

117TH CONGRESS  
1ST SESSION

# H. R. 4825

To establish broadband expansion grant programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2021

Mr. HUDSON introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To establish broadband expansion grant programs, and for  
other purposes.

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 “21st Century Broad-  
5       band Deployment Act”.

6       **SEC. 2. BROADBAND EXPANSION GRANT PROGRAM.**

7       (a) NOTIFICATION OF CREATION OF BROADBAND  
8       MAPS; DATA SHARING.—

9               (1) IN GENERAL.—Not later than 3 business  
10       days after creating the maps required under section  
11       802(c)(1) of the Communications Act of 1934 (47

1 U.S.C. 642(c)(1)), the Commission shall notify the  
2 Assistant Secretary that such maps have been cre-  
3 ated.

4 (2) DATA SHARING.—Not less frequently than  
5 annually, the Commission shall, through the process  
6 established under section 802(b)(7) of the Commu-  
7 nications Act of 1934 (47 U.S.C. 642(b)(7)), provide  
8 the Assistant Secretary any data collected by the  
9 Commission pursuant to title VIII of such Act.

10 (b) BROADBAND GRANT PROGRAM.—

11 (1) ESTABLISHMENT OF GRANT PROGRAM; NO-  
12 TICE OF FUNDING OPPORTUNITY.—The Assistant  
13 Secretary shall, not later than 1 year after the As-  
14 sistant Secretary is notified as described in sub-  
15 section (a)(1)—

16 (A) establish a program to make grants on  
17 a competitive basis, from amounts made avail-  
18 able to carry out this section, to covered part-  
19 nerships for covered broadband projects; and

20 (B) publish a Notice of Funding Oppor-  
21 tunity in the Federal Register that includes in-  
22 formation about such program, including any  
23 requirement established by this section.

24 (2) LIMITATION.—The Assistant Secretary may  
25 not make a grant under this section before the date

1 that is 1 year after the date on which the Assistant  
2 Secretary is notified as described in subsection  
3 (a)(1).

4 (3) COORDINATION.—In making a grant award  
5 under paragraph (1), in order to avoid overbuilding  
6 in areas where Federal funds have already been  
7 awarded, the Assistant Secretary shall coordinate  
8 with—

9 (A) the Chairman of the Commission;

10 (B) the Secretary of Agriculture; and

11 (C) the Assistant Secretary of Commerce  
12 for Economic Development.

13 (4) ELIGIBILITY REQUIREMENTS.—

14 (A) IN GENERAL.—To be eligible for a  
15 grant under this section, a covered partnership  
16 shall submit an application at such time, in  
17 such manner, and containing such information  
18 as the Assistant Secretary may require, but the  
19 application shall, at a minimum, include a de-  
20 scription of—

21 (i) the covered partnership submitting  
22 the application under this subsection;

23 (ii) the covered broadband project to  
24 be funded by the grant, including the  
25 speed or speeds at which the covered part-

nership plans to offer broadband service under the project;

(iii) the cost of the covered broadband project to be funded by the grant, including—

(I) a description of how the required construction will be funded;

(II) all estimated project costs for all facilities that are required to complete the project, including the costs of upgrading, replacing, or otherwise modifying the existing facilities to expand coverage or meet performance requirements;

(III) a description of how grant funds will be used in combination with other funds to support the broadband service project;

(IV) in the case of a broadband service project that will be partially supported by loans, financial projections demonstrating that the covered partnership can cover the necessary debt service payments over the life of any loan; and

1 (V) financial projections dem-  
2 onstrating that the covered partner-  
3 ship will remain financially stable at  
4 the conclusion of the grant award;

5 (iv) the area to be served by the cov-  
6 ered broadband project (in this section re-  
7 ferred to as the “proposed service area”);

8 (v) how the State, political subdivi-  
9 sion, or political subdivisions in the covered  
10 partnership chose which provider of broad-  
11 band service to enter into a partnership  
12 with for the purposes of applying for a  
13 grant under this section; and

14 (vi) any support provided to the pro-  
15 vider of broadband service that is in the  
16 covered partnership through—

17 (I) any grant, loan, or loan guar-  
18 antee provided by a State to the pro-  
19 vider of broadband service for the de-  
20 ployment of broadband service in the  
21 proposed service area;

22 (II) any grant, loan, or loan  
23 guarantee with respect to the pro-  
24 posed service area provided by the  
25 Secretary of Agriculture under title

1 VI of the Rural Electrification Act of  
2 1936 (7 U.S.C. 950bb et seq.), includ-  
3 ing the Broadband Grants, Loans,  
4 and Loan Guarantees program, the  
5 Community Connect Programs, and  
6 the ReConnect Pilot Program;

7 (III) any high-cost universal serv-  
8 ice support provided under section  
9 254 of the Communications Act of  
10 1934 (47 U.S.C. 254);

11 (IV) any grant provided under  
12 section 6001 of the American Recov-  
13 ery and Reinvestment Act of 2009 (47  
14 U.S.C. 1305);

15 (V) the Education Stabilization  
16 Fund under title VIII of division B of  
17 the CARES Act (Public Law 116–  
18 136);

19 (VI) any grant, loan, or loan  
20 guarantee provided by the Federal  
21 Government for the provision of  
22 broadband service; or

23 (VII) any legally enforceable  
24 broadband deployment obligations to  
25 which the provider of broadband serv-

1 ice is subject in the eligible service  
2 area.

