

117TH CONGRESS
2D SESSION

S. 5001

To amend the Communications Act of 1934 to improve access by Indian Tribes to support from universal service programs of the Federal Communications Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2022

Mr. HEINRICH (for himself, Mr. HOEVEN, and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Communications Act of 1934 to improve access by Indian Tribes to support from universal service programs of the Federal Communications Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tribal Connect Act
5 of 2022”.

1 **SEC. 2. TRIBAL ESSENTIAL COMMUNITY-SERVING INSTITU-**
 2 **TIONS AND UNIVERSAL SERVICE SUPPORT.**

3 Section 254 of the Communications Act of 1934 (47
 4 U.S.C. 254) is amended—

5 (1) in subsection (h)(4), by inserting “, except
 6 as provided in subsection (m)(2)(C),” before “is a li-
 7 brary or library consortium”; and

8 (2) by adding at the end the following:

9 “(m) **TRIBAL ESSENTIAL COMMUNITY-SERVING IN-**
 10 **STITUTIONS AND UNIVERSAL SERVICE SUPPORT.—**

11 “(1) **DEFINITIONS.—**In this subsection—

12 “(A) the term ‘broadband internet access
 13 service’ has the meaning given the term in sec-
 14 tion 8.1(b) of title 47, Code of Federal Regula-
 15 tions (or any successor regulation);

16 “(B) the term ‘E-rate program’ means the
 17 universal service support mechanism for schools
 18 and libraries authorized under subsection
 19 (h)(1)(B), the rules of which are set forth
 20 under subpart F of part 54 of title 47, Code of
 21 Federal Regulations (or any successor regula-
 22 tions), as authorized under subsection
 23 (h)(2)(A);

24 “(C) the term ‘essential community-serving
 25 institution’ means a facility exclusively owned
 26 by an Indian Tribe, including—

1 “(i) a Tribal government building,
2 chapter house, longhouse, community cen-
3 ter, senior center, or after-school facility;
4 or

5 “(ii) any other public building similar
6 to a building described in clause (i);

7 “(D) the term ‘High-Cost Program’ means
8 the program under which universal service sup-
9 port is awarded in high-cost areas in accord-
10 ance with subpart D of part 54 of title 47,
11 Code of Federal Regulations (or any successor
12 regulations), as authorized under subsection (e);
13 and

14 “(E) the term ‘Indian Tribe’ has the
15 meaning given the term ‘Indian tribe’ in section
16 20.100 of title 25, Code of Federal Regulations
17 (or any successor regulation).

18 “(2) TRIBAL ESSENTIAL COMMUNITY-SERVING
19 INSTITUTION PILOT PROGRAM.—

20 “(A) IN GENERAL.—Not later than 180
21 days after the date of enactment of the Tribal
22 Connect Act of 2022, the Commission, in con-
23 sultation with the Institute of Museum and Li-
24 brary Services and any other agency with rel-
25 evant responsibilities, shall establish, as part of

1 the universal service support programs carried
2 out under this section, either as part of the
3 High-Cost Program or as a standalone uni-
4 versal service pilot program, a pilot program to
5 be known as the ‘Tribal Essential Community-
6 Serving Institution Program’—

7 “(i) under which the Commission
8 shall—

9 “(I) provide an opportunity for
10 Indian Tribes to request broadband
11 internet access service at essential
12 community-serving institutions located
13 on Tribal land; and

14 “(II) authorize support for the
15 development of infrastructure to pro-
16 vide the services requested under sub-
17 clause (I) in a manner similar to the
18 deployment supported under the
19 High-Cost Program; and

20 “(ii) which shall remain in effect
21 through the end of fiscal year 2025.

22 “(B) ELIGIBILITY.—Universal service sup-
23 port obtained under this paragraph shall only
24 be available if the applicable essential commu-
25 nity-serving institution intends to deliver pub-

1 likely available broadband internet access service
2 and telecommunications services to students,
3 teachers, librarians, and members of the com-
4 munity.

5 “(C) ELIGIBILITY FOR SUPPORT AFTER
6 THE DEMONSTRATION PROGRAM.—An essential
7 community-serving institution that receives uni-
8 versal service support under this paragraph
9 shall, after the conclusion of the pilot program
10 described in subparagraph (A), be eligible for
11 universal service support through existing (as of
12 the date on which that pilot program concludes)
13 and future universal service fund programs.

14 “(D) USE OF CONTRIBUTIONS.—Of
15 amounts collected under subsection (d), not
16 more than \$300,000,000 shall be made avail-
17 able to carry out the pilot program described in
18 subparagraph (A).

