



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #PDX-11-034

### **TITLE: Support for Federal Communications Policy Reform to Strengthen American Indian and Alaska Native Self-Determination**

**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**, Native communities are the worst connected communities in the United States; and

**WHEREAS**, the Federal government and the Federal Communications Commission (FCC) has a trust responsibility to support American Indian tribes and Alaska Native villages (AI/AN), and recognize the unique status and needs of AI/AN; and

**WHEREAS**, the FCC is in the process of substantially changing regulatory rules for the Universal Service Fund and for Inter-Carrier Compensation Rules; and

**WHEREAS**, the telecommunications industry has made numerous proposals to frame the transition of the Universal Service and Inter-Carrier Compensation programs to a new reformed program and to a new Connect America Fund, without a single reference to or acknowledgement of AI/AN and their unique circumstances and needs; and

**WHEREAS**, AI/AN, NCAI, and tribal organizations have spoken to the Federal government and the FCC on vital policy imperatives on behalf of AI/AN, and NCAI must re-state the urgency of securing telecommunications parity with non-Native communities; and

**WHEREAS**, the NCAI has previously recognized the importance of tribal positions on Universal Service Reform at the 2011 NCAI Mid-Year Conference in Milwaukee, WI through the passage of Resolution #MKE-11-005.

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#### NCAI HEADQUARTERS

1516 P Street, N.W.  
Washington, DC 20005  
202.466.7767  
202.466.7797 fax  
[www.ncai.org](http://www.ncai.org)

**NOW THEREFORE BE IT RESOLVED**, that the NCAI hereby urges that in the reform of Universal Service and Inter-Carrier Compensation regulations, and in the transition from Universal Service Fund to the Connect America Fund that the FCC must honor and respect the sovereignty of AI/AN governments and not lose sight of the unique needs of our communities; and

**BE IT FURTHER RESOLVED**, that NCAI reaffirms Resolutions #MKE-11-004 and #MKE-11-005 passed at the 2011 Mid-Year Conference in Milwaukee, WI, for the creation of a ‘Native Nations Broadband Fund’ and positions on Universal Service reform that would benefit tribes; and

**BE IT FURTHER RESOLVED**, that to ensure the sovereignty of AI/AN, the FCC should defer to AI/AN governments and allow them to decide which Eligible Telecommunications Carriers (ETCs) can service their lands, and enforce the principle that no ETCs should serve AI/AN lands without obtaining permission by the tribal government, community, or Alaska Native village; and

**BE IT FURTHER RESOLVED**, that the FCC must: 1) support AI/AN efforts to provide their own regulatory services by removing regulatory barriers and targeting all available federal resources and support for tribal effort; 2) extend a ‘Native Priority’ to all communications service sectors and provide regulatory support to ‘Native Nations’ in the promotion of public interest; 3) provide support to connect key tribal public and anchor institutions to broadband service; 4) protect tribal regulatory and cost based service through a tribal carve out policy to sustain current infrastructure and future tribal broadband regulatory services; 5) adopt a Native Broadband Lifeline and Linkup program to help low-income tribal consumers who cannot afford broadband service to be connected—and benefit from the promise of universal service; 6) ensure that funding for Native communities be allocated according to need, not basing support on the cheapest infrastructure proposed or the cheapest areas to serve in Native communities; 7) take all necessary procedures to make spectrum available for tribal communities to use for public interest services and to attain broadband service, applying extraordinary procedures and waiver of spectrum rules to promote public interest; and

**BE IT FURTHER RESOLVED**, when planning the potential right of first refusal by price-cap carriers to recede from carrier-of-last-resort obligations in certain rural service areas, that the FCC must consult with tribal governments on the development of procedures and policies and require commercial consultation on quality of service between ETC’s and tribes, and give tribes the first option to serve its own community, or elect an outside ETC to provide 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 2011 Annual Session of the National Congress of American Indians, held at the Oregon Convention Center in Portland, Oregon on October 30 – November 4, 2011, with a quorum present.

  
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President

**ATTEST:**

  
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Recording Secretary