



January 2023

BROADBAND FUNDING

Stronger Management of Performance and Fraud Risk Needed for Tribal and Public- Private Partnership Grants

GAO Highlights

Highlights of [GAO-23-105426](#), a report to congressional committees

Why GAO Did This Study

Broadband access is critical for economic opportunity, healthcare, and civic engagement. The Consolidated Appropriations Act, 2021, established two new broadband grant programs—TBCP and BIP. NTIA issued a notice of funding opportunity for BIP in May 2021 and for TBCP in June 2021. NTIA allocated \$2.98 billion (from two separate appropriations) for TBCP and \$288 million for BIP.

The Consolidated Appropriations Act, 2021, includes a provision for GAO to review the grants awarded under these programs. This report examines the extent to which NTIA’s administration of TBCP and BIP aligned with relevant practices for (1) awarding grants, (2) performance management, and (3) fraud risk management.

GAO reviewed NTIA program documentation. GAO also interviewed program officials, industry associations, and a non-generalizable sample of program participants selected to reflect a variety in project types, geography, and other factors.

What GAO Recommends

GAO is making 15 recommendations to NTIA to better measure TBCP and BIP performance and to complete fraud risk management activities. NTIA agreed with the recommendations and outlined actions to address them.

View [GAO-23-105426](#). For more information, contact Andrew Von Ah at (202) 512-2834 or vonaha@gao.gov.

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What GAO Found

The National Telecommunications and Information Administration’s (NTIA) management of the Tribal Broadband Connectivity Program (TBCP) and Broadband Infrastructure Program (BIP) was generally consistent with recommended practices for awarding grants. However, NTIA took longer than expected to announce awards. For example, NTIA expected to announce TBCP award decisions in November 2021 but, as of September 2022, was continuing to announce awards on a rolling basis. NTIA officials said that the agency received many more applications than expected and needed to return more than three-quarters of TBCP applications for additional information. This step lengthened evaluation and selection. As of September 2022, NTIA had announced \$726 million in TBCP awards and had announced all \$288 million in BIP awards.

NTIA developed some performance goals and measures for TBCP and BIP, but they did not include all primary functions nor were they fully quantifiable. (See table). For example, NTIA set a TBCP goal to extend reliable, affordable broadband to 200,000 households, but did not include a goal related to funding broadband use and adoption projects, a key program function. Moreover, NTIA’s goals for both programs included terms such as “reliable” and “affordable” that are not defined and therefore are not fully quantifiable. NTIA officials said that the agency was still developing goals and measures. Without comprehensive goals and measures, NTIA will be unable to track its progress.

Program Alignment with Selected Key Attributes of Successful Performance Goals and Measures

Key attributes of successful performance goals and measures	Tribal Broadband Connectivity Program	Broadband Infrastructure Program
Objective: free of significant bias or manipulation	✓	✓
Primary function: reflect the program’s main functions	✗	✓
Measurable and quantifiable	✗	✗
Linkage: reflect the agency’s strategic goals	✓	✓

✓ indicates goal and measure fully aligned with key attribute

✗ indicates goal and measure did not fully align with key attribute in which some or all aspects were not met

Source: GAO analysis of Department of Commerce and U.S. Department of Agriculture documentation. | GAO-23-105426

NTIA’s fraud risk management activities did not fully align with selected leading practices. Several offices in the Department of Commerce have roles in fraud risk management, but none was designated as lead. Additionally, NTIA did not conduct a fraud risk assessment, as called for by leading practices, by comprehensively identifying fraud risks, assessing the likelihood and impact of fraud, setting fraud risk tolerance, examining current antifraud controls, and documenting the fraud risk profile. Without designating an entity to oversee fraud risk management activities and conducting a five-step fraud risk assessment, NTIA lacks assurance that it is sufficiently positioned to combat fraud.

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Abbreviations

2021 Act	Consolidated Appropriations Act, 2021
BIP	Broadband Infrastructure Program
Commerce	Department of Commerce
FAQ	frequently asked question
FCC	Federal Communications Commission
GPRA	Government Performance and Results Act
GPRAMA	GPRA Modernization Act of 2010
<i>Manual</i>	<i>Grants and Cooperative Agreements Manual</i>
NIST	National Institute of Standards and Technology
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NTIA	National Telecommunications and Information Administration
OICG	Office of Internet Connectivity and Growth
OMB	Office of Management and Budget
TBCP	Tribal Broadband Connectivity Program
USDA	U.S. Department of Agriculture

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January 24, 2023

Chair
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate

The Honorable Cathy McMorris Rodgers
Chair
The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
House of Representatives

Broadband access is critical for economic opportunity, healthcare, and civic engagement. During the COVID-19 pandemic, broadband has been even more vital for remote learning, telework, and telehealth. Lack of access to broadband service disproportionately affects tribal, rural, and economically disadvantaged areas. For example, according to the Federal Communications Commission (FCC), approximately 21 percent of people living on tribal lands and 17 percent of people living in rural areas lack coverage from fixed broadband, as compared to only 1 percent of those living in urban areas.¹ Within these categories, coverage varies widely. For example, about 31 percent of people living in rural Alaskan Villages lack such coverage, with some areas lacking coverage altogether, while about 6 percent of people living on tribal lands in urban areas lack coverage.² Moreover, GAO previously reported that these statistics overstate broadband coverage.³

¹Fixed broadband is broadband provided to single locations such as customers' homes or businesses. *In re Inquiry Concerning Deployment of Advanced Telecommunications Capability to all Americans in a Reasonable and Timely Fashion*, FCC 21-18 (Jan. 19, 2021) (*2021 Broadband Deployment Report*). For FCC's definition of tribal lands, see appendix I.

²*2021 Broadband Deployment Report*.

³GAO, *Broadband Internet: FCC's Data Overstate Access on Tribal Lands*, [GAO-18-630](#) (Washington, D.C., Sept. 7, 2018). We recently reported that FCC is taking steps to improve its broadband deployment data. See GAO, *Broadband: FCC Is Taking Steps to Accurately Map Locations That Lack Access*, [GAO-21-104447](#) (Washington, D.C.: Sept. 28, 2021).

As technologies continue to evolve and the importance of broadband increases, the digital divide between those who have broadband access and those who do not will only become more challenging to close. Tribal, rural, and economically disadvantaged areas may continue to be left behind in the many aspects of daily life that require broadband access. These areas seldom attract providers willing to make new or expanded broadband infrastructure deployments because providers expect low returns on investment.

The Consolidated Appropriations Act, 2021 (2021 Act), established two new broadband grant programs—the Tribal Broadband Connectivity Program (TBCP), which we refer to as the tribal broadband program or TBCP, and the Broadband Infrastructure Program (BIP), which we refer to as the public-private partnership program or BIP.⁴ These programs are administered by the National Telecommunications and Information Administration (NTIA) within the Department of Commerce (Commerce). TBCP was appropriated \$3 billion (in separate appropriations), and NTIA has allocated \$2.98 billion of these funds for grant awards to eligible entities to expand access to and adoption of broadband service on tribal land as well as remote learning, telework, or telehealth resources.⁵ As of September 13, 2022, NTIA had not completed awarding funds under its original Notice of Funding Opportunity and planned to issue a second Notice of Funding Opportunity for remaining funding in fall 2022. BIP was appropriated \$300 million, and NTIA allocated and completed awarding \$288 million for grant awards to public-private partnerships for deploying broadband service in unserved and underserved areas.

The 2021 Act includes a provision for GAO to review the grants awarded under these programs and provide, if any, recommendations to address

⁴Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, div. N, tit. IX, § 905, 134 Stat. 1182, 2136–44 (2020) (codified as amended at 47 U.S.C. § 1705). The Act also required the Assistant Secretary of Commerce for Communications and Information to establish the Connecting Minority Communities Pilot Program but did not include provisions for GAO to review the program.

⁵The 2021 Act appropriated \$1 billion for TBCP, and, in November 2021, the Infrastructure Investment and Jobs Act appropriated an additional \$2 billion. The 2021 Act authorized the Assistant Secretary of Commerce for Communications and Information to use not more than 2 percent of the amount appropriated by the act for the TBCP for administrative purposes. 47 U.S.C. § 1705(c)(3)(B). For the statutory definition of tribal lands and eligible entities, see appendix I.

waste, fraud, and abuse every six months until funds are expended.⁶ This report is our second response to this statutory provision.⁷

This report examines the following objectives:

- The extent to which NTIA's tribal and public-private grant programs aligned with selected recommended practices for awarding grants and the concerns stakeholders identified regarding NTIA's award process
- The extent to which NTIA's tribal and public-private grant programs' performance goals and measures aligned with key attributes of successful performance goals and measures
- The extent to which NTIA's fraud risk management activities aligned with selected leading practices

To address all three objectives, we reviewed and analyzed TBCP and BIP program documentation, such as Notices of Funding Opportunities (NOFO), guidance for application reviewers, and post-award handbooks, as well as Commerce grant regulations. We met with NTIA officials to obtain additional information regarding NTIA's planning and implementation of TBCP and BIP. In addition, we interviewed selected industry associations to obtain their views on NTIA's practices for awarding grants, performance management, and fraud risk management.

We also interviewed a non-generalizable sample of 12 TBCP and BIP participants—three applicants and three awardees from each program—to obtain their views on these topics.⁸ We selected these program participants to reflect a variety in project type, geography, perspectives, and other factors. To identify TBCP applicants, we attended the National Tribal Telecommunications Association Broadband Opportunities Summit to meet representatives of tribal entities who had applied to TBCP and requested referrals from an industry association and a nonprofit that partners with tribal entities. To identify TBCP awardees, BIP awardees, and BIP applicants, we reviewed publicly available information. We also

⁶47 U.S.C. § 1705(f)(2).

⁷In order to meet the first statutory deadline, we provided a briefing in May 2022 on our preliminary observations on NTIA's grants management practices, performance management, and fraud risk management activities.

⁸NTIA received 301 TBCP applications and 240 BIP applications. As of March 1, 2022, when we selected our non-generalizable sample, NTIA had selected 10 TBCP awardees and 13 BIP awardees. As of September 13, 2022, NTIA had selected 69 TBCP awardees and 14 BIP awardees.

conducted site visits with two TBCP awardees, selected to reflect a variety in the factors listed above. (See appendix II for a full list of organizations we interviewed.) To obtain information on program participants, we reviewed NTIA data on TBCP and BIP applications and awards. We assessed the reliability of these data, such as by interviewing knowledgeable NTIA officials about how applicant data were managed and to reconcile data discrepancies we identified. We found the data were sufficiently reliable for our purposes.

To evaluate the extent to which NTIA's tribal and public-private partnership broadband grant programs aligned with selected recommended practices for awarding grants, we assessed NTIA's plans and actions for awarding grants against GAO-identified recommended practices. Specifically, GAO previously identified six recommended practices to ensure a fair and objective evaluation and selection of grant awards across the federal government, each of which has a number of associated attributes of practice.⁹ In addition, we identified requirements in Commerce's grant regulations and the *Grants and Cooperative Agreements Manual (Manual)* for managing federal grants that are associated with each recommended practice or attribute of practice.¹⁰ For example, the Commerce regulations and the *Manual* include requirements for issuing a Notice of Funding Opportunity that are associated with the recommended practice for communicating with potential applicants prior to the competition. We assessed NTIA's actions against the leading practices and assigned one of three ratings—generally aligned, partially aligned, and did not align.¹¹ The scope of our

⁹GAO, *Intercity Passenger Rail: Recording Clearer Reasons for Awards Decisions Would Improve Otherwise Good Grantmaking Practices*, [GAO-11-283](#) (Washington, D.C.: Mar. 10, 2011). GAO has applied these leading practices repeatedly since identifying them. See, for example, GAO, *Discretionary Transportation Grants: Actions Needed to Improve Consistency and Transparency in DOT's Application Evaluations*, [GAO-19-541](#) (Washington, D.C.: June 26, 2019).

¹⁰Commerce's grant regulations adopted OMB's consolidated grants management guidance and gave it regulatory effect. 79 Fed. Reg. 75,871, 76,050 (Dec. 19, 2014) (codified at 2 C.F.R. § 1327.101).

¹¹"Generally aligned" indicates NTIA actions aligned with all or nearly all attributes of practice for a particular recommended practice. "Partially aligned" indicates NTIA actions aligned with some attributes of practice for a particular recommended practice. "Did not align" means NTIA actions aligned with none or nearly none of the attributes of practice for a particular recommended practice. One analyst assessed NTIA's actions against recommended practices and assigned a rating. Another analyst verified the assessment.

evaluation is limited to NTIA's plans and actions for the awarding process and excludes NTIA's program implementation.

To examine the extent to which NTIA's tribal and public-private partnership grant programs' performance goals and measures aligned with key attributes, we assessed NTIA's performance goals and measures by comparing them to attributes of successful performance goals and measures from the Government Performance and Results Act, as amended.¹² Although these requirements apply at the departmental level (e.g. Commerce), we have previously stated that they can serve as leading practices at the program level.¹³ From six key attributes for successful performance goals and nine key attributes for successful performance measures that we identified in prior work,¹⁴ we selected four key attributes that applied to both performance goals and measures to assess NTIA's performance goals and measures. We used selected key attributes for successful performance goals and measures rather than all key attributes because NTIA officials told us that they are in the process of developing more performance goals and measures. One analyst assessed NTIA's performance goals and measures against each attribute and assigned one of two ratings—fully aligned and did not fully align—and another analyst verified the assessment.

To evaluate the extent to which NTIA's fraud risk management activities align with selected leading practices, we analyzed documentation related to NTIA's fraud risk management practices and interviewed officials from

¹²Pub. L. No. 103-62, § 4(b), 107 Stat. 285 (1993) (codified as amended at 31 U.S.C. § 1115(b)(2), (6)). See also, GAO, *Agencies' Strategic Plans under GPRA: Key Questions to Facilitate Congressional Review*, [GAO/GGD-10.1.16](#) (Washington, D.C.: May 1997), and GAO, *Executive Guide: Effectively Implementing the Government Performance and Results Act*, [GAO/GGD-96-118](#) (Washington, D.C.: June 1, 1996).

¹³See, for example, GAO, *Environmental Justice: EPA Needs to Take Additional Actions to Help Ensure Effective Implementation*, [GAO-12-77](#) (Washington, D.C.: Oct. 6, 2011). See also, [GAO/GGD-10.1.16](#) and [GAO/GGD-96-118](#).

