



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 19, 2019

The Honorable Mike Quigley
Committee on Appropriations
Subcommittee on Financial Services and General Government
U.S. House of Representatives
2000 Rayburn House Office Building (G Floor)
Washington, DC 20515

Dear Chairman Quigley:

On April 19, 2019, the Government Accountability Office (GAO) publicly released a report entitled *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*, GAO 19-22 (Report). The Report examines factors that hinder effective Tribal consultation; identifies steps that twenty-one federal agencies, including the FCC, have taken to facilitate consultation; and recommends actions to improve Tribal consultation for many of the federal agencies. GAO notes that it included the FCC in the report because its "approach to Tribal consultation for telecommunications towers was identified as a best practice among reports [GAO] reviewed and Tribal and agency officials [GAO] interviewed."

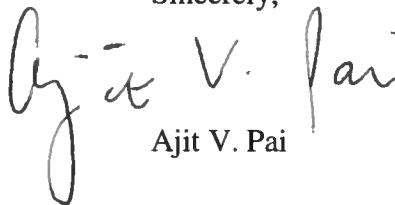
The Report recommends that the FCC Chairman document in the agency's Tribal consultation policy how agency officials are to communicate with Tribes about how Tribal input from consultation was considered in agency decisions on infrastructure projects. In responding to the draft Report, the Chiefs of the FCC's Wireless Telecommunications Bureau and Consumer and Governmental Affairs Bureau explained how the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (Nationwide Programmatic Agreement) sets forth procedures for communications between Tribal governments and the FCC regarding individual telecommunication infrastructure projects.

I share your interest in ensuring that the FCC has procedures in place to communicate with Tribes about how their input was considered in a project, which is why the Nationwide Programmatic Agreement is so important. Given that each of the 573 federally recognized Tribes has its own particular communications preference with the FCC, the Nationwide Programmatic Agreement provides a flexible approach that contemplates a collaborative, back-and-forth process between the FCC, entities constructing infrastructure projects, and the Tribes. The process created by the Nationwide Programmatic Agreement strikes a balance between keeping Tribes informed and respecting Tribal communication preferences.

Nevertheless, there is always room for improving communications. Consistent with GAO's recommendation, I have asked FCC staff to explore ways of documenting how FCC staff could communicate with Tribes about how Tribal input was used in FCC decisions on

telecommunications infrastructure projects. I appreciate the opportunity to comment on the GAO Report and would be happy to discuss further if you have any questions.

Sincerely,

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Ajit V. Pai

cc: The Honorable Bernie Sanders
The Honorable Thomas Udall
The Honorable Raúl M. Grijalva
The Honorable Ruben Gallego
The Honorable Peter Aguilar
The Honorable Donald S. Beyer, Jr.
The Honorable Tony Cárdenas
The Honorable Yvette D. Clarke
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The Honorable Lucille Roybal-Allard
The Honorable Raul Ruiz, M.D.
The Honorable Linda T. Sanchez
The Honorable Mark Takano
The Honorable Norma J. Torres



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 19, 2019

The Honorable Tom Graves
Committee on Appropriations
Subcommittee on Financial Services and General Government
U.S. House of Representatives
1016 Longworth Office Building
Washington, DC 20515

Dear Ranking Member Graves:

On April 19, 2019, the Government Accountability Office (GAO) publicly released a report entitled *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*, GAO 19-22 (Report). The Report examines factors that hinder effective Tribal consultation; identifies steps that twenty-one federal agencies, including the FCC, have taken to facilitate consultation; and recommends actions to improve Tribal consultation for many of the federal agencies. GAO notes that it included the FCC in the report because its "approach to Tribal consultation for telecommunications towers was identified as a best practice among reports [GAO] reviewed and Tribal and agency officials [GAO] interviewed."

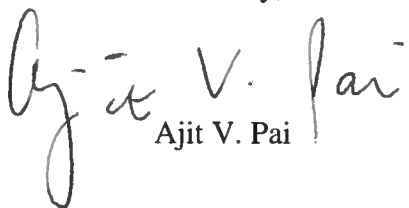
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OFFICE OF
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

July 19, 2019

The Honorable John N. Kennedy
Committee on Appropriations
Subcommittee on Financial Services and General Government
United States Senate
S-128 The Capital Building
Washington, DC 20510

Dear Chairman Kennedy:

On April 19, 2019, the Government Accountability Office (GAO) publicly released a report entitled *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*, GAO 19-22 (Report). The Report examines factors that hinder effective Tribal consultation; identifies steps that twenty-one federal agencies, including the FCC, have taken to facilitate consultation; and recommends actions to improve Tribal consultation for many of the federal agencies. GAO notes that it included the FCC in the report because its "approach to Tribal consultation for telecommunications towers was identified as a best practice among reports [GAO] reviewed and Tribal and agency officials [GAO] interviewed."

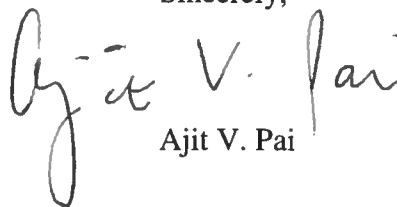
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OFFICE OF
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

July 19, 2019

The Honorable Chris Coons
Committee on Appropriations
Subcommittee on Financial Services and General Government
United States Senate
125 Hart Senate Office Building
Washington, DC 20510

Dear Ranking Member Coons:

On April 19, 2019, the Government Accountability Office (GAO) publicly released a report entitled *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*, GAO 19-22 (Report). The Report examines factors that hinder effective Tribal consultation; identifies steps that twenty-one federal agencies, including the FCC, have taken to facilitate consultation; and recommends actions to improve Tribal consultation for many of the federal agencies. GAO notes that it included the FCC in the report because its “approach to Tribal consultation for telecommunications towers was identified as a best practice among reports [GAO] reviewed and Tribal and agency officials [GAO] interviewed.”

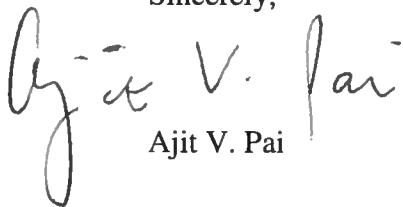
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 19, 2019

The Honorable Roger Wicker
Committee on Commerce, Science, and Transportation
United States Senate
512 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Wicker:

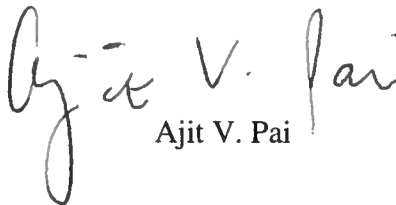
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FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF
THE CHAIRMAN

July 19, 2019

The Honorable Maria Cantwell
Committee on Commerce, Science, and Transportation
United States Senate
425 Hart Senate Office Building
Washington, DC 20510

Dear Ranking Member Cantwell:

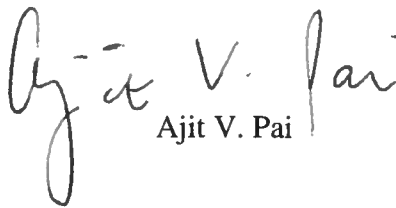
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FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF
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July 19, 2019

The Honorable Frank Pallone
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Pallone:

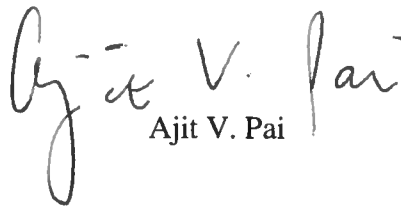
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FEDERAL COMMUNICATIONS COMMISSION
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July 19, 2019

The Honorable Greg Walden
Committee on Energy and Commerce
U.S. House of Representatives
2322A Rayburn House Office Building
Washington, DC 20515

Dear Ranking Member Walden:

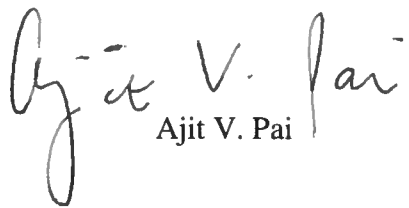
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FEDERAL COMMUNICATIONS COMMISSION
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July 19, 2019

The Honorable Ron Johnson
Committee on Homeland Security and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Johnson:

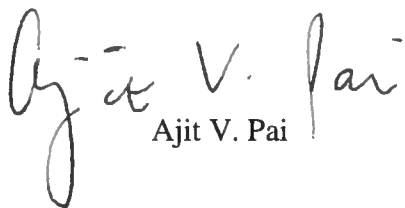
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July 19, 2019

The Honorable Gary Peters
Committee on Homeland Security and Governmental Affairs
United States Senate
442 Hart Senate Office Building
Washington, DC 20510

Dear Ranking Member Peters:

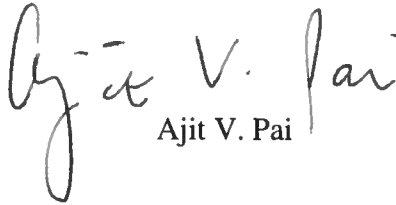
On April 19, 2019, the Government Accountability Office (GAO) publicly released a report entitled *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*, GAO 19-22 (Report). The Report examines factors that hinder effective Tribal consultation; identifies steps that twenty-one federal agencies, including the FCC, have taken to facilitate consultation; and recommends actions to improve Tribal consultation for many of the federal agencies. GAO notes that it included the FCC in the report because its “approach to Tribal consultation for telecommunications towers was identified as a best practice among reports [GAO] reviewed and Tribal and agency officials [GAO] interviewed.”

The Report recommends that the FCC Chairman document in the agency’s Tribal consultation policy how agency officials are to communicate with Tribes about how Tribal input from consultation was considered in agency decisions on infrastructure projects. In responding to the draft Report, the Chiefs of the FCC’s Wireless Telecommunications Bureau and Consumer and Governmental Affairs Bureau explained how the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (Nationwide Programmatic Agreement) sets forth procedures for communications between Tribal governments and the FCC regarding individual telecommunication infrastructure projects.

I share your interest in ensuring that the FCC has procedures in place to communicate with Tribes about how their input was considered in a project, which is why the Nationwide Programmatic Agreement is so important. Given that each of the 573 federally recognized Tribes has its own particular communications preference with the FCC, the Nationwide Programmatic Agreement provides a flexible approach that contemplates a collaborative, back-and-forth process between the FCC, entities constructing infrastructure projects, and the Tribes. The process created by the Nationwide Programmatic Agreement strikes a balance between keeping Tribes informed and respecting Tribal communication preferences.

Nevertheless, there is always room for improving communications. Consistent with GAO’s recommendation, I have asked FCC staff to explore ways of documenting how FCC staff could communicate with Tribes about how Tribal input was used in FCC decisions on telecommunications infrastructure projects. I appreciate the opportunity to comment on the GAO Report and would be happy to discuss further if you have any questions.

Sincerely,



Ajit V. Pai

cc: The Honorable Bernie Sanders
The Honorable Thomas Udall
The Honorable Raúl M. Grijalva
The Honorable Ruben Gallego
The Honorable Peter Aguilar
The Honorable Donald S. Beyer, Jr.
The Honorable Tony Cárdenas
The Honorable Yvette D. Clarke
The Honorable William Lacy Clay
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The Honorable Derek Kilmer
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The Honorable Gwen Moore
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The Honorable Frank Pallone, Jr.
The Honorable Jared Polis
The Honorable Lucille Roybal-Allard
The Honorable Raul Ruiz, M.D.
The Honorable Linda T. Sanchez
The Honorable Mark Takano
The Honorable Norma J. Torres



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 19, 2019

The Honorable Elijah E. Cummings
Committee on Oversight and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Cummings:

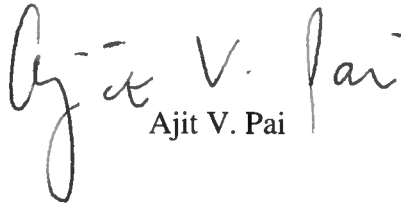
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 19, 2019

The Honorable Jim Jordan
Committee on Oversight and Government Reform
U.S. House of Representatives
2471 Rayburn House Office Building
Washington, DC 20515

Dear Ranking Member Jordan:

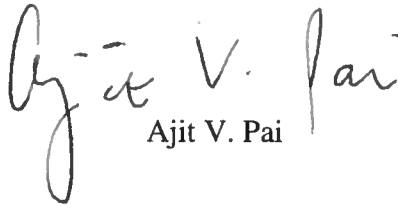
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