17 (l) APPROPRIATION.—There are appropriated to the
18 Assistant Secretary, out of any money in the Treasury not
19 otherwise appropriated, \$625,000,000 to carry out this
20 section for fiscal year 2021, to remain available until ex-
21 pended.

22 **SEC. 1203. POLICY RESEARCH, DATA COLLECTION, ANAL-**
23 **YSIS AND MODELING, EVALUATION, AND DIS-**
24 **SEMINATION.**

25 (a) REPORTING REQUIREMENTS.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date on which the Assistant Secretary begins
3 awarding grants under section 1201(d), and annu-
4 ally thereafter, the Assistant Secretary shall—

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

8 (i) the findings of each evaluation
9 conducted under subparagraph (B);

10 (ii) a list of each grant awarded under
11 each covered program, which shall in-
12 clude—

13 (I) the amount of each such
14 grant;

15 (II) the recipient of each such
16 grant; and

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

19 (iii) any termination or modification
20 of a grant awarded under the covered pro-
21 grams, which shall include a description of
22 the subsequent usage of any funds to
23 which such an action applies; and

24 (iv) each challenge made by an appli-
25 cant for, or a recipient of, a grant under

1 the covered programs and the outcome of
2 each such challenge; and

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

6 (i) whether eligible States to which
7 grants are awarded under the program es-
8 tablished under section 1201 are—

9 (I) abiding by the assurances
10 made by those States under sub-
11 section (e) of that section;

12 (II) meeting, or have met, the
13 stated goals of the State Digital Eq-
14 uity Plans developed by the States
15 under subsection (c) of that section;

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

20 (IV) in compliance with any
21 other rules, requirements, or regula-
22 tions promulgated by the Assistant
23 Secretary in implementing that pro-
24 gram; and

1 (ii) whether entities to which grants
2 are awarded under the program established
3 under section 1202 are—

4 (I) abiding by the assurances
5 made by those entities under sub-
6 section (f) of that section;

7 (II) meeting, or have met, the
8 stated goals of those entities with re-
9 spect to the use of the grant amounts;

10 (III) satisfying the requirements
11 imposed by the Assistant Secretary on
12 those entities under subsection (h) of
13 that section; and

14 (IV) in compliance with any
15 other rules, requirements, or regula-
16 tions promulgated by the Assistant
17 Secretary in implementing that pro-
18 gram.

19 (2) PUBLIC AVAILABILITY.—The Assistant Sec-
20 retary shall make each report submitted under para-
21 graph (1)(A) publicly available in an online format
22 that—

23 (A) facilitates access and ease of use;

24 (B) is searchable; and

25 (C) is accessible—

- 1 (i) to individuals with disabilities; and
2 (ii) in languages other than English.

3 (b) **AUTHORITY TO CONTRACT AND ENTER INTO**
4 **OTHER ARRANGEMENTS.**—The Assistant Secretary may
5 award grants and enter into contracts, cooperative agree-
6 ments, and other arrangements with Federal agencies,
7 public and private organizations, and other entities with
8 expertise that the Assistant Secretary determines appro-
9 priate in order to—

10 (1) evaluate the impact and efficacy of activities
11 supported by grants awarded under the covered pro-
12 grams; and

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

17 (c) **CONSULTATION AND PUBLIC ENGAGEMENT.**—In
18 carrying out subsection (a), and to further the objectives
19 described in paragraphs (1) and (2) of subsection (b), the
20 Assistant Secretary shall conduct ongoing collaboration
21 and consult with—

22 (1) the Secretary of Agriculture;

23 (2) the Secretary of Housing and Urban Devel-
24 opment;

25 (3) the Secretary of Education;

- 1 (4) the Secretary of Labor;
- 2 (5) the Secretary of Health and Human Serv-
- 3 ices;
- 4 (6) the Secretary of Veterans Affairs;
- 5 (7) the Secretary of the Interior;
- 6 (8) the Assistant Secretary for Indian Affairs of
- 7 the Department of the Interior;
- 8 (9) the Commission;
- 9 (10) the Federal Trade Commission;
- 10 (11) the Director of the Institute of Museum
- 11 and Library Services;
- 12 (12) the Administrator of the Small Business
- 13 Administration;
- 14 (13) the Federal Cochairman of the Appa-
- 15 lachian Regional Commission;
- 16 (14) State agencies and governors of States (or
- 17 equivalent officials);
- 18 (15) entities serving as administering entities
- 19 for States under section 1201(b);
- 20 (16) national, State, Tribal, and local organiza-
- 21 tions that conduct digital inclusion activities, pro-
- 22 mote digital equity, or provide digital literacy serv-
- 23 ices;
- 24 (17) researchers, academics, and philanthropic
- 25 organizations; and

1 (18) other agencies, organizations (including
2 international organizations), entities (including enti-
3 ties with expertise in the fields of data collection,
4 analysis and modeling, and evaluation), and commu-
5 nity stakeholders, as determined appropriate by the
6 Assistant Secretary.

7 (d) TECHNICAL SUPPORT AND ASSISTANCE.—The
8 Assistant Secretary shall provide technical support and as-
9 sistance to potential applicants for the covered programs
10 and entities awarded grants under the covered programs,
11 to ensure consistency in data reporting and to meet the
12 objectives of this section.

13 **SEC. 1204. GENERAL PROVISIONS.**

14 (a) NONDISCRIMINATION.—

15 (1) IN GENERAL.—No individual in the United
16 States may, on the basis of actual or perceived race,
17 color, religion, national origin, sex, gender identity,
18 sexual orientation, age, or disability, be excluded
19 from participation in, be denied the benefits of, or
20 be subjected to discrimination under any program or
21 activity that is funded in whole or in part with funds
22 made available under this subtitle.

23 (2) ENFORCEMENT.—The Assistant Secretary
24 shall effectuate paragraph (1) with respect to any
25 program or activity described in that paragraph by

1 issuing regulations and taking actions consistent
2 with section 602 of the Civil Rights Act of 1964 (42
3 U.S.C. 2000d–1).

4 (3) JUDICIAL REVIEW.—Judicial review of an
5 action taken by the Assistant Secretary under para-
6 graph (2) shall be available to the extent provided in
7 section 603 of the Civil Rights Act of 1964 (42
8 U.S.C. 2000d–2).

9 (b) TECHNOLOGICAL NEUTRALITY.—The Assistant
10 Secretary shall, to the extent practicable, carry out this
11 subtitle in a technologically neutral manner.

12 (c) AUDIT AND OVERSIGHT.—There are appropriated
13 to the Office of Inspector General of the Department of
14 Commerce, out of any money in the Treasury not other-
15 wise appropriated, for audits and oversight of funds made
16 available to carry out this subtitle, \$5,000,000 for fiscal
17 year 2021, to remain available until expended.

18 **Subtitle C—Broadband Service for** 19 **Low-Income Consumers**

20 **SEC. 1301. ADDITIONAL BROADBAND BENEFIT.**

21 (a) PROMULGATION OF REGULATIONS REQUIRED.—
22 Not later than 180 days after the date of the enactment
23 of this Act, the Commission shall promulgate regulations
24 implementing this section.

1 (b) REQUIREMENTS.—The regulations promulgated
2 pursuant to subsection (a) shall establish the following:

3 (1) BROADBAND BENEFIT.—A provider shall
4 provide an eligible household with an internet service
5 offering, upon request by a member of such house-
6 hold. Such provider shall discount the price charged
7 to such household for such internet service offering
8 in an amount equal to the broadband benefit for
9 such household.

10 (2) VERIFICATION OF ELIGIBILITY.—To verify
11 whether a household is an eligible household, a pro-
12 vider shall either—

13 (A) use the National Lifeline Eligibility
14 Verifier; or

15 (B) rely upon an alternative verification
16 process of the provider, if the Commission finds
17 such process to be sufficient to avoid waste,
18 fraud, and abuse.

19 (3) USE OF NATIONAL LIFELINE ELIGIBILITY
20 VERIFIER.—The Commission shall—

21 (A) expedite the ability of all providers to
22 access the National Lifeline Eligibility Verifier
23 for purposes of determining whether a house-
24 hold is an eligible household; and

1 (B) ensure that the National Lifeline Eligi-
2 bility Verifier approves an eligible household to
3 receive the broadband benefit not later than ten
4 days after the date of the submission of infor-
5 mation necessary to determine if such house-
6 hold is an eligible household.

7 (4) REIMBURSEMENT.—From the Broadband
8 Connectivity Fund established in subsection (g), the
9 Commission shall reimburse a provider in an amount
10 equal to the broadband benefit with respect to an el-
11 igible household that receives such benefit from such
12 provider.

13 (5) REIMBURSEMENT FOR CONNECTED DE-
14 VICE.—A provider that, in addition to providing the
15 broadband benefit to an eligible household, supplies
16 such household with a connected device may be re-
17 imbursed up to \$100 from the Broadband
18 Connectivity Fund established in subsection (g) for
19 such connected device, if the charge to such eligible
20 household is more than \$10 but less than \$50 for
21 such connected device, except that a provider may
22 receive reimbursement for no more than one con-
23 nected device per eligible household.

1 (6) CERTIFICATION REQUIRED.—To receive a
2 reimbursement under paragraph (4) or (5), a pro-
3 vider shall certify to the Commission the following:

4 (A) That the amount for which the pro-
5 vider is seeking reimbursement from the
6 Broadband Connectivity Fund for an internet
7 service offering to an eligible household is not
8 more than the normal rate.

9 (B) That each eligible household for which
10 the provider is seeking reimbursement for pro-
11 viding an internet service offering discounted by
12 the broadband benefit—

13 (i) has not been and will not be
14 charged—

15 (I) for such offering, if the nor-
16 mal rate for such offering is less than
17 or equal to the amount of the
18 broadband benefit for such household;
19 or

20 (II) more for such offering than
21 the difference between the normal rate
22 for such offering and the amount of
23 the broadband benefit for such house-
24 hold;

1 (ii) will not be required to pay an
2 early termination fee if such eligible house-
3 hold elects to enter into a contract to re-
4 ceive such internet service offering if such
5 household later terminates such contract;
6 and

7 (iii) was not subject to a mandatory
8 waiting period for such internet service of-
9 fering based on having previously received
10 broadband service from such provider.

11 (C) That each eligible household for which
12 the provider is seeking reimbursement for sup-
13 plying such household with a connected device
14 has not been and will not be charged \$10 or
15 less or \$50 or more for such device.

16 (D) A description of the process used by
17 the provider to verify that a household is an eli-
18 gible household, if the provider elects an alter-
19 native verification process under paragraph
20 (2)(B), and that such verification process was
21 designed to avoid waste, fraud, and abuse.

22 (7) AUDIT REQUIREMENTS.—The Commission
23 shall adopt audit requirements to ensure that pro-
24 viders are in compliance with the requirements of
25 this section and to prevent waste, fraud, and abuse

1 in the broadband benefit program established under
2 this section.

3 (c) ELIGIBLE PROVIDERS.—Notwithstanding sub-
4 section (e) of this section, the Commission shall provide
5 a reimbursement to a provider under this section without
6 requiring such provider to be designated as an eligible tele-
7 communications carrier under section 214(e) of the Com-
8 munications Act of 1934 (47 U.S.C. 214(e)).

9 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall affect the collection, distribution, or administra-
11 tion of the Lifeline Assistance Program governed by the
12 rules set forth in subpart E of part 54 of title 47, Code
13 of Federal Regulations (or any successor regulation).

14 (e) PART 54 REGULATIONS.—Nothing in this section
15 shall be construed to prevent the Commission from pro-
16 viding that the regulations in part 54 of title 47, Code
17 of Federal Regulations (or any successor regulation), shall
18 apply in whole or in part to support provided under the
19 regulations required by subsection (a), shall not apply in
20 whole or in part to such support, or shall be modified in
21 whole or in part for purposes of application to such sup-
22 port.

23 (f) ENFORCEMENT.—A violation of this section or a
24 regulation promulgated under this section, including the
25 knowing or reckless denial of an internet service offering

1 discounted by the broadband benefit to an eligible house-
2 hold that requests such an offering, shall be treated as
3 a violation of the Communications Act of 1934 (47 U.S.C.
4 151 et seq.) or a regulation promulgated under such Act.
5 The Commission shall enforce this section and the regula-
6 tions promulgated under this section in the same manner,
7 by the same means, and with the same jurisdiction, pow-
8 ers, and duties as though all applicable terms and provi-
9 sions of the Communications Act of 1934 were incor-
10 porated into and made a part of this section.

11 (g) BROADBAND CONNECTIVITY FUND.—

12 (1) ESTABLISHMENT.—There is established in
13 the Treasury of the United States a fund to be
14 known as the Broadband Connectivity Fund.

15 (2) APPROPRIATION.—There are appropriated
16 to the Broadband Connectivity Fund, out of any
17 money in the Treasury not otherwise appropriated,
18 \$9,000,000,000 for fiscal year 2021, to remain
19 available until expended.

20 (3) USE OF FUNDS.—Amounts in the
21 Broadband Connectivity Fund shall be available to
22 the Commission for reimbursements to providers
23 under the regulations required by subsection (a).

24 (4) RELATIONSHIP TO UNIVERSAL SERVICE
25 CONTRIBUTIONS.—Reimbursements provided under

1 the regulations required by subsection (a) shall be
2 provided from amounts made available under this
3 subsection and not from contributions under section
4 254(d) of the Communications Act of 1934 (47
5 U.S.C. 254(d)), except the Commission may use
6 such contributions if needed to offset expenses asso-
7 ciated with the reliance on the National Lifeline Eli-
8 gibility Verifier to determine eligibility of households
9 to receive the broadband benefit.

10 (5) LACK OF AVAILABILITY OF FUNDS.—The
11 regulations required by subsection (a) shall provide
12 that a provider is not required to provide an eligible
13 household with an internet service offering under
14 subsection (b)(1) for any month for which there are
15 insufficient amounts in the Broadband Connectivity
16 Fund to reimburse the provider under subsection
17 (b)(4) for providing the broadband benefit to such
18 eligible household.

19 (h) DEFINITIONS.—In this section:

20 (1) BROADBAND BENEFIT.—The term
21 “broadband benefit” means a monthly discount for
22 an eligible household applied to the normal rate for
23 an internet service offering, in an amount equal to
24 such rate, but not more than \$50, or, if an internet

1 service offering is provided to an eligible household
2 on Tribal land, not more than \$75.

3 (2) CONNECTED DEVICE.—The term “con-
4 nected device” means a laptop or desktop computer
5 or a tablet.

6 (3) ELIGIBLE HOUSEHOLD.—The term “eligible
7 household” means, regardless of whether the house-
8 hold or any member of the household receives sup-
9 port under subpart E of part 54 of title 47, Code
10 of Federal Regulations (or any successor regulation),
11 and regardless of whether any member of the house-
12 hold has any past or present arrearages with a pro-
13 vider, a household in which—

14 (A) at least one member of the household
15 meets the qualifications in subsection (a) or (b)
16 of section 54.409 of title 47, Code of Federal
17 Regulations (or any successor regulation);

18 (B) at least one member of the household
19 has applied for and been approved to receive
20 benefits under the free and reduced price lunch
21 program under the Richard B. Russell National
22 School Lunch Act (42 U.S.C. 1751 et seq.) or
23 the school breakfast program under section 4 of
24 the Child Nutrition Act of 1966 (42 U.S.C.
25 1773); or

1 (C) at least one member of the household
2 has experienced a substantial loss of income for
3 at least the two consecutive months immediately
4 preceding the month for which eligibility for the
5 broadband benefit is being determined, docu-
6 mented by layoff or furlough notice, application
7 for unemployment insurance benefits, or similar
8 documentation.

9 (4) INTERNET SERVICE OFFERING.—The term
10 “internet service offering” means, with respect to a
11 provider, broadband service provided by such pro-
12 vider to a household, offered in the same manner,
13 and on the same terms, as described in any of such
14 provider’s advertisements for broadband service to
15 such household, on May 1, 2020 (or such later date
16 as the Commission may by rule determine, if the
17 Commission considers it necessary).

18 (5) NORMAL RATE.—The term “normal rate”
19 means, with respect to an internet service offering
20 by a provider, the advertised monthly retail rate, on
21 May 1, 2020 (or such later date as the Commission
22 may by rule determine, if the Commission considers
23 it necessary), including any applicable promotions
24 and excluding any taxes or other governmental fees.

1 (6) PROVIDER.—The term “provider” means a
2 provider of broadband service.

3 **SEC. 1302. GRANTS TO STATES TO STRENGTHEN NATIONAL**
4 **LIFELINE ELIGIBILITY VERIFIER.**

5 (a) IN GENERAL.—From amounts appropriated
6 under subsection (d), the Commission shall, not later than
7 30 days after the date of the enactment of this Act, make
8 a grant to each State, in an amount in proportion to the
9 population of such State, for the purpose of connecting
10 the database used by such State for purposes of the sup-
11 plemental nutrition assistance program under the Food
12 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to the
13 National Lifeline Eligibility Verifier, so that the receipt
14 by a household of benefits under such program is reflected
15 in the National Lifeline Eligibility Verifier.

