Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
BROADBAND DEPLOYMENT AND ADOPTION ON TRIBAL LANDS	)	GN Docket Nos. 09-47, 09-51, 09-137
	)	
NBP Public Notice # 5	)	
	)	

To: The Commission

JOINT COMMENTS OF NATIVE PUBLIC MEDIA AND THE NATIONAL CONGRESS OF AMERICAN INDIANS:

BROADBAND FOR TRIBAL NATION BUILDING

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SUMMARY

Native Public Media ("NPM") and the National Congress of American Indians ("NCAI") file these comments in response to the FCC's Public Notice #5, seeking comment on the nature of deployment and adoption of broadband on Tribal Lands as part of the National Broadband Plan ("NBP"). *Public Notice #5* cites the prior joint comments of NPM and NCAI in this proceeding which highlighted the lack of data concerning broadband deployment, and the need for further analysis. NPM is set to release on November 19, 2009, the first study (the "NPM Study") of broadband deployment in Indian Country and will file it as part of the NPM/NCAI Joint Reply Comments.

The NPM Study has three parts. First, a survey was taken of members of 120 Tribes and living in 28 states concerning their access to broadband on Tribal Lands. The survey provides keen insight into the availability of broadband in Indian Country, and what it is used for. The second part of the NPM Study focused on six case studies related to new media in Indian Country, with four of these focusing on broadband deployment projects. These case studies also shed significant light on the how broadband availability can have a huge impact on the lives of Native Americans. Finally, the NPM Study provides a number of recommendations for fostering broadband deployment and use in Indian Country. The recommendation portion of the NPM Study can help answer many of the 14 questions poised in *Public Notice #5.*

From the NPM Study, as well as the experience of NPM and NCAI, two critical elements emerge: A need for better Tribal consultation (consistent with the call of President Obama just last week), and an understanding that because of the unique economics and cultural differences in Indian Country, Tribal telecommunications providers, rather than being the "carrier of last resort," may in fact be the preferred way of bring broadband to Native Americans at the fastest

possible rate. The purely competitive market of telecommunications providers, even augmented by USF programs, has not led to deployment of broadband into Indian Country, and certainly not broadband at an affordable rate. The Case Studies in the NPM Report seem to indicate that Tribal-developed solutions may provide the quickest road to full deployment. This is part of what the NPM Report refers to as the "nation building" potential of broadband.

These Joint Comments make a number of recommendations as to how the FCC can best approach the development of an NBP for Indian Country, including:

- Create a formal joint Native Nations/FCC Broadband Taskforce;
- Create a Tribal Office at the Federal Communications Commission;
- Create seats upon the Federal State Joint Board on Universal Service for Tribal Government Representatives;
- Create Under the Universal Service Fund an Enhanced Tribal Lands Broadband Fund Program;
- Revise the E-Rate and Rural Health Care Programs;
- Increase access to spectrum and remove barriers to use of spectrum by Tribal Entities;
- Adopt a Tribal Priority for Spectrum;
- Revise the Tribal Lands Bidding Credit;
- Resolve the White Spaces barrier to entry in International Exclusion Zones; and
- Encourage and fund additional research, data collection, and analysis of broadband deployment in Indian Country.

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To: The Commission

JOINT COMMENTS OF NATIVE PUBLIC MEDIA AND THE NATIONAL CONGRESS OF AMERICAN INDIANS: BROADBAND FOR TRIBAL NATION BUILDING

Native Public Media ("NPM") and the National Congress of American Indians ("NCAI") respectfully submit these comments in response to the Public Notice released September 23, 2009 ("*Public Notice #5*"), which seeks public input in the development of the Commission's National Broadband Plan ("the NBP"). The current Public Notice requests comment on issues related to broadband deployment and adoption of broadband services on Tribal Lands.

I. BACKGROUND

As an organization dedicated to community broadcasting, NPM represents the interests of thirty-three Native owned public radio stations that serve Native nations as well as non-Native listeners throughout the United States.[1] Since its launch in 2004, NPM's principal focus has been on supporting existing Native American public radio stations and promoting ownership for more Native communities by serving as an advocate, national coordinator, and resource center.

[1] NPM, formerly known as the "Center for Native American Public Radio," is a project of the National Federation of Community Broadcasters, supported by a grant from the Corporation for Public Broadcasting. A list of the NPM member stations can be found at http://www.nativepublicmedia.org/index.php?option=com_content&task=view&id=26&Itemid=48.

Advocating on behalf of member Tribes from across the entire United States, in consensus based decision making, NCAI is a forum for federal-tribal policy on major issues confronting Native peoples, including the myriad challenges of communications access and deployment. NCAI continues to coordinate with the Commission on a number of Tribal outreach and education efforts. NPM and NCAI have co-hosted several of the Commission's Indian Telecommunications Initiatives or "ITI" regional workshops and roundtables. NCAI annually co-hosts with the Commission the annual high level consultation "FCC-NCAI Dialogue on Increasing Tribal Telecommunications," between Commission officials and members of the NCAI Telecommunications Subcommittee.

Since the creation of NCAI's Telecommunications Subcommittee in 2001, NCAI has adopted many resolutions, that articulate national Tribal policy positions and prerogatives on the deployment of telecommunications, broadcast and broadband services throughout Indian Country. NPM is a frequent and active participant in the NCAI Telecommunications Subcommittee. Both NPM and NCAI appreciate the Commission's efforts to assist tribes in developing communications policies and are pleased to submit these joint comments to the Commission.

There are 4.1 million American Indians and Alaska Natives ("Indians" or "Native Americans") in the United States and 564 federally recognized American Indian Tribes and Alaska Native Villages ("Tribes" or "Tribal Nations"), all inherently sovereign government entities with their own political and Tribal structures. NPM and NCAI pointed out in their August 31, 2009 Joint Comments in this Proceeding that Tribes face unique challenges in overcoming the Digital Divide, beginning with the fact that even access to Plain Old Telephone Service (POTS) is still a challenge, and broadband penetration may be as low as five percent

(5%).[2] *Public Notice #5* picks up on these issues and requests further input from interested stakeholders.

