

(iii) an independent agency or commission in which an office of a State is a member on behalf of the State; and

(B) is the single eligible entity in the State that has been designated by the State to receive a grant under this section.

**(j) No regulatory authority**

Nothing in this section shall be construed as giving any public or private entity established or affected by this chapter any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

(Pub. L. 110-385, title I, §106, Oct. 10, 2008, 122 Stat. 4099.)

**§ 1305. Broadband Technology Opportunities Program**

**(a) Establishment**

The Assistant Secretary of Commerce for Communications and Information (Assistant Secretary), in consultation with the Federal Communications Commission (Commission), shall establish a national broadband service development and expansion program in conjunction with the technology opportunities program, which shall be referred to as the Broadband Technology Opportunities Program. The Assistant Secretary shall ensure that the program complements and enhances and does not conflict with other Federal broadband initiatives and programs.

**(b) Purposes**

The purposes of the program are to—

(1) provide access to broadband service to consumers residing in unserved areas of the United States;

(2) provide improved access to broadband service to consumers residing in underserved areas of the United States;

(3) provide broadband education, awareness, training, access, equipment, and support to—

(A) schools, libraries, medical and healthcare providers, community colleges and other institutions of higher education, and other community support organizations and entities to facilitate greater use of broadband service by or through these organizations;

(B) organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by low-income, unemployed, aged, and otherwise vulnerable populations; and

(C) job-creating strategic facilities located within a State-designated economic zone, Economic Development District designated by the Department of Commerce, Renewal Community or Empowerment Zone designated by the Department of Housing and Urban Development, or Enterprise Community designated by the Department of Agriculture;

(4) improve access to, and use of, broadband service by public safety agencies; and

(5) stimulate the demand for broadband, economic growth, and job creation.

**(c) Consultation with States**

The Assistant Secretary may consult a State, the District of Columbia, or territory or possession of the United States with respect to—

(1) the identification of areas described in subsection (b)(1) or (2) located in that State; and

(2) the allocation of grant funds within that State for projects in or affecting the State.

**(d) Duties of Assistant Secretary**

The Assistant Secretary shall—

(1) establish and implement the grant program as expeditiously as practicable;

(2) ensure that all awards are made before the end of fiscal year 2010;

(3) seek such assurances as may be necessary or appropriate from grantees under the program that they will substantially complete projects supported by the program in accordance with project timelines, not to exceed 2 years following an award; and

(4) report on the status of the program to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, every 90 days.

**(e) Eligibility**

To be eligible for a grant under the program, an applicant shall—

(1)(A) be a State or political subdivision thereof, the District of Columbia, a territory or possession of the United States, an Indian tribe (as defined in section 5304 of title 25) or native Hawaiian organization;

(B) a nonprofit—

- (i) foundation,
- (ii) corporation,
- (iii) institution, or
- (iv) association; or

(C) any other entity, including a broadband service or infrastructure provider, that the Assistant Secretary finds by rule to be in the public interest. In establishing such rule, the Assistant Secretary shall to the extent practicable promote the purposes of this section in a technologically neutral manner;

(2) submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require;

(3) provide a detailed explanation of how any amount received under the program will be used to carry out the purposes of this section in an efficient and expeditious manner, including a showing that the project would not have been implemented during the grant period without Federal grant assistance;

(4) demonstrate, to the satisfaction of the Assistant Secretary, that it is capable of carrying out the project or function to which the application relates in a competent manner in compliance with all applicable Federal, State, and local laws;

(5) demonstrate, to the satisfaction of the Assistant Secretary, that it will appropriate (if the applicant is a State or local government agency) or otherwise unconditionally obligate, from non-Federal sources, funds re-

quired to meet the requirements of subsection (f);

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

(7) provide such assurances and procedures as the Assistant Secretary may require to ensure that grant funds are used and accounted for in an appropriate manner.

