



**CITY SUMMIT**  
KANSAS CITY, MO • NOVEMBER 17-19 2022

INFORMATION  
TECHNOLOGY AND  
COMMUNICATIONS  
FEDERAL ADVOCACY  
COMMITTEE

November 16, 2022, 3:00 – 5:00 p.m.



NATIONAL LEAGUE OF CITIES



# CITY SUMMIT

KANSAS CITY, MO • NOVEMBER 17-19 2022

PRECONFERENCE ACTIVITIES AND EXECUTIVE EDUCATION SESSIONS

NOVEMBER 16, 2022

## MEMORANDUM

**TO:** Information Technology and Communications Committee Members

**FROM:** The Honorable Chrelle Booker, Chair  
Mayor Pro Tempore, Town of Tryon, North Carolina

**RE:** 2022 Committee Report

On behalf of the Information Technology and Communications (ITC) Federal Advocacy Committee, I am pleased to present the enclosed committee report for 2022. This report contains recommended policy amendments and resolutions from the ITC Committee. Please carefully review these proposals in advance of the upcoming City Summit.

**The ITC Federal Advocacy Committee will meet in Kansas City, MO during City Summit on Wednesday, November 16, 2022, from 3-5 p.m. Central in room 2505A at the Kansas City Convention Center.**

The primary role of NLC's Federal Advocacy committees is to oversee the regular review and updating of the [National Municipal Policy](#) to ensure that it reflects the view of local officials on current and emerging federal policy issues. Adopted positions are used to guide NLC's federal advocacy efforts, shape public policy debates, and communicate positions with the media, Congress and the Administration, and other stakeholders. In addition to developing federal policy, the committees serve as advocates on behalf of our cities, towns and villages and lead on finding solutions to local challenges.

The ITC Federal Advocacy Committee has worked diligently to recommend policy changes and pursue initiatives under our Committee's jurisdiction, including implementation of federal grant programs under the Infrastructure Investment and Jobs Act. If you have any questions about the proposals in this report, please feel free to contact me, any member of the Committee, or the NLC staff contact for our Committee.

It has been an honor to serve as the ITC Committee Chair this year. I look forward to seeing you soon.

Sincerely,

Chrelle Booker  
Mayor Pro Tempore, Town of Tryon, North Carolina  
2022 NLC ITC Committee Chair

# Information Technology and Communications Committee Agenda

Wednesday, November 16, 2022, 3:00 – 5:00 p.m. Central  
Kansas City Convention Center Room 2505A

3:00 – 3:10 PM	<b><u>WELCOME AND LEADERSHIP REMARKS</u></b>  <b>The Honorable Chrelle Booker, Chair</b> <i>Mayor Pro Tempore, Town of Tryon, North Carolina</i>  Introductions and overview of the meeting agenda.
3:10 – 3:15 PM	<b><u>NLC LEADERSHIP REMARKS</u></b>  <b>The Honorable David Sander, Second Vice President, National League of Cities</b> <i>Council Member, Rancho Cordova, California</i>
3:15 – 3:50 PM	<b><u>NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA) BROADBAND PROGRAMS PRESENTATION WITH TECHNICAL ASSISTANCE OVERVIEW</u></b>  <b>Sarah Morris</b> <i>Senior Advisor to the Assistant Secretary</i>  <b>Cort Buffington</b> <i>Technical Assistance Advisor</i>  The Committee will receive an updated overview presentation on the NTIA administered broadband programs along with information about NTIA technical assistance and resources for local governments.
3:50 – 4:15 PM	<b><u>FEDERAL COMMUNICATIONS COMMISSION (FCC) DIGITAL EQUITY AND BROADBAND DATA COLLECTION PRESENTATION</u></b>  <b>Alejandro Roark</b> <i>Chief, Consumer and Governmental Affairs Bureau</i>  The Committee will learn about some of the FCC's key digital equity efforts and will also hear about the broadband data collection efforts, the challenge process, and the anticipated broadband data maps that play an integral role in the distribution of broadband funds from the Infrastructure Investment and Jobs Act.

<b>4:15 – 4:45 PM</b>	<p><b><u>SIEMENS SMART CITY INNOVATIONS FOR THE BUILT ENVIRONMENT PRESENTATION</u></b></p> <p><b>Denise Quarles</b>  <i>Head of External Affairs and Chief City Executive for the Southeast Region</i></p> <p>The Committee will hear from strategic partner, Siemens, about smart city and local government innovations for the built environment.</p>
<b>4:45 – 4:55 PM</b>	<p><b><u>ITC POLICY UPDATE SUMMARY</u></b></p> <p><b>McKaia Dykema</b>  <i>Federal Advocacy Legislative Specialist</i></p> <p>The Committee will be provided a brief summary of the policy sections and resolution amendments that were voted on and passed at the September ITC Meeting.</p>
<b>5:00 PM</b>	<p><b><u>CLOSING REMARKS AND ADJOURNMENT</u></b></p> <p><b>Chrelle Booker</b>  <i>Chair</i></p>
<b>5:00 – 6:30 PM</b>	<p><b><u>CITY SUMMIT OPENING RECEPTION IN EXHIBIT HALL</u></b></p>

**ATTACHMENTS:**

- NLC Procedures for the Adoption of National Municipal Policy and Resolutions
- Proposed ITC Policy Amendments
- Proposed ITC Resolutions
- IIJA Broadband Program Resource by NTIA
- FCC Broadband Data Challenge Process Blog by NLC
- Speaker Bios
- 2022 ITC Committee Roster

**NEXT ITC COMMITTEE MEETING**

Wednesday, December 14, 2022  
4:00 – 5:00 p.m. Eastern Time  
Virtual meeting



## **Procedures for the Adoption of National Municipal Policy and Resolutions**

### **City Summit Kansas City, Missouri November 2022**

The [National Municipal Policy](#) (NMP) is NLC's comprehensive, standing statement of goals, principles, policies and program objectives on federal policy issues directly affecting or of concern to cities, towns and villages. The NMP serves as the basis for NLC's advocacy efforts on behalf of the nation's cities, towns and villages. The policy is subject to annual modification by delegates from direct member cities and state municipal leagues at the Annual Business Meeting during City Summit.

Since membership amends the NMP once each year, amendments to the policy typically do not endorse or oppose specific congressional bills, current presidential positions, or technical aspects of federal regulations. Instead, positions on such timely matters – which are subject to major changes during the annual legislative and administrative processes – are the subject of NLC resolutions that stand for one year, from their time of passage until the adjournment of the next City Summit.

At the Congressional Cities Conference (CCC) in March, the Federal Advocacy Committees set agendas for the year. At meeting(s) following CCC, the committees develop recommendations for policy amendments and resolutions. Additionally, during the summer, all NLC direct member cities and state municipal leagues were invited to submit recommendations of policy amendments and resolutions by May 25, 2022.

At least two weeks prior to the City Summit, proposed policy amendments and resolutions for 2023 are published on the NLC website and an announcement is sent to all NLC members. The proposed resolutions book for 2023 can be found [here](#). These proposals are subject to change by the Federal Advocacy Committees and the Resolutions Committee at City Summit prior to the Annual Business Meeting.

#### **Federal Advocacy Committee Meetings: Wednesday, November 16**

NLC's Federal Advocacy Committees will meet during City Summit to finalize their recommended amendments and resolutions.

During the Federal Advocacy Committee meetings, action can be taken on policy amendments or resolutions submitted to NLC by the May 25, 2022 advance submission deadline, if the committee did not endorse those positions. Sponsors of these amendments or resolutions, or their representatives, can appear before the Federal Advocacy Committee on behalf of their proposed recommendations. The Federal Advocacy Committees can also hear additional proposals on the floor from committee members.

Individuals may submit resolutions or policy changes electronically to the NLC staff contact for the committee. (NLC staff should be notified in advance of this intention if possible.)

Federal Advocacy Committee meetings are open to all conference participants. However, only committee members are eligible to vote, make formal motions and debate items. Committee members may be asked to identify themselves.

Adoption of recommendations is by a majority vote of Federal Advocacy Committee members present and voting. Proxies are not permitted. Every reasonable effort will be made to ensure that the views of all committee members are heard.

### **Resolutions Committee Meeting: Thursday, November 17**

Proposals approved by the Federal Advocacy Committees are forwarded to the NLC Resolutions Committee for consideration. The Resolutions Committee will meet during City Summit on Thursday, November 17 at 10:15 a.m. The Federal Advocacy Committee chairs will report the recommendations of their respective committees to the Resolutions Committee members.

In addition to these amendments and resolutions, the Resolutions Committee will consider any appeals by sponsors of policy amendments or resolutions that were received in NLC's offices by the May 25, 2022 advance submission deadline and subsequently rejected during Federal Advocacy Committee debate. Proposals from Resolutions Committee members or the Board of Directors also are eligible for consideration by the Resolutions Committee.

Only Resolutions Committee members or representatives appointed by state municipal leagues who are not represented on the Board of Directors may participate and vote during the meeting. The only individuals who will be recognized to speak at the Resolutions Committee are members of the Resolutions Committee, Board members, Federal Advocacy Committee chairs, and sponsors of policy recommendations being appealed. Adoption of recommendations is by majority vote of Resolutions Committee members present and voting. Proxies are not allowed.

