



INTERNET FOR ALL

TRIBAL ENTITIES FEDERAL FUNDING



SEPTEMBER 2022

Topics for discussion

- Overview of broadband programs

- Involvement of Tribal entities
 - ➊ Broadband Equity, Access, and Deployment (BEAD) Program
 - ➋ Digital Equity Act
 - ➌ Middle Mile Program

- Next steps

OVERVIEW OF BROADBAND PROGRAMS

Today's webinar will focus on the role of Tribal entities in the broadband programs administered by NTIA (Internet for All initiative)

BEAD

\$42.45B

Broadband Equity, Access & Deployment Program

A program to get all Americans online by funding partnerships between states or territories, communities, and stakeholders to build infrastructure where we need it and increase adoption of high-speed internet.

DIGITAL EQUITY

\$2.75B

Digital Equity Act

Three programs that provide funding to promote digital inclusion and advance equity for all. They aim to ensure that all communities can access and use affordable, reliable high-speed internet to meet their needs and improve their lives.

TRIBAL

\$2.00B

Tribal Connectivity Technical Amendments

A program to help tribal communities expand high-speed internet access and adoption on tribal lands.

MIDDLE MILE

\$1.00B

Enabling Middle Mile Broadband Infrastructure

A program to expand middle mile infrastructure, to reduce the cost of connecting unserved and underserved areas.

BEAD Program will provide ~\$42.45B for infrastructure planning and implementation

Funding pool
\$42.45B

A program to get all Americans online by funding partnerships between states or territories, communities, and stakeholders to build infrastructure where we need it and increase adoption of high-speed internet.

PROGRAM HIGHLIGHTS

Entities eligible to apply for this program include:

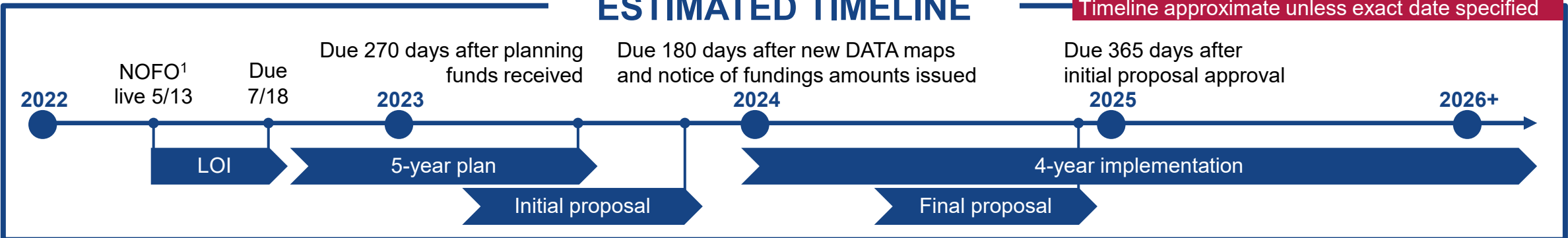
- All 50 States
- The District of Columbia and Puerto Rico
- Other Territories: U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands

Example eligible uses of funds include:

- ☆ Planning for deployment of Internet
- ☆ Deploying or upgrading Internet
- ☆ Installing Internet in multi-tenant buildings
- ☆ Implementing adoption and digital equity programs
- ☆ Workforce and job training

ESTIMATED TIMELINE

Timeline approximate unless exact date specified



1. Notice of Funding Opportunity (NOFO), available [here](#).

Digital Equity Act created three (3) programs to promote digital equity and inclusion

Funding pool
\$2.75B

Three programs that provide funding to promote digital inclusion and advance equity for all. They aim to ensure that all communities can access and use affordable, reliable high-speed internet to meet their needs and improve their lives.

