



National Congress of American Indians

NCAI News

September 13, 2002
(Broadcast #02-066)

Senator Dodd Seeks Appropriations Rider to Place Moratorium on Recognition - On September 11, 2002, Senator Dodd (D-CT) offered an amendment to the FY 2003 Interior Appropriations bill (H.R. 5093) that would put in place an indefinite moratorium on the right of tribes to petition for federal recognition. The move caught Tribes by surprise, as the Senate Committee on Indian Affairs had already scheduled a hearing on S. 1392, "*Tribal Recognition and Indian Bureau Enhancement Act of 2001*" for next Tuesday, September 17, 2002. S. 1392 was introduced by Senator Dodd and addresses the same issues focused on by this amendment.

Senator Inouye (D-HI) was intending to offer a motion to table the Dodd amendment on Friday, September 13, 2002. Senator Campbell (R-Colorado) supported Senator Inouye in his plan to move to table Senator Dodd's resolution. Reports were that the Administration was also against Senator Dodd's amendment and was preparing a statement in opposition. Majority Leader Daschle (D-SD) however, asked Dodd and Inouye to negotiate a resolution, and so the issue has been held over until Tuesday.

The bi-partisan opposition to Senator Dodd's amendment is in part due to the procedure the Senator has used. Senator Dodd is attempting to fundamentally change federal Indian policy on tribal recognition through a rider to an appropriations bill. The appropriate forum for such actions is the Senate Committee on Indian Affairs and through stand-alone bills that receive hearings and deliberation. It would set troubling precedent to allow the Senate to legislate Indian Affairs through amendments to appropriations bills.

Lawyers and lobbyists for Indian Country met at NCAI headquarters today to discuss Senator Dodd's amendment and to strategize a response. The group will be working with Senators Inouye and Campbell to draft a legislative response to Senator Dodd's amendment and stand alone bill, S. 1392. Action on the Dodd amendment is expected early next week.

Emergency Communications and Competition Act of 2002 Introduced in the Senate - Early this week, Senator Landrieu (D-LA) introduced the Emergency Communications and Competition Act of 2002, S. 2922. Text of the measure can be viewed on Thomas at <http://thomas.loc.gov/cgi-bin/query/z?c107:S.2922>. The Emergency Communications and Competition Act is designed to encourage the rapid deployment of Multichannel Video and Data Distribution Services (MVD DS) – a service that would compete with cable and Direct Broadcast Satellite – in the 12.2-12.7 GHz band. The measure seeks to:

- Eliminate Auction Requirement for Licenses – The current FCC auction process generally has not facilitated the rapid deployment of broadband in rural Native American communities. Of over 21,000 licenses offered at auction during 2001, less than one third were actually sold and only the largest markets had any bidders.
- Require Deployment Within 5 Years – Under current FCC regulations, license-holders may delay build-out for up to ten years.
- Guarantee Access to the Emergency Alert System – Currently, subscribers to Direct Broadcast Satellite (DBS) programming services receive Emergency Alert notices only if they happen to be watching local programming during an emergency. In Alaska, Idaho, Montana, Nebraska, North Dakota, South Dakota, and Wyoming, DBS carries no local broadcast channels.
- Include Public Interest Obligations – Under the proposed measure, a minimum of four percent of capacity would be required to be used for public interest purposes such as telemedicine, distance learning, broadband to unserved areas, or specialized services for local governments and communities. Licensees also would be required to carry all local broadcast programming and make facilities available for political candidates.

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