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108TH CONGRESS
2D SESSION

S. 2382

[Report No. 108-335]

To establish grant programs for the development of telecommunications capacities in Indian country.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2004

Mr. INOUE (for himself, Mr. CAMPBELL, Mrs. MURRAY, and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

SEPTEMBER 7, 2004

Reported by Mr. CAMPBELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish grant programs for the development of telecommunications capacities in Indian country.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native American
5 ~~Connectivity Act~~”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1)(A) disparities exist in the areas of edu-
4 cation, health care, workforce training, commerce,
5 and economic activity of Indians due to the rural na-
6 ture of most Indian reservations; and

7 (B) access to basic and advanced telecommuni-
8 cations infrastructure is critical in eliminating those
9 disparities;

10 (2) currently, only 67.9 percent of Indian
11 homes have telephone service, compared with the na-
12 tional average of 95.1 percent;

13 (3) the telephone service penetration rate on
14 some reservations is as low as 39 percent;

15 (4) even on reservations and trust land, non-In-
16 dian homes are more likely to have telephone service
17 than Indian homes;

18 (5) only 10 percent of Indian households on
19 tribal land have Internet access;

20 (6) only 17 percent of Indian tribes have devel-
21 oped comprehensive technology plans;

22 (7) training and technical assistance have been
23 identified as the most significant needs for the devel-
24 opment and effective use of telecommunications and
25 information technology in Indian country;

1 (8) funding for telecommunications and infor-
2 mation technology projects in Indian country re-
3 mains inadequate to address the needs of Indian
4 communities;

5 (9) many Indian tribes are located on or adja-
6 cent to Indian land in which unemployment rates ex-
7 ceed 50 percent;

8 (10) the lack of telecommunications infrastruc-
9 ture and low telephone and Internet penetration
10 rates adversely affects the ability of Indian tribes to
11 pursue economic development opportunities; and

12 (11) health care, disease prevention education,
13 and cultural preservation are greatly enhanced with
14 access to and use of telecommunications technology
15 and electronic information.

16 **SEC. 3. PURPOSES.**

17 The purposes of this Act are—

18 (1) to promote affordable and universal access
19 among Indian tribal governments, tribal entities, and
20 Indian households to telecommunications and infor-
21 mation technology in Indian country;

22 (2) to encourage and promote tribal economic
23 development, self-sufficiency, and strong tribal gov-
24 ernments;

1 (3) to enhance the health of Indian tribal mem-
2 bers through the availability and use of telemedicine
3 and telehealth; and

4 (4) to assist in the retention and preservation
5 of native languages and cultural traditions.

6 **SEC. 4. DEFINITIONS.**

7 In this Act:

8 (1) **BLOCK GRANT.**—The term “block grant”
9 means a grant provided under section 5.

10 (2) **ELIGIBLE ACTIVITY.**—The term “eligible
11 activity” means an activity carried out—

12 (A) to acquire or lease real property (in-
13 cluding licensed spectrum, water rights, dark
14 fiber, exchanges, and other related interests) to
15 provide telecommunications services, facilities,
16 and improvements;

17 (B) to acquire, construct, reconstruct, or
18 install telecommunications facilities, sites, or
19 improvements (including design features), or
20 utilities;

21 (C) to retain any real property acquired
22 under this Act for tribal communications pur-
23 poses;

1 ~~(D)~~ to pay the non-Federal share required
2 by a Federal grant program undertaken as part
3 of activities funded under this Act;

4 ~~(E)~~ to carry out activities necessary—

5 (i) to develop a comprehensive tele-
6 communications development plan; and

7 (ii) to develop a policy, planning, and
8 management capacity so that an eligible
9 entity may more rationally and effec-
10 tively—

11 (I) determine the needs of the
12 entity;

13 (II) set long term and short term
14 goals;

15 (III) devise programs and activi-
16 ties to meet the goals of the entity, in-
17 cluding, if appropriate, telehealth;

18 (IV) evaluate the progress of the
19 programs and activities in meeting the
20 goals; and

21 (V) carry out management, co-
22 ordination, and monitoring of activi-
23 ties necessary for effective planning
24 implementation;

1 (F) to pay reasonable administrative costs
2 and carrying charges relating to the planning
3 and execution of telecommunications develop-
4 ment activities, including the provision of infor-
5 mation and resources about the planning and
6 execution of the activities to residents of areas
7 in which telecommunications development ac-
8 tivities are to be concentrated;

