

# Congress of the United States

Washington, DC 20510

January 9, 2017

# 195

Honorable Ajit Pai  
Commissioner  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Dear Commissioner Pai,

We write to request that you act swiftly to approve the item Chairman Tom Wheeler circulated on December 15, 2016 to help address the appalling lack of broadband on tribal lands.

This item follows our December 11, 2015 letter to Chairman Wheeler reminding him that Section 254 of the Communications Act charges the Commission with ensuring that “[c]onsumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas” have access to telecommunications and information services “that are reasonably comparable” to those in urban areas. Yet the 2016 Broadband Progress Report notes that more than half of those living on tribal lands across the lower 48 states lack access to fixed broadband.<sup>1</sup> In New Mexico, 80 percent of those living on tribal lands lack such access. These statistics do not truly convey the real hardships such lack of communications services creates.

We know that you have a deep understanding of how, in your words, “communications services can help bring prosperity, health, and education to Native populations that have not always been given these opportunities.”<sup>2</sup> At a recent Senate hearing, each of you pledged to support Chairman Wheeler’s effort to take action in 2016 to address the digital divide on tribal lands. Changes to the Connect America Fund, which took effect on January 1st, make it more urgent for each of you to honor your pledge as many of the rate of return carriers that strive to serve residents of tribal lands face reductions in universal service support, which will slow their ability to extend broadband to residents in unserved tribal areas.

While we understand that the Commission has halted action on controversial items during the Presidential transition period, we do not believe this should hinder consideration of the current order to address the digital divide on tribal lands. We further expect that Commissioners should be able to resolve any potential policy concerns and, if necessary, work to improve the item in a timely fashion.

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<sup>1</sup> Federal Communications Commission. “2016 Broadband Progress Report.” *available at*:

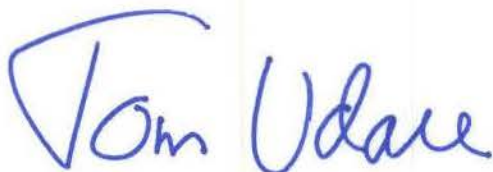
<https://www.fcc.gov/reports-research/reports/broadband-progress-reports/2016-broadband-progress-report>

<sup>2</sup> Pai, Ajit. “Statement of Commissioner Ajit Pai on Presentation by the Office of Native Affairs and Policy.”

March 20, 2013. *available at*: [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-319691A6.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DOC-319691A6.pdf)

We therefore urge you to act quickly to approve the current item before you. Thank you for your consideration and prompt reply.

Sincerely,




Tom Udall  
United States Senator



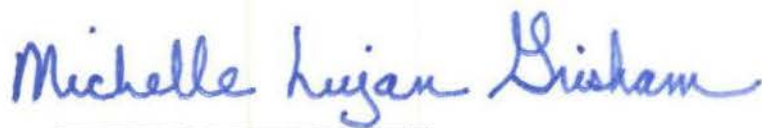
Martin Heinrich  
United States Senator



Steve Pearce  
United States Representative



Ben Ray Lujan  
United States Representative



Michelle Lujan Grisham  
United States Representative

cc: Commissioner Mignon Clyburn  
Commissioner Michael O'Rielly

encl.: December 11, 2015 letter to Tom Wheeler