

117TH CONGRESS
1ST SESSION

S. 2071

To provide grants to States, territories, Puerto Rico, the District of Columbia, and eligible Tribal entities to promote access to affordable, high-speed broadband and digital equity.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2021

Mr. BENNET (for himself, Mr. KING, and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide grants to States, territories, Puerto Rico, the District of Columbia, and eligible Tribal entities to promote access to affordable, high-speed broadband and digital equity.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Broadband Reform
5 and Investment to Drive Growth in the Economy Act of
6 2021” or the “BRIDGE Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

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

4 (2) The persistent “digital divide” in the
5 United States is a barrier to the economic competi-
6 tiveness of the United States and equitable distribu-
7 tion of essential public services, including health care
8 and education.

9 (3) The digital divide disproportionately affects
10 communities of color, lower-income areas, and rural
11 areas.

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

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

21 **SEC. 3. GRANTS FOR BROADBAND DEPLOYMENT.**

22 (a) DEFINITIONS.—

23 (1) AREAS LACKING BROADBAND ACCESS.—In
24 this section—

1 (A) the term “unserved area” means an
 2 area that lacks access to broadband service with
 3 a speed greater than—

4 (i) 25 megabits per second for
 5 downloads; and

6 (ii) 3 megabits per second for uploads;

7 (B) the term “underserved area” means an
 8 area that—

9 (i) is not an unserved area; and

10 (ii) lacks access to broadband service
 11 with a speed of not less than—

12 (I) 100 megabits per second for
 13 downloads; and

14 (II) 25 megabits per second for
 15 uploads;

16 (C) the term “other qualifying area”
 17 means an area that—

18 (i) is not an unserved area or under-
 19 served area; and

20 (ii) lacks access to gigabit-level
 21 broadband service; and

22 (D) the term “eligible area” means an
 23 unserved area, underserved area, or other quali-
 24 fying area.

25 (2) OTHER DEFINITIONS.—In this section—

1 (A) the term “affordable broadband service
2 plan” means a plan under which broadband
3 service is provided at a rate that is determined
4 by the Commission, in coordination with the As-
5 sistant Secretary, to be affordable for a 4-per-
6 son household that—

7 (i) includes 2 dependents under the
8 age of 18; and

9 (ii) has an income of 136 percent of
10 the poverty line applicable to a family of
11 the size involved (as determined under sec-
12 tion 673(2) of the Community Services
13 Block Grant Act (42 U.S.C. 9902(2)));

14 (B) the term “Assistant Secretary” means
15 the Assistant Secretary of Commerce for Com-
16 munications and Information;

17 (C) the term “broadband” or “broadband
18 service” has the meaning given the term
19 “broadband internet access service” in section
20 8.1(b) of title 47, Code of Federal Regulations,
21 or any successor regulation;

22 (D) the term “Commission” means the
23 Federal Communications Commission;

24 (E) the term “community anchor institu-
25 tion” means an entity such as a school, library,

1 health clinic, hospital or other medical provider,
2 public safety entity, institution of higher edu-
3 cation, public housing organization, or commu-
4 nity support organization that facilitates great-
5 er use of broadband service by vulnerable popu-
6 lations, including low-income individuals, unem-
7 ployed individuals, and aged individuals;

8 (F) the term “digital equity” means the
9 condition in which all individuals and commu-
10 nities have the information technology capacity
11 needed for full participation in the society and
12 economy of the United States;

13 (G) the term “digital inclusion”—

14 (i) means the activities that are nec-
15 essary to ensure that all individuals in the
16 United States have access to, and the use
17 of, affordable information and communica-
18 tions technologies, such as reliable fixed
19 and wireless broadband service, internet-
20 enabled devices that meet the needs of the
21 user, applications and online content de-
22 signed to enable and encourage self-suffi-
23 ciency, participation, and collaboration;
24 and

1 (ii) includes obtaining access to digital
 2 literacy training, the provision of quality
 3 technical support, and obtaining basic
 4 awareness of measures to ensure online
 5 privacy and cybersecurity;

6 (H) the term “digital literacy” means the
 7 skills associated with using technology to enable
 8 users to find, evaluate, organize, create, and
 9 communicate information;

10 (I) the term “eligible community anchor
 11 institution” means a community anchor institu-
 12 tion that lacks access to gigabit-level broadband
 13 service;

14 (J) the term “eligible entity” means a
 15 State, a territory, the District of Columbia, or
 16 an eligible Tribal entity;

17 (K) the term “eligible Tribal entity”
 18 means—

19 (i) a Tribal government;

20 (ii) a Tribal College or University (as
 21 defined in section 316(b) of the Higher
 22 Education Act of 1965 (20 U.S.C.
 23 1059c(b)));

24 (iii) the Department of Hawaiian
 25 Home Lands on behalf of the Native Ha-

1 waiian Community, including Native Ha-
 2 waiian Education Programs;

3 (iv) a Tribal organization; or

4 (v) a Native Corporation;

5 (L) the term “Fund” means the
 6 Broadband Access Fund established under sub-
 7 section (b);

8 (M) the term “gigabit-level broadband
 9 service” means broadband service with a speed
 10 of not less than—

11 (i) 1 gigabit per second for downloads;

12 and

13 (ii) 1 gigabit per second for uploads;

14 (N) the term “high-cost area” means an
 15 unserved area in which the Assistant Secretary
 16 determines that the cost of deploying broadband
 17 service is higher than the average cost of de-
 18 ploying broadband service in the United States
 19 because of—

20 (i) the remote location of the area;

21 (ii) the population density of the area;

22 (iii) the unique topography of the
 23 area;

24 (iv) a high rate of poverty in the area;

25 or

1 (v) any other factor that contributes
 2 to the cost of deploying broadband service;

3 (O) the term “Native Corporation” has the
 4 meaning given the term in section 3 of the
 5 Alaska Native Claims Settlement Act (43
 6 U.S.C. 1602);

7 (P) the term “Native Hawaiian” has the
 8 meaning given the term in section 801 of the
 9 Native American Housing Assistance and Self-
 10 Determination Act of 1996 (25 U.S.C. 4221);

11 (Q) the term “State” means any of the 50
 12 States;

13 (R) the term “subgrantee” means an enti-
 14 ty that receives grant funds from an eligible en-
 15 tity to carry out activities under subsection (g);

16 (S) the term “territory” means the Com-
 17 monwealth of Puerto Rico, the United States
 18 Virgin Islands, Guam, American Samoa, the
 19 Commonwealth of the Northern Mariana Is-
 20 lands, the Republic of the Marshall Islands, the
 21 Federated States of Micronesia, and the Repub-
 22 lic of Palau; and

23 (T) the term “Tribal government” means
 24 the governing body of any Indian or Alaska Na-
 25 tive Tribe, band, nation, pueblo, village, com-

1 munity, component band, or component reserva-
2 tion, individually recognized (including par-
3 enthetically) in the list published most recently
4 as of the date of enactment of this Act pursu-
5 ant to section 4104 of the Federally Recognized
6 Indian Tribe List Act of 1994 (25 U.S.C.
7 5131).

8 (b) BROADBAND ACCESS FUND.—

9 (1) ESTABLISHMENT.—There is established in
10 the Treasury of the United States a fund to be
11 known as the “Broadband Access Fund”.

12 (2) DIRECT APPROPRIATION TO FUND.—There
13 is appropriated to the Fund, out of amounts in the
14 Treasury not otherwise appropriated, for the fiscal
15 year ending September 30, 2021, \$40,000,000,000,
16 to remain available until expended.

17 (3) AVAILABILITY OF FUND.—Amounts in the
18 Fund shall be available to the Assistant Secretary to
19 make grants to eligible entities to—

20 (A) deploy broadband; and

21 (B) fund efforts that bridge the digital di-
22 vide, increase the adoption of broadband, and
23 facilitate affordable access to broadband.

24 (c) GRANTS.—From the amounts appropriated under
25 subsection (b), the Assistant Secretary shall award a grant

1 to each eligible entity that submits an initial proposal or
 2 final proposal that the Assistant Secretary approves.

3 (d) ALLOCATION.—

4 (1) MINIMUM AMOUNTS.—Of the amounts ap-
 5 propriated under subsection (b)—

6 (A) \$100,000,000 shall be made available
 7 to each State;

8 (B) \$75,000,000 shall be made available to
 9 each of the Commonwealth of Puerto Rico and
 10 the District of Columbia;

11 (C) \$100,000,000 shall be made available
 12 to, and divided equally among, the United
 13 States Virgin Islands, Guam, American Samoa,
 14 the Commonwealth of the Northern Mariana Is-
 15 lands, the Republic of the Marshall Islands, the
 16 Federated States of Micronesia, and the Repub-
 17 lic of Palau; and

18 (D) not less than 5 percent shall be made
 19 available to eligible Tribal entities—

20 (i) on an equitable basis; and

21 (ii) of which not less than 3 percent
 22 shall be made available for the benefit of
 23 Native Hawaiians.

24 (2) REMAINING AMOUNTS.—

1 (A) IN GENERAL.—Amounts remaining
2 after the allocations under paragraph (1) shall
3 be allocated to States based on population in
4 accordance with subparagraph (B) of this para-
5 graph.

6 (B) ALLOCATIONS.—Of the amounts allo-
7 cated under subparagraph (A)—

8 (i) 50 percent shall be allocated
9 among the States based on the proportion
10 that the population of each State bears to
11 the population of all States;

12 (ii) 25 percent shall be allocated
13 among the States based on the proportion
14 that the number of individuals living in
15 rural areas in each State, as determined by
16 the Bureau of the Census, bears to the
17 number of individuals living in rural area
18 in all States, as determined by the Bureau
19 of the Census; and

20 (iii) 25 percent shall be allocated
21 among the States based on the proportion
22 that the number of individuals with a
23 household income that is below 150 per-
24 cent of the poverty line applicable to a
25 family of the size involved (as determined

1 under section 673(2) of the Community
2 Services Block Grant Act (42 U.S.C.
3 9902(2)) in each State bears to the num-
4 ber of such individuals in all States.

5 (C) POPULATION DETERMINATION.—For
6 purposes of subparagraph (B), the population
7 of a State or a category of residents of a State
8 shall be determined based on the most recent
9 year for which data are available from the Bu-
10 reau of the Census.

11 (3) REALLOCATION.—

12 (A) FAILURE TO SUBMIT INITIAL PRO-
13 POSAL.—If an eligible entity does not submit an
14 initial proposal under subsection (f)(2) for
15 amounts allocated to the eligible entity under
16 this subsection by the applicable date under
17 subparagraph (A) of that subsection, the As-
18 sistant Secretary shall reallocate the amounts
19 on a competitive basis to—

20 (i) in the case of an eligible entity de-
21 scribed in subparagraph (A), (B), or (C) of
22 paragraph (1) of this subsection, other eli-
23 gible entities described in those subpara-
24 graphs that have submitted an initial pro-

posals under subsection (f)(2) as of that date; or

(ii) in the case of an eligible entity described in subparagraph (D) of paragraph (1) of this subsection, other eligible entities described in that subparagraph that have submitted an initial proposal under subsection (f)(2) as of that date.

(B) FAILURE TO SUBMIT FINAL PROPOSAL.—If an eligible entity does not submit a final proposal under subsection (f)(3) for the remainder of the amounts allocated to the eligible entity under this subsection by the applicable date under subparagraph (A) of that subsection, the Assistant Secretary shall reallocate the amounts on a competitive basis to—

(i) in the case of an eligible entity described in subparagraph (A), (B), or (C) of paragraph (1) of this subsection, other eligible entities described in those subparagraphs that have submitted a final proposal under subsection (f)(3) as of that date; or

(ii) in the case of an eligible entity described in subparagraph (D) of paragraph

1 (1) of this subsection, other eligible entities
2 described in that subparagraph that have
3 submitted a final proposal under sub-
4 section (f)(3) as of that date.

5 (e) ADMINISTRATIVE EXPENSES.—

6 (1) ASSISTANT SECRETARY.—The Assistant
7 Secretary may use not more than 2 percent of
8 amounts appropriated under subsection (b) for ad-
9 ministrative purposes, including the provision of
10 technical assistance to eligible Tribal entities.

11 (2) ELIGIBLE ENTITIES.—An eligible entity
12 may use not more than 2 percent of grant funds re-
13 ceived under this section for expenses relating (di-
14 rectly or indirectly) to administration of the grant.

15 (f) IMPLEMENTATION.—

16 (1) REQUIREMENTS; OUTREACH.—Not later
17 than 120 days after the date of enactment of this
18 Act, the Assistant Secretary shall—

19 (A) issue a notice to each eligible entity
20 that—

21 (i) contains the estimated amount
22 available to the eligible entity under this
23 section; and

24 (ii) invites the eligible entity to submit
25 an initial proposal and final proposal for a

1 grant under this section, in accordance
 2 with paragraphs (2) and (3);

3 (B) develop and make public a standard,
 4 online application form that an eligible entity
 5 may use to submit an initial proposal and final
 6 proposal for the grant amounts made available
 7 to the eligible entity under this section;

8 (C) outline—

9 (i) the requirements for initial pro-
 10 posals and final proposals for grants under
 11 this section; and

12 (ii) the allowed uses of grant funds
 13 awarded under this section, as provided in
 14 subsection (g); and

15 (D) publish a model—

16 (i) initial proposal that complies with
 17 paragraph (2)(A), including the certifi-
 18 cation requirements under clause (i)(VI) of
 19 that paragraph; and

20 (ii) final proposal that complies with
 21 paragraph (3)(A).

22 (2) INITIAL PROPOSAL.—

23 (A) SUBMISSION.—

24 (i) IN GENERAL.—During the 90-day
 25 period beginning on the date on which the

1 Assistant Secretary issues the notice under
2 paragraph (1), an eligible entity that wish-
3 es to receive a grant under this section
4 shall submit an initial proposal for a grant,
5 using the online application form developed
6 by the Assistant Secretary under subpara-
7 graph (B) of that paragraph, that—

8 (I) outlines long-term objectives
9 for deploying broadband and closing
10 the digital divide;

11 (II)(aa) identifies, and outlines
12 steps to support, local and regional
13 broadband planning processes or on-
14 going efforts to deploy broadband or
15 close the digital divide; and

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

20 (III) identifies existing efforts
21 funded by the Federal government or
22 a State within the jurisdiction of the
23 eligible entity to deploy broadband
24 and close the digital divide;

1 (IV) includes a plan to competi-
2 tively award subgrants;

3 (V) identifies, using data drawn
4 from sources including the map cre-
5 ated by the Commission under section
6 802(c)(1)(A) of the Communications
7 Act of 1934 (47 U.S.C. 642(c)(1)(A)),
8 another broadband map of the Com-
9 mission that is in effect, the National
10 Broadband Availability Map created
11 by the Assistant Secretary, or State-
12 level broadband data—

13 (aa) each unserved area, un-
14 derserved area, or other quali-
15 fying area under the jurisdiction
16 of the eligible entity; and

17 (bb) each community anchor
18 institution under the jurisdiction
19 of the eligible entity that is an el-
20 igible community anchor institu-
21 tion;

22 (VI) certifies the intent of the eli-
23 gible entity to comply with all applica-
24 ble requirements under this section,

1 including the reporting requirements
 2 under subsection (j)(1); and

3 (VII) includes a description of
 4 the challenge process for classification
 5 of eligible areas and institutions re-
 6 quired under subsection (i)(2) that
 7 the eligible entity will use.

8 (ii) ELIGIBLE TRIBAL ENTITIES.—In
 9 the case of an eligible Tribal entity, clause
 10 (i) shall be applied by substituting “120-
 11 day period” for “90-day period”.

12 (iii) LOCAL COORDINATION.—To the
 13 greatest extent practicable, a State shall
 14 coordinate with units of local government
 15 within the State in submitting an initial
 16 proposal under clause (i).

17 (B) SINGLE INITIAL PROPOSAL.—An eligi-
 18 ble entity may submit only 1 initial proposal
 19 under this paragraph.

20 (C) CORRECTIONS TO INITIAL PRO-
 21 POSAL.—The Assistant Secretary may accept
 22 corrections to the initial proposal of an eligible
 23 entity after the initial proposal has been sub-
 24 mitted.

1 (D) CONSIDERATION OF INITIAL PRO-
2 POSAL.—Not later than 90 days after receipt of
3 an initial proposal for a grant under this para-
4 graph, the Assistant Secretary shall—

5 (i) acknowledge receipt;

6 (ii) evaluate whether the use of funds
7 proposed in the initial proposal complies
8 with subsection (g);

9 (iii) if the initial proposal is com-
10 plete—

11 (I) disburse to the eligible entity
12 20 percent of the grant funds that
13 were allocated to the eligible entity
14 under subsection (d); or

15 (II) at the discretion of the As-
16 sistant Secretary, disburse to the eli-
17 gible entity a higher percentage of the
18 grant funds that were allocated to the
19 eligible entity under subsection (d);
20 and

21 (iv) if the initial proposal is incom-
22 plete, notify the eligible entity and provide
23 the eligible entity with 30 days to resubmit
24 the initial proposal.

