



NEW FEDERAL BROADBAND FUNDING 2020-2021

This guide offers a summary of Federal broadband funding programs created by Congress in various legislation responding to the COVID-19 pandemic.

Programs are identified according to the following key.

Consolidated Aid, Relief and Economic Security Act (CARES)
Consolidated Appropriations Act
American Rescue Plan Act
Infrastructure Investment and Jobs Act

Under each piece of legislation, there may be one or more broadband-related programs, and each may be overseen/implemented by a Federal or State agency (or a combination of agencies) as noted in the program descriptions below.

Users are advised to consult with their management consultants and counsel. The information provided herein is not intended to offer or provide legal guidance or counsel.

NEW FEDERAL BROADBAND FUNDING 2020-2021

SUMMARY OF LEGISLATION & PROGRAMS

3/27/20

Coronavirus Aid, Relief and Economic Security Act (CARES Act)

- Coronavirus Relief Fund (\$150 billion – State Governments, subject to U.S. Treasury Guidance)
- Covid-19 Telehealth Program, Round 1 (\$200 million - FCC)
- USDA ReConnect Pilot Program (\$100 million)

12/27/20

Consolidated Appropriations Act of 2021

- Emergency Broadband Benefit Program (EBB) (\$3.2 billion - FCC)
- Covid Telehealth Program, Round 2 (\$249.95 million - FCC)
- Funding for Secure and Trusted Communications Network Reimbursement Program (\$1.9 billion - FCC)
- Tribal Broadband Connectivity Program (\$ 1 billion - NTIA)
- Broadband Infrastructure Program (\$288 million - NTIA)
- Funding for ongoing USDA programs:
 - ReConnect Pilot Program (\$635 million)
 - Rural Telecommunications Loan Program (\$690 million)
 - Broadband Access Loan and Loan Guarantee Program (\$11.8 million)
 - Community Connect Grant Program (\$35 million)
 - Distance Learning and Telemedicine Grants Program (\$60 million)
- Connecting Minority Communities Pilot Program (\$285 million)

3/11/21

American Rescue Plan Act

- Coronavirus State and Local Fiscal Recovery Funds (\$350 billion – State & Local Governments, subject to U.S. Treasury Guidance)
- Capital Projects Fund (\$10 billion – State Governments, subject to U.S. Treasury Guidance)
- Emergency Connectivity Fund (\$7.17 billion - FCC)
- Homeowner Assistance Fund (\$9.61 billion – U.S. Treasury)

Updated 7/26/2022

11/15/21

Infrastructure Investment and Jobs Act

- Broadband Equity, Access, and Deployment Program (\$42.45 billion – NTIA)
- Grants to states for furthering broadband adoption and digital literacy (\$2.75 billion – FCC)
- Grants for middle mile network deployment (\$1 billion – NTIA)
- Affordable Connectivity Program (\$14.2 billion – FCC)
- FCC directed to adopt consumer protection rules, consumer broadband labels, and digital discrimination rules
- ReConnect (\$2 billion – USDA)
- Tribal Broadband Connectivity Program (\$2 billion – NTIA)

STATE & LOCAL PROGRAMS

STATE AND LOCAL PROGRAMS

Program	Description	Agency & Implementation	Details
<p>Coronavirus Relief Fund adopted as part of the Coronavirus Aid, Relief and Economic Security Act (CARES Act)</p>	<p>\$2.2 trillion CARES Act included \$150 billion for payments to state, local and tribal governments.</p> <p>Implemented by Treasury.</p> <p>Some states elected to use for broadband.</p>	<p>Signed into law 3/27/20. Administered by State Governments, subject to Treasury guidance.</p> <p>The deadline was extended until the end of 2021 by the Consolidated Appropriations Act, 2021.</p> <p>Eligible local governments were required to submit certification by April 17, 2021 to receive payment.</p> <p>Payments to all eligible Tribal governments, other than amounts allocated to Alaska Native corporations (litigation pending), were made as of June 17, 2020.</p>	<p>Cover costs that:</p> <ul style="list-style-type: none"> 1 – are necessary expenditures incurred due to COVID 2 – were not budgeted 3 - - were incurred March 1, 2020 – December 30, 2020

