

**REMARKS OF**  
**COMMISSIONER GEOFFREY STARKS**  
**AT THE TRIBAL GOVERNMENT E-COMMERCE CONFERENCE – WIRING THE**  
**REZ: INNOVATIVE STRATEGIES FOR BUSINESS DEVELOPMENT VIA E-**  
**COMMERCE**  
**SANDRA DAY O’CONNOR COLLEGE OF LAW AT ARIZONA STATE UNIVERSITY**  
**FEBRUARY 18, 2021**

Thank you to the Arizona State University Sandra Day O’Connor College of Law Indian Legal Program for inviting me to join you at this year’s Wiring the Rez Tribal Government E-Commerce conference. I recognize that we’re gathering at a trying time for many Tribal communities. Across Tribal nations, the coronavirus pandemic has created a still-unfolding series of challenges—from caring for loved ones to navigating economic headwinds to helping children continue their educations even as many schools have closed. I know many of you have worked hard to keep your communities safe, healthy, and connected over the last year. Thank you.

Today, I want to focus on one critical aspect of moving through and forward from this difficult time: bringing high-quality, affordable broadband into every home—something that’s at the heart of so many of the economic development priorities you are exploring during this year’s conference. Early in the pandemic, many of us quickly recognized how critical home broadband access would be to our coronavirus response. Months of staying home has meant taking our daily activities—work, school, medical care, and connecting with loved ones—online. But not for everyone. Even before the pandemic and the economic devastation it has caused, tens of millions of Americans did not have an adequate home broadband connection. That inequality is making so many existing inequities worse. Our long-standing digital divide has morphed into a monstrous COVID-19 divide.

Even in more ordinary times, that divide touches nearly every aspect of economic development. Broadband should be a tool that allows people to take control of their lives and empower themselves, their households, and their communities. It should allow those who want to live in rural areas to access markets, customers, employment, and training opportunities in distant places. Local businesses are the cornerstones of many Tribal communities, and they need access to updated technology so they can serve their communities and reach consumers across the globe. A 2019 Evergreen College study by Dr. Eric Trevan found that every new e-commerce-related business “could spark an additional \$1 million in economic activity in Indian Country.” Rebooting our economy during these trying times means ensuring these businesses get connected. Robust, reliable broadband should bring educational opportunities to students wherever they are. And it should make the business of interacting with the government—everything from getting a permit or signing up for assistance—faster and easier.

For many Tribal communities, that vision remains far from today’s reality. High-speed internet access rates in Tribal Communities have long lagged behind those of non-Tribal urban

and rural communities across the United States. In fact, more than half of households on rural Tribal lands lack access to broadband services at speed 25/3 Mbps. This cannot stand. We can no longer defer the hard work on digital equity and believe that a future group and time will solve this issue. This is the time, and now is the moment. As we look to our shared future—an unprecedented crisis and an unparalleled opportunity—leaving households disconnected will diminish our ability to keep Americans and our healthcare system safe by advancing telemedicine; dim the educational horizon of young learners everywhere who fall further and further behind; and hurt our ability to rebuild the economy and our workforce, which continues to migrate online.

With widespread vaccination on the horizon, we are all beginning to see the light at the end of the tunnel. However, the President and his medical advisors have emphasized that we have many challenging months still ahead. That is why my top priority for the coming weeks is getting emergency broadband access to as many Americans as possible.

Late last year, Congress created a new \$3.2 billion Emergency Broadband Benefit for low-income families. The goal is to connect low-income households to connected devices and broadband networks at affordable rates, and Congress gave special focus to Tribal communities. Broadband providers will be reimbursed up to \$75 each month per low-income household on Tribal land. Providers can also be reimbursed up to \$100 for providing the household with a connected device, like a computer or tablet, if the household contributes toward the device. Congress also created several eligibility criteria, broader than our existing Lifeline program, to ensure the program reaches those most in need during this coronavirus crisis.

I have great expectations for this program. If we're successful, the Emergency Broadband Benefit will reach more disconnected low-income people and Tribal households than any previous FCC effort to close the digital divide. But Congress has—quite reasonably under the circumstances—given us just 60 days to set up the program.

There are lots of details to work out, and I am focusing, most immediately, on two issues: First, how will we get the word out? As many of you know, and I have long been exasperated about the poor job the FCC has done in recent years to get the word out about the Lifeline program. Only about 20 percent of Lifeline eligible households actually subscribe. For the Emergency Broadband Benefit to succeed, we're going to need to do much better. That means a broad, collaborative outreach effort that must coordinate across the federal government and also include state, local, and Tribal governments, broadband providers, non-profits, philanthropy, educators, and direct service providers. I've heard from many organizations that are planning to get involved, and I'm eager to support and amplify their efforts. I encourage all of you to reach out to me and my staff if you have ideas about how we can make sure every eligible Tribal household knows about the Emergency Broadband Benefit.

