

# STRENGTHENING COMMUNICATIONS NETWORKS TO HELP AMERICANS IN CRISIS

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## HEARING BEFORE THE SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY OF THE COMMITTEE ON ENERGY AND COMMERCE HOUSE OF REPRESENTATIVES ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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## **STRENGTHENING COMMUNICATIONS NETWORKS TO HELP AMERICANS IN CRISIS**

**THURSDAY, FEBRUARY 27, 2020**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:30 a.m., in room 2322 Rayburn House Office Building, Hon. Mike Doyle (chairman of the subcommittee) presiding.

Members present: Representatives Doyle, McNerney, Clarke, Loeb sack, Veasey, Soto, O'Halleran, Eshoo, Matsui, Schrader, Cárdenas, Dingell, Pallone (ex officio), Latta (subcommittee ranking member), Olson, Kinzinger, Bilirakis, Johnson, Flores, Brooks, Walberg, Gianforte, and Walden (ex officio).

Also present: Representative Engel.

Staff present: A J Brown, Counsel; Parul Desai, FCC Detailee; Jennifer Epperson, Counsel, Evan Gilbert, Press Assistant; Waverly Gordon, Deputy Chief Counsel; Alex Hoehn-Saric, Chief Counsel, Communications and Technology; Zach Kahan, Outreach and Member Service Coordinator; Jerry Leverich, Senior Counsel; Dan Miller, Junior Professional Staff Member; Phil Murphy, Policy Coordinator; Alivia Roberts, Press Assistant; Tim Robinson, Chief Counsel; Chloe Rodriguez, Policy Analyst; William Clutterbuck, Minority Staff Assistant; Michael Engel, Minority Detailee, Communications and Technology; Peter Kielty, Minority General Counsel; Kate O'Connor, Minority Chief Counsel, Communications and Technology; and Evan Viau, Minority Professional Staff Member, Communications and Technology.

Mr. DOYLE. The committee will now come to order.

The Chair will now recognize himself 5 minutes for an opening statement.

### **OPENING STATEMENT OF HON. MIKE DOYLE, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF PENNSYLVANIA**

I want to thank our witnesses for appearing before us today to discuss a range of legislative proposals intended to address challenges facing the American people and those responsible for helping them in times of crisis. The bills before the subcommittee today include Chairman Pallone and Mr. McNerney's RESILIENT Networks Act; Ms. Eshoo's WIRED Act; the READI Act introduced by Mr. McNerney, Mr. Bilirakis, and Mr. Olson; Mr. Engel's Don't Break Up the T-Band Act; Ms. Matusi's and Ms. Eshoo's Emer-

gency Reporting Act; Mr. Thompson's PHONE Act; Mr. Moulton and Mr. Stewart's National Suicide Hotline Designation Act; and Ranking Member Walden's FIRST RESPONDER Act.

[The Bills, Resolutions, and Amendments en bloc follow:]

Mr. DOYLE. In the last few years, resiliency has taken on a new meaning. Our Nation has faced a surge of extreme weather events from Super Storm Sandy in New Jersey and New York to severe hurricanes in Puerto Rico, the Gulf, and the southern eastern United States.

Puerto Rico, in particular, has been hit hard with multiple hurricanes. In this most recent earthquake, thousands of people lost their lives and they are still struggling to reconnect critical infrastructure. The Federal Government simply has not done enough. We must do better for the people there.

In California, people have seen their State ravaged by some of the first wildfires in history. These fires haven't just burned down homes, they have destroyed whole communities. In the Midwest, communities have experienced record flooding and crop losses.

More and more exception weather events that used to occur once in a generation are becoming a regular occurrence. Human-caused climate change is driving the shift in our weather patterns and, while we work to combat even worse effects in the future, we need to deal with this new normal now.

Our Nation's communications infrastructure is a lifeline to those facing exigent circumstances and it needs to be ready to take on the challenges we know it will face, whether that be fires, floods, Category 5 winds, or 9-1-1 call centers outages, a public safety emergency in a major city, or a personal crisis that could cost someone their life. In each case, communication networks that are ready and resilient to the challenges we know they will face can be the difference between life and death.

It is my hope that, as we examine legislation before us today, we can come together and find common ground because, while each of our districts has some unique challenges, we can all acknowledge that our communities are safer and stronger when folks can communicate with each other and access the resources they need in an emergency.

[The prepared statement of Mr. Doyle follows:]

#### PREPARED STATEMENT OF HON. MIKE DOYLE

I want to thank our witnesses for appearing before us today to discuss a range of legislative proposals intended to address challenges facing the American people and those responsible for helping them in times of crisis.

The bills before the subcommittee today include Chairman Pallone and Mr. McNerney's RESILIENT Networks Act; Ms. Eshoo's WIRED Act; the READI Act introduced by Mr. McNerney, Mr. Bilirakis, and Mr. Olson; Mr. Engel's Don't Break Up the T-Band Act; Ms. Matusi's and Ms. Eshoo's Emergency Reporting Act; Mr. Thompson's PHONE Act; Mr. Moulton and Mr. Stewart's National Suicide Hotline Designation Act; and Ranking Member Walden's FIRST RESPONDER Act.

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With that, I would like to yield a minute to my good friend Mr. McNerney. And then after his minute, a minute to Ms. Eshoo.

With that, I would like to yield a minute to my good friend Mr. McNerney. And then after his minute, a minute to Ms. Eshoo.

Mr. MCNERNEY. Well I thank the chairman for holding this hearing and for yielding a minute to me.

This year, we are witnessing the driest February on record in much of Northern California, which is where my district is located. As experts warn about the possibility of early and more intense wildfire season, it is imperative that we help individuals stay connected during these natural disasters.

This situation is, in part, why I have introduced H.R. 5926, the RESILIENT Networks Act with Chairman Pallone. This legislation would make critical improvements to the reliability of our communications network.

I have also introduced H.R. 4856, the READI Act, with my colleagues, Mr. Bilirakis and Mr. Olson. This legislation would help ensure that we have a robust wireless emergency alerting system.

Additionally, I have asked the chairman of the FCC to hold a hearing in Northern California to examine the cell tower outages that occurred during the recent wildfires. Chairman Pai committed to me that he would hold this hearing. I look forward to hearing from him about the details of when and where it will be held.

And now I yield to my colleague, Ms. Eshoo.

Ms. ESHOO. I thank the gentleman and I thank you, Chairman Doyle, for not only yielding time but for also holding this very important meeting.

On October 28th of last year, 874 cell towers were out in California, caused by wildfires and power shut-offs. My constituents were worried sick that they wouldn't be able to call 9-1-1 during emergencies, receive emergency alerts, or download public safety information. Our wildfires are getting more intense because of climate change and PG&E, the major utility, estimates that shut-offs will impact nearly two million Californians this year.

So without real changes, I really worry that our telecom problem will, once again, worsen the impacts of these disasters and it is why I have introduced the WIRED Act, which clarifies that States can require carriers to take measures to make wireless infrastruc-

ture more resilient to disasters, such as requiring backup power. We have to have this and the ambiguities in the law today are cleared away by this legislation.

I am grateful that we are also considering Congresswoman Matsui's bill, which I am proud to be an original co-sponsor of.

And I look forward to a very productive hearing. I thank all the witnesses.

And Mr. Chairman, thank you for grouping these bills and having the hearing so that they can move on. These bills, collectively, are going to make a real difference in the lives of Californians and others across the country.

And I yield back.

Mr. DOYLE. I thank the gentlelady.

The Chair now recognizes Mr. Latta, the ranking member for the subcommittee, for his opening statement.

**OPENING STATEMENT OF HON. ROBERT E. LATTA, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO**

Mr. LATTA. Well, thank you, Mr. Chairman, and I really appreciate you holding today's hearing. And good morning and welcome to today's hearing to discuss a variety of public safety-related legislation.

I also want to thank our witnesses for sharing their experiences with us on dealing with the day-to-day challenges associated with the concepts of these legislative proposals. So thanks again for being here.

Public safety communications provide an important lifeline to consumers and, as we make advances in technology, we must be careful to make sure transitions are done thoughtfully, are transparent, and have public input.

While many of the bills before us have good intentions to improve the resiliency of our emergency communications systems, we must ensure that these bills receive proper attention so their goals are achieved.

First, the subcommittee is examining H.R. 1289, the PHONE Act, which will provide a moratorium on number reassignment after a natural disaster. I believe we can all agree that consumers should lose their phone number after their home is destroyed from a fire or a hurricane but the remedy we use to protect consumers must be manageable for companies that provide voice service to tens of millions of consumers. Without taking that into account, we could cause more confusion for Americans already reeling from disasters.

If there is a concern with the Commission's current process for obtaining a waiver of the Aging Rule, that is something we should study.

I believe that these and other challenges can be overcome and I am committed to working with my friends in the majority to see if there is a path forward. However, I caution you against moving such important legislation without due consideration under regular order.

I am pleased that we are considering the FIRST RESPONDER Act, which repeals the T-Band auction mandate, while addressing the issue of 9-1-1 fee diversion by States, as well as my colleague

from New York's bill, Don't Break Up the T-Band Act. These bills address critical bipartisan issues that, if not addressed, put the entire 9-1-1 and public safety system at risk.

We will also discuss H.R. 4194, the National Suicide Hotline Designation Act. Last Congress, this committee unanimously passed the National Suicide Hotline Improvement Act, which tasked the FCC with studying whether to designate an n-1-1 three-digit short code for a National Suicide Prevention Lifeline. Chairman Pai has announced his intention to move forward on designating 9-8-8 and I applaud this decision.

And I was pleased to host the chairman recently in Toledo, Ohio at a visit of the Rescue, Mental Health, and Addiction Services, a National Suicide Prevention Lifeline Crisis Center. At the Center, we learned the number of hotline calls that needed answering in Ohio increased by 70 percent from 2016 to 2018. With suicide rates growing at an alarming rate across our Nation, we need to make sure that the prevention services are there and they have never been needed more than they are needed today.

We must ensure resources like 9-8-8 are available for at-risk Americans to get the help they need.

And Mr. Chairman, with that, I appreciate you holding today's hearing and thank our witnesses for being here to testify today. And I will yield back the balance of my time.

[The prepared statement of Mr. Latta follow:]

#### PREPARED STATEMENT OF HON. ROBERT E. LATTA

Good morning, and welcome to today's hearing to discuss a variety of public safety-related bills. I want to thank our witnesses for sharing their experiences with us on dealing with the day-to-day challenges associated with the concepts in these legislative proposals.

Public safety communications provide an important lifeline to consumers, and as we make advancements in technology we must be careful to make sure transitions are done thoughtfully, are transparent, and have public input. While many of the bills before us have good intentions to improve the resiliency of our emergency communications systems, we must ensure these bills receive proper attention so that their goals are achieved.

First, the Subcommittee is examining H.R. 1289, the PHONE Act, which would provide a moratorium on number reassignment after a natural disaster. I think we can all agree that consumers shouldn't lose their phone number after their home is destroyed from a fire or hurricane. But whatever remedy we use to protect consumers must be manageable for companies that provide voice service to tens of millions of consumers. Without taking that into account, we could cause more confusion for Americans already reeling from disaster. If there is a concern with the Commission's current process for obtaining a waiver of the aging rule, that is something we should learn more about. I believe these and other challenges can be overcome, and I am committed to working with my friends in the Majority to see if there is a path forward. However, I caution against moving such important legislation without due consideration under regular order.

I am pleased that we are considering the FIRST RESPONDER Act, which repeals the T-Band auction mandate while addressing the issue of 9-1-1 fee diversion by states, as well as my colleague from New York's bill, Don't Break Up the T-Band Act. These bills address critical, bipartisan issues that if not addressed put the entire 9-1-1 and public safety systems at risk.

We are also here to discuss H.R. 4194, the National Suicide Hotline Designation Act. Last Congress, this Committee unanimously passed the National Suicide Hotline Improvement Act, which tasked the FCC with studying whether to designate an "N-1-1" 3 digit short-code for the national suicide prevention Lifeline. Chairman Pai has announced his intention to move ahead on designating 9-8-8. I applaud this decision, and I was pleased to host the Chairman recently in Toledo, Ohio to visit Rescue Mental Health and Addiction Services—a National Suicide Prevention Life-

line crisis center. At the center, we learned the number of hotline calls that needed answering in Ohio increased by 70% from 2016 to 2018. With suicide rates growing in nearly every state, the need for prevention services has never been greater. We must ensure resources, like 9-8-8, are available for at risk Americans to get the help they need.

I look forward to reviewing all the bills under consideration and hearing from our panelists. Thank you, and I yield back.

Mr. DOYLE. I thank the gentleman.

The Chair now recognizes Mr. Pallone, chairman of the full committee for 5 minutes for his opening statement.

**OPENING STATEMENT OF HON. FRANK PALLONE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. PALLONE. Thank you, Mr. Chairman.

Today, the subcommittee is considering a number of important bills to improve communication networks, particularly in times of emergency. The fact is that climate change is causing more frequent and more severe disasters; and a functioning communications network can be the difference between life and death in these situations. And we have a responsibility to ensure our networks are prepared for this stark reality.

One of the bills we are considering today is the RESILIENT Networks Act, which I introduced with Representative McNerney. This legislation picks up where the SANDy Act left off and will ensure that communication networks are prepared for the worst when disaster strikes.

When networks go down, it is critical that providers share information about outages and restoration efforts with 9-1-1 Call Centers and first responders. They need access to outage reports to better keep us safe.

And I want to thank the Association of Public Safety Communications officials for letting us know about the need to address this issue. And I would like to request unanimous consent to enter a letter from APCO into the record, Mr. Chairman.

Mr. DOYLE. Without objection, so ordered.

[The information appears at the conclusion of the hearing.]

Mr. PALLONE. Thank you.

So the bill the RESILIENT Networks Act also makes certain that providers have pre-planned roaming agreements and mutual aid agreements in place ahead of time. This coordination can mean the difference between life and death. When a storm or wildfire strikes, it is essential that people can still make calls to 9-1-1 or to loved ones. Service is also critical to receiving emergency alerts that providing life-saving information.

In an instance where one carrier's network is working and another goes down, having a plan in place beforehand to seamlessly transition subscribers onto the working network is common sense and can save lives.

Perhaps the most frustrating challenge of all is outages that happen during the recovery phase, after storms or disasters have passed. Far too many networks go down due to accidental cuts into the networks when restoration efforts are well underway. And our bill directs the FCC to examine ways to stop these preventable outages and I look forward to seeing the result of their analysis.

I am also pleased that the National Suicide Hotline Designation Act is listed for consideration today and thank Representative Stewart Moulton and Eddie Bernice Johnson for their leadership on this issue. Every day the National Suicide Prevention Lifeline saves lives. And reports from the Substance Abuse and Mental Health Service Administration, and the FCC, say that making 9-8-8 the dialing code for the Lifeline will save more lives. This bill will make it easier for people experiencing a mental health crisis to access help.

In my State of New Jersey, a hundred young people aged 15 to 24 died by suicide in 2017, the highest number and rate since the 1990s. Tragically, rates are climbing across the board at the national level, too. The statistics are particularly alarming for LGBTQ youth, who are four times more likely to attempt suicide than their peers.

According to the Trevor Project's National Survey, 30 percent of LGBTQ youth seriously considered attempting suicide in the past year, including more than half of transgender or nonbinary youth, and it is vital that we do all we can to turn these trends.

And finally, I wanted to thank our Ranking Member Walden and Representatives Engle, Eshoo, McNerney, Matsui, and Thompson for their important work on other bills being considered today.

[The prepared statement of Mr. Pallone follows:]

#### PREPARED STATEMENT OF HON. FRANK PALLONE, JR.

Today the Subcommittee is considering a number of important bills to improve communications networks, particularly in times of emergency. The fact is that climate change is causing more frequent and more severe disasters, and a functioning communications network can be the difference between life and death in these situations. We have a responsibility to ensure our networks are prepared for this stark reality.

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The RESILIENT Networks Act also makes certain that providers have pre-planned roaming agreements and mutual aid arrangements in place ahead of time. This coordination can mean the difference between life and death.

When a storm or wildfire strikes, it is essential that people can still make calls to 9-1-1 or to loved ones. Service is also critical to receiving emergency alerts that provide lifesaving information. In an instance where one carrier's network is working and another's goes down, having a plan in place beforehand to seamlessly transition subscribers onto the working network is common sense, and can save lives.

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the Lifeline will save more. This bill will make it easier for people experiencing a mental health crisis to access help.

In my state of New Jersey, 100 young people aged 15 to 24 died by suicide in 2017—the highest number and rate since the 1990s.

Tragically, rates are climbing across the board at the national level too. The statistics are particularly alarming for LGBTQ youth, who are four times more likely to attempt suicide than their peers. According to the Trevor Project's National Survey, 39 percent of LGBTQ youth seriously considered attempting suicide in the past year, including more than half of transgender or nonbinary youth.

It is vital that we do all that we can to turn back these trends.

Finally, I want to thank Ranking Member Walden and Representatives Engel, Eshoo, McNerney, Matsui, and Thompson for their important work on other bills being considered today.

I'd like to yield the remainder of my time to Rep. Matsui.

And I wanted to yield the remainder of my time to Representative Matsui, Mr. Chairman.

Ms. MATSUI. Thank you very much, Mr. Chairman, for yielding and Chairman Doyle for holding this important, timely hearing.

The natural disasters we will examine at today's hearing were, just a few years ago, irregularities, unavoidable but uncommon events. Today, these once-in-a-generation storms and fires have become all too common occurrences.

In 2019 alone, wildfires in California damaged or destroyed 732 structures and burned almost 260,000 acres. Worst of all, three lives were lost. As destructive as these fires were, we know that they are not an anomaly. Wildfire season is getting longer. Wildfire incidents are becoming more common and their intensity is increasing.

In the face of this evolving threat, we must adopt a holistic approach, one that addresses environmental, economic, and human factors that contribute to our changing climate.

Additionally, as we will discuss at this hearing, we need to take immediate steps to ensure our networks can perform as intended during emergencies. The shortcomings are network performance were laid bare by Hurricane Maria, the Thomas Fire, and Superstorm Sandy. This committee has an obligation to move quickly and collaboratively to advance legislation that will help prepare our country for the natural disasters of tomorrow. That is why I worked with my colleagues, Representative Eshoo, Thompson, and Huffman, to introduce the Emergency Reporting Act. This bill would establish a standardized emergency reporting process at the FCC and improve standards that require mobile carriers to report network messages to 9-1-1 Centers.

The FCC needs to do a better job in response to crises. My bill will ensure that the FCC conducts field hearings, issues reports, and makes policy recommendations on all major disasters, regardless of their location so no community would again be left wondering: What can we do to better prepare for the next one?

It would also improve the flow of information to 9-1-1 Centers when there are network outages in their service territory that prevent consumers from completing 9-1-1 calls or when the emergency calls do not include vital information like location or number data.

While existing outage reporting requirements exist at the FCC, the notification threshold is high and can lead to situations in

which 9-1-1 Centers are left in the dark by service outages in their territory, jeopardizing public safety.

With that, I yield back.

Mr. DOYLE. The gentlelady yields back.

The Chair now recognizes Mr. Walden, ranking member of the full committee for his opening statement.

**OPENING STATEMENT OF HON. GREG WALDEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON**

Mr. WALDEN. Good morning, Mr. Chairman.

Mr. DOYLE. Good morning.

Mr. WALDEN. And I want to welcome our witnesses and guests today.

I just want to say on these wildfires; we have been facing this in the northwest for a long time. I was just looking it up. In 1910 was the giant fire in Idaho that burned, I think, something like three million acres and took 86 lives, mostly firefighters on the front lines.

So this is something some of us have been dealing with for a long time. Yes, it is getting worse. Yes, climate change is impacting it. But we have got to do work to get our forest back in balance and get the excess fuel loads out and we need your help to do that on both sides of aisle. We have got legislation to do that in the Resilient Forests Act. And then we need to replant. And we have a Trillion Trees project that I think can make a real difference for the ecology, and trees for our lungs and the world's lungs, and can take and return oxygen to the environment. We need to do that, too.

And we need to make our networks resilient. I was in the radio business for 20 years. I have covered a lot of fires. I have worked closely with emergency personnel. I have been on the scene of fires and accidents. And I have been out making my own generator work at my radio station when it would go out. I have turned tower lights on in the middle of the day so rescue helicopters in fog could land at the nearby hospital. This is really important work but we have to get it right and that is why we look forward to working with you on the RESILIENT Act but we need to get it right.

You know the RESILIENT Networks Act put forth by the chairman, I appreciate his work on it. I know it has been a focus of his and others for a long time, especially since Superstorm Sandy.

Now we did include his SANDY Act and the RAY BAUM'S Act in the last Congress, when I chaired the committee. This addressed the complicated issues we examined and we did it in a bipartisan and timely way.

The RESILIENT Networks Act attempts to address concerns related to making sure wireless networks are restored in a timely and efficient manner during times of emergency but this bill has not seen—been through the kind of examination I think, Mr. Chairman, it really deserves and needs. It is a very important topic and we have got to get it right.

I commend the chairman for taking initial steps to examine these issues in depth. In October of 2019, Chairman Pallone requested a GAO study to investigate and evaluate the failures in response to restoring communications in Puerto Rico after the devastating hurricane to see what happened during that crisis and what can be im-

proved. Without objection, I would like to offer his letter for the record, Mr. Chairman. We have not yet seen the results of this—

Mr. DOYLE. So ordered.

[The information appears at the conclusion of the hearing.]

Mr. WALDEN. Thank you—the study which may inform how Congress could address the issues contemplated in the RESILIENT Networks Act. So we should—we asked for the information so we could learn what to get right and I wish we would wait to act until we get that.

The FCC is also taking steps to address these issues. In fact, the Commission is voting tomorrow on an item to provide State and Federal agencies with access to outage data. In many cases, having access to wireless communications during a natural disaster can save lives. So Mr. Chairman, it is important that we get this policy right.

As we will hear today, the wireless industry has made some great strides, over the last several years, to expand their Wireless Resiliency Cooperative Framework, which is a voluntary process to enhance coordination in times of an emergency. This Framework must remain flexible so we can allow best practices and lessons learned to evolve without creating unnecessary barriers to restoration. Every disaster is different. I have seen that firsthand. So communications providers and their partners need sufficient flexibility to adapt to specific situations.

States are also at the forefront in a lot of this work, as we have seen with wildfires out west in Oregon or the tragic ones in California. As you know, State regulators have jurisdiction over electric distribution. We must be mindful of how they are addressing this issue so we do not disrupt those efforts with heavy federal regulations and we must also be mindful to not extend the Federal Communications Commission's jurisdiction to include the electric distribution or transmission system, where they have no relevant expertise. But we cannot talk about the importance of the resiliency of the 9-1-1 system, while turning a blind eye to the flagrant and obvious attempts to undermine the system's integrity and, dare I say, resiliency.

That is why I am also pleased to discuss the FIRST RESPONDER Act today. Over the last several years, I have sought to find a consensus solution to the T-Band auction mandate that was included in the 2012 Spectrum Act and address related issues, including the efficient use of public safety spectrum and diversion of 9-1-1 fees.

The FIRST RESPONDER Act would repeal the T-Band auction mandate and include strong provisions to address the shameful acts by some States of diverting 9-1-1 fees intended for the maintenance and upgrade to Next Generation 9-1-1. While some States may not have a clear understanding of what is a 9-1-1 expenditure, other State politicians have made a more conscious decision to diver 9-1-1 fees to spend the money on pet projects unrelated to public policy.

So the FIRST RESPONDER Act addresses both concerns and gives well-intentioned States clarity on how to prevent 9-1-1 fee diversion in the future but also would take steps to investigate

whether criminal penalties or other tools could end the shameful practice of fee diversion by the worst offenders.

So with that, Mr. Chairman, I will just conclude by saying we should also keep in mind the role of ham radio operators. I may be one of the few in the Congress. It is actually an amateur radio operators but I have seen them play a key role in emergency situations, too, when everything else fails.

So with that, I yield back.

[The prepared statement of Mr. Walden follows:]

#### PREPARED STATEMENT OF HON. GREG WALDEN

We have a number of bills before us today that aim to advance public safety communications, and it is my hope that we can work in a bipartisan manner to reach consensus. But much work remains to be done before many of these bills are ready for full consideration by the subcommittee.

To start, we will be discussing the RESILIENT Networks Act put forth by the Chairman. I appreciate his work on this issue, and I know this has been a focus of his for a long time, going back to his work during Superstorm Sandy. In fact, we included his SANDy Act in RAY BAUM'S Act last Congress, which addressed complicated issues that we examined in a bipartisan manner over several years. The RESILIENT Networks Act attempts to address concerns related to making sure wireless networks are restored in a timely and efficient manner during times of emergency, but this bill has not seen the thorough examination necessary for such an important topic.

I commend the Chairman for taking initial steps to examine these issues in depth. In October 2019, Chairman Pallone requested a GAO study to investigate and evaluate the failures in response to restoring communications in Puerto Rico after the devastating hurricane to see what happened during that crisis, and what can be improved. Without objection, I would like to offer this letter for the record. We have not yet seen the results from that study, which may inform how Congress could address the issues contemplated in the RESILIENT Networks Act.

The FCC is also taking steps to address these issues. In fact, the Commission is voting tomorrow on an item to provide state and federal agencies with access to outage data. In many cases, having access to wireless communications during a natural disaster saves lives, so Mr. Chairman, it is important that we get this policy right.

As we will hear today, the wireless industry has made great strides over the last several years to expand their Wireless Resiliency Cooperative Framework, which is a voluntary process to enhance coordination in times of an emergency. This framework must remain flexible, so we can allow best practices and lessons learned to evolve without creating unnecessary barriers to restoration. Every disaster is different, so communications providers and their partners need sufficient flexibility to adapt to specific situations. States are also at the forefront of a lot of this work, as we have seen with wildfires out west in Oregon or California. As you know, state regulators have jurisdiction over electric distribution. We must be mindful of how they are addressing this issue so we do not disrupt those efforts with heavy federal regulations. And we must also be mindful to not expand the Federal Communications Commission's jurisdiction to include the electric distribution or transmission system—where they have no relevant expertise.

But we cannot talk about the importance of the resiliency of the 9–1–1 system while turning a blind eye to flagrant and obvious attempts to undermine the system's integrity, and dare I say resiliency. That is why I'm also pleased to discuss the FIRST RESPONDER Act today. Over the last several years, I have sought to find a consensus solution to the T-Band auction mandate that was included in the 2012 Spectrum Act, and address related issues including the efficient use of public safety spectrum and diversion of 9–1–1 fees.

The FIRST RESPONDER Act would repeal the T-Band auction mandate, and includes strong provisions to address the shameful acts by some states of diverting 9–1–1 fees intended for the maintenance and upgrade to Next-Generation 9-1-1. While some states may not have clear understanding on what is a 9–1–1 expenditure, other state politicians have made a more conscious decision to divert 9–1–1 fees to spend the money on pet projects unrelated to public safety. The FIRST RESPONDER Act addresses both concerns: it gives well-intentioned states clarity on how to prevent 9–1–1 fee diversion in the future, but also takes steps to investigate

whether criminal penalties or other tools could end this shameful practice by the worst offenders.