STATE AND LOCAL PROGRAMS (Continued)

Program	Description	Agency & Implementation	Details
<p>Coronavirus State and Local Fiscal Recovery Funds, enacted as part of the American Rescue Plan Act</p>	<p>\$350 billion</p> <p>Treasury distributes funds to eligible state, territorial, city, county and tribal governments. Provides flexibility for each government to meet local needs.</p> <p>Funds may be used to make necessary investments in water, sewer and broadband infrastructure.</p>	<p>Signed into law 3/11/21. Administered by State and Local Governments, subject to Treasury guidance.</p> <p>Applications being accepted via portal.</p> <p>Interim Final Rule adopted by Treasury in May 2021.</p> <p>Final rule adopted by Treasury in January 2022.</p> <p>Costs must be incurred between March 3, 2021 and December 31, 2024.</p> <p>Funds must be expended by December 31, 2026.</p>	<p>Eligible projects are expected to be designed to deliver service that reliably meets or exceeds symmetrical upload and download speeds of 100 Mbps.</p> <p>However, if those speeds are not practicable due to geography, topography or excessive costs, project is expected to deliver 100 Mbps download and between at least 20 – 100 Mbps upload. Recipients are encouraged to prioritize investment in fiber and serve areas without 100/20.</p> <p>Eligible areas: “projects designed to provide service to households and businesses with an identified need for additional broadband infrastructure investment.”</p>

STATE AND LOCAL PROGRAMS (Continued)

Program	Description	Agency & Implementation	Details
<p>Capital Projects Fund, enacted as part of the American Rescue Plan Act</p>	<p>\$10 billion total</p> <p>Payments to States, territories and Tribal governments to carry out capital projects. Allows for investment in broadband and other connectivity infrastructure, devices and equipment.</p>	<p>Signed into law 3/11/21. Administered by State Governments, subject to Treasury guidance.</p> <p>Treasury finalized guidance in September 2021.</p> <p>Deadline to request funding: December 2021</p> <p>Deadline to expend funds: December 31, 2026</p>	<p>Broadband projects are “presumptively eligible.”</p> <p>Projects must reliably meet or exceed symmetrical download and upload speeds of 100 Mbps.</p> <p>If 100/100 is impracticable because of geography, topography, or excessive cost, then the project must reliably meet or exceed 100/20 Mbps and be scalable to a minimum of 100/100.</p> <p>States are encouraged to prioritize last mile connections.</p> <p>Priority encouraged for fiber where feasible and areas without a 100/20 wireline connection.</p> <p>States encouraged to prioritize projects owned or affiliated with local govts, non-profits, co-ops and community based providers.</p>

FCC PROGRAMS

FCC PROGRAMS

Program	Description	Agency & Implementation	Details
<p>Emergency Broadband Benefit Program (EBB), enacted as part of the Consolidated Appropriations Act of 2021, Section 904.</p>	<p>A \$3.2 billion program to help low-income U.S. households pay for internet service.</p>	<p>Signed into law 12/27/20. Administered by FCC.</p> <p>On February 25, 2021, the FCC adopted a Report and Order officially establishing the EBB program.</p> <p>The FCC engaged USAC to implement the EBB using the framework of the Lifeline program</p> <p>Consumers began applying for and enrolling the EBB on May 12, 2021</p> <p>USAC published a list of providers who have elected to participate in the EBB.</p>	<p>The EBB provides a discount of up to \$50 per month towards broadband service for eligible households and up to \$75 per month for households on qualifying Tribal lands.</p> <p>Offers a one-time discount of up to \$100 to purchase a laptop, desktop computer, or tablet from participating providers if they contribute more than \$10 and less than \$50 toward the purchase price.</p> <p>The program ends when the fund runs out of money or six months after the Dept. of Health and Human Services declares an end to the health emergency, which is sooner.</p> <p>Money is paid to the provider. Providers must file reimbursement claims by the 15th of each month.</p> <p>To qualify a provider must have:</p>

