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Overview of the Universal Service Fund and Selected Federal Broadband Programs

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SUMMARY

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Patricia Moloney Figliola, Coordinator
Specialist in Internet and Telecommunications Policy

Overview of the Universal Service Fund and Selected Federal Broadband Programs

Efforts to deploy voice telephone service throughout the United States began almost 100 years ago. Starting in the 1990s, these efforts shifted toward the deployment of broadband internet service to homes, schools, and businesses and the provision of infrastructure to support applications such as telehealth and distance learning. These efforts have been supported through various permanent and pilot programs since that time. Further, as a result of the Coronavirus Disease 2019 (COVID-19) pandemic, Congress has passed or proposed legislation to create and fund new programs to accelerate broadband deployment:

- Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136),
- Consolidated Appropriations Act, 2021 (CAA 2021) (P.L. 116-260),
- American Rescue Plan Act of 2021 (ARPA) (P.L. 117-2), and
- Leading Infrastructure for Tomorrow's America Act (LIFT America Act) (H.R. 1848, introduced March 11, 2021).

The LIFT America Act is included because of its intent to provide additional funding to numerous programs established or funded through CARES, CAA 2021, and ARPA. Other legislation has also been introduced in the 117th Congress related to broadband.

Major broadband support programs are conducted by the following agencies:

- Federal Communications Commission (FCC),
- National Telecommunications and Information Administration (NTIA),
- Department of Agriculture (USDA),
- Department of Health and Human Services (HHS),
- Department of Housing and Urban Development (HUD),
- Department of the Treasury, and
- Institute of Museum and Library Services.

At this time, between already-existing programs to support broadband deployment and programs established or proposed since the beginning of the COVID-19 pandemic, there are over 30 such programs at seven agencies. These programs address a wide range of goals, including improving and expanding access to telehealth services; improving and expanding access to the internet and internet devices to support in-school and distance learning; funding 5G deployment to rural areas, expanding broadband deployment to tribal entities; and promoting rural economic development, among other purposes. Given the complexity of managing existing programs while implementing new programs, many observers—including in Congress—have expressed concerns with the potential for a duplication of effort, and mismanagement or misuse of these funds.

Oversight and interagency coordination of the new programs, in particular, may prove challenging due to the number of agencies and programs involved and the source and timelines for funding those programs. Enacted into law as part of CAA 2021, both the Broadband Interagency Coordination Act and the ACCESS BROADBAND Act require such coordination and are intended to achieve program efficiency. Additional oversight may be provided through hearings, both of individual agencies and of multiple agencies together that are responsible for managing similar or potentially overlapping programs.

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Introduction

Efforts to deploy voice telephone service throughout the United States began almost 100 years ago. Starting in the 1990s, these efforts shifted toward the deployment of broadband internet service to homes, schools, and businesses and the provision of infrastructure to support applications such as telehealth and distance learning. These efforts have been supported through various permanent and pilot programs since that time. Further, as a result of the Coronavirus Disease 2019 (COVID-19) pandemic, Congress has become increasingly aware of the issues associated with the lack of broadband access in many places throughout the country. In response, Congress has passed or proposed legislation to create and fund new programs to accelerate broadband deployment:

- Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136),
- Consolidated Appropriations Act, 2021 (CAA 2021) (P.L. 116-260),
- American Rescue Plan Act of 2021 (ARPA) (P.L. 117-2), and
- Leading Infrastructure for Tomorrow's America Act (LIFT America Act) (H.R. 1848, introduced March 11, 2021).

The LIFT America Act is included because of its intent to provide additional funding to numerous programs established and/or funded through CARES, CAA 2021, or ARPA. Other legislation introduced in the 117th Congress related to broadband is included with brief summaries in the **Appendix**.[1]

This report summarizes broadband support programs at the following agencies:

- Federal Communications Commission (FCC),
- National Telecommunications and Information Administration (NTIA),
- Department of Agriculture (USDA),
- Department of Health and Human Services (HHS),
- Department of Housing and Urban Development (HUD),
- Department of the Treasury, and
- Institute of Museum and Library Services (IMLS).

This report provides an overview of the agencies named above and summaries of the programs themselves, including new programs created or proposed in response to the pandemic.

[1] Included in the **Appendix** are two other bills that would amend how various broadband programs are managed or funded, but no bill text or summaries are available: S. 979 and H.R. 1721. S. 979 was introduced by Senator Ron Wyden and referred to the Senate Committee on Commerce, Science, and Transportation on March 25, 2021. Among other purposes, S. 979 would amend CAA 2021 to authorize additional funds for the Emergency Broadband Connectivity Fund; to provide grants to states and tribal entities to strengthen the National Lifeline Eligibility Verifier; and to provide for federal coordination between the National Lifeline Eligibility Verifier and the National Accuracy Clearinghouse. H.R. 1721 was introduced by Representative Marc A. Veasey and referred to the House Committee on Energy and Commerce and House Committee on Agriculture on March 9, 2021. H.R. 1721 is substantially similar to S. 979.

Federal Communications Commission

The FCC is an independent federal agency established by the Communications Act of 1934 (1934 Act, or "Communications Act"). The agency is charged with regulating interstate and international communications by radio, television, wire, satellite, and cable. The mission of the FCC is to make available for all people of the United States, "without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nationwide, and worldwide wire and radio communication service with adequate facilities at reasonable charges."[2]

The FCC's Universal Service Fund (USF) is intended to ensure that telecommunications services, including broadband, are available and affordable throughout the country. FCC programs supported by the USF—the High-Cost Program, the Connect America Fund, the Lifeline Program, the Rural Health Care Program, and the Schools and Libraries Program—are funded by fees on telecommunications carriers, not through regular appropriations. The FCC sets the regulatory and fee structures for these programs, but the Universal Service Administration Company (USAC), an independent not-for-profit corporation designated by the FCC to run USF programs, manages contributions and disburses funds.

High-Cost Program (Connect America Fund)[3]

The federal universal service high-cost program—also known as the Connect America Fund (CAF)[4]—is designed to ensure that consumers in rural, insular, and high-cost areas have access to modern communications networks capable of providing voice and broadband service, both fixed and mobile, at rates that are reasonably comparable to those in urban areas.[5] Two newer programs, the Rural Digital Opportunity Fund (RDOF) and the 5G Fund, have been established as part of the CAF.

Rural Digital Opportunity Fund

The RDOF[6] builds on the model used by the FCC in a previous auction related to broadband. Through this fund, the FCC plans to commit $20.4 billion to bring high-speed fixed broadband service to rural homes and small businesses in two phases.[7] The Phase I auction began on October 29, 2020, and the FCC announced the results on December 7, 2020: 180 bidders won $9.2 billion to deploy high-speed broadband to over 5.2 million unserved homes and businesses.[8]

The Phase II auction may fund up to $11.2 billion to deploy high-speed broadband, targeting partially served areas as well as the few unserved areas that did not receive Phase I funding. The timeframe for the Phase II auction has not yet been determined by the FCC and depends on the

[2] 47 U.S.C. §151.

[3] This section authored by Colby Leigh Rachfal.

[4] See https://www.fcc.gov/general/universal-service-high-cost-areas-connect-america-fund.

[5] FCC, *Universal Service for High Cost Areas—Connect America Fund*, available at https://www.fcc.gov/general/universal-service-high-cost-areas-connect-america-fund.

[6] For more information please see FCC, *Connect America Fund Phase II Auction (Auction 903)*, available at https://www.fcc.gov/auction/903.

[7] For more information see CRS Report R46501, *Rural Digital Opportunity Fund: Requirements and Selected Policy Issues*, by Colby Leigh Rachfal.

[8] *FCC Auction to Bring Broadband to Over 10 Million Rural Americans*, available at https://www.fcc.gov/document/fcc-auction-bring-broadband-over-10-million-rural-americans.

development of new broadband maps, as required by the Broadband DATA Act (P.L. 116-130) and the Digital Opportunity Data Collection initiative.[9] Congress appropriated funding for this initiative in CAA 2021 and it is expected to be completed in 2022. The initiative is expected to yield more granular data on broadband coverage and service, which will allow funding to be targeted precisely and accurately.[10] This data will also be used to determine eligibility for the "5G Fund for Rural America."

5G Fund for Rural America[11]

In October 2020, the FCC adopted rules creating the 5G Fund for Rural America.[12] The fund is expected to distribute up to $9 billion from the USF over the next 10 years to bring voice and broadband services to areas of the country that are unlikely to see unsubsidized deployment of 5G networks. Funds will be awarded to providers, including satellite operators, to serve areas that are not served by a subsidized 4G Long Term Evolution (LTE) or 5G broadband service provider. The FCC plans to award support through a competitive reverse auction. In a reverse auction, funding is awarded to the company that commits to deploying service at the lowest cost. Further, the FCC announced it would award support in two phases:

- Phase I will target up to $8 billion of support nationwide to areas lacking unsubsidized 4G LTE or 5G mobile broadband; $680 million is set aside for tribal lands.
- Phase II will provide at least $1 billion to support the deployment of 5G networks that facilitate precision agriculture.

To determine eligible areas for the 5G Fund, FCC will use data collected as required by the Broadband DATA Act (P.L. 116-130) and the Digital Opportunity Data Collection initiative. Congress appropriated funding for this initiative in CAA 2021 and it is expected to be completed in 2022.[13] The initiative is expected to yield more granular data on broadband coverage and service, which will allow funding to be targeted precisely and accurately. This data will also be used to determine eligibility for the "Rural Digital Opportunity Fund."

