

1 programs to provide health benefits coverage
2 for State residents.

3 (3) Identification of, and recommendations for
4 addressing, the effects on States of any other spe-
5 cific economic indicators that the Comptroller Gen-
6 eral determines appropriate.

7 **TITLE VI—BROADBAND TECH-**
8 **NOLOGY OPPORTUNITIES**
9 **PROGRAM**

10 **SEC. 6000. TABLE OF CONTENTS.**

11 The table of contents of this title is as follows:

TITLE VI—BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

Sec. 6000. Table of contents.

Sec. 6001. Broadband Technology Opportunities Program.

12 **SEC. 6001. BROADBAND TECHNOLOGY OPPORTUNITIES**
13 **PROGRAM.**

14 (a) The Assistant Secretary of Commerce for Com-
15 munications and Information (Assistant Secretary), in
16 consultation with the Federal Communications Commis-
17 sion (Commission), shall establish a national broadband
18 service development and expansion program in conjunction
19 with the technology opportunities program, which shall be
20 referred to as the Broadband Technology Opportunities
21 Program. The Assistant Secretary shall ensure that the
22 program complements and enhances and does not conflict
23 with other Federal broadband initiatives and programs.

1 (b) The purposes of the program are to—

2 (1) provide access to broadband service to con-
3 sumers residing in unserved areas of the United
4 States;

5 (2) provide improved access to broadband serv-
6 ice to consumers residing in underserved areas of
7 the United States;

8 (3) provide broadband education, awareness,
9 training, access, equipment, and support to—

10 (A) schools, libraries, medical and
11 healthcare providers, community colleges and
12 other institutions of higher education, and other
13 community support organizations and entities
14 to facilitate greater use of broadband service by
15 or through these organizations;

16 (B) organizations and agencies that pro-
17 vide outreach, access, equipment, and support
18 services to facilitate greater use of broadband
19 service by low-income, unemployed, aged, and
20 otherwise vulnerable populations; and

21 (C) job-creating strategic facilities located
22 within a State-designated economic zone, Eco-
23 nomic Development District designated by the
24 Department of Commerce, Renewal Community
25 or Empowerment Zone designated by the De-

1 partment of Housing and Urban Development,
2 or Enterprise Community designated by the De-
3 partment of Agriculture;

4 (4) improve access to, and use of, broadband
5 service by public safety agencies; and

6 (5) stimulate the demand for broadband, eco-
7 nomic growth, and job creation.

8 (c) The Assistant Secretary may consult a State, the
9 District of Columbia, or territory or possession of the
10 United States with respect to—

11 (1) the identification of areas described in sub-
12 section (b)(1) or (2) located in that State; and

13 (2) the allocation of grant funds within that
14 State for projects in or affecting the State.

15 (d) The Assistant Secretary shall—

16 (1) establish and implement the grant program
17 as expeditiously as practicable;

18 (2) ensure that all awards are made before the
19 end of fiscal year 2010;

20 (3) seek such assurances as may be necessary
21 or appropriate from grantees under the program
22 that they will substantially complete projects sup-
23 ported by the program in accordance with project
24 timelines, not to exceed 2 years following an award;
25 and

1 (4) report on the status of the program to the
2 Committees on Appropriations of the House of Rep-
3 resentatives and the Senate, the Committee on En-
4 ergy and Commerce of the House of Representa-
5 tives, and the Committee on Commerce, Science, and
6 Transportation of the Senate, every 90 days.

7 (e) To be eligible for a grant under the program, an
8 applicant shall—

9 (1)(A) be a State or political subdivision there-
10 of, the District of Columbia, a territory or posses-
11 sion of the United States, an Indian tribe (as de-
12 fined in section 4 of the Indian Self-Determination
13 and Education Assistance Act (25 U.S.C. 450(b)) or
14 native Hawaiian organization;

15 (B) a nonprofit—

16 (i) foundation,

17 (ii) corporation,

18 (iii) institution, or

19 (iv) association; or

20 (C) any other entity, including a
21 broadband service or infrastructure provider,
22 that the Assistant Secretary finds by rule to be
23 in the public interest. In establishing such rule,
24 the Assistant Secretary shall to the extent prac-

1 ticable promote the purposes of this section in
2 a technologically neutral manner;

