

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Affordable Connectivity Program) WC Docket No. 21-450
)

FIFTH REPORT AND ORDER

Adopted: March 13, 2023

Released: March 15, 2023

By the Commission:

I. INTRODUCTION

1. In this Order, the Federal Communications Commission (Commission) directs the Consumer and Governmental Affairs Bureau (Bureau) to offer an additional funding opportunity of up to \$10 million for the National Competitive Outreach Grant Program (NCOP) and the Tribal Competitive Outreach Grant Program (TCOP), which are components of the Affordable Connectivity Outreach Grant Program (Outreach Grant Program).¹ This maximum of \$10 million will come from a combination of: (a) unspent funding – funding previously allocated to the Outreach Grant Program but not awarded;² and (b) unobligated funding – funding from the \$100 million Affordable Connectivity Program (ACP) outreach budget that we have not yet allocated to specific outreach efforts.³ We direct the Bureau to issue a Notice of Funding Opportunity (NOFO) to initiate the application process for this additional funding.

2. The ACP plays an integral role in helping to bridge the digital divide, which remains a top priority for the Commission.⁴ As part of its efforts to encourage participation in the ACP, the Commission established the Outreach Grant Program in order to engage with partners around the country to help inform ACP-eligible households about the program in their local communities, with funding and

¹ See generally *Affordable Connectivity Program*, Second Report and Order, WC Docket No. 21-450, FCC 22-64 (2022) (*Second ACP Order*) (establishing Outreach Grant Program). The Outreach Grant Program is comprised of four complementary grant programs: the National Competitive Outreach Grant Program (NCOP); the Tribal Competitive Outreach Grant Program (TCOP); the Your Home, Your Internet Outreach Grants; and the ACP Navigator Pilot Program Outreach Grants. The components of the Outreach Grant Program were established in Notice of Funding Opportunity No. FCC-ACOGP-23-001. FCC, *Affordable Connectivity Outreach Grant Program*, Funding Opportunity No. FCC-ACOGP-23-001, Notice of Funding Opportunity at 4 (Nov. 10, 2022) (*Initial NOFO*), https://www.fcc.gov/sites/default/files/acp_outreach_grant_program_nofp.pdf; see also *infra* Part II (describing component programs).

² See *Second ACP Order* at 26-27, paras. 45-47 (allocating at least \$80 million of the Affordable Connectivity Program outreach budget for the Outreach Grant Program).

³ This would be funding beyond that allocated for the Outreach Grant Program and for FCC outreach efforts in support of the Your Home, Your Internet Pilot Program. See *id.* at 26-27, paras. 45-57; *Affordable Connectivity Program*, Third Report and Order, WC Docket No. 21-450, FCC 22-65, at 10, para. 23 (2022) (*Third ACP Order*) (“Additionally, the Commission will target up to an additional \$5 million to fund our own outreach efforts, and may coordinate these efforts with HUD and other federal agency partners.”).

⁴ See *Affordable Connectivity Program, Emergency Broadband Benefit Program*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket Nos. 21-450, 20-445, FCC 22-2, at 98, para. 211 (2022) (*ACP Order*) (“Narrowing the digital divide has been an ongoing priority for the Commission....”).

resources to support such outreach and community engagement.⁵ The extensive demand for ACP outreach funding so far underscores the need for these funds and the importance of reaching the eligible households that have not yet enrolled in the ACP.⁶ This new funding opportunity for ACP outreach is intended to provide additional funding awards beyond the outreach grant awards announced by the Commission on March 10, 2023.⁷ Directing the Bureau to offer an additional outreach grant funding opportunity will allow additional eligible entities to receive grant awards to conduct this necessary outreach to increase participation among those Americans most in need of affordable connectivity.

