

(B) includes—

(i) accredited public or private non-commercial educational institutions, providing their own facilities-based educational broadband service, as defined in section 27.4 of title 47, Code of Federal Regulations, or any successor regulation; and

(ii) health care providers and libraries providing advanced communications service.

(11) Recipient

The term “recipient” means any provider of advanced communications service the application of which for a reimbursement under the Program has been approved by the Commission, regardless of whether the provider has received reimbursement funds.

(12) Reimbursement funds

The term “reimbursement funds” means any reimbursement received under the Program.

(Pub. L. 116–124, §9, Mar. 12, 2020, 134 Stat. 169; Pub. L. 116–260, div. N, title IX, §901(2), Dec. 27, 2020, 134 Stat. 2121.)

Editorial Notes

AMENDMENTS

2020—Par. (10). Pub. L. 116–260 amended par. (10) generally. Prior to amendment, text read as follows: “The term ‘provider of advanced communications service’ means a person who provides advanced communications service to United States customers.”

§ 1609. Severability

If any provision of this chapter, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remaining provisions of this chapter, and the application of such provisions to any person or circumstance, shall not be affected thereby.

(Pub. L. 116–124, §10, Mar. 12, 2020, 134 Stat. 170.)

CHAPTER 16—BROADBAND ACCESS

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SUBCHAPTER I—BROADBAND GRANTS FOR STATES, DISTRICT OF COLUMBIA, PUERTO RICO, AND TERRITORIES

§ 1701. Findings

Congress finds the following:

(1) Access to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States.

(2) The persistent “digital divide” in the United States is a barrier to the economic competitiveness of the United States and equitable distribution of essential public services, including health care and education.

(3) The digital divide disproportionately affects communities of color, lower-income areas, and rural areas, and the benefits of broadband should be broadly enjoyed by all.

(4) In many communities across the country, increased competition among broadband providers has the potential to offer consumers more affordable, high-quality options for broadband service.

(5) The 2019 novel coronavirus pandemic has underscored the critical importance of affordable, high-speed broadband for individuals, families, and communities to be able to work, learn, and connect remotely while supporting social distancing.

(Pub. L. 117–58, div. F, title I, §60101, Nov. 15, 2021, 135 Stat. 1182.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 117–58, div. F, title III, §60301, Nov. 15, 2021, 135 Stat. 1209, provided that: “This title [enacting subchapter II of this chapter] may be cited as the ‘Digital Equity Act of 2021’.”

§ 1702. Grants for broadband deployment

(a) Definitions

(1) Areas, locations, and institutions lacking broadband access

In this section:

(A) Unserved location

The term “unserved location” means a broadband-serviceable location, as determined in accordance with the broadband DATA maps, that—

(i) has no access to broadband service; or

(ii) lacks access to reliable broadband service offered with—

(I) a speed of not less than—

(aa) 25 megabits per second for downloads; and

(bb) 3 megabits per second for uploads; and

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

(B) Unserved service project

The term “unserved service project” means a project in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations.

(C) Underserved location

The term “underserved location” means a location—

- (i) that is not an unserved location; and
- (ii) as determined in accordance with the broadband DATA maps, lacks access to reliable broadband service offered with—
 - (I) a speed of not less than—
 - (aa) 100 megabits per second for downloads; and
 - (bb) 20 megabits per second for uploads; and
 - (II) a latency sufficient to support real-time, interactive applications.

(D) Underserved service project

The term “underserved service project” means a project in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations or underserved locations.

(E) Eligible community anchor institution

The term “eligible community anchor institution” means a community anchor institution that lacks access to gigabit-level broadband service.

(2) Other definitions

In this section:

(A) Assistant Secretary

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

(B) Broadband; 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.

(C) Broadband DATA maps

The term “broadband DATA maps” means the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)).

(D) Commission

The term “Commission” means the Federal Communications Commission.

(E) Community anchor institution

The term “community anchor institution” means an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals.

(F) Eligible entity

The term “eligible entity” means a State.

(G) High-cost area**(i) In general**

The term “high-cost area” means an unserved area in which the cost of building

out broadband service is higher, as compared with the average cost of building out broadband service in unserved areas in the United States (as determined by the Assistant Secretary, in consultation with the Commission), incorporating factors that include—

- (I) the remote location of the area;
 - (II) the lack of population density of the area;
 - (III) the unique topography of the area;
 - (IV) a high rate of poverty in the area;
- or
- (V) any other factor identified by the Assistant Secretary, in consultation with the Commission, that contributes to the higher cost of deploying broadband service in the area.

(ii) Unserved area

For purposes of clause (i), the term “unserved area” means an area in which not less than 80 percent of broadband-serviceable locations are unserved locations.

(H) Location; broadband-serviceable location

The terms “location” and “broadband-serviceable location” have the meanings given those terms by the Commission under rules and guidance that are in effect, as of November 15, 2021.

(I) Priority broadband project

The term “priority broadband project” means a project designed to—

- (i) provide broadband service that meets speed, latency, reliability, consistency in quality of service, and related criteria as the Assistant Secretary shall determine; and
- (ii) ensure that the network built by the project can easily scale speeds over time to—
 - (I) meet the evolving connectivity needs of households and businesses; and
 - (II) support the deployment of 5G, successor wireless technologies, and other advanced services.

(J) Program

The term “Program” means the Broadband Equity, Access, and Deployment Program established under subsection (b)(1).

(K) Project

The term “project” means an undertaking by a subgrantee under this section to construct and deploy infrastructure for the provision of broadband service.

(L) Reliable broadband service

The term “reliable broadband service” means broadband service that meets performance criteria for service availability, adaptability to changing end-user requirements, length of serviceable life, or other criteria, other than upload and download speeds, as determined by the Assistant Secretary in coordination with the Commission.

(M) State

The term “State” has the meaning given the term in section 942 of this title, except

that that definition shall be applied by striking “, and any other territory or possession of the United States”.

(N) Subgrantee

The term “subgrantee” means an entity that receives grant funds from an eligible entity to carry out activities under subsection (f).

(b) Broadband Equity, Access, and Deployment Program

(1) Establishment

Not later than 180 days after November 15, 2021, the Assistant Secretary shall establish a grant program, to be known as the “Broadband Equity, Access, and Deployment Program”, under which the Assistant Secretary makes grants to eligible entities, in accordance with this section, to bridge the digital divide.