19 “(3) TRAINING AND TECHNICAL ASSISTANCE
20 FOR INDIAN TRIBES AND ESSENTIAL COMMUNITY-
21 SERVING INSTITUTIONS.—

22 “(A) TECHNICAL ASSISTANCE; ANNUAL
23 REPORTS.—

24 “(i) IN GENERAL.—The Commission
25 shall—

1 “(I) direct the administrator of
2 the universal service support pro-
3 grams under this section to—

4 “(aa) provide technical as-
5 sistance to ensure that Indian
6 Tribes can participate fully and
7 effectively in the universal service
8 programs, including the E-rate
9 program, including by con-
10 ducting—

11 “(AA) outreach efforts
12 targeted to Tribal schools
13 and libraries, essential com-
14 munity-serving institutions,
15 and Indian Tribes that do
16 not have schools and librar-
17 ies to promote awareness of
18 the E-rate program and the
19 demonstration programs;
20 and

21 “(BB) specific training
22 programs for Tribal schools
23 and libraries, essential com-
24 munity-serving institutions,
25 and Indian Tribes; and

1 “(bb) submit to the Com-
2 mission an annual report regard-
3 ing the provision of the technical
4 assistance required under item
5 (aa) during the year covered by
6 the report; and

7 “(II) submit each annual report
8 received under subclause (I)(bb) to—

9 “(aa) the Committee on
10 Commerce, Science, and Trans-
11 portation of the Senate;

12 “(bb) the Committee on In-
13 dian Affairs of the Senate;

14 “(cc) the Committee on En-
15 ergy and Commerce of the House
16 of Representatives; and

17 “(dd) the Committee on
18 Natural Resources of the House
19 of Representatives.

20 “(ii) AUTHORIZATION OF APPROPRIA-
21 TIONS.—There are authorized to be appro-
22 priated \$25,000,000 to provide the tech-
23 nical assistance required under clause
24 (i)(I)(aa) for fiscal years 2023 through
25 2026.

1 “(B) REVIEW OF ANNUAL REPORTS.—The
2 Commission shall—

3 “(i) review each annual report re-
4 ceived under subparagraph (A)(i)(I)(bb) to
5 determine whether additional steps are
6 necessary to ensure that Indian Tribes can
7 participate fully and effectively in the uni-
8 versal service programs, including the E-
9 rate program, so that all students who are
10 members of Indian Tribes can have access
11 to robust, high-speed broadband internet
12 access service connections; and

13 “(ii) in conducting a review required
14 under clause (i), consider the resources
15 available to Tribal members through the
16 entity responsible for administering the
17 universal service programs established
18 under this section.

19 “(C) GRANTS.—

20 “(i) IN GENERAL.—The Institute of
21 Museum and Library Services, in coordina-
22 tion with the Commission and the entity
23 responsible for administering the universal
24 service programs established under this
25 section, shall make direct grants to essen-

1 tial community-serving institutions and In-
2 dian Tribes for technical assistance initia-
3 tives regarding the application process for
4 the E-rate program and the pilot program
5 established under paragraph (2).

6 “(ii) AUTHORIZATION OF APPROPRIA-
7 TIONS.—There are authorized to be appro-
8 priated \$25,000,000 to make the grants
9 described in clause (i).

10 “(4) COORDINATION AND PERFORMANCE MEAS-
11 UREMENT.—The Commission shall—

12 “(A) improve the reliability of the data of
13 the Commission relating to institutions that re-
14 ceive universal service support by defining the
15 term ‘Tribal’ on the application for any such
16 support;

17 “(B) develop performance goals and meas-
18 ures to track progress on achieving the stra-
19 tegic objective of the Commission of ensuring
20 that all Indian Tribes have affordable access to
21 broadband internet access service for edu-
22 cational purposes for students, teachers, librar-
23 ians, and members of the community;

1 “(C) in coordination with the Institute of
2 Museum and Library Services, identify, in the
3 United States, all—

4 “(i) Tribal libraries;

5 “(ii) developing Tribal libraries; and

6 “(iii) Indian Tribes without adequate
7 library services; and

8 “(D) not later than 2 years after the date
9 of enactment of the Tribal Connect Act of
10 2022, submit to Congress and make public a
11 report on the goals and measures developed
12 under subparagraph (B) and the list of libraries
13 and Indian Tribes identified under subpara-
14 graph (C).

15 “(n) APPOINTMENT OF TRIBAL MEMBER; EXPAN-
16 SION OF OFFICE.—Not later than 180 days after the date
17 of enactment of the Tribal Connect Act of 2022, the Com-
18 mission shall require the entity responsible for admin-
19 istering the universal service programs established under
20 this section to—

21 “(1) appoint a member of an Indian Tribe, as
22 defined in subsection (m)(1), to the board of direc-
23 tors of that entity; and

1 “(2) create or expand the office of that entity
2 dealing with matters affecting Indian Tribes, as de-
3 fined in subsection (m)(1).”.

○