The Resolution Committee Official Rules of Conduct and the NLC Bylaws shall govern the conduct of the Resolutions Committee meeting. In the event that procedural matters arise that are not addressed by the Official Rules or Bylaws, Robert's Rules of Order Newly Revised 12<sup>th</sup> Edition shall govern the conduct of the meeting.

### **Annual Business Meeting: Saturday, November 19**

Resolutions Committee actions are referred to the Annual Business Meeting for consideration and adoption by the voting delegates. The report of the Resolutions Committee will include only recommended policy language amendments and resolutions. The Annual Business Meeting will be held during City Summit on Saturday, November 19 at 2:45 p.m.

To cast a vote at the Annual Business Meeting, all voting or alternate delegates must be registered with the Credentials Committee and must have official voting materials. Each direct member city has a certified voting delegate, or alternate, who is entitled to vote at the Annual Business Meeting. The delegate may cast a certain number of votes based upon the direct member city's population as of the 2010 census; member cities may not split their votes. Each state municipal league is entitled to cast a total of 20 votes by its delegate or delegates, and those votes may be split and distributed at the discretion of each state municipal league. Voting delegates must be present to vote. Proxies are not permitted.

After a brief presentation of the Resolutions Committee's report, the Annual Business Meeting's Presiding Officer will call for adoption of NMP amendments and resolutions as proposed by the Resolutions Committee. Amendments to each chapter will be considered in the order in which those chapters appear in the NMP. Motions from the floor to amend the Resolutions

Committee's recommendations require a majority vote for passage. Final adoption of amendments to the NMP requires a two-thirds vote of voting delegates.

Policy proposals not submitted by the Resolutions Committee may be presented by petition to the NLC Federal Advocacy team. Such petitions must be received by 10:00 AM on the day of the Annual Business Meeting – Saturday, November 19. Petitions must carry the text of the proposal and printed names, titles and signatures of 10 certified voting delegates with their respective cities and states. The petition must receive a majority vote of the voting delegates to be accepted for floor consideration, and all proposals to amend or adopt the NMP and all separate resolutions require a two-thirds vote for final approval. Petitioners should complete the packet that can be found [here](#).

The Official Rules of Conduct and the NLC Bylaws shall govern the conduct of the Annual Business Meeting. In the event that procedural matters arise that are not addressed by the Official Rules or Bylaws, Robert's Rules of Order Newly Revised 12<sup>th</sup> Edition shall govern the conduct of the meeting.

**For further information about this process prior to City Summit or to contact the NLC staff for a Federal Advocacy Committee, contact Dion Taylor at 202-626-3064 or [taylor@nlc.org](mailto:taylor@nlc.org).**

**During City Summit, please contact the Federal Advocacy staff at the Policy Office located in the Kansas City Convention Center, Room 2209.**

# *Proposed ITC Policy Amendments*

Only sections of the *NLC National Municipal Policy (NMP)* where modifications are proposed are reproduced in this report. The complete text of the current *NMP*, divided into seven policy chapters, can be found at [nlc.org/national-municipal-policy](http://nlc.org/national-municipal-policy)

Please note:

- Proposed new language is underlined;
- Proposed language for deletion is struck out; and
- Existing, unchanged language is shown as plain text.

## **Policy:**

- **Section 7.00 Economic Opportunity and Innovation**
  - B. Access, Adoption, Affordability, and Symmetry of Broadband
- **Section 7.03 Consumer Protection**
  - B. Truth in Advertising
  - E. Cybersecurity
  - G. Emerging Technologies



## Section 7.00 Economic Opportunity and Innovation

### B. Access, Adoption, Affordability, and Symmetry of Broadband

Broadband access and adoption help promote economic development and social equity while enhancing public health, public safety, and educational opportunities for Americans around the country. Therefore, the Federal government should ensure that broadband access is universal, affordable, and addresses the nation's digital equity issues. The Federal government should also ensure that future deployments are developed so as not to decrease digital equity.

#### 1. Access

NLC supports action by the federal government to provide matching grants, technology grants, tax credits, subsidies and other types of aid that would increase broadband deployment and affordability. NLC also supports sustained funding of programs such as eRate, ReConnect, and other programs that support the buildout of broadband infrastructure. NLC urges the federal government to ensure that these and other broadband grant programs are accessible to all communities, whether large or small, rural or urban, as well as municipal broadband network owners and operators.

#### 2. Adoption

Understanding that access alone is not enough to encourage adoption, NLC also supports proposals that would bridge the digital divide and develop programs that would create opportunities to increase broadband adoption, including funding for digital navigation and digital equity programs within cities.

#### 3. Affordability

Federal policies should be designed to maximize the availability of affordable and competitively priced services throughout the country. NLC urges the federal government to make permanent and sustainably fund the Affordable Connectivity Program, to provide households in need with a reliable support for home broadband service.

#### 4. Upload/Download Symmetry and Network Performance

Recognizing that broadband download capability is critical for access to content, upload speed is similarly critical for economic development and labor market participation. Federal definitions of "broadband service" and programs to enhance access, adoption, and affordability should also seek to encourage upload/download bandwidth symmetry, minimize latency, and maximize network resilience, redundancy, and uptime.

## Section 7.03 Consumer Protection

### B. Truth in Advertising

NLC supports federal proposals which encourage regulators to develop and enforce strict guidelines to govern advertising and public disclosure of broadband services.

Of special interest should be:

- Broadband providers currently use download speed as their primary flagship, while minimizing the disclosure of upload speed, which is the most variable component of current broadband delivery technologies. Providers should be required to advertise upload/download speeds on an equal basis.
- Providers heavily advertise their download speeds as rated inside their own networks, without any common measurement indexes that would allow consumers a basis for fair comparison of products between providers. Providers should be required to ensure all broadband advertising that includes bandwidth claims to use a common system for speed measurement across the entire Internet.
- Providers are not currently required to report other network metrics, such as latency, resilience, resolution metrics, or uptime/downtime performance. Providers should be required to disclose these metrics regarding the reliability of their service.
- Providers currently contract consumers to multi-year agreements with exit costs that are not indicative of the installation costs or associated discounts for the services provided. Providers should be required to disclose/contrast termination fees in all advertising that ‘headlines’ a discounted rate based on said contractual agreement.
- Providers currently contract groups of consumers to lengthy multiyear exclusive contracts to pre-empt the expansion of city/municipality owned networks. To counter this, there should be support for the expansion of municipal broadband by discouraging or legislating against these practices.
- Providers currently ‘package’ other services with their broadband services to force market these products to consumers that have limited/no options in the broadband market. The use of ‘slam packaging’ in markets with exclusive/limited broadband service options should be banned.
- Providers currently advertise speed and availability to markets where the service and speed are unavailable, or only available to a small percentage of the citizens receiving the advertising. NLC encourages the federal government to provide oversight of these practices, particularly for participants in the Affordable Connectivity Program.

## E. Cybersecurity

NLC supports federal efforts in cybersecurity related to national security, protection of sensitive information and intellectual property, and the availability and continuity of infrastructure. The increasing presence of the Internet of Things throughout cities and the increased attempts to interfere with election processes presents an increased threat to city residents and necessitates increased federal action. Another recognized risk is the sharing of data that may be hosted with software companies that provide technology solutions or services to local governments and the government data may be subject to a loss or breach through an attack on the private Local company. Local governments are responsible for the protection of large amounts of personally identifiable data, the breach of which could lead to criminal activity or unauthorized

49 use. NLC additionally supports federal efforts to provide increased resources and technical  
50 assistance to local governments for the protection of government systems, data, transactional  
51 databases, enterprise files and critical government functions. NLC opposes the imposition of  
52 unfunded mandates on local governments, and supports additional grant funding resources for  
53 localities to address stark cybersecurity workforce and resource needs. (See related policy under  
54 PSCP Section 6.03(I) Protect Against and Respond to Cyber Threats.)  
55

## 56 **G. Emerging Technologies**

57  
58 The rapid evolution of technology, such as the development of blockchain, digital currency, and  
59 autonomous vehicles has provided cities, towns and villages with unprecedented opportunities to  
60 explore alternative methods of traditional service delivery and operation modernization.  
61 Innovation in local government and support for these emerging technologies can improve the  
62 way municipalities work and interact with the public.

63 Adopting innovative approaches to local administration may present technical, regulatory,  
64 implementation, financial or intergovernmental challenges. NLC urges the federal government to  
65 act as a convener of best practices, cut federal agency red tape, and provide aid to support  
66 advancing local innovation in the use of emerging technologies.

67 NLC opposes federal preemption of local decisions regarding the use of emerging technologies  
68 in their own communities. As incubators of innovation and the level of government closest to the  
69 people, cities, towns and villages must retain the authority to make the choices that best serve  
70 constituents and protect local public safety, privacy, efficiency, administrative, and other needs,  
71 particularly as new technologies and their applications evolve over time. Local leaders must also  
72 be empowered with the federal tools and abilities to safely and effectively police manage the use  
73 of emerging technologies in their communities as needed. (See related policy under TIS Section  
74 5.02(E) Intelligent Transportation Systems and 5.04(F) Unmanned Aircraft Systems.)

