

HOUSE DEMOCRATS' MOVING FORWARD ACT

On June 22, 2020, House Democrats released the legislative text of the **Moving Forward Act (H.R. 2)** – a more than **\$1.5 trillion infrastructure package** that includes measures to modernize the nation's health care infrastructure and expand broadband access, among other proposals ([press release](#); [fact sheet](#); [section-by-section](#); [legislative text](#)).

The House is expected to vote on H.R. 2 before the 4th of July recess. In a [Dear Colleague letter](#), House Rules Committee Chair Jim McGovern (D-MA) noted that the Rules Committee will likely meet next week to “grant a rule that may provide a structured amendment process for floor consideration of H.R. 2.” **The amendment deadline for Members is 10:00am on Thursday, June 25.**

H.R. 2 is likely to pass in the Democrat-controlled House, but its viability in the Senate remains unclear. Senate Majority Leader Mitch McConnell (R-KY) has rejected efforts to include infrastructure funding in a coronavirus relief package. The Trump administration, however, is reportedly crafting its own \$1 trillion infrastructure proposal.

Below is a summary of provisions relating to health care and broadband within Division G.

Title I – Broadband Infrastructure

Recognizing the instrumental role broadband plays in health care, education, and other key aspects of modern life, this portion of the bill would establish a series of programs to further enhance access to broadband across the U.S. Among the many provisions, the bill would first establish a new federal office – the Office of Internet Connectivity and Growth – to oversee the spread of broadband access to communities in need. In addition, subtitle B focuses on broadband transparency and the use of pricing, subscription, and network data from service providers to better promote broadband access and ensure network resiliency.

Key provisions where the bill would establish grantmaking programs and other funding streams to promote the spread of broadband follow.

- **Sec. 31121: State Digital Equity Capacity Grant Program** – This section would establish the State Digital Equity Capacity Grant Program, which would support states in improving their broadband capacity through federal grantmaking. Entities eligible to receive such grants would include: a state; a political subdivision, agency, or instrumentality of a state; or, an Indian Tribe within a state. To receive funding, a state would have to develop a “State Digital Equity Plan,” which would identify the current barriers to digital equity, measurable objectives for how a state plans to achieve digital equity, and how the state will work with key stakeholders to achieve measures of success.

In addition, during the first fiscal year of this program's operation, the federal government would award "planning grants" to states to develop their State Digital Equity Plans, as described above. Two years following the program's inception, the federal government would then begin awarding the grants to then implement such State Digital Equity Plans. States would have to go through an application process to receive both sets of grant funding.

The formulae for calculating grant amounts are defined in the legislation. A total of \$60 million is appropriated for the state planning grants, and an additional \$625 million is appropriated to support states in implementing these plans.

- **Sec. 31122: Digital Equity Competitive Grant Program** – This section would establish the Digital Equity Competitive Grant Program, which would also award grants to states and other entities to support digital equity initiatives and increase adoption of broadband service use. Entities eligible to receive grants under this program would include a political subdivision, agency, or instrumentality of a state; an Indian Tribe; a non-profit entity that is not a school; an anchor institution; a local educational agency; a workforce development program entity; and, a consortium of any of the aforementioned entities. To be eligible for these grants, an entity would also not be able to participate under the grant program described in sec. 31121. Interested parties would have to submit an application to receive funding. A total of \$625 million would be appropriated for allocation through this grant program.
- **Sec. 31141: Additional Broadband Benefit** – This section would establish a broadband benefit to provide eligible households with discounted broadband service. The Federal Communications Commission (FCC) would then reimburse the internet service provider in an amount equal to the broadband benefit for each eligible household that receives the benefit.

The benefit would take the form of a monthly discount applied to the normal rate for internet service of no more than \$50 per eligible household (or up to \$75 for an eligible household on Tribal land). A household would be eligible to receive the benefit if it qualifies for a Lifeline, free/reduced school lunch, or is recently unemployed.

This section would appropriate \$9 billion to finance this benefit.