As NPM and NCAI pointed out in the *Broadband Joint Comments,* and echoed in *Public Notice #5*, there is scant data on actual broadband deployment in Indian Country. Fortunately, NPM is just completing a study entitled "New Media, Technology and Internet Use in Indian Country: Quantitative and Qualitative Analyses" (the "NPM Study"), funded by the Corporation for Public Broadcasting with assistance from the Benton Foundation. The NPM Study is set to be released on November 19, 2009, and will be filed as part of NPM and NCAI's Joint Reply Comments in this proceeding. NPM and NCAI will highlight some of the results of the NPM Study in these comments, as well as its recommendations for a pathway forward for developing a national broadband that will work in Indian Country.

The NPM Study has three parts. First, a 54 question survey was submitted to 196 Native Americans representing some 120 Tribes and living in 28 states. The questions track closely those asked in the Pew "Internet and American Life Project Spring Tracking Survey 2008."[3] The survey provides keen insight into the availability of broadband in Indian Country, how Native Americans use broadband.

The second part of the NPM Study focused on six case studies (the "Case Studies") related to new media in Indian Country, with four of these focusing on broadband deployment projects. These Case Studies also shed significant light on the how broadband availability can have a huge impact on the lives of Native Americans. Finally, the NPM Study provides a number of recommendations for fostering broadband deployment and use in Indian Country.

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[2] NPM and NCAI Joint Comments, filed August 31, 2009 (hereinafter "Broadband Joint Comments").

[3] *See* http://www.pewinternet.org/.

The recommendation portion of the NPM Study can help answer many of the 14 questions poised in *Public Notice #5.*

II. THE KEYS TO BRIDGING THE DIGITAL DIVIDE: TRIBAL CONSULATION AND TRIBAL NATION BUILDING

The Case Studies offer a compelling picture of the potential for Native American broadband deployment and adoption of technology. The current successful networks are emblematic of a long history of Native self-sufficiency and pioneering creative solutions to fulfill the needs of their communities. Driven by leaders with an understanding of these community needs, the projects highlighted in the NPM Study were able to make a substantial impact towards digitizing Native America. Faced with limited resources and means, motivated individuals have provided their communities with new ways to connect and communicate with each other. These networks have brought access in areas where community needs were largely ignored by non-tribal service providers. Community technology centers have proven the catalyst to allow a number of Tribes to address the Digital Divide by bringing computer access, digital literacy classes, and providing the base tools and information the Internet affords, such as research and applying for jobs.

The Case Studies and the Survey undermine any ill-conceived assumption that Native communities are uninterested in technology and the Internet. The findings demonstrate that Native America wants access to the communications tools of the 21st Century and will take advantage of available technology in their community. The challenge will be duplicating the success stories highlighted in the NPM Study and adjusting them to fit the specific needs and unique characteristics of other Native communities in order to expand the digitization throughout Native America.

A. The President has Called on All Federal Agencies to Better Consult with the Tribes

The NPM Study's call for increased tribal consultation is completely consistent with the current Administration's approach to the federally recognized American Indian Tribes and Alaska Native Villages. In a Memorandum signed November 5, 2009, President Obama has called on all Federal agencies to report back to the White House on their efforts to establish clear plans to consult with Indian Tribes as part of developing Federal policies.[4] As the Memorandum notes:

> 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 President ordered all executive departments and agencies to report within 90 days of their plans to better implement Executive Order 13175 (2000), which calls for better consultation and coordination with Indian Tribal Governments. NPM and NCAI applaud President Obama's tribal initiative and its relevance to the FCC's efforts to create an NBP. Not only is broadband deployment in Indian Country lagging far behind the rest of the nation, but all aspects of developing an NBP are lagging in Indian Country. Among the continuing failures is the fact that Indian Tribes must interface with multiple U.S. Federal agencies for assistance, financial, and technical support in bringing broadband to Indian Country. Only when individual Native Americans have access to information, contacts, and support, can the necessary broadband deployment happen in Indian Country. The U.S. Federal government as a whole must take the lead in coordinating among the various agencies with responsibilities vis-à-vis Tribes, and

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[4] http://www.whitehouse.gov/the-press-office/memorandum-tribal-consultation-signed-president.

establishing lines of communication with those Tribes so that broadband access is available to every person in the United States. The FCC's role in this process is pivotal. As a vital first step, NCAI and NPM request that the FCC hold appropriate broadband workshop and formal consultations sessions with Tribal Leaders aimed at the successful implementation of the NBP programs on Tribal lands nationwide through such organizations as NCAI and intertribal and Native communications organizations.

B. The Critical Role of Tribal Nation Building in Broadband Deployment in Indian Country

In the United States, the nation building approach to sustainable economic development in Indian Country is the practical application of tribal sovereignty. According to Cornell and Kalt,[5] Native Nations take different approaches to economic development by both asserting their rights to self governance while simultaneously building the foundation and institutional infrastructure to exercise those rights. The Native Nation building approach to sustainable economic development includes, but is not limited to, strengthening governmental institutions in order to effectively assert sovereignty, diversifying tribal economic ventures, creating innovative social policies for the community, and developing cultural resources of all kinds. Putting sovereignty in practice means that the Native Nations assert their sovereign powers backed up by their respective tribal governmental institutions. Further, Native governmental institutions are a cultural match with their respective indigenous political culture. Also part of this Nation building approach is making strategic and long-term plans. Finally, tribal leaders head the Nation building efforts and lead by mobilizing the community.

