



June 2024

TRIBAL BROADBAND

Additional Assistance
to Recipients Would
Better Support
Implementation of \$3
Billion in Federal
Grants

GAO Highlights

Highlights of [GAO-24-106541](#), a report to congressional committees

Why GAO Did This Study

NTIA was appropriated \$3 billion for TBCP. NTIA completed the first of two rounds of funding in September 2023. Tribal stakeholders described TBCP as a once-in-a-generation opportunity for Tribes to close the digital divide, which previous efforts have not done.

The Consolidated Appropriations Act, 2021, includes a provision for GAO to review TBCP grants. This report examines topics related to TBCP including: (1) grants that reached Tribes that had not received previous federal broadband support; (2) the extent to which NTIA provided support to recipients on financial sustainability; and (3) the extent to which NTIA provided recipients with technical assistance in the environmental review process.

GAO compared NTIA efforts to leading practices and analyzed data from TBCP and other key federal broadband programs. GAO visited TBCP recipients in Alaska and Oklahoma and interviewed a non-generalizable sample of 16 TBCP recipients. GAO also interviewed officials from NTIA and other federal officials.

What GAO Recommends

GAO is making three recommendations to NTIA, that it (1) provide technical assistance to recipients that are unable to implement their financial sustainability plans, (2) report to Congress on the projects' financial sustainability needs, and (3) consolidate technical assistance resources for the TBCP environmental review process in a single location. NTIA agreed with these recommendations.

View [GAO-24-106541](#). For more information, contact Andrew Von Ah at (202) 512-2834 or vonaha@gao.gov.

June 2024

TRIBAL BROADBAND

Additional Assistance to Recipients Would Better Support Implementation of \$3 Billion in Federal Grants

What GAO Found

Broadband is critical for modern life, but access on tribal lands has lagged behind the rest of the country. Recent Tribal Broadband Connectivity Program (TBCP) grant awards reached 31 tribal recipients that had not recently participated in—or received service from providers with funding from—eight other key federal broadband programs. Tribal entities have historically been at a disadvantage in competing for federal broadband funding. For example, most broadband programs are not exclusively for tribal entities, so they must compete with other eligible entities with more resources and experience in applying for funding, including well-established telecommunications providers.

Tribal organizations and the National Telecommunications and Information Administration (NTIA)—which selects and oversees TBCP recipients—have told GAO that it will be difficult to financially sustain networks built under TBCP. These networks will serve areas that have not attracted private-sector investment due to their location, density, and income levels. However, NTIA's plans for providing technical assistance throughout the funding period do not include support for recipients that are unable to implement their financial sustainability plans. In addition, over half of TBCP recipients with infrastructure projects planned to use other federal funding to support their ongoing financial sustainability. But those sources have proven difficult for Tribes to obtain or have ended. Providing technical assistance to recipients and reporting to Congress on the financial sustainability needs of the projects would help NTIA achieve its purpose of improving quality of life through expanding broadband service in historically underserved Native American communities.

A Wireless Broadband Connection on a Tribal Home in the Pueblo of Pojoaque, New Mexico



Source: GAO (photo). | GAO-24-106541

NTIA did not include most of its technical assistance resources regarding the TBCP environmental review process in its one-stop hub for technical assistance resources. Instead, NTIA provided most of these resources at a one-time meeting or in a separate archived location on its website. NTIA is required to consider the environmental impacts of TBCP projects, a process that some Tribes said they have found particularly challenging. NTIA officials said it would be beneficial to gather all such resources in one place but have not taken steps to do so. Including information about the environmental review process—such as expected time frames and other information that could affect TBCP recipients' planning—in a single location on NTIA's website could help recipients better plan their projects.

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Abbreviations

BEAD	Broadband Equity, Access, and Deployment
BIA	Bureau of Indian Affairs
ETC	Eligible Telecommunications Carrier
FCC	Federal Communication Commission
NEPA	National Environmental Protection Act
NTIA	National Telecommunications Information Administration
RUS	Rural Utilities Service
TBCP	Tribal Broadband Connectivity Program
USDA	United States Department of Agriculture

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June 24, 2024

The Honorable Maria Cantwell
Chair
The Honorable Ted Cruz
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate

The Honorable Cathy McMorris Rodgers
Chair
The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
House of Representatives

Broadband access is critical for economic development, educational and job opportunities, and public health and safety. Yet, access to broadband service on rural tribal lands has historically lagged behind the most underserved rural areas of the country. Over \$82 billion has been appropriated for multiple programs and agencies to improve access to broadband since fiscal year 2020. However, most of the funding is for programs that do not focus specifically on tribal lands.¹ Tribal leaders and internet service providers (providers) have long faced challenges in accessing broadband funding to improve service in tribal communities. These challenges included demonstrating financial sustainability of a network and navigating the environmental review process.² Federal agencies have also faced challenges in ensuring that programs succeed while avoiding unintended overlap and duplication.³

¹We have previously reported on federal broadband programs for tribal lands. GAO, *Tribal Broadband: National Strategy and Coordination Framework Needed to Increase Access*, [GAO-22-104421](#) (Washington, D.C.: June 22, 2022). For definitions of tribal lands used by federal agencies, see appendix I.

²[GAO-22-104421](#).

³We previously reported that we identified at least 133 funding programs that could support increased broadband access—creating a fragmented, overlapping patchwork of funding. This patchwork of programs could lead to wasteful duplication of funding and effort. GAO, *Broadband: National Strategy Needed to Guide Federal Efforts to Reduce Digital Divide*, [GAO-22-104611](#) (Washington, D.C.: May 31, 2022).

The Department of Commerce's National Telecommunications Information Administration (NTIA) was appropriated \$3 billion for the Tribal Broadband Connectivity Program (TBCP) to expand access to and adoption of broadband service on tribal land.⁴ NTIA is distributing these funds through two rounds of grant funding. NTIA finished announcing awards for the first round of funding in September of 2023, and the application period for the second funding round closed in March 2024. The act that established TBCP required NTIA to make funding appropriated for TBCP in that act available to eligible entities (e.g., Tribes) on an equitable basis without further defining equitable.⁵ Tribal stakeholders describe TBCP as a once-in-a-generation opportunity for Tribes and other eligible entities to close the digital divide, which previous efforts have not done.⁶

The act establishing TBCP also includes a provision for GAO to review, every 6 months until funds are expended, the grants awarded under this program in the prior 6 months and provide, if any, recommendations to

⁴Pub. L. No. 116-260, div. N, tit. IX, § 905(b)(1), 134 Stat. 1182, 2138 (2020) (codified at 47 U.S.C. § 1705(b)(1)); Pub. L. No. 117-58, 135 Stat. 429, 1353-54 (2021).

⁵Pub. L. No. 116-260, div. N, tit. IX, § 905(c)(3)(A), 134 Stat. 1182, 2138 (2020) (codified at 47 U.S.C. § 1705(c)(3)(A)). NTIA is applying this equitable distribution requirement to all TBCP appropriations.

⁶We refer to eligible entities that received TBCP awards as "recipients" or "tribal recipients." The Consolidated Appropriations Act, 2021, defined the entities eligible for TBCP as: (i) a tribal government; (ii) a tribal college or university; (iii) the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, including Native Hawaiian Education Programs; (iv) a tribal organization; or (v) a corporation established pursuant to the Alaska Native Claims Settlement Act. 47 U.S.C. § 1705(a)(8). Tribal governments are defined as the governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band or reservation, individually recognized (including parenthetically) in the list of federally recognized Tribes the Bureau of Indian Affairs publishes annually. 47 U.S.C. § 1705(a)(12).

address waste, fraud, and abuse.⁷ This is our fifth response to this statutory provision.⁸

This report focuses on the NTIA's implementation of the first round of TBCP funding. Specifically, this report:

1. identifies the number of tribal recipients receiving TBCP grants that had not received funding from key federal broadband programs;
2. describes award recipients' plans for network ownership and financial sustainability, and what assistance NTIA has provided recipients for the financial sustainability of projects;
3. assesses the extent to which NTIA provided technical assistance for TBCP recipients to navigate the environmental review process; and
4. evaluates the extent to which NTIA identified duplication with awards from other federally funded broadband programs prior to awarding TBCP grants.

To address all four objectives, we analyzed TBCP documentation, such as notices of funding opportunity, technical assistance for recipients, and key elements of recipient applications. We met with NTIA officials to obtain additional information about how NTIA supports TBCP recipients in implementing their projects. We also interviewed a tribal broadband association and a non-generalizable sample of 16 TBCP recipients to obtain their views on these topics. We identified one recipient based on previous work.⁹ We then selected 15 recipients to reflect a variety in

⁷Pub. L. No. 116-260, div. N., tit. IX, § 905(f)(2), 134 Stat. 1182, 2144 (2020) (codified at 47 U.S.C. § 1705(f)(2)). This act includes a provision for GAO to review, every 6 months until funds are expended, TBCP and Broadband Infrastructure Program grants awarded during the prior 6 months. NTIA did not award any Broadband Infrastructure Program grants in the prior 6 months, so this report focuses on TBCP.

⁸We met previous statutory deadlines by providing a briefing (May 2022), providing a draft report (November 2022) which we later published as [GAO-23-105426](#) (January 2023), providing a briefing (May 2023), and issuing [GAO-23-106824](#) (August 2023). See GAO, *Broadband Funding: Stronger Management of Performance and Fraud Risk Needed for Tribal and Public-Private Partnership Grants*, [GAO-23-105426](#) (Washington, D.C.: Jan. 24, 2023); *Tribal Broadband Connectivity Program: Feedback Should Be Provided to Applicants Receiving Equitable Distribution Grants*, [GAO-23-106824](#) (Washington, D.C.: Aug. 24, 2023).

⁹[GAO-23-105426](#). This recipient received its TBCP award after our interview.

project type, geography, and award amounts.¹⁰ We obtained this information from NTIA’s publicly available TBCP award announcements.

For 10 of these recipients, we conducted site visits across two states (Alaska and Oklahoma), selected to reflect a variety in the factors listed above. We also gathered information at three tribal broadband conferences (March 2023, August 2023, and April 2024).¹¹ Although the results of our interviews are not generalizable to the experiences of all TBCP awardees, they represent important perspectives on NTIA’s implementation of the TBCP program. For a list of entities we interviewed, see appendix II.

To identify the number of TBCP recipients that had not received funding from key federal broadband programs, we analyzed the extent to which round-one TBCP recipients or their communities had received funding—directly or indirectly—from eight key federal broadband programs from fiscal year 2015 to fiscal year 2023.¹² We reported in 2022 that these eight programs provide key broadband funding to underserved areas of the country, including tribal lands, and had been used to extend and provide services on tribal lands.¹³ These programs were:

¹⁰We selected recipients for site visits and interviews from among those awards that had been announced when we made the selections—March 2023 and April 2023, respectively.

¹¹Following the March 2023 conference, we interviewed two TBCP applicants that received awards after we interviewed them and incorporated the information they provided into [GAO-23-106824](#).

¹²While we analyzed data from eight key federal broadband funding programs from fiscal years 2015 to 2023, not all of these programs issued awards during the entire period and data were not available for all of these programs during the entire period, as described below. The high-cost and Telecommunications Infrastructure programs issued awards from fiscal years 2015 to 2023. The National Tribal Broadband Grant program issued awards in fiscal years 2020 and 2022. The Community Connect program issued awards from fiscal years 2015 to 2022. The Rural Broadband Access Loan Program issued awards from fiscal years 2015 to 2019. The ReConnect program issued awards from fiscal years 2019 to 2023. We analyzed Distance Learning and Telemedicine program awards issued from fiscal years 2017 to 2022 because USDA officials told us it would have been burdensome to provide geographic data for awards prior to fiscal year 2017 and that they were in the process of coding the geographic locations for the fiscal year 2023 data. For the E-Rate program, we analyzed data from funding year 2016 to funding year 2022. For the E-Rate program, funding years begin July 1 of the calendar year and end June 30 of the following calendar year. Because of this, we analyzed data from July 2016 through June 2023. E-rate data were not available before 2016 and, at the time of our review, funding year 2023 data was not complete.

¹³[GAO-22-104421](#).

-
- Two of the Federal Communication Commission's (FCC) Universal Service Fund programs—the high-cost program and E-Rate;¹⁴
 - Five of the United States Department of Agriculture's (USDA) broadband programs, which are administered by its Rural Utilities Service (RUS)—the Rural eConnectivity program (commonly referred to as ReConnect), Community Connect program, Distance Learning and Telemedicine program, rural broadband program, and telecommunications infrastructure program; and
 - The Bureau of Indian Affairs' (BIA) National Tribal Broadband Grant Program.

The analysis to identify the number of TBCP recipients that had not received federal funding from key broadband programs included two parts. For one part, we analyzed TBCP recipients' direct participation in these programs—did the TBCP recipient itself or an organization owned by the recipient receive funding from one or more of the key federal broadband programs. For the other part, we analyzed the extent to which TBCP recipients' communities may have indirectly received funding from these programs. Specifically, we examined whether other recipients of these programs, such as non-tribal internet service providers, received awards to provide services on TBCP recipients' lands. We assessed the reliability of the data by reviewing documents on the databases and by reviewing documents and interviews with staff at FCC and RUS. We determined the data to be sufficiently reliable for the purpose of our reporting on funding that may support broadband on TBCP recipient lands.

To describe recipients' plans for network ownership, we reviewed project narratives for the 138 awarded infrastructure deployment projects because network ownership is relevant only to projects that include broadband infrastructure deployment.¹⁵ Specifically, we categorized recipients' plans for the ownership and operation of the broadband network, internally verified the categorization, and shared our results with NTIA. To identify infrastructure deployment recipients' plans for financial sustainability, we reviewed these plans in their project narratives, in particular for indications that the recipient intended to access other

¹⁴The universal service high-cost program is also known as the Connect America Fund. The high-cost program has provided support to carriers through various support mechanisms including the Connect America Cost Model, Connect America Fund Phase II auction, and Rural Digital Opportunity Fund.

¹⁵Seven of these projects also had a planning component.

broadband programs to financially sustain their networks and for indications that the recipient was or planned to become an eligible telecommunications carrier.¹⁶ We assessed NTIA's actions against a leading practice of project monitoring for the management of grant programs involving broadband deployment.¹⁷ Key activities associated with project monitoring include identifying issues and designing and taking corrective actions as well as requiring periodic reviews, including progress reports.¹⁸

To evaluate the extent to which NTIA provided technical assistance for TBCP recipients to navigate the environmental review process, we compared NTIA's technical assistance resources to a leading practice of external communication for the management of grant programs involving broadband deployment.¹⁹ A key practice associated with external communication is ensuring transparency.

We conducted this performance audit from January 2023 to June 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

¹⁶We use the term "financial sustainability" to refer to covering the costs of operating and maintaining a broadband network.

¹⁷GAO, *Rural Broadband Deployment: Improved Consistency with Leading Practices Could Enhance Management of Loan and Grant Programs*, [GAO-17-301](#) (Washington, D.C.: Apr. 13, 2017). For this report, GAO developed leading practices for managing broadband grant programs by synthesizing leading practices from a variety of sources; reviewing federal agency, academic, and research related to broadband deployment; and interviewing officials from federal agencies and industry groups.

¹⁸[GAO-17-301](#).

¹⁹[GAO-17-301](#).

Background

Persistent Challenges to Improving Broadband Access on Tribal Lands

We have previously reported that Tribes face multiple barriers to providing broadband service to their communities.²⁰ These barriers include fragmented federal broadband programs, a unique permitting environment on tribal lands, complex application requirements, and a lack of sufficient operating funds.²¹ For example, few tribally owned providers participate in FCC's high-cost program—the primary source of federal funding to sustain a broadband network—because a provider must be designated an eligible telecommunications carrier (ETC) by the relevant state or by FCC to participate in the program.²² Under FCC rules, which many state programs mirror, ETCs must meet certain service obligations, such as providing voice service.

As of May 2024, the federal government recognized 574 Indian Tribes as distinct, independent political communities with certain powers of self-government. While many of these Tribes may be providing some level of broadband service to some portion of their land, for example, through a tribal IT department that serves tribal government buildings, we reported in 2018 that 11 tribally owned telecommunications providers had an ETC designation at the time of our review.²³ In 2022, we reported that some tribal stakeholders stated that tribally owned providers may choose not to pursue ETC status because the requirements are costly and burdensome.²⁴

²⁰See [GAO-22-104421](#); GAO, *Tribal Broadband: FCC Should Undertake Efforts to Better Promote Tribal Access to Spectrum*, [GAO-19-75](#) (Washington, D.C.: Nov. 14, 2018); *Tribal Broadband: Few Partnerships Exist and the Rural Utilities Service Needs to Identify and Address Any Funding Barriers Tribes Face*, [GAO-18-682](#) (Washington, D.C.: Sept. 28, 2018); *Broadband Internet: FCC's Data Overstate Access on Tribal Lands*, [GAO-18-630](#) (Washington, D.C.: Sept. 7, 2018); *Telecommunication: Additional Coordination and Performance Measurement Needed for High-Speed Internet Access Programs on Tribal Lands*, [GAO-16-222](#) (Washington, D.C.: Jan. 29, 2016).

²¹[GAO-22-104421](#).

²²FCC released a notice of inquiry in July 2023 seeking comment on whether and how FCC should modify the high-cost program.

