

**Before the
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION
Washington, DC 20230**

In the Matter of)	
)	
Infrastructure Investment and Jobs Act)	Docket No. NTIA-2021-0002
Implementation)	
)	

**COMMENTS OF THE
MULTICULTURAL MEDIA, TELECOM AND INTERNET COUNCIL
AND THE NATIONAL MULTICULTURAL ORGANIZATIONS**

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The Multicultural Media, Telecom and Internet Council (“MMTC”), along with three other national civil rights, consumer advocacy, and professional organizations that represent the interests of diverse communities across the country (ALLvanza, LGBT Tech, and TechLatino: The National Association of Latinos in Information Sciences and Technology, and together with MMTC, the “National Multicultural Organizations”), respectfully submit these comments in response to the Notice and Request for Comment (“Notice”) published by the National Telecommunications and Information Administration (“NTIA”) in the above-referenced proceeding,¹ which invites public comment on the implementation of broadband grant programs to be administered by NTIA pursuant to the Infrastructure Investment and Jobs Act of 2021 (commonly known as the Bipartisan Infrastructure Law, or “BIL”).²

I. INTRODUCTION AND SUMMARY

MMTC is the technology, media, and telecommunications industries’ leading non-partisan, national nonprofit diversity organization. Since its inception in 1986, MMTC has worked

¹ Infrastructure Investment and Jobs Act Implementation, 87 Fed. Reg. 1122, 1122-26 (Jan. 10, 2022) (“Notice”).

² Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429 (2021) (“BIL”).

tirelessly to promote and preserve equal opportunity, civil rights, and social justice in the mass media, telecommunications, and broadband industries, and to close the digital divide on behalf of its members and constituents, including owners of radio and television broadcast stations, programmers, prospective station owners, and others involved in the technology, media, and telecommunications industries. One of MMTC’s “core issue areas” focuses on infrastructure, connectivity, and digital inclusion.³ Increasing broadband access for unserved and underserved communities, therefore, is central to MMTC’s mission.⁴

The grant-making authority provided to NTIA under the BIL gives NTIA a propitious opportunity to improve Americans’ participation in the digital economy and narrow the digital divide that has persisted since the advent of the internet. The ultimate success of this initiative, however, will depend on how NTIA’s grant programs are implemented and where grant dollars are allocated. To maximize the impact of the Broadband Equity, Access, and Deployment (“BEAD”) program established under the BIL, NTIA should direct grant funding to projects that are focused on deploying broadband networks to unserved and underserved multicultural, low-wealth, rural, and urban communities, as well as to projects aimed at increasing broadband adoption in communities with low broadband subscription rates. Likewise, NTIA should direct Digital Equity Planning grants toward projects intended to reduce barriers to access and adoption for disadvantaged communities and ensure that the views of key stakeholders from a diverse array of backgrounds are included in the development of state digital equity plans. These efforts should be guided by a multidisciplinary and nonpartisan national task force established and funded by

³ See *MMTC’s Focus Issues*, MMTC, <https://www.mmtconline.org/mmtc-online> (last visited Jan. 26, 2022).

⁴ For information on the full list of National Multicultural Organizations that support these comments, see Appendix A.

NTIA, with local chapters that serve as liaisons to state and local task forces empowered to identify potential subgrant recipients and undertake vital data collection activities. In addition, faith-based nonprofits — which have a long and demonstrated record of meeting the needs of their community members through digital skilling and effective outreach — should be recognized as community anchor institutions eligible to receive subgrant funds under the BEAD and Digital Equity Planning programs. Finally, to alleviate the potential financial burden that nonprofits and other community anchor institutions may face in delivering critical services intended to increase broadband access and adoption, NTIA should grant such organizations a waiver from the BIL’s fund-matching requirements.

II. TO HELP BRIDGE THE DIGITAL DIVIDE, NTIA SHOULD TAKE MEASURES TO INCREASE BROADBAND ACCESS FOR MULTICULTURAL, LOW-WEALTH, RURAL, AND URBAN COMMUNITIES

Ensuring affordable access to broadband connectivity is a critical and urgent civil rights challenge. Now more than ever, internet access is an essential part of daily life. While lack of internet access has long been a significant structural barrier to socioeconomic advancement, the COVID-19 pandemic exacerbated every American’s need for reliable and affordable internet access as more core aspects of everyday life moved online.⁵ For many, connecting to the internet

⁵ See Stephen Shankland, *Broadband Use Surged More Than 30% During Pandemic, Industry Group Says*, CNET (Apr. 7, 2021), <https://www.cnet.com/tech/services-and-software/broadband-use-surged-more-than-30-during-pandemic-industry-group-says>.

has become necessary for work, education, and accessing essential services, such as healthcare.⁶ Millions of Americans, however, still find themselves disconnected.⁷

This digital divide disproportionately affects multicultural, low-wealth, rural, and urban communities. Over 30% each of Black, Latinx, and Tribal families lack high-speed home internet. Likewise, over 44% of families that earn less than \$25,000 annually, and over 30% of families living in rural communities, lack high-speed home internet access.⁸ Even in urban metropolitan areas, more than one-fifth of all residents lack access to high-speed internet at home.⁹ The BIL is the United States' largest-ever investment into its broadband infrastructure.¹⁰ To ensure that grants provided under the BIL have the greatest impact in addressing the inequities of the digital divide, NTIA should ensure that grantees prioritize multicultural, low-wealth, rural, and urban communities.

