Testimony

Of

Kade L. Twist
Vice President
Native Networking Policy Center

Before the

United States Senate Committee on Indian Affairs

On S.2382, Native American Connectivity Act

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Introduction

Chairman Campbell, Vice Chairman Inouye, and distinguished Members of the Committee, thank you for inviting me to testify before the Committee on Indian Affairs about the Native American Connectivity Act. It is an honor to be here with you today. My name is Kade L. Twist. I am an enrolled member of the Cherokee Nation and Vice President of the Native Networking Policy Center. The Native Networking Policy Center (NNPC) is a non-profit organization whose mission is to ensure equitable and affordable access to, and the culturally appropriate use of, telecommunications and information technology throughout Indian Country.

Unfortunately, far too many American Indians lack access to basic telephone service—let alone advanced telecommunications services—and information technology. And far too many tribes and American Indian communities lack the knowledge and capacity they need to utilize these technologies in a manner that advances their respective social, civic and cultural needs.

Therefore, NNPC applauds Senator Inouye's and the Committee's attempt to remedy these appalling deficiencies through the proposed Native American Connectivity Act. It is clear that previous attempts to promote market-driven solutions to these deficiencies have been painfully inadequate in providing a timely remedy and have entirely failed to address one of the most significant barriers to telecommunications and information technology development: the lack of local community knowledge and capacity. It is also clear that existing federal programs that provide funding assistance for the development of telecommunications and information technology have been insufficient in meeting the diverse and unique needs of tribes and American Indian communities, including essential community knowledge and capacity issues.

The NNPC contends that the Native American Connectivity Act represents a viable and intelligent solution to the telecommunications and information technology deficiencies among tribes and American Indian communities. The Act's strongest attribute is that it provides a flexible block grant funding mechanism that:

1) Emphasizes local community control over how funds are utilized, including tribal decision making and community-driven problem solving;
2) Supports technology planning, market studies and feasibility studies;
3) Supports training, technical assistance, and capacity building activities;

4) Supports research and evaluation;

Furthermore, the Native American Connectivity Act is significant in that is doesn't require that tribes compete against state and municipal entities to gain access to the benefits of the federal trust responsibility in the area of telecommunications and information technology.

The future of American Indian self-determination is largely dependent upon the ability of tribes and American Indian communities to develop and utilize telecommunications technologies as tools for enhancing nation building, civic engagement, economic development, education, healthcare, language and cultural preservation, and media. Therefore, NNPC contends that the Native American Connectivity Act will play an important role in not only improving the status of telecommunications in Indian Country, but also improving upon the future status of American Indian self-determination.

Background: severity of need

Infrastructure

There is a communications crisis in Indian Country that is undermining the potential for expanding the human, economic and civic capacities of Indian Nations and tribal members. More so than any other racial or ethnic group in rural America, American Indians lack access to telecommunications and information technology infrastructure and services.

The insufficient and unacceptable state of telecommunications and information technology in Indian Country is well documented in the written and verbal testimonies provided by tribal leaders and stakeholders in Indian Country during the May 22, 2003 hearing. I urge you to revisit the public record for more robust background information on the severity of the telecommunications and information technology infrastructure deficiencies.

I also urge you to consult three important reports that provide an appropriate context from which to evaluate the current communications crisis in Indian Country. This crisis didn't emerge overnight. And these reports provide a useful history of how and why this is the case. The three reports are: *Telecommunications Technology and Native Americans: Opportunities and Challenges,* U.S. Congress, Office of Technology Assessment, *Telecommunications Technology and Native Americans: Opportunities and Challenges,* OTA-ITC-621, August 1995; U.S. Department of Commerce, Economic Development Agency, *Assessment of Technology Infrastructure in Native Communities,* October 1999; Benton Foundation, *Native Networking: Telecommunications and Information Technology in Indian Country,* April 1999.

Because so much thoughtful information is already readily available, and the focus of much public discourse, I will only provide here a brief summary—or, reminder—of these infrastructure-related deficiencies:

- **Household telephone penetration rates for all of Indian Country are only 67.9%; however, for some tribes, such as the Navajo Nation, it is only 39%.[1]**
- **Household Internet penetration rates for all of Indian Country are only 10%.[2]**
- **Household personal computer penetration rates for all of Indian Country are only 15%.[3]**

Instead of rehashing what is already on the public record, I would like to add one important issue that is often overlooked in public discourse pertaining to the lack of telecommunications and information technology infrastructure: SOCIAL JUSTICE.

