

RECENT FEDERAL COMMUNICATIONS COMMISSION ACTIONS TO BENEFIT FEDERALLY RECOGNIZED TRIBES¹

INCREASING ACCESS TO SPECTRUM

Established 2.5 GHz Rural Tribal Priority Window

- Through this first-of-its-kind priority window, established by the [2.5 GHz Report and Order](#), Tribes can obtain licenses to currently unassigned 2.5 GHz spectrum over their rural Tribal lands for free before any commercial auction. This band—the single largest band of contiguous spectrum below 3 GHz—offers favorable coverage and capacity characteristics for next-generation mobile services, such as 5G, but is also suitable for a variety of other communications services.
- The FCC created a dedicated website, including a mapping tool to assess spectrum availability and land eligibility.
- The FCC created a dedicated email address and responded to every inquiry received.
- The Commission directly contacted every federally recognized Tribe and Alaskan Native Village in America before the window opened.
- The FCC participated in over 30 outreach events either in person, by phone or via online webinar.
- Commission staff fielded over 1,000 inquiries providing personal one-on-one assistance.
- The Commission hosted a day-long in-person and online workshop open to all Tribes, Tribal entities and potential applicants.
- The Commission received over 400 applications from Tribal entities for this spectrum, and has already conducted initial review of and sought comment on 157 of these applications.

Issued Special Temporary Authority

- Issued special temporary authority to Tribes and carriers serving Tribal lands so they could access spectrum to provide additional capacity to meet increased demand for broadband, including:
 - 700 MHz – NTUA Wireless, UT and AZ
 - 2.5 GHz – A:shiwí College & Career Readiness Center, Pueblo of Zuni, NM
 - 5.9 GHz - Wind River Internet, Northern Arapaho & Eastern Shoshone, WY
 - 2.5 GHz – Navajo Nation, AZ
 - 2.5 GHz – Makah Tribe, WA
 - 2.5 GHz – Lower Brule Sioux Tribe, SD
 - 2.5 GHz – Confederated Salish and Kootenai Tribes of the Flathead Nation, MT
 - 2.5 GHz – Santa Clara Pueblo, NM

Auctioned Priority Access Licenses in the 3550-3650 MHz Portion of the 3.5 GHz Band

- In March 2020, the FCC established competitive bidding procedures for the auction of county-based Priority Access Licenses in the 3550-3650 MHz portion of the 3550-3700 MHz band (3.5 GHz band). The 3.5 GHz auction procedures included an opportunity for winning bidders to receive a Tribal Lands Bidding Credit as set forth in sections 1.2107 and 1.2110(f) of the FCC's rules.
- Nine Priority Access License applicants requested a Tribal Land Bidding Credit, and Commission staff are currently reviewing their applications for eligibility.

¹ The term “Tribes” here includes federally recognized Tribes, Alaska Native Villages, and Hawaiian Homelands.

INCREASING ACCESS TO UNIVERSAL SERVICE FUND SUPPORT

Granted Lifeline Program Waivers

- In March 2020, the FCC's Wireline Competition Bureau took several actions to help ensure that no Lifeline subscribers were involuntarily de-enrolled from the Lifeline program during the COVID-19 pandemic. The FCC temporarily waived the Lifeline program's usage requirements and general de-enrollment procedures, extended waivers of the Lifeline program's recertification and reverification rules, and placed a moratorium on involuntary de-enrollments from the program during the pandemic.
- In June 2020, the FCC's Wireline Competition Bureau streamlined the enrollment documentation required from Lifeline subscribers residing on Tribal lands to allow for immediate activation of services while the subscriber submitted the required materials. This step helped Tribal Lifeline subscribers immediately access needed connectivity during the pandemic.
- On August 17, in addition to the generally applicable waivers governing recertification, reverification, general de-enrollment, subscriber usage, and income documentation, the Commission extended the existing waivers to help subscribers residing in rural areas on Tribal lands to begin receiving Lifeline services more quickly. [Lifeline Waiver Order](#)
- The Lifeline program provides that subscribers residing on Tribal lands are eligible to receive up to a \$34.25 per month subsidy to address deployment and affordability challenges for low-income consumers residing on Tribal lands. The FCC's Link-Up program provides up to \$100 for eligible consumers living on Tribal lands to initiate service. [USAC Tribal Lifeline Website](#)

Increased E-Rate Program Flexibility

- In March, the Commission clarified that schools and libraries that are closed due to the COVID-19 pandemic are permitted to allow the general public to use E-Rate-supported Wi-Fi networks while on the school's campus or library property. This flexibility has provided Tribal students and members with a vital link to Internet connectivity during the ongoing pandemic. [Community Use Public Notice](#)
- Additionally in March, the Commission waived its gift rules that would have prevented the nation's rural health care providers and schools and libraries affected by the pandemic from soliciting and accepting improved broadband connections or equipment for telehealth or remote learning during the COVID-19 outbreak. The waiver was subsequently extended through the end of 2020.

