

“(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

that is capable of connecting to broadband internet access service.

(6) Director

The term “Director” means the Director of the Office.

(7) Eligible equipment

The term “eligible equipment” means—

- (A) a Wi-Fi hotspot;
- (B) a modem;
- (C) a router;
- (D) a device that combines a modem and router;
- (E) a connected device; or
- (F) any other equipment used to provide access to broadband internet access service.

(8) Eligible recipient

The term “eligible recipient” means—

- (A) a historically Black college or university;
- (B) a Tribal College or University;
- (C) a Minority-serving institution; or
- (D) a consortium that is led by a historically Black college or university, a Tribal College or University, or a Minority-serving institution and that also includes—
 - (i) a minority business enterprise; or
 - (ii) an organization described in section 501(c)(3) of title 26 and exempt from tax under section 501(a) of such title.

(9) Historically Black college or university

The term “historically Black college or university” has the meaning given the term “part B institution” in section 1061 of title 20.

(10) Minority-serving institution

The term “Minority-serving institution” means any of the following:

- (A) An Alaska Native-serving institution, as that term is defined in section 1059d(b) of title 20.
- (B) A Native Hawaiian-serving institution, as that term is defined in section 1059d(b) of title 20.
- (C) A Hispanic-serving institution, as that term is defined in section 1101a(a) of title 20.
- (D) A Predominantly Black institution, as that term is defined in section 1067q(c) of title 20.
- (E) An Asian American and Native American Pacific Islander-serving institution, as that term is defined in section 1059g(b) of title 20.
- (F) A Native American-serving, nontribal institution, as that term is defined in section 1059f(b) of title 20.

(11) Minority business enterprise

The term “minority business enterprise” has the meaning given the term in section 1400.2 of title 15, Code of Federal Regulations, or any successor regulation.

(12) Office

The term “Office” means the Office of Minority Broadband Initiatives established pursuant to subsection (b)(1).

(13) Pilot Program

The term “Pilot Program” means the Connecting Minority Communities Pilot Program

established under the rules promulgated by the Assistant Secretary under subsection (c)(1).

(14) Tribal College or University

The term “Tribal College or University” has the meaning given the term in section 1059c(b) of title 20.

(15) Wi-Fi

The term “Wi-Fi” means a wireless networking protocol based on Institute of Electrical and Electronics Engineers standard 802.11, or any successor standard.

(16) Wi-Fi hotspot

The term “Wi-Fi hotspot” means a device that is capable of—

- (A) receiving broadband internet access service; and
- (B) sharing broadband internet access service with another device through the use of Wi-Fi.

(b) Office of Minority Broadband Initiatives

(1) Establishment

Not later than 180 days after December 27, 2020, the Assistant Secretary shall establish within the National Telecommunications and Information Administration the Office of Minority Broadband Initiatives.

(2) Director

The Office shall be headed by the Director of the Office of Minority Broadband Initiatives, who shall be appointed by the Assistant Secretary.

(3) Duties

The Office, acting through the Director, shall—

- (A) collaborate with Federal agencies that carry out broadband internet access service support programs to determine how to expand access to broadband internet access service and other digital opportunities in anchor communities;
- (B) collaborate with State, local, and Tribal governments, historically Black colleges or universities, Tribal Colleges or Universities, Minority-serving institutions, and stakeholders in the communications, education, business, and technology fields to—
 - (i) promote—
 - (I) initiatives relating to broadband internet access service connectivity for anchor communities; and
 - (II) digital opportunities for anchor communities;
 - (ii) develop recommendations to promote the rapid, expanded deployment of broadband internet access service to unserved historically Black colleges or universities, Tribal Colleges or Universities, Minority-serving institutions, and anchor communities, including to—
 - (I) students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions; and
 - (II) senior citizens and veterans who live in anchor communities;

(iii) promote activities that would accelerate the adoption of broadband internet access service (including any associated equipment or personnel necessary to access and use that service, such as modems, routers, devices that combine a modem and a router, Wi-Fi hotspots, and connected devices)—

- (I) by students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions; and
- (II) within anchor communities;

(iv) upon request, provide assistance to historically Black colleges or universities, Tribal Colleges or Universities, Minority-serving institutions, and leaders from anchor communities with respect to navigating Federal programs dealing with broadband internet access service;

(v) promote digital literacy skills, including by providing opportunities for virtual or in-person digital literacy training and education;

(vi) promote professional development opportunity partnerships between industry and historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions to help ensure that information technology personnel and students of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions have the skills needed to work with new and emerging technologies with respect to broadband internet access service; and

(vii) explore how to leverage investment in infrastructure with respect to broadband internet access service to—

- (I) expand connectivity with respect to that service in anchor communities and by students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions;
- (II) encourage investment in communities that have been designated as qualified opportunity zones under section 1400Z-1 of title 26; and
- (III) serve as a catalyst for adoption of that service, so as to promote job growth and economic development and deployment of advanced technologies; and

(C) assume any functions carried out under the Minority Broadband Initiative of the National Telecommunications and Information Administration, as of the day before December 27, 2020.

