

# “Federal Funding During the Pandemic”

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# Programs of Note

- E-Rate Program - Emergency Connectivity Fund
- Emergency Broadband Benefit Program
- NTIA Programs
- Infrastructure Plan

# Emergency Connectivity Fund

## Emergency Connectivity Fund

- Congress established \$7.171 billion fund as part of American Rescue Plan Act of 2021 (“ARP Act”)
- Available to eligible schools and libraries during COVID-19 emergency period for eligible equipment and/or advanced telecommunications and information services, for use by
  - Off-campus students and staff
  - Off-premises library patrons
  - COVID-19 emergency period defined as from January 27, 2021 to one year after Secretary of HHS declares end of public health emergency

# Emergency Connectivity Fund

- Eligible Equipment – Wi-Fi hotspots, modems, routers, and devices that combine a modem and router, and connected devices (such as laptops, tablets and similar end-user devices).
  - Desktops & mobile phones NOT eligible
- Fund covers 100% of the “reasonable” costs associated with eligible equipment and/or services
  - \$400 per connected device
  - \$250 per Wi-Fi hotspot
  - Modems, routers and Internet access service (no specified cap; FCC to provide guidance to USAC to assess reasonability.)

# Emergency Connectivity Fund

- **In Areas with Internet Access**

- Program will reimburse only for the purchase of commercially available service offerings for fixed or mobile broadband Internet access service

- **In Areas Without Internet Access**

- Applicants will be able to seek support for construction or self-provisioning of networks (including construction of wireless networks).
- No competitive bidding, and applicants will be able to seek support for customer premises equipment needed to receive access to educational content through datacasting.

# Emergency Connectivity Fund

- **Service Locations**

- Service location is the student or staff's home.
- Only one supported connected device per student/staff/patron.
- Schools allowed to install Wi-Fi hotspots on buses and libraries to install on bookmobiles.

# Emergency Connectivity Fund

- **Application Process**

- 45-day filing window for purchase of eligible equipment and services made between July 1, 2021 and June 30, 2022
- Second window for reimbursement for eligible services and equipment purchased between March 1, 2020-June 30, 2021

- **Reimbursement Process**

- Applicants must submit invoices for reimbursement
- Proposal for shortened window for filing of invoices and reimbursements

# Emergency Connectivity Fund

- **Duplication of Funding**
  - EBB, CARES Act, or other provision of American Recovery Plan
  - Certifications
- **Waste, Fraud and Abuse**
  - Record Retention
    - 10 years from last date of service or delivery of equipment
  - Usage Monitoring
  - Compliance audits
- **Enforcement**



# Emergency Broadband Benefit

- Congress established \$3.2 billion benefit as part of the Consolidated Appropriations Act on December 27, 2020
  - Just shy of the 60-day deadline, the FCC issued rules for the Emergency Broadband Benefit on February 25, 2021
  - Program went live May 12, 2021
  - Funding provides up to \$50 per month for eligible low-income households
  - \$75 per month for those living on native tribal lands

# Emergency Broadband Benefit

- Funds distributed to participating broadband providers, who grant the discounted internet access to qualifying households that apply
- One-time equipment reimbursement options of up to \$100

# Emergency Broadband Benefit

- EBB Application process opened on March 8, 2021
- There is no deadline to submit application. *Funds will be expended until consumed.*

# Emergency Broadband Benefit

- 3 ways for a “broadband provider” to qualify for EBB
  1. As an existing Eligible Telecommunications Carrier (ETC) under the FCC’s Universal Service programs
  2. As a non-ETC subject to “automatic approval”
  3. As a non-ETC that otherwise provided one or more qualifying broadband plans as of December 1, 2020

# Emergency Broadband Benefit

- ETCs *do not* need to apply for FCC = Just apply to USAC
- Non-ETCs must apply to the FCC, either for:
  - “automatic approval” (if the provider offered an established program as of April 1, 2020)
  - or for “expedited application” (provided that the provider offered a broadband program as of December 1, 2020)

# Emergency Broadband Benefit

- **Eligibility for provider:** Provide broadband on Dec. 1, 2020
  - “Broadband” defined as “a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service. This term also encompasses any service that the Commission finds to be providing a functional equivalent of the service described in the previous sentence or that is used to evade the protections set forth in this part.”
- FCC declined to narrow program: No minimum speed
- Mobile broadband connections also seen as qualifying

# Emergency Broadband Benefit

- **Eligibility for consumers:**

- (1) meets the qualifications for participation in the Lifeline program;
- (2) has approved to receive benefits under the free and reduced price lunch program or the school breakfast program;
- (3) experienced a substantial loss of income since February 29, 2020, that is documented by layoff or furlough notice, application for unemployment insurance benefits, or similar documentation or that is otherwise verifiable through USAC's National Verifier or National Lifeline Accountability Database;
- (4) has received a Federal Pell Grant under section 401 of the Higher Education Act of 1965 in the current award year; **OR**
- (5) if the service provider had an existing low income/COVID-19 program, qualifies under that program.