1 (E) CONSIDERATION OF RESUBMITTED
2 INITIAL PROPOSAL.—Not later than 14 days
3 after receipt of a resubmitted initial proposal
4 for a grant under this paragraph, the Secretary
5 shall—

6 (i) acknowledge receipt;

7 (ii) if the initial proposal is com-
8 plete—

9 (I) disburse to the eligible entity
10 20 percent of the grant funds that
11 were allocated to the eligible entity
12 under subsection (d); or

13 (II) at the discretion of the As-
14 sistant Secretary, disburse to the eli-
15 gible entity a higher percentage of the
16 grant funds that were allocated to the
17 eligible entity under subsection (d);
18 and

19 (iii) if the initial proposal is incom-
20 plete, notify the eligible entity and provide
21 the eligible entity with 30 days to resubmit
22 the initial proposal.

23 (3) FINAL PROPOSAL.—

24 (A) SUBMISSION.—

1 (i) IN GENERAL.—During the 120-day
2 period beginning on the date on which the
3 Assistant Secretary disburses grant funds
4 to an eligible entity under subparagraph
5 (D) or (E) of paragraph (2), the eligible
6 entity may submit a final proposal for the
7 remainder of the grant, using the online
8 application form developed by the Assist-
9 ant Secretary under paragraph (1)(B),
10 that includes—

11 (I) spending priorities consistent
12 with the long-term objectives outlined
13 in paragraph (2)(A)(i)(I);

14 (II) a preliminary budget;

15 (III) a detailed plan that speci-
16 fies how the eligible entity will—

17 (aa) allocate not less than
18 50 percent of the total grant
19 funds allocated to the eligible en-
20 tity under subsection (d) to the
21 deployment of broadband net-
22 works to unserved areas, includ-
23 ing high-cost areas (if applica-
24 ble), or to other eligible uses in
25 areas with above-average poverty,

1 as required under subsection
2 (h)(1); and

3 (bb) align the grant funds
4 allocated to the eligible entity
5 under subsection (d), where prac-
6 ticable, with the use of other
7 funds or other assistance that the
8 eligible entity has received to de-
9 ploy broadband infrastructure
10 from the Federal Government, a
11 State, or a private entity;

12 (IV) a timeline for implementa-
13 tion;

14 (V) processes for oversight and
15 accountability to ensure the proper
16 use of the grant funds allocated to the
17 eligible entity under subsection (d);

18 (VI) a description of coordination
19 with local governments, along with
20 local and regional broadband planning
21 processes; and

22 (VII) a description of efforts to
23 prohibit waste, fraud, and abuse
24 through—

1 (aa) the challenge process
2 for classification of eligible areas
3 and institutions required under
4 subsection (i)(2); and

5 (bb) coordination with other
6 Federal and State broadband
7 programs.

8 (ii) ELIGIBLE TRIBAL ENTITIES.—In
9 the case of an eligible Tribal entity, clause
10 (i) shall be applied by substituting “150-
11 day period” for “120-day period”.

12 (iii) LOCAL COORDINATION.—To the
13 greatest extent practicable, a State shall
14 coordinate with units of local government
15 within the State in submitting a final pro-
16 posal under clause (i).

17 (iv) FEDERAL COORDINATION.—To
18 ensure efficient and effective use of tax-
19 payer funds, an eligible entity shall, to the
20 greatest extent practicable, align the use of
21 grant funds proposed in the final proposal
22 under clause (i) with funds available from
23 other Federal programs that support
24 broadband deployment and access.

1 (B) SINGLE FINAL PROPOSAL.—An eligible
 2 entity may submit only 1 final proposal under
 3 this paragraph.

4 (C) CORRECTIONS TO FINAL PROPOSAL.—
 5 The Assistant Secretary may accept corrections
 6 to the final proposal of an eligible entity after
 7 the final proposal has been submitted.

8 (D) CONSIDERATION OF FINAL PRO-
 9 POSAL.—Not later than 90 days after receipt of
 10 a final proposal for a grant under this para-
 11 graph, the Assistant Secretary shall—

12 (i) acknowledge receipt;

13 (ii) evaluate whether the use of funds
 14 proposed in the final proposal complies
 15 with subsection (g);

16 (iii) if the final proposal is complete,
 17 disburse to the eligible entity the remain-
 18 der of the grant funds allocated to the eli-
 19 gible entity under subsection (d); and

20 (iv) if the final proposal is incomplete,
 21 notify the eligible entity and provide the el-
 22 ible entity with 30 days to resubmit the
 23 final proposal.

24 (E) CONSIDERATION OF RESUBMITTED
 25 FINAL PROPOSAL.—Not later than 14 days

1 after receipt of a resubmitted final proposal for
2 a grant under this paragraph, the Secretary
3 shall—

4 (i) acknowledge receipt;

5 (ii) if the final proposal is complete,
6 disburse to the eligible entity the remain-
7 der of the grant funds allocated to the eli-
8 gible entity under subsection (d); and

9 (iii) if the final proposal is incomplete,
10 notify the eligible entity and provide the el-
11 igible entity with 30 days to resubmit the
12 final proposal.

13 (4) EXTENSION.—The Assistant Secretary may
14 grant an extension of a deadline under paragraph
15 (2) or (3).

