

105TH CONGRESS
1ST SESSION

H. R. 555

To amend the Communications Act of 1934 to promote greater telecommunications and information services to Native Americans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1997

Mr. RICHARDSON (for himself and Mr. MILLER of California) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Communications Act of 1934 to promote greater telecommunications and information services to Native Americans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native American Tele-
5 communications Act of 1997”.

1 **SEC. 2. ESTABLISHMENT OF INDIAN TELECOMMUNI-**
2 **CATIONS POLICY.**

3 (a) AMENDMENT.—Title I of the Communications
4 Act of 1934 is amended by inserting after section 11 (47
5 U.S.C. 161) the following new section:

6 **“SEC. 12. ESTABLISHMENT OF INDIAN TELECOMMUNI-**
7 **CATIONS POLICY.**

8 “(a) FINDINGS.—The Congress finds that—

9 “(1) Indian and Alaskan Native people live in
10 some of the most geographically remote areas of the
11 country, with 50 percent of Indian and Alaskan Na-
12 tive people living in Oklahoma, California, South
13 Dakota, Arizona, New Mexico, Alaska, and Wash-
14 ington;

15 “(2) Indian poverty in reservation areas is 3.9
16 times the national average rate;

17 “(3) the average phone penetration rates for
18 rural Native Americans is only 50 percent and ac-
19 tual penetration rates are often much lower;

20 “(4) what phone service there is in Indian coun-
21 try is often substandard and prohibitively expensive;

22 “(5) the Telecommunications Act of 1996 es-
23 tablishes a Federal-State Joint Board which issued
24 recommendations on how to make quality telephone
25 service affordable to all and to define what is
26 deemed to be ‘universal service’;

1 “(6) the Telecommunications Act of 1996 re-
2 quires the Federal Communications Commission to
3 implement the recommendations from the Joint
4 Board by May 8, 1997;

5 “(7) the benefits of Federal universal service
6 policies have often not reached Indian country;

7 “(8) the Federal Government and the States
8 have not historically adequately required tele-
9 communications carriers to provide telecommuni-
10 cations services on Indian lands; and

11 “(9) the United States recognizes the sov-
12 ereignty of Indian tribes in relation to the States
13 through a government-to-government relationship, as
14 reflected in the Constitution, treaties, Federal stat-
15 utes, and the course of dealings of the United States
16 with Indian tribes.

17 “(b) POLICY REQUIRED.—Within 120 days after the
18 date of enactment of this section, the Commission shall
19 initiate a proceeding to develop and establish an official
20 policy regarding the relations between the Commission
21 and American Indians, including Alaskan Natives. In es-
22 tablishing such policy, the Commission shall—

23 “(1) recognize—

1 “(A) the special needs of American Indi-
2 ans, including Alaskan Natives, as determined
3 under subsection (a);

4 “(B) the sovereign authority of tribal gov-
5 ernments; and

6 “(C) the trust obligations of the United
7 States;

8 “(2) promote the exercise of sovereign authority
9 of tribal governments over the establishment of com-
10 munications policies and regulations within their ju-
11 risdictions;

12 “(3) seek to promote Native Americans’, includ-
13 ing Alaskan Natives’, participation in the consump-
14 tion and provision of telecommunications services on
15 Indian lands; and

16 “(4) not preclude the opportunity for improved
17 negotiations between tribes and the States.

18 “(c) NOTICE OBLIGATIONS.—The policy established
19 pursuant to subsection (b) shall include procedures for
20 giving Native Americans, including Alaskan Natives, no-
21 tice and the opportunity for meaningful participation and
22 comment in any proceedings affecting tribal lands, includ-
23 ing competitive bidding conducted under section 309(j) of
24 bands of frequencies in geographic coverage areas under
25 the jurisdiction of tribal governments.

1 “(d) FORBEARANCE.—The Commission shall forbear
2 from applying any provision of this Act or any regulation
3 thereunder to the extent that such forbearance—

4 “(1) is necessary to ensure compliance with the
5 trust responsibility of the United States; and

6 “(2) is consistent with the public interest.