⁶ See *Homework Gap and Connectivity Divide*, FCC.gov, <https://www.fcc.gov/about-fcc/fcc-initiatives/homework-gap-and-connectivity-divide> (last visited Jan. 27, 2022).

⁷ The Federal Communications Commission (“FCC”) estimates that at the end of 2019, 14.5 million Americans did not have access to broadband with a minimum speed of 25 megabits per second (“Mbps”) download and 3 Mbps upload. *Fourteenth Broadband Deployment Report*, GN Docket No. 20-269, 2021 WL 268168, ¶ 2 (rel. Jan. 19, 2021), available at <https://www.fcc.gov/reports-research/reports/broadband-progress-reports/fourteenth-broadband-deployment-report>. However, independent research by BroadbandNow suggests the number is actually over 40 million. Linda Poon, *There Are Far More Americans Without Broadband Access than Previously Thought*, Bloomberg (Feb. 19, 2020, 3:09 PM), <https://www.bloomberg.com/news/articles/2020-02-19/where-the-u-s-underestimates-the-digital-divide>.

⁸ John B. Horrigan, *Students of Color Caught in the Homework Gap*, ALLIANCE FOR EXCELLENT EDUC. at 2-3, tbls.2-3 (2020), available at https://futureready.org/wp-content/uploads/2020/07/HomeworkGap_FINAL7.20.2020.pdf; Emily A. Vogels, *Some Digital Divides Persist Between Rural, Urban and Suburban America*, Pew Research Center (August 19, 2021), <https://www.pewresearch.org/fact-tank/2021/08/19/some-digital-divides-persist-between-rural-urban-and-suburban-america>.

⁹ Horrigan, *supra* note 8, at 3 tbl.3.

¹⁰ Fact Sheet: The Bipartisan Infrastructure Bill, White House Briefing Room (Nov. 6, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/06/fact-sheet-the-bipartisan-infrastructure-deal>.

NTIA sought input on what criteria sub-grantees should be required to meet in order to demonstrate capacity to deploy and operate broadband network infrastructure pursuant to the BEAD program. The challenges will include sourcing a diverse, trained, and qualified workforce in a highly competitive labor market. Consequently, all firms, including publicly owned entities, should be required to demonstrate sufficient capital, capacity, and technical expertise to own and operate the networks on a long-term basis.

State plans should not support public broadband networks in areas where there are existing providers. In some unserved areas, government-owned networks could be the best approach to provide access, but they should be subjected to the same requirements and regulations as private operators.

Since availability is only one side of the equation, states should also address their plan for ensuring subgrantees engage in publicity, outreach, and education — working with local partners — to ensure robust adoption.

A. NTIA’s Collection Strategies Must Ensure Input From a Diverse Array of Researchers to Maximize the Impact of BEAD and State Digital Equity Planning Funds

At the *Minority Women on the Technological Frontier Webinar* that NTIA co-hosted in March 2021, four leading telecommunications researchers outlined the data and programming necessary to address digital inequities both nationally and locally.¹¹ Collecting accurate data about broadband deployment is essential for NTIA to evaluate whether grantees are effective and

¹¹ *Women of Color and the Technological Frontier*, FCC.gov (Mar. 23, 2021), <https://www.fcc.gov/news-events/events/2021/03/women-color-and-technological-frontier>. The panelists included Dr. Francine Alkisswani, Telecommunications Policy Analyst at the Minority Broadband Initiative at NTIA; Dr. Traci Morris, Executive Director of the American Indian Policy Institute at Arizona State University; Dr. Blanca Gordo, Visiting Scholar at the Institute for the Study of Societal Issues at the University of California, Berkeley; and Dr. Fallon Wilson, Vice President, Policy at MMTTC.

transparent with their BEAD funding.¹² NTIA thus should consult with these and other scholars to help develop a robust research agenda for program evaluation.¹³ These experts are also qualified to create a data collection strategy that would help maximize the effectiveness of Digital Equity Planning grants for all racial and ethnic minority communities. Each state's digital equity plan should at least include a statewide attitudinal survey with an oversample of racial and ethnic minority communities.¹⁴ These surveys would help states ascertain the digital equity needs of each community.

B. State Applications for BEAD Funds Should Include a Plan to Address Pole Attachment Issues

Reaching unserved areas will require concerted efforts to remove barriers that slow deployment especially where it has been uneconomic to serve. MMTc has raised concerns about access to poles becoming an impediment to reaching low-income and minority communities that have been left behind for too long.¹⁵ Costs surrounding pole attachments are a major barrier to broadband deployment in communities across the country. Buildouts often require many pole attachments, particularly in low-density rural areas.¹⁶ Therefore, even if the cost of attaching to

¹² See Notice ¶ 3.

