

**Proposals to Improve Broadband Program
Alignment, in response to GAO 22-104611,
*Broadband: National Strategy Needed to Guide
Federal Efforts to Reduce Digital Divide***



U.S. Department of Commerce
National Telecommunications and Information Administration

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Introduction

In May 2022, the Government Accountability Office (GAO) published GAO 22- 104611, *Broadband: National Strategy Needed to Guide Federal Efforts to Reduce Digital Divide*, which described federal funding for broadband as a “fragmented, overlapping patchwork.”¹ The report states that despite more than 100 broadband- related programs investing millions of dollars into deployment, affordability, planning, digital skills, and connective devices, “millions of Americans still lack broadband, and communities with limited resources may be most affected by fragmentation.”² The National Telecommunications and Information Administration (NTIA) agrees that greater alignment of programs has the potential to ease application processes, reduce administrative burdens on agencies, and improve efficiency of federal funding.

Alignment, however, can be challenging. Programs are authorized at different points in time and impose different deployment obligations, timelines, and technical specifications. The passage of the American Rescue Plan Act, the Consolidated Appropriations Act, 2021, and the Infrastructure Investment and Jobs Act (IIJA) significantly expanded the scale of federal support for broadband, with the bulk of that funding administered by the Federal Communications Commission (FCC), U.S. Department of Agriculture (USDA), Department of the Treasury (Treasury), and NTIA. As such, those four agencies (and others) must remain well-coordinated. To that end, the agencies have established and are continuing to develop mechanisms to collect, share, and drive decision-making with that data.

GAO has asked NTIA to present to Congress a report that (1) identifies the key statutory provisions limiting the beneficial alignment of broadband programs and (2) offers legislative proposals to address the limitations, as appropriate. Given that NTIA is the principal advisor to the Executive Branch on telecommunications and information policy matters, and with the interagency coordination obligations assigned to NTIA as part of the ACCESS BROADBAND Act, NTIA has the statutory authority and expertise to conduct the analyses necessary to prepare such a report. Section II summarizes the statutory basis for coordination and data sharing as it currently stands, explaining how Congress has woven responsibility between

¹ Government Accountability Office (GAO), *BROADBAND: National Strategy Needed to Guide Federal Efforts to Reduce Digital Divide*, (“Broadband”), GAO 22-104611, May 2022, pg. 11, [GAO-22-104611, BROADBAND: National Strategy Needed to Guide Federal Efforts to Reduce Digital Divide](#).

² GAO, “Broadband.”

agencies. Section III describes efforts already underway to improve the coordination of federal broadband funding, including efforts to direct federal funds where they are needed most, improve transparency through data, and align program policies. Recognizing that an emphasis on program alignment must occur at multiple levels of program development, Section IV offers legislative and administrative proposals to align broadband programs and strengthen NTIA's coordination role for federal broadband funding.

Existing Statutory Authorities

As funding for broadband support programs has grown in recent years, Congress has endowed agencies with new powers and responsibilities to promote coordination and improve transparency. Set forth in several laws passed since 2020, these statutory obligations require that agencies work together to coordinate broadband investment, supply data to central repositories, and prevent the duplication of funding. Together, these authorities lay the foundation for future efforts to promote beneficial alignment of broadband programs.

In March 2020, Congress passed the Broadband Deployment Accuracy and Technological Availability Act (Broadband DATA Act), which requires the FCC to change the way broadband data is collected, verified, and reported.³ Since 2014, the FCC had been collecting deployment data through Form 477 at the Census block level; if a single household could receive service in the Census block, then the entire block was deemed "served."⁴ The Broadband DATA Act required the FCC to collect and disseminate broadband service availability data at the location level, rather than the Census block level.⁵ To do this, the FCC was required to establish the Broadband Serviceable Location Fabric, a common dataset of all locations in the United States where fixed broadband Internet access service can be installed, as determined by the Commission.⁶ That Fabric is "the foundation upon which all data relating to the availability of fixed broadband

³ Broadband Deployment Accuracy and Technological Availability Act, Pub. L. No. 116-130, 134 Stat. 228 (2020)(codified at 47 U.S.C. §§ 641-646).

⁴ Form 477 Resources, Federal Communications Commission, <https://www.fcc.gov/economics-analytics/industry-analysis-division/form-477-resources>. Accessed May 16, 2023.

⁵ 47 U.S.C. § 642(b)(1)(B)(i).

⁶ 47 U.S.C. § 642(b)(1)(A)(i).

Internet access service . . . shall be reported and overlaid.”⁷ Among other requirements, the Broadband DATA Act directed the FCC to consult with the Secretary of Agriculture and NTIA to enable them to rely on the Commission’s broadband maps when awarding funds for broadband deployment under programs administered by USDA’s Rural Utilities Service (RUS) and any future program administered by NTIA, respectively.⁸

In December 2020, Congress passed the Consolidated Appropriations Act, 2021 (CAA, 2021), a spending bill that contained two provisions written to promote interagency coordination on broadband.⁹ Section 904 of division FF of CAA, 2021, the Broadband Interagency Coordination Act of 2020 (BICA), directed NTIA, USDA, and the FCC to enter into an interagency agreement requiring coordination between the agencies for the distribution of funds for broadband deployment.¹⁰ While the FCC and USDA had previously signed a data-sharing agreement in 2014, CAA, 2021 included over \$1.5 billion of funding to be administered by NTIA through three new funding programs: the Tribal Broadband Connectivity Program (TBCP), the Broadband Infrastructure Program (BIP), and the Connecting Minority Communities Pilot Program (CMC).¹¹ In June 2021, pursuant to the statutory directive, the three named agencies entered into an Interagency Agreement.¹²

In March 2021, Congress passed the American Rescue Plan Act, which established both the Coronavirus Capital Projects Fund (CPF) and the State and Local Fiscal Recovery Fund (SLFRF), both of which would be administered by Treasury.¹³ These flexible programs could be used by states and local governments for a number of purposes, including broadband deployment. As of May 2024, 47 states have dedicated more than \$7.5 billion

⁷ 47 U.S.C. § 642(b)(1)(B)(ii). This mandate was unfunded until December of 2020, when Congress passed the Consolidated Appropriations Act, 2021, which included a \$90 million appropriation to the FCC to build the map required by the Broadband DATA Act.

⁸ 47 U.S.C. §§ 642(c)(4)(A), (B).

⁹ Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182 (2020).

¹⁰ Pub. L. No. 116-260, Div. FF, § 904, 134 Stat. at 3214 (codified at 47 U.S.C. § 1308).

¹¹ Pub. L. No. 116-260, Div. N, §§ 902, 905, 134 Stat. at 2121-28, 2136-44. The \$285 million for CMC, \$300 million for BIP, and the \$1 billion for TBCP were the largest broadband grant programs at NTIA since Congress tasked NTIA with the implementation of the \$4.7 billion Broadband Technology Opportunities Program in 2009.

¹² Interagency Agreement Between the Federal Communications Commission, U.S. Department of Agriculture, and the National Telecommunications and Information Administration of the U.S. Department of Commerce, https://www.ntia.gov/files/ntia/publications/bica_-_section_904_interagency_agreement.pdf.

¹³ Pub. L. No. 117-2, § 9901, 135 Stat. 4, 223.

in funding through CPF to invest in high-speed Internet infrastructure to reach more than 2 million locations.¹⁴ Recognizing Treasury's new and important role in broadband funding, FCC, NTIA, USDA, and Treasury signed in May 2022 a Memorandum of Understanding (MOU) that included many of the same principles as the 2021 Interagency Agreement, but included Treasury as a "Covered Agency" and CPF and SLRLF broadband funding data as "Covered Data."¹⁵