Lifeline Program[14]

Through the Lifeline Program,[15] the FCC provides subsidies to broadband providers to cover monthly subscription costs for qualified consumers or households. Low-income broadband subscribers may qualify for assistance through this program if they earn less than 135% of the federal poverty level or meet certain other qualifying criteria, such as enrollment in federal

[9] Federal Communications Commission (FCC), *In the Matter of Establishing the Digital Opportunity Data Collection*, Report and Order, Dockets 19-195 and 11-10, Adopted January 13, 2021, at https://docs.fcc.gov/public/attachments/FCC-21-20A1_Rcd.pdf.

[10] FCC, *February 2021 Open Commission Meeting*, February 17, 2021, at https://www.fcc.gov/news-events/events/2021/02/february-2021-open-commission-meeting.

[11] This subsection authored by Jill Gallagher.

[12] FCC, *In the Matter of Establishing a 5G Fund for Rural America*, Report and Order, GN Docket 20-32, Adopted October 27, 2020, at https://docs.fcc.gov/public/attachments/FCC-20-150A1.pdf.

[13] FCC, *In the Matter of Establishing a 5G Fund for Rural America*, Report and Order, GN Docket 20-32, Adopted October 27, 2020, p. 6, at https://docs.fcc.gov/public/attachments/FCC-20-150A1.pdf, and FCC Open Meeting (February 17, 2021), https://recapd.com/w-Lxkklp/9d363b57a2879929795e31998de271/.

[14] This subsection authored by Brian Humphreys.

[15] See https://www.fcc.gov/general/lifeline-program-low-income-consumers.

nutrition or housing assistance programs. Lifeline subsidizes beneficiaries via reimbursements to eligible providers to cover monthly subscription charges—up to $9.25 per month in most cases, but up to $34.25 for those living on tribal lands. In many cases, beneficiaries pay nothing out-of-pocket. In other cases, Lifeline providers may apply the reimbursement to lower the end-user cost of eligible plans that exceed the subsidy amount. Annual spending varies depending on enrollment rates, which are measured as the percentage of eligible households enrolled in the program. Enrollment varies widely from state to state; nationally, 26% of eligible households benefit from the Lifeline program.[16]

Rural Health Care Program[17]

The Rural Health Care Program[18] allows rural health care providers to pay rates for internet and telecommunications services similar to those of their urban counterparts, making telehealth services more affordable in rural areas. The program's funding cap for 2020 was initially set at $604.76 million, but an additional $197.98 million in unused funds from prior years was released in June 2020, bringing the total to $802.74 million—the most in the program's history. This program has two permanent parts, the Telecommunications Program and the Healthcare Connect Program, as well as the fixed-term Connected Care Pilot Program.

Telecommunications Program

The Telecommunications Program,[19] established in 1997, subsidizes the difference between urban and rural rates for telecommunications services. This program is used only for telecommunications services; it is not used for broadband services.

Healthcare Connect Program

The Healthcare Connect Program,[20] established in 2012, supports broadband connectivity to eligible health care providers and encourages the establishment of state and regional provider networks. Under this program, eligible rural health care providers receive a 65% discount on internet services. Eligible nonrural health care providers that are members of a consortium with more than 50% rural health care providers receive the 65% discount as well.

Connected Care Pilot Program

The Connected Care Pilot Program[21] will provide up to $100 million over three years for selected pilot projects. This funding will cover 85% of the eligible costs of broadband connectivity, certain network equipment, and information services to provide connected health care services to the intended patient population, with a strong preference for projects to benefit low-income Americans and veterans. The program will not fund devices, including end-user connected devices (e.g., tablets, smart phones, or remote patient monitoring equipment), medical equipment, health care provider administrative costs, personnel costs (including, but not limited to medical

[16] See https://www.usac.org/lifeline/learn/program-data/.

[17] This subsection authored by Patty Moloney Figliola.

[18] See https://www.fcc.gov/general/rural-health-care-program.

[19] See https://www.usac.org/rural-health-care/telecommunications-program/.

[20] See https://www.fcc.gov/general/healthcare-connect-fund-frequently-asked-questions and https://www.usac.org/rural-health-care/connected-care-pilot-program/.

[21] See https://www.fcc.gov/wireline-competition/telecommunications-access-policy-division/connected-care-pilot-program.

professional costs), or other miscellaneous expenses. It also will not fund network deployment, the construction of networks between health care providers, internal connections, or connectivity services between health care provider sites.

On January 15, 2021, the FCC announced 23 initial project awards to 14 applicants. Funding is limited to the following categories of eligible services:

- patient broadband internet access services;
- health care provider broadband data connections;
- connected care information services; and
- certain network equipment (i.e., network equipment necessary to make a supported broadband service functional and, for consortium applicants, network equipment necessary to manage, control, or operate a supported broadband service).

Schools and Libraries Program[22]

The Schools and Libraries Program,[23] commonly called the E-Rate Program, provides needs-based discounts to eligible schools and libraries on telecommunications, telecommunications services (e.g., local and long-distance calling, high-speed lines), and internet access, as well as internal connections (the equipment to deliver these services), managed internal broadband services, and basic maintenance of internal connections. In recent years, the FCC refocused the E-Rate Program to broadband services, with the intention of significantly expanding Wi-Fi access. Discounts range from 20% to 90% based on the poverty level of the schools. Rural schools and libraries may also receive a higher discount. Recipients must pay some portion of the service costs. If demand for E-Rate money is greater than the available funds, funding is allocated based on greatest need, as determined by poverty level. In 2014, the FCC increased the cap for the program to $3.9 billion in funding year 2015 and indexed future increases on inflation; the funding cap for funding year 2019 was $4.15 billion.[24]

Rural Telehealth Initiative and Rural Telehealth Task Force

In August 2020, the FCC, USDA, and HHS signed a memorandum of understanding (MOU) to work together on a Rural Telehealth Initiative and establish an interagency Rural Telehealth Task Force[25] to address the telehealth needs of the 57 million rural residents in the United States. The MOU is intended to foster collaboration and information sharing among the three agencies on telehealth initiatives.[26]

[22] This subsection authored by Patty Moloney Figliola.

[23] See https://www.fcc.gov/general/e-rate-schools-libraries-usf-program.

[24] FCC, "E-Rate: Universal Service Program for Schools and Libraries," updated September 16, 2020, https://www.fcc.gov/consumers/guides/universal-service-program-schools-and-libraries-e-rate.

[25] See https://www.hhs.gov/sites/default/files/rural-telehealth-mou-hhs-usda-fcc.pdf.

[26] FCC, "FCC, HHS, and USDA Team Up for Rural Telehealth Initiative," September 1, 2020, https://www.fcc.gov/document/fcc-hhs-and-usda-team-rural-telehealth-initiative.

FCC Programs Established or Funded Through the Coronavirus Aid, Relief, and Economic Security Act[27]

The CARES Act contained provisions for one new FCC program, the COVID-19 Telehealth Program.

COVID-19 Telehealth Program

The COVID-19 Telehealth Program[28] was established and appropriated $200 million through the CARES Act.[29] (It was appropriated an additional $249.95 million through CAA 2021—see below). The program is intended to help health care providers provide connected care services to patients at their homes or mobile locations in response to the COVID-19 pandemic; it also provides funding to eligible health care providers responding to the COVID-19 pandemic by fully funding their telecommunications services, information services, and devices necessary to provide critical connected care services. The FCC stopped accepting applications for the initial round of COVID-19 Telehealth Program funding on June 25, 2020.

FCC Programs Established or Funded Through the Consolidated Appropriations Act, 2021

CAA 2021 contained provisions for three new FCC programs. These programs are not a part of the USF, but the COVID-19 Telehealth Program and Emergency Broadband Benefit are administered by USAC.

COVID-19 Telehealth Program[30]

The COVID-19 Telehealth Program,[31] established and appropriated $200 million through the CARES Act, was appropriated an additional $249.95 million through the CAA, 2021.[32] Under CAA 2021, the FCC is required to seek comment on options for committing the new funding, including the criteria to evaluate applications and how to treat pending applications from the initial round of funding. The FCC will provide additional information about the second round of funding after these issues and questions have been resolved. On April 16, 2021, the FCC announced that the application portal was to open on April 29, 2021.

Emergency Broadband Benefit[33]

Under CAA 2021,[34] the Emergency Broadband Benefit[35] will subsidize broadband service for eligible households—defined as those households that suffered "substantial" and documented

[27] This subsection authored by Patty Moloney Figliola.

[28] See https://www.fcc.gov/covid-19-telehealth-program.

[29] CARES Act, P.L. 116-136, 134 Stat. 531 (2020).

[30] This subsection authored by Patty Moloney Figliola.

[31] See https://www.fcc.gov/covid-19-telehealth-program.

[32] CAA 2021, P.L. 116-260, Division N, Title IX, §903.

[33] This subsection authored by Brian Humphreys.

[34] CAA 2021, P.L. 116-260, Division N, Title IX, §904.