3 (2) submit an application, at such time, in such
4 form, and containing such information as the Assist-
5 ant Secretary may require;

6 (3) provide a detailed explanation of how any
7 amount received under the program will be used to
8 carry out the purposes of this section in an efficient
9 and expeditious manner, including a showing that
10 the project would not have been implemented during
11 the grant period without Federal grant assistance;

12 (4) demonstrate, to the satisfaction of the As-
13 sistant Secretary, that it is capable of carrying out
14 the project or function to which the application re-
15 lates in a competent manner in compliance with all
16 applicable Federal, State, and local laws;

17 (5) demonstrate, to the satisfaction of the As-
18 sistant Secretary, that it will appropriate (if the ap-
19 plicant is a State or local government agency) or
20 otherwise unconditionally obligate, from non-Federal
21 sources, funds required to meet the requirements of
22 subsection (f);

23 (6) disclose to the Assistant Secretary the
24 source and amount of other Federal or State fund-
25 ing sources from which the applicant receives, or has

1 applied for, funding for activities or projects to
2 which the application relates; and

3 (7) provide such assurances and procedures as
4 the Assistant Secretary may require to ensure that
5 grant funds are used and accounted for in an appro-
6 priate manner.

7 (f) The Federal share of any project may not exceed
8 80 percent, except that the Assistant Secretary may in-
9 crease the Federal share of a project above 80 percent
10 if—

11 (1) the applicant petitions the Assistant Sec-
12 retary for a waiver; and

13 (2) the Assistant Secretary determines that the
14 petition demonstrates financial need.

15 (g) The Assistant Secretary may make competitive
16 grants under the program to—

17 (1) acquire equipment, instrumentation, net-
18 working capability, hardware and software, digital
19 network technology, and infrastructure for
20 broadband services;

21 (2) construct and deploy broadband service re-
22 lated infrastructure;

23 (3) ensure access to broadband service by com-
24 munity anchor institutions;

1 (4) facilitate access to broadband service by
2 low-income, unemployed, aged, and otherwise vulner-
3 able populations in order to provide educational and
4 employment opportunities to members of such popu-
5 lations;

6 (5) construct and deploy broadband facilities
7 that improve public safety broadband communica-
8 tions services; and

9 (6) undertake such other projects and activities
10 as the Assistant Secretary finds to be consistent
11 with the purposes for which the program is estab-
12 lished.

13 (h) The Assistant Secretary, in awarding grants
14 under this section, shall, to the extent practical—

15 (1) award not less than 1 grant in each State;

16 (2) consider whether an application to deploy
17 infrastructure in an area—

18 (A) will, if approved, increase the afford-
19 ability of, and subscribership to, service to the
20 greatest population of users in the area;

21 (B) will, if approved, provide the greatest
22 broadband speed possible to the greatest popu-
23 lation of users in the area;

24 (C) will, if approved, enhance service for
25 health care delivery, education, or children to

1 the greatest population of users in the area;
2 and

3 (D) will, if approved, not result in unjust
4 enrichment as a result of support for non-recur-
5 ring costs through another Federal program for
6 service in the area; and

7 (3) consider whether the applicant is a socially
8 and economically disadvantaged small business con-
9 cern as defined under section 8(a) of the Small
10 Business Act (15 U.S.C. 637).

11 (i) The Assistant Secretary—

12 (1) shall require any entity receiving a grant
13 pursuant to this section to report quarterly, in a for-
14 mat specified by the Assistant Secretary, on such
15 entity's use of the assistance and progress fulfilling
16 the objectives for which such funds were granted,
17 and the Assistant Secretary shall make these reports
18 available to the public;

19 (2) may establish additional reporting and in-
20 formation requirements for any recipient of any as-
21 sistance made available pursuant to this section;

22 (3) shall establish appropriate mechanisms to
23 ensure appropriate use and compliance with all
24 terms of any use of funds made available pursuant
25 to this section;

1 (4) may, in addition to other authority under
2 applicable law, deobligate awards to grantees that
3 demonstrate an insufficient level of performance, or
4 wasteful or fraudulent spending, as defined in ad-
5 vance by the Assistant Secretary, and award these
6 funds competitively to new or existing applicants
7 consistent with this section; and

8 (5) shall create and maintain a fully searchable
9 database, accessible on the Internet at no cost to the
10 public, that contains at least a list of each entity
11 that has applied for a grant under this section, a de-
12 scription of each application, the status of each such
13 application, the name of each entity receiving funds
14 made available pursuant to this section, the purpose
15 for which such entity is receiving such funds, each
16 quarterly report submitted by the entity pursuant to
17 this section, and such other information sufficient to
18 allow the public to understand and monitor grants
19 awarded under the program.

