

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
24th NAVAJO NATION COUNCIL -- Third Year, 2021

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEES; SUPPORTING SENATE BILL 4529, "TRIBAL CONNECT ACT OF 2020."

WHEREAS:

- A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400(A). Among other responsibilities, the committee oversees all education and health-related activities of the Navajo Nation. 2 N.N.C. § 401(C)(2).
- B. Resources and Development Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 500(A). The committee serves as oversight "over water, land, grazing, environment, environmental protection, cultural resources, agriculture, livestock, wildlife, roads and transportation, air transportation, communications and utilities, information technology, chapter activities, economic and community development, commerce and trade, gaming, rights-of-way, minerals, public utilities, telecommunications, housing..." 2 N.N.C. § 500(C).
- C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700(A). The committee, among other responsibilities, "coordinate[s] all federal, county and state programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to the Navajo Nation." 2 N.N.C. § 701(A)(4).
- D. Senate Bill 4529, entitled "Tribal Connect Act of 2020," was introduced in the United States Senate by the Honorable Martin Heinrich, state of New Mexico. See **Exhibit A**, summary and copy of bill. About the bill, Senator Heinrich provides:

"Broadband connectivity is a critical component of the nation's infrastructure and economy. High-speed internet service provides a number of social and economic benefits including essential service for ecommerce, telemedicine, online learning, and other educational tools. However, according to the Federal Communication Commission's (FCC) 2016 Broadband

Progress Report, 68 percent of people living on rural Tribal lands lack access to high-speed internet." *Id.*


- E. The bill will expand high speed internet in Native communities and improve access for support from the Schools and Libraries Universal Service Support program (E-rate) of the Federal Communications Commission. For this, the bill appropriates \$100,000,000. *Id.*
- F. It is in the interest of the Navajo Nation to support Senate Bill 4529, the "Tribal Connect Act of 2020."

NOW THEREFORE BE IT RESOLVED:

The Navajo Nation hereby supports Senate Bill 4529, entitled "Tribal Connect Act of 2020." See **Exhibit A.**

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in Favor, and 00 Opposed, on this 7th day of January 2021.


Honorable Seth Damon, Chairman
Naabik'iyáti' Committee

01/13/2021
Date

Motion: Honorable Elmer P. Begay
Second: Honorable Jamie Henio

Chairman Seth Damon not voting



Tribal Connect Act

Improving Broadband Connectivity in Indian Country

Broadband connectivity is a critical component of the nation's infrastructure and economy. High-speed internet service provides a number of social and economic benefits including essential service for ecommerce, telemedicine, online learning, and other educational tools. However, according to the Federal Communications Commission's (FCC) 2016 Broadband Progress Report, 68 percent of people living on rural Tribal lands lack access to high-speed internet.

The FCC Schools and Libraries Program, known as E-rate, provides discounts to assist most schools and libraries obtain high-speed internet access and telecommunications at affordable rates. The Institute of Museum and Library Services reported that over 90 percent of public libraries have received E-rate support while the National Congress of American Indians estimates that only 15 percent of Tribal libraries receive E-rate funds. This gap is largely attributed to FCC eligibility rules and the application process that further exacerbate the digital divide in Indian Country and undermine the intent of the E-rate program to help connect all students to the internet.

To ensure the FCC's commitment to assist rural Tribal libraries and connect some of our nation's most vulnerable student populations and underserved communities to high-speed internet, the Tribal Connect Act of 2017 would:

- **Promote broadband access for students and Tribal community members** by amending current E-rate eligibility requirements to allow more Tribal libraries to apply for the program. Tribal libraries from Alaskan Native Villages to New Mexican pueblos provide their communities with many of the same library services we all enjoy and should be eligible for E-rate support.
- **Establish a Tribal E-rate pilot program** to allow Tribal communities without libraries to designate a Tribally owned "anchor institution," such as a chapter house or community center, as eligible to apply for E-rate support from a \$100 million fund over five years to provide internet access to students, teachers and the community.
- **Improve FCC training and program guidance to Indian tribes** to help Tribes apply to the E-rate program.
- **Require the FCC to develop performance goals and measures** to track progress on achieving the strategic objective of the Commission of ensuring that Tribal libraries have affordable internet access and telecommunications services.