I thank our witnesses for agreeing to testify today, and to share their thoughts on these proposals. I look forward to hearing from each of you on these very important topics.

I yield back the balance of my time.

Mr. DOYLE. The gentleman yields back.

The Chair would like to remind Members that, pursuant to committee rules, all Members' written opening statements shall be made part of the record.

So I would now like to introduce our witnesses for today's hearing: Ms. Sue Ann Atkerson, CEO of Behavioral Health Link; Mr. Daniel Henry, Regulatory Counsel and director of Government Affairs, National Emergency Number Association; Mr. Allen Bell, Distribution Manager, Georgia Power Company; Mr. Anthony Gossner, Fire Chief, City of Santa Rosa, California; Mr. Matthew Gerst, Vice President, Regulatory Affairs for CTIA; and last but not least, Mr. Joseph Torres, Senior Director of Strategy and Engagement, Free Press and Free Press Action.

We want to thank all of our witnesses for joining us today. We look forward to your testimony.

At this time, the Chair will recognize each witness for 5 minutes to provide their opening statements but, before we begin, I would like to explain the lighting system. In front of you is a series of lights. The light will initially be green. The light will turn yellow when you have 1-minute remaining. Please wrap up your testimony at that point. The light will turn red when your time has expired and, if you keep talking, a trap door will open under your seat and whisk you away.

So with that admonishment, Ms. Atkerson, you are recognized for 5 minutes.

**STATEMENTS OF SUE ANN ATKERSON, CEO, BEHAVIORAL HEALTH LINK; DANIEL HENRY, REGULATORY COUNSEL AND DIRECTOR OF GOVERNMENT AFFAIRS, NATIONAL EMERGENCY NUMBER ASSOCIATION; ALLEN BELL, DISTRIBUTION MANAGER, GEORGIA POWER COMPANY; ANTHONY GOSSNER, FIRE CHIEF, CITY OF SANTA ROSA, CALIFORNIA; MATTHEW GERST, VICE PRESIDENT, REGULATORY AFFAIRS, CTIA; AND JOSEPH TORRES, SENIOR DIRECTOR OF STRATEGY AND ENGAGEMENT, FREE PRESS AND FREE PRESS ACTION**

#### **STATEMENT OF SUE ANN ATKERSON**

Ms. ATKERSON. Thank you and good morning, Chairman.

Mr. DOYLE. Can you pull your microphone up closer to you, please? Yes.

Ms. ATKERSON. Sure. Thank you. Good morning, Chairman Doyle, Ranking Member Latta, and members of the committee. Thank you for inviting me today and for your leadership in strengthening the country's suicide prevention and crisis care services.

By designating 9-8-8 as the dialing code for suicide prevention services, the bipartisan National Suicide Hotline Designation Act, H.R. 4194 is a historic step toward saving more American lives and I should know. My name is Sue Ann Atkerson and I have spent

more than 25 years working to prevent suicide. I am the CEO of Behavioral Health Link in Atlanta, Georgia and COO for RI International based in Phoenix, Arizona. BHL provides a 24/7 community-based call center hub and mobile outreach and RI International offers facility-based crisis services in eight States. Working together, these programs deliver a full continuum of best-practice crisis service care.

I have three points to share today: one, suicide is a leading cause of death in the United States; two, faster access to the National Suicide Prevention Lifeline will save lives; and three, funding and specialized services are essential for success.

Before I go into detail on these, I want to share a story that illustrates why we are all here today: Misha Kessler. The 9-8-8 code is precisely what Misha Kessler, a now mental health advocate from Ohio, needed when he experienced suicidal ideation as a sophomore at George Washington University. During a particularly difficult time, he planned to jump out of his sixth-floor dorm window to his death. Without other options, Misha ended up in an inpatient psychiatric hospitalization.

Misha's experience would likely have been different, had 9-8-8 existed. His 9-8-8 call would have been redirected to the Lifeline, where local call centers deescalate 98 percent of calls, getting people the help they need immediately.

The sooner we can intervene to help a person in crisis, the more lives we can save. That is why the 9-8-8 dial code and a fully-funded Lifeline is so important.

I will begin with some background on the suicide epidemic. Suicide is the tenth leading cause of death of Americans overall and the second leading cause of death for people ages 10 to 34. We lost nearly 50,000 Americans to suicide in 2018. Of particular relevance to the chair and ranking member, Pennsylvania ranked fourth in the Nation for suicide deaths and Ohio ranked fifth.

Some populations are particularly vulnerable to suicide. LGBTQ youth, for example, are four times more likely than their heterosexual peers to contemplate suicide and the incidence rates for transgender youth have skyrocketed in recent years.

Secondly, faster access to the Lifeline will save lives. Research shows that the time between a person deciding to act and attempting suicide can be as short as five to ten minutes. That means there is a critical period for intervention similar to the so-called golden hour of a stroke, meaning that time is of the essence.

Fifty-three years ago, the FCC established 9-1-1, transforming emergency care in this country by making access to trained medical professionals available to anyone, anywhere, anytime. Today, Americans in mental health distress often turn to our medical system. Landing in overcrowded emergency rooms that are often ill-equipped to address psychiatric needs can lead to delays in accessing appropriate care. When they do get treatment, it comes at a very high cost, not only to the patient but also to taxpayers, in the form of emergency medical services and law enforcement resources.

Adopting 9-8-8 will allow direct immediate access to trained mental health professionals, whose rapid intervention often results in lifesaving actions.

Lastly, funding and specialized services are essential to success. The Lifeline network of accredited crisis centers must be fully funded and well-equipped to handle specialized needs of callers as call volume increases. Estimates indicate the potential for calls to double in the first year, reaching upwards of five million.

Full funding of the Lifeline is critical to success and we will, undoubtedly, need a braided funding approach. This includes giving States the authority to levy fees, such as a service charge revenue through wireless carriers. We also need to strengthen partnerships between the Lifeline and specialty suicide prevention resources. In fact, the Senate companion bill 2661 directs SAMHSA to create an implementation plan for specialized services for LGBTQ youth and other at-risk populations, which could include training crisis counselors and integrated voice response to route calls to specialized organizations. We encourage the House of Representatives to adopt this language.

In conclusion, it is the consensus of the mental health community, including the operators of the Lifeline, that Congress should pass H.R. 4194. Providing faster access to a fully-funded Lifeline network, with specialized services for our most at-risk populations, will save American lives.

Thank you.

[The prepared statement of Ms. Atkerson follows:]



STATEMENT OF SUE ANN ATKERSON, LPC, MBA, CHIEF EXECUTIVE OFFICER OF  
BEHAVIORAL HEALTH LINK BEFORE THE UNITED STATES HOUSE OF  
REPRESENTATIVES COMMITTEE ON ENERGY AND COMMERCE, SUBCOMMITTEE  
ON COMMUNICATIONS AND TECHNOLOGY

FEBRUARY 27, 2020

Chairman Doyle, Ranking Member Latta, and Members of the Committee — thank you for the opportunity today to speak with you on the bipartisan H.R. 4194, the National Suicide Hotline Designation Act. Also, thank you to this Committee and its members, and other members of Congress in the Senate and the House, for your leadership in strengthening the country's suicide prevention and crisis care services.

I am Sue Ann Atkerson, Chief Executive Officer of Behavioral Health Link (BHL) and the Chief Operating Officer for RI International. BHL provides the community-based call center hub and mobile outreach, and RI International offers crisis facility services; together, they offer a full continuum of crisis services. I am also a leading contributor to the development of the National Action Alliance for Suicide Prevention's *Crisis Now* exceptional practice standards in crisis care.

Together, BHL and RI International deliver a full continuum of best practice crisis services, powered by customized software and technology solutions and real-time access to mental health and substance use services. We divert thousands of people from hospital emergency rooms and justice systems to mental health care in communities throughout the United States. As CEO of BHL, I lead a team of visionary crisis innovators whose breakthrough technology and crisis services have been featured worldwide. For example, BHL operates Georgia's statewide Crisis and Access Line, offering the nation's broadest application of advanced crisis call center technology through our *Care Traffic Control* system. We deliver and/or deploy 24/7 community-based mobile crisis in all 159 Georgia counties and have been recognized for innovation by the National Council for Behavioral Health, the Council of State Governments, and Harvard University.

In this testimony, I will provide further detail on my three main points:

1. Suicide is a leading cause of death in the United States, and the numbers are growing;
2. Fast access to the National Suicide Prevention Lifeline (NSPL or Lifeline) via 988 will save lives; and
3. Specialized services for acutely at-risk populations, like LGBTQ youth and veterans, are essential and proven effective.

I will conclude by sharing the compelling case study of Misha Kessler and a brief discussion of the vital role of funding the Lifeline, call centers, and infrastructure.

**Suicide is a Leading Cause of Death in the United States:**

Suicide is the 10th leading cause of death for Americans overall and the 2nd leading cause of death for people ages 10-34. We lost 48,344 Americans to suicide in 2018. When age-adjusted, that is 14.2 per 100,000 individuals. It is essential to note that suicide has an echoing effect, with people close to those who die becoming more susceptible to depression and having a heightened risk of suicide.

Populations particularly vulnerable to suicide are veterans and LGBTQ youth. Non-Hispanic American Indian or Alaska Native (AIAN) suicide rates have increased by 139% among females and 71% among males. There are also significant increases in suicide attempts. For instance, the number of African American adolescents who self-reported suicide attempts rose by 73% between 1991 and 2017. According to the Centers for Disease Control and Prevention (CDC), in 2017, 10.6 million American adults seriously thought about suicide, 3.2 million made a plan, and 1.4 million attempted suicide.

**Fast Access to the Lifeline Saves Lives:**

Researchers know that the duration of time between a person deciding to act and attempting suicide can be as brief as 5 or 10 minutes, making time in a psychological crisis no less critical than during a medical one. Adopting 988 helps ensure that those contemplating suicide can get help quickly and effectively. That's why last year, Congress passed the *National Suicide Hotline Improvement Act of 2018*, tasking the Federal Communications Commission (FCC), in consultation with the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Department of Veterans Affairs (VA), with studying the feasibility of an easy-to-remember, 3-digit dialing code for mental health and suicide crisis. In its August 2019 report back to Congress, the FCC concluded the 988 code would be the most effective.

This bill, officially designating 988 as the 3-digit number for mental health and suicide crises, will be a landmark step toward parity, finally putting behavioral health on equal footing with physical health. Fifty-three years ago, the FCC established 911, changing the course of emergency care from a cobbled-together approach that included dialing 0 for an operator or running to the nearest police or fire station to an efficient, life-saving response system. This has transformed our medical crisis response system nationally, and fortunately, the same can be done for suicide prevention.

To that end, RI and BHL applaud both congressional and legislative progress on this front. On August 14, 2019, the FCC issued a report to Congress in response to the National Suicide Hotline Improvement Act of 2018, a bill that mandated the FCC to evaluate the need for a solely designated 3-digit suicide prevention line. In the FCC's report to Congress from August 2019,

the agency summarized that in 2017, more than 47,000 Americans died by suicide and more than 1.4 million adults attempted suicide.<sup>1</sup> The report identified that from 1999 to 2016, suicide increased in 49 of the 50 states, and in more than half of those states, the increase was greater than 20 percent.<sup>2</sup> In summary, the report shared, “We conclude that the Commission should initiate a rulemaking proceeding through a Notice of Proposed Rulemaking to consider designating 988 as the 3-digit dialing code for a national suicide prevention and mental health crisis hotline.” As front line providers of crisis services, we couldn’t agree more.

For mental health and suicide crises, 988 has the potential to be as life-saving, ubiquitous, and easy-to-remember as 911. Most of us cannot even remember a time when 911 was not available in the event of a life-threatening emergency such as a stroke or heart attack. That’s because, in 1967, the FCC met with AT&T and established a nationwide, easy-to-remember, 3-digit number to make accessing care in a medical emergency readily available regardless of location. Right now, an easy-to-remember, 3-digit number for people experiencing mental health crises is not available, even though psychological crises can be just as life-threatening as a stroke or heart attack. A universal 3-digit number has the potential to drastically alter how mental health crisis care is addressed in this country by providing immediate access to care, reducing stigma, and ultimately saving lives. The implementation of 988 will allow people in a suicidal crisis or mental health distress to access help from anywhere in the U.S. immediately. This gives people in crisis a direct connection to trained professionals who can begin providing immediate care, often resulting in life-saving actions that may otherwise not have been available. Just like in a medical crisis, there is a critical period of intervention, making time of the essence. With timely and appropriate intervention, suicides are preventable, and 988 will be our nation’s first line of defense in the fight against suicide and provide a life-saving mechanism for anyone in a mental health crisis.

#### **Specialized Services Are Essential and Proven Effective:**

As the transition to 988 will allow more individuals in crisis across the country to more easily access assistance, it is also crucial that the Lifeline considers ways to provide the highest standard of care possible to consumers. Specifically, at-risk populations, including LGBTQ youth and veterans, in need of specialized services when accessing the Lifeline to ensure de-escalation. LGBTQ youth, for example, are four times more likely than their heterosexual peers to contemplate suicide, and the incidence rates for transgender youth have skyrocketed in recent years.

By strengthening partnerships with already existing specialty suicide prevention resources, the Lifeline can best serve populations disproportionately impacted by suicide. The Senate companion bill, S. 2661, includes a section asking SAMHSA to study a plan to implement specialized services for LGBTQ youth and other at-risk populations. Given that more callers would likely access a 988 number, the Senate bill encourages the training of existing counselors

<sup>1</sup> <https://docs.fcc.gov/public/attachments/DOC-359095A1.pdf>

<sup>2</sup> Ibid

in how best to serve these groups and the potential of diverting calls to specialty organizations that can deliver the highest standard of care. We encourage the House of Representatives to also adopt this language.

#### **The Story of Misha Kessler:**

988 is precisely what Misha Kessler needed when he was experiencing a mental health crisis. He was a sophomore nearby at George Washington University when he began to increasingly isolate himself. He kept thinking he had become a burden to friends and family. Combined with insomnia, these ruminating thoughts hit a fever pitch. His solution, an escape from the pain he was experiencing, was to crawl out of a windowsill of his dorm room on the sixth floor and tell himself to jump. When he turned around and saw his reflection in the mirror, he was filled with self-hate. Going back into the room, he punched at his reflection repeatedly, slicing his hand against the glass.

When it comes to suicide, there is no us versus them. There is no *other*. Misha is all of us because a mental health crisis can happen to anyone, anywhere, and at any time. What Misha wishes he'd had access to when in crisis is what we all want for ourselves, family, colleagues, and friends.

Misha knew he needed help but did not know where to go and ended up in inpatient psychiatric hospitalization. It was not the worst experience. Compared to many, it was even okay. What we know today is that suicide mortality is high among people who experience suicidal thinking or deliberate self-harm and go to the emergency room (ER). The problem is that ERs are filled with people who are medically trained to save lives but know little about psychiatric health. These spaces are also overcrowded, which means that people in a mental health crisis can wait for long hours, even days, to get treatment. In most cases, it rips people from their day-to-day lives in the community when that does not have to happen, and it has a cost. The ER and inpatient hospitalization experience can have a psychological and financial toll because it is costly and, by removing people from their lives, it takes them away from their support system and disrupts a person's employment and personal life.

Misha's experience would have likely been different had 988 existed. In that reality, his call would have gone to the NSPL (1-800-273-8255 | 1-800-273-TALK), where 988 will redirect. The Lifeline's local call centers deescalate 98% of calls, diverting people from high-cost ER visits, inpatient hospitalization, overburdened emergency operators, jails, and law enforcement. The Lifeline is administered by the nonprofit Vibrant Emotional Health and funded by the Substance Abuse and Mental Health Services Administration (SAMHSA). It is effective in reducing suicidal and emotional distress, providing 24/7 free and confidential emotional support to people in suicidal crisis or emotional distress across the United States.

**NSPL Must Be Funded to Be Effective:**

A typical 911 call results in thousands of dollars in cost to taxpayers. In comparison, Lifeline calls cost just a fraction of that. Furthermore, reducing unnecessary 911 dispatch of law enforcement to people in non-emergency mental health crises will free up more resources to respond to public safety needs. It will also reduce the stigma associated with reporting mental health crises. But to make 988 maximally effective, there must be adequate funding to support the existing Lifeline network of more than 170 accredited crisis centers across the United States, which are routed to the call centers by the caller's area code. If what we want to happen transpires, and 988 is as ubiquitous as 911, this will result in an exponential increase in callers. Likely, the number of calls will at least double in the first year, which would result in roughly 4.4 to 5 million callers. These centers, while providing critical help to callers in times of distress, are often under-resourced and under-funded. In fact, 58% of member call centers reported to the Lifeline that they answer calls without any designated funds to do so. There is currently no material funding for the local crisis call centers beyond a small annual stipend and temporary grants to some states to enable more calls to be answered in states where local answer rates are lowest. The result is vital differences in funding, staffing levels, speed of answering calls, and services provided, resulting in an ultimately fragmented system where care varies widely from state-to-state. We need parity for *everyone* experiencing a suicide or mental health crisis, not just some people in some states. Additionally, given call volume is likely to double, we strongly support the language in S. 2661 that would ask SAMHSA to study setting up an IVR to specialty partners, both to decrease caller wait times but also to ensure callers are receiving the best care available.

Crisis call centers that are sufficiently resourced and effectively promoted can meet the dramatically growing need for crisis intervention and connect people in a mental health crisis to trained professionals who can immediately address their needs as well as connect them to ongoing care. Only 2% of calls to the Lifeline's member call centers result in emergency rescue, and most that are needed were done collaboratively with the caller, speaking volumes to the value of highly-trained call counselors. As described above, this is why training counselors to provide the highest care to acutely at-risk populations is so crucial. When stabilization can occur on the phone or through mobile crisis dispatch, it prevents high costs, emotionally and financially. It also reduces avoidable use of law enforcement, public health, other safety resources, and high-cost hospitalization. Furthermore, people in crisis who call the Lifeline have better health outcomes than people in crisis who are triaged with emergency services personnel.

The FCC has noted that roughly \$50 million is needed in additional annual funding to support the call centers. It is essential to point out that this number is based on budget projections of what the Lifeline's member call centers need *today* based on call growth projection. Since launching in 2005, the Lifeline has averaged increases in call volume of approximately 15% annually. In 2005, the first year of the Lifeline, it answered over 46,000 calls. In 2019, Lifeline answered over 2.2 million calls. The \$50 million in additional annual funding does not include the anticipated boost in calls expected from 988, which means funding will need to be far higher than this projection.

The FCC has said the 988 increase in call volume “would be covered by federal, state, and local governments.” I agree that it will undoubtedly need a braided funding approach with a mix of federal, state, and local dollars, including giving states the authority to levy fees such as service charge revenue through wireless carriers. What is important to note is that it will need *all* of these funding streams, or there will not be sufficient infrastructure and capacity to answer the increased call volume from 988.

I fully support H.R.4194 - National Suicide Hotline Designation Act of 2019, which opens the door to state and tribal governments recovering some costs from wireless providers, among other potential revenue sources. While the FCC has indicated an intent to designate 988 as the nation’s 3-digit dialing code for suicide prevention, congressional action is urgently needed to ensure the infrastructure and call centers that support 988 are adequately funded. I encourage Congress and the FCC to work with stakeholders, crisis centers, telecommunications agencies, mental health providers, and people with lived experience to help build this public health safety net for all of us.

Ultimately, we ask the Committee to consider my previously described three main tenants in the hopes that this legislation will move as quickly as possible:

1. Suicide is a leading cause of death in the United States, and the numbers are growing;
2. Fast access to the National Suicide Prevention Lifeline (NSPL or Lifeline) via 988 will save lives; and
3. Specialized services for acutely at-risk populations, like LGBTQ youth and veterans, are essential and proven effective.

Mr. DOYLE. Thank you very much.

Mr. Henry, you are now recognized for 5 minutes.

#### STATEMENT OF DANIEL HENRY

Mr. HENRY. Chairman Pallone, Chairman Doyle, Ranking Member Walden, Ranking Member Latta, and members of the committee, thank you for the opportunity to testify before you today.

My name is Daniel Henry. I am Regulatory Counsel and Director of Government Affairs for NENA, The 9-1-1 Association. With over 16,000 members across the United States, NENA is the leading professional association in the 9-1-1 space.

Thanks also to the members of the Congressional NextGen 9-1-1 Caucus, including co-chairs Representatives Eshoo and Shimkus, as well as many other members of this committee, including Chairman Pallone and Chairman Doyle. We appreciate your support.

Built in the days of copper landline trunks, 9-1-1 now answers around 80 percent of its 300 million annual calls from mobile phones, most of them smartphones with advanced location and data-sharing capabilities. Unfortunately, America's 9-1-1 system is still years behind the smartphone revolution. Modernizing it faces four perennial challenges: decentralized governance, inadequate and inconsistent funding, human resources challenges, and evolving technology.

Public Safety Answering Points or PSAPs vary widely from community to community, as noted. Each of these settings has its own unique needs, conventions, technology, and funding models. It would be impossible to impose a single cookie cutter model for 9-1-1 in every jurisdiction in the United States.

With varied governance comes varied funding means. While 9-1-1 fees are traditionally levied as line items on subscriber phone bills, funding models also vary. In some cases, they are uniform statewide fees. In others, counties levy the fees. Regardless of how the money is collected, adequate funding streams are required for both technology upgrades and for daily operations of 9-1-1.

What constitutes an allowable 9-1-1 expenditure also varies from one State to the next. While one State may define anything within the walls of the PSAP as 9-1-1 spending, another may extend that definition to all kinds of public safety equipment.

More challenging still is some States' practice of diverting funds collected through 9-1-1 fees to unrelated issues. According to data collected by the FCC, in 2018 alone, five States diverted a total of \$187 million in consumer-paid 9-1-1 fees. Most people would agree that, when we pay a 9-1-1 fee, that money should go to 9-1-1. Raids on 9-1-1 funds must cease, both to maintain today's level of service and to accelerate the transition to Next Generation 9-1-1.

Our 9-1-1 system also plays a critical role during disasters as a primary intake of information to public safety. During Hurricane Harvey, for instance, Houston 9-1-1 processed 75,000 calls during the course of a single weekend, more than four and a half times its normal call volume. In the aggregate, these calls become crowd-sourced intelligence for public safety providing thousands of details in real time and helping authorities stay safe and do their jobs.

The 9-1-1 system also serves as an early warning system for "blue-sky" outages, as was the case in December 2018 when a

major nationwide outage was brought to light only by sharply dropping 9-1-1 call volumes. Threats to connectivity are exacerbated in this legacy 9-1-1 environment, where specialized 9-1-1 trunks and selective routers create single points of failure in the network. It is, thus, imperative that these facilities be supported by more reliable frequently, tested sources of backup power and connectivity.

It is also crucial that telecommunications providers and 9-1-1 work hand-in-hand to tackle outage reporting and analysis, so that they may work together to address current outages and prevent future ones.

Many of these challenges will be alleviated by the transition to Next Generation 9-1-1, whereas legacy 9-1-1 is based on voice-only 20th century technology. NG is a standards-based IP-powered system of systems that brings 9-1-1 into the 21st-century. To enhance resiliency, NG 9-1-1 will allow for seamless rollover of operations when PSAPs experience an outage or are overwhelmed with calls. It will allow PSAPs to connect to 9-1-1 networks through multiple cost-effective pathways and it will make our 9-1-1 systems more secure and more resilient against cyberattacks. Finally, it will allow for faster upgrades and solutions to problems and innovations as they arise in the marketplace.

The fiscal burden of this transition cannot be borne solely by States and localities alone. The National 9-1-1 Office estimates the NG transition will cost around \$12 billion nationwide, above and beyond the day-to-day operating costs of our current 9-1-1 systems. Industry and public safety have worked together for over a decade to develop the technical and operational standards, governance models, and best practices for Next Generation 9-1-1. It has been tested in numerous real-world environments. In short, 9-1-1 is ready for this transition.

We are deeply grateful, Mr. Chairman, that you and your committee have called this hearing to consider several pieces of legislation to improve America's 9-1-1 systems. We believe that significant improvements can be made soon in practically every community's 9-1-1 systems and that Congress' investment will deliver priceless returns.

We at NENA look forward to working with you and with all stakeholders to ensure the continued success of 9-1-1 and an accelerated transition to NG9-1-1.

Thank you.

[The prepared statement of Mr. Henry follows:]

Before the United States House of Representatives  
Committee on Energy and Commerce

STRENGTHENING COMMUNICATIONS NETWORKS TO HELP AMERICANS IN CRISIS  
February 27, 2020

Written Statement of Daniel Henry  
Regulatory Counsel and Director of Government Affairs  
NENA: The 9-1-1 Association

**Testimony**

Chairman Pallone, Ranking Member Walden, and Members of the Committee:

Thank you for giving me the opportunity to testify before you today. It is an honor to represent the 9-1-1 community at this hearing and to be a part of this bipartisan process. My name is Daniel Henry; I am Regulatory Counsel and Director of Government Affairs for NENA: The 9-1-1 Association. With over 16,000 members across the United States, NENA is the leading professional association in the 9-1-1 space. We improve public safety by developing standards and resources for 9-1-1 systems and operations; providing education, training, and certifications for 9-1-1 professionals; informing policymakers about issues facing 9-1-1; and educating the public about 9-1-1 systems, their importance, and their proper uses.

I would also like to thank all the members of the Congressional NextGen 9-1-1 Caucus for their support, including its co-chairs, Reps. Eshoo and Shimkus, as well as many other members of this committee, including Chairman Pallone and Chairman Doyle.

All too frequently, we hear “public safety” described only in terms of field responders like law enforcement, fire, and EMS; we appreciate that many of you recognize that 9-1-1 is another critically important component of the public safety community.

Since the first 9-1-1 call was placed more than 50 years ago, America’s three-digit “short code” for emergency services has become ubiquitous across the United States, and has served as a model for other countries and regions that seek to provide universal access to lifesaving emergency care, as quickly as possible. On any given day, 9-1-1 professionals are called upon to fill a variety of heroic roles. They provide emergency medical instructions that help victims of choking and heart-attacks to survive. They help people on the verge of suicide get the help they need. They ask questions and analyze voices and background noises to assess situations they cannot see. They alert and coordinate the response of police, fire, and emergency-medical personnel dealing with everything from active shooters to natural disasters, fires, and car crashes.

In recent decades, 9-1-1 has had to evolve to keep up with advances in telecommunications. Built in the days of copper landline trunks, 9-1-1 now answers around 80% of its calls for help from mobile phones – most of them smartphones that have advanced location and data transmission capabilities. With these advances in technology have come consumer expectations that public safety should deliver the same speed and convenience as the device you hold in your hand.

Unfortunately, America’s 9-1-1 system is still years behind the smartphone revolution, facing four perennial challenges: decentralized governance; inadequate and inconsistent funding; human resource challenges; and the dynamic pace of evolving technology.

