

NOTICE OF FUNDING OPPORTUNITY

NATIVE ENTITIES GRANT PROGRAM

EXECUTIVE SUMMARY

A. Federal Awarding Agency Name

National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce

B. Funding Opportunity Title

Native Entities Grant Program

C. Announcement Type

Initial

D. Funding Opportunity Number

2026-NTIA-NEGP

E. Assistance Listing (CFDA Number)

11.036

F. Key Dates

Complete applications from Eligible Entities must be received no later than 11:59 p.m. Eastern Time (ET) on September 17, 2026. Applications submitted by postal mail or courier service must be postmarked or show clear evidence of mailing by the same date and time. Application materials are available at <https://broadbandusa.ntia.doc.gov>.

G. Application Submission Requirements

Complete application packages may be submitted through one of the following methods: (i) Online submission through www.grants.gov; (ii) Electronic mail to: broadbandgrants@ntia.gov; or (iii) Postal mail or courier. NTIA strongly encourages applicants to submit applications through www.grants.gov. Partial or duplicate applications using multiple methods of transmission will not be accepted.

Complete digitally submitted applications from Eligible Entities must be received no later than 11:59 p.m. Eastern Time (ET) on September 17, 2026. Applications submitted by postal mail or courier service must be postmarked or show clear evidence of mailing by the same date and time and sent to the following address: National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4878, Attn: Douglas Kinkoph, Associate Administrator, Washington, DC 20230.

See Section IV.A of this NOFO for detailed information concerning application submission requirements.

Eligible Entities may only submit a single application for funding pursuant to this program. The Eligible Entity's single application must include the total amount of funding being requested and

must account for all projects that will utilize the requested funding. *See* Section III.A of this NOFO for additional information on the single application requirement.

H. Funding Opportunity Description

NTIA is soliciting applications for the Native Entities Grant Program (“Program”), authorized by the Infrastructure Investment and Jobs Act of 2021, Division F, Title III, Public Law 117-58, 135 Stat. 429, 1209 (November 15, 2021) (*codified at* 47 U.S.C. §1701, 1721, *et seq.*) (the “Digital Equity Act of 2021” or “Act”). The Act authorizes two programs that set aside funds for Indian Tribes, Alaska Native entities, and Native Hawaiian organizations (collectively “Native Entities”):¹ the “State Digital Equity Capacity Grant Program”² and the “Digital Equity Competitive Grant Program.”³ To reduce administrative burden and cost, NTIA is releasing the funds for both programs through a single application process. *See* Section I.A of this NOFO for the full description of this program.

I. Funding Instrument

Grant.

J. Eligibility

The following entities are eligible to receive grants under the Native Entities Grant Program:

1. An Indian Tribe, an Alaska Native entity, or a Native Hawaiian organization (“Native Entity”); or
2. A partnership between Eligible Entities (“Consortium”).

See Section III of this NOFO for additional information concerning the eligibility requirements for this program.

K. Anticipated Amounts

Congress appropriated a total of \$2,690,000,000 in funding for the combined State Digital Equity Capacity Grant Program and the Digital Equity Competitive Grant Program. Under 47 U.S.C. § 1723(i)(2) and 1724(j)(2), the Assistant Secretary must reserve not less than five (5) percent and exactly five (5) percent, respectively, for Native Entities to carry out eligible program activities. Accordingly, NTIA has set aside no less than \$250,000,000 for Native Entities, which is made available through this NOFO.

Grant awards will be made on a competitive basis under the criteria outlined in Section V of this NOFO and will depend upon the number of applicants and the size of the proposals submitted.

NTIA expects to make individual Native Entities Grant Program awards to Eligible Entities within a range of \$500,000 and \$2,500,000. This funding range is not a required minimum or maximum, but Eligible Entities requesting award amounts outside that range must explain why their application falls below or above this range and must provide a compelling justification for the variance in their project size.

¹ 47 U.S.C. §1723(i) and 47 U.S.C. §1724(j).

² 47 U.S.C. §1723.

³ 47 U.S.C. §1724.

L. Cost Sharing/Matching

An Eligible Entity must contribute at least ten (10) percent matching funds as part of its application. However, an Eligible Entity may include in its application a petition to the Assistant Secretary to waive some or all of the required 10% match. Per 47 U.S.C. §1724(e)(2), the Eligible Entity's petition should document the financial need for a partial or full waiver of the cost match requirement. The inclusion of matching funds as part of an application beyond the required 10% will not be considered during Merit Review but is a selection factor during the OICG Associate Administrator Review and the Assistant Secretary Final Selection. *See* Section III.B of this NOFO for more information pertaining to the cost sharing requirements for this program.

FULL ANNOUNCEMENT TEXT

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I. Funding Opportunity Description

The National Telecommunications and Information Administration (“NTIA”) issues this Notice of Funding Opportunity (“NOFO”) to solicit applications for funds set aside for grants to Indian Tribes, Alaska Native entities, and Native Hawaiian organizations under the Digital Equity Competitive Grant Program and the Digital Equity Capacity Grant Program to allow those tribes, entities, and organizations to carry out the activities of the Program, authorized by the Infrastructure Investment and Jobs Act of 2021, Division F, Title III, Public Law 117-58, 135 Stat. 429, 1209 (November 15, 2021) (*codified at* 47 U.S.C. §1701, *et seq.*)(“Infrastructure Act” or “IIJA”).⁴

A. Overview of the Native Entities Grant Program

NTIA issues this NOFO to describe the requirements under which it will award grants under the Native Entities set asides authorized by 47 U.S.C. §1723(i)(2) and §1724(j)(2) (“Native Entities Grant Program,” or “Program”). These set-aside programs authorize grant awards to Indian Tribes, Alaska Native entities, and Native Hawaiian organizations (“Native Entities”) to carry out the purposes of the program and promote the adoption of broadband within their communities.

Congress has tasked NTIA with overseeing multiple large-scale broadband grant programs, including the \$42.5 billion Broadband Equity, Access, and Deployment program, with the goal of ensuring universal broadband availability. Just as NTIA reoriented the Broadband Equity Access, and Deployment (“BEAD”) Program to deliver the “Benefit of the Bargain,” NTIA is focused on maximizing the impact of the Native Entity set-aside funding by streamlining program requirements, reducing unnecessary burdens, and ensuring the program works in concert with BEAD. As detailed in Section V, Native Entities Grant Program (“NEGP”) applications that support BEAD deployments will be weighted more heavily than NEGP applicants that do not. NTIA is focused on a strong stewardship of taxpayer dollars—demanding efficiency, accountability, and measurable results. This approach will help ensure NEGP funding delivers sustainable connectivity for Tribal and Native communities.

NTIA encourages efficient, cost-effective proposals that advance statutory objectives, deliver measurable outcomes, and enhance internet connectivity and use for Native Entities. NTIA seeks applications that complement, rather than duplicate, other federally funded broadband initiatives. To maximize the reach and effectiveness of federal dollars, NTIA will prioritize proposals that align with the BEAD Program infrastructure investments and advance the technologically neutral approach in line with the principles of the BEAD “Benefit of the Bargain” framework.⁵ Aligning NEGP activities with BEAD-supported deployment further promotes broadband availability and innovation and ensures that taxpayers are getting the best value from their investments.

This program will complement broadband deployment efforts and expand broadband access to unserved communities. Projects funded under this program should advance innovation, protect the interests of children, and deliver measurable improvements in broadband adoption and use. Specifically, the proposed programs must support at least one of the following activities:⁶

⁴ 47 U.S.C. §1724(j)(2) and 47 U.S.C. §1723(i)(2).

⁵ See [Broadband Equity, Access, and Deployment \(BEAD\) Program: BEAD Restructuring Policy Notice available at https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf](https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf)

⁶ 47 U.S.C. § 1724 (d)(2) identifies the authorized uses of funds under the Competitive Grant Program and are consistent with the activities allowed under the Native Entity set-aside established through the State Capacity Grant

1. Develop and implement use and adoption of broadband activities;
2. Facilitate educational and employment opportunities through broadband;
3. Implement training programs that cover basic, advanced, and applied skills or other workforce development programs
4. Make available equipment, instrumentation, networking capability hardware and software or digital network technology for broadband services at low or no cost (including broadband service subsidies);
5. Construct, upgrade, expand, or operate new or existing public access computing centers through community anchor institutions;
6. To undertake any other project or activity that the Assistant Secretary finds to be consistent with the purposes for which the Program is established.⁷

Applications will be evaluated based on statutory criteria, measurable impact and outcomes, geographic distribution, sustainability, enhancement of other broadband programs, and avoidance of duplication with other federal funding sources. The full details of the selection process are outlined in Section V of this NOFO.

B. Definitions

1. Adoption of broadband: the process by which an individual obtains daily access to the internet –
 - a. at a speed, quality, and capacity --
 - that is necessary for the individual to accomplish common tasks; and
 - such that the access qualifies as an advanced telecommunications capability;
 - b. with the digital skills necessary for the individual to participate online; and
 - c. on a --
 - personal device; and
 - secure and convenient network.⁸
2. Alaska Native Entity: a tribally controlled entity in Alaska whose purpose or mission is to represent or advance the interests of one or more native Alaskan communities. This will include, but will not be limited to, subsidiary organizations of an Indian Tribe; entities that receive federal funding due to their status as an Indian or Native organization; and the Alaska Native Regional Nonprofit Organizations created to administer social, education and health services for Alaska Native people in their region.
3. Assistant Secretary: the Assistant Secretary of Commerce for Communications and Information.
4. Commission: Federal Communications Commission.
5. Community Anchor Institution: a public school, a public or multi-family housing authority, a library, a medical or healthcare provider, a community college or other institution of higher education, a State or Territory library agency, and any other nonprofit or governmental community support organization. NTIA will narrowly interpret the term “community support organization” consistent with BEAD.⁹

Program. See 47 U.S.C. § 1723(a)(1)(A) and 47 U.S.C. § 1724(a)(1).

⁷ 47 U.S.C. § 1724(d)(2)(A).

⁸ See 47 U.S.C. § 1721(1).

