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Office of the Chief

Chuck Hoskin Jr.
Principal Chief

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February 10, 2021

Douglas W. Kinkoph
Associate Administrator, Office of Telecommunications and Information Applications
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Ave.
NW Washington, DC 20230

RE: Comments on the Tribal Broadband Grant Program

Dear Associate Administrator Kinkoph:

On behalf of the Cherokee Nation, I am writing to express input on the *Tribal Broadband Grant Program (TBGP)*. We appreciate the National Telecommunications and Information Administration taking the time to contemplate these important issues and for allowing tribes to provide meaningful input in designing this essential program.

Cherokee Nation, like most tribal nations, has been significantly impacted by the COVID-19 pandemic, and the need for affordable, reliable broadband has been amplified in many communities throughout our reservation. Cherokee Nation is the largest federally-recognized tribe in the United States with more than 385,000 citizens and a reservation spanning more than 7,000 square miles in northeast Oklahoma.

We strongly believe that *TBGP* applications should be authorized by a federally-recognized tribal government, as defined by the Federally Recognized Indian Tribe List Act of 1994, and only one application per tribal nation should be allowed. This will continue to honor the government-to-government relationships between the United States and the 574 federally recognized tribes throughout the country and respect their sovereign right to determine what is best for their tribal citizens and their respective reservations.

As it pertains specifically to the topics posed in the Dear Tribal Leader Letter and the consultation materials, we'd like to share input on five important topics noted by the NTIA.

Equitable Distribution

Cherokee Nation considers tribal citizenship population and land base important factors for any formula to meet the equitable distribution definition. While there can be other components of an equitable distribution formula, these two are critical to ensure the federal government isn't determining which tribal nation's needs are greater. Having this data-driven approach removes subjectivity and ensures all tribes have funding to meet, at the very least, some connectivity needs within their reservation.

While we acknowledge there are additional factors that could, and likely should, be considered as a component of equitable distribution (as examples: households, economic impact or digital inclusion), the needs of tribal nations vary. Our communities, economies, and costs are all likely to vary based on the geographic location of our land base.

To ensure all tribes have access to funding to support their broadband infrastructure needs, Cherokee Nation recommends developing a base formula that includes citizenship population and land base.

Broadly Interpret Allowable Uses and “Broadband Infrastructure”

Tribal nations are in varying positions when it comes to addressing the broadband needs throughout their respective reservations. Cherokee Nation received the Department of Interior’s Broadband Feasibility Study grant late last year to evaluate telecommunications infrastructure and conduct engineering studies throughout its most densely populated Cherokee communities. It’s important that tribes have the ability to complete these studies to make the best deployment decisions. As an example, our needs are not comparative to the needs of a tribe that is currently operating as its own Internet Service Provider.

The NTIA must broadly interpret the definition of “broadband infrastructure” and broadly develop guidelines for allowable use of the grant funding. Expansive, defined allowable uses will allow the TBGP to meet tribes where they are in terms of connectivity needs, and likely minimize the number of projects that are rushed, ultimately leading to more successful use of the funding and making major impacts on tribal nations and their citizens.

Expenditures Extension

The Cherokee Nation is significantly concerned about the deadline for expending the funds from any awarded grants. We would encourage an extension of at least an additional year. As many tribes have just experienced with the Coronavirus Relief Funds, a 12-month timeframe for expenditures limits the ability to pursue certain projects, some of which include expansion and deployment of broadband infrastructure. If tribes do not have existing feasibility and engineering studies on the shelf, they are not likely in a position to deploy broadband infrastructure within a year. Thorough studies take months, and rushing these endeavors leads to unsuccessful projects. We would ask the NTIA to be flexible as tribes work to use the funds from the TBGP.

Eligible Lands

The NTIA should maintain the “eligible tribal lands” as defined. Tribes recently experienced a rurality component in an FCC proceeding. Tribal nations provide services to citizens on the reservation, regardless of whether they are living in the most rural areas or living in the suburbs. By limiting the TBGP to rural tribal lands, by virtue the NTIA would be excluding thousands of tribal citizens. This negates the sovereign right of tribal nations to govern and implement programs that best benefit their tribal citizens living on their tribal lands.

Streamline Application and Reporting

With the ongoing pandemic, tribal operations and resources are strapped. Cherokee Nation encourages the NTIA to ensure that application and reporting requirements not be too burdensome. Cherokee Nation continues to have much of its workforce on telework status and its staff susceptible to a more severe COVID-19 illness on administrative leave. This is an effort to not only protect the workforce, but also to protect Cherokee families, elders, speakers, culture and heritage.

Again, we appreciate the opportunity to provide comments. Our communities are stronger when our two Nations can come together to shape programs that benefit all of our citizens and improve broadband access to many underserved communities throughout Indian Country.

If you have any questions or require further information, please contact our Manager of Government Relations, Travis Noland, at travis-noland@cherokee.org or (918) 729-5392.

Sincerely,

A handwritten signature in black ink that reads "Chuck Hoskin Jr." The signature is written in a cursive, slightly slanted style.

Chuck Hoskin Jr.
Cherokee Nation Principal Chief