[35] See https://www.fcc.gov/broadbandbenefit.

income loss through loss of employment during the pandemic or meet other need-based criteria specified in the act.[36] Unlike for the Lifeline program, which also supports low-income consumers, Congress funded the Emergency Broadband Benefit through a direct appropriation of $3.2 billion. Examples of eligibility criteria include current enrollment in the Lifeline program, school lunch programs, or federal housing benefits. Emergency Broadband Benefit reimburses broadband providers up to $50 per month for monthly service charges ($75 for households on tribal lands) and up to $100 as a one-time payment for connected devices included as part of a service plan.

Beneficiaries who elect to receive a connected device must pay between $10 and $50 toward the cost of the device, depending on the device cost. Any broadband provider that had an "established program" that was "widely available" as of April 1, 2020, and maintains "verification processes that are sufficient to prevent fraud, waste, and abuse" may apply to participate in the program. Funds are available until expended, or until six months after the current public health emergency declared by the Secretary of Health and Human Services terminates. The application portal for this program will open on May 12, 2021.[37]

Amendments to the Secure and Trusted Communications Networks Reimbursement Program[38]

On March 12, 2020, President Trump signed into law the Secure and Trusted Communications Networks Act of 2019 (P.L. 116-124). The act prohibits federal subsidies administered by the FCC (i.e., USF funds) from being used to purchase, rent, lease, or maintain "covered" communications equipment or services—generally, equipment that poses a national security threat. The law was enacted in response to congressional concerns about Chinese network equipment makers Huawei and ZTE.[39] The act also establishes a reimbursement program for the replacement of untrusted communications equipment or services.

In Section 901 of the CAA, 2021,[40] Congress appropriated $1.9 billion for the reimbursement program and amended certain provisions of the Secure and Trusted Communications Networks Act. Congress expanded the list of eligible providers that can receive reimbursement, from providers serving 2 million customers to providers with 10 million customers. In CAA2021, Congress also set priorities for allocation of funds: first to providers with fewer than 2 million customers; next, to approved applicants that are accredited public or private noncommercial educational institutions providing their own facilities-based educational broadband service; and last, to any remaining eligible applicants. It also expands the definition of advanced communications service providers to include accredited public or private noncommercial educational institutions providing their own facilities-based educational broadband service, and health care providers and libraries providing advanced communications service.

[36] The FCC states, "We clarify that a 'substantial loss of income' includes the loss of a job, including a furlough that is documented by a layoff or furlough notice, application for unemployment insurance benefits, or similar documentation." Per agency discretion, the FCC limits the benefit to households with 2020 incomes not greater than $99,000 for single filers and $198,000 for joint filers. See FCC Report and Order, et seq.

[37] Eligible households can enroll through an approved provider or by visiting https://getemergencybroadband.org.

[38] This subsection authored by Jill Gallagher.

[39] "Bipartisan Bill Would Reimburse Telcoms for Replacing Huawei's, ZTE's Equipment," Homeland Security News Wire, March 2, 2020, at http://www.homelandsecuritynewswire.com/dr20200302-bipartisan-bill-would-reimburse-telcoms-for-replacing-huawei-s-zte-s-equipment.

[40] CAA 2021, P.L. 116-260, Division N, Title IX, §901.

FCC Programs Established or Funded Through the American Rescue Plan Act of 2021

ARPA provided additional funding to one program at the FCC, the Emergency Connectivity Fund.

Emergency Connectivity Fund[41]

ARPA[42] appropriated $7.171 billion to the Emergency Connectivity Fund[43] at the FCC to reimburse eligible schools and libraries[44] for providing free broadband service, connected devices, and mobile hotspots to students at their homes. In other words, this fund is intended to extend the benefits of the E-Rate Program to students' homes. On March 16, 2021, the FCC issued a Notice of Proposed Rulemaking to establish the parameters of this fund.[45] Comments in the proceeding were due on April 5, 2021; reply comments were due on April 23, 2021. The FCC and USAC will administer the fund.

FCC Programs Proposed in the Leading Infrastructure for Tomorrow's America Act America Act

On March 11, 2021, Representative Frank Pallone introduced the LIFT America Act.[46] On March 22, 2021, the House Committee on Energy and Commerce held a hearing, "LIFT America: Modernizing Our Infrastructure for the Future."[47] The bill contains provisions to establish or fund four FCC programs: the Emergency Broadband Benefit, the Emergency Connectivity Fund, the National Lifeline Eligibility Verifier, and Broadband Infrastructure Deployment. The full text of this bill is not yet available through Congress.gov.

Emergency Broadband Benefit

The bill would authorize $6 billion in additional funding for the EBB, established through CAA 2021, to support distance learning for teachers and students in K-12 schools.

Emergency Connectivity Fund

The bill would authorize $2 billion in additional funding for the ECF, established through ARPA, to support distance learning for teachers and students in K-12 schools.

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[41] This subsection authored by Patty Moloney Figliola.

[42] ARPA, P.L. 117-2, Title VII, §7402.

[43] See https://www.fcc.gov/fcc-seeks-comment-emergency-connectivity-fund-educational-devices-and-connections-address-homework.

[44] The term "eligible school or library" means an elementary school, secondary school, or library, including a tribal elementary school, tribal secondary school, or tribal library.

[45] FCC, Wireline Competition Bureau Seeks Comment on Emergency Connectivity Fund for Educational Connections and Devices to Address the Homework Gap During the Pandemic, Public Notice, WC Docket No. 21-93, March 16, 2021, https://docs.fcc.gov/public/attachments/DA-21-317A1.pdf.

[46] On March 11, 2021, the bill was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure; Natural Resources; Science, Space, and Technology; Ways and Means; Education and Labor; Agriculture; and Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. The text of this bill is not yet available.

[47] The hearing page is at https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=111362.

National Lifeline Eligibility Verifier

The bill would authorize $200 million for grants to states to connect to the National Lifeline Eligibility Verifier and to encourage cooperation between the FCC and Department of Agriculture to provide an automated connection between the Verifier and the SNAP National Clearinghouse. It would also require the FCC to collect information regarding broadband pricing and subscriptions.

Broadband Infrastructure Deployment

The LIFT Act would increase funding from $40 billion in FY2020 to nearly $80 billion for each of FY2022 through FY2026 to support broadband infrastructure deployment to 100% of households in the United States based on the broadband maps produced by the FCC. Projects would be required to deliver speeds of 100 Mbps download and 100 Mbps upload. The bill would also require the FCC to update its rules to make Wi-Fi access on school buses eligible for support under the E-Rate Program.[48]

Three-fourths of these funds would be awarded by the FCC through a nationwide competitive bidding process. The remaining one-fourth of the money would be allocated to states to fund broadband deployment to areas without high-speed broadband service (also awarded through competitive bidding processes).

National Telecommunications and Information Administration[49]

The National Telecommunications and Information Administration, within the Department of Commerce, manages the BroadbandUSA program,[50] which serves local and state governments, industry, and nonprofits that seek to enhance broadband connectivity and promote digital inclusion. Historically, the NTIA provided funding for broadband deployment under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).[51]

NTIA Programs Established or Funded Through the Consolidated Appropriations Act, 2021

CAA 2021 established three new broadband assistance programs at NTIA, the Broadband Infrastructure Deployment Grant Program, the Tribal Broadband Connectivity Grant Program, and the Connecting Minority Communities Pilot Program.

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[48] The bill also authorizes an additional $500 million in FY2022-FY2026 for the tribal broadband grant program at the NTIA.

[49] This section authored by Colby Leigh Rachfal.

[50] See https://broadbandusa.ntia.doc.gov.

[51] Eligibility and other requirements for each of these programs can be found in CRS Report R46701, *The Consolidated Appropriations Act, 2021 Broadband Provisions: In Brief*, coordinated by Colby Leigh Rachfal. Additionally, the NTIA is to host webinars in connection with the three new broadband grant programs authorized and funded by CAA 2021: The Broadband Infrastructure Program, the Tribal Broadband Connectivity Program, and the Connecting Minority Communities Program. Registration information for these webinars is available at https://broadbandusa.ntia.doc.gov/events/latest-events.

Broadband Infrastructure Deployment Grant Program

The Broadband Infrastructure Deployment Grant Program[52] will provide grants on a competitive basis to partnerships between a state, or one or more political subdivisions of a state, and providers of fixed broadband service. The purpose of the program is to support broadband infrastructure deployment to areas lacking broadband, especially rural areas.[53] Congress appropriated $300 million to this program, with the funding to remain available until expended.[54]

Tribal Broadband Connectivity Grant Program

The Tribal Broadband Connectivity Grant Program[55] will provide grants to entities (e.g., tribal government, tribal college or university, tribal organization) for the purposes of supporting broadband connectivity on tribal lands throughout the country. Congress appropriated $1 billion to this program, with the funding to remain available until expended.[56]

Connecting Minority Communities Pilot Program

The Connecting Minority Communities Pilot Program[57] will provide grants for the purchase of broadband service or any eligible equipment, or to hire and train information technology personnel. Congress appropriated $285 million to this pilot program, with the funds available until expended.[58]

Department of Agriculture[59]

USDA—composed of 29 agencies and offices—provides leadership on food, agriculture, natural resources, rural development, nutrition, and other related issues. The Rural Utilities Service (RUS) is a mission area within USDA that provides loans, grants, and technical assistance to improve infrastructure in rural areas, including electric, telecommunications, and water and waste infrastructure. RUS administers five broadband programs, four that fund the deployment of broadband infrastructure and one that funds distance learning and telemedicine equipment and software.[60] Eligibility criteria vary, with some programs targeting unserved areas with negligible access to broadband and other programs available to underserved areas where only a small segment of the population has access to broadband. For all programs, eligible areas must be rural areas. Suburban and urban areas are not eligible for RUS broadband programs. RUS broadband programs have statutory authority in the Rural Electrification Act of 1936, as amended. With the

[52] See https://broadbandusa.ntia.doc.gov/ntia-common-content/overview-consolidated-appropriations-act-2021. There is not yet an individual page for this program.

