

# CLIENT ALERTS

---

## Broadband Subsidy Programs and the Critical Roles for Higher Education to Help End the Digital Divide

### Client Alert

6.22.2022

Last fall we discussed in a Client Alert how the Infrastructure Investment and Jobs Act (“IIJA”) would help fuel tremendous amounts of broadband deployment, but in order for that to occur, community colleges would need to establish training programs to help develop the skilled workforce necessary to construct the broadband networks (see Butzel Client Alert October 21 2021, Community College Critical Role Broadband Future). Now that more details are known about how some of the broadband subsidy programs will work, we want to highlight two additional critical roles for community colleges and universities to fill in support of ending the digital divide.

Under the IIJA, the Department of Commerce will be distributing \$42 billion in broadband subsidies through the Broadband Equity, Access, and Deployment (“BEAD”) Program. The Department of Commerce issued a Notice of Funding Opportunity (“NOFO”) that explains the processes and criteria for distributing that funding (see BEAD NOFO). Under the BEAD Program, the funds will be provided to the states, which in turn will decide how to spend the money consistent with the guidelines in the NOFO. The amount of funds that will go to each state will be a minimum of \$100 million, plus an additional amount based on the percentage of locations presently unserved by broadband service of at least 25 Mbps download and 3 Mbps upload. The State of Michigan could be receiving \$1.6 billion or more in funds under the BEAD Program.

The states are required to develop a plan on how they will spend the broadband subsidies, and NTIA must approve the plan before the funds are released to the state. Higher education institutions can have an important role in the development of the plan, because the NOFO (at pp. 53-54) suggests that the states collaborate with numerous groups in that process, including specifically:

### Related People

Carey A. DeWitt  
Shareholder

Lynn McGuire  
Shareholder

### Related Services

Education Industry Team

Telecommunications and  
Technology

## CLIENT ALERTS

---

To the extent the [state] encompasses sovereign Tribal or Native entities, the Eligible Entity must ensure that such entities are involved in development of the Eligible Entity's plans, including, but not limited to a formal Tribal consultation process with the Eligible Entity. ... Other examples of stakeholder groups for consideration include but are not limited to the following ... **Higher education institutions, including community colleges, Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and Minority-Serving Institutions (MSIs).** (emphasis added)

Higher education institutions should start to consider how they can add their expertise and knowledge of the communities in which they operate to the development of the state's plan for ensuring that all citizens have access to reliable, high-speed Internet service (at least 100 Mbps download and 20 Mbps upload).

Under the BEAD Program, states must first ensure that high-speed broadband is deployed to all unserved locations, and then remaining funds can be used to upgrade broadband service to underserved locations. In addition, after providing for deployment of service to unserved and underserved locations, the states can also spend the BEAD funds on non-deployment uses, including "User training with respect to cybersecurity, privacy, and other digital safety matters," "Digital literacy/upskilling (from beginner-level to advanced)" and "Computer science, coding and cybersecurity education programs." (NOFO at p. 39). Community colleges and universities can certainly play an important role in these critical activities as well. Please contact the authors of this Client Alert or your Butzel Attorney for further assistance.

**Stephen Goodman**

202.454.2851  
goodman@butzel.com

**Carey DeWitt**

248.258.2607  
dewitt@butzel.com

**Lynn McGuire**

734.213.3261  
mcguire@butzel.com