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# Tribal Consultation

**NTIA Tribal Broadband Connectivity Grant Program**

February 5, 2021

# Agenda

<b>Welcome &amp; Invocation</b>	1:00 – 1:15 PM
<b>Overview of NTIA Tribal Broadband Connectivity Grant Program</b>	1:15 – 1:35 PM
<b>Government-to-Government Dialogue</b>	1:35 – 4:45 PM
<ol style="list-style-type: none"><li>1. Program Eligibility (Who &amp; What)</li><li>2. Equitable Distribution</li><li>3. National Historic Preservation Act (NHPA), Environmental Assessment, &amp; Cultural Resources</li><li>4. Unserved Areas</li><li>5. Reporting Requirements</li><li>6. Additional Feedback</li></ol>	
<b>Logistics &amp; Written Responses</b>	4:45 – 4:55 PM
<b>Closing</b>	4:55 – 5:00 PM

# Consolidated Appropriations Act, 2021 | Grant Programs Overview

The year-end omnibus legislation\* included several broadband and connectivity expansion programs to be implemented by NTIA.

1

## Tribal Broadband Connectivity Grants:

Grants to expand access to and adoption of (A) broadband service on Tribal land; or (B) remote learning, telework, or telehealth resources during the COVID-19 pandemic: \$1 Billion.

2

## Broadband Infrastructure Deployment Grants:

Grants for covered broadband projects, defined as competitively and technologically neutral projects for the deployment of fixed broadband service in a census block with at least one household or business that does not have access to 25/3: \$300 million.

3

## Connecting Minority Communities Pilot Program:

Grants to eligible recipients in anchor communities for the purchase of broadband internet access service or any eligible equipment, or to hire and train information technology personnel, \$285 million.

*\*Consolidated Appropriations Act, 2021*

# Tribal Grant Program | Eligible Entities

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## Eligible Entities

Section 905 (a) (8) stipulates the following eligible entities:

- Tribal governments;
- Tribal colleges and universities;
- The Department of Hawaiian Homelands on behalf of the Native Hawaiian Community, including Native Hawaiian education programs;
- Tribal organizations; and
- Native corporations as defined under Section 3 of the Alaska Native Claims Settlement Act

# Tribal Grant Program | Eligible Lands

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## Eligible Lands

Section 905 (a) (13) defines Tribal Land that can be served as:

- any land located within the boundaries of (i) an Indian reservation, pueblo, or rancharia; or (ii) a former reservation within Oklahoma;
- any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, the title to which is held—
  - (i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;
  - (ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or
  - (iii) by a dependent Indian community;
- any land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a));
- Hawaiian Home Lands, as defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221); or
- those areas or communities designated by the Assistant Secretary of Indian Affairs of the Department of the Interior that are near, adjacent, or contiguous to reservations where financial assistance and social service programs are provided to Indians because of their status as Indians

# Tribal Grant Program | Funding Use

## Eligible Uses

Section 905 (c) (5) stipulates the following eligible uses of grant funds:

- broadband infrastructure deployment, including support for the establishment of carrier-neutral submarine cable landing stations;
- affordable broadband programs, including—
  - providing free or reduced-cost broadband service; and
  - preventing disconnection of existing broadband service;
- distance learning;
- telehealth;
- digital inclusion efforts; and
- broadband adoption activities.

## Administrative Expenses of Eligible Entities

Section 905 (c) (6) caps the amount of grant funds to be used for administrative expenses:

- An eligible entity may use not more than 2 percent of grant funds received under this subsection for administrative purposes.

## Priority for Unserved Households

Section 905 (c) (8) provides information about broadband infrastructure deployment:

- In using grant funds received under this subsection for new construction of broadband infrastructure, an eligible entity shall prioritize projects that deploy broadband infrastructure to unserved households.

# Tribal Grant Program | Other Considerations

## Equitable Distribution

Section 905 (c) (3) (A) mandates that grant funds are awarded on an equitable basis:

- The amounts appropriated under subsection (b)(1) shall be made available to eligible entities on an equitable basis, and not less than 3 percent of those amounts shall be made available for the benefit of Native Hawaiians.

## Proposal Deadline

Section 905 (e) (2) (A) stipulates the timeline for application submissions:

- During the 90-day period beginning on the date on which the Assistant Secretary issues the notice under paragraph (1), an eligible entity or covered partnership may submit an application for a grant under this section.