16 (b) DISBURSEMENT OF GRANT FUNDS.—Funds
17 under each grant made under subsection (a) shall be dis-
18 bursed to the State receiving such grant not later than
19 60 days after the date of the enactment of this Act.

20 (c) CERTIFICATION TO CONGRESS.—Not later than
21 90 days after the date of the enactment of this Act, the
22 Commission shall certify to the Committee on Energy and
23 Commerce of the House of Representatives and the Com-
24 mittee on Commerce, Science, and Transportation of the
25 Senate that the grants required by subsection (a) have

1 been made and that funds have been disbursed as required
2 by subsection (b).

3 (d) APPROPRIATION.—There are appropriated to the
4 Commission, out of any money in the Treasury not other-
5 wise appropriated, \$200,000,000 to carry out this section
6 for fiscal year 2021, to remain available until expended.

7 **SEC. 1303. FEDERAL COORDINATION BETWEEN LIFELINE**
8 **AND SNAP VERIFICATION.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Commission shall,
11 in coordination with the Secretary of Agriculture, establish
12 an automated connection between the National Lifeline
13 Eligibility Verifier and the National Accuracy Clearing-
14 house established under section 11(x) of the Food and Nu-
15 trition Act of 2008 (7 U.S.C. 2020(x)) for the supple-
16 mental nutrition assistance program.

17 (b) DEFINITION.—In this section, the term “auto-
18 mated connection” means a connection between two or
19 more information systems where the manual input of in-
20 formation in one system leads to the automatic input of
21 the same information any other connected system.

1 **Subtitle D—E—Rate Support for Wi-**
2 **Fi Hotspots, Other Equipment,**
3 **and Connected Devices**

4 **SEC. 1401. E-RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER**
5 **EQUIPMENT, AND CONNECTED DEVICES.**

6 (a) REGULATIONS REQUIRED.—Not later than 180
7 days after the date of the enactment of this Act, the Com-
8 mission shall promulgate regulations providing for the
9 provision, from amounts made available from the
10 Connectivity Fund established under subsection (h)(1), of
11 support under section 254(h)(1)(B) of the Communica-
12 tions Act of 1934 (47 U.S.C. 254(h)(1)(B)) to an elemen-
13 tary school, secondary school, or library (including a Trib-
14 al elementary school, Tribal secondary school, or Tribal
15 library) eligible for support under such section, for the
16 purchase of equipment described in subsection (c), ad-
17 vanced telecommunications and information services, or
18 equipment described in such subsection and advanced tele-
19 communications and information services, for use by—

20 (1) in the case of a school, students and staff
21 of such school at locations that include locations
22 other than such school; and

23 (2) in the case of a library, patrons of such li-
24 brary at locations that include locations other than
25 such library.

1 (b) TRIBAL ISSUES.—

2 (1) SET ASIDE FOR TRIBAL LANDS.—The Com-
3 mission shall reserve not less than 5 percent of the
4 amounts available to the Commission under sub-
5 section (h)(3) to provide support under the regula-
6 tions required by subsection (a) to schools and li-
7 braries that serve persons who are located on Tribal
8 lands.

9 (2) ELIGIBILITY OF TRIBAL LIBRARIES.—For
10 purposes of determining the eligibility of a Tribal li-
11 brary for support under the regulations required by
12 subsection (a), the portion of paragraph (4) of sec-
13 tion 254(h) of the Communications Act of 1934 (47
14 U.S.C. 254(h)) relating to eligibility for assistance
15 from a State library administrative agency under the
16 Library Services and Technology Act shall not apply.

17 (c) EQUIPMENT DESCRIBED.—The equipment de-
18 scribed in this subsection is the following:

19 (1) Wi-Fi hotspots.

20 (2) Modems.

21 (3) Routers.

22 (4) Devices that combine a modem and router.

23 (5) Connected devices.

24 (d) PRIORITIZATION OF SUPPORT.—The Commission
25 shall provide in the regulations required by subsection (a)

1 for a mechanism to require a school or library to prioritize
2 the provision of equipment described in subsection (c), ad-
3 vanced telecommunications and information services, or
4 equipment described in such subsection and advanced tele-
5 communications and information services, for which sup-
6 port is received under such regulations, to students and
7 staff or patrons (as the case may be) that the school or
8 library believes do not have access to equipment described
9 in subsection (c), do not have access to advanced tele-
10 communications and information services, or have access
11 to neither equipment described in subsection (c) nor ad-
12 vanced telecommunications and information services, at
13 the residences of such students and staff or patrons.

14 (e) PERMISSIBLE USES OF EQUIPMENT.—The Com-
15 mission shall provide in the regulations required by sub-
16 section (a) that, in the case of a school or library that
17 purchases equipment described in subsection (c) using
18 support received under such regulations, such school or
19 library—

20 (1) may use such equipment for such purposes
21 as such school or library considers appropriate, sub-
22 ject to any restrictions provided in such regulations
23 (or any successor regulation); and

24 (2) may not sell or otherwise transfer such
25 equipment in exchange for any thing (including a

1 service) of value, except that such school or library
2 may exchange such equipment for upgraded equip-
3 ment of the same type.

4 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to affect any authority the Com-
6 mission may have under section 254(h)(1)(B) of the Com-
7 munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to
8 allow support under such section to be used for the pur-
9 poses described in subsection (a) other than as required
10 by such subsection.

11 (g) PART 54 REGULATIONS.—Nothing in this section
12 shall be construed to prevent the Commission from pro-
13 viding that the regulations in part 54 of title 47, Code
14 of Federal Regulations (or any successor regulation), shall
15 apply in whole or in part to support provided under the
16 regulations required by subsection (a), shall not apply in
17 whole or in part to such support, or shall be modified in
18 whole or in part for purposes of application to such sup-
19 port.

20 (h) CONNECTIVITY FUND.—

21 (1) ESTABLISHMENT.—There is established in
22 the Treasury of the United States a fund to be
23 known as the Connectivity Fund.

24 (2) APPROPRIATION.—There are appropriated
25 to the Connectivity Fund, out of any money in the

1 Treasury not otherwise appropriated,
2 \$5,000,000,000 for fiscal year 2021, to remain
3 available until expended.

4 (3) USE OF FUNDS.—Amounts in the
5 Connectivity Fund shall be available to the Commis-
6 sion to provide support under the regulations re-
7 quired by subsection (a).

8 (4) RELATIONSHIP TO UNIVERSAL SERVICE
9 CONTRIBUTIONS.—Support provided under the regu-
10 lations required by subsection (a) shall be provided
11 from amounts made available under paragraph (3)
12 and not from contributions under section 254(d) of
13 the Communications Act of 1934 (47 U.S.C.
14 254(d)).

15 (i) DEFINITIONS.—In this section:

16 (1) ADVANCED TELECOMMUNICATIONS AND IN-
17 FORMATION SERVICES.—The term “advanced tele-
18 communications and information services” means
19 advanced telecommunications and information serv-
20 ices, as such term is used in section 254(h) of the
21 Communications Act of 1934 (47 U.S.C. 254(h)).

22 (2) CONNECTED DEVICE.—The term “con-
23 nected device” means a laptop computer, tablet com-
24 puter, or similar device that is capable of connecting

1 to advanced telecommunications and information
2 services.

3 (3) LIBRARY.—The term “library” includes a
4 library consortium.

5 (4) TRIBAL LAND.—The term “Tribal land”
6 means—

7 (A) any land located within the boundaries
8 of—

9 (i) an Indian reservation, pueblo, or
10 rancheria; or

11 (ii) a former reservation within Okla-
12 homa;

13 (B) any land not located within the bound-
14 aries of an Indian reservation, pueblo, or
15 rancheria, the title to which is held—

16 (i) in trust by the United States for
17 the benefit of an Indian Tribe or an indi-
18 vidual Indian;

19 (ii) by an Indian Tribe or an indi-
20 vidual Indian, subject to restriction against
21 alienation under laws of the United States;
22 or

23 (iii) by a dependent Indian commu-
24 nity;

1 (C) any land located within a region estab-
2 lished pursuant to section 7(a) of the Alaska
3 Native Claims Settlement Act (43 U.S.C.
4 1606(a));

5 (D) Hawaiian Home Lands, as defined in
6 section 801 of the Native American Housing
7 Assistance and Self-Determination Act of 1996
8 (25 U.S.C. 4221); or

9 (E) those areas or communities designated
10 by the Assistant Secretary of Indian Affairs of
11 the Department of the Interior that are near,
12 adjacent, or contiguous to reservations where fi-
13 nancial assistance and social service programs
14 are provided to Indians because of their status
15 as Indians.

16 (5) WI-FI.—The term “Wi-Fi” means a wire-
17 less networking protocol based on Institute of Elec-
18 trical and Electronics Engineers standard 802.11
19 (or any successor standard).

20 (6) WI-FI HOTSPOT.—The term “Wi-Fi
21 hotspot” means a device that is capable of—

22 (A) receiving mobile advanced tele-
23 communications and information services; and

24 (B) sharing such services with another de-
25 vice through the use of Wi-Fi.

1 **TITLE II—BROADBAND**
2 **TRANSPARENCY**

3 **SEC. 2001. DEFINITIONS.**

4 In this title:

5 (1) **BROADBAND INTERNET ACCESS SERVICE.**—

6 The term “broadband internet access service” has
7 the meaning given the term in section 8.1(b) of title
8 47, Code of Federal Regulations, or any successor
9 regulation.

10 (2) **FIXED WIRELESS BROADBAND.**—The term

11 “fixed wireless broadband” means broadband inter-
12 net access service that serves end users primarily at
13 fixed endpoints through stationary equipment con-
14 nected by the use of radio, such as by the use of un-
15 licensed spectrum.

16 (3) **MOBILE BROADBAND.**—The term “mobile
17 broadband”—

18 (A) means broadband internet access serv-
19 ice that serves end users primarily using mobile
20 stations;

21 (B) includes services that use smartphones
22 or mobile network-enabled tablets as the pri-
23 mary endpoints for connection to the internet;
24 and

1 (C) includes mobile satellite broadband
2 internet access services.

3 (4) PROVIDER.—The term “provider” means a
4 provider of fixed or mobile broadband internet access
5 service.

6 (5) SATELLITE BROADBAND.—The term “sat-
7 ellite broadband” means broadband internet access
8 service that serves end users primarily at fixed
9 endpoints through stationary equipment connected
10 by the use of orbital satellites.

11 (6) TERRESTRIAL FIXED BROADBAND.—The
12 term “terrestrial fixed broadband” means broadband
13 internet access service that serves end users pri-
14 marily at fixed endpoints through stationary equip-
15 ment connected by wired technology such as cable,
16 DSL, and fiber.

17 **SEC. 2002. BROADBAND TRANSPARENCY.**

18 (a) RULES.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of the enactment of this Act, the Commis-
21 sion shall issue final rules that include a require-
22 ment for the annual collection by the Commission of
23 data relating to the price and subscription rates of
24 terrestrial fixed broadband, fixed wireless

1 broadband, satellite broadband, and mobile
2 broadband.

3 (2) UPDATES.—Not later than 90 days after
4 the date on which rules are issued under paragraph
5 (1), and when determined to be necessary by the
6 Commission thereafter, the Commission shall revise
7 such rules to verify the accuracy of data submitted
8 pursuant to such rules.

9 (3) REDUNDANCY AVOIDANCE.—Nothing in this
10 section shall be construed to require the Commis-
11 sion, in order to meet a requirement of this section,
12 to duplicate an activity that the Commission is un-
13 dertaking as of the date of the enactment of this
14 Act, if the Commission refers to such activity in the
15 rules issued under paragraph (1), such activity
16 meets the requirements of this section, and the Com-
17 mission discloses such activity to the public.

18 (b) CONTENT OF RULES.—The rules issued by the
19 Commission under subsection (a)(1) shall require the
20 Commission to collect from each provider of terrestrial
21 fixed broadband, fixed wireless broadband, mobile
22 broadband, or satellite broadband, data that includes—

23 (1) either the weighted average of the monthly
24 prices charged to subscribed households within each
25 census block for each distinct broadband internet ac-

1 cess service plan or tier of standalone broadband
2 internet access service, including mandatory equip-
3 ment charges, usage-based fees, and fees for early
4 termination of required contracts, or the monthly
5 price charged to each subscribed household, includ-
6 ing such charges and fees;

7 (2) either the mean monthly price within the
8 duration of subscription contracts offered within
9 each census block for each distinct broadband inter-
10 net access service plan or tier of standalone
11 broadband internet access service, including manda-
12 tory equipment charges, usage-based fees, and fees
13 for early termination of required contracts, or the
14 mean monthly price within the duration of subscrip-
15 tion contracts offered to each household, including
16 such charges and fees;

17 (3) either the subscription rate within each cen-
18 sus block for each distinct broadband internet access
19 service plan or tier of standalone broadband internet
20 access service, or information regarding the sub-
21 scription status of each household to which a sub-
22 scription is offered;

23 (4) data necessary to demonstrate the actual
24 price paid by subscribers of broadband internet ac-

1 cess service at each tier for such service in a manner
2 that—

3 (A) takes into account any discounts (or
4 similar price concessions); and

5 (B) identifies any additional taxes and fees
6 (including for the use of equipment related to
7 the use of a subscription for such service), any
8 monthly data usage limitation at the stated
9 price, and the extent to which the price of the
10 service reflects inclusion within a product bun-
11 dle; and

12 (5) data necessary to assess the resiliency of
13 the broadband internet access service network in the
14 event of a natural disaster or emergency.

15 (c) **TECHNICAL ASSISTANCE.**—The Commission shall
16 provide technical assistance to small providers (as defined
17 by the Commission) of broadband internet access service,
18 to ensure such providers can fulfill the requirements of
19 this section.

20 **SEC. 2003. DISTRIBUTION OF DATA.**

21 (a) **AVAILABILITY OF DATA.**—Subject to subsection
22 (b), the Commission shall make all data relating to
23 broadband internet access service collected under rules re-
24 quired by this title available in a commonly used electronic
25 format to—

1 (1) other Federal agencies, including the Na-
2 tional Telecommunications and Information Admin-
3 istration, to assist that agency in conducting the
4 study required by section 1102(e);

5 (2) a broadband office, public utility commis-
6 sion, broadband mapping program, or other
7 broadband program of a State, in the case of data
8 pertaining to the needs of that State;

9 (3) a unit of local government, in the case of
10 data pertaining to the needs of that locality; and

11 (4) an individual or organization conducting re-
12 search for noncommercial purposes or public interest
13 purposes.

14 (b) PROTECTION OF DATA.—

15 (1) IN GENERAL.—The Commission may not
16 share any data described in subsection (a) with an
17 entity or individual described in that subsection un-
18 less the Commission has determined that the receiv-
19 ing entity or individual has the capability and intent
20 to protect any personally identifiable information
21 contained in the data.

22 (2) DETERMINATION OF PERSONALLY IDENTIFI-
23 FIABLE INFORMATION.—The Commission—

24 (A) shall define the term “personally iden-
25 tifiable information”, for purposes of paragraph

1 (1), through notice and comment rulemaking;
2 and

3 (B) may not share any data under sub-
4 section (a) before completing the rulemaking
5 under subparagraph (A).

6 (c) **BALANCING ACCESS AND PROTECTION.**—If the
7 Commission is unable to determine under subsection
8 (b)(1) that an entity or individual requesting access to
9 data under subsection (a) has the capability to protect per-
10 sonally identifiable information contained in the data, the
11 Commission shall make as much of the data available as
12 possible in a format that does not compromise personally
13 identifiable information, through methods such as
14 anonymization.

15 **SEC. 2004. COORDINATION WITH CERTAIN OTHER FEDERAL**
16 **AGENCIES.**

17 Section 804(b)(2) of the Communications Act of
18 1934 (47 U.S.C. 644(b)(2)), as added by the Broadband
19 DATA Act (Public Law 116–130), is amended—

20 (1) in subparagraph (A)(ii), by striking the
21 semicolon at the end and inserting “; and”;

22 (2) by amending subparagraph (B) to read as
23 follows:

24 “(B) coordinate with the Postmaster Gen-
25 eral, the heads of other Federal agencies that

1 operate delivery fleet vehicles, and the Director
2 of the Bureau of the Census for assistance with
3 data collection whenever coordination could fea-
4 sibly yield more specific geographic data.”; and
5 (3) by striking subparagraph (C).

6 **SEC. 2005. BROADBAND CONSUMER LABELS.**

7 (a) RULES.—Not later than 1 year after the date of
8 the enactment of this Act, the Commission shall issue final
9 rules to promote and incentivize widespread adoption of
10 the broadband consumer labels referred to in the Public
11 Notice of the Commission released on April 4, 2016 (DA
12 16–357).

