

## The Disconnect between the FCC’s Schools and Libraries Universal Service Program (E-Rate) and Tribal Libraries

The Association of Tribal Archives, Libraries, and Museums (ATALM) is a non-profit, Native-led organization that provides culturally relevant training and services to the nation’s 519 tribal libraries, archives, and museums. ATALM was established in 2010 with support from the Institute of Museum and Library Services.

To assess needs and support program development, ATALM periodically conducts studies of tribal cultural institutions. Next month it will release a report on *Digital Inclusion in Indian Country: The Role of Tribal Libraries* and later will release a report on *Individual Computer Use and Internet Access in Indian Country*. These studies are helping ATALM effectively work with tribal libraries to improve broadband services for indigenous populations in the United States.

The tribal library study has been instrumental in illuminating reforms that are necessary if the FCC’s *Schools and Libraries Universal Program (E-Rate)* program is to significantly contribute to enhanced telecommunications and Internet access in Native communities.

The USF E-Rate program has helped change the public library information technology landscape by providing more than \$2.25 billion in support each year for schools and public libraries.<sup>1</sup> Today, 61 percent of the nation’s public libraries benefit from E-Rate discounts,<sup>2</sup> and more than 95 percent offer free public Internet access, up from only 28 percent in 1996.<sup>3</sup> These E-Rate-assisted changes have helped narrow the digital divide for most minority populations.

The same cannot be said for the U.S.’s Indigenous populations. In spite of the fact that Native peoples have the lowest broadband adoption rate of any group of Americans,<sup>4</sup> few tribal libraries benefit from E-Rate. A 2011 study by the Association of Tribal Archives, Libraries, and Museums (ATALM) found that at most, 15 percent of reporting tribal libraries received E-Rate discounts,<sup>5</sup> and a 2013 follow-up study found that only 17 percent had ever *applied* for them.<sup>6</sup> Need for E-Rate support is greatest among the 10 percent of tribal libraries that do not offer Internet access at all and the additional 38 percent that are the only source of free public Internet access in their communities.<sup>7</sup>

The lack of E-Rate support provided to tribal libraries can be attributed, in part, to complicated eligibility requirements and a general lack of awareness on the part of tribal libraries. Notably, the reasons tribal libraries did not seek E-Rate funding were relatively unchanged over the 24 months between ATALM’s two surveys. These findings are consistent with the fact that information about E-Rate has never been disseminated specifically to the tribal library community. The table below provides detailed information from the two ATALM studies.

<b>Our tribal library does not access E-Rate funds because:</b>	<b>2011 (n=71)</b>	<b>2013 (n=118)</b>
We have never heard of it	52%	50%
The E-Rate application is too complicated	11%	13%
We are unsure if the library is eligible for E-Rate	42%	28%
The time needed to participate in the program is not warranted	6%	3%
We were denied funding in the past and are now discouraged	1%	1%
We applied for E-Rate in the past, but no longer find it necessary	1%	1%

Sources: ATALM 2011, 2013<sup>8</sup>

## Characteristics of Tribal Libraries Receiving E-Rate

Of the 20 tribal libraries reporting that they receive E-Rate support, all indicate that its availability makes a significant contribution to digital access and opportunities in tribal communities. For example:<sup>9</sup>

*Two years ago our elementary school students were an average of two years behind their peers in public school. We incorporated an online curriculum that is aligned to the Common Core Standards to supplement our classroom instructions. We are very pleased to say that in the last two years we have seen great growth in our test results and our students are now at grade level. I attribute much of our success to the online curriculum which ensures that the students are meeting all the standards. These services are only available because we have high-speed Internet through the E-Rate program.*

– Margaret Nuttall, Duckwater Shoshone School and Library

*Because we are on a remote island in the Bering Sea that is accessible only by air and water, the Internet provides us access to a world we otherwise would not be able to reach. We would not have Internet connections without E-Rate funding. We receive approximately \$200,000 a year for our schools and library. We need more bandwidth as library users are conducting more online research, using online services, and accessing e-readers.*

– Connie A. Newman, Librarian, St. George and St. Paul Island, Alaska

*We are very thankful for the \$5,000 in funding we receive. Because of the E-Rate funding we are able to offer a faster Internet connection to our patrons (T-1 line). Before we started receiving E-Rate funding, our Internet connection was DSL, which is much slower. Not having to pay for internet service means we are able to spend more on library materials.*

– Pattie Billings, Librarian, Quapaw Tribe of Oklahoma

*Many of the patrons in our community don't have computers or Internet at home. Many have not wanted to learn how to use the internet, but realize they have to learn in order to fit in with today's society. So they come to the library where we have public computers and fast Internet, thanks to E-Rate. One of my patrons is a Vietnam vet, and he is disabled. He comes to the library where he likes to read and watch movies. One day he came in and said that he needed help applying for employment. We helped him. We didn't want to do it for him. We wanted him to learn how to use the computer for his own good. So, we taught him; hand over hand. We taught him to fill out his first online form. We helped him get an email account as well. It took four hours, but he did it! He came back the next day to check his email, and the next day after that. I have many patrons just like this one. It is very common in my community, very.*

– Darcia Grace, Director, Nenana Public Library, Alaska

When asked how E-Rate could be improved, tribal librarians responded with the following:

- The process is pretty lengthy, but once you've done it a time or two, it gets easier. However, because new regulations and rule changes occur each year, having a workshop to go over the changes would be very beneficial.