[53] NTIA, *Overview of Consolidated Appropriations Act, 2021*, available at https://broadbandusa.ntia.doc.gov/ntia-common-content/overview-consolidated-appropriations-act-2021.

[54] CAA 2021, P.L. 116-260, Division N, Title IX, §905.

[55] See https://broadbandusa.ntia.doc.gov/ntia-common-content/overview-consolidated-appropriations-act-2021. There is not yet an individual page for this program.

[56] CAA 2021, P.L. 116-260, Division N, Title IX, §905.

[57] See https://broadbandusa.ntia.doc.gov/ntia-common-content/overview-consolidated-appropriations-act-2021. There is not yet an individual page for this program.

[58] CAA 2021, P.L. 116-260, Division N, Title IX, §902.

[59] This section authored by Alyssa R. Casey.

[60] For additional information on RUS broadband programs, see CRS Report RL33816, *Broadband Loan and Grant Programs in the USDA's Rural Utilities Service*, by Lennard G. Kruger and Alyssa R. Casey.

exception of the ReConnect Program, Congress reauthorizes these programs in periodic farm bills, most recently the Agriculture Improvement Act of 2018 (2018 farm bill, P.L. 115-334). Congress funds these programs through annual Agriculture appropriations acts.

Community Connect Program

The Community Connect Program[61] provides grants to fund broadband infrastructure and access to broadband service for critical community facilities, such as public safety, health care, and education facilities, in eligible rural areas. Statute defines eligible areas as rural areas (population 20,000 or below and not adjacent to a city or town with a population greater than 50,000) that lack any existing broadband service at speeds of at least 10/1 Mbps.[62] Funded projects must provide broadband service to an eligible area at minimum speeds to be determined by USDA. The most recent funding opportunity announcement in FY2021 set minimum speeds that a funded project must provide at 25/3 Mbps.

Eligible grant activities include constructing or acquiring facilities, land, or buildings to provide broadband service to all customers in the proposed service area and constructing or expanding a community center to provide broadband access in the proposed service area. In addition, eligible projects must provide free broadband service for at least two years to the community center and any other critical community facilities in the proposed service area. Statute defines eligible applicants as incorporated organizations, Indian tribes or tribal organizations, state or local governments, and other legal entities organized on a for-profit or not-for-profit basis, including cooperatives and limited liability companies (LLCs). Statute also requires eligible applicants to provide matching funds of at least 15% of the total grant amount. Congress appropriated $35 million per year for the program in FY2020 and FY2021.

ReConnect Program (Rural eConnectivity Program)

The Rural eConnectivity Program,[63] commonly known as the ReConnect Program, provides loans and grants to finance the construction, improvement, or acquisition of facilities and equipment needed to provide broadband service in eligible rural areas (population 20,000 or fewer and not adjacent to a city or town with a population greater than 50,000). Statute defines eligible areas as areas where at least 90% of households lack access to broadband service at speeds of 10/1 megabits per second (Mbps).[64] Funded projects must provide broadband service to an eligible area at minimum speeds set by USDA, currently defined as 25/3 Mbps.

The program provides three types of awards: 100% grants, 100% loans, and 50% grant/50% loan combinations. Eligible activities include constructing or acquiring facilities, land, or buildings to provide fixed, terrestrial broadband service to all customers in the proposed service area. Up to 5% of an award can be used to cover preapplication expenses incurred in applying for ReConnect assistance. Program regulations define eligible applicants as cooperatives or mutual organizations, corporations, Indian tribes, LLCs or limited liability partnerships, state or local governments, and U.S. territories.[65] Congress appropriated $555 million for the program in

[61] See https://www.rd.usda.gov/programs-services/community-connect-grants.

[62] 7 U.S.C. §950bb-3.

[63] See https://www.usda.gov/reconnect.

[64] P.L. 115-141, Division B, §779. In referring to broadband speeds, the first figure is for download and the second for upload.

[65] USDA Rural Utilities Service, "Rural eConnectivity Program," 86 *Federal Register* 11603, February 26, 2021,

FY2020 and $635 million in FY2021.[66] Congress also provided an additional $100 million for program grants in the CARES Act (P.L. 116-136, Division B, Title I, §11004). In addition to providing program funding, CAA 2021 also amended the ReConnect Program by clarifying requirements related to overbuilding and authorizing up to 10% of program funds to be used to fund applications for areas that are "rural in character."[67]

Rural Broadband Access Program

The Rural Broadband Access Program[68] is authorized to provide grants, loans, and loan guarantees to finance the construction, improvement, or acquisition of facilities and equipment needed to provide broadband service in eligible rural areas (population 20,000 or below and not adjacent to a city or town with a population greater than 50,000). Though the 2018 farm bill amended the program to authorize provision of grants, Congress has not appropriated funding for program grants. Statute defines eligible areas for loans and loan guarantees as areas where at least 50% of households lack access to broadband service at minimum speeds defined by USDA, currently 25/3 Mbps.[69] Eligible areas for loans and loan guarantees may not have more than two incumbent internet service providers providing broadband service to any part of the area. Statute defines eligible areas for grants as areas where at least 90% of households lack access to broadband at minimum speeds. Funded projects must provide broadband service to an eligible area at minimum speeds to be determined by USDA, currently set at 25/3 Mbps.

Eligible activities include constructing or improving facilities, land, or buildings to provide broadband service to all customers in the proposed service area. Acquisition or leasing of facilities to provide broadband service are eligible activities under certain circumstances. Up to 5% of an award can be used to cover preapplication expenses incurred in applying for Rural Broadband Access assistance. Program regulations define eligible applicants as cooperatives or mutual organizations, corporations, Indian tribes or tribal organizations, limited liability corporations (LLCs), and state or local governments.[70] Statute requires eligible applicants to provide matching funds of 25%-75% of the total project cost, depending on the population density of the proposed service area. Statute also authorizes USDA to adjust matching requirements in order to ensure program funds "are best utilized to provide broadband service in communities that are the most rural in character."[71] In FY2020, Congress appropriated a $2 million loan subsidy to support $11.2 million in program loans. In FY2021, Congress appropriated a $2 million loan subsidy to support $11.9 million in program loans.

https://www.federalregister.gov/documents/2021/02/26/2021-03443/rural-econnectivity-program.

[66] In both years, Congress appropriated a lump sum for the program and did not specify amounts for grants and loans within the lump sum.

[67] See CAA 2021, P.L. 116-260, Division A, Title VII, §784 and §791. *Rural in character* is a designation established by Congress to allow USDA to determine that an area that exceeds the population limit for a given USDA program may still be eligible for program funding if the area has certain rural characteristics as specified in statute. See 7 U.S.C. §1991(a)(13)(D).

[68] See https://www.rd.usda.gov/programs-services/rural-broadband-access-loan-and-loan-guarantee.

[69] 7 U.S.C. §950bb.

[70] 7 C.F.R. §1738.

[71] 7 U.S.C. §950bb(c)(3)(D).

Telecommunications Infrastructure Program

The Telecommunications Infrastructure Program[72] provides loans and loan guarantees to fund telephone and broadband infrastructure in eligible rural areas. Statute defines eligible areas as rural areas (population 5,000 or fewer) that have no existing telecommunications providers or where the applicant is the existing telecommunications provider.[73]

Eligible activities include the construction, maintenance, or improvement of telephone and broadband infrastructure in eligible areas. Acquisition of existing infrastructure is an eligible activity under certain circumstances. Program regulations define eligible applicants as cooperatives or mutual associations, Indian tribes, nonprofit organizations, state or local governments, and other entities providing telephone service in rural areas.[74] In FY2020, Congress appropriated a $3.8 million loan subsidy to support $690 million in program loans. In FY2021, Congress appropriated a $2.3 million loan subsidy to support $690 million in program loans.

Distance Learning and Telemedicine Program

The Distance Learning and Telemedicine Program[75] provides grants to finance software and equipment that allow people in eligible rural areas to access distance learning or telemedicine services. Statute also authorizes the program to provide loans and loan/grant combinations, but since FY2009, Congress has appropriated funding only for program grants. Statute defines eligible areas as rural areas with a population 20,000 or fewer and not adjacent to a city or town of 50,000 or greater.[76]

Eligible activities include the development or acquisition of instructional programming, software or equipment; the provision of technical assistance for the use of instructional programming, software, or equipment; or other uses determined by USDA. Program regulations allow up to 20% of grant funds to be used to purchase or install broadband facilities necessary for accessing distance learning or telemedicine services.[77] Program regulations also define eligible applicants as for-profit or not-for-profit corporations, Indian tribes or tribal organizations, state or local governments, or consortia of eligible entities. Eligible applicants must provide matching funds of at least 15% of the total grant amount. Congress appropriated $50 million for the program in FY2020 and $60 million for the program in FY2021.