			<ol style="list-style-type: none">1- Provided broadband as of 12/1/202- Apply as an Existing ETC or be approved by the FCC under an expedited approval process. <p>All providers (both ETCs and non-ETCs) must file an election notice with USAC.</p>
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FCC PROGRAMS (Continued)

Program	Description	Agency & Implementation	Details
<p>Covid-19 Telehealth Program was established and originally funded as part of the CARES Act. A second round of funding was approved as part of the Consolidated Appropriations Act, 2021.</p>	<p>\$200 million in funding to support eligible health care providers by funding telecommunications services, information services and devices necessary to provide critical connected care services.</p> <p>The Consolidated Appropriations Act provided the Commission an additional \$249.95 million to continue the program.</p>	<p>Administered by FCC.</p> <p>The Commission stopped accepting applications for the initial round of funding on June 25, 2020.</p> <p>The FCC’s WCB awarded funds to 539 applicants in the first round.</p> <p>The FCC’s Round 2 Order was adopted 3/29/21. Applications for Round 2 of the funding closed on May 6, 2021.</p> <p>The FCC found that it was in the public interest to have USAC administer the program.</p>	<p>The program is limited to nonprofit and public eligible health care providers. Companies who are eligible to participate in the FCC’s existing Rural Health Care Programs are automatically eligible.</p> <p>Health care providers may use the funds to purchase telecommunications and broadband connectivity, information services and connected devices necessary to provide telehealth services to patients in response to the pandemic. Recurring services are eligible for reimbursement for six months of service.</p> <p>Existing services not purchased in response to the pandemic and construction costs (e.g., fiber/ethernet/cable network constructions) are ineligible for funding.</p>

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			The program is a reimbursement program. To receive disbursements, healthcare providers must submit an invoicing form and supporting documentation .
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FCC PROGRAMS (Continued)

Program	Description	Agency & Implementation	Details
<p>Emergency Connectivity Fund, enacted as part of the American Rescue Plan Act</p>	<p>\$7.17 billion program to enable schools and libraries to purchase laptops and tablets, Wi-Fi hotspots and broadband connectivity for students, school staff and library patrons during the pandemic.</p>	<p>On May 10, 2021 the FCC adopted a Report and Order establishing the Emergency Connectivity Fund.</p> <p>The program will be administered by USAC. USAC is seeking to partner with a consultant for project management services.</p> <p>The initial application window was June 29 – August 13, 2021.</p>	<p>Telephone companies, telehealth networks and non-telephone company providers of services and products may partner with schools and libraries.</p> <p>Any vendor or service provider may obtain funds from the fund (not limited to ETCs) and schools and libraries can allow their service providers to invoice and receive payment directly from the fund.</p> <p>The first application window will fund broadband internet access and equipment provided between July 1, 2021 and June 30, 2022. If funds remain available there may be another filing window or the FCC may open a “retroactive” filing window for purchase made between March 1, 2020 and June 30, 2021.</p>

			<p>Documentation similar to the E-rate program will be required.</p> <p>There are no competitive bidding requirements or minimum service standards.</p> <p>Although not capped, the FCC expects broadband internet service applicants to price services in the range between \$10 and \$25.</p> <p>Up to \$400 is available for each connected device (laptops and tablets, but NOT desktops or smartphones) and up to \$250 per Wi-Fi hotspot equipment (not smartphones that may double as hotspots).</p> <p>Funding for construction of a broadband network is only available where service is not available.</p>
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FCC PROGRAMS (Continued)

Program	Description	Agency & Implementation	Details
<p>Funding for the Secure and Trusted Communications Network Reimbursement Program, enacted as part of the Consolidated Appropriations Act, 2021, Section 901</p>	<p>\$1.9 billion for rip and replace funding for carriers with up to 10 million subscribers.</p> <p>Congress is working to address a funding shortfall.</p>	<p>The Secure and Trusted Communications Networks Act of 2019, signed into law in March of 2020, requires providers to “rip and replace” equipment that poses “unacceptable risk to national security.</p> <p>The program is being implemented by the FCC.</p> <p>The FCC finalized rules in July 2021.</p> <p>Application filing window October 29, 2021 – January 14, 2022.</p>	<p>Funding is available for carriers with up to 10 million subscribers. Funding will be provided in order of priority:</p> <ol style="list-style-type: none"> 1- Carriers with 2 million or less subscribers 2- Public or private non-commercial educational institutes providing their own facilities-based educational broadband service 3- All other affected entities.