16 (5) EXEMPTION FROM SERVICE STANDARDS.—
17 In submitting an initial proposal or final proposal
18 under paragraph (2) or (3), respectively, an eligible
19 entity may request an exemption from the service
20 standards under subsection (i)(4)(A)(i)(I) for the de-
21 ployment of a broadband network in an area if meet-
22 ing the standards in that area would be techno-
23 logically or financially infeasible.

24 (g) USE OF FUNDS.—An eligible entity may use
25 grant funds received under this section to—

1 (1) competitively award subgrants for—

2 (A) the deployment of broadband networks
3 to eligible areas;

4 (B) connecting eligible community anchor
5 institutions;

6 (C) broadband mapping and planning;

7 (D) distance learning, including partnering
8 with service providers in existence when the
9 subgrant is awarded, or purchasing and install-
10 ing equipment, to extend broadband service
11 from the campus of a school, library, or other
12 community anchor institution to unserved
13 households;

14 (E) telehealth;

15 (F) installing internet and Wi-Fi infra-
16 structure or providing free or reduced-cost
17 broadband within a multi-family residential
18 building, with a priority given to a residential
19 building that—

20 (i) has a substantial share of unserved
21 households; or

22 (ii) is in an area in which the percent-
23 age of individuals with a household income
24 that is at or below 136 percent of the pov-
25 erty line applicable to a family of the size

involved (as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) is higher than the national percentage of such individuals;

(G) affordable broadband programs, including providing free or reduced-cost broadband service, that—

(i) subject to clause (ii), provide broadband service at a speed greater than—

(I) 50 megabits per second for downloads; and

(II) 10 megabits per second for uploads; and

(ii) make every reasonable effort to prioritize broadband service at faster speeds than the speeds required under clause (i);

(H) digital inclusion, such as digital literacy and digital equity programs, including programs to provide affordable internet-capable devices;

(I) broadband adoption;

1 (J) initiatives to develop a skilled tele-
 2 communications workforce necessary for the de-
 3 ployment of high-speed broadband; or

4 (K) accelerating the completion of a
 5 project, or enabling a public-private partner-
 6 ship, to deploy a broadband network to an eligi-
 7 ble area that was ongoing as of the date of the
 8 award, if the network meets the requirements
 9 under subsection (i)(4); and

10 (2) provide technical assistance to local, re-
 11 gional, private, or nonprofit entities to carry out ex-
 12 isting efforts to—

13 (A) deploy broadband or close the digital
 14 divide; or

15 (B) implement the subgrants awarded
 16 under paragraph (1).

17 (h) GENERAL SUBGRANT REQUIREMENTS.—

18 (1) MINIMUM ALLOCATION FOR UNSERVED
 19 AREAS OR AREAS WITH SUBSTANTIAL POVERTY.—An
 20 eligible entity, in awarding subgrants using grant
 21 funds received under this section, shall allocate not
 22 less than 50 percent of the grant funds received by
 23 the eligible entity to—

1 (A) the deployment of broadband networks
 2 to unserved areas, including high-cost areas (if
 3 applicable); or

4 (B) other eligible uses in areas in which
 5 the percentage of individuals with a household
 6 income that is at or below 136 percent of the
 7 poverty line applicable to a family of the size in-
 8 volved (as determined under section 673(2) of
 9 the Community Services Block Grant Act (42
 10 U.S.C. 9902(2)) is higher than the national
 11 percentage of such individuals.

12 (2) NONPERFORMANCE STIPULATIONS.—An eli-
 13 gible entity shall stipulate, in any contract with a
 14 subgrantee for the use of grant funds received under
 15 this section, reasonable provisions for recovery of
 16 funds for nonperformance.

17 (i) BROADBAND NETWORK DEPLOYMENT.—

18 (1) ORDER OF AWARDS; PRIORITY.—An eligible
 19 entity, in awarding subgrants for the deployment of
 20 a broadband network using grant funds received
 21 under this section, as authorized under subsection
 22 (g)(1)(A)—

23 (A) shall award funding in a manner
 24 that—

1 (i) first provides funding for deploy-
 2 ment of broadband infrastructure to
 3 unserved areas;

4 (ii) after providing funding for deploy-
 5 ment of broadband infrastructure to areas
 6 described in clause (i), provides funding for
 7 deployment of broadband infrastructure to
 8 underserved areas and eligible community
 9 anchor institutions; and

10 (iii) after providing funding for de-
 11 ployment of broadband infrastructure to
 12 areas and institutions described in clause
 13 (ii), provides funding to other eligible
 14 areas;

15 (B) may not exclude cooperatives, non-
 16 profit organizations, public-private partner-
 17 ships, private companies, public or private utili-
 18 ties, Tribally owned entities, or local govern-
 19 ments from eligibility for such grant funds; and

20 (C) shall give priority to an entity that—

21 (i) will provide not less than 1 tier of
 22 gigabit-level broadband service;

23 (ii) will, subject to a waiver from the
 24 Assistant Secretary due to unforeseeable,
 25 extenuating circumstances—

1 (I) begin construction of the
 2 broadband network not later than 1
 3 year after being awarded the
 4 subgrant; and

5 (II) deploy the broadband net-
 6 work and begin providing broadband
 7 service to each customer that desires
 8 broadband service by a date that is
 9 earlier than the deadline under para-
 10 graph (4)(B); and

11 (iii) in the case of a subgrant awarded
 12 by a State or territory, has a letter of en-
 13 dorsement for the project from the local
 14 government for each community that the
 15 project will serve.