9 (G) to increase the capacity of an eligible
10 entity to carry out telecommunications activi-
11 ties;

12 (H) to provide assistance to institutions of
13 higher education that have a demonstrated ca-
14 pacity to carry out eligible activities;

15 (I) to enable an eligible entity to facilitate
16 telecommunications development by—

17 (i) providing technical assistance, ad-
18 vice, and business support services (includ-
19 ing services for developing business plans,
20 securing funding, and conducting mar-
21 keting); and

22 (ii) providing general support (includ-
23 ing peer support programs and mentoring
24 programs) to Indian tribes in developing
25 telecommunications projects;

1 (J) to evaluate eligible activities to ascer-
 2 tain and promote effective telecommunications
 3 and information technology deployment prac-
 4 tices and usages among Indian tribes; or

5 (K) to provide research, analysis, data col-
 6 lection, data organization, and dissemination of
 7 information relevant to telecommunications and
 8 information technology in Indian country for
 9 the purpose of promoting effective telecommuni-
 10 cations and information technology deployment
 11 practices and usages among tribes.

12 (3) ELIGIBLE ENTITY.—The term “eligible enti-
 13 ty” means—

14 (A) an Indian tribe;

15 (B) an Indian organization;

16 (C) a tribal college or university;

17 (D) an intertribal organization; or

18 (E) a private or public institution of higher
 19 education acting jointly with an Indian tribe.

20 (4) INDIAN TRIBE.—The term “Indian tribe”
 21 has the meaning given the term in section 4 of the
 22 Indian Self-Determination and Education Assistance
 23 Act (25 U.S.C. 450b).

24 (5) SECRETARY.—The term “Secretary” means
 25 the Secretary of Commerce.

1 (6) TECHNICAL ASSISTANCE.—The term “tech-
2 nical assistance” means the facilitation of skills and
3 knowledge in planning, developing, assessing, and
4 administering eligible activities.

5 (7) TRAINING AND TECHNICAL ASSISTANCE
6 GRANT.—The term “training and technical assist-
7 ance grant” means a grant provided under section
8 6.

9 (8) TRIBAL COLLEGE OR UNIVERSITY.—The
10 term “tribal college or university” has the meaning
11 given the term “tribally controlled college or univer-
12 sity” in section 2 of the Tribally Controlled Commu-
13 nity College Assistance Act of 1978 (25 U.S.C.
14 1801), except that the term also includes an institu-
15 tion listed in the Equity in Educational Land-Grant
16 Status Act of 1994 (7 U.S.C. 301 note).

17 (9) TELEHEALTH.—The term “telehealth”
18 means the use of electronic information and tele-
19 communications technologies to support long-dis-
20 tance clinical health care, patient and professional
21 health-related education, public health, and health
22 administration.

23 **SEC. 5. BLOCK GRANT PROGRAM.**

24 (a) ESTABLISHMENT.—There is established within
25 the National Telecommunications and Information Ad-

1 ministration a Native American telecommunications block
2 grant program to provide grants on a competitive basis
3 to eligible entities to carry out eligible activities under sub-
4 section (c).

5 (b) BLOCK GRANTS.—The Secretary may provide a
6 block grant to an eligible entity that submits a block grant
7 application to the Secretary for approval.

8 (c) ELIGIBLE ACTIVITIES.—A grant under this sec-
9 tion may only be used for an eligible activity.

10 (d) REGULATIONS.—Not later than 180 days after
11 the date of enactment of this Act, the Secretary shall pro-
12 mulgate regulations establishing specific criteria for the
13 competition conducted to select eligible entities to receive
14 grants under this section for each fiscal year.

15 **SEC. 6. TRAINING AND TECHNICAL ASSISTANCE GRANTS.**

16 (a) NOTIFICATION AND CRITERIA.—The Secretary—

17 (1) shall provide notice of the availability of
18 training and technical assistance grants; and

19 (2) publish criteria for selecting recipients.

20 (b) GRANTS.—The Secretary may provide training
21 and technical assistance grants to eligible entities with a
22 demonstrated capacity to carry out eligible activities.

23 (c) USE OF FUNDS.—A training and technical assist-
24 ance grant shall be used—

1 (1) to develop a training program for tele-
2 communications employees; or

3 (2) to provide assistance to students who—

4 (A) participate in telecommunications or
5 information technology work study programs;
6 and

7 (B) are enrolled in a full-time graduate or
8 undergraduate program in telecommunications-
9 related education, development, planning, or
10 management.