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[5] Cornell, Stephen and Joseph P. Kalt. "Two Approaches to the Development of Nation Nations: One Works, the other Doesn't. in Rebuilding Native Nations: Strategies for Governance and Development." Ed. Miriam Jorgenson (University of Arizona Press, Tucson 2008).

Lessons learned from those who have deployed services on Tribal Lands include two critical and foundational concepts to the deployment of robust and sustainable broadband networks. First, Tribal Lands encompass economic conditions that necessitate distinctive economic regulatory approaches. On Tribal Lands, critical infrastructures of any sort have not historically been deployed, or organically grown in market competition, as they have elsewhere in the nation. No critical infrastructure has come to Tribal Lands without significant federal involvement, investment, and regulatory oversight. Terrain, poverty, distance and historic periods of failed federal policies towards Native peoples and their lands have created a modern atmosphere that requires special economic regulatory creativeness.

Second, it is the "Tribal centric" business models that have the greatest chance for sustainability, in terms of both adoption and ultimate profitability. Demand aggregation planning of a special and locally coordinated nature is required, regardless of who owns or deploys the networks. As historic and geo-political federal enclaves, Tribal Lands are communities with their own unique institutions and operations. As sovereign local governments, Tribes are uniquely and intimately knowledgeable of their own communities and needs.

When the Tribe itself is thus engaged, and its institutions and families are central to the planning, chances increase for the success of robust broadband networks. The Federal Government should recognize this fundamental fact. In certain situations, it will only be through Tribal ownership and operation that critical communications infrastructure and adoption solutions, in the form of genuine and lasting community-wide services, will be deployed and flourish. Placing Tribes at the center of the process on Tribal Lands, and implementing actions that prioritize to the Tribes in planning, regulation and deployment is a necessary first step in achieving successful and enduring solutions to the deplorable and long standing lack of

communications technologies in Tribal communities nationwide. Indeed, while in the past such Tribal owned carriers have been referred to as "carriers of last resort," it may be that because of unique economic and cultural factors unique to Indian Country, that Tribal owned telecommunications providers should be considered as "carriers of ***first*** resort" – that the creation of such carriers should be encouraged and looked upon as a model that can be replicated across many of the Tribes.

III. QUANTITATIVE DATA RELATED TO BROADBAND DEPLOYMENT

The first area in which the FCC seeks input is on the extent of broadband deployment on Tribal Lands.[6] Before doing so, however, the definition of "Tribal Lands" needs clarification.

A. The Commission Should Carefully Define "Tribal Lands" Consistent With its Own Precedence and the Actual Nature of Broadband Deployment in Indian Country

In footnotes 1 and 7 of the *Public Notice #5*, the Commission touches upon the complex issues involved in the different types of land tenure of American Indian Tribes and Alaska Native Villages. This is a subject matter area with which NCAI is well familiar. NCAI and NPM applaud the Commission's efforts to be both comprehensive and technically correct in its approach, as well as develop a familiar and encompassing knowledge of the real-world applications of its regulations for the communities of American Indians, Alaska Natives and Native Hawaiians. Many throughout Native America use the term "Indian Country" colloquially to mean "all those Native places in the nation." NCAI is also well familiar with the technical challenges associated with developing federal regulations that meet federal mandate and targets, in the face of such variety of Tribal land tenure. Both NPM and NCAI are familiar with the Commission's history of regulations in this regard, as it has been nearly a decade since the

[6] *Public Notice # 5*, p. 3.

Commission last dealt with the challenges of developing Tribal Lands definitions, in the context of the Universal Service Fund (USF) Enhanced Tribal Lands Lifeline and Link-Up provisions, that covered the myriad types of Native land tenure and also importantly found Tribal lands consumers and targeted deployment as it actually occurs in Indian Country.

With respect to the definition of "Indian Country" found in the federal criminal code, NPM and NCAI are concerned that it does not adequately cover the definition of Tribal lands as developed in other Commission regulatory arenas and may operate at odds with those provisions, namely the Universal Service Fund regulations found at 47 CFR 54.400(e). NPM and NCAI are well aware that the definition of Indian Country found in 18 U.S.C. § 1151 applies in the civil context as well. Because of this appearance of inconsistencies, NPM and NCAI ask that the Commission clarify that it is aware of the historical situations and case law precedence that has impacted the Tribal landscape over the generations, such as the Allotment Era of Federal Indian policy which greatly affected Tribal lands in Oklahoma and many other Tribal regions of the nation, or the effects of *Alaska v. Native Village of Venetie Tribal Government*,[7] which affected the "Indian Country" status of Alaska Native Villages. It would be important in this complex area with the ultimate national goal of the furtherance of robust broadband networks, rather than Fourth and Fifth Amendment Search and Seizure litigation, that the Commission analyze for impact the utilization of its own USF regulations regarding Tribal Lands, which effectively addresses the aforementioned complexities, respectively, by including definitions for "former reservations in Oklahoma," and "Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688)." The Commission and Tribal Nations would also be well served for the Commission to examine the Tribal lands definitions, programs and

[7] 520 U.S. 522 (1998).

regulations of the US Department of the Census for that agency's treatment of regional complexities in defining Tribal lands by involving Tribal and Alaska Village designation of statistical areas.

B. Lessons Learned From Broadband Deployment to Date in Indian Country

Public Notice #5 asks the following concerning the question of broadband deployment in Indian Country.

1. *Are there specific lessons that can be learned from the build-out of telephone lines to particular Tribal areas that can be applied to the deployment of broadband in Tribal land?*

The NPM Study, as well as the experience of other Tribes makes a few things quite clear: First, traditional (dominant) telecommunications carriers do not adequately serve Indian Country. The NPM Study indicates that currently there is a much higher reliance on wireless solutions in Indian Country, especially for receiving important news, weather, and safety alerts.[8] "Always on" internet is a luxury, not a given, in Indian Country. Cellular service (as predecessor of or analog to wireless broadband) is far from universal in Indian Country. Finally, the lesson learned from the current state of broadband deployment in Indian Country is that it is far more expensive than in the rest of the United States.