# *Proposed Resolutions*

NLC Resolutions are annual statements of position that sunset at the end of the calendar year unless action is taken. The committee must review each of the 2022 resolutions that originated in the ITC Committee to determine recommendations for 2023. The committee has the following options:

1. Renew the resolution for the coming year (with or without edits)
2. Incorporate the resolution into permanent policy; or
3. Let the resolution expire.

The ITC resolutions that were approved for 2022 at City Summit with recommendations for 2023 are:

<b>Resolution</b>	<b>ITC Committee Recommendation</b>
<b>NLC RESOLUTION 2022-45:</b> Local Government Support of Community/Municipal Broadband Networks	Renew with edits
<b>NLC RESOLUTION 2022-46:</b> Federal Investment in Broadband Access: A Call for Universal Availability, Affordability and World-Class Quality	Renew with edits
<b>NLC RESOLUTION 2022-47:</b> Local Government Support for Fairness and Truth in Advertising for Internet Service Providers	Renew with edits
<b>NLC RESOLUTION 2022-48:</b> Preserving Local Control of Broadband Infrastructure Siting	Renew with edits
<b>NLC RESOLUTION 2022-49:</b> Calling for Updated Federal Safety Standards for Radiofrequency Emissions of Wireless Facilities	Renew with edits
<b>NLC RESOLUTION 2022-50:</b> In Support of Municipal Data Ownership and Protection	Renew with edits
<b>NLC RESOLUTION 2022-51:</b> In Support of Digital Equity for American Communities	Renew with edits

1 NLC RESOLUTION 2022-45

2  
3 LOCAL GOVERNMENT SUPPORT OF COMMUNITY/MUNICIPAL  
4 BROADBAND NETWORKS

5  
6 ITC Committee Recommendation: Renew with edits

7  
8 WHEREAS, the universal availability of affordable broadband access for all citizens has been  
9 identified as a national priority; and

10  
11 WHEREAS, community/municipal broadband networks are an essential option for education,  
12 healthcare, market competition, consumer choice, economic development, and universal,  
13 affordable Internet access nationwide; and

14  
15 WHEREAS, historically, local governments have ensured access to essential services and  
16 utilities by banding together to provide those services and utilities that were not offered by the  
17 private sector at a reasonable and competitive cost. This involvement has included electrification,  
18 public libraries, and other important servicespublic needs; and

19  
20 WHEREAS, local governments may be able to build and operate broadband infrastructure to  
21 serve the public interest; and

22  
23 WHEREAS, according to the Federal Communications Commission, half ofmost American  
24 homes only have two options of Internet service providers for basic broadband and for faster  
25 speeds, a majority of households only have one choice, or none at all<sup>1</sup>; and

26  
27 WHEREAS, publicly owned broadband infrastructure, including open-access and conduit  
28 networks, has served an important role in increasing broadband market competition among  
29 private providers by reducing the cost of entry to those communities, particularly for smaller  
30 broadband providers; and

31  
32 WHEREAS, the economic health of municipalities depends on public and private investment to  
33 connect their communities; and

34  
35 WHEREAS, municipal governments consider broadband to be a critical form of infrastructure,  
36 and more than 900 communities have therefore made significant investments in publicly-owned  
37 broadband infrastructure<sup>2</sup>; and

38  
39 WHEREAS, attempts continue to be made to limit or stop further local government deployment  
40 of municipal broadband services, which has the potential of reducing the ability of local  
41 government to provide important information and services to their citizens in a timely, efficient,  
42 and cost-effective manner; and

43  

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<sup>1</sup> Federal Communications Commission, Internet Access Services: Status as of June 30, 20172019, November  
2018March 2022.

<sup>2</sup> Institute for Local Self-Reliance, "Community Network Map," January 2020September 2021.

44 **WHEREAS**, opponents of community and municipally provided broadband have proposed  
45 various administrative procedures that they claim are designed to protect citizens and consumers  
46 from unwieldy local governments; however, these safeguards really place over-burdensome  
47 requirements on municipalities and act as unnecessary barriers<sup>3</sup>; and

48  
49 **WHEREAS**, a majority of American consumers, across the political spectrum, feel municipal  
50 broadband services should be allowed to help ensure that all Americans have equal access to the  
51 Internet<sup>4</sup>; and

52  
53 **WHEREAS**, federal and state broadband infrastructure funds will be unnecessarily limited in  
54 effectiveness by the number of states with anticompetitive, preemptive laws in place by  
55 prohibiting communities from making the best choice for their own connectivity needs; and

56  
57 **WHEREAS**, in the vast majority of community/municipal broadband networks built to date, the  
58 private sector has been involved in helping design, build, and operate the network – creating new  
59 business opportunities and jobs in the process; and

60  
61 **WHEREAS**, local governments should not be preempted by states from being able to offer  
62 broadband services, high speed Internet, and other communications services and/or infrastructure  
63 which could advance the deployment of broadband throughout our nation.

64  
65 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) urges the  
66 federal government to encourage deployment of broadband networks in a competitive manner  
67 via a variety of conduits (satellite, wireless, and wireline); and

68  
69 **BE IT FURTHER RESOLVED** that NLC opposes any actions that seek to burden cities  
70 through unnecessary procedural requirements and safeguards that duplicate the democratic  
71 process by which cities govern themselves; and

72  
73 **BE IT FURTHER RESOLVED** that NLC embraces local governments' ability to work  
74 cooperatively with the private sector to offer broadband services and does not believe such  
75 public/private partnerships are incompatible with private sector competition; and

76  
77 **BE IT FURTHER RESOLVED** that NLC supports federal proposals that promote  
78 community/municipal broadband, that preserve the authority of local governments to act in the  
79 interest of their citizens by constructing, owning and operating broadband infrastructure, directly  
80 offering high speed Internet and other communications services, and/or participating in public-  
81 private partnerships for the purposes of offering competitive broadband and communications  
82 services; and

83  
84 **BE IT FURTHER RESOLVED that in order to maximize the value of federal grant**  
85 **expenditures, federal agencies should protect and prioritize access to federal funding sources for**  
86 **municipal broadband through key federal infrastructure programs, particularly the Broadband**  
87 **Equity, Access and Deployment (BEAD) grant program; and**

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<sup>3</sup> National League of Cities, "City Rights in an Era of Preemption: A State-by-State Analysis," April 2, 2018.

<sup>4</sup> Consumer Reports, "Broadband: A Nationally Representative Multi-Mode Survey," July 2021.

88  
89 **BE IT FURTHER RESOLVED** that Congress should preempt state laws that restrict  
90 municipalities from providing community broadband networks and further ensure that no new  
91 broadband legislation should preempt the authority of local governments to conduct their own  
92 broadband planning; engage in broadband infrastructure construction, ownership, or operation;  
93 collaborate with neighboring jurisdictions; govern the placement and deployment of wireless or  
94 other communications infrastructure in their communities; or impose consumer protection or  
95 buildout requirements on broadband providers in their jurisdictions; and  
96

97 **BE IT FURTHER RESOLVED** that NLC calls on Congress to pass the Community Broadband  
98 Act (~~H.R. 1631/S. 1460~~) to supersede state preemption and enable the provision of municipal  
99 broadband in every state; and  
100

101 **BE IT FURTHER RESOLVED** that NLC calls on state legislatures to overturn or eliminate  
102 preemptive state laws and ensure that local governments are fully able to participate in building a  
103 broadband future.

NLC RESOLUTION 2022-46

FEDERAL INVESTMENT IN BROADBAND ACCESS: A CALL FOR UNIVERSAL  
AVAILABILITY, AFFORDABILITY AND WORLD-CLASS QUALITY

ITC Committee Recommendation: Renew with edits

**WHEREAS**, to compete successfully in an increasingly global environment the United States needs to take advantage of all of the technological solutions that high-speed broadband access offers; and

**WHEREAS**, universal broadband should be considered essential infrastructure that contributes to economic health, equity, and survival of communities across the United States; and

**WHEREAS**, despite the findings of the Federal Communications Commission's (FCC) ~~2020 Fourteenth~~ Broadband Deployment Report<sup>5</sup> that ~~18.25~~14.5 million Americans lacked access to fixed terrestrial broadband networks, the FCC concludes that "broadband is being deployed in a reasonable and timely fashion;" and

**WHEREAS**, there is a disparity between providers' reporting of advertised speeds and actual delivered speeds that has been proven through speed tests in a number of states and municipalities; and

**WHEREAS**, the numbers of individuals with access to broadband is overreported by the FCC and inconsistent with the U. S. Census American Community Survey's findings; and

**WHEREAS**, Congress has recognized this disparity between federal data and on-the-ground experience through passage of the Broadband DATA Act of 2020, which directed the FCC to improve its data collection process and map granularity, and to create as well as creating a challenge process for states, local governments, and consumers and public interest groups to correct faulty data; and

**WHEREAS**, the success of broadband infrastructure programs authorized by the Infrastructure Investment and Jobs Act of 2021 relies upon the accuracy of these maps, as many programs are required to use FCC map data to prioritize or distribute broadband grant funds; and

**WHEREAS**, the ~~federal-current~~ FCC standard for broadband (25 Megabits per second (Mbps) download and 3 Mbps upload), which has been in effect since 2015, is insufficient for multiple household members to simultaneously access vital bandwidth-intensive services such as video chat or VPN simultaneously; and