¹³ We also suggest NTIA consult with Dr. John Horrigan, Senior Fellow at the Benton Institute for Broadband & Society; Dr. Chad Womack, Senior Director of National STEM Programs and Initiatives at the United Negro College Fund; and Dr. Quincy Brown, Senior Policy Advisor at the White House Office of Science and Technology Policy.

¹⁴ See Notice ¶ 25.

¹⁵ Comments of the 5G Fund Supporters, *Establishing a 5G Fund for Rural America*, GN Docket No. 20-32 (filed June 25, 2020), available at <https://www.mmtconline.org/wp-content/uploads/2020/07/5G-Fund-Supporters-Rural-BB-Comments-062520-1.pdf>.

¹⁶ See generally Kristian Stout & Ben Sperry, *Issue Brief: Pole Attachments and Broadband Build-out: The Case for Reform*, INT'L CTR. FOR LAW & ECON. (July 2021), <https://laweconcenter.org/wp-content/uploads/2021/07/Pole-Attachment-Issue-Brief.pdf>.

an individual pole is low, the large number of pole attachments required to facilitate household delivery of internet and other telecommunications services drives up the overall cost of broadband deployment in rural areas. The recurring need to replace and repair pole infrastructure drives up the costs even further.

Pole attachment disputes are of particular concern, as they add unnecessary burdens and delays to broadband deployment. If left unaddressed, these disputes will inevitably impede the BIL's goal of bringing internet connectivity to every American. To effectively address this issue, NTIA should require that states' applications for BEAD funds include plans to mitigate the likelihood that pole attachment disputes will arise. Specifically, states' proposals should ensure that subgrantees will have sufficient access to poles, that pole attachment rates and replacement costs are fair, and that one-touch make-ready rules are reasonable. Disputes about pole access in unserved areas should be subject to expedited procedural timelines. States should also allocate a portion of their BEAD funds to covering pole replacement costs.

C. BEAD and Digital Equity Planning Grants Must Be Tailored to Increase Broadband Adoption

The \$2.75 billion allocated under the Digital Equity Act — \$60 million of which is directed toward Digital Equity Planning programs — is substantial but may not be sufficient to sustainably eliminate the broadband adoption gap in disadvantaged, marginalized, and vulnerable populations.

NTIA can mitigate this shortfall by allocating a portion of BEAD funding for adoption efforts.¹⁷ Focusing on broadband deployment alone will not be sufficient to address digital inequities. Despite having access to broadband services, millions of Americans have still not subscribed.¹⁸ To finally close the digital divide, NTIA must utilize all its resources and expertise to both focus on deploying broadband to unserved areas and helping those who have access to subscribe.

There are a multitude of complex factors that prevent people from subscribing to internet service, including the 5% of adults in urban areas.¹⁹ The cost of broadband service is a significant factor contributing to non-adoption. The group of Americans who do not subscribe to internet service notwithstanding its availability in their area disproportionately includes those with annual household incomes of less than \$30,000.²⁰ The BIL directly addresses broadband affordability by expanding the Federal Communication Commission’s (“FCC”) Emergency Broadband Benefit (“EBB”) into the Affordable Connectivity Program (“ACP”).²¹ To help families afford broadband

¹⁷ Millions of people have yet to adopt readily available and reliable broadband, including 15 to 16 million K-12 students and nearly 22 million American seniors. *See* COMMON SENSE ET AL., LOOKING BACK, LOOKING FORWARD: WHAT IT WILL TAKE TO PERMANENTLY CLOSE THE K-12 DIGITAL DIVIDE 5 (2021), https://www.common sense media.org/sites/default/files/uploads/kids_action/final_-_what_it_will_take_to_permanently_close_the_k-12_digital_divide_vjan26_1.pdf; HUMANA FOUND. & OLDER ADULTS TECH. SERVS., AGING CONNECTED: EXPOSING THE HIDDEN CONNECTIVITY CRISIS FOR OLDER ADULTS 4, https://oats.org/wp-content/uploads/2021/02/Aging-Connected_Exposing-the-Hidden-Connectivity-Crisis-for-Older-Adults.pdf (last visited Feb. 4, 2022).

¹⁸ *See id.*

¹⁹ Andrew Perrin & Sara Atske, *7% of Americans Don’t Use the Internet. Who Are They?*, Pew Research Ctr. (April 2, 2021), <https://www.pewresearch.org/fact-tank/2021/04/02/7-of-americans-dont-use-the-internet-who-are-they>.

²⁰ Emily A. Vogels, *Digital Divide Persists Even as Americans with Lower Incomes Make Gains in Tech Adoption*, Pew Research Ctr. (June 22, 2021), <https://www.pewresearch.org/fact-tank/2021/06/22/digital-divide-persists-even-as-americans-with-lower-incomes-make-gains-in-tech-adoption>.

²¹ BIL § 60502, 135 Stat. at 1238-41.

service during the COVID-19 pandemic, the EBB offered subsidies of \$75 per month to eligible households on Tribal lands and \$50 per month to all other eligible households.²² The ACP makes \$14.2 billion available for subsidies of \$30 per month for most eligible households not on Tribal lands.²³ Unfortunately, ACP and other federal, state, and private subsidies may not be enough to sustainably eliminate the affordability gap. NTIA should encourage states' proposals for BEAD and Digital Equity Planning funding to include broadband affordability plans that will help augment the ACP.