CAA, 2021 also included the Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Assessed Need and Demand Act (ACCESS BROADBAND Act, or "ABA").¹⁶ The ABA established the Office of Internet Connectivity and Growth (OICG) within NTIA. Additionally, the bill codified the work NTIA had already been doing to promote interagency coordination and provide technical assistance to states, localities, and Tribes through the BroadbandUSA program.¹⁷

The ABA gave the newly created OICG a central coordination role in all federal broadband funding efforts to promote efficiency and avoid duplication. The ABA states that "any agency that offers a Federal broadband support program shall coordinate with the Office" to "ensure that Federal support for broadband deployment is being distributed in an efficient, technology-neutral, and financially sustainable manner, and that a program does not duplicate any other Federal broadband support program or any Universal Service Fund high-cost program."¹⁸ The ultimate goals of that coordination are "[s]erving the largest number of unserved locations in the United States and ensuring all residents of the United States have access to high-speed broadband" and "[p]romoting the most job and economic growth for all residents of the United States."¹⁹ To fulfill these goals, the ABA required NTIA to provide an annual report to Congress on federal broadband spending and how many residents of the US were connected to broadband

¹⁴ <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/capital-projects-fund/cpf-allocation-map>.

¹⁵ Press Release, National Telecommunications and Information Administration, FCC, NTIA, USDA and Treasury Announce Interagency Agreement to Collaborate on Federal Broadband Funding (May 12, 2022), <https://ntia.gov/press-release/2022/fcc-ntia-usda-and-treasury-announce-interagency-agreement-collaborate-federal>.

¹⁶ Pub. L. No. 116-260, Div. FF, § 903, 134 Stat. at 3210 (codified at 47 U.S.C. § 1307).

¹⁷ 47 U.S.C. 1307(c).

¹⁸ *Id.* at § 1307(f)(1).

¹⁹ *Id.* at § 1307(f)(2).

as a result of that spending.²⁰ That report must also include an estimate of the economic impact those broadband programs on local economics, small businesses, and jobs.²¹

IIJA, signed into law on November 15, 2021, created new programs for NTIA to administer, including the \$42.45 billion Broadband Equity, Access, and Deployment (BEAD) Program, the \$1 billion Middle Mile Grant Program, and, through the \$2.75 billion Digital Equity Act, three digital equity grant programs. IIJA also made an additional \$2 billion available for TBCP and made a number of technical amendments to the program.²² Additional IIJA funding was directed to the FCC for the Affordable Connectivity Program (\$14.2 billion); to USDA's RUS (\$2 billion); and to Treasury for Private Activity Bonds for rural broadband (\$0.6 billion). IIJA tied the distribution of BEAD funding to the FCC's maps of broadband availability, tightening the thread that weaves these programs and agencies together.²³ IIJA also included a reporting requirement for any agencies that fund broadband-related programs. Any agency that offers a Federal broadband support program would be required to provide data "in a manner and format prescribed by the Assistant Secretary [*i.e.*, the NTIA Administrator], to promote coordination of efforts to track construction and use of broadband infrastructure."²⁴ Section 60105 of IIJA also charged the FCC with the creation of a new map that would show the overall geographic footprint of each broadband infrastructure product funded by the federal government. Unlike the FCC's National Broadband Map, which shows where broadband is or is not available, this map would demonstrate, at a location-by-location level, where the federal government has invested in broadband infrastructure. IIJA declared that this map, the Broadband Funding Map (BFM), would be the "centralized, authoritative source of information on funding made available by the Federal Government for broadband infrastructure deployment in the United States."²⁵

Together, these statutes are driving billions of dollars of federal spending towards the deployment of broadband and creating new obligations and opportunities for collaboration between agencies. NTIA was designated by Congress to lead that coordination effort and administer a significant

²⁰ *Id.* at § 1307(c)(2)(C).

²¹ *Id.* at § 1307(c)(2)(C)(iii).

²² Pub. L. No. 117-58, Div. F, Titles I to IV; Div. J, Title II; *see* 47 U.S.C. §§ 1702(b)(2), 1705(b), 1723(k), 1724(l), 1725(e), 1741(h).