3 (B) REQUIREMENT TO STREAMLINE PER-  
4 MITTING PROCESS.—

5 (i) IN GENERAL.—In order for a cov-  
6 ered partnership to be eligible for a grant  
7 under this section each covered entity may  
8 only charge a fee to consider an applica-  
9 tion for the placement, construction, or  
10 modification of a facility for the provision  
11 of broadband service, personal wireless  
12 services, or telecommunications service in  
13 the proposed service area or an application  
14 to use a right-of-way or a facility in a  
15 right-of-way owned or managed by that en-  
16 tity for the placement, construction, or  
17 modification of a facility for the provision  
18 of any such service in the proposed service  
19 area, if the fee for considering such appli-  
20 cation is—

21 (I) nondiscriminatory;

22 (II) publicly disclosed; and

23 (III) based on actual and direct  
24 costs, such as costs for the review and  
25 processing of such applications.

1 (ii) COVERED ENTITY DEFINED.—In  
2 this paragraph, the term “covered entity”  
3 means—

4 (I) an entity in the partnership  
5 that is a State or political subdivision  
6 of a State; and

7 (II) a political subdivision in  
8 which all or part of the proposed serv-  
9 ice area is located.

10 (5) PRIORITY.—In awarding grants under this  
11 section, the Assistant Secretary shall give priority to  
12 applications for covered broadband projects as fol-  
13 lows (in decreasing order of priority):

14 (A) Covered broadband projects designed  
15 to provide broadband service to the greatest  
16 number of households in an eligible service  
17 area.

18 (B) Covered broadband projects designed  
19 to provide broadband service in an eligible serv-  
20 ice area that is wholly within any area other  
21 than—

22 (i) a county, city, or town that has a  
23 population of greater than 50,000 inhab-  
24 itants; and



1 (ii) the urbanized area contiguous and  
2 adjacent to such a city or town.

3 (C) Covered broadband projects that are  
4 most cost-effective, prioritizing such areas that  
5 are most rural.

6 (D) Covered broadband projects designed  
7 to provide broadband service with a download  
8 speed of at least 100 megabits per second and  
9 an upload speed of at least 20 megabits per sec-  
10 ond.

11 (E) Any other covered broadband project  
12 that meets the requirements of this section.

13 (6) FEDERAL CONTRIBUTION.—The amount of  
14 any grant provided to a covered partnership under  
15 this section may not exceed 75 percent of the total  
16 cost of the covered broadband project.

17 (7) GRANT CONDITIONS.—

18 (A) REQUIREMENTS.—As a condition of  
19 receiving a grant under this section for a cov-  
20 ered broadband project that involves placing fa-  
21 cilities along a roadway, the Assistant Secretary  
22 shall require the covered partnership receiving  
23 the grant to include consistent access points to  
24 allow access to such facilities, in accordance  
25 with any best practices established by the Com-

1 mission regarding the placement of conduit ac-  
2 cess points.

3 (B) PROHIBITIONS.—As a condition of re-  
4 ceiving a grant under this section, the Assistant  
5 Secretary shall prohibit—

6 (i) a provider of broadband service  
7 that is in the covered partnership receiving  
8 the grant under this section—

9 (I) from using grant amounts  
10 provided under this section to repay,  
11 or make any other payment relating  
12 to, a loan made by any public or pri-  
13 vate lender;

14 (II) from using grant amounts  
15 provided under this section as collat-  
16 eral for a loan made by any public or  
17 private lender; and

18 (III) from using more than  
19 \$75,000 of grant amounts provided  
20 under this section to pay for the prep-  
21 aration of an application for a grant  
22 under this section; and

23 (ii) a State, or a political subdivision  
24 of the State, that is in the covered partner-  
25 ship receiving the grant under this section

1 from, after accepting a grant under this  
2 section offering broadband service.

3 (C) NONDISCRIMINATION.—The Assistant  
4 Secretary may not require a provider of  
5 broadband service that is in an eligible partner-  
6 ship to be designated as an eligible tele-  
7 communications carrier pursuant to section  
8 214(e) of the Communications Act of 1934 (47  
9 U.S.C. 214(e)) to be eligible to receive a grant  
10 under this section or as a condition of receiving  
11 a grant under this section.

12 (8) BUILD-OUT, NOTIFICATION, AND ACCOUNT-  
13 ABILITY REQUIREMENT.—

14 (A) IN GENERAL.—The Assistant Sec-  
15 retary shall establish build-out, accountability,  
16 and (in accordance with paragraph (8)) report-  
17 ing requirements for covered partnerships that  
18 receive grants under this section, including, for  
19 each covered partnership that receives a grant  
20 under this section, milestones for the deploy-  
21 ment of broadband service under the covered  
22 broadband project funded by the grant.

23 (B) NOTIFICATION TO COMMISSION.—  
24 Upon establishing a build-out, accountability, or  
25 reporting requirement under subparagraph (A),

1 the Assistant Secretary shall transmit to the  
2 Commission a notification describing such re-  
3 quirement.

4 (C) PENALTY.—If a covered partnership  
5 fails to meet a build out requirement under  
6 subparagraph (A), the Assistant Secretary  
7 shall—

8 (i) recover any funds made available  
9 to the covered partnership; and

10 (ii) assess a covered partnership (to  
11 be split equally among each entity in the  
12 partnership) a fine of not less than 50 per-  
13 cent of the funds made available to the  
14 covered partnership.

