



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #LNK-12-007

### TITLE: Spectrum Allocation and the Low Power FM Radio (LPFM) ‘Tribal Priority’

**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 NCAI through resolution # MKE-11-007 supports the 307 (b) Tribal Priority applicable to FM allotments, AM filing window applications, and NCE filing window applications for federally recognized Tribes and their members; and

**WHEREAS**, the creation of a ‘Tribal Priority’ for broadcast spectrum significantly promotes the federal goal of tribal self-sufficiency and self-determination; and

**WHEREAS**, the ‘Tribal Priority’ supports the fundamental mission of tribal entities to increase the deployment of services, strengthen local programming, provide public safety, obtain diversity of viewpoint, create cultural preservation and language revitalization, and provide a modern technological outlet to engage community members, especially youth, in the positive development of their values, identity, and quality of life; and

**WHEREAS**, the Federal Communications Commission (FCC) relied upon the principles of federal Indian law within its Tribal Policy Statement, other orders and rulemakings to take the appropriate legal steps to create the ‘Tribal Priority;’ and

**WHEREAS**, extension of a ‘Tribal Priority’ to encompass non-broadcast spectrum to be utilized by tribes and tribally controlled entities would benefit Tribal Lands and residents.

**NOW THEREFORE BE IT RESOLVED**, that the FCC recognize tribes and tribal applicants, as defined in Section 73.7000 of its Rules, as eligible to be licensees of Low Power FM Radio (“LPFM”) stations; and

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**BE IT FURTHER RESOLVED**, that due to the loss of Public Telecommunications and Facilities Program (PTFP) funding it would be beneficial that the FCC award a ‘Tribal Priority’ and adopt procedures that are less restrictive, and create more meaningful opportunities, including higher wattage, and an open filing window for tribes seeking LPFM radio serving their tribal homelands; and

**BE IT FURTHER RESOLVED**, that tribes and tribally controlled entities be eligible for voluntary channel sharing with television licenses that serve Tribal Lands; and

**BE IT FURTHER RESOLVED**, that the NCAI reaffirms provisions of Resolution #MKE-11-007, "In Support of a Tribal Priority for the Utilization of Spectrum on Tribal Lands" that do not conflict with this resolution; and

**BE IT FURTHER RESOLVED**, that the FCC develop allocation procedures for extending the ‘Tribal Priority’ to spectrum for tribes and tribally controlled entities that seek non-broadcast spectrum for providing commercial mobile, and other broadband services to Tribal Lands; 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 2012 Mid-Year Session of the National Congress of American Indians, held at The Cornhusker Hotel from June 17-20, 2012 in Lincoln, Nebraska, with a quorum present.

  
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President

**ATTEST:**

  
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Recording Secretary