

Cantwell 2

*Maria Cantwell*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Federal Communications Commission to determine the impact of universal service support on tribes.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**S. 2644**

To reauthorize the Federal Communications Commission for fiscal years 2017 and 2018, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. CANTWELL

*+ Mr. Daines  
+ Mr. Udall*

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . IMPACT OF UNIVERSAL SERVICE SUPPORT ON**  
3 **TRIBES.**

4 Section 254 of the Communications Act of 1934 (47  
5 U.S.C. 254) is amended by adding at the end the fol-  
6 lowing:

7 “(m) IMPACT OF UNIVERSAL SERVICE SUPPORT ON  
8 TRIBES.—

9 “(1) DEFINITION.—In this subsection, the term  
10 ‘tribal land’ means land included in the definition of

1 'Tribal lands' in section 54.400 of title 47, Code of  
2 Federal Regulations, or any successor regulation.

3 "(2) MEASURING IMPACT OF UNIVERSAL SERV-  
4 ICE SUPPORT ON TRIBAL LAND.—

5 "(A) DEVELOPMENT OF METRICS.—Not  
6 later than December 31, 2017, for each uni-  
7 versal service support mechanism, the Commis-  
8 sion shall develop and implement metrics to  
9 measure the impact of universal service support  
10 on the deployment and adoption of broadband,  
11 including—

12 "(i) deployment on tribal land and  
13 adoption by residents of tribal land;

14 "(ii) adoption by—

15 "(I) schools and libraries located  
16 on tribal land; and

17 "(II) schools and libraries that  
18 serve large numbers of residents of  
19 tribal land; and

20 "(iii) adoption by—

21 "(I) health care facilities located  
22 on tribal land; and

23 "(II) rural health care providers  
24 that serve large numbers of residents  
25 of tribal land.

1           “(B) DATA.—In developing and imple-  
2           menting metrics under subparagraph (A), the  
3           Commission shall rely on data collected from  
4           multiple sources, including—

5                   “(i) data collected by the Commission  
6                   or the Universal Service Administrative  
7                   Company in the course of administering  
8                   the universal service support mechanisms;

9                   “(ii) data collected by—

10                   “(I) other agencies such as the  
11                   Department of Education, the Depart-  
12                   ment of Health and Human Services,  
13                   the Bureau of Indian Affairs, and the  
14                   Department of Commerce; and

15                   “(II) tribal, State, and local gov-  
16                   ernments;

17                   “(iii) data collected by tribally-owned  
18                   and non-tribally-owned broadband service  
19                   providers; and

20                   “(iv) other private sector sources of  
21                   information.

22           “(3) ANALYZING AND REPORTING ON IMPACT  
23           OF UNIVERSAL SERVICE SUPPORT ON TRIBES AND  
24           TRIBAL LAND.—Beginning in 2018, the Commission

*(including data on the Rights of Way on Indian Land Final Rule 25 CFR 169))*

1 shall prepare and submit to Congress a biennial re-  
2 port that—

3 “(A) includes the measurements taken  
4 under paragraph (2);

5 “(B) addresses ways to improve the effi-  
6 cacy of universal service support on tribal land  
7 and for residents of tribal land with regard to  
8 broadband deployment and adoption;

9 “(C) identifies barriers to broadband adop-  
10 tion and deployment on tribal land;

11 “(D) addresses ways to overcome the bar-  
12 riers described in subparagraph (C);

13 “(E) addresses ways to improve the collec-  
14 tion of data or use of open data sources by the  
15 Commission to better measure the deployment  
16 and adoption of broadband on tribal land;

17 “(F) examines ways to implement or im-  
18 prove measurements that show the impact of  
19 universal service support on members of tribes  
20 who do not live on tribal land; and

21 “(G) examines ways to implement or im-  
22 prove measurements that show the impact of  
23 universal service support on eligible schools, li-  
24 braries, and rural health care providers that are

1 not located on tribal land but serve large num-  
2 bers of residents of tribal land.

3 “(4) NO INCREASE IN ADMINISTRATIVE BUR-  
4 DEN.—In carrying out this subsection, the Commis-  
5 sion shall ensure that any data collection efforts do  
6 not result in a net increase in the administrative  
7 burden on private sector sources of information.

8 “(5) WORKING GROUP.—The Commission shall  
9 convene a multi-stakeholder working group to exam-  
10 ine ways to establish metrics under paragraph (2)  
11 that—

12 “(A) do not place additional burdens on  
13 carriers; and

14 “(B) utilize open data resources.

15 “(6) SUNSET.—This subsection shall terminate  
16 on December 31, 2032.”.