3. Pursuant to the authority provided to the Commission in the Infrastructure Investment and Jobs Act (Infrastructure Act),⁸ we previously designated up to \$100 million for all ACP outreach.⁹ Out of this \$100 million, we directed the Bureau to designate up to \$60 million to be competitively allocated to eligible entities¹⁰ and to also designate a minimum of \$10 million for grants specifically for ACP outreach to persons who live on qualifying Tribal lands.¹¹ In November 2022, consistent with the Commission's funding designations, the Bureau issued a NOFO for up to \$60 million for the National Competitive Outreach Grant Program and a minimum of \$10 million for the Tribal Competitive Outreach Grant Program.¹² Hundreds of applicants applied for these programs, and the demand for national competitive grant funding exceeded the \$60 million budget for this program.

4. To expand the number of entities raising awareness of the ACP with the goal of increasing enrollments among eligible households, we direct the Bureau to offer an additional funding opportunity for the National Competitive Outreach Grant Program and the Tribal Competitive Outreach Grant Program totaling up to \$10 million, to be distributed among each program equally insofar as possible. The additional funding for this funding opportunity will come from unspent Outreach Grant Program funding and ACP outreach funding not previously designated for specific ACP outreach activities, such that total funding including this additional NOFO does not exceed the \$100 million previously designated for all ACP outreach in the *ACP Order*.¹³ This approach carefully balances the demand for additional grant funding with the importance of maintaining fiscal responsibility of the ACP by staying within the \$100 million budget we previously established for all ACP outreach. The Bureau will continue to have the delegated authority outlined in the *Second ACP Order*, in coordination with the Wireline Competition Bureau (WCB), the Office of the General Counsel (OGC), and the Office of the

⁵ *Second ACP Order*, at 2, para. 2.

⁶ *Id.* at 4-6, paras. 4-6 (discussing the need for and importance of ACP outreach).

⁷ *Consumer and Governmental Affairs Bureau Announces ACP Outreach Grant Program Target Funding*, Public Notice, WC Docket No. 21-450, DA 22-194 (CGB Mar. 10, 2023). On March 15, 2023, the Commission announced the awards for the Your Home, Your Internet and Navigator Pilot Programs.

⁸ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 60502(a)(3), 135 Stat. 429, 1240 (2021) (codified at 47 U.S.C. § 1752(b)(10)(C)).

⁹ This includes: (1) up to \$60 million for competitive allocation to eligible entities through NCOP; (2) a minimum of \$10 million for competitive allocation to eligible Tribal governments and Tribal organizations (including Tribally Designated Housing Entities) through TCOP; (3) up to \$5 million for the Your Home, Your Internet Outreach Grants; (4) up to \$5 million for the ACP Navigator Pilot Program Outreach Grants; and (5) up to \$5 million for the FCC's own outreach activities in connection with the Your Home, Your Internet Pilot Program. See *Second ACP Order* at 26-27, paras. 46-47 (discussing budget allocations); *Third ACP Order* at 10, para. 23. The remaining balance of the \$100 million not specifically allocated in the Commission's prior orders is available for the FCC's own ACP outreach.

¹⁰ *Second ACP Order* at 26-27, paras. 44-46.

¹¹ *Id.* at 27, para. 46.

¹² *Initial NOFO* at 4, 8.

¹³ *ACP Order* at 91, para. 193.

Managing Director (OMD) as appropriate, to develop, administer, and manage the Outreach Grant Program.¹⁴

II. BACKGROUND

5. Millions of low-income households experience difficulty paying for broadband service needed to participate in 21st century society, including for work, education, healthcare, and civic engagement.¹⁵ Therefore, addressing affordability is a critical step towards closing the digital divide. On November 15, 2021, the Infrastructure Act was enacted, appropriating \$14.2 billion for the ACP.¹⁶ The program addresses affordability barriers to broadband access and adoption by providing eligible households a monthly discount of up to \$30 a month (or up to \$75 a month for eligible households residing on qualifying Tribal lands) toward broadband service and a one-time discount of up to \$100 to purchase a connected device (tablet, laptop, or computer) from a participating provider, with a co-pay of more than \$10 but less than \$50.¹⁷ Currently, over 16 million households are enrolled in the ACP. However, a significant number of eligible households are still not yet aware of and have not enrolled in the program.¹⁸ Therefore, meaningful outreach by a variety of outreach partners and methods is necessary to help maximize the potential impact of the ACP.