¹⁴GAO, *Agencies' Annual Performance Plans Under the Results Act: An Assessment Guide to Facilitate Congressional Decisionmaking*, [GGD/AIMD-10.1.18](#) (Washington, D.C.: Feb. 1, 1998); GAO, *The Results Act: An Evaluator's Guide to Assessing Agency Annual Performance Plans*, [GGD-10.1.20](#) (Washington, D.C.: Apr. 1, 1998); GAO, *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, [GAO-03-143](#) (Washington, D.C.: Nov. 22, 2002); and GAO, *Telecommunications: FCC Should Enhance Performance Goals and Measures for its Program to Support Broadband Service in High-Cost Areas*, [GAO-21-24](#) (Washington, D.C.: Oct. 1, 2020).

NTIA. We also interviewed officials from the Department of Commerce Office of Inspector General as well as from the bureaus within Commerce with interagency agreements to execute the responsibilities associated with the business and administrative aspects of TBCP and BIP—the National Oceanic and Atmospheric Administration (NOAA) and the National Institute of Standards and Technology (NIST), respectively. We compared this information to selected leading practices from our *Fraud Risk Framework*.¹⁵ The *Fraud Risk Framework* contains four components: (1) commit; (2) assess; (3) design and implement; and (4) evaluate and adapt. Our assessment focused on the first two components—commit and assess. The commit component includes a leading practice of creating a structure with a dedicated entity to lead fraud risk management activities. The assess component includes leading practices related to planning and conducting fraud risk assessments. We did not review the third and fourth components of the framework because these programs are early in their implementation and because NTIA had not fully adopted fraud risk management activities from the second component that trigger related activities in the third and fourth components.

We conducted this performance audit from September 2021 to January 2023 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

NTIA Office of Internet Connectivity and Growth

NTIA's Office of Internet Connectivity and Growth, established in 2021, is the office primarily responsible for administering TBCP and BIP.¹⁶ According to NTIA officials, because NTIA itself does not have the authority to function as a grants office, it entered into interagency agreements with the National Oceanic and Atmospheric Administration (NOAA) and the National Institute of Standards and Technology (NIST),

¹⁵GAO, *A Framework for Managing Fraud Risks in Federal Programs*, [GAO-15-593SP](#) (Washington, D.C.: July 28, 2015).

¹⁶The Consolidated Appropriations Act, 2021, directed the Assistant Secretary for Communications and Information, who leads NTIA, to establish the Office of Internet Connectivity and Growth. Unless otherwise specified, "NTIA" hereafter refers to Office of Internet Connectivity and Growth.

respectively, to execute the responsibilities associated with the business and administrative aspects of TBCP and BIP grants.

In addition, NTIA hired a private contractor to assist with administering the grant programs. The contractor's tasks included assisting NTIA with managing the initial administrative and eligibility review, merit review, and programmatic review phases of the application review process, as well as providing post-award support.

Tribal Broadband Connectivity Program

TBCP is a grant program that may fund broadband use and adoption projects and broadband infrastructure deployment projects, which include projects related to planning, feasibility, and sustainability studies. NTIA issued a NOFO for the program in June 2021 (first NOFO). Following the enactment of the Infrastructure Investment and Jobs Act in November 2021, NTIA officials announced in August 2022 that they plan to announce a second NOFO for the program by the end of 2022.

According to the first NOFO, TBCP infrastructure projects may involve a variety of technologies, including fiber, fixed wireless, satellite, and more. The NOFO encouraged applications on behalf of consortia or multiple tribal partners (each of which must be an eligible entity). It identified the expected award range as between \$1 million and \$50 million for broadband infrastructure deployment projects and between \$50,000 and \$2.5 million for broadband use and adoption projects. The 2021 Act required NTIA to provide applicants an opportunity to “cure” (address) any defects in their application—that is, provide additional documentation or information—before NTIA could deny it.¹⁷ In addition, the 2021 Act generally required awardees to expend their grant funds within a year

¹⁷The 2021 Act authorized the Assistant Secretary of Commerce for Communications and Information to deny an application only after providing the applicant an opportunity to cure any defects in the application and having the applicant still fail to meet the statutory requirements for the grant. 47 U.S.C. § 1705(e)(2)(B)(ii). According to NTIA officials, applicants could cure (address) any defects in an application by providing additional information or documentation.

from receiving them.¹⁸ The Infrastructure Investment and Jobs Act increased this period to 4 years.¹⁹

During the first application period, June 3, 2021, through September 1, 2021, NTIA received 301 TBCP applications requesting a total of \$5.9 billion out of the \$980 million available (see table 1). Most of these applications—81 percent—included infrastructure deployment projects. About 12 percent of the 301 applications were submitted by consortiums or regional entities. For more information regarding TBCP applications, see appendix III.

Table 1: Number of and Amount Requested in Applications to the Tribal Broadband Connectivity Program by Project Purpose

Project purpose	Number of applications	Total amount requested	Range of amount requested	Average of amount requested
Infrastructure deployment	130	\$2.7 billion	\$53,000 to \$310 million	\$20 million
Infrastructure deployment and broadband use and adoption	113	\$3.1 billion	\$500,000 to \$323 million	\$27 million
Use and adoption	39	\$115 million	\$42,000 to \$35 million	\$3 million
Use and adoption and planning, feasibility, and sustainability studies	8	\$12 million	\$500,000 to \$4 million	\$1 million
Planning, feasibility, and sustainability studies	7	\$7 million	\$443,000 to \$3 million	\$1 million

Source: GAO analysis of National Telecommunications and Information Administration (NTIA) data. | GAO-23-105426

Note: This table presents data on applications submitted during the application window for the first round of funding, June 3, 2021 through September 1, 2021. Four records were missing data for the project purpose variable, so those records were not included in this table.

¹⁸The Assistant Secretary of Commerce for Communications and Information may extend this deadline for eligible entities using grant funds for construction of broadband infrastructure if the entity certifies that it has a plan for use of the grant funds, the construction project is underway, or extenuating circumstances require an extension of time to allow the project to be completed.

¹⁹Pub. L. No. 117-58, div. F, tit. II, § 60201(1)(B)(ii)(I), 135 Stat. 429, 1208 (2021) (codified at 47 U.S.C. § 1705(c)(4)(B)(i)).

Example of a Tribal Broadband Connectivity Program Award

Pinoleville Pomo Nation, California



Community computer center for broadband service, devices, and digital skills trainings.

Grant award: \$496,977

Project type: Broadband Use and Adoption

Project description: Develop programs and resources to address COVID-19 related concerns and build capacity to use broadband to provide ongoing and sustainable benefits to telehealth, remote learning, telework, entrepreneurship, economic growth, job creation, and serving community anchor institutions.

Key activities include:

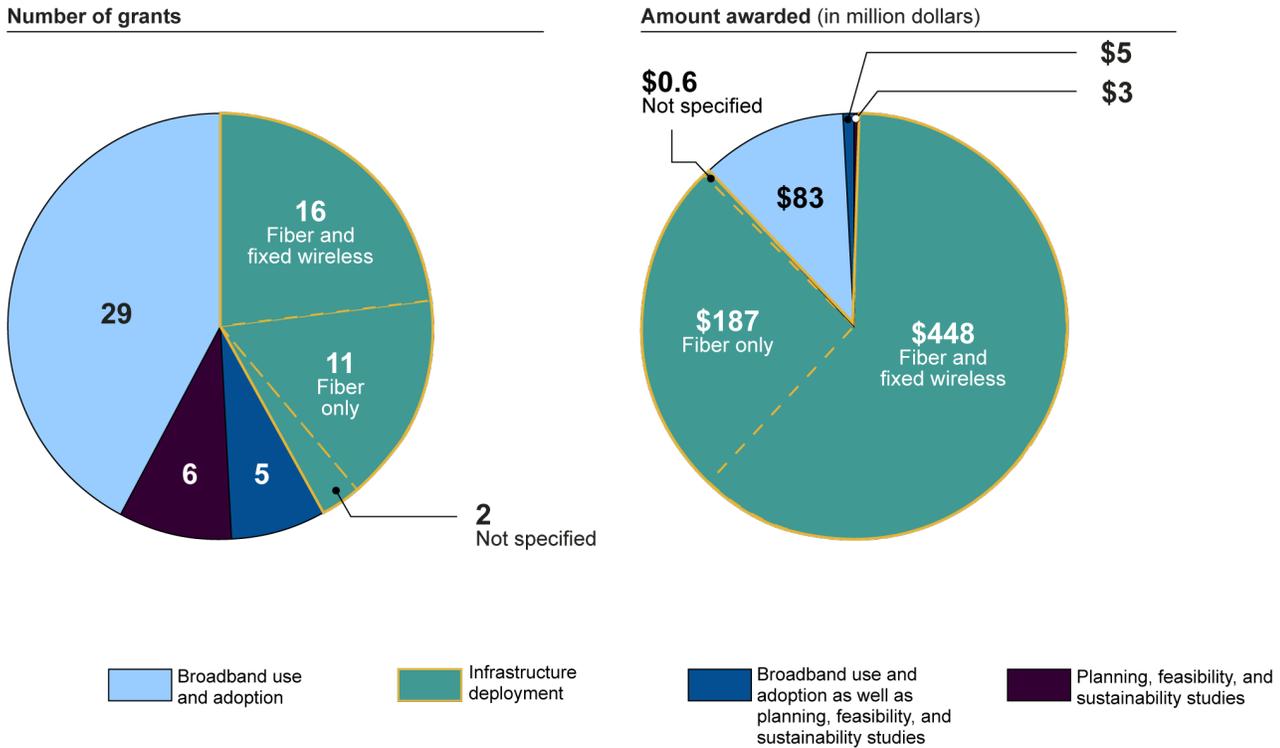
- Deliver workshops to increase basic broadband knowledge and digital skills in the tribal community.
- Train interns as a workforce development initiative to gain job skills. These interns will train tribal elders and disabled individuals in digital skills.

Project outcome: Increase access to broadband service and devices, provide basic community-wide training to develop the workforce, and enhance staff capacity to support the nine tribal organization departments and community anchors. The project will serve 12 youth (interns), 60 elders/disabled, and 100 households.

Source: GAO. | GAO-23-105426

As of September 13, 2022, NTIA had announced 69 TBCP grant awards totaling about \$726 million. The grant awards ranged from about \$90,000 to \$65 million, with an average award of about \$11 million. See figure 1 for information on the types of projects funded along with the amount awarded.

Figure 1: Project Types in Tribal Broadband Connectivity Program Grants Awarded by Number and Amount Awarded, as of September 13, 2022



Source: GAO Analysis of National Telecommunications and Information Administration data. | GAO-23-105426

See appendix III for examples of awarded TBCP projects.

Broadband Infrastructure Program

BIP is a competitive grant program for covered partnerships to deploy fixed broadband service—with a preference for fiber—that provides qualifying broadband to eligible service areas of the country.²⁰ According to the NOFO, NTIA planned to make broadband infrastructure deployment awards ranging from \$5 million to \$30 million for an award

²⁰The term “eligible service area” means a census block in which broadband service is not available at one or more households or businesses in the census block, as determined by the Assistant Secretary of Commerce for Communications and Information on the basis of certain maps. 47 U.S.C. § 1705(a)(7). The 2021 Act defines a covered partnership as a partnership between: (A) a State, or one or more political subdivisions of a State; and (B) a provider of fixed broadband service. 47 U.S.C. § 1705(a)(5). A covered partnership may include more than one provider of fixed broadband service as part of its application.

Example of a Broadband Infrastructure Program Award

Regional Public/Private Partnership for the Deployment of a Fiber to the Home Network in the Rural Underserved Areas of Acadiana



Library in Evangeline Parish, one area to be served by awarded project.

Grant award: \$29,940,612

Public partner(s): Acadiana Planning Commission, Louisiana (made up of the Parish governments of Acadia Parish, Evangeline Parish, and St. Landry Parish)

Private partner(s): Allen's TV Cable Service, Inc., dba Allen's Communications and LUSFiber

Project description: A last mile broadband deployment project. Key activities include: deploy high speed fiber-to-the-home broadband access to residents and businesses and build a network that can provide 1 Gigabits per second symmetric service with low latency at completion.

Project outcome: Connect 22,196 unserved households, 3,723 unserved businesses, and 46 unserved community anchor institutions with qualifying broadband service.

Source: Acadiana Planning Commission, Louisiana. | GAO-23-105426

period of one year from the initial receipt of grant funds. Awards would be based on funding priorities established in the 2021 Act:

- Provide broadband service to the greatest number of households in an eligible service area (priority 1)
- Provide broadband service in an eligible service area that is not a county, city, or town that has a population of more than 50,000 inhabitants; and the urbanized area contiguous and adjacent to a city or town of more than 50,000 inhabitants (priority 2)
- Are the most cost-effective, prioritizing such projects in areas that are the most rural (priority 3)
- A download speed of not less than 100 megabits per second and an upload speed of not less than 20 megabits per second (priority 4)²¹

The NOFO stated that NTIA would favorably consider applications that proposed to contribute a non-federal cost share of at least 10 percent of the total eligible costs of a project. The 2021 Act generally required awardees to expend their grant funds within a year from receiving them.²²

NTIA implemented a “challenge process” during the application review period that allowed broadband service providers to report whether there is existing service in applicants’ proposed service areas. The challenge process, along with the statutorily required opportunity for applicants to address any defects in their application by providing additional documentation and information, was intended to help NTIA ensure that BIP projects provided qualifying broadband only to eligible service areas.²³

During the BIP application period, May 17, 2021, through August 17, 2021, NTIA received 240 applications requesting a total of \$2.8 billion out of the \$288 million available. Requests ranged from about \$98,000 to \$56

²¹47 U.S.C. § 1705(d)(4).

²²The Assistant Secretary of Commerce for Communications and Information may extend this deadline for a covered partnership using grant funds for construction of broadband infrastructure if the partnership certifies that it has a plan for use of the grant funds, the construction project is underway, or extenuating circumstances require an extension of time to allow the project to be completed. 47 U.S.C. § 1705(d)(5)(B).

²³47 U.S.C. § 1705(e)(2)(B)(ii).

million, with an average request of almost \$12 million. For more information regarding BIP applications, see appendix III.

As of June 27, 2022, NTIA had announced 14 awards totaling about \$288 million, the total amount available for BIP awards.

- These 14 projects are expected to connect almost 150,000 households. The number of households to be connected range from about 5,000 to 22,000 per project.
- The majority of awards (13) included projects expected to deploy last-mile infrastructure. Two of these projects also plan to deploy middle-mile infrastructure.²⁴ One award will fund middle-mile infrastructure expansion in partnership with last-mile service providers.
- Half of the awards were to county-level governments, and half were to states or territories.

