



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ANC-14-015

TITLE: Calling on Congress to Establish Formal Recognition of Tribal Sovereignty and Tribal Consultation in the Communications Act

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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, on December 3, 2013, the House of Representative's Energy and Commerce Committee announced a multi-year plan for the Committee to "examine and update the Communications Act to reflect the Internet era;" and

WHEREAS, by the Communications Act of 1934, Congress first established the universal access goal for communications by charging the Federal Communications Commission (FCC) with ensuring that "all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex" have access to "rapid, efficient, Nation-wide, and world-wide wire and radio communications service with adequate facilities at reasonable charges;" and

WHEREAS, the Communications Act of 1934 did not acknowledge tribal governments, tribal sovereignty, or the federal trust relationship between the FCC and tribal governments, and in updating the Communications Act in 1996, Congress again did not acknowledge tribes; and

WHEREAS, the FCC has recognized that access to basic phone service on tribal lands lags other areas of America, and the percentage of Americans in rural tribal communities without access to fixed broadband is 8 times higher than the national average; and

WHEREAS, the FCC has expressed deep concern for the lack of access to telecommunications services on tribal lands and has sought comment on how to promote access to wireline and wireless services, and radio and TV broadcasting services to preserve tribal cultures and support self-governance, economic opportunity, health, education, public safety, and welfare; and

WHEREAS, in 2010 the FCC formally established the Office of Native Affairs and Policy (ONAP) to promote consultation with tribal nations and native communities as they exercise their sovereignty and self-determination, which has resulted in very positive, tangible benefits; and

WHEREAS, despite these earnest efforts by the FCC, formal recognition of tribes through statutory obligation is the only means to ensuring lasting tribal engagement and consultation to address telecommunications issues in Indian Country.

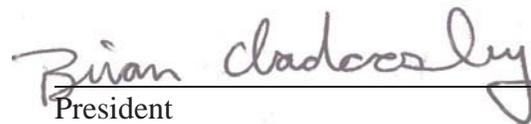
NOW THEREFORE BE IT RESOLVED, that NCAI does hereby urge Congress to address past oversights and include in any Communications Act update and formal acknowledgement of tribal governments, tribal sovereignty, and the federal trust relationship between the FCC and tribal governments; and

BE IT FURTHER RESOLVED, that in the event of a Communications Act update, Congress must address vital issues to eliminate barriers to tribal access and participation in the Digital Age, such as increasing access to spectrum licenses, preservation of tribal components of the Lifeline and Link Up programs, modernization of the E-rate program to support tribal schools and libraries, creation of a Tribal Broadband Fund that provides targeted Universal Service funding for broadband deployment and technical training as referenced in the National Broadband Plan, and addresses issues regarding Intercarrier Compensation, rate floor, and net neutrality mechanisms that have long supported tribal eligible telecommunications carriers; and

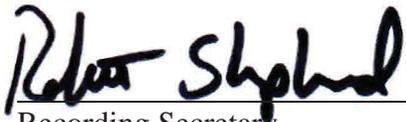
BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2014 Mid-Year Session of the National Congress of American Indians, held at the Dena'ina Civic & Convention Center, June 8-11, 2014 in Anchorage, Alaska, with a quorum present.


President

ATTEST:


Recording Secretary