PROGRAMS HIGHLIGHTS

The Digital Equity Act created three programs:

State Planning

- \$60M formula funding program to develop digital equity plans

State Capacity

- \$1.44B formula funding program to implement plans & promote digital inclusion

Competitive

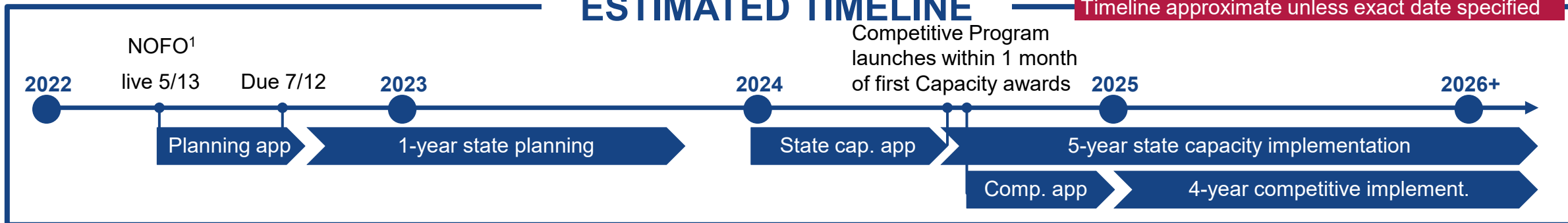
- \$1.25B to implement digital equity and inclusion activities

Example eligible uses of funds across three programs include:

- ☆ Developing digital equity plans; states must develop a plan to be eligible for state capacity grants
- ☆ Making awards to other entities to help make digital equity plans
- ☆ Improving accessibility and inclusivity of public resources
- ☆ Implementing digital equity plans and related activities
- ☆ Providing digital literacy and digital skills education
- ☆ Facilitating the adoption of high-speed Internet

ESTIMATED TIMELINE

Timeline approximate unless exact date specified



1. NOFO available [here](#).

Tribal Broadband Connectivity Program

Funding pool
\$2.00B

A program to deploy high-speed internet in tribal communities.

PROGRAM HIGHLIGHTS

The Bipartisan Infrastructure Law (BIL) added \$2 billion to the existing TBCP and relaxed time requirements of the original program. The Consolidated Appropriations Act of 2021 created the TBCP and allocated \$980 million for high-speed internet deployment in Tribal communities.

Entities eligible to apply include tribal entities, Native Hawaiian communities and Alaskan native entities.

A second NOFO will open later this year and include:

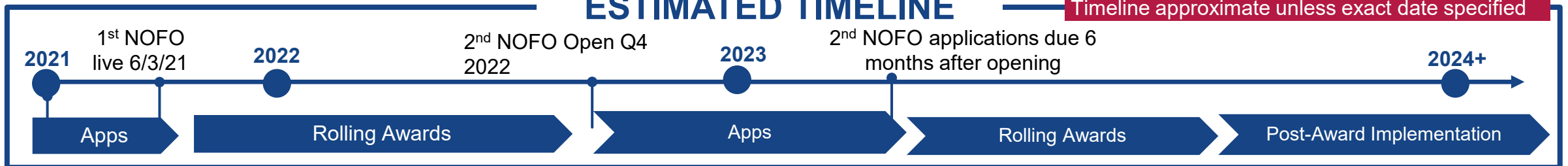
☆ Approximately \$1 billion in grant funding

☆ Tribal consultation engagements with leaders

☆ Application period open for 6 months starting in October 2022

ESTIMATED TIMELINE

Timeline approximate unless exact date specified



Middle Mile Grant Program will invest in the construction, improvement or acquisition of middle mile infrastructure

Funding pool
\$1.00B

A program to expand middle mile infrastructure, to reduce the cost of connecting unserved and underserved areas.

PROGRAM HIGHLIGHTS

Middle mile infrastructure refers to the mid-section of Internet infrastructure that carries large amounts of data at high speeds over long distances and connects the "backbone" of Internet infrastructure to the "last mile", which connects to end users¹

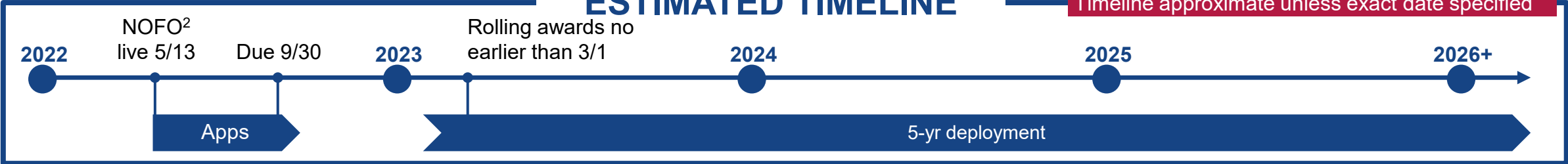
Entities eligible to apply include a wide variety of entities, incl. but not limited to government entities, utilities, companies, and non-profits that provide Internet services

