

June 10, 2024

SUBMITTED ELECTRONICALLY VIA ECFS

Ms. Marlene H. Dortch

Secretary

Federal Communication Commission

45 L Street, N.E.

Washington, DC 20554

Re: Wireless Emergency Alerts; Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System, Notice of Proposed Rulemaking, Notice of *Ex Parte* Communication, PS Docket Nos. 15-91 and 15-94

Dear Ms. Dortch:

On June 3, 2024, the Federal Communications Commission (Commission) held a Tribal consultation regarding the Commission's above-referenced notice of proposed rulemaking (NPRM) to adopt a Missing and Endangered Persons Emergency Alert System Code (MEP EAS code). The consultation was conducted as part of the National Congress of American Indians Mid-Year Convention in Cherokee, North Carolina. Recognizing the potential for the proposed EAS alert code to help address the crisis of missing and endangered persons in native and indigenous communities, the Commission directed ONAP to conduct Tribal consultations to facilitate substantive engagement with federally recognized Indian tribes and Alaska Native Villages regarding the NPRM.

In person attendees at this consultation included Tribal Leaders and Tribal representatives, the Chief and Acting Deputy Chief of the Commission's Office of Native Affairs and Policy (ONAP), with other members of ONAP, and the Commission's Consumer and Governmental Affairs Bureau (CGB) observing virtually. Additionally, staff from the Department of Homeland Security was present to observe the consultation. A full list of attendees is attached to this filing.

During the consultation, Commission staff provided an informational overview of the EAS proposal, highlighting questions posed in the NPRM that could benefit from Tribal engagement, and solicited feedback from Tribal participants. ONAP's Chief, Bambi Kraus, highlighted questions from the NPRM including geographic service area limitations, national network and law enforcement planning and coordination, the benefits of Wireless Emergency Alerts (WEA), and privacy and civil liberty concerns.

The Tribal Representatives at the consultation expressed support for the adoption of a dedicated code for missing and endangered persons to the EAS and WEA system. As one participant

explained, the MEP code is “an essential part of ensuring that our relatives are found,” and noted that in Washington state, 80 alerts were issued once the state implemented a similar code, and in California, a similar code has resulted in a one hundred percent recovery rate for individuals meeting the alert criteria.

One participant expressed a strong preference for a code dedicated to indigenous persons, explaining that a dedicated code for missing indigenous persons would be more effective at addressing the crisis of missing indigenous people, because it would raise awareness within tribal communities about missing individuals and aid in their recovery. A second participant also emphasized the need for a code dedicated to indigenous persons.

Participants expressed support for the adoption of a national code, to facilitate more rapid recovery of individuals who may be moved across jurisdictional boundaries, particularly in cases of suspected human trafficking. One participant commented on the need for regional conversations related to human trafficking, recognizing the tie between trafficking and missing and endangered persons, the value of alerts to help stop human trafficking, and the importance of regional engagement and collaboration in order for this to happen.

These participants also commented on the need for training and accountability measures, particularly among law enforcement officials, on the implementation of missing and endangered persons event codes. They relayed that their research showed that law enforcement often does not use Amber and Silver alerts due to lack of training, which slows the recovery of missing persons. One participant tied this to a specific instance where law enforcement did not issue an alert after a 14-year old girl was reported missing because of this lack of training. The commenter concluded by stating that, had an alert been issued in that instance, the 14-year old girl may not have been assaulted before she was eventually recovered.

Respectfully submitted,

/s/

Bambi Kraus
Chief, Office of Native Affairs and Policy
Federal Communications Commission

ATTACHMENT A

List of Consultation Participants: June 3, 2024, MEP Code NPRM, Cherokee, NC

Tribal Leaders:

The Honorable Bernadine Atchison, Chair, Kenaitze Indian Tribe
The Honorable Tony DiBenedetto, Chairman, Coquille Tribe
The Honorable Rachel P. Edwards, Secretary, Nez Perce Tribal Executive Committee
The Honorable Lynette Fisherman, Secretary, Fallon Paiute-Shoshone Tribe
The Honorable Ruth Jim, Tribal Council, Yakama Nation
The Honorable Michael Marcks, Vice-Chair, Habematolel Pomo of Upper Lake
The Honorable Serrell Smokey, Chairman, Washoe Tribe of Nevada and California
The Honorable Frank Star Comes Out, President, Oglala Sioux Tribe
The Honorable Jerrold Wyatt, Council, Reno-Sparks Indian Colony

Tribal Representatives:

Tanaya Renquist, Leech Lake Tribe
Yvonne Mori, Director, Youth Shelter, Fallot Paiute-Shoshone Tribe

Other Participants

Ed John, JD (Navajo), Research Analyst, American Indian Policy Institute (AIPI), Arizona State University
Xavier Barraza (Hopland Band of Pomo Indians), Attorney, Native Law Group, on behalf of Oglala Sioux Tribe
Abigail Echo Hawk (Pawnee Nation), Vice President, Seattle Indian Health Board

Federal Agency Observers

Karlene Jessie, Tribal Liaison, FEMA Region 4, DHS
Latonya Whitsett, DHS Center for Countering Human Trafficking

FCC Staff Participants (in person)

Bambi Kraus, Chief, ONAP, CGB
Jamie Saloom, Acting Deputy Chief, ONAP, CGB

FCC Staff Participants (virtual)

Cara Voth, Deputy Bureau Chief, CGB
Kristi Thorton, Deputy Division Chief, Consumer Protection Division, CGB
Michelle Branigan, Attorney Advisor, ONAP, CGB