⁹ See 47 U.S.C. § 1721(6)

6. Consortium: a partnership between Eligible Entities.¹⁰
7. Eligible Entity: one of the following:
 - An Indian Tribe;
 - An Alaska Native entity;
 - A Native Hawaiian organization; or
 - A partnership between eligible entities.
8. Indian Tribe: any Indian tribe, band, nation, or other organized group or community (*i.e.*, Tribal Organizations), including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. § 1601 *et seq.*, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
9. Native Entity: the term “Native Entity” or “Native Entities” refers to Indian Tribes, Alaska Native entities, and Native Hawaiian organizations as referenced in 47 U.S.C. §1723(i)(2) and §1724(j)(2).
10. Native Hawaiian Organization (NHO): an organization that is registered with the U.S. Department of the Interior’s Office of Native Hawaiian Relations and Hawaiian Homes Commission Act Beneficiary Associations and Homestead Associations, as defined under 43 C.F.R. §§ 47.10 and 48.6, or is the Department of Hawaiian Home Lands.
11. Rural Area: any area other than a city, town, or incorporated area that has a population of greater than 20,000 inhabitants.
12. Tribal Land: (A) any land located within the boundaries of— (i) an Indian reservation, pueblo, or rancharia; or (ii) a former reservation within Oklahoma; (B) any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, the title to which is held— (i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian; (ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or (iii) by a dependent Indian community; (C) any land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. §1606(a)); (D) Hawaiian Home Lands, as defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. §4221); or (E) those areas or communities designated by the Assistant Secretary of Indian Affairs of the Department of the Interior that are near, adjacent, or contiguous to reservations where financial assistance and social service programs are provided to Indians because of their status as Indians.
13. Tribal Organization: the recognized governing body of any Indian Tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: provided, that in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.

¹⁰ 47 U.S.C. §1724(b)(7).

II. Award Information

A. Funding Availability

Congress appropriated \$1,440,000,000 to fund grants under the Digital Equity Capacity Grant Program and \$1,250,000,000 to fund grants under the Digital Equity Competitive Grant Program. Under 47 U.S.C. §1723(i)(2) and 1724(j)(2), the Assistant Secretary must reserve not less than five (5) percent and exactly five (5) percent, respectively, for Native Entities to carry out eligible program activities. Accordingly, NTIA has reserved no less than \$250,000,000 for grant awards to Native Entities. Any Native Entities set-aside funds not awarded will be made available to Native Entities through future NOFO(s). *See* Section V of this NOFO for additional information on award selection for Native Entities.

B. Period of Performance

Recipients must expend the grant amounts within four (4) years after the date on which the entity is awarded the grant.¹¹ Recipients may continue to measure and evaluate the activities supported with the grant amounts for a period of one (1) year after the initial four (4) year Period of Performance.

C. Award Amount

Awards will be made on a competitive basis under the criteria outlined in Section V of this NOFO and will depend upon the number of applicants and the size of the proposals submitted. NTIA expects to make individual awards to Eligible Entities within a range of \$500,000 and \$2,500,000. This funding range is not a required minimum or maximum, but Eligible Entities requesting award amounts outside that range must explain why their application falls below or above this range and must provide a compelling justification for that variance.

Consortium applications are also permitted. Additional funding level justification is not required for Consortium applications for projects that do not exceed \$2,500,000 per Consortium member.

D. Type of Funding Instrument

The funding instrument for awards made to Eligible Entities pursuant to this NOFO will be a grant, although NTIA and the NIST Grants Officer reserve the right to issue cooperative agreements or contracts to such entities in accordance with 47 U.S.C. §1723(i)(2) and §1724(j)(2).

III. Eligibility Information

A. Eligible Applicants

The following entities are eligible to apply for grants under this Program:

1. An Indian Tribe, an Alaska Native entity, or a Native Hawaiian organization.
2. A partnership between Eligible Entities (Consortium).

Indian Tribes, Alaska Native entities, and Native Hawaiian organizations that appear on one of the following lists prior to the closing of the application window, or that meet the criteria set forth below, satisfy the definition of an Indian Tribe, an Alaska Native entity, or a Native Hawaiian organization for purposes of this NOFO:

¹¹ The four-year period begins on the first day of the period of performance identified in the grant agreement.

- U.S. Department of the Interior, Bureau of Indian Affairs, Indian Entities Recognized by and Eligible to Receive Services From the United States Bureau of Indian Affairs, 91 Fed. Reg. 4102 (Jan. 30, 2026), available at: <https://www.federalregister.gov/documents/2026/01/30/2026-01899/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of->;
- Alaska Department of Natural Resources, Division of Mining, Land and Water, Index of Regional Native Corporations, available at: <https://dnr.alaska.gov/mlw/paad/17b-easements/search/>;
- U.S. Department of the Interior, Office of Native Hawaiian Relations, Native Hawaiian Organization Notification List, available at: <https://www.doi.gov/hawaiian/nhol>;
- U.S. Department of the Interior, Office of Native Hawaiian Relations, Homestead & Beneficiary Associations List, available at: <https://www.doi.gov/hawaiian/homestead-beneficiary-associations-list>; and
- The Department of Hawaiian Home Lands.

Note, the Eligible Entity should take care to ensure they are **either** applying as a single entity, or as part of a single consortium application. Eligible Entities may only be part of one application regardless of type. In an instance where one Eligible Entity is a subsidiary of another, this shall not affect the subsidiary's eligibility to submit its own application, so long as it includes the requisite authorizing documentation. If NTIA determines that an Eligible Entity is participating in multiple applications, this may significantly delay NTIA's review of such applications and may result in NTIA removing that entity from consideration for funding for both their individual application and any Consortium applications to which they are a party.

A Native Entity making an application for Native Entities Grant Program funds, whether on its own behalf, as an Authorized Representative of a Consortium, or as a participant in a Consortium, must submit a Tribal Government Resolution or equivalent formal authorization from the governing body of the Native Entity providing express authority to apply for Native Entities Grant Funds or to participate as a member in a Consortium that is submitting an application for grant funds.

B. Cost Sharing or Matching

An Eligible Entity must contribute at least ten (10) percent matching funds as part of its application. However, an Eligible Entity may include in its application a petition to the Assistant Secretary to waive some or all of the required 10% match. Per 47 U.S.C. §174(e)(2), the Eligible Entity's petition should document the financial need for a partial or full waiver of the cost match requirement. The inclusion of matching funds as part of an application beyond the required 10% will not be considered during Merit Review but is a selection factor during the OICG Associate Administrator Review and the Assistant Secretary Final Selection.

Matching funds may be in the form of either cash or in-kind contributions consistent with the requirements outlined in 2 C.F.R. 200.306. In-kind contributions, which include third-party in-kind contributions, are non-cash donations of property, goods, or services, which benefit a federally assisted project, and which may count toward satisfying the non-federal matching

requirement of a project's total budgeted costs when such contributions meet certain criteria.¹² In-kind contributions must be allowable and allocable project expenses.

The rules governing allowable in-kind contributions encompass a wide range of properties and services. NTIA encourages applicants to thoroughly consider potential sources of in-kind contributions, which, depending on the particular property or service and the applicable federal cost principles, could include employee or volunteer services; equipment; supplies; indirect costs; computer hardware and software; and use of facilities. It is important to note that federal funds may not be used as non-federal match, except as expressly provided by federal statute.¹³

IV. Application and Submission Information

Application forms and instructions will be made available on the BroadbandUSA website: <https://broadbandusa.ntia.gov>. Applicants must follow the instructions set forth in this NOFO and are encouraged to submit their applications early. NTIA recommends that applicants participate in application technical assistance webinars and review the program and application guidance that will be posted on NTIA's BroadbandUSA website.

NTIA strongly encourages applicants to submit applications through www.grants.gov. Applications submitted by email or paper are discouraged but will be accepted. Facsimile submissions will not be accepted. Applicants without Internet access may request a copy of the application materials by contacting the NTIA representative identified in Section VII. With respect to electronic methods for providing information about funding opportunities or accepting applicants' submissions of information, NTIA is responsible for compliance with Section 508 of the Rehabilitation Act of 1973, as amended by the Workforce Act of 1998.

A. Content and Form of Applications

Applications for grants under the Native Entities Grant Program must be complete, must adhere to the instructions provided in this NOFO, and must be submitted in English in the format required. NTIA will not consider applications that fail to comply with these requirements or that are untimely submitted. Any Eligible Entity applying for a Grant must submit an application that includes the information listed below. All proposed projects submitted should be comprehensive and not reliant on future funding or a future adjacent project.

1. Standard Forms and Documentation Required for Native Entities Grant Program Applicants

- a. A Project Narrative.** The Project Narrative must provide a description of the overall goals of the grant proposal and the portfolio of activities the grant award would support (hereinafter, the "Project") and how the Project will promote the goals of this Program. The Project Narrative must include the following information.
 - i. An Executive Summary (not to exceed 1,000 words).** The executive summary should include: (1) An overview of the goals of the Project; (2) A high-level description of the major activities; (3) A description of the Project's objectives; (4) A description of the Project's locations (e.g. geographic scope

¹² 2 C.F.R. §200.306.

¹³ 2 C.F.R. §200.306(b)(5).

and impacted areas) and intended beneficiaries; and (5) A description of the Project timeline on which funds will be expended.

Please note, NTIA may use all or a portion of the Executive Summary as part of a press release issued by NTIA, or for other public information and outreach purposes. Applicants are advised not to include business trade secrets or other confidential commercial or financial information as part of the Executive Summary. *See* 15 C.F.R. §4.9(b) concerning the designation of business information by the applicant.