Example uses of funds:

- ☆ Construction, improvement or acquisition of facilities and equipment
- ☆ Engineering design, permitting and work related to projects
- ☆ Personnel costs, including salaries and benefits
- ☆ Other costs necessary to program's activities

ESTIMATED TIMELINE

Timeline approximate unless exact date specified



1. California Department of Technology, "What is the middle mile"? 2. NOFO available [here](#).

INVOLVEMENT OF TRIBAL ENTITIES

There are many ways Tribal entities can participate in the Internet for All program

Ways to get involved:

BEAD

- Engage with States, the District of Columbia, and Puerto Rico as these entities conduct ongoing local coordination
- Serve as a subgrantee and carry out BEAD activities

DIGITAL EQUITY

- Apply directly for grant funds set-aside for Tribal entities under the Digital Equity Act
- Engage with States as they conduct ongoing local coordination and develop their State Digital Equity Plans

MIDDLE MILE

- Apply directly for grant funds under the Middle Mile Program

1

INVOLVEMENT OF TRIBAL ENTITIES

BEAD PROGRAM

There are many ways Tribal entities can participate in the BEAD Program

Ways to get involved:

BEAD

- Engage with States, the District of Columbia, and Puerto Rico as these entities conduct ongoing local coordination
- Serve as a subgrantee and carry out BEAD activities

DIGITAL EQUITY

- Apply directly for grant funds set-aside for Tribal entities under the Digital Equity Act
- Engage with States as they conduct ongoing local coordination and develop their State Digital Equity Plans

MIDDLE MILE

- Apply directly for grant funds under the Middle Mile Program

Tribal entities may carry out BEAD activities as an Eligible Entity's subgrantee

- **"Eligible Entity"** refers to all 50 U.S. States, the District of Columbia, Puerto Rico, and other U.S. Territories (including the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands)

- **"Subgrantees"** are entities that receive grant funds from an Eligible Entity to carry out eligible activities – this includes traditional and non-traditional providers (i.e., electric co-ops, nonprofit orgs, public-private partnerships, public or private utilities, public utility districts, Tribal entities, or local govts)

BEAD ENTITIES

Funding is initially based on a minimum allocation with additional funding allocations based on high-cost and unserved locations



New coverage maps will be utilized

The Federal Communications Commission (FCC) will publish new broadband coverage maps

NTIA will then use these maps to determine an Eligible Entity's total funding allocation under BEAD



Eligible Entities receive a minimum allocation

Minimum allocations by entity:

- **\$100M** for each State, the District of Columbia, and Puerto Rico
- **\$25M** for American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands



Additional allocation based on unserved locations

Additional allocation is based on the number of **unserved locations in high-cost areas** in the Eligible Entity and the **number of unserved locations** in the Eligible Entity

BEAD to prioritize complete coverage of unserved locations and underserved locations (where funding permits)



Complete coverage of **unserved locations** (incl. by deploying Wi-Fi to multi-family buildings)



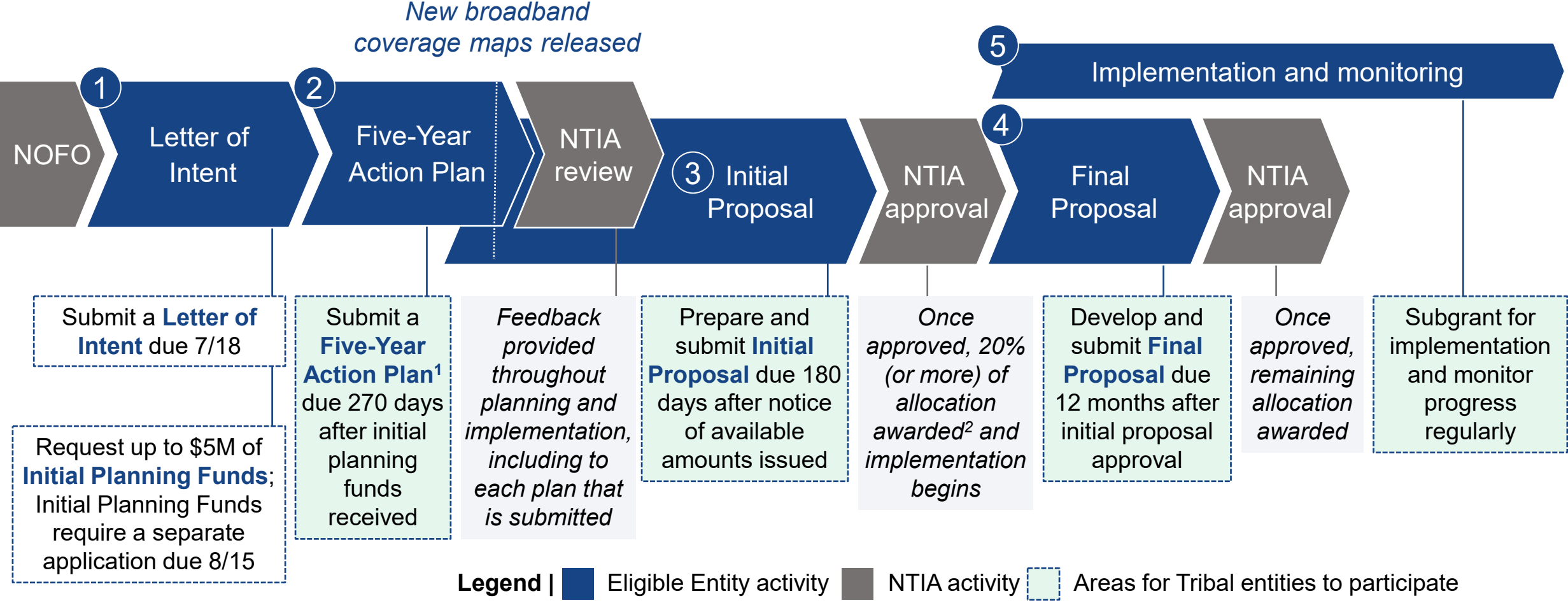
Complete coverage of **underserved locations** (where funding permits)



NTIA urges use of remaining funds for **Community Anchor Institutions (CAIs)** before other eligible uses

Note: If an Eligible Entity has a plan to deploy service to all unserved and underserved locations within its jurisdiction, it may pursue non-deployment initiatives before or while deployment projects are underway

Eligible Entity application includes five key steps; Tribal entities to participate throughout



1. Required for entities that receive initial planning funds 2. Must be used for projects in areas with >80% unserved locations or high poverty areas
 Note: funding amounts inclusive of all administrative set-asides

Eligible Entities must certify coordination with Tribal entities throughout the BEAD implementation period

Submission Requirements

Five Year
Action
Plans

- ✓ **Collaborate** with local, regional, and Tribal entities
- ✓ Describe the State's **external engagement process**, demonstrating collaboration with local, regional, and Tribal entities (governmental and non-governmental)

Initial
Proposal

- ✓ Identify steps to **support local, Tribal, and regional broadband planning efforts** and describes **coordination** with local and Tribal Governments
- ✓ **Certify** that local coordination was conducted and describes the coordination and its impact

Final
Proposal

- ✓ Certify that **local coordination was conducted**
- ✓ Detail support of **non-traditional provider participation**, including Tribal entities

BEAD Program requirements for local coordination include ongoing engagement with Tribal entities



Geographic coverage



Coordination must include Tribal, rural, suburban, and urban areas

Each political subdivision and Tribal entity must be given:

- Opportunity to submit a plan for Eligible Entity consideration
- Opportunity to comment on Eligible Entity proposals



Diverse stakeholders



Coordination must include a diversity of stakeholders

Eligible Entities must ensure Tribal entities are involved in developing plans (including via a **formal Tribal consultation process**)

Example stakeholders include State agencies, CAIs, non-profits, etc.



Outreach mechanisms



Coordination must include **multiple mechanisms to ensure broad awareness and participation**

Example mechanisms include listening sessions, public meetings, websites, social media, etc.



