

REMARKS OF  
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Honorable Tribal Leaders, thank you for inviting me to be with you this morning at the National Congress of American Indians and especially for your warm and generous welcome. I have already seen many old friends in the audience—and I hope to make some new ones today, too.

My remarks today are presented not just against a backdrop of hope, but also as the clouds are beginning to open up to a new era of progress. Compared to the previous occasions when I addressed NCAI, good things seem to be happening. What a difference the past year has made!

Let's review some of what's happened.

First—under the leadership of Chairman Julius Genachowski—the Federal Communications Commission has finally gotten serious about re-establishing its trust relationship with the Tribal Governments. This picks up on the important work done years ago under then-FCC Chairman (and now Ambassador) Bill Kennard. We have a lot of work to do on this important priority, but I do think we may just be heading in the right direction now.

Secondly, at the direction of both Congress and The President, the FCC developed, and is now launching, a National Broadband Plan that starts to right the telecom wrongs of the past by making a real commitment to Native communities that they will have access to the enabling communications technologies necessary to prosper in the 21<sup>st</sup> Century. As a major part of this effort, the Commission announced in June of this year the creation of an FCC-Native Nations Broadband Task Force and solicited nominations for its Tribal representatives. Dozens of nominations have been received from across the nation. We are actively reviewing these now, and hope to have this Task Force in place by the end of the year.

Thirdly, we have beefed up, by orders of magnitude, the FCC's resources dedicated to building a better trust relationship and to implement telecom programs that can turn promise into reality. Last August, we established a new Office of Native Affairs and Policy, dedicated to serving all federally-recognized Tribes and other Native American organizations to address the telecom challenges these communities face. And we had the great good sense to coax my friend Geoff Blackwell back to the FCC as the head of the new office. Geoff is one of the ablest people ever to have served at the Commission. He has a depth of understanding and breadth of experience that are absolutely unique. When I talk with Geoff, I know I'm hearing the facts, hearing the truth, and working with someone deeply committed—passionately committed—to the cause. Geoff is here this morning, I believe, and if he is, I'd like him to stand, be recognized, and hear by a round of applause how highly we regard him. I'm also happy that just last week Chairman Genachowski announced the appointment of additional senior staff—Irene Flannery, Cynthia Bryant and Dan Rumelt—to the new office. The launching of this office with such distinguished and dedicated personnel makes an important down-payment on ensuring that Native voices are being heard at the Commission day-in, day-out.

Fourth, also this year, the Commission adopted an order—that means we took real, concrete action—to promote Native American radio and to streamline broadcast radio assignment and allotment procedures. Even though more than a million Native Americans and Alaska Natives live on over 55 million acres of Tribal lands across the U.S., there are only some 41 radio stations licensed to Native Entities. The new Tribal Priority gives precedence to American Indian Tribes and Alaska Native Villages, or companies controlled by Tribes, that want to set-up new radio stations to serve their local communities. The order was accompanied by a Further Notice of Proposed Rulemaking seeking comment on whether and how to help applicants for new commercial radio stations by establishing an auction bidding credit and also whether to extend the Tribal Priority to Tribes that do not possess Tribal lands.

One of the reasons I wanted to be here today personally is to announce another step forward. It is this: on March 3, 2011, the Federal Communications Commission will convene a Tribal Issues Commission Meeting in Washington, DC, focusing exclusively on the issues that matter to Indian Country. The event will immediately follow NCAI's Executive Council Winter Session. The Chairman and other Commissioners will be in attendance. We will examine ways—through our regulatory and other processes—to identify and remove the barriers to deployment of services on and near Tribal lands. I invite you to attend. In the meantime, Geoff Blackwell and his team from the Office of Native Affairs and Policy will be working with you, with Indian Country, to make this meeting as meaningful and productive as it can possibly be. We want—correction, we *need*—to hear from you. Tribal Nations are sovereigns within this great country, and the FCC needs your input on the life-changing communications topics that I know matter so much to you. I recognize that it can be a challenge to find the resources and to find the time to come, but I am a believer in that old adage that decisions without you are usually not the best decisions for you. The big guys, the huge telecom companies, and the big media giants all understand this, and that's why we see and hear from them all the time. Every month. Every week. Every day. Sometimes more than that! With the communications revolution that is transforming our country and transforming the world, there is just too much at stake for you not to be active participants in these discussions.