11 (d) SETASIDE.—

12 (1) IN GENERAL.—For each fiscal year, the
13 Secretary shall set aside \$2,000,000 of the amount
14 made available under section 12 for training and
15 technical assistance grants, to remain available until
16 expended.

17 (2) TREATMENT.—A training and technical as-
18 sistance grant to an entity shall be in addition to
19 any block grant provided to the entity.

20 (e) PROVISION OF TECHNICAL ASSISTANCE BY THE
21 SECRETARY.—The Secretary may provide technical assist-
22 ance, directly or through contracts, to—

23 (1) tribal governments; and

24 (2) persons or entities that assist tribal govern-
25 ments.

1 **SEC. 7. COMPLIANCE.**

2 (a) **AUDIT BY THE COMPTROLLER GENERAL.—**

3 (1) **IN GENERAL.—**The Comptroller General of
4 the United States may audit any financial trans-
5 action involving grant funds that is carried out by
6 a block grant recipient or training and technical as-
7 sistance grant recipient.

8 (2) **SCOPE OF AUTHORITY.—**In conducting an
9 audit under paragraph (1), the Comptroller General
10 shall have access to all books, accounts, records, re-
11 ports, files, and other papers, things, or property be-
12 longing to or in use by the grant recipient that re-
13 late to the financial transaction and are necessary to
14 facilitate the audit.

15 (3) **REGULATIONS.—**The Comptroller General
16 shall promulgate regulations to carry out this sub-
17 section.

18 (b) **ENVIRONMENTAL PROTECTION.—**

19 (1) **IN GENERAL.—**After consultation with In-
20 dian tribes, the Secretary may promulgate regula-
21 tions to carry out this subsection that—

22 (A) ensure that the policies of the National
23 Environmental Policy Act of 1969 (42 U.S.C.
24 4321 et seq.), and other laws that further the
25 purposes of that Act (as specified by the regula-
26 tions), are most effectively implemented in con-

1 nection with the expenditure of funds under
2 this Act; and

3 (B) assure the public of undiminished pro-
4 tection of the environment.

5 (2) ~~SUBSTITUTE MEASURES.~~—Subject to para-
6 graph (3), the Secretary may provide for the release
7 of funds under this Act for eligible activities to grant
8 recipients that assume all of the responsibilities for
9 environmental review, decisionmaking, and related
10 action under the National Environmental Policy Act
11 of 1969 (42 U.S.C. 4321 et seq.); and other laws
12 that further the purposes of that Act (as specified
13 by the regulations promulgated under paragraph
14 (1)); that would apply to the Secretary if the Sec-
15 retary carried out the eligible activities as Federal
16 projects.

17 (3) ~~RELEASE.~~—

18 (A) ~~IN GENERAL.~~—The Secretary shall ap-
19 prove the release of funds under paragraph (2)
20 only if, at least 15 days prior to approval, the
21 grant recipient submits to the Secretary a re-
22 quest for release accompanied by a certification
23 that meets the requirements of paragraph (4).

24 (B) ~~APPROVAL.~~—The approval by the Sec-
25 retary of a certification shall be deemed to sat-

1 isfy the responsibilities of the Secretary under
2 the National Environmental Policy Act of 1969
3 (42 U.S.C. 4321 et seq.) and the laws specified
4 by the regulations promulgated under para-
5 graph (1), to the extent that those responsibil-
6 ities relate to the release of funds for projects
7 described in the certification.

8 (4) CERTIFICATION.—A certification shall—

9 (A) be in a form acceptable to the Sec-
10 retary;

11 (B) be executed by the tribal government;

12 (C) specify that the grant recipient has
13 fully assumed the responsibilities described in
14 paragraph (2); and

15 (D) specify that the tribal officer—

16 (i) assumes the status of a responsible
17 Federal official under the National Envi-
18 ronmental Policy Act of 1969 (42 U.S.C.
19 4321 et seq.) and each law specified by the
20 regulations promulgated under paragraph
21 (1), to the extent that the provisions of
22 that Act or law apply; and

23 (ii) is authorized to consent, and con-
24 sents, on behalf of the grant recipient and
25 on behalf of the tribal officer to accept the

1 jurisdiction of the Federal courts for en-
2 forcement of the responsibilities of the
3 tribal officer as a responsible Federal offi-
4 cial.

