



Affiliated Tribes of Northwest Indians

Dedicated to Promoting Tribal Self Determination & Sovereignty

February 11, 2021

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RE: Affiliated Tribes of Northwest Indians Comments on Tribal Broadband Connectivity Program

Dear Assistant Secretary Remaley:

The Affiliated Tribes of Northwest Indians (ATNI), a regional organization representing nearly fifty tribal nations across the Pacific Northwest, offers the following comments regarding the administration and implementation of the Tribal Broadband Connectivity Program (TBCP) by the National Telecommunications & Information Administration (NTIA) under the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 ("Act").

ATNI applauds the historic inclusion of the TBCP in H.R. 133. The effects of the digital divide have become more urgent as the COVID-19 pandemic has driven more activities online, putting tribal communities at distinct health, educational, and economic disadvantages.

ELIGIBLE ENTITIES

Section 905(a)(8) expressly provides that the following entities are eligible for this funding: (1) tribal governments; (2) tribal colleges and universities; (3) the Department of Hawaiian Homelands on behalf of the Native Hawaiian Community, including Native Hawaiian education programs; (4) tribal organizations; (5) native corporations as defined under Section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

To that end, ATNI advises that Tribal resolutions from Tribes listed on the Federally Recognized Indian Tribes List Act of 1994 should be required for all applications purporting to serve tribal lands.

EQUITABLE DISTRIBUTION

NTIA has requested that Tribes provide input regarding the "best method for achieving an equitable distribution." ATNI recognizes the unique and important needs of Tribal Nations, and recommends that NTIA consider the following points in the determination of an equitable distribution methodology, especially as it relates to the total number of unserved households which will benefit from a given project. ATNI urges NTIA to consider the unique character of these projects when implementing the Act and for equitable distribution determinations related to infrastructure development should primarily be driven by the overall effects of the proposed project and related factors aimed to reduce disparities and the distinct health, educational, and economic disadvantages inherent in under resourced infrastructure of tribal communities.

Duplication - the definition of "duplication" of other Federal funding should be very very narrow. Recommendation definition is determined as eligible entities rather than area.

2.5 GHz licenses - should not be used as a prior condition or be given some sort of priority weighting in applications.

ELIGIBLE PROJECTS/PROGRAMS

a. Providing free or reduced-cost broadband service. No other carrier is asked to provide long term free or reduced-cost broadband connectivity. If NTIA will be requesting such a commitment from Tribes, a time limit should be established such as 12 months the same amount of time given to deploy said network.

b. Preventing disconnection of existing broadband service

If the requirement of the funding application requires Tribes to prevent disconnection of broadband service, NTIA will need to work with the Enforcement Bureau to ensure all carriers are held to this standard. Tribes should not be required to operate above and beyond commercial carriers.

c. Distance learning

Tribes have had to adapt reservation service delivery options and in some cases are spending higher than standard commercial rates for broadband for students. Applicants should be allowed to provide documentation of actual connection costs as part of their application to justify why they need to build their networks over a previously federal funded project.

d. Telehealth

Many IHS clinics and systems are lacking in telemedicine equipment, software and procedures. Tribes should be allowed to expand these services in conjunction with the clinics and apply for the necessary funding to adopt new technologies, methodologies.

e. Digital inclusion efforts

Tribes have lacked the broadband and devices to connect and are in some cases behind in understanding how to use modern technology. Efforts to train Tribal members and homes should be allowed as part of the granting application. Technical training for support of the network should also be considered.

f. Broadband adoption activities

Tribes will have ample opportunity to demonstrate how a Tribally deployed network is more feasible and culturally appropriate for their membership. Tribes should be given the opportunity to build in areas where federal funding was awarded for projects to give the Tribal membership choice in provider.

ATNI appreciates your consideration of these comments.

Sincerely,



Leonard Forsman
ATNI Executive Board President

About the Affiliated Tribes of Northwest Indians

In 1953 farsighted tribal leaders in the Northwest formed the Affiliated Tribes of Northwest Indians, and dedicated it to tribal sovereignty and self-determination. Today, ATNI is a nonprofit organization representing nearly 50 Northwest tribal governments from Oregon, Idaho, Washington, Alaska, California, and Montana. ATNI is an organization whose foundation is composed of the people it is meant to serve — the Indian peoples. Through its conferences, forums, networks and alliances, it is the intent of ATNI to represent and advocate for the interests of its member Tribes to national Indian and non-Indian organizations and governments.