- ii. Status as an Eligible Entity (not to exceed 250 words).** A description demonstrating that applicant(s) are in the category of Eligible Entities.
- iii. Demonstrated Need (not to exceed 500 words).** A description of the specific problems that the proposed Project will address, supported by evidence that demonstrates unmet demand or identifiable barriers to broadband use and adoption, beyond demographics alone. This includes:
 - Supporting data that demonstrates a need for these services (e.g. qualitative and quantitative evidence of barriers such as price, income, and adoption data, digital skills gaps, lack of device access, and remoteness and/or rurality of the community to be served by the Project). Potential data sources can include American Community Survey data, Tribal Surveys, market research, and/or other use and adoption data.
 - The total number of intended beneficiaries, including, as applicable, the number of individuals, the number of households, and other supporting demographic data.
 - The percentage of total households in the proposed Project service area at or below 150% of the poverty line (based on HHS Poverty Guidelines) and a description of how the total household percentage was calculated, including data source(s) and any other relevant factors. If the census tract-level poverty data does not accurately represent the poverty level of the specific geographic area or population being served, applicants should explain the discrepancy and provide supplemental data sources.
- iv. Funded Activities (not to exceed 1,000 words).** A description of the specific projects and activities to be funded by the grant and the proposed measurable objectives. This includes:
 - How the proposed Project will address barriers and cause measurable improvements to broadband use and adoption and the measurable objectives to be achieved.
 - How the proposed Project will address barriers and cause measurable improvements in one or more of the following areas and the measurable objectives to be achieved:
 - Economic and Workforce Development Goals, Plans, and Outcomes;

- Educational Outcomes;
 - Health Outcomes;
 - Social & Civic Engagement;
 - Delivery of Other Essential Services.¹⁴
 - How the applicant will collect data and information to track the program outcomes, including frequency and scope. Outcomes and performance measures can include metrics, data collection methods and analysis, and evaluation methods (e.g., case studies, focus groups, surveys).
 - Whether the proposed activities can create long-term benefits that persist beyond the Period of Performance, independently of this funding.
 - (If applicable) For Projects proposing to offer affordable broadband programs for Native communities, a clear price comparison of the proposed service solution to the price of comparable available service.
 - (If applicable) For Projects intended to facilitate workforce development, a description of how the Project will contribute to employment opportunities within the proposed service area. Plans should be tied to demonstrated employer and market demand and may include on-the-job training, industry-recognized credentials, apprenticeships, or other hands-on, technical skill-building approaches tied to measurable employment outcomes, using the Telecommunications Industry Registered Apprenticeship Program (TIRAP) as a model. Applicants should describe how hiring and workforce practices will be implemented consistent with applicable Tribal Employment Rights Office (TERO) ordinances or equivalent Tribal requirements, where applicable.
- v. **Project Plan (not to exceed 5 pages).** Applicants must describe all major activities and timelines for implementation, including:
- Key Project milestones, including anticipated outputs of each activity or Project;
 - Start and end dates for each major Project activity;
 - A description of how the Project’s progress will be tracked and how risks to the Project’s implementation strategy and timeline will be mitigated.
- vi. **Implementation Team (not to exceed 500 words).** Provide a description of the Eligible Entity applying for funds, and the qualifications and experience of key personnel responsible for implementing the proposed Project. Include a description of the implementation team and its experience with the programmatic/technical aspects of project management, including past successes and a demonstrated ability to manage large federal grant awards

¹⁴ See 47 U.S.C. § 1723(c)(1)(C)i-v

effectively. As applicable, include Consortium members and their role in implementation.

- vii. Alignment with Existing Programs (not to exceed 500 words).** Describe coordination done with the State Broadband Office(s) for the state(s) in which the applicant is located. Describe alignment with the state's BEAD implementation plan and whether the applicant provided a Tribal Resolution permitting BEAD deployment on Tribal Land. Identify whether the Project will support BEAD-funded Broadband Serviceable Locations (BSLs).
 - viii. Environmental and Historical Preservation (If Applicable).** For Projects including construction and/or ground disturbing activities, include site and aerial photographs (e.g., Google Maps images). Describe how the applicant intends to comply with the environmental and historic preservation and cultural requirements applicable to an award received under the NEGP (including, but not limited to, the National Environmental Policy Act and the National Historic Preservation Act) and, if applicable, a copy of any environmental and historic preservation review documentation that has been prepared in connection with obtaining permits or approvals from State, Tribal, local, or other federal entities.
 - ix. Justification for Funding Variance (If Applicable, not to exceed 250 words).** If an Eligible Entity seeks funding outside of the \$500,000 to \$2,500,000 award range, the applicant must explain why their application falls below or above this range and must provide a compelling justification for deviating from this range.
 - x. Other Funding Sources (not to exceed 500 words).** A detailed certification of the source and amount of other Federal, State, or outside funding sources the entity receives, or has applied for, that fund the activities or projects to which the application relates, including, but not limited to, any funding requests through the Broadband Equity, Access, and Deployment Program, the Capital Projects Fund, the Tribal Broadband Connectivity Program, or any other federal broadband grant program. Further, a certification that there will not be duplicative funding upon award of funds pursuant to this NOFO or any other pending grant application. Additionally, outline how the proposed Project will complement, leverage, or avoid duplication with other publicly funded efforts.
- b. Project Information Form.** Applicants must complete all applicable fields, identifying information relevant to the Project, the service area, and the proposed beneficiaries.
 - c. Funded and Unfunded Entity Form.** Applicants must complete all applicable fields, identifying all organizations involved in the activities proposed in the application, including any that would receive Federal funding if awarded.
 - d. A Consolidated Budget Form.** All budget information in the Consolidated Budget Form must support the dollar amounts identified in the Eligible Entity's SF-424, demonstrate that the project or activity meets the eligible use requirements in this NOFO, and reflect only allowable costs that are consistent

with the Project(s)' scope. Allowable costs are determined in accordance with the cost principles identified in 2 C.F.R. Part 200, including Subpart E.

The budget must account for the recipient's administrative costs, capped by statute at 10% of the grant amount, and program evaluation costs, capped at 10% of the grant amount. For this purpose, the 10% limitation on administrative costs includes the combined total of indirect and direct administrative costs charged to the award. If indirect costs are included in the proposed budget, the applicant must either provide a copy of their approved negotiated indirect cost rate agreement or include a statement that they are electing to charge the *de minimis* rate, in accordance with 2 C.F.R. §200.414.

The applicant must clearly describe in the budget narrative how it applied or calculated its administrative costs and demonstrate that its combined direct and indirect administrative costs are both at or under the 10% limit. The applicant's administrative costs must also be consistent with their Negotiated Indirect Cost Rate Agreement or the *de minimis* rate, as applicable.

- e. **Negotiated Indirect Cost Rate Agreement with a Cognizant Federal Agency.** If indirect costs are included in the proposed budget, the applicant must provide a copy of its Negotiated Indirect Cost Rate Agreement (NICRA) (or provisional rate). The NICRA must be used if an applicant receives more than \$35,000,000 in federal funding during its fiscal year or has an existing NICRA (per 2 CFR 200 Appendix VII). An applicant can charge the 15% *de minimis* rate, in accordance with 2 C.F.R. 200.414, if it does not have an existing NICRA. The administrative cap applies to the administrative indirect costs charged to the award.
- f. **Resumes of Key Personnel.** One-page resumes of no more than five key personnel from the applicant may be included. Any information beyond one page for each resume and any additional resumes submitted will not be considered.
- g. **A Tribal Government Resolution** or equivalent formal authorization from the governing body of the Eligible Entity (or all Eligible Entities, in the case of a consortium). The resolution should provide certification of express authority for an Eligible Entity (or lead applicant, in the case of a consortium) to file an application for Native Entities Grant Program Funds on behalf of the Eligible Entity.
- h. **A BEAD Tribal Resolution**, approving deployment of BEAD services on the applicant's land consistent with the State Broadband Office's Final Proposal under the BEAD program (if the Eligible Entity provided consent to BEAD deployment).
- i. **Required Certifications:**
 - A certification that all beneficiaries of the proposed activities and interventions are members of a Native Entity.
 - A certification that the applicant is not seeking funding for a Project or program that is duplicative of previously awarded Federal or State funding. If NTIA identifies a Project or program that is duplicative of prior funding, NTIA may decline funding for those portions of the Project that are duplicative. Applicants have an affirmative obligation to disclose duplicative

funding for the same Project or program whether received before or after the award of a grant under this Program.

- A certification that the grant will not result in the unjust enrichment of the applicant or subrecipient.
- A certification that the applicant, if using Native Entities Grant Program funds for an “infrastructure project” (as defined in 2 C.F.R. 184.3), will abide by the requirements of the Build America, Buy America Act (Pub. L. NO. 117-58, §§70901-52) and by the regulations promulgated thereunder at 2 C.F.R. part 184, if applicable.
- By signing and submitting an application for funding pursuant to the NEGP, the applicant is making the certifications outlined in Appendix A Certifications Regarding Debarment and Suspension (*see* Line 21 on the SF-424, Application for Federal Assistance).
- A signed copy of the assurances that are set forth in Appendix B to this NOFO.
- An assurance that the entity shall follow such additional procedures as the Assistant Secretary may require to ensure that grant funds are used and accounted for in an appropriate manner.

j. The following standard federal financial assistance forms and documentation:

- **Standard Form 424: Application for Federal Assistance**
 - SF-424, Item 12, should list the Funding Opportunity number as “2026-NTIA-NEGP”
- **Standard Form 424 – B: Assurances for Non-Construction Programs**
- **CD-511 Certification Regarding Lobbying**
 - Applicants should enter “2026-NTIA-NEGP” in the Award Number field.
- **Standard Form LLL, Disclosure of Lobbying Activities**
 - For applicants that do not have any lobbying activities to disclose, the form should be completed as “not applicable.”

B. Funding Restrictions

1. Allowable Uses of Native Entities Grant Program Funds

Grant recipients may only use federal award funds to pay for allowable costs under the Native Entities Grant Program. Allowable costs are determined in accordance with the cost principles identified in 2 C.F.R. Part 200, including Subpart E of such regulations and the IJA. In addition, costs must be reasonable, necessary, allocable, and allowable for the proposed project and conform to generally accepted accounting principles. Grant funds may be used to cover only eligible costs incurred by the recipient during the period of performance, allowable costs incurred by the recipient during the grant closeout process, and limited pre-application award expenses as outlined below.

Applicants must comply with the requirements set forth in 47 U.S.C. §§ 1721-1726 and this NOFO. An Eligible Entity to which a grant is awarded must use the grant funds to support one (1) or more of the following activities:¹⁵

1. To develop and implement broadband use and adoption activities.
2. To facilitate the adoption of broadband to provide educational and employment opportunities.
3. To implement training programs that cover basic, advanced, and applied skills or other workforce development programs.
4. To make available equipment, instrumentation, networking capability hardware and software, or digital network technology for broadband services at low or no cost (including broadband service subsidies).
5. To construct, upgrade, expand, or operate new or existing public access computing centers through community anchor institutions. Note, this does not include activities that are duplicative of or otherwise covered by other federal or state funding for broadband infrastructure.
6. To undertake any other project or activity that the Assistant Secretary finds to be consistent with the purposes for which the Program is established.

