Program-Specific Recovery Act Plan for the FCC's Efforts on the Broadband Technology Opportunities Program
June 1, 2010 Update

Program Purpose

As directed in the American Recovery and Reinvestment Act of 2009 (ARRA or Recovery Act) (P.L. 111-5), the Federal Communications Commission (FCC or Commission) developed a National Broadband Plan and has consulted with the National Telecommunications and Information Administration (NTIA) of the Department of Commerce in their implementation of the Broadband Technology Opportunities Program (BTOP).

Funding

For the National Broadband Plan, NTIA transferred $20,055,000 to the FCC after sending the appropriate notifications to Congress. The FCC has used those funds for information technology infrastructure and support, cost modeling services, data purchases, outreach, salaries, and other expenses such as printing and production costs.

The FCC has also entered into a reimbursable agreement with NTIA to provide services for the preparation of a nationwide inventory map of existing broadband capability and availability in the United States; NTIA was tasked with developing this map under ARRA. NTIA has transferred $18,650,310 to the FCC for the purposes of assisting with the development of this nationwide inventory map. ARRA specifies that the map is to be published by February 17, 2011. Work on the map is underway, and the funds are being used for information technology infrastructure and support, data analysis services, salaries, and other related expenses.

The FCC posts weekly updates to its Recovery Act website at www.fcc.gov/recovery that provide funding information on cumulative amounts obligated and expended for the DTV, National Broadband Plan, and nationwide broadband mapping programs. The weekly updates also provide high level information about major activities undertaken by the FCC pursuant to its Recovery Act related responsibilities.

Objectives

Under the Recovery Act, the Commission has the following program objectives:
- Develop a report to Congress containing a National Broadband Plan not later than one year February 17, 2010.
- Consult with the Assistant Secretary of Commerce for Communications and Information (Assistant Secretary) on establishing the BTOP.

- Consult with the Secretary of Health and Human Services (HHS) on a HHS study and report related to availability of open source health information technology systems.

The FCC's involvement in BTOP is to:
- Develop a plan to ensure that all people of the United States have access to broadband capability with benchmarks for meeting that goal;
- Ensure that the Assistant Secretary, and in turn grant recipients, benefit from the Commission's expert, technical advice in development of BTOP; and
- Ensure that the Secretary of HHS, and in turn the public, benefit from the Commission's expert, technical advice in development of the health information study and report. (No funding provided under the ARRA.)

Planned Activities

Report to Congress Containing the National Broadband Plan. As required under section 6001(k) of the Recovery Act, the FCC created a National Broadband Plan that included:
- An analysis of the most effective and efficient mechanisms for ensuring broadband access by all people of the United States.
- A detailed strategy for achieving affordability of such service and maximum utilization of broadband infrastructure and service by the public.
- An evaluation of the status of deployment of broadband service, including progress of projects supported by the grants made under BTOP.
- A plan for use of broadband infrastructure and services in advancing consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, worker training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.

The National Broadband Plan was delivered to Congress on March 16, 2010 after the FCC sought and received a one-month extension in the time required for preparation and delivery of the Plan. The National Broadband Plan is publicly available on the Internet at www.broadband.gov.

In producing the Plan, the FCC set a new precedent for openness, transparency, and rigor. Information for the Plan was gathered through 36 public workshops, 9 field hearings, and 31 public notices that generated more than 74,000 pages of public comments. The discussion online and as of the release date of the Plan resulted in: 131 blogposts that triggered 1,489 comments; 680 concrete ideas and comments on IdeaScale garnering 6,100 votes; 69,500 views on YouTube; and more than 330,000 Twitter followers. The task force augmented this voluminous record with independent research and data-gathering.

Following the release of the Plan, the FCC released a detailed agenda of actions to be taken to implement the Plan. This agenda sets out 64 specific actions that the FCC plans to take, and identifies the year and quarter in which the actions will occur. This action agenda is available on the www.broadband.gov website at the following address: http://www.broadband.gov/plan/broadband-action-agenda.html.