Promoted Rural Health Care Funding

- In March 2020, the FCC's Wireline Competition Bureau took a number of actions to assist Rural Health Care Program participants, which includes Tribal Nations, by extending of the RHC Program application filing window until June 30, 2020, easing competitive bidding requirements for health care providers with expiring annual contracts, and extending deadlines for responses to inquiries.
- In April, the Commission established a \$200 million COVID-19 Telehealth Program to support healthcare providers responding to the ongoing coronavirus pandemic, within a week of Congress appropriating the funds as part of the CARES Act. [COVID-19 Telehealth Program Press Release](#).
 - Two weeks later, the Commission opened the application portal, and by early July, the full \$200 million had been awarded to 539 recipients, including several providers serving Tribal communities.
 - For instance, the Navajo Nation Department of Health was awarded just over \$950,000 in May to provide home-health care and remote monitoring services throughout the Navajo Nation to patients who are isolated and under shelter-in-place orders, including low-income, elderly, and vulnerable, high-risk patients. [COVID-19 Telehealth Awards Press Release](#)
- Also in April, the Commission created the "Connected Care" Pilot Program, a three-year initiative to provide up to \$100 million of support from the Universal Service Fund (USF) to help defray health

care providers' costs of providing connected care services and to help assess how the USF can be used in the long-term to support telehealth. [Connected Care Press Release](#)

- The program is open to Tribal and other healthcare providers that provide services to Tribal communities. On September 3, the Commission issued guidance for all applicants. [Connected Care Application Guidance Press Release](#)

High Cost Funding

Connect America Fund Phase II Auction

- In the second stage of the Connect America Fund (CAF) Phase II auction, the Commission awarded \$1.488 billion in support to areas without access to fixed broadband, including Tribal Lands (17,895 Tribal Census Blocks were awarded support). [CAF II Auction Press Release](#). This build out will happen over the next six years with verifiable deployment information being submitted to the Universal Service Administration Company.
- Under certain circumstances, a Tribal Nation or Tribally-owned and -controlled winning bidder that is unable to obtain a letter of credit can petition the FCC to waive credit requirements normally required by other high-cost participants.
- Additionally in June 2020, the FCC's Wireline Competition Bureau partially granted two requests for waivers made by Tribally owned carriers concerning the CAF II auction letter of credit requirement. Redwire, a winning bidder formed to provide services to its members in North Central Oklahoma, is a corporation wholly owned by the Otoe-Missouria Tribe of Oklahoma. Fond du Lac, another winner, is owned by the Fond du Lac Band of Lake Superior Chippewa. The waiver enabled both Tribally-owned carriers to be authorized to receive the first year of CAF II auction support despite the extraordinary circumstances surrounding COVID-19 and the pandemic's impact on the Tribal Nations.

Rural Digital Opportunity Fund

- In January, the Commission adopted a Report and Order establishing a Rural Digital Opportunity Fund that, among other things, included provisions that lowered the cost threshold to make more Tribal lands eligible for bidding and increased the amount of support that can be made available for these areas. [RDOF Report and Order](#). Specifically, the Fund prioritizes support going to carriers deploying broadband in rural Tribal lands by having a \$10 per-location increased support cap for Tribal areas. Similar to the FCC's efforts to increase model-based support for serving Tribal areas, the FCC lowered revenue estimates for Tribal areas for the Rural Digital Opportunity Fund as well, which increased the support available for those areas at auction. It also requires winning bidders to offer supported broadband and voice service to all eligible homes and small businesses within the awarded areas. Several Tribal entities have applied to participate in this auction.

5G Fund

- The 5G Fund for Rural America represents the next step in the Commission's efforts to [bridge the digital divide](#). On April 23, 2020, the Commission adopted a [Notice of Proposed Rulemaking](#) proposing to establish the 5G Fund for Rural America, which would make up to \$9 billion available to bring 5G mobile broadband service to rural areas that would be unlikely to otherwise see deployment of 5G broadband service. [5G Fund NPRM Press Release](#). As proposed, Phase 1 of the 5G Fund auction would reserve \$680 million for providers that commit to serving eligible Tribal lands. Such providers would also be eligible to bid for support from the non-reserved budget.

Tribal OpEx Relief

- In 2018, the Commission adopted a Report and Order that increased the amount of operating costs carriers that predominantly serve Tribal lands can recover from the Universal Service Fund. The Commission took this step in recognition that these carriers are likely to have higher costs than those serving non-Tribal lands. This action provides additional funding to these carriers to provide both voice and broadband services to their customers. [Tribal OpEx Order](#)

OTHER ACTIONS TO IMPROVE TRIBAL-FCC COLLABORATION

Tribal Libraries

- The FCC is partnering with the Institute of Museum and Library Services to make libraries and Tribal groups more aware of how they can use \$50 million in CARES Act funding aimed at addressing the digital divide to boost broadband access in their areas. [FCC-IMLS CARES Act Press Release](#)

Native Nations Communications Task Force

- The FCC has maintained an advisory committee, now known as the Native Nations Communications Task Force, which is comprised of elected or appointed Tribal officials and FCC senior staff members to advise the Commission on issues concerning access to communications services and facilities for Tribal communities. The Task Force was re-chartered in 2018 and its membership increased from 20 to 25 in 2020 to ensure representation of a greater number of diverse Tribal voices.
- In November 2019, the Tribal members of the Task Force adopted a report on removing obstacles to broadband deployment on Tribal lands, which is posted to the Task Force's webpage. [NNCTF Tribal Broadband Report](#)

***Ex Parte* Reform Rulemaking**

- On July 9, the Commission released a Notice of Proposed Rulemaking in which it proposed, among other things, to alter the rules governing *ex parte* presentations by federally recognized Indian Tribes to better facilitate government-to-government consultation in certain circumstances. [Ex Parte Reform NPRM](#)
- An *ex parte* presentation generally occurs when a party advocates to the Commission for its position in a pending proceeding outside the presence of other parties. In recognition of the unique relationship between the U.S. government and federally recognized Tribes, the Commission is now proposing to create a new exemption for government-to-government consultation between federally recognized Indian Tribes and Commission decisionmakers and staff.