- The process is complex, but it is easy to understand the necessity of the various forms.
- There is too much lag time between when the application is submitted and when the funding announcement is made.
- Tribal libraries would have a more productive relationship with vendors if they paid them directly.
- We need more funding for filtering software since this is required by E-Rate, but the software is not an eligible expense.
- Broadband overages are a problem in Alaska.
- Most tribal librarians believe the funding is only for public and school libraries. More work needs to be done to inform tribal libraries about E-Rate.
- As the deadline for filing approaches, we often receive an “error” display from the FCC’s website. This delays our submittal and causes concern.
- The forms seem to get longer each year, and the wording is not always clear. There should be a way to streamline the process, especially for those libraries that request only the basic funding each year.

### **The Unique Nature of Tribal Libraries**

Unfortunately, many policymaking agencies and key stakeholder organizations appear to misunderstand, or be unaware of, the unique characteristics of tribal libraries. Policymaking agencies often limit the flow of communication and resources between state library agencies and tribal libraries, fail to recognize branch libraries within tribes’ library systems, and make tribal libraries ineligible for certain services and funding streams. Certainly, the digital inclusion needs of tribal citizens would be better served if entities such as the Universal Service Administrative Company recognized the essential role of tribal libraries as community anchor institutions, understood the profound needs of tribal populations, and grasped the complex geography of many tribal lands.

Outlined below are several distinguishing characteristics of tribal libraries:

- Tribal libraries do not have the same funding sources as public libraries, which often receive the majority of their funding from local property taxes and state government. Tribal libraries are funded primarily through the Institute of Museum and Library Services and tribal governments.
- When all sources of funding are considered, it is estimated that tribal libraries, on average, receive less than \$3 per capita per year.<sup>10</sup> In contrast, public libraries receive an average of \$45 per capita.<sup>11</sup>
- Tribal libraries often are not eligible to receive services from state library agencies.
- Tribal libraries generally serve large and geographically diverse areas, some of which are as large as many states.
- Tribal libraries often are incorporated into council houses, schools, tribal government complexes, and other facilities that serve community needs. They are not always dedicated, stand-alone facilities, but are located in areas that are most accessible to tribal citizens.
- Locations may be in remote areas where access to training and resources, including Internet access, are not readily available.
- Tribal libraries’ collections may include sacred materials to which culturally appropriate access must be assured. These materials are in addition to public access materials that are available to everyone.
- Staff members of tribal libraries are often knowledgeable “culture keepers”, but may have limited experience or professional training in traditional library sciences.

- Tribal libraries are responsible for addressing needs not traditionally associated with public libraries (for example, the preservation of a tribe’s language and life ways).
- Statistical information for tribal libraries is not included in the national *Library Annual Statistical Report* because State Library Agencies do not collect this information for tribal libraries.

## **Key Challenges that Prevent Tribal Libraries from Accessing the E-Rate Program**

### ***LSTA Eligibility Requirement***

As articulated by the Government Accounting Office (GAO) in its 2006 report, *Telecommunications: Challenges for Assessing and Improving Telecommunications for Native Americans on Tribal Lands*, to be eligible for E-Rate funds, a tribal library must be eligible for state LSTA funds and not just tribal LSTA funds.<sup>12</sup> This places state library administrative agencies in the position of acting on behalf of a sovereign tribe and may also place them in violation of state statutes. It is not a workable solution for state library agencies or tribal libraries. This jurisdictional conflict impedes tribal libraries from being able to utilize E-Rate funding to obtain affordable telecommunications services and Internet access.

Even though the Library Services and Construction Act (LSCA), the precursor to LSTA, recognized that “Indian tribes and reservations are generally considered to be separate nations and seldom are eligible for direct library allocations from states”<sup>13</sup> and recognized tribal needs are not adequately addressed by the conventional approach to library funding, the FCC continues to require that tribal libraries adhere to the LSTA eligibility requirement.

ATALM contends that when LSCA morphed into LSTA, an oversight resulted in a critical change in the treatment of tribal libraries. ATALM implores the FCC to remove the requirement that tribal libraries be eligible for LSTA funds under state programs and restore them to being treated as agencies of sovereign Native nations.

### ***Approval of Technology Plans***

The requirement that tribal libraries must seek approval of technology plans from a state library agency creates an additional barrier, as most state library agencies are prohibited by state statutes from providing services to non-state entities. Further, most tribal libraries do not have technology plans and need technical assistance if they are to develop such plans.

### ***Exclusion of Tribal Library Representatives from the Policy Making Process***

When the chairman of the FCC called for a Digital Literacy Corps to “enable thousands more public libraries to hold in-person, basic digital literacy classes and allow schools to do the same after school hours,”<sup>14</sup> no mention was made of including tribal libraries or of the needs of American Indians. Further, when members of the Broadband Opportunity Coalition were named, no American Indian organizations were included. Organizations included were the Asian American Justice Center, National Council of La Raza (NCLR), League of United Latin American Citizens (LULAC), National Urban League, One Economy, National Association for the Advancement of Colored People (NAACP), The Joint Center for Political and Economic Studies, and the Minority and Media Telecommunications Council (MMTC).