### *Paying for The PSAP*

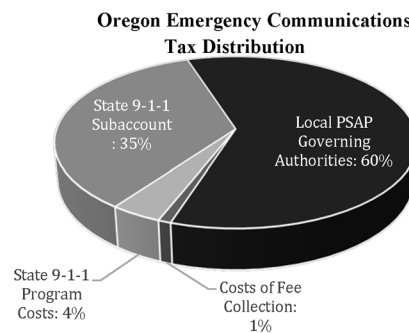
There's a saying in the 9-1-1 community: "If you've seen one PSAP, you've seen one PSAP." Public Safety Answering Points, or PSAPs, vary widely from state to state and community to community. In a given locale, the responsibility for operating 9-1-1 systems and answering 9-1-1 calls may rest with the elected county sheriff; with civilian staff at a police or fire department; with the state government; or in some cases with the military. Each of these settings has its own unique needs, conventions, technology and funding models. Some must specialize in wildfires, some in hurricanes, some in urban crime fighting, and others in covering huge rural territories. Accordingly, it would be impossible to impose a uniform vision of a single 9-1-1 system for the United States. The system must allow for a high degree of local variation.

With varied governance comes varied funding means. While 9-1-1 fees are traditionally levied as line items on subscriber phone bills, the means by which state and localities collect distribute the fees has diversified widely in recent years. Most areas now impose a separate 9-1-1 fee on mobile subscribers (although this rate need not correlate with the area's wireline 9-1-1 fee). In some cases, there is no statewide 9-1-1 fee; counties levy the fees. In other cases, state law prohibits localities from imposing 9-1-1 fees, and a state official collects and distributes the money. Regardless, Funding streams are needed for both improvements to the 9-1-1 system and day-to-day operations. The state of Oregon is a good illustration of this diversity: the state collects an Emergency Communications Tax of \$1 per phone line per device, distributing the majority of those funds to local PSAP governing authorities

What constitutes an "allowable" 9-1-1 expenditure also varies from one state to the next. While one state may define anything within the walls of the PSAP as "9-1-1 spending," another may extend that definition to police cruisers, firefighter protective equipment, or even office supplies. This patchwork creates challenges for federal public safety representatives, vendors, and policymakers.

More challenging still is some states' practice of diverting funds collected through 9-1-1 fees to unrelated uses. According to data collected by the Federal Communications Commission, in 2018, five states admitted to diverting 9-1-1 fees, with New York and New Jersey being the greatest offenders. Fundamental to this issue is the expectation that, when a person pays a "9-1-1 fee," that money should go to 9-1-1. Any diversion of 9-1-1 fees not only puts the maintenance and development of one of the nation's most critical infrastructure systems in jeopardy, but also breaks a promise made by the government to the public.

At a time when so many 9-1-1 program budgets are in crisis, NENA is disappointed to see that funds in the nine-figure range are still being diverted from their intended purpose every year. It is imperative that 9-1-1 fund raids cease, both to maintain today's level of service and to ensure a timely deployment of Next Generation 9-1-1 — a critical infrastructure upgrade necessary to provide the best possible public safety services to all Americans in need of emergency assistance.



Ironically, 9-1-1 is often least able to affect change at the state level. State 9-1-1 boards and administrators generally serve at the pleasure of the governor, and are often either procedurally or practically prevented from lobbying on their own behalf.

#### *Maintaining 9-1-1 Service and Addressing Outages*

As the primary flow of information into public safety during a natural disaster, 9-1-1 plays a critical role in response and recovery. During Hurricane Harvey, for instance, Houston 9-1-1 processed 75,000 calls during the course of a weekend — four-and-a-half times their normal call volume.<sup>1</sup> These calls in the aggregate become hyperlocal, crowd-sourced intelligence for public safety: details relating to the extent of flooding, downed power lines, hazardous materials situations all flow into the PSAP in real-time. 9-1-1 uses this information to issue bulletins, direct appropriate response and keep the public and field responders out of harm's way.

During “blue-sky” outages, 9-1-1 also often finds itself the proverbial canary in the coal mine, as in December 2018's CenturyLink outage, where a series of outages in the telephone network were only brought to light once reports of sharply dropping 9-1-1 call volumes began to appear in numerous parts of the country. This anecdote is not uncommon in the 9-1-1 community.

9-1-1 is not immune to outages of its own. 9-1-1 relies not only on telecommunications providers to supply both PSTN<sup>2</sup> connections for 9-1-1 calls and for PSAP broadband internet service, but also on numerous database providers to validate caller street addresses and route calls. Threats to connectivity are exacerbated in the legacy 9-1-1 environment, where specialized 9-1-1 trunks and selective routers are often prohibitively expensive, leaving public safety with a key single point of failure. It is thus imperative that these facilities are supported by reliable, frequently-tested sources of backup power and connectivity.

It is also crucial that telecommunications providers and 9-1-1 work hand-in-hand to tackle outage reporting and analysis so that they may both address current outages and prevent future ones. To do this, public safety needs access to the most up-to-date, granular network data available, so that it may corroborate this information with its own data and collaborate with carriers to better understand the what, when, where, how, and why of an outage. Public safety is exceptional at preparing for contingencies, but its preparations are only as good as the data on which they are based.

#### *Making the Transition to Next Generation 9-1-1*

Lastly, many of these challenges will be alleviated after the transition to Next Generation 9-1-1. NG9-1-1 will allow for seamless rollover when a PSAP suffers an outage or is overwhelmed with 9-1-1 calls; will allow PSAPs to connect to 9-1-1 networks through multiple, fully-diverse, cost-effective pathways; and will allow for modern engineering and technical solutions to problems as they arise.

The transition to NG9-1-1 — a standards-based, IP<sup>3</sup> infrastructure — will also allow callers to communicate with 9-1-1 using the full range of multimedia features available on our smartphones. It will employ modern security conventions to make our 9-1-1 systems more secure and resilient to cyberattack. It will improve location accuracy and call routing so that first responders can reach callers more quickly and efficiently. And it will improve interoperability between neighboring jurisdictions by standardizing the way PSAP software communicates.

<sup>1</sup> CBS THIS MORNING, *Houston Emergency officials tell 911 Callers Not to Hang Up*, August 29, 2017, <https://www.cbsnews.com/news/houston-flooding-911-calls-after-harvey/>

<sup>2</sup> Public Switched Telephone Network

<sup>3</sup> Internet Protocol

However, the fiscal burden of this transition — fee diversion or not — cannot be borne solely by states and localities alone. The estimate provided to Congress by the National 9-1-1 Office pins the NG transition at around \$12 billion dollars, above and beyond the day-to-day operating costs of our current 9-1-1 systems. That is why the most important thing Congress can do is to give 9-1-1 an immediate injection of capital. 9-1-1 is ready for this injection: industry and public safety have worked together for over a decade to develop the technical and operational standards, governance models, and best practices for Next Generation 9-1-1.

I am deeply grateful, Mr. Chairman, that you and your Committee have called this hearing and allowed me to testify on behalf of our membership and the greater public safety community. I believe that significant improvements to 9-1-1 can be made in the near future, and that Congress's investment in public safety will deliver lifesaving returns. I look forward to working with you and with my counterparts in the telecommunications community to ensure the continued success of 9-1-1 and its eventual transition to Next Generation 9-1-1.

Respectfully submitted,

/s/ \_\_\_\_\_

Daniel Henry  
*Regulatory Counsel and Director of Government Affairs*  
NENA: The 9-1-1 Association

Mr. DOYLE. Thank you.

Mr. Bell, you are now recognized for 5 minutes.

#### STATEMENT OF ALLEN BELL

Mr. BELL. Chairman Pallone, Chairman Doyle, Ranking Member Walden, Ranking Member Latta, and members of the subcommittee, thank you for the opportunity to testify this morning.

My name is Allen Bell and I serve as a Distribution Support Manager for Georgia Power. I am also a member of the FCC's Broadband Deployment Advisory Committee and serve on its Disaster Response and Recovery Working Group. I have nearly three decades of experience working disaster response and recovery, and communications issues in the electric power industry, including serving 15 years on Georgia's 8-1-1 Board.

Georgia Power is the largest subsidiary of Southern Company, one of the nation's largest generators of electricity. We serve nine million customers in six States and our communications service provider, Southern Linc, operates over a 127,000 square mile territory covering Georgia, Alabama, southeastern Mississippi, and the Panhandle of Florida.

The electric power industry invests more than \$110 billion a year to modernize the grid. Georgia Power just had more than a billion dollars in grid investment approved by the Georgia Public Service Commission.

I appreciate Chairman Pallone and Congressman McNerney's leadership by introducing the RESILIENT Networks Act. This is a serious issue that is currently being addressed by a number of voluntary cross-sector efforts. While these efforts should be given the opportunity to be seen through before congressional action, I applaud several of the bill's provisions.

In particular, DOE should be included in recommending best practices for coordination between the two sectors because there are only two electric utility representatives on the BDAC. Communication providers should take responsible measures to integrate backup power into their networks and Emergency Operation Centers already exist to provide appropriate coordination during times of emergency between industry and Government stakeholders.

Among the voluntary efforts the BDAC Disaster Response and Recovery Working Group is in the process of finalizing a report that will identify best practices for coordination before, during, and after a disaster. Additionally, at the request of the FCC, the Edison Electric Institute and the CTIA are establishing a Cross-Sector Resiliency Forum.

With respect to H.R. 5926 it is crucial to acknowledge that most disasters are local, State, or regional events. Therefore, the goal should be to drive all coordination and information-sharing through State or county EOCs. The unintended consequence of a Federal master directory is that it could have the opposite effect.

Another concern with H.R. 5926 is the consideration of applying the one-call notification system to fiber lines at the Federal level. Rather than duplicate efforts that are already in place in most states, I would recommend assigning fiber optic locators to electric and debris removal crews during storm restoration and evaluating

construction practices for critical communication networks to ensure fiber lines are not laid adjacent to electric poles.

Southern's extensive experience with powerful storms, such as Hurricane Michael, demonstrates that hardening, redundancy, and preparedness are keys to improving resiliency. Our primary focus is a safe and quick restoration of power. For some electric customers, including nursing homes and hospitals, electric service restoration can be a matter of life and death. Even while undertaking these restoration efforts, we still coordinated regularly with communications providers at the EOCs. All critical infrastructure providers have a responsibility to use these existing multi-stakeholder processes to improve the resiliency of their systems.

One reason for Southern Linc's ability to maintain and quickly restore operational cell sites is our use of generators and fuel cells. While having an onsite generator at every site may not be feasible, wireless carriers should consider having generators at their most critical sites.

Another key factor is Southern Linc's use of redundant backhaul and transport links for its site. Another key: During and immediately after large-scale storm or disaster damage to communications fiber is inevitable and should be planned for in advance.

In conclusion, we are committed to working with all stakeholders to strengthen infrastructure resilience and to promote safe, effective disaster response and service restoration.

[The prepared statement of Mr. Bell follows:]

**A HOUSE ENERGY AND COMMERCE COMMITTEE  
Subcommittee on Communications and Technology**

**“Strengthening Communications Networks to Help Americans in Crisis”**

**February 27, 2020**

**TESTIMONY OF  
ALLEN BELL  
DISTRIBUTION SUPPORT MANAGER, GEORGIA POWER**

Chairman Doyle, Ranking Member Latta, and Members of the Subcommittee, thank you for the opportunity to testify this morning on the topic of strengthening communications networks’ resilience. My name is Allen Bell, and I serve as Distribution Support Manager for Georgia Power. I am a member of the Federal Communications Commission’s (FCC) Broadband Deployment Advisory Committee (BDAC) and serve on its Disaster Response and Recovery working group. I have nearly three decades of experience working disaster response and recovery and communications issues in the electric power industry, including serving 15 years on Georgia’s 811 Board and working with the electric power industry on two revisions to the Georgia Utility Facility Protection Act, more commonly known as the Georgia Dig Law.

Georgia Power is the largest subsidiary of Southern Company, one of the nation's largest generators of electricity. Georgia Power serves 2.53 million customers across 24,088 square miles of service territory. Our footprint includes 12,400 miles of transmission lines, 50,000 miles of overhead distribution lines, 25,000 miles of underground distribution lines, and 670,000 transformers.

Southern Company operates regulated electric and gas utilities serving 9 million customers in six states, including three electric companies – Alabama Power, Georgia Power, and Mississippi Power – that provide retail and wholesale electric service throughout Georgia, the southern two-thirds of Alabama, and southeastern Mississippi. Southern Company’s communications service provider affiliate, Southern Linc, operates a commercial digital 800 MHz ESMR system that uses an all-LTE platform to provide mobile interconnected voice, dispatch, push-to-talk, text and picture messaging, internet access, and data transmission services over the same handset. Southern Linc provides these services over a 127,000 square mile service territory covering Georgia, Alabama, southeastern Mississippi, and the Panhandle of Florida. Southern Linc offers comprehensive geographic coverage, serving the extensive rural territory within its footprint as well as major metropolitan areas and highway corridors. Because of its expansive regional coverage and history of reliability, Southern Linc’s service is widely used by state and local public safety agencies, school districts, rural local governments, public utilities, and other emergency responders. It is also utilized by other commercial entities in both urban and rural areas.

Southern Company, including Georgia Power, has extensive experience with, and well-developed processes and procedures for, preparation, response, and restoration with respect to major storm events. Southern has seen its share of powerful hurricanes – including Opal (1995), Ivan (2004), Katrina (2005), Dennis (2005), Matthew (2016), and Irma (2017) – and was able to draw on its extensive experience with storms of such magnitude in its preparation for, and recovery from, Hurricane Michael. In addition to the storms that Southern has directly weathered, through the industry’s culture of mutual assistance, Southern Company has contributed resources to help electric companies across North America respond and recover following all manner of natural disasters and other impacts to grid operations.

I am pleased to address the Subcommittee today to provide perspectives on H.R. 5926, the RESILIENT Networks Act; the current voluntary efforts underway between the electric power and communications sector; a better understanding of post-Hurricane Michael electric power service restoration efforts and coordination with communications providers; and recommendations for improving wireless resiliency.

#### **H.R. 5926, RESILIENT Networks Act**

The electric power industry appreciates Chairman Pallone and Congressman McNerney’s efforts to improve network resiliency in times of emergency by introducing H.R. 5926, the RESILIENT Networks Act. As I will explain, this is a pressing and serious issue that is currently being addressed by a number of voluntary cross-sector efforts to address resiliency. These current initiatives do not require further regulation and should be given the opportunity to be seen through before any additional congressional action.

The electric power industry invests more than \$110 billion a year to modernize the electric grid, including significant resiliency investments to harden the system and to deploy advance grid technologies. For example, Georgia Power just had more than a billion dollars in grid investment approved by the Georgia Public Service Commission. Smart Grid technology relies upon communications systems and networks to help expedite real-time system monitoring and controls thereby aiding the restoration efforts by improving situational awareness and damage assessments. Electric companies have also taken on major hardening efforts including strengthening towers and poles to withstand powerful winds. Additionally, electric companies leverage a variety of telecommunications systems to manage their own communications with customers and coordinate industry activities during disaster events.

Electric companies, such as Georgia Power, are committed to working with wireless providers to ensure critical services remain resilient and reliable. Given the interdependencies of these essential services, better coordination and communication between electric companies and wireless providers will improve the preparedness and restoration during emergency situations for both sectors. This also includes partnering with federal, state, and local governments to support efforts to enhance preparation, coordination, and response to widespread emergencies and disasters.

Among the current voluntary efforts to address these resiliency and cross-sector efforts the BDAC Disaster Response and Recovery working group is in the process of finalizing a report

that will be released at the end of March that will identify best practices for coordination among wireless providers, backhaul providers, and power companies before, during and after a disaster. The report will identify a series of procedures from government agencies, service providers, and others to identify data gathering, that can really improve the emergency response. In fact, the working group is meeting this afternoon to review the final set of recommendations.

At the request of the FCC, the Edison Electric Institute (EEI) and the CTIA are establishing a Cross-Sector Resiliency Forum for electric company and wireless disaster response and restoration. Still in its nascent stages, this effort demonstrates the two sectors' willingness to voluntarily come together to further enhance collaboration on efforts to maintain and restore services.

During the next several months, representatives from EEI and CTIA's member companies expect to:

- Identify near-term actions to improve information sharing and preparedness by focusing on lessons learned from the California public safety power shutoffs (PSPS) related to wildfire-events and mutual preparation and restoration efforts in hurricane prone areas;
- Discuss organizing joint exercises to prepare for wildfire and hurricane seasons in coordination with emergency response agencies; and,
- Identify longer-term efforts to facilitate sharing of industry-to-industry service expectations and planning needs that allow for better coordination during emergency and disaster events while also promoting overall resiliency.

Thereafter, on a biannual basis, these representatives expect to convene to share best practices, identify near- and long-term opportunities for actionable improvements to resiliency and improved collaboration, and engage with local, state, and federal public safety stakeholders to better prepare for emergency situations.

With respect to H.R. 5926, the Subcommittee should take a bottom-up approach to emergency preparedness and response. It is crucial to acknowledge that most disasters are local, state, or regional events. Therefore, coordination and response efforts must respect existing coordination and disaster recovery regimes.

For example, most critical infrastructure entities, such as electric companies, already maintain a master directory of customer contacts and have processes and procedures for priority restoration. Due to the local nature of emergencies, the goal should be to drive all coordination and information sharing through state or county Emergency Operation Centers (EOCs). The unintended consequence of a master directory, such as proposed in H.R. 5926, would be to encourage wireless providers to bypass the EOCs. The Subcommittee should instead consider ensuring states have robust support for EOCs and that the FCC encourages communications providers to participate and coordinate with electric companies in the EOCs. Driving all coordination and information sharing through the EOCs is more valuable than attempting to manage a database of contacts from Washington, DC and will reduce administrative burdens and prevent confusion during events. Further, electric companies work closely with their critical customers to identify potential demands and points of interdependency; legislative solutions should acknowledge the value of these local partnerships.

Another concern with H.R. 5926 is the consideration of applying the one-call notification system to fiber lines which misses the mark because most communications facilities are above-ground and to the extent that such facilities are located underground most states already have damage prevention laws that typically require fiber lines to be located within 48 hours before an excavation. However, the requirement is typically suspended during natural disasters due to “extraordinary circumstances.” Treating fiber optics lines as the equivalent of hazardous transportation is not the right approach and instead there are two best practices that would address the issue:

1. Communications providers should assign fiber optic locators to electric and debris removal crews during storm restoration when there is the likelihood of restoration and debris clearing near critical communication facilities. This is similar to how Georgia Power ensures that natural gas lines are not damaged during storm restoration.
2. The FCC should evaluate construction practices for critical communications networks to ensure fiber lines are not laid adjacent to electric poles. As was discovered in the aftermath of Hurricane Michael, critical communication facilities adjacent to electric poles were damaged when broken poles are replaced in the same hole.

As described below, Southern’s extensive experience with powerful storms such as Hurricane Michael demonstrate that hardening, redundancy, and preparedness are keys to improving resiliency and reliability, as shown by the restoration efforts of Southern’s electric companies and by the performance of Southern Linc’s communications network during and immediately after Hurricane Michael. Accordingly, the experience of Southern’s electric companies and of Southern Linc provides useful guidance on ways to improve the resiliency of the nation’s wireless networks.

#### **Electric Power Service Restoration Efforts**

Electric restoration after a storm of the magnitude of Hurricane Michael in 2018 is a complicated, labor-intensive process that involves nearly every employee of impacted electric companies, as well as marshalling and managing mutual assistance resources from across the country. Approximately 614,000 electric customers within the Southern Company service territory, including 396,000 Georgia Power customers, were impacted by Hurricane Michael, with damage to hundreds of miles of electric lines and thousands of distribution poles. Georgia Power estimated the damage to its electric distribution system from Hurricane Michael included more than 4,800 spans of wire down and approximately 2,000 broken or damaged power poles. Georgia Power’s transmission system also was significantly damaged, with more than 2,000 miles of transmission lines impacted, more than 200 structures damaged, and more than 100 transmission spans downed. Overall, it was the most significant single storm to impact Georgia Power’s transmission system in at least 25 years. Nevertheless, within 24 hours after the storm had passed, Georgia Power had restored electricity to 50 percent of its affected customers. Within 60 hours, Georgia Power had restored electricity to 75 percent of its affected customers, a number that rose to 95 percent within four days after the storm. Within one week after the storm, Georgia Power had restored electricity to 99 percent of its affected customers.

### **Coordination with Communications Providers**

Southern's primary focus after an event like Hurricane Michael is the safe and quick restoration of power. For some electric customers, including nursing homes and hospitals, electric service restoration can be a matter of life and death. Even while undertaking challenging storm restoration efforts, Southern still coordinated and communicated regularly with communications providers regarding restoration status and efforts. Southern's former electric company, Gulf Power, went to extreme lengths, undertaking a number of extraordinary steps in its coordination with certain communications companies due to the almost unprecedented severity of Hurricane Michael. As noted above, much of this communication and coordination is designed to occur at the state and county EOCs and is available to any communications provider with a representative at the EOC.

The EOC mechanism is designed to provide government and public safety officials and providers of public services – including electric companies and communications providers – with the information and coordination needed for recovery and restoration. At the EOC, a representative of a communications provider would be able to receive updates on a daily basis on the status and location of utility repair or reconstruction work, thus enabling the communications provider to perform its own repair and restoration work without conflict. In addition, a communications provider's representative at an EOC would be able to coordinate directly with government, public safety, and electric company representatives regarding the need to elevate the priority for restoration of particular routes or facilities that may be critical to that communications provider.

In short, there already exists a well-developed, multiagency, multi-stakeholder process for communication and coordination during emergency events, and all critical infrastructure providers have a responsibility to use this process to improve the resiliency of their systems. Improving coordination at the state EOCs should result in important benefits for all stakeholders.

### **Southern Linc's Speed of Restoration of Service**

The resiliency and reliability of Southern Linc's communications network was demonstrated by the speed with which Southern Linc was able to restore service in the wake of Hurricane Michael. In particular, although Southern Linc – like all other wireless carriers – experienced cell site outages in the areas affected by Hurricane Michael, Southern Linc successfully restored these sites at a rate much faster than the rest of the industry based on data reported to the FCC through the Disaster Information Reporting System. This was due, in part, to Southern Linc's pre-preparation and staging of assets and personnel. For example, on October 11 – the day after Hurricane Michael passed through – approximately 88 percent of Southern Linc's sites in the affected areas were in service, compared to approximately 81 percent of the sites for all carriers combined. Just two days later, on October 13, more than 97 percent of Southern Linc's sites in Alabama and Georgia were in service and more than 90 percent of its sites in the affected areas in Florida were in service. By the following day – three days after the storm had passed – the percentage of Southern Linc sites in service had increased to 100 percent in Alabama, more than 99 percent in Georgia, and almost 92 percent in Florida. Significantly, this rapid pace of site

restoration does not account for the even quicker restoration of service and coverage by Southern Linc to the affected areas through the use of cells on wheels, microwave paths, and other measures.

One reason for Southern Linc's ability to maintain and restore operational cell sites at a rate exceeding the rest of the industry is Southern Linc's greater use of generators and fuel cells at its cell sites, including, but not limited to, those sites that have been identified as critical to its network operations. In order to ensure the resiliency and reliability of its wireless network, 99 percent of Southern Linc's LTE sites are equipped with a generator or fuel cell and 92 percent of its iDEN sites are equipped with a generator. To the best of its knowledge, Southern Linc's deployment of generators and fuel cells greatly exceeds the industry norm, even though the importance of backup power in general, and on-site generators in particular for network resiliency, was identified by the FCC more than a decade ago, following Hurricane Katrina. Another key factor in the resiliency of the Southern Linc network is Southern Linc's use of redundant backhaul and transport links for its sites. Southern Linc uses fiber transport – including transport provided by third party providers – as one of the means of connectivity for its sites, and Southern Linc experienced the same difficulties as other wireless carriers with damage and disruptions to its fiber transport. However, the comprehensive use of redundant microwave paths and other alternative transport links enabled Southern Linc to maintain and restore connectivity with its sites without the need to wait for the restoration of these fiber links.

### **Recommendations for Improving Wireless Resiliency**

Based on its performance during and after several large-scale storm events over the years, from Hurricanes Ivan and Katrina through Hurricane Michael, Southern Linc's experience provides useful guidance on ways to improve the resiliency of the nation's wireless networks.

#### **1. On-Site Generators**

Hurricanes and other storm events often cause widespread power outages. Although electric power crews expend enormous effort to restore electric service everywhere as quickly as possible, wireless carriers should expect that a site located in a storm-damaged area could potentially be without commercial electric service for anywhere from 24 to 72 hours or even longer, which is well beyond the capacity of any battery-based backup power solution. While having an on-site generator at every site may not be economically or logistically feasible, many wireless carriers do not have generators even at sites that the carrier has identified as critical to its network operations.

#### **2. Redundancy in Backhaul and Transport**

While some carriers attributed delays in the restoration of their own service to lost connectivity due to fiber cuts, Southern Linc also experienced disruptions in transport due to severed fibers, but quickly overcame them through its use of redundant design and planned alternatives, such as microwave links. During and immediately after a large-scale storm event or other disaster, damage to communications fiber, electric distribution lines, and other infrastructure is inevitable and utterly predictable, and thus can and should be planned for in advance. By designing and

implementing redundancy and backup transport alternatives into their systems as Southern Linc has done, particularly where the transport link has been identified as critical, carriers can significantly improve the resiliency of their wireless networks.

On a related note, Southern Linc observes that third party transport providers can often be an obstacle to prompt restoration of wireless services. While alternatives such as microwave links may enable quick restoration of connectivity, they may be a temporary or less than optimal solution for full service restoration, particularly along high-capacity paths, and it is therefore essential that primary transport links be restored to service as soon as possible. In many cases, however, wireless carriers must rely on third party providers for these transport services, as well as for the restoration of these services. It has been Southern Linc's experience, including during Hurricane Michael, that difficulties with site restoration can and do arise due to delays by third party transport providers in repairing and restoring their own transport services.

And, while fiber cuts are predictable, improved coordination between critical infrastructure sectors and debris removal operations at state and local EOCs also can ensure critical fiber lines are identified and prioritized to prevent damage in the first place.

### **3. Interoperability Between FirstNet and Other Public Safety Systems**

Finally, the experience of Hurricane Michael underscores the critical need to ensure interoperability between public safety communications systems, regardless of which network they may be on. Large-scale events such as Hurricane Michael require an immediate response by, and coordination among, multiple public safety agencies and emergency first responders from multiple jurisdictions. The ability of these agencies to communicate and exchange information between applications, databases, and systems when responding to emergencies will save lives and property and protect first responders and the community. Both Congress and the FCC should formally affirm that ensuring interoperability between public safety communications systems and other wireless networks is a fundamental responsibility of FirstNet. Clarifying that AT&T and FirstNet must ensure that interoperability with commercial carriers is supported at all levels – including sharing priority and preemption protocols, applications, local control, non-mission critical and mission-critical PTT communications, and off-air device-to-device communications – is not only life-saving public policy, but also required under the Spectrum Act.

### **Conclusion**

As described above, experience with powerful storms such as Hurricane Michael demonstrate that hardening, redundancy, and preparedness are keys to improving resiliency and reliability, as shown by the restoration efforts of Southern's electric companies and by the performance of Southern Linc's communications network during and immediately after Hurricane Michael.

Southern and the broader electric power industry are committed to working with all stakeholders to strengthen infrastructure security and resilience and to promote safe, effective disaster response and service restoration.

Mr. DOYLE. Thank you, Mr. Bell.  
 Mr. Gossner, you are recognized for 5 minutes.