**WHEREAS**, with the proliferation of devices with Internet access, wireless data traffic has grown significantly, placing a greater demand on both licensed and unlicensed spectrum, and adding additional capacity is essential to support continued innovation and achieve the potential

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<sup>5</sup> Federal Communications Commission, 2020-Fourteenth Broadband Deployment Report, April 24, 2020-January 13, 2021.



to transform many different areas of the American economy by providing a platform for innovation and is likely to have a substantial impact on jobs, growth and investment; and

**WHEREAS**, the availability and adoption of quality, affordable broadband service can vary dramatically from one neighborhood to another and between single family and multifamily homes, even in heavily populated urban areas, and a substantial number of individuals in poor and rural communities have limited Internet access and where broadband access is limited, citizens have limited access to information, education and tools for economic independence<sup>6</sup>; and

**WHEREAS**, 15% of households with children in school currently lack a broadband connection, while the majority of teachers assign homework that requires broadband, ~~and leaving millions of students behind in modern education~~ roughly a quarter reported challenges accessing broadband at home to complete schoolwork, or were forced to use a cellphone to do schoolwork during the COVID-19 pandemic<sup>7</sup> leaving millions of students behind in modern education; and

**WHEREAS**, current availability and adoption is insufficient to meet present and future needs.

**NOW, THEREFORE, BE IT RESOLVED** that NLC asks the federal government to recognize and work through public-private partnerships, ~~or~~ municipal broadband providers and municipalities to achieve the goals of equitable broadband access by providing:

- Affordable and competitively priced broadband access; and
- Appropriate standards for symmetrical broadband speed, reliability, and connectivity that allow America to compete in the global economy and open more opportunities to deliver robust services more economically and universally;
- Granular, accurate data on broadband availability, affordability, and adoption available to local officials to assist in planning and local investments; and
- Funding, including federal, state and local dollars, such as that proposed included in the Digital Equity Act and the Affordable Connectivity Program, to support digital inclusion programs and home broadband adoption throughout the United States.

**BE IT FURTHER RESOLVED** that NLC urges the federal government to include and to incorporate federal investment in broadband in any federal infrastructure proposal, to strengthen the nation's infrastructure network while promoting economic development and social equity in our communities; and

**BE IT FURTHER RESOLVED** that NLC urges the federal government to continue to incorporate an effective challenge process for local governments to use in the grant application and award process and in general correction of faulty data or discrepancy with the federal broadband maps.

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<sup>6</sup> Brookings Metropolitan Policy Program, "Broadband subscriptions are up, but too many households are still disconnected," September 28, 2018.

<sup>7</sup> Pew Research Center, "What we know about online learning and the homework gap amid the pandemic," October 1, 2021.

**BE IT FURTHER RESOLVED** that NLC supports the FCC revisiting the benchmarks for broadband speeds on a more frequent basis because of the evolving nature of technology and the needs of communities for faster and symmetrical speeds; and

**BE IT FURTHER RESOLVED** that Congress must work with state and local governments to fund broadband infrastructure at high performance standards that provides at least 100/20 Mbps service, and ideally 1 Gbps symmetrical service, without harmful data caps, to ensure that federal funds are spent only on broadband that will provide meaningful service for current and future essential applications; and

**BE IT FURTHER RESOLVED** that NLC encourages the FCC to close the “homework gap” in low-income households through the Affordable Connectivity Program, which supports ~~of~~ low-cost plans, including access provided by local governments, and subsidized access to computing devices; and

**BE IT FURTHER RESOLVED** that NLC opposes any efforts by the FCC to reverse modernization of the critically important E-Rate and Lifeline programs; and

**BE IT FURTHER RESOLVED** that NLC supports expansion of the U.S. Department of Agriculture’s ~~Rural Utility Service Broadband program beyond loan guarantees to include grants, and an increased population threshold for eligible areas to at least 20,000 so that more areas may take advantage of this financing~~ Community Connect and ReConnect broadband grant and loan programs and encourages the federal government to expand access to the programs for municipalities; and

**BE IT FURTHER RESOLVED** that NLC calls on federal agencies, including the FCC, U.S. Department of Commerce, U.S. Department of Agriculture, and others to harmonize and coordinate broadband grant programs, expand technical assistance, consider flexible matching fund requirements and the flexible designation of available funds (particularly allowing for the pledge of future funds as a funding source), ensure that both public and private partnership applications are eligible for programs, and simplify program application and compliance processes to ensure that municipalities, particularly smaller municipalities, are able to compete and participate in these opportunities; and

**BE IT FURTHER RESOLVED** that NLC calls on Congress to increase funding for Community Development Block Grants and Choice Neighborhood Grants, which allow local governments to fund broadband planning and deployment alongside affordable housing and neighborhood improvement projects; and

**BE IT FURTHER RESOLVED** that NLC calls on the U.S. Department of Housing and Urban Development to expand its ConnectHome program, to ensure that a growing number of HUD-assisted households and schoolchildren will have access to in-home broadband; and

**BE IT FURTHER RESOLVED** that NLC calls on Congress to remove state-imposed barriers to broadband investment, such as preemption of municipal broadband networks, broadband

130 networks provided by rural electric cooperatives, and middle mile broadband infrastructure built  
131 by investor-owned electric companies; and

132  
133 **BE IT FURTHER RESOLVED** that NLC calls on Congress to reform and update federal  
134 transportation grant programs such as BUILD to ensure that placement of broadband  
135 infrastructure through policies such as “dig once” is prioritized in funded projects, and that  
136 physical structures that reduce the cost of broadband deployment by private companies such as  
137 dark fiber and conduit are eligible expenses in federal grant programs; and

138  
139 **BE IT FURTHER RESOLVED** that NLC urges the federal government to take a leadership  
140 role in convening together all interested parties, including, but not limited to, all levels of  
141 government (local, state, tribal, and federal), consumer organizations, representatives of  
142 underserved communities (rural, urban and suburban), all segments of the communications  
143 industry interests, representatives of private sector, and not-for-profit sector organizations, to  
144 promote ubiquitous symmetrical broadband access.

1 NLC RESOLUTION 2022-47

2  
3 **LOCAL GOVERNMENT SUPPORT FOR FAIRNESS AND TRUTH IN ADVERTISING**  
4 **FOR INTERNET SERVICE PROVIDERS**

5  
6 **ITC Committee Recommendation:** Renew with edits

7  
8 **WHEREAS**, the universal availability of affordable, reliable high-speed Internet broadband  
9 access for all citizens is a national priority; and

10  
11 **WHEREAS**, Internet access is a necessity for citizens to enable access to their workplaces,  
12 educational opportunities, telemedicine, social media, and community involvement; and

13  
14 **WHEREAS**, the ~~federal~~ Federal Communications Commission's standard for broadband  
15 (25Mbps download and 3 Mbps upload) is insufficient for multiple household members to  
16 simultaneously access vital bandwidth-intensive services such as video chat and/or VPN  
17 necessary for modern educational needs simultaneously; and

18  
19 **WHEREAS**, advertising practices in the Internet/broadband industry are generally unmonitored;  
20 and

21  
22 **WHEREAS**, broadband providers currently do not consistently advertise the speed consumers  
23 are likely to experience, but the highest possible speed consumers may experience, and do not  
24 consistently report make transparent issues such as high latency or network reliability and  
25 downtime; and

26  
27 **WHEREAS**, some internet providers do not provide a transparent advertisement of their full  
28 program offerings, including eligibility information for customers through the Affordable  
29 Connectivity Program<sup>8</sup> or through other subsidized internet or broadband programs on their  
30 websites, informational guides or in their advertisement's; and

31  
32 **WHEREAS**, some broadband providers currently advertise speed and availability, including the  
33 availability of next-generation mobile services, to markets where the service and speed are  
34 unavailable, or only available to a small percentage of the citizens receiving the advertising,  
35 violating basic concepts of truth in advertising; and

36  
37 **WHEREAS**, Internet providers that do not meet the FCC standards for broadband use the term  
38 'broadband' for their advertised service with no disclosure of their failure to meet the standard;  
39 and-

40  
41 **WHEREAS**, the need for equity in provider performance is demonstrated by the fact that  
42 providers do not always address network downtime outages in an equitable manner, and the FCC  
43 has appointed members to a new Digital Empowerment and Inclusion Working Group<sup>9</sup> to

<sup>8</sup> Federal Communications Commission, "Affordable Connectivity Program", Updated February 2022.

<sup>9</sup> Federal Communications Commission, Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination, GN Docket No. 22-69, Notice of Inquiry (rel. March 17, 2022).

address “digital redlining” which speaks to inequities in network performance from a provider;  
and

**NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) supports the imposition of a standard for broadband measurement to be required in broadband advertising, allowing the public a fair basis for comparison when purchasing broadband services; and

**BE IT FURTHER RESOLVED** that this advertising standard should require providers to advertise upload/download speeds on an equal basis; and

**BE IT FURTHER RESOLVED** that this advertising standard should require providers to advertise only actual delivered speed and availability averages (50<sup>th</sup> percentile) for the area being advertised to; and

**BE IT FURTHER RESOLVED** that NLC urges the federal government to ~~explore and~~ enact timely regulations consistent with the requirements in the Infrastructure Investment and Jobs Act that promote fair and explicit advertising in the broadband industry, through the use of “Broadband Consumer Labels”<sup>10</sup>, ~~such as a standardized “Broadband Nutrition Label,”~~ which include standards based on measurements of broadband speed from a nationally available source and allows consumers to compare cost and service across providers; and

**BE IT FURTHER RESOLVED** that the “Broadband ~~Nutrition~~ Consumer Label” should include, at a minimum, items such as: the actual delivered upload and download speeds, all fees assessed, costs of any associated rental equipment or installation charges, network latency and downtime/outage reporting, data limits or speed throttling, and termination or cancellation costs.