See appendix III for examples of awarded BIP projects.

Recommended Practices for Awarding Grants

In prior work, GAO identified six recommended practices to ensure a fair and objective evaluation and selection of grant awards across the federal government. These recommended practices provided a useful framework for reviewing NTIA’s plans and actions to award grants. See table 2.

Table 2: Recommended Practices for Awarding Grants

Recommended Practice	Attributes of Practice
Communicate with potential applicants prior to the competition	Provide information prior to making award decisions on available funding, key dates, competition rules (i.e., eligibility, technical review, and selection criteria), funding priorities, types of projects to be funded, outreach efforts to new applicants and preapplication assistance.
Plan for administering the technical review	Develop a plan for the technical review that describes the number of panels and reviewers and includes methods for assigning applications to review panels, identifying reviewers, recording the results of the technical review, resolving scoring variances across panels, and overseeing the panel to ensure a consistent review.
Develop a technical review panel with certain characteristics	Use a technical review panel consisting of reviewers who hold relevant expertise, do not have conflicts of interest, apply the appropriate criteria, and are trained.

²⁴Last-mile infrastructure provides broadband service to end users. Middle-mile infrastructure provides a link from the internet backbone to the last-mile networks of local providers (such as cable or phone companies) that provide broadband service to end users. The availability of broadband service to end users depends on access to adequate middle-mile facilities, which can be costly to deploy in rural areas. Middle-mile capacity, also known as “backhaul,” refers to the installation of a dedicated line that transmits a signal to and from an internet backbone that is typically located in or near an urban area.

Recommended Practice	Attributes of Practice
Assess applicants' capabilities to account for funds	Assess applicants' capabilities to account for funds by determining if applicants meet eligibility requirements, checking previous grant history, assessing financial management systems, and analyzing project budgets.
Notify applicants of awards decisions	Notify unsuccessful and successful applicants of selection decisions in writing and provide feedback on applications.
Document rationale for awards decisions	Document the rationale for awards decisions, including the reasons individual projects were selected or not selected and how changes made to requested funding amounts may affect applicants' ability to achieve project goals.

Source: GAO | GAO-23-105426.

We compared these recommended practices to relevant requirements in Commerce grant regulations and *Grants and Cooperative Agreements Manual (Manual)*, which provided much more detail. We then used the Commerce regulations and guidance to inform our determination of whether NTIA's plans and actions aligned with the recommended practices. For example, the Commerce regulations include specific requirements for what information should be included in a NOFO. In determining whether NTIA's plans and actions aligned with the recommended practice of communicating with potential applicants prior to the competition, we considered whether NTIA met the provisions in the Commerce regulations.

Performance Measurement

Performance measurement is the ongoing monitoring and reporting of a program's accomplishments and progress, particularly toward pre-established goals.²⁵ According to Commerce grant regulations, the agency should establish performance goals during the program planning and design phase.²⁶ In addition, we have previously reported that establishing performance measures that clearly link to performance goals is a leading practice for effective performance management.²⁷

- Performance goals are the specific results an agency expects its program to achieve in the near term. The Government Performance and Results Act (GPRA), as enhanced by the GPRA Modernization Act of 2010 (GPRAMA), states that performance goals should be

²⁵GAO, *Program Evaluation: Key Terms and Concepts*, [GAO-21-404SP](#) (Washington, D.C.: Mar. 22, 2021).

²⁶2 C.F.R. § 1327.101 (adopting OMB guidance in 2 C.F.R. pt. 200, including 2 C.F.R. § 200.202, and giving regulatory effect to the guidance).

²⁷[GAO-21-24](#), [GAO/GGD-10.1.20](#).

objective, quantifiable, and measurable, which are also key attributes of successful performance goals we identified in prior work.²⁸

- Performance measures show the progress the agency is making in achieving performance goals. Key attributes of successful performance measures, which we identified in prior work, include reflecting the primary functions of the program and linking to strategic goals.²⁹

Information provided by performance goals and measures helps agencies track the progress they are making and gives managers critical information for making decisions about the programs they oversee.

²⁸Pub. L. No. 103-62, § 4(b), 107 Stat. 285 (1993), as enhanced by Pub. L. No. 111-352, § 3, 124 Stat. 3866, 3867 (2011) (codified at 31 U.S.C. § 1115(b)(2)). See also [GAO-21-24](#). Our past work identified six key attributes of successful performance goals that we considered applicable: (1) *strategic goals*: reflect the agency's strategic goals and mission; (2) *objective*: reasonably free of significant bias or manipulation that would distort the accurate assessment of performance, and do not allow subjective considerations to dominate; (3) *measurable and quantifiable*: include a quantifiable, numerical target level or other measurable value, and indicate specifically what should be observed, in which population or conditions, and in what time frames; (4) *results-oriented*: focus on the results the program expects to achieve, such that outcome goals should be included whenever possible. (Output goals can supplement outcome goals. Outputs are the direct products and services delivered by a program; outcomes are the results of those products and services); (5) *primary function*: reflect the primary functions of the program; (6) *crosscutting*: reflect the crosscutting nature of programs, when applicable. Goals of programs contributing to the same or similar outcomes are complementary to permit comparisons of results and identification of wasteful duplication, overlap, or fragmentation. [GGD/AIMD-10.1.18](#) and [GAO/GGD-10.1.20](#).

²⁹Our past work has identified nine key attributes of successful performance measures: (1) *linkage*: a relationship between the performance goals and measures and an agency's goals and mission; (2) *clarity*: clearly stated performance measures; (3) *measurable targets*: quantifiable, numerical targets or other measurable values that allow for easier comparison with actual performance; (4) *objectivity*: reasonably free of significant bias or manipulation that would distort the accurate assessment of performance; (5) *reliability*: likely to produce the same results if applied repeatedly to the same situation; (6) *measure core program activities*: measure the activities that an entity is expected to perform to support the intent of the program; (7) *limited overlap*: minimal overlap between different measures that provide the same information; (8) *balance*: measure the organization's various priorities; and (9) *governmentwide priorities*: a range of related performance measures to address governmentwide priorities, such as quality, timeliness, efficiency, cost of service, and outcome. GAO, *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, [GAO-03-143](#) (Washington, D.C.: Nov. 22, 2002). Recent work has used these key attributes to evaluate agencies' performance measures. See, for example, [GAO-21-24](#).

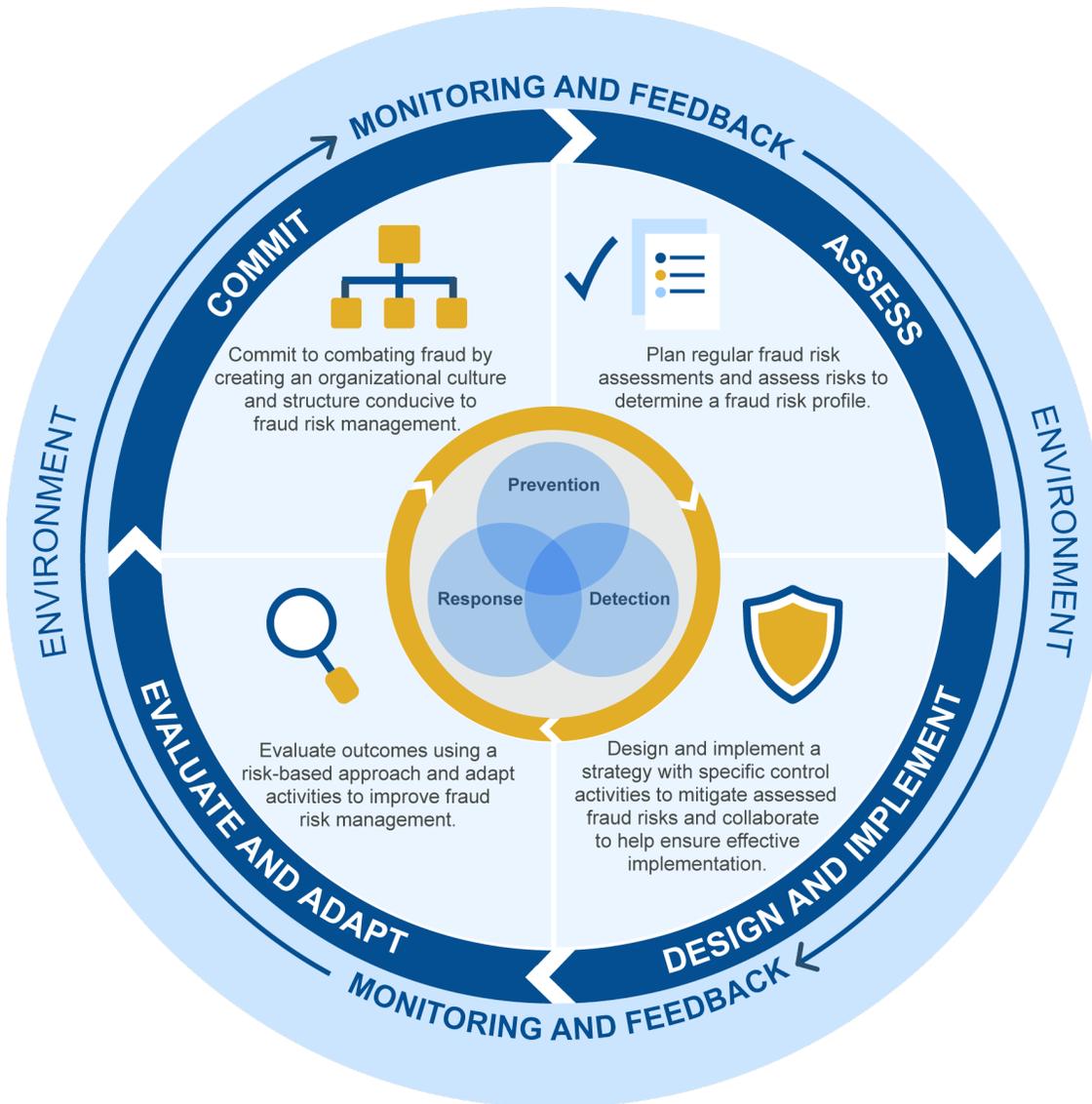
Fraud Risk Management

Fraud and fraud risk are distinct concepts. Fraud—obtaining something of value through willful misrepresentation—can be challenging to detect and adjudicate because of its deceptive nature. Fraud risk exists when individuals have an opportunity to engage in fraudulent activity, have an incentive or are under pressure to commit fraud, or are able to rationalize committing fraud. When fraud risks can be identified and mitigated, fraud may be less likely to occur. Although the occurrence of fraud indicates that there is a fraud risk, a fraud risk can exist even if actual fraud has not yet been identified or adjudicated.

Executive-branch agency managers are responsible for managing fraud risks and implementing practices for combating those risks. The objective of fraud risk management is to ensure program integrity by continuously and strategically mitigating the likelihood and effects of fraud. In July 2015, GAO issued the *Fraud Risk Framework*, which provides a comprehensive set of key components, overarching concepts, and leading practices that serve as a guide for agency managers to combat fraud in a strategic, risk-based way.³⁰ In particular, as shown in figure 2 below, the framework contains four components: (1) commit, (2) assess, (3) design and implement, and (4) evaluate and adapt.

³⁰[GAO-15-593SP](#).

Figure 2: GAO's Fraud Risk Framework



Source: GAO. | GAO-23-105426

The Fraud Reduction and Data Analytics Act of 2015, enacted in June 2016, required the Director of the Office of Management and Budget (OMB), in consultation with the Comptroller General, to establish guidelines for federal agencies to create controls to identify and assess

fraud risks and to design and implement antifraud control activities.³¹ The act further required OMB to incorporate the leading practices from the *Fraud Risk Framework* into the guidelines. Although the Fraud Reduction and Data Analytics Act of 2015 was repealed in March 2020 by the Payment Integrity Information Act of 2019, the 2020 law maintained these guidelines in effect, subject to modification by the OMB Director in consultation with the Comptroller General.³²

NTIA's Programs Generally Align with Recommended Practices for Awarding Grants Although Stakeholders Voiced Some Concerns

NTIA's Processes Generally Aligned with Recommended Practices for Awarding Grants

In comparing NTIA's grant awarding processes for TBCP and BIP to recommended practices GAO previously identified for awarding grants, we found that the two programs generally aligned with recommended practices.³³ See table 3.

³¹Pub. L. No. 114-186, § 3(a)(1), 130 Stat. 546 (2016), *repealed by* Pub. L. No. 116-117, § 3(a)(4), 134 Stat. 113, 133 (2020).

³²Pub. L. No. 116-117, § 2(a), 134 Stat. 113, 131-132 (2020), (codified at 31 U.S.C. § 3357(b)).

³³We assessed NTIA's plans and actions based on a 3-point scale of generally aligned, partially aligned, and not aligned by reviewing agency documents and conducting interviews with agency officials. Generally aligned means that NTIA met all or nearly all attributes of practice, partially aligned means NTIA met some attributes of practices, and not aligned means NTIA met no or nearly no attributes of practice.

Table 3: NTIA’s Tribal Broadband Connectivity Program (TBCP) and Broadband Infrastructure Program (BIP) Generally Aligned with Recommended Practices for Awarding Grants

Recommended Practice	TBCP	BIP
Communicate with potential applicants prior to the competition	●	●
Plan for administering the technical review	●	●
Develop a technical review panel with certain characteristics	●	●
Assess applicants’ capabilities to account for funds	●	●
Notify applicants of awards decisions	●	●
Document rationale for awards decisions	●	●

Legend: ● = Generally aligned: NTIA met all or nearly all attributes of this recommended practice. ◐ = Partially aligned: NTIA met some attributes of this recommended practice. ○ = Not aligned: NTIA met no or nearly no attributes of this recommended practice.

Source: GAO-11-283 and GAO analysis of the National Telecommunications and Information Administration’s (NTIA) guidance, documents, and official’s statements. | GAO-23-105426.

**Recommended Practice:
Communicate with Potential
Applicants Prior to the
Competition**

NTIA’s efforts to provide potential applicants information related to TBCP and BIP before and during the application period generally aligned with the recommended practice. Specifically, NTIA communicated with potential applicants before issuing the NOFOs for TBCP and BIP, provided information related to the competition through the NOFO, and provided assistance to applicants during the application period.

Communication prior to issuance of NOFO. Prior to issuing the TBCP and BIP NOFOs, NTIA officials publicized both grant programs through NTIA’s broadband-specific email list with over ten thousand subscribers as well as through direct outreach with industry and government associations, according to NTIA officials. In addition, NTIA developed a TBCP-specific outreach strategy to consult, engage, notify, and educate the tribal community. In accordance with this strategy, NTIA solicited input from tribal leaders and representatives through tribal consultations, and NTIA staff members reached out to each federally recognized tribe, according to NTIA officials.

Communication in the NOFOs. Our review of the NOFOs indicate that they incorporated key information identified in the recommended practice, corresponding attributes of practice, and related Commerce regulations and guidance. For example, the NOFOs communicated key dates, eligibility requirements, funding amounts, funding priorities, evaluation criteria, and post-award responsibilities.

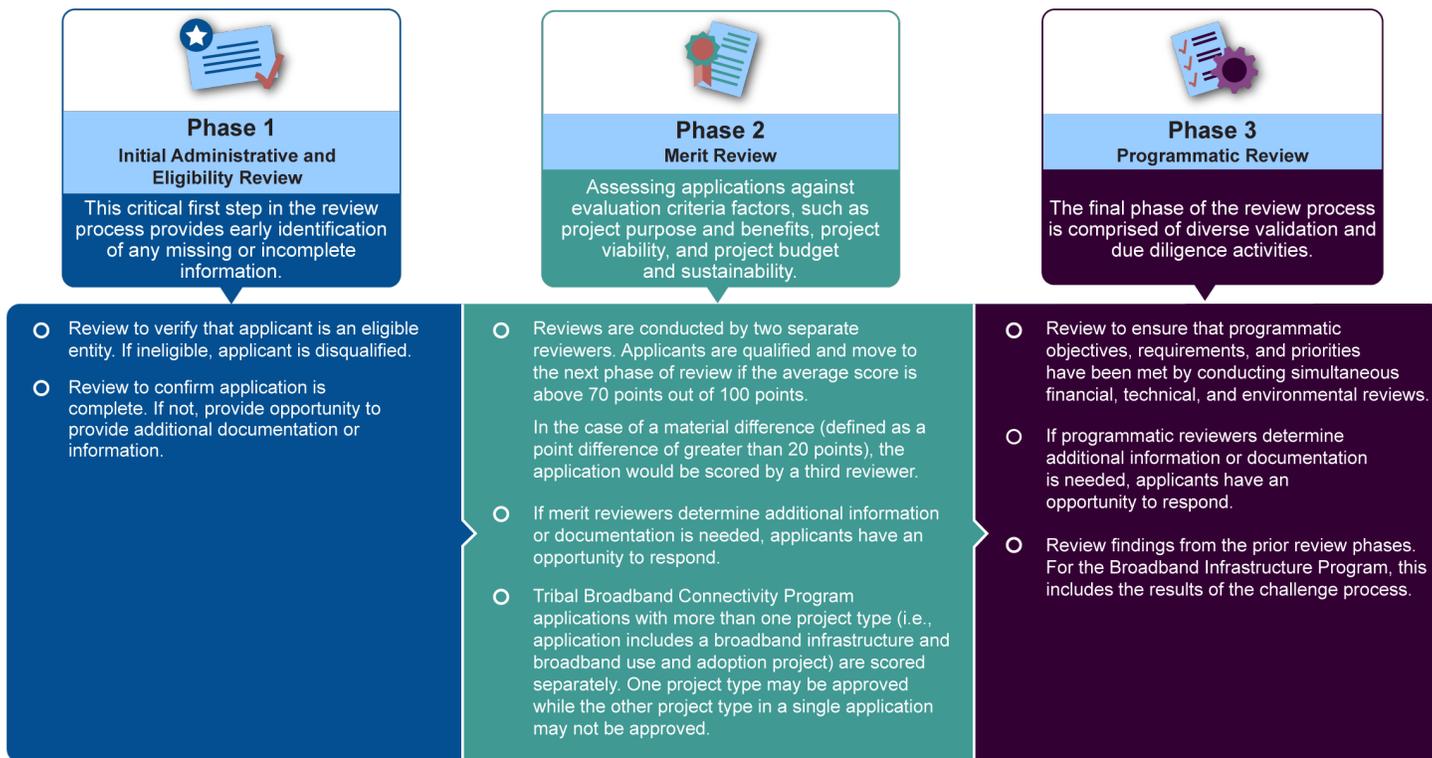
Communication during the application period. Following issuance of the NOFOs, NTIA hosted webinars, issued frequently asked questions

(FAQs) documents, provided technical assistance, and answered questions directly from applicants during the application process.

Recommended Practice: Plan for Administering the Technical Review

NTIA’s plan for administering the technical review for both programs generally aligned with the recommended practice. NTIA developed and documented a plan in alignment with the recommended practice that described the process for identifying reviewers, assigning applications to reviewers, evaluation criteria, and recording the results of the review. For each program, the technical review process occurs in three phases—initial administrative and eligibility review, merit review, and programmatic review. These phases are outlined in each programs’ NOFOs and in NTIA guidance documents for each review phase to ensure consistent review among reviewers. See figure 3 for a depiction of these review phases.

Figure 3: Phases of Technical Review Process for the Tribal Broadband Connectivity Program and the Broadband Infrastructure Program



Source: GAO analysis of the National Telecommunications and Information Administration’s guidance and documentation related to the Tribal Broadband Connectivity Program and Broadband Infrastructure Program. | GAO-23-105426

NTIA’s NOFOs for the programs described the application review process, and the guidance documents for the technical review provided instruction to reviewers on how each application would be assessed against evaluation criteria, such as the project’s purpose and benefits, viability, and budget and sustainability (see table 4).

Table 4: Tribal Broadband Connectivity Program (TBCP) and Broadband Infrastructure Program (BIP) Evaluation Criteria

Evaluation Criteria Category	Evaluation Criteria Description	TBCP Use and Adoption	TBCP Infrastructure Deployment	BIP
Project purpose and benefits	Level of impact on tribal land or in the proposed service area	☑	—	☑
	Level of need on the tribal land	—	☑	—
	Affordability of services offered	—	☑	☑
Project viability	Operational approach of the proposed project plan	☑	—	—
	Technical approach and related network planning, capacity, and/or performance	—	☑	☑
	Organizational capacity	☑	☑	☑
Project budget and sustainability	Reasonableness of the budget	☑	☑	☑
	Sustainability of the project	☑	☑	☑
	Leverage of non-federal resources	—	—	☑

Legend: ☑ = reviewers evaluated applications based on this criterion. (—) = reviewers did not evaluate applications based on this criterion.

Source: GAO analysis of the National Telecommunications and Information Administration’s guidance and documents. | GAO-23-105426

In addition to developing a plan for a three-phase technical review process, NTIA’s plan to administer the technical review process addressed three key areas: the number of merit reviewers per application, the approach for evaluating TBCP projects with more than one project type, and steps to help prevent unwanted duplication in federal funding for broadband deployment.

Number of merit reviewers. Commerce guidance requires three merit reviewers per application, but NTIA obtained a waiver from Commerce to allow for two merit reviewers per application because of concerns about having a sufficient number of qualified reviewers. According to NTIA officials, NTIA sought volunteer merit reviewers with the required expertise, availability, and willingness to take on the responsibility, and finding a sufficient number of merit reviewers who met these criteria was

challenging given NTIA's need to review hundreds of applications for multiple programs in a short, overlapping timeframe.³⁴

Evaluating applications with multiple project types (TBCP). For TBCP applications with more than one project type, NTIA applied the merit review process described above separately for each project type listed in the application. For example, if a TBCP application included both an infrastructure project and a use and adoption project, TBCP merit reviewers evaluated and scored each component independently using the same scale by applying evaluation criteria specific to the project type as described in the NOFO. All projects that met the threshold for funding proceeded in the review process. If one project in a TBCP application met the threshold for funding and one project did not meet the threshold, the project that met threshold proceeded in the review process.

Steps to help prevent unwanted duplication. The technical review process for both programs incorporated steps to help prevent unwanted duplication in federal funding for deploying broadband.

- Under an interagency agreement, NTIA coordinated with the Federal Communications Commission (FCC) and the Department of Agriculture (USDA) to share information about projects that have received or will receive funds for new broadband deployment.³⁵ According to NTIA officials, they held a bi-weekly meeting with representatives from FCC and USDA to share lists of projects they are considering awarding and receive feedback on whether the other agencies have awarded or are considering awarding projects that could be duplicative. NTIA officials told us that agencies re-scoped projects when they identified unwanted duplication.
- For TBCP, the technical review process included determining whether multiple applications proposed to serve duplicative or overlapping areas, according to NTIA officials. Duplication or overlap could arise if a tribe signed multiple consent letters or approved tribal resolutions in

³⁴In addition to establishing TBCP and BIP, the 2021 Act required the Assistant Secretary of Commerce for Communications and Information to establish the Connecting Minority Communities Pilot Program.

³⁵The interagency agreement between FCC, NTIA, and USDA requires these agencies to coordinate and share information related to existing or planned projects that have received or will receive funds for new broadband deployment from their agencies' programs. FCC and USDA also administer broadband infrastructure deployment programs. As of May 2022, FCC, NTIA, and USDA entered into a new information sharing interagency agreement that includes the Department of Treasury.

support of different applications proposing to serve the same area. In certain areas, such as Alaska, this issue arose more frequently, and some proposed service areas were associated with up to five conflicting letters of consent or resolutions, according to NTIA officials. NTIA officials told us they planned to work directly with tribes that had multiple consent letters or tribal resolutions, ask the tribe to identify the application that they would like to move forward, and re-scope the project accordingly.

- To help target BIP funds to areas lacking qualifying broadband service, NTIA implemented a “challenge process” that allowed broadband service providers to report whether there is existing service in applicants’ proposed service areas.³⁶ According to NTIA officials, NTIA worked with BIP applicants during the challenge process to de-scope a proposed project to exclude areas of overlap with existing broadband service providers.

Recommended Practice:
Develop a Technical Review
Panel with Certain
Characteristics

NTIA actions to develop review panels consisting of reviewers with relevant expertise and training for each of the three technical review phases generally aligned with the recommended practice, as described below.

Initial Administrative and Eligibility Review Phase. NTIA officials told us they coordinated with the contractor to ensure reviewers had sufficient skills in grants and financial management to conduct the initial administrative and eligibility review.

Merit Review Phase. NTIA implemented a process for selecting merit reviewers through the following multi-step process.

- NTIA staff developed lists of key experience that merit reviewers should have, with separate lists for different project types. For example, the key skills for reviewers of infrastructure deployment projects were different from the key skills for reviewers of broadband use and adoption projects. Moreover, for TBCP, NTIA evaluated whether potential reviewers had knowledge of and experience with

³⁶For BIP, the term “eligible service area” means a census block in which broadband service is not available at one or more households or businesses in the census block, as determined by the Assistant Secretary for Communications and Information on the basis of: (A) the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. § 642(c)(1)); or (B) if the maps described in subparagraph (A) are not available, the most recent information available to the Assistant Secretary including information provided by the Federal Communications Commission (FCC). 47 U.S.C. § 1705(a)(7).

tribal broadband issues and whether potential reviewers were tribal members or had a relationship with a tribal community.

- NTIA solicited unpaid volunteers through posting on NTIA’s website, emailing announcements to NTIA’s broadband-specific email list with over ten thousand subscribers and conducting outreach to individuals with relevant expertise at other federal agencies and in the private sector.
- To select merit reviewers and assign them to review particular applications, NTIA told us they formed a reviewer selection committee, composed of NTIA program staff. The committee reviewed resumes provided by potential merit reviewers to determine whether the potential merit reviewers possessed the relevant key skills. The committee also checked for potential conflicts of interest and addressed any that arose. Based on this review, the committee assigned reviewers to applications that aligned with reviewers’ skills and experience and avoided conflicts of interest.
- NTIA conducted two training sessions for merit reviewers in each program. The training provided information on roles and responsibilities, evaluation criteria, and documentation requirements for review findings. In addition, NTIA hosted follow-up training sessions for TBCP reviewers to provide additional information related to evaluating applications with planning projects against identified criteria.

Programmatic Review Phase. NTIA implemented a programmatic review phase by assigning programmatic reviewers to specific sections of each application based on their expertise. In addition, NTIA staff, with contractor support, were responsible for reviewing the findings, validating the findings, and documenting the results of the programmatic review.

**Recommended Practice:
Assess Applicants’ Capabilities
to Account for Funds**

NTIA’s efforts to conduct the technical review for TBCP and BIP generally aligned with the recommended practice. The TBCP and BIP NOFOs and reviewer guidance indicate that reviewers were to assess applicants’ capabilities to account for funds by evaluating and assessing risks posed by applicants. Specifically, reviewers were to analyze project budgets and narratives to ensure projects are sustainable and viable during each stage of the review process—Initial Administrative and Eligibility Review, Merit Review, and Programmatic Review.

Initial Administrative and Eligibility Review. Reviewers confirmed whether applications were complete and met all submission instructions

and requirements and whether the TBCP or BIP applicant was an eligible entity or covered partnership, respectively.

Merit Review. Merit reviewers evaluating applications for both programs were to assess, among other things, whether the applicants proposed budget was reasonable for the size and scope of the planned project, if the proposed programmatic solutions were appropriate in relation to the project budget, and if the applicant would have sufficient funding to implement the specific project activities outlined in the project narrative and project plan.

Programmatic Review. Programmatic reviewers for both programs were to confirm applicants' qualifications, ensure that applicants avoid potential duplication of federal broadband funding, and conduct a preliminary check that the costs outlined in the budget were allowable, a factor that the grants offices would later verify.