#### STATEMENT OF ANTHONY GOSSNER

Mr. GOSSNER. Good morning, Chairman Doyle, Ranking Member Latta, and members of the subcommittee. My name is Anthony Gossner. I am the Fire Chief for the City of Santa Rosa.

On behalf of Mayor Schwedhelm, Vice Mayor Flemming, and the entire City of Santa Rosa, I would like to express my appreciation for the opportunity to appear before this committee today to discuss the vital role wireless communications and technology play in public safety and emergency situations.

A little over two years ago, the City of Santa Rosa, the largest city in Sonoma County and the county seat, experienced what was then the worst wildfire in California's history. Beginning on the night of October 8th, 2017, multiple fires broke out through California's North Bay. In Sonoma County, what were initially five major fires merged into three — the Tubbs, the Nuns, and the Pocket Fires, collectively known as the Sonoma Complex. In the span of a few hours, life profoundly changed for tens of thousands of people in Santa Rosa and throughout Sonoma County.

A total of 24 people lost their lives to the fires in Sonoma County, an estimated 100,000 evacuated from their homes, and 43 emergency shelters opened, serving close to 4,162 people at the peak of the operations in Sonoma County.

Property losses were estimated at \$13 billion. More than 3,000 homes, approximately five percent of the city's housing stock, were destroyed, compounding an already severe housing deficit in the county. And for many fire survivors in our community, after losing their homes and personal possessions, lost their ability to communicate with family members, friends, doctors, and others because they lost their landline-associated phone numbers.

We thank Congressman Thompson for introducing the PHONE Act, which will provide a temporary hold on telephone number reassignments after a Federally-declared major disaster and ensure that disaster survivors going through the long and painful process of rebuilding; they will have one less thing to worry about.

The City of Santa Rosa strongly supports the PHONE Act and respectfully requests that this committee pass it quickly, making this critical need available to our communities this fire season and before another natural disaster strikes.

We know that telecommunications infrastructure is not only vital to our residents during and after recovery but it is also critical in how public safety officials respond to wildfires, hurricanes, tornados, and so many other disasters.

The California Governor's Office of Emergency Services reported that 341 cell sites were offline during the October 2017 northern California wildfires and a combined 489 cell sites were offline during the Camp and Woolsey fires in November of 2018. This prevented wireless users in the impacted areas from being able to call 9-1-1, receive an emergency alert, or use their cell phones to find the safest evacuation route.

Prior to and during the 2019 Kincadee fire in Sonoma County, PG&E deenergized major portions of northern California. In

Sonoma County, one-quarter of the area's 436 cell phone towers were not functioning. And in nearby Marin County, more than half of the area's 280 towers were out of service due to this strategy.

While wireless infrastructure cannot stop a wildfire, it can and should be hardened to withstand these impacts of similar disasters. Therefore, the City strongly supports the Wireless Infrastructure Resiliency during Emergencies and Disaster Act, the WIRED Act. Sponsored by Congresswoman Eshoo and co-sponsored by Congressman Huffman, the bill gives the States the flexibility and authority to require wireless companies to deploy hardened infrastructure so that wireless networks are more resilient to disasters.

During the Tubbs fire, roughly 70 cell towers were knocked out of service within the first several hours of the fire due to damage, loss of power, or loss of terrestrial communications. Based on our experience, mandating reasonable requirements, like installation of fail-safe battery backup at cell towers, increasing the number of sites with backup generators, and sufficient fuel to operate for a maximum of 72 hours, requirements for reciprocity between cell providers so that, in the event of cell sites going offline during a disaster, sharing of cellular networks will hopefully be able to maintain at least a minimum level of emergency messaging and support, retrofitting existing cell tower sites, and enhanced vegetation management, and defensible space standards near cell towers could significantly improve our response capabilities.

In addition to hardening the telecommunications infrastructure, our alerting system plays a significant role in protecting people. Even as our recovery is still ongoing, the City has taken critical steps, including commissioning an After-Action Report to identify problems and implement solutions that will make the City more resilient in future disasters.

Our plan incorporate mitigation principles into future infrastructure projects and improves alerting systems available for public notifications, alert, warning, and advisories. The alerting systems now available to the City include IPAWS—and I won't go into detail due to lack of time; SoCo Alert, which is an opt-in system; Hi/Lo Sirens, which are included on all of our police and fire apparatus; Nixle, which is an information service; and alerting and outreach campaigns, which the City has created a robust system to disseminate throughout the City.

The City would also like to acknowledge the work FEMA is doing to update IPAWS to implement enhancements to the WEA System and has been working closely with the City of Santa Rosa and other local governments to deploy Next Generation of WEA technology, which will increase the maximum character from 90 to 360 characters; and support Spanish Language wireless emergency alerts; add two new alert categories, in addition to the presidential, AMBER and Imminent Threat; and enhance geo-targeting reaching 100 percent of the target area with more than one-tenth of a mile overshoot and other improvements.

For these reasons and many others that I won't get into due to time, this is why we support the RESILIENT Networks Act. The City of Santa Rosa is working closely with the whole community, including Government and nonprofit private sector partners to ensure our residents, and first responders, emergency managers have

the proper planning, equipment, and personnel to prevent and respond to the next disaster.

Again, thank you for providing me the opportunity to testify today and I look forward to answering any of your questions. Thank you.

[The prepared statement of Mr. Gossner follows:]

Testimony of Anthony Gossner  
Fire Chief  
City of Santa Rosa, CA  
Before the  
Committee on Energy and Commerce  
Subcommittee on Communications and Technology  
United States House of Representatives  
on February 27, 2020

Good morning Chairman Doyle and Ranking Member Latta, and members of the subcommittee.  
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While wireless infrastructure cannot stop a wildfire, it can and should be hardened to withstand the impacts of these and similar disasters. Therefore, the City strongly supports the Wireless Infrastructure Resiliency during Emergencies and Disasters Act, the WIRED ACT, sponsored by Congresswoman Eshoo. The bill gives states the flexibility and authority to require wireless companies to deploy hardened infrastructure so that wireless networks are more resilient to disasters. During the Tubbs fire, roughly 70 cell towers were knocked out of service within the first several hours of the fire due to fire damage, loss of power, and loss of terrestrial communications.

Based on our experience, mandating reasonable requirements like: installation of more fail-safe battery backups at cell towers; increasing the number of sites with backup generators and sufficient fuel to operate for a minimum of 72 hours; requirements for reciprocity between cell

providers so that, in the event of cell sites going offline during a disaster, the sharing of cellular networks will hopefully be able to maintain at least a minimal level of emergency messaging support; retrofitting existing cell tower sites; and enhanced vegetation management and defensible space standards near cell towers could significantly improve our response capabilities.

In addition to hardening our telecommunications infrastructure, our alerting system plays a significant role in protecting people. Even as our recovery is still ongoing, the City has taken critical steps, including commissioning an After-Action report<sup>1</sup>, to identify problems and implement solutions that will make the City more resilient to future disasters. Our plan incorporates mitigation principals into future infrastructure projects and improves the alerting systems available for public notifications, alerts, warnings, and advisories. The alerting systems now available to the City include:

- **IPAWS:** Most critically, City of Santa Rosa Public Safety and Emergency Management staff now have the access, training, and ability to send Integrated Public Alert and Warning System (IPAWS) alerts. IPAWS provides public safety officials an effective way to alert and warn the public about serious emergencies using the Emergency Alert System (EAS), Wireless Emergency Alerts (WEA), the National Oceanic and Atmospheric Administration (NOAA) Weather Radio, and other public alerting systems—all from a single interface.
- **SoCo Alert** – An **opt-in** alerting system used for all emergency notifications and advisements with delivery by phone, text, and email.

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<sup>1</sup> [\*Coming Together in Crisis\*](#), City of Santa Rosa April 2019

- **Hi/Lo Sirens** – Santa Rosa police cars and fire department vehicles are now outfitted with Hi/Lo sirens, a different sound than traditional sirens, that is only used to alert residents of the need to evacuate.
- **Nixle** – An **opt-in** community information service delivering text and email messages.
- **Alerting system outreach campaigns** – Robust outreach campaigns and materials detailing the different alerting systems have been produced and disseminated throughout the City.

In the event of evacuation warnings or orders, all systems—EAS, WEA, SoCoAlert, Hi/Lo Sirens and Nixle — will be used. The public and City personnel are being highly encouraged to sign up for both opt-in systems – SoCo Alert and Nixle.

The City would also like to acknowledge the work FEMA is doing to update IPAWS to implement enhancements to the WEA system and has been working closely with the City of Santa Rosa and other local governments to deploy the next generation of WEA technology, which will: increase the maximum character count from 90 to 360; add support for Spanish-language WEA; add two new alert categories in addition to Presidential, AMBER and Imminent Threat; enhance geo-targeting reaching 100 percent of the targeted area with no more than 1/10th of a mile overshoot and other improvements.

While the update to IPAWS, which requires updates to wireless providers' nationwide networks and customer phones, is critical to enhancing our alerting capabilities and response, we also need better coordination and information sharing prior to and during disasters.

During the Tubbs fire and during most recent Kincadee fire, the City did not have access to maps or information identifying where all carrier cell towers are located. Targeting a WEA without knowing where the towers of cell providers are located leads to concerns with geofencing, a disaster mitigation technique that uses a virtual fence to communicate with the public. Knowing where towers and cell sites are located is critical to when localities must draw geo-targeted messaging perimeters during an emergency. Making this information available to local governments will dramatically help to ensure WEAs have a better chance of being received by the population in danger.

This is why we support the RESILIENT Networks Act, introduced by Chairman Pallone and Rep. McNerney, which will ensure that communities and providers of critical communications are coordinating prior to disasters and sharing information like network outage data. This collaboration will help first responders target our response more effectively and quickly.

The City of Santa Rosa is working closely with the whole community including government, nonprofit, and private sector partners to ensure that our residents, our first responders and emergency managers have the proper planning, equipment, and personnel in place to prevent and respond to the next disaster. In order to be successful, communities must continue to

improve their pre-disaster coordination at the federal, State and local levels, and this must include our telecommunication partners.

Again, thank you for providing me the opportunity to testify today and I look forward to answering your questions.

Mr. DOYLE. Thank you.

Mr. Gerst, you are recognized for 5 minutes.

#### STATEMENT OF MATTHEW GERST

Mr. GERST. Chairman Pallone, Chairman Doyle, Ranking Member Walden, Ranking Member Latta, and members of the subcommittee, on behalf of CTIA and the wireless industry, thank you for holding this important hearing and your longstanding leadership of public safety issues.

Each member of this subcommittee has felt the impact of disaster. And in particular, I want to thank Chairman Pallone, who was instrumental in forging a framework in the aftermath of Superstorm Sandy. That framework has encouraged wireless providers to share resources and support each other's customers, all to maintain service and accelerate the recovery from recent disasters for millions of Americans.

Today, we are stronger than we were after Sandy and there is more we can do together to reinforce our networks, our responses, and our performance.

Americans are relying on wireless services more than ever. We reach for our wireless devices to call or text 9-1-1. We use mobile apps to organize rescues. And wireless emergency alerts ring the warning bells that spur us to action. That is why wireless providers prepare, respond, and invest in resiliency.

Over the last decade, the wireless industry has invested \$253 billion to build redundant, diverse, and densified networks. So even if some cell sites go down, providers have fortified large-coverage cell sites to support critical communications. And providers enhance and restore wireless coverage with cell sites on the backs of trucks, that we call COWs, and dedicated teams ready to repair networks and heal communities with chargers and a helping hand.

These investments in resiliency have paid dividends. Ninety-five percent of cell sites maintained service throughout Hurricane Harvey. Eighty-one percent of cell sites withstood the intensity of Hurricane Michael. Ninety-six percent of cell sites were online while millions of Californians were without power last year. And just last month, sixty-eight percent of cell sites withstood a 6.4 magnitude earthquake that knocked out power across Puerto Rico.

Now these numbers do not diminish the challenges in the hardest hit areas. And wireless providers have applied lessons learned, like burying fiber to avoid damage during hurricane recovery efforts in Florida; hardening towers and cell sites to withstand high winds in Puerto Rico; elevating equipment to avoid flooding in Texas; and diversifying backup power solutions with cabinet-sized batteries and truck-sized generators in California.

The investments that wireless providers make in time, material, and people to prepare and respond to wildly diverse emergencies have made our networks and our Nation stronger but coordination and communication are also essential to rapidly respond and restore services. In light of recent experiences in Florida and California, wireless providers and electric utilities are taking steps to enhance coordination.

Today, I am pleased to announce that CTIA and the Edison Electric Institute recently agreed to convene our member companies to

identifying near-term actions that can improve information sharing and preparedness. We will focus on lessons learned over the last year of hurricane and wildfire events and we will keep this subcommittee apprised of our progress.

Now even as our networks are getting stronger, storms and disaster events are too. This subcommittee is right to ask: What more can be done to enhance wireless services during emergencies? We support the goals of Chairman Pallone and Representative McNerney's RESILIENT Networks Act. By recognizing that wireless networks are nationwide, that emergency events are local, the bill directs the FCC to set clear expectations for roaming, mutual aid, backup power, and information sharing during disasters.

We look forward to working with the subcommittee to improve the bill's focus on policies that further situational awareness among public safety stakeholders.

We support Representative McNerney's READI Act, which can help ensure that wireless emergency alerts remain a trusted tool by encouraging alert originators to avoid false alerts and harness new capabilities.

And we support Ranking Member Walden's FIRST RESPONDER Act because State and local governments shouldn't undermine public trust and safety by diverting any of the \$2.6 billion in 9-1-1 fees that they collect from wireless consumers every year.

We also support this subcommittee's effort to make it easier to access the National Suicide Prevention Lifeline by implementing 9-8-8. Call centers need sufficient funding to help people in crisis and we need an effective and equitable way to do that.

In closing, we will continue to invest in resiliency and enhance our coordination to make our network stronger. And we will work this subcommittee to set reasonable and flexible expectations that ensure wireless is there when Americans need it most.

Thank you again for the opportunity to testify today. I look forward to your questions.

[The prepared statement of Mr. Gerst follows:]

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**Testimony of**

**Matthew Gerst**

**Vice President, Regulatory Affairs**

**CTIA**

**on**

**Strengthening Communications Networks to Help Americans in Crisis**

**before the**

**U.S. House of Representatives**

**Committee on Energy and Commerce**

**Subcommittee on Communications and Technology**

**February 27, 2020**



Chairman Pallone, Chairman Doyle, Ranking Member Walden, Ranking Member Latta, and members of the Subcommittee, on behalf of CTIA and the U.S. wireless industry, thank you for the opportunity to testify today on America's critical public safety communications needs. We welcome this hearing and a continuing dialogue to share the wireless industry's commitment to maintaining service to Americans even as the frequency and scope of emergency and disaster events increase. And we welcome discussion of key public safety issues, including support for our nation's 9-1-1 system and Wireless Emergency Alerts, and easing access to suicide prevention resources for people in crisis.

CTIA and its member companies recognize this Committee's long-history of leadership on public safety issues, including resiliency, which has encouraged the wireless industry to enhance our preparedness and response, our engagement with federal, state, and local public safety officials, and our coordination with critical infrastructure providers. In the aftermath of Superstorm Sandy, Chairman Pallone was instrumental in forging the Wireless Resiliency Cooperative Framework (Cooperative Framework) among wireless providers, which has enhanced collaboration and accelerated response and recovery efforts from recent disasters. Together, we are stronger than we were at the time of Sandy, and we continue to draw lessons from the increasing severity and frequency of disasters that strengthen our networks, our responses, and our performance for everyone who relies on wireless during emergencies. Of course, more can be done to enhance Americans' ability to rely on wireless during emergencies and disasters.

Today, CTIA and our member companies welcome the opportunity to offer our thoughts on how the RESILIENT Networks Act, READI Act, FIRST RESPONDER Act, National Suicide Prevention Hotline Act, and other bills on the agenda can enhance our efforts to work together so that wireless service will be available when Americans need it most.

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As consumers, we are all aware of the central role that wireless plays in our lives—especially during an emergency. When a friend or family member needs help, when a stranger is in trouble, or when we are just trying to say something if we see something, we pick up our wireless devices to call—or text—9-1-1. When disaster strikes, we reach for our wireless devices to find up-to-the-minute information that can help us respond and recover. And when significant emergencies threaten our communities, public safety professionals send Wireless Emergency Alerts (WEAs) with critical information that spurs us to action and keeps us safe.

Wireless providers build networks to connect people throughout the U.S. The wireless industry prides itself on delivering that connectivity every day and particularly during emergencies. But CTIA and our member companies know that meeting expectations for wireless resiliency requires constant evaluation and evolution. Given the historic storms and disaster events of the past few years, we are here today to support establishing clear expectations for wireless resiliency, while also enhancing the coordination and collaboration that is necessary to successfully prepare for, and respond to, any disaster event. While each emergency is unique, our networks are stronger than ever, and our member companies share a deep commitment to working collaboratively to improve resiliency.

**As Americans Rely on Wireless, Providers are Continuously Working to Evaluate and Improve Resiliency.**

As disasters increase in severity and frequency, the wireless industry continues to invest and innovate to fortify wireless services. All of us are grappling with the reality that recent weather-related disasters have been more destructive and costlier than ever before.<sup>i</sup> Between 2017 and 2019, the U.S. experienced more than a dozen disaster events so severe that they produced billion dollar losses. Within a single month in 2017, three once-in-a-generation storm and disaster events delivered the costliest disaster year in our nation's history at \$318.9 billion.<sup>ii</sup> And many members of this Subcommittee have felt the impacts of these or similar events in your home districts and states.

Wireless service providers know that in the face of the growing number and intensity of disasters and emergencies, Americans are relying on wireless services more than ever. Time and again, we learn of stories of community, of public service, of heroism and perseverance, aided by wireless. For example, neighbors and volunteers supported each other through mobile apps and social media during the historic rainfalls over Texas and North Carolina following Hurricanes Harvey and Florence. And we see local emergency officials increasingly harnessing our nation's most recent emergency alert system—WEAs—to lead evacuations from areas under threat of floods or wildfires.

But there are other frustrating and heartbreaking stories as well. These stories illustrate why wireless providers continue their efforts to enhance resiliency. Our member companies are focused more than ever on building increasingly resilient networks, improving practices to

maintain service, enhancing coordination with other stakeholders, and, in the aftermath of any disaster or emergency, restoring service as quickly as possible.

**Active Preparation, Rapid Response, and Consumer Education.**

Before a storm, wireless providers take numerous steps to fortify networks: from verifying cell site battery backup to moving portable generators into readily available staging areas, topping off backup generator fuel tanks, and moving additional fuel and refueling trucks into place to prepare for power outages.<sup>iii</sup> Wireless providers also stage recovery and response teams for rapid deployment so they are ready to jump in when it is safe to do so. In case there is a gap in or weak network coverage due to loss of power or a damaged cell site, providers ready a wide range of deployable assets, including Cells on Wheels (COWs), Cells on Light Trucks (COLTs), and Cells on Drones (Flying COWs), that can be sent to temporarily enhance or restore wireless coverage.<sup>iv</sup>

Before, during, and after each event, wireless industry response teams work tirelessly to prepare and respond to the emergency. These teams work around the clock to engage with the federal government and state Emergency Operations Centers (EOCs) to share timely information with government officials, power companies, and other public safety stakeholders in order to identify where portable generators and mobile cell units are needed most, and transport equipment to these critical sites in response to an evolving disaster event. After an emergency passes, wireless providers regularly assess their individual performance and collaborate with other communications providers and industries to identify opportunities to enhance preparedness and response for the next emergency event.

Consumer education is also a critical component of the wireless industry's resiliency efforts. In the days and hours leading up to a major storm, CTIA and the wireless community share tips about preparing for and using mobile devices in an emergency, and they target this information on social media to consumers in the affected region.

#### **Investing in Network Resiliency.**

Beyond these activities, the wireless industry is making investments that will result in more resilient networks. As an initial matter, the wireless industry has invested more than \$253 billion in capex between 2010 and 2019 and more than \$27.4 billion in 2018 alone.<sup>v</sup> That \$27.4 billion investment contributed to, among other things, the deployment of 25,000 additional cell sites in 2018—the vast majority being new small cell deployments.<sup>vi</sup> Through these investments, wireless providers are building networks with redundant, diverse, and densified infrastructure; if one cell site may be impacted by an emergency, other cell sites are able to support communications, such as 9-1-1 or WEAs. By upgrading existing networks with more resilient infrastructure in disaster-prone areas, these investments have led to some positive results during recent disaster events.

For instance, at least 95 percent of cell sites remained operational in the areas in Texas and Louisiana affected by Hurricane Harvey.<sup>vii</sup> In the aftermath of Hurricane Michael, the percentage of cell sites in the overall affected area never fell below 81 percent on a given day.<sup>viii</sup> In the face of increasing challenges to power availability in California last year, 96 percent of cell sites remained operational throughout the areas in California affected by the preemptive public safety power shutoffs—despite the fact that more than 2.7 million Californians were

without power.<sup>k</sup> And just last month, after a 6.4 magnitude earthquake knocked out infrastructure and electric power across Puerto Rico, 68 percent of cell sites remained operational—a percentage that grew to more than 80 percent within 48 hours.<sup>x</sup> While these statistics do not diminish the frustrating and threatening experiences consumers suffered from devastating events, they do provide some context regarding overall wireless resiliency.

Those experiences have also fueled wireless provider efforts to apply lessons learned to better equip networks for future events with new resiliency-first actions. For example,<sup>xi</sup> wireless providers have buried new fiber in Panama City, Florida, used steel rather than wood poles to better withstand high winds in Puerto Rico and the U.S. Virgin Islands, and elevated equipment to account for future flooding in Texas and Louisiana. In California, wireless providers are investing in fixed generators at new cell sites, diversifying backup power solutions at existing cell sites and expanding the availability of portable generators that can be more readily accessed and deployed in coordination with evolving information about electric utilities' preemptive public safety power shutoffs.

All of these efforts are necessary because each disaster is different and providers need the flexibility to respond to evolving challenges. The investments that wireless providers make in time, material, and people to employ the best set of tools at each provider's disposal to prepare for and respond to the unique nature of an emergency have made our networks stronger.

**Coordination and Collaboration are Critical to Resiliency and Restoration.**

As wireless providers take the necessary steps to invest in their networks and prepare for increasingly devastating events, coordination and collaboration among wireless providers, electric utilities, government officials and public safety stakeholders is essential to rapidly respond and restore services in areas that are most affected by emergency events.

As previously noted, following Superstorm Sandy, we worked with congressional and FCC leaders to develop a flexible set of principles to encourage wireless providers—who are otherwise competitors—to work together and provide mutual assistance during emergencies, while maintaining incentives for investment and innovation through the Wireless Resiliency Cooperative Framework.<sup>xii</sup>

Facilitated by the Cooperative Framework, wireless providers have put aside competitive differences to pull together in response to emergencies. For example, wireless providers engaged in mutual aid by sharing resources such as generators and repairing one another's antennas in Puerto Rico and the U.S. Virgin Islands during the days and weeks following Hurricane Maria. Wireless providers also have maintained service to consumers by honoring roaming arrangements encouraged by the Cooperative Framework. And since the Cooperative Framework's adoption, wireless providers have worked with the FCC to expand the scope of cell site data that can be shared with consumers and local public safety officials.

Taken together, the common-sense, actionable principles of the Cooperative Framework have helped to harness the collective resources of the wireless industry to maintain and quickly restore wireless services to Americans affected by disasters; at the same time,

we've learned that preparing for and responding to the next storm or emergency requires more engagement with key infrastructure, public safety, and government stakeholders.

Even as Americans rely on wireless during emergencies, wireless relies on infrastructure providers to power our networks, antennas, and devices, and state and local governments to maintain roads, bridges, and tunnels that are necessary to transport equipment and access critical sites. Cooperative efforts among these interdependent stakeholders are required to prepare for and rapidly respond to disasters. Efforts that lack coordination, no matter how well intentioned, can lead to bad results.

For example, in the race to restore service in the aftermath of Hurricane Michael, electric utility clean-up crews in Florida inadvertently cut critical fiber lines used for backhaul by wireless providers.<sup>xiii</sup> Last year, we learned from the preemptive public safety power shutoff events in California that better coordination among wireless providers and electric utilities is needed in wildfire-prone regions. As wireless service depends on electric services, coordination efforts between these industries should reflect as much.

Given the challenges of Hurricane Michael and last year's de-energization events in California, wireless providers are revisiting how they engage with electric utilities and public safety partners to further improve coordination and communication. In fact, before the next hurricane and wildfire seasons begin, I'm pleased to announce that CTIA and the Edison Electric Institute (EEI) will convene representatives from our member companies to identify near-term actions that can improve information sharing and preparedness by focusing on lessons learned from preemptive public safety power shutoffs related to wildfire events and

mutual preparation and restoration efforts in hurricane-prone areas. We expect our collaboration will foster discussion about longer-term efforts to facilitate sharing of industry-to-industry service expectations and planning needs that not only allow for better coordination during emergency and disaster events but also promote overall resiliency. We will keep this Committee, the FCC, and public safety stakeholders apprised of our progress to further enhance information sharing that is necessary in the collective effort to maintain and restore services after a disaster event.

**Setting National Expectations for Resiliency, Emergency Alerts,  
Suicide Prevention, and 9-1-1.**

Even as our networks are getting stronger in the face of increasingly severe events, we recognize that more can be done to enhance Americans' ability to rely on wireless during emergencies and disasters.

We support the goals of Chairman Pallone and Representative McNerney's RESILIENT Networks Act (H.R. 5926). The bill rightly recognizes that communications providers, electric utilities, and public safety stakeholders need new tools to share information and work together to ensure our nation's critical infrastructure can meet the evolving challenges of emergencies and disasters, including pre-planned power downs. By recognizing that wireless networks are deployed on a nationwide basis but emergency events are local, the bill also directs the FCC to set clear expectations for roaming, mutual aid, and backup power during disasters through reasonable and flexible rules. In addition, we know that the low-latency, high-capacity capabilities of 5G will further raise expectations among wireless consumers and public safety stakeholders, and we welcome the bill's focus on how 5G will improve resiliency.

In the spirit of supporting the goals of the RESILIENT Networks Act, we identify here a few areas where improvements can be made and look forward to continuing to work with the Subcommittee to address these and any other issues. First, we appreciate that the bill recognizes the FCC's important role in assessing the impact of emergencies and disasters on communications infrastructure and, when appropriate, activating the Disaster Information Reporting System (DIRS) when such infrastructure may be affected by emergencies. Activation of DIRS and a declaration of a federal emergency are the two best indicators of a widespread threat to communications infrastructure, and thus any provisions of this bill that go into effect during times of emergency should be tied to these two events.

Second, the bill acknowledges the important role that reasonable roaming agreements play during times of emergency in ensuring continuity of service—a principle we support and have embraced in the Cooperative Framework. However, the bill could create confusion by requiring providers to disclose the status of their networks while excluding areas where customers are roaming on another provider's network. This approach may not further situational awareness among public safety when customers can still communicate with emergency services in a roaming circumstance.