13 (b) HEARINGS.—The Commission shall conduct a se-
14 ries of public hearings in the rulemaking proceeding re-
15 quired by subsection (a) to assess how consumers cur-
16 rently evaluate internet service plans and whether existing
17 disclosures are available, effective, and sufficient.

18 **SEC. 2006. APPROPRIATION FOR BROADBAND DATA ACT.**

19 There are appropriated to the Commission, out of any
20 money in the Treasury not otherwise appropriated,
21 \$24,000,000 to carry out title VIII of the Communications
22 Act of 1934 (47 U.S.C. 641 et seq.), as added by the
23 Broadband DATA Act (Public Law 116–130), for fiscal
24 year 2021, to remain available until expended.

1 **TITLE III—BROADBAND ACCESS**
2 **Subtitle A—Expansion of**
3 **Broadband Access**

4 **SEC. 3101. EXPANSION OF BROADBAND ACCESS IN**
5 **UNSERVED AREAS AND AREAS WITH LOW-**
6 **TIER OR MID-TIER SERVICE.**

7 Title VII of the Communications Act of 1934 (47
8 U.S.C. 601 et seq.) is amended by adding at the end the
9 following new section:

10 **“SEC. 723. EXPANSION OF BROADBAND ACCESS IN**
11 **UNSERVED AREAS AND AREAS WITH LOW-**
12 **TIER OR MID-TIER SERVICE.**

13 “(a) PROGRAM ESTABLISHED.—Not later than 180
14 days after the date of the enactment of this section, the
15 Commission, in consultation with the Assistant Secretary,
16 shall establish a program to expand access to broadband
17 service for unserved areas, areas with low-tier service,
18 areas with mid-tier service, and unserved anchor institu-
19 tions in accordance with the requirements of this section
20 that—

21 “(1) is separate from any universal service pro-
22 gram established pursuant to section 254; and

23 “(2) does not require funding recipients to be
24 designated as eligible telecommunications carriers
25 under section 214(e).

1 “(b) USE OF PROGRAM FUNDS.—

2 “(1) EXPANDING ACCESS TO BROADBAND SERV-
3 ICE THROUGH NATIONAL SYSTEM OF COMPETITIVE
4 BIDDING.—Not later than 18 months after the date
5 of the enactment of this section, the Commission
6 shall award 75 percent of the amounts appropriated
7 under subsection (g) through national systems of
8 competitive bidding to funding recipients only to ex-
9 pand access to broadband service in unserved areas
10 and areas with low-tier service.

11 “(2) EXPANDING ACCESS TO BROADBAND SERV-
12 ICE THROUGH STATES.—

13 “(A) DISTRIBUTION OF FUNDS TO
14 STATES.—Not later than 255 days after the
15 date of the enactment of this section, the Com-
16 mission shall distribute 25 percent of the
17 amounts appropriated under subsection (g)
18 among the States, in direct proportion to the
19 population of each State.

20 “(B) PUBLIC NOTICE.—Not later than 195
21 days after the date of the enactment of this sec-
22 tion, the Commission shall issue a public notice
23 informing each State and the public of the
24 amounts to be distributed under this para-
25 graph. The notice shall include—

1 “(i) the manner in which a State shall
2 inform the Commission of that State’s ac-
3 ceptance or acceptance in part of the
4 amounts to be distributed under this para-
5 graph;

6 “(ii) the date (which is 30 days after
7 the date on which the public notice is
8 issued) by which such acceptance or ac-
9 ceptance in part is due; and

10 “(iii) the requirements as set forth
11 under this section and as may be further
12 prescribed by the Commission.

13 “(C) ACCEPTANCE BY STATES.—Not later
14 than 30 days after the date on which a public
15 notice is issued under subparagraph (B), each
16 State accepting amounts to be distributed
17 under this paragraph shall inform the Commis-
18 sion of the acceptance or acceptance in part by
19 the State of the amounts to be distributed
20 under this paragraph in the manner described
21 by the Commission in the public notice.

22 “(D) REQUIREMENTS FOR STATE RECEIPT
23 OF AMOUNTS DISTRIBUTED.—Each State ac-
24 cepting amounts distributed under this para-
25 graph—

1 “(i) shall only award such amounts
2 through statewide systems of competitive
3 bidding, in the manner prescribed by the
4 State but subject to the requirements as
5 set forth under this section and as may be
6 further prescribed by the Commission;

7 “(ii) shall make such awards only—
8 “(I) to funding recipients to ex-
9 pand access to broadband service in
10 unserved areas and areas with low-tier
11 service;

12 “(II) to funding recipients to ex-
13 pand access to broadband service to
14 unserved anchor institutions; or

15 “(III) to funding recipients to ex-
16 pand access to broadband service in
17 areas with mid-tier service, but only if
18 a State does not have, or no longer
19 has, any unserved areas or areas with
20 low-tier service;

21 “(iii) shall conduct separate systems
22 of competitive bidding for awards made to
23 unserved anchor institutions under clause
24 (ii)(II), if a State awards any amounts dis-

1 tributed under this paragraph to unserved
2 anchor institutions;

3 “(iv) shall return any unused portion
4 of amounts distributed under this para-
5 graph to the Commission within 10 years
6 after the date of the enactment of this sec-
7 tion and shall submit a certification to the
8 Commission before receiving such amounts
9 that the State will return such amounts;
10 and

11 “(v) may not use more than 5 percent
12 of the amounts distributed under this
13 paragraph to administer a system or sys-
14 tems of competitive bidding authorized by
15 this paragraph.

16 “(3) COORDINATION OF FEDERAL AND STATE
17 FUNDING.—The Commission, in consultation with
18 the Office of Internet Connectivity and Growth, shall
19 establish processes through the rulemaking under
20 subsection (e) to—

21 “(A) enable States to conduct statewide
22 systems of competitive bidding as part of, or in
23 coordination with, national systems of competi-
24 tive bidding;

1 “(B) assist States in conducting statewide
2 systems of competitive bidding;

3 “(C) ensure that program funds awarded
4 by the Commission and program funds awarded
5 by the States are not used in the same areas;
6 and

7 “(D) ensure that program funds and funds
8 awarded through other Federal programs to ex-
9 pand broadband service with a download speed
10 of at least 100 megabits per second, an upload
11 speed of at least 100 megabits per second, and
12 a latency that is sufficiently low to allow real-
13 time, interactive applications, are not used in
14 the same areas.

15 “(c) PROGRAM REQUIREMENTS.—

16 “(1) TECHNOLOGY NEUTRALITY REQUIRED.—
17 The entity administering a system of competitive
18 bidding (either a State or the Commission) in mak-
19 ing awards may not favor a project using any par-
20 ticular technology.

21 “(2) GIGABIT PERFORMANCE FUNDING.—The
22 Commission shall reserve 20 percent of the amounts
23 to be awarded by the Commission under subsection
24 (b)(1), and each State shall reserve 20 percent of
25 the amounts distributed to such State under sub-

1 section (b)(2), for bidders committing (with respect
2 to any particular project by such a bidder) to offer,
3 not later than the date that is 5 years after the date
4 on which funding is provided under this section for
5 such project, broadband service with a download
6 speed of at least 1 gigabit per second and an upload
7 speed of at least 1 gigabit per second or, in the case
8 of a project to provide broadband service to an
9 unserved anchor institution, broadband service with
10 a download speed of at least 10 gigabits per second
11 per 1,000 users and an upload speed of at least 10
12 gigabits per second per 1,000 users.

13 “(3) SYSTEM OF COMPETITIVE BIDDING PROC-
14 ESS.—The entity administering a system of competi-
15 tive bidding (either a State or the Commission) shall
16 structure the system of competitive bidding process
17 to—

18 “(A) first hold a system of competitive bid-
19 ding only for bidders committing (with respect
20 to any particular project by such a bidder) to
21 offer, not later than the date that is 5 years
22 after the date on which funding is provided
23 under this section for such project, broadband
24 service with a download speed of at least 1 gig-
25 abit per second and an upload speed of at least

1 1 gigabit per second or, in the case of a project
2 to provide broadband service to an unserved an-
3 chor institution, broadband service with a
4 download speed of at least 10 gigabits per sec-
5 ond per 1,000 users and an upload speed of at
6 least 10 gigabits per second per 1,000 users;
7 and

8 “(B) after holding the system of competi-
9 tive bidding required by subparagraph (A), hold
10 one or more systems of competitive bidding, in
11 areas not receiving awards under subparagraph
12 (A), to award funds for projects in areas that
13 are estimated to remain unserved areas, areas
14 with low-tier service, or (to the extent permitted
15 under this section) areas with mid-tier service,
16 or (to the extent permitted under this section)
17 for projects to offer broadband service to an-
18 chor institutions that are estimated to remain
19 unserved anchor institutions, after the comple-
20 tion of the projects for which funding is award-
21 ed under the system of competitive bidding re-
22 quired by subparagraph (A) or any previous
23 system of competitive bidding under this sub-
24 paragraph.

1 “(4) FUNDS PRIORITY PREFERENCE.—There
2 shall be a preference, as determined by the entity
3 administering a system of competitive bidding (ei-
4 ther a State or the Commission), which shall take
5 priority over any preference under paragraph (5),
6 for bidders in such system of competitive bidding
7 proposing projects that would expand access to
8 broadband service in areas where at least 90 percent
9 of the population has no access to broadband service
10 or does not have access to broadband service of-
11 fered—

12 “(A) with a download speed of at least 25
13 megabits per second; and

14 “(B) with an upload speed of at least 3
15 megabits per second.

16 “(5) FUNDS PREFERENCE.—There shall be a
17 preference, as determined by the entity admin-
18 istering a system of competitive bidding (either a
19 State or the Commission), for bidders in such sys-
20 tem of competitive bidding proposing projects—

21 “(A) with at least 20 percent matching
22 funds from non-Federal sources;

23 “(B) that would expand access to
24 broadband service on Tribal lands, as defined
25 by the Commission;

1 “(C) that would provide broadband service
2 with higher speeds than those specified in sub-
3 section (d)(2), except in the case of funds
4 awarded under subparagraph (A) of paragraph
5 (3);

6 “(D) that would expand access to
7 broadband service in advance of the time speci-
8 fied in subsection (e)(5), except in the case of
9 funds awarded under subparagraph (A) of
10 paragraph (3);

11 “(E) that would expand access to
12 broadband service to persistent poverty counties
13 or high-poverty areas at subsidized rates;

14 “(F) that, at least until the date that is 10
15 years after the date of the enactment of this
16 section, would provide broadband service with
17 comparable speeds to those provided in areas
18 that, on the day before such date of enactment,
19 were not unserved areas, areas with low-tier
20 service, or areas with mid-tier service, with
21 minimal future investment;

22 “(G) that would provide broadband service
23 consistent with consumer preferences based on
24 data and analysis conducted by the Commis-
25 sion; and

1 “(H) that would provide for the deploy-
2 ment of open-access broadband service net-
3 works.

4 “(6) UNSERVED AREAS AND AREAS WITH LOW-
5 TIER OR MID-TIER SERVICE.—In determining wheth-
6 er an area is an unserved area, an area with low-
7 tier service, or an area with mid-tier service or
8 whether an anchor institution is an unserved anchor
9 institution for any system of competitive bidding au-
10 thorized under this section, the Commission shall
11 implement the following requirements through the
12 rulemaking described in subsection (e):

13 “(A) DATA FOR INITIAL DETERMINA-
14 TION.—To make an initial determination as to
15 whether an area is an unserved area, an area
16 with low-tier service, or an area with mid-tier
17 service or whether an anchor institution is an
18 unserved anchor institution, the Commission
19 shall—

20 “(i) use the most accurate and granu-
21 lar data on the map created by the Com-
22 mission under section 802(c)(1)(B);

23 “(ii) refine the data described in
24 clause (i) by using—

1 “(I) other data on access to
2 broadband service obtained or pur-
3 chased by the Commission;

4 “(II) other publicly available data
5 or information on access to broadband
6 service; and

7 “(III) other publicly available
8 data or information on State
9 broadband service deployment pro-
10 grams; and

11 “(iii) not determine an area is not an
12 unserved area, an area with low-tier serv-
13 ice, or an area with mid-tier service on the
14 basis that one location within such area
15 does not meet the definition of an unserved
16 area, an area with low-tier service, or an
17 area with mid-tier service.

18 “(B) INITIAL DETERMINATION.—The
19 Commission shall make an initial determination
20 of the areas that are unserved areas, areas with
21 low-tier service, and areas with mid-tier service
22 and which anchor institutions are unserved an-
23 chor institutions not later than 270 days after
24 the date of the enactment of this section.

25 “(C) CHALLENGE OF DETERMINATION.—

1 “(i) IN GENERAL.—The Commission
2 shall provide for a process for challenging
3 any initial determination regarding wheth-
4 er an area is an unserved area, an area
5 with low-tier service, or an area with mid-
6 tier service or whether an anchor institu-
7 tion is an unserved anchor institution that,
8 at a minimum, provides not less than 45
9 days for a person to voluntarily submit in-
10 formation concerning—

11 “(I) the broadband service of-
12 fered in the area, or a commitment to
13 offer broadband service in the area
14 that is subject to legal sanction if not
15 performed; or

16 “(II) the broadband service of-
17 fered to the anchor institution.

18 “(ii) STREAMLINED PROCESS.—The
19 Commission shall ensure that such process
20 is sufficiently streamlined such that a rea-
21 sonably prudent person may easily partici-
22 pate to challenge such initial determination
23 with little burden on such person.

24 “(D) FINAL DETERMINATION.—The Com-
25 mission shall make a final determination of the

1 areas that are unserved areas, areas with low-
2 tier service, or areas with mid-tier service and
3 which anchor institutions are unserved anchor
4 institutions within 1 year after the date of the
5 enactment of this section.

6 “(7) NOTICE, TRANSPARENCY, ACCOUNT-
7 ABILITY, AND OVERSIGHT REQUIRED.—The program
8 shall contain sufficient notice, transparency, ac-
9 countability, and oversight measures to provide the
10 public with notice of the assistance provided under
11 this section, and to deter waste, fraud, and abuse of
12 program funds.

13 “(8) COMPETENCE.—The program shall contain
14 sufficient processes and requirements, as established
15 by an entity administering a system of competitive
16 bidding (either a State or the Commission), to en-
17 sure that, prior to bidding in such system of com-
18 petitive bidding, a provider of broadband service
19 seeking to participate in such system of competitive
20 bidding—

21 “(A) is capable of carrying out the project
22 in a competent manner in compliance with all
23 applicable Federal, State, and local laws;

24 “(B) has the financial capacity to meet the
25 buildout obligations of the project and require-

1 ments as set forth under this section and as
2 may be further prescribed by the Commission;
3 and

4 “(C) has the technical and operational ca-
5 pability to provide broadband services in the
6 manner contemplated by the provider’s bid in
7 the system of competitive bidding, including a
8 detailed consideration of the provider’s prior
9 performance in delivering services as con-
10 templated in the bid and the capabilities of the
11 provider’s proposed network to deliver the con-
12 templated services in the area in question.

13 “(9) CONTRACTING REQUIREMENTS.—All labor-
14 ers and mechanics employed by contractors or sub-
15 contractors in the performance of construction, al-
16 teration, or repair work carried out, in whole or in
17 part, with assistance made available under this sec-
18 tion shall be paid wages at rates not less than those
19 prevailing on projects of a similar character in the
20 locality as determined by the Secretary of Labor in
21 accordance with subchapter IV of chapter 31 of title
22 40, United States Code. With respect to the labor
23 standards in this paragraph, the Secretary of Labor
24 shall have the authority and functions set forth in
25 Reorganization Plan Numbered 14 of 1950 (64 Stat.

1 1267; 5 U.S.C. App.) and section 3145 of title 40,
2 United States Code.

3 “(10) RULE OF CONSTRUCTION REGARDING EN-
4 VIRONMENTAL LAWS.—Nothing in this section shall
5 be construed to affect—

6 “(A) the Clean Air Act (42 U.S.C. 7401 et
7 seq.);

8 “(B) the Federal Water Pollution Control
9 Act (33 U.S.C. 1251 et seq.; commonly referred
10 to as the ‘Clean Water Act’);

11 “(C) the National Environmental Policy
12 Act of 1969 (42 U.S.C. 4321 et seq.);

13 “(D) the Endangered Species Act of 1973
14 (16 U.S.C. 1531 et seq.);

15 “(E) the Solid Waste Disposal Act (42
16 U.S.C. 6901 et seq.; commonly referred to as
17 the ‘Resource Conservation and Recovery Act’);
18 or

19 “(F) any State or local law that is similar
20 to a law listed in subparagraphs (A) through
21 (E).

22 “(11) REFERRAL OF ALLEGED VIOLATIONS OF
23 APPLICABLE FEDERAL LABOR AND EMPLOYMENT
24 LAWS.—The Commission shall refer any alleged vio-
25 lation of an applicable labor and employment law to

1 the appropriate Federal agency for investigation and
2 enforcement, and any alleged violation of paragraph
3 (9) or (12) to the National Labor Relations Board
4 for investigation and enforcement, utilizing all ap-
5 propriate remedies up to and including debarment
6 from the program.