The second issue is encouraging broadband providers to participate voluntarily. Last year, I was heartened by the large number of providers that participated in the Keep America Connected pledge, so we know many providers want to help their communities get through this difficult time. Over the last two months, I have been working to make sure the rules for the

Emergency Broadband Benefit are as clear and simple as possible and that providers get their questions answered quickly. If you care about getting emergency relief to every eligible American, reach out to your broadband provider and the companies that serve your constituents, and let them know that their participation is important.

Making the Emergency Broadband Benefit work well will make a huge difference to many families, but I am mindful that this is a temporary solution to a long-term problem. Internet inequality held millions of Americans back from their full potential long before COVID-19. Many communities are working tirelessly to close the digital divide, and they should know that help is on the way. Before the pandemic struck, I had the honor of meeting with New Mexico Tribal community leaders and members to discuss the unique connectivity challenges Tribal communities face. When visiting the To'Hajiilee Indian Reservation with Sacred Wind Communications, I met with To'Hajiilee Navajo Chapter President Mark Begay. I learned about the connectivity challenges faced by a remote Tribal community surrounded by deserts and mountainous terrain and the potential for emerging technologies to enhance connectivity for community members.

On that same trip, I also accompanied current Senator and then Congressman Ben Ray Luján to the Pueblos of San Felipe and Santo Domingo. In those pueblos, I learned about the Middle Rio Grande Valley Tribal Consortium's effort to bring fiber connectivity to libraries in the Pueblo of Santo Domingo, an area where many homes lack broadband service. I'll never forget the words of Ms. Cynthia Aguilar, a librarian with the Santo Domingo Pueblo Library. Ms. Aguilar described the transformative impact of broadband connectivity when she compared its arrival to that of the railroad to the Pueblo a century prior. The lengths Tribal communities go to bring affordable service to their citizens inspire me to keep working toward solutions for internet inequality. Solving this problem is a moral imperative.

We need to bring the transformative experience Ms. Aguilar described to millions more households and businesses, with a renewed focus on Tribal communities. Beyond the Emergency Broadband Benefit, there are additional concrete steps the Commission should take. First, Lifeline needs an update. As I noted earlier, only about twenty percent of eligible households take advantage of the benefit. I have proposed that the Commission enter memoranda of understanding (MOUs) with other federal agencies that administer programs with similar eligibility criteria. Ideally, if someone is enrolled in a qualifying program like Supplemental Nutrition Assistance Program (SNAP), they should learn about Lifeline. We also need to better understand what works and what doesn't. The Commission has never completed its planned study of the program. We need to do this so Lifeline can be updated to reflect today's needs.

Second, we need to make sure that the FCC's investments in infrastructure lead to service that American families can actually afford. Our controlling statute is explicit: "Quality services should be available at just, reasonable, and affordable rates." If we use our finite funds to build out broadband infrastructure without any regard given to whether people can afford the service once it arrives, we have not done the job Congress assigned us. That is why I was first on the Commission to call for consideration of requiring USF recipients to provide an affordable option

as a condition of receiving high-cost support. I am eager to work with stakeholders around the country to incorporate the lessons of this year's affordability challenges into a long-term commitment to affordability into our Universal Service Fund high-cost program.

Third, we need to update our E-Rate program with badly needed flexibility. For too long, our ability to respond to the educational challenges posed by COVID-19 has been hamstrung by the previous administration's crabbed interpretation of the E-Rate statute. I am glad the Commission began the process of correcting that error. Giving schools flexibility to spend the funds to support students who are required to learn at home is an essential step for the current school year, during which many students will continue distance learning. Making this change will also make the program ready for future extenuating circumstances—different health crises, natural disasters, and more. It's taken far too long to make E-Rate meet this moment, and we need to be better prepared in the future.

Finally, I'm eager to work with congressional leaders to expand the Commission's ability to respond to the affordability challenge. Congress should build on the bipartisan support for the Emergency Broadband Benefit and accelerate efforts to make broadband affordable. The Accessible, Affordable Internet for All Act, for example, includes many great ideas and an infusion of funding. That legislation would codify my proposal to require providers that receive USF high-cost funding to provide consumers with an affordable option. It would also require a study on the extent to which affordability contributes to the lack of broadband adoption and on ways to improve federal subsidies to households to make broadband affordable. These are just some of the many good ideas I hope will get a thorough hearing in the coming months.

This challenging year across our country has brought internet inequality to the forefront of our technology and telecommunications policy discussion. Let's keep it there. No family should have to decide between keeping the lights on or getting the household connected, and no family should miss out on the benefits of broadband—and all the of the important economic development efforts you're discussing because of cost. I look forward to working with all of you to make universal, high-quality, affordable broadband a reality in Tribal communities across the country.