

# \$1 Billion for Broadband Infrastructure on Tribal Lands

Friday, June 11, 2021

## Weekly Digest

*You're reading the Benton Institute for Broadband & Society's Weekly Digest, a recap of the biggest (or most overlooked) broadband stories of the week. The digest is delivered via e-mail each Friday.*

### Round-Up for the Week of June 7-11, 2021



Taglang

On June 3, Vice President Kamala Harris, Secretary of Commerce Gina Raimondo, and Secretary of the Interior Deb Haaland announced the [availability of nearly \\$1 billion in National Telecommunications and Information Administration \(NTIA\) grants to expand broadband access and adoption on Tribal lands](#). "Indigenous communities have shaped our nation throughout our history," [said Vice President Harris](#). "And yet, we know that disparities—deep disparities—persist in Tribal communities." The Vice President noted that one in three Americans who live in rural areas and on Tribal lands lack access to high-speed internet.

With the heightened awareness of the importance of broadband during the COVID-19 pandemic, Congress established the Tribal Broadband Connectivity Program in the Consolidated Appropriations Act, 2021. Here we briefly recap the [NTIA's Notice of Funding Opportunity](#).

# What are Tribal Broadband Connectivity Program Grants for?

The Tribal Broadband Connectivity Program provides new federal funding for grants to eligible entities to expand access to and adoption of: (i) broadband service on Tribal Lands; or (ii) programs that promote the use of broadband to access remote learning, telework, or telehealth resources during the COVID–19 pandemic.(1) Grant funds available under this program may be used for:

1. Broadband infrastructure deployment projects, including support for the establishment of carrier-neutral submarine cable landing stations, middle-mile and last-mile networks, and interconnection. Projects may deploy new broadband infrastructure, replace antiquated infrastructure, or upgrade or extend existing infrastructure. Priority will be given for networks that will serve currently unserved households.
2. Projects that promote the adoption and use of broadband services, including:
  - affordable broadband programs, such as providing free or reduced-cost broadband service and preventing disconnection of existing broadband service;
  - distance learning;
  - telehealth;
  - digital inclusion efforts; and
  - broadband adoption activities.

Broadband Use and Adoption projects must have at least one of the following purposes:

- Provides broadband education, awareness, training, access, equipment,

and support to Native American/Alaska Native/Native Hawaiian serving anchor institutions including schools, libraries, medical and healthcare providers, Tribal colleges, public housing, workforce facilities and other community support organizations serving Native American/Alaska Native/Native Hawaiian populations;

- Provides affordable broadband programs, including offering free or reduced-cost broadband service and preventing disconnection of existing broadband service;
- Improves access to, and use of, broadband services by anchor institutions to deliver telehealth, remote learning, digital inclusion and workforce development programs;
- Stimulates the adoption and use of broadband services for telehealth, remote learning, telework and entrepreneurship, economic growth, and job creation;
- Builds digital skills and workforce capacity;
- Assesses community needs and conducts planning related to online education, telehealth, digital inclusion, workforce and digital skills development; and/or
- Gathers data and conducts evaluation of the digital inclusion and broadband adoption programs funded by the grant to determine their effectiveness and develop best practices to facilitate digital inclusion and broadband adoption.

Based on the broad parameters of eligible uses of the Tribal Broadband Connectivity Grant Program, eligible costs will generally include the following categories of expenses:

- Personnel costs, including salaries and fringe benefits for staff and consultants providing services directly connected to the implementation of the grants (such as project managers, program directors, and subject matter experts).

- Subawards and contractual costs associated with carrying out programmatic activities of the Tribal Broadband Connectivity Grants, including for program implementation and consulting services.
- Reimbursement of reasonable costs associated with preparing the grant application not to exceed five percent of the award.

Recipients may generally use broadband deployment grants to fund the:

- costs of construction, improvement, replacement, extension or acquisition of facilities and telecommunications equipment required to provide qualifying broadband service, including infrastructure for backhaul, middle- and last-mile networks, as well as for submarine cable landing stations;
- cost of long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including indefeasible right-of-use (IRU) agreements;
- costs of planning, feasibility, and sustainability studies not to exceed one percent of the total project cost;
- costs of engineering and network design, including route mapping for broadband infrastructure, permitting and work related to environmental, historical, and cultural reviews;
- costs of performance bonds or irrevocable Letters of Credit or other surety; and
- training of a workforce.

