

TO: Representative Deb Haaland and Representative Tom Cole
FROM: Haku Blaisdell, Policy Analyst
DATE: February 16, 2021
RE: Political Strategy to Provide Necessary Internet Access to Tribal Lands During the COVID-19 Crisis and Beyond

Executive Summary

H.R. 6819, introduced by Representative Deb Haaland (D-NM) and Representative Tom Cole (R-OK), calls for grants that would provide access to emergency temporary authority of available spectrum for people living on Tribal Lands. This bill recognizes the disproportionate impact Native people on Tribal lands are facing during the COVID-19 pandemic, and it directly addresses the increasingly dire need for equitable broadband internet access as a tool for survival. Taking into consideration the new administration, recent and potential appointments, and public opinion, this proposed strategy centers relationship building with affected communities, takes a historically informed approach, and redirects this bill onto the congressional agenda.

Key Interest Groups

Over the past couple of decades, several interest groups have advocated for solutions to the widening digital divide throughout the nation. Many continue to direct their efforts toward bridging the digital divide in Indian Country, where only 60% of Native Americans living on Tribal lands have access to reliable and affordable broadband internet.¹ This pales in comparison to the fact that 97% of Americans living in urban areas have internet access,² further illustrating the unequitable distribution of necessary resources in this country that fall largely across racial, economic, and geographical lines. A broad, yet extremely key, interest group in this continued

¹ "Bridging the Digital Divide for All Americans," Federal Communications Commission, <https://www.fcc.gov/about-fcc/fcc-initiatives/bridging-digital-divide-all-americans>

² Ibid.

advocacy to bridge the digital divide in Indian Country is Native people themselves. Tribal nations, Tribal leaders, and Native organizations have advocated for and implemented solutions to this pressing need within their own communities, and 159 tribes and tribal organizations have voiced support for H.R. 6819.³ These communities have firsthand experience dealing with the digital divide and have long called on the government to provide necessary relief. Some tribes and organizations have been successful in their advocacy, devising solutions that utilize both federal grants and community efforts. For instance, the Nez Perce Tribe in Idaho advocated for and formed public-private partnerships to construct a wireless ring around their reservation,⁴ and the St. Regis Mohawk Tribe used their advocacy and government grants to construct a 70-mile fiber network called Mohawk Networks.⁵ It is important to note that these have been intensive, decades-long endeavors, and despite these important and hard-fought community successes, the digital disparity in Indian country persists. The inequities have been highlighted and exacerbated by the COVID-19 pandemic, and society's increased reliance on the internet for basic tasks like going to school, applying for jobs, and visiting the doctor make access to the internet more important than ever.

Aligning with broader community work and advocacy on this issue are the efforts of the American Indian Policy Institute (AIPI) at Arizona State University. A tribally-driven entity, the AIPI has been conducting research and publishing reports on the digital divide on Tribal lands since 2005.⁶ They have successfully conducted research and built partnerships across academia, Indian Country, and policy arenas to advocate for reliable, affordable, and accessible broadband

³ "Haaland, Heinrich, Cole Introduce Bill to Unleash Emergency Access to Broadband Internet in Indian Country," Congresswoman Deb Haaland, 8 May 2020, <https://haaland.house.gov/media/press-releases/haaland-heinrich-cole-introduce-bill-unleash-emergency-access-broadband>

⁴ Trostle, H., "Building Indigenous Future Zones: Four Tribal Broadband Case Studies," 2021, <https://cdn.ilsr.org/wp-content/uploads/2021/02/IndigenousFutureZones-0221.pdf>

⁵ Ibid.

⁶ American Indian Policy Institute, "Policy and Legislative," https://aiipi.asu.edu/policy_legislative

internet on Tribal lands.⁷ To understand the political influence of both the AIPI and coalitions of Tribal communities and nations, one must recognize the historical and ongoing relationship between the United States and Native Nations, as well as their inherent sovereignty and right to self-governance. The ongoing structures of settler colonialism and racism greatly inform this relationship and the ways that many policymakers view the U.S.'s responsibility, or lack thereof, to these Nations. Hundreds of years of violent policies and rhetoric by the U.S. against Native people cannot be ignored when considering and implementing potential solutions to this complex and ongoing problem.

Public opinion is also a significant factor in this issue. Not only do majority of Americans agree that the internet has been an essential tool particularly during the COVID-19 pandemic,⁸ but surveys show that majority also agree that Congress should act immediately to fix the growing digital divide.⁹ 90% of respondents in one survey supported using Congressional funds and authority to improve broadband access in underserved areas.¹⁰ Even prominent companies are on board with finding solutions, with over 200 CEOs of major companies urging President Biden and Congress to close the digital divide as part of necessary and comprehensive pandemic relief.¹¹ Perhaps most compelling is that this bill has garnered documented support from over 200 Tribal leaders, communities, and organizations who are directly affected by the digital divide,¹² with many others with firsthand experience voicing support through other mediums like op-eds and social media posts.