5 **SEC. 8. REMEDIES FOR NONCOMPLIANCE.**

6 (a) ~~FAILURE TO COMPLY.~~—If the Secretary finds, on
7 the record after opportunity for an agency hearing, that
8 a block grant recipient or training and technical assistance
9 grant recipient has failed to comply substantially with any
10 provision of this Act, the Secretary, until satisfied that
11 there is no longer a failure to comply, shall—

12 (1) terminate payments to the grant recipient;

13 (2) reduce payments to the grant recipient by
14 an amount equal to the amount of payments that
15 were not expended in accordance with this Act;

16 (3) limit the availability of payments under this
17 Act to programs, projects, or activities not affected
18 by the failure to comply; or

19 (4) refer the matter to the Attorney General
20 with a recommendation that the Attorney General
21 bring an appropriate civil action.

22 (b) ~~ACTION BY THE ATTORNEY GENERAL.~~—After a
23 referral by the Secretary under subsection (a)(4), the At-
24 torney General may bring a civil action in United States
25 district court for appropriate relief (including mandatory

1 relief, injunctive relief, and recovery of the amount of the
2 assistance provided under this Act that was not expended
3 in accordance with this Act).

4 **SEC. 9. REPORTING REQUIREMENTS.**

5 (a) ANNUAL REPORT TO CONGRESS.—Not later than
6 180 days after the end of each fiscal year in which assist-
7 ance under this Act is provided, the Secretary shall submit
8 to Congress a report that includes—

9 (1) a description of the progress made in ac-
10 complishing the objectives of this Act;

11 (2) a summary of the use of funds under this
12 Act during the preceding fiscal year; and

13 (3) an evaluation of the status of telephone,
14 Internet, and personal computer penetration rates,
15 by type of technology, among Indian households
16 throughout Indian country on a tribe-by-tribe basis.

17 (b) REPORTS TO SECRETARY.—The Secretary may
18 require grant recipients under this Act to submit reports
19 and other information necessary for the Secretary to pre-
20 pare the report under subsection (a).

21 **SEC. 10. CONSULTATION.**

22 In carrying out this Act, the Secretary shall consult
23 with other Federal agencies administering Federal grant
24 programs.

1 **SEC. 11. HISTORIC PRESERVATION REQUIREMENTS.**

2 A telecommunications project funded under this Act
3 shall comply with the National Historic Preservation Act
4 (16 U.S.C. 470 et seq.).

5 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) ~~IN GENERAL.~~—There are authorized to be appro-
7 priated to carry out this Act—

8 (1) ~~\$20,000,000 for fiscal year 2005; and~~

9 (2) such sums as are necessary for each subse-
10 quent fiscal year.

11 (b) ~~AVAILABILITY.~~—Funds made available under
12 subsection (a) shall remain available until expended.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Native American*
15 *Connectivity Act”.*

16 **SEC. 2. FINDINGS.**

17 *Congress finds that—*

18 (1)(A) *disparities exist in the areas of education,*
19 *health care, workforce training, commerce, and eco-*
20 *nomie activity of Indians due to the rural nature of*
21 *most Indian reservations; and*

22 (B) *access to basic and advanced telecommuni-*
23 *cations infrastructure is critical in eliminating those*
24 *disparities;*

1 (2) currently, only 67.9 percent of Indian homes
2 have telephone service, compared with the national
3 average of 95.1 percent;

4 (3) the telephone service penetration rate on
5 some reservations is as low as 39 percent;

6 (4) even on reservations and trust land, non-Indian
7 homes are more likely to have telephone service
8 than Indian homes;

9 (5) only 10 percent of Indian households on tribal
10 land have Internet access;

11 (6) only 17 percent of Indian tribes have developed
12 comprehensive technology plans;

13 (7) training and technical assistance have been
14 identified as the most significant needs for the development
15 and effective use of telecommunications and
16 information technology in Indian country;

17 (8) funding for telecommunications and information
18 technology projects in Indian country remains
19 inadequate to address the needs of Indian communities;
20

21 (9) many Indian tribes are located on or adjacent
22 to Indian land in which unemployment rates exceed
23 50 percent;

24 (10) the lack of telecommunications infrastructure
25 and low telephone and Internet penetration rates