**(f) Federal share**

The Federal share of any project may not exceed 80 percent, except that the Assistant Secretary may increase the Federal share of a project above 80 percent if—

(1) the applicant petitions the Assistant Secretary for a waiver; and

(2) the Assistant Secretary determines that the petition demonstrates financial need.

**(g) Authorization to make grants; purposes**

The Assistant Secretary may make competitive grants under the program to—

(1) acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure for broadband services;

(2) construct and deploy broadband service related infrastructure;

(3) ensure access to broadband service by community anchor institutions;

(4) facilitate access to broadband service by low-income, unemployed, aged, and otherwise vulnerable populations in order to provide educational and employment opportunities to members of such populations;

(5) construct and deploy broadband facilities that improve public safety broadband communications services; and

(6) undertake such other projects and activities as the Assistant Secretary finds to be consistent with the purposes for which the program is established.

**(h) Factors considered in award of grants**

The Assistant Secretary, in awarding grants under this section, shall, to the extent practical—

(1) award not less than 1 grant in each State;

(2) consider whether an application to deploy infrastructure in an area—

(A) will, if approved, increase the affordability of, and subscribership to, service to the greatest population of users in the area;

(B) will, if approved, provide the greatest broadband speed possible to the greatest population of users in the area;

(C) will, if approved, enhance service for health care delivery, education, or children to the greatest population of users in the area; and

(D) will, if approved, not result in unjust enrichment as a result of support for non-recurring costs through another Federal program for service in the area; and

(3) consider whether the applicant is a socially and economically disadvantaged small business concern as defined under section 637(a) of title 15.

**(i) Reporting and information requirements; deobligation of awards; Internet disclosure**

The Assistant Secretary—

(1) shall require any entity receiving a grant pursuant to this section to report quarterly, in a format specified by the Assistant Secretary, on such entity's use of the assistance and progress fulfilling the objectives for which such funds were granted, and the Assistant Secretary shall make these reports available to the public;

(2) may establish additional reporting and information requirements for any recipient of any assistance made available pursuant to this section;

(3) shall establish appropriate mechanisms to ensure appropriate use and compliance with all terms of any use of funds made available pursuant to this section;

(4) may, in addition to other authority under applicable law, deobligate awards to grantees that demonstrate an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the Assistant Secretary, and award these funds competitively to new or existing applicants consistent with this section; and

(5) shall create and maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains at least a list of each entity that has applied for a grant under this section, a description of each application, the status of each such application, the name of each entity receiving funds made available pursuant to this section, the purpose for which such entity is receiving such funds, each quarterly report submitted by the entity pursuant to this section, and such other information sufficient to allow the public to understand and monitor grants awarded under the program.

**(j) Publication of contractual conditions**

Concurrent with the issuance of the Request for Proposal for grant applications pursuant to this section, the Assistant Secretary shall, in coordination with the Commission, publish the non-discrimination and network interconnection obligations that shall be contractual conditions of grants awarded under this section, including, at a minimum, adherence to the principles contained in the Commission's broadband policy statement (FCC 05-15, adopted August 5, 2005).

**(k) National broadband plan**

(1) Not later than 1 year after February 17, 2009, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report containing a national broadband plan.

(2) The national broadband plan required by this section shall seek to ensure that all people of the United States have access to broadband capability and shall establish benchmarks for meeting that goal. The plan shall also include—

(A) an analysis of the most effective and efficient mechanisms for ensuring broadband access by all people of the United States;

(B) a detailed strategy for achieving affordability of such service and maximum utilization of broadband infrastructure and service by the public;

(C) an evaluation of the status of deployment of broadband service, including progress of projects supported by the grants made pursuant to this section; and

(D) a plan for use of broadband infrastructure and services in advancing consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, worker training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.

(3) In developing the plan, the Commission shall have access to data provided to other Government agencies under the Broadband Data Improvement Act [47 U.S.C. 1301 et seq.].