²³ *See, e.g.*, 47 U.S.C. § 1702(a)(1)(A), (a)(2)(H).

²⁴ Pub. L. No. 117-58, Div. F, § 60102(j)(1)(E)(ii), 135 Stat. 429, 1202 (2021) (codified at 47 U.S.C. § 1702); *see also* 47 U.S.C. § 1307(g)(4) (defining "federal broadband support program").

²⁵ Pub. L. No. 117-58, Div. F, § 60105(c) (codified at 47 U.S.C. § 1704).

portion of planned federal broadband spending through the BEAD Program, but numerous agencies are funding broadband deployment and have roles to play in reporting, collecting, or publishing data; streamlining applications; and promoting program alignment. These authorities outlined in this section illustrate the wealth of opportunities that exist for further coordination, both at the point of Congressional authorization and during Executive Branch implementation.

Current Efforts to Promote Program Alignment

The GAO report highlights several of the interagency efforts that NTIA and other federal agencies have undertaken to coordinate across programs and agencies. Since the publication of the report, federal agencies have adopted new strategies to avoid fragmentation, duplication, and overlap, including improved duplication prevention processes, increased transparency through data sharing, and better alignment on key program policies.

Coordinating the Impact of Federal Broadband Funding

In the spring of 2022, NTIA undertook a systematic effort to better understand other agencies' award processes and to align on a desired high-level approach to better coordinate the impact of federal broadband funding with Treasury, USDA, and the FCC. In July 2022, NTIA shared the preliminary results of that analysis and proposed the following process:

1. Any awarding agency should first conduct analysis to determine whether potential areas of duplication exist, or in the case of a pass-through award, should direct its recipients to conduct the analysis.
2. If the awarding agency identifies a potentially duplicative project, it should then notify the relevant agencies with sufficient notice before award decisions have been made.
3. The awarding agency should meet with the other relevant agency or agencies to discuss areas of duplication and, to the extent possible, resolve the potential duplication.
4. Resolution should be confirmed and documented prior to issuing the award.

Over the next several months, NTIA worked with USDA, Treasury, and the FCC to identify common tools for overlap analysis prior to making an

award. Although each agency retains the final decision and authority to issue awards based on its own program requirements and statutory obligations, all four agencies have agreed to the principles included above. As the new process was being developed, NTIA consulted the best data available at the time prior to issuing awards in its TBCP, BIP, CMC and the Middle Mile Grant Programs. NTIA's proactive efforts helped direct program dollars to where they are needed most, meet statutory implementation timelines established by Congress, and connect unserved Americans as quickly as possible.

This effort will become easier as federal agencies add more programs and more complete data to the Broadband Funding Map, allowing the map to show a more complete picture of where federal funding for the deployment of broadband infrastructure has been committed. The Broadband Funding Map, however, will not preclude the need for an agency-driven process for avoiding duplication of funding, nor will it be the sole tool agencies use for overlap analysis. This is particularly important in the near term because the map does not currently show a complete picture of federal broadband deployment funding. Agencies need time to collect the right data from recipients, especially because some program reporting requirements were defined before the data specifications for the map were completed. In addition, while broadband funding agencies and grant recipients are able to obtain a license to the Fabric that allows it to be used for the submission of data to the Broadband Funding Map, it will take time for broadband funding awards that were issued prior to the advent of the Broadband Funding Map to link funding data to the location-specific Fabric.

Furthermore, the Broadband Funding Map will not show projects to which an agency plans to obligate federal dollars. Providing such information on a public-facing map could create legal exposure for the Federal government. Therefore, additional steps (e.g. an MOU) are required to safely share confidential information across agencies prior to award in order to coordinate federal broadband funding, especially while agencies are implementing programs in parallel.

Finally, the unique structure of the BEAD Program necessitates yet additional coordination on timing. Whereas previous federal broadband programs were limited in geographic scope, Congress required states and territories in the BEAD Program to award funding in a manner that will prioritize coverage of broadband service to all unserved locations.²⁶ As states and territories execute on this directive, creating a stable environment is

²⁶ See 47 U.S.C. § 1702(h)(1)(A)(i).

critical for program's success. The potential for unexpected federal awards at certain phases of BEAD implementation could create uncertainty and complexity that may reduce participation from internet service providers, chill outside investment, and delay the achievement of Internet for All. For these reasons, NTIA is working with other federal agencies to ensure a stable environment in the lead up to and during a state or territory's subgrantee selection process.

Data Sharing and Transparency

In the complex broadband funding landscape described by GAO, stakeholders may reasonably struggle to understand what funding opportunities are available and what rules govern them. Given that complexity, NTIA, in partnership with multiple agencies, is striving to publish transparent and data-driven resources that communicate the availability of broadband funding opportunities, where funding has been committed, and where funding may still be needed. The federal broadband programs administered by NTIA and more than a dozen other agencies are described on NTIA's BroadbandUSA site, which provides information about programs' authorizing legislation, eligible recipients and purposes, speed/technical requirements, and more.

The FCC has made progress developing the Broadband Funding Map. This map, which the FCC initially released in May 2023, will (where possible) show Congress and the American public where the federal government is investing in broadband infrastructure at a location level. NTIA is assisting the FCC to promote awareness of the obligation placed on broadband infrastructure-funding agencies to provide their information to the FCC. NTIA also recognizes that the inclusion of state-level broadband funding is important to prevent duplication and has encouraged the FCC to explore ways to incentivize states to provide their data to the map.

NTIA has also made progress in streamlining the data collection process for the report on federal broadband funding required by the ABA, an effort that should ease the reporting burden for agencies and improve data accuracy. In October 2022, after working with NTIA, OMB issued a Controller Alert that instructs agencies to use specific keywords when reporting federal

financial assistance to USA Spending.²⁷ These key words will allow NTIA to use the search feature at USASpending.gov more effectively to explore feasibility of automating some aspects of the data collection process for the ABA report. NTIA also intends to leverage the broadband infrastructure data provided to the FCC's BFM for purposes of ABA reporting.

In addition to coordinating with the FCC, NTIA has been building on its longstanding partnership with the Census Bureau²⁸ to create data products and tools to better understand broadband and digital equity challenges. In May 2021, the Census Bureau released the Digital Equity Act Population Viewer, an interactive collection of maps that includes the first-ever estimates of the "covered populations" defined by the Digital Equity Act of 2021, while highlighting various demographics and broadband Internet availability and adoption by state.²⁹ The maps were designed to help policymakers plan and implement Digital Equity Act programs, including by providing the legally required inputs for the statute's state funding formula.³⁰ In February 2023, the Census Bureau and NTIA published the ACCESS BROADBAND Dashboard, a resource designed for policymakers and the public to assess how changes in broadband availability and adoption could influence local economies. The interactive dashboard allows users to compare maps displaying broadband access statistics to maps of select economic indicators, such as employment statistics, small business establishments, wages and income, poverty, population change and migration, educational attainment, and real gross domestic product. NTIA and the Census Bureau plan to update the dashboard annually so users can assess the economic context of areas where broadband availability and adoption efforts are underway. Each release will include the interactive dashboard and supplemental data files so users can access the underlying map data.

NTIA and the Census Bureau continue to explore other ways to improve the state of knowledge in this space, including use of sophisticated

²⁷ CA-23-02, *Leveraging Assistance Listings and Financial Assistance Award Descriptions to Help Meet Statutory Broadband Reporting* (Oct. 10, 2022), <https://www.cfo.gov/assets/files/CA-23-02%20Broadband%20Reporting.pdf>.

²⁸ Most notably, NTIA and the Census Bureau have been collaborating since 1994 on the NTIA Internet Use Survey, which is a supplement to the Current Population Survey that includes dozens of questions about household and individual use and non-use of computers and the Internet <https://www.ntia.gov/data> for more information.