1 *adversely affects the ability of Indian tribes to pursue*
2 *economic development opportunities; and*

3 *(11) primary, secondary, and postsecondary edu-*
4 *cation, job training, health care, disease prevention*
5 *education, and cultural preservation are greatly en-*
6 *hanced with access to and use of telecommunications*
7 *technology and electronic information.*

8 **SEC. 3. PURPOSES.**

9 *The purposes of this Act are—*

10 *(1) to promote affordable and universal access*
11 *among Indian tribal governments, tribal entities, res-*
12 *ervation-based schools, tribal colleges and universities,*
13 *and Indian households to telecommunications and in-*
14 *formation technology in Indian country;*

15 *(2) to encourage and promote tribal economic de-*
16 *velopment, self-sufficiency, and strong tribal govern-*
17 *ments;*

18 *(3) to enhance the health of Indian tribal mem-*
19 *bers through the availability and use of telemedicine*
20 *and telehealth;*

21 *(4) to improve the quality of kindergarten, pri-*
22 *mary, secondary, postsecondary, and job-related*
23 *training, through enhanced and sustained informa-*
24 *tion technology infrastructure; and*

1 (5) *to assist in the retention and preservation of*
 2 *native languages and cultural traditions.*

3 **SEC. 4. DEFINITIONS.**

4 *In this Act:*

5 (1) *BLOCK GRANT.*—*The term “block grant”*
 6 *means a grant provided under section 5.*

7 (2) *ELIGIBLE ACTIVITY.*—*The term “eligible ac-*
 8 *tivity” means an activity carried out—*

9 (A) *to acquire or lease real property (in-*
 10 *cluding licensed spectrum, water rights, dark*
 11 *fiber, exchanges, and other related interests) to*
 12 *provide telecommunications services, facilities,*
 13 *and improvements;*

14 (B) *to acquire, construct, reconstruct, or in-*
 15 *stall telecommunications facilities, sites, or im-*
 16 *provements (including design features), or utili-*
 17 *ties;*

18 (C) *to retain any real property acquired*
 19 *under this Act for tribal communications pur-*
 20 *poses;*

21 (D) *to pay the non-Federal share required*
 22 *by a Federal grant program undertaken as part*
 23 *of activities funded under this Act;*

24 (E) *to carry out activities necessary—*

1 (i) to develop a comprehensive tele-
2 communications development plan; and

3 (ii) to develop a policy, planning, and
4 management capacity so that an eligible en-
5 tity may more rationally and effectively—

6 (I) determine the needs of the en-
7 tity;

8 (II) set long term and short term
9 goals;

10 (III) devise programs and activi-
11 ties to meet the goals of the entity, in-
12 cluding, if appropriate, telehealth;

13 (IV) evaluate the progress of the
14 programs and activities in meeting the
15 goals; and

16 (V) carry out management, co-
17 ordination, and monitoring of activi-
18 ties necessary for effective planning
19 implementation;

20 (F) to pay reasonable administrative costs
21 and carrying charges relating to the planning
22 and execution of telecommunications develop-
23 ment activities, including the provision of infor-
24 mation and resources about the planning and
25 execution of the activities to residents of areas in

1 *which telecommunications development activities*
2 *are to be concentrated;*

3 (G) *to increase the capacity of an eligible*
4 *entity to carry out telecommunications activities,*
5 *including the development of telecommunications*
6 *regulations and related regulatory matters;*

7 (H) *to provide assistance to institutions of*
8 *higher education (including tribal colleges and*
9 *universities) that have a demonstrated capacity*
10 *to carry out eligible activities;*

11 (I) *to enable an eligible entity to facilitate*
12 *telecommunications development by—*

13 (i) *providing technical assistance, ad-*
14 *vice, and business support services (includ-*
15 *ing services for developing business plans,*
16 *securing funding, and conducting mar-*
17 *keting); and*

18 (ii) *providing general support (includ-*
19 *ing peer support programs and mentoring*
20 *programs) to Indian tribes in developing*
21 *telecommunications projects;*

22 (J) *to evaluate eligible activities to ascer-*
23 *tain and promote effective telecommunications*
24 *and information technology deployment practices*
25 *and usages among Indian tribes; or*

1 (K) to provide research, analysis, data col-
 2 lection, data organization, and dissemination of
 3 information relevant to telecommunications and
 4 information technology in Indian country for the
 5 purpose of promoting effective telecommuni-
 6 cations and information technology deployment
 7 practices and usages among tribes.

