



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #RAP-10-009

TITLE: Ensuring Future Universal Service Support in Indian Country and Existing Telephony during the Broadband Transition

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, only 67.9% of American Indian homes currently have telephone services compared to the national average rate of 98%, with certain Tribes experiencing much lower telephone penetration rates; and

WHEREAS, reliable current statistics on the state of high speed internet broadband services on Tribal lands nationwide is not available, and an anecdotal broadband penetration rate is estimated at five to eight percent (5% to 8%) on Tribal lands nationwide; and

WHEREAS, the Federal Communications Commission (FCC) can best achieve a government-to-government interaction as it relates to the Universal Service Fund by consulting with Tribal Governments as part of developing Federal policies; and

WHEREAS, history has shown that failure to include the voices of Tribal officials in formulating policy affecting their communities has all too often led to undesirable and, at times, devastating and tragic results. By contrast, meaningful dialogue between Federal officials and Tribal officials has greatly improved Federal policy toward Indian Tribes. Consultation is a critical ingredient of a sound and productive Federal-Tribal relationship. The U.S. Federal government must take the lead in coordinating among the various agencies with responsibilities vis-à-vis Tribes, and establishing lines of communication with those Tribes so that broadband access is available to every person in the United States; and

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WHEREAS, at its Annual Convention October 2009, the NCAI adopted a resolution calling upon the FCC “to create a Enhanced Tribal Lands Broadband Program within the Universal Service Fund (USF) programs,” and “...set a initial eligibility requirement to those communities and areas lacking in basic telephone service as Tribal lands communities in critical need of communications services;” and

WHEREAS, on September 22, 2009, the FCC’s Federal Advisory Committee on Diversity for Communications in the Digital Age adopted a recommendation that the “Government should consider modifying the USF’s Lifeline and Linkup programs, which help eligible low-income consumers establish and maintain telephone service, so that these programs include a subsidy for broadband hardware, connection and service.” The Committee stated that, “in addition, as part of its consideration with respect to modifying the USF’s Lifeline and Linkup programs, the Government should recognize the success of the Enhanced Tribal Lands programs and create similar programs for broadband services to Tribal Lands;” and

WHEREAS, the USF should be reformed where congressional action is needed. The Schools and Libraries programs, for example, were designed without regard to what constitutes a “library” in Indian Country. Similarly, the current program has the unintended effect of allowing E-rate support for classrooms at Indian boarding schools, but not in dormitories, where children need access to the internet to study; and

WHEREAS, when Congress and the FCC consider an overhaul to the USF, the priority focus of the existing USF fund must be carefully weighed against the new fund and its focus on broadband. The high cost of delivering broadband in Indian Country, coupled with high unemployment and poverty rates, requires that broadband programs similar to the High Cost and Enhanced Tribal Lands Low Income Lifeline and Link-Up programs be established; and

WHEREAS, as USF reform takes place, Congress and the FCC must not inadvertently “cut the only wire” going into Indian Country. The current analog telephone High Cost and Lifeline and Link-Up programs are vital to Indian Country and must not be negatively affected. In regions of many different reservations, telephone penetration is still well below 50%. Simply eliminating current telephone universal service programs to provide funding for broadband could widen the communications gap for many Native American families; and

WHEREAS, providers or carriers seeking Eligible Telecommunications Carrier (ETC) status for tribal lands must consult with Tribal governments because improved planning and deployment will result, and ultimately, the most effective use of Universal Service support should be the goal of all involved; and

WHEREAS, any USF reform must make certain that analog safety remains in place until all of Native America is connected to telephone service and broadband.

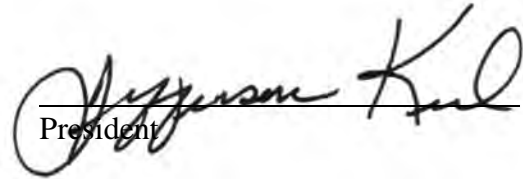
NOW THEREFORE BE IT RESOLVED, that to assist with this transition, and considering the unique needs of Indian Country, the NCAI supports the FCC’s recommendation that Congress amend Section 410(c) of the Communications Act, to include a Tribal seat on the Federal-State USF Joint Board; and

BE IT FURTHER RESOLVED, that NCAI supports the creation of a Universal Service Enhanced Tribal Lands Broadband Program. The creation of a new USF program supporting low-income broadband services on Tribal lands would have direct positive results on the deployment and adoption of broadband in Tribal communities. In creating such a program it is important for the FCC to recognize and draw upon the important successful elements of the existing Enhanced Tribal Lands Lifeline and Link-Up programs for basic telephone service, but not eradicate the ongoing operations of that important program to address the ongoing challenge of deploying basic telephone service on Tribal Lands; and

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

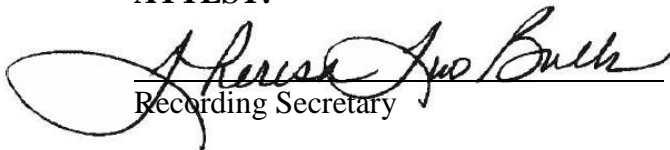
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2010 Mid-Year Session of the National Congress of American Indians, held at the Rushmore Plaza Civic Center in Rapid City, South Dakota on June 20-23, 2010, with a quorum present.



President

ATTEST:



Recording Secretary