FCC PROGRAMS (Continued)

Program	Description	Agency & Implementation	Details
<p>Funding for the Affordable Connectivity Program (replacement of the EBB)</p>	<p>\$14.2 billion to replace the Emergency Broadband Benefit program with a new permanent program providing a \$30/month (tribal \$75/month) subsidy.</p>	<p><u>The Infrastructure Investment and Jobs Act</u>, signed into law in November of 2021, provides funding for hard infrastructure across the U.S. – including \$65 billion in funding for broadband across several programs.</p> <p>The Affordable Connectivity Program will be implemented by the FCC as a replacement to the Emergency Broadband Benefits established by Congress in response to COVID-19.</p> <p>The Affordable Connectivity Program started on January 1, 2022. There was a 60 day transition period for EBB enrollees.</p>	<p>The Affordable Connectivity Fund would pay \$30 a month (tribal \$75/month) toward the cost of broadband but would be available to households living at 200% of the poverty line, making more households eligible for the benefit.</p> <p>Service providers would be required to allow customers to use the benefit toward any broadband plan</p>

OTHER FEDERAL AGENCY PROGRAMS

Other Federal Agency Programs

Program	Description	Agency & Implementation	Details
<p>Tribal Broadband Connectivity Program, enacted as part of the Consolidated Appropriations Act, 2021, Section 905</p>	<p>\$1 billion grant program to be administered by NTIA. Grants will be available to tribal governments, tribal organizations, TCUs, the Native Hawaiian Community, and Native Corporations.</p> <p>An additional \$2 billion has been funded to this program through The Infrastructure Investment and Jobs Act.</p>	<p>Administered by NTIA.</p> <p>NTIA hosted a webcast about the program on July 21, 2021.</p> <p>Applications were due Sept. 1, 2021.</p>	<p>The program will provide funding for:</p> <ul style="list-style-type: none"> • Broadband infrastructure deployment, including establishment of carrier-neutral submarine cable landing stations • Free or reduced broadband service • Preventing disconnection of existing service • Distance learning • Telehealth • Digital inclusion • Broadband adoption <p>Projects will not be prioritized that propose to overbuild served areas or conflict with areas funded by other agencies.</p>

Other Federal Agency Programs (Continued)

Program	Description	Agency & Implementation	Details
<p>Broadband Infrastructure Program enacted by the Consolidated Appropriations Act, 2021, Section 905.</p>	<p>\$288 million competitive grant program administered by NTIA. There is no cost sharing or matching funds requirement, but it will be considered favorably.</p> <p>Grants are available for “covered partnerships” between a state (or political subdivision) and a fixed broadband provider.</p> <p>A fixed broadband provider may participate in multiple partnerships.</p> <p>The governmental entity must enter into the grant agreement and assume primary operational and financial responsibility for completing the project.</p>	<p>Administered by NTIA.</p> <p>The Notice of Funding Opportunity was published May 19, 2021.</p> <p>Complete applications were required by August 17, 2021.</p> <p>In November 2021 NTIA completed their review and selected successful applicants.</p> <p>Awards were announced in February 2022.</p>	<p>NTIA expects to make awards available in the range of \$5 million to \$30 million</p> <p>Covered projects must offer at least 25 Mbps download speed and an upload speed of not less than 3 Mbps. Latency must support real time, interactive applications.</p> <p>Priority is given to projects that serve the greatest number of households, rural projects, and projects that that offer 100 Mbps download and 20 Mbps upload.</p> <p>Eligible service areas are census blocks in which broadband service is not available at one or more households or businesses within the census block.</p> <p>Unserved is defined as (a) the household lacks access to qualifying broadband service and (b) no broadband provider has been selected to receive funding to build out</p>

