



**FCC Data  
Collection:  
Broadband Data  
Collection In  
Indian Country**



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## FCC Data Collection: Tribal Broadband Data

### Broadband Data in Indian Country

Federal and state data collection efforts are flawed and inaccurate when it comes to Tribal communities; moreover, they omit them entirely. This was proven true for [healthcare data](#) during the height of the COVID-19 pandemic, true for [law enforcement data](#) needed to address the MMIP crisis, and also true for [broadband connectivity data](#). Accurate data is crucial to identifying and solving the needs of Tribal communities. The National Congress of American Indians (NCAI) [examined Tribal data capacity](#) and found that Tribes and Tribal entities are working to develop their own data to address the needs of their own communities in order to ensure that Tribal communities are accurately represented.

This document will focus on data related to broadband internet access collected by the Federal Communication Commission (FCC). The FCC has launched its new Broadband Data Collection Program (BDC) to assist with the development of new broadband availability maps. These maps will be key in broadband grant programs moving forward. However, some of the data being used for the used maps may still misrepresent Indian Country. In addition to that, there are also key considerations for Tribes and Tribal entities wishing to submit information to the FCC BDC.

[The Infrastructure Investment and Jobs Act](#) (IIJA) created two new broadband funding programs that will heavily rely on FCC broadband availability data. [The Broadband Equity, Access, and Deployment Program](#) (BEAD) and the [Digital Equity Act Programs](#)

(DEA) are initiatives that provide a combined \$45.74 billion to state governments and organizations to promote broadband access and digital equity. The BEAD and the DEA programs are somewhat interrelated, but the BEAD program will heavily rely on broadband availability maps developed by the FCC. It is essential that the FCC gather accurate and complete data so States and Tribes can fully participate in the BEAD program.

### The BEAD Program

The [BEAD NOFO](#) was released by the National Telecommunications and Information Administration (NTIA) on May 13, 2022. The BEAD program provides \$42.45 billion to states for broadband planning, deployment, mapping, equity, and adoption activities. NTIA will administer the program and they anticipate that each state will be eligible to receive a minimum award of \$100,000,000.<sup>1</sup> States may request \$5,000,000 out of the minimum award to use for Initial Planning Funds.<sup>2</sup> The final awards can be more than the minimum amount depending on the number of unserved locations in every state and territory. The BEAD program focuses on providing broadband service to unserved locations and will assess each State's proposal to connect broadband to these locations to determine final award amounts.

The BEAD program is intended to be used by states. However, NTIA also intends to administer the program in partnership with Tribes and other entities.<sup>3</sup> The NTIA requires that States receiving planning money develop a Five-Year Action Plan that

<sup>1</sup> BEAD NOFO Executive Summary. K.

<sup>2</sup> BEAD NOFO Executive Summary. K.

<sup>3</sup> BEAD NOFO I.B.1

includes a “description of the Eligible Entity’s external engagement process, demonstrating collaboration with local, regional, and Tribal (as applicable) entities...”<sup>4</sup> Five-Year Plans seeking to connect unserved areas will likely include many Tribal communities, since many lie in unserved areas. Therefore, Tribal engagement is absolutely critical. While States are not specifically required to include Tribes in their broadband plans, greater engagement and collaboration with Tribes will assist States with their requests for BEAD resources. States that wish to make meaningful progress in broadband connectivity must include Tribal communities as they would with any other rural community. States have the unique opportunity to fulfill the intent of the grant program to provide broadband internet to communities that have little to no access.

### FCC Data collection overview

The first stage to participating in the BEAD program is to ensure that FCC broadband maps accurately reflect broadband availability in rural and Tribal communities. In the past, the [FCC overstated broadband access on Tribal lands](#), so Congress passed the [Broadband DATA Act](#). The law requires the FCC to develop better broadband data by collecting information from Internet service providers, local governments, Tribal governments, and other sources. Once data is collected from the various sources, the FCC will be able to publish more accurate maps, with more granular and targeted data for funding, and more accurate data for FCC reports and analysis.