Department of Agriculture Programs Established Through the American Rescue Plan Act of 2021

ARPA contained multiple provisions related to agriculture, nutrition, and rural development. While none of these provisions is specific to broadband infrastructure, one provision provides funding for health care needs related to the COVID-19 pandemic in rural areas, including increasing telehealth capacities.

[72] See https://www.rd.usda.gov/programs-services/telecommunications-infrastructure-loans-loan-guarantees.

[73] 7 U.S.C. §922, §924.

[74] 7 C.F.R. §1735.

[75] See https://www.rd.usda.gov/programs-services/distance-learning-telemedicine-grants.

[76] 7 U.S.C. §950aaa-1.

[77] 7 C.F.R. §1735.

Rural Health Care Pilot Grant Program[78]

ARPA appropriated $500 million to USDA to establish an emergency pilot program to provide grants "to be awarded by the Secretary [of Agriculture] based on rural development needs related to the COVID–19 pandemic."[79] The provision authorized grant funds to be used to—

- increase capacity for vaccine distribution;
- provide medical supplies to increase medical surge capacity;
- reimburse for revenue lost during the COVID-19 pandemic, including revenue lost prior to the awarding of the grant;
- increase telehealth capabilities;
- construct temporary or permanent structures to provide health care services, including vaccine administration or testing;
- support staffing needs for vaccine distribution or testing; and
- engage in any other efforts to support rural development determined to be critical to address the COVID-19 pandemic, including nutritional assistance to vulnerable individuals, as determined by the Secretary of Agriculture.

Eligible applicants include federally recognized Indian tribes, nonprofit corporations or associations, and public bodies. Grants must support facilities that are located in, and primarily serve, rural (population 20,000 or below), low-income areas. Appropriated funds are to remain available through FY2023. The provision authorized USDA to use up to 3% of appropriated funds for administrative purposes and up to 2% of funds to provide technical assistance to eligible applicants.

Department of Health and Human Services

The mission of HHS "is to enhance the health and well-being of all Americans, by providing for effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services."[80] As part of that mission, HHS funds programs that aim to expand access to telehealth services by, among other things, training and providing technical assistance to health providers to encourage telehealth use and encouraging provider coordination through telehealth networks. Federal health care payment programs (e.g., Medicare and Medicaid) also reimburse providers for telehealth services provided to enrolled beneficiaries. The main focus of HHS's support is not broadband infrastructure; however, some funding sources may be used to support broadband as part of broader purposes. Two programs focus on infrastructure for telehealth services: the Telehealth Support Program and the Telehealth Broadband Pilot.

Telehealth Support Program[81]

ARPA appropriated $140 million to the Indian Health Service (IHS)[82] within HHS for information technology, telehealth infrastructure, and the IHS electronic health records system.

[78] This section authored by Alyssa R. Casey.

[79] P.L. 117-2, §1002. There is not yet an individual page for this program.

[80] U.S. Department of Health and Human Services, "About HHS," https://www.hhs.gov/about/index.html.

[81] This subsection authored by Elayne Heisler.

[82] See https://www.ihs.gov/telehealth/.

Updating IHS's information technology and electronic health record system is a multiyear agency project because the existing system is outdated and has raised security concerns. Information is not currently available to determine how much of the ARPA funds will be used for telehealth as compared to amounts that will be used to update the agency's health information technology and electronic health record systems.

Telehealth Broadband Pilot Program[83]

In FY2021, HHS's Health Resources and Services Administration (HRSA),[84] Federal Office of Rural Health Policy awarded $8 million to the Telehealth Broadband Pilot (TBP) Program, which assesses broadband capacity and provides recommendations to providers and communities on technologies to improve telehealth services. The TBP program is a result of a memorandum of understanding between the FCC, USDA, and HHS. The National Telehealth Technology Assessment Resource Center received $6.5 million of these funds to implement the TBP in Alaska, Michigan, Texas, and West Virginia, where it will work with federal and state partners to improve access to broadband and telehealth services. The remaining funds ($1.5 million) were awarded to the University of Arkansas Telehealth-Focused Rural Health Research Center to evaluate the TBP program and act as a telehealth resource for rural communities.

Department of Housing and Urban Development[85]

HUD, the primary federal housing agency, has launched several administrative initiatives to encourage or require development of broadband infrastructure in HUD-assisted housing. These initiatives have not included dedicated funding for broadband; however, a number of HUD grant programs include development of broadband infrastructure and planning as an allowable use of funds.[86]

In terms of internet costs for federally assisted renters, while HUD has historically included utility costs in its rental assistance subsidies to low-income tenants, the agency has never defined utility costs to include telephone, cable, or internet costs.

ConnectHome/ConnectHomeUSA

ConnectHome[87] was originally launched in 2015 by HUD as a pilot program to address concerns about internet access for students in grades K-12 living in HUD-subsidized housing.[88] The program offered no federal funding, but instead encouraged local housing agencies to partner with local governments, community partners, and private industry to find ways to increase

[83] This subsection authored by Taylor Wyatt.

[84] See https://www.hrsa.gov.

[85] This section authored by Maggie McCarty.

[86] For example, Community Development Block Grant (CDBG) funding received by states and localities may be used to fund broadband and telecommunications projects either tied to housing development; as a part of economic development; or related to public facility activities. See https://www.hudexchange.info/faqs/programs/cdbg-entitlement-program/broadband-infrastructure/can-community-development-block-grant-cdbg-funds-be-used-to-fund/. Similarly, public housing authorities may use public housing funding for the cost of installing broadband infrastructure in public housing developments. See https://www.hud.gov/sites/dfiles/PIH/documents/PublicHousingFundingSupportInternetConnectivityResidents.pdf.

[87] See https://connecthome.hud.gov/.

[88] See HUD, "Advance Notice of Digital Opportunity Demonstration," 80 *Federal Register* 18248, April 3, 2015.

students' internet access in assisted housing. As a part of the initiative, HUD and partners developed a playbook of best practices, strategies, and options for housing providers looking to expand residents' connectivity.[89] In 2017, HUD shifted leadership of the pilot—renamed ConnectHOMEUSA—to a nonprofit partner, with a goal of reaching 100 communities by 2021.[90] According to HUD, 37% of HUD-assisted households have internet connections that can be attributed to these initiatives.[91]

2016 Broadband Rules

In 2016, HUD finalized two new rules related to broadband access. The first required all 50 states and the more than 1,200 localities that receive HUD block grant funding to include in their required consolidated planning process a description of broadband access for low- and moderate-income households. If low-income residents lack access, communities are required to consider providing broadband access to these residents in their decisions on how to spend HUD funds.[92]

The second rule required the installation of broadband infrastructure in all HUD-funded new construction and substantial rehabilitation of multifamily housing. This requirement does not apply to properties that only receive HUD-insured financing (through a Federal Housing Administration insured mortgage), but does apply to most major HUD grant-funded programs, including public housing, the Community Development Block Grant program, the HOME Investment Partnerships programs, homeless assistance programs, and the project-based rental assistance programs. There are exceptions to when the requirement applies, including when the cost of the installation would cause an undue financial burden or would be infeasible.[93]

Department of the Treasury[94]

The mission of the Department of the Treasury includes maintaining a strong economy and creating economic opportunities by promoting the conditions that enable economic growth and stability at home and abroad. The Department of the Treasury does not have any standing programs that support universal service or broadband programs. However, the agency is responsible for administering five programs established or funded through CAA 2021 and ARPA that may fund these activities.

Treasury Programs Established or Funded Through the Consolidated Appropriations Act, 2021

One Department of the Treasury program, the Emergency Rental Assistance (ERA) Program, was established by CAA 2021.

[89] See https://connecthome.hud.gov/playbook.

[90] For more information, see https://connecthome.hud.gov/.

[91] Taken from https://connecthome.hud.gov/about#_msocom_1, accessed April 5, 2021.

[92] See HUD, "Modernizing HUD's Consolidated Planning Process to Narrow the Digital Divide and Increase Resilience to Natural Disasters," 81 *Federal Register* 9997, December 16, 2016.

[93] HUD, "Narrowing the Digital Divide Through Installation of Broadband Infrastructure in HUD-Funded New Construction and Substantial Rehabilitation of Multifamily Rental Housing," 81 *Federal Register* 29626, December 20, 2016.

[94] Except as noted, this section authored by Colby Leigh Rachfal.

Emergency Rental Assistance Program[95]

The Emergency Rental Assistance Program[96] was established and appropriated $25 billion by CAA 2021.[97] This program provides grant funds to states, localities, and tribes that can be used to assist eligible renters experiencing economic hardship attributable to the COVID-19 pandemic. The funds can be used to help meet rental costs (including arrearages), utility costs (including arrearages), and other housing-related expenses (as established by Treasury). Treasury guidance documents have stated that internet expenses may be considered "other housing-related expenses" and thus eligible for assistance under the Emergency Rental Assistance Program.[98] Whether or not states, localities, or tribal entities will choose to subsidize these costs will be at their discretion. Treasury's guidance notes:

> Internet service provided to a residence is related to housing and is in many cases a vital service that allows renters to engage in distance learning, telework, and telemedicine and obtain government services. However, given that coverage of Internet would reduce the amount of funds available for rental assistance, grantees should adopt policies that govem in what circumstances that they will determine that covering this cost would be appropriate.[99]

ARPA provided an additional $21.55 billion to the program.