15 (9) REPORTING REQUIREMENTS.—

16 (A) IN GENERAL.—A covered partnership  
17 that receives a grant under this section shall—

18 (i) semiannually submit to the Assist-  
19 ant Secretary a certification that identifies  
20 the areas for which broadband service has  
21 been deployed under the covered broad-  
22 band project funded by the grant, to assess  
23 compliance with broadband build-out mile-  
24 stones established by the Assistant Sec-

retary under paragraph (8) for the project;  
and

(ii) provide to the Assistant Secretary complete, reliable, and precise information (in a manner consistent with how information is submitted under section 802 of the Communications Act of 1934 (47 U.S.C. 642)) on each area receiving access to broadband service through the covered broadband project funded by the grant, not later than 90 days after—

(I) the date of completion of each milestone established by the Assistant Secretary under paragraph (7) for the covered broadband project; and

(II) the date of completion of the covered broadband project.

(B) PUBLICATION OF SEMIANNUAL CERTIFICATION.—The Assistant Secretary shall publish in the Federal Register each certification submitted under subparagraph (A)(i), except that the Assistant Secretary shall not publish any information in such certification that the Assistant Secretary determines to be confidential.

1 (C) SHARING OF INFORMATION.—Not later  
2 than 30 days after receiving information under  
3 subparagraph (A)(ii), the Assistant Secretary  
4 shall provide such information to the Commis-  
5 sion.

6 (10) TECHNICAL ASSISTANCE.—

7 (A) IN GENERAL.—The Assistant Sec-  
8 retary may, at the request of a covered partner-  
9 ship applying for a grant under this section,  
10 provide technical assistance and training to  
11 such partnership with respect to the application  
12 process and the application to be submitted by  
13 the partnership.

14 (B) FUNDING.—Not more than  
15 \$1,000,000 of the amount made available to  
16 carry out this section may be used for technical  
17 assistance and training under subparagraph  
18 (A).

19 (C) COORDINATION.—When providing  
20 technical assistance to a covered partnership,  
21 the Assistant Secretary shall coordinate with  
22 any official of the State in which the political  
23 subdivision or political subdivisions in the cov-  
24 ered partnership are located that is responsible

1 for the expansion of broadband service in the  
2 State.

3 (11) RELATION TO OTHER FEDERAL AND  
4 STATE BROADBAND PROGRAMS.—

5 (A) UNIVERSAL SERVICE FUND.—Not later  
6 than 5 business days after the Commission re-  
7 ceives a request from the Assistant Secretary  
8 for any information the Assistant Secretary de-  
9 termines necessary to ensure that any grant  
10 made under this section complements and is not  
11 duplicative of high-cost universal service sup-  
12 port provided under section 254 of the Commu-  
13 nications Act of 1934 (47 U.S.C. 254), for an  
14 area that includes any portion or all of the area  
15 to be served by the covered broadband project  
16 with respect to which the grant is made, the  
17 Commission shall provide the Assistant Sec-  
18 retary such information.

19 (B) RURAL UTILITIES SERVICE.—Not later  
20 than 5 business days after the Secretary of Ag-  
21 riculture receives a request from the Assistant  
22 Secretary for any information the Assistant  
23 Secretary determines necessary to ensure that  
24 any grant made under this section complements  
25 and is not duplicative of grants, loans, or loan

1 guarantees provided by the Secretary of Agri-  
2 culture under title VI of the Rural Electrifica-  
3 tion Act of 1936 (7 U.S.C. 950bb et seq.), in-  
4 cluding the Broadband Grants, Loans, and  
5 Loan Guarantees program and the Community  
6 Connect Programs, and the ReConnect Pilot  
7 Program, for an area that includes any portion  
8 or all of the area to be served by the covered  
9 broadband project with respect to which the  
10 grant is made, the Secretary of Agriculture  
11 shall provide the Assistant Secretary such infor-  
12 mation.

13 (C) STATE BROADBAND GRANT PRO-  
14 GRAMS.—The Assistant Secretary shall ensure  
15 that any grant made under this section com-  
16 plements and is not duplicative of grants, loans,  
17 loan guarantees, or other support, provided by  
18 a State to a provider of broadband service in  
19 the covered partnership, that establishes a le-  
20 gally enforceable obligation for the provider to  
21 provide broadband service with a download  
22 speed of at least 25 megabits per second and an  
23 upload speed of at least 3 megabits per second,  
24 in an area that includes any portion or all of



1 the area to be served by the covered broadband  
2 project with respect to which the grant is made.

3 (12) REPORT TO CONGRESS.—The Assistant  
4 Secretary shall annually submit a report to Congress  
5 on the progress of the program established under  
6 this section, based on the information provided by  
7 covered partnerships under paragraph (8)(A)(ii),  
8 until every obligation under each grant provided  
9 under this section is fulfilled.

10 (13) AUTHORIZATION OF APPROPRIATIONS.—  
11 There is authorized to be appropriated to carry out  
12 this section \$20,000,000,000 for fiscal year 2023  
13 through fiscal year 2027, to remain available  
14 through fiscal year 2027.

15 (14) CHALLENGE PROCESS.—In the Notice of  
16 Funding Opportunity required to be published under  
17 subsection (b)(1)(B), the Assistant Secretary shall  
18 be required to establish a user-friendly challenge  
19 process through which consumers, State, local, and  
20 Tribal governmental entities, and other entities or  
21 individuals may submit information to the Assistant  
22 Secretary to challenge whether—

23 (A) with respect to an area, such area is  
24 an eligible service area;

1 (B) with respect to an area, an entity al-  
2 ready provides such service in the area; or

3 (C) with respect to an area, an entity al-  
4 ready has a legally enforceable obligation to  
5 provide broadband service in the area at 25  
6 megabits per second upload speed and 3 mega-  
7 bits per second download speed.

