



Transmitted via Electronic Comment Filing System

May 28, 2024

Bambi Kraus, Chief
Office of Native Affairs and Policy
Federal Communications Commission
45 L Street NE
Washington, DC 20554

**Re: Navajo Nation Comments on the Federal Communications Commission's
"Ashanti Alerts" Proposal.**

Dear Chief Kraus,

On behalf of the Navajo Nation ("**Nation**") I would like to thank you for the opportunity to provide written comments on the Federal Communication Commission's ("**FCC**") Notice of Proposed Rulemaking ("**NPRM**") on the implementation of "Ashanti Alerts." Below you will find the Nation's comments on the topics raised in the Notice of Proposed Rulemaking issued March 15, 2024.

For background, the Nation is one of the largest Tribes in the country. We provide critical governmental services to nearly 400,000 members, half of whom reside on the Navajo Reservation, which encompasses over 27,000 square-miles or just over 17.5 million acres. The states of Arizona, New Mexico, and Utah reach into the Navajo Nation. Given the size of the Nation in both its land mass and population, as well as recent events, we have an especially significant interest in the national implementation of Ashanti Alerts.

On May 16, 2023, the Office of Inspector General for Health and Human Services issued the Consumer Alert: Fraud Schemes Targeting Native American Communities in Behavioral Health Treatment Centers. The Alert called attention to a scheme involving phony sober living homes for addiction treatment and support, where scammers pretended to be healthcare providers, while stealing the personal and medical identities of vulnerable community members. The Nation later became aware that the scammers operated by picking up the Nation's most vulnerable members with the promise that they were taking them to treatment homes, then either removing them off the Navajo Nation into places like Phoenix, Arizona and abandoning them or, even worse, trafficking them. We expect that thousands of Navajo members went missing and were displaced through this scam. Since then, the Nation has established Operation Rainbow Bridge in Phoenix, with the goal of helping to assist the members that were taken and displaced by this scam.

Many Navajo families were left scared and concerned for the safety of their loved ones and there was no clear mechanism to broadcast the large number of our missing members across the various states that overlap with the Navajo Nation. The Nation believes that a system like the proposed Ashanti Alerts could assist in bringing attention to missing Navajo members, as well as missing persons across Indian Country, and prevent something like this scam from happening again.

In general, the Nation is supportive of the FCC's effort and believes that it would benefit greatly from multiple consultations, including consultations for each BIA Region, and that a special Federal-Tribal working group be established to monitor and propose changes to the system as needed. The NPRM requests a significant amount of information from Tribes and would benefit from an equally significant amount of discussion. Below you will find our specific comments on matters proposed in the NPRM.

Alerts

The Nation supports the proposal to permit Tribes to retransmit the Ashanti Alerts. The Nation currently has transmitted a total of eight (8) AMBER alerts and all eight (8) have been successful. The nation transmits the event code under Civil Emergency Message (CEM). Currently, we are not utilizing an event code to send out a Missing and endangered persons alert, however we do have software that the public can opt into, and we send the notifications there along distributive information pertaining to the missing person. The ability to have these alerts will benefit public safety because it will ensure that the alerts are reaching across all states and law enforcement that share borders with the Nation.

The creation of the "Missing and Endangered Person" ("**MEP**") code for Ashanti Alerts is a necessary step for the Federal government to take in fulfilling its trust obligations to Tribes. As the Not Invisible Act reported, the Federal government is finally beginning to acknowledge the high rates of missing, murdered, and trafficked American Indian and Alaskan Natives ("**AI/AN**"). Now, we are calling on the Federal government to work with us so we can do something about it. The Nation agrees that adopting the Ashanti Alert will "facilitate the rapid and coordinated delivery of alert notifications about missing and endangered persons to the public in a uniform and consistent manner" and that this is a positive step towards addressing the high rates of missing, murdered, and trafficked AI/ANs. The Navajo does not object to the Ashanti Alert criteria being used for creating an MEP code. Further limiting the criteria would potentially leave many persons unaccounted. To the extent that there are AI/AN children who are not eligible for the AMBER Alert, the Nation supports creating a space for them in the code. The Nation believes that these criteria must be revisited frequently by Tribes and their Federal partners.

Efficacy and Coordination

The current emergency alert system ("**EAS**") the Nation is using has been extremely efficient and effective. The Nation has been using the EAS along with the Wireless Alert System ("**WEA**") since 2018. The Nation has been successfully sending EAS to protect the lives of our people during any critical events and sending out AMBER alerts. The Nation has already

been using a similar alert though individuals opt in to receive any Missing endangered persons. The MEP code would be of great assistance with missing and endangered person alerts. Currently there are no constraints in the ability to send out imperative information through EAS under the Ashanti Alert. The Nation does have criteria similar to the Ashanti Alert and it can be communicated within two-minutes through the daisy chain that is provided by a the Everbridge software the Nation obtains. The Nation does not send EAS alerts routinely with extra rich text.

Given the unique cultural and geographical landscape of each Tribe, we support construing the term “reasonably” as related to “geographic areas that the missing adult could reasonably reach” as being something to be determined by each Tribe through consultation; similarly, the determination of what constitutes a missing AI/AN must also be determined through consultation with each Tribe.

The Nation further supports the use of the same code as an alert for missing AI/ANs both on and off Indian Country. We support this because a large number of AI/ANs residing off-reservation are often located in towns near their Reservation, and therefore it makes sense for a single code to track those instances. The Nation also supports the use of this code as being reserved for members of Federally recognized Tribes.

At this time, the Nation does not anticipate unique privacy violations occurring. However, like many of the items listed in the NPRM, we believe that further discussion and further consultation will help bring clarity to this question.

The Nation supports rolling out the code within the 12-month timeframe proposed. We believe it is more expedient to get the code running during this Administration. The Nation urges the creation of a Federal-Tribal working group tasked with monitoring the roll out of the code and making recommendations to ensure its maximizing effectiveness.

Costs

The Nation strongly believes that this MEP code would save lives if introduced. Given the exceedingly disproportionately low funding that Indian Country receives for law enforcement, health care, education, and other areas, we do not view the FCC’s proposed cost estimate as a burden for the Federal government. The cost is part of the Federal government’s trust relationship to Tribes, as well as its more basic duty to AI/ANs as American citizens.

The Nation further urges the FCC to provide additional resources to ensure that Tribes have the necessary infrastructure and technical assistance to maximize implementation of the Ashanti Alerts. This includes investments in the Nation’s broadband and cellular service networks.