---

<sup>10</sup> Federal Communications Commission, Empowering Broadband Consumers Through Transparency, CG Docket No. 22-2, Notice of Proposed Rulemaking, (rel. Jan. 27, 2022).

1 NLC RESOLUTION 2022-48

2  
3 PRESERVING LOCAL CONTROL OF BROADBAND INFRASTRUCTURE SITING

4  
5 ITC Committee Recommendation: Renew with edits

6  
7 **WHEREAS**, the Federal Communications Commission (FCC) has enacted regulations that  
8 substantially limit the traditionally-held authority of local governments over small cell wireless  
9 infrastructure and local governments' ability to assess fair compensation to taxpayers for use of  
10 public property, subsidizing wireless providers' development while undermining local efforts to  
11 expand equity and broadband access; and<sup>11</sup>

12  
13 **WHEREAS**, the FCC has enacted regulations that challenge local land use authority to govern  
14 broadband infrastructure under the auspices of accelerating broadband infrastructure  
15 deployment<sup>12</sup>; and

16  
17 **WHEREAS**, cities have worked as active partners to site broadband infrastructure in their  
18 communities while protecting public safety, neighborhood character, and the integrity of existing  
19 infrastructure such as poles, streets, and sidewalks; and

20  
21 **WHEREAS**, cities share the FCC's goal of expanding broadband access to all Americans, no  
22 matter where they live; and

23  
24 **WHEREAS**, cities have a duty to their taxpayers to protect and manage public property and  
25 public rights-of-way for the benefit of all users, and must balance the needs and interests of  
26 broadband providers with those of other users of the rights-of-way and residents by appropriately  
27 reviewing siting requests and assessing appropriate rent for use of public property; and

28  
29 **WHEREAS**, NLC and numerous other organizations representing state and local governments,  
30 as well as hundreds of individual local governments, had to resort to litigation to protect the  
31 health, safety and welfare of residents;<sup>13</sup> and

32  
33 **WHEREAS**, in August 2020, the Ninth Circuit Court decided to largely uphold these  
34 preemptive regulations,<sup>14</sup> and in June 2021 the Supreme Court declined to take up the case,<sup>15</sup>  
35 reinforcing the need for Congress to provide an immediate lasting legislative remedy.  
36

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<sup>11</sup> Federal Communications Commission, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79 and Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84, Declaratory ruling and Third Report and Order (rel. Sep. 27, 2018).

<sup>12</sup> Federal Communications Commission, Updating the Commission's Rule for Over-the-Air Reception Devices, Notice of Proposed Rulemaking, WT Docket No. 19-71 (rel. March 22, 2019).

<sup>13</sup> Brief of Local Government Intervenors in Support of Respondents, Sprint Corporation v. Federal Communications Commission (nos. 19-70123, 19-70124, 19-70125, and 19-70326).

<sup>14</sup> City of Portland v. USA, Case No. 18-72689, 9<sup>th</sup> Cir. 2020.

<sup>15</sup> City of Portland v. USA, Case No. 20-1254, Supreme Court of the United States 2021.

37 **NOW, THEREFORE, BE IT RESOLVED** that NLC opposes efforts by the FCC and  
38 Congress to preempt municipal authority over all broadband infrastructure, wired or wireless,  
39 including small cell infrastructure; and  
40

41 **BE IT FURTHER RESOLVED** that NLC calls on the FCC and Congress to protect local  
42 authority over their rights-of-way, municipal authority to protect neighborhood character and  
43 public safety, to require collocation, maintain control of aesthetic and undergrounding  
44 requirements, and existing authority to assess fair compensation for private use of public assets,  
45 including the rights-of-way and other public lands and facilities, which should not be limited to  
46 the cost of maintaining the rights of way; and  
47

48 **BE IT FURTHER RESOLVED** that NLC calls on the FCC to overturn its 2018 small cell  
49 rulemaking and identify effective collaborative solutions and effective administrative practices  
50 for the siting of wireless infrastructure, including increased local representation on advisory  
51 committees, instead of implementing a one-size-fits-all preemptive regulatory approach; and  
52

53 **BE IT FURTHER RESOLVED** that NLC opposes efforts by the FCC to favor specific  
54 technologies through regulation, or adopting regulations that further expand the digital divide by  
55 preempting local governance; and  
56

57 **BE IT FURTHER RESOLVED** that NLC opposes any efforts by the FCC to implement the  
58 digital discrimination prevention provisions of the Infrastructure Investment and Jobs Act in a  
59 way that would limit or recommend limiting local authority over infrastructure siting or  
60 permitting, or otherwise limit the ability of local governments to exercise local control over  
61 franchises or rights of way management, which are critical tools for preventing digital  
62 discrimination; and  
63

64 **BE IT FURTHER RESOLVED** that NLC supports legislation to overturn the FCC preemption  
65 of local authority and affirm the authority of local governments to determine usage of and  
66 appropriate fees for usage of local rights-of-way; and  
67

68 **BE IT FURTHER RESOLVED** that NLC calls on the FCC to examine all best practices and  
69 potential obstacles to expanded broadband deployment and adoption, including obstacles created  
70 by federal or industry practices that stymie local and consumer efforts to expand broadband  
71 access.

1 NLC RESOLUTION 2022-49

2  
3 **CALLING FOR UPDATED FEDERAL SAFETY STANDARDS FOR**  
4 **RADIOFREQUENCY EMISSIONS OF WIRELESS FACILITIES**

5  
6 **ITC Committee Recommendation:** Renew with edits  
7

8 **WHEREAS**, increased usage of wireless communications services has resulted in greater  
9 deployment of wireless communications facilities in cities; and  
10

11 **WHEREAS**, Congress and the Federal Communications Commission (FCC) are considering  
12 legislation and regulations, respectively, addressing the deployment of small wireless  
13 communications infrastructure in public rights-of-way; and  
14

15 **WHEREAS**, states and local governments throughout the United States are preempted by  
16 Section 332(c)(7) of the Communications Act of 1934 from taking into consideration the health  
17 effects of radio frequency emissions (RF) when regulating the placement of wireless facilities or  
18 small wireless facilities with their jurisdictions; and  
19

20 **WHEREAS**, Americans have expressed significant concerns with the health effects of RF  
21 emissions associated with wireless facilities, particularly small wireless facilities placed in public  
22 rights-of-way often in very close proximity to residents' homes, places of work and where they  
23 recreate; and  
24

25 **WHEREAS**, there is limited public-facing information about the safety and health impacts of  
26 **RF emissions related to infrastructure, versus emissions from personal devices, making it**  
27 **challenging for local governments to provide residents with timely, relevant information from**  
28 **the federal government in response to their concerns; and**  
29

30 **WHEREAS**, cities and counties employ methods to avoid providing certain environmental  
31 related services near residents with particular sensitivities; and  
32

33 **WHEREAS**, the FCC is required by the National Environmental Policy Act of 1969, among  
34 other things, to evaluate the effect of emissions from FCC-regulated transmitters on the quality  
35 of the human environment; and  
36

37 **WHEREAS**, the FCC adopted a proceeding in 2013 to reassess RF exposure limits;<sup>16</sup> and  
38

39 **WHEREAS**, numerous states, local governments and tribes have urged the FCC to revisit and to  
40 update FCC standards for RF emissions, with input and support from other federal agencies,  
41 including the Environmental Protection Agency and the Food and Drug Administration; and  
42

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<sup>16</sup> Federal Communications Commission, Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies; Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields, First Report and Order, Further Notice of Proposed Rulemaking and Notice of Inquiry, ET Docket 13-84 (rel. March 29, 2013).



43 **WHEREAS**, NLC, the National Association of Counties (NACo), National Association of  
44 Telecommunications Officers and Advisors (NATOA) the U.S. Conference of Mayors (USCM),  
45 and the National Association of Towns and Townships (NATaT) on behalf of their respective  
46 constituencies, jointly submitted comments urging that the FCC take action to perform a  
47 comprehensive review of RF emission standards and guidance for local government officials,  
48 particularly with respect to small wireless technologies;<sup>17</sup> and  
49

50 **WHEREAS**, the FCC closed its RF exposure docket in 2019, reaffirming the safety of personal  
51 RF-emitting devices such as cell phones, but declining to address the safety of small wireless  
52 infrastructure or to provide local governments with updated resources and guidance on assessing  
53 the safety of small wireless structures in their communities or addressing the rising tide of  
54 questions and concerns from residents about their safety;<sup>18</sup> and  
55

56 **WHEREAS**, in 2021, the DC Circuit Court of Appeals remanded this decision, finding that the  
57 FCC decision failed to meet Administrative Procedure Act and National Environmental Policy  
58 Act requirements.<sup>19</sup>  
59

60 **WHEREAS**, public concern about 5G and RF emissions has increased exponentially in the wake  
61 of this agency inaction, making it more difficult for local governments and wireless providers to  
62 site small wireless facilities in communities and leading to vandalism or destruction of structures  
63 and threats to telecommunications workers' safety; and  
64

65 **NOW, THEREFORE, BE IT RESOLVED** that NLC urges the federal government to update  
66 antiquated standards and to perform a comprehensive review of the standards for RF emissions,  
67 particularly in light of the deployment of small wireless technologies in public rights-of-way in  
68 close proximity to residents' homes, schools, workplaces, and places of recreation; and  
69

70 **BE IT FURTHER RESOLVED** that the federal government should continuously update and  
71 refresh these standards, based on changes in technology, spectrum usage, device usage, and  
72 infrastructure deployment, to ensure that standards are recent enough to maintain public  
73 confidence; and  
74

75 **BE IT FURTHER RESOLVED** that NLC calls on the FCC to develop an updated resource for  
76 local governments' use in education for residents about these updated RF emissions standards  
77 and the safety of commonly deployed wireless equipment, particularly small cell wireless  
78 equipment and 5G deployment.

