



# PUBLIC NOTICE

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## ACTING CHAIRWOMAN ROSENWORCEL ANNOUNCES TERM EXTENSION OF THE COMMISSION'S NATIVE NATIONS COMMUNICATIONS TASK FORCE AND SEEKS NOMINATIONS FOR VACANCIES

### Term Extension

Acting Chairwoman Rosenworcel today announces a twelve-month extension of the original three-year term of the Federal Communications Commission's (Commission) current Native Nations Communications Task Force<sup>1</sup> (NNCTF or Task Force). The term, which was set to expire on October 24, 2021, will now expire on October 24, 2022.<sup>2</sup> This extension takes into account the expansion of the Task Force during its current term from 20 to 25 Tribal members, and will allow the expanded Task Force additional time to complete its assigned tasks.<sup>3</sup>

The Task Force is intended to provide an effective means for Tribal leaders to exchange ideas and develop recommendations to the Commission on, among other things, the availability of communications facilities and services – including broadband – on Tribal lands. The Task Force has been an important source of information, guidance, expertise, and recommendations to the Commission over the past ten years.<sup>4</sup> Its input enhances the Commission's ability to carry out its statutory responsibilities to ensure the availability of communication by wire and radio and encourage broadband deployment to all Americans.<sup>5</sup>

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<sup>1</sup> Originally created in 2011 as the Native Nations Broadband Task Force, the Task Force was renamed in the 2018 NNCTF Renewal PN to reflect its involvement in issues including, but also reaching beyond, broadband deployment.

<sup>2</sup> See *FCC Seeks Nominations for Tribal Government Representatives to Serve on Renewed Native Nations Communications Task Force*, Public Notice, 33 FCC Rcd 1264 (2018) (2018 NNCTF Renewal PN); *Chairman Pai Announces New Appointments to the Native Nations Communications Task Force*, Public Notice, 33 FCC Rcd 10152 (2018). The Task Force currently has 30 members comprised of 22 representatives of Tribal Nations and 8 FCC senior staff. Its work is led by two Co-Chairpersons – a Commission Co-Chair, Chief of the Office of Native Affairs and Policy, and a Tribal Co-Chair elected by the Tribal Members.

<sup>3</sup> See *Chairman Pai Announces New Appointments to the Native Nations Communications Task Force*, Public Notice, 35 FCC Rcd 2968 (2020), expanding the Task Force from 20 to 25 Tribal members.

<sup>4</sup> See, e.g., Native Nations Communications Task Force, Report to the Federal Communications Commission, Improving and Increasing Broadband Deployment on Tribal Lands (2019) at [https://www.fcc.gov/sites/default/files/nnctf\\_tribal\\_broadband\\_report.pdf](https://www.fcc.gov/sites/default/files/nnctf_tribal_broadband_report.pdf); Native Nations Communications Task Force Report to the Federal Communications Commission, Recommendations for Improving Tribal Engagement Between Covered Providers and Tribal Governments (2020) at [https://www.fcc.gov/sites/default/files/nnctf\\_tribal\\_engagement\\_report\\_12.30.20.pdf](https://www.fcc.gov/sites/default/files/nnctf_tribal_engagement_report_12.30.20.pdf).

<sup>5</sup> See 47 U.S.C. § 151; 47 U.S.C. § 1302.

### Nominations for Current Vacancies

The Commission seeks Tribal nominations to fill three vacancies on the current Task Force. Applications should be submitted in accordance with the procedures outlined below. Members selected by the Acting Chairwoman of the Commission to fill the vacancies will serve through the end of the Task Force's current term, which now runs through October 24, 2022. Nominations for membership must be received by the FCC no later than **August 27, 2021**.

### Mission and Function

As described above, the Task Force's mission is to make recommendations to the Commission on communications-related issues that affect Tribal interests. The issues to be considered by the Task Force may include but are not limited to: (i) executing the Commission's Tribal consultation policy; (ii) identifying barriers to broadband deployment that are unique to Tribal lands; and (iii) ensuring Tribal concerns are considered in all Commission proceedings related to broadband and other Commission undertakings that affect Tribal interests regarding communications services and facilities.

### Who May Apply for Membership

Applicants must be elected leaders from federally recognized Tribal governments or governmental entities (e.g., Tribal utility commissions), or their designated employees. Pursuant to the "intergovernmental communication" exemption in Section 204(b) of the Unfunded Mandates Reform Act of 1995 ("UMRA"), 2 U.S.C. § 1534(b), the Task Force is not subject to the requirements or procedures set forth in the Federal Advisory Committee Act ("FACA"), 5 U.S.C. App. 2 (1988).<sup>6</sup> Section 204(b) of UMRA provides an exemption from FACA for intergovernmental communications involving meetings between Federal officials and Federal employees and "elected officers of State, local and Tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities." Therefore, applicants for the Task Force must be individuals who satisfy these requirements.