Treasury Programs Established or Funded Through the American Rescue Plan Act of 2021

ARPA established or appropriated funds for five programs at the Department of Treasury.

Emergency Rental Assistance Program[100]

The Emergency Rental Assistance Program,[101] originally established and appropriated $25 billion by CAA 2021, received an additional $21.55 billion in ARPA.[102] Whether or not states and localities will choose to subsidize these costs will be at their discretion.

Coronavirus State Fiscal Recovery Fund

ARPA appropriated $219.8 billion to the Coronavirus State Fiscal Recovery Fund,[103] to remain available through December 31, 2024. The fund may be used for a variety of purposes, including

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[95] This subsection authored by Maggie McCarty. For more information, see CRS Report R46688, *Emergency Rental Assistance through the Coronavirus Relief Fund*, by Grant A. Driessen, Maggie McCarty, and Libby Perl.

[96] See https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program.

[97] CAA 2021, P.L. 116-260, Division N, Title V, §501.

[98] U.S. Department of the Treasury, "Emergency Rental Assistance Frequently Asked Questions," revised March 26, 2021, p. 4, available at https://home.treasury.gov/system/files/136/ERA-Frequently-Asked-Questions_Pub-3-16-21.pdf.

[99] Ibid.

[100] This subsection authored by Maggie McCarty. For more information, see CRS Report R46688, *Emergency Rental Assistance through the Coronavirus Relief Fund*.

[101] See https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program.

[102] ARPA, P.L. 117-2, Title III, §3201.

[103] See https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-

broadband infrastructure. Of the amount appropriated, $20 billion is to be set aside for payments to tribal governments.[104]

Homeowner Assistance Fund[105]

The Homeowner Assistance Fund[106] was established by ARPA with funding of $9.96 billion to assist homeowners experiencing financial hardships due to the COVID-19 pandemic.[107] It funds grants to states, territories, and tribes to provide assistance to help eligible homeowners cover their mortgage costs, utility costs, and other housing expenses listed in the statute, which includes "internet service, including broadband internet access service."[108] Grantees have discretion in how they use their funds among the eligible activities.

Coronavirus Local Fiscal Recovery Fund

The purpose of the Coronavirus Local Fiscal Recovery Fund[109] is for making payments to metropolitan cities, nonentitlement units of local government,[110] and counties to mitigate the fiscal effects stemming from the COVID-19 public health emergency. The fund can be used for a variety of purposes, including broadband infrastructure. Congress appropriated $130.2 billion to the fund, to remain available through December 31, 2024.[111]

Coronavirus Capital Projects Fund

Through ARPA, Congress appropriated $10 billion to the Coronavirus Capital Projects Fund.[112] The fund provides payments to states, territories, and tribal governments to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the COVID-19 public health emergency. Of the $10 billion appropriation, $100 million is to be paid in equal shares to tribal governments and the State of Hawaii, of which not less than $50,000 is to be paid to each tribal government.[113]

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local-fiscal-recovery-fund.

[104] ARPA, P.L. 117-2, Title IX, §9901.

[105] This subsection authored by Maggie McCarty.

[106] See https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/homeowner-assistance-fund.

[107] ARPA, P.L. 117-2, Title III, §3206.

[108] The Homeowner Assistance Fund is established in Sec. 3206 of P.L. 117-2. Eligible expenses are listed at Sec. 3206 (c)(1).

[109] See https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-fund.

[110] ARPA states, "The term 'nonentitlement unit of local government' means a 'city', as that term is defined in section 102(a)(5) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(5))), that is not a metropolitan city."

[111] ARPA, P.L. 117-2, Title IX, §9901.

[112] See https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/capital-projects-fund.

[113] ARPA, P.L. 117-2, Title IX, §9901.

Institute of Museum and Library Services[114]

The Institute of Museum and Library Services (IMLS) is an independent federal agency that provides library grants, museum grants, policy development, and research. In 2019, the agency awarded $223.5 million to U.S. museums, libraries, and related organizations.[115] Over 99.7% of public libraries offer free access to the internet,[116] making them an important point of access for Americans.

IMLS Programs Established or Funded Through the Coronavirus Aid, Relief, and Economic Security Act

The CARES Act appropriated $50 million to the IMLS.[117] The funds are being used to provide grants to states, territories, and tribes to expand digital network access, purchase internet accessible devices, and provide technical support services, allowing communities to respond to the disruption of education and other services during the COVID-19 emergency.

Concluding Observations

Oversight and interagency coordination of the new programs, in particular, may prove challenging due to the number or agencies and programs involved and the source and timelines for funding those programs. Enacted into law as part of CAA 2021, both the Broadband Interagency Coordination Act and the ACCESS BROADBAND Act require such coordination and are intended to achieve program efficiency:

- The Broadband Interagency Coordination Act requires the FCC, NTIA, and USDA to enter into an interagency agreement by June 2021 to coordinate the distribution of federal funds for new broadband deployment.
- The ACCESS BROADBAND Act requires the Department of Commerce to establish an Office of Internet Connectivity and Growth within NTIA by June 2021. Among other requirements, the office will be required to coordinate with federal agencies that offer a broadband support program, including the FCC's USF programs, to streamline the application process for financial assistance or grants. It will also be required to track construction, use of, and access to any broadband infrastructure built using federal support.

Additional oversight may be provided through hearings, both of individual agencies and of multiple agencies together that are responsible for managing similar or potentially overlapping programs.

[114] This section authored by Patty Moloney Figliola.

[115] See https://www.imls.gov.

[116] See https://www.imls.gov/about/mission.

[117] CARES Act, P.L. 116-136, 134 Stat. 571 (2020).

Appendix. Legislation Related to Broadband in the 117th Congress[118]

Bills are listed by date of introduction. Those bills listed only by number do not have a formal title or the text of the bill may not yet be available on Congress.gov. Summaries are adapted from those provided through Congress.gov. Bills listed are current as of the date of this report.

H.R. 2667
Introduced by Representative Jefferson Van Drew and referred to the House Committee on Energy and Commerce on April 19, 2021.

To amend the Communications Act of 1934 to prohibit providers of broadband internet access service from charging consumers above certain amounts for certain equipment.

H.R. 2666
Introduced by Representative Jefferson Van Drew and referred to the House Committee on Energy and Commerce on April 19, 2021.

To amend the Communications Act of 1934 to prohibit providers of broadband internet access service from increasing rates or enforcing data caps or allowances during an emergency or major disaster, and for other purposes.

H.R. 2665
Introduced by Representative Jefferson Van Drew and referred to the House Committee on Energy and Commerce on April 19, 2021.

This bill would direct the Federal Communications Commission to establish a program to make grants to states for the deployment of broadband service in underserved areas by small business broadband providers, and for other purposes.

S. 1113
Introduced by Senator Steve Daines and referred to the Senate Committee on Homeland Security and Governmental Affairs on April 14, 2021.

This bill would require federal agencies to respond in a timely manner to right-of-way requests for the build out of broadband service, and for other purposes.

H.R. 2411
Introduced by Representative Derek Kilmer and referred to the House Committee on Ways and Means on April 8, 2021.

This bill would amend the Internal Revenue Code of 1986 to provide a tax credit to consumers to reimburse a portion of the cost of broadband infrastructure serving limited broadband districts.

H.R. 2400
Introduced by Representative Antonio Delgado and referred to the House Committee on Agriculture and House Committee on Energy and Commerce on April 8, 2021.

This bill would allow Rural Utilities Service telecommunications grants to be made for the collection of broadband infrastructure data by local governments, economic development or other community organizations, electric or telephone cooperatives, and small internet providers.

[118] This section authored by Patty Moloney Figliola.

H.R. 2398
Introduced by Representative Antonio Delgado and referred to the House Committee on Energy and Commerce on April 8, 2021.

This bill is intended to improve the Federal Communication Commission's collection of broadband speed data in order to support the effective deployment of broadband services to all areas in the United States, and for other purposes.

S. 1036
Introduced by Senator Margaret Hassan and referred to the Senate Committee on Commerce, Science, and Transportation on March 25, 2021.

This bill would direct the Federal Communications Commission to promulgate regulations that establish a national standard for determining whether mobile and broadband services available in rural areas are reasonably comparable to those services provided in urban areas.

S. 979
Introduced by Senator Ron Wyden and referred to the Senate Committee on Commerce, Science, and Transportation on March 25, 2021.

This bill would amend the CAA, 2021, among other purposes, to—

- authorize additional funds for the Emergency Broadband Connectivity Fund;
- provide grants to states and tribal entities to strengthen the National Lifeline Eligibility Verifier; and
- provide for federal coordination between the National Lifeline Eligibility Verifier and the National Accuracy Clearinghouse.

S. 944
Introduced by Senator Lindsey Graham and referred to the Senate Committee on Commerce, Science, and Transportation on March 24, 2021.

This bill would amend the Communications Act of 1934 to establish a program to expand access to broadband in unserved and underserved areas, and for other purposes.

H.R. 2183
Introduced by Representative Roger Williams and referred to the House Committee on Energy and Commerce on March 23, 2021.

This bill would amend the Communications Act of 1934 to provide funding to states for extending broadband service to unserved areas in partnership with broadband service providers, and for other purposes.

S. 922
Introduced by Senator John Cornyn and referred to the Senate Committee on Commerce, Science, and Transportation on March 23, 2021.