The concepts of equity, access and diversity among public communications systems—essential elements of the 1934 Communications Act and 1996 Act—are still, in the year 2004, redlined around most of Indian Country. It's an oppressive and offensive picture that raises a number of critical social justice issues. It's a picture that raises serious questions about the public interest priorities of this great nation. It's a picture that raises serious questions about the federal government's commitment to upholding its trust responsibility for American Indian people.

Without household telephone service American Indians are dying in their homes because they don't have access to 911 services; they are unable to attain employment because they don't have a phone; they are unable to communicate effectively with their children's teachers or elected leaders.

Without household Internet access American Indians are unable to reap the benefits of an e-government democracy; they are unable to contribute to the public sphere; they are unable to contribute to the diversity and richness of mainstream America through the sharing of their stories, experiences, languages and cultures.

Knowledge and Capacity

Providing equipment and infrastructure is not a solution, in and of itself, for the vast telecommunications and information technology needs of tribes and American Indian communities. **Equipment and infrastructure are merely tools. They are only effective**

[1] 2000 Census, as compiled by the FCC, 2003.
[2] U.S. Department of Commerce, Economic Development Agency, *Assessment of Technology Infrastructure in Native Communities*, October 1999.
[3] Ibid.

when they are applied in a manner that provides for—and advances—the social, civic and cultural needs of respective tribes and American Indian communities.

Even if every mile of Indian Country were wired the vast majority of tribes would not have the knowledge, expertise and organizational capacity to effectively utilize, manage and sustain their infrastructure. For instance, telecommunications systems are expensive to sustain and require a large number of staff with wide array of skill sets to keep them up and running. It requires a great deal of experience, expertise, creativity, community education and community organizing to utilize telecommunications systems in a manner that compliments the cultural will of tribal people while meeting their social and civic needs.

Therefore, the needs for building organizational capacity and planning assistance should be viewed all stakeholders as a top priority. Currently, the majority of Indian Country does not have the organizational capacity or planning resources to expeditiously and efficiently build-out needed infrastructure. Likewise, the majority do not have the knowledge and capacity to manage and utilize infrastructure in a manner that maximizes its full potential. Perhaps the best example of this need is the grim statistic that only 17% of tribes have technology infrastructure plans in place, and only 17% of tribes have telecommunications plans in place.[4]

Addressing the organizational capacity building and planning assistance needs of Indian Country is not only essential to building out infrastructure, it is also essential to sustaining technology investments.

Stakeholders should be mindful of the fact that Indians have just begun the processes of making telecommunications and information technology fit their respective cultural and social wills. Therefore, Indian Nations have an intense need for planning, community organizing, training, technical assistance, capacity building assistance and the recruitment of talent with a diversity of skill-sets. Indian Nations must develop their organizational infrastructures, regulatory codes and regulatory bodies to ensure the appropriate development and sustainability of telecommunications endeavors on tribal lands, as well as, ensuring the consumer rights of their respective tribal members.

[4] U.S. Department of Commerce, Economic Development Agency, *Assessment of Technology Infrastructure in Native Communities,* October 1999.

Benefits of the Native American Connectivity Act and Why it is Needed

Local control over how funds are utilized

It is crucial for the advancement of self-determination that tribes control how funds are utilized for the development of telecommunications and information technology within their respective communities.

Existing federal programs such as the National Telecommunications and Information Administration's Technology Opportunities Program (TOP) and the U.S. Department of Education's Community Technology Center (CTC) Program place external limits on tribal and American Indian community decision making. The federal government, rather than tribal governments, prescribes the priorities for the use of funds from these programs. Such prescribed priorities tend to emphasize experimental and theoretical approaches to technology development, which is beyond the scope of the majority of tribes' technology development priorities.

In sum, the effectiveness of these programs for Indian Country is structurally limited because they are not designed or administered with the specific needs of tribes and American Indian communities in mind.