7 “(12) LABOR ORGANIZATION.—

8 “(A) IN GENERAL.—Notwithstanding the
9 National Labor Relations Act (29 U.S.C. 151
10 et seq.), subparagraphs (B) through (F) shall
11 apply with respect to any funding recipient who
12 is an employer and any labor organization who
13 represents employees of a funding recipient.

14 “(B) NEUTRALITY REQUIREMENT.—An
15 employer shall remain neutral with respect to
16 the exercise of employees and labor organiza-
17 tions of the right to organize and bargain under
18 the National Labor Relations Act (29 U.S.C.
19 151 et seq.).

20 “(C) COMMENCEMENT OF COLLECTIVE
21 BARGAINING.—Not later than 10 days after re-
22 ceiving a written request for collective bar-
23 gaining from a labor organization that has been
24 newly recognized or certified as a representative
25 under section 9(a) of the National Labor Rela-

1 tions Act (29 U.S.C. 159(a)), or within such
2 further period as the parties agree upon, the
3 parties shall meet and commence to bargain
4 collectively and shall make every reasonable ef-
5 fort to conclude and sign a collective bargaining
6 agreement.

7 “(D) MEDIATION AND CONCILIATION FOR
8 FAILURE TO REACH A COLLECTIVE BARGAINING
9 AGREEMENT.—

10 “(i) IN GENERAL.—If the parties have
11 failed to reach an agreement before the
12 date that is 90 days after the date on
13 which bargaining is commenced under sub-
14 paragraph (C), or any later date agreed
15 upon by both parties, either party may no-
16 tify the Federal Mediation and Conciliation
17 Service of the existence of a dispute and
18 request mediation.

19 “(ii) FEDERAL MEDIATION AND CON-
20 CILIATION SERVICE.—Whenever a request
21 is received under clause (i), the Director of
22 the Federal Mediation and Conciliation
23 Service shall promptly communicate with
24 the parties and use best efforts, by medi-

1 ation and conciliation, to bring them to
2 agreement.

3 “(E) TRIPARTITE ARBITRATION PANEL.—

4 “(i) IN GENERAL.—If the Federal Me-
5 diation and Conciliation Service is not able
6 to bring the parties to agreement by medi-
7 ation or conciliation before the date that is
8 30 days after the date on which such medi-
9 ation or conciliation is commenced, or any
10 later date agreed upon by both parties, the
11 Service shall refer the dispute to a tri-
12 partite arbitration panel established in ac-
13 cordance with such regulations as may be
14 prescribed by the Service, with one mem-
15 ber selected by the labor organization, one
16 member selected by the employer, and one
17 neutral member mutually agreed to by the
18 parties.

19 “(ii) DISPUTE SETTLEMENT.—A ma-
20 jority of the tripartite arbitration panel
21 shall render a decision settling the dispute
22 and such decision shall be binding upon
23 the parties for a period of two years, un-
24 less amended during such period by writ-

1 ten consent of the parties. Such decision
2 shall be based on—

3 “(I) the employer’s financial sta-
4 tus and prospects;

5 “(II) the size and type of the em-
6 ployer’s operations and business;

7 “(III) the employees’ cost of liv-
8 ing;

9 “(IV) the employees’ ability to
10 sustain themselves, their families, and
11 their dependents on the wages and
12 benefits they earn from the employer;
13 and

14 “(V) the wages and benefits that
15 other employers in the same business
16 provide their employees.

17 “(F) PROHIBITION ON SUBCONTRACTING
18 FOR CERTAIN PURPOSES.—A funding recipient
19 may not engage in subcontracting for the pur-
20 pose of circumventing the terms of a collective
21 bargaining agreement with respect to wages,
22 benefits, or working conditions.

23 “(G) PARTIES DEFINED.—In this para-
24 graph, the term ‘parties’ means a labor organi-
25 zation that is newly recognized or certified as a

1 representative under section 9(a) of the Na-
2 tional Labor Relations Act (29 U.S.C. 159(a))
3 and the employer of the employees represented
4 by such organization.

5 “(d) PROJECT REQUIREMENTS.—Any project funded
6 through the program shall meet the following require-
7 ments:

8 “(1) The project shall adhere to quality-of-serv-
9 ice standards as established by the Commission.

10 “(2) Except as provided in paragraphs (2) and
11 (3) of subsection (c), the project shall offer
12 broadband service with a download speed of at least
13 100 megabits per second, an upload speed of at least
14 100 megabits per second, and a latency that is suffi-
15 ciently low to allow real-time, interactive applica-
16 tions.

17 “(3) The project shall offer broadband service
18 at prices that are comparable to, or lower than, the
19 prices charged for comparable levels of service in
20 areas that were not unserved areas, areas with low-
21 tier service, or areas with mid-tier service on the day
22 before the date of the enactment of this section.

23 “(4) For any project that involves laying fiber-
24 optic cables along a roadway, the project shall in-

1 clude interspersed conduit access points at regular
2 and short intervals.

3 “(5) The project shall incorporate prudent cy-
4 bersecurity and supply chain risk management prac-
5 tices, as specified by the Commission through the
6 rulemaking described in subsection (e), in consulta-
7 tion with the Director of the National Institute of
8 Standards and Technology and the Assistant Sec-
9 retary.

10 “(6) The project shall incorporate best prac-
11 tices, as defined by the Commission, for ensuring re-
12 liability and resiliency of the network during disas-
13 ters.

14 “(7) Any funding recipient must agree to have
15 the project meet the requirements established under
16 section 224, as if the project were classified as a
17 ‘utility’ under such section. The preceding sentence
18 shall not apply to those entities or persons excluded
19 from the definition of the term ‘utility’ by the second
20 sentence of subsection (a)(1) of such section.

21 “(8) The project shall offer an affordable option
22 for a broadband service plan under which broadband
23 service is provided—

24 “(A) with a download speed of at least 50
25 megabits per second;

1 “(B) with an upload speed of at least 50
2 megabits per second; and

3 “(C) with latency that is sufficiently low to
4 allow multiple, simultaneous, real-time, inter-
5 active applications.

6 “(e) RULEMAKING AND DISTRIBUTION AND AWARD
7 OF FUNDS.—Not later than 180 days after the date of
8 the enactment of this section, the Commission, in con-
9 sultation with the Assistant Secretary, shall promulgate
10 rules—

11 “(1) that implement the requirements of this
12 section, as appropriate;

13 “(2) that establish the design of and rules for
14 the national systems of competitive bidding;

15 “(3) that establish notice requirements for all
16 systems of competitive bidding authorized under this
17 section that, at a minimum, provide the public with
18 notice of—

19 “(A) the initial determination of which
20 areas are unserved areas, areas with low-tier
21 service, or areas with mid-tier service;

22 “(B) the final determination of which
23 areas are unserved areas, areas with low-tier
24 service, or areas with mid-tier service after the

1 process for challenging the initial determination
2 has concluded;

3 “(C) which entities have applied to bid for
4 funding; and

5 “(D) the results of any system of competi-
6 tive bidding, including identifying the funding
7 recipients, which areas each project will serve,
8 the nature of the service that will be provided
9 by the project in each of those areas, and how
10 much funding the funding recipients will receive
11 in each of those areas;

12 “(4) that establish broadband service buildout
13 milestones and periodic certification by funding re-
14 cipients to ensure compliance with the broadband
15 service buildout milestones for all systems of com-
16 petitive bidding authorized under this section;

17 “(5) that, except as provided in paragraphs (2)
18 and (3) of subsection (c), establish a maximum
19 buildout timeframe of four years beginning on the
20 date on which funding is provided under this section
21 for a project;

22 “(6) that establish periodic reporting require-
23 ments for funding recipients and that identify, at a
24 minimum, the nature of the service provided in each

1 area for any system of competitive bidding author-
2 ized under this section;

3 “(7) that establish standard penalties for the
4 noncompliance of funding recipients or projects with
5 the requirements as set forth under this section and
6 as may be further prescribed by the Commission for
7 any system of competitive bidding authorized under
8 this section;

9 “(8) that establish procedures for recovery of
10 funds, in whole or in part, from funding recipients
11 in the event of the default or noncompliance of the
12 funding recipient or project with the requirements
13 established under this section for any system of com-
14 petitive bidding authorized under this section; and

15 “(9) that establish mechanisms to reduce waste,
16 fraud, and abuse within the program for any system
17 of competitive bidding authorized under this section.

18 “(f) REPORTS REQUIRED.—

19 “(1) INSPECTOR GENERAL AND COMPTROLLER
20 GENERAL REPORT.—Not later than June 30 and
21 December 31 of each year following the awarding of
22 the first funds under the program, the Inspector
23 General of the Commission and the Comptroller
24 General of the United States shall submit to the
25 Committees on Energy and Commerce of the House

1 of Representatives and Commerce, Science, and
2 Transportation of the Senate a report for the pre-
3 vious 6 months that reviews the program. Such re-
4 port shall include any recommendations to address
5 waste, fraud, and abuse.

6 “(2) STATE REPORTS.—Any State that receives
7 funds under the program shall submit an annual re-
8 port to the Commission on how such funds were
9 spent, along with a certification of compliance with
10 the requirements as set forth under this section and
11 as may be further prescribed by the Commission, in-
12 cluding a description of each service provided and
13 the number of individuals to whom the service was
14 provided.

15 “(g) APPROPRIATION.—There are appropriated to
16 the Commission, out of any money in the Treasury not
17 otherwise appropriated, \$80,000,000,000 to carry out the
18 program for fiscal year 2021, to remain available until ex-
19 pended.

20 “(h) DEFINITIONS.—In this section:

21 “(1) AFFORDABLE OPTION.—The term ‘afford-
22 able option’ means, with respect to a broadband
23 service plan, that broadband service is provided
24 under such plan at a rate that is determined by the
25 Commission, in coordination with the Office of

1 Internet Connectivity and Growth, to be affordable
2 for a household with an income of 136 percent of
3 the poverty threshold, as determined by using cri-
4 teria of poverty established by the Bureau of the
5 Census, for a 4-person household that includes 2 de-
6 pendants under the age of 18.

7 “(2) ANCHOR INSTITUTION.—The term ‘anchor
8 institution’ means a public or private school, a li-
9 brary, a medical or healthcare provider, a museum,
10 a public safety entity, a public housing agency (as
11 defined in section 3(b) of the United States Housing
12 Act of 1937 (42 U.S.C. 1437a(b))), a community
13 college, an institution of higher education, a reli-
14 gious organization, or any other community support
15 organization or agency.

16 “(3) AREA.—The term ‘area’ means the geo-
17 graphic unit of measurement with the greatest level
18 of granularity reasonably feasible for the Commis-
19 sion to use in making eligibility determinations
20 under this section and in meeting the requirements
21 and deadlines of this section.

22 “(4) AREA WITH LOW-TIER SERVICE.—The
23 term ‘area with low-tier service’ means an area
24 where at least 90 percent of the population has ac-
25 cess to broadband service offered—

1 “(A) with a download speed of at least 25
2 megabits per second but less than 100 megabits
3 per second;

4 “(B) with an upload speed of at least 25
5 megabits per second but less than 100 megabits
6 per second; and

7 “(C) with latency that is sufficiently low to
8 allow multiple, simultaneous, real-time, inter-
9 active applications.

10 “(5) AREA WITH MID-TIER SERVICE.—The term
11 ‘area with mid-tier service’ means an area where at
12 least 90 percent of the population has access to
13 broadband service offered—

14 “(A) with a download speed of at least 100
15 megabits per second but less than 1 gigabit per
16 second;

17 “(B) with an upload speed of at least 100
18 megabits per second but less than 1 gigabit per
19 second; and

20 “(C) with latency that is sufficiently low to
21 allow multiple, simultaneous, real-time, inter-
22 active applications.

23 “(6) ASSISTANT SECRETARY.—The term ‘As-
24 sistant Secretary’ means the Assistant Secretary of
25 Commerce for Communications and Information.

1 “(7) BROADBAND SERVICE.—The term
2 ‘broadband service’—

3 “(A) means broadband internet access
4 service that is a mass-market retail service, or
5 a service provided to an anchor institution, by
6 wire or radio that provides the capability to
7 transmit data to and receive data from all or
8 substantially all internet endpoints, including
9 any capabilities that are incidental to and en-
10 able the operation of the communications serv-
11 ice;

12 “(B) includes any service that is a func-
13 tional equivalent of the service described in sub-
14 paragraph (A); and

15 “(C) does not include dial-up internet ac-
16 cess service.

17 “(8) COLLECTIVE BARGAINING.—The term ‘col-
18 lective bargaining’ means performance of the mutual
19 obligation described in section 8(d) of the National
20 Labor Relations Act (29 U.S.C. 158(d)).

21 “(9) COLLECTIVE BARGAINING AGREEMENT.—
22 The term ‘collective bargaining agreement’ means an
23 agreement reach through collective bargaining.

24 “(10) FUNDING RECIPIENT.—The term ‘fund-
25 ing recipient’ means an entity that receives funding

1 for a project under this section, including a private
2 entity, public-private partnership, cooperative, or
3 municipal broadband service provider.

4 “(11) HIGH-POVERTY AREA.—The term ‘high-
5 poverty area’ means a census tract with a poverty
6 rate of at least 20 percent, as measured by the most
7 recent 5-year data series available from the Amer-
8 ican Community Survey of the Bureau of the Census
9 as of the year before the date of the enactment of
10 this section.

11 “(12) INSTITUTION OF HIGHER EDUCATION.—
12 The term ‘institution of higher education’—

13 “(A) has the meaning given the term in
14 section 101 of the Higher Education Act of
15 1965 (20 U.S.C. 1001); and

16 “(B) includes a postsecondary vocational
17 institution.

18 “(13) LABOR ORGANIZATION.—The term ‘labor
19 organization’ has the meaning given the term in sec-
20 tion 2 of the National Labor Relations Act (29
21 U.S.C. 152).

22 “(14) PERSISTENT POVERTY COUNTY.—The
23 term ‘persistent poverty county’ means any county
24 with a poverty rate of at least 20 percent, as deter-
25 mined in each of the 1990 and 2000 decennial cen-

1 suses and in the Small Area Income and Poverty Es-
2 timates of the Bureau of the Census for the most re-
3 cent year for which the Estimates are available.

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

9 “(16) PROGRAM.—Unless otherwise indicated,
10 the term ‘program’ means the program established
11 under subsection (a).

12 “(17) PROJECT.—The term ‘project’ means an
13 undertaking by a funding recipient under this sec-
14 tion to construct and deploy infrastructure for the
15 provision of broadband service.

16 “(18) UNSERVED ANCHOR INSTITUTION.—The
17 term ‘unserved anchor institution’ means an anchor
18 institution that has no access to broadband service
19 or does not have access to broadband service of-
20 fered—

21 “(A) with a download speed of at least 1
22 gigabit per second per 1,000 users;

23 “(B) with an upload speed of at least 1
24 gigabit per second per 1,000 users; and

1 “(C) with latency that is sufficiently low to
2 allow multiple, simultaneous, real-time, inter-
3 active applications.

4 “(19) UNSERVED AREA.—The term ‘unserved
5 area’ means an area where at least 90 percent of the
6 population has no access to broadband service or
7 does not have access to broadband service offered—

8 “(A) with a download speed of at least 25
9 megabits per second;

10 “(B) with an upload speed of at least 25
11 megabits per second; and

12 “(C) with latency that is sufficiently low to
13 allow real-time, interactive applications.”.

14 **Subtitle B—Broadband Infrastruc-**
15 **ture Finance and Innovation**

16 **SEC. 3201. DEFINITIONS.**

17 In this subtitle:

18 (1) BIFIA PROGRAM.—The term “BIFIA pro-
19 gram” means the broadband infrastructure finance
20 and innovation program established under this sub-
21 title.

22 (2) BROADBAND SERVICE.—The term
23 “broadband service”—

24 (A) means broadband internet access serv-
25 ice that is a mass-market retail service, or a

1 service provided to an entity described in para-
2 graph (11)(B)(ii), by wire or radio that pro-
3 vides the capability to transmit data to and re-
4 ceive data from all or substantially all internet
5 endpoints, including any capabilities that are
6 incidental to and enable the operation of the
7 communications service;

8 (B) includes any service that is a func-
9 tional equivalent of the service described in sub-
10 paragraph (A); and

11 (C) does not include dial-up internet access
12 service.

13 (3) ELIGIBLE PROJECT COSTS.—The term “eli-
14 gible project costs” means amounts substantially all
15 of which are paid by, or for the account of, an obli-
16 gor in connection with a project, including the cost
17 of—

18 (A) development phase activities, including
19 planning, feasibility analysis, revenue fore-
20 casting, environmental review, historic preserva-
21 tion review, permitting, preliminary engineering
22 and design work, and other preconstruction ac-
23 tivities;

24 (B) construction and deployment phase ac-
25 tivities, including—

1 (i) construction, reconstruction, reha-
2 bilitation, replacement, and acquisition of
3 real property (including land relating to
4 the project and improvements to land),
5 equipment, instrumentation, networking
6 capability, hardware and software, and dig-
7 ital network technology;

8 (ii) environmental mitigation; and

9 (iii) construction contingencies; and

10 (C) capitalized interest necessary to meet
11 market requirements, reasonably required re-
12 serve funds, capital issuance expenses, and
13 other carrying costs during construction and
14 deployment.