**(l) Map of service availability and capability**

The Assistant Secretary shall develop and maintain a comprehensive nationwide inventory map of existing broadband service capability and availability in the United States that depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State. Not later than 2 years after February 17, 2009, the Assistant Secretary shall make the broadband inventory map developed and maintained pursuant to this section accessible by the public on a World Wide Web site of the National Telecommunications and Information Administration in a form that is interactive and searchable.

**(m) Regulations**

The Assistant Secretary shall have the authority to prescribe such rules as are necessary to carry out the purposes of this section.

(Pub. L. 111-5, div. B, title VI, §6001, Feb. 17, 2009, 123 Stat. 512.)

**Editorial Notes**

REFERENCES IN TEXT

The Broadband Data Improvement Act, referred to in subsec. (k)(3), is title I of Pub. L. 110-385, Oct. 10, 2008, 122 Stat. 4096, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

CODIFICATION

Section was enacted as part of the American Recovery and Reinvestment Act of 2009, and not as part of the Broadband Data Improvement Act which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

GRANTS FOR BROADBAND CONNECTIVITY

Pub. L. 116-260, div. N, title IX, §905, Dec. 27, 2020, 134 Stat. 2136, provided that:

“(a) DEFINITIONS.—In this section:

“(1) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of Commerce for Communications and Information.

“(2) BROADBAND OR BROADBAND SERVICE.—The term ‘broadband’ or ‘broadband service’ has the meaning

given the term ‘broadband internet access service’ in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

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

“(4) COVERED BROADBAND PROJECT.—The term ‘covered broadband project’ means a competitively and technologically neutral project for the deployment of fixed broadband service that provides qualifying broadband service in an eligible service area.

“(5) COVERED PARTNERSHIP.—The term ‘covered partnership’ means a partnership between—

“(A) a State, or 1 or more political subdivisions of a State; and

“(B) a provider of fixed broadband service.

“(6) DEPARTMENT.—The term ‘Department’ means the Department of Commerce.

“(7) ELIGIBLE SERVICE AREA.—The term ‘eligible service area’ means a census block in which broadband service is not available at 1 or more households or businesses in the census block, as determined by the Assistant Secretary on the basis of—

“(A) the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)); or

“(B) if the maps described in subparagraph (A) are not available, the most recent information available to the Assistant Secretary, including information provided by the Commission.

“(8) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a Tribal Government;

“(B) a Tribal College or University;

“(C) the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, including Native Hawaiian Education Programs;

“(D) a Tribal organization; or

“(E) a Native Corporation.

“(9) NATIVE CORPORATION.—The term ‘Native Corporation’ has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

“(10) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ has the meaning given the term in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221).

“(11) QUALIFYING BROADBAND SERVICE.—The term ‘qualifying broadband service’ means broadband service with—

“(A) a download speed of not less than 25 megabits per second;

“(B) an upload speed of not less than 3 megabits per second; and

“(C) a latency sufficient to support real-time, interactive applications.

“(12) TRIBAL GOVERNMENT.—The term ‘Tribal Government’ means the governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually recognized (including parenthetically) in the list published most recently as of the date of enactment of this Act [Dec. 27, 2020] pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

“(13) TRIBAL LAND.—The term ‘Tribal land’ means—

“(A) any land located within the boundaries of—

“(i) an Indian reservation, pueblo, or rancheria; or

“(ii) a former reservation within Oklahoma;

“(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

“(i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

“(ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

“(iii) by a dependent Indian community;

“(C) any land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a));

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

“(E) those areas or communities designated by the Assistant Secretary of Indian Affairs of the Department of the Interior that are near, adjacent, or contiguous to reservations where financial assistance and social service programs are provided to Indians because of their status as Indians.

“(14) UNSERVED.—The term ‘unserved’, with respect to a household, means—

“(A) the household lacks access to qualifying broadband service; and

“(B) no broadband provider has been selected to receive, or is otherwise receiving, Federal or State funding subject to enforceable build out commitments to deploy qualifying broadband service in the specific area where the household is located by dates certain, even if such service is not yet available, provided that the Federal or State agency providing the funding has not deemed the service provider to be in default of its buildout obligations under the applicable Federal or State program.

