



United South and Eastern Tribes, Inc.

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USET Resolution No. 2013:041

ESTABLISHMENT OF FEDERAL COMMUNICATIONS COMMISSION TRIBAL CONSULTATION AND TRAINING BUDGET TO ADDRESS CRITICAL AND TIMELY PRIORITIES FOR TRIBAL NATIONS

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** American Indian and Alaska Native (AI/AN) communities have been historically neglected in the areas of telecommunications and broadband deployment; and
- WHEREAS,** telecommunications companies have built infrastructure on sacred sites or sometimes refused to serve Indian Country; and
- WHEREAS,** the Federal Communications Commission (FCC) has a legal trust relationship with and responsibility to AI/AN Tribes and has established the Office of Native Affairs and Policy (FCC-ONAP) to foster the FCC's consultation and trainings with Tribal Nations on a government-to-government basis to address the dire need for communications services on Tribal Lands; and
- WHEREAS,** telecommunications infrastructure and broadband deployment are among the most important resources and issues for Indian Country to promote and protect Tribal sovereignty, economic development, housing, education, healthcare, and homeland security; and
- WHEREAS,** the FCC-ONAP does not have an annual dedicated budget and the FCC has not made its Tribal consultation budget explicit and permanent, and this in turn results in an unacceptable level of uncertainty as to whether the FCC's consultation and training with Tribal Nations will continue on critical, current and pressing communications matters; and
- WHEREAS,** there is a dangerous lack of wireless service in many parts of Indian Country, recognized by the FCC in many regulatory actions over the years and most recently targeted by the FCC's Mobility Fund and Tribal Mobility Fund; and
- WHEREAS,** there are very limited opportunities to obtain wireless spectrum licenses, with which Tribal Nations or companies who would be willing and able to deploy and provide wireless broadband to AI/AN Tribal Nations, thereby realizing the full potential and opportunities of the Mobility Fund and Tribal Mobility Fund; and
- WHEREAS,** there are documented instances where tower companies have constructed towers both in Indian Country and across the nation without meeting the necessary compliance with either the National Environmental Policy Act (NEPA) or the National Historic Preservation Act's Section 106 review, and these towers, as a result, threaten or have been built upon precious and important cultural and sacred sites; and
- WHEREAS,** there are requirements for companies and organizations who utilize USF for the deployment of telecommunications or broadband infrastructure in Indian Country, to meaningfully engage AI/AN Tribes and formally report the results of their engagement efforts to the FCC and Tribal nations; and

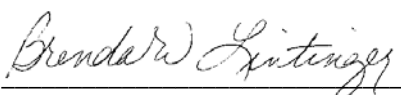
- WHEREAS,** in December 2010 the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** the USET Board of Directors requests that the Federal Communications Commission take deliberate and immediate actions to identify and make permanent a dedicated annual Tribal consultation and training budget for the Federal Communications Commission's Office of Native Affairs and Policy to undertake the Federal Communications Commission's work with Tribes on a government-to-government basis, and thereby fulfill the Federal Communications Commission's trust relationship and responsibilities to Tribal Nations; and, be it further
- RESOLVED** that the Federal Communications Commission should thereby take deliberate and immediate actions through dedicated budget and consultation measures to work on a government-to-government basis on the possible and proposed processes of including Tribal Nations in the consultation and review of cell towers that are actually constructed, but were not built in compliance with the National Environmental Policy Act and Section 106 of the National Historic Preservation Act; and, be it further
- RESOLVED** that the Federal Communications Commission should take deliberate and immediate actions through dedicated budget and consultation measures to develop and promulgate the provisions of the Notice of Proposed Rule Making on Spectrum for Tribal Nations to achieve the full potential of the important and timely Mobility Fund and Tribal Mobility Fund; and, be it further
- RESOLVED** that the Federal Communications Commission should thereby take deliberate and immediate actions through dedicated budget and consultation measures to work with both Tribal Nations and communications companies who utilize Universal Service Funds to ensure the timely and effecting compliance with and reporting Tribal Government Engagement Obligation under the Universal Service Funds Connect America Fund.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Niagara Falls, NY, on Friday, May 17, 2013.



Brian Patterson, President
United South and Eastern Tribes, Inc.



Brenda Lintinger, Secretary
United South and Eastern Tribes, Inc.

“Because there is strength in Unity”