²⁹ Press Release, U.S. Census Bureau, *Census Bureau Releases Digital Equity Act Population Viewer* (May 13, 2022), <https://www.census.gov/newsroom/press-releases/2022/digital-equity-act-population-viewer.html>.

³⁰ *Id.*

modeling techniques to produce estimates of key metrics for small geographies and populations. In June 2023, the two agencies released new covered population estimates for small geographies, including census tracts and counties. These estimates, which are available from the updated Digital Equity Act Population Viewer, enable users to understand where covered populations are concentrated within each state, helping to inform digital equity plans and programming. NTIA will continue to pursue small area estimation and other novel methods to increase the breadth of available data to inform broadband and digital equity policies and programs.

Program and Policy Alignment

Since early 2022, the White House's National Economic Council has regularly convened the four lead agencies responsible for the vast majority of broadband funding (FCC, USDA, Commerce, and Treasury) through a working group co-chaired with NTIA's Assistant Secretary of Commerce for Communications and Information. This Broadband Coordination Group includes senior staff from each agency and meets regularly to promote alignment between programs, discuss policy issues, and raise recommendations to agency and White House principals as needed.

Going forward, a key aspect of program alignment will be delivering consistent reporting standards for funding recipients, both for infrastructure and digital inclusion activities. NTIA supported the development of uniform data collection standards for the Broadband Funding Map to ensure that all agencies with funding for broadband infrastructure projects institute reporting protocols that generate accurate, timely information about funding footprints. NTIA participated in an early Broadband Funding Map feedback session with the FCC in August 2022 and subsequently offered written feedback with questions and suggestions for improvements. In February 2023, NTIA distributed the FCC's draft data specifications for the Broadband Funding Map to all members of the Federal Funding Workstream,³¹ and in March 2023, NTIA facilitated a demonstration of the Broadband Funding Map for all agencies that report funding for broadband infrastructure projects for NTIA's ABA report. Finally, NTIA gave a presentation on Broadband Funding Map

³¹ NTIA uses regular meetings of MOU-signatory agencies (NTIA, USDA, FCC, and Treasury) and the American Broadband Initiative Federal Funding Workstream to communicate key policy decisions and seek opportunities for improved program and policy alignment. The Federal Funding Workstream is a working group of more than 25 agencies with funding for broadband programs or an interest in broadband policy more broadly.

reporting obligations to more than a dozen agencies in March 2023, providing federal partners with insight about what information would need to be collected from grant recipients and offering strategies to support implementation of standard reporting requirements in subsequent grant programs.

While the agencies continue to drive alignment, fully integrating applications for all federal broadband grant programs is not possible, given the wide range of purposes, timelines, and intended recipients for congressionally-created programs, as well as differences in underlying statutes. In some cases, however, agencies can agree to adopt common application policies across programs. For example, NTIA has included a Tribal consent condition in its programs, whereby applicants seeking federal funding to deploy broadband on Tribal lands must include in their application a Resolution of Consent from the Tribal Government upon whose Tribal Lands the infrastructure will be deployed. USDA included a similar clause in the Community Connect Funding Opportunity Announcement requiring a “certification from the appropriate tribal official” if service is being proposed on Tribal lands and will not consider for funding any applicant that fails to provide certification, as well as with the recent Round 5 ReConnect Notice of Funding Opportunity.³²

Benefits of Complementary Programs

The GAO report paints a picture of fragmented, overlapping programs. While NTIA is working to alleviate the negative effects of fragmentation, GAO itself has noted that fragmentation can sometimes have benefits, such as the creation of defined roles and responsibilities.³³ NTIA has the expertise required to administer the BEAD Program through the states in part because of the expertise the agency developed by providing technical assistance to states for over a decade through the State Broadband Initiative, the BroadbandUSA program, and the relationships the agency has developed

³² Notice of Funding Opportunity for the Community Connect Grant Program for Fiscal Year 2023, 88 Fed. Reg. 16579 (Mar. 20, 2023), available at <https://www.rd.usda.gov/regulations-guidelines/notice-funding-opportunity-community-connect-grant-program-fiscal-year-2023-published-32023>.

³³ GAO-15-49SP, *Fragmentation, Overlap, and Duplication: An Evaluation and Management Guide*, April 15, 2015, <https://www.gao.gov/products/gao-15-49sp>.

through the State Broadband Leaders Network.³⁴ Programs may serve different purposes and, therefore, require different expertise and relationships to implement.

With coordination and transparency, complementary federal deployment programs can be a means for different types of stakeholders to leverage multiple sources of funding to ensure that all areas achieve connectivity. In its technical assistance, NTIA has encouraged states to view the broadband deployment programs of the FCC, USDA, Treasury, and NTIA as “waves” of funding, with each successive program filling in gaps left by the preceding one. Programs are authorized and designed with different objectives, which may incentivize different applicants to enter the ecosystem. For example, the Rural Digital Opportunity Fund (RDOF) allowed technologies like low-Earth orbiting satellite and some fixed wireless technologies, to compete in the auction process. However, some of these applicants were unable to prove technological feasibility in the long-form application round, and their initial winning bids were not authorized.³⁵ Now those areas may be eligible for funding through USDA’s ReConnect program or state-run programs funded by CPF. Eventually, any remaining unconnected areas will be eligible for funding through a state’s BEAD subgrantee selection process. Migration, evolving technology, and a changing provider landscape mean that each year, new opportunities and obligations arise to connect more people to the Internet. Waves of funding help ensure locations that were missed, overlooked, or uncompetitive in previous grant programs still have the chance to be served by subsequent programs.

Administrative and Legislative Solutions to Reduce Overlap, Fragmentation, and Duplication

This Section offers a legislative proposal to address barriers that limit the beneficial alignment of broadband programs, as requested by GAO, and considers administrative solutions that may similarly improve alignment

³⁴ The State Broadband Leaders Network (SBLN) is a community of practitioners who work on state broadband initiatives. The NTIA BroadbandUSA program coordinates the group and convenes participants to share priorities and best practices; discuss emerging telecommunications policy issues; link states and local jurisdictions to federal agencies and funding sources; and address barriers to collaboration across states and agencies.

³⁵ Press Release, Federal Communications Commission, FCC Rejects Applications of LTD Broadband and Starlink for Rural Digital Opportunity Fund Subsidies, (Aug. 10, 2022), <https://docs.fcc.gov/public/attachments/DOC-386140A1.pdf>.

without requiring Congressional action. Undeniably, many programmatic differences originate with Congress—but once Congress has authorized a program, the work of implementation begins. Agencies may have discretion to define the rules of a program, from its initial application process to its program obligations and reporting requirements. NTIA has identified three areas where Congressional or administrative solutions could better align programs, reduce potential for overlap, and add needed transparency for applicants and other stakeholders.

- **Program Alignment:** As GAO wrote in its report, “Federal broadband efforts are fragmented and overlapping, with more than 100 programs administered by 15 agencies.”³⁶ Congress authorizes programs with different timelines, performance requirements, and deployment obligations. As broadband technology evolves to meet new consumer and business needs, grant programs should, too. Flexibility, then, is inherently critical in broadband programs. Whenever possible, however, programs should be standardized to reduce complexity and unnecessary variation for applicants and other stakeholders.
- **Coordinating the Impact of Funding:** The ABA directs agencies to coordinate with NTIA to ensure that “a program does not duplicate any other Federal broadband support program.”³⁷ NTIA has taken a leadership role in the effort to develop a common process that respects each agency’s resources, statutory obligations, and leadership preferences. Each successive wave of funding has improved this process, but more work can be done to promote the most efficient uses of federal broadband funding for locations with unmet need. Agencies should also work to document these standard operating procedures.
- **Data and Mapping:** Good data and accurate maps will be crucial to ensure that federal dollars for broadband deployment are spent efficiently and effectively and to guard against duplicative federal funding. The ABA, the Broadband DATA Act, the BICA, and IIJA all created new agency obligations to collect and share data, but agencies may need support and resources as they attempt to navigate

³⁶ Government Accountability Office (GAO), *BROADBAND: National Strategy Needed to Guide Federal Efforts to Reduce Digital Divide*, (“Broadband”), GAO 22-104611, May 2022, pg. 1, GAO-22-104611, BROADBAND: National Strategy Needed to Guide Federal Efforts to Reduce Digital Divide.