6. Recognizing the importance of such outreach, Congress expressly authorized the Commission to use ACP funds to conduct outreach to encourage households to enroll in the ACP, including facilitating consumer research, conducting focus groups, engaging in paid media campaigns, and providing grants to outreach partners.¹⁹ In the *ACP Order*, the Commission allocated up to \$100 million for ACP outreach, including an outreach grant program and Commission outreach activities as authorized in the Infrastructure Act, to be spent over five years.²⁰

¹⁴ See, e.g., *Second ACP Order* at 11, 14, 21, 25, 28, 33, 44, 60, paras. 19, 26, 33, 35, 43, 49, 87 (discussing the delegation of authority to the Bureau).

¹⁵ See, e.g., EducationSuperHighway, *No Home Left Offline, Bridging the Broadband Affordability Gap* at 5-6 <https://www.educationsuperhighway.org/no-home-left-offline/> (2021) (estimating that 18 million households (47 million people) are offline because they are unable to afford broadband); Gabriella Novello, *ACP Grant Details to Come this Summer: Rosenworcel*, Comm. Daily (June 14, 2022) (“The ‘vast majority’ of people that don’t have internet service can’t afford it, said National Urban League Senior Vice President-Policy and Advocacy Joi Chaney.”); Emily A. Vogels, *Digital Divide Persists Even as Lower Income Americans Make Gains in Tech Adoption*, Pew Research Trust (June 22, 2021), <https://www.pewresearch.org/fact-tank/2021/06/22/digital-divide-persists-even-as-americans-with-lower-incomes-make-gains-in-tech-adoption/> (stating that 13% of low-income households with incomes below \$30,000 do not have access to home broadband services, a smartphone, a desktop or laptop computer and a tablet).

¹⁶ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 60502, 135 Stat. 429, 1238 (2021); see Division J, Appropriations, Title IV – Financial Services and General Government of the Infrastructure Act (appropriating \$14.2 billion to the Affordable Connectivity Program). The ACP is the successor program to the Emergency Broadband Benefit Program (EBB Program). The EBB Program was a \$3.2 billion program established pursuant to the Consolidated Appropriations Act of 2021 on December 27, 2020 and launched on May 12, 2021 to provide discounted broadband service to low-income households, including those experiencing economic disruption related to the COVID-19 pandemic. *ACP Order* at 3, para. 3. Consistent with the Infrastructure Act, the EBB Program ended and the ACP commenced on December 31, 2021. See *ACP Order* at 4, para. 6.

¹⁷ 47 CFR § 54.1803(a)-(b).

¹⁸ Anna Read & Kelly Wert, *Enrollment Hurdles Limit Uptake for FCC’s Affordable Connectivity Program*, Pew, Feb. 28, 2023 (discussing ACP enrollment process).

¹⁹ 47 U.S.C. § 1752(b)(10)(C)(ii)(I)-(IV).

²⁰ *ACP Order* at 90, para. 193.

7. The Commission’s governmental and non-governmental outreach partners play a critical role in the outreach necessary to ensure that eligible households learn about and can enroll in the ACP.²¹ They are trusted entities in the communities they serve, and many have close ties to eligible populations, yet without additional financial support the extent of ACP outreach they can perform may be limited by budget constraints.²² We established the Outreach Grant Program in August 2022 to better support extensive outreach by a wide range of such outreach partners nationwide by providing them an opportunity to secure the vital funding and resources needed to increase awareness of and encourage participation in the ACP among those Americans most in need of affordable broadband.²³ In the *Second ACP Order*, the Commission established the parameters of the Outreach Grant Program, and directed the Bureau to develop, administer, and manage that program.²⁴ We designated up to \$80 million for outreach grants in the following allocations: (1) up to \$60 million for competitive allocation to eligible entities; (2) a minimum of \$10 million for competitive allocation to eligible Tribal governments and Tribal organizations for outreach to persons residing on qualifying Tribal lands; (3) up to \$5 million for entities selected to participate in the Your Home, Your Internet Pilot Program; and (4) up to \$5 million for entities selected to participate in the ACP Navigator Pilot Program.²⁵