And third, we support the bill's focus on enhanced information sharing, both between industries and different levels of government, and with the public safety community. However, we note that tomorrow, the FCC is expected to launch a new proceeding aimed at expanding the scope of public safety stakeholders who can access DIRS information. The FCC's Notice of Proposed Rulemaking will likely generate a robust record and may spur new ideas for better

enhancing information sharing among key stakeholders moving forward. We encourage the Subcommittee to monitor the FCC proceeding and the issues raised, rather than adopting legislation before the FCC develops a record.

We support Representative McNerney's READI Act (H.R. 4856). Today, wireless providers serving more than 99 percent of wireless consumers are voluntarily participating in the WEA system, transmitting thousands of alerts each year that are helping our local alert originators save lives. By encouraging the alert-originator community to adopt and regularly adapt their emergency alerting procedures to avoid false alerts and harness evolving capabilities, the READI Act can help ensure that WEAs remain a trusted source of emergency information for the American public.

Americans rely on wireless to easily access emergency services, whether calling 9-1-1 or seeking support from suicide prevention centers throughout the U.S. We support Ranking Member Walden's FIRST RESPONDER Act (H.R. 5928) because a robust and reliable 9-1-1 service is the centerpiece of our nation's emergency communications system. 9-1-1 service is a partnership among federal, state, and local governments, public safety professionals, and industry. However, state and local governments undermine public trust and public safety when they divert portions of the \$2.6 billion dollars in 9-1-1 fees collected annually from wireless consumers. If adopted, the FIRST RESPONDER Act will give the FCC more tools to discourage the unacceptable practice of state 9-1-1 fee diversion and ensure our nation's 9-1-1 system can continue to support life-saving services for millions of wireless consumers.

Finally, we also support the goals of H.R. 4194 to ease access to the National Suicide Prevention Lifeline by designating 9-8-8 for providers to route calls to these existing services that help people in crisis every day. These crisis centers need sufficient funding to support the increased call volumes that are likely to come from implementing 9-8-8. Given the significant fee diversion issues noted above, we are concerned about the effectiveness and equities of solely funding this important work from state and local fees on all Americans' wireless bills. We look forward to continuing to work with this Committee on this bill to ensure suicide prevention crisis centers have the resources they need to continue saving lives.

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Thank you again for the opportunity to testify. We look forward to working with you to further ensure that wireless is there when Americans need it most.

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<sup>i</sup> Adam B. Smith, *2010-2019: A landmark decade of U.S. billion-dollar weather and climate disasters*, NOAA (Jan. 8, 2020), <https://www.climate.gov/news-features/blogs/beyond-data/2010-2019-landmark-decade-us-billion-dollar-weather-and-climate>.

<sup>ii</sup> *Id.*

<sup>iii</sup> See Comments of CTIA, PS Docket No. 11-60, at 5-6 (Apr. 29, 2019) (CTIA Apr. Framework Comments).

<sup>iv</sup> *Id.*

<sup>v</sup> See CTIA, *2019 Annual Survey Highlights*, at 5 (June 20, 2019), <https://api.ctia.org/wp-content/uploads/2019/06/2019-Annual-Survey-Highlights-FINAL.pdf>.

<sup>vi</sup> Press Release, CTIA, *Mobile Data Use Nearly Doubles, CTIA Annual Survey Shows* (June 20, 2019).

<sup>vii</sup> CTIA Apr. Framework Comments at 3.

<sup>viii</sup> *Id.*

<sup>ix</sup> See, e.g., FCC, *Communications Status Report for Areas Impacted by California Public Safety Power Shutoffs*, at 3 (Oct. 28, 2019).

<sup>x</sup> CTIA, *The Wireless Industry Responds to Puerto Rico Earthquake* (Jan. 15, 2020), <https://www.ctia.org/news/blog-the-wireless-industry-responds-to-puerto-rico-earthquake>; Letter from Ajit V. Pai, Chairman, FCC, to Yvette D. Clarke, New York Congresswoman, U.S. House of Representatives (Feb. 14, 2020), <https://docs.fcc.gov/public/attachments/DOC-362600A2.pdf>.

<sup>xi</sup> Ina Fried, *1 big thing: Climate change challenges wireless industry*, Axios Login newsletter (Nov. 25, 2019), <https://www.axios.com/newsletters/axios-login-dace70d7-f3cc-48a5-9f9e-a0aa9aa4305a.html>.

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<sup>xi</sup> See CTIA Apr. Framework Comments at 7.

<sup>xiii</sup> See Reply Comments of CTIA, PS Docket No. 11-60, at 3 (Feb. 25, 2019).

Mr. DOYLE. Thank you.

Mr. Torres, you are recognized for 5 minutes.

#### **STATEMENT OF JOSEPH TORRES**

Mr. TORRES. Chairman Doyle, Ranking Member Latta, Chairman Pallone, Ranking Member Walden, and esteemed members of the subcommittee, thank you for inviting me to testify about the life and death issue of ensuring that communications networks properly serve all people in the United States, especially in times of crisis.

I am the Senior Director of Strategy and Engagement at Free Press and Free Press Action. I am here today on behalf of 1.4 million members in all 50 States, the District of Columbia, and Puerto Rico.

Over the past couple of years, since Hurricanes Irma and Maria struck Puerto Rico in 2017, Free Press has worked with allies to ensure that lawmakers and regulators are crafting policies to rebuild communications in Puerto Rico and to hear directly from Puerto Ricans impacted by the disaster.

I am Puerto Rican and I grew up in New York City. Like so many Puerto Ricans growing up in the States, I often traveled as a kid to the Islands to visit my grandmother. Four of my Free Press colleagues also have their personal connection to Puerto Rico.

Hurricane Maria, a Category 4 storm, knocked out power and nearly the entire communications network on the Islands. This impacted recovery efforts. FEMA said it struggled to gain situational awareness and assess the status of critical infrastructure, in part, due to Puerto Rico's communication outages.

The president of Puerto Rico's Association of Emergency Managers told the Associated Press the biggest crisis after Maria was communication and that it unleashed an endless number of problems. Between 3,000 and 5,000 people died as a result of Maria, making it one of the worst tragedies in U.S. history. An inability of Puerto Ricans to communicate was a factor in the death toll.

My colleagues and I worked with Puerto Rican activists, when we traveled to Puerto Rico in 2018, to learn how the communication collapse impacted the people's lives. Residents of Vieques and Comerio told us how the lack of communication limited their mobility, left them without knowing where to search for food, water, medical care, and how to reach loved ones, or get information about mudslides. This is why a coalition of Puerto Rican groups and leaders, and racial justice and public interest groups have called on the Federal Communications Commission to conduct an independent investigation into all the factors that contributed to the communication crisis. Well, so far, the FCC has failed to do so.

In contrast, the FCC did investigate the communication disruptions in the Florida Panhandle following Hurricane Michael, also a Category 4 storm. The Commission found that the lack of coordination among wireless and landline service providers, power crews, and municipalities prolonged the restoration of service. We applauded the Commission for conducting the investigation but we also are troubled by the disparity in treatment when it comes to Puerto Rico. We believe that the longest-known communications blackout in modern U.S. history warrants and investigation.

Earlier this month, in a letter to Representative Yvette Clarke, Chairman Pai praised the telecom carriers for applying the lessons they learned after Hurricane Maria to rapidly restore service in areas of Puerto Rico impacted by the recent earthquakes but the lessons the Chairman alludes to have yet to be made public.

Meanwhile, Commissioner Jessica Rosenworcel criticized the Commission last September for not having a clear picture of how telecom companies, who have received Federal funding from the FCC, have spent that money and for not knowing the precise status of communication facilities on the Islands. She called this approach an invitation for waste.

We urge the committee to use its oversight power to ask Chairman Pai to publicly share the lessons the carriers and the Commission have learned from Hurricane Maria. Puerto Ricans deserve to know the truth about what happened. They deserve a comprehensive investigation into all the factors that contributed to the communication crisis in Puerto Rico. They deserve to know the FCC's response and they deserve to know the industry's response. Learning about what happened in Puerto Rico is critical to adopting policies to prevent this from happening again, not just in Puerto Rico but everywhere else in the country. The intensities of the storms and extreme weather is only increasing damage due to climate change and hurricanes like Maria may become the norm. This is why Free Press Action is pleased that this committee is considering eight bills that address various telecom issues, such as resilience, because improving our communications networks following disaster is a matter of life and death.

Thank you, Chairman.

[The prepared statement of Mr. Torres follows:]



Written Testimony of

**Joseph Torres**  
**Senior Director of Strategy and Engagement**  
**Free Press and Free Press Action Fund**

Before the

**Congress of the United States**  
**House of Representatives**  
**Committee on Energy and Commerce**  
**Subcommittee on Communications and Technology**

Regarding

**“Strengthening Communications Networks to Help Americans in Crisis”**

February 27, 2020

**Introduction**

Chairman Doyle, Ranking Member Latta, Chairman Pallone, Ranking Member Walden, and esteemed members of the Subcommittee, thank you for inviting me to testify about the life-or-death issue of ensuring that communications networks properly serve all people in the United States, especially in times of crisis.

I am the Senior Director of Strategy and Engagement at Free Press and Free Press Action. I am here today on behalf of our 1.4 million members in all fifty states, the District of Columbia, and Puerto Rico. Over the past couple of years since Hurricanes Irma and Maria hit in the Fall of 2017, Free Press has worked with allies to ensure that lawmakers and regulators crafting policies to restore and rebuild communications in Puerto Rico hear directly from Puerto Ricans impacted by the disasters. Puerto Ricans are U.S. citizens, but tragically their voices have been largely absent from this crucial debate — and the restoration and rebuilding processes have suffered as a result.

I am Puerto Rican and I grew up in New York City. Like so many Puerto Ricans growing up in the states, as a kid I often traveled to the islands to visit my family — in my case, my grandmother. Four of my Free Press colleagues, including one who was born on the islands, also have this personal connection to Puerto Rico, and many of them still have family who live there. When the storms hit many of us were consumed with connecting to our loved ones, and for one of my colleagues it took up to two weeks to get through.

In other words, this issue is very personal to me. Together with my Puerto Rican colleagues, we have been working to learn more about how the loss of communication impacted the lives of Puerto Ricans, including how it contributed to the death toll.

In October of 2018, my colleagues and I traveled to Vieques, an island off the southeast coast of mainland Puerto Rico, and to Comerío, a small town located in the mountains of Puerto

Rico. We worked with allies such as Resilient Just Technologies and the Center for Embodied Pedagogy & Action to conduct story circles, so that we could hear from some of the local residents. We learned that communications failures limited their mobility because they didn't know where to search for food or water. They were afraid to leave their houses due to lack of information about mudslides in the area. There were no media outlets informing them of where it was safe to travel, find medical care or seek out loved ones.

This legislative hearing is a critical step in ensuring that our communications networks are resilient. Whether more and more catastrophic disasters will strike is not a matter of if, but when. Climate change will almost certainly increase the ferocity and frequency of these crises. We must prepare now to ensure that our communications networks can protect life and safety during and after these catastrophes.

#### **The Communications Crisis in Puerto Rico**

*For me, not having any cellphone connection or access to internet in the immediate aftermath of the storm was worse than not having electricity or water service. We had little idea what had happened in the rest of the country."*

— Maritza Stanchich in San Juan, Puerto Rico (January 31, 2018)

In the weeks and months following Hurricanes Irma and Maria, we witnessed the deadly consequences of public safety communications systems failures during and after a disaster. Hurricane Irma struck the islands on September 6, 2017, leaving more than a million people without power, and also weakening the islands' already fragile infrastructure.<sup>1</sup> Then on September 20, 2017, Hurricane Maria — a Category 4 storm when it made landfall in Puerto Rico — obliterated that infrastructure. It left the entire population of Puerto Rico without power, resulting

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<sup>1</sup> See Alex Johnson, Daniel Arkin, Jason Cumming & Bill Karins, "Hurricane Irma Skirts Puerto Rico, Leaves 1 Million Without Power," *NBC News* (Sept. 6, 2017).

in the “largest power blackout in US history and the second-largest in the world.”<sup>2</sup> The second storm also knocked out Puerto Rico’s communications networks, resulting in the lengthiest communications blackout in modern U.S. history. Immediately following the storm, the Federal Communications Commission (“FCC” or “Commission”) reported that:

- 95 percent of cell sites were out of service.
- 97 percent of radio stations were off the air.
- No TV stations were broadcasting.<sup>3</sup>

We now know that between 3,000 and 5,000 people died due to Hurricane Maria.<sup>4</sup> Many perished because they could not access life-saving information. The near total blackout of communications exacerbated the suffering and death toll,<sup>5</sup> making Hurricane Maria one of the deadliest disasters in U.S. history, and severely hindered recovery work. In a report, the Federal Emergency Management Agency (“FEMA”) conveyed its struggle, along with other federal agencies, “to gain situational awareness and assess the status of critical infrastructure, in part due to communications outages across Puerto Rico.”<sup>6</sup> And Nazario Lugo, president of Puerto Rico’s

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<sup>2</sup> Grace Panetta, “Puerto Rico just quietly conceded that Hurricane Maria killed over 1,300 more people than it originally estimated,” *Associated Press* (Aug. 9, 2018).

<sup>3</sup> See Federal Communications Commission, “Communications Status Report for Areas Impacted by Hurricane Maria” (rel. Sept. 23, 2017).

<sup>4</sup> See *New England Journal of Medicine*, “Mortality in Puerto Rico after Hurricane Maria” (July 12, 2018).

<sup>5</sup> See Milken Institute School of Public Health, George Washington University, “Ascertainment of the Estimated Excess Mortality from Hurricane Maria in Puerto Rico” (2018); Nishant Kishore *et al.*, “Mortality in Puerto Rico after Hurricane Maria,” 379 *New England Journal of Medicine* 162, 162-170 (2018); see also Nidhi Prakash, “A New Study Says Nearly 6,000 Died In Puerto Rico After Hurricane Maria. The Government Still Says 64 People Died,” *BuzzFeed News* (May 29, 2018) (noting that the collapse of the cell networks “prevented many people from seeking help if they were unwell,” and those “who relied on home oxygen and dialysis machines or refrigeration for diabetes medication were left vulnerable, cut off from medical professionals and unable to call for help”); Danica Coto, “Puerto Rico Unveils New Emergency Preparations After Maria,” *Associated Press* (Sept. 11, 2018) (noting the installation of direct emergency lines to nursing homes to address the fact that many of the people who died as a result of Maria were elderly).

<sup>6</sup> See Federal Emergency Management Agency, “2017 Hurricane Season FEMA After-Action Report” (2018).

Association of Emergency Managers indicated to the Associated Press that the “biggest crisis after Maria was communication. . . . [T]hat unleashed an endless number of problems.”<sup>7</sup>

Not only was the initial level of devastation to modern communications networks unprecedented, the pace of recovery was excruciatingly slow. Nearly three months after the storm, in December 2017, more than 95 percent of TV stations and 66 percent of radio stations were still out; and cable and landline phone services were, in the Commission’s own words, “generally nonexistent.”<sup>8</sup>

Yet this tragedy was not just a result of the storms. It was, in significant part, a man-made disaster. The protracted and still inadequate recovery efforts cannot be separated from the history of more than a hundred years of U.S. colonialism in Puerto Rico. It is a history of wealth extraction, systemic racism and economic exploitation that left the islands’ critical infrastructure — including the communications networks — fragile and vulnerable.<sup>9</sup> But even though Puerto Rico is currently a colonial possession of the United States, this does not mean that Puerto Ricans can be denied their civil and human rights to communicate.

#### **Important Questions Remain Unanswered**

Free Press deeply studied these events as they unfolded after Hurricane Maria. We commented in several Commission proceedings,<sup>10</sup> collected stories from Puerto Ricans still living

<sup>7</sup> Danica Coto, “Puerto Rico Lures Tech Developers as Hurricane Season Looms,” *Associated Press* (Mar. 20, 2019).

<sup>8</sup> See Federal Communications Commission, “Communications Status Report for Areas Impacted by Hurricane Maria” (rel. Dec. 6, 2017). Hurricane Maria’s severity forced the Commission to track and publish Disaster Information Reporting System (“DIRS”) outage reports for 182 days — the longest period, by a wide margin, for any U.S. disaster-recovery effort since DIRS’ creation.

<sup>9</sup> See, e.g., Nick Thieme, “After Hurricane Maria, Puerto Rico’s Internet Problems Go from Bad to Worse,” *NOVA* (Oct. 23, 2018) (chronicling key issues hampering equitable access to broadband service prior to Hurricanes Irma and Maria and noting that with “the Puerto Rican fiscal control board tightening the budget to pay creditors who own the equivalent of 70% of Puerto Rico’s GDP in debt, the pool of money and incentives for resilient internet improvements is shrinking”).

<sup>10</sup> See Comments of Free Press, PS Docket No. 17-344 *et al.* (filed Sept. 17, 2018); Letter from Joseph Torres, Senior Director of Strategy and Engagement, Free Press, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 18-144 (filed July 20, 2018) (“2018 Free Press Letter on Uniendo Fund”).

on the islands and from the diaspora,<sup>11</sup> submitted FOIA requests to the Commission and FEMA,<sup>12</sup> traveled to Puerto Rico to hear in person from Puerto Ricans about the impacts of the communications networks' failures — and about their vision for a just communications system for their communities<sup>13</sup> — and authored an extensive report, “Connecting the Dots: The Telecommunications Crisis in Puerto Rico.”<sup>14</sup>

Our report called for investigation into the root causes for the collapse of the communications networks. We posed dozens of questions that have yet to be answered, with Chairman Pallone himself later asking many of the same questions,<sup>15</sup> such as:

- Did the actions or inactions of the Commission or communications providers prior to and following Hurricane Maria contribute to the prolonged outages for broadcast and telecom services? And how did the prolonged service disruptions contribute to the protracted recovery efforts for other types of critical services and infrastructure? How could lessons learned from the recovery failures in Puerto Rico have led to preventative or resiliency-building measures in other areas and other disasters, such as during the California wildfire season?
- Did the people in affected areas have equivalent access to disaster-related information (such as warnings, notifications and instructions) in their dominant language, Spanish? And does the Commission have a plan for ensuring that information is delivered in the languages spoken by people in affected areas?
- Did Puerto Ricans pay for communications services they did not receive following Hurricane Maria? If so, did communications providers reimburse customers for service they did not receive?
- Did communications providers restore service in a manner that produced a disparate impact, such as restoring service to affluent areas before poorer ones?

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<sup>11</sup> See Comments of National Hispanic Media Coalition & Free Press, PS Docket No. 17-344 & WC Docket No. 17-287 (filed Apr. 17, 2018) (“Joint Comments of Free Press & NHMC”).

<sup>12</sup> See Letter from Carmen Scurato, Senior Policy Counsel, Free Press, to Federal Communications Commission (filed Nov. 9, 2018).

<sup>13</sup> In October 2018, Resilient Just Technologies, the Center for Embodied Pedagogy & Action (“CEPA”), and Free Press hosted small-group discussions in Vieques and Comerio to hear directly from Puerto Ricans about how the loss of communications had impacted them.

<sup>14</sup> Free Press, “Connecting the Dots: The Telecommunications Crisis in Puerto Rico” (May 2019) (“Free Press Report”).

<sup>15</sup> See Letter from Frank Pallone, Chairman, U.S. House Committee on Energy and Commerce, to Gene Dodaro, Comptroller General, U.S. Government Accountability Office, at 2-3 (Oct. 3, 2019) (citing to Free Press Report).

- How is the Commission tracking the USF advance money (in what it calls the “Uniendo Fund”) to ensure that money is being used for recovery and resiliency efforts, not simply to pay down debt or pad profits for the carriers receiving those funds?
- Are the telecom carriers — including those receiving USF funds — fully restoring the same types and quality of services offered prior to the hurricanes? Are they abandoning any types of services that communities used to receive? Are the networks they are building more resilient?
- To what extent did the Commission coordinate with FEMA on the communications outage, and how can that coordination improve?
- How often did the Commission’s Hurricane Recovery Task Force (led by Michael Carowitz, Special Counsel to Chairman Pai<sup>16</sup>) meet? What was the nature of the Task Force’s work and engagement with communications providers? Who served on the Task Force and how were they selected? What did the Task Force do, and what did members learn that could inform future government response to disasters? How did it interact with industry and coordinate with other government and emergency management officials?
- How did the Commission, then and now, institutionalize, if at all, its acquired experience and knowledge from disaster to disaster?

We requested that Congress demand answers to these questions as well, so that a communications crisis of this magnitude never happens again. We appreciate the efforts made to echo those questions thus far by Chairman Pallone, but we have yet to see the questions asked of and answered by the Commission and the communications providers on the islands. So today, we renew that request.

Unfortunately, additional disasters struck Puerto Rico before the recovery from the hurricanes was anywhere near complete. We appreciate Committee Vice Chair Yvette D. Clarke’s inquiry to FCC Chairman Pai regarding the status of Puerto Rico’s telecommunications following recent earthquakes.<sup>17</sup> In his response to the Rep. Clarke, Chairman Pai suggested that telecommunications providers learned lessons from Hurricane Maria that allowed them to restore

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<sup>16</sup> See Federal Communications Commission, “FCC Chair Announces Hurricane Recovery Taskforce” (Oct. 6, 2017).

<sup>17</sup> See Letter from Rep. Yvette D. Clarke, U.S. House of Representatives, to Chairman Ajit Pai, Federal Communications Commission (Jan. 17, 2020).

service more quickly following these earthquakes.<sup>18</sup> This simply begs the question: What are these lessons that the providers supposedly learned? The people of Puerto Rico deserve to know, and so do local communities across the country, so they can take action to ensure that their own telecommunications networks can withstand impending disasters.

**One Thing is Clear: The FCC's Response to the Puerto Rican Communications Crisis Was Unacceptably Lackluster**

The federal government failed to properly prepare for and respond to the hurricanes in Puerto Rico. The FCC, the government agency responsible for ensuring that media and telecommunications providers serve the public interest and public safety, has yet to conduct a truly rigorous investigation into what went wrong in Puerto Rico. The FCC also has failed to hold telecommunications providers accountable for their slow pace of service restoration.<sup>19</sup>

Three months after the storm, in December 2017, the Commission's Public Safety & Homeland Security Bureau opened an inquiry into the "resiliency of the communications infrastructure, the effectiveness of emergency communications, and government and industry responses to the 2017 hurricane season."<sup>20</sup> But this inquiry was not published in Spanish, nor did the Commission make any attempt to reach out to those most impacted by the storms.<sup>21</sup> Free Press

<sup>18</sup> See Letter from Chairman Ajit Pai, Federal Communications Commission, to Rep. Yvette D. Clarke, U.S. House of Representatives (Feb. 14, 2020).

<sup>19</sup> See generally Joint Comments of Free Press & NHMC. The Commission failed to adequately engage with affected communities in the aftermath of Hurricanes Maria and Irma. We requested that the Commission ensure all documents and resources would be available in Spanish, and while the Commission eventually made some strides in this regard, major documents related to the disaster remain in English-language only. Finally, the Commission was not transparent, particularly around its Hurricane Recovery Task Force.

<sup>20</sup> See *Public Safety and Homeland Security Bureau Seeks Comment on Response Efforts Undertaken During 2017 Hurricane Season*, PS Docket No. 17-344, Public Notice, 32 FCC Rcd 10245 (Dec. 7, 2017).

<sup>21</sup> See Joint Comments of Free Press & NHMC at 26-27. The bureau did hold a single public workshop in the District of Columbia on its inquiry, but did not include industry stakeholders, the very communications providers the agency is supposed to regulate. See *Public Safety and Homeland Security Bureau Announces Workshop to Identify Critical Information Needs to Improve Communications During Disasters*, Public Notice, DA 18-292 (rel. March 23, 2018); see also Federal Communications Commission, "Public Safety and Homeland Security Bureau announces the agenda for the April 13, 2018 public workshop to identify critical information needs to improve communications during disasters," Public Notice, DA 18-357 (rel. April 10, 2018).

and the National Hispanic Media Coalition filed joint comments highlighting the stories of people living on the islands and from the diaspora, and demanding that the agency fully engage with Puerto Ricans by holding field hearings on the islands, publishing key documents in Spanish, and sharing information about the task force with the public.<sup>22</sup> The FCC concluded its lackluster inquiry into the 2017 hurricane-response inquiry by releasing a paltry 36-page report that failed to reflect the gravity of the situation.<sup>23</sup> The report also failed to determine whether any Commission-regulated entity should be held accountable for failures in preparing for the storms and restoring service afterwards, and included no new information beyond what was available through aggregating daily DIRS reports released to the public.

FCC Commissioner Jessica Rosenworcel lambasted the report, stating that:

[R]eleasing this report 85 days into the current hurricane season and as an historic storm gets closer to Hawaii's shores, is simply too little, too late.

After Hurricane Katrina, this agency established an independent panel that brought to bear a broad background of public safety and industry experiences, including first-hand knowledge of the devastation wrought. We didn't do that here. After Hurricane Sandy, this agency convened a series of field hearings to help inform recommendations and action to improve network resiliency. Again, we didn't do that here. Instead, we lump together four of the most destructive storms in recent history into one [short] report with a list of recommended, voluntary best practices for federal government partners, service providers, 911 call centers, and consumers. Harvey, Irma, Maria, and Nate all have had their names retired because of their high damage and loss of life. In short, this slim and long-overdue review fails to capture the gravity of these storms.

As we are already seeing, Mother Nature's wrath is sure to visit us again. I hope going forward we can make a greater effort to learn from disasters in a timely way, so we can do more to improve emergency response and infrastructure recovery.<sup>24</sup>

<sup>22</sup> See Joint Comments of Free Press & NHMC.

<sup>23</sup> See *2017 Atlantic Hurricane Season Impact on Communications Report and Recommendations*, PS Docket No. 17-344, Report, DOC-353805 (rel. Aug. 24, 2018).

<sup>24</sup> Federal Communications Commission, "Statement of Commissioner Jessica Rosenworcel in Response to FCC's 2017 Atlantic Hurricane Season Report" (rel. Aug. 24, 2018).

Yet even today, over two years later, the Commission has failed to heed even one of these important recommendations.

Instead, in May 2018 the Commission decided to provide federal funding to big telecommunications providers to solve the problem; but the Commission did not bother to make sure the money was well spent, nor that the companies receiving it would be accountable to the Puerto Rican people. The Commission proposed the “Uniendo a Puerto Rico Fund” and the “Connect USVI Fund” with the supposed goal of accelerating the restoration of communications services on the islands. It committed \$954 million of high-cost support funds in two stages over the subsequent 10 years<sup>25</sup> to rebuild the telecom networks in Puerto Rico and the U.S. Virgin Islands.<sup>26</sup> This initial FCC order and the additional funds from the Universal Service Fund (described below) to rebuild resilient telecommunications networks may have accelerated the still excruciatingly slow restoration process, but they had significant shortcomings.

First, the bulk of the funds were simply a rebranded delivery of previously obligated USF high cost support.<sup>27</sup> There also were smaller advances of \$65.8 million in October 2017<sup>28</sup> and then \$64.2 million in new support in August 2018.<sup>29</sup> But the Commission’s boasts (in press reports and to this Subcommittee) that it would send nearly \$1 billion to Puerto Rico were misleading at best, since most of that total was accelerated delivery of support already obligated to Puerto Rico’s carriers under existing USF mechanisms.