116TH CONGRESS
2D SESSION

S. 4529

To improve access by Indian Tribes to support from the Schools and Libraries Universal Service Support program (E-rate) of the Federal Communications Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 13, 2020

Mr. HEINRICH introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To improve access by Indian Tribes to support from the Schools and Libraries Universal Service Support program (E-rate) 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 2020”.

1 **SEC. 2. ELIGIBILITY OF TRIBAL LIBRARIES AND QUALI-**
2 **FYING ESSENTIAL COMMUNITY-SERVING IN-**
3 **STITUTIONS FOR E-RATE SUPPORT.**

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

6 (1) in subsection (h)(4), by inserting “, except
7 as provided in subsection (m),” before “is a library
8 or library consortium”; and

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

10 “(m) **ELIGIBILITY OF TRIBAL LIBRARIES AND**
11 **QUALIFYING ESSENTIAL COMMUNITY-SERVING INSTITU-**
12 **TIONS FOR E-RATE SUPPORT.—**

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

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

18 “(B) the term ‘E-rate program’ means the
19 universal service program for schools and li-
20 braries authorized under subsection (h)(1)(B),
21 the rules of which are set forth under subpart
22 F of part 54 of title 47, Code of Federal Regu-
23 lations (or any successor regulation), as author-
24 ized under subsection (h)(2)(A);

25 “(C) the term ‘E-rate support’ means uni-
26 versal service discounts on eligible services in

1 accordance with subpart F of part 54 of title
2 47, Code of Federal Regulations (or any suc-
3 cessor regulation), as authorized under sub-
4 section (h)(2)(A);

5 “(D) the term ‘Indian Tribe’ has the
6 meaning given the term ‘Indian tribe’ in section
7 20.100 of title 25, Code of Federal Regulations,
8 or any successor regulation;

9 “(E) the term ‘qualifying essential commu-
10 nity-serving institution’ means a facility exclu-
11 sively owned by an Indian Tribe, including a
12 tribal government building, chapter house,
13 longhouse, community center, senior center, or
14 other similar public building; and

15 “(F) the term ‘Tribal College or Univer-
16 sity’ has the meaning given the term in section
17 316(b) of the Higher Education Act of 1965
18 (20 U.S.C. 1059c(b)).

19 “(2) ELIGIBILITY OF TRIBAL LIBRARIES FOR E-
20 RATE SUPPORT.—

21 “(A) DESIGNATION OF TRIBAL LIBRARIES
22 AS LIBRARIES ELIGIBLE FOR E-RATE SUP-
23 PORT.—

24 “(i) IN GENERAL.—An Indian Tribe
25 that is eligible for support under section

1 261 of the Library Services and Tech-
2 nology Act (20 U.S.C. 9161) may des-
3 ignate a tribal library or tribal library con-
4 sortium, including a public-serving library
5 of a Tribal College or University, as a li-
6 brary or consortium that is eligible for E-
7 rate support, without regard to whether
8 the library or library consortium is eligible
9 for assistance from a State Library Ad-
10 ministrative Agency under the Library
11 Services and Technology Act (20 U.S.C.
12 9121 et seq.), if the library or library con-
13 sortium is eligible for support from an In-
14 dian Tribe under such section 261.

15 “(ii) RULE OF CONSTRUCTION.—
16 Nothing in clause (i) shall be construed to
17 exempt a tribal library from any require-
18 ment under the E-rate program not de-
19 scribed in that clause, including the other
20 requirements relating to eligible recipients
21 under section 54.501 of title 47, Code of
22 Federal Regulations (or any successor reg-
23 ulation).

1 “(B) TRIBAL ESSENTIAL COMMUNITY-
2 SERVING INSTITUTION DEMONSTRATION PRO-
3 GRAM.—

4 “(i) IN GENERAL.—The Commission,
5 in consultation with the Institute of Mu-
6 seum and Library Services and any other
7 agency with relevant responsibilities, shall
8 establish a pilot program to be known as
9 the ‘Tribal Essential Community-Serving
10 Institution Program’, under which the
11 Commission shall provide E-rate support
12 to Indian Tribes for qualifying essential
13 community-serving institutions, as des-
14 ignated by an Indian Tribe.

15 “(ii) ELIGIBILITY.—E-rate support
16 obtained under this subparagraph shall
17 only be available to an Indian Tribe if the
18 proposed qualifying essential community-
19 serving institution intends to deliver pub-
20 licly available internet access and tele-
21 communications services to students,
22 teachers, librarians, and members of the
23 community.