Recipients may generally use broadband adoption and use grant funds to:

- Acquire broadband-related equipment, instrumentation, networking capability, hardware, software, and other digital technology for broadband services, telehealth and remote education;
- Provide affordable broadband programs, including offering free or

- reduced-cost broadband service and preventing disconnection of existing broadband service;
- Provide digital training, education, technology support, outreach and awareness programs including curricula and web-based resources;
- Facilitate access to broadband services including public computer centers; public WiFi networks; broadband in public housing; improvement of broadband services and equipment in schools, libraries, health centers, workforce development centers, and other Tribal anchor institutions;
- Implement affordable broadband programs that facilitate greater access to broadband services, devices, and equipment; and prevent disconnection of existing broadband services;
- Conduct needs assessment and develop plans for increasing broadband adoption, digital inclusion, online education, telehealth, and digital workforce; and
- Gather data and conduct evaluation of the digital inclusion and broadband adoption programs funded by the grant to determine their effectiveness and develop best practices to facilitate digital inclusion and broadband adoption on Tribal Lands.

Examples of allowable costs for broadband use and adoption projects:

- Personnel salaries, wages, and fringe benefits for persons working directly on the grant;
- Travel expenses for key project staff and consultants;
- Equipment related directly to project activities;
- Subaward and third-party contractor costs;
- Equipment and devices to support connectivity for telehealth and remote education such as laptops, tablets, and hotspots;
- Design and printing for training and outreach materials;
- Staff and volunteer training; and

- Stipends, internships and/or fellowships.

There are restrictions on spending, however.

- There is a 2% cap on administrative expenses. (This includes accounting, auditing, contracting, budgeting, and general legal services; facility occupancy costs, e.g., rent, utilities, insurance, taxes, and maintenance; general liability insurance that protects the organization (not directly related to a program); depreciation on buildings and equipment; general office supplies; and general and administrative salaries and wages.)
- No funding for infrastructure that was completed prior to the grant award period.
- No profits, fees, or other incremental charges above actual cost are allowable costs under this program.
- Project costs that are otherwise covered by other federal or state funding cannot be covered by these grants.

The purpose of the Tribal Broadband Connectivity Program is to improve the quality of life, spur economic development and commercial activity, create opportunities for remote employment and online entrepreneurship, remote learning, and telehealth by expanding broadband access and providing digital training and inclusion programs to Native American communities. In implementing and administering this grant program, NTIA will ensure that necessary investments are designed to provide an adequate minimum level of service and are unlikely to be made using private sources of funds.

## **Who is Eligible for a Tribal Broadband Connectivity Program Grant?**

By law the entities eligible to apply for a Tribal Broadband Connectivity

Program grant include: Tribal Governments; Tribal Colleges and Universities; the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, including Native Hawaiian Education Programs; Tribal organizations; and Alaska Native Corporations.

All eligible entities must submit a single application. The Tribal Broadband Connectivity Program is not a formula or block grant program and an application for funding must be timely submitted by an eligible entity to receive funding consideration from NTIA.

Each eligible entity must coordinate internally (which includes all departments, subsidiaries, etc.) in submitting its single application. In an instance where one eligible entity is a subsidiary of another (e.g., a Tribal Government and a subsidiary Tribal College or University), this shall not affect the subsidiary's eligibility to submit its own application.

NTIA encourages a regional approach to Broadband Infrastructure Deployment Projects through the submission of an application on behalf of a consortium or of multiple Tribal partners (each of which must be an eligible entity) that cover regional infrastructure gaps or other eligible projects in the most cost-effective manner, while providing access to those communities that meet the definition of "unserved" per the statute. Similarly, NTIA encourages eligible entities to collaborate or participate as part of a consortium for Broadband Use and Adoption Projects.

Each Eligible Entity applying for Broadband Infrastructure Deployment funds is required to submit a Resolution of Consent from each Tribal Government, and from the Tribal Council of the appropriate governing body upon whose Tribal Lands the infrastructure will be deployed.

The use of grant funds received under the Tribal Broadband Connectivity Program by an eligible entity or subgrantee shall not impact the eligibility of,

or otherwise disadvantage, the eligible entity or subgrantee with respect to participation in any other Federal broadband program.

## How Much Support is Available?

NTIA will make up to \$980,000,000 available for federal assistance under the Tribal Broadband Connectivity Program. Not less than 3% of the total amount of program funding, or \$30,000,000, will be allocated to the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community. NTIA will allocate up to \$500,000 to each of the [Federally Recognized Tribes delineated by the Department of the Interior's Bureau of Indian Affairs](#). The \$30,000,000 and \$500,000 allocations are not funding caps for the Department of Hawaiian Home Lands or for Federally Recognized Tribes, respectively, but rather are intended to ensure that program funding is equitably distributed by NTIA to all eligible entities.

NTIA expects to make awards under this program within the following funding ranges:

- Broadband Infrastructure Deployment Projects: \$1,000,000 to \$50,000,000
- Broadband Use and Adoption Projects: \$50,000 to \$2,500,000

NTIA is not requiring an eligible entity applying for a grant to provide non-federal cost share and will not give additional consideration during the evaluation process for applications containing non-federal cost share.

## How Will NTIA Evaluate Applications?

### A. Broadband Use and Adoption Projects

The evaluation criteria that will be used to review and analyze applications



for Broadband Use and Adoption Projects are grouped into three categories: (1) Project Purpose and Benefits; (2) Project Viability; and (3) Project Budget and Sustainability. Each application will be evaluated against the following objective criteria.

## **1. Project Purpose and Benefits**

Reviewers will assess the extent to which the project provides broadband education, awareness, training, access, equipment, and support to Native American/Alaska Native/Native Hawaiian serving anchor institutions including schools, libraries, medical and healthcare providers, tribal colleges, public housing, workforce facilities and other community support organizations serving Native American/Alaska Native/Native Hawaiian populations. Reviewers will consider the number of new Native American/Alaska Native/Native Hawaiian broadband subscribers that the project will generate and/or the number of existing Native American/Alaska Native/Native Hawaiian broadband subscribers the project will retain through the implementation of affordable broadband programs. Reviewers will assess the extent to which the project improves access to, and use of, broadband services by Native American/Alaska Native/Native Hawaiian anchor institutions to deliver telehealth, remote learning, digital inclusion and workforce development programs. Reviewers will also assess the extent to which the project stimulates the adoption and use of broadband services for telehealth, remote learning, telework, entrepreneurship, economic growth, job creation, and servicing community anchor institutions for Native American/Alaska Native/Native Hawaiian communities.

## **2. Project Viability**

Reviewers will assess the operational aspects of the project, including the clarity and level of detail of the proposed project plan. Reviewers will

examine how the project assesses the needs of Native American/Alaska Native/Native Hawaiian communities and conducts planning to facilitate online education, telehealth, digital inclusion, workforce and digital skills development for these communities.

Reviewers will assess the strength of the applicant's organizational capability necessary to undertake and complete the project. Reviewers will consider the years of experience and expertise of the project management team and the past track record of the organization and any subgrantees it proposes to use with projects of a similar size and scope, as well as the organization's and subgrantees' capacity and readiness. Reviewers will also assess the strength of the applicant's partnership and/or subrecipient strategy, including how it complements the applicant's organizational capability, as well as the project approach, feasibility, and timely completion of the proposed project. NTIA will only fund proposals where it determines that the applicant has the organizational capability necessary to carry out the project to completion.

To receive a full score in this category, the applicant must address all of the criteria in the category with distinction as well as all of the factors for which an applicant may receive additional consideration.

### **3. Project Budget and Sustainability**

This criterion evaluates whether the applicant presents a budget that is both reasonable and cost efficient, considering the nature and full scope of the project. Reviewers will consider whether the applicant has demonstrated adequate and appropriate budget resources to successfully execute the proposed project activities. Reviewers will assess whether the budget detail is consistent with the allowable programmatic activities as outlined in the project narrative. Reviewers will evaluate the reasonableness of the budget

based on its clarity, level of detail, comprehensiveness, appropriateness to the proposed technical and programmatic solutions, the reasonableness of its costs, and whether the allocation of funds is sufficient to complete the tasks outlined in the project plan.

Reviewers will assess the extent to which the project builds digital skills and workforce capacity in Native American/Alaska Native/Native Hawaiian communities to enable the work initiated by the project to continue beyond the award period. Reviewers will also assess the extent to which the project gathers data and conducts evaluation of the digital inclusion and broadband adoption programs funded by the grant to determine their effectiveness and develop best practices to facilitate digital inclusion and broadband adoption in Native American/Alaska Native/Native Hawaiian communities.

To receive a full score in this category, the applicant must address all of the criteria in the category with distinction as well as all of the factors for which an applicant may receive additional consideration.

