



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PSP-09-082c

TITLE: Support for Passage of H.R. 1147 and S. 592 to Provide for Native Community Low-Power FM Radio Station Licensing Opportunities

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 opportunities for American Indian and Alaska Native Tribal Entities to obtain access to much needed spectrum based services are quickly diminishing while most of the public radio spectrum is being licensed for non-Native uses; and

WHEREAS, there is a serious problem of public radio station underrepresentation in Indian Country, with a discouragingly low number of only thirty-three (33) Native American public radio stations serving Tribal communities, among the more than 562 federally recognized Tribal Entities; and

WHEREAS, many American Indian and Alaska Native communities are in a saturated broadcast licensing market environment where they locked out of the opportunity to provide broadcasting services to their own peoples, and thereby deprived of a critical opportunity to strengthen their community identity and preserve their cultural heritage through the use of a modern technological medium; and

WHEREAS, the Low Power FM (LPFM) service empowers Native American broadcasters to serve their communities with a variety of new voices and services, to provide a forum for debate about important local issues and opportunity, and evidenced by the efforts of the Tribal LPFM radio stations KPYT 100.3 FM of the Pascua Yaqui Tribe KCUW 104.3 FM of the Confederated Tribes of the Umatilla Indian Reservation; and

WHEREAS, working closely with local law enforcement officials and emergency service responders, LPFM broadcasters ensure local safety in times of natural disaster; and

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WHEREAS, the Federal Communications Commission created the LPFM service in 2000 in response to national community need for increased localism and diversity in media ownership, and expressly for the community strengthening purposes of Tribal Entities; and

WHEREAS, LPFM makes more efficient use of the valuable spectrum dial, employing spectrum that would otherwise be left vacant; and

WHEREAS, The FCC carefully studied the technical questions raised during the creation of the LPFM service, involving a voluminous record that included many technical studies, including several submitted by incumbent broadcasters, and thereafter adopted a conservative proposal that would protect existing full power stations from interference; and

WHEREAS, despite this extensive record and evidence of non-interference, the Radio Broadcasting Preservation Act of 2000, prevented the FCC from implementing its full LPFM intentions and eliminated approximately 75 percent of the original LPFM licensing opportunities; and

WHEREAS, Congress also required in the 2000 legislation that the FCC to hire an independent contractor to conduct another interference study to review the technical record and issues surrounding low power radio and report to Congress; and

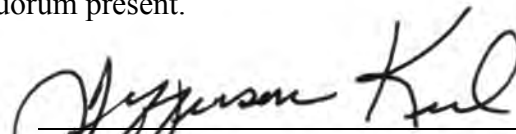
WHEREAS, the study was conducted by the Mitre Corporation and completed in July 2003, revealing findings that no significant problems existed and providing recommendation that the burdensome restrictions imposed by Congress be lifted.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby call upon the Congress to pass H.R. 1147 and S. 592 to remove the barrier to entry for Tribal communities to seek FCC licensing to provide Low-Power FM Radio services throughout American Indian and Alaska Native lands throughout the United States; and


BE IT FURTHER 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