Consult with the Assistant Secretary of Commerce for Communications and Information on establishing the BTOP.
Section 6001(a)-(j) of the Recovery Act directs the Assistant Secretary of Commerce (NTIA), in consultation with the FCC, to establish a Broadband Technology Opportunities Program (BTOP). *See* Recovery Act § 6001(a). Initial consultation between the FCC and NTIA began in the summer of 2009. As part of the consultation between the FCC and NTIA related to the BTOP program, the FCC is providing technical assistance to NTIA related to Section 6001(i) of the Recovery Act, which directs NTIA to develop and maintain a comprehensive nationwide inventory map of existing broadband capability and availability in the United States. This consultation is ongoing and will lead to the public availability of an interactive, searchable broadband availability map on the NTIA Website, as directed by the Recovery Act.

The FCC also provided informal technical and policy advice to NTIA regarding the implementation of NTIA's BTOP grant program. Specifically, the FCC provided advice regarding the implementation of the Recovery Act provision §6001(j) requiring BTOP grant recipients to abide by nondiscrimination and network interconnection obligations, including the principles contained in the Commission's Internet Policy Statement (FCC 05-151). The FCC also provided advice to NTIA regarding the definition of the terms "broadband," "unserved," and "underserved." The NTIA has, through its Notices of Funds Availability, established definitions for these terms.

Consult with the Secretary of Health and Human Services (HHS) on a HHS study and report related to availability of open source health information technology systems.
Section 4104(b) of the Recovery Act directs the Secretary of Health and Human Services to consult with the FCC and other relevant agencies in conducting a study on:
- The current availability of open source health information technology systems to Federal safety net providers (including small, rural providers).
- The total cost of ownership of such systems in comparison to the cost of proprietary commercial products available.
- The ability of such systems to respond to the needs of, and be applied to, various populations (including children and disabled individuals).
- The capacity of such systems to facilitate interoperability. *See* Recovery Act § 4104(b).

Major Program Milestones

Report to Congress Containing the National Broadband Plan

- Released Notice of Inquiry launching proceeding to provide the public record to be the basis for the National Broadband Plan. (Released April 8, 2009; Comments were due June 8, 2009; Replies were due July 21, 2009)
- Adopted and submitted to Congress a report containing the National Broadband Plan. (Delivered to Congress on March 16, 2010 after the FCC sought and received a one-month extension of the statutory deadline for preparation of the Plan.)

Consultation on BTOP
- Participated in public meetings sponsored by NTIA and the Rural Utilities Service to gain public input on the Recovery Act grant and loan programs. (March 16-19 and 23-24, 2009)
- Participated in interagency coordination meetings to provide expert, technical advice. (Throughout 2009 and 2010)
- Sought public comment on the Commission's consultative role in the broadband provisions of the Recovery Act, with particular focus on the definitions of unserved area, underserved area, and broadband, along with non-discrimination and network interconnection obligations that are contractual conditions of BTOP grants. (Public notice released March 24, 2009; comments due April 13, 2009)

Consultation on Health Information Technology Systems
- Initial consultation between HHS and FCC took place as part of an interagency task force during the Summer of 2009. The FCC will continue in its consultative role related to availability of open source health information technology systems as directed by the Recovery Act.

Environmental Review Compliance

There are no environmental compliance issues involved in this program.

Performance Measures

The National Broadband Plan was delivered to Congress on March 16, 2010. The Broadband Plan is publicly available on the Internet at www.broadband.gov.

Following the release of the Plan, the FCC released a detailed agenda of actions to be taken to implement the Plan. This agenda sets out 64 specific actions that the FCC plans to take, and identifies the year and quarter in which the actions will occur. This action agenda is available on the broadband.gov website at the following address: http://www.broadband.gov/plan/broadband-action-agenda.html.