Pre-Award Costs. Reasonable pre-award expenses in an amount not to exceed 5% of award costs, up to a maximum \$50,000 may be recoverable under 2 C.F.R. §200.458. Pre-application expenses, which include expenses related to preparing an application, may be reimbursed if they are incurred after the publication date of this NOFO and prior to the date of issuance of the grant award from NTIA. These costs should be clearly identified in the proposed project budget and must be approved by NTIA and the Grants Officer in writing to be considered allowable. Pre-award costs are incurred at the sole risk of the applicant and will not be reimbursed by NTIA if the proposed project does not receive an award pursuant to this Program.

2. Evaluation

Pursuant to 47 U.S.C. § 1724(d)(2)(B), a recipient may use no more than 10 percent of the total award for measurement and evaluation activities. Recipients must submit evaluation information in accordance with the reporting requirements in Section VI.F, using the form provided by NTIA, no later than 15 months after the award date and annually thereafter.

Recipients are required to assess program impact and collect and report data using standard measures. This may include data from Census sources, participant surveys, and program records. Recipients must collect baseline data at the start of the program and follow up each year for four years. Recipients must use standardized methods, maintain supporting documentation, and collect data in a way that allows NTIA to validate reported results.

See Section VI.F of this NOFO for additional information on reporting obligations.

¹⁵ 47 U.S.C. § 1724(d)(2) identifies the authorized uses of funds under the Competitive Grant Program, which are also consistent with the activities allowed under the Native Entity set-aside established through the State Capacity Grant Program. *See* 47 U.S.C. § 1723(a)(1)(A) and 47 U.S.C. § 1724(a)(1).

3. Limitations on Uses of Native Entities Grant Funds

a. 10 Percent Cap on Evaluation

A recipient shall use no more than 10 percent of the grant amount to measure and evaluate the activities supported with the grant amounts.

b. 10 Percent Cap on Administrative Costs

A recipient shall use no more than 10 percent of the grant amount for administrative costs in carrying out any of the activities described in Section IV.B.1 of this NOFO. The 10% limitation on administrative costs includes the combined total of indirect and direct administrative costs charged to the award.

c. Additional funding restrictions on specific activities

In order to ensure effective use of funds, the following funding restrictions apply to specific types of programs/activities (Note, all recipients will additionally be subject to the Transparency, Accountability, and Oversight requirements described in Section VIII.G to, among other things, minimize the opportunity for waste, fraud, and abuse):

i. Device Distribution Programs:

- Consistent with the prohibition on profit and fees in Section IV.B.3.e, a financial markup on devices is prohibited.
- Beneficiaries may not receive a device unless they complete a training program (*i.e.*, live sessions, self-paced modules, or hybrid approaches) resulting in a certificate (*i.e.*, Learn to Earn program).
- Beneficiaries may not receive a device through a device distribution program unless they are U.S. citizens aged 18 or older.
- Eligible Entities may not distribute smartphones (*i.e.*, mobile phones).
- Eligible Entities must have systems and procedures in place for inventory security, distribution, tracking (periodic verification of possession), and data protection.
- Eligibility for devices must be based on sufficiently demonstrated need.
- Eligible Entities may not distribute more than one device per household unless there is demonstrated additional need.
- Eligible Entities must maintain records on any device distribution program demonstrating that all grant program requirements governing distribution are met.

ii. Remote Learning Programs:

- NTIA discourages applications for remote learning programs targeted toward individuals under the age of 18. Applications proposing remote learning programs for individuals under the age of 18 will be subject to additional scrutiny and must contain safeguards to address the pedagogical and developmental impacts of remote or screen-based instruction on children.

iii. Broadband Subsidy Programs:

- Eligible Entities may not pre-pay for services that extend beyond the Period of Performance end date.
- Subsidies may not be paid to the beneficiary and must be paid directly to the service provider.
- The subsidized service must meet or exceed minimum speeds of 100 Mbps download and 20 Mbps upload.
- Eligible Entities may not exceed one subscription per household unless there is sufficiently demonstrated additional need.
- Service subsidies may not be duplicative of FCC Lifeline services.
- Subsidy programs shall not take place unless they are paired with digital skills training programs and/or a cost contribution is made by the beneficiaries themselves.
- Eligible Entities must establish mechanisms to periodically verify usage with participating providers.
- Subsidy eligibility is limited to income-qualified households verified through federal means-tested programs or other approved income verification methods. Subsidies are reimbursed annually upon documentation confirming compliance with program requirements, including qualifying service speeds.
- Eligible Entities must maintain records on any broadband subsidy program demonstrating that all grant program requirements governing subsidies are met.

d. Prohibition on Supplanting

Pursuant to 47 U.S.C. §1723(h) and 47 U.S.C. §1724(i), a grant or subgrant awarded under the Program shall supplement, not supplant, other federal or State funds that have been made available to carry out activities described in this NOFO. Broadband Equity, Access, and Deployment Program funds, including funds used for non-deployment expenditures, as well as the Tribal Broadband Connectivity Program, are subject to separate financial assistance award terms and conditions and must not be supplanted by Program funding.

e. Prohibition on Profit or Fees

A profit, fee, or other incremental charge above actual cost is not an allowable cost under this program.

f. Prohibition on General Research

Projects must be limited to serving Native Entities and may not include general research projects or academic studies.

4. Subrecipient

An Eligible Entity may enter a contract with a subrecipient, including a non-Tribal entity, as part of its use of grant funds under this program. An Eligible Entity that enters a contract (or subaward) with a subrecipient for use of grant funds received under this program shall:

- a. before entering into the contract, after a reasonable investigation, make a determination that the subrecipient:
 - i. is capable of carrying out the project for which grant funds will be provided in a competent manner in compliance with all applicable laws;
 - ii. has the financial capacity to meet the obligations of the project and the requirements of the NEGP; and
 - iii. has the technical and operational capability to carry out the project; and
- b. stipulate in the contract reasonable provisions for recovery of funds for nonperformance.

Additionally, Eligible Entities should ensure that they check the exclusion list available in SAM at <https://www.sam.gov> prior to awarding any NEGP funds to a subgrantee. Applicants are reminded that, pursuant to 2 C.F.R. §200.331, a federal award recipient must make case-by-case determinations whether each agreement it enters into for the disbursement of federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor. The above due diligence requirements apply both to contracts and subawards issued by a recipient or by a subrecipient of federal award funds received pursuant to the NEGP. Pass-through entities are additionally reminded of the requirements for pass-through entities in 2 C.F.R. §200.332.

C. Certifications Regarding Debarment and Suspension

By signing and submitting an application for funding pursuant to the Native Entities Grant Program, the applicant is making the certifications outlined in Appendix A to this NOFO (*see* Line 21 on the SF-424, Application for Federal Assistance).

D. System for Award Management (SAM)

Pursuant to 2 C.F.R. Part 25, an applicant or recipient (as the case may be) is required to: (i) provide a valid unique entity identifier (UEI) in its application; (ii) be registered in SAM before submitting its complete application packet; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency, unless otherwise excepted from these requirements pursuant to 2 C.F.R. §25.110. NTIA will not make a federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time that NTIA is ready to make a federal award pursuant to this NOFO, NTIA may determine that the applicant is not qualified to receive a federal award.

1. SAM Unique Entity Identifier

All applicants must supply a SAM Unique Entity Identifier (UEI) number. On April 4, 2022, the federal government stopped using the DUNS Number to uniquely identify entities. Now, entities doing business with the federal government must use the Unique Entity ID created in SAM.gov.

Applicants who are new to SAM.gov may register their entity or receive a UEI by signing in to SAM.gov and selecting “Get Started,” then “Register Entity.” If you are a subawardee who just needs a UEI for subaward reporting, choose “Get Unique Entity ID.”

2. SAM Registration

All applicants must register with SAM before submitting an application pursuant to this program. Additionally, the applicant must maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. Applicants can register for the SAM at <https://www.sam.gov/>. Entities without an active SAM.gov registration and/or UEI at the time of application submission and award may be deemed ineligible for a grant award.

E. Electronic Research Administration (eRA) Commons Registration

Applicants must be registered in eRA Commons prior to submitting an application. While applications are submitted through Grants.gov, eRA Commons registration is required to facilitate the processing of awards and post-award administration. Applicants are strongly encouraged to begin the registration process early, as it may take several days to complete. Additional information and registration guidance are available at <https://www.era.nih.gov/register-accounts/register-in-era-commons.htm>.

F. Grants.gov Registration

Applicants submitting electronically through Grants.gov must be registered at <https://www.grants.gov/applicants/applicant-registration>.

G. Submission Dates and Times

Applications for the Program must be complete and must adhere to the instructions provided in this NOFO and be submitted in one of the formats required. Complete applications from Eligible Entities must be received no later than 11:59 p.m. Eastern Time (ET) on September 17, 2026. Applications submitted by postal mail or courier service must be postmarked or show clear evidence of mailing by the same date and time and sent to the following address: National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4878, Attn: Douglas Kinkoph, Associate Administrator, Washington, DC 20230.

Eligible Entities that previously submitted applications may submit revised applications (entire application must be resubmitted) on or before the new submission deadline. Eligible Entities must submit a single application by the application deadline to be eligible for program funding. The NEGP is not a formula or block grant program and a single application for funding must be timely submitted by an Eligible Entity to receive funding consideration from NTIA.

NTIA expects to complete its review, select successful applicants, and begin award processing by Spring 2027. NTIA will, subject to NIST Financial Assistance Agreements Management Office (FAAMO) approval, announce awards made under the Program on a rolling basis.

H. Material Representations and Public Disclosure of Applications

All forms and supporting documents submitted as part of the application packet, as well as all reports submitted pursuant this NOFO, must be true and complete and will be treated as a

material representation of fact upon which NTIA and NIST's Grant Management Division will rely. Applicants acknowledge and understand that any false, fictitious, or fraudulent statements (or concealment or omission of a material fact) in the forms and supporting documents, including any required certifications or disclosures, submitted to NTIA may subject applicants to criminal prosecution (including under 18 U.S.C. §1001 and/or 1621), and may subject applicants to civil and administrative penalties and other remedies. Applicants should be aware that NTIA, in coordination with the NIST Grants Officer, may make all or portions of their applications for grants under the Native Entities Grant Program publicly available as required under applicable federal laws. *See* Section VIII.B of this NOFO for additional information concerning the confidentiality of information contained in an application.

