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### 'Fresh Approach' Needed FCC Likely to OK 4-0 Tribal Libraries E-Rate NPRM

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An FCC draft NPRM on expanding eligibility for E-rate to tribal libraries is expected to be unanimously approved during commissioners' Sept. 30 meeting, experts said in recent interviews. Library groups and tribal leaders welcomed the move, saying more libraries may be likely to consider applying.

Tribal libraries were historically ineligible for E-rate if they were also ineligible for certain state library funds under the Library Services and Technology Act. That law was amended in 2018 as part of the Museum and Library Services Act to include tribal libraries in the definition of libraries eligible for state library administrative agency funds. The [draft](#) item would ask about revising eligibility rules for E-rate to reflect the legislative change.

"A fresh approach is needed," emailed Association of Tribal Archives, Libraries and Museums CEO Susan Feller. Tribal libraries are "understaffed, underfunded, and under-resourced," Feller said, and about 47% of tribes lack a library or digital lab. ATALM is surveying tribal libraries to assess broadband needs and Feller said 50 of the 270 libraries her group contacted have responded so far. Some 11% said they applied for E-rate. About 61% of those that haven't said they weren't familiar with the program. Others said the process is "too complicated" and cited eligibility issues, Feller said.

The Institute of Museum and Library Services backed the draft NPRM. "As the primary source of federal support for Native American and Alaskan tribal libraries, IMLS is heartened by the FCC's efforts to address barriers to full participation in the E-Rate program," emailed a spokesperson. IMLS Director Crosby Kemper said FCC "removal of unnecessary barriers to the E-rate program would be a momentous step forward for the tribal world, and equally importantly, a needed demonstration of the priority of equity in the administration's massive commitment to universal broadband."

Tribal communities "have long been injured and underfunded when it comes to education, from the early days of boarding schools to the controversy over E-rate for tribal libraries today," said Partnership with Native Americans CEO Joshua Arce. He said that expanding E-rate for tribal libraries to apply "has the potential to make a world of difference" for Native American "youth and future generations."

"Since the outset of the E-rate program, most tribal libraries have been excluded from participating because they couldn't check all the detailed boxes for eligibility," said American Library Association President Patty Wong in a statement: "This rulemaking will help tribal libraries be better equipped to address digital gaps across Native lands. It will be essential the FCC put resources towards outreach and additional support to ensure newly eligible libraries are able to successfully apply."

Making tribal libraries eligible for E-rate funding "will only have a positive impact if tribal libraries have the institutional capacity to apply and then execute project objectives," Feller said. ATALM is using a grant from IMLS to partner with Simmons University and develop "mobile technology labs" for Native communities. Each lab costs about \$100,000, Feller said: "If the FCC and other funders want to significantly and efficiently address digital inclusion needs in Native communities, they should look at model programs like this. E-Rate simply does not meet the needs of Native communities in its current configuration."

The move "has been a number of years in the making," said Public Knowledge Director-Government Affairs Greg Guice: "I would expect it'll be adopted as written." PK plans to file comments supporting the inclusion of tribal libraries and suggesting ways to boost enrollment, Guice said.

The FCC will make a limited exception for disclosures and ex parte presentations during the sunshine period. Only tribal consultations with representatives of federally recognized tribes will be allowed to present. The commission will rely "on what is filed in the record in the decision-making process," emailed a spokesperson Tuesday