

United States Senate

WASHINGTON, DC 20510

November 6, 2025

The Honorable Howard W. Lutnick
Secretary
The Honorable Arielle Roth
Assistant Secretary of Commerce for Communications and Information
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Secretary Lutnick and Assistant Secretary Roth:

As Vice Chairman of the Senate Committee on Indian Affairs and Ranking Member of the Senate Committee on Commerce, Science, and Transportation, we write regarding the National Telecommunications and Information Administration's (NTIA) ongoing management of the Tribal Broadband Connectivity Program (TBCP), particularly its reported delay in obligating program funds appropriated by Congress. The TBCP is the first NTIA program to recognize Tribes' sovereignty to determine broadband infrastructure needs on their own lands and is an effective tool for connecting Tribal homes and community facilities to reliable and affordable broadband. So we are concerned that the agency is reportedly applying additional unnecessary standards and requirements to applications, resulting in uncertainty that threatens the success of existing and planned projects.

We are committed to ensuring all TBCP Round 1 and Round 2 funds are timely awarded, obligated, and expended, and for the continuing success of the Program. Accordingly, please provide written responses to the following:

1. As TBCP Round 1 awards approach the four-year performance period, what technical assistance is NTIA providing to grantees to ensure program compliance and timely expenditure of funds? Please also identify the legal and programmatic criteria NTIA uses to determine TBCP Round 1 compliance, including how NTIA weighs factors such as time elapsed, expenditures, and NEPA status.
2. Please provide a status update on all remaining TBCP awards, including awards that have been approved at the staff level and await administrative review, awards that have been approved but are not yet obligated, awards for which obligation decisions have been made, and awards for which public announcement of an award has been made. Please also organize your reply by award type, including "use and adoption," "infrastructure" and "equitable distribution," and include the names of awardees and award amounts.
3. Please clarify when NTIA will award and obligate TBCP Round 2 funding, including for awards already announced and its estimate for awards in Fiscal Year 2026.

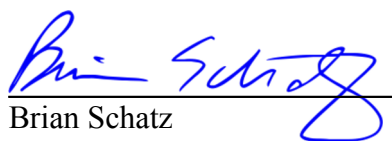
4. Has or will the NTIA impose new guidance, requirements, or performance criteria on TBCP Round 1 or Round 2 projects?
5. Is NTIA screening or reviewing project applications using any percentile-based cost metrics, including evaluating TBCP projects based on whether they are within the 65th or 85th percentile of state BEAD costs?
 - a. If yes, what is the statutory basis for this new requirement?
 - b. Did NTIA conduct Tribal consultation prior to imposing any new requirement?
 - c. Has NTIA informed Tribal applicants of the imposition of these metrics?
6. NTIA's June 6, 2025, BEAD Restructuring Policy Notice¹ permitted providers to exclude hard-to-serve and high-cost locations in project areas. It also stopped approval for non-deployment activities and reimbursements to states for new costs associated with previously approved non-deployment activities.
 - a. How many locations associated with a pending TBCP award or applications were included in state Final Proposals? Of those, how many are in hard-to-serve and high-cost locations?
 - b. Of the previously approved non-deployment activities, how many benefit locations associated with a pending TBCP award or application? What is the status of those pending TBCP awards or applications?
7. NTIA's August 26, 2025, BEAD notice² provides a conditional, limited programmatic waiver to the deadline requirements for the Final Proposal Tribal consent submission, and identified 32 states where the Tribal consent requirement applies.
 - a. Of the unserved and underserved locations within Tribal boundaries with Tribal consent, how many had a pending TBCP award or application?
 - b. What is the status of those TBCP awards or applications?

Thank you for your prompt attention to these questions. We look forward to your responses and to scheduling a staff briefing within two weeks of your reply to Jennifer Romero (jennifer_romero@indian.senate.gov) and Phil Murphy (phil_murphy@commerce.senate.gov).

Sincerely,

¹ Nat'l Telecomm. & Info. Admin., U.S. Dep't of Com., *Broadband Equity, Access, and Deployment (BEAD) Program: BEAD Restructuring Policy Notice* (June 6, 2025), <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>.

² Nat'l Telecomm. & Info. Admin., U.S. Dep't of Com., *Programmatic Waiver of Tribal Consent Deadline* (Aug. 26, 2025), https://broadbandusa.ntia.gov/sites/default/files/2025-08/Programmatic_Waiver_of_Tribal_Consent_Deadline.pdf.



Brian Schatz
United States Senator
Vice Chairman, Committee
on Indian Affairs



Maria Cantwell
United States Senator
Ranking Member, Committee
on Commerce, Science, and
Transportation