

1 TITLE \_\_\_\_.—BROADBAND TECHNOLOGY

2 OPPORTUNITIES PROGRAM

3 SEC. \_\_\_\_\_. (a) The Assistant Secretary of Com-  
4 merce for Communications and Information (Assistant  
5 Secretary), in consultation with the Federal Communica-  
6 tions Commission (Commission), shall establish a national  
7 broadband service development and expansion program in  
8 conjunction with the technology opportunities program,  
9 which shall be referred to as the Broadband Technology  
10 Opportunities Program. The Assistant Secretary shall en-  
11 sure that the program complements and enhances and  
12 does not conflict with other Federal broadband initiatives  
13 and programs.

14 (b) The purposes of the program are to—

15 (1) provide access to broadband service to con-  
16 sumers residing in unserved areas of the United  
17 States;

18 (2) provide improved access to broadband serv-  
19 ice to consumers residing in underserved areas of  
20 the United States;

21 (3) provide broadband education, awareness,  
22 training, access, equipment, and support to—

23 (A) schools, libraries, medical and  
24 healthcare providers, community colleges and

1 other institutions of higher education, and other  
2 community support organizations and entities  
3 to facilitate greater use of broadband service by  
4 or through these organizations;

5 (B) organizations and agencies that pro-  
6 vide outreach, access, equipment, and support  
7 services to facilitate greater use of broadband  
8 service by low-income, unemployed, aged, and  
9 otherwise vulnerable populations; and

10 (C) job-creating strategic facilities located  
11 within a State-designated economic zone, Eco-  
12 nomic Development District designated by the  
13 Department of Commerce, Renewal Community  
14 or Empowerment Zone designated by the De-  
15 partment of Housing and Urban Development,  
16 or Enterprise Community designated by the De-  
17 partment of Agriculture.

18 (4) improve access to, and use of, broadband  
19 service by public safety agencies; and

20 (5) stimulate the demand for broadband, eco-  
21 nomic growth, and job creation.

22 (c) The Assistant Secretary may consult a State, the  
23 District of Columbia, or territory or possession of the  
24 United States with respect to—

1           (1) the identification of areas described in sub-  
2           section (b)(1) or (2) located in that State; and

3           (2) the allocation of grant funds within that  
4           State for projects in or affecting the State.

5           (d) The Assistant Secretary shall—

6           (1) establish and implement the grant program  
7           as expeditiously as practicable;

8           (2) ensure that all awards are made before the  
9           end of fiscal year 2010;

10          (3) seek such assurances as may be necessary  
11          or appropriate from grantees under the program  
12          that they will substantially complete projects sup-  
13          ported by the program in accordance with project  
14          timelines, not to exceed 2 years following an award;  
15          and

16          (4) report on the status of the program to the  
17          Committees on Appropriations of the House of Rep-  
18          resentatives and the Senate, the Committee on En-  
19          ergy and Commerce of the House of Representa-  
20          tives, and the Committee on Commerce, Science, and  
21          Transportation of the Senate, every 90 days.

22          (e) To be eligible for a grant under the program, an  
23          applicant shall—

24                 (1)(A) be a State or political subdivision there-  
25                 of, the District of Columbia, a territory or posses-

1 sion of the United States, an Indian tribe (as de-  
2 fined in section 4 of the Indian Self-Determination  
3 and Education Assistance Act (25 U.S.C. 450(b)) or  
4 native Hawaiian organization;

5 (B) a nonprofit—

6 (i) foundation,

7 (ii) corporation,

8 (iii) institution, or

9 (iv) association; or

10 (C) any other entity, including a

11 broadband service or infrastructure provider,

12 that the Assistant Secretary finds by rule to be

13 in the public interest. In establishing such rule,

14 the Assistant Secretary shall to the extent prac-

15 ticable promote the purposes of this section in

16 a technologically neutral manner;

17 (2) submit an application, at such time, in such

18 form, and containing such information as the Assist-

19 ant Secretary may require;

20 (3) provide a detailed explanation of how any

21 amount received under the program will be used to

22 carry out the purposes of this section in an efficient

23 and expeditious manner, including a showing that

24 the project would not have been implemented during

25 the grant period without Federal grant assistance;

1           (4) demonstrate, to the satisfaction of the As-  
2           sistant Secretary, that it is capable of carrying out  
3           the project or function to which the application re-  
4           lates in a competent manner in compliance with all  
5           applicable Federal, State, and local laws;

6           (5) demonstrate, to the satisfaction of the As-  
7           sistant Secretary, that it will appropriate (if the ap-  
8           plicant is a State or local government agency) or  
9           otherwise unconditionally obligate, from non-Federal  
10          sources, funds required to meet the requirements of  
11          subsection (f);

12          (6) disclose to the Assistant Secretary the  
13          source and amount of other Federal or State fund-  
14          ing sources from which the applicant receives, or has  
15          applied for, funding for activities or projects to  
16          which the application relates; and

17          (7) provide such assurances and procedures as  
18          the Assistant Secretary may require to ensure that  
19          grant funds are used and accounted for in an appro-  
20          priate manner.

21          (f) The Federal share of any project may not exceed  
22          80 percent, except that the Assistant Secretary may in-  
23          crease the Federal share of a project above 80 percent  
24          if—

1           (1) the applicant petitions the Assistant Sec-  
2           retary for a waiver; and

3           (2) the Assistant Secretary determines that the  
4           petition demonstrates financial need.

