Congress of the United States
Washington, DC 20515

September 12, 2018

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai,

We are extremely concerned by the Government Accountability Office (GAO)'s September 7, 2018 report, "FCC's Data Overstate Access on Tribal Lands," which found that the Federal Communications Commission (FCC) overstated broadband access on Tribal lands. Inaccurate broadband access data adversely impacted the ability of Tribal communities to obtain the federal broadband deployment funding that they should have been eligible for. As you know, broadband is a necessity that rural communities and Tribes need to grow and survive in our modern economy. Access to broadband increases economic activity, creates business opportunities, improves health outcomes, helps students learn, and increases agricultural production.

The current method the FCC uses to measure broadband access involves the analysis of census blocks, geographical areas used by the Census Bureau to obtain demographic data. However, the report makes it clear that this method is ineffective and inaccurate because it (1) counts entire census blocks as being served even if only one location on the block has broadband; (2) counts census blocks as being served as long as there is merely the potential to add infrastructure connecting homes to networks; and (3) does not collect information on affordability, service quality, and denials of service, which diminish access to broadband even in areas where it technically exists.

The FCC has a long-term strategic goal to increase access to affordable broadband for all Americans. It uses broadband access data in order to make informed funding decisions to accomplish that goal and target resources in areas that need it most. Unfortunately, the use of faulty data that understates broadband access in Tribal areas increases the risk that Tribal residents will continue to lack the funding they need to access high-speed internet. For example, the report found that representatives from one tribal government said that they will not be able to use a federal grant to build broadband infrastructure in currently unserved areas that FCC's data overstated broadband access. Additionally, inaccurate data undermines our efforts as Member of Congress to enact legislation expanding affordable broadband access in underserved areas.

High-speed internet has revolutionized every aspect of our economy, but there unfortunately remains a distinct rural-urban broadband access divide. This gap is unacceptable, which is why federal funding for

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broadband internet deployment is so crucial and why that funding must be distributed fairly. Nowhere is the problem more severe than in New Mexico and Arizona. According to the FCC's most recent data, 54% of New Mexicans and 62% of Arizonans living in rural areas and 65% of New Mexicans and 91% of Arizonans living on Tribal lands lack broadband, compared to only 2% of urban Americans nationally.[1] While these numbers are already disturbing, this new GAO report calls into question whether these data is misleading and whether the actual situation is even worse.

The problems outlined in the GAO's report constitute a clear violation of the federal government's trust responsibility to appropriately administer federal programs designed to raise the standard of living and increase economic prosperity in Tribal areas. The FCC should immediately work with Tribal stakeholders on all current and future broadband deployment projects to ensure that federal funds are appropriately and effectively spent. Additionally, we would like to know how the FCC intends to correct the method it uses to measure broadband access in order to ensure that it is not overstated in the future. Lastly, please provide us with up-to-date and accurate reports for broadband access on Tribal lands in New Mexico and Arizona. We look forward to your response on this urgent matter.

Sincerely,

Michelle Lujan Grisham
Member of Congress

Tom O'Halleran
Member of Congress

[1] Federal Communications Commission Fixed Broadband Deployment Map (June 2017). broadbandmap.fcc.gov/#/area-summary?version=jun2017&type=nation&geoid=0&tech=acfow&speed=25_3