

band infrastructure that does not connect directly to end-user locations (including anchor institutions) and may include interoffice transport, backhaul, Internet connectivity, data centers, or special access transport to rural areas.

(c) Grants, loans, and loan guarantees

The Secretary shall make grants, loans, and loan guarantees to eligible applicants described in subsection (d) to provide funds for the construction, improvement, or acquisition of middle mile infrastructure to serve rural areas.

(d) Eligibility

(1) Eligible applicants

(A) In general

To be eligible to obtain assistance under this section, an eligible entity shall—

(i) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(ii) agree to complete build-out of the middle mile infrastructure described in the application by not later than 5 years after the initial date on which proceeds from the assistance provided under this section are made available; and

(iii) submit to the Secretary a plan to ensure the viability of the project by—

(I) connecting, assisting with connecting, or enabling the connection of retail broadband systems that serve rural areas within the proposed service territory to the middle mile infrastructure project in an affordable and economically competitive manner;

(II) leasing or selling sufficient capacity prior to project approval; and

(III) complying with any other requirements imposed by the Secretary.

(B) Additional end user broadband programs

Entities that receive assistance to construct, improve, or acquire middle mile infrastructure under this section shall be eligible to apply for additional funds under this subchapter to provide for retail broadband service to end users.

(2) Eligible service territories

The proceeds of assistance provided under this section may be used to carry out a project in a proposed service territory only if, as of the date the application for assistance under this section is submitted, there is not adequate middle mile infrastructure available to support broadband service for eligible rural communities that would be provided access to the middle mile infrastructure.

(3) Eligible projects

A project shall be eligible for assistance under this section if at the time of the application—

(A) at least 75 percent of the interconnection points serve such eligible rural areas; and

(B) the Secretary determines that the proposed middle mile network will be capable of supporting retail broadband service meeting the maximum broadband buildout require-

ment established under section 950bb(e)(4) of this title for the residents within the proposed service territory.

(e) Limitation on grants

In making grants under this section, the Secretary shall—

(1) not provide any grant in excess of 20 percent of the total project cost; and

(2) provide grants only to those projects which serve rural areas where population density or geographic characteristics make it infeasible to construct middle mile broadband systems without grant assistance.

(f) Terms, conditions, and adequacy of security

All loans and loan guarantees provided under this section shall be made subject to such terms, conditions, and adequacy of security requirements as may be imposed by the Secretary. If the middle mile infrastructure would not provide adequate security due to long-term leasing arrangements, the Secretary shall require substitute security in such form and substance as are acceptable to the Secretary.

(g) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2018 through 2023.

(May 20, 1936, ch. 432, title VI, §602, as added Pub. L. 110-234, title VI, §6111, May 22, 2008, 122 Stat. 1203, and Pub. L. 110-246, §4(a), title VI, §6111, June 18, 2008, 122 Stat. 1664, 1965; amended Pub. L. 115-334, title VI, §6202, Dec. 20, 2018, 132 Stat. 4734.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2018—Pub. L. 115-334 amended section generally. Prior to amendment, section related to National Center for Rural Telecommunications Assessment.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

§ 950bb-2. Innovative Broadband Advancement Program

(a) In general

The Secretary shall establish a program to be known as the “Innovative Broadband Advancement Program”, under which the Secretary may provide a grant, a loan, or both to an eligible entity for the purpose of demonstrating innovative broadband technologies or methods of broadband deployment that significantly decrease the cost of broadband deployment, and provide substantially faster broadband speeds than are available, in a rural area.

(b) Rural area

In this section, the term “rural area” has the meaning provided in section 950bb(b)(3) of this title.

(c) Eligibility

To be eligible to obtain assistance under this section for a project, an entity shall—

(1) submit to the Secretary an application—

(A) that describes a project designed to decrease the cost of broadband deployment, and substantially increase broadband speed to not less than the maximum¹ broadband buildout requirements established under section 950bb(e)(4) of this title, in a rural area to be served by the project; and

(B) at such time, in such manner, and containing such other information as the Secretary may require;

(2) demonstrate that the entity is able to carry out the project; and

(3) agree to complete the project build-out within 5 years after the date the assistance is first provided for the project.

(d) Prioritization

In awarding assistance under this section, the Secretary shall give priority to proposals for projects that—

(1) involve partnerships between or among multiple entities;

(2) would provide broadband service to the greatest number of rural entities at or above the broadband requirements referred to in subsection (c)(1)(A); and

(3) the Secretary determines could be replicated in rural areas described in paragraph (2).

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2019 through 2023.

(May 20, 1936, ch. 432, title VI, § 603, as added Pub. L. 113-79, title VI, § 6105, Feb. 7, 2014, 128 Stat. 856; amended Pub. L. 115-334, title VI, § 6203, Dec. 20, 2018, 132 Stat. 4736.)

AMENDMENTS

2018—Pub. L. 115-334, § 6203(1), substituted “Innovative Broadband Advancement” for “Rural Gigabit Network Pilot” in section catchline.

Subsecs. (a) to (d), Pub. L. 115-334, § 6203(4), added subsecs. (a) to (d) and struck out former subsecs. (a) to (c) which defined “ultra-high speed service”, established the Rural Gigabit Network Pilot Program, and set out eligibility requirements for participation in Program, respectively. Former subsec. (d) redesignated (e).

Subsec. (e), Pub. L. 115-334, § 6203(2), (3), redesignated subsec. (d) as (e) and substituted “2019 through 2023” for “2014 through 2018”.

§ 950bb-3. Community Connect Grant Program**(a) Definitions**

In this section:

(1) Eligible broadband service

The term “eligible broadband service” means broadband service that has the capability to transmit data at a speed specified by the Secretary, which may not be less than the applicable minimum download and upload speeds established by the Federal Communications Commission in defining the term “ad-

vanced telecommunications capability” for purposes of section 1302 of title 47.

(2) Eligible service area

The term “eligible service area” means an area in which broadband service capacity is less than—

(A) a 10-Mbps downstream transmission capacity; and

(B) a 1-Mbps upstream transmission capacity.

(3) Eligible entity**(A) In general**

The term “eligible entity” means a legally organized entity that—

(i) is—

(I) an incorporated organization;

(II) an Indian Tribe or Tribal organization;

(III) a State;

(IV) a unit of local government; or

(V) any other legal entity, including a cooperative, a private corporation, or a limited liability company, that is organized on a for-profit or a not-for-profit basis; and

(ii) has the legal capacity and authority to enter into a contract, to comply with applicable Federal laws, and to own and operate broadband facilities, as proposed in the application submitted by the entity for a grant under the Program.

(B) Exclusions

The term “eligible entity” does not include—

(i) an individual; or

(ii) a partnership.

(4) Rural area

The term “rural area” has the meaning given the term in section 950bb(b)(3)(A) of this title.

(b) Establishment

The Secretary shall establish a program, to be known as the “Community Connect Grant Program”, to provide grants to eligible entities to finance broadband transmission in rural areas.

(c) Eligible projects

An eligible entity that receives a grant under the Program shall use the grant to carry out a project that—

(1) provides eligible broadband service to, within the proposed eligible service area described in the application submitted by the eligible entity—

(A) each essential community facility as defined pursuant to section 1926(a) of this title; and

(B) any required facilities necessary to offer that eligible broadband service to each residential and business customer within such proposed eligible service area; and

(2) for not less than 2 years—

(A) furnishes free eligible broadband service to a community center described in subsection (d)(1)(B);

(B) provides not fewer than 2 computer access points for that free eligible broadband service; and

¹ So in original. Probably should be “minimum”.