To amend the Communications Act of 1934 to provide grants to States and Indian Tribes to deploy affordable, high-speed broadband to unserved and underserved areas.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Broadband Reform and Investment to Drive Growth in the Economy Act of 2020” or “BRIDGE Act”.

SEC. 2. FINDINGS.

Congress finds the following:
(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.

SEC. 3. GRANTS FOR STATE BROADBAND DEPLOYMENT.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

“SEC. 14. GRANTS FOR STATE BROADBAND DEPLOYMENT.

“(a) DEFINITIONS.—

“(1) AREAS LACKING BROADBAND ACCESS.—In this section—

“(A) the term ‘unserved area’ means an area—
“(i) in which broadband service at a speed of not less than 25 megabits per second for downloads and 3 megabits per second for uploads is not available; or

“(ii) that is served by only 1 broadband service provider;

“(B) the term ‘underserved area’ means an area, other than an unserved area, in which broadband service at a speed of not less than 100 megabits per second for downloads and 100 megabits per second for uploads is not available;

“(C) the term ‘other qualifying area’ means an area, other than an unserved area or underserved area, in which gigabit-level broadband service is not available; and

“(D) the term ‘eligible area’ means an unserved area, underserved area, or other qualifying area.

“(2) OTHER DEFINITIONS.—In this section—

“(A) the term ‘community anchor institution’ means an entity such as a school, library, hospital or other medical provider, public safety entity, institution of higher education, or community support organization that facilitates
greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals;

“(B) the term ‘gigabit-level broadband service’ means broadband service with a speed of not less than 1 gigabit per second for downloads and 1 gigabit per second for uploads;

and

“(C) the term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(b) GRANT AUTHORITY.—The Commission shall award grants to States and Indian Tribes for use in deploying broadband to certain areas in accordance with subsection (e).

“(c) FORMULA.—

“(1) IN GENERAL.—Of the amounts made available for grants under this section, the Commission shall allocate—

“(A) $30,000,000,000 to States, of which—

“(i) $15,000,000,000 shall be allocated based on the proportion that the
population of each State bears to the population of all States;

“(ii) $7,500,000,000 shall be allocated based on the proportion that the number of individuals living in rural areas in each State, as determined by the Bureau of the Census, bears to the number of individuals living in rural area in all States, as determined by the Bureau of the Census; and

“(iii) $7,500,000,000 shall be allocated based on the proportion that the number of individuals with a household income that is below 150 percent of the Federal poverty level in each State bears to the number of individuals with a household income that is below 150 percent of the Federal poverty level in all States; and

“(B) $1,000,000,000 to Indian Tribes based on the proportion that the population of each Indian Tribe bears to the population of all Indian Tribes.

“(2) POPULATION DETERMINATION.—For purposes of paragraph (1), the population of—

“(A) a State or a category of residents of a State shall be determined based on the most
recent year for which data are available from
the Bureau of the Census; and

“(B) an Indian Tribe shall be determined
based on data certified by the Tribal govern-
ment.

“(d) ADMINISTRATIVE EXPENSES.— A State or In-
dian Tribe may use not more than 2 percent of grant
amounts received under this section for expenses relating
to administration of the grant or the use of a competitive
bidding mechanism under subsection (g)(1).

“(e) USE OF FUNDS.—A State or Indian Tribe may
use grant amounts received under this section to award
subgrants for the deployment of broadband networks—

“(1) to unserved areas;

“(2) to underserved areas;

“(3) if the State or the territory under the ju-
risdiction of the Indian Tribe, as applicable, does not
contain any unserved areas or underserved areas, to
other qualifying areas; or

“(4) to community anchor institutions that lack
access to gigabit-level broadband service.