15 (4) FEDERAL CREDIT INSTRUMENT.—The term
16 “Federal credit instrument” means a secured loan,
17 loan guarantee, or line of credit authorized to be
18 made available under the BIFIA program with re-
19 spect to a project.

20 (5) INVESTMENT-GRADE RATING.—The term
21 “investment-grade rating” means a rating of BBB
22 minus, Baa3, bbb minus, BBB (low), or higher as-
23 signed by a rating agency to project obligations.

24 (6) LENDER.—The term “lender” means any
25 non-Federal qualified institutional buyer (as defined

1 in section 230.144A(a) of title 17, Code of Federal
2 Regulations (or any successor regulation), known as
3 Rule 144A(a) of the Securities and Exchange Com-
4 mission and issued under the Securities Act of 1933
5 (15 U.S.C. 77a et seq.), including—

6 (A) a qualified retirement plan (as defined
7 in section 4974(c) of the Internal Revenue Code
8 of 1986) that is a qualified institutional buyer;
9 and

10 (B) a governmental plan (as defined in
11 section 414(d) of the Internal Revenue Code of
12 1986) that is a qualified institutional buyer.

13 (7) LETTER OF INTEREST.—The term “letter
14 of interest” means a letter submitted by a potential
15 applicant prior to an application for credit assistance
16 in a format prescribed by the Assistant Secretary on
17 the website of the BIFLA program that—

18 (A) describes the project and the location,
19 purpose, and cost of the project;

20 (B) outlines the proposed financial plan,
21 including the requested credit assistance and
22 the proposed obligor;

23 (C) provides a status of environmental re-
24 view; and

1 (D) provides information regarding satis-
2 faction of other eligibility requirements of the
3 BIFIA program.

4 (8) LINE OF CREDIT.—The term “line of cred-
5 it” means an agreement entered into by the Assist-
6 ant Secretary with an obligor under section 3204 to
7 provide a direct loan at a future date upon the oc-
8 currence of certain events.

9 (9) LOAN GUARANTEE.—The term “loan guar-
10 antee” means any guarantee or other pledge by the
11 Assistant Secretary to pay all or part of the prin-
12 cipal of and interest on a loan or other debt obliga-
13 tion issued by an obligor and funded by a lender.

14 (10) OBLIGOR.—The term “obligor” means a
15 party that—

16 (A) is primarily liable for payment of the
17 principal of or interest on a Federal credit in-
18 strument; and

19 (B) may be a corporation, company, part-
20 nership, joint venture, trust, or governmental
21 entity, agency, or instrumentality.

22 (11) PROJECT.—The term “project” means a
23 project—

24 (A) to construct and deploy infrastructure
25 for the provision of broadband service; and

1 (B) that the Assistant Secretary deter-
2 mines will—

3 (i) provide access or improved access
4 to broadband service to consumers residing
5 in areas of the United States that have no
6 access to broadband service or do not have
7 access to broadband service offered—

8 (I) with a download speed of at
9 least 100 megabits per second;

10 (II) with an upload speed of at
11 least 20 megabits per second; and

12 (III) with latency that is suffi-
13 ciently low to allow real-time, inter-
14 active applications; or

15 (ii) provide access or improved access
16 to broadband service to—

17 (I) schools, libraries, medical and
18 healthcare providers, community col-
19 leges and other institutions of higher
20 education, museums, religious organi-
21 zations, and other community support
22 organizations and entities to facilitate
23 greater use of broadband service by or
24 through such organizations;

1 (II) organizations and agencies
2 that provide outreach, access, equip-
3 ment, and support services to facili-
4 tate greater use of broadband service
5 by low-income, unemployed, aged, and
6 otherwise vulnerable populations;

7 (III) job-creating strategic facili-
8 ties located within a State-designated
9 economic zone, Economic Develop-
10 ment District designated by the De-
11 partment of Commerce, Empower-
12 ment Zone designated by the Depart-
13 ment of Housing and Urban Develop-
14 ment, or Enterprise Community des-
15 igned by the Department of Agri-
16 culture; or

17 (IV) public safety agencies.

18 (12) PROJECT OBLIGATION.—The term
19 “project obligation” means any note, bond, deben-
20 ture, or other debt obligation issued by an obligor in
21 connection with the financing of a project, other
22 than a Federal credit instrument.

23 (13) PUBLIC AUTHORITY.—The term “public
24 authority” means a Federal, State, county, town, or
25 township, Indian Tribe, municipal or other local gov-

1 ernment or instrumentality with authority to fi-
2 nance, build, operate, or maintain infrastructure for
3 the provision of broadband service.

4 (14) RATING AGENCY.—The term “rating agen-
5 cy” means a credit rating agency registered with the
6 Securities and Exchange Commission as a nationally
7 recognized statistical rating organization (as defined
8 in section 3(a) of the Securities Exchange Act of
9 1934 (15 U.S.C. 78c(a))).

10 (15) SECURED LOAN.—The term “secured
11 loan” means a direct loan or other debt obligation
12 issued by an obligor and funded by the Assistant
13 Secretary in connection with the financing of a
14 project under section 3203.

15 (16) SMALL PROJECT.—The term “small
16 project” means a project having eligible project costs
17 that are reasonably anticipated not to equal or ex-
18 ceed \$20,000,000.

19 (17) SUBSIDY AMOUNT.—The term “subsidy
20 amount” means the amount of budget authority suf-
21 ficient to cover the estimated long-term cost to the
22 Federal Government of a Federal credit instru-
23 ment—

24 (A) calculated on a net present value basis;
25 and

1 (B) excluding administrative costs and any
2 incidental effects on governmental receipts or
3 outlays in accordance with the Federal Credit
4 Reform Act of 1990 (2 U.S.C. 661 et seq.).

5 (18) SUBSTANTIAL COMPLETION.—The term
6 “substantial completion” means, with respect to a
7 project receiving credit assistance under the BIFIA
8 program—

9 (A) the commencement of the provision of
10 broadband service using the infrastructure
11 being financed; or

12 (B) a comparable event, as determined by
13 the Assistant Secretary and specified in the
14 credit agreement.

15 **SEC. 3202. DETERMINATION OF ELIGIBILITY AND PROJECT**
16 **SELECTION.**

17 (a) ELIGIBILITY.—

18 (1) IN GENERAL.—A project shall be eligible to
19 receive credit assistance under the BIFIA program
20 if—

21 (A) the entity proposing to carry out the
22 project submits a letter of interest prior to sub-
23 mission of a formal application for the project;
24 and

1 (B) the project meets the criteria described
2 in this subsection.

3 (2) CREDITWORTHINESS.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), to be eligible for assistance
6 under the BIFIA program, a project shall sat-
7 isfy applicable creditworthiness standards,
8 which, at a minimum, shall include—

9 (i) adequate coverage requirements to
10 ensure repayment;

11 (ii) an investment-grade rating from
12 at least 2 rating agencies on debt senior to
13 the Federal credit instrument; and

14 (iii) a rating from at least 2 rating
15 agencies on the Federal credit instrument.

16 (B) SMALL PROJECTS.—In order for a
17 small project to be eligible for assistance under
18 the BIFIA program, such project shall satisfy
19 alternative creditworthiness standards that shall
20 be established by the Assistant Secretary under
21 section 3205 for purposes of this paragraph.

22 (3) APPLICATION.—A State, local government,
23 agency or instrumentality of a State or local govern-
24 ment, public authority, public-private partnership, or
25 any other legal entity undertaking the project and

1 authorized by the Assistant Secretary shall submit a
2 project application that is acceptable to the Assist-
3 ant Secretary.

4 (4) ELIGIBLE PROJECT COST PARAMETERS FOR
5 INFRASTRUCTURE PROJECTS.—Eligible project costs
6 shall be reasonably anticipated to equal or exceed
7 \$2,000,000 in the case of a project or program of
8 projects—

9 (A) in which the applicant is a local gov-
10 ernment, instrumentality of local government,
11 or public authority (other than a public author-
12 ity that is a Federal or State government or in-
13 strumentality);

14 (B) located on a facility owned by a local
15 government; or

16 (C) for which the Assistant Secretary de-
17 termines that a local government is substan-
18 tially involved in the development of the project.

19 (5) DEDICATED REVENUE SOURCES.—The ap-
20 plicable Federal credit instrument shall be repayable,
21 in whole or in part, from—

22 (A) amounts charged to—

23 (i) subscribers of broadband service
24 for such service; or

1 (ii) subscribers of any related service
2 provided over the same infrastructure for
3 such related service;

4 (B) user fees;

5 (C) payments owing to the obligor under a
6 public-private partnership; or

7 (D) other dedicated revenue sources that
8 also secure or fund the project obligations.

9 (6) APPLICATIONS WHERE OBLIGOR WILL BE
10 IDENTIFIED LATER.—A State, local government,
11 agency or instrumentality of a State or local govern-
12 ment, or public authority may submit to the Assist-
13 ant Secretary an application under paragraph (3),
14 under which a private party to a public-private part-
15 nership will be—

16 (A) the obligor; and

17 (B) identified later through completion of
18 a procurement and selection of the private
19 party.

20 (7) BENEFICIAL EFFECTS.—The Assistant Sec-
21 retary shall determine that financial assistance for
22 the project under the BIFIA program will—

23 (A) foster, if appropriate, partnerships
24 that attract public and private investment for
25 the project;

1 (B) enable the project to proceed at an
2 earlier date than the project would otherwise be
3 able to proceed or reduce the lifecycle costs (in-
4 cluding debt service costs) of the project; and

5 (C) reduce the contribution of Federal
6 grant assistance for the project.

7 (8) PROJECT READINESS.—To be eligible for
8 assistance under the BIFIA program, the applicant
9 shall demonstrate a reasonable expectation that the
10 contracting process for the construction and deploy-
11 ment of infrastructure for the provision of
12 broadband service through the project can commence
13 by no later than 90 days after the date on which a
14 Federal credit instrument is obligated for the project
15 under the BIFIA program.

16 (9) PUBLIC SPONSORSHIP OF PRIVATE ENTI-
17 TIES.—

18 (A) IN GENERAL.—If an eligible project is
19 carried out by an entity that is not a State or
20 local government or an agency or instrumen-
21 tality of a State or local government or a Tribal
22 Government or consortium of Tribal Govern-
23 ments, the project shall be publicly sponsored.

24 (B) PUBLIC SPONSORSHIP.—For purposes
25 of this subtitle, a project shall be considered to

1 be publicly sponsored if the obligor can dem-
2 onstrate, to the satisfaction of the Assistant
3 Secretary, that the project applicant has con-
4 sulted with the State, local, or Tribal Govern-
5 ment in the area in which the project is located,
6 or that is otherwise affected by the project, and
7 that such Government supports the proposal.

8 (b) SELECTION AMONG ELIGIBLE PROJECTS.—

9 (1) ESTABLISHMENT OF APPLICATION PROC-
10 ESS.—The Assistant Secretary shall establish a roll-
11 ing application process under which projects that are
12 eligible to receive credit assistance under subsection
13 (a) shall receive credit assistance on terms accept-
14 able to the Assistant Secretary, if adequate funds
15 are available to cover the subsidy costs associated
16 with the Federal credit instrument.

17 (2) PRELIMINARY RATING OPINION LETTER.—
18 The Assistant Secretary shall require each project
19 applicant to provide—

20 (A) a preliminary rating opinion letter
21 from at least 1 rating agency—

22 (i) indicating that the senior obliga-
23 tions of the project, which may be the Fed-
24 eral credit instrument, have the potential
25 to achieve an investment-grade rating; and

1 (ii) including a preliminary rating
2 opinion on the Federal credit instrument;
3 or

4 (B) in the case of a small project, alter-
5 native documentation that the Assistant Sec-
6 retary shall require in the standards established
7 under section 3205 for purposes of this para-
8 graph.

9 (3) TECHNOLOGY NEUTRALITY REQUIRED.—In
10 selecting projects to receive credit assistance under
11 the BIFIA program, the Assistant Secretary may
12 not favor a project using any particular technology.

13 (4) PREFERENCE FOR OPEN-ACCESS NET-
14 WORKS.—In selecting projects to receive credit as-
15 sistance under the BIFIA program, the Assistant
16 Secretary shall give preference to projects providing
17 for the deployment of open-access broadband service
18 networks.

19 (c) FEDERAL REQUIREMENTS.—

20 (1) IN GENERAL.—The following provisions of
21 law shall apply to funds made available under the
22 BIFIA program and projects assisted with those
23 funds:

24 (A) Title VI of the Civil Rights Act of
25 1964 (42 U.S.C. 2000d et seq.).

1 (B) The National Environmental Policy
2 Act of 1969 (42 U.S.C. 4321 et seq.).

3 (C) 54 U.S.C. 300101 et seq. (commonly
4 referred to as the “National Historic Preserva-
5 tion Act”).

6 (D) The Uniform Relocation Assistance
7 and Real Property Acquisition Policies Act of
8 1970 (42 U.S.C. 4601 et seq.).

9 (2) NEPA.—No funding shall be obligated for
10 a project that has not received an environmental cat-
11 egorical exclusion, a finding of no significant impact,
12 or a record of decision under the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

14 (3) TITLE VI OF THE CIVIL RIGHTS ACT OF
15 1964.—For purposes of title VI of the Civil Rights
16 Act of 1964 (42 U.S.C. 2000d et seq.), any project
17 that receives credit assistance under the BIFIA pro-
18 gram shall be considered a program or activity with-
19 in the meaning of section 606 of such title (42
20 U.S.C. 2000d–4a).

21 (4) CONTRACTING REQUIREMENTS.—All labor-
22 ers and mechanics employed by contractors or sub-
23 contractors in the performance of construction, al-
24 teration, or repair work carried out, in whole or in
25 part, with assistance made available through a Fed-

1 eral credit instrument shall be paid wages at rates
2 not less than those prevailing on projects of a simi-
3 lar character in the locality as determined by the
4 Secretary of Labor in accordance with subchapter
5 IV of chapter 31 of title 40, United States Code.
6 With respect to the labor standards in this para-
7 graph, the Secretary of Labor shall have the author-
8 ity and functions set forth in Reorganization Plan
9 Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C.
10 App.) and section 3145 of title 40, United States
11 Code.

12 (5) NEUTRALITY REQUIREMENT.—An employer
13 receiving assistance made available through a Fed-
14 eral credit instrument under this subtitle shall re-
15 main neutral with respect to the exercise of employ-
16 ees and labor organizations of the right to organize
17 and bargain under the National Labor Relations Act
18 (29 U.S.C. 151 et seq.).

19 (6) REFERRAL OF ALLEGED VIOLATIONS OF AP-
20 PLICABLE FEDERAL LABOR AND EMPLOYMENT
21 LAWS.—The Assistant Secretary shall refer any al-
22 leged violation of an applicable labor and employ-
23 ment law to the appropriate Federal agency for in-
24 vestigation and enforcement, and any alleged viola-
25 tion of paragraph (4) or (5) to the National Labor

1 Relations Board for investigation and enforcement,
2 utilizing all appropriate remedies up to and includ-
3 ing debarment from the BIFIA program.

4 (d) APPLICATION PROCESSING PROCEDURES.—

5 (1) NOTICE OF COMPLETE APPLICATION.—Not
6 later than 30 days after the date of receipt of an ap-
7 plication under this section, the Assistant Secretary
8 shall provide to the applicant a written notice to in-
9 form the applicant whether—

10 (A) the application is complete; or

11 (B) additional information or materials are
12 needed to complete the application.

13 (2) APPROVAL OR DENIAL OF APPLICATION.—

14 Not later than 60 days after the date of issuance of
15 the written notice under paragraph (1), the Assist-
16 ant Secretary shall provide to the applicant a writ-
17 ten notice informing the applicant whether the As-
18 sistant Secretary has approved or disapproved the
19 application.

20 (3) APPROVAL BEFORE NEPA REVIEW.—Subject
21 to subsection (c)(2), an application for a project may
22 be approved before the project receives an environ-
23 mental categorical exclusion, a finding of no signifi-
24 cant impact, or a record of decision under the Na-

1 tional Environmental Policy Act of 1969 (42 U.S.C.
2 4321 et seq.).

3 (e) DEVELOPMENT PHASE ACTIVITIES.—Any credit
4 instrument secured under the BIFIA program may be
5 used to finance up to 100 percent of the cost of develop-
6 ment phase activities as described in section 3201(3)(A).