(2) Authorization of appropriations

There is authorized to be appropriated to the Assistant Secretary to carry out the Program \$42,450,000,000.

(3) Obligation timeline

The Assistant Secretary shall obligate all amounts appropriated pursuant to paragraph (2) in an expedient manner after the Assistant Secretary issues the notice of funding opportunity under subsection (e)(1).

(4) Technical support and assistance

(A) Program assistance

As part of the Program, the Assistant Secretary, in consultation with the Commission, shall provide technical support and assistance to eligible entities to facilitate their participation in the Program, including by assisting eligible entities with—

- (i) the development of grant applications under the Program;
- (ii) the development of plans and procedures for distribution of funds under the Program; and
- (iii) other technical support as determined by the Assistant Secretary.

(B) General assistance

The Assistant Secretary shall provide technical and other assistance to eligible entities—

- (i) to support the expansion of broadband, with priority for—
 - (I) expansion in rural areas; and
 - (II) eligible entities that consistently rank below most other eligible entities with respect to broadband access and deployment; and
- (ii) regarding cybersecurity resources and programs available through Federal agencies, including the Election Assistance Commission, the Cybersecurity and Infrastructure Security Agency, the Federal Trade Commission, and the National Institute of Standards and Technology.

(c) Allocation

(1) Allocation for high-cost areas

(A) In general

On or after the date on which the broadband DATA maps are made public, the

Assistant Secretary shall allocate to eligible entities, in accordance with subparagraph (B) of this paragraph, 10 percent of the amount appropriated pursuant to subsection (b)(2).

(B) Formula

The Assistant Secretary shall calculate the amount allocated to an eligible entity under subparagraph (A) by—

- (i) dividing the number of unserved locations in high-cost areas in the eligible entity by the total number of unserved locations in high-cost areas in the United States; and
- (ii) multiplying the quotient obtained under clause (i) by the amount made available under subparagraph (A).

(2) Minimum initial allocation

Of the amount appropriated pursuant to subsection (b)(2)—

(A) except as provided in subparagraph (B) of this paragraph, \$100,000,000 shall be allocated to each State; and

(B) \$100,000,000 shall be allocated to, and divided equally among, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(3) Allocation of remaining amounts

(A) In general

On or after the date on which the broadband DATA maps are made public, of the amount appropriated pursuant to subsection (b)(2), the Assistant Secretary shall allocate to eligible entities, in accordance with subparagraph (B) of this paragraph, the amount remaining after compliance with paragraphs (1) and (2) of this subsection.

(B) Allocation

The amount allocated to an eligible entity under subparagraph (B) shall be calculated by—

- (i) dividing the number of unserved locations in the eligible entity by the total number of unserved locations in the United States; and
- (ii) multiplying the quotient obtained under clause (i) by the amount made available under subparagraph (A).

(4) Availability conditioned on approval of applications

The availability of amounts allocated under paragraph (1), (2), or (3) to an eligible entity shall be subject to approval by the Assistant Secretary of the letter of intent, initial proposal, or final proposal of the eligible entity, as applicable, under subsection (e).

(5) Contingency procedures

(A) Definition

In this paragraph, the term “covered application” means a letter of intent, initial proposal, or final proposal under this section.

(B) Political subdivisions and consortia

(i) Application failures

The Assistant Secretary, in carrying out the Program, shall provide that if an eligi-

ble entity fails to submit a covered application by the applicable deadline, or a covered application submitted by an eligible entity is not approved by the applicable deadline, a political subdivision or consortium of political subdivisions of the eligible entity may submit the applicable type of covered application in place of the eligible entity.

(ii) Treatment of political subdivision or consortium as eligible entity

In the case of a political subdivision or consortium of political subdivisions that submits a covered application under clause (i) that is approved by the Assistant Secretary—

(I) except as provided in subclause (II) of this clause, any reference in this section to an eligible entity shall be deemed to refer to the political subdivision or consortium; and

(II) any reference in this section to an eligible entity in a geographic sense shall be deemed to refer to the eligible entity in whose place the political subdivision or consortium submitted the covered application.

(C) Reallocation to other eligible entities

(i) Application failures

The Assistant Secretary, in carrying out the Program, shall provide that if an eligible entity fails to submit a covered application by the applicable deadline, or a covered application submitted by an eligible entity is not approved by the applicable deadline, as provided in subparagraph (A)), and no political subdivision or consortium of political subdivisions of the eligible entity submits a covered application by the applicable deadline, or no covered application submitted by such a political subdivision or consortium is approved by the applicable deadline, as provided in subparagraph (B), the Assistant Secretary—

(I) shall reallocate the amounts that would have been available to the eligible entity pursuant to that type of covered application to other eligible entities that submitted that type of covered application by the applicable deadline; and

(II) shall reallocate the amounts described in subclause (I) of this clause in accordance with the formula under paragraph (3).

(ii) Failure to use full allocation

The Assistant Secretary, in carrying out the Program, shall provide that if an eligible entity fails to use the full amount allocated to the eligible entity under this subsection by the applicable deadline, the Assistant Secretary—

(I) shall reallocate the unused amounts to other eligible entities with approved final proposals; and

(II) shall reallocate the amounts described in subclause (I) in accordance with the formula under paragraph (3).

(d) Administrative expenses

(1) Assistant Secretary

The Assistant Secretary may use not more than 2 percent of amounts appropriated pursuant to subsection (b) for administrative purposes.

(2) Eligible entities

(A) Pre-deployment planning

An eligible entity may use not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2) for the planning and pre-deployment activities under subsection (e)(1)(C).

(B) Administration

An eligible entity may use not more than 2 percent of the grant amounts made available to the eligible entity under subsection (e) for expenses relating (directly or indirectly) to administration of the grant.