8 (3) *ELIGIBLE ENTITY*.—The term “eligible enti-
 9 ty” means—

10 (A) an Indian tribe or consortium of In-
 11 dian tribes;

12 (B) a tribally chartered organization; or

13 (C) an Indian organization, intertribal or-
 14 ganization, tribal college or university, or a pri-
 15 vate or public institution of higher education
 16 acting under an agreement with an Indian tribe.

17 (4) *INDIAN TRIBE*.—The term “Indian tribe” has
 18 the meaning given the term in section 4 of the Indian
 19 Self-Determination and Education Assistance Act (25
 20 U.S.C. 450b).

21 (5) *INFORMATION TECHNOLOGY*.—

22 (A) *IN GENERAL*.—The term “information
 23 technology” means any equipment or inter-
 24 connected system or subsystem of equipment that
 25 is used in the automatic acquisition, storage,

1 *analysis, evaluation, manipulation, manage-*
2 *ment, movement, control, display, switching,*
3 *interchange, transmission, or reception of data*
4 *or information.*

5 (B) *INCLUSIONS.*—*The term “information*
6 *technology” includes computers, ancillary equip-*
7 *ment (including imaging peripherals, input, out-*
8 *put, and storage devices necessary for security*
9 *and surveillance), peripheral equipment designed*
10 *to be controlled by the central processing unit of*
11 *a computer, software, firmware and similar pro-*
12 *cedures, services (including support services),*
13 *and related resources.*

14 (6) *PLANNING.*—*The term “planning” means*
15 *community-based planning developed in consultation*
16 *with the local community based on the needs of the*
17 *local community.*

18 (7) *SECRETARY.*—*The term “Secretary” means*
19 *the Secretary of Commerce.*

20 (8) *TECHNICAL ASSISTANCE.*—*The term “tech-*
21 *nical assistance” means the facilitation of skills and*
22 *knowledge in planning, developing, assessing, and ad-*
23 *ministering eligible activities.*

1 (9) *TRAINING AND TECHNICAL ASSISTANCE*
2 *GRANT.*—*The term “training and technical assistance*
3 *grant” means a grant provided under section 6.*

4 (10) *TRIBAL COLLEGE OR UNIVERSITY.*—*The*
5 *term “tribal college or university” has the meaning*
6 *given the term “tribally controlled college or univer-*
7 *sity” in section 2 of the Tribally Controlled Commu-*
8 *nity College Assistance Act of 1978 (25 U.S.C. 1801),*
9 *except that the term also includes an institution listed*
10 *in the Equity in Educational Land-Grant Status Act*
11 *of 1994 (7 U.S.C. 301 note).*

12 (11) *TELEHEALTH.*—*The term “telehealth”*
13 *means the use of electronic information and tele-*
14 *communications technologies to support long-distance*
15 *clinical health care, patient and professional health-*
16 *related education, public health, and health adminis-*
17 *tration.*

18 **SEC. 5. BLOCK GRANT PROGRAM.**

19 (a) *ESTABLISHMENT.*—*There is established within the*
20 *National Telecommunications and Information Adminis-*
21 *tration a Native American telecommunications block grant*
22 *program to provide grants on a competitive basis to eligible*
23 *entities to carry out eligible activities under subsection (c).*

1 (b) *BLOCK GRANTS.*—*The Secretary may provide a*
2 *block grant to an eligible entity that submits a block grant*
3 *application to the Secretary for approval.*

4 (c) *ELIGIBLE ACTIVITIES.*—*A grant under this section*
5 *may only be used for an eligible activity.*

6 (d) *REGULATIONS.*—*Not later than 180 days after the*
7 *date of enactment of this Act, the Secretary shall promul-*
8 *gate regulations establishing specific criteria for the com-*
9 *petition conducted to select eligible entities to receive grants*
10 *under this section for each fiscal year.*

11 **SEC. 6. TRAINING AND TECHNICAL ASSISTANCE GRANTS.**

12 (a) *NOTIFICATION AND CRITERIA.*—*The Secretary—*

13 (1) *shall provide notice of the availability of*
14 *training and technical assistance grants; and*

15 (2) *publish criteria for selecting recipients.*

16 (b) *GRANTS.*—*The Secretary may provide training*
17 *and technical assistance grants to eligible entities with a*
18 *demonstrated capacity to carry out eligible activities.*

