

NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians  
Resolution # MKE-11-005



**TITLE: In support of Tribal Positions on Universal Service Reform**

**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**, a 2006 Government Accountability Office report found that only about 69% of households on tribal lands had telephone service in 2000 compared to the national rate of 98%. The report identifies four specific barriers to deployment: 1) the rural, rugged terrain of tribal lands; 2) limited tribal resources; 3) lack of technically trained tribal people; and, 4) rights of way issues; and

**WHEREAS**, the Universal Service Fund (USF) currently administers the Link-Up, Lifeline, and High Cost programs which provide much needed telephone discounts to qualified subscribers on tribal lands, and ensures that all consumers have access to affordable pay rates for telecommunications services; and

**WHEREAS**, in light of a limited regulatory definition of “library” as defined by the FCC, tribal libraries are often ineligible for ‘E-rate’ support as many do not qualify for state library funds, a fact that was specifically noted by the U.S. Government Accounting Report (GAO-06-189), in January 2006. Tribal libraries, serving as community anchor institutions, are frequently the only access point for Internet services in some tribal communities, and the lack of broadband services at these institutions impedes education, individual self-determination, social discourse and participation for tribal membership; and

**WHEREAS**, there needs to be a tribal seat on the USF Federal-State Joint Board to include an American Indian/Alaskan Native representative to make recommendations on implementing USF programs to provide critical investments and expand telecommunications services on tribal lands.

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**NOW THEREFORE BE IT RESOLVED**, that the federal government should support tribal sovereignty by removing all regulatory and market barriers, and by supporting all tribal nations' efforts to attain parity of telecommunications service and technology with non-Native communities; and

**BE IT FURTHER RESOLVED**, that NCAI urges the FCC, the President, and Congress to not take any action on any policy that would harm tribal efforts to serve its own communities, and that the aforementioned should do everything within federal capacity to fund tribal efforts to provide its own regulatory telecommunications solutions; and

**BE IT FURTHER RESOLVED**, that NCAI urges the FCC, the President, and Congress to support the requirement for direct consultation with tribal governments on federal policies directly impacting tribal lands and communities; and

**BE IT FURTHER RESOLVED**, that NCAI urges the FCC, the President, and Congress to support the requirement for regulated commercial telecommunications entities to directly consult with tribal governments and Native community organizations on providing full service to tribal communities; and

**BE IT FURTHER RESOLVED**, that NCAI recognizes the path and the model that tribes have embarked upon to become their own regulatory telecommunications providers to meet the needs of their communities and these efforts should continue to be fully supported by the Connect America Fund and by the revised Universal Service Fund; and

**BE IT FURTHER RESOLVED**, that the NCAI strongly urges the joint support of the President, the FCC, and Congress create a tribal seat on the USF Federal-State Joint Board to be filled by an American Indian or Alaska Native so that tribes will have representation and effective input regarding the overhaul and future management of the Universal Service Fund; and

**BE IT FURTHER RESOLVED**, by the NCAI that Indian Country can overcome the digital divide through meaningful collaboration and consultation on USF reform through strong, engaged, and consistent dialogue with the federal government including the FCC Office of Native Affairs and Policy, and the Wireless Telecommunications and Wireline Competition Bureaus; and

**BE IT FURTHER RESOLVED**, during the modification of the USF, and transition to the Connect America Fund, that the USF continue to provide the much needed support of legacy technology through the Lifeline, Link-Up, and High Cost programs, which provide telephone discounts to qualified subscribers on tribal lands, ensuring all consumers have access to affordable rates for telecommunications services; and

**BE IT FURTHER RESOLVED**, that the NCAI strongly urges Congress to direct the FCC to permit tribal governments to determine what constitutes a "library" in Indian Country so that the tribally designated location is eligible for 'E-rate' support; and

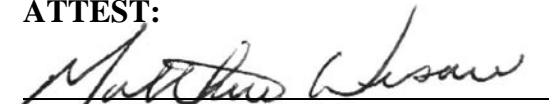
**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2011 Mid-Year Session of the National Congress of American Indians, held at the Frontier Airlines Center in Milwaukee, WI on June 13-16, 2011, with a quorum present.

  
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President

**ATTEST:**

  
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Recording Secretary