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<sup>17</sup> Letter from the National League of Cities, National Association of Telecommunications Officers and Advisors, National Association of Counties, The United States Conference of Mayors, and the National Association of Towns and Townships to the FCC, July 20, 2020.

<sup>18</sup> Federal Communications Commission, Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields; Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies, ET Dockets 03-137 and 13-84, Released December 4, 2019.

<sup>19</sup> Environmental Health Trust, et. al., v. FCC, Case No. 20-1025, DC Cir. 2021.

1 NLC RESOLUTION 2022-50

2  
3 IN SUPPORT OF MUNICIPAL DATA OWNERSHIP AND PROTECTION

4  
5 ITC Committee Recommendation: Renew with edits

6  
7 **WHEREAS**, municipalities require personally identifiable information to provide essential  
8 services to residents, such as bill payment, library services, transit, public planning, and public  
9 health; and

10  
11 **WHEREAS**, municipal governments have a responsibility to protect residents' personal and  
12 financial data, of which they are stewards; and

13  
14 **WHEREAS**, most municipalities are reliant upon products and services to carry out critical  
15 municipal functions, which necessitates the transmission and storage of data regarding residents'  
16 finances, identification, travel information, or other sensitive data; and

17  
18 **WHEREAS**, residents have a reasonable expectation of privacy in many transactions with their  
19 governments and do not expect their data to be shared with third parties except as necessary to  
20 perform municipal functions; and

21  
22 **WHEREAS**, there is no current federal data privacy law governing the ownership and protection  
23 of data by residents or by municipalities on behalf of residents; and

24  
25 **WHEREAS**, under current law contractors providing these essential products and services may  
26 require that this data become the property of the company, not the municipality, allowing  
27 companies to either monetize residents' data directly or indirectly by requiring municipalities to  
28 purchase it back for local use; and

29  
30 **WHEREAS**, local governments have become particularly attractive targets for bad actors, with  
31 two-thirds almost half of all ransomware attacks targeted at local governments,<sup>20</sup> and most local  
32 information technology officers report insufficient budgetary resources to adequately protect  
33 local government networks.<sup>21</sup>

34  
35 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities calls on the  
36 federal government to establish data privacy principles that prevent the abuse of municipal data  
37 by third parties or companies providing products and services to local governments; and

38  
39 **BE IT FURTHER RESOLVED** that the federal government should institute, expand and  
40 promote basic cybersecurity requirements for companies and governments to ensure that  
41 residents' data is appropriately protected from breach or theft; and

20 [StateScoop, "Report: Two thirds of ransomware attacks in 2019 targeted state and local governments," August 20, 2019.](#) Think Digital Partners, "Local governments biggest target of ransomware attacks in 2020," August 28, 2020.

21 [Public Technology Institute, "PTI/CompTIA 2020 National Survey of Local Government Cybersecurity Programs," 2020.](#)

42  
43 **BE IT FURTHER RESOLVED** that the federal government should establish robust, dedicated  
44 grant and technical assistance programs to assist municipalities of all sizes in preventing,  
45 preparing for, and recovering from cyberattacks; and

46  
47 **BE IT FURTHER RESOLVED** that the federal government should acknowledge the resource  
48 limitations facing municipalities and not impose new unfunded mandates around cybersecurity;  
49 and

50  
51 **BE IT FURTHER RESOLVED** that federal data privacy policy should require companies to  
52 enable municipalities to export their data on demand, and should not require municipalities to  
53 pay again to access or export their own data; and

54  
55 **BE IT FURTHER RESOLVED** that federal privacy principles should not impinge on the  
56 ability of municipal governments to collect and use data to complete critical government  
57 functions, such as transportation service, utility operation, public safety, and providing equitable  
58 access to these services.

NLC RESOLUTION 2022-51

IN SUPPORT OF DIGITAL EQUITY FOR AMERICAN COMMUNITIES

ITC Committee Recommendation: Renew with edits

**WHEREAS**, access to fast, affordable broadband and devices in the United States is not evenly distributed across geographic, racial, or socioeconomic lines, disproportionately harming rural communities, low-income communities, and communities of color; and

**WHEREAS**, 18 million households in America lack broadband access, including 14 million households in urban areas and 4 million households in rural areas, reflecting an enormous un- and underserved urban and suburban population; and

**WHEREAS**, while 802% of households with incomes above \$100,000 use broadband at home, only 507% of households with incomes below \$25,000 do;<sup>22</sup> and

**WHEREAS**, household broadband access lags for communities of color, with 8277% of white residents having in-home broadband service, while only 7767% of Black and Hispanic residents do;<sup>23</sup> and only 67% of tribal lands in the Continental U.S. have access to broadband internet<sup>24</sup>, and white residents have only a 12% dependency on smartphones for access to the Internet, versus 17% Black residents and 25% Hispanic residents solely relying on smartphones. twice as many Black and Hispanic residents as white reporting relying solely on smartphones for access to the Internet;<sup>25</sup> and

**WHEREAS**, at least 83.3 million Americans can only access broadband through a single provider, with 47 million of those in a monopoly market for a single cable company, while another 33 million can only access broadband through a single DSL provider, leaving many with little or no market or regulatory downward pressure on pricing;<sup>26</sup> and

**WHEREAS**, federal broadband policy has increasingly targeted federal dollars solely to building infrastructure in unserved rural areas, neglecting communities with inadequate or decaying telecommunications infrastructure and ignoring the impact of affordability on broadband access, disproportionately disadvantaging communities of color;<sup>27</sup> and

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<sup>22</sup> [National Telecommunications and Information Administration, NTIA Internet Use Survey, “Fixed + Mobile Internet in Household by Family Income, Percent of Age 3+ Persons, 2017-2021,” May 11, 2022.](#)

<sup>23</sup> [National Telecommunications and Information Administration, NTIA Internet Use Survey, “Internet Use by Race or Ethnicity, Percent of Age 3+ Persons, 1998-2001,” May 11, 2022.](#) *Ibid.*

<sup>24</sup> [Rutgers New Jersey Policy Lab, “Bridging the Digital Divide in Native American Communities,” January 13, 2022.](#)

<sup>25</sup> [Pew Research Foundation, Internet/Broadband Fact Sheet, June 12, 2019](#)[Pew Research Foundation, Internet/Broadband Fact Sheet, “% of U.S. adults who say they do not use broadband at home but own smartphones, by race/ethnicity, April 7, 2021](#)[June 12, 2019.](#)

<sup>26</sup> [Institute for Local Self-Reliance, “Profiles of Monopoly: Big Cable and Telecom,” August 2020.](#)

<sup>27</sup> [National Digital Inclusion Alliance, “Limiting Broadband Investment to “Rural Only” Discriminates Against Black Americans and Other Communities of Color,” June 2020.](#)

~~WHEREAS, no dedicated federal subsidy for household broadband exists, while the Lifeline combined phone and broadband program has been weakened through federal policy changes and faces an uncertain financial future due to the current funding structure for the Universal Service Fund and its reliance on landline phone bill surcharges; and~~

WHEREAS, the number of individuals with access to broadband is overreported by the FCC and inconsistent with the U. S. Census American Community Survey's findings, and particularly fails to reflect limited broadband access in multifamily housing; and

WHEREAS, Congress has recognized this disparity between federal data and on-the-ground experience through passage of the Broadband DATA Act of 2020, which directs the FCC to improve its data collection process and map granularity, as well as creating a challenge process for states, local governments, and consumers and public interest groups to correct faulty data; and

WHEREAS, the success of broadband infrastructure programs authorized by the Infrastructure Investment and Jobs Act of 2021 relies upon the accuracy of these maps, as many programs are required to use FCC map data to prioritize or distribute broadband grant funds; and

WHEREAS, while mapping improvements will help to improve the accuracy of federal broadband access measurements, the Federal Communications Commission does not track broadband adoption or affordability in its annual assessment of broadband access.

**NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities calls on the federal government to make holistic reforms to federal broadband policy that promote digital equity and empower local governments to engage in digital inclusion work within their own communities; and

**BE IT FURTHER RESOLVED** that ~~Congress should enact legislation~~ NLC applauds the inclusion of digital equity as part of the Infrastructure Investment and Jobs Act, including the Digital Equity Act to fund and support digital inclusion programs and planning within communities, ~~such as the Digital Equity Act~~; and

**BE IT FURTHER RESOLVED** that NLC calls on the Federal Communications Commission, National Telecommunications Commission, and other agencies to prioritize access to digital equity funding for municipal governments; and

**BE IT FURTHER RESOLVED** that NLC supports ~~the establishment of the short-term Emergency Broadband Benefit and~~ making permanent the Infrastructure Investment and Jobs Act's Affordable Connectivity Program and calls on Congress to ~~establish a permanent, dedicated and~~ sustainably funded this federal broadband benefit, to ensure that low-income households are not barred from full participation in work, education, and civic life due to broadband subscription prices, and to continue to revisit the program usership and provide necessary flexibility in the ACP requirements to reach all intended beneficiaries; and

81 **BE IT FURTHER RESOLVED** that broadband reporting programs, such as the FCC’s annual  
82 broadband deployment report, broadband infrastructure programs, such as the Connect America  
83 Fund or the U.S. Department of Agriculture’s Rural Utilities Service funds, should assess  
84 affordability when determining whether residents have access to home broadband; and

85  
86 **BE IT FURTHER RESOLVED** that broadband infrastructure programs should not be limited  
87 to rural communities, and should incorporate suburban and urban communities, many of which  
88 have been subjected to decades of disinvestment, monopolization, and digital redlining; and

89  
90 **BE IT FURTHER RESOLVED** that the U.S. Treasury should allow digital inclusion as an  
91 eligible community support service under the requirements of the Community Reinvestment Act,  
92 ensuring that low to moderate income communities do not go unbanked due to lack of broadband  
93 access or low digital literacy; and

94  
95 **BE IT FURTHER RESOLVED** that Congress and federal agencies should affirmatively  
96 uphold and protect the authority of local governments to control their agreements with the cable,  
97 wireline, and wireless telecommunications companies operating in their jurisdictions, to ensure  
98 their appropriate usage of public resources such as municipal rights-of-way, promote digital  
99 equity, and adequate investment in and contribution to the community; and

100  
101 **BE IT FURTHER RESOLVED** that Congress and federal agencies should remove barriers to  
102 cooperative and municipal investment in and provision of broadband service, to ensure local  
103 governments are empowered to close gaps in communities with inadequate or unaffordable  
104 broadband service.  
105

# NTIA IJA BROADBAND PROGRAMS

## OVERVIEW FOR STATE AND LOCAL GOVERNMENTS

Championed by the Administration, the enactment of the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law, represents a historic step forward toward the goal of providing broadband access to the entire country. The IIJA sets forth a \$65 billion investment into broadband,<sup>1</sup> of which \$48.2 billion will be administered by the National Telecommunications and Information Administration.

### Broadband Equity, Access & Deployment Program (BEAD)

**\$42.45B**

**Program objective** | To close the availability gap, as Congress finds that "access to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States."<sup>2</sup>

#### Program priorities

- ① Unserved locations (No access to 25/3 Mbps<sup>3</sup>)
- ② Underserved locations (No access to 100/20 Mbps<sup>3</sup>)
- ③ Community anchor institutions (Without gigabit connections)

**State &  
Territory  
formula  
program<sup>4</sup>**

Eligible entities must also prioritize persistent poverty / high-poverty areas, speed of proposed network, build time and demonstrated records on compliance with federal labor & employment laws. Eligible entities will also be required to offer a low-cost plan to all their subscribers. The details and rules around the low-cost plans will be part of each State's plan, which will have to be approved by NTIA.

**Eligible entities** | All 50 U.S. States and certain U.S. Territories (including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands)

### Tribal Connectivity Technical Amendments

**Program objective** | Provide new funds and extend expenditure deadlines for the Tribal Broadband Connectivity Program (established under the Consolidated Appropriations Act, 2021)<sup>5</sup>

**\$2.0B**

#### Key Amendments

- Add \$2 billion for NTIA to distribute to eligible entities, including to fund previously-proposed programs
- Relax time requirements of original program—eligible entities now have up to: (1) 6 months to submit applications, (2) 18 months to commit the funds to projects, once funds are received, and (3) 4 years to fully expend the grant funds, once funds are received
- Allow infrastructure grantees to expend up to 2.5% total project cost for related planning, feasibility and sustainability studies
- Preserving unused allocated funds for other Tribal broadband projects instead of reverting back to the Treasury

**4 Key  
Amendments  
to Tribal  
Broadband  
Connectivity  
Program**

**Eligible entities** | Tribal Governments; Tribal Colleges or Universities; Tribal Organizations; Native Corporations; and The Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, including Native Hawaiian Education Programs.

1. FCC will administer \$14.42B for the Affordable Connectivity Program; USDA will administer \$2B via the Rural Utilities Service; \$600M for private activity bonds to be used by state and local governments for rural broadband; the rest will be administered by NTIA. 2. Infrastructure Investment and Jobs Act, Div. F, Tit. I, Sec. 60101(1), Pub. L. 117-58 (Nov. 15, 2021). 3. Also subject to threshold latency and reliability standards. 4. Funding will be allocated based on a formula that considers the number of unserved locations identified by the FCC and high-cost locations in the state. 5. At Div. N, Tit. IX, Sec. 905(c).



## Digital Equity Act Programs<sup>1</sup>

**Program objective** | Support the closure of the digital divide & promote equity and digital inclusion, so that "individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States."<sup>2</sup>

**\$2.75B**

**Program priorities** | Prioritizes covered populations:

- Individuals living in households earning at or below 150% of the poverty line
- Veterans
- Aging individuals
- Incarcerated individuals
- Individuals with a language barrier
- Individuals with disabilities
- Individuals who are members of a racial or ethnic minority group
- Individuals who primarily reside in a rural areas

**3  
programs  
created**

**Eligible entities** | State Planning Grant Program: Any U.S. State, the District of Columbia & Puerto Rico. State Governors must appoint an 'administering entity,' which can be one, or a partnership of:

The State, political subdivision, agency, or instrumentality of State; An Indian Tribe, Alaska Native entity or Native Hawaiian organization located in the State; A foundation, corporation, institution, association, or coalition that is a not-for-profit, not a school, and is providing services in the State; A community anchor institution (not a school) located in the State; A local educational agency that is located in the State; An entity located in the State that carries out a workforce development program; An agency of the State that is responsible for administering or supervising adult education and literacy activities in the State; A public or multi-family housing authority that is located in the State

## Enabling Middle Mile Infrastructure

**\$1.0B**

**Program objective** | To "[e]ncourage the expansion and extension of middle mile infrastructure to reduce the cost of connecting unserved and underserved areas . . . and to promote broadband connection resiliency . . ."<sup>3</sup>

**Program priorities** | at least 2 of the 5 following conditions:

- Adopt "fiscally sustainable middle mile strategies"
- Commit to offering non-discriminatory interconnect
- Identify specific, documented and sustainable demand for middle mile interconnect
- Identify conditions/resources to speed up project
- Demonstrate benefits to national security interests

**Direct  
Competitive  
Grant on  
Technology-  
Neutral Basis**

**Eligible entities** | Can be one of the following or a partnership of multiple: State or its political subdivisions, Tribal government, Tech company, Electric utility, utility cooperative or public utility district, Telecom company or cooperative, Nonprofit foundation, corporation, institution, or association, Regional planning council, Native entity, Economic development authority

## Further information

The following NTIA resources can help state and local governments prepare for these programs:

### State Broadband Program

Information on State broadband programs for all 50 states and 6 territories

<https://broadbandusa.ntia.doc.gov/resources/states>

### Indicators of Broadband Need Map

Interactive tool to show broadband availability

<https://broadbandusa.ntia.doc.gov/resources/data-and-mapping>

### Interactive Federal Funding Guide

90 additional broadband-related programs from 13 federal agencies

<https://broadbandusa.ntia.doc.gov/resources/federal/federal-funding>

1. NTIA will first administer the State Planning Grant Program (\$60M) and then the State Capacity Grant Program (\$1.44B). The Competitive Grant Program (\$1.25B) will be created once state implementation grants begin being awarded. 2. Infrastructure Investment and Jobs Act, Div. F, Tit. III, Sec. 60302(10), Pub. L. 117-58 (Nov. 15, 2021). 3. *Id.* at Tit. IV, Sec. 60401(b)(1).





All Articles

# FCC Broadband Data Challenge Process

BY: **McKaia Dykema, Lena Geraghty**



Infrastructure Technology

On September 12, the Federal Communications Commission’s (FCC) Broadband Data Task Force (BDTF), Wireline Competition Bureau and Office of Economics and Analytics opened the [bulk challenge process](#) for the Broadband Serviceable Location Fabric, the basis for the Broadband Data Collection (BDC) fixed availability maps. Now, local governments and other eligible entities can file bulk challenges to the available data to either correct or supplement the available data released.

This is an important step in the FCC’s broadband data collection effort since most of the broadband money in the Bipartisan Infrastructure Law is required to be allocated by formula according to the data that will be in the BDC fixed availability maps. Therefore, **the need for accurate data where broadband service is available and not available has never been of greater importance**. Cities will benefit from being active in the bulk challenge process this fall.

