



2023 Annual Convention Grand Mound, Washington

RESOLUTION #2023 - 56

“SUPPORT FOR THE ATNI TRIBAL BROADBAND PLANNING EFFORTS”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, the National Telecommunications and Information Administration (NTIA) has announced the allocations for the Broadband Equity Access and Deployment (BEAD) Program. BEAD is the largest of the current broadband funding programs at approximately \$42.5 Billion. Nearly 76% of the total funding available, which amounts to \$31.5 approximately billion, was allocated to the thirty-six states with eligible Tribes/Natives.

WHEREAS, it is our best estimate that Tribes should be eligible for not less than \$8 Billion of these funds, based on population and lack of service. However, all BEAD monies go through state governments, per federal statute that established the program, the Infrastructure Investment and Jobs Act (IIJA); and

WHEREAS, in the BEAD planning process, states are required to include tribes in development of their broadband plan and demonstrate how they have consulted and gained consent from Tribes to connect every Tribal household; and

WHEREAS, the priority for BEAD projects is to fund the deployment of affordable, reliable broadband service to unserved and underserved areas, in addition to most rural Indians' lived experience with lack of access to high-speed Internet, there is empirical data that demonstrates that most areas in Indian Country fall into the unserved and underserved classifications; and

WHEREAS, there is clear and empirical data that demonstrates a lack of inclusion or identification of tribal households, multifamily dwellings, and community anchor institutions in current and previous versions of the FCC fabric map, despite hours of Tribal consultation with federal agencies including NTIA, USDA, and the FCC resulting in a continuation of the digital divide and lack of access despite billions in federal investment to connect the underserved; and

WHEREAS, the federal government, through its policy makers have created a process of reporting unserved and underserved location to the FCC fabric map, whereby Tribes have to license their own data from Cost Quest, including a waiver of sovereign immunity, which infringes on Tribal data and digital sovereignty; and

WHEREAS, Cost Quest has failed to obtain consent of Tribal Nations or provide adequate and just compensation for such data; and

WHEREAS, NTIA guidance and current policies limit the ability to add missing broadband serviceable locations (BSL's) to the fabric map for expenditure of BEAD funds; and

WHEREAS, federal guidance and current policies limit the ability of Tribes who have shortfalls to their previously awarded Bipartisan Infrastructure Law and Consolidated Appropriations Act projects due to force majeure impacts stemming from Corona Virus workforce and governance degradation, inflation, and shortage of broadband supplies and materials; and

WHEREAS, Under BEAD, State Broadband Offices (SBO) are only able to fund Broadband Service Locations (BSL) that are on the current version of the FCC fabric map and it is well established that the current version of the FCC mapping excludes as many as 30% of BSLs on Tribal lands and the current NTIA guidance to SBOs does not allow for the addition of new BSLs to those on the current version of the FCC map and this guidance effectively cuts off tribes from including all BSLs on their lands.

WHEREAS, the resulting consequences of such policies and legislative actions outlined above is a poor and potentially wasteful use of federal tax payer funds resulting in internet for some as opposed to internet for all; and

WHEREAS, the federal government, utilizing the authorities outlined in executive order 13175 should create and implement tribal friendly policies and waivers when setting policy impacting Tribal Nations and should use its discretion and flexibility to revise its policies to allow for meaningful inclusion in the FCC fabric map and state BEAD broadband plans; and

WHEREAS, the following points are some of the most critical to understand and take into consideration in preparation for the BEAD Program:

- Tribes need to be prepared to provide a Tribal Broadband Strategic Plan (“TBSP”) to the state if they want to access BEAD funds. This is a comprehensive plan that includes feasibility, implementation, and sustainability evaluations; and
- No money can be spent to connect a location that is not identified on the FCC’s fabric map. This issue is critical for Tribes; and
- States are required to Consult with Tribes to understand how they want to be connected; and
- States are required to connect 100% of homes on Tribal lands and must do so with tribal consent regarding the plan to connect the unserved; and
- Tribes are eligible subrecipients to BEAD funding allocated to the states per the BEAD NOFO and every Tribe should have the ability to leverage BEAD funds to provide fair and equitable service; and
- All Tribes should have mandatory broadband service.

WHEREAS, ATNI Tribes and Northwest communities have historically worked together to collaborate and develop cooperative strategies to improve the overall goals of our Indian communities; now

THEREFORE, BE IT RESOLVED, that ATNI does hereby agree to support the efforts of establishing Tribal Broadband BEAD Planning and Development activities to ensure every tribe has the political, moral, and technical support to leverage the BEAD funds; and

BE IT FURTHER RESOLVED, that ATNI encourages Member Tribes to attend, participate, offer support and sponsorship of Tribal Broadband BEAD Planning initiatives; and


BE IT FURTHER RESOLVED, that ATNI encourages the State Broadband Office to consider funding (at least \$500,000) for technical assistance and outreach for each of the ATNI Tribes; and

BE IT FURTHER RESOLVED, that ATNI urge the NTIA to revise its guidance so that tribes may add broadband serviceable locations previously not included on the FCC fabric mapping being used by SBOs to allocate BEAD funding; and

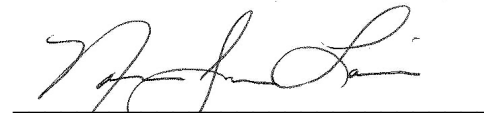
BE IT FINALLY RESOLVED, that Tribes should be funded, and any required match and model letter of credit substantially waived to ensure that every tribe has access to BEAD funding.

CERTIFICATION

The foregoing resolution was adopted at the 2023 Annual Convention of the Affiliated Tribes of Northwest Indians, held at Great Wolf Lodge, Grand Mound, Washington on September 18 – 21, 2023, with a quorum present.



Leonard Forsman, President



Norma Jean Louie, Secretary