### ***Lack of Awareness of the E-Rate Program and its Benefits to Tribal Libraries and Their Patrons***

At least 52 percent of respondents to the 2011 ATALM survey were unaware of the E-Rate program. Those who did know about it indicated a desire for more information and training in how to develop technology plans, submit applications, and comply with regulations. ATALM can deliver these services at its annual conference and through its website or lend its support to USAC if it wishes to host training.

## Conclusion and Action Items

If the Universal Services fund is to live up to its guiding principle—that everyone should have access to advanced telecommunications services at reasonable rates regardless of their location<sup>15</sup>—the lack of access in Indian Country must be addressed. To disregard Native communities’ needs and the role of tribal libraries in providing core digital inclusion services is to condemn indigenous populations to falling even farther behind mainstream America in terms of digital access, adoption, and applications. It is imperative that tribal libraries and the communities they serve be heard. There is a role for Congress, the Federal Communications Commission Office of Native Affairs and Policy, and USAC to make change and to accelerate deployment of high-capacity broadband to tribal libraries so they can better serve tribal citizens of all ages and ensure digital access in Native America. Broadening Native America’s access to E-Rate is an important and doable step to take now.

Key actions include:

1. Remove the barriers that make many tribal libraries ineligible for funding.
2. Ensure adequate E-Rate funding for tribal libraries. It is estimated that \$10 million a year is needed if tribal libraries are to be funded at the same level as public libraries.<sup>16</sup>
3. Increase awareness on the part of tribal libraries as to the benefits of E-Rate.
4. Provide training to help tribal libraries develop technology plans and complete E-Rate applications.
5. Involve tribal library leadership in the policy making process.

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## Endnotes

<sup>1</sup> Irene Flannery (FCC Office of Native Affairs and Policy), Native Broadband, Telecom, and Media Consultation Workshop, Institute of American Indian Arts, Santa Fe, NM, September 25-26, 2013.

<sup>2</sup> American Library Association, “Library Funding and Expenditures Data,” *Public Library Funding and Technology Access Study 2011-2012*, Summer 2012, figure 52, [http://www.ala.org/research/sites/ala.org.research/files/content/initiatives/plftas/2011\\_2012/budget%2Bfunding-ipac.pdf](http://www.ala.org/research/sites/ala.org.research/files/content/initiatives/plftas/2011_2012/budget%2Bfunding-ipac.pdf), accessed March 5, 2014.

<sup>3</sup> Flannery, 2013.

<sup>4</sup> “Tribal Homepage,” Federal Communications Commission, Washington, DC, <http://transition.fcc.gov/indians/>, accessed March 27, 2014.

<sup>5</sup> Association of Tribal Archives, Libraries, and Museums, Needs Assessment Survey for Tribal Archives, Libraries, and Museums,” data files, Oklahoma City, OK, 2011.

<sup>6</sup> Association of Tribal Archives, Libraries, and Museums, “Digital Inclusion in Indian Country: The Role of Tribal Libraries,” data files, Oklahoma City, OK, 2013.

<sup>7</sup> ATALM, 2013.

<sup>8</sup> Miriam Jorgensen, “Sustaining Indigenous Culture: The Structure, Activities, And Needs of Tribal Archives, Libraries, And Museums,” Association of Tribal Archives, Libraries, and Museums, Oklahoma City, OK, 2012, p. 10, and ATALM, 2013.

<sup>9</sup> Quotations are from e-mail communications between the ATALM director and tribal librarians in March 2014.

<sup>10</sup> Association of Tribal Archives, Libraries, and Museums, tribal library profiles, Oklahoma City, OK.

<sup>11</sup> American Library Association, “ALA Library Fact Sheet 4,” 2013, <http://www.ala.org/tools/libfactsheets/alalibraryfactsheet04>, accessed March 27, 2014.

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<sup>12</sup> United States Government Accountability Office, “Telecommunications: Challenges for Assessing and Improving Telecommunications for Native Americans on Tribal Lands,” Washington, DC, March 2006, p. 7, <http://www.gao.gov/assets/120/112955.pdf>, accessed March 27, 2014.

<sup>13</sup> Library Services and Construction Act, §361a.

<sup>14</sup> Josh Gottheimer and Jordan Usdan, “FCC and Connect To Compete Tackle Broadband Adoption Challenge,” Federal Communications Commission, Washington, DC, October 2011, <http://www.fcc.gov/blog/fcc-and-connect-competes-tackle-broadband-adoption-challenge>, accessed March 27, 2014.

<sup>15</sup> Telecommunications Act, U.S. Code 47, §254b, <http://www.law.cornell.edu/uscode/text/47/254>, accessed March 28, 2014.

<sup>16</sup> Association of Tribal Archives, Libraries, and Museums, tribal library profiles, Oklahoma City, OK.