

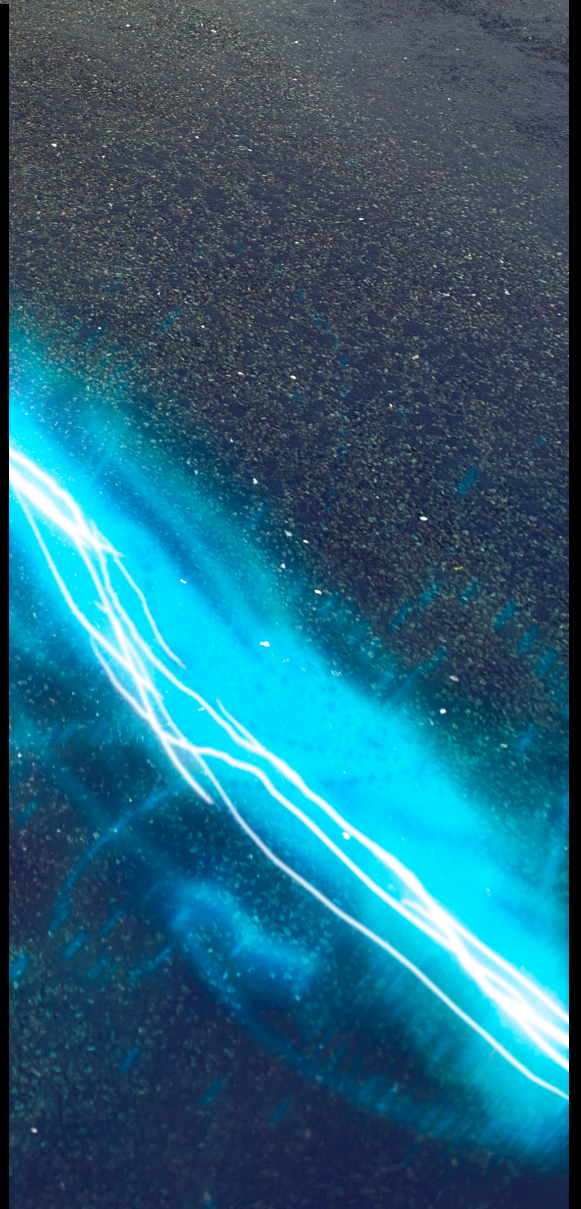


# Tribal Broadband Policy Priorities 2022



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# Introduction

Tribal Nations have been at the forefront of connecting their communities to broadband internet because carriers often do not choose to service remote Tribal areas. The COVID-19 pandemic exacerbated digital inequities facing Indian Country that have long existed. Broadband is infrastructure and is an essential service with its importance of accessibility similar to other necessary resources such as water or electricity.

Highlighted by the pandemic, the need for connectivity and digital equity for Tribal Nations created interest from private and governmental organizations resulting in significant funding opportunities this past year. Several recent pieces of legislation are a start to building the modern foundation of Indian Country's digital infrastructure. The [Consolidated Appropriations Act of 2021](#) provided \$1 billion to the [National Telecommunications and Information Administration](#) for the [Tribal Broadband Connectivity Program \(TBCP\)](#) and the [Infrastructure Investment and Jobs Act](#) provides an additional \$2 billion for the TBCP. However, applications for the TBCP alone total over \$5 billion in broadband connectivity needs from 301 applications.<sup>1</sup>

The [American Rescue Plan Act](#) also established broadband funding for Tribal Nations in the [Coronavirus State and Local Fiscal Recovery Fund \(SLFRF\)](#). Still, these funds are intended to be used for critical needs like sewer, water, and COVID mitigation. Funding that is set up to address multiple areas of need like the SLFRF often

put Tribes in the tough position to choose only one area of need. Other sources have additional barriers such as allowing non-Tribal entities to apply for funding, or providing loans rather than grants. Therefore, much of the newly available funding should be considered only a downpayment in the overall effort to address the long-standing needs in Indian Country. The rest of the US has enjoyed reliable broadband service for decades, and Indian Country has been left out due to the Federal Government's negligence of its fundamental trust responsibility. It is estimated that the cost to begin closing the digital divide in Indian Country would be in excess of \$8 billion.<sup>2</sup>

It is of utmost importance to remember that Indian Country consists of 574 sovereign Federally Recognized Tribal Nations with 334 reservations in 35 states on over 100 million acres of land. Tribal Nations are sovereign governments and have a government-to-government relationship with the United States. The United States is obligated via treaties to the federal trust responsibility to Tribes. Infrastructure investments in Indian Country are essential to meeting federal trust obligations. Policymakers need to continue to maintain their focus on the issues which are most pertinent to Tribal Nations. Although it was an exciting year for policy in Indian Country, clearly there is always more work to be done. The following is a list of key issues for policy makers, government agencies, and other advocates to focus on in 2022. Taking these issues into consideration will continue to build on the important efforts made over the last year to ensure that Tribal

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<sup>1</sup> National Telecommunications and Information Administration: [Updated Timeline for TBCP Application Review](#), 2021.

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<sup>2</sup> National Congress of American Indians: [Letter on Infrastructure Legislative Proposal](#), p. 9-10, 2001.

communities have access to reliable broadband connectivity. AIPI makes the following broadband policy recommendations for the year 2022.