“(b) DIRECT APPROPRIATION.—There is appropriated to the Assistant Secretary, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2021, to remain available until expended—

“(1) \$1,000,000,000 for grants under subsection (c); and

“(2) \$300,000,000 for grants under subsection (d).

“(c) TRIBAL BROADBAND CONNECTIVITY PROGRAM.—

“(1) TRIBAL BROADBAND CONNECTIVITY GRANTS.—The Assistant Secretary shall use the funds made available under subsection (b)(1) to implement a program to make grants to eligible entities to expand access to and adoption of—

“(A) broadband service on Tribal land; or

“(B) remote learning, telework, or telehealth resources during the COVID-19 pandemic.

“(2) GRANTS.—From the amounts appropriated under subsection (b)(1), the Assistant Secretary shall award a grant to each eligible entity that submits an application that the Assistant Secretary approves after consultation with the Commission to prevent duplication of funding.

“(3) ALLOCATIONS.—

“(A) EQUITABLE DISTRIBUTION.—The amounts appropriated under subsection (b)(1) shall be made available to eligible entities on an equitable basis, and not less than 3 percent of those amounts shall be made available for the benefit of Native Hawaiians.

“(B) ADMINISTRATIVE EXPENSES OF ASSISTANT SECRETARY.—The Assistant Secretary may use not more than 2 percent of amounts appropriated under subsection (b)(1) for administrative purposes, including the provision of technical assistance to Tribal Governments to help those Governments take advantage of the program established under this subsection.

“(4) USE OF GRANT FUNDS.—

“(A) COMMITMENT DEADLINE.—

“(i) IN GENERAL.—Not later than 180 days after receiving grant funds under this subsection, an eligible entity shall commit the funds in accordance with the approved application of the entity.

“(ii) REVERSION OF FUNDS.—Any grant funds not committed by an eligible entity by the deadline under clause (i) shall revert to the general fund of the Treasury.

“(B) EXPENDITURE DEADLINE.—

“(i) IN GENERAL.—Not later than 1 year after receiving grant funds under this subsection, an eligible entity shall expend the grant funds.

“(ii) EXTENSIONS FOR INFRASTRUCTURE PROJECTS.—The Assistant Secretary may extend the period under clause (i) for an eligible entity that proposes to use the grant funds for construction of broadband infrastructure if the eligible entity certifies that—

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

“(II) the construction project is underway; or

“(III) extenuating circumstances require an extension of time to allow the project to be completed.

“(iii) REVERSION OF FUNDS.—Any grant funds not expended by an eligible entity by the deadline under clause (i) shall be made available to other eligible entities for the purposes provided in this subsection.

“(5) ELIGIBLE USES.—An eligible entity may use grant funds made available under this subsection for—

“(A) broadband infrastructure deployment, including support for the establishment of carrier-neutral submarine cable landing stations;

“(B) affordable broadband programs, including—

“(i) providing free or reduced-cost broadband service; and

“(ii) preventing disconnection of existing broadband service;

“(C) distance learning;

“(D) telehealth;

“(E) digital inclusion efforts; and

“(F) broadband adoption activities.

“(6) ADMINISTRATIVE EXPENSES OF ELIGIBLE ENTITIES.—An eligible entity may use not more than 2 percent of grant funds received under this subsection for administrative purposes.

“(7) SUBGRANTEES.—

“(A) IN GENERAL.—An eligible entity may enter into a contract with a subgrantee, including a non-Tribal entity, as part of its use of grant funds pursuant to this subsection.

“(B) REQUIREMENTS.—An eligible entity that enters into a contract with a subgrantee for use of grant funds received under this subsection shall—

“(i) before entering into the contract, after a reasonable investigation, make a determination that the subgrantee—

“(I) is capable of carrying out the project for which grant funds will be provided in a competent manner in compliance with all applicable laws;

“(II) has the financial capacity to meet the obligations of the project and the requirements of this subsection; and

“(III) has the technical and operational capability to carry out the project; and

“(ii) stipulate in the contract reasonable provisions for recovery of funds for nonperformance.