I. Amendments

Any amendments to this NOFO or additional program guidance will be announced on <https://www.ntia.gov/>, and <https://broadbandusa.ntia.gov/>.

V. Application Review Information

A. Overview

The application review process will be conducted in three stages: (1) Initial Eligibility and Administrative Review; (2) Merit Review; and (3) Programmatic Review. The Initial Eligibility and Administrative Review serves as the initial screening of all applications to determine if the applicant is eligible, the application materials are complete, and the applications were submitted timely. Applications which pass this Initial Eligibility and Administrative Review will proceed to Merit Review in accordance with the prioritization criteria described in Section V.C.1.

During Merit Review, applications will be assigned a numerical score based upon the evaluation factors described in Section V.C.2. Applications which receive a Merit Review score of 65 to 100 points will be deemed "Qualified for Funding." Applications with a Merit Review score of less than 65 are "Unqualified for Funding" and will be removed from further consideration.

Applications which are Qualified for Funding will proceed to Programmatic Review on a rolling basis. NTIA Program Staff will review applications determined to be qualified for funding to validate the applications are in conformity with programmatic objectives, requirements, and priorities. Program staff will evaluate budgets, conduct de-duplication, and conduct any necessary curing.

Upon completion of Programmatic Review, applications will proceed to Award selection, wherein the OICG Associate Administrator will review a ranked list of applications and will recommend a final list of applications to the Assistant Secretary, who will act as the selecting official. The Assistant Secretary will review the recommended list of applications and on a rolling basis, submit award slates, along with the basis for the selection decisions, to the National Institute of Standards and Technology (NIST) Grants Officer, who serves as the Grants Officer for the Program. The final approval of selected applications and the issuance of awards will be made by the NIST Grants Officer.

B. Initial Eligibility and Administrative Review

During the Initial Eligibility and Administrative Review stage, NTIA will conduct an initial review of all submitted applications to ensure they contain the information and documentation

required under Section IV.A of this NOFO (“Content and Form of Applications”) and that this information was submitted in a timely manner.

The following applicants will be eliminated from review:

- An applicant that does not meet the definition of an Eligible Entity;
- An applicant that does not submit the required Tribal Government Resolution or equivalent formal authorization to file an application; or
- A Consortium that fails to submit the required Tribal Government Resolution or equivalent formal authorization from each member of the Consortium as described in Section IV.A of this NOFO.

In addition, NTIA will remove applications from consideration if submitted materials are incomplete or untimely.

At its discretion, NTIA may provide an applicant with an incomplete application one (1) opportunity to cure its application, in which case NTIA will provide the applicant up to seven (7) calendar days to submit information responsive to the feedback provided by NTIA, unless this time period is extended by NTIA.

C. Merit Review

NTIA’s goal is to fund projects that can expand broadband access, use, and adoption to the greatest number of Native and Tribal households in a way that is cost effective and outcome oriented. The most effective way to do so is by prioritizing applications that align with other federal broadband infrastructure deployments, including the \$42.5 billion BEAD Program. Those projects will reach more homes at lower cost and provide more reliable, scalable, and affordable service. Prioritizing these applications ensures the coordination of federal funding strengthens long-term use and adoption and maximizes the number of households served on Tribal Lands.

1. Prioritization

Prior to entering Merit Review, NTIA will place all applications satisfying the Initial Eligibility and Administrative Review into one of two prioritization criteria based on the list below. NTIA will move applications from Criterion 1 through the Merit Review process. If funds remain, NTIA will move applications from Criterion 2 through the Merit Review process.

1. Applications proposing projects from a Tribal Government or its designee that has issued a Tribal Resolution approving deployment of BEAD services on its lands, including Consortium applications.
2. All other projects.

2. Merit Review Process

Applications that reach Merit Review will be reviewed by at least two (2) Merit Reviewers, which may be Federal personnel or non-Federal personnel, who have demonstrated expertise in the programmatic aspects of broadband projects and federal grants. As applicable, Merit Reviewers will be required to sign and submit a nondisclosure and confidentiality form pertaining to the dissemination of confidential information and to potential financial and other conflicts of interest.

In accordance with the criteria below, the Merit Reviewers will review applications for Native Entities Grant Program awards to ensure conformity with the Program objectives, eligible activities, and related costs/budget. The evaluation criteria that will be used by the Merit

Reviewers to review and analyze applications are grouped into four (4) categories as outlined below. Reviewers will evaluate applications according to these evaluation criteria and independently score each application based on a scale of 0-100 points.

Based on an average of the reviewers' scores, applications will be assigned a rating of qualified for funding or unqualified for funding for each priority grouping, in accordance with the following scale:

Qualified for Funding – (65-100 points)

Unqualified for Funding – (less than 65 points)

NTIA will not round up merit reviewer score averages when determining whether an application is qualified for funding.

a. Evaluation Criteria for Merit Review

The evaluation criteria that will be used by the merit reviewers to review and analyze applications are grouped into four categories: (i) Project Purpose and Need; (ii) Performance Measures and Sustainability; (iii) Strength of Project Implementation Plan and Budget; and (iv) Strength of Applicant's Organizational Capability. Each application will be evaluated against the following objective criteria.

i. Project Purpose and Need (35 points)

- Project Need (20 Points)
 - Reviewers will assess whether there is baseline data demonstrating unmet demand or identifiable barriers to broadband use and adoption, including but not limited to:
 - The percentage of individuals in need of services within the proposed service area.
 - The number of households in need of broadband service subsidies for both first time connections and ongoing service.
 - A description of the geographic scope and impacted areas.
 - Other data demonstrating the level of need of the individuals to be served (*i.e.* poverty rates, unemployment rates, etc.).
- Project Purpose (15 Points)
 - Reviewers will assess whether the proposed activities address the unmet demand or identifiable barriers to broadband use and adoption.
 - Reviewers will assess the extent to which the Project improves the access to, and use of, broadband services to impact one or more of the following:
 - Economic and Workforce Development Goals, Plans, and Outcomes;
 - Educational Outcomes;
 - Health Outcomes;
 - Social & Civic Engagement;

- Delivery of Other Essential Services;¹⁶

ii. Performance Measures and Sustainability (15 points)

- Reviewers will assess the effectiveness of the applicant's performance metrics for measuring success of the Project against proposed objective and consider how the applicant will collect data and information to track the identified program outcomes, including frequency and scope.
- Reviewers will consider if the applicant has a plan for sustaining the benefits of the program.

iii. Strength of Project Implementation Plan and Budget (25 points)

- Reviewers will assess the overall soundness of the proposed project plan and milestones and whether the proposed activities and timelines can be conducted within the period of performance.
- Reviewers will assess if the proposed Project, including specific activities to be conducted, is achievable and consistent with the allowable programmatic activities.
- Reviewers will assess the extent to which the applicant has established clear measurable objectives that are achievable within the Period of Performance.
- Reviewers will assess if the proposed Project budget can achieve Project goals within the period of performance, and that costs are reasonable, allocable, and allowable.
- Reviewers will assess the extent to which the applicant has included measures to track progress and mitigate risks to the Project's implementation strategy and timeline.

iv. Strength of Applicant's Organizational Capability (25 points)

- Reviewers will assess the strength of the applicant's organizational capability to implement the proposed Project including the programmatic and technical experience of the implementation team.
- Reviewers will assess whether the applicant has the breadth and depth of experience, as an organization or through partnerships, that demonstrates the experience necessary to effectively complete the proposed Projects.
- Reviewers will assess the applicant's ability to manage large federal grant awards effectively, either based on demonstrated management of past projects, or based on an explanation and description in the applicant's application materials indicating their capacity to do so.
- Reviewers will assess the applicant's ability to manage large programmatic initiatives, either based on the applicant's past success and

¹⁶ See 47 U.S.C. § 1723(c)(1)(C)i-v.

relevant experience, or based on an explanation in the applicant's materials indicating their capacity to do so.

D. Programmatic Review

Upon completion of the Merit Review, NTIA Program Staff will review applications determined to be Qualified for Funding for conformity with programmatic objectives, requirements, and priorities.

To accelerate award issuance, NTIA Program Staff will group applications within each Prioritization Group based on similar final Merit Review scores (within a 5-point range). Applications will be advanced to Programmatic Review and considered for award in these score-based groupings, beginning with the highest-scoring group and proceeding sequentially. Applications recommended for funding will be forwarded to the Associate Administration and Selecting Official for final award decisions.

During Programmatic Review, NTIA Program Staff will evaluate the applicant's budget documents to determine conformity with the eligible uses of funds for the Native Entities Program. The budget review will also determine if the costs presented are reasonable, necessary, allowable, and allocable to the proposed Project. Additionally, NTIA Program Staff will determine whether the applicant worked collaboratively with State Broadband Offices to optimize state and federal funding through other broadband infrastructure programs and whether proposed use and adoption activities will benefit households and individuals that received internet access through other federally funded initiatives (e.g., BEAD).

During Programmatic Review, NTIA may ask applicants to submit additional information, as appropriate, to clarify or to further substantiate the representations made in their applications. Applicants will have up to ten (10) calendar days to submit information responsive to the feedback provided by NTIA, unless this time period is extended by NTIA. NTIA Program Staff will review the supplemental information, along with all information submitted with the application, to confirm eligibility and evaluate the applications with respect to the requirements and priorities of the NEGP. Applicants whose supporting documents are not complete, accurate, and timely submitted or who do not adequately substantiate the representations in their applications, may be denied.

As part of the Programmatic Review process, NTIA will conduct an analysis, in part through an established interagency de-duplication framework, to determine if an application is duplicative of an existing project, including if an application is duplicative of an application submitted for funding under the Tribal Broadband Connectivity Program or other federal programs. If NTIA determines that duplicative funding exists, NTIA may work to resolve it. NTIA may, at its option, negotiate with an applicant to de-scope the application to avoid duplicative funding prior to selecting an application for award. If an application that is determined to be qualified for funding under this NOFO is duplicative with an application qualified for funding under the third Tribal Broadband Connectivity Program Notice of Funding Opportunity, NTIA will determine which application to award, and which application to reject, based on the availability of funding. NTIA may also negotiate with an applicant to descope the application to avoid duplicative funding prior to selecting an application for award. NTIA will conduct a final de-duplication review of the potential grantees' proposed service areas prior to award to account for any lag time between the initial review for duplication and the date the award is issued.