In addition to promoting the ACP, the BIL also helps address broadband affordability by requiring BEAD funding recipients to offer low-cost broadband service to “eligible” subscribers.²⁴ The BIL directs NTIA to determine which subscribers are “eligible.”²⁵ NTIA should adopt the ACP’s eligibility requirements to define an “eligible” subscriber for low-cost broadband service. Under the ACP, eligible households include those with at least one member who (1) has a total income that is at or below 200% of the federal poverty line; (2) participates in certain government assistance programs, such as SNAP, Medicaid, and Lifeline; (3) is approved to receive benefits under free and reduced-price school meals programs; (4) received a Pell Grant during the current award year; (5) participates in Tribal-specific programs, such as the Bureau of Indian Affairs General Assistance program or Tribal TANF; or (6) otherwise meets the eligibility criteria for a participating internet service provider’s low-income program.²⁶ Adopting these eligibility

²² *Emergency Broadband Benefit*, FCC.gov, <https://www.fcc.gov/broadbandbenefit> (last visited Jan. 27, 2022).

²³ *See Affordable Connectivity Program*, FCC.gov, <https://www.fcc.gov/acp> (last visited Jan. 27, 2022).

²⁴ *See* Notice ¶ 22; BIL § 60102(h)(5)(A)(i), 135 Stat. at 1200.

²⁵ *Id.*

²⁶ *Affordable Connectivity Program*, *supra* note 23.

requirements would both help reduce consumer confusion and promote consumer participation in all federal broadband affordability programs.

While the cost of the service is one factor in non-adoption, there are many other reasons why certain people have not signed up for broadband service despite having access to it. Indeed, despite the availability of some low-income offers and programs such as the EBB and low-income offerings by many broadband providers, millions of American still have not subscribed.²⁷ Lack of access to digital-ready devices is one major contributing factor. Of Americans with household incomes less than \$30,000 per year, 24% do not have a smartphone, and 41% lack a desktop or laptop computer.²⁸ Lack of digital readiness and awareness of government programs is another contributing factor hindering broadband adoption.

To address this issue, NTIA should encourage states to include plans for device subsidies and awareness campaigns in their applications for BEAD funding. For example, state plans could add to the \$100 device discount benefit offered under the ACP and offer reimbursements for other essential devices not covered by the benefit, such as smartphones, or for multiple devices in a household. Further, as explained in Section III below, state and local task forces could partner with trusted community stakeholders to reach out to unconnected communities. Engaging with non-traditional community networks, such as the faith-based and inter-faith religious community networks discussed in Section IV below, could also prove effective for outreach. These partners could help members of unconnected communities navigate the process for obtaining government subsidies and also help educate them about how to safely use the services to which they will

²⁷ Perrin & Atske, *supra* note 19.

²⁸ Kim Keenan, *Slow Broadband Adoption Needs a Real-Time Solution*, The Hill (July 22, 2021), <https://thehill.com/opinion/technology/564367-slow-broadband-adoption-needs-a-real-time-solution>.

subscribe. Reaching out to these vulnerable communities can be an expensive, time-intensive process. Thus, ensuring that a sufficient amount of funds for BEAD and Digital Equity Planning grants is dedicated for outreach purposes could help increase participation of vulnerable communities at the furthest edge of the digital divide.

III. NTIA SHOULD ESTABLISH NATIONAL AND LOCAL TASK FORCES TO SUPPORT BEAD AND DIGITAL EQUITY PLANNING IMPLEMENTATION

To ensure that the BEAD and Digital Equity Planning programs are robustly and efficiently implemented, NTIA should expand the use of task forces to provide expertise, input, and transparency for the states and localities charged with awarding grants under the BIL.²⁹ The BIL gives NTIA the express authority to provide states with technical and other assistance in administering the BEAD program,³⁰ and the Notice itself contemplates that technical assistance from NTIA may benefit states and territories that are required to prepare digital equity plans under the Digital Equity Planning program.³¹ The best way to provide such critical support is through a national task force organized and funded by NTIA. As multi-member bodies specially organized to address a particular issue or set of issues, task forces are uniquely designed to encourage collaboration, marshal expertise, and mobilize stakeholders around a set of common goals.³² A

²⁹ See Notice ¶¶ 7, 19, 20, 25, 27, 28, 30.

³⁰ See BIL § 60102(b)(4)(A)-(B), 135 Stat. at 1184.

³¹ See Notice ¶ 26.

³² See *Lessons Learned from Successful Task Forces*, Nat'l Council of Nonprofits, <https://www.councilofnonprofits.org/trends-policy-issues/lessons-learned-successful-task-forces> (last visited Jan. 25, 2022). Indeed, NTIA itself is not a stranger to task forces: since 2010, it has been a member of a multiagency task force created by the Commerce Department to conduct a comprehensive review of the nexus between privacy policy, copyright, global free flow of information, cybersecurity, and innovation in the internet economy. See *Internet Policy Task Force*, Nat'l Telecomm. & Info. Admin., <https://www.ntia.doc.gov/category/internet-policy-task-force> (last visited Jan. 25, 2022).

nonpartisan, NTIA-backed task force made up of experts and activists from across the United States could greatly advance the broadband equity work of states and localities by providing them with the guidance and technical inputs they need to administer the BEAD and Digital Equity Planning programs at scale.

