



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #DEN-18-037

### **TITLE: Calling on the FCC to Re-establish the FCC Office of Native Affairs and Policy's Tribal Consultation Duties, and Training and Education Efforts**

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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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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 (FCC) established the Office of Native Affairs and Policy (ONAP), "(I)n order to develop and advance an agenda aimed at bringing the benefits of a modern communications infrastructure to all Native communities;" and

**WHEREAS**, ONAP's stated mission is to "promote the deployment and adoption of communications services and technologies throughout Tribal Lands and Native communities, by, among other things, ensuring robust government-to-government consultation with Tribal governments and increased coordination with Native organizations;" and

**WHEREAS**, Tribal Nations should not be treated merely as the public, interested parties, or generic stakeholders, but as trust and treaty partners to whom the FCC owes a particular duty and responsibility; and

**WHEREAS**, ONAP has previously assisted the FCC in populating FCC Advisory Committees, in creating the Native Nations Broadband Task Force, and the Native Nations Communications Task Force; and

**WHEREAS**, ONAP has a history of working extensively with tribal nations, providing training, education and policy-making updates, listening sessions, hearings, formal consultation sessions; and

**WHEREAS**, since 2016, ONAP has not been as visible to Indian Country, resulting in the FCC making policy changes and adopting rules that have lasting negative impacts on tribal nations without sufficient tribal education or consultation; and

**WHEREAS**, FCC leadership has held meetings with citizens of tribal nations or on tribal lands without proper consultation process or sufficient notice to Tribal leaders and has inappropriately and inaccurately labeled those meetings as “tribal consultations.”

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) hereby demands ONAP continue to provide tribal nations with comprehensive education and training on telecommunications policy; and

**BE IT FURTHER RESOLVED**, that NCAI continues to support ONAP as the official FCC point-of-contact to ensure robust government-to-government consultation with tribal nations and increased coordination with Native organizations; and

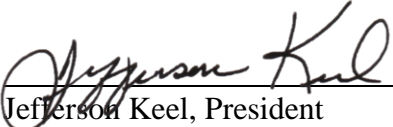
**BE IT FURTHER RESOLVED**, that NCAI demands the FCC immediately recognize that virtually every policy and rulemaking change it undertakes affects tribal nations, tribal lands and tribal people; and

**BE IT FURTHER RESOLVED**, that NCAI demands the FCC immediately re-establish a comprehensive and formal government-to-government process for meaningful pre-decisional consultation and education on FCC policies and rulemaking; 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 2018 Annual Session of the National Congress of American Indians, held at the Hyatt Regency in Denver, Colorado October 21-26, 2018, with a quorum present.

  
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Jefferson Keel, President

**ATTEST:**

  
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Juana Majel Dixon, Recording Secretary