⁷ Ibid.

⁸ Vogels, Emily A., et al, "53% of Americans Say the Internet Has Been Essential During the COVID-19 Outbreak," Pew Research Center, 30 April 2020, <https://www.pewresearch.org/internet/2020/04/30/53-of-americans-say-the-internet-has-been-essential-during-the-covid-19-outbreak/>

⁹ Internet Innovation Alliance, "Broadband Survey Results," September 2020, <https://internetinnovation.org/wp-content/uploads/IIA-Broadband-Survey-Results-Registered-Voters-Final.pdf>

¹⁰ Ibid.

¹¹ Zakrzewski, Cat, "The Technology 202: Top CEOs want Biden to close digital divide in pandemic response," The Washington Post, 27 Jan 2021, <https://www.washingtonpost.com/politics/2021/01/27/technology-202-top-ceos-want-biden-close-digital-divide-pandemic-response/>

¹² "Haaland, Heinrich, Cole Introduce Bill to Unleash Emergency Access to Broadband Internet in Indian Country," Congresswoman Deb Haaland, 8 May 2020, <https://haaland.house.gov/media/press-releases/haaland-heinrich-cole-introduce-bill-unleash-emergency-access-broadband>

Significant opponents to bridging the digital divide on Tribal lands have been profit-driven telephone companies, and more broadly, interest groups who disregard and ignore the historical complexity and responsibility behind this issue. The digital divide is largely an issue of access and infrastructure, in which major telephone companies with the resources don't find building on Tribal lands to be profitable enough due to the high build-out costs.¹³ Though past government grants and proposed legislation have attempted to ameliorate this issue (and has allowed for progress to be made), the digital divide in Indian Country persists.

Key Congressional Actors

Representative Deb Haaland and Representative Tom Cole, two of the three Co-Chairs of the Congressional Native American Caucus, introduced H.R. 6819 in May of 2020. Rep. Haaland and Rep. Cole, two of just six Native people currently serving in Congress, have been strong advocates for issues affecting Native American communities and Tribal governments since the start of their respective political careers. As officials of states with some of the highest Native American populations,¹⁴ and as Native Americans themselves, Rep. Haaland and Rep. Cole speak for the interests of their constituents and communities who are directly impacted by the digital divide. Rep. Haaland, some of the many strengths you and Rep. Cole bring to this bill are the relationships you have with the affected communities. As will be mentioned later in this memo, these networks will be crucial to the proposed political strategy. Additionally, Rep. Haaland's potential appointment to Secretary of Interior under the Biden administration could be extremely useful in getting this bill to the top of the agenda.

¹³ "Native Nations Communications Task Force," Federal Communications Commission, 5 Nov 2019, https://www.fcc.gov/sites/default/files/nntcf_tribal_broadband_report.pdf

¹⁴ "Tribal Population," Centers for Disease Control and Population, 21 Dec 2018, <https://www.cdc.gov/tribal/tribes-organizations-health/tribes/state-population.html>

Support for this bill is largely along party lines, with Rep. Tom Cole serving as the only Republican sponsor. Lack of support from Republicans is concerning, given that many Republican representatives represent states with big Native populations and large amounts of tribal lands.¹⁵ Though Republicans have noted their support for closing the digital divide in rural areas, specific solutions for the disparities in Indian country are usually overlooked or neglected in proposed legislation altogether.¹⁶ The Trump administration heralded fixing the digital divide as a main priority, but ultimately failed to follow through with the promises to close the gap and improve broadband infrastructure; despite one-time commitments like establishing a “5G Fund for Rural America” in 2020¹⁷ and providing temporary broadband benefits a late nine months into the pandemic,¹⁸ the stark differences in access across urban, rural, and tribal areas persist. In response to Trump’s lack of action on this issue, President Biden’s team named closing the digital divide “everywhere from low-income urban schools to rural America to Indian country”¹⁹ as a top priority and commitment of his presidential campaign, particularly in the wake of COVID-19 and our increasing dependence on the internet for survival. The Biden administration’s verbal commitments, as well as his appointment of Jessica Rosenworcel (a champion of closing the digital divide) as the Federal Communications Commission (FCC) Chair,²⁰ create a more hopeful and welcoming congressional environment for H.R. 6819 in this Congress.

