



PUBLIC NOTICE

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FCC ANNOUNCES REAUTHORIZATION OF ITS INTERGOVERNMENTAL ADVISORY COMMITTEE AND SOLICITS NOMINATIONS FOR MEMBERSHIP ON THE COMMITTEE

By this Public Notice, the Federal Communications Commission (Commission or FCC) announces the reauthorization of the Intergovernmental Advisory Committee (IAC or Committee) and it solicits nominations for membership on the IAC. The most recent term of the IAC expired on November 22, 2022.

The term of operations for the reauthorized IAC will be limited to two years, with an option for reauthorization at the end of the two-year period, and this term will commence with its first meeting.¹ Nominations for membership **are due April 7, 2023**. Because this committee consists of only State, Local or Tribal governmental elected officials (or their designated employees), the IAC is not subject to, and is not required to follow, the procedures set forth in the Federal Advisory Committee Act (FACA).²

MISSION AND DUTIES

The mission of the IAC is to provide aid to the Commission on the many telecommunications issues affecting State, Local, and Tribal governments that are within the jurisdiction of the FCC. The duties of the Committee may include providing guidance to the Commission, gathering data and information, aiding the agency on outreach when needed, and performing analyses the Commission deems necessary to respond to the questions or matters before it.

During its two-year term, the IAC may be tasked by the Chairperson to produce specific, substantive, written deliverables that will further the Commission's mission and objectives. The IAC may establish working groups to facilitate its work. Working group discussions will be conducted primarily through email and teleconferences. The time commitment for each working group will differ, depending on the issues on which the Commission directs the IAC to provide guidance.

BACKGROUND

The IAC, formerly known as the Local and State Government Advisory Committee (LSGAC), was created in 1997 to facilitate intergovernmental communications between municipal, county, state and Tribal governments and the FCC and provide guidance to the Commission on communications issues of

¹ The IAC is authorized under Commission rules to operate for a two-year period following its first scheduled meeting. 47 CFR § 0.701(a).

² The Unfunded Mandates Reform Act of 1995 (UMRA) provides for this exemption for "actions in support of intergovernmental communications - where (1) meetings are held exclusively 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" 2 U.S.C. §1534(b).

interest to Local, State, and Tribal governments, as well as to the Commission.³ On July 17, 2003, the Commission adopted an Order changing the name from the LSGAC to the IAC and approving revisions to its rules.⁴ The Office of Intergovernmental Affairs within the Consumer & Governmental Affairs Bureau is the Chairperson of the Commission's designee to serve as liaison to the IAC and to provide oversight of the Committee.

MEMBERSHIP

In general. Pursuant to Section 0.701(b) of the Commission's rules, the IAC will be composed of 30 members (or their designated employees with authority to act on their behalf), with a minimum of:

- Four elected municipal officials (city mayors and city council members);
- Two elected county officials (county commissioners or council members);
- One elected or appointed local government attorney;⁵
- One elected state executive (governor or lieutenant governor);
- Three elected state legislators;
- One elected or appointed public utilities or public service commissioner; and,
- Three elected or appointed Native American Tribal representatives.⁶

The Chairperson of the Commission appoints IAC members through an application process initiated by a Public Notice and selects a Chair and a Vice Chair to lead the IAC. The Chairperson of the Commission may also appoint members to fill any vacancies and may replace an IAC member, at her discretion, using the appointment process.⁷

Procedures for an IAC member to designate a government employee as their representative. As noted in section 0.701(b) of the Commission's rules, individuals selected as IAC members may designate a government employee to represent them on the IAC and to attend meetings on their behalf. In order for a selected IAC member to designate a government employee as their representative to serve on the IAC, the designating IAC member must submit a designation letter proposing the nomination of the designated representative for acceptance by the Chairperson of the Commission. The designation letter should include the same information (*e.g.*, resumé) as that for the Member and must be from an appropriate "elected officer of State, local and Tribal Governments."⁸ Further, any nomination of *appointed* attorneys, commissioners or representatives also must be supported by a designation letter from an *elected* officer of a State, Local or Tribal government, for whom such appointees will be serving in their official capacities.

The designation letters may be in the following format: "I am [insert elected official's name and title] and would like to designate [insert designee's name and title], a member of my staff with

³ See *Adoption of Subpart G, Section 0.701 of the Commission's Rules*, Order, 16 FCC Rcd 1183 (2001).

