

WC 11-42; 09-197; 10-90

The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

Accepted / Filed

A Resolution to Preserve the Universal Service Fund Lifeline & Link Up Programs

AUG 13 2015

Federal Communications Commission
Office of the Secretary

Resolution No. 15-21

DOCKET FILE COPY OBJECT



WHEREAS, the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the Tribal Governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing over 500,000 Indian people throughout the United States; and,

WHEREAS, upon passage of the Telecommunications Act of 1996 the Universal Service Fund (USF) was charged by Congress to provide affordable, nationwide telecommunications service for low-income consumers, schools and libraries, high cost areas, and rural health care providers; and,

WHEREAS, the Lifeline program was created under President Reagan's Administration to provide low-income consumers with a discounted monthly telephone bill, and this monthly discount was expanded under President Bush's Administration to support wireless cell phone services; and,

WHEREAS, eligible low-income consumers participating in the Lifeline program can access a monthly discount of \$9.25 on their telephone bills, and in recognition of the historic and desperate levels of telecommunications services that persisted on tribal lands, the Federal Communications Commission (FCC) expanded the Lifeline program in 2000 to provide an increased Lifeline discount for residents of tribal lands; and,

WHEREAS, eligible low-income consumers residing on tribal lands qualify for additional subsidies, for a total monthly telephone discount of up to \$34.25; and,

WHEREAS, on June 18, 2015, the FCC adopted a Second Further Notice of Proposed Rulemaking (FNPRM) and a Report and Order (R&O) to reform and modernize the Lifeline program to support access to broadband; and,

WHEREAS, among the many proposals and questions announced in the FNPRM many will affect tribal communities such as the proposal to establish minimum service levels for both broadband and voice service, elimination of certification by telecommunications companies and establishing a third-party national entity to verify eligibility of applicants, and whether the current Tribal Lifeline and Link Up

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subsidies achieve the affordability goals for tribal lands residents; and,

WHEREAS, among the items adopted in the R&O, the FCC ruled to redefine its definition of tribal lands (47 CFR § 54.400(e)) to re-designate what constitutes "former reservations in Oklahoma," and instead references the Historical Map of Oklahoma reservation lands from 1870 to 1890 provided by the Department of the Interior, Bureau of Indian Affairs; and,

WHEREAS, the FCC's new definition of tribal lands under 47 CFR § 54.400(e) will come into effect on December 15, 2015 and prior to the implementation of the new definition, the FCC has been charged with consulting tribal nations in Oklahoma to identify any additional maps or geospatial data that should be identified to recognize the boundaries of Oklahoma tribal lands; and,

WHEREAS, this resolution mirrors the NCAI Resolution MSP-15-036, which was just passed through that body; and,

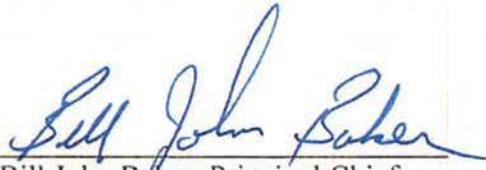
NOW THEREFORE BE IT RESOLVED, the Inter-Tribal Council of the Five Civilized Tribes establishes that under the current Reform and Modernization of the Lifeline program, we urge the FCC to adopt proposals that do not adversely affect Native recipients of the Tribal Lifeline subsidy by redefining tribal lands; and,

BE IT FURTHER RESOLVED, that the FCC preserve its definition of "former reservation lands in Oklahoma" as specified by the Oklahoma Corporation Commission, and that we reject and request the withdrawal of the FCC's use of the Historical Map of Oklahoma Reservations between 1870 and 1890; and,

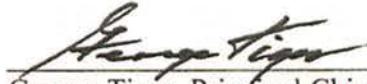
BE IT FURTHER RESOLVED, we urge the FCC to have meaningful government-to-government consultation with sovereign tribal nations consistent with *Executive Order 13175* and the FCC's *2000 Statement of Policy on Establishing a Government to Government Relationship with Indian Tribes*.

CERTIFICATION

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Shawnee, Oklahoma on this 10th day of July, 2015, by a vote of all for 0 against and 0 abstentions.



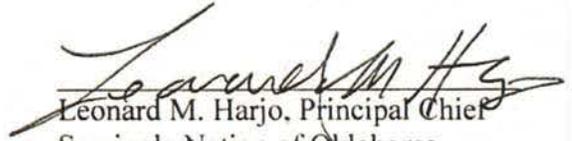
Bill John Baker, Principal Chief
Cherokee Nation



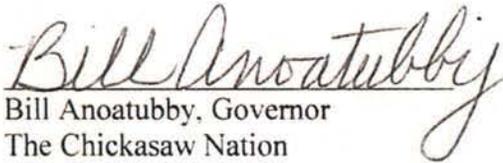
George Tiger, Principal Chief
Muscogee (Creek) Nation



Gary Batton, Chief
Choctaw Nation of Oklahoma



Leonard M. Harjo, Principal Chief
Seminole Nation of Oklahoma



Bill Anoatubby, Governor
The Chickasaw Nation