“(8) BROADBAND INFRASTRUCTURE DEPLOYMENT.—In using grant funds received under this subsection for new construction of broadband infrastructure, an eligible entity shall prioritize projects that deploy broadband infrastructure to unserved households.

“(d) BROADBAND INFRASTRUCTURE PROGRAM.—

“(1) BROADBAND INFRASTRUCTURE DEPLOYMENT GRANTS.—The Assistant Secretary shall use the funds made available under subsection (b)(2) to implement a program under which the Assistant Secretary makes grants on a competitive basis to covered partnerships for covered broadband projects.

“(2) MAPPING.—

“(A) DATA FROM COMMISSION.—Not less frequently than annually, the Commission shall, through the process established under section 802(b)(7) of the Communications Act of 1934 (47 U.S.C. 642(b)(7)), provide the Assistant Secretary any data collected by the Commission pursuant to title VIII of that Act (47 U.S.C. 641 et seq.).

“(B) USE BY ASSISTANT SECRETARY.—The Assistant Secretary shall rely on the data provided under subparagraph (A) in carrying out this subsection to the greatest extent practicable.

“(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a grant under this subsection, a covered partnership shall submit an application at such time, in such manner, and containing such information as the As-

sistant Secretary may require, which application shall, at a minimum, include a description of—

“(A) the covered partnership;

“(B) the covered broadband project to be funded by the grant, including—

“(i) the speed or speeds at which the covered partnership plans to offer broadband service; and

“(ii) the cost of the project;

“(C) the area to be served by the covered broadband project (in this paragraph referred to as the ‘proposed service area’);

“(D) any support provided to the provider of broadband service that is part of the covered partnership through—

“(i) any grant, loan, or loan guarantee provided by a State to the provider of broadband service for the deployment of broadband service in the proposed service area;

“(ii) any grant, loan, or loan guarantee with respect to the proposed service area provided by the Secretary of Agriculture—

“(I) under title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.), including—

“(aa) any program to provide grants, loans, or loan guarantees under sections 601 through 603 of that Act (7 U.S.C. 950bb et seq.); and

“(bb) the Community Connect Grant Program established under section 604 of that Act (7 U.S.C. 950bb-3); or

“(II) the broadband loan and grant pilot program known as the ‘Rural eConnectivity Pilot Program’ or the ‘ReConnect Program’ authorized under section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115-141; 132 Stat. 348 [132 Stat. 399]);

“(iii) any high-cost universal service support provided under section 254 of the Communications Act of 1934 (47 U.S.C. 254);

“(iv) any grant provided under section 6001 of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305);

“(v) amounts made available for the Education Stabilization Fund under the heading ‘DEPARTMENT OF EDUCATION’ in title VIII of division B of the CARES Act (Public Law 116-136; 134 Stat. 564); or

“(vi) any other grant, loan, or loan guarantee provided by the Federal Government for the provision of broadband service.

“(4) PRIORITY.—In awarding grants under this subsection, the Assistant Secretary shall give priority to applications for covered broadband projects as follows, in decreasing order of priority:

“(A) Covered broadband projects designed to provide broadband service to the greatest number of households in an eligible service area.

“(B) Covered broadband projects designed to provide broadband service in an eligible service area that is wholly within any area other than—

“(i) a county, city, or town that has a population of more than 50,000 inhabitants; and

“(ii) the urbanized area contiguous and adjacent to a city or town described in clause (i).

“(C) Covered broadband projects that are the most cost-effective, prioritizing such projects in areas that are the most rural.

“(D) Covered broadband projects designed to provide broadband service with a download speed of not less than 100 megabits per second and an upload speed of not less than 20 megabits per second.

