



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ATL-14-077

TITLE: Calling on Congress and the Federal Communications Commission to Elevate the Office of Native Affairs and Policy to a Stand-Alone Office at the Federal Communications Commission

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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 Federal Communications Commission (FCC) established the Office of Native Affairs and Policy (FCC-ONAP), but it was placed under the Intergovernmental Affairs Bureau in 2010 with the intent to report to, and work directly with the FCC Chair and across the Bureaus and Offices at the FCC regarding all tribal matters and concerns as outlined in the National Broadband Plan; and

WHEREAS, since 2010, FCC-ONAP has held consultations, trainings, and provided vital technical assistance throughout Indian Country, resulting in tribal inclusion in FCC rulemakings at unprecedented levels; and

WHEREAS, FCC-ONAP has also advocated for the creation of the Native Nations Broadband Task Force, and recommended that tribal representation be included on existing task forces across the FCC; and

WHEREAS, the FCC recognizes its fiduciary responsibility to Indian Country through adoption of its 2000 *Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*; and

WHEREAS, the availability of telecommunications infrastructure and services on tribal lands significantly lags behind the rest of the country; and

WHEREAS, in order to bridge the continuing “Digital Divide” in Indian Country, this requires a direct approach and partnership between the federal government and tribal nations due to the complexities involved with telecommunications deployment on tribal lands; and

WHEREAS, Congress supported tribal governments by appropriating a budget of no less than \$300,000 each Fiscal Year for the purpose of tribal consultation coordinated through FCC-ONAP; and

WHEREAS, the FCC should fulfill its trust relationship throughout the Commission by implementing the goals and objectives of the National Broadband Plan with respect to tribal lands and their citizens; and

WHEREAS, to implement the policies effecting tribal nations and following the precedence of the White House and multiple other federal agencies, such as the U.S. Department of Agriculture, which have Senior Advisors or Offices of Tribal Affairs that report directly to the President and Secretary; and

WHEREAS, the FCC has already established a procedural framework for stand-alone offices such as the Office of General Counsel, Office of Engineering and Technology, Office of Communications Business Opportunities, and Office of Strategic Plans and Policy that report directly to and provide direct advice to the Chairman and Commissioners.

NOW THEREFORE BE IT RESOLVED, that NCAI calls on the Congress and the Federal Communications Commission (FCC) to elevate the FCC's Office of Native Affairs and Policy as a stand-alone Office within the organizational framework of the Commission; and

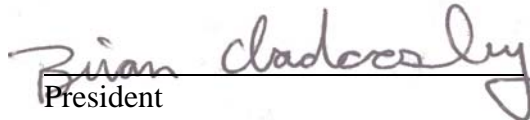
BE IT FURTHER RESOLVED, that as a stand-alone Office the FCC, Office of Native Affairs and Policy (FCC-ONAP) must report directly to and have unfettered access to the FCC Chair, Commissioners, and the Commission's Bureaus and Offices to ensure that tribal concerns are addressed in FCC rulemakings, that tribal consultation is meaningful and timely, and to ensure the efforts of the FCC are comprehensive with respect to the trust relationship shared by the FCC and tribal governments; and

BE IT FURTHER RESOLVED, that FCC-ONAP must continue to receive ongoing Fiscal Year funding and staffing levels necessary to routinely continue its consultation, training, technical assistance, and workshops throughout Indian Country, since these meetings are vital to obtaining critical information regarding telecommunications issues affecting tribal lands and citizens; and

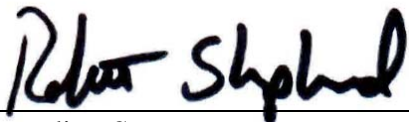
BE IT FINALLY RESOLVED, that this shall be the policy of the NCAI until changed or rescinded by subsequent NCAI resolution.

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