20 (j) Concurrent with the issuance of the Request for
21 Proposal for grant applications pursuant to this section,
22 the Assistant Secretary shall, in coordination with the
23 Commission, publish the non-discrimination and network
24 interconnection obligations that shall be contractual condi-
25 tions of grants awarded under this section, including, at

1 a minimum, adherence to the principles contained in the
2 Commission's broadband policy statement (FCC 05-15,
3 adopted August 5, 2005).

4 (k)(1) Not later than 1 year after the date of enact-
5 ment of this section, the Commission shall submit to the
6 Committee on Energy and Commerce of the House of
7 Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate, a report con-
9 taining a national broadband plan.

10 (2) The national broadband plan required by
11 this section shall seek to ensure that all people of
12 the United States have access to broadband capa-
13 bility and shall establish benchmarks for meeting
14 that goal. The plan shall also include—

15 (A) an analysis of the most effective and
16 efficient mechanisms for ensuring broadband
17 access by all people of the United States;

18 (B) a detailed strategy for achieving af-
19 fordability of such service and maximum utiliza-
20 tion of broadband infrastructure and service by
21 the public;

22 (C) an evaluation of the status of deploy-
23 ment of broadband service, including progress
24 of projects supported by the grants made pur-
25 suant to this section; and

1 (D) a plan for use of broadband infrastruc-
2 ture and services in advancing consumer wel-
3 fare, civic participation, public safety and home-
4 land security, community development, health
5 care delivery, energy independence and effi-
6 ciency, education, worker training, private sec-
7 tor investment, entrepreneurial activity, job cre-
8 ation and economic growth, and other national
9 purposes.

10 (3) In developing the plan, the Commission
11 shall have access to data provided to other Govern-
12 ment agencies under the Broadband Data Improve-
13 ment Act (47 U.S.C. 1301 note).

14 (1) The Assistant Secretary shall develop and main-
15 tain a comprehensive nationwide inventory map of existing
16 broadband service capability and availability in the United
17 States that depicts the geographic extent to which
18 broadband service capability is deployed and available
19 from a commercial provider or public provider throughout
20 each State. Not later than 2 years after the date of the
21 enactment of this Act, the Assistant Secretary shall make
22 the broadband inventory map developed and maintained
23 pursuant to this section accessible by the public on a
24 World Wide Web site of the National Telecommunications

1 and Information Administration in a form that is inter-
2 active and searchable.

3 (m) The Assistant Secretary shall have the authority
4 to prescribe such rules as are necessary to carry out the
5 purposes of this section.

6 **TITLE VII—LIMITS ON**
7 **EXECUTIVE COMPENSATION**

8 **SEC. 7000. TABLE OF CONTENTS.**

9 The table of contents of this title is as follows:

TITLE VII—LIMITS ON EXECUTIVE COMPENSATION

Sec. 7000. Table of contents.

Sec. 7001. Executive compensation and corporate governance.

Sec. 7002. Applicability with respect to loan modifications.

10 **SEC. 7001. EXECUTIVE COMPENSATION AND CORPORATE**
11 **GOVERNANCE.**

12 Section 111 of the Emergency Economic Stabilization
13 Act of 2008 (12 U.S.C. 5221) is amended to read as fol-
14 lows:

15 **“SEC. 111. EXECUTIVE COMPENSATION AND CORPORATE**
16 **GOVERNANCE.**

17 **“(a) DEFINITIONS.—**For purposes of this section, the
18 following definitions shall apply:

19 **“(1) SENIOR EXECUTIVE OFFICER.—**The term
20 ‘senior executive officer’ means an individual who is
21 1 of the top 5 most highly paid executives of a pub-
22 lic company, whose compensation is required to be
23 disclosed pursuant to the Securities Exchange Act of