19 (c) *USE OF FUNDS.*—*A training and technical assist-*
20 *ance grant shall be used—*

21 (1) *to develop a training program to facilitate*
22 *local use and maintenance of new telecommunications*
23 *technologies;*

24 (2) *to develop and implement—*

1 (A) *telecommunications and information*
2 *technology work study programs; and*

3 (B) *postsecondary telecommunications and*
4 *information technology-related education, devel-*
5 *opment, planning, and management programs;*

6 (3) *to develop a training program for tele-*
7 *communications employees; or*

8 (4) *to provide assistance to students who—*

9 (A) *participate in telecommunications or*
10 *information technology work study programs;*
11 *and*

12 (B) *are enrolled in a full-time graduate or*
13 *undergraduate program in telecommunications-*
14 *related education, development, planning, or*
15 *management.*

16 (d) *SETASIDE.—*

17 (1) *IN GENERAL.—For each fiscal year, the Sec-*
18 *retary shall set aside 10 percent of the amount made*
19 *available under section 12 for training and technical*
20 *assistance grants, to remain available until expended.*

21 (2) *TREATMENT.—A training and technical as-*
22 *istance grant to an entity shall be in addition to any*
23 *block grant provided to the entity.*

1 (e) *PROVISION OF TECHNICAL ASSISTANCE BY THE*
2 *SECRETARY.*—*The Secretary may provide technical assist-*
3 *ance, directly or through contracts, to—*

4 (1) *eligible entities; and*

5 (2) *persons or entities that assist tribal govern-*
6 *ments.*

7 **SEC. 7. COMPLIANCE.**

8 (a) *AUDIT BY THE COMPTROLLER GENERAL.*—

9 (1) *IN GENERAL.*—*The Comptroller General of*
10 *the United States may audit any financial trans-*
11 *action involving grant funds that is carried out by a*
12 *block grant recipient or training and technical assist-*
13 *ance grant recipient.*

14 (2) *SCOPE OF AUTHORITY.*—*In conducting an*
15 *audit under paragraph (1), the Comptroller General*
16 *shall have access to all books, accounts, records, re-*
17 *ports, files, and other papers, things, or property be-*
18 *longing to or in use by the grant recipient that relate*
19 *to the financial transaction and are necessary to fa-*
20 *cilitate the audit.*

21 (b) *ENVIRONMENTAL PROTECTION.*—

22 (1) *IN GENERAL.*—*After consultation with In-*
23 *Indian tribes, the Secretary may promulgate regulations*
24 *to carry out this subsection that—*

1 (A) ensure that the policies of the National
2 *Environmental Policy Act of 1969 (42 U.S.C.*
3 *4321 et seq.)*, and other laws that further the
4 purposes of that Act (as specified by the regula-
5 tions), are most effectively implemented in con-
6 nection with the expenditure of funds under this
7 Act; and

8 (B) assure the public of undiminished pro-
9 tection of the environment.

10 (2) *SUBSTITUTE MEASURES.*—Subject to para-
11 graph (3), the Secretary may provide for the release
12 of funds under this Act for eligible activities to grant
13 recipients that assume all of the responsibilities for
14 environmental review, decisionmaking, and related
15 action under the *National Environmental Policy Act*
16 of 1969 (42 U.S.C. 4321 et seq.), and other laws that
17 further the purposes of that Act (as specified by the
18 regulations promulgated under paragraph (1)), that
19 would apply to the Secretary if the Secretary carried
20 out the eligible activities as Federal projects.

21 (3) *RELEASE.*—

22 (A) *IN GENERAL.*—The Secretary shall ap-
23 prove the release of funds under paragraph (2)
24 only if, at least 15 days prior to approval, the
25 grant recipient submits to the Secretary a re-

1 *quest for release accompanied by a certification*
2 *that meets the requirements of paragraph (4).*

3 *(B) APPROVAL.—The approval by the Sec-*
4 *retary of a certification shall be deemed to sat-*
5 *isfy the responsibilities of the Secretary under*
6 *the National Environmental Policy Act of 1969*
7 *(42 U.S.C. 4321 et seq.) and the laws specified*
8 *by the regulations promulgated under paragraph*
9 *(1), to the extent that those responsibilities relate*
10 *to the release of funds for projects described in*
11 *the certification.*