## Commitment and Expenditure Deadlines

Section 905 (c) (4) outlines deadlines for eligible entities to commit and spend their grant funds:

- **Commitment:** Not later than 180 days after receiving grant funds under this subsection, an eligible entity shall commit the funds in accordance with the approved application of the entity.
- **Expenditure:** Not later than 1 year after receiving grant funds under this subsection, an eligible entity shall expend the grant funds.
  - The Assistant Secretary may extend the period under clause (i) for an eligible entity that proposes to use the grant funds for construction of broadband infrastructure if the eligible entity certifies that— H. R. 133—958 (I) the eligible entity has a plan for use of the grant funds; (II) the construction project is underway; or (III) extenuating circumstances require an extension of time to allow the project to be completed.
  - Any grant funds not expended by an eligible entity by the deadline under clause (i) shall be made available to other eligible entities for the purposes provided in this subsection.

# Government-to-Government Dialogue

① ▶ Program Eligibility (Who & What)

② ▶ Equitable Distribution

③ ▶ National Historic Preservation Act (NHPA), Environmental Assessment, & Cultural Resources

④ ▶ Unserved Areas

⑤ ▶ Reporting Requirements

⑥ ▶ Additional Feedback

# Topic 1: Program Eligibility (Who & What)

## Context

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.

## For Discussion

- How should NTIA implement a program with such broad eligibility, specifically to ensure that the priorities of tribal nations are represented?
- Should each tribal government be limited to one application for all eligible entities?
- What types of projects should be eligible? What should not be eligible?
- How should NTIA address the use of federal funds in the same area?

### 25 USC § 5304(l)

(l) "Tribal organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: Provided, That in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant

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# Topic 2: Equitable Distribution

## Context

The Act directs NTIA to provide funds on an equitable basis to tribes. NTIA is seeking input for equitable distribution.

## For Discussion

- How can NTIA ensure equitable distribution of funds?
- Which is the best method for achieving an equitable distribution? eg. up-front allocation (e.g., formula or standard amount); competitive only; combination of up-front allocation or competitive grant program
- Should every tribe receive a standard allocation for planning or other eligible expenses, with the balance to be used in a competitive program for implementing the plan?

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## Topic 3: National Historic Preservation Act (NHPA), Environmental Assessment, & Cultural Resources

### Context

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.

### For Discussion

- Do you have suggestions for expediting the environmental process?
- Do you have the resources today to address the requirements of NHPA, EA and Cultural Resources or would you need technical assistance?
- What should NTIA be aware of with regards to historic preservation, environmental assessment, and cultural resources that could be improved?
- What is your biggest environmental or cultural resource concern with this program?

# Topic 4: Unserved Areas

## Context

The Act stipulates that grant funds be prioritized to unserved areas. A household is considered "unserved" if it lacks access to "qualifying broadband service." Further, the Act states that the Assistant Secretary shall award a grant to each eligible entity that submits an application that the Assistant Secretary approves after consultation with the Commission to prevent duplication of funding.

## For Discussion

- How can NTIA ensure that grant funds are prioritized to unserved areas on Tribal Lands?
- What is the best way to demonstrate if an area is unserved?
- What threshold would constitute "unserved"?

**Qualifying broadband service** is defined as broadband service with

- (a) download speed of not less than 25 megabits / second,
- (b) an upload speed of not less than 3 megabits / second, and
- (c) a latency sufficient to support real-time, interactive applications.

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# Topic 5: Reporting Requirements

## Context

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.

## For Discussion

- How can NTIA establish reporting requirements that are not overly burdensome but sufficiently inform the public on how federal funds are used and how much more federal funding is needed?

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## Topic 6: Additional Feedback

**Do you have other input you would like to share that has not been covered yet?**

# Government-to-Government Dialogue

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## Next Steps



Visit our website for updates: [broadbandusa.ntia.doc.gov](https://broadbandusa.ntia.doc.gov)



Attend our upcoming Tribal Consultations on February 10 and February 12



Submit written comments as needed to [BroadbandUSA@ntia.gov](mailto:BroadbandUSA@ntia.gov)



Look out for the Notice of Funding Opportunity (NOFO); Sign up for our mailing list to receive updates



Join our upcoming webinar on March 17 for information on NTIA Grant Programs

Thank You

