



# BIL/IIJA

## Broadband Equity, Access and Deployment Reporting and Other Requirements

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## Matching Funds

- Eligible Entity shall provide, require its subgrantee to provide, or provide in concert with its subgrantee, matching funds of not less than 25 percent of project costs.
- The Infrastructure Act expressly provides that matching funds for the BEAD Program may come from a federal regional commission or authority and from funds that were provided to an Eligible Entity or a subgrantee for the purpose of deploying broadband service under the Families First Coronavirus Response Act, the CARES Act, the Consolidated Appropriations Act, 2021 or the American Rescue Plan Act of 2021 to the extent permitted by those laws.

## Where can the funds be used

- The Program's principal focus will be on deploying broadband service to *unserved* locations (those without any broadband service at all or with broadband service offering speeds below 25 megabits per second (Mbps) downstream/3 Mbps upstream) and *underserved* locations (those without broadband service offering speeds of 100 Mbps downstream/20 Mbps upstream).
- The Program prioritizes projects designed to provide fiber connectivity directly to the end user.
- The program requires all projects to provide a low-cost option to eligible subscribers.
- Requires all states to have plans to address middle-class affordability

## Unserved Project Area

- An “Unserved Service Project” or “Underserved Service Project” can be as small as a single unserved or underserved location, respectively.
- An “Unserved Service Project” or “Underserved Service Project” may include Middle Mile Infrastructure in or through any area required to reach interconnection points.
- In identifying an Unserved Service Project or Underserved Service Project, an Eligible Entity may not treat as “unserved” or “underserved” any location that is already subject to an enforceable federal, state, or local commitment to deploy qualifying broadband.

## National Environmental Policy Act (NEPA)

- Awarding agencies are required to analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) for Eligible Entity proposals and awardee projects and other eligible activities seeking funding under the BEAD Program.
  - Eligible Entities with projects or other eligible activities containing construction and/or ground-disturbing activities are required to submit all required environmental documentation to NTIA with their Final Proposals

## Acquiring Property

- Any real property, equipment, or intangible property acquired or improved with a federal award must be held in trust by the Eligible Entity or subgrantee as trustee for the beneficiaries of the project, other eligible activity, or program under which the property was acquired or improved.
  - This trust relationship exists throughout the duration of the property's estimated useful life.
  - In this connection, NTIA may require the non-federal entity to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. Awards

## Buy American

- All funds made available through the BEAD Program for broadband infrastructure must comply with the Build America, Buy America Act.
  - The Build America, Buy America Act requires that all of the iron, steel, manufactured products (including but not limited to fiber-optic communications facilities), and construction materials used in the project or other eligible activities are produced in the United States unless a waiver is granted.
  - The Infrastructure Act expressly prohibits subgrantees from using BEAD funding to purchase or support fiber optic cable and optical transmission equipment manufactured in the People's Republic of China

## Small and Minority Businesses, Women's Business Enterprises

- Eligible Entities must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
  - Requiring subgrantees to take the affirmative steps as it relates to its subcontractors.



## Service Locations And Delivered Speeds Reporting

In the case of a broadband infrastructure project, the report must, at minimum:

- Include a list of addresses or location identifications that constitute the service locations that will be served by the broadband infrastructure to be constructed and the status of each project;
- Identify new locations served within each project area at the relevant reporting intervals, and service taken;
- Describe the types of facilities that have been constructed and installed;
- Describe the peak and off-peak actual speeds of the broadband service being offered;
- List all interconnection agreements that were requested, and their current status;
- Report the number and amount of contracts and subcontracts awarded by the subgrantee disaggregated by recipients of each such contract or subcontracts that are MBEs or WBEs;

## Employment Reporting

- The subrecipient must provide a project employment and local impact report
  - The number of contractors and sub-contractors working on the Project;
  - The number of workers on the Project hired directly and hired through a third party;
  - The wages and benefits of workers on the Project by classification; and
  - Whether those wages are at rates less than those prevailing.

## Workforce Reporting

- The subrecipient must provide a project workforce continuity plan, detailing
  - Steps taken and to be taken to ensure the Project has ready access to a sufficient supply of appropriately skilled and unskilled labor
  - Steps taken and to be taken to minimize risks of labor disputes
  - Steps taken and to be taken to ensure a safe and healthy workplace
  - The name of any subcontracted entity performing work on the Project, and the total number of workers employed by each such entity, disaggregated by job title
  - Steps taken and to be taken to ensure that workers on the Project receive wages and benefits sufficient to secure an appropriately skilled workforce
- Comply with any other reasonable reporting requirements

## Monitoring by NTIA

- Conduct such audits of grantees and subgrantees as are necessary and appropriate;
- Develop monitoring plans which may include site visits or desk reviews, technical assistance, and random sampling of compliance requirements.

## Other

- Waste fraud and abuse:
  - Report financial waste fraud or abuse to the U.S. Department of Commerce  
OIG
  - Establish and widely publicize telephone numbers and email addresses for the Maryland Office of Legislative Audits for the purpose of reporting financial waste, fraud or abuse

# Questions