12 *(4) CERTIFICATION.—A certification shall—*

13 *(A) be in a form acceptable to the Secretary;*

14 *(B) be executed by the tribal government;*

15 *(C) specify that the grant recipient has*
16 *fully assumed the responsibilities described in*
17 *paragraph (2); and*

18 *(D) specify that the tribal officer—*

19 *(i) assumes the status of a responsible*
20 *Federal official under the National Envi-*
21 *ronmental Policy Act of 1969 (42 U.S.C.*
22 *4321 et seq.) and each law specified by the*
23 *regulations promulgated under paragraph*
24 *(1), to the extent that the provisions of that*
25 *Act or law apply; and*

1 (ii) is authorized to consent, and con-
2 sents, on behalf of the grant recipient and
3 on behalf of the tribal officer to accept the
4 jurisdiction of the Federal courts for en-
5 forcement of the responsibilities of the tribal
6 officer as a responsible Federal official.

7 **SEC. 8. REMEDIES FOR NONCOMPLIANCE.**

8 (a) *FAILURE TO COMPLY.*—If the Secretary finds, on
9 the record after opportunity for an agency hearing, that
10 a block grant recipient or training and technical assistance
11 grant recipient has failed to comply substantially with any
12 provision of this Act, the Secretary, until satisfied that
13 there is no longer a failure to comply, shall—

- 14 (1) terminate payments to the grant recipient;
15 (2) reduce payments to the grant recipient by an
16 amount equal to the amount of payments that were
17 not expended in accordance with this Act;
18 (3) limit the availability of payments under this
19 Act to programs, projects, or activities not affected by
20 the failure to comply; or
21 (4) refer the matter to the Attorney General with
22 a recommendation that the Attorney General bring an
23 appropriate civil action.

24 (b) *ACTION BY THE ATTORNEY GENERAL.*—After a re-
25 ferral by the Secretary under subsection (a)(4), the Attorney

1 *General may bring a civil action in United States district*
2 *court for appropriate relief (including mandatory relief, in-*
3 *junctionive relief, and recovery of the amount of the assistance*
4 *provided under this Act that was not expended in accord-*
5 *ance with this Act).*

6 **SEC. 9. REPORTING REQUIREMENTS.**

7 (a) *ANNUAL REPORT TO CONGRESS.*—*Not later than*
8 *180 days after the end of each fiscal year in which assist-*
9 *ance under this Act is provided, the Secretary shall submit*
10 *to Congress a report that includes—*

11 (1) *a description of the progress made in accom-*
12 *plishing the objectives of this Act;*

13 (2) *a summary of the use of funds under this Act*
14 *during the preceding fiscal year; and*

15 (3) *an evaluation of the status of telephone,*
16 *Internet, and personal computer penetration rates, by*
17 *type of technology, among Indian households through-*
18 *out Indian country on a tribe-by-tribe basis.*

19 (b) *REPORTS TO SECRETARY.*—*The Secretary may re-*
20 *quire grant recipients under this Act to submit reports and*
21 *other information necessary for the Secretary to prepare the*
22 *report under subsection (a).*

23 **SEC. 10. CONSULTATION.**

24 *In carrying out this Act, the Secretary shall consult*
25 *with—*

1 (1) *other Federal agencies administering Federal*
2 *grant programs relating to the development of tele-*
3 *communications capacities or infrastructure; and*

4 (2) *the Government Accountability Office and*
5 *Indian tribes to determine the proportion of grant*
6 *funds necessary to address training and technical as-*
7 *sistance and eligible activity needs.*

8 **SEC. 11. HISTORIC PRESERVATION REQUIREMENTS.**

9 *A telecommunications project funded under this Act*
10 *shall comply with the National Historic Preservation Act*
11 *(16 U.S.C. 470 et seq.) and the Native American Graves*
12 *Protection and Repatriation Act (25 U.S.C. 3001 et seq.).*

13 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) *IN GENERAL.*—*There are authorized to be appro-*
15 *priated to carry out this Act—*

16 (1) *\$20,000,000 for fiscal year 2005; and*

17 (2) *such sums as are necessary for each subse-*
18 *quent fiscal year.*

19 (b) *AVAILABILITY.*—*Funds made available under sub-*
20 *section (a) shall remain available until expended.*

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[Report No. 108-335]

A BILL

To establish grant programs for the development of telecommunications capacities in Indian country.

SEPTEMBER 7, 2004

Reported with an amendment