7 **SEC. 3203. SECURED LOANS.**

8 (a) IN GENERAL.—

9 (1) AGREEMENTS.—Subject to paragraphs (2)
10 and (3), the Assistant Secretary may enter into
11 agreements with one or more obligors to make se-
12 cured loans, the proceeds of which shall be used—

13 (A) to finance eligible project costs of any
14 project selected under section 3202;

15 (B) to refinance interim construction fi-
16 nancing of eligible project costs of any project
17 selected under section 3202; or

18 (C) to refinance long-term project obliga-
19 tions or Federal credit instruments, if the refi-
20 nancing provides additional funding capacity for
21 the completion, enhancement, or expansion of
22 any project that—

23 (i) is selected under section 3202; or

24 (ii) otherwise meets the requirements
25 of section 3202.

1 (2) LIMITATION ON REFINANCING OF INTERIM
2 CONSTRUCTION FINANCING.—A loan under para-
3 graph (1) shall not refinance interim construction fi-
4 nancing under paragraph (1)(B)—

5 (A) if the maturity of such interim con-
6 struction financing is later than 1 year after
7 the substantial completion of the project; and

8 (B) later than 1 year after the date of sub-
9 stantial completion of the project.

10 (3) RISK ASSESSMENT.—Before entering into
11 an agreement under this subsection, the Assistant
12 Secretary, in consultation with the Director of the
13 Office of Management and Budget, shall determine
14 an appropriate capital reserve subsidy amount for
15 each secured loan, taking into account each rating
16 letter provided by a rating agency under section
17 3202(b)(2)(A)(ii) or, in the case of a small project,
18 the alternative documentation provided under section
19 3202(b)(2)(B).

20 (b) TERMS AND LIMITATIONS.—

21 (1) IN GENERAL.—A secured loan under this
22 section with respect to a project shall be on such
23 terms and conditions and contain such covenants,
24 representations, warranties, and requirements (in-

1 including requirements for audits) as the Assistant
2 Secretary determines to be appropriate.

3 (2) MAXIMUM AMOUNT.—The amount of a se-
4 cured loan under this section shall not exceed the
5 lesser of 49 percent of the reasonably anticipated eli-
6 gible project costs or, if the secured loan is not for
7 a small project and does not receive an investment-
8 grade rating, the amount of the senior project obli-
9 gations.

10 (3) PAYMENT.—A secured loan under this sec-
11 tion—

12 (A) shall—

13 (i) be payable, in whole or in part,
14 from—

15 (I) amounts charged to—

16 (aa) subscribers of
17 broadband service for such serv-
18 ice; or

19 (bb) subscribers of any re-
20 lated service provided over the
21 same infrastructure for such re-
22 lated service;

23 (II) user fees;

1 (III) payments owing to the obli-
2 gor under a public-private partner-
3 ship; or

4 (IV) other dedicated revenue
5 sources that also secure the senior
6 project obligations; and

7 (ii) include a coverage requirement or
8 similar security feature supporting the
9 project obligations; and

10 (B) may have a lien on revenues described
11 in subparagraph (A), subject to any lien secur-
12 ing project obligations.

13 (4) INTEREST RATE.—The interest rate on a
14 secured loan under this section shall be not less than
15 the yield on United States Treasury securities of a
16 similar maturity to the maturity of the secured loan
17 on the date of execution of the loan agreement.

18 (5) MATURITY DATE.—The final maturity date
19 of the secured loan shall be the lesser of—

20 (A) 35 years after the date of substantial
21 completion of the project; and

22 (B) if the useful life of the infrastructure
23 for the provision of broadband service being fi-
24 nanced is of a lesser period, the useful life of
25 the infrastructure.

1 (6) NONSUBORDINATION.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), the secured loan shall not be
4 subordinated to the claims of any holder of
5 project obligations in the event of bankruptcy,
6 insolvency, or liquidation of the obligor.

7 (B) PREEXISTING INDENTURE.—

8 (i) IN GENERAL.—The Assistant Sec-
9 retary shall waive the requirement under
10 subparagraph (A) for a public agency bor-
11 rower that is financing ongoing capital
12 programs and has outstanding senior
13 bonds under a preexisting indenture, if—

14 (I) the secured loan—

15 (aa) is rated in the A cat-
16 egory or higher; or

17 (bb) in the case of a small
18 project, meets an alternative
19 standard that the Assistant Sec-
20 retary shall establish under sec-
21 tion 3205 for purposes of this
22 subclause;

23 (II) the secured loan is secured
24 and payable from pledged revenues
25 not affected by project performance,

1 such as a tax-backed revenue pledge
2 or a system-backed pledge of project
3 revenues; and

4 (III) the BIFIA program share
5 of eligible project costs is 33 percent
6 or less.

7 (ii) LIMITATION.—If the Assistant
8 Secretary waives the nonsubordination re-
9 quirement under this subparagraph—

10 (I) the maximum credit subsidy
11 to be paid by the Federal Government
12 shall be not more than 10 percent of
13 the principal amount of the secured
14 loan; and

15 (II) the obligor shall be respon-
16 sible for paying the remainder of the
17 subsidy cost, if any.

18 (7) FEES.—The Assistant Secretary may estab-
19 lish fees at a level sufficient to cover all or a portion
20 of the costs to the Federal Government of making
21 a secured loan under this section.

22 (8) NON-FEDERAL SHARE.—The proceeds of a
23 secured loan under the BIFIA program, if the loan
24 is repayable from non-Federal funds—

1 (A) may be used for any non-Federal share
2 of project costs required under this subtitle;
3 and

4 (B) shall not count toward the total Fed-
5 eral assistance provided for a project for pur-
6 poses of paragraph (9).

7 (9) MAXIMUM FEDERAL INVOLVEMENT.—The
8 total Federal assistance provided for a project re-
9 ceiving a loan under the BIFLA program shall not
10 exceed 80 percent of the total project cost.

11 (c) REPAYMENT.—

12 (1) SCHEDULE.—The Assistant Secretary shall
13 establish a repayment schedule for each secured loan
14 under this section based on—

15 (A) the projected cash flow from project
16 revenues and other repayment sources; and

17 (B) the useful life of the infrastructure for
18 the provision of broadband service being fi-
19 nanced.

20 (2) COMMENCEMENT.—Scheduled loan repay-
21 ments of principal or interest on a secured loan
22 under this section shall commence not later than 5
23 years after the date of substantial completion of the
24 project.

25 (3) DEFERRED PAYMENTS.—

1 (A) IN GENERAL.—If, at any time after
2 the date of substantial completion of the
3 project, the project is unable to generate suffi-
4 cient revenues to pay the scheduled loan repay-
5 ments of principal and interest on the secured
6 loan, the Assistant Secretary may, subject to
7 subparagraph (C), allow the obligor to add un-
8 paid principal and interest to the outstanding
9 balance of the secured loan.

10 (B) INTEREST.—Any payment deferred
11 under subparagraph (A) shall—

12 (i) continue to accrue interest in ac-
13 cordance with subsection (b)(4) until fully
14 repaid; and

15 (ii) be scheduled to be amortized over
16 the remaining term of the loan.

17 (C) CRITERIA.—

18 (i) IN GENERAL.—Any payment defer-
19 ral under subparagraph (A) shall be con-
20 tingent on the project meeting criteria es-
21 tablished by the Assistant Secretary.

22 (ii) REPAYMENT STANDARDS.—The
23 criteria established pursuant to clause (i)
24 shall include standards for reasonable as-
25 surance of repayment.

1 (4) PREPAYMENT.—

2 (A) USE OF EXCESS REVENUES.—Any ex-
3 cess revenues that remain after satisfying
4 scheduled debt service requirements on the
5 project obligations and secured loan and all de-
6 posit requirements under the terms of any trust
7 agreement, bond resolution, or similar agree-
8 ment securing project obligations may be ap-
9 plied annually to prepay the secured loan with-
10 out penalty.

11 (B) USE OF PROCEEDS OF REFI-
12 NANCING.—The secured loan may be prepaid at
13 any time without penalty from the proceeds of
14 refinancing from non-Federal funding sources.

15 (d) SALE OF SECURED LOANS.—

16 (1) IN GENERAL.—Subject to paragraph (2), as
17 soon as practicable after substantial completion of a
18 project and after notifying the obligor, the Assistant
19 Secretary may sell to another entity or reoffer into
20 the capital markets a secured loan for the project if
21 the Assistant Secretary determines that the sale or
22 reoffering can be made on favorable terms.

23 (2) CONSENT OF OBLIGOR.—In making a sale
24 or reoffering under paragraph (1), the Assistant
25 Secretary may not change the original terms and

1 conditions of the secured loan without the written
2 consent of the obligor.

3 (e) LOAN GUARANTEES.—

4 (1) IN GENERAL.—The Assistant Secretary
5 may provide a loan guarantee to a lender in lieu of
6 making a secured loan under this section if the As-
7 sistant Secretary determines that the budgetary cost
8 of the loan guarantee is substantially the same as
9 that of a secured loan.

10 (2) TERMS.—The terms of a loan guarantee
11 under paragraph (1) shall be consistent with the
12 terms required under this section for a secured loan,
13 except that the rate on the guaranteed loan and any
14 prepayment features shall be negotiated between the
15 obligor and the lender, with the consent of the As-
16 sistant Secretary.

17 (f) STREAMLINED APPLICATION PROCESS.—

18 (1) IN GENERAL.—The Assistant Secretary
19 shall develop one or more expedited application proc-
20 esses, available at the request of entities seeking se-
21 cured loans under the BIFIA program, that use a
22 set or sets of conventional terms established pursu-
23 ant to this section.

24 (2) TERMS.—In establishing the streamlined
25 application process required by this subsection, the

1 Assistant Secretary may allow for an expedited ap-
2 plication period and include terms such as those that
3 require—

4 (A) that the project be a small project;

5 (B) the secured loan to be secured and
6 payable from pledged revenues not affected by
7 project performance, such as a tax-backed rev-
8 enue pledge, tax increment financing, or a sys-
9 tem-backed pledge of project revenues; and

10 (C) repayment of the loan to commence
11 not later than 5 years after disbursement.

12 **SEC. 3204. LINES OF CREDIT.**

13 (a) IN GENERAL.—

14 (1) AGREEMENTS.—Subject to paragraphs (2)
15 through (4), the Assistant Secretary may enter into
16 agreements to make available to one or more obli-
17 gors lines of credit in the form of direct loans to be
18 made by the Assistant Secretary at future dates on
19 the occurrence of certain events for any project se-
20 lected under section 3202.

21 (2) USE OF PROCEEDS.—The proceeds of a line
22 of credit made available under this section shall be
23 available to pay debt service on project obligations
24 issued to finance eligible project costs, extraordinary
25 repair and replacement costs, operation and mainte-

1 nance expenses, and costs associated with unex-
2 pected Federal or State environmental restrictions.

3 (3) RISK ASSESSMENT.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), before entering into an
6 agreement under this subsection, the Assistant
7 Secretary, in consultation with the Director of
8 the Office of Management and Budget and each
9 rating agency providing a preliminary rating
10 opinion letter under section 3202(b)(2)(A),
11 shall determine an appropriate capital reserve
12 subsidy amount for each line of credit, taking
13 into account the rating opinion letter.

14 (B) SMALL PROJECTS.—Before entering
15 into an agreement under this subsection to
16 make available a line of credit for a small
17 project, the Assistant Secretary, in consultation
18 with the Director of the Office of Management
19 and Budget, shall determine an appropriate
20 capital reserve subsidy amount for each such
21 line of credit, taking into account the alter-
22 native documentation provided under section
23 3202(b)(2)(B) instead of preliminary rating
24 opinion letters provided under section
25 3202(b)(2)(A).

1 (4) INVESTMENT-GRADE RATING REQUIRE-
2 MENT.—The funding of a line of credit under this
3 section shall be contingent on—

4 (A) the senior obligations of the project re-
5 ceiving an investment-grade rating from 2 rat-
6 ing agencies; or

7 (B) in the case of a small project, the
8 project meeting an alternative standard that the
9 Assistant Secretary shall establish under section
10 3205 for purposes of this paragraph.

11 (b) TERMS AND LIMITATIONS.—

12 (1) IN GENERAL.—A line of credit under this
13 section with respect to a project shall be on such
14 terms and conditions and contain such covenants,
15 representations, warranties, and requirements (in-
16 cluding requirements for audits) as the Assistant
17 Secretary determines to be appropriate.

18 (2) MAXIMUM AMOUNTS.—The total amount of
19 a line of credit under this section shall not exceed
20 33 percent of the reasonably anticipated eligible
21 project costs.

22 (3) DRAWS.—Any draw on a line of credit
23 under this section shall—

24 (A) represent a direct loan; and

1 (B) be made only if net revenues from the
2 project (including capitalized interest, but not
3 including reasonably required financing re-
4 serves) are insufficient to pay the costs speci-
5 fied in subsection (a)(2).

6 (4) INTEREST RATE.—The interest rate on a
7 direct loan resulting from a draw on the line of cred-
8 it shall be not less than the yield on 30-year United
9 States Treasury securities, as of the date of execu-
10 tion of the line of credit agreement.

11 (5) SECURITY.—A line of credit issued under
12 this section—

13 (A) shall—

14 (i) be payable, in whole or in part,
15 from—

16 (I) amounts charged to—

17 (aa) subscribers of
18 broadband service for such serv-
19 ice; or

20 (bb) subscribers of any re-
21 lated service provided over the
22 same infrastructure for such re-
23 lated service;

24 (II) user fees;

1 (III) payments owing to the obli-
2 gor under a public-private partner-
3 ship; or

4 (IV) other dedicated revenue
5 sources that also secure the senior
6 project obligations; and

7 (ii) include a coverage requirement or
8 similar security feature supporting the
9 project obligations; and

10 (B) may have a lien on revenues described
11 in subparagraph (A), subject to any lien secur-
12 ing project obligations.

13 (6) PERIOD OF AVAILABILITY.—The full
14 amount of a line of credit under this section, to the
15 extent not drawn upon, shall be available during the
16 10-year period beginning on the date of substantial
17 completion of the project.

18 (7) RIGHTS OF THIRD-PARTY CREDITORS.—

19 (A) AGAINST FEDERAL GOVERNMENT.—A
20 third-party creditor of the obligor shall not have
21 any right against the Federal Government with
22 respect to any draw on a line of credit under
23 this section.

24 (B) ASSIGNMENT.—An obligor may assign
25 a line of credit under this section to—

- 1 (i) one or more lenders; or
- 2 (ii) a trustee on the behalf of such a
- 3 lender.

4 (8) NONSUBORDINATION.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), a direct loan under this sec-
7 tion shall not be subordinated to the claims of
8 any holder of project obligations in the event of
9 bankruptcy, insolvency, or liquidation of the ob-
10 ligor.

11 (B) PRE-EXISTING INDENTURE.—

12 (i) IN GENERAL.—The Assistant Sec-
13 retary shall waive the requirement of sub-
14 paragraph (A) for a public agency bor-
15 rower that is financing ongoing capital
16 programs and has outstanding senior
17 bonds under a preexisting indenture, if—

18 (I) the line of credit—

19 (aa) is rated in the A cat-
20 egory or higher; or

21 (bb) in the case of a small
22 project, meets an alternative
23 standard that the Assistant Sec-
24 retary shall establish under sec-

1 tion 3205 for purposes of this
2 subclause;

3 (II) the BIFIA program loan re-
4 sulting from a draw on the line of
5 credit is payable from pledged reve-
6 nues not affected by project perform-
7 ance, such as a tax-backed revenue
8 pledge or a system-backed pledge of
9 project revenues; and

10 (III) the BIFIA program share
11 of eligible project costs is 33 percent
12 or less.

13 (ii) LIMITATION.—If the Assistant
14 Secretary waives the nonsubordination re-
15 quirement under this subparagraph—

16 (I) the maximum credit subsidy
17 to be paid by the Federal Government
18 shall be not more than 10 percent of
19 the principal amount of the secured
20 loan; and

21 (II) the obligor shall be respon-
22 sible for paying the remainder of the
23 subsidy cost.

24 (9) FEES.—The Assistant Secretary may estab-
25 lish fees at a level sufficient to cover all or a portion

1 of the costs to the Federal Government of providing
2 a line of credit under this section.

3 (10) RELATIONSHIP TO OTHER CREDIT INSTRU-
4 MENTS.—A project that receives a line of credit
5 under this section also shall not receive a secured
6 loan or loan guarantee under section 3203 in an
7 amount that, combined with the amount of the line
8 of credit, exceeds 49 percent of eligible project costs.

9 (c) REPAYMENT.—

10 (1) TERMS AND CONDITIONS.—The Assistant
11 Secretary shall establish repayment terms and condi-
12 tions for each direct loan under this section based
13 on—

14 (A) the projected cash flow from project
15 revenues and other repayment sources; and

16 (B) the useful life of the infrastructure for
17 the provision of broadband service being fi-
18 nanced.