There are useful precedents upon which such a national task force could be modeled. Perhaps the most effective example of a government-created task force focused on digital equity is the Communications Equity and Diversity Council (“CEDC”), which was established by the FCC.³³ The mission of the council is to advise the FCC on ways to advance equity in the provision of and access to digital communication services and products in the United States.³⁴ In carrying out this mission, the council makes recommendations to the FCC on a wide range of issues, including how best to accelerate the deployment of high-speed broadband internet access to historically underserved communities, reduce and remove regulatory barriers to infrastructure and investment, and encourage the entry of small business (including those owned by women and minorities) into the technology, media, and telecommunications industries.³⁵ The CEDC is made up of 37 members from diverse backgrounds, whose experience crosses the media, technology,

³³ The Communications Equity and Diversity Council was initially chartered in 2017 as the Advisory Committee on Diversity and Digital Empowerment, but the FCC changed the body’s name last year. *Communications Equity and Diversity Council*, Fed. Comm’n’s Comm’n, <https://www.fcc.gov/communications-equity-and-diversity-council> (last visited Jan. 22, 2022).

³⁴ *Id.*

³⁵ *See* Charter of the Federal Communications Commission’s Communications Equity and Diversity Council § 3 (June 29, 2021), <https://www.fcc.gov/sites/default/files/cedc-charter-06292021.pdf>.

academic, government, and civil rights sectors, among other areas.³⁶ In constituting its own task force, NTIA could leverage the processes developed and learnings collected by the CEDC to enhance the effectiveness of the BEAD and Digital Equity Planning programs.

Much of the work of the national task force could be spearheaded on the ground by local chapters or branches, which would serve as the primary liaisons to the states and localities to which NTIA provides grants under the BIL. This type of locally oriented, chapter-based approach has proven successful in other contexts. For example, a host of leading advocacy, humanitarian, and community organizations — including the National Multicultural Organizations, the National Urban League, the Blacks in Technology Foundation, OCA-Asian Pacific American Advocates, and Rotary International — employ affiliates, branches, or chapters to multiply the impact of their work at the local level.³⁷

In addition to establishing a national task force for BEAD and Digital Equity Planning implementation, NTIA should require state and local entities seeking grant-planning dollars to create task forces of their own to guide the development of statewide digital equity plans and to assist with the disbursement of those dollars. State broadband offices will clearly need to expand or restructure their workforce and administrative capacity in order to successfully plan and manage a program of this scale and complexity. NTIA has stated that the Letter of Intent (“LOI”) process

³⁶ See Public Notice, *FCC Announces Membership and Working Group Chairs for the Communications Equity and Diversity Council*, DA 21-1371 (rel. Nov. 2, 2021), available at <https://www.fcc.gov/document/fcc-announces-equity-council-members-and-working-group-chairs>.

³⁷ See, e.g., *Local Affiliates*, Nat’l Urban League, <https://nul.org/local-affiliates> (last visited Jan. 25, 2022); *Bit Chapters by Region*, Blacks in Tech. Found., <https://foundation.blacksintechology.net/chapters> (last visited Jan. 25, 2022); *Rotary Clubs*, Rotary Int’l, <https://www.rotary.org/en/get-involved/rotary-clubs> (last visited Jan. 25, 2022); *Find Your Chapter*, OCA-Asian Pac. Am. Advocates, <https://www.ocanational.org/oca-chapters> (last visited Jan. 25, 2022).

will require plans to provide details on an entity’s existing broadband office, as well as on staffing plans, roles, and responsibilities and relevant contract support to administer the BEAD program. The LOI will also require applicants to identify any additional capacity needs. There is presently a dearth of state-level resources that are put toward the efficient deployment of broadband: according to the Fiber Broadband Association, only 26 states currently have dedicated broadband offices, and although 40 states administer broadband programs, these programs vary widely in scope and quality.³⁸ Ground-level task forces could play a key role in successful stakeholder engagement and oversight of the BEAD and Digital Equity Planning programs by helping to identify potential subgrant recipients and by partnering with local community organizations to conduct outreach to families and businesses that lack connectivity. These efforts would help ensure that broadband internet service is ultimately made available to and facilitate subscribership in the communities with the greatest need. Importantly, NTIA should require that the taskforces established by states and localities be inclusive, with representatives from Black, Latino, women, veterans, and LGBTQIA+ communities. Such a requirement would guarantee that communities that often lack access to the internet or do not adopt internet service have representatives advocating on their behalf at the state and local levels that reflect their views and lived experiences.