This bill would amend the Communications Act of 1934 to provide funding to states for extending broadband service to unserved areas in partnership with broadband service providers, and for other purposes.

H.R. 1904, Broadband Justice for All Act
Introduced by Representative Jamaal Bowman and referred to the House Committee on Ways and Means and House Committee on Financial Services on March 16, 2021.

This bill would provide funding for the installation of broadband infrastructure in federally assisted housing, and to expand the definition of utilities in federal rental assistance programs to include internet costs.

S. 745
Introduced by Senator Amy Klobuchar and referred to the Senate Committee on Commerce, Science, and Transportation on March 15, 2021.

This bill is intended to make high-speed broadband internet service accessible and affordable to all Americans, and for other purposes.

H.R. 1783
Introduced by Representative James Clyburn on March 11, 2021, and referred to the House Committee on Energy and Commerce; House Committee on Transportation and Infrastructure; and House Committee on Agriculture on March 12, 2021.

This bill is intended to make high-speed broadband internet service accessible and affordable to all Americans, and for other purposes.

S. 741
Introduced by Senator Ben Ray Lujan and referred to the Senate Committee on Commerce, Science, and Transportation on March 11, 2021.

This bill would establish a broadband infrastructure finance and innovation program to make available loans, loan guarantees, and lines of credit for the construction and deployment of broadband infrastructure, and for other purposes.

S. 696
Introduced by Senator Catherine Cortez Masto and referred to the Senate Committee on Commerce, Science, and Transportation on March 10, 2021.

This bill would amend the Secure Rural Schools and Community Self-Determination Act of 2000 to allow counties to use certain funds to provide or expand access to broadband telecommunications services and other technologies.

H.R. 1721
Introduced by Representative Marc A. Veasey and referred to the House Committee on Energy and Commerce; and the House Committee on Agriculture on March 9, 2021.

This bill would amend CAA 2021, among other purposes, to—

- authorize additional funds for the Emergency Broadband Connectivity Fund;
- provide grants to states and tribal entities to strengthen the National Lifeline Eligibility Verifier; and
- provide for federal coordination between the National Lifeline Eligibility Verifier and the National Accuracy Clearinghouse.

H.R. 1714
Introduced by Representative Abigail Davis Spanberger and referred to the House Committee on Energy and Commerce on March 9, 2021.

This bill would require the Comptroller General of the United States to submit a report evaluating the process used by the Federal Communications Commission for establishing, reviewing, and updating upload and download broadband internet access speed thresholds, and for other purposes.

H.R. 1700
Introduced by Representative Jerry McNerney and referred to the House Committee on Energy and Commerce on March 9, 2021.

This bill would establish a broadband infrastructure finance and innovation program to make available loans, loan guarantees, and lines of credit for the construction and deployment of broadband infrastructure, and for other purposes.

H.R. 1672
Introduced by Representative Peter Welch and referred to the House Committee on Energy and Commerce on March 9, 2021.

This bill would amend the Communications Act of 1934 to provide for the establishment of a program to expand access to broadband service, and for other purposes.

H.R. 1650
Introduced by Representative Markwayne Mullin and referred to the House Committee on Energy and Commerce on March 8, 2021.

This bill would require the Federal Communications Commission to study the current and projected demands on rural broadband networks associated with services offered by edge providers, and for other purposes.

H.R. 1631
Introduced by Representative Anna G. Eshoo and referred to the House Committee on Energy and Commerce on March 8, 2021.

This bill would amend the Telecommunications Act of 1996 to preserve and protect the ability of state and local governments, public-private partnerships, and cooperatives to provide broadband services.

S. 608
Introduced by Senator Amy Klobuchar and referred to the Senate Committee on Commerce, Science, and Transportation on March 4, 2021.

This bill is intended to help small business broadband providers keep customers connected.

H.R. 1555
Introduced by Representative Angie Craig and referred to the House Committee on Energy and Commerce on March 3, 2021.

This bill would require the FCC to issue final rules to promote and incentivize the widespread adoption of broadband consumer labels, and for other purposes.

H.R. 1362, BOOST Act
Introduced by Representative John R. Moolenaar and referred to the House Committee on Ways and Means and the House Committee on Energy and Commerce on February 25, 2021.

This bill would allow an individual taxpayer to elect a tax credit for 75% of qualified signal booster expenditures up to $400 in a single taxable year through 2025. The bill defines qualified signal booster expenditures as amounts paid for the purchase of any communications signal booster for use by the taxpayer in a principal residence located in an underserved area. The booster is designed to increase the strength or range of a broadband communications signal.

S. 436, American Broadband Buildout Act of 2021
Introduced by Senator Susan M. Collins and referred to the Senate Committee on Commerce, Science, and Transportation on February 24, 2021.

This bill would provide federal matching funding for state-level broadband programs.

H.R. 1218, Data Mapping to Save Moms' Lives Act
Introduced by Representative G. K. Butterfield and referred to the House Committee on Energy and Commerce on February 23, 2021.

This bill would require the Federal Communications Commission to incorporate data on maternal health outcomes into its broadband health maps.

H.R. 1149, CONNECT Act
Introduced by Representative Billy Long and referred to the House Committee on Energy and Commerce on February 18, 2021.

This bill would prohibit a state or political subdivision thereof from providing or selling broadband internet access service. Such provision or sale would be allowed to continue if there is no more than one other commercial provider of broadband internet access that provides competition in a particular area.

H.R. 1084, Brownfields Broadband Deployment Act
Introduced by Representative Tim Walberg and referred to the House Committee on Energy and Commerce and the House Committee on Natural Resources on February 15, 2021.

This bill would exclude certain communications facility deployment or modification projects from specified review requirements. Specifically, it would exclude from specified environmental and historic preservation review a project for the deployment or modification of a communications facility that is to be carried out entirely within a brownfield site (real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant).

H.R. 1069, Streamlining Permitting to Enable Efficient Deployment of Broadband Infrastructure Act of 2021
Introduced by Representative Greg Pence and referred to the House Committee on Energy and Commerce and the House Committee on Natural Resources on February 15, 2021.

This bill would amend the Communications Act of 1934 to provide that the Federal Communications Commission is not required to perform any review under the National Environmental Policy Act of 1969 or Division A of Subtitle III of Title 54, United States Code, as a condition of permitting the placement and installation of a communications facility, and for other purposes.

H.R. 1056, Wireless Broadband Competition and Efficient Deployment Act
Introduced by Representative Bill Johnson and referred to the House Committee on Energy and Commerce; and the House Committee on Natural Resources on February 15, 2021.

This bill would provide that a project for the colocation of a personal wireless service facility is not subject to requirements to prepare certain environmental or historical preservation reviews.

H.R. 1055, Federal Broadband Deployment Tracking Act
Introduced by Representative Richard Hudson and referred to the House Committee on Energy and Commerce on February 15, 2021.

This bill would require the National Telecommunications and Information Administration (NTIA) to submit a report on tracking Form 299 requests. Form 299 is the application form for the right to install, construct, modify, or maintain a communications facility on federal real property. Such report would be required to include (1) a plan describing how the NTIA will track a Form 299 submitted by a requesting party; (2) a description of how the NTIA would most expeditiously

implement such plan; (3) a way to increase transparency to a requesting party on the status of a Form 299; and (4) an assessment of barriers that could delay implementation of the plan.

H.R. 1053, TRUSTED Broadband Networks Act
Introduced by Representative Brett Guthrie and referred to the House Committee on Energy and Commerce and the House Committee on Natural Resources on February 15, 2021.

This bill would exclude from specified environmental and historic preservation review a project to permanently remove and replace communications equipment or services that the Federal Communications Commission has determined pose a threat to national security.

H.R. 1051, BROADBAND Leadership Act
Introduced by Representative H. Morgan Griffith and referred to the House Committee on Energy and Commerce on February 15, 2021.

This bill would amend the Communications Act of 1934 to streamline siting processes for telecommunications service facilities, and for other purposes.

H.R. 1047, Rural Broadband Permitting Efficiency Act of 2021
Introduced by Representative John R. Curtis on February 15, 2021, and referred to the House Committee on Natural Resources Subcommittee on Conservation and Forestry; and House Committee on Agriculture on March 25, 2021.

This bill would authorize federal departments to delegate federal environmental compliance for broadband projects to states and Indian tribes. Specifically, the bill would require the Department of Agriculture and the Department of the Interior to establish a voluntary program whereby states or Indian tribes may opt-in to an agreement allowing them to take on the responsibility of environmental review for the permitting of broadband projects. Such projects would be required to be located within an operational right-of-way (all real property interests acquired for the construction or operation of a project) on (1) national forest system land, (2) land managed by Interior, or (3) Indian lands. USDA and Interior would also be required to establish broadband permit streamlining teams to coordinate and expedite permitting decisions for broadband projects.

H.R. 1046, Federal Broadband Deployment in Unserved Areas Act
Introduced by Representative John R. Curtis on February 15, 2021, and referred to the House Committee on Natural Resources Subcommittee on Conservation and Forestry; House Committee on Energy and Commerce; and House Committee on Agriculture on March 25, 2021.

This bill would require the Federal Communications Commission to provide broadband availability data to the Department of the Interior.

H.R. 1045, Broadband Resiliency and Flexible Investment Act
Introduced by Representative Dan Crenshaw and referred to the House Committee on Energy and Commerce on February 15, 2021.