In filling the vacancies, the Commission seeks to balance representation of different geographic regions, Task Force members' subject-matter expertise, and the diversity among Tribal Nations in terms of culture, priorities and economic development. The Commission is particularly interested in applicants with diverse professional experience and backgrounds in broadband, telecommunications, broadcast, information technology, and infrastructure deployment and broadband adoption.

### Obligations of Task Force Members

Members will serve at the discretion of the Acting Chairwoman of the Commission. At this time, the full Task Force is intended to meet twice a year.<sup>7</sup> The Task Force supplements these semi-annual meetings with virtual working meetings throughout the year. While full participation is expected, Tribal Task Force members are required to attend fifty percent (50%) of the annual meetings, to include at least one full meeting, and at least two other working meetings. The Commission is currently evaluating when in-person meetings will resume. Once they resume, in-person attendance at Task Force meetings will be

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<sup>6</sup> See 2 U.S.C. § 1534(b).

<sup>7</sup> Pursuant to the 2018 NNCTF Renewal PN, the Task Force was to meet in person twice a year, with one meeting held at the Commission in Washington, DC and the other held in the field, with supplemental teleconferences throughout the year. *2018 NNCTF Renewal PN*, 33 FCC Rcd 1264 (2018). While full participation was expected, Task Force members were required to attend fifty percent (50%) of the annual meetings, to include at least one in-person meeting, and at least two teleconferences. We have modified these obligations to attendance at virtual meetings to reflect on-going meeting and travel restrictions due to the COVID-19 pandemic.

at the Tribal Task Force member's own expense.

Members also have an initial and continuing obligation to disclose any interests in, or connections to, persons or entities who are or will be regulated by, or who have interests before, the Commission.

#### **Expiration of Task Force Membership or Removal**

In the case of an elected Tribal representative no longer holding office in a Tribal government, or a designated employee no longer employed by the Tribal government or designated by an elected Tribal officer no longer holding office, that person must give prompt notice to the Task Force and that member's seat on the Task Force expires immediately upon the occurrence of these changed circumstances.

Task Force members who do not attend at least one full meeting and participate in at least two working meetings a year may be removed from the Task Force. Members of the Task Force who fail to disclose any interests in, or connections to, persons or entities that are or will be regulated by, or who have interests before, the Commission, will be removed from the Task Force.

Appointments to the Task Force are specific to the individual. A Tribal government may not automatically appoint a replacement for a Tribal representative whose term expires or is removed from the Task Force but may, using the same nomination procedures described above, request such a replacement appointment.

#### **Application Procedures, Deadline and Member Appointments**

All applications should be received by the Commission as soon as possible, but no later than **August 27, 2021**.

#### **All Applicants**

No specific nomination form is required; however, each nomination must include the following information:

- Name and position of the applicant with respect to a Tribal government.
- Telephone number.
- Mailing address and/or e-mail address.
- A brief description of the nominee's area(s) of expertise and qualifications to serve on the Task Force.

#### **Designated Employees**

In the case of a person seeking to serve as a "designated employee," the application must also identify by name and position the elected Tribal officer on whose behalf the employee would be acting and must include a letter from that officer designating the applicant to represent them on the Task Force. A designated employee must be on the staff of a Tribal government, and part of the governmental process. Following these procedures will ensure that the Task Force may operate with adequate flexibility and within its FACA-exempt status. The designated employee's experience and qualifications should be commensurate with the functions of the Task Force, and not ministerial.

### **Alternates**

The nomination for a new appointment to the Task Force may also include the nomination of an alternate representative who can participate in the event the primary member (whether an elected official or a designated employee) is unavailable for a meeting or to work on tasks. An alternate's participation will not count towards the participation of the primary member and should the primary member cease to serve or qualify to serve, the alternate does not become a replacement. The alternate representative's experience and qualifications should be commensurate with the functions of the Task Force, and not ministerial, such as a professional or administrative assistant.

### **Submission of Nominations**

All nominations, including the requisite statements listed above, should be submitted by email to [native@fcc.gov](mailto:native@fcc.gov). If it is not possible to submit the required information through email, please contact Janet Sievert at (202) 418-1362 (voice) to determine another method of delivery.

### **Accessible Formats**

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

### **Additional Information**

For additional information, please contact Janet Sievert, Senior Legal Advisor, Office of Native Affairs and Policy, (202) 428-1362 (voice) or [janet.sievert@fcc.gov](mailto:janet.sievert@fcc.gov).