



Oneida Nation
Oneida Business Committee
PO Box 365 • Oneida, WI 54155-0365
oneida-nsn.gov



April 5, 2021

Submitted via electronic filing <https://www.fcc.gov/ecfs/filings>

Jessica Rosenworcel
Acting Chairwoman
Federal Communications Commission (FCC)
45 L Street NE
Washington, DC 20554

RE: Emergency Connectivity Fund for Educational Connections and Devices to Address the Homework Gap During the Pandemic

Dear Ms. Rosenworcel,

On behalf of the Oneida Nation (the “Nation”), I submit the following comments regarding the Emergency Connectivity Fund for Educational Connections and Devices to Address the Homework Gap During the Pandemic. Below you will find some information about our Nation and our written feedback.

ONEIDA NATION BACKGROUND

The Nation is a Title IV and Title V Self-Governance Tribe with approximately 17,308 citizens. Our reservation was established in 1838 and covers nearly 65,400 acres located within the boundaries of Brown and Outagamie Counties in Northeast Wisconsin. About 7,856 enrolled members live within the two counties, 57% of which live on Oneida Reservation land. We have 2,104 or 12% of enrolled members that reside within Southeast Wisconsin.

The governing body of our Nation is the General Tribal Council who elect and authorize the Oneida Business Committee to oversee Tribal operations. The Oneida Business Committee consists of a Chairperson, Vice Chairperson, Secretary, Treasurer, and five council members, each elected to concurrent three-year terms.

The purpose of our inherent right to self-governance is to protect the health, safety, and welfare of our members while protecting our culture, revitalizing our language, and restoring the environment to improve the quality of life for the community.

We are committed to maintaining our language and culture. The rich traditions, culture and language are incorporated into the very fabric of the Nation. For nearly 200 years, we have lived

in Wisconsin. We have built a community that is proud and dedicated to a good mind, a good heart, and a strong fire.

The Nation is located within Northeast Wisconsin just outside of Green Bay. We provide a number of services to our Community, including but not limited to, education, healthcare, law, enforcement, social services, transportation, agriculture, environmental health and safety, and more. We also operate a library located within the heart of the Reservation.

Every two years the Nation conducts a Quality of Life survey to gather information from enrolled Oneida residents, both living on the Reservation and off the Reservation in Brown and Outagamie counties, regarding their views on various issues. The Quality of Life survey includes questions on internet access and quality. In 2020, 90% of tribal members reported accessing internet on a personal device, including 100% of members between the ages of 18-44, 97% of members between the ages of 45-54, 80% of members between the ages of 55-64, and 63% of members aged 65 and older. Tribal members who access the internet on a personal device were then asked to rate the quality of their internet. 17% rated the internet quality as excellent, 49% rated the internet quality as good, 27% rated the internet quality as fair, and 7% rated the internet quality as poor.

IMPACT OF COVID-19 ON ONEIDA NATION

At the time this letter was written, Oneida Nation had 777 confirmed cases of COVID-19 and 9 deaths within our jurisdiction. As of April 4, 2021, the Nation had 2 active cases, 2 in Brown County and 0 in Outagamie County. Brown County had 30,766 positive cases and 233 deaths, and Outagamie County had 19,982 positive cases and 200 deaths. Milwaukee County, in which we have a large population, had 101,344 positive cases and 1,263 deaths. The State of Wisconsin had 579,877 positive cases and 6,639 deaths.

On March 13, 2020, the Nation declared a public health state of emergency. On March 16, 2020, the Oneida School System closed the Nation's schools and moved to online learning. On March 19, 2020, the Nation's casinos were closed. On March 20, 2020, all non-essential employees were to work from home, and the employee base continued to be paid. On April 12, 2020, over half of the Nation's employees were laid off or placed on furlough. Although our casino has since reopened and some employees were returned to work, the pandemic has had a devastating impact on our ability to generate revenue and provide the resources needed to operate our 149 programs and services.

RECOMMENDATIONS

- Any program developed and implemented by the FCC must recognize tribal sovereignty and self-governance. Every tribe has unique needs and a one-size-fits-all approach does not work for Indian Country. Tribes, as sovereign governments, must have the flexibility

to use these funds to design projects and make decisions for their communities based their unique circumstances without interference.

- You propose that schools, libraries, and consortia of schools and libraries eligible for support under the E-Rate program be eligible to receive funding from the Emergency Connectivity Fund. You ask if any other entities should be eligible for the funds. The Nation believes that any entity that provides services to eligible students should be eligible for support from the Emergency Connectivity Fund.
- You asked if the Commission should revise the definition of “elementary and secondary schools” to ensure that all Tribal schools are eligible for funding. You also asked if the Commission should clarify that Tribal libraries are eligible under the LSTA and therefore, be eligible for the Emergency Connectivity Fund. The Nation believes that Tribal schools and Tribal libraries that serve tribal communities should be the only criteria to access the funds, no other criteria is needed.
- You proposed that the Commission provide funding only for equipment and services that are needed to provide the connectivity required to enable and support remote learning for students, school staff, and library patrons. You asked if the Commission should provide further guidance regarding what sorts of connected devices are eligible for reimbursement through the Emergency Connectivity Fund. The Nation recommends that the if the device was purchased and used for remote learning it should fit the criteria for reimbursement.