8. In November 2022, the Bureau issued NOFOs for four complementary grant programs that aligned with the funding designations in the *Second ACP Order*: NCOP; TCOP; the Your Home, Your Internet Outreach Grants; and the ACP Navigator Pilot Program Outreach Grants.²⁶ NCOP “funds outreach activities to increase awareness of and encourage participation in the ACP for eligible low-income households,” and TCOP “funds outreach activities to increase awareness of and encourage participation in the ACP for households on tribal lands.”²⁷ The deadline for submitting grant applications was January 9, 2023.²⁸ Hundreds of entities filed applications seeking a total of \$193 million in grant funding from the national competitive and Tribal grant programs, and the demand for NCOP funding exceeded the \$60 million maximum that the Commission initially designated for this program.

III. DISCUSSION

9. The overwhelming response to the Outreach Grant Program convinces us that it is appropriate to issue a new funding opportunity for NCOP and TCOP, to be distributed equally between the programs to the extent feasible. This necessarily means raising the \$60 million upper limit on funding

²¹ *Second ACP Order* at 6-7, para. 8.

²² *Id.* at 6-7, para. 8.

²³ *See generally id.*

²⁴ *Id.* at 25, 29, paras. 43, 51.

²⁵ *Id.* at 26-27, paras. 46-47. The Your Home, Your Internet Outreach Grants and the ACP Navigator Pilot Program Outreach Grants were designed to provide grant funding to eligible entities selected to participate in the one-year Your Home, Your Internet Pilot Program and the ACP Navigator Pilot Program, respectively. These grant programs are limited to one year and have a more targeted focus than NCOP and TCOP. The Your Home, Your Internet Pilot Program was created to test methods to help recipients of federal housing assistance to learn about and enroll in the ACP. The ACP Navigator Pilot Program was developed to increase awareness and participation in the ACP and includes providing selected participants access to the National Verifier to directly assist low-income consumers with completing and submitting their ACP application. *See FCC, Affordable Connectivity Outreach Grant Program – Pilot Program Grants*, Funding Opportunity No. FCC-ACOGP-23-002 at 6-7 (Nov. 21, 2022) (*ACP Pilot Programs NOFO*), available at https://www.fcc.gov/sites/default/files/fy23_acp_pilot_pr_outreach_grants_nofo.pdf.

²⁶ *Initial NOFO* at 4; *ACP Pilot Programs NOFO*.

²⁷ *Initial NOFO* at 4.

²⁸ Press Release, FCC, *FCC Releases Notice of Funding Opportunity for ACP Outreach Grant Program* (Nov. 10, 2022), <https://www.fcc.gov/fcc-releases-notice-funding-opportunity-acp-outreach-grant-program>; *Initial NOFO* at 1 and *ACP Pilot Programs NOFO* at 1 (establishing January 9, 2023 as the deadline for all four components of the Outreach Grant Program).

for NCOP.²⁹ Therefore, we direct the Bureau to release another funding opportunity for up to \$10 million, with the funding to come from unspent Outreach Grant Program funding and funding from the \$100 million ACP outreach budget not already obligated for specific outreach activities. We also direct the Bureau to issue a Notice of Funding Opportunity to solicit applications for this additional funding opportunity.

A. Allocation of Funds

10. Due to the demand for outreach grant funding above the \$60 million cap for the National Competitive Outreach Grant Program set forth in the *Second ACP Order* and NOFO for that program, and due to the continued pressing need for outreach to persons on qualifying Tribal lands, we direct the Bureau to offer a funding opportunity of up to a combined total of \$10 million for NCOP and TCOP. For this funding opportunity, we direct the Bureau to use funding from: (a) the \$100 million ACP outreach budget that has not been obligated to other ACP outreach activities, such as funds available for the FCC's own ACP outreach,³⁰ and (b) any unspent Outreach Grant Program funding, i.e., funding not awarded through the initial notices of funding opportunity for the Outreach Grant Program. Although we intend for the Bureau to divide the maximum of \$10 million equally between NCOP and TCOP (e.g., \$5 million per program), if the amount that will be awarded to applicants to either program is less than \$5 million, we authorize the Bureau to transfer the balance from one program to the other, notwithstanding any funding minimums established in the *Second ACP Order* or this Order.³¹