⁴ See *Modification of Subpart G, Section 0.701 of the Commission's Rules*, Order, 18 FCC Rcd 16810 (2003) (*IAC 2003 Order*).

⁵ Consistent with the requirements of UMRA, any member selected for membership as an *appointed* local government attorney should "be on the staff of the municipal or county government represented and be part of the governmental process." See *IAC 2003 Order*, 18 FCC Rcd at 16813.

⁶ See 47 CFR § 0.701(b). In 2017, the Commission expanded the membership of the IAC from 15 members to 30 members. *In the Matter of Modification of Subpart G, Section 0.701 of the Commission's Rules*, Order, 32 FCC Rcd 10914 (2017). This Order was effective immediately upon publication in the Federal Register on January 8, 2018. See 83 FR 732.

⁷ See 47 CFR § 0.701(b).

⁸ See 2 U.S.C. § 1534(b).

responsibilities for [concise description of position], to represent me on the IAC.” This designation process will ensure compliance with the requirements of UMRA so that the IAC can continue to operate with the informality and flexibility that have proven effective in the past and that are inherent in its FACA-exempt status.

Procedures for succession/replacement after a member loses an election, is removed from office or otherwise cannot fulfill the duties of the office. In the case where an IAC member no longer holds elected or appointed office, the member must give immediate written notice to the IAC Chair and to the Chairperson of the Commission. In any such instance, the membership of the IAC member’s designee also expires. Similarly, the membership of any IAC member’s designee expires immediately with the expiration of their period of employment. In such a case, the Chairperson of the Commission will evaluate the nomination of the relevant IAC member’s replacement designated employee.

Term of service, quorum requirements and other information associated with service. Nominees must be willing to serve a two-year term of service, which requires attendance – either in-person or virtually – at IAC meetings at the applicant’s own expense. Members must attend a minimum of fifty percent of the IAC’s yearly meetings and may be removed by the Chair of the IAC for failure to comply with this requirement.⁹ Members will have an initial and continuing obligation to disclose any interests in, or connection to, persons or entities who are, or will be, regulated by, or who have interests before, the Commission. Attendance of more than half of IAC members or their designees, either in-person or virtually, is required for any meeting of the IAC to have a quorum. In addition, members are expected to take all steps, as appropriate, to ensure effective appearances at working group meetings, and to make all due efforts dependably to contribute to the work product of the working groups.

CANDIDATE EXPERTISE

Historically, the Commission has been interested in candidates with expertise relevant to important public policy priorities, such as broadband availability and affordability for all Americans, deployment and adoption of broadband infrastructure in rural and Tribal communities and other underserved or unserved areas, bridging the urban-rural digital divide, emergency preparedness and response, and consumer complaints, processes and data trends.

APPLICATIONS AND SELECTION

Nominees for IAC membership must submit their applications via email to IAC@fcc.gov no later than April 7, 2023.

The application does not require a particular format, but must include the following information:

- Resumé (including applicant’s current position);
- Contact information (both email and mailing addresses, as well as telephone numbers);
- A brief description of the applicant’s area of expertise and qualifications to serve on the IAC, including the applicant’s experience with communications issues affecting state, local, or Tribal governments. Candidates are encouraged to provide links to any articles they have authored on relevant topics and/or public appearances available on the web for viewing; and,
- The position(s) that the applicant is applying for, *i.e.*, elected municipal officials (city mayors and city council members); county officials (county commissioners or council members); elected or appointed Local government attorney; elected State executive (Governor or Lieutenant Governor); elected State legislators; elected or appointed public utilities or public service commissioner; or elected or appointed Native American Tribal representatives. If an

⁹ See 47 CFR § 0.701(c).

applicant potentially qualifies for more than one position on the IAC, he or she should specify which position they seek.

As in the past, applicants will be vetted for conflicts of interest. Please respond promptly to any inquiries from FCC Ethics Counsel to avoid any delays in the review of your application. Once the Chairperson of the Commission selects the members for the reauthorized IAC, the Commission will release a Public Notice announcing appointments of the new membership.

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 and Governmental Affairs Bureau at (202) 418-0530 (voice).

For further information, please contact: Donna Cyrus, Attorney Advisor, Office of Intergovernmental Affairs, Consumer and Governmental Affairs Bureau, Federal Communications Commission, (202) 418-7325, donna.cyrus@fcc.gov.

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