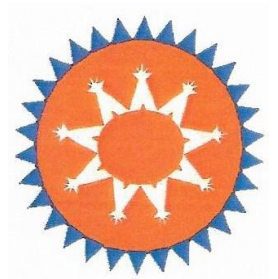




Oglala Sioux Tribe

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Office of the President
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**Comments of the Oglala Sioux Tribe
to the
National Telecommunications & Information Administration
regarding the
Tribal Broadband Connectivity Program
February 11, 2021**

Introduction. The Tribal Broadband Connectivity Program (TBCP) established by the Consolidated Appropriations Act, 2021 (CAA), provides an unprecedented opportunity to address the digital divide in Indian Country. The COVID-19 pandemic has laid bare how vulnerable our communities are when they are left without basic connectivity—lacking in telehealth, remote learning, telework, public safety and economic capabilities.

The Oglala Sioux Tribe (Tribe) has been hard by these realities. We are located on the Pine Ridge Indian Reservation, which is just approximately 3 million acres and home to a very rural and underserved population. Our citizens often lack basic connectivity, and our Tribe is in need of the infrastructure and resources necessary to deploy and sustain an affordable broadband network.

Our Tribe has undertaken efforts to exercise our digital sovereignty in order to serve our peoples' connectivity needs, including by licensing the 2.5 GHz spectrum over our Reservation and initiating the build out process. We hope that the TBCP will support us in these efforts as we address the connectivity needs of our citizens both with relation to the COVID-19 pandemic and in regard to their long-term future and well-being by expanding access to and adoption of broadband service on our Tribal lands. We look forward to working with the National Telecommunications & Information Administration (NTIA) as it moves forward with the TBCP.

Eligibility. The Tribe understands that the CAA made five types of entities eligible for the TBCP. However, we stress the importance of prioritizing federally recognized Tribal governments in the application process. Tribal governments are the chosen leaders of our people, and it should be up to us to decide what entities may submit applications on our behalf. Any entity that is not a federally recognized Tribe should have authorization from the Tribe to apply for funding, and such authorization can be demonstrated through a Tribal resolution.

We note that CAA provides among the eligible uses of TBCP grants the ability for Tribes to enter into contracts with subgrantees, when those contracts meet certain requirements. We support the use of subgrants as a vehicle for Tribes to direct and control both the initial grant

application and how funds should flow through and to their communities. We encourage NTIA, therefore, to prioritize making initial grants to Tribal governments while allowing us maximum possible flexibility in how we structure our subgrantee arrangements.

Eligible Uses & Equitable Distribution. Tribes should be able to define our goals for our own people, and goals may vary between Tribes. However, we encourage NTIA to support a focus on infrastructure deployment and affordable programs.

Developing the infrastructure necessary to deploy broadband throughout our Reservation requires a significant financial commitment, and we have not always had success partnering with others to meet our connectivity needs. Tribes need to be able to exercise sovereignty over the infrastructure upon which our people depend to ensure such infrastructure is actually used to provide affordable and sustainable programs to our citizens.

The TBCP provides a unique infusion of money into Indian Country for telecommunications purposes, but it will not fully be able to bridge the digital divide. Therefore, we recommend that NTIA take into consideration the need of the Tribe and the people it serves in terms of structuring distribution in an equitable fashion because this need directly impacts our ability to deploy necessary infrastructure. Additionally, the populations in the greatest need are often the ones for whom it is not profitable for others to serve.

We request that both population and land base also be taken into account in assessing applications, as the number of people who need service and the challenges of deploying infrastructure in highly rural areas are significant.

Historic Preservation and Environmental Assessment. As much discretion as possible should be given to Tribes to determine how best to assess such needs in the deployment of our infrastructure. We know our lands and resources best, including how to protect them.

Additionally, we note that CAA provides that extensions of time in using TBCP funds may be granted for qualifying infrastructure deployment projects. We stress that such extensions of time are important because of the time it takes to deploy infrastructure projects normally and the supply chain disruptions that have occurred during the pandemic, but also to provide Tribes with sufficient time to conduct historic and environmental reviews that honor our people and protect our sacred places. We fully support Tribes being able to streamline reviews at their discretion, but we also recognize that streamlining is not always appropriate and that additional time may be needed for infrastructure deployment on this basis.

Unserved Areas. It is critical that Tribes be able to certify who is unserved on our Tribal lands. Others have too often claimed to be serving Tribal lands while only offering service that is inadequate or unaffordable. We best know the connectivity needs of our people, and we should be authorized to certify them in an application. Under no circumstances should the TBCP prioritize the connectivity assessments of outsiders—including other federal agencies—over the assessments of our own Tribal government.

Reporting Requirements. We encourage NTIA to keep reporting requirements to a minimum. The pandemic has already overstretched our Tribal staff, and there is an urgent need for our

limited resources in other areas. While we support accountability and transparency, we encourage NTIA to keep in mind that Tribes need flexibility and acknowledgement and respect for our sovereignty as governments. We are unlike grantees in other grant-making processes.

Tribal Lands. In serving the connectivity needs of Tribal lands, off-reservation infrastructure considerations are often necessary. We encourage NTIA to prioritize deployment of broadband infrastructure and affordable service to tribal lands, as the CAA contemplates, but we also ask that NTIA be flexible in allowing Tribes to use TBCP funds to meet needs to connect on-reservation infrastructure to infrastructure that lies outside of tribal lands.

Conclusion. We thank NTIA for the frank and respectful dialogue that has occurred during the government-to-government consultations thus far. We look forward to the opportunity that the TBCP presents to meet the vast connectivity needs of our people. Please let us know if we can provide any further information.