“(E) Any other covered broadband project that meets the requirements of this subsection.

“(5) EXPENDITURE DEADLINE.—

“(A) IN GENERAL.—Not later than 1 year after receiving grant funds under this subsection, a covered partnership shall expend the grant funds.

“(B) EXTENSIONS.—The Assistant Secretary may extend the period under subparagraph (A) for a covered partnership that proposes to use the grant funds for construction of broadband infrastructure if the covered partnership certifies that—

“(i) the covered partnership has a plan for use of the grant funds;

“(ii) the construction project is underway; or

“(iii) extenuating circumstances require an extension of time to allow the project to be completed.

“(C) REVERSION OF FUNDS.—Any grant funds not expended by an covered partnership by the deadline under subparagraph (A) shall be made available to other covered partnerships for the purposes provided in this subsection.

“(6) GRANT CONDITIONS.—

“(A) PROHIBITIONS.—As a condition of receiving a grant under this subsection, the Assistant Secretary shall prohibit a provider of broadband service that is part of a covered partnership receiving the grant—

“(i) from using the grant amounts to repay, or make any other payment relating to, a loan made by any public or private lender;

“(ii) from using grant amounts as collateral for a loan made by any public or private lender; and

“(iii) from using more than \$50,000 of the grant amounts to pay for the preparation of the grant.

“(B) NONDISCRIMINATION.—The Assistant Secretary may not require a provider of broadband service that is part of a covered partnership to be designated as an eligible telecommunications carrier pursuant to section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) to be eligible to receive a grant under this subsection or as a condition of receiving a grant under this subsection.

“(e) IMPLEMENTATION.—

“(1) REQUIREMENTS; OUTREACH.—Not earlier than 30 days, and not later than 60 days, after the date of enactment of this Act [Dec. 27, 2020], the Assistant Secretary shall—

“(A) issue a notice inviting eligible entities and covered partnerships to submit applications for grants under this section, which shall contain details about how awarding decisions will be made; and

“(B) outline—

“(i) the requirements for applications for grants under this section; and

“(ii) the allowed uses of grant funds awarded under this section.

“(2) APPLICATIONS.—

“(A) SUBMISSION.—During the 90-day period beginning on the date on which the Assistant Secretary issues the notice under paragraph (1), an eligible entity or covered partnership may submit an application for a grant under this section.

“(B) PROCESSING.—

“(i) IN GENERAL.—Not later than 90 days after receiving an application under subparagraph (A), the Assistant Secretary shall approve or deny the application.

“(ii) DENIAL.—The Assistant Secretary may deny an application submitted under subparagraph (A) only if—

“(I) the Assistant Secretary provides the applicant an opportunity to cure any defects in the application; and

“(II) after receiving the opportunity under subclause (I), the applicant still fails to meet the requirements of this section.

“(C) SINGLE APPLICATION.—An eligible entity or covered partnership may submit only 1 application under this paragraph.

“(D) PROPOSED USE OF FUNDS.—An application submitted by an eligible entity or a covered partnership under this paragraph shall describe each proposed use of grant funds.

“(E) ALLOCATION OF FUNDS.—Not later than 14 days after approving an application for a grant under this paragraph, the Assistant Secretary shall allocate the grant funds to the eligible entity or covered partnership.

“(F) TREATMENT OF UNALLOCATED FUNDS.—

“(i) IN GENERAL.—If an eligible entity or covered partnership does not submit an application by the deadline under subparagraph (A), or the Assistant Secretary does not approve an application submitted by an eligible entity or a covered partnership under that subparagraph, the Assistant Secretary shall make the amounts allocated for, as applicable—

“(I) the eligible entity under subsection (c) available to other eligible entities on an equitable basis; or

“(II) the covered partnership under subsection (d) to other covered partnerships.

“(ii) SECOND PROCESS.—The Assistant Secretary shall initiate a second notice and application process described in this subsection to reallocate any funds made available to other eligible entities or covered partnerships under clause (i).

