

Blackburn |

AMENDMENT NO. _____

Calendar No. _____

Purpose: To direct the Assistant Secretary of Commerce for Communications and Information to make grants for the establishment or expansion of internet exchange facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 1260

To establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. BLACKBURN

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . INTERNET EXCHANGES AND SUBMARINE CA-**
3 **BLES.**

4 (a) DEFINITIONS.—In this section:

5 (1) ASSISTANT SECRETARY.—The term “Assist-
6 ant Secretary” means the Assistant Secretary of
7 Commerce for Communications and Information.

1 (2) CORE BASED STATISTICAL AREA.—The
2 term “core based statistical area” has the meaning
3 given the term by the Office of Management and
4 Budget in the Notice of Decision entitled “2010
5 Standards for Delineating Metropolitan and
6 Micropolitan Statistical Areas”, published in the
7 Federal Register on June 28, 2010 (75 Fed. Reg.
8 37246), or any successor to that Notice.

9 (3) COVERED GRANT.—The term “covered
10 grant” means a grant awarded under subsection
11 (b)(1).

12 (4) INDIAN TRIBE.—The term “Indian
13 Tribe”—

14 (A) has the meaning given the term in sec-
15 tion 4 of the Indian Self-Determination and
16 Education Assistance Act (25 U.S.C. 5304);
17 and

18 (B) includes a Native Hawaiian organiza-
19 tion, as that term is defined in section 6207 of
20 the Native Hawaiian Education Act (20 U.S.C.
21 7517).

22 (5) INTERNET EXCHANGE FACILITY.—The term
23 “internet exchange facility” means physical infra-
24 structure through which internet service providers

1 and content delivery networks exchange internet
2 traffic between their networks.

3 (6) STATE.—The term “State” has the mean-
4 ing given the term in section 3 of the Communica-
5 tions Act of 1934 (47 U.S.C. 153).

6 (7) SUBMARINE CABLE LANDING STATION.—
7 The term “submarine cable landing station” means
8 a cable landing station, as that term is used in sec-
9 tion 1.767(a)(5) of title 47, Code of Federal Regula-
10 tions (or any successor regulation), that can be uti-
11 lized to land a submarine cable by an entity that has
12 obtained a license under the first section of the Act
13 entitled “An Act relating to the landing and oper-
14 ation of submarine cables in the United States”, ap-
15 proved May 27, 1921 (47 U.S.C. 34) (commonly
16 known as the “Cable Landing Licensing Act”).

17 (b) INTERNET EXCHANGE FACILITY GRANTS.—

18 (1) GRANTS.—Not later than 1 year after the
19 date on which amounts are made available under
20 subsection (e), the Assistant Secretary shall award
21 grants to entities to acquire real property and nec-
22 essary equipment to—

23 (A) establish a new internet exchange facil-
24 ity in a core based statistical area in which, at

1 the time the grant is awarded, there are no ex-
2 isting internet exchange facilities; or

3 (B) expand operations at an existing inter-
4 net exchange facility in a core based statistical
5 area in which, at the time the grant is awarded,
6 there is only 1 internet exchange facility.

7 (2) ELIGIBILITY.—To be eligible to receive a
8 covered grant, an entity shall—

9 (A) have sufficient interest from third
10 party entities that will use the internet ex-
11 change facility to be funded by the grant once
12 the facility is established or operations are ex-
13 panded, as applicable;

14 (B) have sovereign control over the land or
15 building in which the internet exchange facility
16 is to be housed;

17 (C) provide evidence of direct conduit,
18 duct, and manhole access to public rights-of-
19 way;

20 (D) have a plan to establish security proto-
21 cols for the internet exchange facility to prevent
22 physical or electronic intrusion from unauthor-
23 ized users; and

1 (E) provide other information required by
2 the Assistant Secretary to protect against
3 waste, fraud, or abuse.

4 (3) FEDERAL SHARE.—The Federal share of
5 the total cost of the establishment of, or expansion
6 of operations at, an internet exchange facility for
7 which a covered grant is awarded may not exceed 50
8 percent.

9 (4) GRANT AMOUNT.—The amount of a covered
10 grant may not exceed \$3,000,000.

11 (5) APPLICATIONS.—

12 (A) RULES AND TIMELINES.—Not later
13 than 1 year after the date of enactment of this
14 Act, the Assistant Secretary shall establish
15 rules and timelines for applications for—

16 (i) covered grants; and

17 (ii) grants under subsection (c).

18 (B) THIRD PARTY REVIEW.—To prevent
19 fraud in the covered grant program, the Assist-
20 ant Secretary shall enter into a contract with
21 an independent third party under which the
22 third party reviews an application for a covered
23 grant not later than 60 days after the date on
24 which the application is submitted to ensure

1 that only an entity that is eligible for a covered
2 grant receives a covered grant.

3 (6) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to authorize the Assist-
5 ant Secretary to regulate, issue guidance for, or oth-
6 erwise interfere with the activities at an internet ex-
7 change facility.

8 (e) SUBMARINE CABLE LANDING STATION
9 GRANTS.—Not later than 1 year after the date on which
10 amounts are made available under subsection (e), and in
11 accordance with the rules and timelines established under
12 subsection (b)(5)(A), the Assistant Secretary shall award
13 grants to States and Indian Tribes to build infrastructure
14 and acquire necessary equipment to establish or expand
15 an open-access, carrier-neutral submarine cable landing
16 station that serves a military facility.

17 (d) REPORT.—Not later than 5 years after the date
18 of enactment of this Act, and annually thereafter for 5
19 years, the Assistant Secretary shall submit a report on
20 outcomes of grants awarded under this section to—

21 (1) the Committee on Commerce, Science, and
22 Transportation of the Senate; and

23 (2) the Committee on Energy and Commerce of
24 the House of Representatives.

25 (e) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated \$35,000,000 to carry out subsections
3 (b) and (c).

4 (2) LIMITATION.—The Assistant Secretary may
5 not use more than 10 percent of the amounts made
6 available under paragraph (1) to administer and re-
7 port on the outcomes of grants awarded under this
8 section.

9 (f) RETURN OF CERTAIN GRANT AMOUNTS.—The
10 Assistant Secretary may require a recipient of a grant
11 awarded under subsection (b) or (c) to return all or a por-
12 tion of the grant amount if there is evidence of waste,
13 fraud, or abuse of grant funds by the recipient.