			<p>the area, even if service is not yet available.</p> <p>Projects must be completed within one year of the initial grant, but extensions will be considered.</p> <p>Useful links: Overview eligibility FAQ Reporting requirements FAQ</p>
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Other Federal Agency Programs (Continued)

Program	Description	Agency & Implementation	Details
Homeowner Assistance Fund , enacted as part of the American Rescue Plan Act	\$9.61 billion for states to prevent foreclosures, loss of utilities or home energy service – including internet service.	Administered by <u>the U.S. Department of Treasury</u> . Requests for funds were due April 25, 2021	Provides: \$50 million for each state, DC and PR \$498 million for tribes or tribally designated housing \$30 million for US territories Allocations are made based on (1) average number of unemployed; and (2) the number of mortgages that are more than 30 days past due.

Other Federal Agency Programs (Continued)

Program	Description	Agency & Implementation	Details
<p>Funding for other ongoing USDA broadband programs, enacted as part of the Consolidated Appropriations Act, 2021.</p>	<p>\$635 million for ReConnect Pilot Program</p> <p>\$690 million for Rural Telecommunications Infrastructure Loans Program</p> <p>\$11.8 million for Rural Broadband Access Loan and Loan Guarantee Program</p> <p>\$35 million for Community Connect Grants Program</p> <p>\$60 million for Distance Learning and Telemedicine Grants Program</p>	<p>Administered by USDA/RUS.</p>	<p>ReConnect Pilot Program— loans and grants for costs of construction, improvement or acquisition of facilities and equipment.</p> <p>Round 3 rule changes will require recipients to offer 100/100 service and will give a preference for non-profit providers. Unserved is 90% without 25/3. Application deadline: 2/22/2022 for round 3.</p> <p>Rural Telecommunications Infrastructure Loans Program – financing for the construction, maintenance, improvement and expansion of telephone and broadband.</p> <p>Rural Broadband Access Loan and Loan Guarantee Program – loans and loan guarantees to provide funds for the costs of construction, improvement, or acquisition of facilities and equipment at lending speed in eligible areas.</p>

			<p>Community Connects Grants Program – grants to eligible applicants that will provide on a “community-oriented connectivity” basis, broadband service that fosters economic growth and delivers enhanced educational healthcare and public safety benefits (at least 10 Mbps down and 1 Mbps up).</p> <p>Distance Learning and Telemedicine Grants Program – grant program for entities that provide education or healthcare through telecommunications.</p>
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Program	Description	Agency & Implementation	Details
<p>Funding for other ongoing USDA broadband programs, enacted as part of The Infrastructure Investment and Jobs Act</p>	<p>An additional \$2 billion has been funded for future rounds of ReConnect.</p>	<p>Administered <u>by USDA/RUS.</u></p>	<p>ReConnect Pilot Program—loans and grants for costs of construction, improvement or acquisition of facilities and equipment.</p> <p>Eligibility for IIJA ReConnect funding will require an area to be at least 50% unserved with less than 100/20 Mbps – a change from previous rounds that required 90% of the unserved locations to be under 10/1 Mbps and round 3’s 90% without 100/20 standard. Recipients will have to offer 100/20.</p>

Other Federal Agency Programs (Continued)

Program	Description	Agency & Implementation	Details
Connecting Minority Communities Pilot Program, enacted as part of the Consolidated Appropriations Act, 2021 , Section 902	\$285 million to be administered by NTIA. To provide grants to an historically black college or university, a Tribal college or University, a Minority-serving institution for the purchase of broadband access or any eligible equipment, or to hire and train information technology personnel.	Administered <u>by NTIA</u> .	Within 6 months NTIA must establish an Office of Minority Broadband Initiatives. When making grants under the Pilot Program, the NTIA is required to coordinate with other federal agencies to prevent multiple expenditures for the same purpose.