2. *Are there specific examples of coordination or cooperation among Tribal, state and local governments in the build-out of telecommunications infrastructure on Tribal lands that could serve as models for the deployment of broadband?*

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[8] Although the NPM Study shows that currently much of Indian Country only receives broadband service via wireless solutions, NPM and NCAI in no way support wireless as the optimal solution. NPM and NCAI are technology agnostic, in that we believe that there is no one solution that meets the needs of every broadband deployment on Tribal Lands. Rather, NPM and NCAI support regulatory solutions that ensure that the best approach is taken, rather than the current situation where Tribes are at the mercy of service providers who are often forced into solutions based on regulatory mandates rather than technical merit.

The Case Study portion of the NPM Study highlights four Tribal broadband deployments:

1) The Southern California Tribal Digital Village, implemented by the Southern California Tribal Chairman's Association ("SCTCA"), a consortium of 19 federally recognized and unrecognized tribes that linked 86 buildings, 13 libraries, 5 head start centers and two schools on 13 reservations, along with to fire stations, tribal administration buildings, tribal police, the EPA, and all resource programs.

2) The Coeur D'Alene Tribe. A Federally Recognized Indian Tribe located in Northern Idaho that covers 345,000 acres, spanning the rich Palouse farm country and the western edge of the northern Rocky Mountains.

3) Confederated Tribes of the Colville Reservation. A federally recognized Indian tribe with enrollment of 9,065 members. The reservation is located in North Central Washington State on the East Missouri river and the Grand Coulee Dam border side. The tribe's acreage, 1.4 million acres or 2,100 square miles, is equivalent to the size of the state of Connecticut and has 12 towns separated by the hills and valleys.

4) The Leech Lake Reservation is home to the Leech Lake Band of Ojibwe, one of the six bands of the Minnesota Chippewa Tribe. With 4,079 members, the reservation has 16 villages, spread along the lakes on 1,100 square miles or 854,158 acres over four counties, Beltrami, Cass, Hubbard and Itasca, in north Central Minnesota.

In each case, through strong individuals and Tribal leadership, broadband has been deployed. Each Tribe has had a different experience in getting to where they are today, and each can provide insight to the Commission as it formulates the NBP.

3. *What specific actions can the FCC and/or other federal agencies take to encourage or facilitate greater coordination and collaboration between the FCC, other federal agencies and Tribal, state and local governments to promote broadband deployment?*

The NPM Study concludes with a number of top-level recommendations regarding the need to encourage and facilitate better collaboration between the Federal government and the Tribes, including:

1. Implement a new and robust strategic initiative targeting Tribal communications development. The NPM Study demonstrates a genuine and urgent need for telecommunications and broadcast services in the communities of federally recognized American Indian Tribes and Alaska Native Villages to be the focus of a new federal strategic initiative included in the priorities of the Executive Branch, Legislative Branch and the Federal Communications Commission (FCC or Commission). This new strategic initiative should be a joint Federal/Tribal effort to:

> (i) determine whether the current federal regulatory framework operates successfully in actual market conditions on Tribal Lands to bring about change to the deplorable lack of telecommunications and broadcast services;
>
> (ii) create new methods of government-to-government consultation and coordination to identify barriers to entry and achievable responsive solutions; and
>
> (iii) implement new meaningful policies and actions designed to remove those barriers and result in the deployment of robust sustainable communications services to the communities of Native Nations.

2. Create a Tribal Broadband Plan within the National Broadband Plan. Although the FCC will be developing a National Broadband Plan to develop and fulfill Congress's goal of ubiquitous broadband access, it is unclear the extent to which it will address the issue of Native communities. Critical infrastructures have come to Tribal Lands only through significant federal involvement, investment, and regulatory oversight. As a federal partner, with the goal of working with Native Nations to jointly stimulate conditions that will address the significant

market challenges and unique demand aggregation "Tribal centric" requirements of Tribal Lands, the NBP will need to define a strategy for spurring deployment and adoption of digital communications and broadband in Native communities.

3. Create new means of effectuating consultation and coordination with Tribal governments. Efforts should be renewed for structural changes at the Federal Communications Commission to ensure the effective operation of the Federal-Tribal Trust Relationship within the FCC's operations. These should include:

(a) Creation of a formal joint Native Nations/FCC Broadband Taskforce. Native communities encompass unique and distinct challenges compared to other unserved or underserved areas, including special government-to-government opportunities for the FCC to work directly with knowledgeable Tribal leaders. A joint Tribal/FCC Broadband Taskforce would be essential to better understanding the particular obstacles, challenges and best practices to creating communications solutions throughout Native lands. To develop a comprehensive approach, the FCC should convene certain key elected and appointed Tribal leaders from throughout the nation. By utilizing the exception to the Federal Advisory Committee Act for intergovernmental purposes, this task force should act and operate much as a federal advisory committee would, only with increased and coordinated task force responsibilities. The FCC should devote the time and efforts of several key senior decision makers to work directly with the Tribal leaders. The joint taskforce should draw upon and involve the formal input from Tribal community leaders/visionaries from successful projects, tribal governments, technical and communications industry experts, and relevant federal agencies. Together with these Tribal leaders and project and industry experts, the FCC can build joint taskforce priority actions aimed

at addressing the multiple priorities shared by the FCC and Tribes in closing the infamous "Digital Divide."