5           (g) The Assistant Secretary may make competitive  
6           grants under the program to—

7           (1) acquire equipment, instrumentation, net-  
8           working capability, hardware and software, digital  
9           network technology, and infrastructure for  
10          broadband services;

11          (2) construct and deploy broadband service re-  
12          lated infrastructure;

13          (3) ensure access to broadband service by com-  
14          munity anchor institutions;

15          (4) facilitate access to broadband service by  
16          low-income, unemployed, aged, and otherwise vulner-  
17          able populations in order to provide educational and  
18          employment opportunities to members of such popu-  
19          lations;

20          (5) construct and deploy broadband facilities  
21          that improve public safety broadband communica-  
22          tions services; and

23          (6) undertake such other projects and activities  
24          as the Assistant Secretary finds to be consistent

1 with the purposes for which the program is estab-  
2 lished.

3 (h) The Assistant Secretary, in awarding grants  
4 under this section, shall, to the extent practical—

5 (1) award not less than 1 grant in each State;

6 (2) consider whether an application to deploy  
7 infrastructure in an area—

8 (A) will, if approved, increase the afford-  
9 ability of, and subscribership to, service to the  
10 greatest population of users in the area;

11 (B) will, if approved, provide the greatest  
12 broadband speed possible to the greatest popu-  
13 lation of users in the area;

14 (C) will, if approved, enhance service for  
15 health care delivery, education, or children to  
16 the greatest population of users in the area;  
17 and

18 (D) will, if approved, not result in unjust  
19 enrichment as a result of support for non-recur-  
20 ring costs through another Federal program for  
21 service in the area; and

22 (3) consider whether the applicant is a socially  
23 and economically disadvantaged small business con-  
24 cern as defined under section 8(a) of the Small  
25 Business Act (15 U.S.C. 637).

1 (i) The Assistant Secretary—

2 (1) shall require any entity receiving a grant  
3 pursuant to this section to report quarterly, in a for-  
4 mat specified by the Assistant Secretary, on such  
5 entity's use of the assistance and progress fulfilling  
6 the objectives for which such funds were granted,  
7 and the Assistant Secretary shall make these reports  
8 available to the public;

9 (2) may establish additional reporting and in-  
10 formation requirements for any recipient of any as-  
11 sistance made available pursuant to this section;

12 (3) shall establish appropriate mechanisms to  
13 ensure appropriate use and compliance with all  
14 terms of any use of funds made available pursuant  
15 to this section;

16 (4) may, in addition to other authority under  
17 applicable law, deobligate awards to grantees that  
18 demonstrate an insufficient level of performance, or  
19 wasteful or fraudulent spending, as defined in ad-  
20 vance by the Assistant Secretary, and award these  
21 funds competitively to new or existing applicants  
22 consistent with this section; and

23 (5) shall create and maintain a fully searchable  
24 database, accessible on the Internet at no cost to the  
25 public, that contains at least a list of each entity

1 that has applied for a grant under this section, a de-  
2 scription of each application, the status of each such  
3 application, the name of each entity receiving funds  
4 made available pursuant to this section, the purpose  
5 for which such entity is receiving such funds, each  
6 quarterly report submitted by the entity pursuant to  
7 this section, and such other information sufficient to  
8 allow the public to understand and monitor grants  
9 awarded under the program.

10 (j) Concurrent with the issuance of the Request for  
11 Proposal for grant applications pursuant to this section,  
12 the Assistant Secretary shall, in coordination with the  
13 Commission, publish the non-discrimination and network  
14 interconnection obligations that shall be contractual condi-  
15 tions of grants awarded under this section, including, at  
16 a minimum, adherence to the principles contained in the  
17 Commission's broadband policy statement (FCC 05-15,  
18 adopted August 5, 2005).

19 (k)(1) Not later than 1 year after the date of enact-  
20 ment of this section, the Commission shall submit to the  
21 Committee on Energy and Commerce of the House of  
22 Representatives and the Committee on Commerce,  
23 Science, and Transportation of the Senate, a report con-  
24 taining a national broadband plan.

1           (2) The national broadband plan required by  
2 this section shall seek to ensure that all people of  
3 the United States have access to broadband capa-  
4 bility and shall establish benchmarks for meeting  
5 that goal. The plan shall also include—

6           (A) an analysis of the most effective and  
7 efficient mechanisms for ensuring broadband  
8 access by all people of the United States;

9           (B) a detailed strategy for achieving af-  
10 fordability of such service and maximum utiliza-  
11 tion of broadband infrastructure and service by  
12 the public;

13           (C) an evaluation of the status of deploy-  
14 ment of broadband service, including progress  
15 of projects supported by the grants made pur-  
16 suant to this section; and

17           (D) a plan for use of broadband infrastruc-  
18 ture and services in advancing consumer wel-  
19 fare, civic participation, public safety and home-  
20 land security, community development, health  
21 care delivery, energy independence and effi-  
22 ciency, education, worker training, private sec-  
23 tor investment, entrepreneurial activity, job cre-  
24 ation and economic growth, and other national  
25 purposes.

1           (3) In developing the plan, the Commission  
2           shall have access to data provided to other Govern-  
3           ment agencies under the Broadband Data Improve-  
4           ment Act (47 U.S.C. 1301 note).

5           (l) The Assistant Secretary shall develop and main-  
6           tain a comprehensive nationwide inventory map of existing  
7           broadband service capability and availability in the United  
8           States that depicts the geographic extent to which  
9           broadband service capability is deployed and available  
10          from a commercial provider or public provider throughout  
11          each State. Not later than 2 years after the date of the  
12          enactment of this Act, the Assistant Secretary shall make  
13          the broadband inventory map developed and maintained  
14          pursuant to this section accessible by the public on a  
15          World Wide Web site of the National Telecommunications  
16          and Information Administration in a form that is inter-  
17          active and searchable.

18          (m) The Assistant Secretary shall have the authority  
19          to prescribe such rules as are necessary to carry out the  
20          purposes of this section.