

Program-Specific Recovery Act Plan for the FCC's Efforts on the Broadband Technology Opportunities Program

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) will develop a national broadband plan and consult with the National Telecommunications and Information Administration (NTIA) of the Department of Commerce in their implementation of the Broadband Technology Opportunities Program (BTOP). The Secretary of Commerce, in consultation with the FCC and following Congressional notification, may transfer amounts to the FCC for carrying out these responsibilities.

Funding

The provisions of the Recovery Act provide that NTIA may transfer funds to the Commission for the purposes of developing a national broadband plan or for carrying out any other FCC responsibilities under the BTOP. Discussions with NTIA are ongoing regarding this collaboration and no BTOP funds have been transferred to the FCC at this time.

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 will:

- 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. Under section 6001(k) of the Recovery Act, the Commission must develop a national broadband plan by February 17, 2010, to ensure that all people of the United States have access to broadband capability and establish benchmarks for meeting that goal. *See* Recovery Act § 6001(k). The plan must include the following:

- 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.

Through a Notice of Inquiry released on April 9, 2009 the Commission is developing a public record on which to consider the national broadband plan. (No BTOP funding has been transferred to the FCC at this time.)

Consultation on BTOP. Under section 6001(a)-(j) of the Recovery Act, the Commission must consult or coordinate with the Assistant Secretary on:

- Establishing a national broadband service development and expansion program in conjunction with the BTOP. *See* Recovery Act § 6001(a).
- Publishing the non-discrimination and network interconnection obligations that shall be contractual conditions of grants awarded under this section, including, at a minimum, adherence to the principles contained in the Commission's broadband policy statement (FCC 05-151, adopted August 5, 2005). *See* Recovery Act § 6001(j).
- Defining terms such as “unserved area,” “underserved areas,” and “broadband” so that NTIA may benefit from the Commission’s considerable expertise in these matters. *See* H.R. Conf. Rep. No. 111-16, at 776 (2009).

Consultation on Health Information Study and Report. Under Section 4104(b) of the Recovery Act, the Secretary of Health and Human Services will 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

- Release Notice of Inquiry launching proceeding to provide the public record to be the basis for the national broadband plan. (Released April 8, 2009; Comments due June 8, 2009; Replies due July 7, 2009)
- Adopt and submit to Congress a report containing the national broadband plan. (By February 17, 2010)

Consultation on BTOP

- Participate in public meetings sponsored by NTIA and the Rural Utilities Service to gain public input on the Recovery Act grant and loan programs. (March 2009)
- Participate in interagency coordination meetings to provide expert, technical advice. (Throughout 2009 and 2010)
- Seek public comment on the Commission's consultative role in the broadband provisions of the Recovery Act. (Public notice released March 24, 2009; comments due April 13, 2009)

Consultation on Health Information Study and Report

- Chairman to consult with the Secretary of Health and Human Services to provide expert, technical advice. (On request by HHS; Report due to Congress due October 1, 2010).

Environmental Review Compliance

There are no environmental compliance issues involved in this program.

Performance Measures

The Commission is currently assessing the comments it is receiving on establishing a National Broadband Plan. As the Commission works through these comments and coordinates efforts on BTOP with NTIA, output and outcome measures will be established to assess benefits to the public from those activities. The results of these efforts will be made accessible to the public.

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 the 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

If funding is made available for this program and specific activities are undertaken in support of the Commission's responsibilities specified in the ARRA, the risk review and mitigation plans will be reviewed to ensure that those activities are properly monitored and steps are taken to mitigate significant risk.

Transparency

The development of the National Broadband Plan has begun with the release of a Notice of Inquiry to solicit public comments and develop a public record as a basis for the Plan. Public comment has also been sought on the Commission's consultative role as outlined in the provisions of the ARRA. The Commission has 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. Activities and developments for this program will continue to be reported on a weekly basis and can be found on the Commission's Recovery Act web page at <http://www.fcc.gov/recovery/>.

Accountability

Program managers at the FCC will be held accountable for achieving program goals through the Commission's performance evaluation systems. Program progress in meeting identified milestones will be posted on the FCC Recovery Act web site.

Long-Term Savings or Costs

There are no long term savings or costs currently associated with this Recovery Act program. If funding is made available for this program and specific activities are undertaken in support of the Commission's responsibilities specified in the ARRA, the Commission will identify any potential long term savings or costs.

Federal Infrastructure Investments

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