

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Schools and Libraries Universal Service Support	)	CC Docket No. 02-6
Mechanism	)	

**Comments of  
The National Tribal Telecommunications Association**

The National Tribal Telecommunications Association (NTTA) files these comments in response to the Notice of Proposed Rulemaking issued in the above-captioned proceeding.<sup>1</sup>

NTTA consists of Tribally-owned communications companies and broadband providers including Cheyenne River Sioux Telephone Authority, Fort Mojave Telecommunications, Inc., Gila River Telecommunications, Inc., Hopi Telecommunications, Inc., Mescalero Apache Telecom, Inc., Saddleback Communications, San Carlos Apache Telecommunications Utility, Inc., Siyeh Communications, Tohono O’odham Utility Authority, and Warm Springs Telecom, as well as associate members Alaska Tribal Broadband, Nez Perce Tribe, Sacred Wind Communications, and Spokane Tribe Telecom Exchange. NTTA’s mission is to be the national advocate for telecommunications service on behalf of its member companies and to provide guidance and assistance to members who are working to provide modern telecommunications services to Tribal lands.

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<sup>1</sup> *In the Matter of Schools and Libraries Universal Service Support Mechanism*, Notice of Proposed Rulemaking, FCC 21-107, rel. October 1, 2021 (*NPRM*)

**I. Introduction**

In the *NPRM*, the Federal Communications Commission (FCC or Commission) proposes to update the definition of “library” contained in its Schools and Libraries Universal Service Support mechanism (E-Rate) rules to ensure Tribal libraries are clearly eligible for support. Specifically, and consistent with changes in law and the Commission’s decision to make Tribal libraries eligible for Emergency Connectivity Fund benefits, the Commission proposes to “update sections 54.500 and 54.501(b)(1) of the Commission’s rules to...clarify that Tribal libraries are eligible for support through the E-Rate Program.”<sup>2</sup> This rule change will align the Commission’s E-Rate rules with changes made to the Library Services and Technology Act (LSTA) regarding the definition of Tribal library to those libraries eligible to receive support from a State library administrative agency.<sup>3</sup>

NTTA fully supports the Commission’s proposed revisions to the E-Rate program rules. These changes will help ensure vital communications and broadband services, where available, will be affordable to students, teachers, administrators, and library patrons living in Tribal areas. Importantly, the Commission makes clear that Tribal libraries will be eligible for E-Rate funding even if LSTA funds have not been received by the Tribal library.<sup>4</sup>

NTTA also recommends the Commission consider adding other entities to the definition of Tribal library, specifically, the Boys and Girls Clubs that operate in Tribal areas. This will allow for further digital equity and inclusion for those areas where, for various reasons, Tribal libraries may not exist.

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<sup>2</sup> *NPRM* at 5

<sup>3</sup> *Id.*, at 3

<sup>4</sup> *Id.*, at 6

## II. Definition of Tribal Library

Congress wisely added Tribal libraries to the definition of libraries eligible to receive support from state library administrative agencies in the Museum and Library Services Act of 2018. Prior to that, many Tribal libraries were left out of E-Rate funding due to the Commission's definition being based on the original definition as contained in the LSTA. Considering this fact, and the fact that the FCC previously added Tribal libraries to the list of entities eligible to receive Emergency Connectivity Fund (ECF) support<sup>5</sup>, the related change to the E-Rate program rules is a given.

NTTA wishes to stress that Tribal libraries should not experience further impediments to being eligible for E-Rate program support, and thus the Commission's statement that "[w]e propose these changes in order to clarify that because Tribal libraries are statutorily eligible for support from State library administrative agencies consistent with 2018 amendments to the LSTA, they are therefore eligible for support through the E-Rate Program – even if LSTA funds have not been received by a Tribal library"<sup>6</sup> is vital. As the Commission is aware, Tribal governments are sovereign over their lands, and this sometimes leads to issues interacting with, and gaining support from, state agencies. But, as NTTA understands it, the fact that Tribal libraries are now *eligible* for support from state library agencies is sufficient to ensure such libraries are fully able to participate in the E-Rate program.

NTTA urges the Commission and other stakeholders to inform the potentially affected libraries, as soon as practicable upon adoption of an order making the rule changes proposed in

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<sup>5</sup> *In the Matter of Establishing Emergency Connectivity Fund to Close the Homework Gap*, Report and Order, WC Docket No. 21-93 (FCC 21-58, rel. May 11, 2021) at 25

<sup>6</sup> *NPRM* at 6

the *NPRM*, of the revised requirements. As noted in the *NPRM*, “only 15% of Tribal libraries reported receiving E-Rate support, in part, due to eligibility requirements.”<sup>7</sup> In order for the rest of the eligible Tribal libraries to begin participation in the E-Rate program, clear and rapid communication must take place.

### **III. Digital Equity and Inclusion**

The Commission requests input on any equity-related considerations and benefits that may be associated with the proposal to add Tribal libraries to the list of entities eligible for E-Rate program support. As defined in the *NPRM*, these considerations include the “continuing effort to advance digital equity for all, including Indigenous and Native American persons, people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality.”<sup>8</sup> To this end, NTTA offers the following.

The Boys and Girls Clubs of America (BGCA) Native Services provides key services to Native American youth. With over 200 clubs in 114 Tribal communities, BCGA Native Services has served over 120,000 Native youth.<sup>9</sup> These clubs are places Native American youths can go to receive instruction and support “through programming that explicitly promotes positive youth growth and development along critical cultural, social, emotional, intellectual, and physical dimensions through viable and sustainable organizations.”<sup>10</sup> Often, these clubs offer an alternative to Tribal libraries, especially in places the libraries do not exist or are not easily

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*, at 8

<sup>9</sup> See [naclubs.org](http://naclubs.org)

<sup>10</sup> *Id.*

accessible. NTTA urges the Commission to consider adding Boys and Girls Clubs in Tribal areas to the list of entities eligible to receive E-Rate program funding. For many, a publicly available internet connection, such as in a Boys and Girls Club location, may be the only way to access the services necessary for continued learning and development.

### **CONCLUSION**

NTTA appreciates the Commission's efforts to update the definition of eligible libraries in the E-Rate program rules, and fully supports the changes outlined in the *NPRM*. Adding another internet access point in Tribal areas will only serve to assist those encountering difficulties in connecting to the internet at speeds sufficient for today's multitude of tasks. The Tribal digital divide will not be addressed overnight, so making more entities in Tribal areas eligible for supported connections is a step in the right direction.

In addition, NTTA requests the Commission address digital equity and inclusion issues by considering the addition of Boys and Girls Clubs of America – Native Services to the list of entities eligible to receive E-Rate program support. In areas where Tribal libraries may not exist, locations operated by the Boys and Girls Clubs of America – Native Services could help fill that gap and provide better internet access to many Native American youth.

Respectfully Submitted,

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November 15, 2021