

118TH CONGRESS  
1ST SESSION

# S. 2810

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.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2023

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

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## 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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