



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #ATL-14-076

**TITLE: Calling on the Federal Communications Commission to Engage in Tribal Consultation Regarding Proposed Reforms to the High Cost Loop Support Mechanism in the Universal Service Fund**

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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**, 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**, Section 254 of the Telecommunications Act of 1996, ensures that all Americans, regardless of where they live, will have access to communications services at reasonable and affordable rates; and

**WHEREAS**, this universal service principle is executed by providing explicit financial support through the Universal Service Fund (USF) to telecommunications companies providing service to rural and insular areas where the cost of providing service to consumers could not otherwise be achieved at affordable rates; and

**WHEREAS**, the Federal Communications Commission (FCC) has since that time provided such support through a series of mechanisms designed to offset such high costs, including the High Cost Loop Support (HCLS) program, which has provided critical ongoing capital and operating support to price cap carriers and rate of return telecommunications companies; and

**WHEREAS**, those carriers receiving HCLS provide service to tribal lands, Alaska Native villages, and Native Hawaiian Homelands, and rely on HCLS to offset the high costs of serving those communities; and

**WHEREAS**, despite HCLS funding, tribal communities in the U.S. continue to have the lowest telephone and broadband deployment rates of any group of Americans; and

**WHEREAS**, on June 10, 2014, the FCC initiated a Further Notice of Proposed Rulemaking seeking comment on reforms to HCLS, which has been capped since 2001; and

**WHEREAS**, the proposed reforms, such as the current proposal to freeze the National Average Cost Per Loop Support, would substantially reduce this critical support for approximately half of all current recipients, many serving tribal areas; and

**WHEREAS**, the Office of Native Affairs and Policy (ONAP) was established in 2010, to promote formal consultation with tribal nations and native communities as they exercise their inherent sovereignty and self-determination; and

**WHEREAS**, such consultation is intended to help the FCC understand the impact on tribal communities of potential changes to its various regulations early in its decision-making processes to ensure its policies take into account the unique challenges in providing communications services to tribal communities; and

**WHEREAS**, Executive Order 13175 mandates federal agencies to consult with tribal governments when proposed rules or policies have tribal implications, and the FCC has adopted its 2000 *Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*; and

**WHEREAS**, on this proposed rulemaking regarding HCLS there has been no formal consultation on this issue, and the Commission is considering implementing this capping mechanism annually as soon as January 1, 2015.

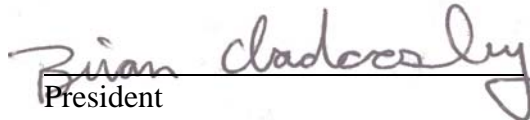
**NOW THEREFORE BE IT RESOLVED**, that NCAI calls on the Federal Communications Commission (FCC) and its Office of Native Affairs and Policy to engage in formal consultation with tribal nations to fully understand the importance of the High Cost Loop Support (HCLS) program in promoting deployment of communications services on tribal lands; and

**BE IT FURTHER RESOLVED**, that the FCC immediately engage in formal government-to-government consultation prior to taking any additional steps to limit support provided to carriers serving tribal lands under the HCLS mechanism; and

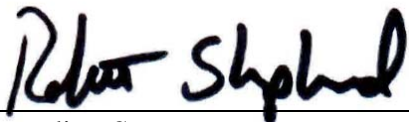
**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2014 Annual Session of the National Congress of American Indians, held at the Hyatt Regency Atlanta, October 26-31, 2014 in Atlanta, Georgia, with a quorum present.

  
President

ATTEST:

  
Recording Secretary