²³[GAO-18-682](#). In May 2024, FCC officials told us FCC was unable to provide an updated estimate for the number of tribally owned telecommunications providers with an ETC designation. FCC does not track information about tribal ownership as part of the ETC application process, and USAC, which administers the high-cost program, does not track tribal ownership in its ETC data.

²⁴[GAO-22-104421](#).

In part because of these barriers to Tribes providing broadband service, many tribal communities choose not to set up their own service providers and instead receive broadband service from non-tribal broadband providers in the area that may be better positioned to navigate these barriers. However, these broadband providers face similar challenges, and some Tribes have voiced dissatisfaction with the way non-tribal providers have fulfilled their service obligations on tribal lands.

Many Agencies Offer Significant Federal Funding for Broadband Access

In previous work, we identified 15 agencies across the federal government that administer over 100 programs with various purposes that may support broadband access and could include broadband access on tribal lands.²⁵ Starting in fiscal year 2020, COVID-19 relief laws and other appropriation acts have appropriated over \$82 billion for programs to improve broadband access. For example, the Broadband Equity, Access, and Deployment (BEAD) program, administered by NTIA, received over \$42 billion to expand broadband access by funding planning, infrastructure deployment, and adoption programs.²⁶ In addition, the Affordable Connectivity Program and its predecessor, the Emergency Broadband Benefit Program, administered by FCC, offered eligible tribal households discounts on the cost of broadband service and certain devices. The program reimbursed internet service providers that participate in the program for these discounts. However, the Affordable Connectivity Program ran out of funds in May 2024.

NTIA is required to consult with FCC before making TBCP grant awards to prevent duplication of funding.²⁷ In addition, Commerce guidance directs NTIA to coordinate with other federal agencies to determine if potential TBCP grants are duplicative of other federally funded broadband projects prior to NTIA awarding the grant.²⁸ Unplanned and possibly

²⁵[GAO-22-104611](#).

²⁶BEAD funding is available to all 50 states, Washington, D.C., Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

²⁷Pub. L. No. 116-260, div. N, tit. IX, § 905(c)(2), 134 Stat. 1182, 2136 (2020) (codified at 47 U.S.C. § 1705(c)(2)). The statute contained another requirement for the Office of Internet Connectivity and Growth to coordinate with FCC with respect to its broadband support programs. Pub. L. No. 116-260, div. FF, tit. IX, § 903(f)(1)(B), 134 Stat. 1182, 3211-3212 (2020) (codified at 47 U.S.C. § 1307(f)(1)(B)).

²⁸Department of Commerce, *Grants and Cooperative Agreements Manual* (Apr. 20, 2021). The Department of Commerce guidance directs NTIA coordinate with other federal agencies for any project whose scope of work overlaps, relates to, or duplicates the program mission of another federal program before the award is approved for funding.

wasteful duplication can occur when separate programs fund projects in the same area for the same population and purpose.²⁹ NTIA has entered into two interagency agreements with multiple agencies to share information about broadband projects that have or will receive federal funding from the agencies' programs.³⁰

Tribal Broadband Connectivity Program

NTIA's Office of Internet Connectivity and Growth, established in 2021, is the office primarily responsible for administering TBCP.³¹ TBCP awards may fund broadband infrastructure deployment projects or use and adoption projects, and may be awarded to single eligible entities or a consortium of eligible entities. Broadband infrastructure deployment projects under the program include laying fiber-optic cable and constructing towers, and awards in the first funding round ranged from about \$125,000 to about \$65 million. For example, Chickasaw Nation received \$50 million to install fiber and fixed wireless to connect over 2,500 unserved Native American households (see fig. 1.).

Planning projects, a subset of broadband infrastructure deployment projects, include activities such as conducting planning, feasibility, and sustainability studies and were between about \$90,000 and about \$8 million. Broadband use and adoption projects under the program include training, digital inclusion, and consumer adoption subsidies. These

²⁹A recipient of grant funds also may not charge a cost to one program that is included as a cost or used to meet a cost-sharing or matching requirement of any other federally financed program. 2 C.F.R. § 200.403(f).

³⁰NTIA, FCC, and USDA's Rural Utilities Service were required by statute to enter into an interagency agreement requiring coordination for the distribution of funds for broadband deployment. Pub. L. No. 116-260, div. FF, tit. IX, § 904, 134 Stat. 1182, 3214 (2020) (codified at 47 U.S.C. § 1308(b)(2)). See Interagency Agreement Between the Federal Communications Commission, U.S. Department of Agriculture, and the National Telecommunications and Information Administration of the U.S. Department of Commerce (June 2021). In addition, in 2022, the NTIA, FCC, USDA, and the Department of the Treasury entered into a memorandum of understanding regarding information sharing about broadband projects that have or will receive funding. Memorandum of Understanding Regarding Information Sharing dated as of May 2, 2022, between the Federal Communications Commission, U.S. Department of Agriculture, the National Telecommunications and Information Administration of the U.S. Department of Commerce, and the U.S. Department of the Treasury (May 9, 2022). The May 2022 memorandum of understanding expired in May 2024. NTIA officials told us in June 2024 they had shared a draft memorandum of understanding with FCC, USDA, and Treasury.

³¹The Assistant Secretary for Communications and Information, who leads NTIA, was required by statute to establish the Office of Internet Connectivity and Growth. Pub. L. No. 116-260, div. FF, tit. IX, § 903(b), 134 Stat. 1182, 3210 (2020) (codified at 47 U.S.C. § 1307(b)). Unless otherwise specified, "NTIA" refers to the Office of Internet Connectivity and Growth.

awards were between about \$400,000 and \$35 million. For example, the Native Village of Kotzebue—north of the Arctic Circle—received a \$2.5 million use and adoption grant to help residents afford broadband service (see fig. 1).

Figure 1: Wireless Telecommunications Equipment in Kotzebue, Alaska, and Ada, Oklahoma



Wireless telecommunications equipment in Kotzebue, Alaska



Wireless telecommunications equipment owned by Chickasaw Nation in Ada, Oklahoma

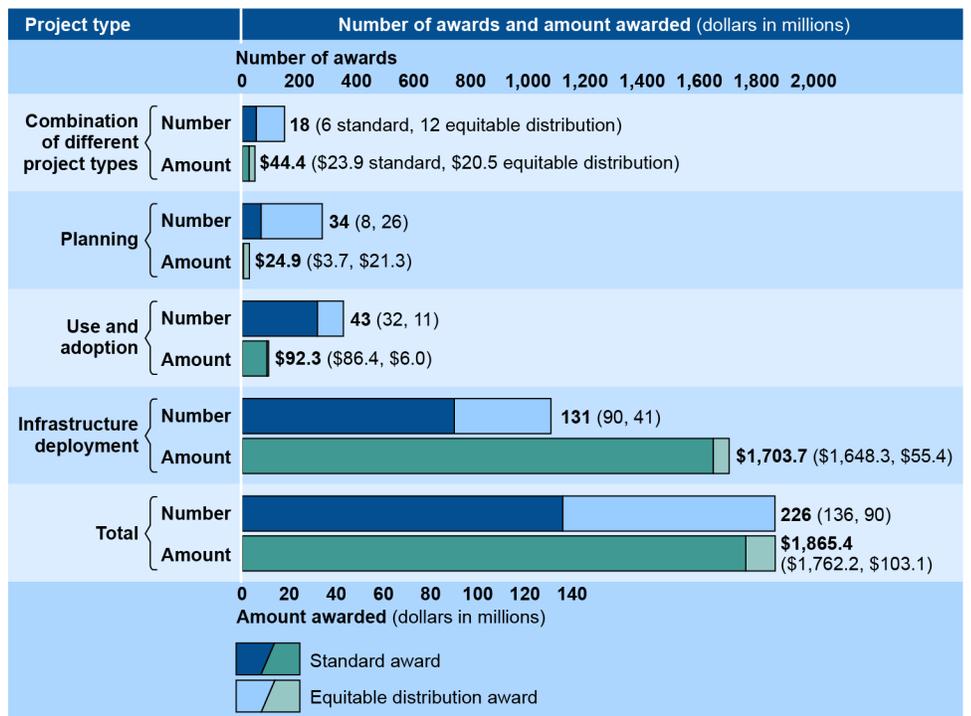
Source: GAO (photos). | GAO-24-106541

NTIA awarded almost \$2 billion for the program in its first round of funding from November 2021 through September 2023. NTIA plans to award the approximately \$1 billion remaining as part of the second funding round, which was announced in July 2023. Applications for the second round were originally due in January 2024, but NTIA extended the deadline to March 2024. As of March 2024, NTIA had not made any awards under the second funding round. In April 2024, NTIA announced it had received more than 160 applications totaling more than \$2.6 billion.