## **B. Broadband Infrastructure Deployment Projects**

The evaluation criteria that will be used to review and analyze applications for Broadband Infrastructure Deployment Projects are grouped into three categories: (1) Project Purpose and Benefits; (2) Project Viability; and (3) Project Budget and Sustainability. Each application will be evaluated against the following objective criteria.

### **1. Project Purpose and Benefits**

Applications will be evaluated based upon the level of need for the deployment of broadband infrastructure in the proposed service area on eligible lands where tribal citizens reside. Reviewers will consider several criteria to assess the level of need and the positive impact of the project on

the Native American/Alaska Native/Native Hawaiian community covered by the project. Reviewers will consider the total number of Native American/Alaska Native/Native Hawaiian households, businesses, and community anchor institutions that lack access to qualifying broadband service at or above 25/3. Reviewers will consider the total number of Native American/Alaska Native/Native Hawaiian households and Community Anchor Institutions that do not have Internet access. Reviewers will consider the total number of Native American/Alaska Native/Native Hawaiian households, businesses, and Community Anchor Institutions that will be connected to a network providing broadband service at a minimum speed of 25/3 and the number of Native American/Alaska Native/Native Hawaiian households, businesses, and Community Anchor Institutions that will be connected at speeds higher than 25/3. Projects to deploy middle-mile networks must prioritize connecting with last-mile networks serving unserved households and substantiate the incremental value to the last-mile connection to the middle-mile network, including, increased network capacity for last-mile circuits, increased network performance, and lower costs that are passed onto end users, as well as identify potential or partnered last-mile networks that could or would leverage the middle-mile network, in the proposed service area to receive points in this category.

Reviewers will consider the percentage of total Native American/Alaska Native/Native Hawaiian households that are below 150% of the poverty line applicable to the average family size represented on the particular Tribal Land in the lower 48 states, Alaska and Hawaii (utilizing HHS Poverty Guidelines). Reviewers will consider the total number of jobs and subset of jobs estimated to be created for Native American/Alaska Native/Native Hawaiian individuals because of the project and those jobs and services that comply with Tribal Employment Rights Ordinances.

Applications will be evaluated on the pricing of the broadband services

offered compared to existing broadband services in the proposed service area or based on nationwide averages. Applicants should demonstrate that this pricing is competitive and affordable to their target markets.

## **2. Project Viability**

Reviewers will evaluate the strength, comprehensiveness, and appropriateness of the project's technical approach and the clarity, level of detail, and cost-effectiveness of the network system design. Reviewers will assess the appropriateness of the technology solution, elements, and design to meet the level of infrastructure needs on Tribal Lands, including the technical and/or capacity infrastructure requirements for last-mile deployments as well as non-last-mile network infrastructure, e.g., middle-mile networks, backhaul to Internet Points of Presence, submarine cable systems and access to submarine cable system elements. Reviewers will also consider the reasonableness and specificity of the overall project plan, including cost effectiveness (e.g., costs for single network and economies of scale for consortiums), service capacity, timeframes for construction, and scalability.

Applications will be evaluated on the proposed technological solution and the ability of the proposed network to provide sufficient capacity, as well as scalability, to meet the needs of the Native American/Alaska Native/Native Hawaiian businesses, households, and community anchor institutions on the Tribal Land covered by the project. Proposed networks with high latency will be viewed less favorably. However, reviewers will consider the extent to which a proposed technological solution with or without higher latency offers the only viable service option given the characteristics of the proposed service area.

If an applicant is not at the stage where it can submit a construction

proposal, reviewers will consider eligible projects, such as engineering, planning/feasibility/sustainability studies as a part of the necessary steps to develop a technological solution. Reviewers will give additional consideration to applications that include workforce training for Native American/Alaska Native/Native Hawaiian communities as a component of the network planning project.

Reviewers will assess the strength of the applicant's organizational capability necessary to undertake and complete the project.

### **3. Project Budget and Sustainability**

This criterion evaluates whether the applicant presents a budget that is both reasonable and cost efficient, considering the nature and full scope of the project. Reviewers will consider whether the applicant has demonstrated adequate and appropriate budget resources to successfully execute the proposed project activities. Reviewers will assess whether the budget detail is consistent with the allowable programmatic activities as outlined in the project narrative. Reviewers will evaluate the reasonableness of the budget based on its clarity, level of detail, comprehensiveness, appropriateness to the proposed technical and programmatic solutions, the reasonableness of its costs, and whether the allocation of funds is sufficient to complete the tasks outlined in the project plan. Applicants must convincingly demonstrate the ability of the project to be sustained beyond the award period.