This bill would amend the Middle Class Tax Relief and Job Creation Act of 2012 to amend the definition of eligible facilities request, to codify the 60-day time frame for certain eligible facilities requests and certain eligible telecommunications facilities requests, and for other purposes.

H.R. 1044, Broadband—Measuring Availability and Aligning Policies Task Force Act
Introduced by Representative Angie Craig and referred to the House Committee on Energy and Commerce on February 15, 2021.

This bill would require the Federal Communications Commission (FCC) to establish a task force that oversees implementation and use of broadband availability maps. Specifically, the task force

would (1) oversee specified data collection and analysis, including creating and updating broadband availability maps; (2) identify relevant FCC actions and ensure they are informed by the maps; (3) provide cost estimates for maintaining the maps; and (4) provide necessary recommendations to ensure the FCC can produce sufficiently granular and accurate maps to determine areas that lack broadband internet access service.

H.R. 1043, Proportional Reviews for Broadband Deployment Act
Introduced by Representative Earl L. "Buddy" Carter, and referred to the House Committee on Energy and Commerce and House Committee on Natural Resources on February 15, 2021.

This bill would exempt certain wireless facility modification requests from specified review requirements. Specifically, the bill would exempt from specified environmental and historic preservation review any request for modification of an existing wireless tower or base station that involves (1) colocation of new transmission equipment, (2) removal of transmission equipment, or (3) replacement of transmission equipment.

H.R. 1039, Coastal Broadband Deployment Act
Introduced by Representative Gus M. Bilirakis, and referred to the House Committee on Energy and Commerce and House Committee on Natural Resources on February 15, 2021.

This bill would exclude certain communications facility deployment or modification projects from specified review requirements.

H.R. 1038, Enhancing Administrative Reviews for Broadband Deployment Act
Introduced by Representative Kelly Armstrong on February 15, 2021, and referred to the House Committee on Natural Resources Subcommittee on Conservation and Forestry; and House Committee on Agriculture on March 18, 2021.

This bill would direct the Department of the Interior and the Department of Agriculture to report to Congress on communications use authorizations (i.e., authorizations to modify or locate communications facilities on public lands). Specifically, Interior and USDA would be required to (1) provide an assessment on programmatic or administrative barriers to reviewing communications use authorizations, (2) provide an assessment of whether there are rules or regulations that could be revised to improve the efficiency of reviewing communications use authorizations, (3) describe the process for prioritizing the review of communications use authorizations, and (4) provide a plan to ensure adequate staffing to review communications use authorizations in a timely manner.

S. 326, Measuring the Economic Impact of Broadband Act of 2021
Introduced by Senator Amy Klobuchar and referred to the Senate Committee on Commerce, Science, and Transportation February 12, 2021.

This bill would require the Department of Commerce to conduct a biennial assessment and analysis regarding the contribution of the digital economy to the U.S. economy. In conducting this assessment, Commerce would be required to consider the impact of (1) the deployment and adoption of digital-enabling infrastructure and broadband; (2) various kinds of e-commerce; and (3) the production and consumption of digital media.

H.R. 1032, Telecommunications Skilled Workforce Act
Introduced by Representative Tim Walberg, and referred to the House Committee on Energy and Commerce and House Committee on Education and Labor on February 11, 2021.

This bill would establish measures to address the workforce needs of the telecommunications industry. Specifically, the bill would require the Federal Communications Commission (FCC) to establish an interagency working group to develop recommendations for addressing workforce

needs. The FCC would also be required to establish and issue guidance on how states can meet the workforce needs of the telecommunications industry, including guidance on how a state workforce development board can (1) utilize federal resources available to meet telecommunications industry workforce needs; and (2) promote and improve recruitment in qualified industry-led workforce development programs, including the Telecommunications Industry Registered Apprenticeship Program. The bill would require the Government Accountability Office to submit to Congress a report that estimates the number of skilled telecommunications workers that will be required to build and maintain (1) broadband infrastructure in rural areas, and (2) the 5G wireless infrastructure needed to support 5G wireless technology.

S. 279, National Broadband Plan for the Future Act of 2021
Introduced by Senator Edward J. Markey and referred to the Senate Committee on Commerce, Science, and Transportation on February 8, 2021.

This bill would require the Federal Communications Commission (FCC) to update the national broadband plan, which establishes benchmarks to meet the goal of ensuring that all people of the United States have access to broadband capability. This update would be required to include (1) an assessment of the progress in achieving the goals of the original national broadband plan; (2) an examination of the effects of the COVID-19 pandemic on how people learn, work, receive medical information and treatment, and participate in civic communications; and (3) an analysis of the change in reliance people will have on services enabled by broadband internet access as a result of COVID-19. The FCC would be required to report annually on its progress toward achieving the goals of the updated national broadband plan.

H.R. 870, National Broadband Plan for the Future Act of 2021
Introduced by Representative Anna G. Eshoo and referred to the House Committee on Energy and Commerce on February 5, 2021.

This bill would require the Federal Communications Commission (FCC) to update the national broadband plan, which establishes benchmarks to meet the goal of ensuring that all people of the United States have access to broadband capability. This update would be required to include (1) an assessment of the progress in achieving the goals of the original national broadband plan; (2) an examination of the effects of the COVID-19 pandemic on how people learn, work, receive medical information and treatment, and participate in civic communications; and (3) an analysis of the change in reliance people will have on services enabled by broadband internet access as a result of COVID-19. The FCC would be required to report annually on its progress toward achieving the goals of the updated national broadband plan.

S. 198, Data Mapping to Save Moms' Lives Act
Introduced by Senator Jacky Rosen and referred to the Senate Committee on Commerce, Science, and Transportation on February 3, 2021.

This bill would require the Federal Communications Commission to incorporate data on maternal health outcomes into its broadband health maps.

S. 163, Telecommunications Skilled Workforce Act
Introduced by Senator John Thune and referred to the Senate Committee on Commerce, Science, and Transportation on February 2, 2021.

This bill would establish measures to address the workforce needs of the telecommunications industry. Specifically, the bill would require the Federal Communications Commission (FCC) to establish an interagency working group to develop recommendations for addressing workforce needs. The FCC would also be required to establish and issue guidance on how states can meet

the workforce needs of the telecommunications industry, including guidance on how a state workforce development board can (1) utilize federal resources available to meet telecommunications industry workforce needs; and (2) promote and improve recruitment in qualified industry-led workforce development programs, including the Telecommunications Industry Registered Apprenticeship Program. The Government Accountability Office would be required to submit to Congress a report that estimates the number of skilled telecommunications workers that will be required to build and maintain (1) broadband infrastructure in rural areas, and (2) the 5G wireless infrastructure needed to support 5G wireless technology.

S. 113, BROWSER Act of 2021
Introduced by Senator Marsha Blackburn and referred to the House Committee on Commerce, Science, and Transportation on January 28, 2021.

This bill would establish information privacy protections that require broadband internet access services and certain websites or mobile applications to provide users with the ability to opt in or opt out of the use and disclosure of, or access to, their user information depending on the sensitivity of the information. Covered service providers would be required to provide opt-in approval through express user consent for the use of sensitive information such as financial data, health information, browsing history, or other specified personally identifiable information. Such service providers must obtain opt-out approval for the use of nonsensitive user information by a user failing to object to such use after being provided notice of the provider's privacy policies. Service providers also must allow users to opt in or opt out of such approval at any time. The bill would permit service providers to use and disclose user information without approval for specified purposes, including for services necessary for provision of the service and to initiate, render, bill, and collect for the service. The bill would further prohibit providers from conditioning access to service on users' agreeing to waive their privacy rights.

H.R. 210, Rural STEM Education Research Act
Introduced by Representative Frank D. Lucas and referred to the House Committee on Science, Space, and Technology on January 5, 2021.

Among other provisions, this bill would require the White House Office of Science and Technology Policy to establish a broadband research and development working group to address national research challenges and opportunities for improving broadband access and adoption across the United States.

H.R. 205, Accelerating Broadband Connectivity Act of 2021
Introduced by Representative Trent Kelly on January 5, 2021, and referred to the House Committee on Energy and Commerce Subcommittee on Communications and Technology on February 2, 2021.

This bill would establish the Accelerating Broadband Connectivity Fund (ABCF), from which the Federal Communications Commission (FCC) would offer additional funding to certain terrestrial telecommunications carriers for specified broadband projects. Specifically, the FCC would be required to make one-time funding offers from the ABCF to certain terrestrial telecommunications carriers that receive support from the Rural Digital Opportunity Fund (RDOF). Recipients of amounts from the ABCF would be required to use such funds to (1) begin construction of a broadband network; (2) make broadband available from the network deployed using RDOF support; and (3) meet all build-out obligations pursuant to receiving amounts from RDOF.

Author Information

Patricia Moloney Figliola, Coordinator
Specialist in Internet and Telecommunications Policy

Colby Leigh Rachfal
Analyst in Telecommunications Policy

Elayne J. Heisler
Specialist in Health Services

Maggie McCarty
Specialist in Housing Policy

Taylor R. Wyatt
Analyst in Public Health Emergency Management

Jill C. Gallagher
Analyst in Telecommunications Policy

Brian E. Humphreys
Analyst in Science and Technology Policy

Alyssa R. Casey
Analyst in Agricultural Policy

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