

(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

Supply Chain Site Development grant program” (referred to in this section as the “grant program”) to carry out site development or expansion projects for the purpose of making the site ready for manufacturing projects.

(b) Considerations

In providing a grant to an eligible recipient under the grant program, the Secretary may consider whether—

(1) the proposed improvements to the site will improve economic conditions for rural areas, Tribal communities, or areas that meet 1 or more of the criteria described in section 3161(a) of this title;

(2) the project is consistent with regional economic development plans, which may include a comprehensive economic development strategy;

(3) the eligible recipient has initiatives to prioritize job training and workforce development; and

(4) the project supports industries determined by the Secretary to be of strategic importance to the national or economic security of the United States.

(c) Priority

In awarding grants to eligible recipients under the grant program, the Secretary shall give priority to eligible recipients that propose to carry out a project that—

(1) has State, local, private, or nonprofit funds being contributed to assist with site development efforts; and

(2) if the site development or expansion project is carried out, will result in a demonstrated interest in the site by commercial entities or other entities.

(d) Use of funds

A grant provided under the grant program may be used for the following activities relating to the development or expansion of a site:

(1) Investments in site utility readiness, including—

(A) construction of on-site utility infrastructure;

(B) construction of last-mile infrastructure, including road infrastructure, water infrastructure, power infrastructure, broadband infrastructure, and other physical last-mile infrastructure;

(C) site grading; and

(D) other activities to extend public utilities or services to a site, as determined appropriate by the Secretary.

(2) Investments in site readiness, including—

(A) land assembly;

(B) environmental reviews;

(C) zoning;

(D) design;

(E) engineering; and

(F) permitting.

(3) Investments in workforce development and sustainability programs, including job training and retraining programs.

(4) Investments to ensure that disadvantaged communities have access to on-site jobs.

(e) Prohibition

(1) In general

Subject to paragraph (2), in awarding grants under the grant program, the Secretary shall

not require an eligible recipient to demonstrate that a private company or investment has selected the site for development or expansion.

(2) Safeguards

In awarding grants under the grant program, the Secretary shall include necessary safeguards to ensure that—

(A) the site development is fully completed within a reasonable timeframe; and

(B) the eligible recipient has sufficiently demonstrated private sector interest.

(Pub. L. 89-136, title II, §222, as added Pub. L. 118-272, div. B, title II, §2224, Jan. 4, 2025, 138 Stat. 3189.)

SUBCHAPTER III—ELIGIBILITY; COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

§ 3161. Eligibility of areas

(a) In general

For a project to be eligible for assistance under section 3141 or 3149 of this title, the project shall be located in an area that, on the date of submission of the application, meets 1 or more of the following criteria:

(1) Low per capita income

The area has a per capita income of 80 percent or less of the national average.

(2) Unemployment rate above national average

The area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate.

(3) Unemployment, underemployment, or economic adjustment problems

The area is an area that the Secretary determines has experienced or is about to experience a special need arising from actual or threatened severe unemployment, underemployment, or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions.

(4) Low median household income

The area has a median household income of 80 percent or less of the national average.

(5) Workforce participation

The area has—

(A) a labor force participation rate of 90 percent or less of the national average; or

(B) a prime-age employment gap of 5 percent or more.

(6) Expected economic dislocation and distress from energy industry transitions

The area is an area that is expected to experience actual or threatened severe unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions from energy industries that are experiencing accelerated contraction.

(b) Political boundaries of areas

An area that meets 1 or more of the criteria of subsection (a), including a small area of poverty