8 (15) LIMITATION ON STATE OR POLITICAL SUB-  
9 DIVISION.—

10 (A) Any entity in a covered partnership  
11 that is a State or political subdivision of a State  
12 may not prohibit or have the effect of prohib-  
13 iting the entity in a covered partnership that is  
14 a provider of fixed broadband service that is not  
15 owned (in whole or in part) or controlled by the  
16 State or any political subdivision of the State  
17 from entering into a covered partnership on the  
18 basis of requiring any obligation, requirement,  
19 duty, or regulation that is inconsistent with, or  
20 exceeds in a material way, any grant condition  
21 required by the Assistant Secretary.

22 (B) In the case of a covered partnership  
23 that receives a grant under this section, the en-  
24 tity in the partnership that is a State or polit-  
25 ical subdivision of a State may not impose any

1 obligation, requirement, duty, or regulation that  
2 is inconsistent with, or exceeds in a material  
3 way, any grant condition required by the Assist-  
4 ant Secretary.

5 (16) RULE OF CONSTRUCTION.—Nothing in  
6 this Act shall be construed to permit an entity in a  
7 covered partnership that is a State or a political  
8 subdivision of a State to own or operate any facility  
9 used to provide broadband service at the conclusion  
10 of the covered partnership.

11 (c) DEFINITIONS.—In this section:

12 (1) ASSISTANT SECRETARY.—The term “Assist-  
13 ant Secretary” means the Assistant Secretary of  
14 Commerce for Communications and Information.

15 (2) BROADBAND SERVICE.—The term “broad-  
16 band service” has the meaning given the term  
17 broadband internet access service in section 8.1(b)  
18 of title 47, Code of Federal Regulations (or any suc-  
19 cessor regulation).

20 (3) COMMISSION.—The term “Commission”  
21 means the Federal Communications Commission.

22 (4) COVERED BROADBAND PROJECT.—The  
23 term “covered broadband project” means a competi-  
24 tively and technologically neutral project for the de-  
25 ployment of fixed broadband service that provides in

1 a eligible service areas broadband service with a  
2 download speed of at least 25 megabits per second,  
3 an upload speed of at least 3 megabits per second,  
4 and a latency sufficient to support real-time applica-  
5 tions.

6 (5) COVERED PARTNERSHIP.—The term “cov-  
7 ered partnership” means—

8 (A) a partnership between—

9 (i) a State, if such State does not  
10 offer broadband service;

11 (ii) one or more political subdivisions  
12 of the State, if such political subdivision or  
13 such political subdivisions (as the case may  
14 be) do not offer broadband service; and

15 (iii) a provider of fixed broadband  
16 service that is not owned (in whole or in  
17 part) or controlled by the State or any po-  
18 litical subdivision of the State; or

19 (B) a partnership between—

20 (i) one or more political subdivisions  
21 of a State, provided such political subdivi-  
22 sion or political subdivisions (as the case  
23 may be) does not offer broadband service;  
24 and

1 (ii) a provider of fixed broadband  
2 service that is not owned (in whole or in  
3 part) or controlled by the State or any po-  
4 litical subdivision of the State.

5 (6) ELIGIBLE SERVICE AREA.—The term “eligi-  
6 ble service area” means a household or business lo-  
7 cation in which broadband service at 25 megabits  
8 per second upload and 3 megabits per second  
9 download speed is not available, as determined by  
10 the Assistant Secretary solely on the basis of the  
11 maps created under section 802(c)(1) of the Com-  
12 munications Act of 1934 (47 U.S.C. 642(c)(1)), ex-  
13 cept for those areas that are awarded funding in the  
14 Rural Digital Opportunity Fund Phase II Auction  
15 (FCC 20–5) or a High Cost Program.

16 (7) HIGH COST PROGRAM.—The term “high  
17 cost program” means any of the following—

18 (A) any grant, loan, or loan guarantee pro-  
19 vided by a State to the provider of broadband  
20 service for the deployment of broadband service  
21 in the proposed service area;

22 (B) any grant, loan, or loan guarantee  
23 with respect to the proposed service area pro-  
24 vided by the Secretary of Agriculture under title  
25 VI of the Rural Electrification Act of 1936 (7

1 U.S.C. 950bb et seq.), including the Broadband  
2 Grants, Loans, and Loan Guarantees program,  
3 the Community Connect Programs, and the Re-  
4 Connect Pilot Program;

5 (C) any high-cost universal service support  
6 provided under section 254 of the Communica-  
7 tions Act of 1934 (47 U.S.C. 254);

8 (D) any grant provided under section 6001  
9 of the American Recovery and Reinvestment  
10 Act of 2009 (47 U.S.C. 1305);

11 (E) the Education Stabilization Fund  
12 under title VIII of division B of the CARES  
13 Act (Public Law 116–136); or

14 (F) any grant, loan, or loan guarantee pro-  
15 vided by the Federal Government for the provi-  
16 sion of broadband service.

17 (8) PERSONAL WIRELESS SERVICES.—The term  
18 “personal wireless services”—

19 (A) has the meaning given such term in  
20 section 332 of the Communications Act of 1934  
21 (47 U.S.C. 332); and

22 (B) includes commercial mobile data serv-  
23 ice (as defined in section 6001 of the Middle  
24 Class Tax Relief and Job Creation Act of 2012  
25 (47 U.S.C. 1401)).

1           (9) POLITICAL SUBDIVISION.—The term “polit-  
2       ical subdivision” includes a city, county, wireless au-  
3       thority, or planning district commission.

4           (10) STATE.—The term “State” means the 50  
5       States, the District of Columbia, the territories and  
6       possessions of the United States, and federally rec-  
7       ognized Indian Tribes.

8           (11) TELECOMMUNICATIONS SERVICE.—The  
9       term “telecommunications service” has the meaning  
10      given the term in section 3 of the Communications  
11      Act of 1934 (47 U.S.C. 153).

12 **SEC. 3. MOBILE BROADBAND EXPANSION GRANT PRO-**  
13 **GRAM.**

14       (a) NOTIFICATION OF CREATION OF BROADBAND  
15      MAPS; DATA SHARING.—

16           (1) IN GENERAL.—Not later than 3 business  
17      days after creating the maps required under section  
18      802(c)(1) of the Communications Act of 1934 (47  
19      U.S.C. 642(c)(1)), the Commission shall notify the  
20      Assistant Secretary that such maps have been cre-  
21      ated.

22           (2) DATA SHARING.—Not less frequently than  
23      annually, the Commission shall, through the process  
24      established under section 802(b)(7) of the Commu-  
25      nications Act of 1934 (47 U.S.C. 642(b)(7)), provide

1 the Assistant Secretary any data collected by the  
2 Commission pursuant to title VIII of such Act.

3 (b) MOBILE BROADBAND GRANT PROGRAM.—

4 (1) ESTABLISHMENT OF GRANT PROGRAM; NO-  
5 TICE OF FUNDING OPPORTUNITY.—The Assistant  
6 Secretary shall, not later than 1 year after the As-  
7 sistant Secretary is notified as described in sub-  
8 section (a)(1)—

9 (A) establish a program to make grants on  
10 a competitive basis, from amounts made avail-  
11 able to carry out this section, to covered part-  
12 nerships for covered mobile broadband service  
13 projects; and

14 (B) publish a Notice of Funding Oppor-  
15 tunity in the Federal Register that includes in-  
16 formation about such program, including any  
17 requirement established by this section.

18 (2) LIMITATION; COORDINATION.—

19 (A) The Assistant Secretary may not make  
20 a grant under this section before the date that  
21 is 1 year after the date on which the Assistant  
22 Secretary is notified as described in subsection  
23 (a)(1).

24 (B) In making a grant award under para-  
25 graph (1), the Assistant Secretary shall coordi-



1           nate with the Chairman of the Commission in  
2           order to avoid overbuilding in areas where  
3           funds are made available through the 5G Fund  
4           Report and Order (FCC 20–150) adopted by  
5           the Commission on October 27, 2020.

6           (3) ELIGIBILITY REQUIREMENTS.—

7                   (A) IN GENERAL.—To be eligible for a  
8           grant under this section, a covered partnership  
9           shall submit an application at such time, in  
10          such manner, and containing such information  
11          as the Assistant Secretary may require, but the  
12          application shall, at a minimum, include a de-  
13          scription of—

14                   (i) the covered partnership submitting  
15                  the application under this paragraph;

16                   (ii) the covered mobile broadband  
17                  service project to be funded by the grant,  
18                  including the speed or speeds at which the  
19                  covered partnership plans to offer mobile  
20                  broadband service under the project;

21                   (iii) the cost of the covered mobile  
22                  broadband service project to be funded by  
23                  the grant, including—

24                           (I) a description of how the re-  
25                           quired construction will be funded;

1 (II) all estimated project costs  
2 for all facilities that are required to  
3 complete the project, including the  
4 costs of upgrading, replacing, or oth-  
5 erwise modifying the existing facilities  
6 to expand coverage or meet perform-  
7 ance requirements;

8 (III) a description of how grant  
9 funds will be used in combination with  
10 other funds to support the mobile  
11 broadband service project;

12 (IV) in the case of a mobile  
13 broadband service project that will be  
14 partially supported by loans, financial  
15 projections demonstrating that the  
16 covered partnership can cover the nec-  
17 essary debt service payments over the  
18 life of any loan; and

19 (V) financial projects dem-  
20 onstrating that the covered partner-  
21 ship will remain financially stable at  
22 the conclusion of the grant award;

23 (iv) the area to be served by the cov-  
24 ered mobile broadband service project (in

1 this subsection referred to as the “pro-  
2 posed service area”);

3 (v) how the State, political subdivi-  
4 sion, or political subdivisions in the covered  
5 partnership chose which provider of mobile  
6 broadband service to enter into a partner-  
7 ship with for the purposes of applying for  
8 a grant under this section; and

9 (vi) any support (other than support  
10 for a wireline service) that the provider of  
11 mobile broadband service that is in the  
12 covered partnership has received through—

13 (I) any grant, loan, or loan guar-  
14 antee provided by a State to the pro-  
15 vider of mobile broadband service for  
16 the deployment of mobile broadband  
17 service in the proposed service area;

18 (II) any high-cost universal serv-  
19 ice support provided under section  
20 254 of the Communications Act of  
21 1934 (47 U.S.C. 254);

22 (III) any grant provided under  
23 section 6001 of the American Recov-  
24 ery and Reinvestment Act of 2009 (47  
25 U.S.C. 1305);

1 (IV) the Education Stabilization  
2 Fund under title VIII of division B of  
3 the CARES Act (Public Law 116–  
4 136);

5 (V) any other grant, loan, or loan  
6 guarantee provided by the Federal  
7 Government for the provision of  
8 broadband service; or

9 (VI) any legally enforceable mo-  
10 bile broadband deployment obligations  
11 to which the provider of mobile  
12 broadband service is subject in the eli-  
13 gible service area.