(e) Implementation

(1) Initial Program deployment and planning

(A) Notice of funding opportunity; process

Not later than 180 days after November 15, 2021, the Assistant Secretary shall—

(i) issue a notice of funding opportunity for the Program that—

(I) notifies eligible entities of—

(aa) the establishment of the Program; and

(bb) the amount of the minimum initial allocation to each eligible entity under subsection (c)(2);

(II) invites eligible entities to submit letters of intent under subparagraph (B) in order to—

(aa) participate in the Program; and

(bb) receive funding for planning and pre-deployment activities under subparagraph (C);

(III) contains details about the Program, including an outline of the requirements for—

(aa) applications for grants under the Program, which shall consist of letters of intent, initial proposals, and final proposals; and

(bb) allowed uses of grant amounts awarded under this section, as provided in subsection (f); and

(IV) includes any other information determined relevant by the Assistant Secretary;

(ii) establish a process, in accordance with subparagraph (C), through which to provide funding to eligible entities for planning and pre-deployment activities;

(iii) develop and make public a standard online application form that an eligible entity may use to submit an initial proposal and final proposal for the grant amounts allocated to the eligible entity under subsection (c);

(iv) publish a template—

(I) initial proposal that complies with paragraph (3)(A); and

(II) final proposal that complies with paragraph (4)(A); and

(v) in consultation with the Commission, establish standards for how an eligible entity shall assess the capabilities and capacities of a prospective subgrantee under subsection (g)(2)(A).

(B) Letter of intent

(i) In general

An eligible entity that wishes to participate in the Program shall file a letter of intent to participate in the Program consistent with this subparagraph.

(ii) Form and contents

The Assistant Secretary may establish the form and contents required for a letter of intent under this subparagraph, which contents may include—

(I) details of—

(aa) the existing broadband program or office of the eligible entity, including—

(AA) activities that the program or office currently conducts;

(BB) the number of rounds of broadband deployment grants that the eligible entity has awarded, if applicable;

(CC) whether the eligible entity has an eligible entity-wide plan and goal for availability of broadband, and any relevant deadlines, as applicable; and

(DD) the amount of funding that the eligible entity has available for broadband deployment or other broadband-related activities, including data collection and local planning, and the sources of that funding, including whether the funds are from the eligible entity or from the Federal Government under the American Rescue Plan Act of 2021 (Public Law 117-2);

(bb) the number of full-time employees and part-time employees of the eligible entity who will assist in administering amounts received under the Program and the duties assigned to those employees;

(cc) relevant contracted support; and

(dd) the goals of the eligible entity for the use of amounts received under the Program, the process that the eligible entity will use to distribute those amounts to subgrantees, the timeline for awarding subgrants, and oversight and reporting requirements that the eligible entity will impose on subgrantees;

(II) the identification of known barriers or challenges to developing and administering a program to administer grants received under the Program, if applicable;

(III) the identification of the additional capacity needed by the eligible entity to implement the requirements under this section, such as—

(aa) enhancing the capacity of the broadband program or office of the eli-

gible entity by receiving technical assistance from Federal entities or other partners, hiring additional employees, or obtaining support from contracted entities; or

(bb) acquiring additional programmatic information or data, such as through surveys or asset inventories;

(IV) an explanation of how the needs described in subclause (III) were identified and how funds may be used to address those needs, including target areas;

(V) details of any relevant partners, such as organizations that may inform broadband deployment and adoption planning; and

(VI) any other information determined relevant by the Assistant Secretary.

(C) Planning funds

(i) In general

The Assistant Secretary shall establish a process through which an eligible entity, in submitting a letter of intent under subparagraph (B), may request access to not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2) for use consistent with this subparagraph.

(ii) Funding availability

If the Assistant Secretary approves a request from an eligible entity under clause (i), the Assistant Secretary shall make available to the eligible entity an amount, as determined appropriate by the Assistant Secretary, that is not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2).

(iii) Eligible use

The Assistant Secretary shall determine the allowable uses of amounts made available under clause (ii), which may include—

(I) research and data collection, including initial identification of unserved locations and underserved locations;

(II) the development of a preliminary budget for pre-planning activities;

(III) publications, outreach, and communications support;

(IV) providing technical assistance, including through workshops and events;

(V) training for employees of the broadband program or office of the eligible entity or employees of political subdivisions of the eligible entity, and related staffing capacity or consulting or contracted support; and

(VI) with respect to an office that oversees broadband programs and broadband deployment in an eligible entity, establishing, operating, or increasing the capacity of such a broadband office.

(D) Action plan

(i) In general

An eligible entity that receives funding from the Assistant Secretary under subparagraph (C) shall submit to the Assist-

ant Secretary a 5-year action plan, which shall—

(I) be informed by collaboration with local and regional entities; and

(II) detail—

(aa) investment priorities and associated costs;

(bb) alignment of planned spending with economic development, telehealth, and related connectivity efforts.

(ii) Requirements of action plans

The Assistant Secretary shall establish requirements for the 5-year action plan submitted by an eligible entity under clause (i), which may include requirements to—

(I) address local and regional needs in the eligible entity with respect to broadband service;

(II) propose solutions for the deployment of affordable broadband service in the eligible entity;

(III) include localized data with respect to the deployment of broadband service in the eligible entity, including by identifying locations that should be prioritized for Federal support with respect to that deployment;

(IV) ascertain how best to serve unserved locations in the eligible entity, whether through the establishment of cooperatives or public-private partnerships;

(V) identify the technical assistance that would be necessary to carry out the plan; and

(VI) assess the amount of time it would take to build out universal broadband service in the eligible entity.

(2) Notice of available amounts; invitation to submit initial and final proposals

On or after the date on which the broadband DATA maps are made public, the Assistant Secretary, in coordination with the Commission, shall issue a notice to each eligible entity that—

(A) contains the estimated amount available to the eligible entity under subsection (c); and

(B) invites the eligible entity to submit an initial proposal and final proposal for a grant under this section, in accordance with paragraphs (3) and (4) of this subsection.

(3) Initial proposal

(A) Submission

(i) In general

After the Assistant Secretary issues the notice under paragraph (2), an eligible entity that wishes to receive a grant under this section shall submit an initial proposal for a grant, using the online application form developed by the Assistant Secretary under paragraph (1)(A)(iii), that—

(I) outlines long-term objectives for deploying broadband, closing the digital divide, and enhancing economic growth and job creation, including—

(aa) information developed by the eligible entity as part of the action plan submitted under paragraph (1)(D), if applicable; and

(bb) information from any comparable strategic plan otherwise developed by the eligible entity, if applicable;

(II)(aa) identifies, and outlines steps to support, local and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide; and

(bb) describes coordination with local governments, along with local and regional broadband planning processes;

(III) identifies existing efforts funded by the Federal Government or a State within the jurisdiction of the eligible entity to deploy broadband and close the digital divide;

(IV) includes a plan to competitively award subgrants to ensure timely deployment of broadband;

(V) identifies—

(aa) each unserved location or underserved location under the jurisdiction of the eligible entity; and

(bb) each community anchor institution under the jurisdiction of the eligible entity that is an eligible community anchor institution; and

(VI) certifies the intent of the eligible entity to comply with all applicable requirements under this section, including the reporting requirements under subsection (j)(1).

