



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #MN-23-003

TITLE: Calling Upon the Federal Communications Commission to Issue the Remaining Tribal Priority Window 2.5 GHz Licenses and Issue Remaining Auction 108 Licenses

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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 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, tribal communities have some of the poorest broadband access in the United States; and

WHEREAS, broadband access is a requirement for economic growth, education, health care, and public safety; and

WHEREAS, improvements to tribal communities' broadband access are frequently discussed, but slow to be implemented on a national scale; and

WHEREAS, the previous lack, and high cost, of spectrum licenses available to Tribal Nations has discouraged community-based solutions to the connectivity gap faced by tribal communities; and

WHEREAS, NCAI's membership has continuously advocated for an improved spectrum policy, adopting Resolutions #MKE-11-007 "In Support of a Tribal Priority for the Utilization of Spectrum on Tribal Lands"; #LNK-12-007 "Spectrum Allocation and the Low Power FM Radio (LPFM) 'Tribal Priority'"; #SAC-12-034 "Promoting Tribal Nation Access and Use of Spectrum for Communications Services"; and #SD-15-037 "Urging the Federal Communications Commission to Improve Access to Spectrum Licenses for Tribal Nations"; and

WHEREAS, the Federal Communications Commission (FCC) has recognized that "members of federally-recognized American Indian Tribes and Alaska Native Villages and other residents of Tribal lands have lacked meaningful access to wired and wireless communications services"; and

WHEREAS, the FCC previously provided a Tribal Priority Window (TPW), permitting eligible Tribal Nations to apply for 2.5 GHz spectrum licenses ahead of the federal auction; and

WHEREAS, the FCC has granted over 330 2.5 GHz licenses to Tribal entities through the TPW application process to date; and

WHEREAS, after the TPW was complete, the FCC conducted Auction 108: 2.5 GHz Band, permitting non-Tribal entities to bid on 2.5 GHz licenses in areas near and adjacent to TPW licenses; and

WHEREAS, the FCC has not finished awarding the TPW licenses in the 2.5 GHz Band, despite the Auction's conclusion in August of 2022; and

WHEREAS, the full deployment of the 2.5 GHz licenses, including licenses held by non-Tribal entities, will increase coverage and capacity in rural areas and has the potential to improve tribal spectrum licensees' own service offerings; and

WHEREAS, further delay in the issuance of the 2.5 GHz licenses will continue to hamper the development of tribal spectrum-based opportunities.

NOW THEREFORE BE IT RESOLVED, that NCAI calls upon the FCC to immediately issue the remaining TPW 2.5 GHz license applications through permanent licensing; and

BE IT FURTHER RESOLVED, that the FCC use its Office of Native Affairs and Policy and any other relevant bureaus and offices to provide the outreach and support needed for Tribal entities that were granted 2.5 GHz licenses through the Tribal Priority Window, including but not limited to license reporting requirements, technical assistance training, and spectrum management practices; and

BE IT FURTHER RESOLVED, that the FCC issue the remaining Auction 108 licenses needed to fully utilize the 2.5 GHz spectrum throughout the 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 unanimously by the Executive Committee on Friday, June 16, 2023, after a positive recommendation from the relevant Committee at the 2023 Mid Year Convention of the National Congress of American Indians, held June 5-8, 2023, in Prior Lake, MN.



Fawn Sharp, President

ATTEST:



Stephen Roe Lewis, Recording Secretary