Upon completion of Programmatic Review, NTIA Program Staff will provide a list of proposed Projects (*i.e.*, the proposed award slate), to the Associate Administrator for the Office of Internet Connectivity and Growth (OICG Associate Administrator).

E. OICG Associate Administrator Review

Following the conclusion of the Merit Review for each prioritized grouping, the OICG Associate Administrator will review the list of applications and recommend a list of awards to the NTIA Assistant Secretary, who is the Selecting Official for this program. The OICG Associate Administrator's recommendations to the Selecting Official may differ from the proposed award slate developed during the Programmatic Review based on consideration of the following selection factors:

1. The extent to which the proposed Project maximizes other federal broadband infrastructure investments;
2. The scores of the objective expert reviewers during Merit Review;
3. The analysis of NTIA Program Staff during Programmatic Review;
4. The geographic distribution of the proposed awards;
5. Whether the application contains matching funds beyond the required 10%;
6. Whether the applicant has received or is set to receive other federal funding for broadband, excluding an award from the Tribal Broadband Connectivity Program.

Based on these selection factors, the OICG Associate Administrator may recommend lower ranked applications to the Selecting Official, as warranted, and will appropriately document the basis of this recommendation.

F. Assistant Secretary Final Selection

After conducting the review described above, the OICG Associate Administrator shall provide a proposed award slate to the NTIA Assistant Secretary for final review. As the Selecting Official, the NTIA Assistant Secretary will select and recommend applications for funding based on the following selection factors:

1. Satisfaction of the statutory purposes and the overall goals and objectives of the NEGP NOFO;
2. The extent to which the proposed Project maximizes other federal broadband infrastructure investments;
3. The extent to which the application increases internet access and the adoption of broadband;
4. Whether an applicant received or is set to receive other federal funding for broadband, excluding an award from the Tribal Broadband Connectivity Program;
5. Whether the application contains matching funds beyond the required 10%;
6. The geographic distribution of the proposed awards, including whether the Project is in a Rural Area; and
7. The extent to which an application may duplicate or conflict with other programs.

The NTIA Assistant Secretary also retains discretion to not recommend an application for funding that was recommended by the OICG Associate Administrator if the Assistant Secretary disagrees with the OICG's use of the selection factors listed above and will appropriately document the basis of this decision.

The NTIA Assistant Secretary will submit the applications recommended for funding, along with the bases for the selection decisions, to the NIST Grants Officer, who serves as the Grants Officer for the Native Entities Grant Program. The final approval of selected applications and the issuance of awards will be made by the NIST Grants Officer. The award decisions of the NIST Grants Officer are final.

G. Federal Awarding Agency Review of Risk Posed by Applicant

After applications are proposed for funding by the Selecting Official, the NIST Financial Assistance Agreements Management Office (FAAMO) will perform pre-award risk assessments in accordance with 2 C.F.R. §200.206, which may include a review of the financial stability of an applicant, the quality of the applicant's management systems, the history of performance, reports, and findings from audits, and/or the applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-federal entities. In addition, prior to making an award where the total federal share is expected to exceed the simplified acquisition threshold (currently \$250,000), the NIST FAAMO will review and consider the non-publicly available information about that applicant in the Federal Awardee Performance and Integrity Information System (FAPIIS). Upon completion of the pre-award risk assessment, the NIST FAAMO will determine whether the applicant is qualified to receive the award and, if so, whether appropriate specific award conditions that correspond to the degree of risk posed by the applicant should be applied to the award.

H. Anticipated Announcement and Award Dates

NTIA expects to begin issuing awards to applicants pursuant to this Notice of Funding Opportunity in Spring of 2027. NTIA expects to make additional awards on a rolling basis.

NTIA reserves the right to modify or rescind funding, including in the post-award period, if it determines there is a duplication of funding between proposed Projects. If duplicative Projects are identified, NTIA will work with the grantee(s) to identify a path forward to maximize the use of funds. Unsuccessful applicants will be notified in writing by email.

VI. Award Administration Information

A. Federal Award Notices

A grants officer from the NIST Financial Assistance Agreements Management Office (FAAMO) will serve as the Grants Officer for awards issued pursuant to this NOFO. Applicants will be notified in writing by the NIST Grants Officer if their application is selected for an award. If the application is selected for funding, the NIST Grants Officer will issue the Notice of Award, which is the authorizing financial assistance award document. By accepting the award in the electronic Research Administration (eRA) Commons system, the recipient agrees to comply with all award provisions, terms, and conditions.

If an applicant is awarded funding, neither NTIA nor NIST is under any obligation to provide any additional future funding in connection with that award or to make any future award(s). Amendment of an award to extend the period of performance is at the discretion of NTIA and the NIST Grants Officer, in accordance with the requirements and limitations contained in the Act.

B. Notification to Unsuccessful Applicants

Unsuccessful applicants will be notified in writing by email and will have the opportunity to receive a debriefing. Applicants must make a request within 10 business days of the email or written notification to receive a debrief from NTIA. NTIA will then work with the unsuccessful applicant to arrange a date and time for the debrief.

C. Retention of Unsuccessful Applications

Unsuccessful applications will be retained in accordance with NTIA recordkeeping requirements.

D. De-obligation or Termination of Grant

The Assistant Secretary may de-obligate or terminate a grant awarded to a recipient under the Program if the grant funds no longer effectuate program goals or agency priorities, are not being used in a manner that is consistent with the application submitted by the recipient, the recipient is not upholding the assurances made pursuant to Section IV.A. and Appendix B of this NOFO, or the Assistant Secretary determines that the grant is no longer necessary to achieve the original purpose for which the Assistant Secretary awarded the grant. Prior to de-obligation or termination of a grant for these reasons, the Assistant Secretary will provide notice to the recipient, including a rationale and supporting information demonstrating the basis of the Assistant Secretary's decision and an opportunity for a hearing. Any grant funds the Assistant Secretary de-obligates or terminates will be competitively awarded to another applicant consistent with the requirements of the Program through future NOFO(s).

E. Administrative and National Policy Requirements

Recipients of funding pursuant to this program must comply with applicable statutes and regulations, executive orders and policies including but not limited to:

1. Uniform Administrative Requirements, Cost Principles and Audit Requirements

Through 2 C.F.R. §1327.101, the Department of Commerce adopted Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, which apply to awards in this program. NTIA will apply the updated Uniform Guidance Provisions, published by OMB on April 22, 2024, in the Federal Register at 89 FR 30046, to all awards under this NOFO. The updated Uniform Guidance Provisions may be reviewed here: <https://www.federalregister.gov/documents/2024/04/22/2024-07496/guidance-for-federal-financial-assistance>.

2. Department of Commerce Financial Assistance General Terms and Conditions

The Department of Commerce will apply to each award in this program, the Financial Assistance Standard Terms and Conditions in effect on the date of award. The current version, dated September 22, 2025, is accessible at [Department of Commerce Financial Assistance General Terms and Conditions](#). Refer to Section VII of this NOFO, Federal Awarding Agency Contacts, Grant Management inquiries, if you need more information.

3. Pre-Award Notification Requirements

The Department of Commerce will apply the Pre-Award Notification Requirements for Grants and Cooperative Agreements dated December 30, 2014 (79 FR 78390). Refer to Section VII of this NOFO, Federal Awarding Agency Contacts, Grant Management inquiries, for more information.

4. Build America, Buy America Act Domestic Content Preference Requirements

Pursuant to the Build America, Buy America Act (BABA) (Pub. L. No. 117-58, §§70901-52) and regulations promulgated thereunder at 2 C.F.R. part 184, recipients of an award of federal financial assistance from the Department of Commerce are hereby notified that none of the funds provided under such award may be used for an “infrastructure project” (as defined in 2 C.F.R. 184.3) unless:

- a. all iron and steel used in the project are produced in the United States – this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- b. all manufactured products used in the project are produced in the United States – this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- c. all construction materials are manufactured in the United States – this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

To help federal agencies and recipients meet BABA requirements, the Hollings Manufacturing Extension Partnership (MEP) National Network™ of the National Institute for Standards and Technology (NIST) provides a service to connect stakeholders, including recipients, to U.S. manufacturers that have relevant production capabilities and capacities to help fulfill current market and supply chain needs. Recipients considering requesting a BABA nonavailability waiver are strongly encouraged to contact the NIST/MEP for assistance with supplier scouting services prior to seeking a BABA nonavailability waiver. Further information on the NIST/MEP supplier scouting services is available at: <https://www.nist.gov/mep/supplier-scouting>.

Waivers

When necessary, recipients may apply for, and the Department may grant, a waiver from these requirements. The Department will provide the recipient with information on the process for requesting a waiver from these requirements. When the Department has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the Department determines that:

- i. applying the domestic content procurement preference would be inconsistent with the public interest;

- ii. the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- iii. the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. NTIA will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 calendar days and must be reviewed by the Made in America Office of the Office of Management and Budget (OMB).

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at <https://www.commerce.gov/oam/build-america-buy-america>.

5. National Environmental Policy and Historic Preservation

In general, deployment of broadband infrastructure to connect broadband serviceable locations should be accomplished through other programs, including the Broadband Equity, Access, and Deployment program. However, to the extent that the project includes construction and/or ground disturbing activities, additional information will be required to determine the potential for environmental impacts under the National Environmental Policy Act (42 U.S.C. §4321 *et seq.*) and potential impacts to historic properties under the National Historic Preservation Act of 1966 (54 U.S.C. 300101 *et seq.*).

6. Domestic Preference for Procurements

Pursuant to 2 C.F.R. §200.322, as appropriate and to the extent consistent with law, a nonfederal entity should, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including, but not limited to, iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products pursuant to this program.

7. Cybersecurity Best Practices

Recipients and subrecipients must ensure that the planning, design, and project oversight phases of the programs and activities funded through the Program are consistent with current industry best practices for cybersecurity, such as the NIST Cybersecurity Framework¹⁷ and Cybersecurity and Infrastructure Security Agency (CISA) Cybersecurity Performance Goals (CPGs).¹⁸ These performance goals provide a baseline set of cybersecurity practices that are broadly applicable, with known risk-reduction value. NTIA reserves the right to review a recipient's cybersecurity framework and recipients must review the cybersecurity framework of its subrecipients.

