



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #ABQ-19-86C

**TITLE: Providing for the Success of Tribal Nations in the 2.5 Gigahertz
Broadband Tribal Priority for Wireless Networks**

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NCAI HEADQUARTERS

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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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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, there continues to be a great need for the deployment and development of reliable and affordable wireless services on tribal lands nationwide; and

WHEREAS, the Federal Communications Commission (FCC) adopted new rules in its Report and Order FCC 19-62, "Transforming the 2.5 GHz Band" in Educational Broadband Services (EBS) spectrum, in which the FCC provides the important opportunity for tribal nations to obtain a license through a Tribal Priority mechanism; and

WHEREAS, there is a very high level of interest among tribal nations nationwide in obtaining such a license and self-provisioning services to their tribal nations; and

WHEREAS, there is also a challenging learning curve on the licensing, financing, planning, and deployment engineering aspects of these potential projects – as well as the critically important and time-intensive internal decision making and budget authorization processes of over 500 sovereign tribal nations all of which are critically important to the potential success of any projects of tribal nations in 2.5 GHz.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon the FCC to (1) adjust the opening of the window to April 1, 2020 so that the FCC can provide proper notice and guidance, introduce complete mapping tools, as well as provide robust outreach, and government-to-government consultation and training with inter-tribal government associations and entities in all regions of the country, and (2) extend the timeframe for the Tribal Priority window to a full 180 days so that eligible entities have an opportunity to adequately prepare for and obtain the Tribal Priority license, thus ensuring the greatest possibility of success for the implementation of a license to deploy broadband services in the 2.5 GHz EBS spectrum; and

BE IT FURTHER RESOLVED, that NCAI calls upon the FCC to remove the “rural” tribal lands criteria of these rules, as NCAI firmly believes that the FCC’s trust relationship and fiduciary obligation to make all regulated services available to tribal nations and the residents of tribal lands, in order to close the persistent digital divide that exists on tribal lands, extends not only to *some* tribal nations and their communities, but *all* tribal nations; and

BE IT FURTHER RESOLVED, that NCAI calls upon the FCC to fulfill the legal obligations of the United States federal government in all of its agencies and treat all lands held in trust on behalf of tribal nations similarly and include them in their licensing mechanisms, such as all “off-reservation trust lands;” and

BE IT FURTHER RESOLVED, that NCAI requests that the FCC engage with the appropriate governmental authorities of Hawai’i to identify and designate potential entities within the Native Hawai’ian community, that represent Native Hawai’ian local communities and society, for standing as licensable entities for the purposes of the Tribal Priority; and

BE IT FURTHER RESOLVED, that NCAI requests that the FCC create a regulatory mechanism in all relevant services to provide tribal nations the opportunity of a first right of refusal, such as a Tribal Priority, for new spectrum services, spectrum partitioning and disaggregation and secondary markets opportunities to deploy service over Tribal lands; and

BE IT FURTHER RESOLVED, that NCAI requests that this resolution be filed as an ex parte comment in the appropriate FCC dockets, and also provided to the FCC-Native Nations Communications Task Force; 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 2019 Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, October 20-25, 2019, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary