

- (D) the National Security Agency; and
- (E) the Federal Bureau of Investigation.

**(3) Commission**

The term “Commission” means the Federal Communications Commission.

**(4) Communications equipment or service**

The term “communications equipment or service” means any equipment or service that is essential to the provision of advanced communications service.

**(5) Covered communications equipment or service**

The term “covered communications equipment or service” means any communications equipment or service that is on the list published by the Commission under section 1601(a) of this title.

**(6) Customers**

The term “customers” means, with respect to a provider of advanced communications service—

- (A) the customers of such provider; and
- (B) the customers of any affiliate (as defined in section 153 of this title) of such provider.

**(7) Executive branch interagency body**

The term “executive branch interagency body” means an interagency body established in the executive branch.

**(8) Person**

The term “person” means an individual or entity.

**(9) Program**

The term “Program” means the Secure and Trusted Communications Networks Reimbursement Program established under section 1603(a) of this title.

**(10) Provider of advanced communications service**

The term “provider of advanced communications service”—

- (A) means a person who provides advanced communications service to United States customers; and
- (B) includes—

- (i) accredited public or private non-commercial educational institutions, providing their own facilities-based educational broadband service, as defined in section 27.4 of title 47, Code of Federal Regulations, or any successor regulation; and
- (ii) health care providers and libraries providing advanced communications service.

**(11) Recipient**

The term “recipient” means any provider of advanced communications service the application of which for a reimbursement under the Program has been approved by the Commission, regardless of whether the provider has received reimbursement funds.

**(12) Reimbursement funds**

The term “reimbursement funds” means any reimbursement received under the Program.

(Pub. L. 116-124, §9, Mar. 12, 2020, 134 Stat. 169; Pub. L. 116-260, div. N, title IX, §901(2), Dec. 27, 2020, 134 Stat. 2121.)

**Editorial Notes**

AMENDMENTS

2020—Par. (10). Pub. L. 116-260 amended par. (10) generally. Prior to amendment, text read as follows: “The term ‘provider of advanced communications service’ means a person who provides advanced communications service to United States customers.”

**§ 1609. Severability**

If any provision of this chapter, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remaining provisions of this chapter, and the application of such provisions to any person or circumstance, shall not be affected thereby.

(Pub. L. 116-124, §10, Mar. 12, 2020, 134 Stat. 170.)

**CHAPTER 16—BROADBAND ACCESS**

SUBCHAPTER I—BROADBAND GRANTS FOR STATES, DISTRICT OF COLUMBIA, PUERTO RICO, AND TERRITORIES

- Sec. Findings.
- 1701. Grants for broadband deployment.
- 1702. Broadband DATA maps.
- 1703. Broadband Deployment Locations Map.
- 1704. Grants for broadband connectivity.
- 1705.

SUBCHAPTER II—DIGITAL EQUITY ACT OF 2021

- 1721. Definitions.
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SUBCHAPTER III—ENABLING MIDDLE MILE BROADBAND INFRASTRUCTURE

- 1741. Enabling middle mile broadband infrastructure.

SUBCHAPTER IV—BROADBAND AFFORDABILITY

- 1751. Definitions.
- 1752. Benefit for broadband service.
- 1753. Adoption of consumer broadband labels.
- 1754. Digital discrimination.

SUBCHAPTER I—BROADBAND GRANTS FOR STATES, DISTRICT OF COLUMBIA, PUERTO RICO, AND TERRITORIES

**§ 1701. Findings**

Congress finds the following:

- (1) Access to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States.
- (2) The persistent “digital divide” in the United States is a barrier to the economic competitiveness of the United States and equitable distribution of essential public services, including health care and education.
- (3) The digital divide disproportionately affects communities of color, lower-income areas, and rural areas, and the benefits of broadband should be broadly enjoyed by all.
- (4) In many communities across the country, increased competition among broadband pro-

viders has the potential to offer consumers more affordable, high-quality options for broadband service.

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

(Pub. L. 117–58, div. F, title I, § 60101, Nov. 15, 2021, 135 Stat. 1182.)

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

Pub. L. 117–58, div. F, title III, § 60301, Nov. 15, 2021, 135 Stat. 1209, provided that: “This title [enacting subchapter II of this chapter] may be cited as the ‘Digital Equity Act of 2021’.”

### § 1702. Grants for broadband deployment

#### (a) Definitions

##### (1) Areas, locations, and institutions lacking broadband access

In this section:

###### (A) Unserved location

The term “unserved location” means a broadband-serviceable location, as determined in accordance with the broadband DATA maps, that—

- (i) has no access to broadband service; or
- (ii) lacks access to reliable broadband service offered with—

(I) a speed of not less than—

(aa) 25 megabits per second for downloads; and

(bb) 3 megabits per second for uploads; and

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

###### (B) Unserved service project

The term “unserved service project” means a project in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations.

###### (C) Underserved location

The term “underserved location” means a location—

- (i) that is not an unserved location; and
- (ii) as determined in accordance with the broadband DATA maps, lacks access to reliable broadband service offered with—

(I) a speed of not less than—

(aa) 100 megabits per second for downloads; and

(bb) 20 megabits per second for uploads; and

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

###### (D) Underserved service project

The term “underserved service project” means a project in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations or underserved locations.

###### (E) Eligible community anchor institution

The term “eligible community anchor institution” means a community anchor insti-

tution that lacks access to gigabit-level broadband service.

#### (2) Other definitions

In this section:

##### (A) Assistant Secretary

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

##### (B) Broadband; 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.

##### (C) Broadband DATA maps

The term “broadband DATA maps” means the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)).

##### (D) Commission

The term “Commission” means the Federal Communications Commission.

##### (E) Community anchor institution

The term “community anchor institution” means an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals.

##### (F) Eligible entity

The term “eligible entity” means a State.

##### (G) High-cost area

###### (i) In general

The term “high-cost area” means an unserved area in which the cost of building out broadband service is higher, as compared with the average cost of building out broadband service in unserved areas in the United States (as determined by the Assistant Secretary, in consultation with the Commission), incorporating factors that include—

(I) the remote location of the area;

(II) the lack of population density of the area;

(III) the unique topography of the area;

(IV) a high rate of poverty in the area;

or

(V) any other factor identified by the Assistant Secretary, in consultation with the Commission, that contributes to the higher cost of deploying broadband service in the area.

###### (ii) Unserved area

For purposes of clause (i), the term “unserved area” means an area in which not less than 80 percent of broadband-serviceable locations are unserved locations.

##### (H) Location; broadband-serviceable location

The terms “location” and “broadband-serviceable location” have the meanings