When it comes to generating much-needed data to inform the direction of grant funds, NTIA-mandated state and local task forces could follow the lead of existing state and local organizations that have sought to address digital equity issues. One helpful example may be found in the work of the Digital Inclusion and Access Taskforce, a community-based and -led nonprofit organization focused on tackling systemic barriers to digital equity in the greater metropolitan area

³⁸ See Letter from Fiber Broadband Association at 2 (Nov. 5, 2021), *available at* <https://www.fiberbroadband.org/d/do/4214>.

of Nashville, Tennessee.³⁹ Working in partnership with government, business, and academic entities, the Digital Inclusion and Access Taskforce conducted a comprehensive study last year to assess the state of digital inclusion, digital literacy, and broadband adoption in Nashville and its surrounding county.⁴⁰ Among other things, the study found that older residents and residents from minority and lower socioeconomic backgrounds were less likely to possess the skills needed to engage in today’s digital economy and more likely to lack access to affordable and reliable internet service.⁴¹ These results, and data that will be collected by other state and local task forces formed pursuant to the BIL, should provide the empirical and qualitative inputs needed for advocates, legislators, and regulators to design effective solutions to close the gap in the digital divide.

IV. FAITH-BASED NONPROFITS SHOULD BE RECOGNIZED AS COMMUNITY ANCHOR INSTITUTIONS ELIGIBLE FOR BEAD GRANT FUNDING

The participation and leadership of community organizations will be key to the ultimate success of the BEAD program. In recognition of this point, the BIL enables BEAD funding to be used to connect “community anchor institutions,” which include “community support organization[s] that facilitate[] greater use of broadband service by vulnerable populations.”⁴² NTIA should definitively include faith-based nonprofits among such organizations.⁴³ Faith-based

³⁹ See *Who We Are*, Digital Inclusion Nashville, <https://digitalinclusionnash.org/about> (last visited Jan. 22, 2022).

⁴⁰ See *Results Published for Nashville’s First Countywide Digital Inclusion Survey*, Nashville.gov (July 12, 2021), <https://www.nashville.gov/departments/information-technology-services/news/results-published-nashvilles-first-countywide>.

⁴¹ See generally NASHVILLE DIGITAL INCLUSION NEEDS ASSESSMENT (June 2021), <https://www.nashville.gov/sites/default/files/2021-10/Digital-Inclusion-Needs-Assessment-2021-10-04.pdf?ct=1633435744>.

⁴² BIL § 60102(a)(2)(E), 135 Stat. at 1183.

⁴³ See Notice ¶ 18.

nonprofits not only are often critical in increasing their members' broadband adoption and improving their digital literacy, but also are uniquely situated to help connect their communities.

Long before the pandemic highlighted and expanded the gulf in internet access between served and unserved or underserved communities, faith-based nonprofits diligently worked to identify the need to connect members of their communities to the internet and sought to provide that connection. For instance, houses of worship have long provided educational opportunities for adults, and with the advent of the digital era, they quickly realized that computers were necessary to serve this goal.⁴⁴ Indeed, houses of worship were among the vanguard in establishing community-directed computer labs for congregants and members of the public.⁴⁵ Today, churches,⁴⁶ synagogues,⁴⁷ and mosques⁴⁸ often advertise those labs on their websites. A simple Google search of computer labs based in or hosted by houses of worship generates numerous pages of results, with several results announcing the opening and expansion of such labs.⁴⁹ Further, religious leaders often take to the pulpit to share digital resources and engage with their

⁴⁴ See Paulette Isaac-Savage, *The Future of Adult Education in the Urban African American Church*, 37 EDUC. AND URB. SOC. 276 (2005).

⁴⁵ *Id.*

⁴⁶ See, e.g., *About Us*, First Baptist Church of Chi., <http://www.firstbaptist-chicago.org/about-us/index.html> (last visited Jan. 27, 2022).

⁴⁷ See, e.g., *Library/Resource Center*, Congregation Beth Shalom, <https://www.bethshalomnb.org/learn/library-resource-center> (last visited Feb. 3, 2022).

⁴⁸ See, e.g., *Community Center Facility*, Mosque Found., <https://www.mosquefoundation.org/facility> (last visited Jan. 27, 2022).

⁴⁹ See, e.g., Church Computer Labs Search, Google, (search “computer labs churches” or “church computer labs”).

congregations online.⁵⁰ The pandemic has only underscored the need for digital connections, as congregations have had to shift many of their support networks and services online in recent years.⁵¹

Faith-based nonprofits have also partnered directly with ISPs to expand access to the internet. For example, Comcast has partnered with community centers across the country to create “Lift Zones,” safe spaces that provide free internet as well as resources to build digital skills and support online learning.⁵² Many of these Lift Zones are located in churches and other faith-based nonprofits. City Covenant Church and Detroit Rescue Mission Ministries operate Lift Zones in Detroit,⁵³ a city that struggled to launch virtual learning during the pandemic because its students did not have data plans capable of supporting such lessons.⁵⁴ The Harvey Johnson Community Center at Union Baptist Church in Baltimore serves a similar function, providing an internet connection to over 50 students so that they can participate in virtual learning.⁵⁵

⁵⁰ See, e.g., Richard Daniel Burkhalter, *Pastoral Use of Social Media Technology to Recruit, Assimilate, and Retain Church Members: A Qualitative Descriptive Study*, PROQUEST (2020); Nancy S. Armstrong, Aaron Spiegel, & John Wimmer, *Information Technology in Congregations*, Religion Online, <https://www.religion-online.org/article/information-technology-in-congregations> (last visited Jan. 25, 2021).