8. Privacy

Recipients and subrecipients must comply with all applicable state and federal privacy laws and regulations, including 2 C.F.R. §200.303, and take steps to ensure that data collection,

¹⁷ NIST Cybersecurity Framework, <https://www.nist.gov/cyberframework/framework>.

¹⁸ Cybersecurity & Infrastructure Security Agency, Cross-Sector Cybersecurity Performance Goals, <https://www.cisa.gov/cross-sector-cybersecurity-performance-goals>.

management, and utilization are conducted ethically, transparently, and with a strong emphasis on safeguarding the rights and privacy of individuals and that any use of automated systems or technologies includes an assessment of the potential consequences for beneficiaries.

9. Executive Order 14173: Ending Illegal Discrimination and Restoring Merit Based Opportunity

Pursuant to Executive Order 14173, 90 FR 8633 (Jan. 21, 2025), Ending Illegal Discrimination and Restoring Merit-Based Opportunity, each recipient that accepts a U.S. Department of Commerce financial assistance award: (1) agrees that compliance in all respects with all applicable Federal anti-discrimination laws is material to the government's payment decisions for purposes of section 3729(b)(4) of Title 31 United States Code; and (2) certifies to the Department that it does not operate any programs promoting diversity, equity, and inclusion that violate any applicable Federal anti-discrimination laws.

F. Reporting

Recipients will be required to comply with reporting requirements. All reports submitted pursuant to this NOFO must be true and complete and will be treated as a material representation of fact upon which NTIA will rely. In addition to the reporting requirements found in 2 C.F.R. Part 200, NTIA will provide additional reporting instructions in connection with the requirements set forth in this section, including details on the manner and format in which recipients will be required to report information in support of federal agency obligations under the ACCESS BROADBAND Act, 47 U.S.C. §1307, and Section 60105 of the Infrastructure Act.

Recipients are required to assess program impact and collect and report data using standard measures. This may include data from Census sources, participant surveys, and program records. Recipients must use standardized methods, maintain supporting documentation, and collect data in a way that allows NTIA to validate reported results.

1. Infrastructure Act Reporting Requirements Annual Report

Recipients shall be required to publicly report, for each year during the period of performance of a program grant, in a format to be specified by the Assistant Secretary, on:

- a. The amount of the grant;
- b. The use by the entity of the grant amounts; and
- c. The progress of the entity towards fulfilling the objectives for which the grant was awarded.
- d. The Annual Report will be for the period ending December 31 and be due thirty (30) days after the close of the calendar year. The final Annual Report will be due 120 days after the end of the period of performance. The Assistant Secretary may establish additional reporting and information requirements for any recipient of a grant as necessary to fulfill the requirements of the Digital Equity Act.

2. Evaluation Report

Recipients must submit a report on each measurement and evaluation performed on the activities funded, using the form prescribed by the Agency, not later than 15 months after the date of award and annually thereafter for each year in which grant funds are expended. NTIA may require this information to be submitted as part of the Annual and Performance (Technical) Report.

3. Other Reporting Requirements

The following reporting requirements described in Section A.01, Reporting Requirements, of the [Department of Commerce Financial Assistance General Terms and Conditions](#) (September 22, 2025), apply to awards in this program:

a. Financial Reports

Each award recipient will be required to submit an SF-425, Federal Financial Report on a quarterly basis for the periods ending March 31, June 30, September 30, and December 31 of each year. Reports will be due within thirty (30) days after the end of the reporting period to the NTIA Federal Program Officer, Grants Officer, and Grants Specialist named in the award documents. If awarded, further instructions on where and how to submit reports will be provided via a specific award condition. A final financial report is due within 120 days after the end of the project period.

b. Performance (Technical) Report

Each award recipient will be required to submit a technical progress report to the NTIA Federal Program Officer, Grants Officer, and Grants Specialist named in the award documents on a semi-annual basis for the six-month period ending June 30 and December 31 of each year and will be due thirty (30) days after the close of the period. A Performance Report will not be required during the initial year of the award. If awarded, further instructions on where and how to submit reports will be provided via a specific award condition. Technical progress reports shall contain information as prescribed in 2 C.F.R. §200.329 and Department of Commerce Financial Assistance General Terms and Conditions (dated September 22, 2025), Section A.01. Native Entities Grant Program reporting elements may include, but are not limited to: the Evaluation data required under Section IV.B.2 of this NOFO, status on achieving project implementation milestones and measurable objectives, and alignment to expenditures, project outputs (e.g., number of devices provided/subsidized, number of digital literacy/training programs developed, number of training hours provided, number of Internet subscriptions provided/subsidized), project output beneficiaries, including number of beneficiaries, number of jobs created for project implementation, and other results from program evaluation activities.

c. Human Subjects Research

All Native Entities Grant Program recipients must comply with Department of Commerce regulations relating to the protection of human subjects for all research conducted or supported pursuant to an NTIA grant award (per 15 C.F.R. Part 27). Recipients must review forthcoming guidance for Human Subjects Research protection and make an independent assessment of their planned activities and act in accordance with Human Subjects Research protection requirements and report any new research activities or updates to planned activities on an ongoing basis.

G. Recipient Integrity and Performance Matters

In accordance with Section 872 of Public Law 110-417, as amended; *see* 41 U.S.C. §2313, if the total value of a recipient's currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of an award made under this NOFO, then the recipient shall be subject to the requirements specified in Appendix XII to 2 C.F.R. Part 200,¹⁹ for maintaining the

¹⁹ *See* 2 C.F.R. Part 200, Appendix XII

currency of information reported to SAM that is made available in the Federal Awardee Performance and Integrity Information System (FAPIIS) about certain civil, criminal, or administrative proceedings involving the recipient.

H. Audit Requirements

The federal financial assistance regulations in 2 C.F.R. Part 200, Subpart F require any non-federal entity that expends federal awards of \$1,000,000 or more in the recipient's fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in the Subpart. Additionally, unless otherwise specified in the terms and conditions of the award, entities that are not subject to Subpart F of 2 C.F.R. Part 200 (e.g., for-profit subrecipients) that expend \$1,000,000 or more in grant funds during their fiscal year must submit to the Grants Officer either: (i) a financial related audit of each DOC award or subaward in accordance with Generally Accepted Government Auditing Standards; or (ii) a project specific audit for each award or subaward in accordance with the requirements contained in 2 C.F.R. §200.507. *See* Section D.01.c. of the [Department of Commerce Financial Assistance Standard Terms and Conditions](#). Applicants are reminded that NTIA, the NIST FAAMO, the Department of Commerce Office of Inspector General, or another authorized federal agency may conduct an audit of an award at any time.

I. Federal Funding Accountability and Transparency Act of 2006

In accordance with 2 C.F.R. Part 170, all recipients of a federal award made on or after October 1, 2010, are required to comply with reporting requirements under the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109-282). In general, all recipients are responsible for reporting subawards of \$30,000 or more. In addition, recipients that meet certain criteria are responsible for reporting executive compensation. Applicants must ensure they have the necessary processes and systems in place to comply with the reporting requirements should they receive funding.

J. Public Database

NTIA will create and maintain a fully searchable database, which shall be accessible on the Internet at no cost to the public, that contains, at a minimum: (i) a list of each entity that has applied for a grant under the Program; (ii) a description of each application including the proposed purpose of each grant described in that application; (iii) the status of each application, including whether the Assistant Secretary has awarded a grant with respect to the application and, if so, the amount of the grant; (iv) each report submitted by an entity as required by the Act and Section VI.F.1 of this NOFO; and (v) any other information that is sufficient to allow the public to understand and monitor grants awarded under the Program.

VII. Agency Contacts

A. Please direct programmatic inquiries to:

Angela Thi Bennett
Director, Digital Equity Act of 2021
Office of Internet Connectivity and Growth

National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW, Room 4878
Washington, DC 20230
Phone: (202) 482-2048
Email: broadbandgrants@ntia.gov

A. Please direct grant management inquiries to:

Shanell Williams
NIST Grants Officer
Financial Assistance Agreements Management Office (FAAMO)
National Institute of Standards and Technology
100 Bureau Drive, Mailstop 4800
Gaithersburg, MD 20899
Phone: (202) 578-4740
Email: shanell.williams@nist.gov

B. Please direct media inquiries to:

Office of Public Affairs
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue NW, Room 4897
Washington, DC 20230
Phone: (202) 482-7002
Email: press@ntia.gov

VIII. Other Information

A. Transparency

The Infrastructure Act contains robust reporting requirements for grant recipients, and requires NTIA, the Commission, and other agencies to coordinate to make information regarding federal broadband funding, low-cost plans, and other aspects of the Program readily available to and understandable by the public. NTIA will fulfill its obligations to the fullest extent possible. Recipients of U.S. Department of Commerce and NTIA grants also should be cognizant of the access to records requirements set forth at 2 C.F.R. §200.337.

B. Protected and Proprietary Information

Recipients of the Native Entities Grant Program grants acknowledge and understand that information and data contained in applications for financial assistance, as well as information and data contained in financial, performance, and other reports submitted by an entity, may be used by the Department of Commerce in conducting reviews and evaluations of its financial assistance programs and for statistical purposes. For this purpose, information and data may be accessed, reviewed, and evaluated by Department of Commerce employees, other federal employees, federal agents and contractors, and/or by non-federal personnel, all of whom enter into appropriate confidentiality and nondisclosure agreements covering the use of such information.

As may be provided in the terms and conditions of a specific financial assistance award, recipients are expected to support Program reviews and evaluations by submitting required financial and performance information and data in an accurate and timely manner, and by cooperation with the Department of Commerce and external program evaluators. In accordance with 2 C.F.R. §200.303(e), program participants are reminded that they must take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained in connection with a Department of Commerce financial assistance award.

NTIA will protect confidential and proprietary information from public disclosure consistent with applicable law, including the Trade Secrets Act, as amended (18 U.S.C. §1905) and the Economic Espionage Act of 1996 (18 U.S.C. §§1831 *et seq.*). In the event that a submission contains information or data deemed to be confidential commercial information or that otherwise should not be publicly disclosed, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information. *See* 15 C.F.R. §4.9(b). Based on these markings, the confidentiality of the contents of those pages will be reviewed for protection consistent with applicable law. As discussed above, 47 U.S.C. 1724(h)(1)(C) requires that NTIA create and maintain a fully searchable public database that includes the application of each applicant that has applied for a grant under this program, among other information.