(4) Reports

(A) In general

Not later than 1 year after the date on which the Assistant Secretary establishes the Office under paragraph (1), and annually thereafter, the Assistant Secretary shall 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—

(i) for the year covered by the report, details the work of the Office in expanding access to fixed and mobile broadband internet access service—

- (I) at historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions, including by expanding that access to students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions; and
- (II) within anchor communities; and

(ii) identifies barriers to providing access to broadband internet access service—

- (I) at historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions, including to students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions; and
- (II) within anchor communities.

(B) Public availability

Not later than 30 days after the date on which the Assistant Secretary submits a report under subparagraph (A), the Assistant Secretary shall, to the extent feasible, make that report publicly available.

(c) Connecting Minority Communities Pilot Program

(1) Rules required

(A) In general

Not later than 45 days after December 27, 2020, the Assistant Secretary shall promulgate rules establishing the Connecting Minority Communities Pilot Program, the purpose of which shall be to provide grants to eligible recipients in anchor communities for the purchase of broadband internet access service or any eligible equipment, or to hire and train information technology personnel—

- (i) in the case of an eligible recipient described in subparagraph (A), (B), or (C) of subsection (a)(8), to facilitate educational instruction and learning, including through remote instruction;
- (ii) in the case of an eligible recipient described in subsection (a)(8)(D)(i), to operate the minority business enterprise; or
- (iii) in the case of an eligible recipient described in subsection (a)(8)(D)(ii), to operate the organization.

(B) Content

The rules promulgated under subparagraph (A) shall—

- (i) establish a method for identifying which eligible recipients in anchor communities have the greatest unmet financial needs;
- (ii) ensure that grants under the Pilot Program are made—
 - (I) to eligible recipients identified under the method established under clause (i); and
 - (II) in a manner that best achieves the purposes of the Pilot Program;

(iii) require that an eligible recipient described in subparagraph (A), (B), or (C) of subsection (a)(8) that receives a grant to provide broadband internet access service or eligible equipment to students prioritizes students who—

(I) are eligible to receive a Federal Pell Grant under section 1070a of title 20;

(II) are recipients of any other need-based financial aid from the Federal Government, a State, or that eligible recipient;

(III) are qualifying low-income consumers for the purposes of the program carried out under subpart E of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(IV) are low-income individuals, as that term is defined in section 1058(g) of title 20; or

(V) have been approved to receive unemployment insurance benefits under any Federal or State law since March 1, 2020;

(iv) provide that a recipient of a grant under the Pilot Program—

(I) shall use eligible equipment for a purpose that the recipient considers to be appropriate, subject to any restriction provided in those rules (or any successor rules);

(II) if the recipient lends, or otherwise provides, eligible equipment to students or patrons, shall prioritize lending or providing to such individuals that the recipient believes do not have access to that equipment, subject to any restriction provided in those rules (or any successor rules); and

(III) may not sell or otherwise transfer eligible equipment in exchange for any thing (including a service) of value;

(v) include audit requirements that—

(I) ensure that a recipient of a grant made under the Pilot Program uses grant funds in compliance with the requirements of this section and the overall purpose of the Pilot Program; and

(II) prevent waste, fraud, and abuse in the operation of the Pilot Program;

(vi) provide that not less than 40 percent of the amount of the grants made under the Pilot Program are made to Historically Black colleges or universities; and

(vii) provide that not less than 20 percent of the amount of the grants made under the Pilot Program are made to eligible recipients described in subparagraphs (A), (B), and (C) of subsection (a)(8) to provide broadband internet access service or eligible equipment to students of those eligible recipients.

(2) Fund

(A) Establishment

There is established in the Treasury of the United States a fund to be known as the Connecting Minority Communities Fund.

(B) Use of Fund

Amounts in the Connecting Minority Communities Fund established under subpara-

graph (A) shall be available to the Assistant Secretary to provide support under the rules promulgated under paragraph (1).

(3) Interagency coordination

When making grants under the Pilot Program, the Assistant Secretary shall coordinate with other Federal agencies, including the Commission, the National Science Foundation, and the Department of Education, to ensure the efficient expenditure of Federal funds, including by preventing multiple expenditures of Federal funds for the same purpose.

