

(2) may establish additional reporting and information requirements for any recipient of a grant under the Program.

(i) Supplement not supplant

A grant awarded to an entity under the Program shall supplement, not supplant, other Federal or State funds that have been made available to the entity to carry out activities described in this section.

(j) Set asides

From amounts made available in a fiscal year to carry out the Program, the Assistant Secretary shall reserve—

(1) 5 percent for the implementation and administration of the Program, which shall include—

(A) providing technical support and assistance, including ensuring consistency in data reporting;

(B) providing assistance to entities to prepare the applications of those entities with respect to grants awarded under this section;

(C) developing the report required under section 1725(a) of this title; and

(D) conducting outreach to entities that may be eligible to be awarded a grant under the Program regarding opportunities to apply for such a grant;

(2) 5 percent to award grants to, or enter into contracts or cooperative agreements with, Indian Tribes, Alaska Native entities, and Native Hawaiian organizations to allow those tribes, entities, and organizations to carry out the activities described in this section; and

(3) 1 percent to award grants to, or enter into contracts or cooperative agreements with, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States that is not a State to enable those entities to carry out the activities described in this section.

(k) Rules

The Assistant Secretary may prescribe such rules as may be necessary to carry out this section.

(l) 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 sec-

tion, 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.