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<sup>25</sup> See *Uniendo a Puerto Rico Fund and the Connect USVI Fund*, WC Docket Nos. 18-143 *et al.*, Order, 34 FCC Rcd 9109, ¶¶ 6, 7 (2019) (“2019 Uniendo Fund Order”).

<sup>26</sup> See *Uniendo a Puerto Rico Fund and the Connect USVI Fund*, WC Docket Nos. 18-143 *et al.*, Order & Notice of Proposed Rulemaking, 33 FCC Rcd 5404 (2018) (“PR-USVI Fund Order”).

<sup>27</sup> See *id.* ¶ 30 (proposing “to spend up to an additional \$126 million through the second stages” and making “available about \$444.5 million over a decade for fixed broadband (an \$84 million increase over current funding levels) and about \$254 million over 3 years for 4G LTE mobile broadband (a \$16.8 million increase)”) (emphasis added).

<sup>28</sup> See Letter from Center for Media Justice, Color Of Change, Free Press, National Hispanic Media Coalition and Public Knowledge, to Chairman Ajit Pai, Federal Communications Commission (filed Oct. 6, 2017) (“2017 Public Interest Advocates Letter”).

<sup>29</sup> See PR-USVI Fund Order, 2018 Uniendo Fund Order at 5407-08 ¶¶ 10-12.

Second, the speed with which the Commission got these initial additional, smaller tranches of money out quickly was probably necessary given the immediate material needs of the communications providers.<sup>30</sup> However, we still do not know how these funds were spent. Without greater oversight, these funds could simply be used to offset already-planned deployments, line the pockets of shareholders or facilitate the bailout of corporations.<sup>31</sup> Additionally, the plan did not include any robust accountability measures. Our concerns are based on what CEOs told their investors about not fully restoring networks in Puerto Rico. For instance, the CEO of América Móvil said during an investor call in 2017 that 99 percent of that company’s mobile network was back in operation at that time. But when it came to repairing its fixed lines, he said:

“[W]e are working very hard in the fixed and I think it’s going to take us a little bit of time to do that. We are, let’s say, renewing some part of our fixed network. So in places where we don’t have the fixed service already fixed, we’re giving them some wireless phones for them to use them.”<sup>32</sup>

Notably, FCC Commissioner Jessica Rosenworcel criticized the Commission for not having a “clear picture” of how providers are spending recovery funding from the Commission or the precise status of communications facilities on the islands. She called the Commission’s approach “an invitation for waste because it fails to ensure we are directing funding to areas with the greatest need” and emphasized the need for a new playbook in how the Commission responds to disasters.<sup>33</sup>

In September 2019, the Commission finally disclosed how it planned to ensure that the funds would accelerate recovery and promote network resiliency through additional accountability

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<sup>30</sup> See 2017 Public Interest Advocates Letter.

<sup>31</sup> See 2018 Free Press Letter on Uniendo Fund. That a hedge fund recently pressed for AT&T, which has received millions in Uniendo funds, to leave the islands should not be surprising given the long, extractive history of Wall Street on the islands.

<sup>32</sup> See *id.* (citing Comments of Daniel Hajj Aboumrak, América Móvil, Chief Executive Officer, Fourth Quarter 2017 Earnings Call (Feb. 14, 2018)).

<sup>33</sup> See 2019 Uniendo Fund Order, Concurring Statement of Commissioner Jessica Rosenworcel.

processes and requirements for the next tranche (“Stage 2”) of funding. Aspects of the Commission’s lately announced actions have good potential, including requiring recipients of Stage 2 funds to participate in DIRS, even though that system for collecting outage reporting information during disasters is typically voluntary. Requiring carriers to incorporate network resilience proposals into their submissions as part of the bidding process for Stage 2 funds is also a good step. However, a better yet step would be to require DIRS participation and resiliency planning for all carriers, not just funding recipients, as today’s bills suggest. Furthermore, these kinds of measures are not enough on their own as they defer too much to the promises of communication providers, and the FCC must provide greater transparency to the public in Puerto Rico and fully engage with the affected communities to develop a more comprehensive set of policy approaches to fostering resilient and equitable networks.

The FCC’s response in Puerto Rico is even more offensive when contrasted with its response to Hurricane Michael, which struck the Florida Panhandle in 2018,<sup>34</sup> and to the George W. Bush-era Commission’s response to Hurricane Katrina. After Hurricane Michael, the FCC quickly criticized the lack of coordination between wireless and wireline service providers, electrical crews, and municipalities in restoring communications in the wake of the storm.<sup>35</sup> These same issues were present in the aftermath of Hurricane Maria.<sup>36</sup> The damage in Puerto Rico was

<sup>34</sup> See Federal Communications Commission, “Statement of Chairman Pai on Hurricane Michael Restoration Efforts” (rel. Oct. 16, 2018) (“Chairman Pai Hurricane Michael Statement”).

<sup>35</sup> See *October 2018 Hurricane Michael’s Impact on Communications: Preparation, Effect, and Recovery*, Report, PS Docket No. 18-339 (rel. May 9, 2019) (“FCC Hurricane Michael Report”).

<sup>36</sup> Compare *Public Safety and Homeland Security Bureau Seeks Comment On Hurricane Michael Preparation and Response*, PS Docket No. 18-339, Public Notice, 33 FCC Rcd 11239, 11241 (rel. Nov. 16, 2018) (asking “[w]hat do service providers believe were the obstacles to restoring communications systems almost a week after Hurricane Michael”) (emphasis added), with *Public Safety and Homeland Security Bureau Seeks Comments on Response Efforts Undertaken During 2017 Hurricane Season*, PS Docket No. 17-344, Public Notice, 32 FCC Rcd 10245, 10247 (2017) (asking what were the “major causes for communications outages due to the hurricanes?”). As we previously noted in a December 17, 2018 letter to the Commission, the FCC’s tone was far more critical and its speed far greater in the aftermath of Hurricane Michael, even though the destruction was far greater after Hurricane Maria.

massively more widespread, and the outages lasted far longer. Yet the FCC didn't show the same level of concern or start asking questions as quickly as it did following Hurricane Michael. With Hurricane Michael, the FCC Chairman criticized a days-long outage and publicly demanded that wireless providers credit consumers for an entire month of service;<sup>37</sup> in contrast, he largely deferred to telecommunications carriers in Puerto Rico. Then, on the Commission's own initiative, it announced an investigation and later issued a standalone report on the impact of Hurricane Michael — having lumped all four storms into the same report after the far more damaging 2017 hurricanes.<sup>38</sup>

Following the massive destruction in the wake of Hurricane Katrina in 2005, the Commission responded by convening an independent commission to conduct an investigation which then resulted in a report containing several recommended reforms based on lessons learned from the communications failures in Hurricane Katrina.<sup>39</sup> With the hard lessons learned n after Katrina, and in part guided by these recommendations, the Commission established the Public Safety and Homeland Security Bureau, created the DIRS reporting system, and expanded the Lifeline program to cover wireless service to help displaced people stay connected.<sup>40</sup> All of this and more, was accomplished in a bipartisan manner under a Republican administration. We do not wish to suggest that the Commission's actions following Hurricane Katrina were some kind of

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<sup>37</sup> See Chairman Pai Hurricane Michael Statement ("I'm concerned that their actions on the ground aren't matching the urgency that we have conveyed during those conversations. I am therefore joining Governor Scott in calling on wireless carriers to waive the bills of Floridians in these affected areas for the month of October and to allow them to change carriers without penalty. These carriers also need to immediately disclose publicly to Floridians how they will quickly restore service. In addition, I have directed our Public Safety & Homeland Security Bureau to promptly initiate an investigation into this matter.").

<sup>38</sup> See FCC Hurricane Michael Report.

<sup>39</sup> See *generally* Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, EB Docket No. 06-119, Order, 22 FCC Rcd 10541 (2007) ("FCC Hurricane Katrina Report").

<sup>40</sup> See, e.g., *Establishment of Public Safety and Homeland Security Bureau*, Order, 21 FCC Rcd 10867 (2006); *Fed.-State Joint Bd. on Universal Serv. Sch. & Libraries Universal Serv. Support Mechanism Rural Health Care Support Mechanism Lifeline & Link-Up*, CC Docket No. 96-45 *et al.*, Order, 20 FCC Rcd 16883 (2005).

“gold standard” and beyond reproach, or that the Commission could not have examined the need for network resiliency in the years prior to that 2005 storm. But the Katrina response was far and away better than the government’s paltry response following Hurricane Maria. Hurricane Maria should have at least prompted the Commission to assess whether the lessons learned from Hurricane Katrina were still applicable, and to study how the intervening period of changes to communications systems and to environmental threats may have required new approaches.

The FCC’s failure to provide a critical analysis of exactly what went wrong in Puerto Rico after the 2017 hurricanes, and its failure to include the Puerto Rican people in any such process, dramatically reduces Puerto Ricans ability to stay connected, safe, and healthy during disasters. Free Press Action continues to urge the Commission, Congress, and other federal government agencies involved in recovery efforts to deeply engage with the people of Puerto Rico. We remain hopeful that this work will happen, and that it will prove invaluable in preventing massive communications blackouts and ensuring that people can stay connected and informed — before, during and after a disaster.

**Free Press Action Supports Bills Being Considered at this Hearing**

The eight bills under consideration at today’s hearing provide some first steps towards better ensuring that people in the United States can communicate in times of disaster. Taken together, the bills would equip the government with better data and information it needs to assess disaster impacts; to eventually institute reforms that will result in providers building more resilient communications systems; and then to hold corporations accountable following disasters if they have not taken adequate steps to build resilient networks and restore service after outages. Specifically, the bills would incrementally improve existing law around coordination between carriers and government agencies, and would require regulatory agencies to further solicit

comment and study such matters of coordination, public notification, and network resiliency. While we do not take a position on all eight bills, Free Press Action offers its support for several of them as described below, especially the RESILIENT Networks Act, which requires a comparative audit of the Commission’s response to Puerto Rico’s 2017 hurricane season.

H.R. 5926, Reinforcing and Evaluating Service Integrity, Local Infrastructure, and Emergency Notification for Today’s Networks Act (RESILIENT Networks Act)<sup>41</sup>

Free Press Action supports The RESILIENT Networks Act, which amends Title VII of the Communications Act to include a new section on Network Resiliency Cooperative Requirements. This section directs the Commission to enact a number of new legal duties for carriers. This bill touches on the following areas: coordination, physical network resiliency, network power resiliency, and 5G network resiliency specifically. It also requires the Comptroller General to conduct a comparative audit of the Commission’s response to Puerto Rico’s 2017 hurricane season.

By requiring coordination among providers and between agencies, this bill calls for planning to allow people to stay connected before, during, and after disaster strikes. The RESILIENT Networks Act requires the Commission to issue rules providing for “coordination among providers of advanced communications service during times of emergency.” This is a much needed change — to make the Wireless Resiliency Cooperative Framework mandatory — given that the Commission has been unable to make any significant improvements despite a series of attempts. The rules also would require providers to put in place “reasonable” roaming agreements that can be employed without additional negotiation during emergencies, and agreements “for the provision of mutual aid during times of emergency.”

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<sup>41</sup> See RESILIENT Networks Act, H.R. 5926, 116th Cong. (2020).

To further aid in coordinating recovery efforts, the RESILIENT Networks Act compels the Commission to issue rules requiring all providers to participate in DIRS. This is a significant improvement from the current voluntary DIRS system. The rules would require that all providers report information to “public safety answering points and other public safety entities” in an “easily accessible” format. The bill requires this information to be sufficiently granular so as to be useful to public safety entities, and mandates that it be reported in a manner that makes integration into mapping and computer-aided dispatch systems rapid and reliable, and secure. This bill balances reporting speed with reporting accuracy, releasing providers from liability as long as they engage in “reasonable efforts” to identify outages.

The RESILIENT Networks Act also requires the Commission, in consultation with the Secretary of Energy, to establish a “master point-of-contact directory” that enables “effective” communications between public safety entities, electric utilities, and communications providers. It requires the Commission to conduct a Triennial Review of its coordinated response policies and assess whether those policies are substantially improving network resiliency, and directs the Commission to seek out further input and consider changes to those rules if they aren’t getting the job done.

Finally, and most relevant for Puerto Ricans, the bill specifically requires an audit of the Commission’s response to 2017 Hurricane Season in Puerto Rico. It directs the Comptroller General (“CG”) to conduct a performance audit of Commission’s efforts to restore “Advanced Services” and other communication services in Puerto Rico during and following the 2017 hurricane season. The CG is required to examine the timeliness of the FCC’s actions, and how the FCC responded to the crisis in Puerto Rico as compared to how it responded to other natural disasters before or after 2017 hurricane season. The CG is also required to issue a standalone report

on its findings, along with recommendations. Notably, two years after enactment of RESILIENT Networks Act, the Commission is required to start a proceeding to determine what actions are appropriate in response to the findings and recommendations in the CG's report.

Free Press Action has called for the FCC to convene an independent commission to investigate what happened in Puerto Rico after the 2017 hurricanes and to provide recommendations, similar to what the Commission did after Hurricane Katrina. We have recommended as well that the government and providers be held accountable for unacceptable delays. We encourage this Subcommittee to embrace robust transparency about provider and government responses, as one way to empower the people of Puerto Rico and elsewhere in the U.S. to make decisions on how to make their communities safer. The audit requirement in the bill is a welcome step towards providing this much-needed investigation, especially since the Trump administration has blatantly ignored the needs of the Puerto Rican people.

H.R. 3836, Wireless Infrastructure Resiliency during Emergencies and Disasters Act (WIRED Act)<sup>42</sup>

Free Press Action supports the WIRED Act, which amends Section 332(c)(3)(A) of the Communications Act.<sup>43</sup> Section 332 pertains to mobile services, with subsection (c) governing common carrier mobile services, and subsection (c)(3) specifically preempting the States from regulating wireless carriers' entry into the market or the rates they can charge. Yet that same subsection (c)(3) of the existing statute specifies that the States can indeed "regulat[e] the other terms and conditions of commercial mobile services."<sup>44</sup>

<sup>42</sup> See WIRED Act, H.R. 3836, 116th Cong. (2020).

<sup>43</sup> See 47 U.S.C. § 332(c)(3)(A).

<sup>44</sup> Though not germane to the WIRED Act, this section also makes clear that providers of commercial mobile radio services ("CMRS") are still obligated to follow State-imposed regulations that are required of all telecommunications services in order to ensure universal availability at affordable rates. It also outlines a mechanism for states to petition the Commission to gain the authority to regulate rates, if they can demonstrate that "market conditions" are not protecting subscribers from unjust and unreasonable or unjustly discriminatory rates, or CMRS services are a

The WIRED Act simply clarifies that these “other terms and conditions” that the States may regulate “includ[e] reasonable requirements to promote resilient wireless communications infrastructure for situational awareness during a natural disaster.”

This amendment to current law does not require any state to adopt any specific or even general regulation, but it clarifies that State regulations requiring CMRS carriers to operate resilient networks during a natural disaster are not preempted by Section 332.

H.R. 4856, Reliable Emergency Alert Distribution Improvement Act of 2019 (READI Act)<sup>45</sup>

Free Press Action supports the READI Act, which amends the 2006 WARN Act<sup>46</sup> to prevent subscribers from opting out of receiving alerts issued by the FEMA Administrator. Currently subscribers can elect to opt out of receiving alerts, except for those issued by the President. FEMA’s ability to issue non-opt out wireless messages may improve public awareness of critical disaster information. The bill also encourages governors to establish a State Emergency Communications Committee — which could lead to greater attention and planning at the state level, in coordination with the federal government, in an open and transparent manner.

H.R. 5918 Legislation “[t]o direct the Federal Communications Commission to issue reports after activation of the Disaster Information Reporting System and to make improvements to network outage reporting.”<sup>47</sup>

Free Press Action supports this bill because it requires the Commission to conduct a field hearing four months after DIRS is deactivated. Although this requirement alone does not ensure that the people affected by a disaster will have a chance to directly engage with the Commission,

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replacement for landline services in a “substantial” portion of the state. The latter condition is certainly met, though Free Press action is unaware of any State authority filing a petition seeking to gain the authority to regulate rates.

<sup>45</sup> See READI Act, H.R. 4856, 116th Cong. (2020).

<sup>46</sup> See WARN Act, H.R. 5785, 109th Cong. (2006) (which governs emergency alerts on cellular services).

<sup>47</sup> See H.R. 5918, 116th Cong. (2020).

it does at least provide people with an opportunity to engage with the Commission and improve the chances that the Commission will be directly answerable to them.

Additionally, the bill establishes enhanced reporting requirements for the Commission. For example, no later than six weeks after DIRS is deactivated the Commission must issue a preliminary report on the number of outages, denoted by technology type; the number of mobile users impacted; and the number of and duration of outages at Public Safety Answering Points. This preliminary report would include an initial status report on recovery efforts. After the preliminary report and field hearing, the Commission must issue a final report eight months after DIRS deactivation. This report must include the data from the preliminary report, and FCC recommendations on how to improve the resilience of the affected networks.

#### **Necessary Next Steps**

While Free Press Action supports the Subcommittee's efforts here, we note that the government cannot compel network resiliency through small tweaks or patch ups. The challenge before us is systemic, and will require sunlight, comprehensive reform, and courageous leadership from this body. History teaches us that corporations, even those committed to public safety, need oversight and regulations to hold them accountable and prevent them from putting profits over the well-being of their customers. The FCC must have authority to oversee public safety and other consumer protection measures over all telecommunications services, including broadband. Thankfully, the U.S. House of Representatives has passed the Save the Internet Act to restore that authority, but the bill has yet to become law, leaving U.S. residents vulnerable.

Free Press Action also continues to recommend the following structural changes to improve our communications system and adequately protect all U.S. residents during emergencies:

- Congress should adopt legislation that directs the Commission to promulgate regulations and recommend the same for other relevant federal, state and territorial agencies to address the underlying causes of the prolonged communications outage in Puerto Rico.
- Congress should adopt legislation that enables the Commission to affirmatively and proactively identify structural challenges to improving network resiliency and require the Commission to act swiftly when those challenges imperil life and property.
- Congress should direct the Commission to oversee whether recovery work occurs in a just and reasonable fashion. It should require the Commission to provide regular status reports to this Subcommittee in support of its oversight function. And Congress should empower the Commission to ensure that carriers' recovery efforts are completed in an equitable fashion.
- Congress and the Commission should provide even more funding to accelerate restoration, incorporate network resiliency measures, and spur the development of innovative new technologies to improve resiliency. Lawmakers and agency officials should ensure that affected communities are part of the design and governance of their local infrastructure and that allocated funds support self-sustaining and resilient communities.
- The Commission must adopt and enforce rules to ensure that consumers are billed only for services they receive during outages caused by disasters.
- The Commission must establish better tracking mechanisms for funds set aside for disaster recovery work, such as the Uniendo Fund, and must issue regular progress reports to Congress.
- The Commission must be transparent about the work of any task force it creates, reporting who is appointed to serve on it. The task force must also meet with the members of communities impacted by communications failures.
- The FCC should examine new data collection methods to assess recovery efforts, and ensure this data is accurate, publicly available, and sufficiently useful.
- Congress should direct the Commission to develop a means to collect and disseminate effective practices and institutional knowledge gained during times of disaster, and to hold providers accountable to measurable recovery and resiliency standards.

**Conclusion**

The history of U.S. colonialism in Puerto Rico and the systemic racism and economic exploitation left the islands' critical infrastructure — including the communications networks — fragile and vulnerable. The climate crisis has accelerated the intensity of storms and of extreme or unpredictable weather incidents, making this issue even more urgent. Hurricanes like Maria will soon become the norm. That is why Free Press Action supports these bills as a first step to improve our communications networks and ensure they can withstand disasters and save lives.

Mr. DOYLE. The gentleman yields back.

We have now concluded our openings. We are going to move to member questions. Each member will have 5 minutes to ask questions of our witnesses.

I will start by recognizing myself for 5 minutes.

Mr. Gossner, when your department responded to the fires in the communities you serve, what were the challenges you and other first responders faced when the communication networks went down for the people who live there?

Mr. GOSSNER. For us, this was a no-notice event, right? So it happened very quickly and it impacted a large group of people in both Napa and Sonoma Counties.

One of the things that we tried to use was SoCo Alert, which is a wireless technology to notify our constituents out there to get out of the way. Due to the towers going down, we had up to 70 towers go down early on in the process, the system did not reach everyone, which made us, the Fire Department and law enforcement, both City and Sheriff, go door-to-door. We had to actually active get people out of the way. We could not really fight the fire because we were too busy moving people out of the way.

There were a few instances where we had to put equipment on bigger buildings with a lot of people in it, to make sure that they survived, but the majority of the crews were out hustling trying to get people out of their houses and just trying to get them out of the way.

And when you have a fire of that magnitude, by the time it hit us, it was you know five miles wide with winds 60-70 miles an hour. It is very difficult to evacuate an area as quickly as it needs going door-to-door.

So it was, without the towers, without the ability to send the wireless alerts, it really hampered our ability to notify the community to tell them to get out of the way.

Mr. DOYLE. Yes, we all on this committee want to thank you and your heroic first responders for what you did. That was—it is just hard to imagine the devastation that fire brought on that community.

Mr. Torres, why was it so devastating when communication services went down in Puerto Rico after Hurricane Maria and what did the people lose access to? And also, given the earthquake that just hit the Island, do you think the Islands' communication networks were any better prepared?

Mr. TORRES. We would like to know whether that is true or not because the FCC has failed to investigate what happened. We don't know whether—like Commissioner Rosenworcel said, we don't know the state of communication facilities. The fact that 31 percent of the wireless outages in Puerto Rico following the—it shows that there still needs—resiliency still needs to be hardened in Puerto Rico even after Maria.

But we, yes, we just—we are concerned. Even the inklings, the little break comes that the telecom carriers have said after Maria, telling to their investors, there is questions whether they are going to invest. One company said they are not sure they are going to re-invest. They are going to replace wired lines. They are going to get people wireless instead of giving—replacing the wired line.

So there are questions. That is the little bit of evidence we have that leaves us concerned that perhaps companies are not going to do everything they can on all different areas of Puerto Rico to restore service the way it originally was prior to it.

Mr. DOYLE. Ms. Atkerson, in your testimony, you talked about why it is so important for suicide crisis call centers to have the resources they need to respond to meet the current needs and to deal with the potential influx of calls, when a national three-digit number is implemented. Can you talk about what we risk if these call centers do not have the resources to respond to the calls?

Ms. ATKERSON. Sure, absolutely. And just by way of background, the National Suicide Prevention Lifeline is currently a network of about 170 local call centers scattered in States across the country. And at this time, the funding for those centers is primarily comes from State funding—or I am sorry—county and other local funding sources.

There are some States that answer the majority of their calls in-State. When a call center isn't adequately equipped, those calls can be routed to one of the six national backup centers, when a particular call center, depending on changes in volume, becomes overwhelmed. That is not ideal for a number of reasons. We like when people—when the calls can be answered in the State in which the caller is. They have a better knowledge of the local resources can connect them more quickly to needed services.

So at this time, there are already States that are struggling to keep up with the volume. When we see an implementation with 9-8-8, we do expect to see a pretty drastic increase in the volume of calls. And the concern is that, if these call centers aren't adequately through a more braided approach, including Federal appropriations, the existing State options, giving States the authority to collect fees from local carriers and their other local sources, that more and more calls will have to be answered out of State.

Mr. DOYLE. Thank you.

The Chair now recognizes Mr. Latta for questions.

Mr. LATTI. And again, Mr. Chairman, thanks very much for holding today's hearing. Again, thanks to our witnesses for being here. We really appreciate your testimony.

And I would like to follow up, Ms. Atkerson, if I may, on what the chairman was just talking about because, again, as I mentioned, I had Chairman Pai in my district in the last week. We were at the Rescue, Mental Health, and Addiction Services, which is one of the many Lifeline call centers across the country. And again, our goal is to make sure we get this deployed as rapidly as possible because, as mentioned, once we get the implementation out there, it is likely to at least double the number of calls that we had in 2018. So we want to make sure that this is done right and get it done so we can be on that front line to make sure that we are helping people and also saving lives.

But if I could just follow up, as we talk about the legislation calling for that implementation deadline in one year, what would happen if 9-8-8 was implemented in one year and the call centers weren't adequately prepared to handle that influx of calls, especially when we are looking at that massive number that could come in?

I know when I was in Toledo with the Chairman, just seeing how exponentially each year it has been going up. So what would happen if we didn't have that ready to go?

Ms. ATKERSON. And you are correct about that. The Lifeline actually experiences year-over-year increases of 50 percent—or 15 percent in their calls to the Lifeline without the 9–8–8 legislation. So when we see this drastic uptick in calls, the primary concern is that callers will—the calls will go unanswered. They will have long wait times and hang up or, if those calls go unanswered in the State in which they are located, that those will roll to one of these six national backup centers, which, again, is not ideal because those folks don't have the local knowledge of the support and resources and can't connect the caller to emergency services, if needed.

Mr. LATTA. Let me follow up with one more. What type of flexibility, if any, should we have out there during this transition period?

Ms. ATKERSON. Flexibility in?

Mr. LATTA. For making sure you know make sure we can get this done correctly and if you have to have some flexibility in the implementation.

Ms. ATKERSON. Sure. And not being a communications expert, I do want to say that we fully support the FCC's recommendation around the timeline and encourage—we support Congress to work closely with the FCC, mental health providers, other key stakeholders, people with lived experience, and the crisis call centers themselves in coming up with an implementation plan that is thoughtful but also rapid.

Mr. LATTA. Thank you very much.

Mr. Gerst, if I could turn to you, would you provide an update on how the FCC is expanding the voluntary Wireless Resiliency Framework to include electric utilities and provide better coordination with 9–1–1 call matters?

Mr. GERST. Sure. Thank you for the question, Congressman.

So I just want to first start by acknowledging the stories we heard and the way that people rely on wireless services during emergencies. It is one of the first things you grab when an emergency happens, whether you are calling 9-1-1, whether you need to receive a wireless emergency alert, whether you are trying to connect with friends or family. And those services, 9-1-1, wireless emergency alerts, they depend on the wireless networks being there and wireless depends on power being there to maintain its services as well.

We have taken steps to make sure that we can maintain our services in the event of significant power outages but we need to enhance our collaboration and coordination. And that is what the FCC has been encouraging us to do.

We do work with the power companies in a number of different places. As Mr. Bell said, we work in State Emergency Operation Centers. We work at tabletop exercises in-between hurricane and wildfire seasons so that we can try to enhance our coordination.

And we just announced today that the Edison Electric Institute and CTIA are going to be bringing our member companies together in a different way because we know that, even with all those ef-

forts, we have still had challenges after Hurricane Michael in California.

So we do think that there is more work that can be done and we are hopeful that this new collaborate effort, this voluntary collaborative effort will help to enhance our capabilities.

Mr. LATTA. Thank you.

Mr. Bell, would you like to follow up on—in my last 30 seconds on that?

Lower your mic, please.

Mr. BELL. The Disaster Recovery Group and the BDAC will be issuing a report, hopefully, by the end of March. We are meeting to finalize that this afternoon on ways that the two industries can work together.

The communication industry has changed over the years. It used to be there were very large bundles of copper that fell on the ground and they worked, even when they were falling on the ground. And typically, the electric utility would go in first, and the telephone company would follow, and we wouldn't have to be there at the same time.

