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**HOUSE FLOOR AMENDMENTS**

2023 Regular Session

Amendments proposed by Representative Schexnayder to Reengrossed House Bill No. 653  
by Representative Deshotel

1 AMENDMENT NO. 1

2 On page 2, line 8, after "Act" insert "(IIJA)"

3 AMENDMENT NO. 2

4 On page 2, line 9, change "Program, or BEAD" to "(BEAD) Program" and after  
5 "Opportunity" insert "NOFO"

6 AMENDMENT NO. 3

7 On page 2, line 11, after "Commerce" insert "NTIA"

8 AMENDMENT NO. 4

9 On page 2, between lines 20 and 21, insert the following:

10 "(2) "Broadband DATA Maps" means the maps created in accordance with  
11 section 802(c)(1) of the Communications Act of 1934, 47 U.S.C. 641(c)(1)."

12 AMENDMENT NO. 5

13 On page 2, line 21, change "(2)" to "(3)" and after "deployed" insert "mass-market retail"

14 AMENDMENT NO. 6

15 On page 2, line 23, after "speeds." delete the remainder of the line and lines 24 and 25 in  
16 their entirety and insert in lieu thereof:

17 "This definition has the meaning given by the Federal Communications  
18 Commission under rules and guidance that are in effect as of the date of enactment  
19 of the Infrastructure Investment and Jobs Act."

20 AMENDMENT NO. 7

21 On page 2, line 26, change "(3)" to "(4)"

22 AMENDMENT NO. 8

23 On page 2, at the end of line 28, insert the following:

24 "See IIJA, Pub. L. No.117-58, §60102(a)(2)(h), 135 Stat. 429, 1184 (2021).  
25 In the Third Broadband Data Collection Report and Order, the Commission adopted  
26 "as fundamental definition of a 'location' for purposes of the broadband-serviceable  
27 location fabric: a business or residential location in the United States at which fixed  
28 broadband Internet access service is, or can be, installed." See Establishing the  
29 Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program,

1 WC Docket Nos. 19§195, 11§10, Third Report and Order, 36 FCC Rcd 1126m 1175  
2 para. 126 (2021).

3 (5) "Community anchor institution" means an entity such as a school, library,  
4 health clinic, health center, hospital or other medical provider, public safety entity,  
5 institution of higher education, public housing organization, or community support  
6 organization that facilitates greater use of broadband service by vulnerable  
7 populations, including but not limited to low-income individuals, unemployed  
8 individuals, children, the incarcerated, and aged individuals."

9 AMENDMENT NO. 9

10 On page 3, line 1, change "(4)" to "(6)"

11 AMENDMENT NO. 10

12 On page 3, line 4, change "(5)" to "(7)"

13 AMENDMENT NO. 11

14 On page 3, between lines 5 and 6, insert the following:

15 "(8) "Eligible costs" means costs that are eligible for BEAD Program  
16 funding as specified by the assistant secretary."

17 AMENDMENT NO. 12

18 On page 3, line 6, change "(6)" to "(9)"

19 AMENDMENT NO. 13

20 On page 3, line 11, change "(7)" to "(10)"

21 AMENDMENT NO. 14

22 On page 3, line 12, change "(8)" to "(11)" and change "parishes" to "parish"

23 AMENDMENT NO. 15

24 On page 3, line 14, change "(9)" to "(12)" and after "means" delete the remainder of the line  
25 and lines 15 and 16 in their entirety and insert in lieu thereof the following:

26 "an undertaking by an eligible grant recipient to construct and deploy  
27 infrastructure for the provision of broadband service. An eligible project may  
28 constitute a single unserved or underserved broadband-serviceable location, or a  
29 grouping of broadband-serviceable locations in which not less than eighty percent  
30 of broadband-serviceable locations served by the project are unserved locations or  
31 underserved locations. If an overall project area crosses from one eligible parish into  
32 one or"

33 AMENDMENT NO. 16

34 On page 3, between lines 19 and 20, insert the following:

35 "(13) "Enforceable commitment" means any location that is already subject  
36 to a legally enforceable federal, state, or local commitment to deploy broadband.