- **Sec. 31142: Grants to States to Strengthen National Lifeline Eligibility Verifier** – This section would appropriate \$200 million for the disbursement of grants to each state (in proportion to the state's population size) to assist them in connecting the database each state uses for the supplemental nutrition assistance program to the National Lifeline Eligibility Verifier.
- **Sec. 31161: E-Rate Support for Wi-Fi Hotspots, Other Equipment, and Connected Devices** – This section would make funds available through the FCC to support the installment of Wi-Fi hotspots, other equipment (e.g., modems, routers, and devices that connect modems and routers), and connected devices (e.g., laptops, tablets, or similar devices) in schools and libraries. The funds

could also support provision of broadband connections at home.

This section would appropriate \$5 billion to support this program.

- **Sec. 31301: Expansion of Broadband Access in Unserved Areas and Areas with Low-Tier or Mid-Tier Service** – This section would appropriate \$80 billion to establish competitive bidding programs to expand access to broadband services for unserved areas, in areas with low- and mid-tier service, and unserved anchor institutions. The FCC would award 75 percent of the appropriated funds through a competitive bidding process for funding recipients to expand broadband access in unserved or low-tier service areas. The FCC would then distribute the remaining 25 percent of the appropriated funding to each state in proportion to its population size. Recipients would be able to use this funding to support mid-tier service areas once a state no longer has unserved or low-tier service areas.
 - Unserved regions are defined as areas with service below 25/25 megabits per second (mbps);
 - Low-tier service areas are defined as those with service between 25/25 mbps and 100/100 mbps; and,
 - Mid-tier service areas are defined as those with service between 100/100 mbps and 1 gigabit per second symmetrical.

- **Chapter 2, sec. 31322: Determination of Eligibility and Project Selection** – This section implements the program that would be established under Chapter 2 called the **Broadband Infrastructure Finance and Innovation program**. The program would provide loans, lines of credit, and loan guarantees to state and local governments; public authorities; and public-private partnerships to execute broadband infrastructure development projects. Interested parties would be able to submit funding applications which would be considered on a rolling basis. The program would give preference to projects that aim to deploy “open-access broadband service network.”

The legislation would appropriate \$5 billion to this program (via sec. 31329).

Title V – Health Care Infrastructure

The Moving Forward Act authorizes a total of **\$30 billion** in funding to support modernization and construction projects at hospitals, community health centers, laboratories, Indian Health Service (IHS) facilities, and qualified teaching health centers and behavioral health care centers. Notably, the bill **does not include language appropriating the authorized funds**, therefore Congress would be required to appropriate funds in order to make the funds described below available to health care facilities. Additionally, all grant-funded projects described below would be **required to increase energy efficiency, energy resilience, or the use of renewable energy**.

- **Sec. 34101. Hospital Infrastructure** – Would authorize the appropriation of **\$2 billion for each of FY 2021 through 2025** for the [Hill-Burton program](#) – a program that provides hospitals and

medical facilities with grants and loans for construction and modernization. Of note, the Hill-Burton program stopped providing funds in 1997. The HHS Secretary would be required to prioritize awards for projects that address public health emergency preparedness or protect against cybersecurity threats. Recipients would be required to ensure that all iron and steel products used in the project are produced in the United States.

- **Sec. 34102. Community Health Center Capital Project Funding** – Would authorize the appropriation of **\$10 billion in total funding to the Community Health Center Fund for FY 2021 through 2025** to support grants for capital projects.
- **Sec. 34103. Pilot Program to Improve Laboratory Infrastructure** – Would authorize the appropriation of **\$4.5 billion in total funding for a pilot program to award grants for FY 2021 through 2025** for the improvement, renovation, or modernization of infrastructure at clinical laboratories that would help improve SARS-CoV-2 and COVID-19 testing and response activities, including the expansion and enhancement of testing capacity at laboratories.
- **Sec. 34104. 21st Century Indian Health Program Hospitals and Outpatient Health Care Facilities** – Would authorize the appropriation of **\$5 billion in total funding for FY 2021 through 2025** for the planning, design, construction, modernization, and renovation of hospitals and outpatient health care facilities within IHS.
- **Sec. 34105. Pilot Program to Improve Community-Based Care Infrastructure** – Would authorize the appropriation of **\$500 million in total funding (to remain available until expended)** for grants to qualified teaching health centers and behavioral health care centers to support the improvement, renovation, or modernization of infrastructure at such centers, including to address COVID-19 and other subsequent public health crises.