Whereas, the Native American Connectivity Act would utilize a block grant program to disperse funds to tribes to be used by tribes as they see fit. **The Native American Connectivity Act would promote a higher level of tribal involvement in the conceptualizing of telecommunications and information technology development.** In addition, the Act would promote a higher level of interagency collaboration and the leveraging of a more diverse set of interagency resources. It would enable tribes to build upon existing infrastructure across interagency network platforms in a manner that is more consistent with tribal and American Indian community development priorities. And consequently, it would allow tribes the flexibility they need to develop infrastructure in a more comprehensive manner that better connects tribal entities with tribal communities.

Technology planning, market studies and feasibility studies

Given that only 17% of tribes have technology or telecommunications plans in place this is an area of crisis that needs to be addressed specifically.

Appropriate and sustainable telecommunications development cannot take place without sufficient planning. And the planning needs of Indian Country are far more significant and complex than simply developing a plan for a wireless network, or a community technology center. Tribes and American Indian communities need resources for much larger, community-wide planning processes that leverage resources, aggregate

demand for services and infrastructure, and promote interagency collaboration, as well as, collaboration among other tribes, nonprofits and the private sector. Tribes also need resources to perform market studies and feasibility studies for developing telephone companies and connecting technology investment strategies to larger tribal economic development strategies aimed at expanding economic opportunities enabled by new technologies.

It is essential for tribal telecommunications and information technology development efforts to be linked with existing education, healthcare and economic development efforts. Many tribes have been unable to develop such linkages, and as a result, they are duplicating efforts, failing to leverage resources and failing develop fully integrated systems. Unfortunately, existing federal programs simply do not support sufficient telecommunications and information technology planning. As a result, potential efficiencies and market development opportunities have been unrealized.

The Native American Connectivity Act, through its block grant program, would support a diversity of necessary planning activities. The Native American Connectivity Act would play a significant role in providing tribes and American Indian communities with the resources they need to not only develop telecommunications and information technology more efficiently, but also to utilize these technologies in a manner that promotes their social, economic, civic and cultural needs.

Training, technical assistance and capacity building

I would like to reiterate the fact that providing equipment and infrastructure is not a solution, in and of itself, for the vast telecommunications and information technology needs of tribes and American Indian communities. Equipment and infrastructure are merely tools. They are only effective when they are applied in a manner that provides for—and advances—the social, civic and cultural needs of respective tribes and American Indian communities.

With this in mind, **tribes and American Indian communities need access to training and technical assistance resources to build the community knowledge, expertise and capacity that will enable them to utilize these technologies effectively.** A system of training and technical assistance intermediaries is needed to provide support that is specifically designed for the telecommunications and information technology needs of tribes and American Indian communities.

Unfortunately, no such system for training and technical assistance exists for telecommunications and information technology. Instead, tribal and American Indian technology leaders end up flying around the country to attend expensive conferences and workshops that are limited to a few hours, or maybe one day, as a means of gaining

access to technical assistance and training opportunities. Unfortunately, these brief learning opportunities are designed to address the general needs of a broad audience, rather than the specific needs of a specific tribe or American Indian community. This leaves the majority of tribal and American Indian technology leaders scratching their heads wondering where and how they can access the type of specific training assistance they need.

As a result, tribes and American Indian communities rely on expensive consultants because it is the easiest and most timely means of attaining expertise. The reliance upon outside consultants provide a temporary fix for a particular need, however, this practice prevents tribes and American Indian communities from building their internal expertise and capacities and reaping the long-term benefits from doing so. It can also be problematic in the sense that consultants come and go from project to project and do not necessarily advance the long-term best interests of tribes and American Indian communities.

The Native American Housing Assistance and Self Determination Act (NAHASDA) established a system of training and technical assistance intermediaries as a means of building the capacity of tribal housing authorities. This system of training and technical assistance intermediaries has proven to be very beneficial in helping tribal housing authorities navigate the complexities of housing development and property management activities more efficiently and effectively. Unfortunately, no such system of training and technical assistance intermediaries exist for tribes and American Indian communities in the area of telecommunications and information technology—sectors that are far more complicated and expensive than housing.

