



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #REN-13-064

### **TITLE: Support for the Establishment of a Tribal Broadband Fund and for Other Related Purposes**

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**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, tribal communities face significant obstacles to the deployment of broadband infrastructure, including high build-out costs, sparsely-populated areas, limited financial resources that deter investment by commercial providers, and a shortage of technically trained tribal members who can assist tribes in broadband deployment and broadband adoption planning in these areas; and

**WHEREAS**, decades of geographic isolation on tribal lands and related income disparity are real barriers that prohibit the adoption of broadband, quality of life enhancements, and deterrence of economic opportunities that are available to other Americans, which led to the adoption of the National Broadband Plan (NBP) by the Federal Communications Commission (FCC) in April of 2010, thereby affirming the sovereign rights of tribal governments to construct broadband networks, wireline and wireless, on tribal lands, and recommended that Congress establish a Tribal Broadband Fund to incentivize and support sustainable broadband deployment and acceptable broadband adoption levels on tribal lands; and

**WHEREAS**, the NBP acknowledges the low broadband penetration rate in tribal communities and states unequivocally that, “tribes need substantially greater financial support than is presently available to them, and accelerating tribal broadband deployment will require increased funding”; and

**WHEREAS**, the NCAI adopted previous Resolutions, RAP-10-006 and ABQ-10-061, calling upon Congress to create a Tribal Broadband Fund; and

**WHEREAS**, the FCC *Universal Service Fund/Intercarrier Compensation Transformation Order* (Order) is intended to spur wired and wireless broadband build-out to rural Americans; and

**WHEREAS**, the Order fails to provide sufficient and predictable support mechanisms for tribes or tribally-owned telecommunications providers to deploy, maintain and improve broadband communications infrastructure and to conduct maintenance, engineering and other related and necessary functions in tribal communities; and

**WHEREAS**, the adverse impacts of the Order have led to unfortunate results in which some tribes and tribally-owned telecommunications providers have had to halt plans to build-out broadband capable networks, cease upgrades on existing networks and reduce workforce; and

**WHEREAS**, tribes and tribally-owned telecommunications providers may not be eligible to participate in the FCC Tribal Mobility Fund, and future Mobility Fund, auctions because certain requirements for the Tribal Mobility Fund and Mobility Fund are too restrictive, thereby limiting support available to tribes and tribally-owned telecommunications providers for mobile voice and broadband services on tribal lands; and

**WHEREAS**, on June 6, 2013, the President announced the ConnectED initiative to bring high-speed broadband and wireless service to 99 percent of America's students within five years, and directs the FCC modernize and leverage funding for the Universal Service Fund E-Rate program.

**NOW THEREFORE BE IT RESOLVED**, that the promulgation of new regulations at the FCC requires an updated tribal telecommunications policy stance on these issues, and that NCAI urges the Congress, the FCC, and other relevant federal agencies to consult with tribal governments and tribally-owned and operated carriers regarding issues with access to spectrum, irrevocable letters of credit, Census block determinations, data produced in studies that illustrate inaccurate coverage on tribal lands, to ensure accurate mapping on tribal lands, or to consider waivers of certain requirements to increase tribal opportunities for participation in future Tribal Mobility Fund and Mobility Fund auctions; and

**BE IT FURTHER RESOLVED**, that the FCC must, 1) Establish alternative mechanisms so that tribes and tribally-owned telecommunications providers can participate fully in the Tribal Mobility Fund and Mobility Fund auctions, 2) Enhance current Lifeline programs to make broadband services more affordable to low-income households in tribal communities, and 3) To call upon the FCC, and relevant federal agencies participating in the President's ConnectED initiative, that the highest priority should be given to tribal schools and libraries, and any efforts to modernize the E-Rate program should not adversely affect funding levels for current and future tribal participation; and

**BE IT FURTHER RESOLVED**, that the Congress must support legislation to establish a Tribal Broadband Fund to support sustainable broadband deployment and acceptable broadband service adoption levels in tribal communities; and

**BE IT FURTHER RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.

  
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President

**ATTEST:**

  
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Recording Secretary