

115TH CONGRESS
2^D SESSION

H. R. 4817

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 HOUSE OF REPRESENTATIVES

JANUARY 17, 2018

Mr. LONG introduced the following bill; which was referred to the Committee on Energy and Commerce

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 “Promoting Exchanges
5 for Enhanced Routing of Information so Networks are
6 Great Act of 2018” or the “PEERING Act of 2018”.

1 **SEC. 2. NATIONAL TELECOMMUNICATIONS AND INFORMA-**
2 **TION ADMINISTRATION GRANTS.**

3 (a) GRANTS.—On and after the first day of the first
4 fiscal year beginning after the date on which the Assistant
5 Secretary establishes rules and timelines under subsection
6 (d), the Assistant Secretary shall award grants to entities
7 to acquire real property and necessary equipment to—

8 (1) establish a new internet exchange facility in
9 a core based statistical area in which, at the time
10 the grant is made, there are no existing internet ex-
11 change facilities; or

12 (2) expand operations at an existing internet
13 exchange facility in a core based statistical area in
14 which, at the time the grant is made, there is only
15 one internet exchange facility.

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

22 (c) FEDERAL SHARE.—The Federal share of the
23 total cost of the establishment or expansion of operations
24 at an internet exchange facility for which a covered grant
25 is received may not exceed 50 percent.

26 (d) APPLICATIONS.—

1 (1) RULES AND TIMELINES.—Not later than 1
2 year after the date of the enactment of this Act, the
3 Assistant Secretary shall establish rules and
4 timelines for applications for covered grants.

5 (2) THIRD-PARTY REVIEW.—To prevent fraud
6 in the covered grant program, the Assistant Sec-
7 retary shall enter into a contract with an inde-
8 pendent third party under which the third party re-
9 views an application for a covered grant not later
10 than 60 days after the date on which the application
11 is submitted to ensure that only an entity that is eli-
12 gible for a covered grant receives a covered grant.

13 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to authorize the Assistant Sec-
15 retary to regulate, issue guidance for, or otherwise inter-
16 fere with the activities at an internet exchange facility.

17 (f) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-
18 tional funds are authorized to be appropriated to carry
19 out this section. This section shall be carried out using
20 amounts otherwise authorized.

21 **SEC. 3. USE OF E-RATE AND RURAL HEALTH CARE UNI-**
22 **VERSAL SERVICE SUPPORT.**

23 Section 254 of the Communications Act of 1934 (47
24 U.S.C. 254) is amended by adding at the end the fol-
25 lowing:

1 “(m) USE OF E-RATE AND RURAL HEALTH CARE
2 SUPPORT FOR COSTS RELATING TO INTERNET EX-
3 CHANGE FACILITY CONNECTION.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law or regulation, including subpart F
6 or G of part 54 of title 47, Code of Federal Regula-
7 tions, a recipient of support under such subpart F
8 or G may receive support under such subpart—

9 “(A) to contract with a broadband internet
10 service provider to obtain connection to an
11 internet exchange facility; or

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

14 “(2) RULE OF CONSTRUCTION.—Nothing in
15 this subsection shall be construed to authorize the
16 Commission to regulate, issue guidance for, or other-
17 wise interfere with the activities at an internet ex-
18 change facility.

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

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

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

6 (2) CORE BASED STATISTICAL AREA.—The
7 term “core based statistical area” has the meaning
8 given such term by the Office of Management and
9 Budget in the Notice of Decision entitled “2010
10 Standards for Delineating Metropolitan and
11 Micropolitan Statistical Areas”, published in the
12 Federal Register on June 28, 2010 (75 Fed. Reg.
13 37246), or any successor to such Notice.

14 (3) COVERED GRANT.—The term “covered
15 grant” means a grant awarded under section 2(a).

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

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