

Legal Considerations Reference Document

Version History:

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Primary Legal Obligations for BEAD:

- Infrastructure Investment and Jobs Act (Public Law 117-58);
- Notice of Funding Opportunity Broadband Equity, Access, and Deployment Program.

Additional Statutory Obligations:

- The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;
- The Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 et seq.;
- Section 404 of the Clean Water Act, 33 U.S.C. 1251, et seq.;
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq.;
- Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.;
- Davis Bacon Act, 40 U.S.C. 3141 *et seq.*;
- Section 7 of the Endangered Species Act, 16 U.S.C. 1531, et seq.;
- National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.;
- Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. 470, et seq.;
- New Mexico Inspection of Public Records Act, NMSA 1978, §14-2-1 to – 12;
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;
- 31 USC 3321;
- 41 USC 2313;
- 41 USC 4712;
- 47 USC Chapter 5, Subchapter VII; and
- 47 USC Chapter 16.

Regulatory Obligations:

- 2 CFR 170;
- 2 CFR Part 180;
- 2 CFR Part 184;
- 2 CFR Part 200;
- 2 CFR Part 1326;
- 15 CFR Part 8;
- 15 CFR Part 8b; and
- 47 CFR 1.7004.

Executive Orders, Memos, and Agency Guidance:

- Executive Order 14005;
- Executive Order 14028;
- NIST 800-161;
- NISTIR 8276;
- OMB Memo M-24-02; and
- All waivers applicable to BEAD, which are issued by the Department of Commerce Office of Acquisition Management at <https://www.commerce.gov/oam/build-america-buy-america>.