



PUBLIC NOTICE

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FCC EXTENDS CURRENT NATIVE NATIONS COMMUNICATIONS TASK FORCE AND SEEKS NOMINATIONS FOR TRIBAL GOVERNMENT REPRESENTATIVES TO SERVE ON RENEWED TASK FORCE BEGINNING IN 2024

The Federal Communications Commission (Commission) has long recognized that it shares a unique trust relationship with Tribal Nations.¹ It is this unique government-to-government relationship that guides the Commission in its dealings with Tribal Nations and in the Commission's efforts to promote Tribal self-sufficiency and economic development. As part of these endeavors and its efforts to ensure that the concerns of Tribal governments are considered in all relevant Commission proceedings, the Commission created the Native Nations Communications Task Force (Task Force). Since it was created in 2011, the Task Force has been composed of elected Tribal leaders from federally-recognized Tribes or their designated employees with authority to act on their behalf and senior Commission staff.² The Task Force is an important source of information, expertise, and guidance to the Commission. The Task Force's mission is to consult with Commission staff and make recommendations on communications-related issues that affect Tribal stakeholders.³

Extension of Current Term

By this Public Notice, we first announce an extension of the term of the current Task Force until the end of 2023. The current term, which was set to expire on October 24, 2023, will now expire on December 31, 2023. This extension will provide additional time to the Task Force to complete its task.

Applications for Renewed Task Force in 2024

Second, we seek applications for membership to serve on a renewed Task Force to start at the beginning of 2024. Applications should be submitted in accordance with the procedures outlined below. As described below, incumbent Task Force members may recommit to the Task Force rather than submit a new nomination.⁴ The Commission intends to establish the renewed Task Force term for a period of three years, with an expected start date of January 1, 2024.

Applications for Task Force membership must be received by the FCC no later than November 30, 2023. Procedures for submitting nominations are set forth below.

¹ *Establishing a Government-to-Government Relationship with Indian Tribes*, Policy Statement, 16 FCC Rcd 4078 (2000).

² *Chairman Genachowski Names Members to the FCC-Native Nations Broadband Task Force*, Public Notice, 26 FCC Rcd 2467 (2011).

³ *FCC Seeks Nominations for Tribal Government Representatives to Serve on Renewed FCC Native Nations Communications Task Force*, Public Notice, 33 FCC Rcd 1264 (2018) ("2018 NNCTF Renewal PN").

⁴ Members of the current Task Force, which has been renewed through the end of this calendar year through this Public Notice, may recommit to continue to serve on the next Task Force.

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 communications” exemption in Section 204 of the Unfunded Mandates Reform Act of 1995 (“UMRA”), 2 U.S.C. § 1534, the Task Force is not subject to the requirements and procedures set forth in the Federal Advisory Committee Act (“FACA”), 5 U.S.C. § 1001 *et seq.*⁵ Section 204 of UMRA provides an exemption from FACA for intergovernmental communications involving meetings between “Federal officials 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.”⁶ Therefore, applicants for the Task Force must be individuals who satisfy these requirements.

In filling the vacancies, the Commission seeks to balance the 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 and licensing, information technology, and infrastructure deployment and broadband adoption.⁷

Application Procedures For New Nominations

No specific application form is required for nominations; however, at a minimum, applications should be in writing (e.g., a letter) and must include the following information:

- Resume, which includes the 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.
- A letter from an elected Tribal leader, if the applicant is a designated employee.

Application Procedures for Incumbent Task Force Members

Incumbent Task Force members who wish to recommit themselves to the Task Force must submit a letter stating their intent to continue to serve on the Task Force and their position as either an elected leader of a federally-recognized Tribe or as a designated employee of an elected leader with authority to act on behalf of that leader.

Designated Employees

In the case of a person seeking to serve as a “designated employee,” including incumbent Task Force members, the application must also identify by name and position the elected Tribal leader on whose behalf the employee would be acting and must include a letter from that elected leader 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.⁸ Following these procedures will ensure that the Task Force may operate with adequate flexibility and within its FACA-exempt status. The designated

⁵ 2 U.S.C. § 1534.

⁶ *Id.*

⁷ 2018 NNCTF Renewal PN.

⁸ *Id.*

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. An alternate's participation will not count towards the participation of the primary member and should the primary member cease to serve or be removed from the Task Force, the alternate does not become a replacement.⁹ The alternate's experience and qualifications should be commensurate with the functions of the Task Force, and not ministerial.

Obligations of Task Force Members

Members of the renewed Task Force will serve at the discretion of the Chairwoman of the Commission who will select Task Force members to serve for a term of three years. At this time, the entire Task Force is to meet in-person twice a year.¹⁰ The Task Force supplements these semi-annual meetings with virtual meetings throughout the year. While full participation is expected, Task Force members are required to attend fifty percent (50%) of the annual meetings, including at least one in-person meeting, and at least two virtual meetings.¹¹ Attendance at in-person meetings will be at the Task Force member's own expense. Task Force members who do not meet the attendance requirement for meetings may be removed from the Task Force.¹²

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. Members who fail to disclose such interests will be removed from the Task Force.¹³

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 being employed by the Tribal government or designated by an elected Tribal officer no longer holding office, that person must give prompt notice to the Commission Co-Chair of the Task Force and that member's seat on the Task Force will expire immediately upon the occurrence of these changed circumstances.¹⁴

Appointments to the Task Force are specific to the individual selected. 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.¹⁵

⁹ *Id.*

¹⁰ Pursuant to the 2018 NNCTF Renewal PN, the Task Force is to meet in-person twice a year, with one meeting held at the Commission headquarters in Washington, D.C. and the other meeting to be held in the field, with supplemental virtual meetings throughout the year. *2018 NNCTF Renewal PN*.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Acting Chairwoman Rosenworcel Announces Term Extension of the Commission's Native Nations Communications Task Force and Seeks Nominations for Vacancies*, Public Notice, FCC Rcd 10096 (2021).

Where to Submit Applications

All applications for nomination, including the requisite statements listed above, should be submitted by email to Native@fcc.gov. If it is not possible to submit the required information through email, please contact Lloyd Collier at (202) 418-2712 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 or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

Additional Information

For additional information, please contact Lloyd Collier, Office of Native Affairs and Policy, Lloyd.Collier@fcc.gov, (202) 418-2712.