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GENERAL MEMORANDUM 20-015

Federal Communications Commission Establishes 5G Fund for Rural America; Includes Set Aside to Support Service on Tribal Lands

On November 25, 2020, the Federal Communications Commission (FCC) issued a [final rule](#) establishing the 5G Fund for Rural America (5G Fund). 85 Fed. Reg. 75770 (Nov. 25, 2020). The 5G Fund will subsidize the deployment of 5G-capable networks in the rural United States, and it includes \$680 million for deployment on tribal lands.

The 5G Fund will replace the Mobility Fund Phase II, which was the second round of an effort to subsidize the deployment of 4G networks in high-cost areas. Like other FCC programs focused on providing access to high-cost and underserved areas, the 5G Fund will be paid for using the Universal Service Fund, which is funded through FCC-imposed fees on telecommunications carriers.

The 5G Fund will provide support in two phases, which will occur after gathering data through the Digital Opportunity Data Collection proceeding that the FCC initiated in August 2019.

Phase 1 will provide \$8 billion in support to eligible rural areas that lack unsubsidized 4G LTE and 5G broadband. This includes \$680 million reserved to support service to Tribal lands, although the FCC says it is open to revisiting whether this is a sufficient amount in the future.

The final rule amends the FCC's definition of tribal lands for the purposes of all high-cost support. The new definition includes "any land designated" as tribal land by the FCC in addition to "any federally recognized Indian tribe's reservation, pueblo or colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) and Indian Allotments, see § 54.400(e), as well as Hawaiian Home Lands...." *Id.* at 75817.¹ In the final rule, the FCC designates as tribal lands "any federally recognized off-reservation trust lands, tribal designated statistical areas ..., or joint use areas" in addition to certain checker-boarded lands in New Mexico and "areas within the geographic boundaries reflected in the Historical Map of Oklahoma (1870–1890), including the Cherokee Outlet." *Id.* at 75775–76.

Phase 2 will provide \$1 billion to support the deployment of 5G networks that facilitate "precision agriculture." *Id.* at 75774. Both phases will proceed through reverse auction.

¹ We note that the 5G Fund will not provide support for services to Alaska, which are instead provided under a separate Alaska Plan.

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