



**MEMORANDUM OF UNDERSTANDING
AMONG THE
U.S. DEPARTMENT OF THE INTERIOR
AND THE
FEDERAL COMMUNICATIONS COMMISSION
AND THE
U.S. DEPARTMENT OF COMMERCE
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION**

This Memorandum of Understanding (MOU) relates to increased coordination among Federal agencies to promote the deployment, coordination, and development of broadband and other wireless communications services on, and expand access to spectrum over, Tribal lands and Hawaiian home lands.

I. Parties

This MOU constitutes an agreement among the U.S. Department of the Interior (DOI), the Federal Communications Commission (FCC), and the National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce (DOC), hereinafter referred to as the Parties.

II. Authorities

The DOI authority to enter into the MOU arises from the Organic Act of March 3, 1879, as amended, charging the Secretary of the Interior with supervision of public business relating to Indians,¹ and other authorities relating to the carrying into effect of statues relating to Indian affairs.²

The FCC authority to enter into the MOU arises from the provision of the Communications Act of 1934, as amended, empowering the FCC to perform any and all acts necessary to execute its

¹ 43 U.S.C. § 1457.

² 25 U.S.C. § 9.

functions,³ and pursuant to 47 U.S.C. § 927, as well as provisions establishing the FCC’s authority to regulate non-Federal Government use of spectrum.⁴

The NTIA authority to enter into the MOU arises from the provision of the NTIA Organization Act, as amended,⁵ empowering NTIA to develop, in cooperation with the FCC, plans for improved management of all electromagnetic spectrum resources,⁶ as well as provisions of the NTIA Organization Act and the Communications Act establishing NTIA’s authority to regulate Federal Government use of spectrum,⁷ advise the President on telecommunications policies,⁸ present the executive branch’s views on telecommunications policies to the FCC,⁹ and promote efficient use of spectrum resources across the Federal Government.¹⁰

III. Purpose

The DOI has responsibilities for the public business relating to Tribes and Indian affairs, including implementation of the United States fiduciary trust responsibility for trust and restricted Indian lands. The DOI’s responsibilities include protecting Tribal trust and natural resources and furthering Tribal political and economic self-determination. The FCC is an independent agency that is the exclusive regulator of non-Federal spectrum use and is

³ 47 U.S.C. § 154(i) (“The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this chapter, as may be necessary in the execution of its functions.”).

⁴ See 47 U.S.C. § 151 (creating the FCC “[f]or the purpose of regulating interstate and foreign commerce in communication by wire and radio”); 47 U.S.C. § 301 (stating that a purpose of the Communications Act is to maintain Federal Government control over the radio spectrum and requiring that no person may transmit radio signals except pursuant to a license granted under the Act); 47 U.S.C. § 302a(a) (empowering the Commission to regulate the interference potential of radio transmitters); 47 U.S.C. § 303(f), (g), (r) (empowering the Commission to adopt such regulations as it deems necessary to prevent interference between radio stations, and to encourage more effective use of radio spectrum in the public interest, and otherwise to carry out the provisions of the Communications Act); 47 U.S.C. § 309(j)(10) (conditioning the Commission’s initial auction authority on prior coordination with NTIA); 47 U.S.C. § 927(b) (stating that, after the Secretary of Commerce allows frequencies allocated for Federal Government use to be used by non-Federal licensees on a mixed-use basis, the Commission “shall make any allocation and licensing decisions with respect to such frequencies in a timely manner”).

⁵ 47 U.S.C. §§ 901-942.

⁶ 47 U.S.C. § 902(a)(1) (codifying the establishment of NTIA), (b)(2)(L)(i) (authorizing NTIA to “develop[], in cooperation with the Commission, a comprehensive long-range plan for improved management of all electromagnetic spectrum resources”).

⁷ 47 U.S.C. § 901(c) (directing NTIA to advance policies that “foster[] full and efficient use of telecommunications resources, including effective use of the radio spectrum by the Federal Government, in a manner which encourages the most beneficial uses thereof in the public interest”); 47 U.S.C. § 305 (providing that radio stations belonging to and operated by the United States shall use frequencies assigned to each or to each class by the President).

⁸ 47 U.S.C. § 902(b)(2)(D) (authorizing NTIA “to serve as the President’s principal adviser on telecommunications policies pertaining to the Nation’s economic and technological advancement and to the regulation of the telecommunications industry”).

⁹ 47 U.S.C. § 902(b)(2)(J) (stating that it is NTIA’s “responsibility to ensure that the views of the executive branch on telecommunications matters are effectively presented to the Commission, and in coordination with the Director of the Office of Management and Budget, to the Congress”).