37 -  
38 (14) "Extremely high-cost per location threshold" means a BEAD subsidy  
39 cost per location to be utilized during the grantee selection process described in

1           Section IV.B.7 of the BEAD NOFO above which the office may decline to select an  
2           application if use of an alternative technology meeting the BEAD Program's  
3           technical requirements would be less expensive."

4    AMENDMENT NO. 17

5    On page 3, line 20, change "(10)" to "(15)"

6    AMENDMENT NO. 18

7    On page 3, line 28, change "(11)" to "(16)(a)"

8    AMENDMENT NO. 19

9    On page 4, line 2, after "Commerce" and before the comma ", " insert "for Communications  
10   and Information"

11   AMENDMENT NO. 20

12   On page 4, line 3, after "Commission" delete the remainder of the line and insert in lieu  
13   thereof: "incorporating factors that"

14   AMENDMENT NO. 21

15   On page 4, between lines 12 and 13, insert the following:

16                   "(b) For purposes of defining "high-cost area," the term "unserved area"  
17                   means an area in which not less than eighty percent of broadband-serviceable  
18                   locations are unserved locations."

19   AMENDMENT NO. 22

20   On page 4, line 13, change "(12)" to "(17)"

21   AMENDMENT NO. 23

22   On page 4, delete lines 22 through 29 in their entirety

23   AMENDMENT NO. 24

24   On page 5, line 1, change "(15)" to "(18)"

25   AMENDMENT NO. 25

26   On page 5, line 2, change "(16)" to "(19)"

27   AMENDMENT NO. 26

28   On page 5, line 4, change "(17)" to "(20)"

29   AMENDMENT NO. 27

30   On page 5, line 6, change "(18)" to "(21)" and delete "Federal"

31   AMENDMENT NO. 28

32   On page 5, delete line 7 and insert in lieu thereof: "Broadband DATA Maps show are  
33   accessible to a"

1 AMENDMENT NO. 29

2 On page 5, line 8, change "either" to "any"

3 AMENDMENT NO. 30

4 On page 5, delete line 11 in its entirety

5 AMENDMENT NO. 31

6 On page 5, line 12, change "(d)" to "(c)"

7 AMENDMENT NO. 32

8 On page 5, line 14, change "(19)" to "(22)"

9 AMENDMENT NO. 33

10 On page 5, delete line 17 and insert in lieu thereof:

11 "(b) The Broadband DATA Maps"

12 AMENDMENT NO. 34

13 On page 5, line 23, change "(20)" to "(23)"

14 AMENDMENT NO. 35

15 On page 5, delete line 24 in its entirety and insert lieu thereof: "Broadband DATA Maps  
16 show as having"

17 AMENDMENT NO. 36

18 On page 6, delete lines 11 and 12 in their entirety and insert in lieu thereof: "that are  
19 consistent with requirements promulgated by the assistant secretary pursuant to IIJA, BEAD  
20 program guidelines, state law, and this Subpart."

21 AMENDMENT NO. 37

22 On page 6, delete lines 20 through 22 in their entirety and insert in lieu thereof: "implement  
23 alternative procurement methods consistent with the requirements defined by the assistant  
24 secretary to award grants."

25 AMENDMENT NO. 38

26 On page 6, line 28, after "with a" insert "broadband availability challenge or grant award"

27 AMENDMENT NO. 39

28 On page 7, line 7, after "project," insert "to be validated by the office,"

29 AMENDMENT NO. 40

30 On page 7, line 18, delete "the obligation to serve,"

31 AMENDMENT NO. 41

32 On page 7, delete line 19 in its entirety and insert in lieu thereof: "way, permitting, and any  
33 bonding requirements."