Today, fiberoptic cable carries a whole lot more—has a whole lot more capacity than those do and so a break in a fiber optic cable can cause a very significant problem. So the communication industry is there at the same time we are and that is one of the issues we are working through is how do we coordinate that effort.

Mr. LATTA. Well, thank you very much.

And Mr. Chairman, I yield back and thank you for your indulgence.

Mr. DOYLE. I thank the ranking member.

The Chair now recognizes Mr. McNerney for 5 minutes.

Mr. MCNERNEY. I thank the chairman for holding this hearing. I thank the witnesses this morning. I appreciate your testimony, especially Mr. Gossner. I appreciate your work in Santa Rosa and in helping us here in our legislative process.

As Fire Chief of the City of Santa Rosa, is wildfire season something that you are worried about only during May to October or has it become a year-round concern?

Mr. GOSSNER. It is definitely becoming a year-round concern. We do have a wet season in northern California but I will tell you that our fire seasons start earlier, so a month, month and a half earlier and they are lasting a month to two months longer. So while it is not completely year-round, when it is not active firefighting, we are preparing for the next season. So we consider it a year-round endeavor.

Mr. MCNERNEY. Thank you.

In your written testimony, you noted the benefits of installing more fail-safe battery systems at cell towers and increasing the number of sites with backup generators. Can you expand a little bit on how this will help your first responders during emergencies?

Mr. GOSSNER. Yes, this allows us to communicate with all of our constituents within the city and then it helps with constituents in the county. We work really close with Sonoma County emergency managers so we are always trying to—how do we make sure we meet our expectations, and their expectations that they are notified as quickly as they can?

So when you harden a tower, you are not going to be able to harden it against everything but you can harden it to withstand a little bit of a heat threat. You can harden it to stand—withstand some earthquake. You can harden these resources and have backup batteries or generators that when there is a power outage, due to a power shutoff or for whatever reason, they are up and running and we are able to communicate to our members the needs that they are going to have to take or the actions that they are going to have to take.

On a no-notice fire, where it takes out numerous cell towers, you can't get the message out and it is deadly, right? So it is one thing I will tell you, we had the Kincade fire in 2019 but we had notice of that fire and we were able to evacuate the City of Healdsburg, the City of—the Town of Windsor, and a large portion of Sonoma County because we had the ability and time to do it, and we had the resources to do it. Back in 2017, we just didn't because there were too many cell towers that were down.

Mr. MCNERNEY. Thank you.

Mr. Gerst, during the wildfire season this past fall, there were hundreds of cell towers that went down in Contra Costa County, which is part of my district. We lost 88 cell towers. Since that time, when the wildfires took place, what additional investments have members made in backup power capabilities?

Mr. GERST. Congressman, thank you for the question. And first, again, thank you for your leadership in the RESILIENT Networks Act and the READI Act.

And I want to acknowledge the challenges that your constituents probably faced in the last power-down issues in California, and we are committed to doing better. Two of the ways that we are going to do that is by enhancing our coordination and collaboration with the electric utilities. That is the main reason for our announcement today with the Edison Electric Institute. We have to do something differently there.

The second thing we are going to do is evaluating our backup power capabilities. We have hundreds of thousands of cell sites throughout the country. We have thousands of cell sites, as you know, throughout California. Each one of them, we have to look at a case-by-case basis of what backup power solutions we can have available to us. We are talking about different types of battery sizes, right? We are not talking about the batteries you can go to CVS and get. We are talking about cabinet-size batteries. We are talking about truck-size generators. And those all come with different challenges in how we deploy them.

We are committed to looking at existing cell sites, new cell sites, and diversifying the solutions because, if this is going to be the new normal, we need to maintain service.

Mr. MCNERNEY. Well, good. The RESILIENT Networks Act would ensure that we have the necessary backup power during times of emergency and I hope we can move quickly on this piece of legislation.

Mr. Gossner, again, in your written testimony, you note that when it comes to targeting a WEA alert, knowing that towers—knowing where the cell towers are located is critical. Did the City

of Santa Rosa have access to information about cell tower locations during recent wildfires?

Mr. GOSSNER. We have general information. So we don't—when I say that, we did some testing. And if you have a—I will just use Verizon and AT&T handset, one might go off and the other one won't because we are hitting a certain tower in that geofencing. What we really need is where are those towers and how, during an emergency those towers need to cross-communicate so they hit everyone, not based on your carrier but based on the emergency.

And so that is, the geofencing wall, it is very big right now and they are going to tighten it down. When I say big, it spills over a great deal and notifies communities that aren't even near the impacted area when you try to target it. So the geotargeting is great, as long as all of the cell towers are, within the system, working as they are supposed to and they communicate with each other in time of need. We can't have one cell tower activated and the other one not because of your carrier. It is an emergency.

And you know it is a touristy area, too. So you have got people from other areas.

Mr. MCNERNEY. I go there.

Mr. GOSSNER. Yes.

Mr. MCNERNEY. So at any rate, Mr. Chairman, before I yield back, I would like to present a letter for the record from PG&E about the RESILIENT Act.

Mr. DOYLE. Without objection, so ordered.

[The information appears at the conclusion of the hearing.]

Mr. DOYLE. The gentleman yields back.

The Chair now recognizes my good friend from Houston, Mr. Olson, for 5 minutes.

Mr. OLSON. I thank the Chair and welcome to our six experts. Texas 22 is the southwest suburbs of Houston, Texas. Right now, we have one million people in Texas 22. That makes it the largest congressional district in America and that growth means problems when a disaster hits, like a hurricane.

We have many monikers about my home area. It is the home of the Imperial Sugar Company. It is called the Energy Capital of the World. It is called Space City, U.S.A. And it is also called part of Hurricane Alley. And we will get hit by a hurricane again. It is not a matter of if but when.

We have suffered the worst natural disaster in our country's history, the Galveston Hurricane of 1900; 12,000 people were killed with no chance to know it was coming their way. We had Hurricane Carla in 1961, the most intense Gulf hurricane ever. We had Hurricane Alicia in 1983. It wiped out the Texas Medical Center. We had Hurricane Ike in 2008, which rebounded. The storm surge came back down Galveston Bay and hit Galveston on the back side. And as you all know, we had Harvey hit us twice in 2017.

A working communication network saves lives during disasters. The system during Harvey was much better than during Hurricane Ike. We had real-time information about tornadoes that popped up, about roads that were impassible, about routes to get away from your home that may be flooded, where gas stations were open, grocery stores were open. That information saved lives.

So my question is for you, Mr. Gerst, if you want to add in Mr. Henry, is I support a robust disaster information reporting system for carriers, broadcasters, and cable providers so they can report their operational status during these emergencies but currently, the system is voluntary and certain information is kept confidential. Why is that the case for the communications industry, in particular?

Mr. GERST. Congressman, thank you very much for the question and acknowledging the challenges that increasing severity and intensity of these storms are going to present, particularly for your area.

We were actually very proud of the experience of Hurricane Harvey in terms of the availability of services. Ninety-six percent of cell sites were up, 300 wireless emergency alerts, 96,000 9-1-1 calls made, people organizing themselves for rescues.

In other emergencies—in all emergencies, it is important for first responders and public safety stakeholders to have information about the status of communication networks so that they can better prioritize where their resources are going to go. That data about cell tower information, though, is both competitively sensitive and, potentially, a national security threat in terms of how it is exposed. We are committed to working with the FCC, with this committee, and with stakeholders to identify ways to expand access to that information in a way that can protect that information.

Just tomorrow, we expect that the FCC is going to be opening up a new public meeting that will be talking about that exact issue and we look forward to a robust record developing there. And we think that there will be some new information gained by engaging with stakeholders there. But we are absolutely committed to enhancing information sharing with public safety stakeholders.

Mr. OLSON. Thank you. Mr. Henry, any comments on the question, sir?

Mr. HENRY. Yes. And first, thank you for the question and for the opportunity—excuse me—to discuss this. We share sentiments with CTIA on this that we really do need a more robust information flow going to and from public safety.

I think the only thing that I would like to add on to this, and you know Houston is the perfect example: 9-1-1 is public safety and public safety is, at the end of the day, Homeland Security.

Mr. OLSON. Yes.

Mr. HENRY. And public safety can be trusted with this information, whether it you know—be you know competitively sensitive or sensitive in the sense of national security.

You know when the threat to national security is a city being wiped out by a natural disaster, that is as much of a concern as anything else. Public safety has established standards and practices for dealing with sensitive information. We do it every day and don't have any sort of hesitation about being able to keep that visible to only eyes that need it.

Mr. OLSON. I do have to thank your industry for what you did during Hurricane Harvey because I was there for Hurricane Ike and people didn't have information. They got on the roads when they should not have. Probably 50 people died and that is a big standard of deaths in terms of how well we are doing. And

Brazoria County, right there on the Gulf of Mexico, had zero deaths during Hurricane Harvey. And the entire county was basically flooded from the Gulf halfway up to Pearland, Texas. So thank you for making that happen.

A big transition—and this is for you, Ms. Atkerson. Back home, my church had—I am involved with a small bible study group that gets together every Monday after the weekly service to just talk about this service and lessons learned.

This past week was a very different meeting. We spent the entire hour, bumped it up to an hour and a half talking about a very tragic situation. One of our members, he works at a local store down there in Sugar Land, a co-worker lost his son to suicide this past week. She had lost a second son to suicide a few years ago and I cannot believe the pain she is going through.

And my question is this—I support this bill that gets 9-8-8 going because we don't know if these boys could have had a number to call when they were in their crisis, can they reach out, could they, what happened? We will never know but how—do you have any advice I can tell her from you what is going to happen with this system and how she can utilize it to make sure she is not—this never happens again, that these kids, who are about they think the ultimate thing to do to take their lives, have a vehicle to vent and get some help to stop those suicidal thoughts?

Ms. ATKERSON. Yes, absolutely. And I am very sorry to hear about the loss in your community. This is, obviously, a very difficult topic. Just one suicide death is estimate to affect at least six other people or more. And so we see a tremendous ripple effect and the numbers just continue to increase, as you all know, year after year in this country. It is a tragedy.

One of the challenges has been that there hasn't been a comparable system to what we have for medical emergencies. We don't have an easy—most of us can't remember a time when we just didn't have 9-1-1 available to us, no matter where we are in this country to rapidly access medical care.

Sadly, the same kind of three-digit rapid response has not been available for people in a mental health crisis. And as you are saying firsthand, people in a suicidal or mental health crisis, it can be just as life-threatening as a stroke or a heart attack. So transitioning the National Suicide Prevention Lifeline from a difficult to remember ten-digit hotline that still many, many people in this country don't have memorized or just imagine how difficult it is to try to think about what that number is if you are a mother with a child that is suicidal trying to remember a ten-digit number versus you know 9-1-1 or 9-8-8.

So what I can say is, going forward, the urgency, this is a moral imperative for us to pass this legislation so that 9-8-8 can be easily recognizable and accessible to all of our kids, family members, parents, to anyone in this country anytime.

Thank you.

Mr. OLSON. Thank you.

Mr. DOYLE. The gentleman yields back.

Mr. OLSON. Chairman, thank you for your indulgence. I yield back.

Mr. LATTA. The Chair recognizes Ms. Clarke for 5 minutes.

Ms. CLARKE. Thank you very much, Mr. Chairman. I thank our ranking member for this very enlightening hearing today. I want to thank our witnesses for bringing your expert testimony to bear.

This is an extremely important hearing today. As a New Yorker, I can reflect on my experiences in the aftermath of both the 9/11 terrorist attack and, years later, Superstorm Sandy to refresh my memory on how important network resiliency is to my constituents and to all Americans.

Today I want to first discuss the Americans who the Trump administration has too often treated with disdain and overlooked, the citizens in Puerto Rico. They have experienced a series of natural disasters that have become more frequent and more severe due to climate change.

To echo Mr. Torres' statements in his written statement, quote, Puerto Ricans are U.S. citizens but, tragically, their voices have been largely absent from this crucial debate and the restoration and rebuilding processes have suffered as a result, end quote.

The earthquakes that rocked Puerto Rico left the territory without power and led to 31.7 percent of cell sites down and left approximately 260,000 cable and wireline subscribers without service. My colleagues, Congressman Ruiz, Soto, and I read a letter to the FCC to raise concern about the fragility about the communication infrastructure on the Islands.

So my first question is actually to you, Mr. Torres. The FCC is supposed to measure whether broadband is being deployed in a timely fashion across the United States and it is supposed to know when and where the networks go out in times of disaster.

Can you discuss how the lack of real-time information on the network outages impacted people on the Islands and their loved ones in the rest of the United States trying to reach them?

Mr. TORRES. Sure, I will give you two examples. One is the most recent example, the earthquakes. There was a person, a well-known activist tweeting can anyone—on Twitter because she didn't have communications. She didn't have a mobile—can anyone let me know if there is a tsunami coming? Because they didn't—they weren't aware whether there was a tsunami warning because there was a lot of fear in Puerto Rico that a tsunami potentially was going to happen.

The second example I give is from the Public Safety Workshop that the FCC held a couple of years ago after Maria in the hurricane season 2017. And so this is a regional emergency communications coordinator of FEMA who said the voluntary—testifying to the FCC at a hearing—at a workshop—the voluntary word needs to go, when it comes to like wires resiliency. We have a commercial entity selling themselves as public-safety grade. If you are going to make a profit saying you are a servant to the community with public safety grade communications, then you need to be able to prepare an answer in response as to where communications are available. The point was being made, at that workshop, that they are not getting information fast enough at the FCC. And because of issue of it is voluntary, it is proprietary, they are saying by the time we are getting information, especially in the case of Puerto Rico, it was already up. It was sending people to places to repair cell sites and all that and they were already repaired in some

cases. They didn't—it was wasting time to be able to serve other places.

So we have examples of people on the ground worried about tsunami warnings. We have a FEMA official concerned they are not getting real-time data fast enough. So we need—so Puerto Ricans needed, and everywhere else needs data information much more quickly to first responders.

Ms. CLARKE. So can the FCC do more to gather and disseminate information about communication network reliability during and immediately after such storms?

Mr. TORRES. Say that one more time.

Ms. CLARKE. Yes. I am saying can the FCC do more to gather?

Mr. TORRES. Absolutely. First of all like we don't believe there should be voluntary. It should be mandatory that they participate. And also you know the Wireless Resiliency Framework like is voluntary and we don't believe it should be voluntary. We need it to be more rigorous oversight over these companies because they have to be held—folks have to be held accountable for not responding.

It is a life and death issue. So like this gentleman said, the FEMA official, that it can't be voluntary. There has to be some sort of process of accountability.

Ms. CLARKE. Very well. Mr. Gerst, would you want to respond to that?

Mr. GERST. Sure. First let me start by saying, Congressman, thank you for the question.

Maria was a devastating event for everyone. Our companies had to go to unprecedented lengths to restore services there. In fact, one of our member companies had their generator actually powering the airport, at one point, just to get supplies into Puerto Rico. But we have invested in Puerto Rico and I think the results show that we have moved from wood poles to steel poles. We have invested in backup power. And after the earthquake, 68 percent of cell sites were up.

I know there is a close relationship between first responders in New York and Puerto Rico. And in fact, I have talked to a few who say that, after the earthquake, nothing worked in Puerto Rico except the wireless service. So it wasn't everywhere and we need to do more but we have learned lessons and applied them in Puerto Rico.

Mr. Chairman, I yield back.

Mr. DOYLE. The gentlewoman's time has expired. Thank you.

Mr. Johnson, you are recognized for 5 minutes.

Mr. JOHNSON. Thank you, Mr. Chairman.

Mr. Bell, you know while ensuring network resiliency is certainly an important overarching goal, I want to be sure that the electric and communications industries aren't faced with one-size-fits-all requirements that fail to consider the realities on the ground.

Can you walk us through how your industry engages with State Emergency Operation Centers during emergencies and how that coordination could inform priorities for restoration efforts? For example, how the fact that it is harvest time in one area or geographical factors in a particular area where an outage might come into play factor into prioritization?

Mr. BELL. Certainly. Thank you for the question.

It is actually our primary contact at the Emergency Operations Center is a member of my staff. And as soon as the center opens up, he goes over there and is there you know for the duration of the storm working on shifts, as we can. And there is where the communication takes place.

We get priorities from things that we may not be aware of and to go through them. In some cases, there was an example in Hurricane Michael where we actually got a call from the Florida Emergency Operations Center that an ILEC in Florida thought there was a hold on a pole in Georgia put on by the Georgia DOT. And so it was just a whole cascade of events that someone on the ground could not figure out how do I find out if I can go ahead and proceed with this. All the people who are right there in the Emergency Operations Center are able to determine no, everything is clear with that; you can keep going and get the people back to work in the field.

So it is—in Hurricane Michael as well, one of the critical issues is not something you would normally think of. It was actually at peanut harvest time. And a lot of the damage that came through Georgia came through one of the largest areas where we grow peanuts. And so a lot of the focus was was to get the infrastructure back in place so those peanuts could be processed while still working on the rest of the storm and making sure all the other critical infrastructure is being done.

Mr. JOHNSON. So it is a pretty real-time dynamic kind of thing.

Mr. BELL. It is absolutely real-time.

Mr. JOHNSON. OK.

Mr. Gerst, you referenced many of the mobile cell units in your testimony from COWs or Cells on Wheels to COLTs or Cells on Light Trucks. I am curious if there are regulatory obstacles that make it difficult to move those assets from region to region or State to State.

Mr. GERST. Congressman, thank you for the question.

Yes, we have many tools at our disposal that we attempt to use to maintain service and these are things that we have used applying lessons learned from previous storms. And some of the things we have incorporated into our Cooperative Framework, including things like mutual aid, where we will actually repair each other's cell sites, and you know coordinating with local governments.

But yes, we have—where we do have outages, we have the ability to bring in temporary cell sites and we actually call them a barnyard of solutions because there are cells on the back of trucks but we call them COWs, and COLTs, and GOATs. But we are starting to actually even use drones now, where you can add coverage where a cell site might have gone down and call it the Flying COW.

Mr. JOHNSON. Are there Government regulations that make it difficult for you to do that kind of move from region to region and State to State, though?

Mr. BELL. Thank you, Congressman. Yes, there are challenges but we are engaged with the State Emergency Operations Center and, typically, we can address those issues and get those resources in those areas. Certainly the SANDy Act helped by making sure that communications were prioritized as being part of that effort.

So yes, there are challenges but we are working with local governments on that.

Mr. JOHNSON. OK. Ensuring continuing—ensuring previously established procedures and coordination amongst wireless providers, backhaul providers, and power companies before a disaster strikes is critical to effective restoration efforts when power and communication systems go down. The FCC's Disaster Response and Recovery Group is currently looking at these types of issues and hopes to submit best practice recommendations to the FCC soon.

So Mr. Bell, can you talk a bit about this group, its work, and its importance?

Mr. BELL. Well yes, and I will commend Commissioner Pai for establishing the BDAC. It is a much better way for us to resolve issues like this. The old way was they would put out a request for comment; you would submit your comments and hope that somebody actually read them and try and advocate on them. Here—

Mr. JOHNSON. Because my time is running out—

Mr. BELL. OK.

Mr. JOHNSON [continue]. Can you add to your answer? Would it be prudent for Congress to review this group's recommendations for best practices before contemplating legislative action?

Mr. BELL. Absolutely. Absolutely.

Mr. JOHNSON. OK. All right, well thank you very much.

Mr. Chairman, I yield back.

Mr. DOYLE. The gentleman yields back. The Chair now recognizes Mr. Veasey for 5 minutes.

Mr. VEASEY. Thank you, Mr. Chairman.

I wanted to ask Mr. Gossner a question. In Texas, we have had some issues with wildfires in the past as well and I don't know that that was something that has been in the news a lot around California, particularly your area. And I wanted to know what you thought about the access to batteries.

I know that, for instance, cell phone companies that may have—that are trying to replenish batteries that only can last a few hours can have trouble getting to certain areas if they are in evac zones or if certain roads have been blocked off or cut off. What sort of lessons should we learn about being able to have access to those areas in the time of wildfires? Is there anything differently that can be done as far as being able to give them the access that they need so people can have their cell coverage restored in a more faster fashion?

Mr. GOSSNER. Yes, thank you.

I think you know part of it is they have to understand the environment they are going into. So I don't know who they are talking to. From our perspective, if we need to get power back up into a certain area and we can allow them, we will. Sometimes we send a crew with them to make sure it is safe. Sometimes their crew don't want—doesn't want to go into it because they don't feel safe.

So there is multiple factors that drive why some towers get back up and some don't but those are all real discussions we have to have now and figure that out so, when we entertain these ideas in the future, we can work through the process quickly and figure out is this a critical tower or is it not a critical tower. If it is a critical tower, we have got to make every effort to get those up and run-

ning so we can provide the communication and then build out from there.

But there is multiple reasons why crews can or cannot go in on both sides of the fence. So it is literally face-to-face sitting down. How do we work through this?

Mr. VEASEY. Right. Right, exactly.

One of the things that I read about the California incidents that interested me was, you know obviously, the use of internet. And I was reading that the internet landlines almost all, you know a lot of them mostly failed, but that the traditional-based copper landlines did not fail. Do you think that there needs to be some sort of a—just to maybe sort of make people think about using more traditional products that live in these more rural areas that are hard to reach, where they may be more affected by wildfires?

I know that we are very reliant, obviously, up on the newest technology but do you think, under these sorts of circumstances, that maybe, until a lot of these problems can be addressed, that we need to like maybe look back at more traditional landline products?

Mr. GOSSNER. Yes, traditional landlines do last longer than the voiceover internet protocol-type lines. They are not failsafe but they do last longer.

What I am being told today is that they are trying to transition out of copper altogether because the wireless technology, and the cable, the fiber optics is so much more powerful and better.

Mr. VEASEY. Right.

Mr. GOSSNER. So they are trailing away from the copper. Copper doesn't need power to maintain that connectivity, where everything else does.

So I will tell you in Sonoma County—I am going to get these numbers a little bit wrong but Sonoma County ten years ago, there were 350,000 people that had copper lines. Today, it is about 170,000 because everyone is making the transition to wireless. That is another reason why these towers need to be hardened. Everything needs to be to that standard, where we can rely on these components much more than we can now.

Mr. VEASEY. This is fascinating.

What about as far as translation for people that live in these areas? Obviously, things need to be, especially in a State like Texas, or even California, obviously things would need to be translated into Spanish, for instance. Is there sufficient information out there as far as translation is concerned? Do you feel that that is being adequately addressed?

Mr. GOSSNER. It is being addressed. I don't know if I would say it is adequately being addressed. I will tell you, though, that WEA 2.0 and 3.0 addresses that. So the 360 characters also adds a translation for Spanish, where the initial WEA product did not, right, 90 characters and there was no Spanish translation.

So they are working towards that but, again, it is a process and it is a slow process.

Mr. VEASEY. Yes. Well, thank you very much. I appreciate your time.

Thank you, Mr. Chairman.

Mr. DOYLE. The gentleman yields back.

Mrs. Brooks, you are recognized for 5 minutes.

Mrs. BROOKS. Thank you, Mr. Chair. Thank you for holding this important hearing.

When I first came to Congress, I was co-chair—or I was chair of the Subcommittee on Emergency Preparedness, Response, and Communications. And I just want to thank all of you for your work because I think we all know that in a time of disaster, this super-computer we hold is often kind of our only lifeline and it is so important that we figure out how to make sure that we are as resilient as possible in times of disaster.

Mr. Gerst, I am co-chair of the 5G Caucus and so I want to ask a little bit about 5G, as the country is transitioning to the Next Generation of technology, what this transition means for the resiliency of wireless networks. And clearly, there is a different architecture. Companies are deploying these small cells, naturally densifying networks, having actually maybe a lot more. Can you tell me how this important conversion, what resiliency is going to be impacted by the rollout of the 5G across the country?

Mr. GERST. Absolutely, Congresswoman. Thank you for your question and thank you for your leadership on 5G issues, making sure that the U.S. is the global leader and 5G is a priority for everyone I know, including you.

5G is going to bring incredible opportunities—the high capacity/low latency capabilities, particularly for public safety. And public safety can use those capabilities actually in the field for innovations that Mr. Henry could probably talk to you about.

But you know from our perspective, we need hundreds of thousands of new cell sites to make that happen to get to that level of service for 5G. And the way that we build networks now is we do build them in redundant, diverse, and densified ways. So even if some cell sites go down, we do try to maintain coverage for emergency communications. By adding hundreds of thousands of new cell sites that 5G is going to bring, we absolutely believe it will help to improve resiliency.

And we think that the RESILIENT Networks Act is a forward-looking bill. It talks about 5G, and how it might improve resiliency, and we appreciate that.

Mrs. BROOKS. Thank you. Anyone else want to comment on 5G resiliency or capabilities?

OK, I will move on, then.

Mr. Henry, how does the practice of diverting 9–1–1 fees affect the ability to ensure 9–1–1 systems keep pace with technological changes and the ability to engage in effective long-term planning? Because we need to ensure that 9–1–1 services, obviously, provide the best emergency service as possible, so can you talk to us a bit more about—you talked about the number of States that we know that do divert and yet—and the practice that our States have to maintain to make sure that communities aren't diverting?

Mr. HENRY. Sure and thank you for the question.

I guess top line, 9–1–1 fee diversion hurts not just the public but it also hurts public safety. It hurts in the sense that the folks making budget decisions about 9–1–1 are often not the people operating the PSAPs and they are not the people that are directing a State's 9–1–1 budget planning and policies.

One of the big effects that we have seen over the decade or so that FCC has been keeping records on these things, is that diversion often happens in sort of fits and spurts. And so the 9-1-1 authority in the State, or you know the 9-1-1 governance structure in a State, may be surprised by a diversion of funds from the top of the State level.

And so the aggregate effect of that is that you know you have always got to prepare for you know a budgetary tornado to come through and wipe out a good chunk of your funding for 9-1-1. You get into a damage control mode, instead of a continuous improvement and a continuous innovation mode, where you are preparing for the next thing. You are constantly, instead, preparing for the next disaster, whether that be a literal disaster or a budgetary disaster.

Mrs. BROOKS. What percentage would you say of the 9-1-1 capabilities now are text capabilities?

I know our State has texting capabilities in 9-1-1. Is that very common now in many of the other States?

Mr. HENRY. It is, I wouldn't say very common; probably 30 to 40 percent coverage. And of course, the difficulty with that is that you don't find out that you can't text 9-1-1—

Mrs. BROOKS. Right.

Mr. HENRY [continue]. Until you find out you can't text 9-1-1.

Mrs. BROOKS. OK, thank you.

Mr. Chairman, I just want to mention, in response to our colleague Ms. Clarke's question about the FCC doing more to garner or to gather and information and disseminate data during disasters. The FCC is planning on acting tomorrow on a second further notice of proposed rulemaking to do just that, I have been informed by staff. I just thought I would share that we should look for further proposed rulemaking tomorrow.

With that, I yield back.

Mr. DOYLE. The gentlelady yields back.

The Chair now recognizes Ms. Eshoo for 5 minutes.

Ms. ESHOO. Thank you, Mr. Chairman. And thank you to all of the witnesses for your testimony.