¹⁰ 47 U.S.C. § 902(b)(2)(U) (stating that it is NTIA’s “responsibility to promote the best possible and most efficient use of electromagnetic spectrum resources across the Federal Government, subject to and consistent with the needs and missions of Federal agencies”).

responsible for regulating interstate and international communications by radio, television, wire, satellite, and cable in all 50 States; the District of Columbia; and U.S. territories. The NTIA is the sole agency responsible for authorizing Federal spectrum use and is the President's principal advisor on telecommunications policies, and the coordination and communication of the views of the executive branch. The FCC and NTIA jointly manage the Nation's radio spectrum resources in the public interest. The DOC and DOI continue to be members of the Interdepartment Radio Advisory Committee (IRAC) to help coordinate spectrum use; the FCC is a liaison to the IRAC.

The Parties must work together to promote the deployment of broadband and other communications services on, and expand access to spectrum over, Tribal lands and Hawaiian home lands. This MOU formalizes this cooperative relationship in order to ensure improved and effective communications and planning among the agencies, the exchange of information as appropriate to coordinate policies, and the development of initiatives to encourage the participation of Tribes and the Native Hawaiian community in various existing programs.

IV. Agreement of the Parties

Consistent with law and regulation, the Parties agree that:

- (1) The Secretary of the Interior, Chair of the FCC, and Assistant Secretary for Communications and Information will meet at least quarterly to conduct joint planning with respect to:
 - (a) Future policies and programs, consistent with the Parties' statutory authority, designed to promote the deployment of broadband and other communications services on, and expand access to spectrum over, Tribal lands and Hawaiian home lands through potential mechanisms such as:
 - (i) Educational initiatives;
 - (ii) Technical support;
 - (iii) Needs assessments;
 - (iv) Funding opportunities;
 - (v) New access opportunities for licensed spectrum; and
 - (vi) Spectrum leasing and secondary market transactions.
 - (b) The development and coordination of initiatives designed to encourage Tribes and the Native Hawaiian community to participate in existing programs including, but not limited to:
 - (i) Affordable Connectivity and Lifeline Programs, through outreach and promotion to eligible households on Tribal lands, the exploration of new eligibility data sources, and consideration of other mechanisms to enhance Tribal participation;

- (ii) E-Rate Program, by coordinating and sharing information through trainings and webinars to help Tribal libraries benefit from increased access to affordable broadband connectivity;
- (iii) Broadband Data Collection (BDC) Program, through collaboration on a variety of informational and interactive opportunities, such as events and workshops, intended to increase Tribal participation in the BDC data submission and challenge processes;
- (iv) Tribal Broadband Connectivity Program; and
- (v) Any additional areas where greater collaboration and outreach efforts by DOI, FCC, and NTIA would enhance Tribal participation, including but not limited to other Universal Service Fund support programs or funding opportunities.

(c) Other Tribal or Native Hawaiian community-related issues as appropriate.

- (2) The staffs of DOI, FCC, and NTIA will meet at least monthly to exchange information of mutual interest concerning, but not limited to, the above-referenced issues. To the extent possible, such meetings will include the identification of, and tentative schedules for, upcoming proposed actions and activities and may include detailed subject-matter briefings as appropriate, including about current and anticipated programs that promote the deployment of broadband and other communications services on, and expand access to spectrum over, Tribal lands and Hawaiian home lands, as well as exploring new economic development and leasing opportunities for Tribes to be managed by DOI as a trust asset.
- (3) The DOI, FCC, and NTIA commit to improved and effective communication and will exchange such information as appropriate to coordinate policies and outreach, including on national broadband and spectrum policy development, that promote the deployment of broadband and other communications services on, and expand access to spectrum over, Tribal lands and Hawaiian home lands.

V. Funding

This MOU does not obligate funds for any expenditure, nor does it authorize the transfer of funds and/or resources.

VI. Effective Date and Termination/Modification

This MOU will become effective when signed by all Parties. The MOU may be modified upon mutual agreement of the Parties and may be terminated by any Party after 60-days-prior-written notice to all other Parties. The Parties agree to reassess the MOU not later than 4 years after the effective date and, at a minimum, every 4 years thereafter, to ensure that its provisions adequately reflect changing technological, procedural, and policy considerations.

FOR THE FEDERAL COMMUNICATIONS
COMMISSION:

FOR THE U.S. DEPARTMENT
OF THE INTERIOR:



Jessica Rosenworcel
Chairwoman
Federal Communications Commission



Deb Haaland
Secretary
U.S. Department of the Interior

Date: 11/22/2022

Date: **NOV 23 2022**

FOR THE NATIONAL
TELECOMMUNICATIONS AND
INFORMATION ADMINISTRATION:



Alan Davidson
Assistant Secretary for Communications and
Information
U.S. Department of Commerce

Date: 11/23/2022