In the first round, about 91 percent (\$1.7 billion of \$1.9 billion) of funds awarded were for infrastructure deployment projects, although these accounted for about 58 percent (131 of 226) of the awards. About 5

percent (\$92 million of \$1.9 billion) of funds were for use and adoption awards, with planning awards and awards with multiple project types accounting for the least number of awards and the least amount awarded (see fig. 2).³²

Figure 2: Number and Amount of Tribal Broadband Connectivity Awards by Project Type and Award Type



Source: GAO analysis of National Telecommunications Information Administration data. | GAO-24-106541

Note: For the purposes of this report, “equitable distribution award” refers to awards of up to \$500,000 per tribal government where the applicant requested more than that amount. “Standard award” refers to all other awards.

TBCP awards also varied by award type—that is, standard award or equitable distribution award. NTIA’s funding announcements stated that it would allocate up to \$500,000 per tribal government to meet the statutory requirement for the TBCP fiscal year 2021 appropriation to be distributed

³²Of the 18 awards with a combination of different project types, 11 were a combination of use and adoption and planning, and 7 were a combination of infrastructure deployment and planning.

equitably.³³ NTIA officials clarified to us that such grants would be available to applicants that passed merit review—the second of three application review phases—but did not receive the amount they requested. NTIA officials told us they refer to these awards as equitable distribution awards. In this report, standard award refers to a TBCP award *not* awarded under the equitable distribution provision.

NTIA awarded 136 standard awards, totaling more than \$1.76 billion. These awards account for 60 percent (136 of 226) of all awards in the program and about 94 percent (\$1.76 billion of \$1.87 billion) of awarded funds. NTIA issued 90 equitable distribution awards, totaling over \$103 million. The number of equitable distribution awards account for 40 percent of all TBCP awards and about 5 percent of all TBCP funds awarded.

TBCP Awards Reached 31 Tribal Recipients that Had Not Received Recent Support from Key Federal Broadband Programs

Based on our analysis of the 226 TBCP awards in the first funding round, TBCP awards reached 31 tribal recipients that had not recently participated in or received service from providers that received funding from eight other key federal broadband programs, as shown in table 1. For example, tribal officials from Healy Lake Village said that they will use this \$500,000 award—their first broadband grant—to deploy a fixed wireless network that would reach the entire community (see fig. 3.).

Table 1: Tribal Broadband Connectivity Program Recipients in the First Funding Round That Did Not Directly Participate in—or Receive Service from—Providers That Received Funding from Other Key Federal Broadband Programs, from Fiscal Years 2015-2023

Recipient	Funding amount	Broadband project type
Round Valley Indian Tribes	\$13,514,977	Infrastructure Deployment
Mashpee Wampanoag Tribe	\$9,130,692	Infrastructure Deployment
Shinnecock Indian Nation	\$8,197,449	Infrastructure Deployment
Cowlitz Indian Tribe	\$7,580,564	Use and Adoption
Pascua Yaqui Tribe of Arizona	\$6,862,445	Infrastructure Deployment

³³The allocation to meet the equitable distribution requirement is to each federally recognized Tribe delineated by the Bureau of Indian Affairs, including those listed parenthetically. NTIA is applying the statutory equitable distribution requirement to all TBCP funding, not just the amount appropriated for TBCP by the Consolidated Appropriations Act, 2021.

Recipient	Funding amount	Broadband project type
Shingle Springs Band of Miwok Indians	\$2,710,067	Infrastructure Deployment
Kickapoo Traditional Tribe of Texas	\$2,623,357	Infrastructure Deployment
Big Valley Band of Pomo Indians	\$951,684	Infrastructure Deployment
Catawba Indian Nation	\$900,578	Use and Adoption
Coyote Valley Band of Pomo Indians	\$596,796	Use and Adoption
California Rural Indian Health Board	\$500,000	Planning
Fort Sill Apache Tribe	\$500,000	Infrastructure Deployment
Guidiville Indian Rancheria	\$500,000	Use and Adoption/Planning
Habematolel Pomo of Upper Lake	\$500,000	Infrastructure Deployment/Planning
Healy Lake Village	\$500,000	Infrastructure Deployment
Hoh Indian Tribe	\$500,000	Planning
Lac Vieux Desert Band of Lake Superior Chippewa Indians	\$500,000	Use and Adoption/Planning
Pamunkey Indian Tribe	\$500,000	Infrastructure Deployment
Sauk-Suiattle Indian Tribe	\$500,000	Infrastructure Deployment
Swinomish Indian Tribal Community	\$500,000	Use and Adoption/Planning
Tolowa Dee-ni' Nation	\$500,000	Planning
Winnemucca Indian Colony of Nevada	\$500,000	Infrastructure Deployment
The Wiyot Tribe	\$499,997	Use and Adoption
Nisqually Indian Tribe	\$499,960	Infrastructure Deployment
Burns Paiute Tribe	\$499,728	Infrastructure Deployment
Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation	\$498,102	Infrastructure Deployment
Pinoleville Pomo Nation	\$496,977	Use and Adoption
Mashantucket Pequot Tribal Nation	\$493,008	Use and Adoption
Colusa Indian Community Council	\$481,534	Infrastructure Deployment
Upper Mattaponi Indian Tribe	\$473,350	Use and Adoption

Source: GAO analysis of National Telecommunications and Information Administration, United States Department of Agriculture, Federal Communications Commission, and Bureau of Indian Affairs data. | GAO-24-106541

Note: While there were 31 recipients in this situation, this table only lists 30 as one recipient that received a grant for a use and adoption project (\$500,000 or less) asked not to be named. We analyzed data from eight federal programs: FCC's high-cost program, FCC's E-rate program, USDA's ReConnect program, USDA's Community Connect program, USDA's Distance Learning and Telemedicine program, USDA's rural broadband program, USDA's telecommunications infrastructure program, and BIA's National Tribal Broadband Grant Program.

Figure 3: Remote Location to Receive Broadband, Healy Lake Village, Alaska



The Community Center in Healy Lake Village, Alaska, accessible only by boat and air, that would be served by a Tribal Broadband Connectivity Program grant

Source: GAO (photo). | GAO-24-106541

As our previous work has found, tribal entities have historically been at a disadvantage in competing for federal broadband funding for a number of reasons.³⁴ For example, most of the programs, like FCC’s high-cost program, or USDA’s ReConnect program are not designed specifically for tribal entities. Thus, tribal entities must compete with other eligible entities including well-established telecommunications providers with more resources and experience in applying for funding. Further, smaller Tribes or Tribes just beginning to develop their own broadband networks are

³⁴[GAO-22-104421](#).

also at a disadvantage relative to larger Tribes with established tribally owned broadband providers with an ETC designation.

Of the 16 TBCP recipients we interviewed, 13 commented on how NTIA's implementation of equitable distribution may have affected Tribes' participation in the program. Of these 13 recipients, nine told us that the equitable distribution provision likely increased participation in the program. For example, representatives from one TBCP recipient said that the equitable distribution provision encouraged more Tribes to apply because the Tribes knew that they had a good chance to get at least up to \$500,000. In addition, representatives from the tribal broadband industry association we spoke with said that the equitable distribution provision encouraged more Tribes to apply. The other four recipients told us that TBCP's tribal focus likely increased participation more than NTIA's approach to equitable distribution.

Most recipients (195 of 226), however, had directly received federal funding from one of the broadband programs previously or received service from providers that had received funding from other key federal broadband programs.³⁵ Of these 195 recipients, 45 directly participated in other key federal broadband programs. For example, one Tribe that received an award had previously received a Bureau of Indian Affairs planning award in 2020. That award, which was designed to help Tribes plan for larger broadband deployment projects, assisted the Tribe in preparing for what ultimately became the project in its TBCP application. This TBCP application resulted in the recipient receiving an infrastructure deployment award to install fiber to 586 Native American households, as well as businesses and government entities.

In some cases, although the TBCP recipient had received some level of service from a provider who had received federal support, TBCP enabled the Tribe to develop its own network to reach unserved parts of the community. For example, one standard award recipient in Oklahoma receiving funding to build a fiber and fixed wireless network to serve 2,784 unserved households in one tribal community. Our analysis showed that part of that tribal community received service from providers who participated in six other key federal broadband programs—E-Rate, high cost, Telecommunications Infrastructure, ReConnect, Distance Learning

³⁵Because E-Rate data does not contain the level of detail needed to determine whether a TBCP recipient owned a school or library that received E-Rate funding, we excluded E-Rate from our analysis of TBCP recipients' direct participation in key federal broadband programs.

and Telemedicine, and Rural Broadband. However, the providers that participated in these six programs had not provided service to the 2,784 households targeted by the TBCP grant.