Transparency



Coordination must include clear procedures to ensure transparency, such as **publicly posting comments** from Tribal Governments and **provide explanations** of how recommendations were addressed

Examples include websites, periodic reports, in-person meetings, etc.



Un-/underserved and under-represented communities



Coordination must **target un-/underserved, and underrepresented communities** that have historically faced barriers in participating in federal programs

Examples include an advisory board with representatives, surveys to better understand needs, etc.

Tribal entities may serve as subgrantees and must provide consent to projects on Tribal Lands

Principles for the Eligible Entity's subgrantee selection process:

- May fund an unserved or underserved project area as small as a **single location**
- May include **Middle Mile Infrastructure** to reach interconnection points or serve an un- or underserved location, or CAI
- May not fund a project already subject to a **federal or State commitment** for deployment unless without a waiver
- Must **maximize the public benefits** by maximizing match and reducing costs to consumers
- May seek bids for unserved locations, underserved locations, and CAIs **collectively or separately**
- May not exclude **different types of subgrantees** from eligibility
- May solicit proposals at the **geographic level of its choosing** (e.g., per-location, per-census block, etc.)
- Must include the **level of BEAD subsidy** required to serve a specific location
- May encourage providers to **expand their existing/proposed service areas** and consider inducements if **no proposals** to serve a location that is unserved or underserved
- Must submit proof of the **Tribal Government's consent** to deployment to locations on Tribal Lands
- May decline to select a proposal that **exceeds the extremely high cost per location threshold**

Further guidance will be provided in subsequent webinars

NTIA suggests that Eligible Entities include local and Tribal coordination as project selection criteria

Process must first assess which locations have one or more proposals that meet two criteria:

1. Satisfy subgrantee requirements
2. Priority Broadband Projects

Priority Broadband Projects are projects that will rely entirely on **fiber-optic technology** to reach end-user premises

Except that an Eligible Entity may disqualify any project that *surpasses the Extremely High Cost Per Location Threshold*

Primary criteria must account for **≥75%** of the total selection criteria available in choosing between proposals

Priority Broadband Projects

If there is **only one** priority project proposal for an area, that proposal is the default winner unless a waiver granted

If there is **more than one** priority proposal, run competition, affording benefits to the following factors:

- ★ Minimal BEAD Program outlay
- ★ Affordability
- ★ Fair labor practices
- ★ Speed to deployment
- ★ Workforce development
- ★ Open access
- ★ Local and Tribal coordination

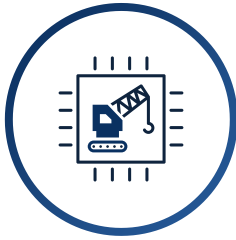
Non-priority projects

If there is **only one** project proposal for an area, that proposal is the default winner unless a waiver granted

If there is **more than one** proposal, run competition, affording benefits to the following factors:

- ★ Minimal BEAD Program outlay
- ★ Affordability
- ★ Fair labor practices
- ★ Speed to deployment
- ★ Speed and tech capabilities
- ★ Workforce development
- ★ Open access
- ★ Local and Tribal coordination

As a subgrantee, Tribal entities may use BEAD Program funds for a broad range of eligible uses



Last-mile deployment-related uses

- Construction, improvement, and/or acquisition of facilities and telecom equipment
- Long-term leases of facilities required to provide qualifying broadband service
- Deployment of internet and Wi-Fi infrastructure in an eligible multi-family residential building
- Engineering design, permitting, and work for environmental reviews
- Personnel costs for BEAD implementation
- Network software upgrades, including, but not limited to, cybersecurity solutions.
- Training for cybersecurity professionals who will be working on BEAD-funded networks.
- Workforce development



Non-exhaustive

Non-last-mile-related uses

- User training with respect to cybersecurity, privacy, etc.
- Remote learning or telehealth services/facilities
- Digital literacy/upskilling and computer science, coding and cybersecurity education programs
- Implementation of Eligible Entity digital equity plans
- Broadband sign-up assistance and tech support
- Multi-lingual outreach to support adoption
- Prisoner education to promote pre-release digital literacy, job skills, online job-acquisition skills, etc.
- Digital navigators
- Direct subsidies for use toward broadband subscription
- Costs associated with stakeholder engagement, including travel, capacity building, or contract support

