

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0092-20__

SPONSOR: Daniel E. Tso

TITLE: An Action Relating to an Emergency; Authorizing Diné College and the Navajo Technical University to make application for a Special Temporary Authority with the Federal Communications Commission under and order issued July 11, 2029, Wt Docket No. 18-120, In The Matter Of Transforming The 2.5. Ghz Band

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0092-20

DATE: April 10, 2020

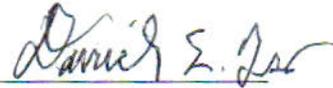
TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY; AUTHORIZING DINÉ COLLEGE AND THE NAVAJO TECHNICAL UNIVERSITY TO MAKE APPLICATION FOR A SPECIAL TEMPORARY AUTHORITY WITH THE FEDERAL COMMUNICATIONS COMMISSION UNDER REPORT AND ORDER ISSUED JULY 11, 2029, WT DOCKET NO. 18-120, IN THE MATTER OF TRANSFORMING THE 2.5 GHZ BAND

PURPOSE: This resolution, if adopted, would authorizing Diné College and the Navajo Technical University to make application for a Special Temporary Authority with the Federal Communications Commission under Report and Order issued July 11, 2029, Wt Docket No. 18-120, In The Matter Of Transforming The 2.5 Ghz Band.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

1 PROPOSED NAVAJO NATION STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Second Year, 2020

3 INTRODUCED BY

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5

6 (Prime Sponsor)

7
8 TRACKING NO. 0092-20



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10 AN ACTION

11 RELATING TO AN EMERGENCY; AUTHORIZING DINÉ COLLEGE AND THE
12 NAVAJO TECHNICAL UNIVERSITY TO MAKE APPLICATION FOR A SPECIAL
13 TEMPORARY AUTHORITY WITH THE FEDERAL COMMUNICATIONS
14 COMMISSION UNDER REPORT AND ORDER ISSUED JULY 11, 2029, WT
15 DOCKET NO. 18-120, IN THE MATTER OF TRANSFORMING THE 2.5 GHZ BAND

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17 BE IT ENACTED:

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19 **SECTION ONE. AUTHORITY**

20 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
21 102(A).

22 B. Pursuant to 2 N.N.C. §164(A)(16):

23 "Matters constituting an emergency shall be limited to the cessation of law enforcement
24 services, disaster relief services, fire protection services or other direct services
25 required as an entitlement under the Navajo Nation or Federal law, or which directly
26 threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise
27 due to the pressing public need for such resolution(s) and must be a matter requiring
28 final action by the Council." 2 N.N.C. §164 (A) (16).

29 C. Ensuring the continuation of higher education within the Navajo Nation and protecting
30 the health of all residents of the Navajo Nation are inherent attributes of sovereignty.

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2 **SECTION TWO. FINDINGS**

3 A. On July 11, 2019, the Federal Communications Commission issued its Report and
4 Order under WT Docket No. 18-120, concerning “THE MATTER OF
5 TRANSFORMING THE 2.5 GHZ BAND.” See, [https://docs.fcc.gov/public/
6 attachments/DOC-358065A1.pdf](https://docs.fcc.gov/public/attachments/DOC-358065A1.pdf). *Rule and Order* incorporated herein by this
7 reference. This ruling and order grants Special Temporary Authority (STA) to permit
8 immediate or temporary operation of certain radio facilities during emergencies or
9 other urgent conditions.” 47 C.F.R. § 1.931. See also, [https://www.fcc.gov/research-
10 reports/guides/special-temporary-authority-licensing](https://www.fcc.gov/research-reports/guides/special-temporary-authority-licensing). According to the commission,
11 the *Report and Order* “allows for more efficient and effective use of 2.5 GHz spectrum
12 by increasing flexibility for existing EBS licensees and providing new opportunities
13 for rural Tribal Nations and other entities to access unused portions of the band.” *Rule
14 and Order*. It explained,

15 “In order to move this spectrum into the hands of those who will provide service,
16 including 5G, to Americans across the country, and particularly in rural and Tribal
17 areas, we are replacing an outdated regulatory regime, developed in the days
18 when educational TV was the only use envisioned for this spectrum, with one that
19 not only gives incumbent users more flexibility in how they use the spectrum, but
20 also provides opportunities for additional entities to obtain access to unused 2.5
21 GHz spectrum.” *Rule and Order*.

22 B. On February 3, 2020, the Federal Communications Commission issued notice entitled
23 “2.5 GHz Rural Tribal Window.” The notice covers the period February 3, 2020 to
24 August 3, 2020 and it provides:

25 “This window is a unique opportunity for Tribes in rural areas to directly access
26 unassigned spectrum over their Tribal lands, subject to buildout requirements.
27 The 2.5 GHz band is suitable for both mobile coverage and fixed point-to-point
28 uses, and is currently used to provide broadband service by legacy educational
29 licensees and commercial providers that lease the spectrum.” See,
30 <https://www.fcc.gov/25-ghz-rural-tribal-window> (incorporated herein by this
reference).

C. The 6-month window of opportunity is exclusive to Indian tribes and its entities. The
Federal Communications Commission provides:

1 “Through this Rural Tribal Priority Window, the FCC is establishing a process
2 for federally recognized Tribes and eligible Tribally owned entities to apply for
3 overlay licenses for unassigned eligible 2.5 GHz spectrum, before any remaining
4 unassigned spectrum will be made available for commercial use by competitive
5 bidding.” See, <https://www.fcc.gov/25-ghz-rural-tribal-window>.

- 6 D. Diné College and Navajo Technical University are entities of the Navajo Nation,
7 located on the Navajo Nation. Because of the COVID-19, pandemic, and the crisis
8 faced by residents of the Navajo Nation, including students, these tribal entities are
9 seeking authorization from the Navajo Nation to seek and make application for a
10 Special Temporary Authority with the Federal Communications Commission under
11 Report and Order Issued July 11, 2029, *In The Matter Of Transforming The 2.5 GHZ*,
12 Wt Docket No. 18-120. See attached Exhibit A.

13 **SECTION THREE. AUTHORIZING SUBMISSION OF APPLICATION FOR**
14 **SPECIAL TEMPORARY AUTHORITY**

- 15 A. The Navajo Nation hereby authorizes Diné College and Navajo Technical University,
16 entities of the Navajo Nation, to apply for Special Temporary Authority with the
17 Federal Communications Commission under Report and Order Issued July 11, 2029,
18 *In The Matter Of Transforming The 2.5 GHZ*, Wt Docket No. 18-120.
19 B. Except as provided by this emergency action of the Navajo Nation Council, the Diné
20 College and Navajo Technical University shall comply with all Navajo
21 Nation law. It shall also coordinate all matters relative to this application process with
22 the Navajo Nation Telecommunications Regulatory Commission.
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