



# PUBLIC NOTICE

Federal Communications Commission  
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## FCC EXTENDS DEADLINE FOR APPLICATIONS OF TRIBAL GOVERNMENT REPRESENTATIVES TO SERVE ON THE FCC-NATIVE NATIONS BROADBAND TASK FORCE

The Federal Communications Commission (Commission) issued a Public Notice on March 12, 2014 announcing that the Commission, through the Office of Native Affairs and Policy (ONAP), is seeking applications for open positions on the FCC-Native Nations Broadband Task Force (Task Force).<sup>1</sup> Since issuing the call for applicants in the March 12<sup>th</sup> Public Notice, ONAP has undertaken a nationwide search for qualified nominees for the Task Force. ONAP received several nominations and applications. However, ONAP has determined that an extended search is necessary to ensure that the Task Force has the requisite subject matter expertise and appropriate regional representation. Therefore, by this Public Notice, ONAP extends the deadline for applications until **July 3, 2014**.

The Task Force, which is composed of senior Commission staff and elected or appointed leaders from federally-recognized Tribal governments or governmental entities, or their designated employees, is part of the Commission's efforts to ensure that the concerns of Tribal governments are considered in all relevant Commission proceedings. Since its creation in March 2011, the Task Force has assisted the Commission in fulfilling its commitment to increasing broadband deployment and adoption on Tribal lands.<sup>2</sup> The Task Force is responsible for, among other things, assisting in developing and executing the Commission's consultation policy, eliciting input from Tribal governments, ensuring that Tribal concerns are considered in all Commission proceedings related to broadband, developing additional recommendations for promoting broadband deployment and adoption on Tribal lands, and coordinating with external entities, including other federal departments and agencies.

The Task Force has provided recommendations to the Commission on a broad range of topics, including, but not limited to, Tribal consultation priorities, the continuing reforms to the universal service fund (USF), the use of and policies regarding spectrum over Tribal lands, E-rate, and Lifeline and Link Up on Tribal lands.

<sup>1</sup> See *FCC Seeks Nominations for Tribal Government Representatives to serve on the FCC-Native Nations Broadband Task Force*, Public Notice, 29 FCC Rcd 2709 (Off. of Native Aff. & Pol'y 2014).

<sup>2</sup> See *Chairman Genachowski Names Members to the FCC-Native Nations Broadband Task Force*, Public Notice, 26 FCC Rcd 2467 (2011); see also *Establishing a Government-to-Government Relationship with Indian Tribes*, Policy Statement, 16 FCC Rcd 4078, 4080-81 (2000); see also *Connecting America: The National Broadband Plan* (rel. Mar. 16, 2010) at 184 (Recommendation 9.14) available at <http://www.broadband.gov/plan/>.

## **A. Duties of Task Force Members**

Task Force members must be committed to a three-year term of service, which requires participation, either in person or by teleconference, in the meetings of the Task Force. The Task Force meets in person twice a year, with one meeting held at the Commission in Washington, DC and the other held in the field. The Task Force supplements these semiannual meetings with four teleconferences. While full participation is expected, Task Force members are required to attend fifty percent (50%) of the annual meetings, to include at least one in-person meeting, and at least two teleconferences. Attendance in person is at the 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.

## **B. Recommitment of Current Task Force Members**

Current 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, their position as an elected or appointed leader from a federally-recognized Tribal government or governmental entity (or as a designated employee), and a letter from their elected Tribal government official or officials expressing the Tribal government's support for the Task Force member's continued membership as a Tribal representative on the Task Force.

## **C. New Applicants**

The application for appointment to the Task Force does not require a particular format; however, it must include the following information: (1) name and position of the applicant with respect to a particular Tribal government; (2) telephone number; (3) mailing address and/or e-mail address; (4) a brief description of the applicant's area of expertise and qualifications to serve on the Task Force; (5) and a nominating letter from the relevant elected Tribal government official or officials in support of the applicant. In the case of a person seeking to serve as a "designated employee," the name of the elected officer on whose behalf the employee would be acting and a copy of the officer's designation letter is also required. A designated employee must be on the staff of a Tribal government, and part of the governmental process. The designated employee's experience and qualifications should be commensurate with the functions of the Task Force, and not ministerial, such as a professional or administrative assistant.

## **D. Alternates**

The application of a new appointment to the Task Force, as well as the recommitment of an existing member, should include the nomination of an alternate representative who can participate in the case of the primary member's lack of availability for a particular meeting or 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.

## **E. Application Submission for New Applicants and Returning Task Force Members**

Applicants and Task Force members must submit the required information to the Commission **no later than July 3, 2014**. The required information should be submitted via email to Robert Finley at [robert.finley@fcc.gov](mailto:robert.finley@fcc.gov). Please electronically copy [lyle.ishida@fcc.gov](mailto:lyle.ishida@fcc.gov) and [native@fcc.gov](mailto:native@fcc.gov). If submitting the required information through email is not possible, please contact Robert Finley at (202) 418-7835 (voice) or 1-800-835-5322 (TTY) or email to determine another method of delivery. If

submitting by regular mail, send to: Federal Communications Commission, Office of Native Affairs and Policy, Attention: Robert Finley (4C-425), 445 12<sup>th</sup> St., S.W., Washington, D.C. 20554.

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

In the case of an elected or an appointed Tribal representative no longer holding office in a Tribal government, or a Tribal designated employee no longer employed by the Tribal government, the Tribal representative must give notice to the Task Force and their seat the Task Force expires immediately with the expiration of their elected or appointed term, or period of employment, in the case of designated employee. Task Force members who do not attend at least one in-person meeting and participate in at least two teleconferences will 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.

### **EXEMPTION FROM THE FEDERAL ADVISORY COMMITTEE ACT FOR “INTERGOVERNMENTAL COMMUNICATION”**

Pursuant to the “intergovernmental communication” exemption in Sec. 204(b) of the Unfunded Mandates Reform Act of 1995 (“UMRA”), 2 U.S.C. §1534(b), the Task Force will not be subject to the requirements or procedures set forth in the Federal Advisory Committee Act (“FACA”), 5 U.S.C. App. 2 (1988). 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.

As it applies to the Task Force, because the input that Congress sought to facilitate through the intergovernmental exemption is institutional in nature, the exemption covers Federal communications with elected officers or their designated employees involved in the governmental process at the Tribal level. Before the first meeting of the Task Force, those seeking nomination as a “designated employee” should provide a letter or other documentation from the elected officer of the Tribal government for whom the employee would be acting, advising the Commission that such employee is duly authorized to act on such official’s behalf. Following these procedures will ensure that the Task Force may operate with adequate flexibility and within its FACA-exempt status.

### **ACCESSIBLE FORMATS**

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [native@fcc.gov](mailto:native@fcc.gov) or call the Office of Native Affairs and Policy at (202) 418-2930 (voice).

For further information contact: Robert Finley, Legal Advisor, Office of Native Affairs and Policy, Federal Communications Commission, (202) 418-7835 (voice) or 1-800-835-5322 (TTY), or [robert.finley@fcc.gov](mailto:robert.finley@fcc.gov).