(ii) Local coordination

(I) In general

The Assistant Secretary shall establish local coordination requirements for eligible entities to follow, to the greatest extent practicable.

(II) Requirements

The local coordination requirements established under subclause (I) shall include, at minimum, an opportunity for political subdivisions of an eligible entity to—

(aa) submit plans for consideration by the eligible entity; and

(bb) comment on the initial proposal of the eligible entity before the initial proposal is submitted to the Assistant Secretary.

(B) Single initial proposal

An eligible entity may submit only 1 initial proposal under this paragraph.

(C) Corrections to initial proposal

The Assistant Secretary may accept corrections to the initial proposal of an eligible entity after the initial proposal has been submitted.

(D) Consideration of initial proposal

After receipt of an initial proposal for a grant under this paragraph, the Assistant Secretary—

- (i) shall acknowledge receipt;
- (ii) if the initial proposal is complete—
 - (I) shall determine whether the use of funds proposed in the initial proposal—
 - (aa) complies with subsection (f);
 - (bb) is in the public interest; and
 - (cc) effectuates the purposes of this Act;
 - (II) shall approve or disapprove the initial proposal based on the determinations under subclause (I); and
 - (III) if the Assistant Secretary approves the initial proposal under clause (ii)(II), shall make available to the eligible entity—
 - (aa) 20 percent of the grant funds that were allocated to the eligible entity under subsection (c); or
 - (bb) a higher percentage of the grant funds that were allocated to the eligible entity under subsection (c), at the discretion of the Assistant Secretary; and
- (iii) if the initial proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the initial proposal.

(E) Consideration of resubmitted initial proposal

After receipt of a resubmitted initial proposal for a grant under this paragraph, the Assistant Secretary—

- (i) shall acknowledge receipt;
- (ii) if the initial proposal is complete—
 - (I) shall determine whether the use of funds proposed in the initial proposal—
 - (aa) complies with subsection (f);
 - (bb) is in the public interest; and
 - (cc) effectuates the purposes of this Act;
 - (II) shall approve or disapprove the initial proposal based on the determinations under subclause (I); and
 - (III) if the Assistant Secretary approves the initial proposal under clause (ii)(II), shall make available to the eligible entity—
 - (aa) 20 percent of the grant funds that were allocated to the eligible entity under subsection (c); or
 - (bb) a higher percentage of the grant funds that were allocated to the eligible entity under subsection (c), at the discretion of the Assistant Secretary; and
- (iii) if the initial proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the initial proposal.

(4) Final proposal

(A) Submission

(i) In general

After the Assistant Secretary approvals¹ the initial proposal of an eligible entity

under paragraph (3), the eligible entity may submit a final proposal for the remainder of the amount allocated to the eligible entity under subsection (c), using the online application form developed by the Assistant Secretary under paragraph (1)(A)(iii), that includes—

- (I) a detailed plan that specifies how the eligible entity will—
 - (aa) allocate grant funds for the deployment of broadband networks to unserved locations and underserved locations, in accordance with subsection (h)(1)(A)(i); and
 - (bb) align the grant funds allocated to the eligible entity under subsection (c), where practicable, with the use of other funds that the eligible entity receives from the Federal Government, a State, or a private entity for related purposes;
- (II) a timeline for implementation;
- (III) processes for oversight and accountability to ensure the proper use of the grant funds allocated to the eligible entity under subsection (c); and
- (IV) a description of coordination with local governments, along with local and regional broadband planning processes.

(ii) Local coordination

(I) In general

The Assistant Secretary shall establish local coordination requirements for eligible entities to follow, to the greatest extent practicable.

(II) Requirements

The local coordination requirements established under subclause (I) shall include, at minimum, an opportunity for political subdivisions of an eligible entity to—

- (aa) submit plans for consideration by the eligible entity; and
- (bb) comment on the final proposal of the eligible entity before the final proposal is submitted to the Assistant Secretary.

(iii) Federal coordination

To ensure efficient and effective use of taxpayer funds, an eligible entity shall, to the greatest extent practicable, align the use of grant funds proposed in the final proposal under clause (i) with funds available from other Federal programs that support broadband deployment and access.

(B) Single final proposal

An eligible entity may submit only 1 final proposal under this paragraph.

(C) Corrections to final proposal

The Assistant Secretary may accept corrections to the final proposal of an eligible entity after the final proposal has been submitted.

(D) Consideration of final proposal

After receipt of a final proposal for a grant under this paragraph, the Assistant Secretary—

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

- (i) shall acknowledge receipt;
- (ii) if the final proposal is complete—
 - (I) shall determine whether the use of funds proposed in the final proposal—
 - (aa) complies with subsection (f);
 - (bb) is in the public interest; and
 - (cc) effectuates the purposes of this Act;
 - (II) shall approve or disapprove the final proposal based on the determinations under subclause (I); and
 - (III) if the Assistant Secretary approves the final proposal under clause (ii)(II), shall make available to the eligible entity the remainder of the grant funds allocated to the eligible entity under subsection (c); and
- (iii) if the final proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to re-submit the final proposal.

(E) Consideration of resubmitted final proposal

After receipt of a resubmitted final proposal for a grant under this paragraph, the Assistant Secretary—

- (i) shall acknowledge receipt;
- (ii) if the final proposal is complete—
 - (I) shall determine whether the use of funds proposed in the final proposal—
 - (aa) complies with subsection (f);
 - (bb) is in the public interest; and
 - (cc) effectuates the purposes of this Act;
 - (II) shall approve or disapprove the final proposal based on the determinations under subclause (I); and
 - (III) if the Assistant Secretary approves the final proposal under clause (ii)(II), shall make available to the eligible entity the remainder of the grant funds allocated to the eligible entity under subsection (c); and
 - (iii) if the final proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to re-submit the final proposal.

