

ment Locations Map is maintained and up to date on a periodic basis, but not less frequently than once every 180 days.

**(2) Other Federal agencies**

Each Federal agency providing funding for broadband infrastructure deployment shall report relevant data to the Commission on a periodic basis.

**(f) No effect on programmatic missions**

Nothing in this section shall be construed to affect the programmatic missions of Federal agencies providing funding for broadband infrastructure development.

**(g) Nonduplication**

The requirements in this section shall be consistent with and avoid duplication with the provisions of section 903 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260) [47 U.S.C. 1307].

**(h) Funding**

Of the amounts appropriated to carry out this division under this Act, \$10,000,000 shall be made available to carry out this section.

(Pub. L. 117-58, div. F, title I, § 60105, Nov. 15, 2021, 135 Stat. 1206.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in subsecs. (d)(1)(A) and (h), 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.

The Coronavirus Aid, Relief, and Economic Security Act, referred to in subsec. (d)(1)(B), also known as the CARES 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 of Title 15, Commerce and Trade, and enacted, amended, and repealed numerous other sections and notes in the Code.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. (d)(1)(C), is Pub. L. 116-260, Dec. 27, 2020, 134 Stat. 1182. For complete classification of this Act to the Code, see Tables.

The American Rescue Plan Act of 2021, referred to in subsec. (d)(1)(D), 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.

**Statutory Notes and Related Subsidiaries**

DEFINITIONS

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.

**§ 1705. Grants for broadband connectivity**

**(a) Definitions**

In this section:

**(1) Assistant Secretary**

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

**(2) Broadband or broadband service.—**

The term “broadband” or “broadband service” has the meaning given the term

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

**(3) Commission**

The term “Commission” means the Federal Communications Commission.

**(4) Covered broadband project**

The term “covered broadband project” means a competitively and technologically neutral project for the deployment of fixed broadband service that provides qualifying broadband service in an eligible service area.

**(5) Covered partnership**

The term “covered partnership” means a partnership between—

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

(B) a provider of fixed broadband service.

**(6) Department**

The term “Department” means the Department of Commerce.

**(7) Eligible service area**

The term “eligible service area” means a census block in which broadband service is not available at 1 or more households or businesses in the census block, as determined by the Assistant Secretary on the basis of—

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

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

**(8) Eligible entity**

The term “eligible entity” means—

(A) a Tribal Government;

(B) a Tribal College or University;

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

(D) a Tribal organization; or

(E) a Native Corporation.

**(9) Native Corporation**

The term “Native Corporation” has the meaning given the term in section 1602 of title 43.

**(10) Native Hawaiian**

The term “Native Hawaiian” has the meaning given the term in section 4221 of title 25.

**(11) Qualifying broadband service**

The term “qualifying broadband service” means broadband service with—

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

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

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

**(12) Tribal Government**

The term “Tribal Government” means the governing body of any Indian or Alaska Native

Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually recognized (including parenthetically) in the list published most recently as of December 27, 2020, pursuant to section 5131 of title 25.

**(13) Tribal land**

The term “Tribal land” means—

(A) any land located within the boundaries of—

- (i) an Indian reservation, pueblo, or rancheria; or
- (ii) a former reservation within Oklahoma;

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

- (i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;
- (ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or
- (iii) by a dependent Indian community;

(C) any land located within a region established pursuant to section 1606(a) of title 43;

(D) Hawaiian Home Lands, as defined in section 4221 of title 25; or

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

**(14) Unserved**

The term “unserved”, with respect to a household, means—

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

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

**(b) Direct appropriation**

There is appropriated to the Assistant Secretary, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2021, to remain available until expended—

- (1) \$1,000,000,000 for grants under subsection (c); and
- (2) \$300,000,000 for grants under subsection (d).

**(c) Tribal Broadband Connectivity Program**

**(1) Tribal broadband connectivity grants**

The Assistant Secretary shall use the funds made available under subsection (b)(1) to im-

plement a program to make grants to eligible entities to expand access to and adoption of—

- (A) broadband service on Tribal land; or
- (B) remote learning, telework, or telehealth resources.

**(2) Grants**

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

**(3) Allocations**

**(A) Equitable distribution**

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

**(B) Administrative expenses of Assistant Secretary**

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

**(4) Use of grant funds**

**(A) Commitment deadline**

**(i) In general**

Not later than 18 months after receiving an allocation of funds pursuant to a specific grant award under this subsection, an eligible entity shall commit the funds in accordance with the approved application of the entity.