1 AMENDMENT NO. 42

2 On page 7, delete lines 22 and 23 in their entirety and insert in lieu thereof: "that are  
3 consistent with requirements promulgated by the assistant secretary pursuant to IJA, BEAD  
4 program guidelines, state law, and this Subpart."

5 AMENDMENT NO. 43

6 On page 7, delete lines 24 and 25 in their entirety and insert in lieu thereof: "This office will  
7 carry out the grant process including broadband availability challenges, grant applications,  
8 scoring, grant awards, and awards."

9 AMENDMENT NO. 44

10 On page 7, delete lines 26 through 29 in their entirety and insert in lieu thereof the following:

11 "B. Broadband availability challenge process. (1) The state shall use the  
12 NTIA Model Challenge process and will conduct the process at least ninety days  
13 before a future grant round is launched.

14 (2) The office shall permit challenges for planned, privately funded  
15 broadband projects where a broadband service provider provides convincing  
16 evidence that it is currently building out broadband to locations without government  
17 subsidy or is building out broadband offering performance beyond the program  
18 requirements. Convincing evidence shall include a construction contract,  
19 rights-of-way license, or pole attachment license for the build.

20 (3) To minimize duplication of funding, the office may not treat as unserved  
21 or underserved any location that is already subject to an enforceable commitment as  
22 of the date the challenge process commences."

23 AMENDMENT NO. 45

24 On page 8, line 6, change "(2)" to "(4)"

25 AMENDMENT NO. 46

26 On page 8, line 8, change "(3)" to "(5)"

27 AMENDMENT NO. 47

28 On page 8, line 15, after "process" insert "and as approved by the assistant secretary" and  
29 delete "new"

30 AMENDMENT NO. 48

31 On page 8, delete lines 17 and 18 in their entirety and insert the following:

32 "on the version of the Broadband DATA Map used for identifying eligible  
33 locations prior to the opening of the grant round added to the Broadband Data Map  
34 after the submission of an application but before the completion of the project shall  
35 also be served by the grant award winner subject to the requirements of Subsection  
36 F of this Section."

37 AMENDMENT NO. 49

38 On page 8, line 19, change "sixty" to "thirty"

1 AMENDMENT NO. 50

2 On page 8, delete lines 26 and 27 in their entirety and insert in lieu thereof: "that are  
3 consistent with requirements promulgated by the assistant secretary pursuant to IIJA, BEAD  
4 program guidelines, state law, and this Subpart."

5 AMENDMENT NO. 51

6 On page 9, line 13, change "so insignificant" to "insignificant such"

7 AMENDMENT NO. 52

8 On page 9, line 16, after "territory" insert "and retain eligible project status. The revised  
9 applications shall" and delete "and"

10 AMENDMENT NO. 53

11 On page 9, between lines 17 and 18, insert the following:

12 "(8)(a) A governing authority of an eligible parish may submit in writing to  
13 the office, up to seven days after the grant applications are made public, an objection  
14 to a grant application to deploy broadband services in the governing authority's  
15 parish if the broadband service provider has received a letter grade rating of "D" or  
16 "F" from the Better Business Bureau.

17 (b) At the request of the governing authority of an eligible parish that submits  
18 an objection in accordance with this Subparagraph, a broadband service provider  
19 shall be ineligible to be awarded grant funds to deploy broadband services in that  
20 eligible parish."

21 AMENDMENT NO. 54

22 On page 9, line 18, change "(8)(a)" to "(9)(a)"

23 AMENDMENT NO. 55

24 On page 9, delete lines 19 through 22 in their entirety and insert in lieu thereof the following:

25 "to serve one or more eligible locations, the office may engage with eligible  
26 grant recipients to serve eligible locations. The office may offer inducements"

27 AMENDMENT NO. 56

28 On page 9, line 27, delete "broadband service provider-specific"

29 AMENDMENT NO. 57

30 On page 10, delete lines 3 and 4 in their entirety and insert in lieu thereof: "with  
31 requirements promulgated by the assistant secretary pursuant to IIJA, BEAD program  
32 guidelines, state law, and this Subpart."

