

RURAL BROADBAND INSIGHTS FOR CLOSING THE DIGITAL DIVIDE



WITH PARTNER JONATHAN CHAMBERS

Co-ops Connect FYI

By Jonathan Chambers • Aug 16, 2024

Smart Brevity® count: 2.5 mins...652 words

Just In Case...



In January 1993, I was the Minority Staff Director for the Senate Committee on Commerce, Science, Transportation (the Commerce Committee). The Committee has oversight of various executive branch departments and agencies, including:

- The Departments of Commerce and Transportation;

- The Federal Communications Commission and the Federal Trade Commission;
- NASA, NOAA, the FAA, the FHA, NTIA, NHTSA, NTSB, NIST, the ICC (now defunct); and,
- Many other agencies, commissions, and councils, including eight regional fisheries councils.

In other words, the Commerce Committee has an unusually wide scope of authority.

While House and Senate Committees conduct oversight, only the Senate confirms nominations by the president. When I was there, we had more than 120 different President-appointed, Senate-confirmed positions come through the committee – usually not all at once.

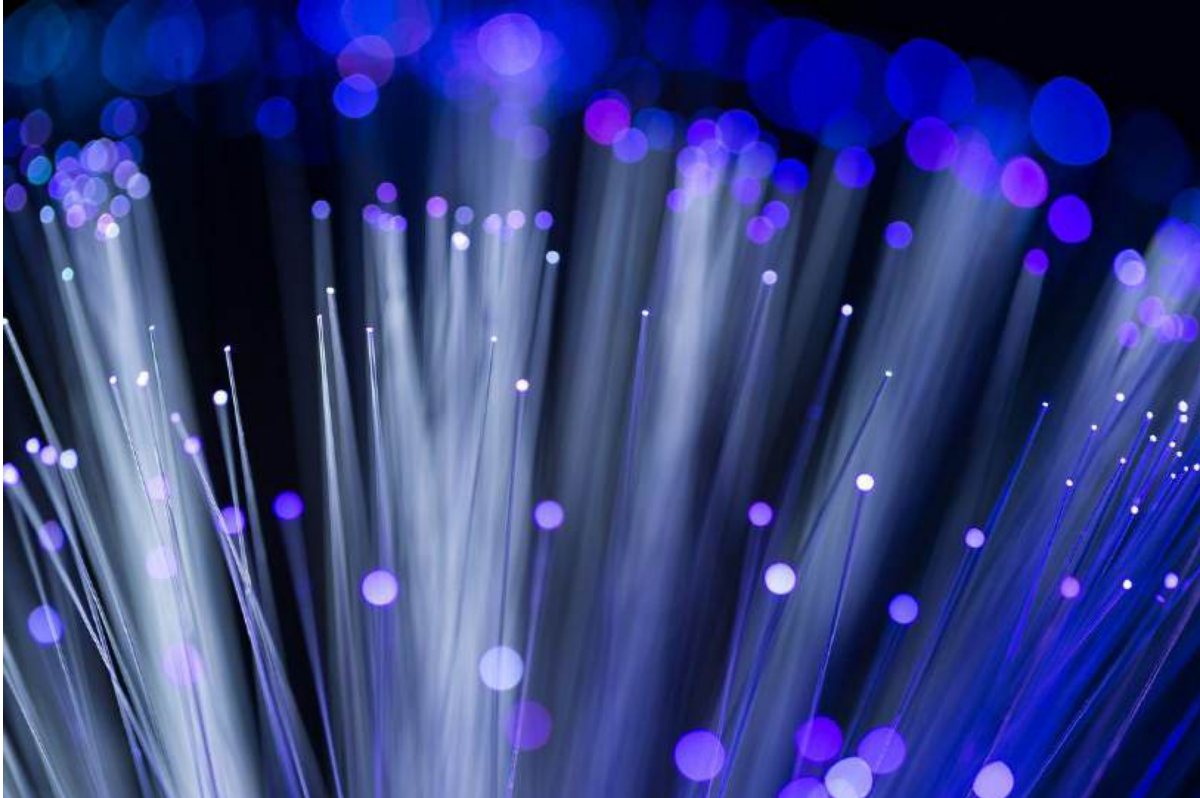
Except following a change of Administrations.

Then, a large number of new appointments are made. The nominations are reviewed by Senate committees and confirmed or rejected by the Senate. Department Secretaries, Deputy Secretaries, Under Secretaries, Assistant Secretaries, Commissioners, Agency heads, all requiring vetting, FBI background checks, meetings with Senate committees that review the nominations, followed by confirmation hearings, committee votes, and Senate votes.

It's a process. I have been on both sides of the process. Even for those of us who are familiar with the process, it takes a toll.

- One's professional (and personal) life can be put on hold for many months.
- I can recall meetings with nominees for each position, including my meeting with Reed Hundt in the spring of 1993, when he was nominated to be Chairman of the FCC. **He was not confirmed until November that year.**

The Impact on Rural Broadband



What has any of this got to do with rural broadband?

Many states will start their BEAD application process later this year or early next year. After a state broadband office selects BEAD awardees, they must enter into a contract. Those contracts between state broadband offices and BEAD awardees must then be reviewed and approved by NTIA.

The first state to award BEAD funds is likely to be Louisiana, which anticipates awarding contracts early in 2025. These contract awards then must be reviewed and approved by NTIA. **You see the issue?**

Maybe it's nothing.

The current NTIA Administrator was confirmed by the Senate in January 2022, a full year after President Biden took office. The NTIA Administrator is an Assistant Secretary, so never one of the first positions to be nominated and confirmed.

Without a Senate-confirmed official, acting department and agency officials fill the roles on a temporary basis. While acting officials have full authority, they typically limit their activities for both practical and political reasons.

Maybe it's nothing.

In January 2025, there will be a new president. That President will appoint a new cabinet, which likely means a change in leadership at the Department of Commerce, and NTIA. A change in the leadership at Commerce, or NTIA, will undoubtedly delay the timing of approval of BEAD contracts.

But maybe it's nothing.

If past is precedent, we can foresee what will occur at the time of change in administration in January 2025 — **more delay.**

That's why I suggest that states adopt, and NTIA approve, a look-back provision now to reimburse awardees for expenses incurred before the approval of contracts.

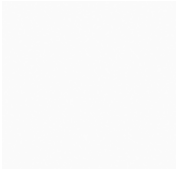
- It is a simple concept, one that has been adopted by many states as part of the American Rescue Plan Act.
- The state chooses a date – such as the date the maps are final, or applications are submitted, or awards are announced.
- From that date forward, any expense that would have been reimbursed pursuant to an award is reimbursable. Even if it takes six months or a year for a contract to be signed and approved.

Just in case it's something.

*Feel free to forward this **Co-ops Connect FYI** to colleagues who want to stay in the know on all things broadband! Subscribe to Conexon's weekly newsletter [here](#).*

This newsletter is powered by

AXIOS HQ



Like this email style and format?

It's called Smart Brevity®. Hundreds of orgs use it — in a tool called [Axios HQ](#)— to drive productivity with clearer workplace communications.