



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #ABQ-19-87C

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TITLE: Creating Tribal Opportunities for Partitioning, Disaggregation, and Leasing of Spectrum for Wireless Services in Indian Country

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 dearth of reliable and affordable commercial mobile wireless services developed and deployed on tribal lands nationwide; and

WHEREAS, the Federal Communications Commission (FCC) released a Notice of Proposed Rule Making concerning the "Partitioning, Disaggregation, and Leasing of Spectrum," FCC 19-38, seeking comment on how to make more of the unused spectrum of existing spectrum licenses available, and evolve spectrum leasing as a potential means to increase availability of advanced telecommunications services in rural areas, and provide spectrum access by small carriers.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon the FCC to develop a Tribal Priority set aside mechanism for unused licensed spectrum over tribal lands, as defined in the FCC's definition of tribal lands (47 CFR 54.400(e)), and to include traditional and customary use areas, such as areas where subsistence fishing, hunting, and gathering occurs and where communications are unavailable for safety purposes; and

BE IT FURTHER RESOLVED, that NCAI calls upon the FCC to take action and complete the rulemaking it unanimously began in March of 2011, "Improving Communications Services for Native Nations by Promoting Greater Utilization of Spectrum over Tribal Lands," FCC 11-29, including its numerous proposals for more structured good-faith secondary market negotiation processes, strengthened build out requirements, build or divest proposals, and other mechanisms that would place secondary markets licenses in the hands of tribal nations in order to end the persistent lack of wireless services on tribal lands nationwide; and

BE IT FURTHER RESOLVED, that where there are competing requests for partitioning licenses, that a related tribal application or request receive priority over any other entity or small carrier applying for the license over tribal lands; and

BE IT FURTHER RESOLVED, that NCAI calls upon the FCC to create a mechanism that encourages and allows existing spectrum license holders to assign available portions of spectrum blocks to tribal nations so that they may facilitate and provide service over their tribal lands; and

BE IT FURTHER RESOLVED, that NCAI requests that the FCC create a regulatory mechanism to provide tribal nations the opportunity of a first right of refusal for spectrum partitioning and disaggregation over their tribal lands to entities willing and able to deploy service over tribal lands; and

BE IT FURTHER RESOLVED, that NCAI requests that this resolution be filed as an ex parte comments 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