# Emergency Broadband Benefit

- Stand-alone service not required
  - “If such bundled service options were offered ‘in the same manner and on the same terms’ on December 1, 2020, participating providers should be able to apply the monthly discount of up to \$50 per month, or up to \$75 for Tribal lands, to the entire bundled service.”
- Group housing/multiple dwelling unit service allowed
  - FCC agreed to include “households” that receive service as part of a bulk billing arrangement where the households are not directly billed by the ISP but pay a monthly fee for broadband services to their landlord. “Households” must still meet eligibility requirements.



# Emergency Broadband Benefit

- Application Process
  - Obtain FCC Registration Number (FRN)
  - Register with the System for Award Management (SAM)
- Apply at <https://www.fcc.gov/emergency-broadband-benefit-program#provider-fcc-approvals>
- Submit (if not an ETC – process differs with ETC certification):
  - States or territories where you will offer EBB Program services
  - Seek FCC “approval” to offer EBB
  - Certifications and documentation

# NTIA Programs

- **Consolidated Appropriations Act of 2021**
  - **Tribal Broadband Connectivity Grants - \$1 billion**
  - **Broadband Infrastructure Deployment Grants - \$300 million**
  - **Connecting Minority Communities Pilot Program - \$285 million**

# NTIA Programs

- **Consolidated Appropriations Act of 2021**
  - **Office of Minority Broadband Initiatives**
    - Focusing on collaboration for internet access and promotion of digital skills and digital inclusion at: (1) Historically Black Colleges and Universities (HBCUs); (2) Tribal Colleges and Universities (TCUs); and (3) Minority-Service Institutions (MSIs), and their surrounding communities
    - Supporting investment in infrastructure to expand connectivity and encourage investment
  - **Office of Internet Connectivity and Growth, ACCESS BROADBAND Act**
    - Public outreach, standardization of support and coordination of agencies
  - **Broadband Interagency Coordination Act of 2020**
    - NTIA, FCC, Dept. of Agriculture interagency agreement

# NTIA Programs

- **Broadband Infrastructure Deployment Grants**

- Grants for competitively and technologically neutral projects for deployment of 100/20 Mbps fixed broadband service in a census block with at least one household or business without access to 25/3 Mbps.

- **Who is eligible?**

- Partnerships between a state or one or more political subdivisions of a state and fixed broadband service providers
- Do not need ETC designation

- **Use of Grants**

- Infrastructure – a competitively and technologically neutral project for deployment of fixed broadband service that provides **qualifying broadband service** in an **eligible service area**.

# NTIA Programs

- **Broadband Infrastructure Deployment Grants**
  - **What is a Qualifying Broadband Service?**
    - Download speed  $\geq$  25 Mbps
    - Upload speed  $\geq$  3 Mbps
    - Latency sufficient to support real-time, interactive applications
  - **What is an Eligible Service Area?**
    - A census block in which broadband service is not available at 1 or more households or businesses in the census block, based on:
      - Information and maps provided to the FCC; or
      - Other information available to the Assistant Secretary, if maps are unavailable.
        - NTIA will look to National Broadband Available Map

# NTIA Programs

- **Broadband Infrastructure Deployment Grants**
  - **When is a household Unserved?**
    - Household lacks access to qualifying broadband service; and
    - No broadband provider has been selected to receive, or is otherwise receiving, Federal or State funding subject to enforceable build out commitments to deploy qualifying broadband in the area of the household, even if the service is not yet there, provided a Federal or State agency hasn't declared the service provider in default of buildout obligations.

# NTIA Programs

- **Broadband Infrastructure Deployment Grants**
  - **Eligibility** – Application must describe
    - Covered Partnership
    - Covered Broadband Project to be funded, including
      - Broadband service speed(s)
      - Project cost
    - Proposed Service Area
    - Other state or federal support provided to the provider
    - Only one application allowed for the Covered Partnership

# NTIA Programs

- **Broadband Infrastructure Deployment Grants**

- Prioritizing Funding – priority will be given, as follows:

- Projects designed to serve the largest number of households in an eligible service area;
    - Projects designed to provide service in an eligible area wholly outside –
      - A county, city, or town with a population of more than 50,000 inhabitants; and
      - An urbanized area contiguous and adjacent to a city or town of more than 50,000 inhabitants
    - Projects that are most cost-effective, prioritizing project in more rural areas
    - Projects designed to provide speeds of at least 100/20 Mbps.



# NTIA Programs

- **Broadband Infrastructure Deployment Grants**
  - **Eligible Use of Grant Funds**
    - Costs of Construction, improvement, or acquisition of facilities and equipment required to provide qualifying broadband service;
    - Cost of long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including IRU agreements;
    - Reasonable pre-application expenses or grant preparation costs not exceeding \$50,000
  - **Ineligible Uses**
    - Repayment or payment of loans by a public or private lender
    - Collateral for loans by a public or private lender

# NTIA Programs

- **Broadband Infrastructure Deployment Grants**
  - Deadline for Application
    - **August 17, 2021**
  - Deadline for Expenditure and Extensions
    - **Funds must be expended within 1 year of receipt**
    - **Assistant Secretary may grant an extension for broadband construction projects**
      - Must certify: a plan for use of the funds; construction project is underway; or extenuating circumstances requiring an extension.

# NTIA Programs

- **Tribal Broadband Connectivity Program**

- Tribal governments for use in broadband deployment on tribal lands
- Includes telehealth, distance learning, broadband affordability, and digital inclusion.

- **Who is eligible?**

- Tribal governments, Tribal organizations, Tribal Colleges and Universities (TCUs), the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, and Native Corporations

- **Use of Grants**

- Infrastructure (includes submarine cable landing stations), affordability programs, digital literacy, telehealth, and distance learning during COVID-19 pandemic

- **Timing**

- Summer 2021

# NTIA Programs

- **Tribal Broadband Connectivity Program**

- **Eligible Lands**

- Any land located within boundaries of (i) an Indian reservation, pueblo, or rancheria; or (ii) former reservation within Oklahoma
    - Any land not location within above boundaries, if title is held
      - In trust by US for benefit of Indian Tribe or an individual Indian;
      - By an Indian Tribe or an individual Indian, subject to restriction against alienation under US law; or
      - By a dependent Indian community.
    - Any land within a region established pursuant to Section 7(a) of Alaska Native Claims Settlement Act (43 U.S.C. 1606(a))
    - Hawaiian Home Lands (25 U.S.C. 4221); or
    - Areas or communities designation by Ass. Sec. Indian Affairs of Dept. Interior that are near, adjacent, or contiguous to reservations where financial assistance and social service programs are provided to Indians because of their status as Indians.

# NTIA Programs

- **Tribal Broadband Connectivity Program**

- **Eligible Uses**

- **Broadband infrastructure deployment, including carrier-neutral submarine cable landing stations;**
    - **Affordable broadband program**
      - Providing free or reduced-cost broadband service; and
      - Preventing disconnection of existing broadband service;
      - Distance learning
      - Telehealth
      - Digital inclusion efforts; and
      - Broadband adoption activities.

# NTIA Programs

- **Tribal Broadband Connectivity Program**

- **Administrative Expenses - capped**

- No more than 2% of grant funds may be used for admin expenses

- **Priority to Unserved Households**

- For new construction of broadband infrastructure, eligible entities must prioritize projects that deploy to unserved households.

- **Deadlines for Commitments and Expenditures**

- Must commit funds within 180 days after receiving grant funds
- Must expend funds within 1 year of receiving grant funds

- **Extensions**

- Asst. Sec. may grant extensions
  - Must certify: a plan for use of the funds; construction project is underway; or extenuating circumstances requiring an extension.
- Grants unused by 1 year deadline will be made available to other eligible entities.

# NTIA Programs

- **Tribal Broadband Connectivity Program**

- **Equitable Distribution**

- Funds will be made available on an equitable basis and no more than 3% will be made available for benefit of Native Hawaiians.

- **Proposal Deadline**

- 90-day period for submitting proposal after issuance of Notice of Funding Opportunity

# NTIA Programs

- **Connecting Minority Communities Pilot Program**

- Grants to eligible recipients in anchor communities for broadband internet access service, eligible equipment, or hiring and training of IT personnel

- **Who is eligible?**

- HBCUs and TCUs, MSIs, and minority business enterprises and nonprofits

- **Use of Grants**

- Devices, service, adoption/digital literacy, hiring/training technology personnel (no infrastructure)

- **Timing**

- Summer 2021



# NTIA Programs

- **Connecting Minority Communities Pilot Program**

- **Eligible Entities**

- **Historically Black Colleges and Universities (HBCUs)**
- **Tribal Colleges and Universities (TCUs)**
- **Minority-Service Institutions (MSIs)**
  - Alaskan Native, Native Hawaiian, Hispanic, Predominantly Black, Asian American and Native American Pacific Islander, Native American, Non-Tribal
- **Consortiums led by HBCUs, TCUs, or MSIs that include:**
  - A Minority Business Enterprise, or
  - 501(c)(3) tax-exempt organization

# NTIA Programs

- **Connecting Minority Communities Pilot Program**

- **Covered Uses**

- Purchase of broadband internet access service or any eligible equipment, or to hire and train IT personnel:
  - To facilitate educational instruction and learning, including through remote instruction; or
  - To operate the minority business enterprise; or
  - To operate the not-for-profit organization.

