



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ANC-14-049

TITLE: Support for the Creation of a 'Tribal Priority' in E-Rate Funding for Tribal Libraries and Schools

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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 tribal communities in the U.S. have the lowest broadband deployment and adoption rates of any group of Americans, and often rely on tribal libraries and school computer labs to obtain access to the Internet; and

WHEREAS, the Universal Service Fund (USF) E-Rate program has provided more than \$2.25 billion in support each year for schools and public libraries, and today 61 percent of the nation's public libraries benefit from E-Rate discounts, and more than 95 percent offer free public Internet access, up from only 28 percent in 1996; and

WHEREAS, recent studies by the Association of Tribal Archives, Libraries & Museums (ATALM) found that 10 percent of tribal libraries do not offer Internet access, 38 percent are the only source of free public Internet access in their communities, and only 17 percent of tribal libraries have ever applied for E-Rate discounts, with 15 percent actually receiving E-rate funds; and

WHEREAS, the Department of the Interior, Bureau of Indian Education (BIE) reported 130 to 140 BIE schools applying for and receiving E-rate funds over the last nine years – out of a total 183 BIE entities. However, of the E-rate funds committed for these BIE schools over the past nine years, only 60 percent was actually spent. Furthermore, many eligible BIE schools did not apply because they did not meet the 80% threshold to receive a discount. These statistics illustrate persistent gaps in E-rate adoption among BIE schools that are similarly prevalent in other Native-serving institutions due to their geographical isolation and inability to meet Universal Service Administrative Company (USAC) guidelines; and

WHEREAS, E-rate funding is critically important to the development and maintenance of Internet-based services to tribal schools and libraries, and without a 90 percent discount rate tribal schools and libraries are detrimentally impacted through reduction in teachers and student programs creating further distress in the most economically challenged tribal communities; and

WHEREAS, NCAI Resolution REN-13-064 called on the FCC to place the highest priority on tribal schools and libraries in efforts to modernize the E-Rate Program as part of the President's ConnectED initiative; and

WHEREAS, the definition of Tribal Schools From the National Indian Education Association is as follows:

**TRIBAL PRIORITY ELIGIBILITY FOR E-RATE FUNDS
LOCAL EDUCATION AGENCIES**

(1) Where Indian children eligible under Section 7117 of the No Child Left Behind Act (Public Law 107-110) [20 U.S.C. 7427] are served by local education agencies located on, or adjacent or contiguous to, an Indian reservation, any other lands held in trust by the United States for Indians, or former Indian reservations in Oklahoma, such local education agencies and Indian tribes shall be eligible and have priority for funds distributed under the Universal Service Fund (USF) E-Rate program for any fiscal year.

(2) If one or more Indian tribes represent Indian children eligible under section 7117, the Indian tribe that represents a majority of the eligible Indian children shall have priority to receive such funds under the Universal Service Fund (USF) E-Rate program for any fiscal year.

BUREAU OF INDIAN EDUCATION

(1) A school funded by the Bureau of Indian Education, including a school operated under a contract or grant with the Bureau of Indian Education, or a consortium of such schools shall have priority to receive such funds under the Universal Service Fund (USF) E-Rate program for any fiscal year.; or

(2) a school funded by the Bureau of Indian Education in consortium with an Indian tribe, institution of higher education, tribal organization or community organization, shall have the same eligibility for and be given the same consideration as a local educational agency with regard to such program.

TRIBAL PRIORITY SPECIAL RULE

(1) If an eligible local educational agency or school funded by the Bureau of Indian Education that is otherwise eligible for funds but does not apply for such funds, an Indian tribe that represents not less than 1/2 of the eligible Indian children who are served by such eligible entity may apply for such funds; and

(2) The Universal Service Fund (USF) E-Rate program shall treat each Indian tribe or consortium of Indian tribes applying for funds as if such Indian tribe or such consortium were a local educational agency, except that any such tribe or consortium is not subject to section 7114(c)(4), section 7118(c), or section 7119 of the No Child Left Behind Act (Public Law 107-110) [20 U.S.C. 7427]; and

WHEREAS, 85% of tribal libraries do not receive E-Rate funding due to eligibility restrictions, lack of awareness, and application complexities, and current statutory eligibility requirements make the majority of tribal libraries ineligible for E-rate participation; and

WHEREAS, according to ATALM, tribal libraries receive less than \$3 per capita per year in contrast to public libraries which receive an average of \$45 per capita per year, and the majority of Tribal libraries often do not receive services or state certification from state library agencies and are thus not eligible for Library Services and Technology Act funding, which FCC rules currently require; and

WHEREAS, the FCC has a trust obligation to Indian Country and to meet that obligation a ‘Tribal Priority’ to E-Rate should be developed for tribal libraries and schools to provide these institutions with targeted funding for digital broadband services, so they do not fall further behind mainstream America in terms of digital access, adoption, and applications.

NOW THEREFORE BE IT RESOLVED, that NCAI calls on the FCC and its Office of Native Affairs and Policy (FCC-ONAP) to increase awareness and remove tribal-specific barriers by: (1) Conduct outreach to tribal libraries and schools, especially those having not participated in the E-rate program previously; (2) Provide tribal specific training modules for the E-Rate program; (3) Attend national and regional tribal meetings where tribal school and library administrators are present; (4) Develop educational materials that will be part of the FCC-ONAP’s Native Learning Lab and provide these materials directly to tribes via web portal or physical hard copy; (5) Provide assistance to tribal school and library awardees to comply with E-rate regulations; (6) Ensure accessibility to tribes during critical times of the annual funding cycle to answer questions and provide additional assistance as needed; and (7) grant forbearance from all applicable laws precluding tribal library participation in E-rate; and

BE IT FURTHER RESOLVED, that the FCC consult with tribal nations to accelerate deployment of high-capacity broadband to tribal libraries and schools by creating a ‘Tribal Priority’ so they can better serve tribal citizens by qualifying these institutions for both Priority 1 and Priority 2 E-Rate funding; and

BE IT FURTHER RESOLVED, that the FCC create new eligibility criteria that more effectively targets tribal communities for E-rate funds, such as those proposed by the ‘Tribal Commenters’ filing (WC 13-184) to the FCC on April 7, 2014; and

BE IT FURTHER RESOLVED, that the FCC preserve the 90 percent funding E-rate for tribal schools and libraries and re-instate Priority 2 funding for tribal communities; 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 2014 Mid-Year Session of the National Congress of American Indians, held at the Dena'ina Civic & Convention Center, June 8-11, 2014 in Anchorage, Alaska, with a quorum present.


President

ATTEST:


Recording Secretary