16 (2) CHALLENGE PROCESS FOR CLASSIFICATION
 17 OF ELIGIBLE AREAS AND INSTITUTIONS.—

18 (A) CHALLENGE PROCESS.—After submit-
 19 ting an initial proposal under subsection (f)(2)
 20 and before allocating grant funds received
 21 under this section for the deployment of
 22 broadband networks, an eligible entity shall en-
 23 sure a transparent, evidence-based, and expedi-
 24 tious challenge process under which a unit of
 25 local government, nonprofit organization, or

1 other broadband service provider can challenge
2 a determination made by the eligible entity in
3 the initial proposal as to whether a particular
4 area or community anchor institution within the
5 jurisdiction of the eligible entity is eligible for
6 the grant funds, including whether a particular
7 area is an unserved area, underserved area, or
8 other qualifying area.

9 (B) FINAL IDENTIFICATION; NOTIFICATION
10 OF FUNDING ELIGIBILITY.—After resolving
11 each challenge under subparagraph (A), and
12 not later than 30 days before allocating grant
13 funds received under this section for the deploy-
14 ment of broadband networks, an eligible entity
15 shall provide public notice of the final classifica-
16 tion of each eligible area and eligible community
17 anchor institution within the jurisdiction of the
18 eligible entity.

19 (C) CONSULTATION WITH NTIA.—An eligi-
20 ble entity shall notify the Assistant Secretary of
21 any modification to the initial proposal of the
22 eligible entity submitted under subsection (f)(2)
23 that is necessitated by a successful challenge
24 under subparagraph (A) of this paragraph.

1 (3) SUBGRANTEE NON-FEDERAL SHARE OF
 2 BROADBAND INFRASTRUCTURE DEPLOYMENT
 3 COSTS.—

4 (A) IN GENERAL.—

5 (i) MATCHING REQUIREMENT.—In al-
 6 locating grant funds received under this
 7 section for deployment of broadband net-
 8 works, an eligible entity other than an eli-
 9 gible Tribal entity shall require a sub-
 10 grantee to provide a contribution, derived
 11 from non-Federal funds (or funds from a
 12 Federal regional commission or authority),
 13 of not less than 20 percent of project costs.

14 (ii) WAIVER.—The Assistant Sec-
 15 retary may reduce or waive the required
 16 matching contribution under clause (i).

17 (B) SOURCE OF MATCH.—A matching con-
 18 tribution under subparagraph (A)—

19 (i) may be provided by an eligible en-
 20 tity, a unit of local government, a utility
 21 company, a cooperative, a nonprofit orga-
 22 nization, a for-profit company, regional
 23 planning or governmental organization, or
 24 a Federal regional commission or author-
 25 ity; and

1 (ii) may include in-kind contributions.

2 (C) DEFINITION.—For purposes of this
3 paragraph, the term “Federal regional commis-
4 sion or authority” means—

5 (i) the Appalachian Regional Commis-
6 sion;

7 (ii) the Delta Regional Authority; and

8 (iii) the Northern Border Regional
9 Commission.

10 (4) DEPLOYMENT AND PROVISION OF SERVICE
11 REQUIREMENTS.—An entity that receives a subgrant
12 under subsection (g)(1)(A) for the deployment of a
13 broadband network shall—

14 (A) in providing broadband service using
15 the network—

16 (i) provide broadband service—

17 (I) except as provided in sub-
18 clause (II)—

19 (aa) at a speed of not less
20 than 100 megabits per second for
21 downloads and 100 megabits per
22 second for uploads;

23 (bb) with a latency that is
24 sufficiently low to allow reason-

1 ably foreseeable, real-time, inter-
2 active applications; and

3 (cc) with network outages
4 that do not exceed, on average,
5 48 hours over any 365-day pe-
6 riod; or

7 (II) at a speed of not less than
8 100 megabits per second for
9 downloads and 25 megabits per sec-
10 ond for uploads, if the eligible entity
11 that awarded the subgrant has re-
12 ceived an exemption from the Assist-
13 ant Secretary under subsection (f)(5);

14 (ii) provide access to broadband serv-
15 ice to each customer that desires
16 broadband service in the area to which the
17 subgrant applies; and

18 (iii) to an eligible area, offer not less
19 than 1 affordable broadband service plan
20 for customers;

21 (B) deploy the broadband network and
22 begin providing broadband service to each cus-
23 tomer that desires broadband service—

1 (i) except as provided in clause (ii),
2 not later than 3 years after the date on
3 which the entity receives the subgrant; or

4 (ii) in the case of—

5 (I) a subgrant awarded by an eli-
6 gible Tribal entity, if exigencies re-
7 quire additional time, by a date speci-
8 fied by the eligible Tribal entity
9 that—

10 (aa) is later than the date
11 required under clause (i); and

12 (bb) may not be later than 5
13 years after the date on which the
14 entity receives the subgrant; or

15 (II) a subgrant awarded by an el-
16 igible entity other than an eligible
17 Tribal entity, if a delay in receiving a
18 Federal, State, or local permit, or a
19 delay due to supply chain constraints,
20 that is outside the control of the sub-
21 grantee makes compliance with the
22 deadline under clause (i) impossible,
23 by a date specified by the eligible enti-
24 ty that—

1 (aa) is later than the date
2 required under clause (i); and

3 (bb) may not be later than 4
4 years after the date on which the
5 entity receives the subgrant;

6 (C) if laying middle-mile fiber or conduit
7 underground or along a roadway, include inter-
8 spersed access points at regular intervals;

9 (D) once the network has been deployed,
10 provide public notice, online and through other
11 means, of that fact to the area in which
12 broadband service has been provided and share
13 the public notice with the eligible entity that
14 awarded the subgrant; and

15 (E) if the entity is no longer able to pro-
16 vide broadband service to the area covered by
17 the subgrant at any time, sell the network ca-
18 pacity at a reasonable, wholesale rate on a non-
19 discriminatory basis to other broadband service
20 providers or public sector entities.