“(3) TRANSPARENCY, ACCOUNTABILITY, AND OVERSIGHT REQUIRED.—In implementing this section, the Assistant Secretary shall adopt measures, including audit requirements, to—

“(A) ensure sufficient transparency, accountability, and oversight to provide the public with information regarding the award and use of grant funds under this section;

“(B) ensure that a recipient of a grant under this section uses the grant funds in compliance with the requirements of this section and the overall purpose of the applicable grant program under this section; and

“(C) deter waste, fraud, and abuse of grant funds.

“(4) PROHIBITION ON USE FOR COVERED COMMUNICATIONS EQUIPMENT OR SERVICES.—An eligible entity or covered partnership may not use grant funds received under this section to purchase or support any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)).

“(5) UNAUTHORIZED USE OF FUNDS.—To the extent that the Assistant Secretary or the Inspector General of the Department determines that an eligible entity or covered partnership has expended grant funds received under this section in violation of this section, the Assistant Secretary shall recover the amount of funds that were so expended.

“(f) REPORTING.—

“(1) ELIGIBLE ENTITIES AND COVERED PARTNERSHIPS.—

“(A) ANNUAL REPORT.—Not later than 1 year after receiving grant funds under this section, and annually thereafter until the funds have been expended, an eligible entity or covered partnership shall submit to the Assistant Secretary a report, with respect to the 1-year period immediately preceding the report date, that—

“(i) describes how the eligible entity or covered partnership expended the funds;

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

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

“(II) the number of locations or geographic areas at which broadband service was provided using the grant funds; and

“(iii) identifies each subgrantee that received a subgrant from the eligible entity or covered partnership and a description of the specific project for which grant funds were provided.

“(B) PROVISION OF INFORMATION TO FCC AND USDA.—The Assistant Secretary shall provide the information collected under subparagraph (A) to the Commission and the Department of Agriculture to be used when determining whether to award funds for the deployment of broadband under any program administered by those agencies.

“(C) TRANSMISSION OF REPORTS TO CONGRESS.—Not later than 5 days after receiving a report from an

eligible entity under subparagraph (A), the Assistant Secretary shall transmit the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

“(2) INSPECTOR GENERAL AND GAO.—Not later than 6 months after the date on which the first grant is awarded under this section, and every 6 months thereafter until all of the grant funds awarded under this section are expended, the Inspector General of the Department and the Comptroller General of the United States shall each submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that reviews the grants awarded under this section during the preceding 6-month period. Each such report shall include recommendations to address waste, fraud, and abuse, if any.

“(g) IMPACT ON OTHER FEDERAL BROADBAND PROGRAMS.—The use of grant funds received under this section by an eligible entity, covered partnership, or subgrantee shall not impact the eligibility of, or otherwise disadvantage, the eligible entity, covered partnership, or subgrantee with respect to participation in any other Federal broadband program.”

## § 1306. Connecting minority communities

### (a) Definitions

In this section:

#### (1) Anchor community

##### (A) In general

The term “anchor community” means any area that—

(i) except as provided in subparagraph (B), is not more than 15 miles from a historically Black college or university, a Tribal College or University, or a Minority-serving institution; and

(ii) has an estimated median annual household income of not more than 250 percent of the poverty line, as that term is defined in section 9902(2) of title 42.

##### (B) Certain Tribal Colleges or Universities

With respect to a Tribal College or University that is located on land held in trust by the United States, the Assistant Secretary, in consultation with the Secretary of the Interior, may establish a different maximum distance for the purposes of subparagraph (A)(i) if the Assistant Secretary is able to ensure that, in establishing that different maximum distance, each anchor community that is established as a result of that action is statistically comparable to other anchor communities described in subparagraph (A).

#### (2) Assistant Secretary

The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

#### (3) Broadband internet access service

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

#### (4) Commission

The term “Commission” means the Federal Communications Commission.

#### (5) Connected device

The term “connected device” means a laptop computer, tablet computer, or similar device