**(ii) Reversion of funds**

Any grant funds not committed by an eligible entity by the deadline under clause (i) shall be made available to other eligible entities for the purposes provided in this subsection.

**(B) Expenditure deadline**

**(i) In general**

Not later than 4 years after receiving an allocation of funds pursuant to a specific grant award under this subsection, an eligible entity shall expend the grant funds.

**(ii) Extensions for infrastructure projects**

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

- (I) the eligible entity has a plan for use of the grant funds;
- (II) the construction project is underway; or
- (III) extenuating circumstances require an extension of time to allow the project to be completed.

**(iii) Extensions for other projects**

The Assistant Secretary may, for good cause shown, extend the period under

clause (i) for an eligible entity that proposes to use the grant funds for an eligible use other than construction of broadband infrastructure, based on a detailed showing by the eligible entity of the need for an extension.

**(iv) Reversion of funds**

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

**(C) Multiple grant awards**

If the Assistant Secretary awards multiple grants to an eligible entity under this subsection, the deadlines under subparagraphs (A) and (B) shall apply individually to each grant award.

**(5) Eligible uses**

An eligible entity may use grant funds made available under this subsection for—

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

(B) affordable broadband programs, including—

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

(ii) preventing disconnection of existing broadband service;

(C) distance learning;

(D) telehealth;

(E) digital inclusion efforts; and

(F) broadband adoption activities.

**(6) Administrative expenses of eligible entities**

**(A) In general**

Except as provided in subparagraph (B), an eligible entity may use not more than 2 percent of grant funds received under this subsection for administrative purposes.

**(B) Broadband infrastructure projects**

An eligible entity that proposes to use grant funds for the construction of broadband infrastructure may use an amount of the grant funds equal to not more than 2.5 percent of the total project cost for planning, feasibility, and sustainability studies related to the project.

**(7) Subgrantees**

**(A) In general**

An eligible entity may enter into a contract with a subgrantee, including a non-Tribal entity, as part of its use of grant funds pursuant to this subsection.

**(B) Requirements**

An eligible entity that enters into a contract with a subgrantee for use of grant funds received under this subsection shall—

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

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

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

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

(ii) stipulate in the contract reasonable provisions for recovery of funds for non-performance.

**(8) Broadband infrastructure deployment**

In using grant funds received under this subsection for new construction of broadband infrastructure, an eligible entity shall prioritize projects that deploy broadband infrastructure to unserved households.

**(d) Broadband infrastructure program**

**(1) Broadband infrastructure deployment grants**

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

**(2) Mapping**

**(A) Data from commission**

Not less frequently than annually, the Commission shall, through the process established under section 802(b)(7)<sup>1</sup> of the Communications Act of 1934 (47 U.S.C. 642(b)(7)), provide the Assistant Secretary any data collected by the Commission pursuant to title VIII of that Act (47 U.S.C. 641 et seq.).

**(B) Use by Assistant Secretary**

The Assistant Secretary shall rely on the data provided under subparagraph (A) in carrying out this subsection to the greatest extent practicable.

**(3) Eligibility requirements**

To be eligible for a grant under this subsection, a covered partnership shall submit an application at such time, in such manner, and containing such information as the Assistant Secretary may require, which application shall, at a minimum, include a description of—

(A) the covered partnership;

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

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

(ii) the cost of the project;

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

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

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

<sup>1</sup>So in original. The second closing parenthesis probably should not appear.

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

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

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

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

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

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

(iv) any grant provided under section 1305 of this title;

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

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

#### (4) Priority

In awarding grants under this subsection, the Assistant Secretary shall give priority to applications for covered broadband projects as follows, in decreasing order of priority:

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

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

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

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

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

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

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

#### (5) Expenditure deadline

##### (A) In general

Not later than 1 year after receiving grant funds under this subsection, a covered partnership shall expend the grant funds.

#### (B) Extensions

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

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

(ii) the construction project is underway; or

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

#### (C) Reversion of funds

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

#### (6) Grant conditions

##### (A) Prohibitions

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

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

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

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

##### (B) Nondiscrimination

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

#### (e) Implementation

##### (1) Requirements; outreach

Not earlier than 30 days, and not later than 60 days, after December 27, 2020, the Assistant Secretary shall—

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

(B) outline—

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

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

##### (2) Applications

###### (A) Submission

During the 90-day period beginning on the date on which the Assistant Secretary issues

the notice under paragraph (1), an eligible entity or covered partnership may submit an application for a grant under this section.

**(B) Processing**

**(i) In general**

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

**(ii) Denial**

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

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

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

**(C) Single application**

An eligible entity or covered partnership may submit only 1 application under this paragraph.

**(D) Proposed use of funds**

An application submitted by an eligible entity or a covered partnership under this paragraph shall describe each proposed use of grant funds.

**(E) Allocation of funds**

Not later than 14 days after approving an application for a grant under this paragraph, the Assistant Secretary shall allocate the grant funds to the eligible entity or covered partnership.

**(F) Treatment of unallocated funds**

**(i) In general**

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

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

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

**(ii) Second process**

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

**(3) Transparency, accountability, and oversight required**

In implementing this section, the Assistant Secretary shall adopt measures, including audit requirements, to—

(A) ensure sufficient transparency, accountability, and oversight to provide the

public with information regarding the award and use of grant funds under this section;

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

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

**(4) Prohibition on use for covered communications equipment or services**

An eligible entity or covered partnership may not use grant funds received under this section to purchase or support any covered communications equipment or service (as defined in section 1608 of this title).

**(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.

**(6) Additional appropriations for Tribal Broadband Connectivity Program**

**(A) Definition**

In this paragraph, the term “initial round of funding”—

(i) means the allocation under paragraph (2)(E) of funds appropriated under subsection (b)(1); and

(ii) does not include any reallocation of funds under paragraph (2)(F).

**(B) New funding**

If Congress appropriates additional funds for grants under subsection (c) after the date of enactment of this Act, the Assistant Secretary—

(i) may use a portion of the funds to fully fund any grants under that subsection for which the Assistant Secretary received an application and which the Assistant Secretary did not fully fund during the initial round of funding; and

(ii) shall allocate any remaining funds through subsequent funding rounds consistent with the requirements of this section, except as provided in subparagraph (C) of this paragraph.

**(C) Exceptions**

If Congress appropriates additional funds for grants under subsection (c) after the date of enactment of this Act—

(i) the Assistant Secretary shall not be required to issue an additional notice under paragraph (1) of this subsection, but shall inform eligible entities that additional funding has been made available for grants under subsection (c) and describe the changes made to the Tribal Broadband Connectivity Program under that subsection by section 60201 of the Infrastructure Investment and Jobs Act;

(ii) the requirement under paragraph (2)(C) of this subsection shall be applied individually to each round of funding for grants under subsection (c);

(iii) paragraph (2)(A) of this subsection shall be applied by substituting “180-day period beginning on the date on which the Assistant Secretary informs eligible entities that additional funding has been made available for grants under subsection (c)” for “90-day period beginning on the date on which the Assistant Secretary issues the notice under paragraph (1)”; and

(iv) notwithstanding paragraph (2)(F) of this subsection, in the case of funds appropriated under subsection (b)(1) that were not allocated during the initial round of funding, the Assistant Secretary may elect to allocate the funds during any subsequent round of funding for grants under subsection (c).

## (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.

(Pub. L. 116-260, div. N, title IX, §905, Dec. 27, 2020, 134 Stat. 2136; Pub. L. 117-58, div. F, title II, §60201, Nov. 15, 2021, 135 Stat. 1208.)

## Editorial Notes

### REFERENCES IN TEXT

The Communications Act of 1934, referred to in subsec. (d)(2)(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.

The Rural Electrification Act of 1936, referred to in subsec. (d)(3)(D)(ii)(I), is act May 20, 1936, ch. 432, 49 Stat. 1363. Title VI of the Act is classified generally to subchapter VI (§950bb et seq.) of chapter 31 of Title 7, Agriculture. For complete classification of this Act to the Code, see section 901 of Title 7 and Tables.

Section 779 of division A of the Consolidated Appropriations Act, 2018, referred to in subsec. (d)(3)(D)(ii)(II), is section 779 of Pub. L. 115-141, div. A, title VII, Mar. 23, 2018, 132 Stat. 399, which is not classified to the Code.

The date of enactment of this Act, referred to in subsec. (e)(6)(B), (C), probably means the date of enactment of Pub. L. 117-58, which enacted subsec. (e)(6) of this section and was approved November 15, 2021.

Section 60201 of the Infrastructure Investment and Jobs Act, referred to in subsec. (e)(6)(C)(i), is section 60201 of Pub. L. 117-58, which amended this section.

### CODIFICATION

Section was formerly set out as a note under section 1305 of this title.

### AMENDMENTS

2021—Subsec. (c)(1)(B). Pub. L. 117-58, §60201(1)(A), struck out “during the COVID-19 pandemic” after “telehealth resources”.

Subsec. (c)(4)(A)(i). Pub. L. 117-58, §60201(1)(B)(i)(I), substituted “18 months after receiving an allocation of funds pursuant to a specific grant award” for “180 days after receiving grant funds”.

Subsec. (c)(4)(A)(ii). Pub. L. 117-58, §60201(1)(B)(i)(II), substituted “be made available to other eligible entities for the purposes provided in this subsection” for “revert to the general fund of the Treasury”.

Subsec. (c)(4)(B)(i). Pub. L. 117-58, §60201(1)(B)(ii)(I), substituted “4 years after receiving an allocation of funds pursuant to a specific grant award” for “1 year after receiving grant funds”.

Subsec. (c)(4)(B)(iii), (iv). Pub. L. 117-58, §60201(1)(B)(ii)(II), (III), added cl. (iii) and redesignated former cl. (iii) as (iv).

Subsec. (c)(4)(C). Pub. L. 117-58, §60201(1)(B)(iii), added subpar. (C).

Subsec. (c)(6). Pub. L. 117-58, §60201(1)(C), added par. (6) and struck out former par. (6). Prior to amendment, text read as follows: “An eligible entity may use not more than 2 percent of grant funds received under this subsection for administrative purposes.”

Subsec. (e)(6). Pub. L. 117-58, §60201(2), added par. (6).

## SUBCHAPTER II—DIGITAL EQUITY ACT OF 2021

### § 1721. Definitions

In this subchapter:

#### (1) Adoption of broadband

The term “adoption of broadband” means the process by which an individual obtains daily access to the internet—

- (A) at a speed, quality, and capacity—
  - (i) that is necessary for the individual to accomplish common tasks; and
  - (ii) such that the access qualifies as an advanced telecommunications capability;
- (B) with the digital skills that are necessary for the individual to participate online; and
- (C) on a—
  - (i) personal device; and
  - (ii) secure and convenient network.

#### (2) Advanced telecommunications capability

The term “advanced telecommunications capability” has the meaning given the term in section 1302(d) of this title.

#### (3) Aging individual

The term “aging individual” has the meaning given the term “older individual” in section 3002 of title 42.

#### (4) Appropriate committees of Congress

The term “appropriate committees of Congress” means—

- (A) the Committee on Appropriations of the Senate;
- (B) the Committee on Commerce, Science, and Transportation of the Senate;
- (C) the Committee on Appropriations of the House of Representatives; and
- (D) the Committee on Energy and Commerce of the House of Representatives.

#### (5) Assistant Secretary

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

#### (6) Community anchor institution

The term “community anchor institution” means a public school, a public or multi-family housing authority, a library, a medical or healthcare provider, a community college or other institution of higher education, a State library agency, and any other nonprofit or governmental community support organization.

#### (7) Covered household

The term “covered household” means a household, the income of which for the most recently completed year is not more than 150 percent of an amount equal to the poverty level, as determined by using criteria of poverty established by the Bureau of the Census.

#### (8) Covered populations

The term “covered populations” means—

- (A) individuals who live in covered households;
- (B) aging individuals;
- (C) incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility;
- (D) veterans;
- (E) individuals with disabilities;
- (F) individuals with a language barrier, including individuals who—
  - (i) are English learners; and
  - (ii) have low levels of literacy;
- (G) individuals who are members of a racial or ethnic minority group; and
- (H) individuals who primarily reside in a rural area.

#### (9) Covered programs

The term “covered programs” means the State Digital Equity Capacity Grant Program established under section 1723 of this title and the Digital Equity Competitive Grant Program established under section 1724 of this title.

#### (10) Digital equity

The term “digital equity” means the condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.

#### (11) Digital inclusion

The term “digital inclusion”—

- (A) means the activities that are necessary to ensure that all individuals in the United States have access to, and the use of, affordable information and communication technologies, such as—
  - (i) reliable fixed and wireless broadband internet service;
  - (ii) internet-enabled devices that meet the needs of the user; and
  - (iii) applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration; and
- (B) includes—
  - (i) obtaining access to digital literacy training;
  - (ii) the provision of quality technical support; and
  - (iii) obtaining basic awareness of measures to ensure online privacy and cybersecurity.

#### (12) Digital literacy

The term “digital literacy” means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.

#### (13) Disability

The term “disability” has the meaning given the term in section 12102 of title 42.

#### (14) Eligible State

The term “eligible State” means—

- (A) with respect to planning grants made available under section 60304(c)(3), a State