



TELECOMMUNICATIONS

Tribal access to modern communications networks supports economic development, tribal governance, healthcare, education, and public safety in tribal and surrounding communities. Consultation in federal decision-making that impacts tribal nations, greater representation in telecommunications infrastructure and media, and increased access for tribal citizens to mobile and fixed broadband internet will foster economic and community development in tribal communities that can, among other benefits, increase the efficiency and impact of certain federal programs and services by delivering them more proactively and cost-effectively. Unfortunately, many tribal communities continue to disproportionately lack broadband access, which directly inhibits tribal nations' ability to support economic opportunity and a good quality of life for their citizens. According to the Federal Communications Commission (FCC), geographic remoteness, a lack of necessary infrastructure, complex permitting processes on tribal lands, and jurisdictional issues involving state governments and sovereign tribal governments create additional burdens to broadband deployment that are unique to Indian Country.⁸⁵

Tribal communities are among the most unserved or underserved populations with respect to broadband deployment.⁸⁶

Congress must create a Tribal Broadband Fund to empower new market opportunities and direct spending in Indian Country. The FCC's Office of Native Affairs and Policy states that, "[u]nderstanding the complexity of the digital divide in Indian Country requires an appreciation of the unique challenges facing Tribal Nations, which include deployment, adoption, affordability, and access to spectrum, as well as lack of investment dollars and access to credit and start-up or gap financing."⁸⁷

The ability of tribal nations to obtain credit and financing for broadband infrastructure development is limited by their difficulty in collateralizing assets that are held in trust by the federal government and difficulty accessing investment dollars for use in tribal communities.⁸⁸ Creation of a Tribal Broadband Fund would promote education, economic opportunity, health, public safety, and governance in tribal communities that currently face a severe broadband deficit.

To address the digital divide in Indian Country, Congress also must create an interagency committee with representation from the FCC's Wireless and Wireline Bureaus, U.S. Department of Agriculture's (USDA) Rural Utilities Service, Commerce's National Telecommunications and Information Administration, and DOI's Office of the Assistant Secretary for Indian Affairs to address how best to coordinate federal resources from the various agencies to enhance broadband connectivity in Indian Country. This recommendation is consistent with the FCC's National Broadband Plan, which recommends that "Congress should consider

establishing a Tribal Broadband Fund to support sustainable broadband deployment and adoption on Tribal lands, and all federal agencies that upgrade connectivity on tribal lands should coordinate such upgrades with Tribal governments and the Tribal Broadband Fund grant-making process.”⁸⁹

According to a September 2018 Government Accountability Office (GAO) report on broadband internet access on tribal lands, FCC methodology for measuring and reporting broadband access overestimates broadband deployment on tribal lands, indicating that the digital divide between Indian Country and the rest of the United States is even greater than previously reported. Policies and investments focused on the deployment of broadband and the adoption of new technologies will provide increased opportunities for tribal nations to build thriving economies, comprehensive public safety networks, strong public media systems, and other necessary infrastructure.

Key Recommendations

FEDERAL COMMUNICATIONS COMMISSION

Financial Services Appropriations Bill

Tribal Broadband Fund

- *Provide \$1 billion per year for the Tribal Broadband Fund.*

Congress must create a Tribal Broadband Fund to support the development of broadband infrastructure across Indian Country, which will empower new market opportunities and direct spending in Indian Country. Funding is needed for deployment, adoption, affordability, and access to spectrum licenses, including recurring expenses throughout Indian Country. Resources from the Tribal Broadband Fund should be eligible for use on all tribal lands, including off-reservation trust lands. The Tribal Broadband Fund should seek to provide grants, loans, and loan guarantees that emphasize middle-mile connectivity that links local tribal community networks to other network service providers and the internet. The intent of the Fund should be to construct, operate, and maintain more reliable and resilient broadband networks throughout Indian Country.

FEDERAL COMMUNICATIONS COMMISSION

Financial Services Appropriations Bill

Office of Native Affairs and Policy

- *Provide a permanent fixed annual budget of \$500,000 to fund FCC’s Office of Native Affairs and Policy.*

The 1934 Communications Act (P.L. 73-416), and subsequent amendments in the 1996 Telecommunications Act (P.L. 104-104), failed to recognize the challenges of deploying telecommunications infrastructure on tribal lands and the critical role tribal governments can assume in facilitating such projects. Since 2000, tribal matters have steadily gained recognition at the FCC, and in 2010 the FCC established its Office of Native Affairs and Policy (FCC-ONAP). Since then, FCC-ONAP has held consultations, trainings, and provided vital technical assistance across Indian Country that has resulted in tribal inclusion in FCC regulatory matters at unprecedented levels. Through this tribal engagement, the FCC has revamped regulations to assist in bridging the digital divide on tribal lands. However, the FCC-ONAP office was created without dedicated funding, and it was not until passage of the FY 2014 Omnibus that the office received \$300,000 to support its tribal consultation and training directives.

FCC-ONAP must continue to receive ongoing and increased funding to support the staffing levels necessary to support the closing of the digital divide in Indian Country. FCC-ONAP’s consultation, training, technical assistance, and workshops are vital to supporting rural Indian Country’s broadband needs. A dedicated annual budget of \$500,000 for FCC-ONAP is a necessary investment in the digital future of all tribal nations.

FY 2023 ADVANCE APPROPRIATION (CPB/OMB REQUEST)**CORPORATION FOR PUBLIC BROADCASTING****Labor, HHS, Education Appropriations Bill****Grant Programs**

- *Appropriate at least \$7 million to fund American Indian and Alaska Native radio stations.*
- *Appropriate at least \$500,000 for Native Public Media and \$500,000 for Koahnic Broadcast Corporation.*

Native radio stations are critical to the communities they serve because they are often the first source of emergency reporting and information for tribal citizens. Public broadcasters use datacast technology for public alert and warning systems, homeland security, and other public safety purposes. In addition to providing emergency information, Native radio stations provide vital access to healthcare information and other services specific to the tribal communities they serve. For instance, in Arizona, KUYI Hopi radio provides “House Calls,” a health call-in show that connects listeners with a local doctor to field questions related to health issues. In Alaska, KNBA covers news from Alaska Native villages about language revitalization, and other hyper-local stories important and relevant to Alaska Native communities. Often, the only forum where Native stories and issues are broadly heard are on Native radio stations.

NCAI supports the \$445 million advance FY 2023 appropriation for the Corporation for Public Broadcasting (CPB). As such, NCAI opposes any reduction in appropriations that affect funding for Native public media organizations. Since 1976, CPB’s two-year advance appropriation has served as a Congressional strategy to protect public media from any immediate political pressure. Community Service Grants (CSGs) account for approximately 70 percent of CPB’s appropriation, which directly funds 1,300 local public television and radio stations, including 36 Native radio stations.

CPB also funds the essential system-wide station support services provided by Native Public Media, Inc. and content production and satellite programming distribution by Koahnic Broadcast Corporation. Funding for Native Public Media, Inc. and Koahnic ensures that Native radio stations stay on-air by maintaining compliance with FCC and other federal rules and regulations; providing the training and support Native broadcasters need; and sustaining the satellite delivery necessary for providing broadcast services to some of the most rural and remote locations across Indian Country.

NCAI supports an FY 2023 advance appropriation of \$5 million in CPB funding for the 36 CPB-qualified Native radio stations serving federally recognized American Indian tribal nations and Alaska Native villages; and an FY 2022 advance appropriation of \$500,000 for Native Public Media and \$500,000 for Koahnic Broadcast Corporation for technical support services to Native radio stations.