

118TH CONGRESS
1ST SESSION

H. R. 5494

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 HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2023

Ms. LEGER FERNANDEZ introduced the following bill; which was referred to the Committee on Energy and Commerce

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 2023”.

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 in section 4 of the In-
16 dian Self-Determination and Education Assist-
17 ance Act (25 U.S.C. 5304).

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 2023, 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 initiate, 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 2027.

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 PILOT PROGRAM.—An essential commu-
7 nity-serving institution that receives universal
8 service support under this paragraph shall,
9 after the conclusion of the pilot program de-
10 scribed in subparagraph (A), be eligible for uni-
11 versal 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 pilot program described in
20 paragraph (2)(A); 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 2024 through
25 2027.

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 shall make
22 direct grants to essential community-serv-
23 ing institutions, including Tribal libraries
24 and schools, and Indian Tribes for tech-
25 nical assistance initiatives regarding the

1 application process for the E-rate program
2 and the pilot program established under
3 paragraph (2)(A).

4 “(ii) COORDINATION.—The Institute
5 of Museum and Library Services shall co-
6 ordinate with the Commission and the enti-
7 ty responsible for administering the uni-
8 versal service programs established under
9 this section to—

10 “(I) promote public awareness of
11 the grants described in clause (i); and

12 “(II) adjudicate application deci-
13 sions relating to the grants described
14 in clause (i).

15 “(iii) AUTHORIZATION OF APPROPRIA-
16 TIONS.—There are authorized to be appro-
17 priated \$25,000,000 to make the grants
18 described in clause (i).

19 “(4) COORDINATION AND PERFORMANCE MEAS-
20 UREMENT.—The Commission shall—

21 “(A) improve the reliability of the data of
22 the Commission relating to institutions that re-
23 ceive universal service support by defining the
24 term ‘Tribal’ on the application for any such
25 support;

1 “(B) develop performance goals and meas-
2 ures to track progress on achieving the stra-
3 tegic objective of the Commission of ensuring
4 that all Indian Tribes have affordable access to
5 broadband internet access service for edu-
6 cational purposes for students, teachers, librar-
7 ians, and members of the community;

8 “(C) in coordination with the Institute of
9 Museum and Library Services, identify, in the
10 United States, all—

11 “(i) Tribal libraries;

12 “(ii) developing Tribal libraries; and

13 “(iii) Indian Tribes without adequate
14 library services; and

15 “(D) not later than 2 years after the date
16 of enactment of the Tribal Connect Act of
17 2023, submit to Congress and make public a
18 report on the goals and measures developed
19 under subparagraph (B) and the list of libraries
20 and Indian Tribes identified under subpara-
21 graph (C).”.

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