14 (B) REQUIREMENT TO STREAMLINE PER-  
15 MITTING PROCESS.—

16 (i) IN GENERAL.—In order for a cov-  
17 ered partnership to be eligible for a grant  
18 under this section each covered entity may  
19 only charge a fee to consider an applica-  
20 tion for the placement, construction, or  
21 modification of a facility for the provision  
22 of broadband service, personal wireless  
23 services, or telecommunications service in  
24 the proposed service area or an application  
25 to use a right-of-way or a facility in a

1 right-of-way owned or managed by that en-  
 2 tity for the placement, construction, or  
 3 modification of a facility for the provision  
 4 of any such service in the proposed service  
 5 area, if the fee for considering such appli-  
 6 cation is—

7 (I) nondiscriminatory;

8 (II) publicly disclosed; and

9 (III) based on actual and direct

10 costs, such as costs for the review and

11 processing of such applications.

12 (ii) COVERED ENTITY DEFINED.—In

13 this subparagraph, the term “covered enti-  
 14 ty” means—

15 (I) an entity in the partnership

16 that is a State or political subdivision

17 of a State; and

18 (II) a political subdivision in

19 which all or part of the proposed serv-

20 ice area is located.

21 (4) PRIORITY.—In awarding grants under this

22 section, the Assistant Secretary shall give priority to

23 applications for covered mobile broadband service

24 projects as follows (in decreasing order of priority):

1           (A) Covered mobile broadband service  
2 projects designed to provide mobile broadband  
3 service to an eligible service in which the great-  
4 est number of households in the eligible service  
5 area do not have fixed broadband service with  
6 a download speed of 25 megabits per second  
7 and an upload speed of 3 megabits per second,  
8 as determined by the Assistant Secretary on the  
9 basis of the maps required under section  
10 802(c)(1) of the Communications Act of 1934  
11 (47 U.S.C. 642(c)(1)).

12           (B) Covered mobile broadband service  
13 projects designed to provide mobile broadband  
14 service in an eligible service area that is wholly  
15 within any area other than—

16                   (i) a county, city, or town that has a  
17 population of greater than 50,000 inhab-  
18 itants; and

19                   (ii) the urbanized area contiguous and  
20 adjacent to such a city or town.

21           (C) Covered mobile broadband service  
22 projects that are most cost-effective.

23           (D) Covered mobile broadband service  
24 projects that are most rural.

1           (E) Covered mobile broadband service  
2           projects designed to provide 5th Generation  
3           long-term evolution or future generation of  
4           service that meets the standards set forth in  
5           Release 15, or any successor release, of the 3rd  
6           Generation Partnership Project.

7           (F) Any other covered mobile broadband  
8           service project that meets the requirements of  
9           this section.

10          (5) FEDERAL CONTRIBUTION.—The amount of  
11          any grant provided to a covered partnership under  
12          this section may not exceed 75 percent of the total  
13          cost of the covered mobile broadband service project.

14          (6) GRANT CONDITIONS.—

15                (A) REQUIREMENTS.—As a condition of  
16                receiving a grant under this section for a cov-  
17                ered mobile broadband service project, a cov-  
18                ered partnership shall provide mobile broadband  
19                service under the project using the facilities of  
20                the provider of mobile broadband service in the  
21                covered partnership and not exclusively through  
22                the resale of the service of another provider of  
23                personal wireless services.

1 (B) PROHIBITIONS.—As a condition of re-  
2 ceiving a grant under this section, the Assistant  
3 Secretary shall prohibit—

4 (i) a provider of mobile broadband  
5 service that is in the covered partnership  
6 receiving the grant under this section—

7 (I) from using grant amounts  
8 provided under this section to repay,  
9 or make any other payment relating  
10 to, a loan made by any public or pri-  
11 vate lender;

12 (II) from using grant amounts  
13 provided under this section as collat-  
14 eral for a loan made by any public or  
15 private lender; and

16 (III) from using more than  
17 \$75,000 of grant amounts provided  
18 under this section to pay for the prep-  
19 aration of an application for a grant  
20 under this section; and

21 (ii) a State, or a political subdivision  
22 of a State, that is in the covered partner-  
23 ship receiving the grant under this section,  
24 after accepting a grant under this section  
25 from offering mobile broadband service.



1 (C) NONDISCRIMINATION.—The Assistant  
2 Secretary may not require a provider of mobile  
3 broadband service that is in an eligible partner-  
4 ship to be designated as an eligible tele-  
5 communications carrier pursuant to section  
6 214(e) of the Communications Act of 1934 (47  
7 U.S.C. 214(e)) for the covered partnership to  
8 be eligible to receive a grant under this section  
9 or as a condition of the covered partnership re-  
10 ceiving a grant under this section.

11 (D) COLLOCATION.—A covered entity (as  
12 defined in paragraph (3)(B)(ii)) may not pro-  
13 hibit or have the effect of prohibiting the col-  
14 location of personal wireless service facilities at  
15 any site at which the covered partnership has  
16 deployed a personal wireless service facility in  
17 connection with a grant made available in this  
18 section.

19 (7) BUILD-OUT, NOTIFICATION, AND ACCOUNT-  
20 ABILITY REQUIREMENT.—

21 (A) IN GENERAL.—The Assistant Sec-  
22 retary shall establish build-out, accountability,  
23 and (in accordance with paragraph (8)) report-  
24 ing requirements for covered partnerships that  
25 receive grants under this section, including, for

each covered partnership that receives a grant under this section, milestones for the deployment of mobile broadband service under the covered mobile broadband service project funded by the grant.