⁵¹ GAMMON THEOLOGICAL SEMINARY, *IMPACT OF COVID-19 ON BLACK UNITED METHODIST PASTORS, LEADERS AND CONGREGATIONS* 6 (2021).

⁵² *Lift Zones*, Comcast, <https://corporate.comcast.com/impact/digital-equity/lift-zones> (last visited Feb. 1, 2022).

⁵³ *Search for Lift Zones or In-Person Classes*, Xfinity, <https://internetessentials.com/learningsearchpage> (last visited Feb. 1, 2022).

⁵⁴ John Wisely, *Detroit Schools to Launch Online Learning as District Faces Problems with Data Plans*, Detroit Free Press (Apr. 6, 2020, 12:45 PM), <https://www.freep.com/story/news/education/2020/04/06/detroit-schools-online-learning/2953673001>.

⁵⁵ *Lift Zones*, *supra* note 52.

Given their interest in and use of digital technologies, it is no surprise that faith-based nonprofits have been successful in launching initiatives supporting digital inclusion. For example, Black Churches 4 Broadband is working to educate the communities that it serves about broadband assistance programs that can help get households online,⁵⁶ while the Institute for Emerging Issues at North Carolina State University is working to support faith leaders as they and the members of their congregations transition to an increasingly virtual world.⁵⁷ Churches also regularly host the Nonprofit Technology Network’s Digital Inclusion Fellows as they implement adult digital literacy programs across the country.⁵⁸

In addition to caring about and working on broadband deployment and adoption, faith-based nonprofits have already demonstrated they are perfectly positioned to deploy federal funds to directly address national issues on a local scale. As an example, during the pandemic, faith-based nonprofits helped ensure the equitable distribution of COVID-19 vaccines. In recognition of the racial disparities resulting from the pandemic and across the healthcare delivery system, the Centers for Disease Control and Prevention launched a grant program called “Partnering with National Organizations to Increase Vaccination Coverage Across Racial and Ethnic Adult Populations Currently Experiencing Disparities.”⁵⁹ Through this grant program, the Conference

⁵⁶ *About Us*, Black Churches 4 Broadband, <https://www.blackchurches4broadband.org/about-us> (last visited Jan. 25, 2022).

⁵⁷ Kylie Foley, *What Your Faith Community Can Do About Digital Inclusion Today*, Inst. for Emerging Issues (Nov. 24, 2020), <https://iei.ncsu.edu/2020/what-your-faith-community-can-do-about-digital-inclusion-today>.

⁵⁸ Nonprofit Tech. Network, *Building Connection to Change Lives: Cohort 3 of the Digital Inclusion Fellowship 3, 5, 6, 7* (2018).

⁵⁹ CTRS. FOR DISEASE CONTROL, *CDC-RFA-IP21-2106, PARTNERING WITH NATIONAL ORGANIZATIONS TO INCREASE VACCINATION COVERAGE ACROSS DIFFERENT RACIAL AND ETHNIC ADULT POPULATIONS CURRENTLY EXPERIENCING DISPARITIES* (2020).

of National Black Churches received \$1.56 million in funding to partner with vaccine providers to deliver vaccinations within African American communities.⁶⁰ Similarly, the Muslim American Society of Minnesota partnered with the Minnesota state government to offer vaccinations to its congregations when they visited the mosques during Ramadan.⁶¹ Other Minnesota mosques partnered with local officials to provide vaccinations to their communities.⁶²

Space for faith-based nonprofits already exists in many local governments' digital inclusion plans. In Austin, Texas, the City's 2014 digital inclusion plan engaged an existing network of government, nonprofit, enterprise, and faith-based institutions to share ideas and track progress on digital inclusion.⁶³ In North Carolina, Carteret County's 2021 digital inclusion plan listed local churches as "strong partners" in its effort to expand broadband adoption.⁶⁴ Similarly, Oakland, California, awarded one of its grants aimed at increasing internet adoption and digital literacy under its digital inclusion plan to Allen Temple Baptist Church.⁶⁵ Under Oakland's program, grantees must develop a campaign to promote digital inclusion programs such as the

⁶⁰ Press Release, Conference of National Black Churches, Black Faith Leaders Awarded \$1.56 Million Grant to Equitable Distribution of the COVID-19 Vaccinations (April 13, 2021), <https://static1.squarespace.com/static/5ce829b97cff9a0001025452/t/60789347566aa43928403e79/1618514759654/CNBC+-+CDC+Press+Release+4-13-2021.pdf>.

⁶¹ Joey Peters, *Mosques Will Be Full During Ramadan. Vaccination Campaign Aims to Protect Muslims from COVID*, MPR NEWS (Apr. 8, 2021), <https://www.mprnews.org/story/2021/04/08/mosques-will-be-full-during-ramadan-vaccination-campaign-aims-to-protect-muslims-from-covid>.

⁶² *Id.*

⁶³ CITY OF AUSTIN, DIGITAL INCLUSION STRATEGY 38 (2014).