19 (2) TIMING.—All repayments of principal or in-
20 terest on a direct loan under this section shall be
21 scheduled—

22 (A) to commence not later than 5 years
23 after the end of the period of availability speci-
24 fied in subsection (b)(6); and

1 (B) to conclude, with full repayment of
2 principal and interest, by the date that is 25
3 years after the end of the period of availability
4 specified in subsection (b)(6).

5 **SEC. 3205. ALTERNATIVE PRUDENTIAL LENDING STAND-**
6 **ARDS FOR SMALL PROJECTS.**

7 Not later than 180 days after the date of the enact-
8 ment of this Act, the Assistant Secretary shall establish
9 alternative, streamlined prudential lending standards for
10 small projects receiving credit assistance under the BIFIA
11 program to ensure that such projects pose no additional
12 risk to the Federal Government, as compared with
13 projects that are not small projects.

14 **SEC. 3206. PROGRAM ADMINISTRATION.**

15 (a) REQUIREMENT.—The Assistant Secretary shall
16 establish a uniform system to service the Federal credit
17 instruments made available under the BIFIA program.

18 (b) FEES.—The Assistant Secretary may collect and
19 spend fees, contingent on authority being provided in ap-
20 propriations Acts, at a level that is sufficient to cover—

21 (1) the costs of services of expert firms retained
22 pursuant to subsection (d); and

23 (2) all or a portion of the costs to the Federal
24 Government of servicing the Federal credit instru-
25 ments.

1 (c) SERVICER.—

2 (1) IN GENERAL.—The Assistant Secretary
3 may appoint a financial entity to assist the Assistant
4 Secretary in servicing the Federal credit instru-
5 ments.

6 (2) DUTIES.—A servicer appointed under para-
7 graph (1) shall act as the agent for the Assistant
8 Secretary.

9 (3) FEE.—A servicer appointed under para-
10 graph (1) shall receive a servicing fee, subject to ap-
11 proval by the Assistant Secretary.

12 (d) ASSISTANCE FROM EXPERT FIRMS.—The Assist-
13 ant Secretary may retain the services of expert firms, in-
14 cluding counsel, in the field of municipal and project fi-
15 nance to assist in the underwriting and servicing of Fed-
16 eral credit instruments.

17 (e) EXPEDITED PROCESSING.—The Assistant Sec-
18 retary shall implement procedures and measures to econo-
19 mize the time and cost involved in obtaining approval and
20 the issuance of credit assistance under the BIFLA pro-
21 gram.

22 (f) ASSISTANCE TO SMALL PROJECTS.—Of the
23 amount appropriated under section 3209(a), and after the
24 set-aside for administrative expenses under section
25 3209(b), not less than 20 percent shall be made available

1 for the Assistant Secretary to use in lieu of fees collected
2 under subsection (b) for small projects.

3 **SEC. 3207. STATE AND LOCAL PERMITS.**

4 The provision of credit assistance under the BIFIA
5 program with respect to a project shall not—

6 (1) relieve any recipient of the assistance of any
7 obligation to obtain any required State or local per-
8 mit or approval with respect to the project;

9 (2) limit the right of any unit of State or local
10 government to approve or regulate any rate of re-
11 turn on private equity invested in the project; or

12 (3) otherwise supersede any State or local law
13 (including any regulation) applicable to the construc-
14 tion or operation of the project.

15 **SEC. 3208. REGULATIONS.**

16 The Assistant Secretary may promulgate such regula-
17 tions as the Assistant Secretary determines to be appro-
18 priate to carry out the BIFIA program.

19 **SEC. 3209. FUNDING.**

20 (a) APPROPRIATION.—There are appropriated to the
21 Assistant Secretary, out of any money in the Treasury not
22 otherwise appropriated, \$5,000,000,000 to carry out this
23 subtitle for fiscal year 2021, to remain available until ex-
24 pended.

1 (b) ADMINISTRATIVE EXPENSES.—Of the amount
2 appropriated under subsection (a), the Assistant Secretary
3 may use not more than 5 percent for the administration
4 of the BIFIA program.

5 **SEC. 3210. REPORTS TO CONGRESS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of the enactment of this Act, and every 2 years there-
8 after, the Assistant Secretary shall submit to Congress a
9 report summarizing the financial performance of the
10 projects that are receiving, or have received, assistance
11 under the BIFIA program, including a recommendation
12 as to whether the objectives of the BIFIA program are
13 best served by—

14 (1) continuing the program under the authority
15 of the Assistant Secretary; or

16 (2) establishing a Federal corporation or feder-
17 ally sponsored enterprise to administer the program.

18 (b) APPLICATION PROCESS REPORT.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of the enactment of this Act, and annually
21 thereafter, the Assistant Secretary shall submit to
22 the Committee on Energy and Commerce of the
23 House of Representatives and the Committee on
24 Commerce, Science, and Transportation of the Sen-
25 ate a report that includes a list of all of the letters

1 of interest and applications received for assistance
2 under the BIFIA program during the preceding fis-
3 cal year.

4 (2) INCLUSIONS.—

5 (A) IN GENERAL.—Each report under
6 paragraph (1) shall include, at a minimum, a
7 description of, with respect to each letter of in-
8 terest and application included in the report—

9 (i) the date on which the letter of in-
10 terest or application was received;

11 (ii) the date on which a notification
12 was provided to the applicant regarding
13 whether the application was complete or
14 incomplete;

15 (iii) the date on which a revised and
16 completed application was submitted (if
17 applicable);

18 (iv) the date on which a notification
19 was provided to the applicant regarding
20 whether the project was approved or dis-
21 approved; and

22 (v) if the project was not approved,
23 the reason for the disapproval.

24 (B) CORRESPONDENCE.—Each report
25 under paragraph (1) shall include copies of any

1 correspondence provided to the applicant in ac-
2 cordance with section 3202(d).

3 **Subtitle C—Wi-Fi on School Buses**

4 **SEC. 3301. E-RATE SUPPORT FOR SCHOOL BUS WI-FI.**

5 (a) RULEMAKING.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the
8 Commission shall commence a rulemaking to make
9 the provision of Wi-Fi access on school buses eligible
10 for support under the E-rate program of the Com-
11 mission set forth under subpart F of part 54 of title
12 47, Code of Federal Regulations.

13 (2) ELIGIBLE RECIPIENTS.—Notwithstanding
14 section 254(h)(1)(B) of the Communications Act of
15 1934 (47 U.S.C. 254(h)(1)(B)), the Commission
16 shall provide in the rulemaking under paragraph (1)
17 for State educational agencies, educational service
18 agencies, and local educational agencies to be eligible
19 to receive the support described in such paragraph.

20 (b) DEFINITIONS.—In this section:

21 (1) SCHOOL BUS.—The term “school bus”
22 means a passenger motor vehicle that is—

23 (A) designed to carry a driver and not less
24 than 5 passengers; and

25 (B) used significantly to transport—

1 (i) children enrolled in an early child-
2 hood education program to or from such
3 program or an event related to such pro-
4 gram; or

5 (ii) students enrolled in an elementary
6 school or secondary school to or from such
7 school or an event related to such school.

8 (2) TERMS DEFINED IN ELEMENTARY AND SEC-
9 ONDARY EDUCATION ACT OF 1965.—The terms
10 “early childhood education program”, “educational
11 service agency”, “elementary school”, “local edu-
12 cational agency”, “secondary school”, and “State
13 educational agency” have the meanings given such
14 terms in section 8101 of the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C. 7801).

16 **TITLE IV—COMMUNITY**
17 **BROADBAND**

18 **SEC. 4001. STATE, LOCAL, PUBLIC-PRIVATE PARTNERSHIP,**
19 **AND CO-OP BROADBAND SERVICES.**

20 Section 706 of the Telecommunications Act of 1996
21 (47 U.S.C. 1302) is amended—

22 (1) by redesignating subsection (d) as sub-
23 section (e) and inserting after subsection (e) the fol-
24 lowing:

1 “(d) STATE, LOCAL, PUBLIC-PRIVATE PARTNERSHIP,
2 AND CO-OP ADVANCED TELECOMMUNICATIONS CAPA-
3 BILITY AND SERVICES.—

4 “(1) IN GENERAL.—No State statute, regula-
5 tion, or other State legal requirement may prohibit
6 or have the effect of prohibiting any public provider,
7 public-private partnership provider, or cooperatively
8 organized provider from providing, to any person or
9 any public or private entity, advanced telecommuni-
10 cations capability or any service that utilizes the ad-
11 vanced telecommunications capability provided by
12 such provider.

13 “(2) ANTIDISCRIMINATION SAFEGUARDS.—

14 “(A) PUBLIC PROVIDERS.—To the extent
15 any public provider regulates competing private
16 providers of advanced telecommunications capa-
17 bility or services that utilize advanced tele-
18 communications capability, such public provider
19 shall apply its ordinances and rules without dis-
20 crimination in favor of itself or any provider
21 that it owns of services that utilize advanced
22 telecommunications capability.

23 “(B) PUBLIC-PRIVATE PARTNERSHIP PRO-
24 VIDERS.—To the extent any State or local enti-
25 ty that is part of a public-private partnership

1 provider regulates competing private providers
2 of advanced telecommunications capability or
3 services that utilize advanced telecommuni-
4 cations capability, such State or local entity
5 shall apply its ordinances and rules without dis-
6 crimination in favor of such public-private part-
7 nership provider or any provider that such
8 State or local entity or public-private partner-
9 ship provider owns of services that utilize ad-
10 vanced telecommunications capability.

11 “(3) SAVINGS CLAUSE.—Nothing in this sub-
12 section shall exempt a public provider, public-private
13 partnership provider, or cooperatively organized pro-
14 vider from any Federal or State telecommunications
15 law or regulation that applies to all providers of ad-
16 vanced telecommunications capability or services
17 that utilize such advanced telecommunications capa-
18 bility.”; and

19 (2) in subsection (e), as redesignated—

20 (A) in the matter preceding paragraph (1),
21 by striking “this subsection” and inserting
22 “this section”;

23 (B) by redesignating paragraph (2) as
24 paragraph (3);

1 (C) by inserting after paragraph (1) the
2 following:

3 “(2) COOPERATIVELY ORGANIZED PROVIDER.—
4 The term ‘cooperatively organized provider’ means
5 an entity that is treated as a cooperative under Fed-
6 eral tax law and that provides advanced tele-
7 communications capability, or any service that uti-
8 lizes such advanced telecommunications capability,
9 to any person or public or private entity.”; and

10 (D) by adding at the end the following:

11 “(4) PUBLIC PROVIDER.—The term ‘public pro-
12 vider’ means a State or local entity that provides ad-
13 vanced telecommunications capability, or any service
14 that utilizes such advanced telecommunications ca-
15 pability, to any person or public or private entity.

16 “(5) PUBLIC-PRIVATE PARTNERSHIP PRO-
17 VIDER.—The term ‘public-private partnership pro-
18 vider’ means a public-private partnership, between a
19 State or local entity and a private entity, that pro-
20 vides advanced telecommunications capability, or any
21 service that utilizes such advanced telecommuni-
22 cations capability, to any person or public or private
23 entity.

24 “(6) STATE OR LOCAL ENTITY.—The term
25 ‘State or local entity’ means a State or political sub-

1 division thereof, any agency, authority, or instru-
2 mentality of a State or political subdivision thereof,
3 or an Indian tribe (as defined in section 4(e) of the
4 Indian Self-Determination and Education Assistance
5 Act (25 U.S.C. 5304(e))).”.

6 **TITLE V—BROADBAND INFRA-** 7 **STRUCTURE DEPLOYMENT**

8 **SEC. 5001. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

9 (a) DEFINITIONS.—In this section:

10 (1) APPROPRIATE STATE AGENCY.—The term
11 “appropriate State agency” means a State govern-
12 mental agency that is recognized by the executive
13 branch of the State as having the experience nec-
14 essary to evaluate and facilitate the installation and
15 operation of broadband infrastructure within the
16 State.

17 (2) BROADBAND.—The term “broadband” has
18 the meaning given the term “advanced telecommuni-
19 cations capability” in section 706 of the Tele-
20 communications Act of 1996 (47 U.S.C. 1302).

21 (3) BROADBAND CONDUIT.—The term
22 “broadband conduit” means a conduit or innerduct
23 for fiber optic cables (or successor technology of
24 greater quality and speed) that supports the provi-
25 sion of broadband.

1 (4) BROADBAND INFRASTRUCTURE.—The term
2 “broadband infrastructure” means any buried or un-
3 derground facility and any wireless or wireline con-
4 nection that enables the provision of broadband.

5 (5) BROADBAND PROVIDER.—The term
6 “broadband provider” means an entity that provides
7 broadband to any person or facilitates provision of
8 broadband to any person, including, with respect to
9 such entity—

10 (A) a corporation, company, association,
11 firm, partnership, nonprofit organization, or
12 any other private entity;

13 (B) a State or local broadband provider;

14 (C) an Indian Tribe; and

15 (D) a partnership between any of the enti-
16 ties described in subparagraphs (A), (B), and
17 (C).

18 (6) COVERED HIGHWAY CONSTRUCTION
19 PROJECT.—

20 (A) IN GENERAL.—The term “covered
21 highway construction project” means, without
22 regard to ownership of a highway, a project to
23 construct a new highway or an additional lane
24 for an existing highway, to reconstruct an exist-

1 ing highway, or new construction, including for
2 a paved shoulder.

3 (B) EXCLUSIONS.—The term “covered
4 highway construction project” excludes any
5 project—

6 (i) awarded before the date on which
7 regulations required under subsection (b)
8 take effect;

9 (ii) that does not include work beyond
10 the edge of pavement or current paved
11 shoulder; or

12 (iii) that does not require excavation.

13 (7) DIG ONCE REQUIREMENT.—The term “dig
14 once requirement” means a requirement designed to
15 reduce the cost and accelerate the deployment of
16 broadband by minimizing the number and scale of
17 repeated excavations for the installation and mainte-
18 nance of broadband conduit or broadband infrastruc-
19 ture in rights-of-way.

20 (8) PROJECT.—The term “project” has the
21 meaning given such term in section 101 of title 23,
22 United States Code.

23 (9) SECRETARY.—The term “Secretary” means
24 the Secretary of Transportation.

1 (10) STATE.—Notwithstanding section 2(14),
2 the term “State” has the meaning given such term
3 in section 401 of title 23, United States Code.

4 (11) STATE OR LOCAL BROADBAND PRO-
5 VIDER.—The term “State or local broadband pro-
6 vider” means a State or political subdivision thereof,
7 or any agency, authority, or instrumentality of a
8 State or political subdivision thereof, that provides
9 broadband to any person or facilitates the provision
10 of broadband to any person in that State.

11 (12) TRIBAL GOVERNMENT.—The term “Tribal
12 government” means the recognized governing body
13 of an Indian Tribe or any agency, authority, or in-
14 strumentality of such governing body or such Indian
15 Tribe.

16 (b) DIG ONCE REQUIREMENT.—To facilitate the in-
17 stallation of broadband infrastructure, the Secretary shall,
18 not later than 9 months after the date of enactment of
19 this Act, promulgate regulations to ensure that each State
20 that receives funds under chapter 1 of title 23, United
21 States Code, meets the following requirements:

22 (1) BROADBAND PLANNING.—The State depart-
23 ment of transportation, in consultation with appro-
24 priate State agencies, shall—

1 (A) identify a broadband coordinator, who
2 may have additional responsibilities in the State
3 department of transportation or in another
4 State agency, that is responsible for facilitating
5 the broadband infrastructure right-of-way ef-
6 forts within the State; and

7 (B) review existing State broadband plans,
8 including existing dig once requirements of the
9 State, municipal governments incorporated
10 under State law, and Tribal governments within
11 the State, to determine opportunities to coordi-
12 nate projects occurring within or across high-
13 way rights-of-way with planned broadband in-
14 frastructure projects.

15 (2) NOTICE OF PLANNED CONSTRUCTION FOR
16 BROADBAND PROVIDERS.—

17 (A) NOTICE.—The State department of
18 transportation, in consultation with appropriate
19 State agencies, shall establish a process—

20 (i) for the registration of broadband
21 providers that seek to be included in the
22 advance notification of, and opportunity to
23 participate in, broadband infrastructure
24 right-of-way facilitation efforts within the
25 State; and

1 (ii) to electronically notify all
2 broadband providers registered under
3 clause (i)—

4 (I) of the State transportation
5 improvement program on at least an
6 annual basis; and

7 (II) of projects within the high-
8 way right-of-way for which Federal
9 funding is expected to be obligated in
10 the subsequent fiscal year.

11 (B) WEBSITE.—A State department of
12 transportation shall be considered to meet the
13 requirements of subparagraph (A) if such State
14 department of transportation publishes on a
15 public website—

16 (i) the State transportation improve-
17 ment program on at least an annual basis;
18 and

19 (ii) projects within the highway right-
20 of-way for which Federal funding is ex-
21 pected to be obligated in the subsequent
22 fiscal year.