33 AMENDMENT NO. 58

34 On page 10, delete lines 6 through 8 in their entirety and insert in lieu thereof: "promulgate  
35 rules that are consistent with requirements promulgated by the assistant secretary pursuant  
36 to IIJA, BEAD program guidelines, state law, and this Subpart."

1 AMENDMENT NO. 59

2 On page 10, between lines 8 and 9, insert the following:

3 "F. Subsequently Identified Broadband-Serviceable Locations in Funded  
4 Project Areas. (1) The office shall not require a grantee to deploy broadband  
5 service to any subsequently identified broadband-serviceable locations in the  
6 grantee's funded project area.

7 (2) If the grantee elects to deploy broadband service to a subsequently  
8 identified broadband-serviceable location in the funded project area, the office and  
9 the grantee shall execute an amendment to the grant agreement, which may include  
10 any changes to the scope of the project, project time line, and project funding."

11 AMENDMENT NO. 60

12 On page 10, line 9, change "F." to "G."

13 AMENDMENT NO. 61

14 On page 10, line 10, change "aggrieved party" to "eligible grant recipient"

15 AMENDMENT NO. 62

16 On page 10, line 11, change "process on the basis" to "period on a basis" and delete "other  
17 than a served versus"

18 AMENDMENT NO. 63

19 On page 10, delete line 12 and insert in lieu thereof: "A particular location's eligibility for  
20 grant funding shall be determined in the broadband availability challenge process under R.S.  
21 51:2370.27, not in accordance with this Subsection. Any eligible grant recipient "

22 AMENDMENT NO. 64

23 On page 10, delete lines 16 through 23 in their entirety

24 AMENDMENT NO. 65

25 On page 10, line 24, change "(4)" to "(2)"

26 AMENDMENT NO. 66

27 On page 10, line 26, delete "of an aggrieved party concerning a grant award"

28 AMENDMENT NO. 67

29 On page 11, line 3, change "seven" to "fourteen business"

30 AMENDMENT NO. 68

31 On page 11, line 6, delete "the aggrieved party of its" and insert in lieu thereof "all parties  
32 to the protest of their"

33 AMENDMENT NO. 69

34 On page 11, delete line 9 in its entirety and insert in lieu thereof "furnished immediately to  
35 all parties to the protest."

1 AMENDMENT NO. 70

2 On page 11, delete line 13, and insert in lieu thereof:

3 "(2) A party to the protest has timely appealed to the"

4 AMENDMENT NO. 71

5 On page 11, line 15, change "an aggrieved party" to "party to the protest"

6 AMENDMENT NO. 72

7 On page 11, line 16, change "ten" to "fourteen"

8 AMENDMENT NO. 73

9 On page 11, line 18, change "an aggrieved party" to "party to the protest"

10 AMENDMENT NO. 74

11 On page 11, line 21, after "commissioner" insert "of administration" and after "fourteen"  
12 insert "business"

13 AMENDMENT NO. 75

14 On page 11, line 27, change "the aggrieved party" to "all parties to the protest."

15 AMENDMENT NO. 76

16 On page 11, delete line 28 in its entirety

17 AMENDMENT NO. 77

18 On page 12, line 4, delete "The party adversely affected by the decision" and insert in lieu  
19 thereof "A party to the protest"