24 “(iii) ELIGIBILITY FOR E-RATE AFTER
25 THE DEMONSTRATION PROGRAM.—A quali-

1 fying essential community-serving institu-
2 tion that receives E-rate support under
3 this subparagraph shall be eligible for E-
4 rate support at the end of the 3-year pe-
5 riod described in subparagraph (C).

6 “(C) USE OF CONTRIBUTIONS.—Of the
7 amount collected for the Universal Service
8 Fund under subsection (d), \$100,000,000 shall
9 be made available for the 3-fiscal-year period
10 beginning after the date of enactment of the
11 Tribal Connect Act of 2020 to the Commission
12 to carry out this paragraph.

13 “(3) TRAINING AND TECHNICAL ASSISTANCE
14 FOR TRIBAL SCHOOLS AND LIBRARIES.—

15 “(A) ANNUAL REPORTS.—The Commission
16 shall—

17 “(i) direct the Administrator of the
18 Schools and Libraries Universal Service
19 Support program to submit an annual re-
20 port to the Commission regarding the ac-
21 tions of the Schools and Libraries Uni-
22 versal Service Support program to ensure
23 that tribal schools and libraries can par-
24 ticipate fully and effectively in the E-rate
25 program, including—

1 “(I) outreach efforts targeted to
2 tribal schools and libraries to promote
3 awareness of the E-rate program;

4 “(II) specific E-rate training pro-
5 grams for tribal schools and libraries;
6 and

7 “(III) other technical assistance
8 initiatives regarding the program’s ap-
9 plication process that are available to
10 tribal schools and libraries; and

11 “(ii) submit each annual report de-
12 scribed in clause (i) to—

13 “(I) the Committee on Com-
14 merce, Science, and Transportation of
15 the Senate;

16 “(II) the Committee on Indian
17 Affairs of the Senate;

18 “(III) the Committee on Energy
19 and Commerce of the House of Rep-
20 resentatives; and

21 “(IV) the Committee on Natural
22 Resources of the House of Represent-
23 atives.

24 “(B) REVIEW OF ANNUAL REPORTS.—The
25 Commission shall review each annual report re-

1 quired under subparagraph (A) to determine
2 whether additional steps are necessary to en-
3 sure that tribal schools and libraries can par-
4 ticipate fully and effectively in the E-rate pro-
5 gram.

6 “(C) UNIVERSAL SERVICE FUND TECH-
7 NICAL ASSISTANCE AND TRAINING.—The Com-
8 mission, in consultation with the Institute of
9 Museum and Library Services, shall provide
10 technical assistance and training to Indian
11 Tribes with respect to Universal Service Fund
12 programs.

13 “(4) COORDINATION AND PERFORMANCE MEAS-
14 UREMENT.—The Commission shall—

15 “(A) improve the reliability of the data of
16 the Commission relating to institutions that re-
17 ceive E-rate support by defining the term ‘trib-
18 al’ on the application for E-rate support; and

19 “(B)(i) develop performance goals and
20 measures to track progress on achieving the
21 strategic objective of the Commission of ensur-
22 ing that all Indian Tribes have affordable ac-
23 cess to broadband internet access service for
24 educational purposes for students, teachers, li-
25 brarians, and members of the community;

1 “(ii) in coordination with the Institute of
2 Museum and Library Services, identify all tribal
3 libraries and developing tribal libraries in the
4 United States; and

5 “(iii) not later than 1 year after the date
6 of enactment of this subsection, submit to Con-
7 gress and make public a report on the goals
8 and measures developed under clause (i) and
9 the list of libraries identified under clause (ii).”.

○

NAVAJO NATION

823

1/7/2021

Naa'bik'iyati' Committee Special Meeting

04:42:04 PM

Amd# to Amd#	Legislation 0290-20: Supporting	PASSED
MOT Begay, E	Senate Bill 4529. "Tribal	
SEC Henio, J	Connect Act of 2020.	

Yeas : 21

Nays : 0

Excused : 0

Not Voting : 2

Yea : 21

Begay, E	Daniels	Slater, C	Tso, O
Begay, K	Freeland, M	Smith	Walker, T
Begay, P	Henio, J	Stewart, W	Wauneka, E
Brown	James, V	Tso, C	Yazzie
Charles-Newton	Nez, R	Tso, D	Yellowhair
Crotty			

Nay : 0

Excused : 0

Not Voting : 2

Tso, E	Halona, P
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Presiding Speaker: Damon