

DOI SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication and Education Tribal Consortium
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Sent electronically to broadbandusa@ntia.gov

February 11, 2021

Douglas Kinkoph
Associate Administrator
Office of Telecommunications and Information Applications
National Telecommunications and Information Administration
Department of Commerce
Washington, D.C. 20230

RE: SGAC Comments on the NTIA Tribal Broadband Grant Program

Dear Mr. Kinkoph:

On behalf of the Department of the Interior Self-Governance Advisory Committee (SGAC), I am submitting comments in response to questions posed during the February 2021 National Telecommunications and Information Administration (NTIA) consultation on the Tribal Broadband Connectivity Program (TBCP).

NTIA Questions and SGAC responses:

(1) How to ensure that priorities of Tribal Nations are represented?

Each of the 574 Tribal Nations is a unique, sovereign Nation—with its own priorities and needs. The best way to ensure that priorities of Tribal Nations are represented is to ensure that Tribal Nations, as sovereign governments, have the maximum flexibility, as intended by Congress under the Act, to decide how best to use Federal dollars to meet their local needs and achieve their own priorities.

(2) Is a formula the best method for achieving an equitable distribution?

TBCP funds should be fully dispersed to eligible beneficiaries through a formula distribution that minimizes the administrative burden to apply. However, NTIA should avoid using existing data sets that are known to be flawed or inappropriate. For instance, HUD's Indian Housing Block Grant data incorrectly "zeros out" populations for some Tribal Nations. Data points used for any formula should be derived from Tribal governments and certified through resolution by the governing body.

(3) Is a competitive program appropriate for allocating funds under this program?

A competitive program for allocating funds is **not** appropriate.

Competitive funding unfairly disadvantages Tribes that cannot afford or cannot find qualified outside grant writing talent. These funds are available to assist Tribal Nations respond to the deadliest pandemic in more than a century. Requiring Tribal governments to compete for funds that are desperately needed by **all** puts Tribes at an unfair disadvantage and distracts from front line efforts to respond to the pandemic.

(4) Should eligible entities receive an allocation of funding for planning, and the balance of the grant funds allocated for deployment and implementation?

Some Tribal governments may need to use funds for planning purposes and others may use the funds for deployment and implementation. However, this decision should be left to Tribal governments. An arbitrary determination by NTIA on how much of the funding should be used for planning, deployed, and implementation potentially hinders the effectiveness of the program.

(5) How can NTIA ensure that grant funds are prioritized to unserved areas?

Tribal governments are in the best position to know the unserved areas within their communities. NTIA can ask Tribal governments to certify their Tribal lands as unserved in a written request for an allocation of funds.

Tribal governments have testified over many years that FCC and NTIA broadband data and broadband service area maps misrepresent, mislead, and inflate the broadband service coverage on Tribal lands. In addition, the U.S. Government Accountability Office reported to Congress in September 2018 that FCC's broadband access data overstates the ability to obtain service on Tribal lands. Further, FCC and the U.S. Census Bureau do not recognize all homes within Tribal communities as domiciles—making these homes invisible when it comes to identifying unserved areas.

(6) NTIA is seeking input on the reporting requirements that are not overly burdensome yet allow for the public to be informed about how federal funds are being utilized.

NTIA should not implement reporting requirements that are not specifically required by law. TBCP legislative language requires an annual report that describes how the grantee spent funds, certifies that the grantee complied with the grant requirements, including providing information on services provided and locations served, and describes the projects carried out by subgrantees. Anything beyond these items is unnecessary and hinders Tribal governments from serving their citizens.

Thank you for the opportunity to provide comments and recommendations. If you have questions, please contact Jay Spaan, Executive Director, Self-Governance Communication and Education Tribal Consortium at jays@tribalselfgov.org or (918) 370-4258.

Sincerely,



W. Ron Allen, Tribal Chairman/CEO
Jamestown S'Klallam Tribe
Chairman, SGAC