Monitoring and Evaluation

In response to Office of Management and Budget guidance for implementing the Recovery Act, the Commission's Senior Management Council (SMC) began a risk review and mitigation process at its February 24, 2009 meeting. A three-pronged approach to meeting risk review and mitigation requirements was proposed. This approach, adopted by the SMC at its March 12 meeting, called for:

1. Reviews:
   a. Review OMB's risk framework
   b. Review common government-wide accountability measures
   c. Identify agency-specific risks

2. Prioritizing risk areas

3. Mitigating priority risks

The Commission's Senior Management Council identified the following government-wide accountability requirements as common and reviewed these requirements:
- Government Performance and Results Act (Planning and Performance)
- Chief Financial Officers Act (Federal Accounting Standards Advisory Board)
- IG Act (Independent auditing)
- FISMA (Information Security)
- FMFIA (Financial Management)
- Government Auditing Standards (GSA's Yellow Book)
- Office of Management and Budget Circulars
  – A-50; Audit Follow-up
  – A-123; Internal Controls
  – A-127; Financial Systems
  – A-130; Management of Information Resources
  – A-134; Financial Accounting Principles
  – A-136; Financial Reporting Requirements
- Privacy Act

As required by OMB guidance, the Commission's Senior Management Council also reviewed whether there are any additional agency-specific risks. The following agency-specific risks were identified:
- Governance risks:
  – Plans need to be developed before action. Plans must have:
    • Clear assignments of responsibilities
    • Timelines for accomplishment
    • Meaningful performance measures
- Resource risks:
  – Will deadlines for Recovery Act projects move staff, energy, and attention focus away from other ongoing improvement and compliance efforts?
- Inefficiency risks:

- Will the compressed time frames of the Recovery Act cause activities to be undertaken in less than optimal ways?

Combining the results from each of these reviews, the SMC prioritized its risk mitigation actions as shown below.
- Governance risks:
    - Identify, develop, and implement a system that regularly puts performance information before key executives
- Inefficiency risks:
    - Identify mechanisms to ensure full and open cooperation with NTIA to minimize or eliminate duplications of effort and/or confusion for the impacted industries and consumers

Auditors from the Office of Managing Director's Financial Operations staff conducted a risk assessment of the FCC's Broadband Recovery Act efforts in accordance with Office of Management and Budget Circular A-123. A total of 21 potential risks were identified, as well as actions and internal controls to mitigate those risks.

Transparency

The development of the National Broadband Plan began with the release of a Notice of Inquiry to solicit public comments and develop a public record as a basis for the Plan.

During the development process, the FCC's Broadband Task Force set new precedents for government openness, transparency, and rigor. This included:
- Information gathered in 36 public workshops and nine field hearings;
- Issuing 31 public notices that produced more than 74,000 pages of public comments;
- Exchanged information and spurred debate online through 131 blogposts that triggered 1,489 comments; 680 concrete ideas and comments on IdeaScale garnering 6,100 votes; 69,500 views on YouTube; and more than 330,000 Twitter followers.

Public comment was sought on the Commission's consultative role as outlined in the provisions of the ARRA. The Commission also participated in public meetings sponsored by NTIA and the Rural Utilities Service to gain public input on the Recovery Act grant and loan programs.

Furthermore, the FCC has worked with the recipients of contracts awarded under its Recovery Act programs to ensure that they report through the www.federalreporting.gov system so that all of the necessary data about their contracts is publicly available on www.recovery.gov each quarter. This information includes, among other things the amount of funds awarded, the services or goods that were rendered pursuant to those awards, and the current status of the vendor's work efforts.

Furthermore, the FCC posts weekly updates to its Recovery Act website at www.fcc.gov/recovery that provide funding information, including cumulative amounts obligated and expended for the National Broadband Plan. The weekly updates also provide high level information about major activities undertaken by the FCC pursuant to its broadband related responsibilities under the Recovery Act. Finally, the FCC regularly posts its Recovery Act contract awards through the Federal Procurement Data System, available online at www.fpds.gov. The FCC also has a data feed from this system linked to the FCC's data website located at reboot.fcc.gov/data/omd.

Accountability

Program managers at the FCC are held accountable for achieving program goals through the Commission's performance evaluation systems. Program progress can be seen at www.broadband.gov.

Long-Term Savings or Costs

While the Commission continues to work through the ambitious agenda laid out by the recommendations in the National Broadband Plan, the FCC will incur costs associated with these efforts. The FCC has requested funds to assist in its National Broadband Plan implementation efforts in its FY 2011 Budget request to Congress.

Federal Infrastructure Investments

No funds in this program involve expenditures for energy efficiency or green building requirements.