## What is the Broadband Serviceable Location Fabric?

The BSL “Fabric” is the common dataset of all locations in the United States where fixed broadband internet access service is or can be installed. These locations are referred to as “Broadband Serviceable Locations” and will appear as points on the FCC’s Broadband Map. While the “Fabric” dataset is the result of many integrated data sources including address records, tax assessment records, imagery and building footprints, U.S. Census data, land use records, parcel boundaries, geospatial road and street and more, the dataset is

likely to have errors. To improve the accuracy of this information, partners such as city leaders who are familiar with their local region must engage in the challenge process.

## How does this Fabric impact your community?

There are a lot of broadband funding opportunities for cities to keep track of in their digital equity efforts. Local leaders should keep an eye on funding through avenues such as the Infrastructure Investment and Jobs Act (IIJA); the Biden-Harris Administration's Internet for All initiative; Broadband Equity, Access, and Deployment (BEAD) Program and the Digital Equity Act Programs. These grant programs aim to make high-speed internet an affordable option for all people, but they also require budget allocations for each state and territory and comprehensive planning based on data and internet service mapping conducted by the FCC.

Internet service providers have already submitted their location data to the BSL Fabric, but the challenge process is an important next step in the creation of this vital dataset that will determine where most of the broadband funding through IIJA will be allocated. It is important the Fabric data accurately outlines how many, and where the broadband serviceable locations are in your community, so broadband funding can be allocated appropriately.

## How do I submit a bulk challenge?

A walkthrough of the challenge process from a submitting entity's perspective is [available to watch here](#). Some of the presentation's key steps and pointers are included below.

- ◆ **Access the Broadband Serviceable Location Fabric dataset** following [these steps](#). Local governments must follow the steps provided in the link which include logging into the Broadband Data Center system and executing a limited end-user license agreement for the Fabric dataset. These licensing requests may take time to be processed so expect a processing window when submitting the access request. Delivery of credentials may take up to two weeks from the time your organization information is submitted.
- ◆ **Familiarize yourself** with the FCC's definition of a "broadband serviceable location," which will not necessarily include all structures at a particular location or parcel. More information can be found in the [Bulk Fabric Challenge Specs Public Notice](#).
- ◆ **Develop a strategy** for requiring and validating the Fabric data in your geographic area.
- ◆ **Align your data with the specifications** set forth in the [Data Specifications for Bulk Fabric Challenge Data document](#). Some of these specifications include, among other things, requirements to identify the name and contact information of the submitting entity, the Fabric location subject to challenge, the category of the challenge for each location, and evidence supporting the challenge. Further specifications require the challenge data file to include records for each location in a Comma Separated Value (CSV) format, all fields must be included in the file upload, and all values must conform to the descriptions, codes, or formats identified for each field in the Data Specifications document.
  - ◆ [Check out this resource for how to format a bulk fabric challenge](#).
- ◆ **Certify** that the information you are submitting is true and correct (to the best of your actual knowledge, information, and belief) for each location that is part of the bulk challenge.
- ◆ **Submit** your challenge!

After the first version of the FCC Broadband Map is released later this fall, the challenge process will open for challenges to an individual Fabric location. Challenges to an individual location may include incorrect information on a particular location such as address or unit count, a location's geographic coordinates, a

missing from the Fabric. Consumers will be able to engage in this individual location challenge process to submit challenges for their own residences or small businesses.

Additional Resources

- ◆ [FCC Broadband Data Collection Website](#)
- ◆ [September 7 FCC Broadband Serviceable Location Fabric Bulk Challenge Process Webinar Recording and Materials](#)
- ◆ Visit the [BDC Help Center](#) for additional technical assistance materials for filing challenges to Fabric data.
- ◆ [Broadband Data System Tutorials \(Video Resources\)](#)



McKaia Dykema

About the Authors

McKaia Dykema is the Legislative Specialist on NLC’s Federal Advocacy team.



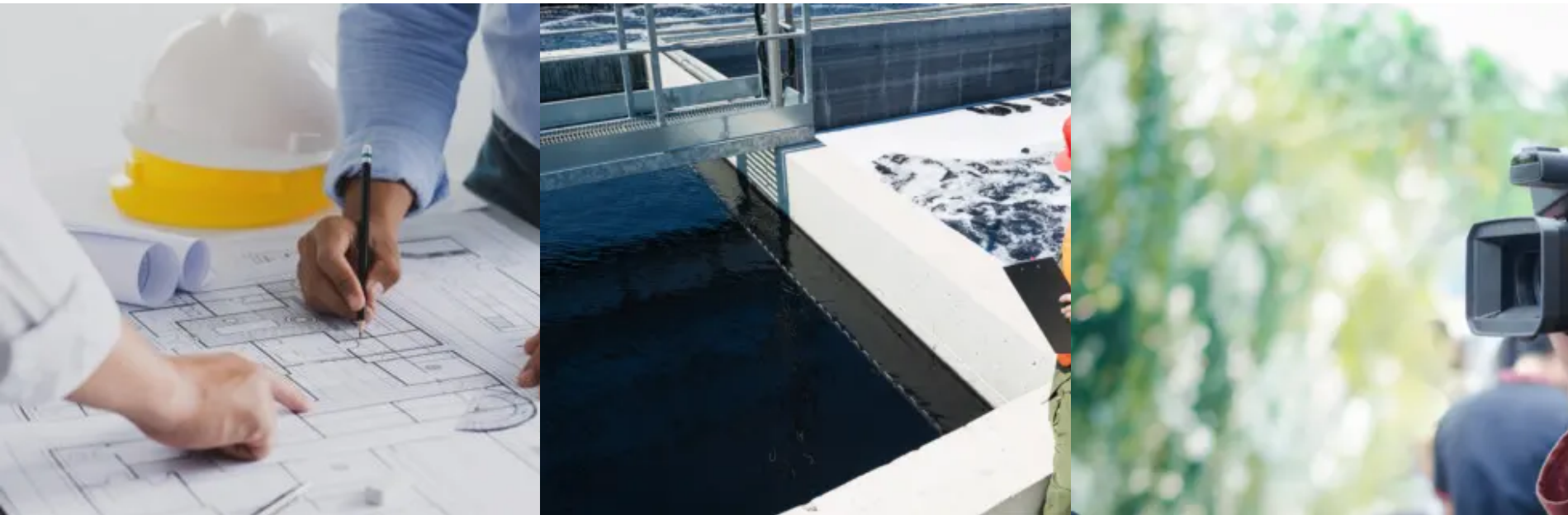
Lena Geraghty

Lena Geraghty is the Program Director of Urban Innovation in the Center for City Solutions

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## **SPEAKER BIOS**



### **Sarah Morris**

*Senior Advisor to the Assistant Secretary*

National Telecommunications and Information Administration

Sarah Morris joined NTIA as Senior Advisor in March 2022. She was previously director of New America's Open Technology Institute, where she led OTI's strategy, management, and advocacy. Prior to her role as director, she led the organization's efforts on a broad portfolio of issues including broadband access and adoption, online consumer protections, and preserving the open internet. Her work on these issues has been widely quoted in a number of national publications, and she has appeared as an expert on radio and television outlets.

Prior to joining New America, Morris was a fellow with the public interest law firm Media Access Project, where she assisted with research and drafting of FCC comments on a wide range of key communications topics. She earned a B.A. from the University of Nebraska-Lincoln, and a J.D. and LL.M. in space, cyber, and telecommunications law from Nebraska Law, completing her LL.M. thesis on privacy and security concerns related to the electric smart grid. Morris has also served as an adjunct professor for scholarly writing and telecommunications law and policy courses at George Washington Law School since 2016.



### **Cort Buffington**

*Technical Assistance Advisor*

National Telecommunications and Information Administration

Cort Buffington is an IT Leader with over 25 years of experience in networking, information technology, and organizational leadership in education and non-profit sectors. He is passionate about ensuring everyone has access to *High-Speed Broadband* and advancing digital equity throughout the state of Kansas.

He spent over two decades working for KanREN, the Research and Education (R&E) Network for Kansas, serving as KanREN's Executive Director for 14 years. A national leader in public service connectivity, KanREN provides advanced network services and support for researchers, educators, and public service institutions in the state of Kansas. Additionally, he played an integral role advocating for anchor institution connectivity, as a representative with national organizations.



Cort recently joined the National Telecommunications and Information Administration (NTIA), where he is realizing a long-term dream of having a broader impact. In his role with the Office of Internet Connectivity and Growth, Cort brings his years of broadband experience to the Internet for All initiative, providing high-speed, affordable Internet service to all Americans.

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**Alejandro Roark**

*Chief, Consumer and Governmental Affairs Bureau*  
Federal Communications Commission

Alejandro Roark is Chief of the Consumer and Governmental Affairs Bureau (CGB) which develops and implements the commission's consumer policies, including disability access. CGB serves as the public face of the commission through outreach and education, is responsible for responding to consumer inquiries and complaints, and maintains collaborative partnerships with state, local and Tribal governments. Prior to joining the FCC, Alejandro led a CEO roundtable of national Latino civil rights organizations working in partnership to promote access, adoption, and the full utilization of technology and telecommunications resources by the Latino community across the United States.

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**Denise Quarles**

*Head of External Affairs and Chief City Executive for the Southeast Region*  
Siemens

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