Recommended Practice: Notify Applicants of Awards Decisions

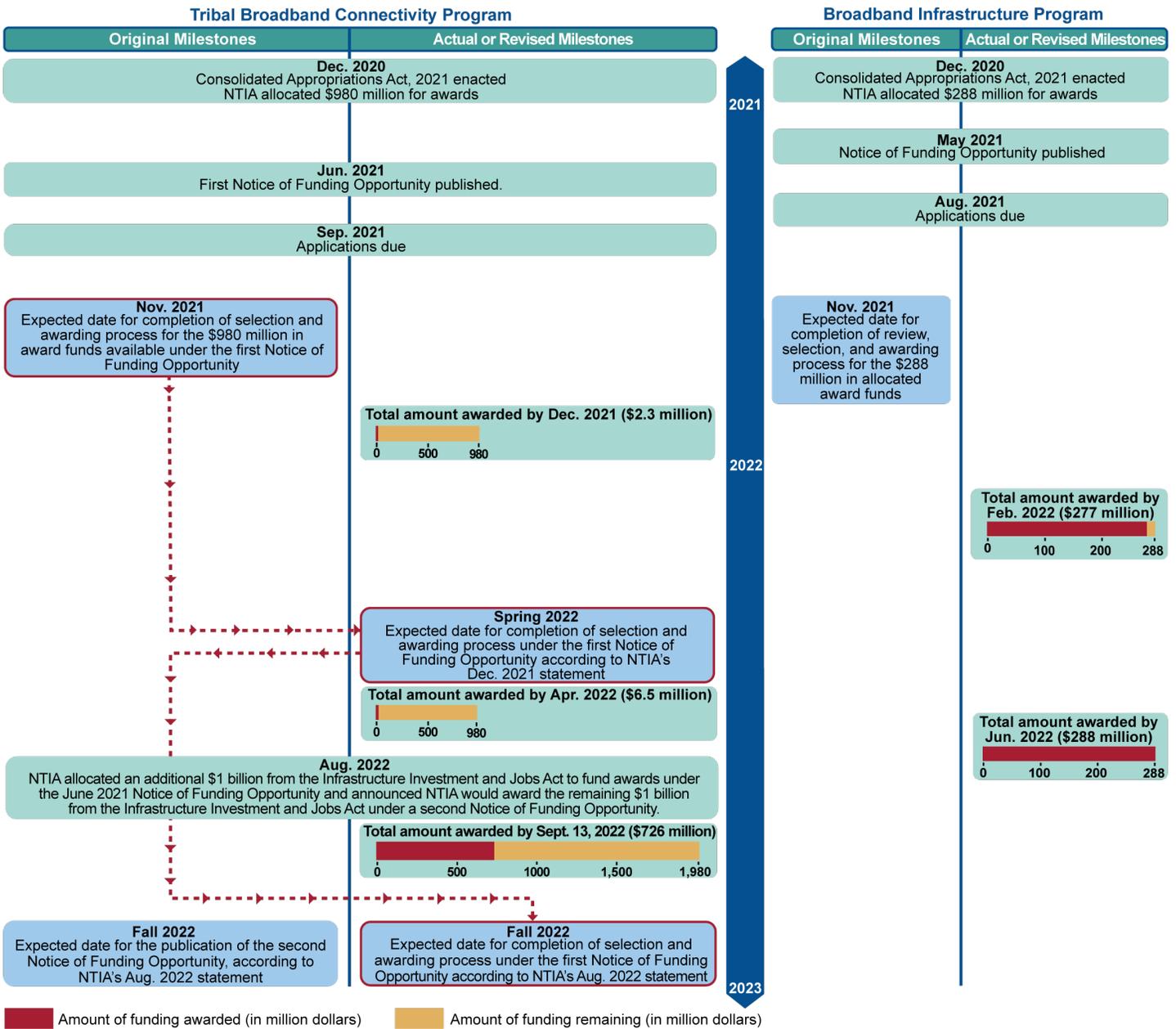
NTIA's actions to notify applicants of award decisions generally aligned with the recommended practices for notifying applicants of selection decisions in writing and providing feedback on applications to the extent allowed by Commerce guidance for grants management. NTIA notified all unsuccessful and successful BIP applicants and was continuing to notify TBCP applicants of award decisions on a rolling basis as of September 13, 2022. Commerce guidance indicates that NTIA may notify unsuccessful applicants that they were not selected for funding either after all awards for the program have been announced or after NTIA has determined which awards to recommend for further action. However, NTIA officials said they sought to notify unsuccessful TBCP applicants sooner by requesting and receiving a waiver from the Commerce's Office of Acquisition Management that allowed them to notify TBCP unsuccessful applicants earlier. This would enable unsuccessful TBCP applicants to pursue alternative funding opportunities sooner.

NTIA did not meet the 2021 Act deadlines for making award decisions for both programs. The statute requires the Assistant Secretary for Communications and Information to approve or deny applications within 90 days of receiving them.³⁷ NTIA's announced dates for making award decisions in both NOFOs were November 2021. However, NTIA began announcing TBCP awards on a rolling basis starting November 2021 and was continuing to announce awards as of September 13, 2022. BIP

³⁷47 U.S.C. § 1705(e)(2)(B)(i).

awards were mostly announced in February 2022 with a final award announced in June 2022 (see fig. 4). According to NTIA officials, the final BIP award was announced months after the others because NTIA officials worked with an applicant to re-scope a project to align the project budget with the remaining amount available for funding. During the application review process, NTIA took steps to communicate the moving timeline for announcing awards. Specifically, NTIA officials provided periodic updates on the status of award announcements through press releases announcing awards as shown in figure 4.

Figure 4: Original, Actual, and Revised Milestone Dates for the Tribal Broadband Connectivity Program and the Broadband Infrastructure Program, as of September 13, 2022



Source: GAO analysis of National Telecommunications and Information Administration (NTIA) information. | GAO-23-105426

According to NTIA officials, several factors affected their timeframes for reviewing applications and announcing awards. For both programs, NTIA received many more applications than expected. In addition, the law that created both programs also required a process that affected application review timelines. Specifically, the statute required that NTIA provide both TBCP and BIP applicants an opportunity address any defects in the application by providing additional information or documentation to clarify or support the application before denying an application.³⁸ According to NTIA officials, about 77 percent of TBCP applications required applicants to address defects in the application during the first review phase. This process delayed these applications in moving to the next review phase. In addition, for BIP, NTIA officials facilitated a challenge process allowing broadband service providers to report whether there is existing service in applicants' proposed service areas and giving applicants an opportunity to respond to the claim of existing service to revise the proposed service areas as needed.

**Recommended Practice:
Document Rationale for
Awards Decisions**

NTIA's efforts to document the results of the technical review generally aligned with the recommended practice to document rationale for awards decisions. Specifically, the TBCP and BIP NOFOs indicated that NTIA was to include the basis for selection decisions when submitting applications recommended for funding to the grant servicers, NOAA and NIST. According to Commerce guidance, NTIA was required to demonstrate that the selection process was in compliance with the procedures outlined in the NOFO and summarize the results of the technical review for TBCP and BIP.

NTIA documented the rationale for TBCP and BIP award decisions both in a memo to the NTIA Assistant Secretary recommending certain awards for funding and in a memo to NOAA and NIST, according to NTIA officials. Specifically, NTIA officials told us these memos included award decisions such as changes made to requested funding amounts. For example, if a TBCP or BIP applicant included activities or expenses in the project's budgets that are not allowable, NTIA officials might revise the budget to reflect the necessary and allowable activities or expenses.

**Stakeholders Expressed
Concerns about NTIA's
Award Process**

Although NTIA's actions in awarding grants generally aligned with recommended practices, selected stakeholders identified concerns in areas related to three recommended practices: communicating with potential applicants prior to the competition, assessing applicants'

³⁸47 U.S.C. § 1705(e)(2)(B)(ii).

capabilities to account for funds, and notifying applicants of award decisions.

Concerns related to communicating with potential applicants prior to the competition. Awardees and applicants we interviewed shared a variety of perspectives relating to NTIA's communication prior to issuing the NOFOs and during the application period.

- Three of the 12 program applicants and awardees we interviewed stated that the time between learning about the grant program and the application deadline hindered their application preparation. Although NTIA made efforts to promote the grant programs, one TBCP awardee told us they learned about the funding opportunity one week before the application deadline. This awardee said that because they had so little time to prepare the application, they submitted a proposal with a limited scope. Given more time, they would have liked to submit an application for a larger project.
- While the program NOFOs identified funding priorities, seven of the 12 program applicants and awardees we interviewed stated that they were uncertain how the funding priorities would be applied during the application review process. According to NTIA officials, their application of funding priorities aligned with the NOFO. For example, the BIP NOFO stated that NTIA would prioritize applications as set forth in the statute, with the highest priority being projects that would provide service to the greatest number of households in an eligible service area, with other priorities (e.g., cost-effectiveness) being given lower priority. When assessing BIP applications, NTIA officials told us they grouped applications by the number of households to be served and made awards to applicants starting with the greatest number of households to be served until the funding was fully allocated.
- While NTIA included sustainability in each set of evaluation criteria—TBCP broadband use and adoption, TBCP broadband infrastructure deployment, and BIP—tribal associations and three TBCP applicants and awardees we interviewed noted that they were uncertain how sustainability would be assessed during the review process for TBCP broadband use and adoption projects. For example, one TBCP awardee noted that their project intends to meet immediate needs in a variety of ways, including subsidizing broadband costs. This awardee said that because TBCP provided a one-time award rather than ongoing funding, it was unclear how that portion of the project could be considered sustainable.

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- Four of the 12 program applicants and awardees we interviewed noted that NTIA was not consistently responsive to questions about the application process. Three of these program applicants and awardees also noted that NTIA was not consistent in providing technical assistance through direct email or phone outreach. However, seven of the 12 program applicants and awardees we interviewed stated that NTIA's webinars and FAQs were helpful for addressing questions about the application process.

Concerns related to assessing applicants' capabilities to account for funds. Although we have found that NTIA's efforts to assess applicants' capabilities to account for funds generally aligned with the recommended practice, two tribal associations expressed concerns that NTIA's quick timeframe for making TBCP awards may have created some risks. An element of assessing an applicant's capability to account for funds could be ensuring that the proposed technology is a viable solution. These two tribal associations noted that tribes with limited experience and expertise in broadband may be at risk of developing projects for broadband deployment solutions that are inappropriate for their circumstance. For example, an inexperienced tribe may purchase technology that has been successfully applied to a different tribal community but that may not be a sustainable solution considering the tribe's rurality, terrain, or other considerations.

Concerns about the impact of delays in notifying applicants of awards decisions. Although NTIA took steps to communicate regarding the timing of award announcements, applicants and awardees we interviewed raised concerns about delays in the process. For example:

- One TBCP applicant and two TBCP awardees said that the delay in award announcements were likely to delay project timeframes because the supply chain situation is worsening over time. Further, according to one TBCP awardee, prices have risen since they submitted the application, and they would not be able to get the same equipment for the price outlined in the application.
- One TBCP applicant and two BIP applicants stated that the delay in communicating the award decisions complicated their processes for planning for future projects and applying to other funding opportunities. Specifically, representatives of one BIP applicant stated they decided against applying for other funding opportunities due to concerns of eligibility (e.g., duplication in project funding) should they receive a BIP award. Representatives of a TBCP applicant stated that they were delayed in providing input to their state broadband office,

which solicited the tribe's input for its state plan related to the Broadband Equity, Access, and Deployment program, because they were unsure of the scope of their TBCP project given limited feedback from NTIA at the time of the request.³⁹

- One BIP applicant stated that the delay in communicating information about the application status and reasons for non-selection undermined the applicant's relationship with private partners, which had invested tens of thousands of dollars in contributing to the application. The applicant also noted that maintaining good relationships will be essential if other programs, such as the Broadband Equity, Access, and Deployment program, are to be successful.

NTIA Developed Some Performance Goals and Measures That Partially Aligned with Key Attributes

NTIA Established Some Performance Goals and Measures

NTIA developed an initial performance goal and measure for each program. Specifically, the Department of Commerce established the Joint Agency Priority Goal Action Plan with the U.S. Department of Agriculture for the first quarter of the fiscal year 2022 to coordinate joint actions to increase household access to affordable, reliable, high-speed internet service. In this plan, under Commerce, NTIA identified a single performance goal for each program, along with an associated performance measure.⁴⁰ See table 5 below.

³⁹The Broadband Equity, Access, and Deployment (BEAD) Program, provides \$42.45 billion to expand high-speed internet access by funding planning, infrastructure deployment and adoption programs in all 50 states, Washington D.C., Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

⁴⁰Department of Commerce and Department of Agriculture, *Joint Agency Priority Goal Action Plan, FY 22-Q1*.

Table 5: Performance Goal and Associated Performance Measures for the National Telecommunications and Information Administration’s (NTIA) Tribal Broadband Connectivity and Broadband Infrastructure Programs

	Performance Goal	Performance Measure
Tribal Broadband Connectivity Program	By 9/30/23, fund projects, which, when completed, will provide at least 200,000 tribal households with reliable and affordable access to broadband service.	Number of tribal households with access to broadband service.
Broadband Infrastructure Program	By 9/30/23, fund projects, which, when completed, will provide at least 130,000 households in unserved areas (less than 25 megabits per second (Mbps) download and 3 Mbps upload) with affordable broadband service through the Broadband Infrastructure Program.	Number of unserved households with access to broadband service.

Source: GAO review of Department of Commerce and U.S. Department of Agriculture documentation and interview with NTIA officials. | GAO-23-105426

NTIA developed these performance goals and associated measures using information from applications on the number of households projects would serve. Specifically, for TBCP, NTIA officials told us the numeric target of 200,000 households was an estimate based on projects in submitted applications that NTIA had reviewed and believed to be fundable, and NTIA officials told us they planned to update the numeric target after announcing additional awards. For BIP, NTIA officials told us the numeric target of 130,000 households was the total, rounded, number of households to be served by awarded projects. After the BIP performance goal was created, NTIA announced one more award, so the number of households associated with the proposed project were not reflected in the performance goal. See figure 5 for a depiction of how the individual project plans relate to NTIA’s performance goal.

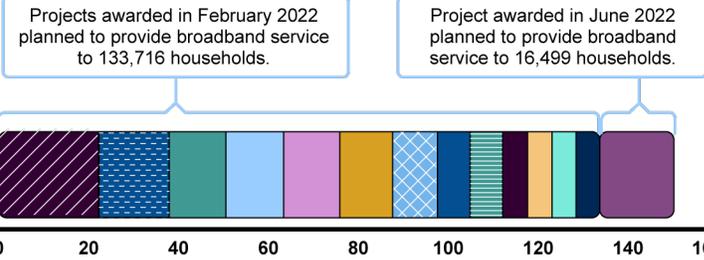
Figure 5: National Telecommunications and Information Administration (NTIA) Established the Broadband Infrastructure Program (BIP) Performance Goal Based on Project-Level Award Information

Broadband Infrastructure Program performance goal

By September 30, 2023, fund projects, which, when completed, will provide at least 130,000 households in unserved areas (less than 25 megabits per second (Mbps) download and 3 Mbps upload) with affordable broadband service.



