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## Congress of the United States House of Representatives

COMMITTEE ON ARMED SERVICES  
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SUBCOMMITTEE ON  
TACTICAL AIR AND LAND FORCES

COMMITTEE ON  
NATURAL RESOURCES  
SUBCOMMITTEE ON  
ENERGY AND MINERAL RESOURCES  
SUBCOMMITTEE ON  
NATIONAL PARKS, FORESTS AND PUBLIC LANDS

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*Handwritten signature: J. Genachowski*  
*12/13*

October 11, 2012

Mr. Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Dear Chairman Genachowski:

I seek clarification regarding the Federal Communications Commission's (FCC) relationship with tribal governments. In June 2012, the Mescalero Apache Tribe testified before the House Natural Resources Indian and Alaska Native Affairs Subcommittee that, in a meeting with the FCC, FCC staff questioned the FCC's obligations to tribal governments because the trust responsibility is not expressly written in the Communications Act of 1934 (47 U.S.C. §151 et seq.).

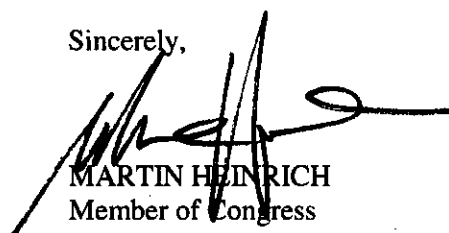
As you know, the federal trust responsibility to tribal governments has been affirmed through numerous treaties with tribal governments, federal statutes, court cases, and executive orders. The federal trust responsibility is the core principle underlying the federal government's relationship to tribal governments. In 2000, the FCC adopted a "Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes" that stated, "The Commission recognizes its own general trust relationship with, and responsibility to, federally-recognized Indian Tribes."

Given the considerable history of the federal trust relationship and the FCC's own "Statement of Policy," it is troubling to hear that FCC staff questioned the FCC's obligations under the federal trust responsibility. I am concerned that not all of the staff at the FCC is consistently applying its own stated policy.

Historically, tribal reservations have suffered from some of the worst access to communications in the country. It is absolutely critical that the FCC support not only improving that access but also in helping to maintain the access that some tribal governments have been able to achieve.

I ask that you clarify for me the position of the FCC regarding the trust responsibility to tribal governments and specifically comment on how the Communications Act of 1934 impacts that relationship.

Sincerely,

  
MARTIN HEINRICH  
Member of Congress