

**(I) Authorization of appropriations**

There are authorized to be appropriated to carry out this section—

(1) \$250,000,000 for each of the first 5 fiscal years in which funds are made available to carry out this section; and

(2) such sums as may be necessary for each fiscal year after the end of the 5-fiscal year period described in paragraph (1).

(Pub. L. 117-58, div. F, title III, §60305, Nov. 15, 2021, 135 Stat. 1222.)

**§ 1725. Policy research, data collection, analysis and modeling, evaluation, and dissemination****(a) Reporting requirements****(1) In general**

Not later than 1 year after the date on which the Assistant Secretary begins awarding grants under section 1723(d)(1) of this title, and annually thereafter, the Assistant Secretary shall—

(A) submit to the appropriate committees of Congress a report that documents, for the year covered by the report—

(i) the findings of each evaluation conducted under subparagraph (B);

(ii) a list of each grant awarded under each covered program, which shall include—

(I) the amount of each such grant;

(II) the recipient of each such grant; and

(III) the purpose for which each such grant was awarded;

(iii) any deobligation, termination, or modification of a grant awarded under the covered programs, which shall include a description of the subsequent usage of any funds to which such an action applies; and

(iv) each challenge made by an applicant for, or a recipient of, a grant under the covered programs and the outcome of each such challenge; and

(B) conduct evaluations of the activities carried out under the covered programs, which shall include an evaluation of—

(i) whether eligible States to which grants are awarded under the program established under section 1723 of this title are—

(I) abiding by the assurances made by those States under subsection (e) of that section;

(II) meeting, or have met, the stated goals of the Digital Equity Plans developed by the States under subsection (c) of that section;

(III) satisfying the requirements imposed by the Assistant Secretary on those States under subsection (g) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program; and

(ii) whether entities to which grants are awarded under the program established under section 1724 of this title are—

(I) abiding by the assurances made by those entities under subsection (f) of that section;

(II) meeting, or have met, the stated goals of those entities with respect to the use of the grant amounts;

(III) satisfying the requirements imposed by the Assistant Secretary on those States under subsection (h) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program.

**(2) Public availability**

The Assistant Secretary shall make each report submitted under paragraph (1)(A) publicly available in an online format that—

(A) facilitates access and ease of use;

(B) is searchable; and

(C) is accessible—

(i) to individuals with disabilities; and

(ii) in languages other than English.

**(b) Authority to contract and enter into other arrangements**

The Assistant Secretary may award grants and enter into contracts, cooperative agreements, and other arrangements with Federal agencies, public and private organizations, and other entities with expertise that the Assistant Secretary determines appropriate in order to—

(1) evaluate the impact and efficacy of activities supported by grants awarded under the covered programs; and

(2) develop, catalog, disseminate, and promote the exchange of best practices, both with respect to and independent of the covered programs, in order to achieve digital equity.

**(c) Consultation and public engagement**

In carrying out subsection (a), and to further the objectives described in paragraphs (1) and (2) of subsection (b), the Assistant Secretary shall conduct ongoing collaboration and consult with—

(1) the Secretary of Agriculture;

(2) the Secretary of Housing and Urban Development;

(3) the Secretary of Education;

(4) the Secretary of Labor;

(5) the Secretary of Health and Human Services;

(6) the Secretary of Veterans Affairs;

(7) the Secretary of the Interior;

(8) the Federal Communications Commission;

(9) the Federal Trade Commission;

(10) the Director of the Institute of Museum and Library Services;

(11) the Administrator of the Small Business Administration;

(12) the Federal Co-Chair of the Appalachian Regional Commission;

(13) State agencies and governors of States (or equivalent officials);

(14) entities serving as administering entities for States under section 1723(b) of this title;

(15) national, State, tribal, and local organizations that provide digital inclusion, digital equity, or digital literacy services;

(16) researchers, academics, and philanthropic organizations; and

(17) other agencies, organizations (including international organizations), entities (including entities with expertise in the fields of data collection, analysis and modeling, and evaluation), and community stakeholders, as determined appropriate by the Assistant Secretary.

**(d) Technical support and assistance**

The Assistant Secretary shall provide technical support and assistance, assistance to entities to prepare the applications of those entities with respect to grants awarded under the covered programs, and other resources, to the extent practicable, to ensure consistency in data reporting and to meet the objectives of this section.

**(e) Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out this section, which shall remain available until expended.

(Pub. L. 117–58, div. F, title III, §60306, Nov. 15, 2021, 135 Stat. 1228.)

**§ 1726. General provisions**

**(a) Nondiscrimination**

**(1) In general**

No individual in the United States may, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that is funded in whole or in part with funds made available to carry out this subchapter.

**(2) Enforcement**

The Assistant Secretary shall effectuate paragraph (1) with respect to any program or activity described in that paragraph by issuing regulations and taking actions consistent with section 2000d–1 of title 42.

**(3) Judicial review**

Judicial review of an action taken by the Assistant Secretary under paragraph (2) shall be available to the extent provided in section 2000d–2 of title 42.

**(b) Technological neutrality**

The Assistant Secretary shall, to the extent practicable, carry out this subchapter in a technologically neutral manner.

**(c) Audit and oversight**

Beginning in the first fiscal year in which amounts are made available to carry out an activity authorized under this subchapter, and in each of the 4 fiscal years thereafter, there is authorized to be appropriated to the Office of Inspector General for the Department of Commerce \$1,000,000 for audits and oversight of funds made available to carry out this subchapter, which shall remain available until expended.

(Pub. L. 117–58, div. F, title III, §60307, Nov. 15, 2021, 135 Stat. 1230.)

**SUBCHAPTER III—ENABLING MIDDLE MILE BROADBAND INFRASTRUCTURE**

**§ 1741. Enabling middle mile broadband infrastructure**

**(a) Definitions**

In this section:

**(1) Anchor institution**

The term “anchor institution” means a school, library, medical or healthcare provider, community college or other institution of higher education, or other community support organization or entity.

**(2) Assistant Secretary**

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

**(3) Commission**

The term “Commission” means the Federal Communications Commission.

**(4) Eligible entity**

The term “eligible entity” means—

(A) a State, political subdivision of a State, Tribal government, technology company, electric utility, utility cooperative, public utility district, telecommunications company, telecommunications cooperative, nonprofit foundation, nonprofit corporation, nonprofit institution, nonprofit association, regional planning counsel, Native entity, or economic development authority; or

(B) a partnership of 2 or more entities described in subparagraph (A).

**(5) FCC fixed broadband map**

The term “FCC fixed broadband map” means the map created by the Commission under section 642(c)(1)(B) of this title.

**(6) Indian Tribe**

The term “Indian Tribe” has the meaning given the term in section 5304 of title 25.

**(7) Interconnect**

The term “interconnect” means the physical linking of 2 networks for the mutual exchange of traffic on non-discriminatory terms and conditions.

**(8) Internet exchange facility**

The term “internet exchange facility” means physical infrastructure through which internet service providers and content delivery networks exchange internet traffic between their networks.

**(9) Middle mile infrastructure**

The term “middle mile infrastructure”—

(A) means any broadband infrastructure that does not connect directly to an end-user location, including an anchor institution; and

(B) includes—

(i) leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and