Project-level: Number of households to be served per award (in thousands)



Broadband Infrastructure Program Awardees

Source: GAO review of Department of Commerce and U.S. Department of Agriculture documentation and interviews with NTIA officials. | GAO-23-105426

Note: In September 2022, NTIA officials told us that the scope of several BIP projects would be adjusted to avoid duplication of efforts, a process that will reduce the number of households served by BIP projects.

NTIA’s Performance Goals and Measures Partially Aligned with Key Attributes

We determined that NTIA’s performance goals and measures for both programs aligned with some but not all of the key attributes of successful performance goals and measures we reviewed. We selected key attributes that applied to both performance goals and measures (see table 6) and compared NTIA’s performance goals and measures for TBCP and BIP against them (see table 7).

Table 6: Selected Key Attributes of Successful Performance Goals and Measures

Key Attribute	Performance goal and measure definition
Objective	Goals and measures are reasonably free of significant bias or manipulation, indicates what is to be observed—in which population or conditions, and in what timeframe—and is free of opinion and judgment.
Measurable and quantifiable	Goals and measures include a quantifiable, numerical target or other value and indicates specifically what should be observed, in which population or conditions, and in what time frames.
Primary function	Goals and measures reflect the program’s primary functions or the activities that an entity is expected to perform to support the intent of the program.
Linkage	Goals and measures reflect the agency’s strategic goals.

Source: GAO review of GAO-21-24, GGD/AIMD-10.1.18, and GGD-10.1.20. | GAO-23-105426

As shown in table 7, NTIA’s performance goals and measures for TBCP aligned with two of the four selected key attributes for successful performance goals and measures, and NTIA’s performance goals and measures for BIP aligned with three of the four key attributes for successful performance goals and measures.

Table 7: The National Telecommunications and Information Administration’s Performance Goals and Measures Compared with Selected Key Attributes of Successful Performance Goals and Measures

Program	Performance goal and measure	Assessment against key attributes of successful performance goals and measures
Tribal Broadband Connectivity Program	<p>Goal: By 9/30/23, fund projects, which, when completed, will provide at least 200,000 tribal households with reliable and affordable access to broadband service.</p> <p>Measure: Number of tribal households with access to broadband service.</p>	<p>Objective: ✓ The performance goal and measure reflect what is to be observed without significant bias or manipulation.</p> <p>Primary function: ✗ The performance goal and measure do not reflect the primary function of the program, funding broadband use and adoption projects.</p> <p>Measurable and quantifiable: ✗ The performance measure aligns with the attribute; however, the goal includes terms “reliable” and “affordable” that are not measurable and quantifiable as stated.</p> <p>Linkage: ✓ The performance goal and measure reflect Commerce and NTIA goals to expand access to broadband and digital opportunities.</p>

Program	Performance goal and measure	Assessment against key attributes of successful performance goals and measures
Broadband Infrastructure Program	<p>Goal: By 9/30/23, fund projects, which, when completed, will provide at least 130,000 households in unserved areas (less than 25 megabits per second (Mbps) download and 3 Mbps upload) with affordable broadband service through the Broadband Infrastructure Program.</p> <p>Measure: Number of unserved households with access to broadband service</p>	<p>Objective: ✓ The performance goal and measure reflect what is to be observed without significant bias or manipulation.</p> <p>Primary function: ✓ The performance goal and measure reflects the primary function of the program.</p> <p>Measurable and quantifiable: ✗ The performance measure aligns with the attribute; however, the goal includes the term “affordable” which is not measurable and quantifiable as stated.</p> <p>Linkage: ✓ The performance goal and measure reflect Commerce and NTIA goals to expand access to broadband and digital opportunities.</p>

✓ indicates goal and measure fully aligned with key attribute

✗ indicates goal and measure did not fully align with key attribute, in which some or all aspects were not met

Source: GAO analysis of Department of Commerce and U.S. Department of Agriculture documentation. | GAO-23-105426

TBCP performance goal and measure. NTIA’s performance goal and associated measure for TBCP did not fully align with all of the attributes of successful performance goals and measures we evaluated. Specifically, the goal and measure reflected only one of the program’s primary functions or purposes—funding broadband infrastructure deployment projects—and did not address TBCP’s other stated purpose—funding broadband use and adoption projects. In addition, although the performance measure was measurable and quantifiable, the goal includes the terms reliable and affordable, which are not measurable and quantifiable as stated. According to NTIA officials, developing achievable performance goals and measures for broadband use and adoption projects was challenging to do before awards were determined because of the wide range of potential activities that could be funded, such as for digital literacy training or telehealth resources. However, without performance goals and associated measures for broadband use and adoption projects, and without performance goals that include definitions of reliability and affordability, NTIA will be unable to fully assess or communicate the effectiveness of the program in meeting its strategic and intended goals.

In addition, Commerce grant regulations require NTIA to develop performance goals during the program planning and design phase, not after it receives applications or awards grants, which are to inform

performance measures.⁴¹ When asked about these regulations, NTIA officials said that they believed they met this requirement by identifying during program planning the goal of providing affordable, reliable broadband access to as many unserved households as possible. They also said that they plan to develop more specific measures based on the data that would be provided by awardees on what they intended to do. However, by not establishing performance goals and measures for all aspects of the program prior to awarding grants, NTIA was unable to consider those goals and measures in its project selection decisions, and therefore risked awarding grants that may contribute less to the program's overall performance than other grant awards the agency could have made. Furthermore, by basing the performance goal and measure only on the initial applicants that were deemed fundable in the first round of funding, the agency lacks goals and measures that will reflect the next round of funding, and thus the performance of the program as a whole.

BIP performance goal and measure. The BIP performance goal and associated measure reflected the program's primary function or purpose—to fund broadband infrastructure deployment to reach the greatest number of households. However, as with NTIA's performance goal for TBCP, the BIP performance goal includes the term affordability, which is not measurable or quantifiable as stated. Without fully measurable and quantifiable performance goals, NTIA will be unable to determine if the broadband services provided under the program also meet the performance goal of being affordable. As of August 2022, NTIA officials said they were in the process of developing more goals and measures for BIP. However, this is not consistent with the agency's regulations as noted above.

⁴¹2 C.F.R. § 1327.101 (adopting OMB guidance in 2 C.F.R. pt. 200, including 2 C.F.R. § 200.202, and giving regulatory effect to the guidance).

NTIA’s Fraud Risk Management Activities Did Not Fully Align with Selected Leading Practices

NTIA Has Not Designated a Dedicated Entity to Lead Fraud Risk Management Activities

NTIA has not designated a dedicated entity to lead fraud risk management activities for TBCP or BIP. Instead, NTIA officials and Commerce officials identified seven offices with roles in programmatic and financial oversight for TBCP and BIP, as shown in table 8. These officials outlined specific steps they take to perform oversight of the program, but they confirmed that neither NTIA nor Commerce has a single entity that is responsible for leading fraud risk management activities for these programs. According to NTIA officials, they took a similar approach for the last broadband program they administered, and they believe that the approach is appropriate and sufficient.

Table 8: Department of Commerce (Commerce) and National Telecommunications Information Administration (NTIA) Offices with Roles for the Tribal Broadband Connectivity Program and the Broadband Infrastructure Program

Office	Role
NTIA—Office of Internet Connectivity and Growth (OICG)	<ul style="list-style-type: none"> Oversees awardee compliance—provides guidance and training to awardees, assists awardees with implementing projects and staying on schedule, responds to awardees’ program-related questions
NTIA—Office of Policy Coordination and Management	<ul style="list-style-type: none"> Certifies funds are available for awards Works with OICG as funds are obligated to track disbursement of funds
NTIA—Office of the Chief Counsel	<ul style="list-style-type: none"> Provides legal services to OICG, including legal support related to potential fraud
Commerce—National Oceanic and Atmospheric Administration	<ul style="list-style-type: none"> Per interagency agreement with NTIA, conducts pre-award risk-assessments for each potential Tribal Broadband Connectivity Program (TBCP) awardee Per interagency agreement with NTIA, oversees TBCP awardees’ expenditures
Commerce—National Institute of Standards and Technology	<ul style="list-style-type: none"> Per interagency agreement with NTIA, conducts pre-award risk-assessments for each potential Broadband Infrastructure Program (BIP) awardee Per interagency agreement with NTIA, oversees BIP awardees’ expenditures
Commerce—Office of the Inspector General, Office of Audit and Evaluation	<ul style="list-style-type: none"> Reviews NTIA administration of programs and, per statutory requirement, includes in its reports reviewing TBCP and BIP grants awarded recommendations to address waste, fraud, and abuse, if any^a
Commerce—Office of the Inspector General, Office of Investigations	<ul style="list-style-type: none"> Receives calls to the hotline and determines what next steps, if any, should be taken

Source: Commerce and NTIA information. | GAO-23-105426

^a47 U.S.C. § 1705(f)(2).

According to the *Fraud Risk Framework*, a leading practice for managing fraud risks is to designate an entity to design and oversee fraud risk management activities.⁴² This dedicated entity should understand the program and its operations and have defined responsibilities and the necessary authority within the program. NTIA officials told us that TBCP and BIP are relatively new and that, based on oversight conducted so far, there have been no indications of fraud in either program. However, the *Fraud Risk Framework* focuses on preventive activities, which generally offer the most cost-efficient use of resources. This focus on prevention can help an agency avoid a costly and inefficient “pay-and-chase” model, which refers to the practice of detecting fraudulent transactions and recovering funds after fraudulent payments have been made.

NTIA Has Taken Some Steps to Identify and Manage Fraud Risks but Has Not Comprehensively Assessed Them

NTIA has not comprehensively identified and assessed fraud risks in the programs through a fraud risk assessment. A fraud risk assessment involves five leading practices identified by the *Fraud Risk Framework*, as listed in figure 6 below.⁴³

⁴²See GAO’s *Fraud Risk Framework* overarching concept “Create a Structure with a Dedicated Entity to Lead Fraud Risk Management Activities” in [GAO-15-593SP](#).

⁴³[GAO-15-593SP](#).

Figure 6: Leading Practices for the Dedicated Lead Entity to Take in Conducting a Fraud Risk Assessment

2.2 Identify and assess risks to determine the program's fraud risk profile	
	Identify inherent fraud risks affecting the program.
	Assess the likelihood and impact of inherent fraud risks. <ul style="list-style-type: none">Involve qualified specialists, such as statisticians and subject-matter experts, to contribute expertise and guidance when employing techniques like analyzing statistically valid samples to estimate fraud losses and frequency.Consider the non-financial impact of fraud risks, including impact on reputation and compliance with laws, regulations, and standards.
	Determine fraud risk tolerance.
	Examine the suitability of existing fraud controls and prioritize residual fraud risks.
	Document the program's fraud risk profile.

Source: GAO-15-593SP. | GAO-23-105426

Identifying fraud risks and strategically managing those risks through a comprehensive fraud risk assessment is especially important to ensure that more than \$3 billion of grants from TBCP and BIP are spent efficiently and effectively. Fraud poses a significant risk to the integrity of federal programs and erodes public trust in government.

NTIA took some steps related to the first element of a fraud risk assessment—identifying inherent fraud risks that affect the program. Specifically, NTIA officials identified two fraud risks that apply to both programs—awardees not having proper financial controls in place and awardees not understanding allowable uses of the funds under the programs. NTIA officials identified these risks based on NTIA's experience administering a broadband grant program between 2009 and 2020. However, NTIA did not fully conform to the leading practice of having a dedicated lead entity comprehensively identify the inherent fraud risks as part of a fraud risk assessment. Industry associations, applicants, and awardees we interviewed identified concerns related to additional fraud risks.

- Two tribal broadband industry groups, a broadband industry group, one TBCP awardee, and a TBCP applicant noted that applicants and awardees with little industry experience or technological expertise

may be at risk of contracting with unreliable, inexperienced, or bad-faith vendors.

- One tribal broadband industry group and a BIP awardee pointed to fraud in other federal broadband programs such as FCC's High Cost program and NTIA's Broadband Technology Opportunities Program.
- One BIP applicant told us that because of the short application timeframe, applicants may have only one or two viable options for partnerships. This short application timeframe may not result in the most cost-effective choices and may give bad actors more leverage to take advantage of awardees.

In addition, NTIA's efforts did not align with the remaining leading practices for assessing fraud risks—assessing the likelihood and impact of inherent fraud risks, determining fraud risk tolerance, examining the suitability of fraud controls, or documenting the fraud risk profile for TBCP and BIP.

Although NTIA has not conducted a comprehensive fraud risk assessment, it has created some controls—both pre-award and post-award—that could help manage fraud risks. In the pre-award phase, the grant-servicing agencies, NOAA and NIST, check applicants that passed programmatic review for certain fraud risks such as prior misconduct, performance issues with other federal contracts, and debt. Following the award announcement, NTIA conducts a variety of oversight and other post-award activities that may help manage fraud risks. For example, NTIA created post-award risk assessment and monitoring plans for each program, whereby NTIA staff will identify risks associated with each awardee's ability to complete the project. The risk assessment, based on information such as organizational capacity, will determine the level of monitoring each awardee will need. In addition, NTIA provides each awardee with a mandatory training; assigns each awardee a program officer to monitor projects through desk reviews, site visits, and other activities; and provides an awardee handbook that includes information on reporting potential fraud, waste, and abuse. According to NTIA officials, they believe that their current approach, which includes assessing risk at the awardee level, is sufficient because any failures would happen at the awardee level.

While NTIA's pre- and post-award controls may help manage some fraud risks, without a fraud risk assessment that includes the five leading practices—identify inherent fraud risks, assess the likelihood and impact of these risks, determine fraud risk tolerance, examine the suitability of

existing fraud controls and prioritize residual fraud risks, and document the program's fraud risk profile—NTIA cannot ensure that its controls appropriately address the risks of fraud in TBCP and BIP, and therefore is limited in its ability to fully manage its fraud risks. Fraud risk management is particularly important as these programs evolve and federal funding for broadband increases because the potential for fraud also increases.

Conclusions

The digital divide has proven difficult to close. TBCP and BIP provided NTIA with billions of dollars to help. Although stakeholders identified concerns related to NTIA's award process, NTIA's process generally aligned with recommended practices. However, NTIA's current performance goals and measures will not tell the whole story of whether these programs succeed. In TBCP, NTIA does not have a performance goal or measure for funding broadband use and adoption projects on tribal lands—a stated program purpose. NTIA also has no way of measuring if the broadband deployed under TBCP is reliable and affordable even though it established those as goals of the program. Similarly, NTIA established affordability as a goal for broadband deployed under BIP but does not have a way of measuring affordability. NTIA officials said that they are still developing performance goals and measures for the programs, but without more complete goals and measures, the extent to which these two important grant programs, totaling billions of dollars, succeed will be unclear. As NTIA prepares for the next round of funding for the TBCP program, establishing clear goals and measures that reflect all of the program's purposes prior to receiving applications and making award decisions would help NTIA ensure that it is making award decisions that consider those goals and measures.

