



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PSP-09-083c

TITLE: Removing the Barrier to Entry for the Tribal Digital Village and Tribal Use of White Space Spectrum Involving International Border Exclusion Zones

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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, 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 Tribal Digital Village (TDV), a division of Southern California Tribal Chairmen's Association(SCTCA), a consortium of 19 federally recognized American Indian tribes, located in San Diego County and Southern California, provides broadband connectivity to the tribes through a wireless network; and

WHEREAS, TDV is a recognized expert in its field, with standing before the Federal Communications Commission (FCC) on topics of wireless deployment on Tribal lands, and is regarded as a model of successful wireless network deployment by the multiple federal agencies and the California Public Utilities Commission; and

WHEREAS, in the broadband report delivered to the Governor of California, TDV has been represented as the successful model of wireless deployment; and

WHEREAS, TDV is a replicable solution for wireless networking for other tribes and has hosted FCC Chairmen and tribal leaders and tribal technology leaders to demonstrate the success of its network; and

WHEREAS, the newly released unlicensed spectrum known as "white spaces" is a valuable resource for the tribal communities to deploy high speed internet to the Tribal lands, and solves many connectivity issues for the tribal homes that are spread out geographically throughout the reservations TDV serves; and

WHEREAS, there is a serious problem with an FCC exclusion zone that is limiting the use of this valuable unlicensed spectrum in proximity of forty-five (45) miles to the Northern and Southern Borders of the United States with Canada and Mexico, respectively; and

WHEREAS, this exclusion will deprive TDV and dozens of similarly situated Tribes located within these exclusion zones of the use of this valuable spectrum and the technology that will come with it, which we have fought long and hard to support being released for community networking; and

WHEREAS, this exclusion will be detrimental to the deployment of broadband Internet services to the homes located on TDV’s reservations, spread throughout geographically diverse locations; and

WHEREAS, the FCC provided little newly reasoned support for this decision, and did not consider the burden this would place on TDV and other similarly situated Tribal users of TV broadband devices (TVBDs), and did not consider possible mitigations of interference concerns that would alleviate the need to postpone use in the border regions pending conclusion of what may prove lengthy negotiations with the government of Mexico.

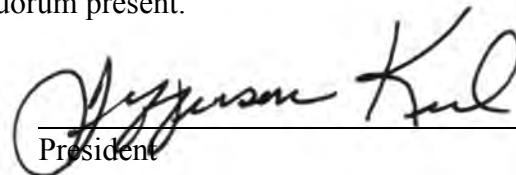
NOW THEREFORE BE IT RESOLVED, that NCAI calls upon the FCC to take action to address this barrier to entry and, rather than impose an absolute ban the Tribal utilization on white spaces devices in the border region, find an appropriate regulatory exemption or mechanism to allow TDV and similarly situated Tribal Entities to enjoy the full benefit of white spaces spectrum; and

BE IT FURTHER RESOLVED, that NCAI, along with TDV and other affected Tribes, looks forward to consultation and coordination with the FCC to examine and achieve a workable solution on this important white spaces matter; 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 2009 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center in Palm Springs, California on October 11-16, 2009, with a quorum present.



President

ATTEST:



Recording Secretary