



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #RAP-10-006

### TITLE: Call for Congressional Funding of Tribal Broadband Fund and FCC Tribal 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 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**, 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 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, 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;” and

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**WHEREAS**, the FCC's 2010 National Broadband Plan addresses the unique government-to government trust relationship with federally recognized American Indian Tribes and Alaska Native Villages, in addressing the low broadband penetration rate on Tribal lands nationwide, and to ensure ubiquitous deployment of robust broadband services for all Tribal Entity governments; and

**WHEREAS**, the FCC has created the new Office of Tribal Affairs a necessary first step to coordinating on many tribal initiatives in the Plan. At its outset, the FCC must ensure the effectiveness of the Office of Tribal Affairs by fully staffing and funding the Office; and

**WHEREAS**, to be credible and effective, the FCC must give the Office sufficient authority and jurisdiction over communications issues affecting Indian Country. To serve the Commission as a whole, and to coordinate effectively with tribal nations, other federal agencies, and the communications industries, it must be empowered, as the Plan states: "to develop and drive a tribal agenda in coordination with other FCC bureaus and offices and to manage the FCC-Tribal Broadband Task Force;" and

**WHEREAS**, these Initiatives should become one of the responsibilities of the Office of Tribal Affairs, they can be developed beyond the routine workshops to envision increased direct, face-to-face consultation and diverse types of training opportunities through new methods of tribal outreach and coordination. Additionally, we support funding that will allow tribal representatives to participate; and

**WHEREAS**, the Plan indicates in Section 8.4, the Tribal Broadband Fund should be created to support these and "a variety of purposes, including bringing high-end capacity connectivity to tribal headquarters or other anchor institutions, deployment planning, infrastructure build out, feasibility studies, technical assistance, business plan development and implementation, digital literacy and outreach", as well as "small, targeted grants on an expedited basis for Internet access and adoption programs;"

**WHEREAS**, the FCC through the new office of Tribal Affairs, must remain directly involved in the development of the Tribal Broadband Fund. Only a flexible, "tribal-centric" planning approach to administering such a fund will allow it to succeed. The FCC must continue to consult with tribal nations and their institutions, and work with Congress, to refine this figure, develop proposed legislative provisions, and ensure the successful implementation of the Tribal Broadband Fund.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby applaud the FCC for establishing the long awaited and needed Office of Tribal Affairs; and

**BE IT FURTHER RESOLVED**, that the NCAI does hereby request that the FCC through its newly established Tribal Office hold appropriate Broadband 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--to take certain proactive actions to spur the deployment of robust broadband networks on Tribal lands; and

**BE IT FURTHER RESOLVED**, that NCAI urges Congress to fulfill the promise of the National Broadband Plan and create a Tribal Broadband Fund as a new, separate fund that will ensure that broadband is deployed in Indian Country; and

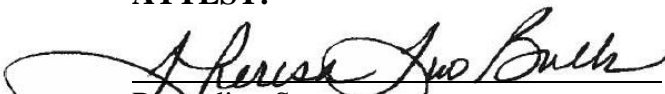
**BE IT FURTHER RESOLVED**, that NCAI urges Congress to ensure the effectiveness and future success of the new Office of Tribal Affairs by providing additional funding to the FCC to support the annual operations of the Office and its programs; and

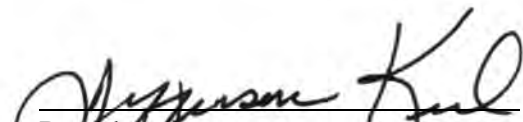
**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2010 Mid-Year Session of the National Congress of American Indians, held at the Rushmore Plaza Civic Center in Rapid City, South Dakota on June 20-23, 2010, with a quorum present.

**ATTEST:**

  
Recording Secretary

  
President