Recipients Had Varied Plans for Network Ownership and Financial Sustainability, But Many Would Benefit from Additional NTIA Assistance

Almost Half of Recipients with Infrastructure Deployment Projects Plan to Own and Operate Their Broadband Networks

About 43 percent (60 of 138) of recipients with infrastructure projects indicated they plan to own and operate the infrastructure to be deployed with the award. Some recipients were established tribal providers prior to TBCP, while others intend to establish their own network providers. For example, one tribal recipient in Oklahoma we interviewed partnered with an existing provider that is a wholly owned subsidiary of the Tribe. Another recipient in Alaska told us they were considering establishing their own provider (see fig. 4).

Figure 4: Clinic and Medical Equipment in the Native Village of Kiana, Alaska



The NANA Regional Corporation plans to use its Tribal Broadband Connectivity Program Grant to deploy a fiber optic cable providing the opportunity to upgrade the internet connection to numerous village locations, including the Kiana Clinic

Equipment connected to the internet at the Kiana Clinic

Source: GAO (photos). | GAO-24-106541

Another 48 percent (66 of 138) of recipients with infrastructure projects indicated they plan to partner with one or more non-tribal providers, according to our review of information in TBCP recipients' project narratives. These partnerships can take various forms, such as:

- **Recipient owns network and a partner provider operates network (32 percent, 44 of 138).** For example, one recipient in Alaska we visited told us it partnered with an existing provider to deploy and operate the broadband network. The agreement provides that the provider is required to provide the same level of affordability available in Anchorage and Fairbanks. If the provider fails to do so, it will lose the authority to operate the network.
- **Recipient owns and partner provider begins operating the network, with plans to transfer operations to the recipient over time (12 percent, 17 of 138).** For example, one project narrative we reviewed indicates the Tribe will fully outsource network operation in the initial phases of project implementation. Over time, after the network is completed, the Tribe will recall most network operation

activities, outsourcing only the most complex tasks to experienced vendors.

- **Partner provider owns and operates the network (4 percent, five of 138).** For example, one project narrative indicates the recipient's sub-recipient, a local provider, will design, build, own, operate, and maintain the infrastructure assets to be deployed with the grant funding. That provider must meet the minimum service requirements under TBCP, which are 25 megabits per second (Mbps) downstream and 3 Mbps upstream simultaneously to every household in the eligible service area.³⁶

The plans for ownership or partnership for the remaining 12 of the 138 recipients with infrastructure deployment projects are either to be determined (two) or have some other arrangement (10). For example, one of these arrangements is a consortium where Tribes in the consortium will have access to operational support through outsourced arrangements administered by the TBCP recipient.

Over Half of Recipients with Infrastructure Deployment Projects Planned to Access Other Federal Broadband Funding for Financial Sustainability

Over half (72 of 138) of recipients with infrastructure projects indicated in their applications that they planned to use other federal funding sources to support the project's ongoing financial sustainability. Because applicants were not required to identify all potential sources of funding in their application, there may be additional applicants that will need to access other federal funds to support their networks' financial sustainability. Recipients with infrastructure projects mentioned the Affordable Connectivity Program and FCC's Universal Service Fund programs, including the high-cost program, most frequently as sources of ongoing support. Specifically, 36 percent (50 of 138) mentioned one or both funding sources.³⁷

For example, a tribal recipient we visited in Alaska that plans to serve over 14,000 households told us that their business model is contingent on Affordable Connectivity Program funding due to the cost of operating a reliable broadband network in the remote, low-income area. However, as of April 2024, FCC's website indicated that the Affordable Connectivity

³⁶Pub. L. No. 116-260, div. N, tit. IX, § 905(a)(11), 134 Stat. 1182, 2137 (2020) (codified at 47 U.S.C. § 1705(a)(11)). In addition, the minimum service requirements include a latency sufficient to support real-time, interactive applications.

³⁷For the purposes of this analysis, we included Universal Service Fund programs that require providers to have an ETC designation.

Program was winding down and the last fully funded month of the program was April 2024.

Overall, eight infrastructure deployment recipients highlighted plans for the existing or to-be-established tribally owned internet service provider to apply for ETC designation, a pre-requisite for receiving sustainability funding through the high-cost program. A tribal recipient we visited in Oklahoma that plans to serve about 2,700 households told us they plan to become an ETC, which would enable them to access the high-cost program, and that the Affordable Connectivity Program would also help them fund network operations. The high-cost program is the primary source of federal funding to sustain a broadband network. NTIA also reported that network providers extending service to remote and underserved communities and low-income areas find the high-cost program essential for stabilizing revenues.³⁸ However, as stated earlier, few tribally owned telecommunications providers had an ETC designation at the time of our review, and some tribal stakeholders found ETC requirements, such as the requirement to provide voice service, too costly and burdensome.³⁹

Many Recipients Would Benefit from Additional Support to Sustain Network Operations

Because of the challenges inherent in providing broadband service to tribal areas, TBCP recipients—especially those that planned to rely on federal programs with limited funding or that are difficult to access—may need additional technical assistance from NTIA or financial support during project implementation to ensure the viability of the new network. A tribal telecommunications association we interviewed and NTIA officials have expressed concern that it will be difficult to sustain networks built under TBCP. Specifically, these networks intend to serve areas that have not previously attracted private-sector investment because private-sector providers do not believe they are financially viable based on their location, density, income levels, and other factors. One study estimated total annual operating costs for tribal networks to be \$1.2 billion.⁴⁰ Even when federal funding incentivizes private-sector investment in these areas,

³⁸National Telecommunications and Information Administration, *Sustaining Broadband Networks: A Toolkit for Local and Tribal Governments* (Washington, D.C.: November 2017).

³⁹[GAO-22-104421](#).

⁴⁰Douglas K. Kitch and Christopher S. Barron on behalf of the National Tribal Telecommunications Association, *Evaluating the Critical Need for Broadband Sustainability Funding on Rural Tribal Lands* (August 2022).

challenges persist. For example, some providers awarded high-cost funding to serve certain areas have defaulted on their obligations.⁴¹

While the statute creating TBCP does not require projects to be financially sustainable, one of the purposes of TBCP is to improve quality of life by expanding broadband access in Native American communities, according to the notice of funding opportunity. If broadband networks built under this program are unable to sustain operations, the program will not fulfill its potential to expand access in these communities.

NTIA used information in the TBCP applications to assess the financial sustainability of infrastructure deployment projects, as follows:

- **Addressing financial sustainability in scoring applications.** Under the evaluation criteria, applicants were evaluated on whether they demonstrated the ability to financially sustain the project beyond the funding period. Factors reviewers could consider included business plans, expected revenue, operating expenses, and market projections. Applicants receiving sufficient points across this and multiple other categories proceeded to the next phase of review. The application window for TBCP round one closed September 2021, so the information provided in these applications did not account for developments since then.
- **Evaluating recipient risk factors.** Federal program officers within NTIA conducted an initial risk assessment of each awarded project.⁴² This risk assessment was based on information provided during the pre-award phase, according to NTIA officials. These risk assessments require the federal program officer to assess whether the recipient addresses in its plan the financial sustainability of the project after the funding period ends. In addition, federal program officers are to consider whether the project would be able to operate in perpetuity without additional federal funding assistance. According to NTIA officials, applications that included plans to incorporate other federal funding streams were considered to have a lower risk than those that did not. The risk assessment and monitoring plan indicates that low risks will be addressed through workshops and webinars, medium

⁴¹Through the Rural Digital Opportunity Fund, part of FCC's high-cost program, providers agreed to serve 5.2 million locations in 49 states for \$9.2 billion over 10 years. According to FCC's final review, the authorized winning bids totaled \$6 billion over 10 years, covering just under 3.5 million locations in 48 states.

⁴²Federal regulations require agencies to evaluate risks posed by applicants for federal financial assistance before they receive the assistance. 2 C.F.R. § 200.206(b).

risks will be addressed through guides and job aids on how to address relevant risks, and high risks will be addressed through one-on-one engagement with grant recipients. NTIA officials told us that of the 136 recipients with projects classified as infrastructure projects at the time NTIA performed the risk assessments, 76 recipients were rated as medium risk, 60 of them were rated as high risk, and none were rated as low risk.⁴³ While NTIA conducted these risk assessments after announcing the awards, NTIA based them on application information that was up to 24 months old.

Following the first-round award announcements, NTIA has not gathered additional information or conducted additional analysis related to the financial sustainability of projects. NTIA officials told us they focused their risk assessment activities on information provided during the pre-award phase. These risk assessments did not account for developments since then. For example, NTIA considered applicant plans to access additional federal funding streams lower risk, but over one-third of the recipients planned to access federal programs that have ended or require ETC status they do not currently have. Other recipient plans do not include other federal funding sources; these recipients are relying on the revenue base they can reach or are being funded through other revenues available to the tribal recipient, which increased the risk of their financial sustainability according to NTIA's analysis. Given the difficulties Tribes face in obtaining an ETC designation from the relevant state or FCC, the May 2024 end of the Affordable Connectivity Program, and the high costs of operating networks in remote areas, tribal recipients may struggle to ensure the financial sustainability of their new networks without targeted technical assistance from NTIA.

