



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #TUL-05-068

### TITLE: Resolution to Ensure Tribal Governments are Included in the Rewrite of the 1996 Telecommunications Act

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#### NCAI HEADQUARTERS

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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**, 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**, the 1934 Communications Act, as Amended by the 1996 Telecommunications Act (the Act), does not include Tribal governments, or acknowledge tribal sovereignty, self-determination and the federal trust responsibility; and

**WHEREAS**, the Act does not acknowledge the inherent sovereign right of tribal governments to regulate telecommunications on tribal lands; and

**WHEREAS**, the absence of tribal governments and the lack of acknowledgement of tribal sovereignty, self determination and the federal trust responsibility in the Act has put in place a mechanism for infringing upon the sovereignty of tribal governments, the public interests of tribes and the consumer rights of Native Americans living on tribal lands; and

**WHEREAS**, the absence of tribal governments and the lack of acknowledgement of tribal sovereignty, self determination and the federal trust responsibility in the Act has engendered regulatory instability and ambiguity, posing numerous barriers to deploying critical telecommunications infrastructure and services and resulting in numerous cases of dispute and litigation; and

**WHEREAS**, the United States Congress is in the process of redrafting, and or, amending the Act; and

**WHEREAS**, there is a unique opportunity during the redrafting, and or, amending of the Act for the United States Congress to ensure that tribal governments are included in the Act, and that tribal sovereignty, the right of tribal governments to regulate telecommunications on tribal lands, self-determination, and the federal trust responsibility are appropriately acknowledged; and

**WHEREAS**, it is crucial that tribal governments, tribal government representatives, tribal leaders, intertribal organizations, such as NCAI, and Native American organizations play an active role to ensure that tribal governments be included in the Act, and that tribal sovereignty, the right of tribal governments to regulate telecommunications on tribal lands, self-determination, and the federal trust responsibility be appropriately acknowledged in the Act.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby support that tribal governments be included in the Act, and that tribal sovereignty, the right of tribal governments to regulate telecommunications on tribal lands, self-determination, and the federal trust responsibility be appropriately acknowledged in the Act; and

**BE IT FURTHER RESOLVED**, that NCAI does hereby commit to work with tribal governments, tribal government representatives, tribal leaders, intertribal organizations and Native American organizations to ensure that tribal governments be included in the Act, and that tribal sovereignty, the right of tribal governments to regulate telecommunications on tribal lands, self-determination, and the federal trust responsibility be appropriately acknowledged in the Act; and

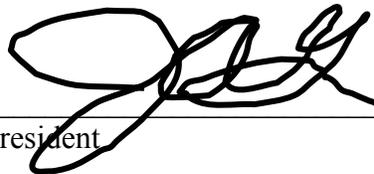
**BE IT FURTHER RESOLVED**, that this resolution shall be distributed to all tribal government legislative bodies and Indian Country information and telecommunications technology stakeholders; and

**BE IT FURTHER RESOLVED**, that NCAI does hereby request the Executive Committee to authorize the creation of a Tribal Telecommunications Taskforce to draft a Tribal Title for inclusion in the re-write of the Telecommunications Act of 1996; and

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

**CERTIFICATION**

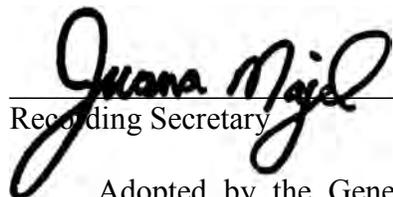
The foregoing resolution was adopted at the 2005 Annual Session of the National Congress of American Indians, held at the 62<sup>nd</sup> Annual Convention in Tulsa, Oklahoma on November 4, 2005 with a quorum present.



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President

**ATTEST:**



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Recording Secretary

Adopted by the General Assembly during the 2005 Annual Session of the National Congress of American Indians held from October 30, 2005 to November 4, 2005 at the Convention Center in Tulsa, Oklahoma.