Marked improvements have come to Indian Country over the past decade. I know that. But I have also walked the Tribal lands, talked with its people, seen the poverty and unemployment and appalling lack of infrastructure that deny opportunity to people who want nothing more than opportunity. In so many places where Native Americans live, poverty endures, joblessness is at levels no society should accept, education languishes, and even basic public safety falls drastically short of what people have a right to expect. So we must never lose sight of the harsh reality from which we are starting. High-speed, value-laden broadband is still a stranger to most of Indian Country. Even plain old telephone service—which so many in this country take for granted—is at shockingly low levels of penetration. The latest statistics I've seen show that fewer than 70 percent of Native American households have access to basic telephone connectivity. That's compared to 97 percent for the rest of the country. To call it a national disgrace doesn't even begin to feel the reality.

You know, this Broadband Revolution or Digital Age or Internet Era—whatever you want to call it—is so hugely important. There is no challenge facing the United States today—be it jobs, energy, healthcare, education, our civic dialogue, you name it—that does not have a broadband component as part of its solution. The same holds true, perhaps more so, for Indian Country.

And realize this: one of the great ironies of this enabling technology is that, if we don't do it well and do it right and get it out to everyone, everywhere, we will end up with even greater divides in the 21<sup>st</sup> Century than those we had in the 20<sup>th</sup>. In my many visits with Tribal leaders and to Tribal lands, I have come to understand how much harm the lack of telecommunications infrastructure is inflicting—and it's a lot. And I have increasingly come to understand how critical broadband is to the growth—perhaps even the survival—of these communities. In today's world, it's difficult—often impossible—to even apply for a job without access to the Internet. There's another adage I like and it applies so clearly to the telecommunications tools of the Twenty-first century—access denied is opportunity denied.

Deployment and adoption of opportunity-creating broadband throughout this land have been a major focus of the Commission since change finally came to Washington back in 2009. In every one of the discussion I participated in, I worked for—pushed hard for—the inclusion of Indian Country. My hopes became more than just hopes. They have become actions, initial at this point to be sure, but strong and important. So change has come. And change must continue to come. The competitiveness of Indian Country—the competitiveness of the Nation as a whole—depends upon broadband reaching every nook and cranny across the continent. Other countries are doing it. To become competitive again globally, we can't afford not to. The week before last, I was talking with my counterpart from Sweden—a smaller country, to be sure, but one that also has challenges of reaching rural and remote communities. Wireless broadband coverage there already reaches more than 99 percent of the Swedish people. In Japan, citizens have access to broadband speeds that Americans can only dream about, and at lower prices. A month ago my wife and I took a 40<sup>th</sup> wedding anniversary vacation trip to China, part of which was taking a cruise down the famed Yangtze River. Here we were, surrounded by mountains and floating down the world's third longest river, and almost without exception, whenever I turned my Blackberry on, we received 3G reception. How many places in this country still cannot provide that level of service? How many places in Indian Country? And I'm not just talking about river valleys, either! That, my friends, is what we're competing with.

As with other great infrastructure challenges that came before, this nation can rise to the occasion, with sound public policy working hand-in-hand with private sector innovation and investment. Or, not doing enough, we can fall farther and farther behind the rest of the world. After too many years adrift—without a focused national strategy and under the delusional assumption that the private sector alone would build-out infrastructure everywhere, even where there was no business case for it to do so—we finally have a solid National Broadband Plan for this country. Finally, we recognized the need for Native voices to be an institutionalized part of the decision-making process on broadband policy. And I am pleased that our National Broadband Plan also asked Congress to consider creating a Tribal seat on the Universal Service Joint Board.

Our National Broadband Plan was the product of the deepest, widest, most open and transparent proceeding I can remember at the Commission. We garnered the best data available. Unfortunately, when it came to Tribal lands, we could not gather what nobody even had bothered to track. I talked about the low rate of Plain Old Telephone Service a few minutes ago. But get this: we don't have anything close to a reliable number for what's happening on broadband. Anecdotally, we know that broadband subscribership on Tribal lands is well below ten percent. Policy designed to tackle this problem will be most sound, and progress best measured, when informed by accurate and reliable data. That's why we need to work with the Tribes, through the Native Nations Broadband Task Force and other mechanisms, to identify better methods for

collecting, reporting and verifying broadband information for Native communities. The FCC's Office of Native Affairs and Policy will, of course, be central in helping coordinate discussions with broadband providers and Tribes so that we can all have access to the most accurate information about the commercial deployment and adoption of broadband on Native lands.

