



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SAC-12-019

TITLE: Request that the Federal Communications Commission Uphold the Tribal Government Engagement Obligation Provisions for Telecommunications Providers Serving Tribal Lands

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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, on October 27, 2011, the Federal Communications Commission (FCC) adopted the *Universal Service Fund/Intercarrier Compensation Transformation Order*, in which the FCC concluded that eligible telecommunications carriers serving Tribal Lands and Tribal Governments should hold discussions regarding (1) a needs assessment and deployment planning with a focus on tribal community anchor institutions; (2) feasibility and sustainability planning; (3) marketing services in a culturally sensitive manner; (4) rights of way processes, land use permitting, facilities siting, environmental and cultural preservation review processes; and (5) compliance with tribal business and licensing requirements (collectively, the Tribal Government Engagement Obligation Provisions); and

WHEREAS, the FCC further delegated to the FCC's Office of Native Affairs and Policy (FCC-ONAP), in coordination with the Wireline Competition Bureau and the Wireless Telecommunications Bureau, the authority to develop specific best practices regarding the Tribal Government Engagement Obligation Provisions; and

WHEREAS, on July 19, 2012, FCC-ONAP released a *Further Guidance* developing specific procedures regarding the Tribal Engagement Obligations; and

WHEREAS, the United States Telecom Association (USTA) filed a petition with the FCC on August 20, 2012 requesting reconsideration and clarification of the *Further Guidance*; and

WHEREAS, the NCAI, Native Public Media (NPM), the Gila River Indian Community, and the Gila River Telecommunications, Inc. – a wholly-owned entity of the Gila River Indian Community – filed replies in opposition to the USTA Petition reaffirming the critical importance of applying the Tribal Government Engagement Obligation Provisions to all eligible telecommunications carriers receiving and seeking Universal Service Fund support to all Tribal Lands; and

WHEREAS, the procedures established by the *Further Guidance* are timely due to the critical need to improve communications services on Tribal Lands immediately; and

WHEREAS, the Tribal Government Engagement Obligation Provisions and the Federal Communications Commission’s *Further Guidance by Public Notice* are constitutionally sound because such procedures are intended to address the lack of communications services on Tribal Lands; and

WHEREAS, the oppositions filed by the aforementioned organizations and tribes further stated that the procedures established by the FCC’s Connect America Fund Order and clarified by the *Further Guidance* are not unduly burdensome due to the numerous benefits that such procedures will offer to both Tribal Governments and eligible telecommunications carriers (ETCs) serving Tribal Lands.

NOW THEREFORE BE IT RESOLVED, that the NCAI hereby supports the procedures established in the FCC’s Connect America Fund Order and clarified by the *Further Guidance* in that such procedures will provide benefits to both Tribal Governments and ETCs serving Tribal Lands; and

BE IT FURTHER RESOLVED, that NCAI calls for the FCC to immediately deny any current and future Petitions for Reconsideration and/or Clarification that would rescind the Tribal Government Engagement Obligation Provisions for ETCs and undermine the deployment of communications services on Tribal Lands; 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 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.



 President

ATTEST:



 Recording Secretary