(f) Use of funds

An eligible entity may use grant funds received under this section to competitively award subgrants for—

- (1) unserved service projects and underserved service projects;
- (2) connecting eligible community anchor institutions;
- (3) data collection, broadband mapping, and planning;
- (4) installing internet and Wi-Fi infrastructure or providing reduced-cost broadband within a multi-family residential building, with priority given to a residential building that—
 - (A) has a substantial share of unserved households; or
 - (B) is in a location in which the percentage of individuals with a household income that

is at or below 150 percent of the poverty line applicable to a family of the size involved (as determined under section 9902(2) of title 42) is higher than the national percentage of such individuals;

(5) broadband adoption, including programs to provide affordable internet-capable devices; and

(6) any use determined necessary by the Assistant Secretary to facilitate the goals of the Program.

(g) General Program requirements

(1) Subgrantee obligations

A subgrantee, in carrying out activities using amounts received from an eligible entity under this section—

(A) shall adhere to quality-of-service standards, as established by the Assistant Secretary;

(B) shall comply with prudent cybersecurity and supply chain risk management practices, as specified by the Assistant Secretary, in consultation with the Director of the National Institute of Standards and Technology and the Commission;

(C) shall incorporate best practices, as defined by the Assistant Secretary, for ensuring reliability and resilience of broadband infrastructure; and

(D) may not use the amounts to purchase or support—

(i) any covered communications equipment or service, as defined in section 1608 of this title; or

(ii) fiber optic cable and optical transmission equipment manufactured in the People's Republic of China, except that the Assistant Secretary may waive the application of this clause with respect to a project if the eligible entity that awards a subgrant for the project shows that such application would unreasonably increase the cost of the project.

(2) Eligible entity obligations

In distributing funds to subgrantees under this section, an eligible entity shall—

(A) ensure that any prospective subgrantee—

(i) is capable of carrying out activities funded by the subgrant in a competent manner in compliance with all applicable Federal, State, and local laws;

(ii) has the financial and managerial capacity to meet—

(I) the commitments of the subgrantee under the subgrant;

(II) the requirements of the Program; and

(III) such requirements as may be further prescribed by the Assistant Secretary; and

(iii) has the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award;

(B) stipulate, in any contract with a subgrantee for the use of such funds, reasonable provisions for recovery of funds for non-performance; and

(C)(i) distribute the funds in an equitable and non-discriminatory manner; and

(ii) ensure, through a stipulation in any contract with a subgrantee for the use of such funds, that each subgrantee uses the funds in an equitable and nondiscriminatory manner.

(3) Deobligation of awards; internet disclosure

The Assistant Secretary—

(A) shall establish, in coordination with relevant Federal and State partners, appropriate mechanisms to ensure appropriate use of funds made available under this section;

(B) may, in addition to other authority under applicable law—

(i) deobligate grant funds awarded to an eligible entity that—

(I) violates paragraph (2); or

(II) demonstrates an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the Assistant Secretary; and

(ii) award grant funds that are deobligated under clause (i) to new or existing applicants consistent with this section; and

(C) shall create and maintain a fully searchable database, accessible on the internet at no cost to the public, that contains information sufficient to allow the public to understand and monitor grants and subgrants awarded under the Program.

(h) Broadband network deployment

(1) Order of awards; priority

(A) In general

An eligible entity, in awarding subgrants for the deployment of a broadband network using grant funds received under this section, as authorized under subsection (f)(1)—

(i) shall award funding in a manner that—

(I) prioritizes unserved service projects;

(II) after certifying to the Assistant Secretary that the eligible entity will ensure coverage of broadband service to all unserved locations within the eligible entity, prioritizes underserved service projects; and

(III) after prioritizing underserved service projects, provides funding to connect eligible community anchor institutions;

(ii) in providing funding under subclauses (I), (II), and (III) of clause (i), shall prioritize funding for deployment of broadband infrastructure for priority broadband projects;

(iii) may not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments from eligibility for such grant funds; and

(iv) shall give priority to projects based on—

(I) deployment of a broadband network to persistent poverty counties or high-poverty areas;

(II) the speeds of the proposed broadband service;

(III) the expediency with which a project can be completed; and

(IV) a demonstrated record of and plans to be in compliance with Federal labor and employment laws.

(B) Authority of Assistant Secretary

The Assistant Secretary may provide additional guidance on the prioritization of subgrants awarded for the deployment of a broadband network using grant funds received under this section.

(2) Challenge process

(A) In general

After submitting an initial proposal under subsection (e)(3) and before allocating grant funds received under this section for the deployment of broadband networks, an eligible entity shall ensure a transparent, evidence-based, and expeditious challenge process under which a unit of local government, nonprofit organization, or other broadband service provider can challenge a determination made by the eligible entity in the initial proposal as to whether a particular location or community anchor institution within the jurisdiction of the eligible entity is eligible for the grant funds, including whether a particular location is unserved or underserved.

(B) Final identification; notification of funding eligibility

After resolving each challenge under subparagraph (A), and not later than 60 days before allocating grant funds received under this section for the deployment of broadband networks, an eligible entity shall provide public notice of the final classification of each unserved location, underserved location, or eligible community anchor institution within the jurisdiction of the eligible entity.

(C) Consultation with NTIA

An eligible entity shall notify the Assistant Secretary of any modification to the initial proposal of the eligible entity submitted under subsection (e)(3) that is necessitated by a successful challenge under subparagraph (A) of this paragraph.

(D) NTIA authority

The Assistant Secretary—

(i) may modify the challenge process required under subparagraph (A) as necessary; and

(ii) may reverse the determination of an eligible entity with respect to the eligibility of a particular location or community anchor institution for grant funds under this section.

(E) Expediting broadband data collection activities

(i), (ii) Omitted

(iii) Implementation

The Commission shall implement the amendments made by this subparagraph as soon as possible after November 15, 2021.

(3) Non-Federal share of broadband infrastructure deployment costs

(A) In general

(i) Matching requirement

In allocating grant funds received under this section for deployment of broadband networks, an eligible entity shall provide, or require a subgrantee to provide, a contribution, derived from non-Federal funds (or funds from a Federal regional commission or authority), except in high-cost areas or as otherwise provided by this Act, of not less than 25 percent of project costs.

(ii) Waiver

Upon request by an eligible entity or a subgrantee, the Assistant Secretary may reduce or waive the required matching contribution under clause (i).

(B) Source of match

A matching contribution under subparagraph (A)—

(i) may be provided by an eligible entity, a unit of local government, a utility company, a cooperative, a nonprofit organization, a for-profit company, regional planning or governmental organization, a Federal regional commission or authority, or any combination thereof;

(ii) may include in-kind contributions; and

(iii) may include funds that were provided to an eligible entity or a subgrantee—

(I) under—

(aa) the Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178);

(bb) the CARES Act (Public Law 116-136; 134 Stat. 281);

(cc) the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182);

(dd) the American Rescue Plan Act of 2021 (Public Law 117-2; 135 Stat. 4); or

(ee) any amendment made by an Act described in any of items (aa) through (dd); and

(II) for the purpose of deployment of broadband service, as described in the applicable provision of law described in subclause (I).

(C) Definition

For purposes of this paragraph, the term “Federal regional commission or authority” means—

(i) the Appalachian Regional Commission;

(ii) the Delta Regional Authority;

(iii) the Denali Commission; and

(iv) the Northern Border Regional Commission.

(4) Deployment and provision of service requirements

An entity that receives a subgrant under subsection (f)(1) for the deployment of a broadband network—

(A) in providing broadband service using the network—

(i) shall provide broadband service—

(I) at a speed of not less than 100 megabits per second for downloads and 20 megabits per second for uploads;

(II) with a latency that is sufficiently low to allow reasonably foreseeable, real-time, interactive applications; and

(III) with network outages that do not exceed, on average, 48 hours over any 365-day period; and

(ii) shall provide access to broadband service to each customer served by the project that desires broadband service;

(B) shall offer not less than 1 low-cost broadband service option for eligible subscribers, as those terms are defined in paragraph (5) of this subsection;

(C) shall deploy the broadband network and begin providing broadband service to each customer that desires broadband service not later than 4 years after the date on which the entity receives the subgrant, except that an eligible entity may extend the deadline under this subparagraph if—

(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;

(D) for any project that involves laying fiber optic cables or conduit underground or along a roadway, shall include interspersed conduit access points at regular and short intervals;

(E) may use the subgrant to deploy broadband infrastructure in or through any area required to reach interconnection points or otherwise to ensure the technical feasibility and financial sustainability of a project providing broadband service to an unserved location, underserved location, or eligible community anchor institution;

(F) once the network has been deployed, shall provide public notice, online and through other means, of that fact to the locations and areas to which broadband service has been provided and share the public notice with the eligible entity that awarded the subgrant;

(G) shall carry out public awareness campaigns in service areas that are designed to highlight the value and benefits of broadband service in order to increase the adoption of broadband service by consumers; and

(H) if the entity is no longer able to provide broadband service to the locations covered by the subgrant at any time, shall sell the network capacity at a reasonable, wholesale rate on a nondiscriminatory basis to other broadband service providers or public sector entities.

(5) Low-cost broadband service option

(A) Definitions

In this paragraph—

(i) the term “eligible subscriber” shall have the meaning given the term by the Assistant Secretary for purposes of this paragraph; and

(ii) the term “low-cost broadband service option” shall be defined by an eligible entity for subgrantees of the eligible entity in accordance with subparagraph (B).

(B) Defining “low-cost broadband service option”

(i) Proposal

An eligible entity shall submit to the Assistant Secretary for approval, in the final proposal of the eligible entity submitted under subsection (e)(4), a proposed definition of “low-cost broadband service option” that shall apply to subgrantees of the eligible entity for purposes of the requirement under paragraph (4)(B) of this subsection.

(ii) Consultation

An eligible entity shall consult with the Assistant Secretary and prospective subgrantees regarding a proposed definition of “low-cost broadband service option” before submitting the proposed definition to the Assistant Secretary under clause (i).

(iii) Approval of Assistant Secretary

(I) In general

A proposed definition of “low-cost broadband service option” submitted by an eligible entity under clause (i) shall not take effect until the Assistant Secretary approves the final proposal of the eligible entity submitted under subsection (e)(4), including approval of the proposed definition of “low-cost broadband service option”.

(II) Resubmission

If the Assistant Secretary does not approve a proposed definition of “low-cost broadband service option” submitted by an eligible entity under clause (i), the Assistant Secretary shall—

(aa) notify the eligible entity and provide the eligible entity with an opportunity to resubmit the final proposal, as provided in subsection (e)(4), with an improved definition of “low-cost broadband service option”; and

(bb) provide the eligible entity with instructions on how to cure the defects in the proposed definition.

(iv) Public disclosure

After the Assistant Secretary approves the final proposal of an eligible entity under subsection (e)(4), and before the Assistant Secretary disburses any funds to the eligible entity based on that approval, the Assistant Secretary shall publicly disclose the eligible entity’s definition of “low-cost broadband service option”.

(C) Nonperformance

The Assistant Secretary shall develop procedures under which the Assistant Secretary or an eligible entity may—

(i) evaluate the compliance of a subgrantee with the requirement under paragraph (4)(B); and

(ii) take corrective action, including recoupment of funds from the subgrantee, for noncompliance with the requirement under paragraph (4)(B).

(D) No regulation of rates permitted

Nothing in this subchapter may be construed to authorize the Assistant Secretary or the National Telecommunications and Information Administration to regulate the rates charged for broadband service.

(E) Guidance

The Assistant Secretary may issue guidance to eligible entities to carry out the purposes of this paragraph.

(6) Return of funds

An entity that receives a subgrant from an eligible entity under subsection (f) and fails to comply with any requirement under this subsection shall return up to the entire amount of the subgrant to the eligible entity, at the discretion of the eligible entity or the Assistant Secretary.

(i) Regulations

The Assistant Secretary may issue such regulations or other guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that those programs, projects, or activities are completed in a timely and effective manner.

(j) Reporting

(1) Eligible entities

(A) Initial report

Not later than 90 days after receiving grant funds under this section, for the sole purposes of providing transparency and providing information to inform future Federal broadband planning, an eligible entity shall submit to the Assistant Secretary a report that—

(i) describes the planned and actual use of funds;

(ii) describes the planned and actual process of subgranting;

(iii) identifies the establishment of appropriate mechanisms by the eligible entity to ensure that all subgrantees of the eligible entity comply with the eligible uses prescribed under subsection (f); and

(iv) includes any other information required by the Assistant Secretary.

(B) Semiannual report

Not later than 1 year after receiving grant funds under this section, and semiannually thereafter until the funds have been expended, an eligible entity shall submit to the Assistant Secretary a report, with respect to the 6-month period immediately preceding the report date, that—

(i) describes how the eligible entity expended the grant funds;

(ii) describes each service provided with the grant funds;

(iii) describes the number of locations at which broadband service was made available using the grant funds, and the number of those locations at which broadband service was utilized; and

(iv) certifies that the eligible entity complied with the requirements of this section and with any additional reporting requirements prescribed by the Assistant Secretary.

(C) Final report

Not later than 1 year after an eligible entity has expended all grant funds received under this section, the eligible entity shall submit to the Assistant Secretary a report that—

(i) describes how the eligible entity expended the funds;

(ii) describes each service provided with the grant funds;

(iii) describes the number of locations at which broadband service was made available using the grant funds, and the number of those locations at which broadband service was utilized;

(iv) includes each report that the eligible entity received from a subgrantee under paragraph (2); and

(v) certifies that the eligible entity complied with the requirements of this section and with any additional reporting requirements prescribed by the Assistant Secretary.

(D) Provision to FCC and USDA

Subject to section 904(b)(2) of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260) [47 U.S.C. 1308(b)(2)] (relating to an interagency agreement), the Assistant Secretary shall coordinate with the Commission and the Department of Agriculture, including providing the final reports received under subparagraph (C) 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.

(E) Federal agency reporting requirement

(i) Definitions

In this subparagraph, the terms “agency” and “Federal broadband support program” have the meanings given those terms in section 903 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260) [47 U.S.C. 1307] (also known as the “ACCESS BROADBAND Act”).

(ii) Requirement

An agency that offers a Federal broadband support program shall provide data to the Assistant Secretary, in a manner and format prescribed by the Assistant Secretary, to promote coordination of efforts to track construction and use of broadband infrastructure.

(2) Subgrantees

(A) Semiannual report

The recipient of a subgrant from an eligible entity under this section shall submit to

the eligible entity a semiannual report for the duration of the subgrant to track the effectiveness of the use of funds provided.

(B) Contents

Each report submitted under subparagraph (A) shall—

(i) describe each type of project carried out using the subgrant and the duration of the subgrant;

(ii) in the case of a broadband infrastructure project—

(I) include a list of addresses or locations that constitute the service locations that will be served by the broadband infrastructure to be constructed;

(II) identify whether each address or location described in subclause (I) is residential, commercial, or a community anchor institution;

(III) describe the types of facilities that have been constructed and installed;

(IV) describe the peak and off-peak actual speeds of the broadband service being offered;

(V) describe the maximum advertised speed of the broadband service being offered;

(VI) describe the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered;

(VII) include any other data that would be required to comply with the data and mapping collection standards of the Commission under section 1.7004 of title 47, Code of Federal Regulations, or any successor regulation, for broadband infrastructure projects; and

(VIII) comply with any other reasonable reporting requirements determined by the eligible entity or the Assistant Secretary; and

(iii) certify that the information in the report is accurate.

(3) Standardization and coordination

The Assistant Secretary and the Commission shall collaborate to—

(A) standardize and coordinate reporting of locations at which broadband service was provided using grant funds received under this section in accordance with title VIII of the Communications Act of 1934 (47 U.S.C. 641 et seq.); and

(B) provide a standardized methodology to recipients of grants and subgrantees under this section for reporting the information described in subparagraph (A).

(4) Information on broadband subsidies and low-income plans

(A) Establishment of website

Not later than 2 years after November 15, 2021, the Assistant Secretary, in consultation with the Commission, shall establish a publicly available website that—

(i) allows a consumer to determine, based on financial information entered by

the consumer, whether the consumer is eligible—

- (I) to receive a Federal or State subsidy with respect to broadband service; or
 - (II) for a low-income plan with respect to broadband service; and
- (ii) contains information regarding how to apply for the applicable benefit described in clause (i).

(B) Provision of data

A Federal entity, State entity receiving Federal funds, or provider of broadband service that offers a subsidy or low-income plan, as applicable, with respect to broadband service shall provide data to the Assistant Secretary in a manner and format as established by the Assistant Secretary as necessary for the Assistant Secretary to carry out subparagraph (A).

(k) Relation to other public funding

Notwithstanding any other provision of law—

- (1) an entity that has received amounts from the Federal Government or a State or local government for the purpose of expanding access to broadband service may receive a subgrant under subsection (f) in accordance with this section; and
- (2) the receipt of a subgrant under subsection (f) by an entity described in paragraph (1) of this subsection shall not affect the eligibility of the entity to receive the amounts from the Federal Government or a State or local government described in that paragraph.

(l) Supplement not supplant

Grant funds awarded to an eligible entity under this section shall be used to supplement, and not supplant, the amounts that the eligible entity would otherwise make available for the purposes for which the grant funds may be used.

(m) Sense of Congress regarding Federal agency coordination

It is the sense of Congress that Federal agencies responsible for supporting broadband deployment, including the Commission, the Department of Commerce, and the Department of Agriculture, to the extent possible, should align the goals, application and reporting processes, and project requirements with respect to broadband deployment supported by those agencies.

(n) Judicial review

(1) In general

The United States District Court for the District of Columbia shall have exclusive jurisdiction to review a decision of the Assistant Secretary made under this section.

(2) Standard of review

In carrying out any review described in paragraph (1), the court shall affirm the decision of the Assistant Secretary unless—

- (A) the decision was procured by corruption, fraud, or undue means;
- (B) there was actual partiality or corruption in the Assistant Secretary; or
- (C) the Assistant Secretary was guilty of—

- (i) misconduct in refusing to review the administrative record; or
- (ii) any other misbehavior by which the rights of any party have been prejudiced.

(o) Exemption from certain laws

Any action taken or decision made by the Assistant Secretary under this section shall be exempt from the requirements of—

- (1) section 3506 of title 44 (commonly referred to as the “Paperwork Reduction Act”);
- (2) chapter 5 or 7 of title 5 (commonly referred to as the “Administrative Procedures Act”); and
- (3) chapter 6 of title 5 (commonly referred to as the “Regulatory Flexibility Act”).

(Pub. L. 117-58, div. F, title I, §60102, Nov. 15, 2021, 135 Stat. 1182.)

Editorial Notes

REFERENCES IN TEXT

The American Rescue Plan Act of 2021, referred to in subsecs. (e)(1)(B)(ii)(I)(aa)(DD), (h)(3)(B)(iii)(I)(dd), is Pub. L. 117-2, Mar. 11, 2021, 135 Stat. 4. For complete classification of this Act to the Code, see Short Title of 2021 Amendment note set out under section 9001 of Title 15, Commerce and Trade, and Tables.