23 (C) COORDINATION.—The State depart-
24 ment of transportation, in consultation with ap-
25 propriate State agencies, shall establish a proc-

1 ess for a broadband provider to commit to in-
2 stalling broadband conduit or broadband infra-
3 structure as part of any project.

4 (3) REQUIRED INSTALLATION OF CONDUIT.—

5 (A) IN GENERAL.—The State department
6 of transportation shall install broadband con-
7 duit, in accordance with this paragraph, except
8 as described in subparagraph (F), as part of
9 any covered highway construction project, un-
10 less a broadband provider has committed to in-
11 stall broadband conduit or broadband infra-
12 structure as part of such project in a process
13 described under paragraph (2)(C).

14 (B) INSTALLATION REQUIREMENTS.—The
15 State department of transportation shall ensure
16 that—

17 (i) an appropriate number of
18 broadband conduits, as determined in con-
19 sultation with the appropriate State agen-
20 cies, are installed along the highway of a
21 covered highway construction project to ac-
22 commodate multiple broadband providers,
23 with consideration given to the availability
24 of existing conduits;

1 (ii) the size of each such conduit is
2 consistent with industry best practices and
3 is sufficient to accommodate potential de-
4 mand, as determined in consultation with
5 the appropriate State agencies;

6 (iii) hand holes and manholes nec-
7 essary for fiber access and pulling with re-
8 spect to such conduit are placed at inter-
9 vals consistent with standards determined
10 in consultation with the appropriate State
11 agencies (which may differ by type of road,
12 topologies, and rurality) and consistent
13 with safety requirements;

14 (iv) each broadband conduit installed
15 pursuant to this paragraph includes a pull
16 tape and is capable of supporting fiber
17 optic cable placement techniques consistent
18 with best practices; and

19 (v) is placed at a depth consistent
20 with requirements of the covered highway
21 construction project and best practices and
22 that, in determining the depth of place-
23 ment, consideration is given to the location
24 of existing utilities and cable separation re-

1 requirements of State and local electrical
2 codes.

3 (C) GUIDANCE FOR THE INSTALLATION OF
4 BROADBAND CONDUIT.—The Secretary, in con-
5 sultation with the Assistant Secretary, shall
6 issue guidance for best practices related to the
7 installation of broadband conduit as described
8 in this paragraph and of conduit and similar in-
9 frastructure for intelligent transportation sys-
10 tems (as such term is defined in section 501 of
11 title 23, United States Code) that may utilize
12 broadband conduit installed pursuant to this
13 paragraph.

14 (D) ACCESS.—

15 (i) IN GENERAL.—The State depart-
16 ment of transportation shall ensure that
17 any requesting broadband provider has ac-
18 cess to each broadband conduit installed
19 pursuant to this paragraph, on a competi-
20 tively neutral and nondiscriminatory basis,
21 and in accordance with State permitting,
22 licensing, leasing, or other similar laws and
23 regulations.

24 (ii) FEE SCHEDULE.—The State de-
25 partment of transportation, in consultation

1 with appropriate State agencies, shall pub-
2 lish a fee schedule for a broadband pro-
3 vider to access conduit installed pursuant
4 to this paragraph. Fees in such schedule—

5 (I) shall be consistent with the
6 fees established pursuant to section
7 224 of the Communications Act of
8 1934 (47 U.S.C. 224);

9 (II) may vary by topography, lo-
10 cation, type of road, rurality, and
11 other factors in the determination of
12 the State; and

13 (III) may be updated not more
14 frequently than annually.

15 (iii) IN-KIND COMPENSATION.—The
16 State department of transportation may
17 negotiate in-kind compensation with any
18 broadband provider requesting access to
19 broadband conduit installed under the pro-
20 visions of this paragraph as a replacement
21 for part or all of, but not to exceed, the
22 relevant fee in the fee schedule described
23 in clause (ii).

24 (iv) SAFETY CONSIDERATIONS.—The
25 State department of transportation shall

1 require of broadband providers a process
2 for safe access to the highway right-of-way
3 during installation and on-going mainte-
4 nance of the broadband fiber optic cables
5 including a traffic control safety plan.

6 (v) COMMUNICATION.—A broadband
7 provider with access to the conduit in-
8 stalled pursuant to this subsection shall
9 notify and receive permission from the rel-
10 evant agencies of State responsible for the
11 installation of such broadband conduit
12 prior to accessing any highway or highway
13 right-of-way, in accordance with applicable
14 Federal requirements.

15 (E) TREATMENT OF PROJECTS.—Notwith-
16 standing any other provision of law, broadband
17 conduit and broadband infrastructure installa-
18 tion projects under this paragraph shall comply
19 with section 113(a) of title 23, United States
20 Code.

21 (F) WAIVER AUTHORITY.—

22 (i) IN GENERAL.—A State department
23 of transportation may waive the required
24 installation of broadband conduit for part
25 or all of any covered highway construction

1 project under this paragraph if, in the de-
2 termination of the State—

3 (I) broadband infrastructure, ter-
4 restrial broadband infrastructure, aer-
5 ial broadband fiber cables, or
6 broadband conduit is present near a
7 majority of the length of the covered
8 highway construction project;

9 (II) the installation of conduit in-
10 creases overall costs of a covered high-
11 way construction project by 1.5 per-
12 cent or greater;

13 (III) the installation of
14 broadband conduit associated with
15 covered highway construction project
16 will not be utilized or connected to fu-
17 ture broadband infrastructure in the
18 next 20 years, in the determination of
19 the State department of transpor-
20 tation, in consultation with appro-
21 priate State agencies and potentially
22 affected local governments and Tribal
23 governments;

24 (IV) the requirements of this
25 paragraph would require installation

1 of conduit redundant with a dig once
2 requirement of a local or Tribal gov-
3 ernment;

4 (V) there exists a circumstance
5 involving force majeure; or

6 (VI) other relevant factors, as de-
7 termined by the Secretary in consulta-
8 tion with the Assistant Secretary
9 through regulation, warrant a waiver.

10 (ii) CONTENTS OF WAIVER.—A waiver
11 authorized under this subparagraph
12 shall—

13 (I) identify the covered highway
14 construction project; and

15 (II) include a brief description of
16 the determination of the State for
17 issuing such waiver.

18 (iii) AVAILABILITY OF WAIVER.—A
19 waiver authorized under this subparagraph
20 shall be included in the plans, specifica-
21 tions, and estimates for the associated
22 project, as long as such information is pub-
23 licly available.

24 (4) PRIORITY.—If a State provides for the in-
25 stallation of broadband infrastructure or broadband

1 conduit in the right-of-way of an applicable project
2 under this subsection, the State department of
3 transportation, along with appropriate State agen-
4 cies, shall carry out appropriate measures to ensure
5 that any existing broadband providers are afforded
6 equal opportunity access, as compared to other
7 broadband providers, with respect to the program
8 under this subsection.

9 (5) CONSULTATION.—

10 (A) IN GENERAL.—In promulgating regu-
11 lations required by this subsection or to imple-
12 ment any part of this section, the Secretary
13 shall consult—

14 (i) the Assistant Secretary;

15 (ii) the Commission;

16 (iii) State departments of transpor-
17 tation;

18 (iv) appropriate State agencies;

19 (v) agencies of local governments re-
20 sponsible for transportation and rights-of-
21 way, utilities, and telecommunications and
22 broadband;

23 (vi) Tribal governments;

24 (vii) broadband providers; and

1 (viii) manufacturers of optical fiber,
2 conduit, pull tape, and related items.

3 (B) BROADBAND USERS.—The Secretary
4 shall ensure that the entities consulted under
5 clauses (iii) through (vi) of subparagraph (A)
6 include rural areas and populations with limited
7 access to broadband infrastructure.

8 (C) BROADBAND PROVIDERS.—The Sec-
9 retary shall ensure that the entities consulted
10 under clause (vii) of subparagraph (A) include
11 entities who provide broadband to rural areas
12 and populations with limited access to
13 broadband infrastructure.

14 (6) PROHIBITION ON UNFUNDED MANDATE.—

15 (A) IN GENERAL.—This subsection shall
16 apply only to projects for which Federal obliga-
17 tions or expenditures are initially approved on
18 or after the date regulations required under this
19 subsection take effect.

20 (B) NO MANDATE.—Absent an available
21 and dedicated Federal source of funding—

22 (i) nothing in this subsection estab-
23 lishes a mandate or requirement that a
24 State install broadband conduit in a high-
25 way right-of-way; and

1 (ii) nothing in paragraph (3) shall es-
2 tablish any requirement for a State.

3 (7) RULES OF CONSTRUCTION.—

4 (A) STATE LAW.—Nothing in this sub-
5 section shall be construed to require a State to
6 install or allow the installation of broadband
7 conduit or broadband infrastructure—

8 (i) that is otherwise inconsistent with
9 what is allowable under State law; or

10 (ii) where the State lacks the author-
11 ity or property easement necessary for
12 such installation.

13 (B) NO REQUIREMENT FOR INSTALLATION
14 OF MOBILE SERVICES EQUIPMENT.—Nothing in
15 this section shall be construed to require a
16 State, a municipal government incorporated
17 under State law, or an Indian Tribe to install
18 or allow for the installation of equipment essen-
19 tial for the provision of commercial mobile serv-
20 ices (as defined in section 332(d) of the Com-
21 munications Act of 1934 (47 U.S.C. 332(d)))
22 or commercial mobile data service (as defined in
23 section 6001 of the Middle Class Tax Relief
24 and Job Creation Act of 2012 (47 U.S.C.
25 1401)), other than broadband conduit and asso-

1 ciated equipment described in paragraph
2 (3)(B).

3 (c) RELATION TO STATE DIG ONCE REQUIRE-
4 MENTS.—Nothing in subsection (b) or any regulations
5 promulgated under subsection (b) shall be construed to
6 alter or supersede any provision of a State law or regula-
7 tion that provides for a dig once requirement that includes
8 similar or more stringent requirements to the provisions
9 of subsection (b) and any regulations promulgated under
10 subsection (b).

11 (d) DIG ONCE FUNDING TASK FORCE.—

12 (1) ESTABLISHMENT.—There is established an
13 independent task force on funding the nationwide
14 dig once requirement described in this section to be
15 known as the “Dig Once Funding Task Force”
16 (hereinafter referred to as the “Task Force”).

17 (2) DUTIES.—The duties of the Task Force
18 shall be to—

19 (A) estimate the annual cost for imple-
20 menting and administering a nationwide dig
21 once requirement; and

22 (B) propose and evaluate options for fund-
23 ing a nationwide dig once requirement described
24 in this section that includes—

- 1 (i) a discussion of the role and poten-
2 tial share of costs of—
3 (I) the Federal Government;
4 (II) State, local, and Tribal gov-
5 ernments; and
6 (III) broadband providers; and
7 (ii) consideration of the role of exist-
8 ing dig once requirements of State, local,
9 and Tribal governments and private
10 broadband investment, with a goal to not
11 discourage or disincentivize such dig once
12 requirements or such investment.

13 (3) REPORTS.—

14 (A) INTERIM REPORT AND BRIEFING.—

15 Not later than 9 months after the date of en-
16 actment of this Act, the Task Force shall sub-
17 mit an interim report to Congress and provide
18 briefings for Congress on the findings of the
19 Task Force.

20 (B) FINAL REPORT.—Not later than 12

21 months after the date of enactment of this Act,
22 the Task Force shall submit a final report to
23 Congress on the findings of the Task Force.

24 (4) MEMBERS.—

1 (A) APPOINTMENTS.—The Task Force
2 shall consist of 14 members, consisting of—

3 (i) the 2 co-chairs described in sub-
4 paragraph (B);

5 (ii) 6 members jointly appointed by
6 the Speaker and minority leader of the
7 House of Representatives, in consultation
8 with the respective Chairs and Ranking
9 Members of the—

10 (I) the Committee on Transpor-
11 tation and Infrastructure of the
12 House of Representatives;

13 (II) the Committee on Energy
14 and Commerce of the House of Rep-
15 resentatives; and

16 (III) the Committee on Appro-
17 priations of the House of Representa-
18 tives; and

19 (iii) 6 members jointly appointed by
20 the majority leader and minority leader of
21 the Senate, in consultation with the respec-
22 tive Chairs and Ranking Members of the—

23 (I) the Committee on Environ-
24 ment and Public Works of the Senate;

1 (II) the Committee on Com-
2 merce, Science, and Transportation of
3 the Senate; and

4 (III) the Committee on Appro-
5 priations of the Senate.

6 (B) CO-CHAIRS.—The Task Force shall be
7 co-chaired by the Secretary and the Assistant
8 Secretary, or their designees.

9 (C) COMPOSITION.—The Task Force shall
10 include at least—

11 (i) 1 representative from a State de-
12 partment of transportation;

13 (ii) 1 representative from a local gov-
14 ernment;

15 (iii) 1 representative from a Tribal
16 government;

17 (iv) 1 representative from a
18 broadband provider;

19 (v) 1 representative from a State or
20 local broadband provider;

21 (vi) 1 representative from a labor
22 union; and

23 (vii) 1 representative from a public in-
24 terest organization.

1 (D) APPOINTMENT DEADLINE.—Members
2 shall be appointed to the Task Force not later
3 than 60 days after the date of enactment of
4 this Act.

5 (E) EFFECT OF LACK OF APPOINTMENT
6 BY APPOINTMENT DATE.—If 1 or more appoint-
7 ments required under subparagraph (A) is not
8 made by the appointment date specified in sub-
9 paragraph (D), the authority to make such ap-
10 pointment or appointments shall expire and the
11 number of members of the Task Force shall be
12 reduced by the number equal to the number of
13 appointments so expired.

14 (F) TERMS.—Members shall be appointed
15 for the life of the Task Force. A vacancy in the
16 Task Force shall not affect its powers and shall
17 be filled in the same manner as the initial ap-
18 pointment was made.

19 (5) CONSULTATIONS.—In carrying out the du-
20 ties required under this subsection, the Task Force
21 shall consult, at a minimum—

22 (A) the Commission;

23 (B) agencies of States including—

24 (i) State departments of transpor-
25 tation; and

- 1 (ii) appropriate State agencies;
- 2 (C) agencies of local governments respon-
- 3 sible for transportation and rights of way, utili-
- 4 ties, and telecommunications and broadband;
- 5 (D) Tribal governments;
- 6 (E) broadband providers and other tele-
- 7 communications providers;
- 8 (F) labor unions; and
- 9 (G) State or local broadband providers and
- 10 Tribal governments that act as broadband pro-
- 11 viders.

12 (6) ADDITIONAL PROVISIONS.—

13 (A) EXPENSES FOR NON-FEDERAL MEM-

14 BERS.—Non-Federal members of the Task

15 Force shall be allowed travel expenses, includ-

16 ing per diem in lieu of subsistence, at rates au-

17 thorized for employees under subchapter I of

18 chapter 57 of title 5, United States Code, while

19 away from their homes or regular places of

20 business in the performance of services for the

21 Task Force.

22 (B) STAFF.—Staff of the Task Force shall

23 comprise detailees with relevant expertise from

24 the Department of Transportation and the Na-

25 tional Telecommunications and Information Ad-

1 ministration, or another Federal agency the co-
2 chairpersons consider appropriate, with the con-
3 sent of the head of the Federal agency, and
4 such detailee shall retain the rights, status, and
5 privileges of his or her regular employment
6 without interruption.

7 (C) ADMINISTRATIVE ASSISTANCE.—The
8 Secretary and Assistant Secretary shall provide
9 to the Task Force on a reimbursable basis ad-
10 ministrative support and other services for the
11 performance of the functions of the Task Force.

12 (7) TERMINATION.—The Task Force shall ter-
13 minate not later than 90 days after issuance of the
14 final report required under paragraph (3)(B).

15 **TITLE VI—REPEAL OF RULE AND** 16 **PROHIBITION ON USE OF NPRM**

17 **SEC. 6001. REPEAL OF RULE AND PROHIBITION ON USE OF** 18 **NPRM.**

19 (a) REPEAL OF RULE.—The Fourth Report and
20 Order, Order on Reconsideration, Memorandum Opinion
21 and Order, Notice of Proposed Rulemaking, and Notice
22 of Inquiry in the matter of bridging the digital divide for
23 low-income consumers, lifeline and link up reform and
24 modernization, telecommunications carriers eligible for
25 universal service support that was adopted by the Commis-

1 sion on November 16, 2017 (FCC 17–155) shall have no
2 force or effect.

3 (b) RULEMAKING IN RELIANCE ON UNIVERSAL
4 SERVICE CONTRIBUTION METHODOLOGY NPRM PROHIB-
5 ITED.—Beginning on the date of the enactment of this
6 Act, the Commission may not rely on the Notice of Pro-
7 posed Rulemaking in the matter of universal service con-
8 tribution methodology that was adopted by the Commis-
9 sion on May 15, 2019 (FCC 19–46), to satisfy the require-
10 ments of section 553 of title 5, United States Code, for
11 adopting, amending, revoking, or otherwise modifying any
12 rule (as defined in section 551 of such title) of the Com-
13 mission.