(b) Create a Tribal Office at the Federal Communications Commission, with an effective and high level impact. With 564 federally recognized tribes in the United States, the creation of a tribal office to work directly with Tribal entities renews federal focus on addressing the digital needs of Tribal communities by providing an effective operational and regulatory mission within the structural framework of the FCC. The FCC Tribal Office should be created and infused with roles and responsibilities that are consistent with the federal trust obligations and government-to-government relationship shared between the FCC and Tribal entities. So that it may properly advise and assist throughout the Commission, the office should find itself elevated in the structural framework of the Commission so as to be able to coordinate effectively with all Bureaus and Offices of the Commission, responsive to all Commissioners and closely aligned in mission support with Office of the Chairman, as per the other high level planning and operational offices of the Commission. Of critical importance, the FCC Tribal Office should be supported by appropriate budget and staffing priorities. Staffing in the office should draw upon internal hiring positions and detailed staff posts to obtain critical legal, economic analysis, and engineering expertise from across the Commission. However, the Commission should utilize new and outside hiring authority to conduct a nationwide search for the senior leadership of this office, particularly its Director. The FCC should conduct a search to hire and draw upon the talent of national subject matter experts for this effort, consistent with developing the FCC's expertise in federal Indian policy matters, its understanding of the multifaceted community development and communications related needs faced by Tribal

communities, and its familiarity with the on-the ground real world situations faced by those throughout Indian Country.

(c) Create seats upon the Federal State Joint Board on Universal Service for Tribal Government Representatives. Universal Service Fund (USF) support mechanisms have been critical to the deployment of telephone service and certain amounts of broadband connectivity on Tribal Lands, such as the Schools and Libraries Program. Enhanced Tribal Lands Lifeline and Link-Up support has made all the difference in certain Native communities for the deployment of basic telephone service. As the federal government engages in the review of the USF for sustainability and broadband deployment, seats on the Federal State Joint Board should be made available to Tribal representatives so that those living and working on Tribal Lands nationwide have their voices represented in the maturation of the Joint Board's intergovernmental regulatory process.

IV. DEPLOYMENT AND MAPPING

Next, *Public Notice #5* seeks input into the extent to which Tribal Lands are being mapped as part of state-wide mapping plans. Specifically, the FCC asks the following questions:

> *4. What actions, if any, are states taking to include Tribal lands in their broadband mapping efforts?*
>
> *5. Are there jurisdictional or other reasons why states do not or cannot include the Tribes in their broadband mapping efforts?*
>
> *6. To what extent can data from the U.S. Census Bureau's American Indian Tribal census tracts assist efforts to map broadband deployment and adoption in Indian Country? For example, would the overlay of data compiled by carriers and ISPs with Tribal census tract data provide a clear and accurate view of broadband penetration rates in Indian Country? What specifically are the advantages and limitations of such an approach and how would the overlays be accomplished as a practical matter?*
>
> *7. What other means of measurement can accurately capture broadband deployment on Tribal lands?*

The NPM Study is the first real and hard data coming out of Indian Country about broadband use. Its exploratory and foundational nature requires that more data and mapping be done that will assist Tribes with meeting federal requirements for contracting, granting, subcontracting, and other viable methods of funding and thereby increase their access to critical funding that will help to deploy broadband technology into unserved Tribal communities. The government should require and enforce the certification of Tribal Entities for broadband mapping and planning requirements performed on the Tribal Lands over which they exercise their sovereign rights as governmental entities to ensure both the expedient accuracy of the information and appropriate intergovernmental coordination.

V. ADOPTION AND DIGITAL LITERACY/EDUCATION

Public Notice #5 concludes with a series of questions related to adoption, education, and promoting broadband among Native Americans. Particularly:

> *8. What specific tools can the Commission and/or the Tribes utilize to promote digital literacy and education on Tribal lands?*
>
> *9. Are there specific Tribal facilities which are serving or could serve as training locations, e.g., computing centers, tribe "chapter houses," schools or libraries?*
>
> *10. What percent of Tribal community centers, schools, and households are passed today by: a) fixed telephony; b) mobile telephony; c) cable services?*
>
> *11. What can public and private entities do to promote broadband adoption? Should they consider programs such as making computers available at a discount to qualifying households or discounting monthly service to at-need consumers on Tribal lands?*
>
> *12. Should programs such as Lifeline/Link Up be made available to assist in reducing the cost of broadband connectivity and service to homes in Indian Country, and if so, how should they be implemented and funded?*
>
> *13. The practical utility of establishing and promoting pilot programs to support broadband services such as the one proposed by Qwest? What role can or should the Commission play in establishing such a pilot or would the pilot be better administered by industry, some other non-governmental entity or via some type of industry/consumer advocacy partnership?*

14. What actions, if any, can the FCC and/or the Tribes take to facilitate carrier entry into Tribal areas for the purpose of providing affordable and sustainable broadband service?

In 2000, the FCC created changes to the USF programs aimed at Tribal Lands, implementing a new federal method for Eligible Telecommunications Carrier designations and creating the Enhanced Tribal Lands Lifeline and Link-Up Support programs. Over the past decade these changes have been of great importance and value to those who have increasingly deployed telephone service on Tribal Lands, including Tribal Entities themselves. In particular, the Tribal Lifeline and Link-Up programs have been critical to service in many areas of Indian Country. As the government enters an era of re-examination of the USF for broadband support, it should take necessary steps to again directly address Tribal Lands in the areas outlined below.

A. Create Under the Universal Service Fund an Enhanced Tribal Lands Broadband Fund Program. The NPM Study supports that 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.

Related to this recommendation, 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 Universal Service Fund'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" stating that, "in addition, as part of its consideration with respect to modifying the Universal

Service Fund'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." In October, 2009, at its Annual Convention, the National Congress of American Indians adopted a resolution with a similar request of the government, calling upon the FCC "to create a Enhanced Tribal Lands Broadband Program within the Universal Service Fund 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."[9]

B. Revise the E-Rate and Rural Health Care Programs. Currently, the Schools and Libraries or "E-Rate" program and the Rural Health Care program have been beneficial in providing broadband connectivity to public schools, libraries, healthcare and other institutions on Native lands as well as providing operational support to commercial or Native telephone companies. However, these programs prohibit the broadband connection to be leveraged to provide connectivity in the rest of the community. This is a counterintuitive restriction when the community technology centers in projects such as Coeur D'Alene are integrated into the Native education system and the center provides vital supplemental technological education. Deploying broadband on Native lands can be prohibitively expensive; it is essential that available infrastructure be utilized to the maximum benefit of the community and the USF program recognize the demand aggregation needs on Tribal Lands. Further, USF could also support broadband access, both in the last-mile components as well as extending critical middle-mile infrastructures to ensure Native networks have a high-capacity connection to and from the

[9] A copy of that Resolution, as well as an additional resolution related to NTAI funding for broadband deployment, is attached hereto.

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

C. Increase access to spectrum and remove barriers to use of spectrum by Tribal Entities. The NPM Study finds that when given the access, Native American Internet usage is greater than national norms. Greater access to spectrum that improves the capacity and reach of wired and wireless broadband networks into Native communities is therefore critical. Given the low-density landscape of so much of Native America, many projects will rely on wireless connectivity. The most successful wireless networks are currently operating in unlicensed bands, but at times exhaust the available bandwidth and would substantially benefit from access to lower-frequency bands to serve more residents at a lower cost. Without available bandwidth, connectivity to broadband will continue to remain elusive for tribal communities. Spectrum on Native lands is likely to be severely underutilized, representing an enormous untapped resource for providing connectivity to Native residents.

D. Adoption of a Tribal Priority for Spectrum. As of the date these Joint Comments are being written, the Commission is considering the adoption of a Tribal Priority in the broadcast spectrum licensing process. NPM and NCAI submitted comments in support of this important rulemaking. The FCC should adopt that Tribal broadcast spectrum priority, as an important first step to deploying broadcast services on Tribal Lands. The FCC should look beyond the broadcast licensing rules, with the same constitutional and rational basis justification, to implement a Tribal Priority in all of its spectrum licensing policies, including its spectrum secondary markets rules, for the purposes of advanced wireless uses, commercial mobile radio services, and public safety communications.

E. Revising the Tribal Lands Bidding Credit. In 2000, the FCC created the Tribal Lands Bidding Credit (TLBC) for commercial mobile radio services spectrum auctions. The TLBC rules have seen limited success in Tribal communities, largely because it does not necessarily place spectrum licenses in the hands of those motivated to develop the type of projects and deployment plans that would effectively serve Tribal Lands. It has not resulted in the Tribal acquisition of spectrum rights. The Commission should undertake a new review of the TLBC with the goal of increasing access to spectrum and removing barriers to use of spectrum by Tribal Entities.

F. Resolve the White Spaces barrier to entry in International Exclusion Zones. In Tribal communities where spectrum is available, the FCC must take action to remove barriers to entry and lift bans on the Tribal utilization of white spaces devices in Tribal communities located next to international borders, as indicated by the Case Study of the Southern California Tribal Digital Village.

VI. THERE IS A CRITICAL NEED FOR ADDITIONAL RESEARCH AND ANALYSIS

Integral to the above endeavors is substantial need for additional research in the following areas:

A. Identifying characteristics of successful Native digital leaders/visionaries. The need for strong leader(s) to drive projects was a commonality among the case studies, and identifying such leaders in other communities will greatly improve the efficacy and development of additional projects.

B. Understanding how leaders or communities responded to "sudden opportunities" such as a government or NGO program. The Case Studies make clear that these deployments were successful in the first instance because a few individuals became away

of funding and other support that had become available from the Federal government or private foundations. It is critical to find out how and why they discovered the information and what gaps may exist in Native awareness of these opportunities. Further work is necessary to outline what measures must be taken at the national level to raise the awareness of these programs and ensure that interested communities and individuals have the resources and understanding to leverage these opportunities for their communities.

C. A survey of different models for community technology centers. While the networks deployed in these communities shared a community technology center as a vital component for increasing adoption and access in their communities, the programs and models of these centers differed. Surveying different models of community technology centers will create a knowledge base of project ideas as well as how the different projects best fit the needs of the communities they serve, effectively lowering the bar for new centers to be built in more communities.

These are just a few of the additional research questions that would substantially benefit efforts to promote networks in Native communities. Although they are not exhaustive, they represent an important first step in further developing projects in Native America. Despite the considerable Digital Divide between Native lands and the rest of the nation, the findings in the NPM Study demonstrate not only the intense demand for technology among Native Americans, but also the digital revolution that occurs at the community level when these communities have the resources and support to bring their visions to fruition. The NPM Study not only demonstrates the demand and need for the digitization of Native America, but also exhibits the viability of community projects and the potential for these best practices to be applied to more communities. It provides a base for further research and discussion on interventions and policies

to spur widespread access across Native America to the fundamental communication tools and technologies of the 21st century.

VII. CONCLUSION

As the Commission looks to provide universal access, the NBP should include a Tribal Broadband Plan addressing issues related to critical backbone, middle-mile and last-mile solutions. It should recognize that "one size fits none" and does not favor any one technology or business model, but places the priority on the Tribe and its anchor health, education and public safety institutions, and should recognize the Tribal government oversight and service obligations. The plan should address provider obligations, planning and deployment best practices, technical and strategic planning support, and methods of obtaining streamlined access to spectrum needs, increased bandwidth, and adoption growth techniques, among other goals.