In addition, NTIA's plans for monitoring activities focus on issues such as organizational capacity, administrative expenses, progress on environmental review, and reporting requirements. The planned monitoring activities do not address the project's financial sustainability.

A recent congressional hearing (Subcommittee on Communications, Media, and Broadband, May 2, 2024) highlighted concerns about broadband affordability, especially considering the end of the Affordable Connectivity Program. In addition, a December 2023 executive order directed certain agencies, including the Department of Commerce, which

⁴³According to NTIA officials, some recipients of equitable distribution awards requested scope adjustments that resulted in reclassification of award project types.

includes NTIA, to report to the Executive Office of the President on the funding needs for the agencies' existing programs for tribal nations.⁴⁴

Our leading practices for managing broadband grant programs identifies project monitoring as a leading practice.⁴⁵ Key activities associated with project monitoring include: identifying issues and design and taking corrective actions; and requiring periodic reviews, including progress reports.⁴⁶ Periodic reviews during the funding period of projects' expected financial sustainability could enable NTIA to provide timely, targeted technical assistance to support projects and information to Congress as well as to the Executive Office of the President, particularly if projects planned to rely on additional funding sources that became unavailable or may not materialize. By following leading practices for managing broadband grant programs, NTIA could help tribal recipients identify new sources of operating funding while protecting tribal interests and report on any additional needs to sustain the projects to Congress. Without doing so, NTIA risks not achieving its purpose of improving quality of life by expanding broadband access in historically underserved Native American communities.

NTIA's Technical Assistance Hub Does Not Contain Key Resources for Environmental Review

NTIA did not include most of its technical assistance resources for the TBCP environmental review process in its Technical Assistance hub—NTIA's one-stop online hub for technical assistance resources. The Technical Assistance Hub includes technical assistance resources for several programs, including TBCP, BEAD, and the Broadband Infrastructure Program. For these programs, the Technical Assistance Hub includes technical assistance for program requirements, budgeting and financial management, tips for successful project implementation, and resources for reporting and evaluation.

Instead, NTIA provided most of its key environmental review resources to TBCP recipients at a one-time meeting or in an archived location on its

⁴⁴*Executive Order 14112, Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination*, 88 Fed. Reg. 86021, 86023 (Dec. 11, 2023). Specifically, agencies were directed to report on funding needs for programs, technical assistance, loans, grants, or other financial support or direct services that the federal government provides to Tribal Nations or Indians because of their status as Indians. It also includes actions or programs that do not exclusively serve Tribes, but for which Tribal Nations are eligible along with non-tribal entities.

⁴⁵[GAO-17-301](#).

⁴⁶[GAO-17-301](#).

website that is separate from the Technical Assistance Hub. Our previous work and recent interviews indicate that tribal recipients find the environmental process particularly challenging.⁴⁷

TBCP projects to install cable, fiber, wireless, fixed wireless, and satellite technologies are subject to the National Environmental Protection Act of 1969 as amended (NEPA). Specifically, NEPA requires federal agencies, including NTIA, to consider the environmental impacts of their actions in the decision-making process. For a proposed action like broadband deployment, agencies determine the appropriate level of review. There are three levels of review with differing processes and timelines:

- **Categorical exclusion.** Categories of actions that normally do not have significant effects on the environment.⁴⁸ According to the Council on Environmental Quality, categorical exclusions are designed to require less time and paperwork. However, when using a categorical exclusion, agencies must evaluate whether the proposed action presents extraordinary circumstances in which a normally excluded action may have a significant effect.⁴⁹
- **Environmental assessment.** An assessment used when proposed actions are not likely to have significant effects or when the significance of the likely effects is unknown. This assessment results in either a finding of no significant impact or that an environmental impact statement is required. For example, the Metlakatla Indian Community's environmental review process for its project, which involves installing an underground and submarine fiber connection, resulted in a finding of no significant impact (see fig. 5).
- **Environmental impact statement.** A detailed statement evaluating effects of proposed actions that would significantly affect the human environment.

⁴⁷[GAO-22-104421](#).

⁴⁸40 C.F.R. § 1501.4(a).

⁴⁹If an extraordinary circumstance is present, the agency may still be able to use a categorical exclusion for the proposed action. 40 C.F.R. § 1501.4(b)(1).

Figure 5: Metlakatla Indian Community, Which Received a \$10.5 Million Tribal Broadband Connectivity Program Grant



Metlakatla Indian Community's project involves installing a submarine fiber connection to Ketchikan, Alaska, and a last-mile fiber broadband network to serve the community. The environmental review process for this project resulted in a finding of no significant impact.

Source: GAO (photo) and National Telecommunications and Information Administration Documents. | GAO-24-106541

NTIA has developed technical assistance resources to help TBCP recipients with environmental reviews including webinars, templates, and frequently asked questions documents. These resources provided information on NTIA's and recipients' responsibilities in the environmental review process, including time frames for the environmental reviews, key steps in the environmental review process, and explanations of the different types of environmental reviews.

NTIA provided most technical assistance resources on the environmental review process to recipients in two ways.

- **Kickoff Meetings.** NTIA officials told us that the NTIA federal program officer assigned to each recipient held a kickoff meeting with each TBCP recipient after the award was announced. In this meeting, NTIA officials addressed a variety of topics, including the environmental review process. For example, NTIA officials discussed the approximate timelines for each type of review. In addition, federal program officers provided several technical assistance resources. For example, one resource provided was the Categorical Exclusion Extraordinary Circumstances Guidance, which NTIA officials said NTIA used to determine if a categorical exclusion may be applied to

the project. However, none of these resources are available on the Technical Assistance Hub.

- **TBCP Round One Archive.** NTIA maintained a “Round One Awardee & Applicant Resource Archive” on its website that included the resources NTIA provided to TBCP recipients in the first round of TBCP funding. For example, NTIA officials said that they provide frequently asked questions to TBCP recipients to address questions related to the environmental reviews. These frequently asked questions were also available on the TBCP Round One Resource Archive, but NTIA did not make these resources available on the Technical Assistance Hub.

The Technical Assistance Hub included a single resource for TBCP awardees—a recording of a webinar on environmental and historic preservation compliance (see table 2).

Table 2: Locations Where Tribal Broadband Connectivity Program (TBCP) Recipients Can Find Technical Assistance for Environmental Reviews

TBCP Environmental Review Technical Assistance	Where TBCP Recipients Can Find TBCP Technical Assistance ^a for the Environmental Review		
	TBCP Round One Resource Archive	TBCP Round One Kickoff Meetings	Technical Assistance Hub ^b
Environmental and Historic Preservation Compliance Webinar	-	-	X
TBCP Grantee Webinar session 4b “Hot Topics”	X	-	-
TBCP Grantee Webinar session 5b	X	-	-
Example Categorical Exclusion Document	-	X	-
Example Environmental Assessment Document	-	X	-
Categorical Exclusion Extraordinary Circumstances Guidance	-	X	-
Guidance and Template for Environmental Assessment Preparation	-	X	-
Frequently Asked Questions (FAQs) 07-28-2021	X	-	-
Frequently Asked Questions (FAQs) 07-13-2021	X	-	-
Frequently Asked Questions (FAQs) 06-09-2021	X	-	-

Source: GAO analysis of the National Telecommunications and Information Administration’s (NTIA) technical assistance. | GAO-24-106541

^aAn “X” indicates that the technical assistance resource was included in the forum listed at the top of the column, a “-” indicates that the resource was not included in that forum.

^bThe Technical Assistance Hub includes technical assistance for several NTIA programs, including TBCP. While some technical assistance for other NTIA programs may be helpful to TBCP awardees, we limited our results to those resources designed for TBCP and the environmental review process available on March 20, 2024.

Some resources not included on the Technical Assistance Hub could prove useful for TBCP recipients, applicants, and potential applicants. For example, the *Categorical Exclusion Extraordinary Circumstances Guidance* provided TBCP recipients a detailed explanation of the considerations a recipient would need to prepare in written responses to be considered for a categorical exclusion. In comparison, the webinar on environmental and historic preservation compliance, which is available on the Technical Assistance Hub, did not contain information about the specific types of responses recipients must develop to be considered for a categorical exclusion.

Our previous work identified external communication as a leading practice for the management of grant programs involving broadband deployment. A key activity associated with the external communication leading practice is ensuring transparency by making program documents, policies, procedures, and decisions publicly available.⁵⁰ While NTIA has developed various technical assistance resources that outline recipient and agency expectations and may help ensure accountability for addressing NEPA requirements, NTIA has not made that technical assistance available in one location. For example, some technical assistance resources provided to recipients in the kickoff meetings—such as the *Guidance and Template for Environmental Assessment Preparation*—are not readily available to grant recipients online.

