

(Pub. L. 89-136, title II, §220, as added Pub. L. 118-272, div. B, title II, §2222, Jan. 4, 2025, 138 Stat. 3187.)

§ 3154g. High-speed broadband deployment initiative

(a) Definitions

In this section:

(1) Broadband project

The term “broadband project” means, for the purposes of providing, extending, expanding, or improving high-speed broadband service to further the goals of this chapter—

(A) planning, technical assistance, or training;

(B) the acquisition or development of land; or

(C) the acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of facilities, including related machinery, equipment, contractual rights, and intangible property.

(2) Eligible recipient

(A) In general

The term “eligible recipient” means an eligible recipient.

(B) Inclusions

The term “eligible recipient” includes—

(i) a public-private partnership; and

(ii) a consortium formed for the purpose of providing, extending, expanding, or improving high-speed broadband service between 1 or more eligible recipients and 1 or more for-profit organizations.

(3) High-speed broadband

The term “high-speed broadband” means the provision of 2-way data transmission with sufficient downstream and upstream speeds to end users to permit effective participation in the economy and to support economic growth, as determined by the Secretary.

(b) Broadband projects

(1) In general

On the application of an eligible recipient, the Secretary may make grants under this subchapter for broadband projects, which shall be subject to the provisions of this section.

(2) Considerations

In reviewing applications submitted under paragraph (1), the Secretary shall take into consideration geographic diversity of grants provided, including consideration of underserved markets, in addition to data requested in paragraph (3).

(3) Data requested

In reviewing an application submitted under paragraph (1), the Secretary shall request from the Federal Communications Commission, the Administrator of the National Telecommunications and Information Administration, the Secretary of Agriculture, and the Appalachian Regional Commission data on—

(A) the level and extent of broadband service that exists in the area proposed to be served; and

(B) the level and extent of broadband service that will be deployed in the area proposed to be served pursuant to another Federal program.

(4) Interest in real or personal property

For any broadband project carried out by an eligible recipient that is a public-private partnership or consortium, the Secretary shall require that title to any real or personal property acquired or improved with grant funds, or if the recipient will not acquire title, another possessory interest acceptable to the Secretary, be vested in a public partner or eligible nonprofit organization or association for the useful life of the project, after which title may be transferred to any member of the public-private partnership or consortium in accordance with regulations promulgated by the Secretary.

(5) Procurement

Notwithstanding any other provision of law, no person or entity shall be disqualified from competing to provide goods or services related to a broadband project on the basis that the person or entity participated in the development of the broadband project or in the drafting of specifications, requirements, statements of work, or similar documents related to the goods or services to be provided.

(6) Broadband project property

(A) In general

The Secretary may permit a recipient of a grant for a broadband project to grant an option to acquire real or personal property (including contractual rights and intangible property) related to that project to a third party on such terms as the Secretary determines to be appropriate, subject to the condition that the option may only be exercised after the Secretary releases the Federal interest in the property.

(B) Treatment

The grant or exercise of an option described in subparagraph (A) shall not constitute a redistribution of grant funds under section 3154c of this title.

(c) Non-Federal share

In determining the amount of the non-Federal share of the cost of a broadband project, the Secretary may provide credit toward the non-Federal share for the present value of allowable contributions over the useful life of the broadband project, subject to the condition that the Secretary may require such assurances of the value of the rights and of the commitment of the rights as the Secretary determines to be appropriate.

(Pub. L. 89-136, title II, §221, as added Pub. L. 118-272, div. B, title II, §2223, Jan. 4, 2025, 138 Stat. 3188.)

§ 3154h. Critical Supply Chain Site Development grant program

(a) In general

On the application of an eligible recipient, the Secretary may make grants under the “Critical