

TRIBAL BROADBAND CONNECTIVITY PROGRAM TRIBAL CONSULTATIONS

The National Telecommunications and Information Administration (NTIA) is holding Tribal Consultations for input on implementation of the Tribal Broadband Connectivity Program (TBCP). The Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Act), provides new sources of tribal broadband funding that can assist in mitigating the effects of the COVID-19 pandemic exacerbating the digital divide across Indian Country. The Department of Commerce and NTIA are dedicated to expanding broadband deployment in unserved areas and promoting digital inclusion.

NTIA requests Tribal Leader input on the implementation of the TBCP program and grants. In order to receive input on the issues consistent with the Act, NTIA will structure the agenda for the virtual consultation sessions based on the following topics:

Eligibility

For the Tribal Broadband Connectivity grant eligible entities include: 1) tribal governments; 2) tribal colleges and universities; 3) the Department of Hawaiian Homelands on behalf of the Native Hawaiian Community, including Native Hawaiian education programs; 4) tribal organizations; and 5) native corporations as defined under Section 3 of the Alaska Native Claims Settlement Act.

The Act directs that a grant shall be awarded to an eligible entity after consultation with the Federal Communications Commission (FCC) to prevent duplication of funding. NTIA is seeking input on implementing a program with such broad eligibility, specifically how to ensure that the priorities of tribal nations are represented.

Equitable Distribution

The Act directs NTIA to provide funds on an equitable basis to tribes. NTIA is seeking input for equitable distribution and upholding its trust and treaty responsibilities. Please provide input on the following options and/or submit other suggestions:

- a) Formula: Is a formula the best method for achieving an equitable distribution? If so, what criteria is appropriate for a broadband formula and/or are their existing formulas used by Bureau of Indian Affairs (BIA), Indian Health Services (IHS), or other federal programs that are applicable?
- b) Competitive: Is a competitive program appropriate for allocating funds under this program? If so, are there federal programs that represent best practices for evaluating tribal broadband projects?
- c) Combination: Should eligible entities receive an allocation of funding for planning, and the balance of the grant funds allocated for deployment and implementation? For example, plans approved by the FCC for 2.5 GHz licenses, funded by BIA planning grants issued in Summer 2020, or plans developed via State programs such as Washington state?

Historic Preservation and Environmental Assessment

Construction projects, including deployment of broadband infrastructure, require adherence to historic preservation and environmental processes and regulations. Because such process and regulations can cause significant delays in construction projects, NTIA is seeking input on processes to address historic preservation and environmental assessment.

Unserved Areas

The Act stipulates that grant funds be prioritized to unserved areas. Further, NTIA has been directed to ensure that federal funds are not used to overbuild areas that already have broadband service from the private sector or are served by a project funded by another federal or state agency. NTIA seeks tribal input about how to ensure that grant funds are prioritized to unserved areas.

Reporting Requirements

Understanding there is a need for transparency in the use of federal funds, NTIA is seeking input on the reporting requirements that are not overly burdensome, yet allow for the public to be informed about how federal funds are being utilized.

Tribal Lands

The Act describes the Tribal Lands to be served and provides for funding of services that are near, adjacent, or contiguous areas to reservations where financial assistance and social service programs are delivered to Indians. NTIA is seeking input on how to implement this concept.