Respectfully submitted,

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Dated: November 9, 2009

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The National Congress of American Indians
Resolution #PSP-09-026

TITLE: Effective Inclusion of Tribes in the ARRA Broadband Programs

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 U. S. Department of Agriculture's Rural Utilities Services (RUS) and the U. S. Department of Commerce's National Telecommunications and Information Administration (NTIA) have an ongoing obligation to integrate principles of federal Indian law and policy that appropriately recognize American Indian Tribes and Alaska Native Villages and the federal trust responsibility in the American Reinvestment and Recovery Act's (ARRA) Broadband Technology Opportunity Program and Broadband Initiatives Program First Notice of Funds Availability (NOFA); and

WHEREAS, several Senior Federal Officials of RUS and NTIA attended the NCAI 66th Annual Convention and Tradeshow, and addressed, and participated in both a panel session and a NCAI Telecommunications Subcommittee Listening Session, consulting directly from Tribal leaders and addressing their many and significant concerns about the ability of Indian Country to meaningfully participate in the BIP/BTOP NOFA process; and

WHEREAS, the residents, both Native and Non-Native, of communities of American Indian Tribes and Alaska Native Villages are the worst served citizens in America with regard to telecommunications and broadcast services; 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, current market forces and governmental programs are not meeting the communications infrastructure needs of American Indian and Alaska Native communities, forcing many Tribal Entities to become their own *de facto* "carriers of last resort;" and

WHEREAS, the ARRA, as well as the Communications Act of 1934 and Telecommunications Act of 1996 (Telecom Act), did not recognize the inherent rights and responsibilities of tribes, and left tribal roles, needs and abilities unaddressed, a root cause of why Native Nations lag far behind the rest of the nation in virtually every measure of communications connectivity; and

WHEREAS, the absence of tribal governments and the lack of acknowledgement of tribal sovereignty, self determination and the federal trust responsibility in the Telecom 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 shares a unique government-to-government and trust relationship with federally-recognized American Indian Tribes and Alaska Native Villages, to ensure they receive parity of communications services with other American communities; and

WHEREAS, Government-to-Government consultation, predicated on effective and timely coordination, is the proper, legal, and expected means of the U.S. Federal government effectuating policies that will impact federally recognized American Indian Tribes and Alaska Native Villages; and

WHEREAS, NTIA and RUS and the elected and appointed leaders of federally recognized Tribal Entities share the need to engage in effective consultation in every step of the ARRA Broadband NOFA preparation process, consistent with the Executive Order 13175 entitled, "Consultation and Coordination with Indian Tribal Governments, through direct consultations sessions with Tribal Leaders; and

WHEREAS, NCAI appreciates the involvement of RUS and NTIA in the Annual Convention and wishes to continue with ongoing coordination with RUS and NTIA for the purposes of finding workable solutions to the significant challenges Tribal Entities face in the BIP, BTOP, broadband mapping, and related requirements under the ARRA.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby request that the NTIA and the RUS hold appropriate consultations sessions with Tribal Leaders aimed at the successful implementation of the BIP and BTOP programs on Tribal lands nationwide; and

BE IT FURTHER RESOLVED, that RUS and NTIA--consistent with the federal government's trust responsibility, the applicable constitutional rational basis justification, and the legal political classification of federally recognized Tribal Entities--create a Tribal Priority process for the broadband funding of Tribal Entities providing services on their own Tribal lands; and

BE IT FURTHER RESOLVED, that such proactive steps to create a Tribal Priority recognize the unique knowledge, abilities, and inherent rights of Tribal entities, as well as the need to reverse the market condition that places Tribes in the position of being a carrier of last resort to the "carrier of first choice;" and

BE IT FURTHER RESOLVED, that NTIA and RUS should examine and establish methods of allowing Tribal Entities to overcome the barriers to entry presented by the requirements of the BIP/BTOP NOFA which deducts points for not being Title II borrowers, for having smaller and remote populations bases, and the inability to access capital or pay greater amounts of matching funds--as Tribal Entities often have their federal based budgets limited by spending restrictions; and

BE IT FURTHER RESOLVED, that RUS and NTIA should examine and establish methods to allow Tribes to more direct access the BTOP program; and

BE IT FURTHER RESOLVED, that RUS and NTIA should consolidate the BIP and BTOP applications into a single application with optional sections for each program as necessary, including the option not to apply for a loan, nor file loan support documentation, and, in doing so, make certain the loan application is deemed electronically complete for the purposes of submission; and

BE IT FURTHER RESOLVED, that Tribal approval should be required on Tribal lands, and that the States will not be the recommendation mechanism for preference of BIP/BTOP applications on Tribal land, as States do not promote, support, or regulate Tribal lands; and

BE IT FURTHER RESOLVED, that Tribal status as "remote" should be defined not by proximity to urban populations based on an arbitrary number of miles, but by definition of services available and restrictions due to the unique geo-political situations vis-à-vis the States, and related barrier challenges faced by Tribal Entities; and

BE IT FURTHER RESOLVED, that NTIA and RUS should take proactive steps to address the situation where a Tribal applicant is instantly deducted points based on "remote" status and quantity of potential subscribers; and

BE IT FURTHER RESOLVED, that NTIA and RUS take proactive steps to address the situation where a Tribal applicant is instantly deducted points based on a lack of service provider choice, recognizing that a typical Tribal applicant is participating in the NOFA as a sovereign matter to provide services where no one else will become a provider of services to their communities and institutions; and

BE IT FURTHER RESOLVED, that RUS should implement the Significantly Underserved Trust Areas (SUTA) provisions, found in the 2008 Farm Bill through the ARRA funding provisions based on coordination and consultations with Tribal Entities to address, within the existing ARRA timeframes, the inherent barriers to entry faced by Tribes in the NOFA application process; and

BE IT FURTHER RESOLVED, that NTIA should require and enforce the certification of Tribal Entities for broadband mapping and planning requirements performed under the ARRA on the Tribal lands over which they exercise their sovereign rights as governmental entities to ensure both the expedient accuracy of the information and appropriate intergovernmental coordination; and

BE IT FURTHER RESOLVED, that NTIA should examine and establish methods of directly funding Tribal Entities for broadband mapping and planning requirements under the ARRA, including but not limited to contracting, subcontracting requirements, granting, and other viable methods of funding; and

BE IT FURTHER RESOLVED, that, respectively, RUS and NTIA create regional tribal liaison positions to facilitate and assist in their ongoing intergovernmental coordination with Tribal Entities; and

BE IT FURTHER RESOLVED, that NCAI, along with other affected Tribal Entities, Tribal and Native Organizations and Institutions, looks forward to ongoing consultation and coordination with NTIA and RUS to examine and achieve workable solutions on these historically important opportunities; 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 2009 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center in Palm Springs, California on October 11-16, 2009, with a quorum present.