¹⁵ “Tribal Population,” Centers for Disease Control and Population, 21 Dec 2018, <https://www.cdc.gov/tribal/tribes-organizations-health/tribes/state-population.html>

¹⁶ “Closing the Digital Divide,” Senate RPC, 10 September 2020, <https://www.rpc.senate.gov/policy-papers/closing-the-digital-divide>

¹⁷ “Report and Order: Establishing a 5G Fund for Rural America,” Federal Communications Commission, 27 Oct 2020, <https://docs.fcc.gov/public/attachments/FCC-20-150A1.pdf>

¹⁸ Taglang, Kevin, “Creating (Finally) an Emergency Broadband Benefit,” Benton Institute for Broadband & Society, 5 Jan 2021, <https://www.benton.org/blog/creating-finally-emergency-broadband-benefit>

¹⁹ KVRN Staff, “Biden campaign pushes for improved broadband access in rural and tribal areas,” KVRN Local News, 19 Aug 2020, <https://www.kvrr.com/2020/08/19/biden-campaign-pushes-for-improved-broadband-access-in-rural-and-tribal-areas/>

²⁰ Morrison, Sara, “How Biden’s FCC could fix America’s internet,” Vox, 21 Jan 2021, <https://www.vox.com/recode/21557495/biden-fcc-digital-divide-net-neutrality-section-230>

Political Strategy

Our proposed political strategy involves leveraging recent and upcoming appointments, calling on Republican legislators with large areas of Tribal lands in their states, and supporting ongoing Tribal-led efforts for network sovereignty. First off, President Biden’s appointment of Rosenworcel to FCC Chair is a monumental step. Rosenworcel has been a fervent supporter of closing the digital divide during her career,²¹ and she recognizes the particular disparities folks on Tribal lands face. Making continued and specific, tribal-focused demands and proposals to the FCC, as well as pushing for continued funding of the FCC’s Office of Native Affairs and Policy (ONAP) can increase the chances of this bill moving forward and ensure that solutions are sustainable and long-term. Additionally, Rep. Haaland’s potential appointment to the Department of Interior (DOI) could prove extremely helpful if it is confirmed. Not only would Rep. Haaland be the first Native person to head the DOI—a monumental yet complex moment for Native people and the country—but she would be in a position to bring this bill to the top of the agenda. Though H.R. 6819 was originally referred to the House Committee on Energy and Commerce chaired by Rep. Pallone, a reframing of this bill could move it to the jurisdiction of committees under the DOI, like that of Indian Affairs or Natural Resources. After all, many proponents of closing the digital divide have recognized broadband internet’s existence as a necessary utility akin to a natural resource needed for survival.²² A repositioning of this nature could be a strategic move to get it on the agenda in an arena and an overall administration where it is notably a priority, especially when disparities across the board are being exacerbated for Native people on tribal lands.

²¹ Nuelle, Ben, “Acting FCC Chair: The digital divide is very real and very big,” AgriPulse, 27 Jan 2021, <https://www.agri-pulse.com/articles/15207-acting-fcc-chair-the-digital-divide-is-very-real-and-very-big>

²² Trostle, H., “Building Indigenous Future Zones: Four Tribal Broadband Case Studies,” 2021, <https://cdn.ilsr.org/wp-content/uploads/2021/02/IndigenousFutureZones-0221.pdf>

Furthermore, another facet of this proposed strategy includes calling on Republican representatives with large amounts of Tribal lands in their states to support H.R. 6819, including Rep. Mullin and Rep. Herrell who belong to Native communities themselves. In the past, many politicians have underestimated the Native vote, though recent surveys have shown that Native people tend to vote at relatively high rates and have played crucial roles in close votes despite the structural voter suppression and systemic disenfranchisement waged against them.²³ Leveraging the turnouts and results from the 2020 presidential election, as well as the fact that bridging the digital divide is an important priority for many Americans, could prove helpful in getting bipartisan support for H.R. 6819. Simultaneously, it is important that sponsors of this bill listen to the Tribal Nations and members themselves when understanding the severity of and solutions to this problem. Increased communication and better relationships with the communities affected is paramount to finding a meaningful and sustainable set of solutions. Rep. Haaland, you and Rep. Cole have established relationships with these communities and have direct connections to them, and crucial to this political strategy is continued engagement with these communities. In this sense, stronger partnerships can be formed across groups and the bill can be a step towards meaningful and long-term change.

Political Advocacy and Conclusion

H.R. 6819 is an increasingly important bill in a time when access to broadband internet is key to survival. Exacerbated by the COVID-19 pandemic, the digital divide in Indian Country is an issue that spans across the realms of health, education, jobs, and more. By providing grants to allow access of available spectrum, this bill is a necessary first step in a long process that is made more necessary by the pandemic. H.R. 6819 can provide important resources and pave the way

²³ Fryberg, Stephanie A. et al., "From Protests, to the Ballot Box, and Beyond: Building Indigenous Power," Illuminative, http://indigenousfutures.illuminatives.org/wp-content/uploads/Indigenous_Futures_Survey_Report.pdf

for future legislation that could begin to address greater historical and infrastructural inequities. The proposed political strategy recognizes the complex relationships that Tribal Nations (as sovereign entities) have with the government, as well as the responsibilities that the U.S. has to fix these ongoing disparities. Additionally, this strategy utilizes public opinion and changing congressional climates to reposition this bill at the top of the agenda. Through the continued advocacy of you and Rep. Tom Cole, this bill can hopefully be pushed through in this Congress. To do so would provide much needed investment in Tribal broadband and move the country closer to closing the digital divide.

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