This Act, referred to in subsecs. (e)(3)(D)(ii)(I)(cc), (E)(ii)(I)(cc), (4)(D)(ii)(I)(cc), (E)(ii)(I)(cc), and (h)(3)(A)(i), means div. F of Pub. L. 117-58, Nov. 15, 2021, 135 Stat. 1182, see Definitions note set out below. For complete classification of this Act to the Code, see Tables.

For the amendments made by this subparagraph, referred to in subsec. (h)(2)(E)(iii), see Codification note below.

The Families First Coronavirus Response Act, referred to in subsec. (h)(3)(B)(iii)(I)(aa), is Pub. L. 116-127, Mar. 18, 2020, 134 Stat. 178. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29, Labor, and Tables.

The CARES Act, referred to in subsec. (h)(3)(B)(iii)(I)(bb), also known as the Coronavirus Aid, Relief, and Economic Security Act, is Pub. L. 116-136, Mar. 27, 2020, 134 Stat. 281, which enacted chapter 116 (§9001 et seq.) of Title 15, Commerce and Trade, and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 9001 of Title 15 and Tables.

The Consolidated Appropriations Act, 2021, referred to in subsec. (h)(3)(B)(iii)(I)(cc), is Pub. L. 116-260, Dec. 27, 2020, 134 Stat. 1182. For complete classification of this Act to the Code, see Tables.

This subchapter, referred to in subsec. (h)(5)(D), was in the original “this title”, meaning title I of div. F of Pub. L. 117-58, which is classified principally to this subchapter. For complete classification of title I to the Code, see Tables.

The Communications Act of 1934, referred to in subsec. (j)(3)(A), is act June 19, 1934, ch. 652, 48 Stat. 1064. Title VIII of the Act is classified generally to subchapter VII (§641 et seq.) of chapter 5 of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

CODIFICATION

Section is comprised of section 60102 of Pub. L. 117-58. Subsec. (h)(2)(E)(i) and (ii) of section 60102 of Pub. L. 117-58 amended sections 642 and 646 of this title, respectively.

Statutory Notes and Related Subsidiaries

DEFINITION OF “THIS ACT”

For definition of “this Act” as used in this section, see section 2 of Pub. L. 117-58, set out as a note under section 1 of Title 1, General Provisions.

§ 1703. Broadband DATA maps**(a) Definition**

In this section, the term “Commission” means the Federal Communications Commission.

(b) Provision of information

A broadband provider shall provide the Commission with any information, in the format, type, or specification requested by the Commission, necessary to augment the collection of data by the Commission under—

- (1) title VIII of the Communications Act of 1934 (47 U.S.C. 641 et seq.); or
- (2) the Form 477 data collection program.

(c) Notice of initial broadband DATA collection filing deadline

The Commission—

(1) shall provide notice to broadband providers not later than 60 days before the initial deadline for submission of data under section 802(a)(1)(A) of the Communications Act of 1934 (47 U.S.C. 642(a)(1)(A)); and

(2) notwithstanding any prior decision of the Commission to the contrary, shall not be required to provide notice not later than 6 months before the initial deadline described in paragraph (1).

(Pub. L. 117–58, div. F, title I, § 60103, Nov. 15, 2021, 135 Stat. 1205.)

Editorial Notes

REFERENCES IN TEXT

The Communications Act of 1934, referred to in subsec. (b)(1), is act June 19, 1934, ch. 652, 48 Stat. 1064. Title VIII of the Act is classified generally to subchapter VII (§ 641 et seq.) of chapter 5 of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

CODIFICATION

Section is comprised of section 60103 of Pub. L. 117–58. Subsecs. (d) and (e) of section 60103 of Pub. L. 117–58 amended section 642 of this title.

§ 1704. Broadband Deployment Locations Map**(a) Definitions**

In this section:

(1) Broadband infrastructure

The term “broadband infrastructure” means any cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure, including wireless infrastructure, that—

- (A) is capable of providing access to internet connections in individual locations; and
- (B) is an advanced telecommunications capability, as defined in section 1302(d) of this title.

(2) Commission

The term “Commission” means the Federal Communications Commission.

(3) Deployment Locations Map

The term “Deployment Locations Map” means the mapping tool required to be established under subsection (b).

(b) Establishment of Deployment Locations Map

Not later than 18 months after November 15, 2021, the Commission shall, in consultation with

all relevant Federal agencies, establish an online mapping tool to provide a locations overview of the overall geographic footprint of each broadband infrastructure deployment project funded by the Federal Government.

(c) Requirements

The Deployment Locations Map shall be—

- (1) the centralized, authoritative source of information on funding made available by the Federal Government for broadband infrastructure deployment in the United States; and
- (2) made publicly available on the website of the Commission.

(d) Functions

In establishing the Deployment Locations Map, the Commission shall ensure that the Deployment Locations Map—

(1) compiles data related to Federal funding for broadband infrastructure deployment provided by the Commission, the National Telecommunications and Information Administration, the Department of Agriculture, the Department of Health and Human Services, the Department of the Treasury, the Department of Housing and Urban Development, the Institute of Museum and Library Sciences, and any other Federal agency that provides such data relating to broadband infrastructure deployment funding to the Commission, including funding under—

(A) this Act;

(B) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136);

(C) the Consolidated Appropriations Act, 2021 (Public Law 116–260);

(D) American Rescue Plan Act of 2021 (Public Law 117–2); or

(E) any Federal amounts appropriated or any Federal program authorized after November 15, 2021, to fund broadband infrastructure deployment;

(2) contains data, with respect to each broadband infrastructure deployment program, relating to—

(A) the Federal agency of jurisdiction;

(B) the program title; and

(C) the network type, including wired, terrestrial fixed, wireless, mobile, and satellite broadband infrastructure deployment;

(3) allows users to manipulate the Deployment Locations Map to identify, search, and filter broadband infrastructure deployment projects by—

(A) company name;

(B) duration timeline, including the dates of a project’s beginning and ending, or anticipated beginning or ending date;

(C) total number of locations to which a project makes service available; and

(D) relevant download and upload speeds; and

(4) incorporates broadband service availability data as depicted in the Broadband Map created under section 642(c)(1) of this title.

(e) Periodic updates**(1) In general**

The Commission shall, in consultation with relevant Federal agencies, ensure the Deploy-