NTIA officials said that it would be beneficial to awardees to have all technical assistance for environmental reviews in one location and said that they are considering gathering all environmental resources for TBCP in one place. Some of the TBCP recipients we interviewed said that they believed the environmental review process was unnecessarily delaying their projects. For example, one recipient in Alaska that did not have experience with the environmental review process told us that, because the window for new construction is shorter in Alaska due to the climate, any delays in the environmental review process could end up delaying the project a full year. Including information about the environmental review process, such as expected time frames and other information that could

⁵⁰[GAO-17-301](#).

affect TBCP recipients' planning, in a single location available on NTIA's website could help them better plan their TBCP projects.

NTIA's Pre-Award Processes Missed Some Duplicative Projects in the First Round and Are Being Updated

After Awarding Grants, NTIA Identified 25 Potentially Duplicative TBCP Projects and Paused Their Implementation

While NTIA took steps to identify and resolve duplication before awarding grants, it received 25 referrals of potential duplication after it awarded the TBCP grants causing it to pause implementation for those projects and assess these referrals.⁵¹

- For 16 of the 25 projects, NTIA officials said that no duplication existed and allowed the recipient to resume implementation of its TBCP project.
- For six of the 25 projects, NTIA officials said that the TBCP projects duplicated some part of projects funded by other broadband programs and was continuing to work toward resolution as of March 2024.
- For three of the 25 awards, NTIA officials said that the TBCP projects were duplicative of other broadband programs and required the recipient to rescope the project to remove duplicated elements before it could resume project implementation.

TBCP recipients whose projects NTIA determined were not duplicative as well as those NTIA required to rescope to remove duplication said that the need to pause implementation created costly delays, as follows:

- Representatives from a tribal broadband industry association we spoke with said that a recipient's TBCP project in New Mexico was paused because of a concern that the project was duplicative of another federal agency's broadband award. The representatives said

⁵¹NTIA officials said that referrals of potential duplication can come from recipients of another broadband program, other federal agencies, members of Congress, or TBCP recipients. In addition, NTIA officials also said that they initiated a review of round-one TBCP awards to identify any award areas that may be served through planned deployments using funds from other federal programs.

that the area of potential duplication did not have any serviceable locations. Specifically, the area included only buildings that were not seeking service, such as horse stables. The representatives said it took 3 months of coordination with NTIA to determine that the TBCP project was not duplicative of the other federal agency's broadband project, thereby delaying the project and increasing costs.

- A TBCP recipient in Alaska that we spoke with said that its TBCP project was determined to be duplicative of another federally funded broadband project after the TBCP award was announced. Officials representing the grant recipient said that they were able to eventually rescope the project, but the delays cost them time and unbudgeted administrative and legal fees that they needed to fund outside of the grant.

Weaknesses Existed in NTIA's Pre-Award Process for Identifying Duplication

In the first round of TBCP funding, NTIA's pre-award process for identifying duplication with other federal broadband projects relied on unverified information, did not require applicants to submit complete or consistently formatted project maps, and did not effectively coordinate with other agencies. These findings are consistent with a July 10, 2023, report by the Commerce Inspector General that recommended improvements to NTIA's pre-award process.⁵²

Specifically, the reasons NTIA missed some duplication prior to awarding grants included:

- **NTIA did not validate tribal self-certification.** NTIA allowed tribal governments to self-certify broadband service availability for an applicants proposed project area. NTIA officials said that, at that time, they had to rely on data that overstated broadband access on tribal lands.⁵³ However, the Commerce Inspector General determined that NTIA did not independently validate whether a proposed service area overlapped with funding areas for other federal grant programs.⁵⁴ Instead, NTIA required TBCP applicants to repeatedly state that their project area did not have broadband service or another project committed to providing it with service, according to the Commerce Inspector General.

⁵²Department of Commerce, Office of Inspector General, *Management Alert: NTIA's Reliance on Self-Certifications Increased Fraud Risk for the Tribal Broadband Connectivity Program* (July 10, 2023).

⁵³[GAO-18-630](#).

⁵⁴Department of Commerce, Office of Inspector General, *Management Alert*.

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- **NTIA did not require applicants to submit sufficient project maps.** NTIA did not require applicants to submit maps that included key information about their proposed service area, such as existing or proposed fiber lines. Officials from another federal agency said some of the earlier batches of project map data provided by NTIA were inaccurate representations of TBCP projects, which created difficulties in identifying areas of duplication.
 - **NTIA’s coordination with other federal agencies did not identify duplication in some cases.** NTIA was directed to coordinate with other agencies to identify duplicative broadband funding, but this coordination missed at least nine instances of duplication. According to NTIA officials, when NTIA began awarding TBCP funds, it held ad-hoc meetings with USDA and FCC to discuss potentially duplicative projects. NTIA and USDA began to meet regularly to discuss potentially duplicative TBCP projects in February 2023, after most TBCP awards from the first round of funding were announced.⁵⁵ NTIA officials also said that federal programs’ different requirements for tribal consent can make it unclear which areas had existing enforceable agreements to provide broadband service and thus identify duplication. For example, NTIA told us that when they requested documentation of tribal consent from another federal agency, the documentation of tribal consent provided would not have met NTIA’s standard for tribal consent.⁵⁶

NTIA Is Updating Its Processes for Identifying Duplication in the Second Round

After the Commerce Office of the Inspector General issued recommendations in July 2023 for NTIA to improve how it identified duplication, NTIA added requirements for its second round of TBCP funding. NTIA outlined the following additional requirements in its July 2023 notice of funding opportunity.

- **Validating tribal self-certification of unserved status.** NTIA will validate tribal self-certification statements that an area is unserved by comparing the service area to, among other things, FCC’s National Broadband Map, which NTIA officials said will be the official source for

⁵⁵In addition to ad-hoc meetings, NTIA met bi-weekly with FCC and USDA representatives beginning in May 2021. While these meetings were used to coordinate federal broadband efforts, NTIA, FCC, and USDA did not use these meetings to discuss specific instances of potential duplication.

⁵⁶The TBCP notices of funding opportunity require broadband infrastructure deployment grant applicants to submit a tribal resolution of tribal consent from each tribal government and/or from the tribal council of the appropriate governing body upon whose tribal lands the broadband infrastructure will be deployed.

determining if an area is served. They said that applicants must formally challenge the FCC map if they disagree with it.

- **Collecting complete, standardized information about proposed TBCP project areas.** NTIA will require TBCP applicants to submit maps in a standard format that include proposed and existing fiber lines, tribal boundaries, and tribal residential locations. NTIA officials said standardized maps will make it easier to identify potential duplication.

In addition, NTIA created a more formal five-step process for the second round of TBCP to analyze and share and evaluate applicant information before awarding grants. According to preliminary information provided by NTIA, these steps include:

- analyzing applicant project areas with current and pending federally funded projects and consulting with state broadband offices and/or tribal entities;
- sharing its duplication analysis with other federal agencies;
- holding discussions with the agencies to identify duplication areas;
- working with the grantee to adjust grant applications as appropriate; and
- reviewing all potential grantee project areas again and providing other agencies 15 days to review the final potential grantees for duplication prior to final award.

In April 2024, NTIA adopted standard operating procedures that provide greater detail on the actions NTIA will take for the five steps identified above for identifying duplication prior to awarding a grant. The standard operating procedures include a quality assurance component to ensure all steps in the process are followed prior to the announcement of the award, according to NTIA officials. Further, NTIA officials said that NTIA drafted additional standard operating procedures to follow if they identify duplication after a grant is awarded. NTIA officials said these new procedures should improve NTIA's ability to identify potential duplication before awarding grants.

Conclusions

Tribal leaders have hailed the TBCP as a once-in-a-generation opportunity to close the digital divide on their lands, areas that have long lagged behind the rest of the nation. However, many grant recipients reported in their applications that they plan to rely on ongoing federal support for the operational sustainability of their networks from sources that have since ended or are hard to access. Tribal recipients would

benefit from additional NTIA assistance in identifying other sources of funding to support network operations and from NTIA outlining the financial sustainability needs to Congress. Without helping to ensure that recipients have achievable financial sustainability plans, NTIA risks the long-term success of this substantial investment in broadband infrastructure.

In addition, Tribes seeking to build broadband networks have faced persistent challenges navigating the environmental review process. NTIA recognized that tribal recipients need assistance completing the environmental process and developed resources, but most are not located in one spot, like NTIA's one-stop Technical Assistance Hub. By making these resources easily available on its website, tribal recipients—many of which are receiving federal broadband assistance for the first time—will be better positioned to plan for and complete the required environmental review process. According to recipients, the consequences for delay could be substantial—for example, a short delay could push back implementation a year as Tribes in Alaska face short construction seasons.