21 (5) RETURN OF FUNDS.—An entity that re-
22 ceives a subgrant from an eligible entity under sub-
23 section (g)(1)(A) and fails to comply with any re-
24 quirement under this subsection shall return up to

1 the entire amount of the subgrant to the eligible en-
2 tity, at the discretion of the eligible entity.

3 (6) REASONABLE PERMITTING FEES.—If an en-
4 tity that receives a subgrant under subsection
5 (g)(1)(A) requires access to a right-of-way, including
6 for a pole attachment, from the Federal Government
7 or a State or local government in order to deploy the
8 broadband network, the Federal Government or
9 State or local government may only charge the enti-
10 ty a reasonable fee in an amount that is consistent
11 with the amount of the fee that the Federal Govern-
12 ment or State or local government charges for utility
13 permits.

14 (7) ADDITIONAL REQUIREMENTS IMPOSED BY
15 ELIGIBLE ENTITY.—Nothing in this subsection shall
16 be construed to prohibit an eligible entity from im-
17 posing additional requirements relating to the use of
18 a subgrant awarded under subsection (g)(1)(A) if
19 the requirements do not conflict with this subsection,
20 including by—

21 (A) increasing the minimum speed of
22 broadband service that must be provided; or

23 (B) imposing penalties on noncompliant
24 subgrantees in addition to the penalty under
25 paragraph (5).

1 (8) BANKRUPTCY CONTINGENCY.—An eligible
2 entity that awards a subgrant to an entity under
3 subsection (g)(1)(A) for the deployment of a
4 broadband network shall enter into an agreement
5 with the subgrantee that requires the subgrantee, in
6 the case of bankruptcy, to commit to repay the full
7 amount of the subgrant before fulfilling any other fi-
8 nancial obligations, except for salaries, compensa-
9 tion, and severance payments for non-executive posi-
10 tions.

11 (9) STANDARDS.—An eligible entity may not
12 award a subgrant to an entity under subsection
13 (g)(1)(A) for the deployment of a broadband net-
14 work unless the eligible entity has confirmed that
15 the subgrantee has the financial, operational, and
16 technical capacity to meet the buildout obligations of
17 the project.

18 (j) REPORTING.—

19 (1) ELIGIBLE ENTITIES.—

20 (A) INITIAL REPORT.—Not later than 180
21 days after receiving grant funds under this sec-
22 tion, for the sole purposes of providing trans-
23 parency and providing information to inform fu-
24 ture Federal broadband planning, an eligible

entity shall submit to the Assistant Secretary a report describing—

- (i) the planned use of funds;
- (ii) the process of subgranting; and
- (iii) the establishment of appropriate mechanisms by the eligible entity to ensure compliance with the eligible uses prescribed under subsection (g).

(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 funds; and
- (ii) certifies that the eligible entity 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

1 (II) the number of locations at
2 which broadband service was provided
3 using the grant funds.

4 (C) FINAL REPORT.—Not later than 1
5 year after an eligible entity has expended all
6 grant funds received under this section, the eli-
7 gible entity shall submit to the Assistant Sec-
8 retary a report that—

9 (i) describes how the eligible entity ex-
10 pended the funds;

11 (ii) includes each report that the eligi-
12 ble entity received from a subgrantee
13 under paragraph (2); and

14 (iii) certifies that the eligible entity
15 complied with the requirements of this sec-
16 tion and with any additional reporting re-
17 quirements prescribed by the Assistant
18 Secretary, including—

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

21 (II) the number of locations at
22 which, and residents for whom,
23 broadband service was provided using
24 the grant funds.

1 (D) PROVISION TO FCC AND USDA.—Sub-
 2 ject to the sole purposes described in subpara-
 3 graph (A)(i), and subject to subsection (l), the
 4 Assistant Secretary shall enter into a memo-
 5 randum of understanding with the Commission
 6 and the Department of Agriculture under which
 7 the Assistant Secretary provides the final re-
 8 ports received under subparagraph (C) to the
 9 Commission and the Department of Agriculture
 10 to be used when determining whether to award
 11 funds for the deployment of broadband under
 12 any program administered by those agencies.

13 (2) SUBGRANTEES.—

14 (A) SEMIANNUAL REPORT.—The recipient
 15 of a subgrant from an eligible entity under this
 16 section shall submit to the eligible entity a
 17 semiannual report for the duration of the
 18 subgrant to track the effectiveness of the use of
 19 funds provided.

20 (B) CONTENTS.—Each report submitted
 21 under subparagraph (A) shall—

22 (i) describe each type of project car-
 23 ried out using the subgrant and the dura-
 24 tion of the subgrant;

1 (ii) in the case of a broadband infra-
2 structure project—

3 (I) include a list of addresses or
4 locations that constitute the service
5 area that will be served by the
6 broadband infrastructure to be con-
7 structed;

8 (II) identify whether each ad-
9 dress or location described in sub-
10 clause (I) is residential, commercial,
11 or a community anchor institution;

12 (III) describe the types of facili-
13 ties that have been constructed and
14 installed;

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

18 (V) describe the maximum adver-
19 tised speed of the broadband service
20 being offered;

21 (VI) describe the non-pro-
22 motional prices, including any associ-
23 ated fees, charged for different tiers
24 of broadband service being offered;

1 (VII) include any other data that
2 would be required to comply with the
3 data and mapping collection standards
4 of the Commission under section
5 1.7004 of title 47, Code of Federal
6 Regulations, or any successor regula-
7 tion, for broadband infrastructure
8 projects; and

9 (VIII) comply with any other rea-
10 sonable reporting requirements deter-
11 mined by the eligible entity; and

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

14 (3) STANDARDIZATION AND COORDINATION.—

15 The Assistant Secretary and the Commission shall
16 collaborate to—

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

23 (B) provide a standardized methodology to
24 recipients of grants and subgrantees under this

1 section for reporting the information described
2 in subparagraph (A).