20 AMENDMENT NO. 78

21 On page 12, line 6, change "The aggrieved party" to "A party to the protest"

22 AMENDMENT NO. 79

23 On page 12, line 7, after "seven" insert "business"

24 AMENDMENT NO. 80

25 On page 12, line 9, change "any aggrieved party" to "a party to the protest"

26 AMENDMENT NO. 81

27 On page 12, line 13, change "Any party aggrieved" to "A party to the protest"

28 AMENDMENT NO. 82

29 On page 12, line 17, change "aggrieved party" to "a party to the protest"



1 AMENDMENT NO. 832 On page 12, line 21, after "the" insert "grant"3 AMENDMENT NO. 84

4 On page 13, delete lines 9 through 11 in their entirety

5 AMENDMENT NO. 856 On page 13, line 13, change "eligible grant recipient" to "grantee"7 AMENDMENT NO. 868 On page 13, line 14, change "an agreement" to "a grant agreement"9 AMENDMENT NO. 8710 On page 13, line 20, change "those" to "end users"11 AMENDMENT NO. 8812 On page 13, line 22, delete "monthly subscription rate" and insert in lieu thereof "number  
13 of subscriptions"14 AMENDMENT NO. 8915 On page 13, delete line 28 and 29 and page 14, delete lines 1 and 2 in their entirety and insert  
16 in lieu thereof:17 "B. A grantee shall submit to the office a quarterly report for each funded  
18 project located in this state for the duration of the project. The report shall include,  
19 at a minimum, criteria including but not limited to miles, constructed, broadband-  
20 serviceable locations with access to broadband service, and funds expended. If a  
21 grant recipient does not submit quarterly reports for each funded project in this state  
22 for two consecutive quarters, the office may, at its discretion, consider locations  
23 within the awarded area unserved.24 C. A grantee shall submit to the office a monthly report for each funded  
25 project for the duration of the grant agreement. The report shall include criteria as  
26 defined in the grant agreement, including miles constructed, broadband-serviceable  
27 locations with access to broadband service, and funds expended."28 AMENDMENT NO. 9029 On page 14, line 3, change "C." to "D." and after "each" insert "calendar"30 AMENDMENT NO. 9131 On page 14, line 7, change "projects applied for" to "applications" and after "of" insert  
32 "executed"33 AMENDMENT NO. 9234 On page 14, line 8, delete "entered into"35 AMENDMENT NO. 9336 On page 14, line 10, change "points" to "institutions"

1 AMENDMENT NO. 94

2 On page 14, line 11, change "agreement" to "grant project"

3 AMENDMENT NO. 95

4 On page 14, delete line 12 through 16 in their entirety and insert in lieu thereof:

5 "(3) The amount of matching funds committed to each grant project and the  
6 total amount of project costs.

7 (4) A summary of locations by parish that will have, or currently have, access  
8 to broadband service through the GUMBO 2.0 program, including the average  
9 GUMBO 2.0 grant award per location and advertised broadband speeds and price of  
10 services.

11 (5) Number of unserved and underserved locations that will have, or  
12 currently have, access to broadband service through the GUMBO 2.0 program, and  
13 the number of unserved and underserved locations that have not yet received grant  
14 funding."

15 AMENDMENT NO. 96

16 On page 14, line 17, change "(5)" to "(6)" and after "of" insert "grant"

17 AMENDMENT NO. 97

18 On page 14, line 18, delete "of matching"

19 AMENDMENT NO. 98

20 On page 14, line 19, change "(6)" to "(7)"

21 AMENDMENT NO. 99

22 On page 14, delete lines 21 through 28 in their entirety

23 AMENDMENT NO. 100

24 On page 15, delete lines 8 through 10 and insert in lieu thereof "Reimbursements of eligible  
25 costs shall be made by percentage of total project costs expended: ten percent, thirty-five  
26 percent, sixty percent, eighty-five percent, and the final fifteen percent payment shall not be"

27 AMENDMENT NO. 101

28 On page 15, line 18, after "and" insert a comma "," and "or longer, in accordance with the  
29 grant agreement, but not to exceed"

30 AMENDMENT NO. 102

31 On page 15, line 20, delete "matching"

32 AMENDMENT NO. 103

33 On page 15, line 26, after "under the" insert "grant"