President

ATTEST:

Recording Secretary

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The National Congress of American Indians
Resolution #PSP-09-084c

TITLE: National Broadband Plan Priorities and Universal Service Fund Tribal Broadband Program Needs

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 Federal Communications Commission (Commission or FCC) has an ongoing obligation to integrate principles of federal Indian law and policy that appropriately recognize American Indian Tribes and Alaska Native Villages and the federal trust responsibility in the American Reinvestment and Recovery Act's (ARRA) provisions requiring the FCC to create a new National Broadband Plan; and

WHEREAS, the Senior Officials of the FCC's Broadband Team and Office of Intergovernmental Affairs attended the NCAI 66th Annual Convention and Tradeshow, addressed, and participated in both a panel session and a NCAI Telecommunications Subcommittee Listening Session, consulting directly from Tribal leaders and addressing their many and significant concerns about the ability of Indian Country to meaningfully accounted for in the National Broadband Plan; and

WHEREAS, the FCC has sought the input of Tribal representatives and organizations in its Indian Telecommunications Initiatives Roundtables and Broadband Workshops; and

WHEREAS, the residents, both Native and Non-Native, of communities of American Indian Tribes and Alaska Native Villages are the worst served citizens in America with regard to telecommunications and broadcast services; 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, current market forces and governmental programs are not meeting the communications infrastructure needs of American Indian and Alaska Native communities, forcing many Tribal Entities to become their own *de facto* "carriers of last resort"; and

WHEREAS, the ARRA, as well as the Communications Act of 1934 and Telecommunications Act of 1996 (Telecom Act), did not recognize the inherent rights and responsibilities of tribes, and left tribal roles, needs and abilities unaddressed, a root cause of why Native Nations lag far behind the rest of the nation in virtually every measure of communications connectivity; and

WHEREAS, the absence of tribal governments and the lack of acknowledgement of tribal sovereignty, self determination and the federal trust responsibility in the Telecom 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 shares a unique government-to-government and trust relationship with federally-recognized American Indian Tribes and Alaska Native Villages, to ensure they receive parity of communications services with other American communities; and

WHEREAS, Government-to-Government consultation, predicated on effective and timely coordination, is the proper, legal, and expected means of the U.S. Federal government effectuating policies that will impact federally recognized American Indian Tribes and Alaska Native Villages; and

WHEREAS, the 2000 Federal Communications Commission *Statement of Policy on Establishing a Government to Government Relationship with Indian Tribes,* 16 FCC Rcd 4078 (2000), recognizes and promotes the "general trust responsibility with, and responsibility to, federally-recognized Indian Tribes" and also "recognizes the rights of Indian Tribal governments to set their own communications priorities and goals for the welfare of their membership" (16 FCC Rcd 4081); and

WHEREAS, the Commission's Tribal Policy Statement, including its certain Goals and Principles, requires implementation with respect to the National Broadband Plan; and

WHEREAS, the FCC's Federal Advisory Committee on Diversity for Communications in the Digital Age adopted, on September 22, 2009, a recommendation that the "Government should consider modifying the Universal Service Fund'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" stating that, "in addition, as part of its consideration with respect to modifying the Universal Service Fund'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, NCAI appreciates the involvement of the FCC in the Annual Convention and wishes to continue with ongoing coordination with RUS and NTIA for the purposes of finding workable solutions to the significant challenges the FCC and Tribal Entities face in deploying robust broadband networks on Tribal lands nationwide.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby request that the FCC hold appropriate Broadband Workshop consultations sessions with Tribal Leaders aimed at the successful implementation of the National Broadband Plan programs on Tribal lands nationwide; and

BE IT FURTHER RESOLVED, that NCAI calls upon the FCC--consistent with the Commission's trust responsibility, stated policy and regulatory precedent, applicable constitutional rational basis justification, and the legal political classification of federally recognized Tribal Entities--to take certain proactive actions to spur the deployment of robust broadband networks on Tribal lands; and

BE IT FURTHER RESOLVED, that NCAI calls upon the FCC to include a Tribal Broadband Plan within the National Broadband Plan that addresses the unique government-to-government trust relationship with federally recognized American Indian Tribes and Alaska Native Villages, addresses the low broadband penetration rate on Tribal lands nationwide, and ensures ubiquitous deployment of robust broadband services for all Tribal Entity governments; and

BE IT FURTHER RESOLVED, that NCAI calls upon the FCC to create a Enhanced Tribal Lands Broadband Program within the Universal Service Fund programs; and

BE IT FURTHER RESOLVED, that, in instituting such an Enhanced Tribal Lands Broadband Program, NCAI calls upon the FCC to recognize the important success of the Enhanced Tribal Lands Lifeline and Link-Up programs for basic telephone service, but not eradicate the successful and ongoing operations of the program to address the ongoing challenge of deploying basic telephone service on Tribal Lands; and

BE IT FURTHER RESOLVED, that, in creating a new Enhanced Tribal Lands Broadband Program, the Commission 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

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 2009 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center in Palm Springs, California on October 11-16, 2009, with a quorum present.

President

ATTEST:

Recording Secretary