To serve as a BEAD subgrantee, Tribal entities must meet general and specific qualification requirements

General qualifications

Eligible Entities shall ensure that any prospective subgrantee is capable of carrying out activities funded by the subgrant in a competent manner and in compliance with all applicable laws



Seven specific qualifications:

Financial capability: Certification of financial qualifications, letter of credit, audited financial Statements, and project pro forma analyses

Managerial capability: Resumes for key personnel, org charts, and narrative describing qualifications

Technical capability: Network design, diagram, project cost, buildout timeline and milestones, and capital investment schedule

Compliance with laws: Permit worker-led health and safety committees that management will meet with upon reasonable request

Operational capability: Certification of operational capability and certification for experience (e.g., for broadband service experience)

Ownership: Provide ownership info, including name address and citizenship of any party with >10% stock in applicant¹

Other public funding: Disclose any applications for broadband service projects using public funds

1. Consistent with requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7)

2

INVOLVEMENT OF TRIBAL ENTITIES

DIGITAL EQUITY ACT

There are many ways Tribal entities can participate in the Digital Equity Programs

Ways to get involved:

BEAD

- Serve as a subgrantee and carry out BEAD activities
- Engage with States, the District of Columbia, and Puerto Rico as these entities conduct ongoing local coordination

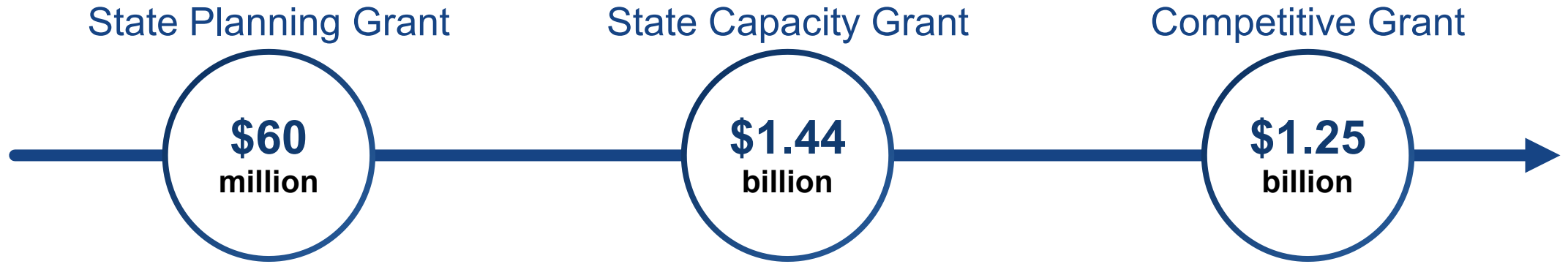
DIGITAL EQUITY

- Apply directly for grant funds set-aside for Tribal entities under the Digital Equity Act
- Engage with States as they conduct ongoing local coordination and develop their State Digital Equity Plans

MIDDLE MILE

- Apply directly for grant funds under the Middle Mile Program

The Digital Equity Act creates two distinct but correlated state formula grant programs, and a third competitive grant program



Who Open to **U.S. States, the District of Columbia, and Puerto Rico**

Open to U.S. States, the District of Columbia, and Puerto Rico, that **completed the State Planning Program**

Open to **certain entities**, such as political subdivisions, Tribal entities, nonprofits, community anchor institutions, local educational agencies, and workforce development orgs

What Grants will be used to **develop a State Digital Equity Plan**

Grants will be used to **implement State Digital Equity Plans**

Grants will be used to **develop and implement digital inclusion activities**

Other U.S. territories, Indian Tribes, Alaska Native entities, and Native Hawaiian orgs have a separate statutory set-aside and separate program requirements under the State Planning and Capacity Programs, as detailed on the next page

The Digital Equity Act provides for separate funding set-asides for Tribal entities

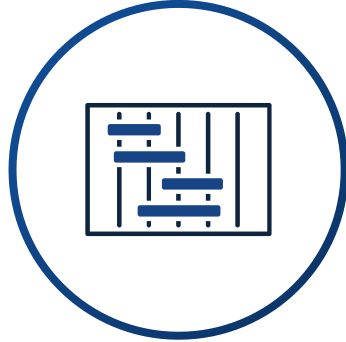
5% statutory set aside

- ☆ Digital Equity Act provides that "not less than **five percent** of award grants" must be set aside annually for Tribal entities
- ☆ NTIA has reserved **\$15 million** (i.e., 5% of the \$300 million total amount made available by Congress - \$60 million for the State Digital Equity Planning and \$240 million for the Capacity Grant Program) for the 2022 fiscal year

Additional details

- ☆ Because the number of participating entities is unknown, NTIA will announce **tentative award allocations** after receiving Letters of Intent
- ☆ In future years, the Assistant Secretary **may add unclaimed** State Digital Equity **Capacity Grant funds** to the set-asides for U.S. territories, other than Puerto Rico, and Tribal entities

Funds can be used to create Tribal digital equity plans, help entities support State plans, and implement plans



Uses of Initial Funds Allocation *Set-Asides from the Planning Grant Program*

- Developing **Tribal digital equity plans**
- Supporting **Tribal participation and equity interests** in the creation of relevant State Digital Equity Plans










Uses of Balance of Reserved Funds *Set-Asides from the Capacity Grant Program*

- **Implementing** digital equity plans with activities such as:
 - Pursuing **digital inclusion activities**
 - Facilitating **adoption** of high-speed internet
 - Executing **workforce development programs**
 - Making **equipment and software** available
 - Constructing/upgrading **public access computer centers**

Funding for other territories and Tribal entities has been reserved proportionally from the State Digital Equity Planning and the Capacity Grant Programs.

The NOFO lists State Digital Equity Plan requirements; some may not be applicable to Tribal entities (I/II)

-  1 The **identification of the barriers to digital equity** faced by covered populations
-  2 **Measurable objectives for documenting & promoting** broadband technology; the online accessibility of public resources and services; digital literacy; secure online privacy / cybersecurity; consumer devices and tech support
-  3 An assessment of how the **objectives will impact and interact** with the State's economic and workforce goals; health, education and civic engagement outcomes; and delivery of other essential services
-  4 A description of how the State **plans to collaborate with key stakeholders** (e.g., anchor institutions, municipal government, educational agencies, non-profits) to achieve objectives
-  5 A list of organizations with which the administering entity for the State **collaborated in developing and implementing the Plan**
-  6 A stated **vision for digital equity**
-  7 A **digital equity needs assessment**, including an assessment of the baseline and the State's identification of the barriers to digital equity

NTIA will work closely with each entity to agree on project deliverables, budgets, goals, and objectives that are reasonable and effective (e.g., Tribal Governments must describe any Tribal Broadband Connectivity Program awards it has received).

The NOFO lists State Digital Equity Plan requirements; some may not be applicable to Tribal entities (II/II)

-  8 An **asset inventory**, including current resources and strategies that promote digital equity and existing digital equity plans and programs
-  9 A **coordination and outreach strategy**, including opportunities for public comment by, collaboration with, and ongoing engagement with the covered populations and the full range of stakeholders
-  10 Description of how **municipal, regional, and/or tribal digital plans will be incorporated**
-  11 An **implementation strategy** (1) establishing measurable goals, objectives, proposed core activities, (2) setting out measures ensuring the plan's sustainability, and (3) adopting mechanisms to ensure that the plan is regularly evaluated and updated
-  12 Explanation of how the strategy **addresses gaps in existing efforts** to address barriers to digital equity
-  13 Description of how the State intends to accomplish the implementation strategy by **partnering with workforce organizations and institutions of higher learning**
-  14 A **timeline** for implementation of the Plan
-  15 Material indicating how the State will coordinate its use of Digital Equity Capacity Grant and **BEAD funds**

Tribal entities are among key stakeholder groups that States should coordinate with in developing Plans

Key stakeholder groups may include:

- Community anchor institutions
- County and municipal governments
- Local educational agencies
- Indian Tribes, Alaska Native entities, or Native Hawaiian organizations, where applicable
- Nonprofit organizations
- Organizations that represent covered populations
- Civil rights organizations
- Entities that carry out workforce development programs
- State agencies that administer or supervise adult education or literacy activities
- Public housing authorities

3

INVOLVEMENT OF TRIBAL ENTITIES

MIDDLE MILE PROGRAM

There are many ways Tribal entities can participate in the Middle Mile Program

Ways to get involved:

BEAD

- Serve as a subgrantee and carry out BEAD activities
- Engage with States, the District of Columbia, and Puerto Rico as these entities conduct ongoing local coordination

DIGITAL EQUITY

- Apply directly for grant funds set-aside for Tribal entities under the Digital Equity Act
- Engage with States as they conduct ongoing local coordination and develop their State Digital Equity Plans

MIDDLE MILE

- Apply directly for grant funds under the Middle Mile Program

Middle mile infrastructure broadly means the mid-section of internet infrastructure

Middle mile infrastructure carries large amounts of data at high speeds over long distances

Middle mile infrastructure includes:

- Leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services
- Wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless network, e.g., towers, fiber, and microwave links

Middle Mile funding is available to a variety of entities and partnerships, including Tribal governments

The term “Eligible Entity” means:

Government:

- State, political subdivision of a State, Tribal government

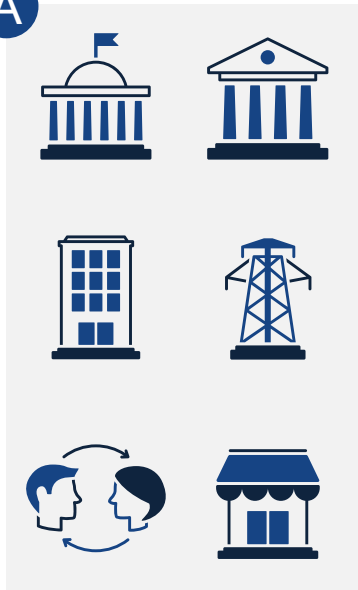
Industry:

- Tech company, electric utility, utility coop, public utility district, telecom company/coop

Non-profits and other associations:

- Non-profit foundation/corporation/institution/association, regional planning council, Native entity, or economic development authority

A



B



A partnership of two or more entities described in (A)

Grants can be used for the construction, improvement, or acquisition of middle mile infrastructure

Non-exhaustive examples of eligible uses of funds:



Construction, improvement, and/or acquisition of facilities and telecommunications equipment



Engineering design, permitting, and work related to environmental, historical and cultural reviews



Personnel costs, including salaries, and fringe benefits for staff and consultants (e.g., PMs, SMEs, financial analysts, accountants, attorneys)



Select pre-application expenses <\$50,000 incurred after NOFO publication and before grant award



Other costs necessary to programmatic activities, excluding ineligible costs

Middle mile program review process includes three steps



1

Eligibility review

NTIA ensures applicants are eligible, including verifying:

1. Application is complete
2. Eligible Entity meets eligibility criteria

2

Merit review and prioritization

Reviewers evaluate and score applications on a scale of 0-100 across two categories of criteria:

1. Project purpose and benefits (60 points)
2. Project sustainability (40 points)

Transition from step 2 to step 3

NTIA prioritizes projects for programmatic review based on merit review score and whether applications meet 2 of 5 criteria from the statute

3

Programmatic review and selection

NTIA Program Staff review and assess applications in two steps:

1. Ask applicant to submit additional info, as appropriate
2. Assess proposed project and calculate weighted scores

DOC selects projects for funding based on ranked list with potential adjustments for geographic diversity and diversity in award sizes

The Assistant Secretary, in consultation with Tribal entities, may waive or specify alternative requirements if it is necessary for (a) the effective delivery and administration of middle mile grants to Tribal governments or (b) the construction, improvement, or acquisition of middle mile infrastructure on trust land.

NEXT STEPS

Next steps for Tribal entities related to the broadband programs

- 1 Organize resources, conduct outreach within your jurisdiction, and reach out to your State broadband contact
- 2 Submit questions to NTIA by emailing InternetForAll@ntia.gov
- 3 Attend future NTIA webinars and engage with NTIA Technical Assistance for guidance across programs
- 4 Prepare to draft a Digital Equity Plan if you submitted a Letter of Intent to the State Digital Equity Planning Program
- 5 Prepare an application for the Middle Mile Grant Program by September 30