“(f) IDENTIFICATION OF ELIGIBLE AREAS.—

“(1) INITIAL IDENTIFICATION.—

“(A) IN GENERAL.—Before beginning a
competitive bidding mechanism under sub-
section (g)(1), a State or Indian Tribe shall identify each area in the State or the territory under the jurisdiction of the Indian Tribe, as applicable, that is—

“(i) an unserved area;

“(ii) an underserved area; or

“(iii) an other qualifying area;

“(B) USE OF BROADBAND MAP.—

“(i) IN GENERAL.—Except as provided in clause (ii), a State or Indian Tribe shall carry out subparagraph (A) using the map created by the Commission under section 802(c)(1)(A).

“(ii) TRANSITION RULE.—During the period before the Commission creates the map under section 802(c)(1)(A), a State or Indian Tribe, for purposes of subparagraph (A)—

“(I) shall determine whether an area is an unserved area, underserved area, or other qualifying area in consultation with each community in the area; and
“(II) may use the broadband map of the Commission that is then in effect.

“(2) CHALLENGE PROCESS.—A State or Indian Tribe shall—

“(A) provide public notice of the classification of each area identified under paragraph (1)(A);

“(B) provide local governments and other broadband service providers the opportunity to challenge—

“(i) the classification of an area identified under paragraph (1)(A); or

“(ii) the failure of the State or Indian Tribe to classify a particular area as an eligible area under paragraph (1)(A); and

“(C) not later than 90 days after a challenge is made under subparagraph (B), conduct a transparent and evidence-based process to resolve the challenge.

“(3) FINAL IDENTIFICATION; NOTIFICATION OF FUNDING ELIGIBILITY.—After resolving each challenge under paragraph (2), and not later than 30 days before beginning the competitive bidding mech-
anism under subsection (g)(1), a State or Indian
Tribe shall—

“(A) provide public notice of the final clas-
sification of each eligible area in the State or
the territory under the jurisdiction of the In-
dian Tribe, as applicable; and

“(B) make a good faith effort to notify
each community within, and each relevant pri-
ivate entity for, each eligible area in the State
or the territory under the jurisdiction of the In-
dian Tribe, as applicable, about the opportunity
to compete for funding through the competitive
bidding mechanism.

“(g) SUBGRANTS.—

“(1) COMPETITIVE BIDDING.—A State or In-
dian Tribe, in awarding subgrants for the deploy-
ment of a broadband network using grant amounts
received under this section, as authorized under sub-
section (e)—

“(A) shall use a competitive bidding mech-
anism that—

“(i) does not exclude cooperatives,
nonprofit organizations, public-private
partnerships, tribally owned entities, or
local governments; and
“(ii) consists of up to 3 rounds of bidding, under which—

“(I) the first round shall provide funds for broadband deployment to unserved areas;

“(II) the second round shall provide funds (if still available) for broadband deployment to underserved areas;

“(III) the third round shall provide funds (if still available) for broadband deployment to other qualifying areas; and

“(IV) each round shall consist of 2 stages—

“(aa) the first of which shall be open only to broadband service providers committing to offer at least gigabit-level broadband service; and

“(bb) the second of which shall be open to any broadband service provider that did not receive funding during the first stage;
“(B) during each stage of the competitive bidding mechanism under subparagraph (A), shall give priority to an entity that—

“(i) will provide not less than 1 tier of broadband service at a faster speed than the minimum speed required for that stage;

“(ii) will—

“(I) begin construction of the broadband network not later than 180 days after being awarded the subgrant; and

“(II) deploy the broadband network and begin providing broadband service to each customer that desires broadband service by a date that is earlier than the deadline under paragraph (2)(B); or

“(iii) in the case of a subgrant awarded by a State, has a letter of endorsement for the project from the local government for each community that the project will serve; and

“(C) during the first stage of any round of the competitive bidding mechanism under sub-
paragraph (A), may award a subgrant to an entity to deploy a broadband network to a community anchor institution located in the type of area that is eligible for funding in that round.