7 “(e) TRIENNIAL REVIEW.—The Commission shall re-
8 view and revise as necessary the policies established pursu-
9 ant to subsection (b) at least once every 3 years after the
10 establishment of such policies.”.

11 (b) CONFORMING AMENDMENT.—Section
12 309(j)(3)(B) of such Act (47 U.S.C. 309(j)(3)(B)) is
13 amended by inserting “Indian tribes, Alaskan Native vil-
14 lages,” after “including”.

15 **SEC. 3. DESIGNATION OF ELIGIBLE TELECOMMUNI-**
16 **CATIONS CARRIERS FOR THE PROVISION OF**
17 **UNIVERSAL SERVICE.**

18 Section 214(e) of the Communications Act of 1934
19 (47 U.S.C. 214(e)) is amended by adding at the end the
20 following new paragraph:

21 “(6) SERVICE AREAS WITHIN INDIAN LANDS.—

22 With respect to the designation of eligible tele-
23 communications carriers for, and of service areas
24 within, any lands under the jurisdiction of a tribal
25 government (within the meaning of section 7871 of

1 the Internal Revenue Code of 1986 (26 U.S.C.
 2 7871)), the Commission shall exercise the authority
 3 of, and comply with the requirements of this sub-
 4 section on, State commissions. In exercising such
 5 authority and complying with such requirements, the
 6 Commission shall comply with the policies estab-
 7 lished pursuant to section 12 of this Act.”.

8 **SEC. 4. ATTAINMENT OF UNIVERSAL SERVICE PRINCIPLES**
 9 **IN INDIAN COUNTRY.**

10 Section 254 of the Communications Act of 1934 (47
 11 U.S.C. 254) is amended—

12 (1) in subsection (b)—

13 (A) by redesignating paragraph (7) as
 14 paragraph (8); and

15 (B) by inserting after paragraph (6) the
 16 following new paragraph:

17 “(7) ACCESS BY NATIVE AMERICANS.—Because
 18 States have not historically exercised the authority
 19 to require telecommunications carriers to deliver
 20 services on Indian lands, and because of the trust
 21 responsibilities of the United States, the responsibil-
 22 ity to ensure the availability of quality telecommuni-
 23 cations services to Native Americans, including Alas-
 24 kan Natives, at just, reasonable, and affordable

1 rates is a Federal responsibility that should be as-
2 sured by means of the Federal universal service
3 support mechanisms established under this section,
4 taking into account any support mechanisms estab-
5 lished by the States.”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(1) MAINTENANCE OF NATIVE AMERICAN
9 SUBSCRIBERSHIP AND AFFORDABILITY DATA.—The
10 Commission shall prescribe such regulations as are nec-
11 essary to obtain reliable statistics concerning the extent
12 of subscribership to, and the affordability of, telecommuni-
13 cations on Indian lands. Such data shall be maintained
14 by the Commission in a form that is easily accessible to
15 the public. The Commission shall periodically review and
16 summarize such data in its annual reports under section
17 4(k), and shall, on the basis of such review, take such
18 other actions as are necessary to carry out the purposes
19 of this section with respect to the delivery of universal tele-
20 communications services to Native Americans, including
21 Alaskan Natives, at just, reasonable, and affordable
22 rates.”.

1 **SEC. 5. INFRASTRUCTURE DEVELOPMENT POLICY INITIA-**
2 **TIVES.**

3 Section 103 of the National Telecommunications and
4 Information Administration Organization Act (47 U.S.C.
5 902) is amended by adding at the end the following new
6 subsection:

7 “(d) NATIVE AMERICAN TELECOMMUNICATIONS IN-
8 FRASTRUCTURE POLICY INITIATIVES.—In carrying out
9 the authority to serve as the President’s adviser under
10 subsection (b)(2)(D), the Assistant Secretary and the
11 NTIA shall be responsible for designing and proposing
12 policy initiatives to encourage investment in, and the de-
13 ployment of, telecommunications systems on Indian
14 lands.”.

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