³⁷ 47 U.S.C. § 1307(f)(1).

these new expectations. NTIA envisions a future state of interagency data collaboration in which different data sources and resources feed into one another and multiple agencies contribute based on their statutory responsibilities and data expertise.

Legislative Solution

- **Impose consistent data collection requirements at authorization:** New federal broadband support programs, if mandated, could include regular reporting requirements in line with the data standards required for the Broadband Funding Map and NTIA's annual ABA report on federal broadband funding for any project that will fund broadband-related activities, including deployment, planning, and digital inclusion. Congress could consider aligning definitions of broadband infrastructure between IIJA Section 60105 and the ABA, which would encourage all agencies with responsive data to report into the Broadband Funding Map.

Administrative Solutions

- **Continue to move to common policies:** NTIA has developed a set of common application, award, and reporting policies, such as including "de-scoping" powers in the award conditions in the case of inadvertent duplication and including Tribal consent requirements as a requirement for the award of federal funding. Building common policies takes time, especially across different agencies. NTIA will continue to support agencies which wish to adopt these standard policies.
- **Impose reporting requirements on grant recipients in award documents:** When creating programmatic documents, agencies should include data reporting requirements for the Broadband Funding Map and NTIA's data collection obligations under the ABA. As NTIA continues to develop digital equity standards, agencies should ensure the reporting expectations for any digital equity programs conform to those standards. As appropriate, agencies may consider instructing recipients to provide data directly to the FCC or NTIA for reporting to reduce administrative costs for the awarding agency.
- **Support key ongoing federal data collections and the development of new data products:** Comprehensive program

evaluation and policy research can benefit substantially from consistent data on broadband adoption, digital equity, and related issues in addition to reporting from the programs themselves. For example, the NTIA Internet Use Survey has served as a vital data source for understanding challenges to digital equity since 1994—with early reports even helping popularize the term “digital divide,” and more recent data serving as a legally-required input into the state Digital Equity Act funding formula. Support for the development of other federal data products that complement reported program data, such as small-area estimates of key metrics, could also prove valuable to programs and policy development across agencies.

- **Support a state-federal confidential data-exchange ecosystem:** States, Internet service providers, and federal agencies all have roles to play in making broadband data transparent, accessible, and informative—all of which are key to ensuring the efficient use of federal funds and guarding against duplicative federal funding. NTIA will continue to explore ways to encourage or incentivize states to contribute data to the Broadband Funding Map. Without accurate data about state investments, it may be difficult for federal agencies to make fully informed decisions about the most efficient uses of federal broadband funding.
- **Enshrine a deduplication process in an MOU:** Although agencies have worked together to create effective deduplication process, those agreements are largely not formalized. The agencies should consider revising the 2021 Interagency Agreement and the 2022 MOU to establish a single, consistent deduplication review process that includes a review period for other broadband agencies before the funding agency makes final commitments. The MOU should establish an expedited process to add other agencies to the MOU, to ensure a quick pathway to coordinate the efforts of other agencies that administer funding programs and develop related policy goals.

Conclusion

NTIA and other federal agencies have undertaken significant efforts to improve program alignment since the May 2022 publication of GAO 22-104611, *Broadband: National Strategy Needed to Guide Federal Efforts to Reduce Digital Divide*. More work, however, can be done, both by Congress

and the Executive Branch, to ensure federal funding for broadband access, adoption, and availability is used efficiently and enables the common goal of closing the digital divide.