



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #AK-21-022

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TITLE: Calling on the Federal Communications Commission to Increase Access to Spectrum through Tribal Priority Licensing

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, the Federal Government has a trust responsibility to Tribal Nations; and

WHEREAS, the consistent lack of access to spectrum has been a long standing obstacle to closing the Tribal digital divide; and

WHEREAS, spectrum is a finite natural resource with economic and public use; and

WHEREAS, the Federal Communications Commission (FCC) administers spectrum for non-Federal use; and

WHEREAS, on January 28, 2010 the FCC adopted a First Report and Order and Further Notice of Proposed Rulemaking (“Rural First R&O”) in MB Docket No. 09–52, FCC 10–24, 25 FCC Rcd 1583 (2010), establishing a Tribal Priority for Tribal Nations to obtain licenses for broadcast radio before the further allocation of spectrum; and

WHEREAS, in 2011, NCAI, passed Resolution #MKE-11-007, In Support of the Promoting Greater Utilization of Spectrum over Tribal Lands; and

WHEREAS, in 2012, NCAI passed Resolution #LNC-12-007, Spectrum Allocation and the Low Power FM Radio (LPFM) ‘Tribal Priority;’ and

WHEREAS, in 2012, NCAI passed Resolution #SAC-12-034, Promoting Tribal Nation Access and Use of Spectrum for Communications Services; and

WHEREAS, in 2015, NCAI passed Resolution #SD-15-037, Urging the Federal Communications Commission to Improve Access to Spectrum Licenses for Tribal Nations; and

WHEREAS, on July 10, 2019, the FCC adopted a Report & Order in the Matter of Transforming the 2.5 GHz Band, establishing a Tribal Priority for Tribal Nations to obtain 2.5GHz licenses before the further allocation of spectrum; and

WHEREAS, not all Tribal Nations nor all their Tribal lands were made eligible in the 2.5GHz licensing window, and needs for additional spectrum throughout Indian Country are pervasive, ongoing, and not easily solved.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls on the FCC, Congress, and the Administration establish and administer a Tribal Priority before each future allocation of spectrum; and

BE IT FURTHER RESOLVED, that the FCC undertaking a Tribal Priority in all spectrum licensing proceedings would be an important and substantive step in meeting their statutory mandate to make available a rapid, efficient, Nationwide, and worldwide wire and radio communication service with adequate facilities at reasonable charges and in assisting Tribal Nations in closing the persistent lack of connectivity in Indian Country; 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 2021 Mid Year Conference of the National Congress of American Indians, held June 20, 2021 - June 24, 2021, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary