



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #MSP-15-024

### **TITLE: Support for Policy on Universal Service Fund for Voice and Broadband Services on Tribal Lands**

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#### NCAI HEADQUARTERS

1516 P Street, N.W.  
Washington, DC 20005  
202.466.7767  
202.466.7797 fax  
[www.ncai.org](http://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**, a primary goal and desire for tribal communities across the nation is to obtain access to vital telecommunications infrastructure that provides broadband and voice phone coverage on tribal lands; and

**WHEREAS**, over the past few years leadership at the White House, the Administration, and Members of Congress have become informed of and acknowledged the ongoing lack of broadband coverage on tribal lands and that this lack of coverage continues to impact tribal healthcare and social services, education, economic development, public safety, small business development, tribal governance, and emergency management services; and

**WHEREAS**, Section 254 of the Telecommunications Act of 1996, ensures that all Americans, regardless of where they live, will have access to communication services at reasonable rates, and this universal service principle has proven vital for carriers providing communication services to tribal areas; and

**WHEREAS**, the Universal Service Fund (USF) is an \$8 billion dollar fund that provides support for the high-cost mechanism, Schools and Libraries (E-rate) Program, the Rural Healthcare Program, and the Low-Income (Lifeline and Link Up) Programs to rural and tribal areas; and

**WHEREAS**, the Federal Communications Commission (FCC) has observed that greater financial support may therefore be needed in order to ensure the availability of broadband on tribal lands; and

**WHEREAS**, NCAI has partnered with and supported the National Tribal Telecommunications Association (NTTA) and its member tribally-owned telephone companies to advance tribal-centric solutions to bridge the Digital Divide in Indian Country by raising tribal concerns related to USF programs to Congress and the Administration; and

**WHEREAS**, as recommended by the 2010 National Broadband Plan, tribes, tribal organizations, and tribal telecommunications providers have strongly urged the FCC to create a tribal broadband mechanism/factor in the Rate-of-Return portion of the high-cost fund; and

**WHEREAS**, NCAI has passed Resolution #RAP-10-006, “Call for Congressional Funding of a Tribal Broadband Fund and FCC Tribal Programs;” and

**WHEREAS**, NTTA has adopted a statement of position including recommendations for next steps in reforming the federal universal service programs for Rate-of-Return carriers and areas they serve; and

**WHEREAS**, NTTA has continuously requested that the FCC take into account the higher costs associated with providing broadband service to tribal areas as it reforms the USF high-cost Mechanism, and on February 27, 2015, NCAI filed a Petition for Reconsideration to the FCC to halt interim reforms to USF high-cost support mechanisms on the grounds that the FCC has not engaged in formal consultation with tribal nations prior to adopting its interim Report and Order on December 18, 2014.

**NOW THEREFORE BE IT RESOLVED**, tribes, tribal organizations, and tribal telecommunications providers urge the Federal Communications Commission (FCC) to create a high cost support tribal mechanism/factor or similar Universal Service Fund mechanism in the Rate-of-Return portion of the high-cost fund that addresses the unique and economic challenges for all carriers serving tribal lands; and

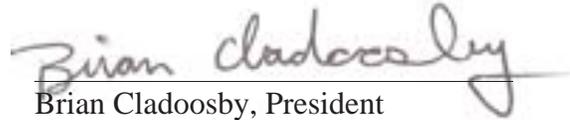
**BE IT FURTHER RESOLVED**, that the FCC must augment and strengthen existing public policy goals of Universal voice, broadband, and media services on tribal lands; and

**BE IT FURTHER RESOLVED**, NCAI urges that FCC increase the size of the high-cost fund of the Universal Service Fund because the current funding is insufficient to meet the needs for deploying broadband to tribal lands especially given the increases in broadband speed the FCC has asked carriers to deploy; 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 2015 Midyear Session of the National Congress of American Indians, held at the St. Paul River Centre, St. Paul, MN, June 28 to July 1, 2015, with a quorum present.

  
Brian Cladoosby, President

**ATTEST:**

  
Aaron Payment, Recording Secretary