Under the CARES Act, the Nation used funding from the Treasury Department to pay six months of internet service for eligible households. Households had to submit basic information with their internet provider information. On average the costs were anywhere from \$500-\$700.00 for six months. The Nation also reimbursed for digital devices up to \$500.00 for eligible families, in which the families had to turn in their receipt and fill out necessary documentation to get reimbursed. The Nation only reimbursed for the device, no additional protections or packages. Although necessary, this process was time consuming for our Economic Support Department, the department charged with assisting eligible household with internet access.

- You propose that the Commission require libraries to document the patron or patrons served at each supported location and prohibit libraries from providing more than one support connection and one connective device to any one patron at a given time. “Article VII of the Library Bill of Rights states that "All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use." The right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others.” ala.org/privacy. Because of this, the Nation supports

libraries providing the Commission with the numbers of users, but we do not support documenting the names of users.

The Nation cautions the FCC on limiting administrative burdens and minimize reporting requirements to the extent permitted under law in regards to the Emergency Connectivity Fund. The COVID pandemic has had a devastating impact on our workforce, and like many tribes, the Nation has been forced to lay off employees. Since the start of the pandemic, tribes have had to manage multiple funding and reporting requirements from the various COVID appropriations enacted by Congress. While we appreciate this needed funding, burdensome reporting requirements forces staff to focus on administrative tasks rather than providing critical programs and services to our members

- You asked what guidance the Commission should provide schools and libraries about how eligible equipment and services can be used. You further asked if safeguards should be imposed, i.e. requiring schools and libraries to restrict access to eligible equipment and services to those with appropriate credentials? The Nation recommends very limited, if any restrictions be imposed on who can access eligible equipment. Library materials, including equipment and services, is accessible by anyone who uses the library and are available for checkout with a library card.
- The Nation supports non-competitive funding for the use of the Emergency Connectivity Funds. We recommend using the BIA enrollment numbers for distributing the funding. Competitive funding puts tribes, especially smaller tribes, at a disadvantage because they may not have skilled grant writers needed to obtain the funding, which makes it hard for them to compete. Even non-competitive grant opportunities require significant staff time and resources to prepare the application and supporting documents. While tribes are on the front line responding to the COVID-19 pandemic, there is even less time and resources to prepare grant applications. This creates delays and barriers in getting this funding to tribes.
- The Nation does not support distributing funding in a competitive manner (grants). In addition, the Nation has already begun planning for broadband infrastructure and needs funding for infrastructure build-out and staffing. Some tribes are already in the process of planning or have completed plans and are prepared to move forward.

MISC RECOMMENDATIONS

In the future, the Nation suggests that the FCC hold meaningful consultations with tribes. We encourage you to reach out to your colleagues in other federal agencies that have experience consulting with tribes. Besides the Indian Health Service and Bureau of Indian Affairs, you may want to consider holding consultations like the US Department of Health and Human Services (HHS) which holds a number of annual Tribal consultations, including one for the budget

formulation, an annual Tribal consultation, as well as yearly regional consultations. Prior to the consultations, the HHS will hold planning meetings with Tribal Nations to discuss consultation processes, provide an opportunity for tribes to ask questions, discuss/develop agendas, and explain what to expect at the consultations, among other things. As you know, leadership is continually changing at both the federal and tribal levels. Holding these planning meetings allow those new to the consultation process to learn how it works, ask questions, and be better prepared to participate in the consultations.

In addition, notice of the consultation should be sent well in advance of a consultation session to allow enough time for Tribes to review and develop recommendations. The notice should include all the necessary background information on the topic and the consultation plan. This will lead to more productive consultations and better dialog between the Commission and Tribal Nations. It is important that the Commission create appropriate timelines/deadlines. The notice was published on March 15th and written comments were already due April 5th. The notice contained a large number of questions and the amount of time to fully respond was not adequate. The Commission needs to provide Tribal Nations enough time to formulate written comments. Many times, tribes need to confer with staff who have knowledge and expertise on the matter. These staff are busy performing their work responsibilities and often times have limited time to respond to questions. In addition, once comments are developed, they are often sent to Tribal leadership for approval and signature before they can be submitted. This may require some time, especially if multiple consultations are occurring at the same time. You need to allow enough time for tribes to properly develop and submit written comments.

In addition, an in-person or virtual consultation was not held prior to the deadline. Other federal agencies will hold in-person/virtual consultations prior to having written comments due. Furthermore, the Commission should improve coordination and consistency in their approaches to consultation. Federal agencies should coordinate amongst themselves to ensure that multiple Tribal consultations are not scheduled at the same time. This will ensure that Tribes with limited staff and resources can fully participate in all consultations. As you may know there are numerous tribal consultations being held right now regarding the American Rescue Plan and the President's Executive Order which requires agencies to hold consultations on their tribal consultations. The Nation expects the Commission to hold consultations in a manner that allows for maximum participation.

CONCLUSION

Please accept these comments with our sincere request to work together with the FCC in the spirit of partnership and shared interest. I thank you for this opportunity to provide comments and recommendations and look forward to the Commission's consideration of our feedback. Please

contact Candice E. Skenandore, Self-Governance Coordinator, at (920) 615-9702 or cskena10@oneidanation.org if you have any questions or to discuss the comments.

Sincerely,

Tehassi tasi Hill

Tehassi tasi Hill,
Oneida Nation Chairman

A good mind. A good heart. A strong fire.

