



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.<sup>1</sup>

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 21<sup>st</sup> 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.<sup>2</sup> 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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<sup>1</sup> Report at 1.

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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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup> 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.<sup>7</sup>

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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build-out requirements for all rate-of-return carriers, including those serving Tribal lands.<sup>8</sup> The Commission will track the progress of rate-of-return carriers making broadband available within their service territories, including Tribal lands.<sup>9</sup> Beginning in 2017, all carriers receiving high-cost support, including those on Tribal lands, must submit specific geographic information regarding the locations that they serve with broadband meeting the Commission's requirements, and that information will be made available to the public.<sup>10</sup> This data will provide a detailed view of the effect of the high-cost program on increasing broadband availability nationwide, including on Tribal lands. This data also will complement the broadband deployment data already reported by carriers on FCC Form 477 and published in the Commission's annual broadband progress reports. These new rules and data collection efforts, along with our existing data collections, will allow the Commission to measure detailed progress toward our strategic objective of increasing Internet access availability on Tribal lands.

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Finally, the Report recommends that we develop performance goals and measures to track progress on achieving our goal of ensuring that all Tribal schools and libraries have access to modern broadband technologies.<sup>12</sup> I agree with the GAO about the importance of performance goals and measures. As the Bureaus explained, in 2014 the Commission adopted strategic goals and measures for the E-rate program.<sup>13</sup> The three goals for the E-rate program are: (1) ensuring affordable access to high-speed broadband sufficient to support digital learning in schools and robust connectivity for all libraries; (2) maximizing the cost-effectiveness of spending

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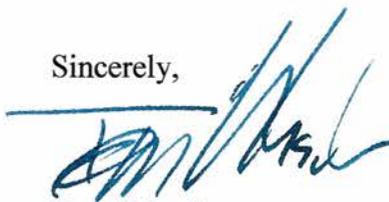
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for E-rate supported purchases; and (3) making the E-rate application process and other E-rate processes fast, simple and efficient.<sup>14</sup> The Commission adopted corresponding performance measures and targets for each of these goals. In addition, 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

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

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<sup>14</sup> See *id.* at 8873, para. 5.



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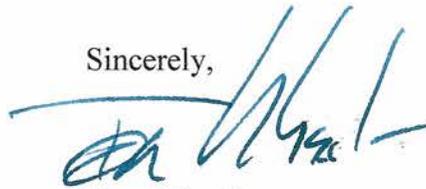
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We appreciate GAO's analysis and recommendations and reiterate that we are committed to facilitating the expansion of advanced communications to Tribal Nations across the United States.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Wheeler', with a horizontal line above it.

Tom Wheeler

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FEDERAL COMMUNICATIONS COMMISSION  
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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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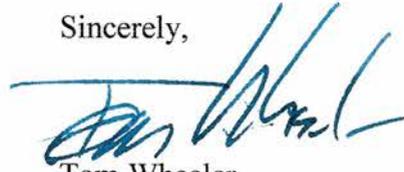
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Sincerely,



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March 31, 2016

The Honorable Jason Chaffetz  
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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<sup>6</sup> *See Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, 2016 Broadband Progress Report, 31 FCC Rcd 699 (2016).

<sup>7</sup> *See id.*, at 737, para. 88, Table 7.

build-out requirements for all rate-of-return carriers, including those serving Tribal lands.<sup>8</sup> The Commission will track the progress of rate-of-return carriers making broadband available within their service territories, including Tribal lands.<sup>9</sup> Beginning in 2017, all carriers receiving high-cost support, including those on Tribal lands, must submit specific geographic information regarding the locations that they serve with broadband meeting the Commission's requirements, and that information will be made available to the public.<sup>10</sup> This data will provide a detailed view of the effect of the high-cost program on increasing broadband availability nationwide, including on Tribal lands. This data also will complement the broadband deployment data already reported by carriers on FCC Form 477 and published in the Commission's annual broadband progress reports. These new rules and data collection efforts, along with our existing data collections, will allow the Commission to measure detailed progress toward our strategic objective of increasing Internet access availability on Tribal lands.

The Commission also sought comment on whether to increase high-cost support available on Tribal lands to provide an increased incentive and ability for carriers to deploy broadband networks there.<sup>11</sup> Once the comment cycle is complete, staff will review the record and evaluate how to further promote broadband deployment on Tribal lands where it is lacking. I have committed to address this issue before the end of 2016.

Third, the Report recommends that we improve the reliability of E-rate data collections by defining "Tribal" on the E-rate applications. I agree that this recommendation would improve data collections with respect to buildout on Tribal lands and have directed the Bureaus to provide guidance on the meaning of "Tribal" as part of the directions for the applications .

Finally, the Report recommends that we develop performance goals and measures to track progress on achieving our goal of ensuring that all Tribal schools and libraries have access to modern broadband technologies.<sup>12</sup> I agree with the GAO about the importance of performance goals and measures. As the Bureaus explained, in 2014 the Commission adopted strategic goals and measures for the E-rate program.<sup>13</sup> The three goals for the E-rate program are: (1) ensuring affordable access to high-speed broadband sufficient to support digital learning in schools and robust connectivity for all libraries; (2) maximizing the cost-effectiveness of spending

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<sup>8</sup> See generally, *Connect America Fund et al.*, WC Docket Nos. 10-90 et al., Report and Order, Order on Reconsideration and Further Notice of Proposed Rulemaking, FCC 16-33 (rel., Mar. 30, 2016).

<sup>9</sup> See *id.*, paras. 209-223.

<sup>10</sup> See *id.*

<sup>11</sup> See *id.*, paras. 373-382.

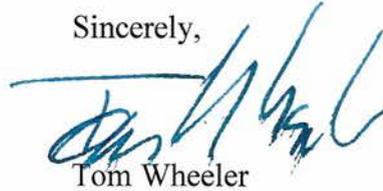
<sup>12</sup> *Report* at 30-31.

<sup>13</sup> 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.<sup>14</sup> 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,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over a horizontal line. The signature is stylized and cursive.

Tom Wheeler

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<sup>14</sup> See *id.* at 8873, para. 5.