In addition, although NTIA has taken some steps to identify fraud risks, NTIA's actions did not align with leading practices for fraud risk management in two key ways. First, NTIA has not designated a dedicated entity to lead its fraud risk management efforts. Instead, NTIA has several offices with different responsibilities associated with TBCP and BIP oversight without a clearly designated entity leading these efforts. Leading practices indicate that one entity should lead efforts to identify and manage fraud risks. Second, NTIA has not conducted fraud risk assessments for TBCP or BIP, as called for by leading practices. Without designating an entity to oversee fraud risk management activities and conducting a fraud risk assessment, NTIA lacks assurance that its controls are mitigating fraud risks in TBCP and BIP and that it is sufficiently positioned to combat fraud in the programs.

Recommendations for Executive Action

We are making the following 15 recommendations to NTIA:

For TBCP, the Administrator of NTIA should establish performance goals and measures for all of the program's purposes—funding broadband use and adoption projects as well as funding broadband infrastructure deployment projects. (Recommendation 1)

For TBCP, the Administrator of NTIA should ensure the performance goal is quantifiable and measurable by defining broadband reliability and affordability. (Recommendation 2)

For TBCP, the Administrator of NTIA should designate a dedicated entity to lead fraud risk management activities for the program. (Recommendation 3)

For TBCP, the Administrator of NTIA should ensure that the dedicated entity identifies inherent fraud risks in the program. (Recommendation 4)

For TBCP, the Administrator of NTIA should ensure that the dedicated entity assesses the likelihood and impact of inherent fraud risks in the program. (Recommendation 5)

For TBCP, the Administrator of NTIA should ensure that the dedicated entity determines fraud risk tolerance for the program. (Recommendation 6)

For TBCP, the Administrator of NTIA should ensure that the dedicated entity examines the suitability of existing antifraud controls in the program and prioritizes residual fraud risks. (Recommendation 7)

For TBCP, the Administrator of NTIA should ensure that the dedicated entity documents the fraud risk profile for the program. (Recommendation 8)

For BIP, the Administrator of NTIA should ensure the performance goal is quantifiable and measurable by defining broadband affordability. (Recommendation 9)

For BIP, the Administrator of NTIA should designate a dedicated entity to lead fraud risk management activities for the program. (Recommendation 10)

For BIP, the Administrator of NTIA should ensure that the dedicated entity identifies inherent fraud risks in the program. (Recommendation 11)

For BIP, the Administrator of NTIA should ensure that the dedicated entity assesses the likelihood and impact of inherent fraud risks in the program. (Recommendation 12)

For BIP, the Administrator of NTIA should ensure that the dedicated entity determines fraud risk tolerance for the program. (Recommendation 13)

For BIP, the Administrator of NTIA should ensure that the dedicated entity examines the suitability of existing antifraud controls in the program and prioritizes residual fraud risks. (Recommendation 14)

For BIP, the Administrator of NTIA should ensure that the dedicated entity documents the fraud risk profile for the program. (Recommendation 15)

Agency Comments

We provided a draft of this report to NTIA for review and comment. In its comments, reproduced in appendix IV, NTIA agreed with our recommendations and described its actions to implement them.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Commerce, and other interested parties. In addition, the report will be available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-2834 or vonaha@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs are on the last page of this report. GAO staff who made key contributions to this report are listed in appendix V.



Andrew Von Ah
Director
Physical Infrastructure Issues

Appendix I: Applicable Definitions of Tribal Lands and Eligible Entities

There are various definitions of tribal lands, but the Federal Communications Commission defines tribal lands as (1) Joint Use Areas; (2) legal federally recognized American Indian areas consisting of reservation and associated off-reservation trust land; (3) legal federally recognized American Indian areas consisting of reservation only; (4) legal federally recognized American Indian areas consisting of off-reservation trust land only; (5) statistical American Indian areas defined for a federally recognized tribe that does not have reservation or off-reservation trust land, specifically a Tribal Designated Statistical Area or Oklahoma Tribal Statistical Area; (6) Alaskan Native village statistical areas; and (7) Hawaiian Home Lands established by the Hawaiian Homes Commission Act of 1921.¹

However, the Consolidated Appropriations Act, 2021, which established the Tribal Broadband Connectivity Program (TBCP), contained a different definition of tribal land for the purposes of TBCP grants. Specifically, it defined tribal lands as (1) any land located within the boundaries of an Indian reservation, pueblo, or rancharia or a former reservation within Oklahoma; (2) any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, the title to which is held in trust by the United States for the benefit of an Indian tribe or an individual Indian; by an Indian tribe or an individual Indian, subject to restrictions against alienation under the laws of the United States; or by a dependent Indian community; (3) any land located within a region established pursuant to the Alaska Native Claims Settlement Act; (4) Hawaiian Home Lands; or (5) those areas or communities designated by the Assistant Secretary of Indian Affairs that are near, adjacent, or contiguous to reservations where financial assistance and social service programs are provided to Indians because of their status as Indians.²

The Consolidated Appropriations Act, 2021, also defined the entities eligible for TBCP as: (i) a tribal government; (ii) a tribal college or university; (iii) the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, including Native Hawaiian Education Programs; (iv) a tribal organization; or (v) a corporation established pursuant to the Alaska Native Claims Settlement Act.³

¹See 33 FCC Rcd 1660 (2018).

²47 U.S.C. § 1705(a)(13).

³47 U.S.C. § 1705(a)(8).

Appendix II: List of Organizations Interviewed

Table 9: List of Stakeholders Interviewed

Tribal Broadband Connectivity Program applicants and awardees

Alabama-Coushatta Tribe of Texas
 Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
 Kawerak
 Ketchikan Indian Community
 Pinoleville Pomo Nation, California
 Pueblo of Taos, New Mexico

Broadband Infrastructure Program applicants and awardees

Acadiana Planning Commission
 Bingham County
 Illinois Department of Commerce and Economic Opportunity
 Mississippi Public Utilities
 Roscommon County
 Scott County Fiscal Court

Tribal associations, public sector association, telecommunications service provider, and industry associations

AMERIND
 National Association of Counties (NACO)
 National Tribal Telecommunications Association
 Pacific Dataport
 The Rural Broadband Association
 Wireless Internet Service Providers Association (WISPA)

Federal stakeholders

Commerce IG
 National Institute of Standards and Technology
 National Telecommunications and Information Association
 National Oceanic and Atmospheric Administration

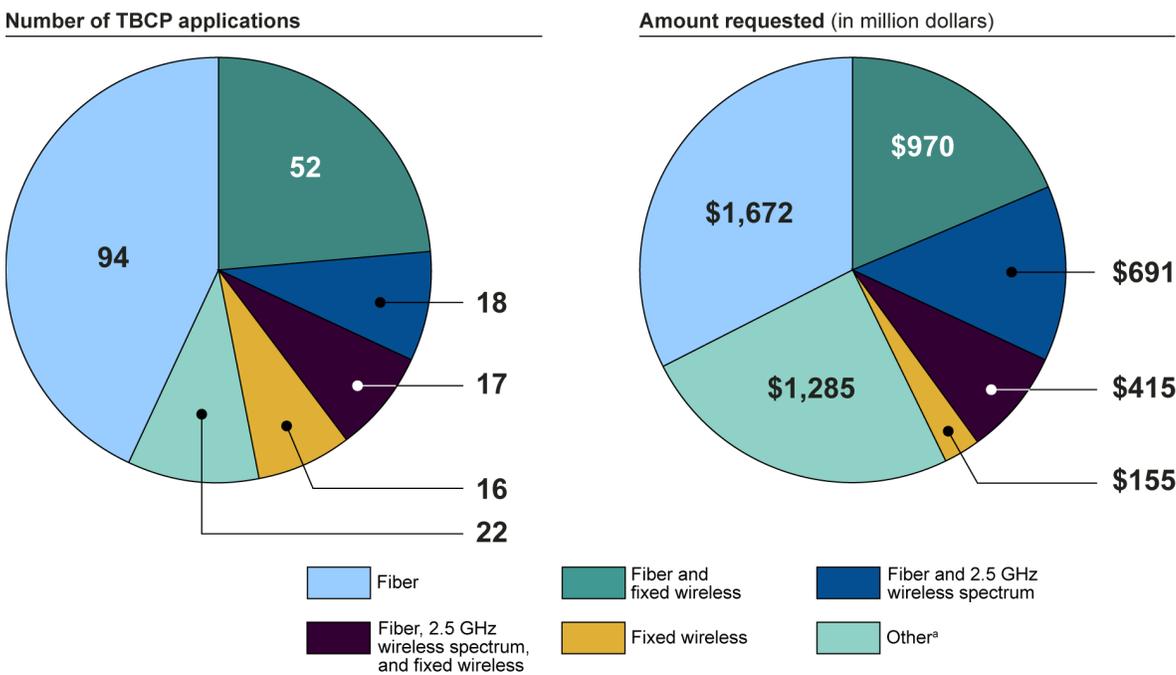
Source: GAO. | GAO-23-105426

Appendix III: Additional Information on Applicants and Awardees

Application Data for the Tribal Broadband Connectivity Program

Of the 301 Tribal Broadband Connectivity Program (TBCP) applications NTIA received, 243 included a broadband infrastructure deployment project. As of March 2022, when NTIA provided us these data, 13 of these applications for infrastructure projects lacked data on proposed technology because NTIA had not yet completed its review of the applications, so we excluded these from the following analysis. The 230 remaining applications that included an infrastructure project requested a total of \$5.2 billion for the infrastructure portion of the project.¹ The applications proposed infrastructure projects with a broad range of technologies. Fiber-only projects were most common, with fiber and fixed wireless being second most common. See figure 7 for additional detail.

Figure 7: Proposed Technologies in Tribal Broadband Connectivity Program’s Broadband Infrastructure Deployment Applications by Number and Amount Requested, as of March 2022



Source: GAO analysis of NTIA data. | GAO-23-105426

Note: We excluded 13 records that included broadband infrastructure deployment as an application purpose but did not specify the technology type.

^a“Other” includes various combinations of satellite (GEO); satellite (LEO); cable; cellular; DSL; and other (for example, microwave and public Wi-Fi).

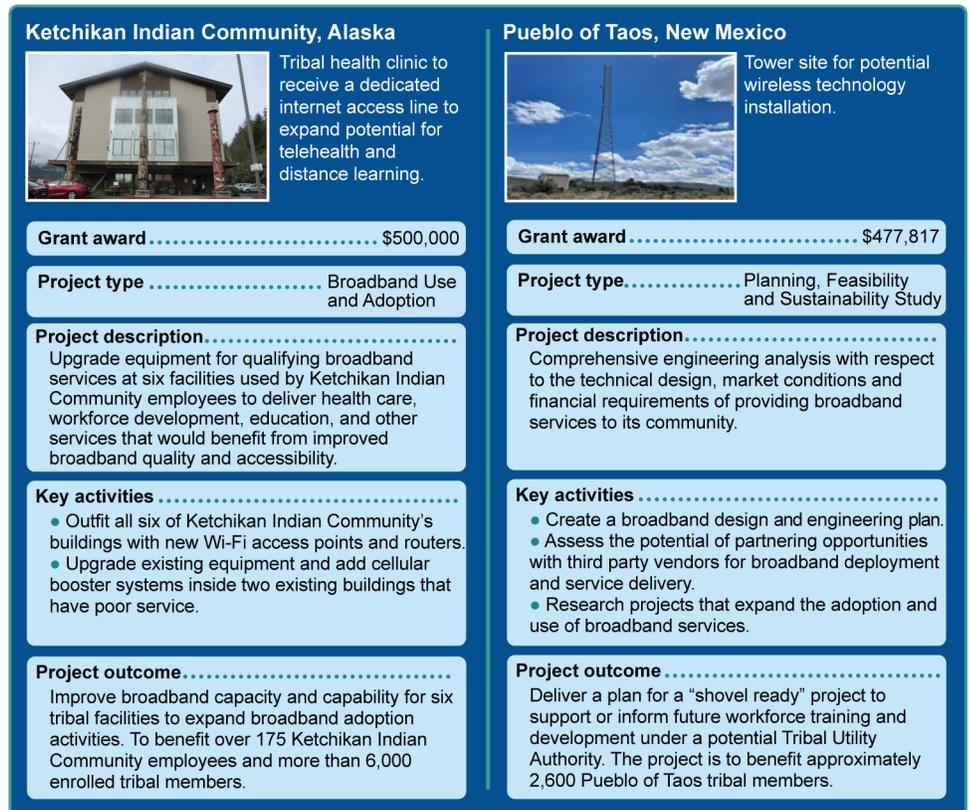
¹NTIA TBCP applicant data included two separate fields for amount requested—Infrastructure/Planning Requested and Broadband Use and Adoption Requested.

Almost one quarter (51 of 230) of these applications involved 2.5 GHz Wireless Spectrum, for which some tribes were able to obtain a license during FCC's Rural Tribal Window, which closed in September 2020. Of these 51 applications that involved 2.5 GHz Wireless Spectrum, 44 involved some combination of other technologies such as fiber, fixed wireless, satellite, and cellular. Seven involved only 2.5 GHz Wireless Spectrum.

Of the 243 TBCP applications that involved an infrastructure deployment project, 12 applications lacked data on whether the proposed projects included last-mile infrastructure or middle-mile infrastructure or both because NTIA had not yet completed its review when it provided the data in March 2022. Accordingly, we excluded these 12 applications from our analysis. Of the remaining 231 applications, 59 percent (136 of 231) included both last-mile and middle-mile infrastructure. Projects with only last-mile infrastructure accounted for 37 percent (86 of 231), and projects with only middle-mile infrastructure accounted for 4 percent (9 of 231).

Examples of the Tribal Broadband Connectivity Program's Awards

Figure 8: Examples of the Tribal Broadband Connectivity Program's Awards



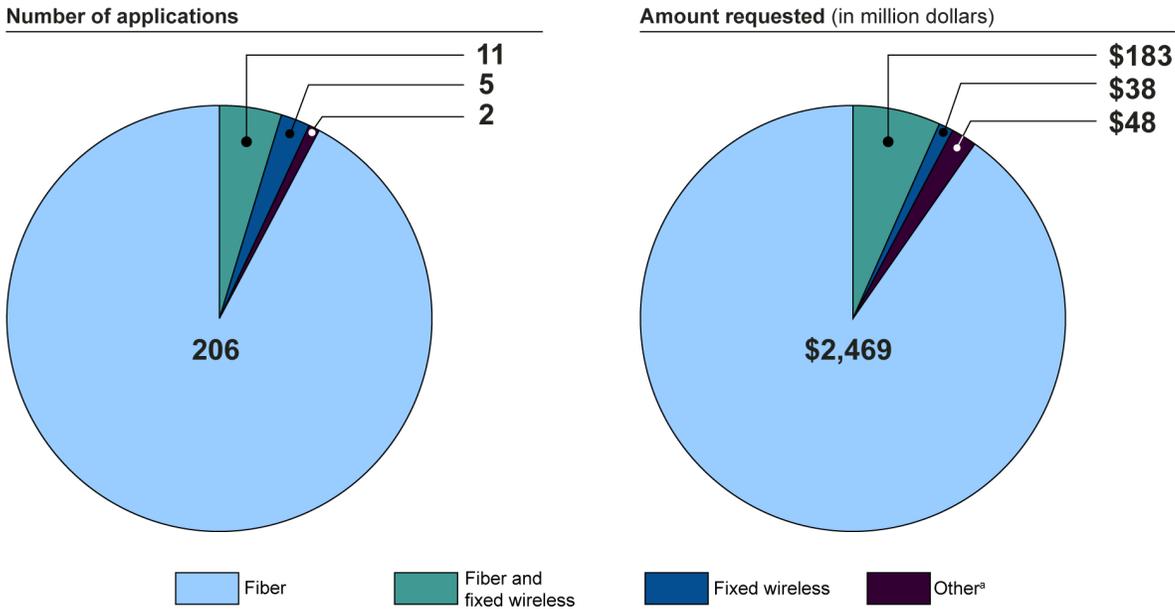
Source: GAO analysis of National Telecommunications and Information Administration (NTIA) documentation. Images; Left: Ketchikan Indian Community, Alaska, Right: GAO. | GAO-23-105426

Application Data for the Broadband Infrastructure Program

Applications for the Broadband Infrastructure Program (BIP) reflected the preference for fiber stated in the Notice of Funding Opportunity. Of the 224 BIP applications that included information on proposed technology, 92 percent (206 of 224) were fiber only. The rest included some combination of fiber, fixed wireless, and cable. See figure 9 below for additional detail.

Appendix III: Additional Information on Applicants and Awardees

Figure 9: Proposed Technologies in the Broadband Infrastructure Program’s Applications by Number and Amount Requested, as of March 2022



Source: GAO analysis of NTIA data. | GAO-23-105426

^a“Other” includes two combinations: (1) fiber and cable and (2) fiber, fixed wireless, and cable.

Of these 224 applications, 72 percent (162 of 224) were for last-mile infrastructure only. Another 23 percent (52 of 224) were for last-mile and middle-mile infrastructure. The remaining 4 percent (10 of 224) were for middle-mile infrastructure only.

Examples of the Broadband Infrastructure Program's Awards

Figure 10: Examples of the Broadband Infrastructure Program's Awards



Source: GAO analysis of National Telecommunications and Information Administration (NTIA) documentation. Images: Left: Scott County Fiscal Court, Kentucky, Right: Uplink. | GAO-23-105426

Appendix IV: Comments from the Department of Commerce



UNITED STATES DEPARTMENT OF COMMERCE
Office of the Chief Financial Officer and
Assistant Secretary for Administration
Washington, D.C. 20230

January 10, 2023

Mr. Andrew Von Ah
Director, Physical Infrastructure Issues
U.S. Government Accountability Office
441 G Street NW
Washington, DC 20548

Dear Mr. Von Ah:

Thank you for the opportunity to respond to the U.S. Government Accountability Office (GAO) Draft Report titled GAO-23-105426, *Tribal and Public-Private Broadband Grants: NTIA Should Strengthen Performance Management and Assess Fraud Risks* (Draft Report). The U.S. Department of Commerce (Department) appreciates the work the GAO has done to understand the Tribal and Public-Private broadband grant programs managed by the National Telecommunications and Information Administration (NTIA).

GAO made 15 recommendations in the Draft Report. On behalf of the Department, I have enclosed comments to the Draft Report from NTIA that address the specific GAO recommendations. The Department and NTIA agree with the GAO about the importance of establishing performance goals and measures governing TBCP and BIP, as well as implementing a rigorous process to manage fraud risk for these programs. The Department and NTIA agree with the GAO recommendations and will take appropriate steps to implement them.

If you have any questions, please contact MaryAnn Mausser, Department GAO Audit Liaison, at (202) 482-8120 or mmausser@doc.gov.

Sincerely,

**JEREMY
PELTER**

Digitally signed by
JEREMY PELTER
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Jeremy Pelter
Acting Chief Financial Officer and Assistant
Secretary for Administration

Enclosure: NTIA Response to Recommendations

RESPONSE OF THE NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION TO THE GAO RECOMMENDATIONS

GAO REPORT 23-105426

Recommendation 1. For the Tribal Broadband Connectivity Program (TBCP), the Administrator of NTIA should establish performance goals and measures for all of the program’s purposes – funding broadband use and adoption projects as well as funding broadband infrastructure deployment projects.

Response:

NTIA agrees with this recommendation. NTIA has established initial performance goals and measures for the TBCP. Specifically, as noted in the GAO report, the Department of Commerce established the Joint Agency Priority Goal Action Plan with the U.S. Department of Agriculture to coordinate joint actions to increase household access to affordable, reliable, high-speed internet service. Now that NTIA has awarded nearly all of the TBCP projects proposing to conduct broadband use and adoption activities, it is positioned to assess the results that these projects propose to accomplish and will develop specific performance measures to evaluate their progress and effectiveness in achieving them.

Recommendation 2. For the TBCP, the Administrator of NTIA should ensure the performance goal is quantifiable and measurable by defining broadband reliability and affordability.

Response:

NTIA agrees with this recommendation. For guidance in defining broadband reliability, NTIA will look to the definition of this term contained in the Infrastructure Investment and Jobs Act, 2021, (IIJA)¹ which defines “reliable broadband service” as “broadband service that meets performance criteria for service availability, adaptability to changing end-user requirements, length of serviceable life, or other criteria, other than upload and download speeds, as determined by the Assistant Secretary [of Commerce for Communications and Information] in coordination with the [Federal Communications] Commission [(FCC)].” IIJA § 60102(a)(2)(L). For the purposes of this definition, the Assistant Secretary has adopted the criteria that Reliable Broadband Service must be (1) a fixed broadband service that (2) is available with a high degree of certainty (3) both at present and for the foreseeable future. The Assistant Secretary has found, after coordination with the FCC, that the definition of Reliable Broadband Service in the Broadband Equity, Access, and Deployment Program Notice of Funding Opportunity² best meets these criteria. This definition of Reliable Broadband Service provides that the term means broadband service that the Broadband DATA Maps show is accessible to a location via: (i) fiber-optic technology; (ii) Cable Modem/Hybrid fiber-coaxial technology; (iii) digital subscriber line (DSL) technology; or (iv) terrestrial fixed wireless technology utilizing entirely licensed spectrum

¹ Public Law 117-58, 135 Stat. 429 (Nov. 15, 2021).

² Broadband Equity, Access, and Deployment Program, Notice of Funding Opportunity, National Telecommunications and Information Administration, U.S. Department of Commerce (May 13, 2022) (BEAD NOFO).

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or using a hybrid of licensed and unlicensed spectrum.³ The Broadband DATA Maps referred to in this definition mean the maps created by the FCC under Section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. § 642(c)(1)).⁴

The BEAD NOFO also addresses the subject of broadband affordability.⁵ It provides that a definition of low-cost broadband service should address, at a minimum: (1) all recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs); (2) the plan's basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network management practices); (3) whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan's rate;⁶ and (4) any provisions regarding the subscriber's ability to upgrade to any new low-cost service plans offering more advantageous technical specifications. The BEAD NOFO lists several examples of possible low-cost broadband service options, including:

- a. Costs \$30 per month or less, inclusive of all taxes, fees, and charges if the subscriber does not reside on Tribal Lands, or \$75 per month or less, inclusive of all taxes, fees, and charges if the subscriber resides on Tribal Lands, with no additional non-recurring costs or fees to the consumer;
- b. Allows the end user to apply an Affordable Connectivity Benefit subsidy to the service price;
- c. Provides the greater of (a) typical download speeds of at least 100 Mbps and typical upload speeds of at least 20 Mbps, or the fastest speeds the infrastructure is capable of if less than 100 Mbps/20 Mbps or (b) the performance benchmark for fixed terrestrial broadband service established by the FCC pursuant to Section 706(b) of the Communications Act of 1934, as amended;⁷
- d. Provides typical latency measurements of no more than 100 milliseconds; and
- e. Is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet services plans offered to home subscribers by the participating subgrantee must adhere.

The definitions of reliability and affordability contained in the ILJA statute and the BEAD NOFO will serve as useful indicators as NTIA implements quantifiable and measurable performance goals for TBCP.

Recommendation 3. For the TBCP, the Administrator of NTIA should designate a dedicated entity to lead fraud risk management activities for the program.

³ *Id.* at 15.

⁴ *Id.* at 11.

⁵ *Id.* at 66.

⁶ The Affordable Connectivity Program is an FCC benefit program that helps ensure that households can afford the broadband they need for work, school, healthcare, and more. The benefit provides a discount of up to \$30 per month toward internet service for eligible households and up to \$75 per month for households on qualifying Tribal lands. A household is eligible for the Affordable Connectivity Program if its household income is at or below 200% of the Federal Poverty Guidelines, or if a member of the household meets certain other eligibility standards, e.g., participating in such assistance programs as Medicaid or Federal Housing Assistance.

⁷ 47 U.S.C. § 1302.

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Response:

NTIA agrees with the GAO that it is critically important to assess and manage fraud risks in connection with the TBCP awards. NTIA has reviewed the GAO Fraud Risk Framework and intends to use its four key components for effectively managing fraud risk—(1) commit; (2) assess; (3) design and implement; and (4) evaluate and adapt—as a guide in implementing its fraud risk management plan. The GAO report describes the steps that NTIA has already taken to identify and assess fraud risks in its grant programs and the pre-award and post-award controls that it has put in place to manage fraud risk, including the development of post-award risk assessment and monitoring plans for each recipient of TBCP and BIP awards.

Additionally, recognizing the importance of implementing an effective fraud risk management framework, NTIA is in the process of establishing a Risk Management Council (RMC) to provide governance and oversight over the conduct of risk management across NTIA's Bipartisan Infrastructure Law (BIL (or IIJA)) programs, and will incorporate the Consolidated Appropriations Act (CAA) programs, including TBCP and BIP, into the RMC's charter, which is still in development. The RMC's purpose is to identify, assess, and respond to the greatest priority risk to the BIL and CAA programs' strategic goals and objectives, define risk tolerance and targets for mitigation, and drive integration of risk management, including fraud risk, across all of NTIA's grant programs.

Thus, NTIA agrees conceptually with the GAO about designating a dedicated entity to lead fraud risk management for its grant programs and undertaking all activities to ensure a robust fraud risk management framework.

Recommendation 4. For the TBCP, the Administrator of NTIA should ensure that the dedicated entity identifies inherent fraud risks in the program.

Response:

See NTIA's response to GAO recommendation 3.

Recommendation 5. For the TBCP, the Administrator of NTIA should ensure that the dedicated entity assesses the likelihood and impact of inherent fraud risks in the program.

Response:

See NTIA's response to GAO recommendation 3.

Recommendation 6. For the TBCP, the Administrator of NTIA should ensure that the dedicated entity determines fraud risk tolerance for the program.

Response:

See NTIA's response to GAO recommendation 3.

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Recommendation 7. For the TBCP, the Administrator of NTIA should ensure that the dedicated entity examines the suitability of existing antifraud controls in the program and prioritizes residual fraud risks.

Response:

See NTLA's response to GAO recommendation 3.

Recommendation 8. For the TBCP, the Administrator should ensure that the dedicated entity documents the fraud risk profile for the program.

Response:

See NTLA's response to GAO recommendation 3.

Recommendation 9. For the Broadband Infrastructure Program (BIP), the Administrator of NTIA should ensure that the performance goal is quantifiable and measurable by defining broadband affordability.

Response:

See NTLA's response to GAO recommendation 2. As noted, the definitions of reliability and affordability contained in the ILJA statute and the BEAD NOFO will serve as useful indicators as NTLA implements quantifiable and measurable performance goals for BIP.

Recommendation 10. For the BIP, the Administrator of NTIA should designate a dedicated entity to lead fraud risk management activities for the program.

Response:

See NTLA's response to recommendation 3. NTLA intends to include BIP in the Risk Management Council it is establishing.

Recommendation 11. For the BIP, the Administrator of NTIA should ensure that the dedicated entity identifies inherent fraud risks in the program.

Response:

See NTLA's response to recommendation 3.

Recommendation 12. For the BIP, the Administrator of NTIA should ensure that the dedicated entity assesses the likelihood and impact of inherent fraud risks in the program.

Response:

See NTLA's response to recommendation 3.

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Recommendation 13. For the BIP, the Administrator of NTIA should ensure that the dedicated entity determines fraud risk tolerance for the program.

Response:

See NTLA's response to recommendation 3.

Recommendation 14. For the BIP, the Administrator of NTIA should ensure that the dedicated entity examines the suitability of existing antifraud controls in the program and prioritizes residual fraud risks.

Response:

See NTLA's response to recommendation 3.

Recommendation 15. For the BIP, the Administrator of NTIA should ensure that the dedicated entity documents the fraud risk profile for the program.

Response:

See NTLA's response to recommendation 3.

Appendix V: GAO Contact and Staff Acknowledgments

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Staff Acknowledgments

In addition to the individual named above, Derrick Collins (Assistant Director); Keith Cunningham (Assistant Director); Rebecca Rygg (Analyst in Charge); Melissa Bodeau; Tammy Conquest; Melanie Maralit Diemel; Gabrielle Fagan; Jim Healy; Bonnie Ho; Gina Hoover; Tom James; Ben Licht; Anna Maria Ortiz; Jeanette Soares; Mike Soressi; Janet Temko-Blinder; and Tatyana Walker made key contributions to this report.

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