

***Broadband Reform and Investment to
Drive Growth in the Economy (BRIDGE) Act***
Section-by-Section Summary

Section 1 – Short Title: the “Broadband Reform and Investment to Drive Growth in the Economy Act” or “BRIDGE Act”.

Section 2 – Findings

- (1) Access to affordable, reliable broadband is essential to full participation in modern life in the United States.
- (2) The persistent “digital divide” in the United States is a barrier to the economic competitiveness of the United States and equitable distribution of essential public services, including health care and education.
- (3) In many communities across the country, increased competition among broadband providers has the potential to offer consumers more affordable, high-quality options for broadband service.
- (4) The digital divide disproportionately affects communities of color, lower-income areas, and rural areas.

Section 3 – Grants for State Broadband Deployment. Amends Title I of the Communications Act of 1934 to add Sections 14 and 15.

Section 14 – Grants for State Broadband Deployment and Home Internet Access for Students.

- (a) DEFINITIONS [*excerpts of key definitions*]
 - Unserved Area – an area without access to broadband service of speeds of at least 25/3 Mbps (megabits per second) or that is served by only 1 broadband provider.

- Underserved Area – an area without access to broadband service of speeds between 25/3 Mbps and 100/100 Mbps.
 - Other Qualifying Area – an area without access to broadband service of speeds between 100/100 Mbps and 1/1 Gbps (gigabits per second).
 - Community Anchor Institution – an entity such as a school, library, hospital, public safety entity, institution of higher education, or community organization that facilitates greater use of broadband service by vulnerable populations.
- (b) **GRANT AUTHORITY** – The FCC shall award grants to States and Tribal Governments for the purposes of broadband deployment.
- (c) **FORMULA** – The FCC shall allocate \$30 billion to States and \$1 billion to Tribal Governments. Funding for States will be allocated using Census data and based on the following formula: 50% by total population; 25% by rural population; and 25% by low-income population. Funding for Tribes will be allocated based on total population for each Tribe, according to population data certified by the Tribal government.
- (d) **ADMINISTRATIVE EXPENSES** – A State or Tribal Government may not use more than 2% of the total grant for expenses related to administration.
- (e) **USE OF FUNDS** – A State or Tribal Government may use the grant to award subgrants to deploy broadband networks to unserved areas or underserved areas, and if neither exist, to other qualifying areas. They may also use grants to connect community anchor institutions that lack access to gigabit-level service.
- (f) **IDENTIFICATION OF ELIGIBLE AREAS** –
1. **INITIAL IDENTIFICATION** – Before the competitive bidding mechanism, States and Tribes must identify all areas eligible for funding using the FCC’s

Broadband Map once overhauled according to the *Broadband DATA Act*. Until that overhaul is complete, States and Tribes have discretion to use existing FCC data or make their own determinations about eligible areas. In either case, determinations of eligible areas must be made in consultation with each community in the area.

2. **CHALLENGE PROCESS** – States and Tribes must provide public notice of which areas are determined eligible for funding, provide local governments and broadband providers the opportunity to challenge these determinations, and in the case of a challenge, resolve them within 90 days.
3. **NOTIFICATION OF BROADBAND PROVIDERS** – No later than 30 days before the start of the competitive bidding mechanism, States and Tribes must make a good faith effort to notify each community and relevant private entity within areas eligible for funding about the opportunity to compete for that funding.

(g) **SUBGRANTS** –

1. **COMPETITIVE BIDDING** – States and Tribes will award funding through a competitive bidding mechanism that cannot exclude cooperatives, nonprofit organizations, public private partnerships, tribally owned entities, or local governments. The mechanism will include three rounds of bidding, the first to fund broadband deployment in unserved areas, the second in underserved areas, and the third in other qualifying areas. Each round will consist of two stages, the first open exclusively to bidders offering at least one option for gigabit-level broadband service, and the second to those that did not receive funding in the first stage. During the first stage of any round, States and Tribes may award funds to community anchor institutions that lack access to gigabit-level service.