(4) Audits

(A) In general

For each of fiscal years 2021 and 2022, the Inspector General of the Department of Commerce shall conduct an audit of the Pilot Program according to the requirements established under paragraph (1)(B)(v).

(B) Report

After completing each audit conducted under subparagraph (A), the Inspector General of the Department of Commerce shall 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 details the findings of the audit.

(5) Direct appropriation

There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2021, to remain available until expended, \$285,000,000 to the Connecting Minority Communities Fund established under paragraph (2).

(6) Termination

Except with respect to the report required under paragraph (7) and the authority of the Secretary of Commerce and the Inspector General of the Department of Commerce described in paragraph (8), the Pilot Program, including all reporting requirements under this section, shall terminate on the date on which the amounts made available to carry out the Pilot Program are fully expended.

(7) Report

Not later than 90 days after the date on which the Pilot Program terminates under paragraph (6), the Assistant Secretary, after consulting with eligible recipients that received grants under the Pilot Program, shall 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—

(A) describes the manner in which the Pilot Program was carried out;

(B) identifies each eligible recipient that received a grant under the Pilot Program; and

(C) contains information regarding the effectiveness of the Pilot Program, including lessons learned in carrying out the Pilot Program and recommendations for future action.

(8) Savings provision

The termination of the Pilot Program under paragraph (6) shall not limit, alter, or affect the ability of the Secretary of Commerce or the Inspector General of the Department of Commerce to—

(A) investigate waste, fraud, and abuse with respect to the Pilot Program; or

(B) recover funds that are misused under the Pilot Program.

(Pub. L. 116–260, div. N, title IX, §902, Dec. 27, 2020, 134 Stat. 2121.)

Editorial Notes**CODIFICATION**

Section was enacted as part of the Consolidated Appropriations Act, 2021, and not as part of the Broadband Data Improvement Act which comprises this chapter.

§ 1307. Office of Internet Connectivity and Growth**(a) Short title**

This section may be cited as the “Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Assessed Need and Demand Act” or the “ACCESS BROADBAND Act”.

(b) Establishment

Not later than 180 days after December 27, 2020, the Assistant Secretary shall establish the Office of Internet Connectivity and Growth within the National Telecommunications and Information Administration.

(c) Duties**(1) Outreach**

The Office shall—

(A) connect with communities that need access to high-speed internet and improved digital inclusion efforts through various forms of outreach and communication techniques;

(B) hold regional workshops across the country to share best practices and effective strategies for promoting broadband access and adoption;

(C) develop targeted broadband training and presentations for various demographic communities through various media;

(D) develop and distribute publications (including toolkits, primers, manuals, and white papers) providing guidance, strategies, and insights to communities as the communities develop strategies to expand broadband access and adoption; and

(E) as applicable in carrying out subparagraphs (A) through (D), coordinate with State agencies that provide similar broadband investments, outreach, and coordination through Federal programs.

(2) Tracking of Federal dollars**(A) Broadband infrastructure**

The Office shall track the construction and use of and access to any broadband infrastructure built using any Federal support in a central database.

(B) Accounting mechanism

The Office shall develop a streamlined accounting mechanism by which any agency

offering a Federal broadband support program and the Commission for any Universal Service Fund Program shall provide the information described in subparagraph (A) in a standardized and efficient fashion.

(C) Report

Not later than 1 year after December 27, 2020, and every year thereafter, the Office shall make public on the website of the Office and 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 on the following:

(i) A description of the work of the Office for the previous year and the number of residents of the United States that received broadband as result of Federal broadband support programs and the Universal Service Fund Programs.

(ii) A description of how many residents of the United States were provided broadband by which universal service mechanism or which Federal broadband support program.

(iii) An estimate of the economic impact of such broadband deployment efforts on local economies, including any effect on small businesses or jobs.

(d) Relation to current broadband activities of NTIA

The Assistant Secretary shall assign to the Office all activities performed by the National Telecommunications and Information Administration as of December 27, 2020, that are similar to the activities required to be conducted by the Office under this section.

(e) Streamlined applications for support**(1) Agency consultation**

The Office shall consult with any agency offering a Federal broadband support program to streamline and standardize the applications process for financial assistance or grants for such program.

(2) Agency streamlining

Any agency offering a Federal broadband support program shall amend the applications of the agency for broadband support, to the extent practicable and as necessary, to streamline and standardize applications for Federal broadband support programs across the Government.

(3) Single application

To the greatest extent practicable, the Office shall seek to create one application that may be submitted to apply for all, or substantially all, Federal broadband support programs.

(4) Website required

Not later than 180 days after December 27, 2020, the Office shall create a central website through which potential applicants can learn about and apply for support through any Federal broadband support program.

(f) Coordination of support**(1) In general**

To ensure that Federal support for broadband deployment is being distributed in