

Thank you for the opportunity to testify before the House Energy and Commerce Committee's Subcommittee on Communications and Technology. It was a distinct honor to engage with the members of the Subcommittee on this vitally important policy matter – ensuring that Americans living on tribal lands have access to broadband. Below I have provided responses to the questions for the record and hope that this represents the initial phase of an ongoing dialog with the Committee.

The Honorable Greg Walden

1. Governor Lewis, how do we improve access to technical expertise in the Native American community to promote deployment in the same way the Gila River Community has? Does BIA or ONAP assist in providing such technical expertise or training?

A: You are right to acknowledge the importance of training and technical expertise in this area. Telecommunications networks are complex. Early on, Gila River Telecommunications hired industry experts that have assisted it in not only managing its network but also in training Community members to do the technical work associated with running a telephone company. Today, over 60 percent of Gila River Telecommunications workforce is Native Americans. We recognize that we are blessed to have had this opportunity to develop in this way and our experience speaks to the value of self-determination.

BIA, unfortunately, does not have a program that provides technical training in this area.

ONAP is a critical tool the FCC established in 2010 to help advance an understanding of the importance of broadband throughout Native communities. ONAP engages in tribal consultation and training sessions throughout the country to fulfill this mission. These sessions include a “Broadband and Telecom 101” component designed to assist attendees from tribal governments and project managers from tribes in gaining a basic level of technical and policy understanding. Once a base level of understanding is provided, the sessions delve more deeply into various aspect of communications policy so that tribal governments understand what policy tools are available to assist in promoting broadband deployment.

One way to improve technical expertise would be through technical school training. Unfortunately, for many living on tribal lands technical schools are too far away from where they live. Distance learning would be an obvious way to erase those miles, but it requires robust broadband access, something that as we discussed at the hearing is lacking on many tribal lands.

I think this is an area where your leadership on the Subcommittee could help spotlight the importance of training and the opportunity robust broadband presents. I look forward to working with you and others on the Subcommittee to identify how we can promote technical training through distance learning.

2. While the FCC hasn't raised the definition of broadband to 25 Mbps yet for CAF grants, it may be heading there. Wouldn't raising that definition to require higher speed service both raise the overall costs of deployment? Would the higher cost of deployment reduce the amount

available for tribal deployment and also make tribal deployment, which is already very high-cost due to low population density, seem even more expensive?

A. Increased speed will help those living on tribal lands realize the full economic and societal benefits associated with broadband access. As the National Tribal Telecommunications Association (NTTA) stated in a filing at the Federal Communications Commission (FCC), residents and businesses on tribal lands may require relatively higher broadband speeds due to the lack of physical access to goods and services. In that filing, NTTA urged the FCC to adopt a forward-looking definition for broadband that go beyond 25 Mbps. It noted that additional investments would need to be made through the universal service fund in order to achieve greater speed. In a subsequent filing by NTTA, the association has proposed that as part of the FCC's reform the rate-of-return universal service high cost mechanism that the Commission adopt a Tribal Broadband Factor, which I spoke about at the hearing. The Tribal Broadband Factor would be a specific, targeted mechanism that would provide additional support to any rate-of-return carrier serving tribal lands that agrees to deploy broadband to the tribal areas of their service territory. I am attaching both of these filings to my response so they can be made a part of the record.

Thank you again, Chairman Walden, for the opportunity to discuss these issues with the Committee members. I look forward to continuing this dialog with you and the other members of the Committee.

The Honorable Ben Ray Lujan

Governor Lewis, it is always great to see you and I want to thank you for the kind words in your testimony.

As you said, when it comes to broadband access, tribal communities have real needs and face real challenges. I firmly believe that our Committee must act to provide tribal communities with access to next generation communication services.

I hope that the upcoming GAO report - which I was proud to request with Ranking Members Eshoo and Pallone - will provide us with further guidance on how we can overcome these challenges together.

I am committed to ensuring that tribes have a seat at the table at the Federal Communications Commission, which is why I champion the Office of Native Affairs and Policy.

1. Can you discuss what ONAP has meant to Gila River and other tribal communities? And can you speak to the breadth of their outreach?

A. ONAP has been an effective liaison between the Federal Communications Commission (FCC) and tribal governments. An example of its great work includes the establishment of the

Native Nations Broadband Task Force. The task force includes elected officials from a number of tribes and offers an opportunity to engage in direct dialog with the Commission.

In addition, ONAP reaches out to tribal communities through its tribal consultations. These events, which are held throughout Indian Country, offer Native Americans an opportunity to learn from and dialog with the FCC on communications policy.

Moreover, ONAP provides a “voice at the table” on the FCC’s rulemakings. Through ONAP’s leadership and expertise, policies have been adopted by the Commission that seek to address specific needs in Indian Country. ONAP still has much work to do, as does the Commission, but having that voice in the agency has helped ensure tribal needs are considered.

2. Previously, I have pushed to make ONAP a permanent office at the FCC. Do you believe that this would be beneficial?

A. I do believe that making ONAP permanent would be beneficial. As noted above, it is a vital resource and giving permanent status would ensure that its work continues over the years to come.

3. Does ONAP have the resources and support it needs to complete its mission? Should ONAP and the FCC be doing more to connect tribal communities?

A. ONAP has been effective and I understand that as a result of sequestration its funding, like other parts of the FCC, has been curtailed. To the extent Congress could make additional funding available to ONAP, that funding would be helpful in ensuring that ONAP is able to fulfill its mission.

The FCC is currently working to reform the universal service mechanism that supports rate-of-return carriers' deployment and maintenance of broadband services.

Earlier this year, I sent a letter to the FCC expressing concern that they did not initially consult tribal stakeholders. Though I know that the FCC has since engaged, tribal consultation must not be an afterthought - especially since this effort represents an opportunity to expand access to broadband.

4. Governor Lewis, in your testimony, you mention that the National Tribal Telecommunications Association (NTTA) has submitted a proposal to the FCC to create a Tribal Broadband Factor. Can you talk more about this proposal and can you discuss why you believe it is needed?

A. As the Committee is aware, the level of deployment of broadband on tribal lands lags significantly behind not only urban areas, but also non-tribal rural areas. Beyond being an economic engine for growth, broadband enables better educational opportunities and the ability to deliver healthcare services that would otherwise be unavailable. Simply put, broadband is needed on tribal lands.

As part of the FCC's review of the universal service mechanism that provide support for the deployment of broadband to high-cost areas, NTTA has put forward a proposal that would provide additional support to encourage that deployment. This support would be tailored to tribal census blocks and would offer the carrier serving those blocks additional support in exchange for a commitment to deploy within a time certain. Therefore, the NTTA proposal is designed to meet the Commission's goals of ensuring that its support dollars are used to address an identified need (deploy broadband to tribal lands), in a specific, targeted way (only available to tribal land census blocks) and that such support is offered with adequate assurance that it will be used to meet the identified need (carriers would have to commit to deploying in order to access the funds).

NTTA has met with the FCC and continues to discuss this proposal with them. Those conversations have been beneficial and I can assure you, we will continue to engage in a constructive way with the FCC. Thank you for your interest and advocacy on this important proceeding. I look forward to continuing to work with you to ensure that this opportunity is not missed.