(B) NOTIFICATION TO COMMISSION.—

Upon establishing a build-out, accountability, or reporting requirement under subparagraph (A), the Assistant Secretary shall transmit to the Commission a notification describing such requirement.

(C) PENALTY.—If a covered partnership

fails to meet a build out requirement under subparagraph (A), the Assistant Secretary shall—

(i) recover any funds made available to the covered partnership; and

(ii) assess a covered partnership (to be split equally among each entity in the partnership) a fine of not less than 50 percent of the funds made available to the covered partnership.

(8) REPORTING REQUIREMENTS.—

(A) IN GENERAL.—A covered partnership

that receives a grant under this section shall—

1 (i) semiannually submit to the Assist-  
2 ant Secretary a certification that identifies  
3 the areas for which mobile broadband serv-  
4 ice have been deployed under the covered  
5 mobile broadband service project funded by  
6 the grant, to assess compliance with mobile  
7 broadband service build-out milestones es-  
8 tablished by the Assistant Secretary under  
9 paragraph (7) for the project; and

10 (ii) provide to the Assistant Secretary  
11 complete, reliable, and precise information  
12 (in a manner consistent with how informa-  
13 tion is submitted under section 802 of the  
14 Communications Act of 1934 (47 U.S.C.  
15 642)) on each area receiving access to mo-  
16 bile broadband service through the covered  
17 mobile broadband service project funded by  
18 the grant, not later than 90 days after—

19 (I) the date of completion of each  
20 milestone established by the Assistant  
21 Secretary under paragraph (6) for the  
22 covered mobile broadband service  
23 project; and

1 (II) the date of completion of the  
2 covered mobile broadband service  
3 project.

4 (B) PUBLICATION OF SEMIANNUAL CER-  
5 TIFICATION.—The Assistant Secretary shall  
6 publish in the Federal Register each certifi-  
7 cation submitted under subparagraph (A)(i),  
8 except that the Assistant Secretary shall not  
9 publish any information in such certification  
10 that the Assistant Secretary determines to be  
11 confidential.

12 (C) SHARING OF INFORMATION.—Not later  
13 than 30 days after receiving information under  
14 subparagraph (A)(ii), the Assistant Secretary  
15 shall provide such information to the Commis-  
16 sion.

17 (9) TECHNICAL ASSISTANCE.—

18 (A) IN GENERAL.—The Assistant Sec-  
19 retary may, at the request of a covered partner-  
20 ship applying for a grant under this section,  
21 provide technical assistance and training to  
22 such partnership with respect to the application  
23 process and the application to be submitted by  
24 the partnership.

1 (B) FUNDING.—Not more than  
2 \$1,000,000 of the amount made available to  
3 carry out this section may be used for technical  
4 assistance and training under subparagraph  
5 (A).

6 (C) COORDINATION.—When providing  
7 technical assistance to a covered partnership,  
8 the Assistant Secretary shall coordinate with  
9 any official of the State in which the political  
10 subdivision or political subdivisions in the cov-  
11 ered partnership are located that is responsible  
12 for the expansion of personal wireless services  
13 in the State.

14 (10) RELATION TO OTHER FEDERAL AND  
15 STATE BROADBAND PROGRAMS.—

16 (A) UNIVERSAL SERVICE FUND.—Not later  
17 than 5 business days after the Commission re-  
18 ceives a request from the Assistant Secretary  
19 for any information the Assistant Secretary de-  
20 termines necessary to ensure that any grant  
21 made under this section complements and is not  
22 duplicative of high-cost universal service sup-  
23 port provided under section 254 of the Commu-  
24 nications Act of 1934 (47 U.S.C. 254), for an  
25 area that includes any portion or all of the area

1 to be served by the covered mobile broadband  
2 service project with respect to which the grant  
3 is made, the Commission shall provide the As-  
4 sistant Secretary such information.

5 (B) STATE BROADBAND GRANT PRO-  
6 GRAMS.—The Assistant Secretary shall ensure  
7 that any grant made under this section com-  
8 plements and is not duplicative of grants, loans,  
9 loan guarantees, or other support, provided by  
10 a State to a provider of mobile broadband serv-  
11 ice in the covered partnership, that establishes  
12 a legally enforceable obligation for the provider  
13 to provide broadband service with a download  
14 speed of at least 25 megabits per second and an  
15 upload speed of at least 3 megabits per second,  
16 in an area that includes any portion or all of  
17 the area to be served by the covered mobile  
18 broadband service project with respect to which  
19 the grant is made.

20 (11) CHALLENGE PROCESS.—In the Notice of  
21 Funding Opportunity required to be published under  
22 subsection (b)(1)(B), the Assistant Secretary shall  
23 be required to establish a user-friendly challenge  
24 process through which consumers, State, local, and  
25 Tribal governmental entities, and other entities or

1 individuals may submit information to the Assistant  
2 Secretary to challenge whether—

3 (A) with respect to an area, such area is  
4 an eligible service area;

5 (B) with respect to an area, an entity al-  
6 ready provides such service in the area; or

7 (C) with respect to an area, an entity al-  
8 ready has a legally enforceable obligation to  
9 provide mobile broadband service in the area.

10 (12) LIMITATION ON STATE OR POLITICAL SUB-  
11 DIVISION.—

12 (A) Any entity in a covered partnership  
13 that is a State or political subdivision of a State  
14 may not prohibit or have the effect of prohib-  
15 iting the entity in a covered partnership that is  
16 a provider of mobile broadband service that is  
17 not owned (in whole or in part) or controlled by  
18 the State or any political subdivision of the  
19 State from entering into a covered partnership  
20 on the basis of requiring any obligation, re-  
21 quirement, duty, or regulation that is incon-  
22 sistent with, or exceeds in a material way, any  
23 grant condition required by the Assistant Sec-  
24 retary.