Recommendations for Executive Action

We are making the following three recommendations to NTIA:

The Administrator of NTIA should provide technical assistance throughout the funding period to support recipients that are unable to implement their financial sustainability plans. (Recommendation 1)

The Administrator of NTIA should report to Congress on the resources necessary to ensure the financial sustainability of TBCP infrastructure projects. (Recommendation 2)

The Administrator of NTIA should include all key technical assistance for the Tribal Broadband Connectivity Programs environmental review process in a single location on NTIA's website. (Recommendation 3)

Agency Comments

We provided a draft of this report to the Department of Commerce, the Department of Agriculture, the Department of the Interior, and the Federal Communications Commission for review and comment. In its comments, reproduced in appendix III, the Department of Commerce agreed with our three recommendations and stated that it would ensure the recommendations are addressed. The Department of Agriculture and the Federal Communications Commission provided technical comments, which we incorporated as appropriate. The Department of the Interior did not provide any comments on the report.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Commerce, and other interested parties. In addition, the report will be available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-2834 or vonaha@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs are on the last page of this report. GAO staff who made key contributions to this report are listed in appendix IV.

A handwritten signature in black ink, appearing to read 'Andrew Von Ah', with a stylized, cursive script.

Andrew Von Ah
Director, Physical Infrastructure

Appendix I: Applicable Definitions of Tribal Lands

There are multiple definitions of tribal lands. The Federal Communications Commission defines tribal lands as (1) Joint Use Areas; (2) legal federally recognized American Indian areas consisting of reservation and associated off-reservation trust land; (3) legal federally recognized American Indian areas consisting of reservation only; (4) legal federally recognized American Indian areas consisting of off-reservation trust land only; (5) statistical American Indian areas defined for a federally recognized Tribe that does not have reservation or off-reservation trust land, specifically a Tribal Designated Statistical Area or Oklahoma Tribal Statistical Area; (6) Alaskan Native village statistical areas; and (7) Hawaiian Home Lands established by the Hawaiian Homes Commission Act of 1921.¹

However, the Consolidated Appropriations Act, 2021, which established the Tribal Broadband Connectivity Program (TBCP), contained a different definition of tribal lands for the purposes of TBCP grants. Specifically, it defined tribal lands as (1) any land located within the boundaries of an Indian reservation, pueblo, or rancharia or a former reservation within Oklahoma; (2) any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, the title to which is held in trust by the United States for the benefit of an Indian Tribe or an individual Indian; by an Indian Tribe or an individual Indian, subject to restrictions against alienation under the laws of the United States; or by a dependent Indian community; (3) any land located within a region established pursuant to the Alaska Native Claims Settlement Act; (4) Hawaiian Home Lands; or (5) those areas or communities designated by the Assistant Secretary of Indian Affairs 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.²

¹See 33 FCC Rcd 1660 (2018).

²47 U.S.C. § 1705(a)(13).

Appendix II: List of Organizations GAO Interviewed

Table 3: List of Organizations GAO Interviewed

Tribal Broadband Connectivity Program recipients

Central Council Tlingit & Haida Indian Tribes of Alaska

Chickasaw Nation

Doyon, Limited

Healy Lake Village

Kawerak, Inc.

Kotzebue IRA

Mashpee Wampanoag Tribe

Metlakatla Power and Light

NANA Regional Corporation, Inc.

Nottawaseppi Huron Band of the Potawatomi

Pamunkey Indian Tribe

Pawnee Nation College

Sac and Fox Nation

Santa Fe Indian School

Skagway Traditional Council

United Urban Indian Council, Inc.

Tribal Broadband Association

National Tribal Telecommunications Association

Federal Agencies

National Telecommunications and Information Administration

U.S. Department of Agriculture

Source: GAO. | GAO-24-106541

Note: These names may differ from those in the list of federally recognized Tribes published annually in the Federal Register by the Bureau of Indian Affairs.

Appendix III: Comments from the U.S. Department of Commerce



UNITED STATES DEPARTMENT OF COMMERCE
Office of the Chief Financial Officer and
Assistant Secretary for Administration
Washington, D.C. 20230

June 10, 2024

Andrew Von Ah
Director, Office of Physical Infrastructure
U.S. Government Accountability Office
441 G Street NW Washington, DC 20548

Dear Mr. Von Ah:

Thank you for the opportunity to review the Draft Report entitled, *GAO-24-106541: Tribal Broadband: Additional Assistance to Recipients Would Better Support Implementation of \$3 Billion in Federal Grants*. The Department of Commerce appreciates the U.S. Government Accountability Office's effort to understand and identify the valuable work of the National Telecommunications and Information Administration's (NTIA) Tribal Broadband Connectivity Program.

The Draft Report proposes three recommendations. On behalf of the Department, I have enclosed a response to the Draft Report from NTIA that addresses these recommendations. The Department agrees with the recommendations proposed and will prepare a formal action plan upon the release of GAO's Final Report.

If you have any questions, please contact MaryAnn Mausser, Department GAO Audit Liaison, at mmausser@doc.gov (202) 482-8120.

Sincerely,

JEREMY PELTER Digitally signed by JEREMY PELTER
Date: 2024.06.10 16:11:10 -0400
Jeremy Pelter

Deputy Assistant Secretary for Administration,
Performing the non-exclusive functions and
duties of the Chief Financial Officer & Assistant
Secretary for Administration

Enclosure

**The National Telecommunications and Information Administration's
Response to Recommendation Included in the Draft Report Entitled,
GAO-24-106541: Tribal Broadband: Additional Assistance to Recipients
Would Better Support Implementation of \$3 Billion in Federal Grants**

The National Telecommunications and Information Administration (NTIA) respectfully provides a response to the Draft Report entitled, *GAO-24-106541: Tribal Broadband: Additional Assistance to Recipients Would Better Support Implementation of \$3 Billion in Federal Grants*.

NTIA appreciates the U. S. Government Accountability Office's (GAO) examination of the Tribal Broadband Connectivity Program (TBCP) and its unique objective to provide broadband to Tribal Lands. As noted in the Draft Report, there are persistent challenges to providing vital broadband services to Tribal communities, and the TBCP is a first-of-its-kind grant program dedicated to helping bridge the longstanding digital divide on Tribal Lands. NTIA was pleased to provide, as the Draft Report notes, federal funding to 31 Tribal recipients to connect their Tribal lands who had not benefitted recently from other federal programs. NTIA was also pleased that GAO observed that both the TBCP program design, including the program's equitable distribution provisions, and its enabling statute, encouraged greater Tribal participation in the program.

NTIA is committed to ensuring that recipients of TBCP awards fully understand the requirements of the grant program, including environmental and historic preservation requirements, and the importance of ensuring that their plans for broadband deployment drive toward network sustainability. During the first pre-award phase, NTIA provided substantial technical assistance to TBCP applicants, including offering multiple webinars and holding four formal consultations with Tribal leaders, to address these important issues. NTIA continues to offer support to TBCP recipients as they take steps to implement their projects. NTIA also continues to examine how to best address the challenges that TBCP recipients face in deploying broadband networks and the need for long-term support to ensure TBCP project sustainability, including the critical affordability support that had been provided by the now-expired enhanced Affordable Connectivity Program benefit for eligible households on Tribal lands.

GAO made three recommendations to the Department of Commerce in the above-referenced report. Below are NTIA's responses to these recommendations.

Recommendation 1: The Administrator of NTIA should provide technical assistance throughout the funding period to support recipients that are unable to implement their financial sustainability plans.

NTIA Response: NTIA agrees with this recommendation and will provide further technical assistance, to the extent feasible given administrative funding constraints, to support recipients that are unable to implement their financial sustainability plans.

Recommendation 2: The administrator of NTIA should report to Congress on the resources necessary to ensure the financial sustainability of TBCP infrastructure projects.

**Appendix III: Comments from the U.S.
Department of Commerce**

NTIA Response: NTIA agrees with this recommendation and will report to Congress on the resources necessary to ensure the financial sustainability of TBCP infrastructure projects.

Recommendation 3: The administrator of NTIA should include all key technical assistance for the Tribal Broadband Connectivity Programs environmental review process in a single location on NTIA's website.

NTIA Response: NTIA agrees with this recommendation and is currently working to consolidate its technical assistance on a dedicated web page providing all available guidance to TBCP applicants and awardees regarding the TBCP environmental review process.

Appendix IV: GAO Contact and Staff Acknowledgments

GAO Contact

Andrew Von Ah, (202) 512-2834 or VonAhA@gao.gov

Staff Acknowledgments

In addition to the individual named above, Keith Cunningham (Assistant Director); Rebecca Rygg (Analyst in Charge); Tammy Beltran; Melissa Bodeau; Tammy Conquest; Mikey Erb; Sarah Hay; William Harrison; Christoph Hoashi-Erhardt; Gina Hoover; Tom James; Josh Ormond; Anna Maria Ortiz; Jeanette Soares; Alicia Wilson; and John Yee made key contributions to this report.

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