11. The funding requested by grant applicants in response to the NOFO for the National Competitive Outreach Grant Program³² supports our decision to make available more funding for competitive grants to allow additional trusted outreach partners to increase awareness of and encourage enrollment in the ACP. We established the Outreach Grant Program to provide a range of outreach partners with funding and resources in an effort to help inform households about the ACP and thus increase participation among those Americans most in need of affordable broadband connectivity.³³ We designated funds to the Outreach Grant Program, including the \$60 million maximum for competitive allocation, with the “expect[ation] that the allocated budget . . . will support extensive, meaningful outreach by numerous eligible outreach partners.”³⁴ As made apparent by the overwhelming response to our initial Outreach Grant Program funding opportunity, the need for extensive, meaningful ACP outreach has not diminished. Consequently, we raise the \$60 million funding cap for NCOP and direct the Bureau to offer a new funding opportunity for this program.

²⁹ While demand from the *Initial NOFO* has not exceeded the funding allocated for TCOP, we recognize the value of outreach specifically to qualified households residing on qualifying Tribal lands, which warrants opening a second window for eligible applicants to receive TCOP funding.

³⁰ In the *Second ACP Order* and *Third ACP Order*, we specifically allocated approximately \$85 million from the \$100 million ACP outreach budget, leaving the remainder for the FCC's own outreach. *Second ACP Order* at 26-27, paras. 46-47; *Third ACP Order* at 10, para. 23.

³¹ E.g., *Second ACP Order* at 27, para. 46 (directing the Bureau to designate a minimum of \$10 million for competitive outreach to persons living on qualifying Tribal lands). Additionally, we authorize the Bureau, in coordination with OMD, to reallocate unspent funding from any of the Outreach Grant Program component programs or unspent individual outreach grant awards to other ACP outreach efforts or for non-outreach ACP purposes. See, e.g., *id.* at 26, para. 45 (“We make clear that [the Bureau] is not required to spend this full [\$100 million] amount. [The Bureau] is authorized, in coordination with OMD, to decide if and when to reallocate any remaining unused funds from individual outreach grants for any outreach allowed under the statute or none at all.”).

³² Although the Bureau has not yet issued final NCOP awards for the first funding opportunity at this time, we anticipate that such awards will exhaust the entire \$60 million initially designated for NCOP.

³³ See *id.* at 1-2, 4-5, paras. 2, 6.

³⁴ *Id.* at 27, para. 48.

12. We also direct the Bureau to make that funding opportunity available for the Tribal Competitive Outreach Grant Program. ACP outreach to persons on qualifying Tribal lands is a Commission priority,³⁵ and an additional funding opportunity for TCOP will facilitate this vital outreach. Our intent is to maximize the number of entities conducting ACP outreach to residents on qualifying Tribal lands, and we thus direct the Bureau to make eligible Tribal governments and Tribal organizations aware of this funding opportunity and how to apply for it, including but not limited to by providing information sessions tailored to prospective Tribal applicants during the TCOP application window and highlighting changes in the NOFO from the initial NOFO for the Tribal program.³⁶

13. We decline at this time, however, to increase the \$100 million budget for all ACP outreach established in the *ACP Order* and reaffirmed in the *Second ACP Order*.³⁷ That budget balances the anticipated need for extensive ACP outreach with the responsibility to ensure that ample funds remain to provide the ACP benefit to qualifying households for as long as possible.³⁸ Therefore, the funding opportunity established in this Order will not result in any changes to this \$100 million figure.