Other Federal Agency Programs (Continued)

Program	Description	Agency & Implementation	Details
<p>Broadband Equity, Access, and Deployment (BEAD) Program enacted as part of the Infrastructure Investment and Jobs Act</p>	<p>\$42.45 billion to states that then subgrant to providers by awarding funding first to unserved areas (80% without 25/3), then underserved areas (80% without 100/20), as identified by the FCC’s broadband DATA map, which is expected to be released in mid-2022.</p>	<p>Administered by NTIA. NTIA issued the Notice of Funding Opportunity in May 2022. Several layers of State submissions and NTIA processing will follow before funding will be made available to subgrantees, including submission and evaluation of State five-year plans. The process is also dependent on broadband DATA maps being published.</p>	<ul style="list-style-type: none"> • No preference on type of broadband provider • Providers must deploy at least 100/20 Mbps within 4 years • Each state gets at least \$100 million, rest based on unserved locations in state • Text prioritizes scalable broadband networks that can meet evolving connectivity needs of consumers • Other priorities include persistent poverty in area; broadband speed; speed of deployment; demonstrated compliance with Federal labor & employment laws • Coordination, vetting, challenge process policies included • Grant recipients must offer at least one “low-cost broadband service option”

Other Federal Agency Programs (Continued)

Program	Description	Agency & Implementation	Details
<p>Middle-mile grant program enacted as part of the Infrastructure Investment and Jobs Act</p>	<p>\$1 billion for middle-mile grant program. The funds are available until September 30, 2026.</p> <p>The applicant must agree to prioritize:</p> <ul style="list-style-type: none"> • Connecting middle-mile infrastructure to last-mile networks that provide or plan to provide broadband service to households in unserved areas; • Connecting non-contiguous trust lands; and • Offering wholesale broadband service at reasonable rates on a carrier-neutral basis. 	<p>Administered by NTIA.</p> <p>NTIA released the Notice of Funding Opportunity in May 2022.</p>	<p>Middle-mile infrastructure is any broadband infrastructure that does not connect directly to an end-user.</p> <p>The infrastructure must be capable of providing symmetrical gigabit broadband service to community anchor institutions.</p> <p>Middle Mile Grants will require matching funds; a grant may not exceed 70 percent of the total project cost.</p> <p>Awardees must complete their middle-mile construction within five years of winning a grant. (NTIA may extend the buildout deadline by no more than a year if the project is underway or if there are extenuating circumstances.)</p>

Other Federal Agency Programs (Continued)

Program	Description	Agency & Implementation	Details
<p>Digital Equity Program enacted as part of the Infrastructure Investment and Jobs Act</p>	<p>\$2.75 billion for Broadband adoption and digital literacy funding separated into two programs.</p> <p>The State Digital Equity Capacity Grant Program has a budget of \$60 million for planning grants to be awarded to individual states. The digital equity grant funding has a budget of \$240 million for 2022 and \$300 million for each year 2023-2026.</p> <p>The Digital Equity Competitive Grant Program’s goal is to support efforts to achieve digital equity, promote digital inclusion activities and spur greater broadband adoption among covered populations. The program has a budget of \$1.25 billion to be distributed over five years.</p> <p>Funding for the Digital Equity Competitive Grant Program will be administered directly by the Commerce Department.</p>	<p>Administered by NTIA. NTIA released the Notice of Funding Opportunity in May 2022.</p> <p>For the State Digital Equity Capacity Grant Program, the NTIA, beginning in FY22 or Oct 1, 2022, may issue \$60 million to States in ‘planning grants’ for the purpose of developing their own State Digital Equity Plans. These grants must be applied for within 60 days of when the Notice of Funding Order (NOFO) is made public.</p> <p>The NTIA has up to 2 years after the planning grants were first awarded to start issuing the state grants. Appropriations for these grants are \$240 million for year 2022 and \$300 million for each of the fiscal years from 2023 to 2026.</p> <p>The Digital Equity Competitive Grant Program must be established within 30 days after the State Digital Equity Capacity Grants are awarded, and not before that timeframe.</p>	<p>The State Digital Equity Capacity Grant funding will be allocated to the states based on the state’s population, the state’s lack of availability and adoption of broadband in comparison with other states, and the state’s comparative number of people who are in “covered” populations.</p> <p>Digital Equity Competitive Grant Program’s Grants will go to political subdivisions, agencies or “instrumentality” of a state such as an agency responsible for administering or supervising such programs.</p> <p>No more than 90% of the project cost can come through the grant.</p>

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