3 (k) TECHNICAL ASSISTANCE TO ELIGIBLE ENTI-
4 TIES.—Upon request by an eligible entity, the Assistant
5 Secretary shall provide technical assistance to support
6 identification of eligible areas, submission of the initial
7 proposal or final proposal, competitive awarding of sub-
8 grants, and oversight of subgrants under this section to
9 ensure the efficient and effective use of funds.

10 (l) RELATION TO OTHER PUBLIC FUNDING.—Not-
11 withstanding any other provision of law—

12 (1) an entity that has received amounts from
13 the Federal Government or a State or local govern-
14 ment for the purpose of expanding access to
15 broadband service may receive a subgrant under
16 subsection (g) in accordance with this section; and

17 (2) the receipt of a subgrant under subsection
18 (g) by an entity described in paragraph (1) of this
19 subsection shall not affect the eligibility of the entity
20 to receive the amounts from the Federal Government
21 or a State or local government described in that
22 paragraph.

23 (m) SUPPLEMENT NOT SUPPLANT.—Grant funds
24 awarded to an eligible entity under this section shall be
25 used to supplement, and not supplant, the amounts that

1 the eligible entity would otherwise make available for the
 2 purposes for which the grant funds may be used.

3 (n) SENSE OF CONGRESS REGARDING FEDERAL
 4 AGENCY COORDINATION.—It is the sense of Congress that
 5 Federal agencies responsible for supporting broadband de-
 6 ployment, including the Commission, the Department of
 7 Commerce, and the Department of Agriculture, to the ex-
 8 tent possible, should align the goals, application and re-
 9 porting processes, and project requirements with respect
 10 to broadband deployment supported by those agencies.

11 **SEC. 4. PREEMPTION OF STATE AND LOCAL RESTRICTIONS**
 12 **ON MUNICIPAL BROADBAND.**

13 Title I of the Communications Act of 1934 (47
 14 U.S.C. 151 et seq.) is amended by adding at the end the
 15 following:

16 **“SEC. 14. PREEMPTION OF STATE AND LOCAL RESTRIC-**
 17 **TIONS ON MUNICIPAL BROADBAND.**

18 “(a) DEFINITIONS.—In this section—

19 “(1) the term ‘advanced telecommunications ca-
 20 pability’ has the meaning given the term in section
 21 706(d) of the Telecommunications Act of 1996 (47
 22 U.S.C. 1302(d));

23 “(2) the term ‘advanced telecommunications ca-
 24 pability or services’ means—

1 “(A) advanced telecommunications capa-
2 bility; or

3 “(B) services using advanced telecommuni-
4 cations capability;

5 “(3) the term ‘Indian Tribe’ has the meaning
6 given the term in section 4 of the Indian Self-Deter-
7 mination and Education Assistance Act (25 U.S.C.
8 5304); and

9 “(4) the term ‘public provider’ means—

10 “(A) a State or political subdivision there-
11 of;

12 “(B) any agency, authority, or instrumen-
13 tality of a State or political subdivision thereof,
14 including an intergovernmental agency, author-
15 ity, or instrumentality;

16 “(C) an Indian Tribe; or

17 “(D) any entity that is owned by, con-
18 trolled by, or otherwise affiliated with—

19 “(i) a State or political subdivision
20 thereof;

21 “(ii) an agency, authority, or instru-
22 mentality of a State or political subdivision
23 thereof, including an intergovernmental
24 agency, authority, or instrumentality; or

25 “(iii) an Indian Tribe.

1 “(b) PREEMPTION.—No statute, regulation, or other
 2 legal requirement of a State or political subdivision thereof
 3 may prohibit, or have the effect of prohibiting or substan-
 4 tially inhibiting, any public provider from—

5 “(1) providing telecommunications services or
 6 advanced telecommunications capability or services
 7 to any person or any public or private entity; or

8 “(2) deploying a network and infrastructure
 9 used to provide services, or capability and services,
 10 described in paragraph (1).”.

11 **SEC. 5. REPORT ON FUTURE OF UNIVERSAL SERVICE**
 12 **FUND.**

13 (a) DEFINITIONS.—In this section—

14 (1) the term “Commission” means the Federal
 15 Communications Commission; and

16 (2) the term “universal service goals for
 17 broadband” means the statutorily mandated goals of
 18 universal service for advanced telecommunications
 19 capability under section 706 of the Telecommuni-
 20 cations Act of 1996 (47 U.S.C. 1302).

21 (b) EVALUATION.—Not later than 30 days after the
 22 date of enactment of this Act, the Commission shall com-
 23 mence a proceeding to evaluate the implications of this
 24 Act and the amendments made by this Act on how the

1 Commission should achieve the universal service goals for
2 broadband.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than 270 days
5 after the date of enactment of this Act, the Commis-
6 sion shall submit to Congress a report on the op-
7 tions of the Commission for improving its effective-
8 ness in achieving the universal service goals for
9 broadband in light of this Act and the amendments
10 made by this Act, and other legislation that address-
11 es those goals.

12 (2) RECOMMENDATIONS.—In the report sub-
13 mitted under paragraph (1), the Commission may
14 make recommendations for Congress on further ac-
15 tions the Commission and Congress could take to
16 improve the ability of the Commission to achieve the
17 universal service goals for broadband.

18 (3) SCOPE OF UNIVERSAL SERVICE.—In sub-
19 mitting the report under paragraph (1), the Com-
20 mission—

21 (A) may not in any way reduce the con-
22 gressional mandate to achieve the universal
23 service goals for broadband; and

24 (B) may provide recommendations for Con-
25 gress to expand the universal service goals for

- 1 broadband, if the Commission believes such an
- 2 expansion is in the public interest.

○