FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 31, 2016

The Honorable Thomas R. Carper
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate
442 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Carper:

On February 3, 2016, the Government Accountability Office (GAO) publicly released a report entitled *Additional Coordination and Performance Measurement Needed for High-Speed Internet Access Programs on Tribal Lands* – GAO-16-222 ("Report"). The Report examines: (1) perspectives of selected Tribes and providers on the importance of high-speed Internet access for Tribes and any barriers to increasing this access on Tribal lands; (2) the level of interrelation and coordination between federal programs at the Commission and the U.S. Department of Agriculture (USDA) that promote high-speed Internet access on Tribal lands; and (3) existing data and Commission performance goals and measures related to access to high-speed Internet service on Tribal lands and for Tribal institutions.[1]

In their January 20, 2016 response to the draft report, the Chiefs of the Commission's Consumer and Governmental Affairs and Wireline Competition Bureaus ("Bureaus") agreed with the Report's four recommendations for Commission action. As indicated in that response, the Commission has executed, or is prioritizing, a broad range of initiatives to help improve and measure the availability and adoption of high-speed Internet on Tribal lands. The Commission is committed to facilitating the expansion of 21st century communications to Tribal Nations across the United States.

First, the Report recommends that the Commission develop joint outreach and training efforts with USDA, whenever feasible, to help improve Internet availability and adoption on Tribal lands.[2] In the Bureaus' response, they detailed several instances of recent coordination between the Commission, specifically our Office of Native Affairs and Policy, and USDA, in developing and implementing outreach and training for Tribal Nations. The Commission is committed to working with USDA to ensure that future coordination is even more strategic and routine. For example, we have invited USDA to participate in all of the Tribal consultation and training workshops that we have planned for 2016.

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Second, the Report recommends that the Commission adopt goals and measures for its strategic objective of making broadband Internet available on Tribal lands.[3] As the Bureaus explained, the Commission has done so in part through the goals and measures of its universal service programs and program goals and measurements adopted pursuant to its obligations under section 254 of the Communications Act, and section 706 of the Telecommunications Act of 1996.[4] For example, in its high-cost program, the Commission has established a goal of bringing broadband at speeds of at least 10 Mbps downstream/1 Mbps upstream to high-cost areas, including Tribal lands, and it has adopted clear outcome measures for that goal which are being actively tracked.[5]

The Commission also annually tracks the progress in deployment of "advanced telecommunications capability" – defined as 25 Mbps downstream/3 Mbps upstream – pursuant to section 706. Additional data made available in the 2016 Broadband Progress Report, released on January 29, 2016, continues to demonstrate that the Commission is both measuring and making progress towards the objective on Tribal lands.[6] For example, that report found that the percentage of Americans on Tribal lands with access to fixed advanced telecommunications capability increased by 22 percentage points between year-end 2013 and year-end 2014.[7]

While the Commission already tracks and can demonstrate progress towards the strategic objective of making broadband available on Tribal lands, the Commission has, since the release of the Report, taken additional steps to strengthen these efforts. Specifically, the Commission recently adopted a Report and Order and Further Notice of Proposed Rulemaking reforming the high-cost support regime for rate-of-return carriers, and adopted specific, measurable broadband

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We appreciate GAO's analysis and recommendations and reiterate that we are committed to facilitating the expansion of advanced communications to Tribal Nations across the United States.

Sincerely,

Tom Wheeler

cc: The Honorable Frank Pallone
The Honorable Anna G. Eshoo
The Honorable Ben Ray Luján
The Honorable Don Young
The Honorable Tom Cole
The Honorable Derek Kilmer
The Honorable Suzan DelBene
The Honorable Jared Huffman

[14] *See id.* at 8873, para. 5.

FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF
THE CHAIRMAN

March 31, 2016

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

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We appreciate GAO's analysis and recommendations and reiterate that we are committed to facilitating the expansion of advanced communications to Tribal Nations across the United States.

Sincerely,

Tom Wheeler

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OFFICE OF
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March 31, 2016

The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
2471 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Cummings:

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March 31, 2016

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Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

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[13] *See Modernizing the E-rate Program for Schools and Libraries*, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8880-8894, paras. 22-62 (2014).

for E-rate supported purchases; and (3) making the E-rate application process and other E-rate processes fast, simple and efficient.[14] The Commission adopted corresponding performance measures and targets for each of these goals. In addition, as part of the E-rate program's 2014 modernization, the Commission also increased the annual funding cap for the E-rate program by $1.5 billion annually and provided specific direction to the Bureaus to work with Tribal communities to help meet the broadband needs of Tribal schools and libraries. I believe that the goals and performance measures for the E-rate program, along with the enhanced Tribal consultation, training and outreach strategy, and increased funding cap, will substantially improve the accessibility of modern broadband technologies for Tribal schools and libraries.

We appreciate GAO's analysis and recommendations and reiterate that we are committed to facilitating the expansion of advanced communications to Tribal Nations across the United States.

Sincerely,

Tom Wheeler

[14] *See id.* at 8873, para. 5.