

NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians  
Resolution # MKE-11-004



**TITLE: In Support of Improving Communications Services for Tribal Communities**

**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**, a deep media and digital divide persists in Indian Country negatively impacting the lives of tribal communities, whereas most Americans enjoy these services and have a choice in information media; and

**WHEREAS**, robust communications services would strengthen tribal efforts to preserve their cultures and advance self-governance, economic opportunity, health, education, public safety, and welfare; and

**WHEREAS**, Native owned and operated radio stations are the largest, most consistent sole service providers of local news and relevant programming in tribal communities; and

**WHEREAS**, as part of the FCC's Noncommercial Educational FM window filing, opened by the FCC in 2007, 38 construction permits were awarded to tribal licensees to provision local community originated radio services to tribal communities and many of these construction permits are now approaching their three year expiration, if not constructed; and

**WHEREAS**, in light of many factors including access to capital through PTFP and other funding sources, many tribal licensees have experienced difficulty in meeting the three year construction deadlines of their permits; and

**WHEREAS**, in the *Rural Radio Order*, (76 Fed. Reg. 14362), the Federal Communications Commission (FCC) established a Tribal Priority in allocating and assigning broadcast radio channels under Section 307(b) of the Communications Act, governing the allocation of radio licenses to "provide a fair, efficient, and equitable distribution of radio service" to states and communities; and

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**NCAI HEADQUARTERS**

1516 P Street, N.W.  
Washington, DC 20005  
202.466.7767  
202.466.7797 fax  
www.ncai.org

**WHEREAS**, the FCC found that a Tribal Priority advanced its commitment “to work with Indian Tribes on a government-to-government basis ... to ensure, through its regulations and policy initiatives, and consistent with Section 1 of the Communications Act of 1934, that Indian tribes have adequate access to communications services”, and broadband access would greatly benefit collaborative efforts between tribes, nonprofits, and commercial sectors; and

**WHEREAS**, digital technology is allowing tribes to report on issues affecting their people and lands, and digital inclusion of tribal peoples is essential in public service media, and provides access to public affairs networks, wikis, local news websites, news reporting, and production of local and relevant content across multiple platforms; and

**WHEREAS**, the creation of and subsequent grants from a new ‘Native Nations Broadband Fund’ must support media serving Indian Country, high-capacity connectivity, digital literacy, and use of broadband technologies to engage tribal membership more robustly in the information age.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI supports universal broadband and an open Internet as essential prerequisites for ensuring that tribal residents have access to and benefit from new media sources and that the FCC work with tribes to expand rules or establish waiver standards that make it easier for tribal communities to provide radio services to tribal reservations, homelands or their functional equivalent; and

**BE IT FURTHER RESOLVED**, that NCAI strongly urges the adoption of and funding for a ‘Native Nations Broadband Fund’ to meet the needs of Native and tribal communities to: 1) help tribal governments plan for deployment of and financing for broadband network capabilities in their communities; 2) to support the operational costs of broadband service in Native communities; 3) to support the startup of Native regulatory broadband services; 4) to support full broadband service by tribes currently providing regulatory telecommunications services; 5) to provide funding for Native Broadband Lifeline and Linkup support; 6) to provide funding for Native public safety infrastructure and deployment reform, including E-911 mapping; 7) to fund broadband mapping for and by Native governments, with focus on deployment barriers and needs; 8) to connect key Native anchor institutions in communities with broadband service; 9) to fund public mass media infrastructure in every Native community; and, 10) to fund Native Mobility networks to meet safety-net needs of Native communities; and

**BE IT FURTHER RESOLVED**, that the NCAI supports the establishment of a Tribal Priority in Wireless Radio Services, thereby expanding the current Tribal Priority to advanced wireless communications licenses and the creation of opportunities for access to unused or unallocated spectrum in order to increase access to communications services; and

**BE IT FURTHER RESOLVED**, that the NCAI supports standardizing the definition of tribal lands to mirror radio licensing definitions, and defined to include “American Indian Reservations and Trust Lands, Tribal Jurisdiction Statistical Areas, Tribal Designated Statistical Areas, Hawaiian [Home Lands], and Alaska Native Village Statistical Areas, as well as the communities situated on such lands” and that the FCC work with tribes to determine how the Tribal Priority can be extended to non-landed (landless) tribes; and

**BE IT FURTHER RESOLVED**, that the NCAI respectfully requests the FCC's Media Bureau to consider awarding limited construction permit extensions to affected tribal licensees who have not been able to meet the three year construction period deadline; and

**BE IT FURTHER RESOLVED**, that the NCAI strongly urges the President, and Congress to consider the needs of disadvantaged tribal communities when crafting national communications policy, and that Congress begin providing dedicated annual appropriations to local media outlets currently serving tribal communities; and

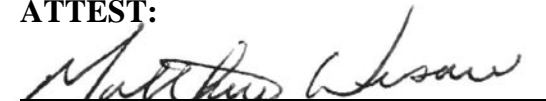
**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2011 Mid-Year Session of the National Congress of American Indians, held at the Frontier Airlines Center in Milwaukee, WI on June 13-16, 2011, with a quorum present.

  
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President

**ATTEST:**

  
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Recording Secretary