The Native American Connectivity Act would support the development of a system of training and technical assistance intermediaries for telecommunications and information technology. The Native American Connectivity Act would enable tribes and American Indian communities to access an exceptional group of institutions with extensive capacity, stability and credibility in their communities. It would promote intertribal collaboration and peer-to-peer mentoring for addressing complex challenges such as technology planning, technology selection, network design, network administration and selecting content applications that increase the relevancy of technology among communities. It would promote strategic development, pushing participant tribes and American Indian communities to think critically about their markets and organizational priorities, gauge their impact and evaluate alternatives. And most importantly, it would help tribes and American Indian communities build the knowledge, expertise and capacity they need to utilize technologies effectively.

Research and evaluation

There is a tremendous need for a more comprehensive assessment of existing communications technology infrastructure and services subscribed to in Indian Country. Currently, there is a lack of accurate data and appropriately contextualized data for telecommunications infrastructure, available services and services subscribed to on a reservation-by-reservation basis. Data that does exist is either outdated, lacks integrity due to small sample sizes and inappropriate collection methods, or has not been made available on a reservation-by-reservation basis.

The lack of quality data prevents tribal leaders from adequately measuring the severity of their telecommunications and information technology deficiencies, and thus, limits their ability to make decisions that will effectively reverse these deficiencies. The lack of data also severely limits the effectiveness in which tribal leaders are able to participate in an already limiting federal decision making process.

Having access to quality data is also crucial for future telecommunications development. Making such data available dramatically increases the potential for attracting private investment and forging partnerships with private enterprise. Quality data enable tribal communities to map their telecommunications assets and aggregate telecommunications service demand, which are critical processes to providing the private sector with a good business case for future investment.

There also needs to be more research and analysis of communications technology development processes such as tribal collaboration, community planning, demand aggregation, attaining right-of-ways, establishing tribal telecommunications companies, setting up telecommunications regulatory bodies and codes, etc. Best practices for these processes need to be identified and analyzed as a means of promoting the most effective, efficient and affordable means for deploying new technology infrastructure. Best practice models enable tribal leaders to develop successful strategies for future technology development efforts. Furthermore, best practice models can be used to inform the development of federal policies.

The Native American Connectivity Act would support a wide variety of research and evaluation activities that will enable tribes and American Indian communities to measuring the severity of their telecommunications and information technology deficiencies; identify the most appropriate means to remedy deficiencies; and evaluate the progress of telecommunications and information technology development efforts.

No competition against state and municipal entities

Tribes and American Indian communities should not have to compete against state and municipal entities to gain access to the benefits of the federal trust responsibility in the area of telecommunications and information technology.

Currently, tribes and American Indian communities have to compete against thousands of applicants for funding for the National Telecommunications and Information Administration's Technology Opportunities Program, the U.S. Department of Education's Community Technology Center (CTC) Program and the Department of Agriculture's Rural Utilities Service Broadband Technology Grant and Distance Learning and Telemedicine and Programs. Due to the highly competitive nature of these programs and their overly complicated and expensive application requirements the vast majority of tribes and American Indian communities miss out on these funding opportunities.

The Native American Connectivity Act would remedy much of this problem. It would still award grants on a competitive basis, but competition would be among tribes on a much more even playing field. Furthermore, the evaluators of grant proposals would be comprised of American Indian leaders who have a better understanding of the realities in which tribal governments and American Indian communities operate. Not only would tribes and American Indian communities stand a better chance of being awarded a grant, since they wouldn't be competing against thousands of applicants, their applications would also be judged more fairly and less discriminatorily because application evaluators would better understand the complexity and severity of the needs being addressed. In addition, the programmatic priorities by which grants are awarded would be more specific and relative to the actual needs of tribes and American Indian communities.

Conclusion

Moving the Native telecommunications agenda forward is critical, since these technologies enable tribes to jump over some of the biggest hurdles in developing economic and human potential. Therefore, I urge the Committee to take the necessary steps to ensure that the Native American Connectivity Act is enacted. The Native American Connectivity Act is unique in that is provides assistance for both telecommunications development and knowledge and capacity building. Indian Country stands to benefit most from an investment in equipment and infrastructure that is matched with an investment in its people. Thank you for providing me the opportunity to testify.