## TRIBAL ENGAGEMENT

There must be collaboration and meaningful consultation with Tribal Nations by state and local governments, as well as federal and state agencies. AIPI recommends that policymakers:

- Continue and expand the practice of Tribal consultations when developing Tribally driven broadband legislation.
- Consolidate and organize grant opportunities and information by forming a dedicated office for all Tribal broadband programs.
- Create open and accessible communication lines by having staff available to offer technical assistance or dedicated staff appointed as liaisons to speak directly with Tribes.<sup>3</sup>

## FUNDING

Continued conveyance of accessible and direct funding to Tribal Nations is key to continuing the growth of digital equity. AIPI recommends that policymakers:

- Provide funding directly to Tribes and allow more flexible spending rules to enable Tribal control over how such funds are utilized.<sup>4</sup>
- Provide additional and permanent funding for the Tribal Connectivity

<sup>3</sup> National Telecommunications and Information Administration: [Open Q&A session on the Tribal National Telecommunications and Information Administration Broadband Connectivity Program](#), August 11, 2021 12, 23, 24.

<sup>4</sup> [U.S. Treasury Tribal Consultation Summary](#), 2021.

Grant Program and other programs that specifically fund Tribal broadband connectivity through grants rather than loans or matching fund requirements.<sup>5</sup>

- Support more funding for increased digital literacy to empower Tribal members to learn new technologies and safely navigate online.<sup>6</sup>
- Support additional funding for helpful digital devices such as computers and tablets for Tribal members who need them the most (i.e. students, telehealth users, remote workers).<sup>7</sup>
- Create funding opportunities for all phases of broadband implementation, from planning & design to network security & maintenance.
- Create funding opportunities for capacity building efforts.

## CAPACITY BUILDING

Capacity building must be at the rate necessary in order to maintain pace in which new Tribally focused broadband programs are being introduced. AIPI recommends that policymakers:

- Support capacity building in Tribal communities through funding for infrastructure, operations and maintenance, and increased training in both technical and digital literacy.<sup>8</sup>
- Ensure training of community members to maintain networks on

<sup>5</sup> National Tribal Broadband Summit, September 17, 24, and October 1, 2021.

<sup>6</sup> Internet Society, [2021 Indigenous Connectivity Summit Policy Recommendations](#), 2021.

<sup>7</sup> Federal Communications Commission: [Virtual Tribal Listening Session On Emergency Broadband Benefit](#), June 22, 2021.

<sup>8</sup> National Congress of American Indians: [Letter on Infrastructure Legislative Proposal](#), p. 9-10, 2021.

- their own land or at minimum hire community members for local labor.<sup>9</sup>
- Support initiatives that increase training and hiring of planning staff, technicians, grant writers and reporters.

## AFFORDABILITY

Internet service must be accessible and affordable to make meaningful progress on achieving digital equity. AIPI recommends that policymakers:

- Continue to fund programs that make broadband affordable for everyone in the United States.<sup>10</sup>
- Create ways of measuring what constitutes affordability and continue to monitor these factors, and apply these metrics to affordability programs to evaluate them.<sup>11</sup>

## DATA

Broadband connectivity data in Indian Country must be significantly improved. There is a lack of reliable data for Tribal communities due to poor data collection and bias. AIPI recommends that policymakers:

- Develop baseline measurements of access, use, availability, and deployment on Tribal lands.<sup>12</sup>
- Support documentation of the impact of public investments.

- Ensure data measures meaningful accountability that recipients of aforementioned funding is actually delivered as promised.<sup>13</sup>
- Ensure that any efforts to assess and document cybersecurity vulnerabilities and threats also include Tribal entities.

## SOVEREIGNTY SUPPORT

Sovereignty is one of the most fundamental concepts of American Indian rights. Support of sovereignty within digital equity efforts is critical. AIPI recommends that policymakers:

- Empower Tribes to develop their own broadband data, or ensure that data is focused specifically on Tribes through as much Tribal input as possible.<sup>14</sup>
- Continue working with and empowering Tribes to ensure that data is accurate.
- Ensure that Tribal governments, Tribal-owned entities, and Tribal communities have first rights to the spectrum over their lands.
- Empower Tribal communities to own and maintain their own infrastructure as the service provider or otherwise.
- Require the FCC to extend the 2.5 Ghz Tribal Priority Window for Tribes to access unclaimed spectrum licenses over their lands.<sup>15</sup>

<sup>9</sup> [2021 Indigenous Connectivity Summit Policy Recommendations](#), p. 6, 2021.

<sup>10</sup> Internet Society, [2021 Indigenous Connectivity Summit Policy Recommendations](#), p. 7-8, 2021.

<sup>11</sup> [Senate Committee on Indian Affairs Roundtable discussion on “Closing the Digital Divide in Native Communities through Infrastructure Investment”](#), Wednesday, January 12, 2022.

<sup>12</sup> National Congress of American Indians [Resolution #DEN-18-048](#), 2018.

<sup>13</sup> [Senate Committee on Indian Affairs Roundtable discussion on “Closing the Digital Divide in Native Communities through Infrastructure Investment”](#), Wednesday, January 12 2022.

<sup>14</sup> National Congress of American Indians [Resolution #DEN-18-048](#), 2018.

<sup>15</sup> American Indian Policy Institute, [Tribal Technology Assessment](#), p. 40-48, 2019.

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