“(2) DEPLOYMENT AND PROVISION OF SERVICE REQUIREMENTS.—An entity that deploys a broadband network using a subgrant awarded under paragraph (1), as authorized under subsection (e), shall—

“(A) in providing broadband service using the network—

“(i) provide broadband service—

“(I) at a speed of not less than—

“(aa) except as provided in item (bb), 100 megabits per second for downloads and 100 megabits per second for uploads; or

“(bb) 1 gigabit per second for downloads and 1 gigabit per second for uploads in the case of a subgrant awarded during the first stage of any round of competitive bidding under paragraph (1), including such a subgrant
awarded for the deployment of a broadband network to a community anchor institution; and

“(II) with a latency that is sufficiently low to allow real-time, interactive applications;

“(ii) provide access to broadband service to each customer, in the area to which the subgrant applies, that—

“(I) lacks broadband service with a speed of—

“(aa) not less than 25 megabits per second for downloads and 3 megabits per second for uploads, in the case of an unserved area;

“(bb) not less than 100 megabits per second for downloads and 100 megabits per second for uploads, in the case of an underserved area; or

“(cc) not less than 1 gigabit per second for downloads and 1 gigabit per second for uploads, in
the case of an other qualifying
area; and

“(II) desires broadband service;

and

“(iii) to an eligible area, offer not less
than 1 discount subscription option for
customers whose family is in poverty (as
determined by the Bureau of the Census)
that—

“(I) consists of—

“(aa) prepaid service; or

“(bb) service at a monthly
rate that, when calculated for a
year, is not more than 1.5 per-
cent of the lesser of—

“(AA) the annual me-
dian household income for
the county in which the cus-
tomer is located (as deter-
mined by the Bureau of the
Census); or

“(BB) the annual me-
dian household income for
the United States (as deter-
mined by the Bureau of the Census); and

“(II) does not include data caps;

“(B) deploy the broadband network and begin providing broadband service to each customer that desires broadband service—

“(i) except as provided in clause (ii), not later than 2 years after the date on which the entity receives the subgrant; or

“(ii) in the case of—

“(I) a subgrant awarded by an Indian Tribe, if exigencies require additional time, by a date specified by the Indian Tribe that is later than the date required under clause (i), which may not be later than 5 years after the date on which the entity receives the subgrant; or

“(II) a subgrant awarded by a State, if a delay in receiving a Federal, State, or local permit that is outside the control of the entity makes compliance with the deadline under clause (i) impossible, by a date specified by the State that is later than the
date required under clause (i), which
may not be later than 4 years after
the date on which the entity receives
the subgrant;
“(C) if laying fiber along a roadway, in-
clude interspersed conduit access points at reg-
ular intervals; and
“(D) if the entity is no longer able to pro-
vide broadband service to the area covered by
the subgrant at any time, sell the network ca-
pacity at a reasonable, wholesale rate to 1 or
more broadband service providers or public sec-
tor entities.
“(3) REPORTING MECHANISM.—A State or In-
dian Tribe that awards a subgrant for the deploy-
ment of a broadband network under paragraph (1)
shall establish and publicize a mechanism through
which a resident of an area in which a broadband
network was deployed using the subgrant may report
that the resident does not have access to broadband
service from the broadband network.
“(4) RETURN OF FUNDS.—An entity that re-
ceives a subgrant from a State or Indian Tribe
under paragraph (1) and fails to comply with any
requirement under this subsection shall return the
entire amount of the subgrant to the State or Indian Tribe.

“(5) Reasonable permitting fees.—If an entity that receives a subgrant under paragraph (1) requires access to a right-of-way from a State or local government in order to deploy the broadband network, the State or local government may only charge the entity a reasonable fee in an amount that is consistent with the amount of the fee that the State or local government charges for utility permits.

“(6) Additional state or tribal requirements.—

“(A) In general.—Subject to subparagraph (B), nothing in this subsection shall be construed to prohibit a State or Indian Tribe from imposing additional requirements relating to the use of a subgrant awarded under paragraph (1), including by increasing the minimum speed of broadband service that must be provided, if the requirements or conditions do not conflict with this subsection.