⁶⁴ DEBORAH WATTS, CONNECTING CARTERET: A PLAN FOR DIGITAL INCLUSION 63 (2021).

⁶⁵ *Oakland Digital Inclusion Program: The Greenlining Institute Launches 'The Town Link'*, Greenlining, <https://greenlining.org/oakland-digital-inclusion> (last visited Jan. 25, 2022).

EBB, identify residents in need of digital literacy skills to connect to a training program, and survey residents on their internet access needs.⁶⁶

Faith-based nonprofits’ demonstrated effectiveness in promoting broadband deployment and adoption, as well as their experience working on digital inclusion matters, qualifies them as community anchor institutions eligible to receive subgrant funds under the BIL. They clearly are nonprofits that “facilitate greater use of broadband service by vulnerable populations.”⁶⁷ In addition to fitting within the ambit of the statutory language, faith-based nonprofits are well-positioned to advance the goals of the BEAD program. As demonstrated by their distribution of COVID-19 vaccines, faith-based nonprofits have the institutional knowledge to deploy federal funding to directly address pressing national issues. They also have the experience of working with local governments to best serve their communities, including on digital inclusion issues. Recognizing faith-based nonprofits as community anchor institutions would ensure that a key component of many unserved and underserved communities is included in the solution to bridging the digital divide.

V. COMMUNITY ANCHOR INSTITUTIONS, PARTICULARLY NONPROFITS, SHOULD BE GRANTED WAIVERS FROM THE BIL’S MATCHING REQUIREMENT

The BIL requires grantees and subgrantees to match the funding they receive with their own funding or funding obtained from a non-federal source.⁶⁸ NTIA can waive this requirement, however, and should do so for community anchor institutions, including faith-based nonprofits.⁶⁹ As explained in Section IV above, community anchor institutions are support organizations that

⁶⁶ *Id.*

⁶⁷ BIL § 60102(a)(2)(E), 135 Stat. at 1183.

⁶⁸ Notice ¶ 9.

⁶⁹ *Id.*

help vulnerable populations obtain broadband service.⁷⁰ These organizations have a history of providing hyper-local services and often do so without abundant funding.⁷¹ They also understand the needs of their communities and the pathways for meeting those needs. Requiring these organizations to secure additional funding to match the federal grants would impose a significant financial burden, as they are unlikely to have substantial funding themselves or easy access to other sources of capital and credit. Instead, NTIA should waive this requirement so community anchor institutions can more easily apply for needed funding to support unserved and underserved communities.

VI. CONCLUSION

Access to reliable and affordable broadband service is, now more than ever, essential to full participation in this new digital age. Connected devices and services have increasingly become integral to the professional and personal lives of Americans, a phenomenon that was only accelerated by the COVID-19 pandemic. The National Multicultural Organizations urge NTIA to use its broad grant-making authority under the BIL to make sure that multicultural, low-wealth, rural, and urban communities across the country are not left behind. If adopted, the recommendations laid out in these comments will ensure that everyone, no matter who they are or where they come from, has the opportunity to be part of a thriving modern society.

⁷⁰ BIL § 60102(a)(2)(E), 135 Stat. at 1183.

⁷¹ See, e.g., Erica Mills Barnhart, *Nonprofits Are Struggling to Do More with Less Money, But Donors and Volunteers Can Help: 5 Questions Answered*, The Conversation (Nov. 30, 2020, 8:31 am), <https://theconversation.com/nonprofits-are-struggling-to-do-more-with-less-money-but-donors-and-volunteers-can-help-5-questions-answered-149899>; Robert McCartney, *Nonprofits in Trouble: One-Third of Organizations May Not Survive Pandemic, Recession*, Wash. Post (Aug. 3, 2020), https://www.washingtonpost.com/local/non-profits-coronavirus-fail/2020/08/02/ef486414-d371-11ea-9038-af089b63ac21_story.html.

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TechLatino: The National Association of
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February 4, 2022

Appendix A

About the National Multicultural Organizations

ALLvanza

ALLvanza is a nonpartisan, forward-thinking, policy and action nonprofit organization that advocates for the success of Latinxs, and other underserved communities, in our innovation- and technology-based society.

LGBT Tech

LGBT Tech is a diverse team of experts from multiple backgrounds that belong to the LGBTQIA+ community. Grounded in empirical research, LGBT Tech develops programs and resources that support LGBTQ+ communities and work to educate organizations and policy makers on the unique needs LGBTQ+ individuals face when it comes to tech.

Multicultural Media, Telecom and Internet Council

The Multicultural Media, Telecom and Internet Council (MMTC) is a non-partisan, national nonprofit organization dedicated to promoting and preserving equal opportunity and civil rights in the mass media, telecom, and broadband industries, and closing the digital divide. MMTC is generally recognized as the nation's leading advocate for minority advancement in communications.

TechLatino: The National Association of Latinos in Information Sciences and Technology

TechLatino is the premier national community for Latino technology professionals, businesses, and students. TechLatino's nationwide network inspires, educates and brings actionable solutions to the Latino culture. Deeply invested in growth and excellence, the organization aims to build the bridge across the digital divide.