

116TH CONGRESS  
1ST SESSION

# S. 1166

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.

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## IN THE SENATE OF THE UNITED STATES

APRIL 11, 2019

Mrs. BLACKBURN (for herself and Ms. BALDWIN) introduced the following bill;  
which was read twice and referred to the Committee on Commerce,  
Science, and Transportation

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## A BILL

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.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Internet Exchange Act  
5 of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

4           (2) CORE BASED STATISTICAL AREA.—The  
5           term “core based statistical area” has the meaning  
6           given the term by the Office of Management and  
7           Budget in the Notice of Decision entitled “2010  
8           Standards for Delineating Metropolitan and  
9           Micropolitan Statistical Areas”, published in the  
10          Federal Register on June 28, 2010 (75 Fed. Reg.  
11          37246), or any successor to that Notice.

12          (3) COVERED GRANT.—The term “covered  
13          grant” means a grant awarded under section 3(a).

14          (4) INTERNET EXCHANGE FACILITY.—The term  
15          “internet exchange facility” means physical infra-  
16          structure through which internet service providers  
17          and content delivery networks exchange internet  
18          traffic between their networks.

19 **SEC. 3. NATIONAL TELECOMMUNICATIONS AND INFORMA-**  
20 **TION ADMINISTRATION GRANTS.**

21          (a) GRANTS.—On and after the first day of the first  
22          fiscal year beginning after the date on which the Assistant  
23          Secretary establishes rules and timelines under subsection  
24          (d), the Assistant Secretary shall award grants to entities  
25          to acquire real property and necessary equipment to—

1           (1) establish a new internet exchange facility in  
2           a core based statistical area in which, at the time  
3           the grant is awarded, there are no existing internet  
4           exchange facilities; or

5           (2) expand operations at an existing internet  
6           exchange facility in a core based statistical area in  
7           which, at the time the grant is awarded, there is  
8           only 1 internet exchange facility.

9           (b) ELIGIBILITY.—An entity may not receive a cov-  
10          ered grant unless the entity certifies to the Assistant Sec-  
11          retary that the entity has sufficient interest from third  
12          party entities that will use the internet exchange facility  
13          to be funded by the grant once the facility is established  
14          or operations are expanded, as applicable.

15          (c) FEDERAL SHARE.—The Federal share of the  
16          total cost of the establishment of, or expansion of oper-  
17          ations at, an internet exchange facility for which a covered  
18          grant is awarded may not exceed 50 percent.

19          (d) APPLICATIONS.—

20                 (1) RULES AND TIMELINES.—Not later than 1  
21                 year after the date of enactment of this Act, the As-  
22                 sistant Secretary shall establish rules and timelines  
23                 for applications for covered grants.

24                 (2) THIRD PARTY REVIEW.—To prevent fraud  
25                 in the covered grant program, the Assistant Sec-

(f) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to be appropriated to carry out this section. This section shall be carried out using amounts otherwise authorized.

Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following:

23 “(1) IN GENERAL.—Notwithstanding any other  
24 provision of law or regulation, including subpart F  
25 or G of part 54 of title 47, Code of Federal Regula-

1        tions (or any successor regulation), a recipient of  
 2        support under such subpart F or G may receive sup-  
 3        port under that subpart—

4                “(A) to contract with a broadband internet  
 5                service provider to obtain connection to an  
 6                internet exchange facility; or

7                “(B) for the costs of maintaining a point  
 8                of presence at an internet exchange facility.

9                “(2) RULE OF CONSTRUCTION.—Nothing in  
 10        this subsection shall be construed to authorize the  
 11        Commission to regulate, issue guidance for, or other-  
 12        wise interfere with the activities at an internet ex-  
 13        change facility.

14                “(3) INTERNET EXCHANGE FACILITY DE-  
 15        FINED.—In this subsection, the term ‘internet ex-  
 16        change facility’ means physical infrastructure  
 17        through which internet service providers and content  
 18        delivery networks exchange internet traffic between  
 19        their networks.”.

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