During any stage, priority will be given to bidders that:

- Provides at least 1 tier of broadband service faster than the minimum speed required for that stage;

- Begins construction within six months of receiving the subgrant;
- Finishes deployment and offers service earlier than two years;
- Has a letter of endorsement from the local government for each community the project will serve.

2. DEPLOYMENT AND PROVISION OF SERVICE REQUIREMENTS – Entities receiving subgrants to deploy broadband networks shall:

- Provides broadband service of at least 100/100 Mbps, unless they were funded in the initial, gigabit-level stage or are providing service to a community anchor institution, in which case they must also provide gigabit-level service;
- Provide broadband service to each customer who desires it in the funded area that lacks access to service of at least 25/3 Mbps for unserved areas, 100/100 Mbps for underserved, and 1/1 Gbps for other qualifying areas.
- Provides at least one discount subscription option for low-income customers in the form either of prepaid service or an affordable monthly rate that does not include data caps.
- Deploys the network and provides service within two years of receiving the subgrant. In the case of local, state, or federal permitting delays beyond the entity's control, the State may grant an extension that may not exceed a total deployment period of 4 years. A Tribe may provide extensions in the case of similar exigencies, but the total deployment period may not exceed 5 years.
- Includes regular conduit access points if laying fiber along a roadway; and

- Makes network capacity available for sale at a reasonable, wholesale rate to one or more other broadband service providers if the original provider is no longer able to provide service to the funded area.
3. **REPORTING MECHANISM** – States and Tribes must establish a mechanism for residents to report if they do not access to broadband service from a network funded by this bill.
 4. **RETURN OF FUNDS** – An entity that receives a subgrant and fails to comply with its requirements shall return the entire amount to the State or Tribe.
 5. **REASONABLE PERMITTING FEES** – State and local governments may only charge entities who need access to rights of way to deploy broadband networks funded by this bill a reasonable fee that is consistent with what it would charge for utility permits.
 6. **ADDITIONAL STATE OR TRIBAL REQUIREMENTS** –
 - States and Tribes can establish additional requirements for funded broadband networks, including by increasing the minimum speed of broadband service, as long as they do not conflict with other requirements in the bill.
 - States and Tribes may not impose funding match requirements to receive subgrants on economically distressed areas.
- (h) **RELATION TO OTHER PUBLIC FUNDING FOR BROADBAND DEPLOYMENT** – Entities that have received funding from local, state, or federal sources to deploy broadband networks in unserved areas are eligible to compete for funding under this bill, as long as they fulfill its requirements. Receiving funding under this bill shall not affect an entity’s eligibility to receive the other local, state, or federal funding.

- (i) **SUPPLEMENT NOT SUPPLANT** – A State or Tribe shall use the funds to complement and not replace funds it would have otherwise used for the same purposes.
- (j) **SENSE OF CONGRESS REGARDING FEDERAL AGENCY COORDINATION** – Establishes the sense of Congress that federal agencies responsible for supporting broadband development should, to the extent possible, align their goals, application and reporting processes, and project requirements for broadband deployment.
- (k) **AUTHORIZATION OF APPROPRIATIONS** – Authorizes an appropriation of \$31 billion to the FCC to implement the legislation through fiscal year 2029.

Section 15 – Preemption of State and Local Restrictions on Municipal

Broadband: Prevents states and local governments from prohibiting, or having the effect of prohibiting, any public provider from providing telecommunications or advanced telecommunications capability or services, or from deploying an infrastructure to provide such capabilities or services.

Section 4 – Implementation of Broadband Data Act

- (a) **FUNDING** – Treasury shall appropriate \$24 million to the FCC through September 30, 2021 to implement the Broadband DATA Act.
- (b) **DEADLINE FOR CREATION OF MAPS** – Requires the FCC to finish completing the Broadband Map no later than 1 year after passage of this bill.