## **What's the Timeline?**

Grant applications are due no later than **September 1, 2021**.

Grant winners will be required to commit the funds in accordance with approved applications not later than 180 days after receiving grant funds

Grant winners are required to complete their projects within one year of their receipt of grant funds. The Assistant Secretary, however, may extend the award period for broadband infrastructure construction projects if the eligible entity certifies that: (1) it has a plan for the use of the grant funds, (2) the construction project is underway, or (3) extenuating circumstances require an extension of time to allow the project to be completed.

Grant winners are required to expend their grant funds and complete their Broadband Use and Adoption projects within one year of receiving grant funds from NTIA. There are **no time extensions available for Broadband Use and Adoption projects.**

NTIA expects to complete its review, selection of successful applicants, and **award processing by November 29, 2021.** NTIA expects the earliest start date for awards to be **December 13, 2021.**

Not later than one year after receiving grant funds under the Tribal Broadband Connectivity Program, and annually thereafter until the funds have been expended, an eligible entity is required to submit to the Assistant Secretary a report, with respect to the one-year period immediately preceding the report date, that:

- describes how the eligible entity expended the funds;
- certifies that the eligible entity complied with the requirements of the Act and the Tribal Broadband Connectivity Program, including:
  - a description of each service provided with the grant funds;
  - the number of locations or geographic areas at which broadband service was provided using the grant funds; and
- identifies each subgrantee that received a subgrant from the eligible entity and a description of the specific project for which grant funds were provided.

*This article is meant to serve as a quick summary of the Tribal Broadband Connectivity Program. [There is much more detail in the Notice of Funding Opportunity](#). For Tribal entities interested in applying for a grant, we encourage you to carefully read NTIA's full notice. NTIA is also holding a [series of webinars](#) to further inform the public about the program. The next Tribal Broadband Connectivity Program webinar will be held on June 16 and 17.*

## **Notes:**

1. Additionally, the American Rescue Plan Act of 2021 appropriated \$10 billion to the Department of the Treasury to establish the Coronavirus Capital Projects Fund to provide funding to states, territories, and Tribal Governments to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to COVID-19. NTIA is coordinating with Treasury to allow Tribal Governments to indicate their interest in receiving funding under the Treasury program when they submit their application for NTIA's Tribal Broadband Connectivity Program.

## **Quick Bits**

- [2.3 Million Households Sign Up for Emergency Broadband Benefit](#) (FCC)
- [President Biden wants to close the digital divide in the US. Here's what that could look like](#) (CNN)
- [President Biden Ends Infrastructure Talks With Republicans, Falling Short of a Deal](#) (New York Times)
- [Landmark Federal Guidance Affirms State Leadership Role in Bridging Digital Divide](#) (Pew Charitable Trusts)



- [Google Should Be Treated as Utility, Ohio Attorney General Argues in New Lawsuit](#) (Wall Street Journal) (see also [analysis from Harold Feld](#))

## Beach Reads (resist [tl;dr](#))

- [Internet performance during COVID not as great as many say, study shows](#) (Journal of Information Policy)
- [Addressing Gaps in Broadband Infrastructure Availability and Service Adoption: A Cost Estimation & Prioritization Framework](#) (ACA Connects)
- [New York's Digital Divide](#) (New York State Library)
- [In rural South Carolina, a groundbreaking broadband project takes root](#) (Roll Call)

## ICYMI from Benton

- [Illinois Connected Communities Round 1: Leveraging the Power of Local Communities](#) (Robbie McBeath)
- [If We Build It, Will They Come? Lessons from Open-Access, Middle-Mile Networks](#) (Jordan Arnold, Jonathan Sallet)
- [Growing Healthy Digital Ecosystems During COVID-19 and Beyond](#) (Colin Rhinesmith, Susan Kennedy)
- [NTIA Has Millions for Broadband Infrastructure](#) (Kevin Taglang)

## Upcoming Events

June 16—[Circumventing Internet Censorship](#) (US Agency for Global Media)

June 17—[June 2021 Open Meeting](#) (FCC)

June 17—[Prioritizing Cybersecurity Challenges and Solutions: From Policy to Regulation](#) (TPRC)

June 18—[Digital Literacies for a Healthy Democracy](#) (House of Commons)

June 24—[Diversity Advisory Committee Meeting](#) (FCC)

June 28-July 1—[Mobile World Congress 2021](#) (GMSA)

June 29—[Open RAN Solutions Showcase](#) (FCC)