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<sup>4</sup> BEAD NOFO IV.B.3.b

### FCC Data Collection process

The FCC developed several parts to the broadband data collection (BDC) process in this [Third Report and Order](#). Generally, fixed and mobile internet service providers (ISP) who are required to submit an FCC Form 477 will also have to submit data to the BDC.<sup>5</sup> This may include Tribal entities that serve as internet service providers. In addition, the BDC will include processes for Tribal governments to submit their own Primary Availability data. There are other processes to submit crowdsource data and to challenge data provided by ISPs, however, this document will focus on the process for Tribes to submit Primary Availability data. Primary Availability data is defined as data mapping or tracking broadband access service coverage by a Tribal governmental entity.<sup>6</sup>

As of June 30, 2022 the FCC’s BDC filing window will remain open until September 1, 2022.<sup>7</sup> The [FCC guidance](#) states that any data submitted to the BDC from a Tribal governmental entity must be verified. Verification of the data itself will consider the following:<sup>8</sup>

- Whether the entity seeking to submit verified availability data specializes in gathering and/or analyzing broadband availability data; and
- Whether the submitter is able to demonstrate that it (or the entity acting on its behalf) “has employed a sound and reliable methodology in collecting, organizing, and verifying the availability data it is submitting.”

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<sup>5</sup> FCC 21-20, ¶10.

<sup>6</sup> Public Law No. 166-130 Sec. 802 (a)(2).

<sup>7</sup> FCC DA-22-182, ¶13.

<sup>8</sup> FCC 21-20, ¶ 62, 64.

- Data from a governmental entity cannot be provided by an ISP and forwarded to the FCC without any attempt to verify the data.

The FCC will also verify if a filer is an entity authorized to submit data on behalf of a Tribal government. Verification of authorized filers will consider the following:

- Filers that have a FCC Registration Number (FRN).
- Filers that have a Employer Identification Number (EIN)

The FCC's Commission Registration System (CORES) will be used to assist with authentication. Tribal entities that do not have an EIN are still able to use CORES. Further details for Tribal entities needing to register in CORES can be found in the [FCC Guidance](#).

### **Additional BDC Considerations**

Presently, the current data fails to accurately represent Indian Country. The FCC BDC is an effort to gather better data and if it is successful, the FCC will, by law, create [data fabric maps](#) that illustrate broadband availability down to specific locations rather than estimations based on general areas. This will create a substantive opportunity for Tribes to participate in the BDC program.

The FCC BDC is an important first step to develop accurate data on Indian Country. However, There is still some potential to create new maps that do not fully include Tribes. The U.S. Census Bureau acknowledged an undercount for Native Americans in the 2020 Census, and the recorded data blocks and geographical data

will be used in the development for the new maps. The inclusion of this flawed data is something that should be carefully considered in the final development of the new maps.

In addition to the Census undercount, the Government Accountability Office (GAO) also released their [report](#) on Tribal Broadband Funding Programs. The GAO report highlights some of the major challenges to current grant programs and the national effort to expand broadband in Indian Country. The GAO report found the same thing that AIPI's 2019 Tribal Technology Assessment found, in that 18% of people living on Tribal lands do not have access to broadband. The FCC's new data fabric maps must be developed in a way that makes it an important tool to help pinpoint the areas of Indian Country where Tribal broadband is most needed.

It is also important to note that any data provided to the BDC will become public information. There are some narrow exceptions, but Tribes must ensure that information provided to the BDC is appropriate to be included in a publicly accessible database. Tribal governments, ISPs, IT professionals, and others working on Tribal broadband are familiar with proprietary data considerations. However, Tribes are still encouraged to take part in the BDC when possible. The FCC's [BDC website](#) provides information on submitting data as well as additional information on data specifications and data submission tutorial videos. The FCC's BDC is an important opportunity for Tribes to ensure that broadband availability data in their communities are accurate and reliable.

# Acknowledgements

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