B. Additional Notice of Funding Opportunity

14. We direct the Bureau to issue a Notice of Funding Opportunity for the National Competitive Outreach Grant Program and Tribal Competitive Outreach Grant Program funding designated in this Order.³⁹ The notice will provide detailed information including the entities eligible for the funding, fundable expenses and activities, application and evaluation processes, reporting requirements, and other rules and requirements for the funding.⁴⁰ We further direct the Bureau to limit the additional funding opportunity designated in this Order to entities that do not receive funding from the first round of disbursements in the Outreach Grant Program,⁴¹ including as a pass-through entity or subrecipient. Expanding the number of entities performing ACP outreach will increase the likelihood of contacting consumers not reached by existing efforts.

15. Except as expressly set forth in this Order, the new Notice of Funding Opportunity and awards remain subject to the statutes, regulations, directives, and guidance discussed, promulgated, or otherwise set forth in the *Second ACP Order*. In that order, we established the goal and objectives of the Outreach Grant Program; provided examples of types of eligible entities and types of outreach activities and expenses that could be considered for funding; allocated funding set-asides for specific types of grantees; established important safeguards to promote program integrity and guard against potential waste, fraud, and abuse; adopted and implemented grant regulations; directed the Bureau to develop, manage, and administer the Outreach Grant Program; provided guidance and regulatory requirements for

³⁵ *E.g.*, *id.* at 27, para. 46 (setting aside grant funds for Tribal outreach).

³⁶ Previously, the Bureau held a webinar on TCOP that explained key elements of the program and the application procedures set forth in the *Initial NOFO*. The Bureau also created a webpage with links to relevant Commission documents.

³⁷ *ACP Order* at 90-91, para. 193; *Second ACP Order* at 26, 27-28, paras. 45, 48.

³⁸ *Second ACP Order* at 26, 27, paras. 44, 48.

³⁹ Because we are directing the Bureau to designate additional funding for NCOP, the Bureau's ability to make grant awards for this program is not limited to the funds allocated in the *Second ACP Order*. *See id.* at 28, para. 50 ("We permit [the Bureau] to continue to make grant awards . . . until all grant funds allocated for outreach *in this Order* is disbursed.") (emphasis added). Rather, the Bureau may make grant awards until all grant funding allocated in the *Second ACP Order* and this Order is disbursed, provided that the forecasted end of the ACP has not been announced pursuant to the wind down procedures as outlined in the *Second ACP Order*. *See id.* at 28-29, para. 50.

⁴⁰ *See id.* at 28-29, para. 52.

⁴¹ This limitation includes funding awarded previously under any of the four components of the Outreach Grant Program: NCOP, TCOP, the Your Home, Your Internet Outreach Grants, and the Navigator Pilot Program Outreach Grants.

the framework of the Outreach Grant Program; and addressed other requirements and administrative aspects of the program.⁴² We believe that these parameters, except to the extent expressly deviated from in this Order, provide the necessary structure and guidelines for this additional round of Outreach Grant Program available funding, consistent with our authority under applicable federal statutes and regulations.

16. We emphasize that the Bureau retains the authority granted in the *Second ACP Order* to administer the Outreach Grant Program in a cost-effective manner.⁴³ This includes the authority to limit the types of entities that may be eligible for a particular notice of funding opportunity;⁴⁴ to prioritize certain types of applications;⁴⁵ to revise allowable costs and cap certain expenses;⁴⁶ to tailor the grant application process templates or submission windows to accommodate different types of grants or funding opportunities;⁴⁷ and to educate prospective applicants about the grant program and the application process.⁴⁸

17. For instance, to ensure the most efficient use and distribution of additional National Competitive Outreach Grant Program funding, the Bureau could, informed by previous experience with the Outreach Grant Program, limit the categories of eligible entities for this additional funding opportunity to the types of entities that would best maximize the reach, impact, and effectiveness of the additional NCOP funding. The Bureau could likewise limit the entities eligible for the Tribal Competitive Outreach Grant Program under the funding opportunity established by this Order. The Bureau could also limit the number of subrecipients permissible for an applicant applying as a pass-through entity or shorten or lengthen any application window to ensure efficient administration of the Notice of Funding Opportunity or otherwise meet the needs of a particular funding opportunity.⁴⁹ Additionally, we emphasize that the Bureau may, prior to issuing a Notice of Funding Opportunity, conduct grant workshops and targeted outreach about the grant program to encourage quality grant applications.⁵⁰

18. Further, because there has already been one opportunity for eligible entities to apply for national competitive grants, for this funding opportunity the Bureau is not bound by the minimum allocation for States and Territories set forth in the *Second ACP Order*,⁵¹ and the Bureau need not

⁴² *Id.* at 6, para. 7.