“(B) Limitation on matching requirements.—A State or Indian Tribe may not require a community in which a broadband net-
work is deployed using a subgrant awarded under paragraph (1) to provide matching funds if the median household income of the community is not more than 75 percent of the median household income of the State or Indian Tribe, as applicable.

“(h) RELATION TO OTHER PUBLIC FUNDING FOR BROADBAND DEPLOYMENT.—Notwithstanding any other provision of law—

“(1) an entity that has received amounts from the Federal Government or a State or local government for the deployment of a broadband network in an unserved area may receive a subgrant under subsection (g)(1) to deploy a broadband network in that unserved area in accordance with this section; and

“(2) the receipt of a subgrant under subsection (g)(1) by an entity described in paragraph (1) of this subsection shall not affect the eligibility of the entity to receive the amounts from the Federal Government or a State or local government described in such paragraph (1).

“(i) SUPPLEMENT NOT SUPPLANT.—Grant amounts awarded to a State or Indian Tribe under this section shall be used to supplement, and not supplant, the amounts that the State or Indian Tribe would otherwise make avail-
able for the purposes for which the grant amounts may be used.

“(j) Sense of Congress Regarding Federal Agency Coordination.—It is the sense of Congress that Federal agencies responsible for supporting broadband deployment, including the Commission, the Department of Commerce, and the Department of Agriculture, to the extent possible, should align the goals, application and reporting processes, and project requirements with respect to broadband deployment supported by those agencies.

“(k) Authorization of Appropriations.—There are authorized to be appropriated to the Commission to carry out this section $31,000,000,000 for fiscal year 2020, to remain available through fiscal year 2029.

“SEC. 15. PREEMPTION OF STATE AND LOCAL RESTRICTIONS ON MUNICIPAL BROADBAND.

“(a) Definitions.—In this section—

“(1) the term ‘advanced telecommunications capability’ has the meaning given the term in section 706(d) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d));

“(2) the term ‘advanced telecommunications capability or services’ means—

“(A) advanced telecommunications capability; or
“(B) services using advanced telecommunications capability;

“(3) the term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304);

“(4) the term ‘public provider’ means—

“(A) a State or political subdivision thereof;

“(B) any agency, authority, or instrumentality of a State or political subdivision thereof, including an intergovernmental agency, authority, or instrumentality;

“(C) an Indian Tribe; or

“(D) any entity that is owned by, controlled by, or otherwise affiliated with—

“(i) a State or political subdivision thereof;

“(ii) an agency, authority, or instrumentality of a State or political subdivision thereof, including an intergovernmental agency, authority, or instrumentality; or

“(iii) an Indian Tribe.

“(b) PREEMPTION.—No statute, regulation, or other legal requirement of a State or political subdivision thereof
may prohibit, or have the effect of prohibiting or substan-
tially inhibiting, any public provider from—

“(1) providing telecommunications services or
advanced telecommunications capability or services
to any person or any public or private entity; or

“(2) deploying a network and infrastructure
used to provide services, or capability and services,
described in paragraph (1).”.

SEC. 4. IMPLEMENTATION OF BROADBAND DATA ACT.

(a) Funding.—

(1) In general.—There is appropriated, out
of amounts in the Treasury not otherwise appro-
priated, to the Federal Communications Commission
$24,000,000, to remain available until September
30, 2021, for implementing title VIII of the Commu-
nications Act of 1934 (47 U.S.C. 641 et seq.), as
added by the Broadband DATA Act (Public Law
116–130).

(2) Emergency designation.—

(A) In general.—The amounts provided
by this subsection are designated as an emer-
gency requirement pursuant to section 4(g) of
the Statutory Pay-As-You-Go Act of 2010 (2
U.S.C. 933(g)).
(B) Designation in Senate.—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

(b) Deadline for Creation of Maps.—Section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)) is amended by striking “create” and inserting “create, not later than 1 year after the date of enactment of the Broadband Reform and Investment to Drive Growth in the Economy Act of 2020,”.