



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #MOH-17-021

### **TITLE: Ensuring Tribal Inclusion, Coordination, and Consultation in the First Responder Network Authority**

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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**, the Middle Class Tax Relief and Job Creation Act of 2012 (“P.L. 112-96”, or “the Act”) authorized the creation of the First Responder Network Authority (FirstNet), an independent authority within the Department of Commerce, National Telecommunications & Information Administration; and

**WHEREAS**, the intent of FirstNet is to provide police officers, fire fighters, emergency medical service professionals, and other public safety officials the ability to communicate with each other across agencies and jurisdictions on a single nationwide, interoperable, public safety broadband network; and

**WHEREAS**, over the years FirstNet has taken measures to increase tribal coordination, outreach, and education efforts by establishing a National Tribal Liaison, two Regional Tribal Liaisons, and a FirstNet Board Member to act as a liaison to American Indian tribes and Alaska Native villages; and

**WHEREAS**, under Section 6204 of the Act (47 U.S. Code § 1424), there are explicit references to: 1) tribal members and their eligibility for appointment to the FirstNet Board; 2) acknowledgement of tribes for consultation purposes in deployment of FirstNet; and 3) that tribes are eligible to enter into contractual agreements with FirstNet to utilize existing infrastructure on tribal lands; and

**WHEREAS**, since 2012 the Secretary of the Department of Commerce has reviewed applications and appointed members to the FirstNet Board of Directors, yet tribal applicants with expertise in working for tribal communities in the public safety, emergency management, or telecommunications fields have not been selected to serve on the Board; and

**WHEREAS**, although tribal governments are listed among the entities required for consultation purposes, the “method of consultation” stated that consultation would occur between FirstNet and the designated officer or governmental body established by each respective State pursuant to the creation of the State and Local Implementation Grant Program (SLIGP); and

**WHEREAS**, since grant awards for the SLIGP will expire February 2018, are exhausted, and were only for the purposes of infrastructure data collection and establishing State governance bodies for FirstNet purposes, FirstNet should now formally recognize its inherent government-to-government relationship with tribal nations; and

**WHEREAS**, on March 30, 2017, AT&T was awarded a 25-year contract by the FirstNet Authority to build and manage the nationwide public safety broadband network and AT&T is expected to begin initial FirstNet network deployment before the end of 2017, yet it remains unclear how FirstNet and its national partner will contract with tribal governments, businesses, and public safety entities.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) respectfully requests that the Secretary of the Department of Commerce select tribal members to the Board of Directors for the First Responder Network Authority (FirstNet) when such tribal applicants have demonstrated expertise in working for tribal communities in fields related to telecommunications, public safety, or emergency management; and

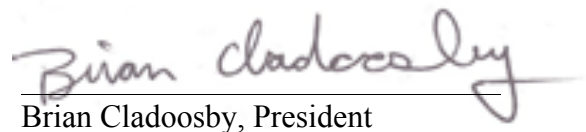
**BE IT FURTHER RESOLVED**, that NCAI requests that the FirstNet Board of Directors formally adopt a Tribal Consultation Policy that recognizes and acknowledges the government-to-government relationship between the FirstNet Authority and tribal governments, and that such a policy be drafted by the FirstNet Tribal Working Group (TWG) with the understanding that it will be updated with input from the TWG as necessary; and

**BE IT FURTHER RESOLVED**, that in establishing a federal government-to-government relationship with tribal nations, the FirstNet Authority will ensure that tribal governments can request direct government-to-government consultations and such consultations will not require State government consent or State government participation; 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 2017 Midyear Session of the National Congress of American Indians, held at the Mohegan Sun Convention Center, June 12 to June 15, 2017, with a quorum present.

  
Brian Cladoosby, President

ATTEST:

  
Aaron Payment, Recording Secretary