⁴³ *Id.* at 45, para. 87 (“We also extend to [the Bureau] the flexibility necessary to administer the Grant Program in a cost-effective manner.”); *see also id.* at 25, para. 43 (directing the Bureau to develop, administer, and manage the Outreach Grant Program in compliance with federal law and consistent with the goal and objectives of the program); *id.* at 29, para. 51 (same).

⁴⁴ *Id.* at 33, para. 60 (“[The Bureau] may determine the types of eligible entities outlined in this Order that may be eligible for a particular funding opportunity for the grant program.”); *id.* at 19-21, 23, paras. 35 & n.118, 40.

⁴⁵ *Id.* at 36, para. 69 (“[The Bureau] may decide to use additional prioritization factors to promote the goals of the Outreach Grant Program and maximize the reach, effectiveness, and impact of the grant funds.”); *id.* at 11, para. 19 (directing the Bureau to determine whether certain types of outreach activities should be prioritized based on the program goal and objectives).

⁴⁶ *Id.* at 15, para. 26.

⁴⁷ *Id.* at 33, para. 61.

⁴⁸ *Id.* at 41-42, para. 78.

⁴⁹ For instance, the Bureau could set a longer window for TCOP to give applicants to that program additional time to obtain any approvals necessary before submitting grant applications.

⁵⁰ The Bureau cannot, however, assist applicants in developing proposals or preparing applications due to the competitive nature of the Outreach Grant Program. *Id.* at 41-42, para. 78.

⁵¹ In the *Second ACP Order*, we directed the Bureau to reserve \$27 million of the \$60 million NCOP budget for States and U.S. Territories and to establish minimum funding allocations for these entities. *Id.* at 5, 26-27, paras. 7, 46.

consider such allocations in developing this new funding opportunity.⁵² Nor is the Bureau, for this new funding opportunity, necessarily required to ensure that future NCOP awards be made to “diverse geographic regions and entity sizes or types.”⁵³

IV. PROCEDURAL MATTERS

19. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is “non-major” under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this Fifth Report and Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).

20. *Paperwork Reduction Act.* Pursuant to section 1752(h) of the Infrastructure Act, the collection of information sponsored or conducted under the regulations promulgated in this Fifth Report and Order is deemed not to constitute a collection of information for the purposes of the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3521.⁵⁴

V. ORDERING CLAUSES

21. Accordingly, IT IS ORDERED that, pursuant to the authority contained in Section 904 of Division N, Title IX of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182, as amended by section 60502 of Division F, Title V of the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429 (2021), and the authority contained in sections 1, 4(i), and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), 1752, and the authority contained section 60502 of Division F, Title V of the Infrastructure Investment and Jobs Act, 47 U.S.C. § 1752(b)(10)(C), this Report and Order IS ADOPTED.

22. IT IS FURTHER ORDERED that the Office of the Managing Director, Performance Evaluation and Records Management, SHALL SEND a copy of this Report and Order in a report to the Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁵² *Contra id.* at 31, para. 56 (directing the Bureau to “determine the allocation of funding for any funding opportunity under the Outreach Grant program consistent with the allocations specified in this Order”).

⁵³ *Id.* at 38, para. 70 (“Accordingly, in developing and administering the grant program, we direct [the Bureau] to consider how best to ensure that grant awards are made to diverse geographic regions and entity sizes or types, whether through the funding announcement or evaluation process, and to consult with OEA and WCB to make these determinations.”).

⁵⁴ 47 U.S.C. § 1752(h)(2).