- **Coordination Requirement**

- Ass. Sec. must coordinate with other Federal agencies, including the FCC, National Science Foundation, and Department of Education to ensure efficient expenditure of Federal funds, and avoid duplication.

# NTIA Programs

- **Connecting Minority Communities Pilot Program**

- **Prioritization of Funding – Ass. Sec. must:**

- Establish method for identifying eligible recipients in anchor communities with greatest unmet financial need.
- Ensure grants under Pilot Program are made:
  - To eligible recipients, as described above, in a manner that best achieves purposes of program
  - Require recipients receiving grants for broadband service/equipment to students, prioritize students who:
    - Are eligible for a Federal Pell Grant
    - Are recipients of any other need-based financial aid from Fed Gov't, State or provider
    - Are qualifying low-income consumers under 47 C.F.R. Part 54, Subpart E;
    - Are low-income individuals, as defined in Section 312(g) of Higher Education Act
    - Have been approved to receive unemployment benefits under Federal or State law since March 1, 2020.

# Infrastructure Legislation

- Broadband infrastructure legislation is very much a work in progress
- **Biden Administration's American Jobs Plan (Proposed 3/31/2021):**
- **“Revitalize America’s digital infrastructure: ...The President believes we can bring affordable, reliable, high-speed broadband to every American through a historic investment of \$100 billion. That investment will:**
  - **Build high-speed broadband infrastructure to reach 100 percent coverage....**
  - **Promote transparency and competition....**
  - **Reduce the cost of broadband internet service and promote more widespread adoption....”**

# Infrastructure Legislation

- Similar to the Accessible, Affordable Internet for All Act (H.R. 1783)?
  - Allocating \$80 billion to deploy high-speed broadband infrastructure.
  - Earmarking \$5 billion for low-interest financing of broadband deployment through a new secured loan program.
  - Establishing a new office within the National Telecommunications and Information Administration to ensure efficient use of federal money.
  - Requiring an affordable option for Internet service plans offered on the newly-built infrastructure.
  - Providing a \$50 monthly subsidy for low-income consumers.
  - Directing the FCC to collect and publicize data on prices charged for broadband service.
  - Providing over \$1 billion to establish grant programs for states to close gaps in broadband adoption, as well as digital inclusion projects.
  - Including \$5 billion to enable students to participate in remote learning.
  - Authorizing funding for Wi-Fi on school buses so students can stay connected in rural areas where longer bus rides are common.

# Infrastructure Legislation

- Notably, the Accessible, Affordable Internet for All Act (H.R. 1783):
  - Creates new categories including unserved, low-tier and mid-tier for federal funding on broadband projects. The new definition of “served,” which was previously categorized as areas with access to speeds of 25 Megabits per second (Mbps) download and 3 Mbps upload, would be updated to bump up the upload speed to 25 Mbps.
  - Low-tier would be considered areas with between 25/25 Mbps and 100/100 Mbps speeds, and medium-tier would be viewed as 100/100 Mbps to gigabit symmetrical.
  - The new definitions would reflect enhancements in broadband technology and a previous call for speed definitions to be reassessed in light of the pandemic and consumer uptake of higher speeds.

# Infrastructure Legislation

- Other broadband infrastructure measures include:
  - Leading Infrastructure for Tomorrow's America (LIFT) Act, H.R. 1848:
    - \$94 billion for broadband
  - H.R. 1672, by Rep. Peter Welch, D-Vermont:
    - \$79 billion in funding for broadband projects
  - “Accelerating Rural Broadband Deployment Act” (ARBDA), previously introduced by Sens. Mark Kelly, D-Ariz. and Steve Daines, R-Mont.:
    - Makes it easier for broadband providers to obtain federal rights-of-way licenses; ensures those licenses are at fair market rates; facilitates quicker resolution of rights-of-way requests; and makes the process more transparent, among other aspects.

# Infrastructure Legislation

- Other broadband infrastructure measures include:
  - Sens. Shelley Moore Capito, R-W.V., Roger Wicker, R-Miss., John Barrasso, R-Wy., and Pat Toomey, R-Penn., a new Republican proposal to update America's infrastructure:
    - Includes \$65 billion of additional spending to boost the roll-out of broadband throughout America.
  - And more to come!



# Questions?