Additionally, some of the information submitted in the course of applying for funding under this Program or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. In the event that a submission contains such information or data, that information should be identified, bracketed, and marked appropriately. Based on these markings, the confidentiality of the contents of those pages will be reviewed for protection consistent with applicable law. Applicants that are interested in participating in this program should be familiar with the regulations governing Protected Critical Infrastructure Information (6 C.F.R. Part 29) and Sensitive Security Information (49 C.F.R. Part 1520), as these designations may provide additional protection to certain classes of homeland security information.

In addition to the public disclosure requirements of this Program, each applicant interested in participating in this program is encouraged to consult its own laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application. The applicant may consult with NTIA regarding concerns or questions about the release of information or how omitting sensitive information could impact NTIA's assessment of the application.

C. Funding Availability and Limitation of Liability

Funding for the Program described in this NOFO is contingent upon the continued availability of appropriations. In no event will NTIA, NIST, or the Department of Commerce be responsible for application preparation costs, including, but not limited to, if the program fails to receive funding or is cancelled because of agency priorities. Publication of this NOFO does not oblige NTIA, NIST or the Department of Commerce to award any specific Project or to obligate any available funds. NTIA will recommend for funding only Projects that are deemed likely to achieve the Program's goals and for which funds are available.

D. Third Party Beneficiaries

The Program is not intended to and does not create any rights enforceable by third party beneficiaries.

E. Waiver Authority

It is the general intent of NTIA not to waive any of the provisions set forth in this NOFO. However, under extraordinary circumstances and at the discretion of the Assistant Secretary, NTIA, upon its own initiative or when requested, may waive the provisions in this NOFO.

Waivers may only be granted for requirements that are discretionary and not mandated by statute or other applicable law. Any request for a waiver must set forth the extraordinary circumstances for the request.

F. Paperwork Reduction Act

This NOFO contains an information collection requirement subject to the Paperwork Reduction Act (PRA) (44 U.S.C. §3501 *et seq.*). The PRA requires each federal agency to seek and obtain OMB approval before collecting information from the public. Federal agencies may not collect information unless it displays a currently valid OMB control number. NTIA will use Standard Forms 424 (Application for Federal Assistance), 424B (Assurances for Non-Construction Programs), 424C (Budget Information for Construction Programs), 424D (Assurances for Construction Programs), 425 (Federal Financial Report), and SF-LLL (Disclosure for Lobbying Activities), under the respective control numbers 4040-0004, 4040-0007, 4040-0008, 4040-0009, 4040-0014, and 4040-0013.

Additionally, NTIA will use the NEGP/TBCP Application Forms (0660-0058) and reporting forms (0690-0039).

G. Transparency, Accountability, and Oversight Required

1. Generally

- a. NTIA and all Program recipients have a critical role to play in ensuring that the Program is implemented in a manner that ensures transparency, accountability, and oversight sufficient to, among other things:
 - i. Minimize the opportunity for waste, fraud, and abuse and coordinate with the Department of Commerce Office of Inspector General on any related concerns;
 - ii. Prevent the use of grant funds for any illegal activity;
 - iii. Ensure that recipients of grants under the Program use grant funds to further the overall purpose of the Program in compliance with the requirements of the Act, this NOFO, 2 C.F.R. Part 200, the terms and conditions of an award, and other applicable law; and
 - iv. Allow the public to understand and monitor grants awarded under the Program.
- b. To that end, NTIA shall, as appropriate:
 - i. Conduct such audits of award recipients as are necessary and appropriate;

- ii. Develop monitoring plans, subject to the approval of the Assistant Secretary, which may include site visits or desk reviews, technical assistance, and random sampling of compliance requirements; and
 - iii. Impose special conditions on grant awards designed to mitigate the risk of nonperformance where appropriate.
- c. Each Eligible Entity receiving an award shall, as appropriate:
- i. Comply with the reporting requirements set forth in Section VI.F of this NOFO;
 - ii. Conduct audits of subrecipients and award management as necessary and appropriate. Eligible Entities shall report the full results of any audits they conduct to the appropriate Federal Program Officer and NIST Grants Officer;
 - iii. Comply with the obligations set forth in the Act, this NOFO, 2 C.F.R. Part 200, the terms and conditions of an award, and other applicable laws; and
 - iv. Establish and widely publicize telephone numbers and email addresses for the Eligible Entity's Office of Inspector General (or comparable entity) for the purpose of reporting waste, fraud or abuse, in the Program. Eligible Entities shall produce copies of materials used for such purpose upon request of the Federal Program Officer or the Grants Officer.

2. Access to Records

Pursuant to 2 C.F.R. 200.337, NTIA, OIG, or any of their authorized representatives must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. These rights also include timely and reasonable access to the non-Federal entity's personnel for the purpose of interviews and discussions related to such documents. The rights of access in this section are not limited to the required retention period, but last as long as the records are retained.

3. U.S. Department of Commerce Office of Inspector General

The U.S. Department of Commerce Office of Inspector General (OIG) seeks to improve the efficiency and effectiveness of the Department's programs, including through deterring and detecting fraud, waste, abuse, and mismanagement. The OIG accomplishes this mission primarily through investigations, audits, and inspections of Department activities, including grants, cooperative agreements, loans, and contracts.

a. Disclosures

Recipients of financial assistance originating from the U.S. Department of Commerce, including NTIA, as well as applicants applying to this funding opportunity, shall timely disclose, in writing, to the OIG and awarding agency, whenever, in connection with the award, performance, or closeout of this grant or subaward thereunder, the recipient has credible evidence that a principal, employee, agent, or subrecipient has committed:

- i. A violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code;
- ii. A violation of the civil False Claims Act (31 U.S.C. §§3729-3733); or

iii. A violation of the Federal Antitrust Laws found in Title 15 of the United States Code.

b. Reporting

The OIG maintains a hotline to receive allegations of fraud, waste, or abuse. To report such allegations, please visit <https://www.oig.doc.gov/Pages/Hotline.aspx> to submit a complaint or call toll-free at 800-424-5197. The OIG will accept complaints via U.S. mail at the following address:

U.S. Department of Commerce
Office of Inspector General
1401 Constitution Avenue
Washington, D.C. 20230s

Upon request, the OIG will take appropriate measures to protect the identity of any individual who reports misconduct, as authorized by the Inspector General Act of 1978, as amended. Reports to the OIG may also be made anonymously.

c. Whistleblower Protection

Recipients, subrecipients, and employees working on this grant award will be subject to the whistleblower rights and remedies established under 41 U.S.C. §4712. An employee of a recipient or subrecipient may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of: gross mismanagement of a federal contract or award; a gross waste of federal funds; an abuse of authority (*i.e.*, an arbitrary and capricious exercise of authority that is inconsistent with the mission of NTIA or the U.S. Department of Commerce or the successful performance of a contract or grant awarded by NTIA or the Department) relating to a federal contract or award; a substantial and specific danger to public health or safety; or a violation of a law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

The recipient or subrecipient shall inform its employees and contractors, in writing, in the predominant language of the workforce or organization, of employee whistleblower rights and protections under 41 U.S.C. §4712, as described above and at <https://www.oig.doc.gov/whistleblower/protection-program/>.

H. Unauthorized Use of Funds

In the event of non-compliance with the Act, this NOFO, 2 C.F.R. Part 200, the terms and conditions of an award, or other applicable law, NTIA and the NIST Grants Officer shall take appropriate enforcement action against an Eligible Entity, as authorized in 2 C.F.R. §§200.339 - 200.343.

Appendix A: Certifications Regarding Debarment and Suspension

By signing and submitting an application for funding pursuant to the Native Entities Grant Program, the applicant is making the certifications set forth below (*see* Line 21 on the SF-424, Application for Federal Assistance).

Instructions for Primary Tier Participant Certification

- i. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 C.F.R. Parts 180, 1200, and 1326.
- ii. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
- iii. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
- iv. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- v. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 C.F.R. Parts 180, 1200, and 1326. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
- vi. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
- vii. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 C.F.R. Parts 180, 1200, and 1326.
- viii. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under

48 C.F.R. Part 9, Subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management (SAM) Exclusions website (<https://www.sam.gov/>).

- ix. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- x. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Tier Covered Transactions

- i. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals or associated entities:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency;
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph i(2) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state, or local) terminated for cause or default.
- ii. Where the prospective primary tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification (applies to subrecipients)

- i. By submitting this proposal and accepting federal funding, the prospective lower tier participant is providing the certification set out below and agrees to comply with the

- requirements of 2 C.F.R. Parts 180, 1200, and 1326.37.²⁰
- ii. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
 - iii. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
 - iv. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 C.F.R. Parts 180, 1200, and 1326. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
 - v. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
 - vi. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled “Instructions for Lower Tier Participant Certification,” including the “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion- Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 C.F.R. Parts 180 and 1200.
 - vii. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
 - viii. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 - ix. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, suspended,

²⁰ In the context of the Native Entities Grant Program, lower-tier participants would be the entities that receive subgrants from, enter into contracts with, or otherwise receive program funding from the Eligible Entity that has received a Native Entities Grant from NTIA.

debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

- i. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals or associated entities is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency.
- ii. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Appendix B: Assurances required under 47 U.S.C. §1724(f)

When applying for a grant under this section, an entity shall include in the application for that grant assurances that the entity shall –

1. use any grant funds that the entity is awarded --
 - a. in accordance with any applicable statute, regulation, and application procedure; and
 - b. to the extent required under applicable law;
2. adopt and use proper methods of administering any grant that the entity is awarded, including by –
 - a. enforcing any obligation imposed under law on any agency, institution, organization, or other entity that is responsible for carrying out a program to which the grant relates;
 - b. correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and
 - c. adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates;
3. cooperate with respect to any evaluation –
 - a. of any program that relates to a grant awarded to the entity; and
 - b. that is carried out by or for the Assistant Secretary or another Federal official;
4. use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the entity is awarded under the Program;
5. submit to the Assistant Secretary any reports that may be necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under the Program; and
6. maintain any records and provide any information to the Assistant Secretary, including those records, that the Assistant Secretary determines is necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under the Program.