1           (B) In the case of a covered partnership  
2           that receives a grant under this section, the en-  
3           tity in the partnership that is a State or polit-  
4           ical subdivision of a State may not impose any  
5           obligation, requirement, duty, or regulation that  
6           is inconsistent with, or exceeds in a material  
7           way, any grant condition required by the Assist-  
8           ant Secretary.

9           (13) RULE OF CONSTRUCTION.—Nothing in  
10          this Act shall be construed to permit an entity in a  
11          covered partnership that is a State or a unit of local  
12          government to own or operate any facility used to  
13          provide mobile broadband service at the conclusion  
14          of the covered partnership.

15          (14) REPORT TO CONGRESS.—The Assistant  
16          Secretary shall annually submit a report to Congress  
17          on the progress of the program established under  
18          this section, based on the information provided by  
19          covered partnerships under paragraph (8)(A)(ii),  
20          until every obligation under each grant provided  
21          under this section is fulfilled.

22          (15) AUTHORIZATION OF APPROPRIATIONS.—  
23          There is authorized to be appropriated to carry out  
24          this section \$3,000,000,000 for fiscal year 2023



1 through fiscal year 2027, to remain available  
2 through fiscal year 2027.

3 (c) DEFINITIONS.—In this section:

4 (1) ASSISTANT SECRETARY.—The term “Assist-  
5 ant Secretary” means the Assistant Secretary of  
6 Commerce for Communications and Information.

7 (2) BROADBAND SERVICE.—The term “broad-  
8 band service” has the meaning given the term  
9 broadband internet access service in section 8.1(b)  
10 of title 47, Code of Federal Regulations (or any suc-  
11 cessor regulation).

12 (3) CELL EDGE PROBABILITY; CELL LOAD-  
13 ING.—The terms “cell edge probability” and “cell  
14 loading” have the meaning given those terms in sec-  
15 tion 801 of the Communications Act of 1934 (47  
16 U.S.C. 641).

17 (4) COMMISSION.—The term “Commission”  
18 means the Federal Communications Commission.

19 (5) COVERED MOBILE BROADBAND SERVICE  
20 PROJECT.—The term “covered mobile broadband  
21 service project” means a competitively and techno-  
22 logically neutral project for the deployment of mobile  
23 broadband service in an eligible service area.

24 (6) COVERED PARTNERSHIP.—The term “cov-  
25 ered partnership” means—

1 (A) a partnership between—

2 (i) a State, if such State does not  
3 offer personal wireless services;

4 (ii) one or more political subdivisions  
5 of the State, if such political subdivision or  
6 such political subdivisions (as the case may  
7 be) do not offer mobile broadband service;  
8 and

9 (iii) a provider of mobile broadband  
10 service that is not owned (in whole or in  
11 part) or controlled by the State or any po-  
12 litical subdivision of the State; or

13 (B) a partnership between—

14 (i) one or more political subdivisions  
15 of a State, provided such political subdivi-  
16 sion or political subdivisions (as the case  
17 may be) does not offer mobile broadband  
18 service; and

19 (ii) a provider of mobile broadband  
20 service that is not owned (in whole or in  
21 part) or controlled by the State or any po-  
22 litical subdivision of the State.

23 (7) ELIGIBLE SERVICE AREA.—The term “eligi-  
24 ble service area” means an area not smaller than a  
25 census block in which mobile broadband service is

1 not available, as determined by the Assistant Sec-  
2 retary solely on the basis of the maps created under  
3 section 802(c)(1) of the Communications Act of  
4 1934 (47 U.S.C. 642(c)(1)), except such areas that  
5 are eligible for support or are awarded support  
6 under the 5G Fund Report and Order (FCC 20–  
7 150) adopted by the Commission on October 27,  
8 2020.

9 (8) MOBILE BROADBAND SERVICE.—The term  
10 “mobile broadband service” means 4th Generation  
11 long-term evolution service, 5th Generation long-  
12 term evolution service, or future generation of serv-  
13 ice that meets the standards set forth in Release 10,  
14 or any successor release, of the 3rd Generation Part-  
15 nership Project.

16 (9) PERSONAL WIRELESS SERVICES.—The term  
17 “personal wireless services”—

18 (A) has the meaning given such term in  
19 section 332 of the Communications Act of 1934  
20 (47 U.S.C. 332); and

21 (B) includes commercial mobile data serv-  
22 ice (as defined in section 6001 of the Middle  
23 Class Tax Relief and Job Creation Act of 2012  
24 (47 U.S.C. 1401)).

1           (10) PERSONAL WIRELESS SERVICE FACIL-  
2           ITY.—The term “personal wireless service facility”  
3           means a facility for the provision of personal wire-  
4           less service.

5           (11) POLITICAL SUBDIVISION.—The term “po-  
6           litical subdivision” includes a city, county, wireless  
7           authority, or planning district commission.

8           (12) STATE.—The term “State” means the 50  
9           States, the District of Columbia, the territories and  
10          possessions of the United States, and federally rec-  
11          ognized Indian Tribes.

12          (13) TELECOMMUNICATIONS SERVICE.—The  
13          term “telecommunications service” has the meaning  
14          given the term in section 3 of the Communications  
15          Act of 1934 (47 U.S.C. 153).

○