

Eliminate the Digital Divide Act

Senator John Cornyn (TX) and Senator Joe Manchin (WV)

A bill to empower States to carry out their own broadband programs and provide awards to broadband service providers to deploy broadband to unserved areas within their States and ensure low-income individuals have access to low-cost broadband services.

Section 1: Short title—the Eliminate the Digital Divide Act

Section 2: Expansion of Broadband Access in Unserved Areas

Definitions: Including entities that are eligible to participate in state run programs include private broadband providers, public-private partnerships, and cooperatives. In order to participate such entity must offer a low-income program for their broadband services. Unserved areas include those without access to broadband with a download speed of at least 25 megabits per second and an upload speed of at least 3 megabits per second—or as determined by the Broadband DATA Act maps.

Establishing State Programs: Within 100 days of enactment, the Federal Communications Commission must establish a new State Broadband Program. Such programs must be technology neutral, with streamlined requirements and regulations to enable both small and large broadband partners to apply. States will partner with broadband entities to build out in unserved areas, within 3 years of an eligible partner receiving funding. Contains a clawback of funds if the buildout is not achieved in the time allotted. Encourages swift build out by accelerating access to poles and rights of way in a timely and cost-efficient manner.

In determining which broadband entities to partner with for unserved areas, States must consider the size of the area and how many locations would be served using the funds, in addition to the speed of the service to be provided. States may consider matching funds, speed of deployment, and ability to leverage nearby service areas.

Distribution of Funds to States: Within 200 days of enactment, the FCC must distribute funds to States based on the unserved individuals in that state. The FCC will reserve 10 percent of funds to be distributed based on the number of high-cost individuals in each state relative to the total number of high cost locations in the United States. The remaining 90 percent of funds will be distributed based on the number of individuals living in unserved areas in the State relative to those in the United States

Use of Funds in States: Within 120 days of received funds, States must partner with eligible entities to build out broadband in unserved areas only and may reserve up to 5 percent of program funds to administer the program. States will use data from the Broadband DATA Act to determine a list of unserved areas within the State for the purposes of carrying out the State program and must remove any areas that receive other federal funding for broadband deployment. Areas on the list may be challenged. Programs funds must be spent within 10 years or will be returned to the Treasury and States must biennially report to the FCC on their programs.

Project Requirements: Projects must adhere to the same quality-of-service standards established by the FCC with respect to the Rural Digital Opportunity Fund and must offer a low-cost broadband service option for low-income subscribers with eligibility for the service option determined by the applicable broadband funding partner.

Promoting Broadband Deployment: Within a year of receiving funds from the FCC for this program, a participating State must publish a report studying the effects of certain state and local practices, regulations and requirements on broadband deployment.

Guidance and Rule of Construction: The FCC may provide guidance to States on service obligations, procedures, reporting requirements, and other requirements in carrying out programs established under this section. Prohibits the FCC from using any data submitted under this Act to issue or establish additional regulatory requirements with respect to participating providers.

Low-Income and Low-Cost Programs: Amends the Broadband DATA Act to ensure the maps include availability of low-income programs offered to subscribers by private broadband service providers. Requires the FCC to include on a website public access to these maps and an ability for a subscriber to enter their personal financial and location information to determine if that individual qualifies for a Federal or State broadband subsidy and how to apply for such subsidy.

Appropriations: Appropriates \$10 billion to carry out this programs.