Moving our Universal Service Fund to support broadband is a huge undertaking. The changes with regard to the low-income and high-cost programs, for example, have implications affecting citizens, businesses and government. We have already begun work to create funding models for a broadband-oriented USF, and the Joint Board on Universal Service has just issued recommendations on changes to the Life-Line and Link-Up programs which are so important in enabling low-income households to get connected. Additionally, we have launched a proceeding aimed at creating a Mobility Fund to expand mobile connectivity at 3G levels and above in rural America. We specifically raised the idea that, after appropriate government-to-government consultation, we may want to provide a similar mechanism targeted specifically to Tribal lands.

As we tackle the issue of support for services on Tribal lands, I will continue to remind my colleagues that we must also ensure that Tribal members living *near* Tribal lands can benefit from the same Lifeline and Link-Up available to those living *on* Tribal lands. Many of these near reservation areas share the same high rates of poverty, low telephone subscribership and geographic isolation found on the Tribal lands themselves. When unemployment on Tribal lands compels members to move off reservations to adjacent areas where job prospects are brighter, why shouldn't there be a way to provide enhanced Lifeline and Link-Up assistance to them?

Another specific issue we must address is E-Rate funding for Tribal libraries. The E-Rate program has been instrumental in accelerating the rollout of Internet services in libraries across the country. But it isn't having the powerful effect it could have in Tribal community libraries—places that can be a vital resource for advancing education and maintaining cultural identity. The only libraries currently eligible to receive discounted E-Rate services are those under a state library administrative agency. That's not a fair requirement because it means Tribal facilities may have to go through a lengthy process involving state jurisdiction before they can receive funding. It is neither consistent with good policy nor Tribal sovereignty, and we need to fix it.

A major theme of the National Broadband Plan is the critical need for spectrum to support new wireless services. We have called for a spectrum inventory to determine how, when and where spectrum is being used and whether we can put it to more efficient use. Although I think that exercise would ideally have happened prior to the Commission efforts to identify target spectrum bands, there is nonetheless a general recognition that the Commission—and the government writ large—needs to make more spectrum available. As we do that, we need to expand the role of Tribes as policies and rules are developed for spectrum usage in those license areas that overlap with Tribal lands.

There is something else I want to point out here, and it is that spectrum policy is about more than wireless broadband. It also directly relates to media policy, and access to the news and other content that matter to local communities. When I was Acting Chairman of the FCC last year, I launched the proceeding I summarized at the outset of my remarks to foster increased Tribal ownership of radio broadcast stations. Having less than one-third of one percent of the radio licenses in the United States licensed to federally recognized Indian Tribes is clearly not acceptable. Adopting the new Section 307(b) priority for federally recognized Tribes proposing

new radio services for Tribal lands was not only the right thing to do, but it advanced the Commission's core goals of diversity and localism. It is my hope that more Tribally-owned stations will mean new opportunities for these rural communities: economic advancement from construction activity to erect broadcast facilities; advertisements for goods and services geared especially to Tribal audiences and markets; career and employment opportunities in media-related fields; outlets for the distribution of diverse cultural programming and viewpoints, as well as public safety information for Tribal lands. This goes to the heart of localism. There can be no doubt that radio stations owned by Tribes, for the benefit of those residing on Tribal lands, advance the FCC's localism objective. While we're talking about media, let's not forget television, which does such an inadequate job of reflecting the diversity of our land when it comes to Native Americans and which just about totally lacks network programming reflective of Indian Country, its challenges, yes, but also the contributions it has and is making to the United States. We must find ways—and soon—to correct this glaring lack.

There is much more we could talk about, but time is limited and I know you have another full program today. I just want to repeat that I think we are turning a corner on these issues, even though we have far—so far—yet to travel. I know there have been times before when hopes and promises spread across Indian Country, only to be under-cut by lack of follow-through and, sometimes, by outright deceit. That history was, too often, a trail of tears, and the ground is still damp with the sorrow and hurt that were visited upon generations of Native Americans. Bringing opportunity and prosperity out of that sad history is one of the major challenges confronting our country—not just for the economic progress we need to make, but for the moral repair we need to do to right the wrongs of the past and to become what this country is supposed to be. The first Americans should not be the last Americans to reap the benefits of the Information Age. There is so much to be done to ensure that Indian Country progresses as America progresses. It is time to do justice—real justice—in Indian Country and for us all. Let us walk together in this new spirit of hope and progress that beckons us forward and, this time, let us work and pray that the results match the promise.

Thank you. And I'll see you in Washington in March, if not sooner.