



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #MSP-15-036

TITLE: Preserve the Universal Service Fund Lifeline & Link Up Programs for All Tribal Lands and All Native Peoples

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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, upon passage of the Telecommunications Act of 1996 the Universal Service Fund (USF) was charged by Congress to provide affordable, nationwide telecommunications service for low-income consumers, schools and libraries, high cost areas, and rural health care providers; and

WHEREAS, the Lifeline program was created under President Reagan's Administration to provide low-income consumers with a discounted monthly telephone bill, and this monthly discount was expanded under President Bush's Administration to support wireless cell phone services; and

WHEREAS, eligible low-income consumers participating in the Lifeline program can access a monthly discount of \$9.25 on their telephone bills, and in recognition of the historic and disparate levels of telecommunications services that persisted on tribal lands, the Federal Communications Commission (FCC) expanded the Lifeline program in 2000 to provide an increased Lifeline discount for residents of tribal lands; and

WHEREAS, in addition to qualifying for the \$9.25 monthly discount, low-income consumers residing on tribal lands qualified for an additional subsidy up to \$25.00, for a total monthly telephone discount of up to \$34.25 for residents of tribal lands; and

WHEREAS, on June 18, 2015, the FCC adopted a Second Further Notice of Proposed Rulemaking (FNPRM) and a Report and Order (R&O) to reform and modernize the Lifeline program to support access to broadband; and

WHEREAS, among the many proposals and questions announced in the FNPRM many will affect tribal communities such as the proposal to establish minimum service levels for both broadband and voice service, elimination of certification by telecommunications companies and establishing a third-party national entity to verify eligibility of applicants, and whether the current Tribal Lifeline and Link Up subsidies achieve the affordability goals for tribal lands residents; and

WHEREAS, among items adopted in the R&O, the FCC ruled to redefine its definition of tribal lands (47 CFR § 54.400(e)) to re-designate what constitutes “former reservations in Oklahoma”, and instead references the Historical Map of Oklahoma reservation lands from 1870 to 1890 provided by the Department of the Interior, Bureau of Indian Affairs; and

WHEREAS, the FCC’s new definition of tribal lands under 47 CFR § 54.400(e) will come into effect on December 15, 2015, and prior to the implementation of the new definition, the FCC has been charged with consulting tribal nations in Oklahoma to identify any additional maps or geospatial data that should be identified to recognize the boundaries of Oklahoma tribal lands; and

WHEREAS, NCAI Resolution #TUL-13-061, “Request that the Federal Communications Commission Preserve and Protect the Tribal Lifeline and Link-Up Programs” was adopted at NCAI’s 70th Annual Convention in Tulsa, Oklahoma in October 2013, and called for the FCC, Congress, and the Administration to preserve the continuation of the Tribal Lifeline and Link Up programs for all tribal lands and all Native peoples.

NOW THEREFORE BE IT RESOLVED, that NCAI reaffirms Resolution #TUL-13-061, and urges Congress, the Federal Communications Commission (FCC), and the Administration to preserve, protect, and expand the Tribal Lifeline and Link Up programs to support broadband and voice services for all tribal lands and all Native peoples; and

BE IT FURTHER RESOLVED, that under the current Reform and Modernization of the Lifeline program, NCAI urges the FCC to adopt proposals that do not adversely affect Native recipients receiving and eligible to receive the Tribal Lifeline subsidy by the redefinition of tribal lands under 47 CFR § 54.400(e); and

BE IT FURTHER RESOLVED, that the FCC preserve its definition of “former reservation lands in Oklahoma” as specified by the Oklahoma Corporation Commission, and that NCAI rejects and requests the withdraw of the FCC’s use of the Historical Map of Oklahoma Reservations between 1870 and 1890; and

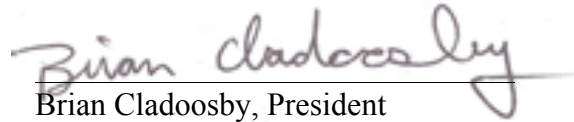
BE IT FURTHER RESOLVED, that NCAI urges the FCC to have meaningful government-to-government consultation with sovereign tribal nations consistent with *Executive Order 13175* and the FCC’s *2000 Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*; and

BE IT FURTHER RESOLVED, that NCAI supports the FCC’s focus of enhanced tribal support provided that it does not exclude, urban, suburban, or high density areas within 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 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