If I were to summarize all the various things that have been said, there are two things that stand out: what kind of system we have and how much more we need to do to optimize the system that we have. And when there are cracks in the system, people's lives are at stake.

I want to read two of many messages I received from constituents during the PG&E shutoffs last October, which resulted, of course, in the loss of cellular communications. A family from a rural area of my district—yes, Silicon Valley, does have some very beautiful rural areas—quote, when PG&E cuts the power off, those of us who live in rural areas are not only left without electricity, we are left without communications. Cell phones don't work. Landlines don't work. Generators don't keep the Wi-Fi on. Why are we being left out to dry? We have no way to call 9-1-1 in an emergency and no way to get alerts if there is danger and we need to evacuate.

Another constituent wrote: During the second more recent outage, we had broadband and phone for only 15 hours. It then failed,

leaving us with no means of communication. That is a—that is a scary term: no means of communication in the United States of America.

This is a serious safety concern. This is not just an annoyance. If there were to be a fire in our highly vulnerable tinder-dry area, we wouldn't be able to report it, wasting precious time while it spreads. The same is true if there were any sort of medical emergency.

So these people are understandably: A) they are vulnerable; B) they are afraid. And they are justifiably upset and so am I. So, we have to help them.

Chief Gossner, I want to salute you, as others have, for your absolutely superb leadership. You, your department, and the people of Sonoma County and Santa Rosa have been through actual hell—lives lost, devastation, homes lost, hope lost.

And when I went up to visit and to hear from the entire team, it will always remain with me, grown men weeping and these were first responders who were going door-to-door to try and save people's lives because they had no communication system whatsoever.

Now, we have a problem in—it is an ambiguity, actually, in Federal law relative to what States can and cannot do. And I thank you for your support of the WIRED Act. It is very important.

Mr. Gerst, I know that CTIA hasn't—doesn't have any position on this but I ask you to really take a hard look at the legislation. And the reason I am asking you to is rather obvious. You used the word resiliency—I tried counting and then I lost count but that is an operational word. And if States cannot have a say in setting resiliency, sometimes it happens, a lot of times it doesn't and we have to clear the weeds out of this. States should have a hand in that and really, that is what the legislation does. So, I appreciate the work that CTIA is doing.

Mr. Torres, you gave beautiful and profoundly sad testimony. What I would like to ask you is if there is one thing that you want us to do, what is it?

Mr. TORRES. It is for this committee to use its oversight powers.

Ms. ESHOO. But for what? What item is the top thing for you being at the bench today?

Mr. TORRES. I was advocating a couple of things. One, advocate Puerto Ricans. Just, we want to know why. So just if we know what happened—

Ms. ESHOO. Well, I think that there should be a letter circulated to all members of this subcommittee, signed by everyone on a bipartisan basis, to make sure that what is needed there, and the assessment that is not public be made public.

Mr. TORRES. Well I think, as I mentioned before, the fact that it has been mentioned already, I believe it is 60 percent of households are wireless only and it is only going up, right? But yet, according to GAO, the length of outages from 2009 to 2016 has doubled when it comes to wireless, right? And so the fact that this is a growing problem.

And so it is a fact that there is DIRS, right, to make sure it is mandatory, but also the Wireless Resiliency Framework. It is just we don't believe it should be voluntary. And so there has to be an oversight to make sure that first responders—first of all, that the

networks are resilient but then first responders are actually and other folks are able to respond to disasters.

So it should not be voluntary.

Ms. ESHOO. Thank you very much.

Mr. DOYLE. The gentlelady's time has expired.

Ms. ESHOO. Thank you, Mr. Chairman.

Mr. DOYLE. Thank you.

Mr. Walden, welcome back. You are recognized for 5 minutes.

Mr. WALDEN. Thank you. I was downstairs at the other hearing.

So, I appreciate all your testimony and the comments. I know you have covered most of the ground.

I think back in my own experience and, again, in small market radio, and covering fires, and seeing some of these disasters. And you know I have had—I had five transmitters. I had three antenna sites. I had some that were under threat of fire that were up on top of a ridge top. And I am trying to be balanced here in saying how do you—how do we mandate a resilient network in the face of a conflagration-like tragedy? You had to deal with it in Santa Rosa. I drove through there and I mean it is just it is unbelievable in Paradise and those areas, as we see the video.

And so I want to be thoughtful about this. I know as a broadcaster, we had all these interconnections. We had radio connections to our law enforcement. We could talk. We could listen to each other. That was one of our EAS stations. We had backup on that. But sometimes, when these disasters happen, there is no—I mean you are just done, right? I mean you rely on ham radio operators. You create your own networks.

But I am just curious with some of the voluntary work a couple of you talked about. Can you speak to that a little bit more, the things you have just announced in the last—I guess today maybe even, Mr. Gerst, Mr. Bell?

Mr. GERST. Thank you, Congressman and Ranking Member. Thank you for the question. And I appreciate your experience—vast experience on these issues.

You know with the increasing severity and intensity of these storm events, we are constantly having to reevaluate—

Mr. WALDEN. Right.

Mr. GERST [continue]. How we make our networks resilient.

Mr. WALDEN. Right.

Mr. GERST. We have, since Superstorm Sandy, through the Cooperative Framework, taken significant steps working amongst competitive wireless providers, enabling them to support each other's customers—

Mr. WALDEN. Right. Makes sense.

Mr. GERST [continue]. Enhancing collaboration with utilities.

Mr. WALDEN. Right.

Mr. GERST. So yes, we are doing all these things on a voluntary basis but, even with all those things, we do think new tools could be helpful here. So I would like to explore that.

Mr. WALDEN. Like what?

Mr. GERST. Well we think you know, certainly, having the FCC set expectations at a national level, both for wireless and having the—and including the power industry, would be helpful because one of the things we have learned with the Framework with all

these voluntary commitments is that a lot of the folks at the local level, and you may have experienced this, bring their own expectations to what you are supposed to be doing in an emergency.

And by having a national framework around what we are supposed to be doing, could help make sure that everybody knows what wireless providers are supposed to do, what electric providers are supposed to do and that could help to enhance the resiliency—

Mr. WALDEN. Yes.

Mr. GERST [continue]. While still giving us the flexibility to work at the local level.

Mr. WALDEN. All right, Mr. Bell.

Mr. BELL. Currently, in FEMA you know there are the emergency support functions, each one. And if you were to look up or Google, you know best practices in disaster recovery, you would find volumes of information on best practices that are out there.

I think what we need to improve on is the communication industry has their volumes and the electric industry has their volumes. And as the two industries get more and more intertwined, there has to be a whole lot more communication between the two. And I think that is what this will provide the opportunity to do is to start making sure that we are—

Mr. WALDEN. You are talking to each other and have a common plan.

Mr. BELL. Absolutely. We are not working in silos.

Mr. WALDEN. Yes, that is important.

I know I have heard over the years there were some people that thought you ought to have a generator and a propane tank at every cell site. Is that practical?

Mr. BELL. It is not practical but I will tell you that—

Mr. WALDEN. Should we mandate it?

Mr. BELL. We are one of the few utilities in the country that actually has our own telecom provider. And it is for that very reason we want to be able to know that they will be there when we have a problem. And they proved their worth in Hurricane Katrina and Hurricane Michael. We were able to use them throughout the storm and they do have backup generators.

Mr. WALDEN. At every site?

Mr. BELL. It is expensive—yes.

Mr. WALDEN. Mr. Gerst?

Mr. GERST. Sure, Congressman. You know backup power is a great tool in the toolbox for resiliency.

Mr. WALDEN. Right.

Mr. GERST. But we have hundreds of thousands of cell sites so we have to look at it on an individual case-by-case basis. We have got huge boomer towers out there, just like yours—

Mr. WALDEN. Yes.

Mr. GERST [continue]. And we have got towers and antennas on the sides of buildings. And we are going to need hundreds of thousands of more sites for 5G that is going to be coming. In each one of those cell sites, we have to consider what the backup power solution is going to be because we are so dependent on power. And that includes—you know these are batteries that are the size of cabinets, you know, generators the size of trucks, right, and we have

to consider space, noise, local regulations, and air quality requirements, even in the type of fuel that we are using—

Mr. WALDEN. Right.

Mr. GERST [continue]. Because we sure don't want to have the type of fuel that would be caught up in a fire.

Mr. WALDEN. Right, explosive. Right.

Mr. GERST. So it is a big challenge but a reasonable and flexible approach we think would be helpful here.

Mr. WALDEN. All right. Thank you very much.

Thank you, Mr. Chairman.

Mr. DOYLE. Sure.

The Chair recognizes Ms. Matsui for 5 minutes.

Ms. MATSUI. Thank you very much, Mr. Chairman. I want to thank the witnesses for being here today for this very important hearing.

The Federal Communications Commission, the FCC, has an obligation to assist State and local governments to prepare for, respond to, and learn from disasters. However, the Agency's response to significant emergencies has been inconsistent. As the number and severity of natural disasters increase, it is critical that the FCC responds adequately and swiftly.

My Emergency Reporting Act would require the FCC to standardize its emergency response by conducting field hearings, issuing reports, and making policy recommendations whenever disasters strike. Our current approach of relying on Members of Congress to call on the FCC to act is no longer sustainable. We need to set a baseline level of responsiveness to ensure local officials have the support they need to secure our communication networks in the face of rapidly changing climate.

Mr. Torres, can you describe the shortcomings of the FCC's existing emergency reporting structure and how standardizing the Agency's emergency response approach might improve network resiliency?

Mr. TORRES. Yes, as I mentioned already before, that there isn't—one example, again, Puerto Rico, it wasn't coming fast enough. The information that the first responders needed didn't come fast enough.

And it is critically important because, as I failed to mention when the Congresswoman Eshoo was here, that currently the FCC, there is no—they have no measurements. The wireless resiliency network doesn't have any way to measure the metric of whether the Framework is going to work.

Ms. MATSUI. Absolutely.

Well, when conducting field hearings, my bill requires the FCC to not only consider consulting public safety experts, academics, and industry representatives but, also, individuals affected by the emergency.

Why is this perspective necessary to truly understand the full impact of the disaster?

Mr. TORRES. It is important to hear from people on the ground because you get a perspective on what the needs are of everyday people, particularly as we—more folks are wireless only. There is a sense of urgency that is needed in order to respond to disasters that are happening all the time.

Ms. MATSUI. Right.

Mr. TORRES. And more importantly, it is going to inform—it is going to help to inform policy going forward. It is critical. It is critical that we have them.

Ms. MATSUI. Sure. OK, my Emergency Reporting Act would also require the FCC to initiative a rulemaking to develop improved standards requiring communication network operators to notify 9–1–1 centers when they are experiencing outages that prevent consumers from completing 9–1–1 calls or when emergency calls do not include vital information like location or number data.

Mr. Henry, have you heard of instances in which consumers' 9–1–1 calls do not include location or number data and what challenges do 9–1–1 centers have—face in dispatching help in these cases?

Mr. HENRY. Sure and thank you for the question.

Outages or outages in either any, or a location, or a phone number delivered to a PSAP are common enough that you can speak to almost any telecommunicator and they will tell you about an experience—

Ms. MATSUI. OK.

Mr. HENRY [continue]. With that, where there is no call-back number or there is no location.

If there is no location, then the call taker must hope that the person calling 9–1–1 is able to communicate verbally their location, which means that they both have to know their location and they have to be able to speak.

Ms. MATSUI. OK. And Chief Gossner, I imagine the Santa Rosa Fire Department experience situations in which limited information of a resident's 9–1–1 call has prevented effective response. Is that correct?

Mr. GOSSNER. That is correct.

Ms. MATSUI. OK. While the FCC has notification obligations for network outages, the threshold remains high and 9–1–1 centers are often left in the dark about service outages in their territory, jeopardizing public safety.

Mr. Henry, do you believe a more effective network outage notification threshold would help improve the flow of information to 9–1–1 centers?

Mr. HENRY. Absolutely, 9–1–1 and all of public safety would benefit greatly from network outage reports that are better tailored to their needs.

Ms. MATSUI. OK. I recently sent a letter to Chairman Pai, urging him to include wildfire-specific recommendations in the Wireless Resiliency Framework. While the FCC has solicited comments on improving the Framework in the context of hurricanes, Chairman Pai would not commit at our oversight hearing to doing the same for wildfires.

I am glad to see the RESILIENT Networks Act, introduced by Chairman Pallone and Representative McNerney, takes steps to mandate elements of the Framework. In addition, I believe there is an opportunity to require the FCC to finish long-overdue efforts to modernize the Framework, including recommendations specific to wildfires and other disasters.

Mr. Torres and Chief Gossner, do you believe that wildfire-specific recommendations would help local responders better prepare for communications outages associated with wildfires? A yes or no, please.

Mr. TORRES. Yes.

Mr. GOSSNER. Yes.

Ms. MATSUI. OK, fine.

Thank you and I yield back my time.

Mr. DOYLE. The gentlelady yields back.

The Chair now recognizes Mr. Walberg for 5 minutes.

Mr. WALBERG. Thank you, Mr. Chairman, and thanks to the panel for being here.

Representing Michigan's Energy District, I appreciate the fact and am proud, at times, when I have seen consumers' energy trucks, and crews, and DTE heading south and east during disaster situations to provide mutual aid and knowing the fact that, as that develops, if there ever is an emergency, a national disaster in Michigan, which we think of as a place that is heaven all year round, great weather wherever you find it, that the industry is growing in their understanding of working together to improve coordination.

Mr. Bell, can you describe for us today some of the multi-stakeholder groups that electric utilities and communications providers participate in to develop best practices to reduce or eliminate outages?

Mr. BELL. Well, obviously, there is the BDAC. We have addressed that already. They are specifically addressing that very issue and there are multiple stakeholders in there.

In Georgia, there is a group called the Georgia Utility Coordinating Council. It is made up of all utilities and their main focus is how utilities can best work on the right-of-way, whether it be constructability or damage prevention. And then of course, there is Georgia 8-1-1, that is made up of multiple utilities, including both electric and communication, that is specifically focused on damage prevention, whether it be in normal construction or you know what is referred to as extraordinary circumstances, when a hurricane occurs.

So and Georgia has those, as well as most States around the country have some sort of collaboration, where the focus is how can the utilities work together you know to have both a safe and reliable infrastructure.

Mr. WALBERG. And this information is passed on aggressively to other parts of the country as well?

Mr. BELL. Yes, there is a lot of sharing, best practice sharing through different organizations. You know the Common Ground Alliance will have a conference in a couple of weeks out in California and most of the—just all the States, including Canada and Australia will be represented out there. The very purpose is to share best practices on that type of information.

Mr. WALBERG. Mr. Gerst, do you have anything to add to that?

Mr. GERST. Thank you for the question, Congressman.

Yes, Mr. Bell is right that there are places where there is best practices being developed and shared, and we rely on them extensively, and but we—given the experiences we have had, particu-

larly in Hurricane Michael in that race to restore service, where we were tripping over each other trying to get power and wireless services up, or even in the recent events in California, we recognized that we need to do something a little bit different now. And that is why we have announced this effort with the Edison Electric Institute, where we are going to, for the first time, bring leaders in our member companies together. That is not something that has happened before in that way, the way that we are talking about, and we are going to try to identify some near-term actions. That may yield best practices but at least establishing those lines of communication are going to be helpful.

But ultimately, we may need even further more tools. We don't yet know exactly how those will work out but we do expect that you know making sure that we have lines of communication that folks in the state and local level know what resources are available and it is consistent in terms of resiliency is going to be very helpful.

Mr. WALBERG. OK.

Mr. Gerst, I understand the FCC's rules currently prescribed—prescribe an aging process for numbers that would provide a grace period for customers affected by wildfires or other disasters.

Rather than drastically reinvent the system under the PHONE Act, are there ways that the FCC could modify its existing rules that would make sure that residential subscribers who have been displaced by natural disaster would not lose their landline telephone number that was assigned to them?

Mr. GERST. Congressman, thank you for the question because, in an emergency, we know that people reach for wireless device and that is the first thing, one of the first things they grab when they leave their house to evacuate. And the benefits of mobile wireless is that they can take both their service and their telephone number with them. So this isn't really an issue affecting the wireless industry or wireless consumers.

The FCC has very robust policies in place to make sure we don't exhaust the pool of telephone numbers that we have and how we allocate them. And it also enables competition by making sure that folks aren't hoarding numbers in a way. So this is something that we would be happy to work on and work with your office on.

Mr. WALBERG. Thank you. I yield back.

Mr. DOYLE. The gentleman yields back.

The Chair now recognizes Mr. Soto for 5 minutes.

Mr. SOTO. Thank you, Mr. Chairman. When Hurricane Michael hit Florida, that very next day I had contacted one of my colleagues, Congressman Dunn, who represents the Big Bend area, via text to assure him that our staff would help him with any case-work that would come up because his office was inundated. He received that text about three months later, unfortunately. And we were able to get a hold of him because of a satellite phone a few days later. But it shows that cell phone service can interrupt just basic interactions between offices as we are dealing with these issues.

In Puerto Rico, it was even worse after Hurricane Maria and Hurricane Irma. We had mayors given sat phones that didn't work. They were required to fill out applications on the internet for

FEMA relief and had no internet. And it went on for months and months. It was just dumbfounding that that could still happen nowadays but it really alerted me to the fact that we have a resiliency issue that we need to work together on to fix.

I wanted to start with Mr. Gerst and Mr. Torres. Issues like are addressed in the WIRED Act and the READI Act, will those help us avoid situations of breakdowns like we saw in Puerto Rico and Florida with regard to cell phone service or communications?

And I will start with you, Mr. Gerst, and then go to Mr. Torres.

Mr. GERST. Congressman, thank you for the question.

The events of Hurricane Maria were devastating for everyone. As I noted before, our member companies had to go to considerable lengths just to restore services. It took months to get back to some level of normalcy. It took some of our member companies working directly with the local governments to try to get resources in. In fact, at one point, one of our member company's generators was powering the airport to actually just get supplies into the Island.

We do think that our member companies have invested in Puerto Rico to make it stronger and that was evidenced last month, when the earthquake hit, knocking out power across the Island; 68 percent of the cell sites stood up. And the reason they were up is because we are invested in steel poles and we are invested in diverse backup power solutions.

So we do think that there is more that we can do to try to work together to invest in both Puerto Rico and to address some of the challenges we saw in Hurricane Michael, where we were all racing to try to restore service between utilities and wireless, and we need to enhance our coordination capability.

One of the things that we appreciate about the RESILIENT Networks Act is that it does focus on collaboration as one of its primary goals to try to bring its stakeholders together at the national level. And so we do think that that could be very helpful.

Mr. SOTO. And we do understand it is not your burden to bear alone, which is why we have these bills together to try to help out.

Mr. Torres, it would be great to hear from you about how critical the WIRED Act, the READI Act, and other legislation before us is to help—

Mr. TORRES. We support both Acts. We believe they will help. We also support the RESILIENCE Act. But for us, there has to be more. More needs to be done.

As I mentioned before, the Wireless Framework is only a couple of years old, right, and it is voluntary. We already have folks from FEMA saying, testifying that it is too slow. And so what we need, as I mentioned in my testimony with Puerto Rico, we need to know what happened. I am hearing the CTIA saying the improvements they have made. We don't know what—if the improvements were made. We don't know. We have to take it from the word of industry. We don't have any official Government report. So we need reporting to know what happened and make sure that, as Commissioner Rosenworcel said: Is the money being spent to address the actual situations?

Mr. SOTO. And I think the reporting is very important and I think you will get a lot of common ground.

I wanted to turn to Mr. Bell, our neighbors to the north in Georgia, which you rarely probably hear. What gaps did you see when Hurricane Michael both hit our State and your State and what can we do to help?

Mr. BELL. I think it is the first time we realized or the first major storm we had, where communication and the electric industry had—were as intertwined as they are.

There was a lot of confusion in the beginning about fiber cuts and that is because, on a normal storm, a Category 1 storm, it is electric tree crews that are out there clearing the trees and the debris. But when you have a storm the magnitude of Michael, it is not us. It is the local government and the DOT that is clearing the roads.

And so the assumption was the electric utilities were cutting fiber and that wasn't the case but no one was talking to the DOT and the local governments any critical fiber. There was a communication between the electric and the communications.

So it is something I think we all learned from that and will use moving forward, for sure.

Mr. SOTO. OK, thank you. My time has expired.

Mr. DOYLE. The gentleman's time has expired.

Mr. Bilirakis, you are recognized for 5 minutes.

Mr. BILIRAKIS. Thank you, Mr. Chairman. I appreciate it.

Mr. Gerst, there is an increasing prevalent problem with the use of contraband cell phones in prisons with intent to commit crimes behind bars. I worked on this issue in the Florida legislature as well. Even though they are prisoners, there are many cases where public safety is truly at risk, such as crimes aiding in physical and sexual violence against the public.

Can you discuss what steps the wireless industry has taken to help address this problem and what challenges exist to crack down on this contraband?

Mr. GERST. Congressman, thank you for your question and thank you for your leadership and attention to this very important issue.

You know we don't want our wireless devices to be misused, in the way that you are being described, and so we have fully embraced working directly with State Departments of Corrections, working with the Bureau of Prisons, working with the FCC to find solutions to this growing problem.

There is no one way to solve this issue. It takes a mix of technology and processes to address the issue. We have actually worked and tested various solutions that could help the State officials identify where these devices are used and then help us to stop them but we probably need some more teeth to really make it a deterrent for the use of these contraband devices.

And so we do think that, for example, putting the FCC as the cop on the beat to do something there could be helpful but we certainly appreciate your leadership and attention to this issue.

Mr. BILIRAKIS. And again, I am willing to sit down again with you, and all of you, to find a solution to this problem because we are going to file some legislation. So any input you have, please don't hesitate.

And then you know, again, I would like your support on these issues but, of course, you have to look at the final draft before you make a decision.

In closing, I want to highlight the importance of the McNerney-Bilirakis READI Act to the people of my district, on the coast into Florida. Actually, I am in the Tampa Bay area, the coastal area of Tampa Bay. This bill can save lives by ensuring FEMA emergency messages get to at-risk people during a hurricane or flood. And I thank the chairman for the READI Act inclusion at this legislative hearing.

And if anyone would like to comment on that particular piece of legislation, I would be happy to listen.

Mr. GERST. Again, Congressman, thank you very much for your leadership and your support of that bill.

From our perspective, wireless emergency alerts have quickly become one of the most effective alerting tools in the country, and we need to ensure that consumers continue to trust the information that they are getting from the wireless emergency alerts, and make sure that alert originators, who send the alerts to warn us to get us to evacuate from these areas, have the tools and the training that they need to be able to use it most effectively.

The READI Act can help do that by encouraging alert originators to develop best practices, to avoid false alerts, to harness the new capabilities we just rolled out in wireless emergency alerts. As Chief Gossner mentioned, there is all new capabilities that just came online last year, thanks to hard work from the FCC, from the wireless industry, and from FEMA. And so we are looking forward to continuing to improve and keep wireless emergency alerts a trusted source.

Mr. BILIRAKIS. I appreciate it very much.

And anyone else? I don't have much time. Anyone else?

Well, thank you very much and I yield back, Mr. Chairman.

Mr. DOYLE. The gentleman yields back.

The Chair recognizes Mr. Cardenas for 5 minutes.

Mr. CARDENAS. Thank you very much, Mr. Chairman. I appreciate this opportunity for us to have this public hearing so that the public can understand a little bit more as to why all of these issues are so important to individuals and family members across our country.

First, I want to thank you, Mr. Gossner, and all of you for your expertise, but Mr. Gossner and thousands of firefighters and first responders in California and across the country who are on the front lines every day, risking their lives to protect everybody from devastating fires and other disasters.

I am glad we have an opportunity today to discuss the importance of technology in wireless communications in emergencies and natural disasters, and also to explore ways to strengthen America's telecommunications infrastructure to ensure public safety.

Last year, during its 7,860 wildfires, California experienced significant cell phone service interruptions during these disasters. In one county, over half of the 280 cell phone tower sites lost service, as well as some landlines experienced connectivity failures. These fires threaten not only American lives but homes, businesses, and wildlife. As climate change worsens, these wildfires will only con-

tinue to grow in intensity, frequency, and ferocity, as they have in recent years. We need to bolster our telecommunications infrastructure to ensure their resiliency during emergencies.

I welcome today's thoughtful discussion and my first question is to you, Mr. Gossner. For many of us, it is obvious why we want to be able to communicate during a natural disaster but I worry that some don't necessarily understand the importance of doing all we can to keep our networks up and running.

Can you explain a little more about why it is so vital for public safety officials to be able to communicate with the public during a natural disaster?

Mr. GOSSNER. Sure. Thank you for the question.

It is imperative that we build a system that is resilient enough that can withstand a certain amount of damage so, when that emergency is starting to unfold, we are able to communicate with the public and give them the information that they need to either evacuate, or shelter in place, or whatever it may be.

There are times when it is community members talking to community members through different social media platforms. Those go down as well.

It really gives us the ability to notify folks that there is impending danger. And that is really what this is. We will never be able to build a system that stays 100 percent all the time. I don't think that is what we are asking. But we need to build some resiliency, some capacity that those towers will last for enough time to notify the folks that we need to notify to get out of harm's way. And that is really what we are looking for is to build in that resiliency so we can make those notifications.

Mr. CARDENAS. And there are various ways to do that, correct, I am sure. To the general public, redundancy sounds redundant. It sounds like who would want to be involved in redundancy, that is the dumbest thing I have ever heard. But when it comes to issues like this, isn't redundancy something that is critical to making sure that, when something bad happens, there are alternative routes or alternative opportunities to make sure that people can still communicate?

Mr. GOSSNER. Yes, so for me, it is not only redundancy but it is hardening the entire network. You have got bare cables doing up into a framework of a tower. Insulate those in the Wildland Urban Interface so that they can withstand some heat.

Simple things—I think are simple. Maybe they are not so simple but they seem reasonable. And like I say, we are not going to build something that is going to last forever but we need to be able to provide assurance to the community that we can get them the alerts that they need to get out of harm's way.

Mr. CARDENAS. Can you briefly discuss what it was like for residents in Santa Rosa who were without phone or internet service during the wildfires that devastated their community?

Mr. GOSSNER. Yes, it was complete pandemonium. You know it ranged from all of the emotions you can expect. And not only could we not communicate, that meant we had to go in there and knock on doors, and use sirens, and get everyone out, and then you had to get everyone out while the fire was chasing you through the community.

So when you lose connectivity during—this is a no-notice event, which is different than a hurricane. We all kind of know when a hurricane is coming, for the most part, so you can prepare a little bit differently. But this is one of those no-notice events that is very impactful to the community and public safety when it is happening in your neighborhood. And it is happening up and down the State, as we have witnessed since—for a long time, right?

So I go back to the Valley Fire in 2015 in Lake County and, from that, you can name—tick off the fires in the State of California, both northern and southern.

Mr. CARDENAS. The responsible thing for us to do as Congress, in my opinion, is to make sure that the RESILIENT Networks Act actually gets through the process and signed into law so that locals can actually reap the benefits of this important legislation.

I yield back. Thank you.

Mr. DOYLE. The gentleman yields back.

The Chair now recognizes Mr. Gianforte for 5 minutes.

Mr. GIANFORTE. Thank you Chairman Doyle. I especially want to thank you for including H.R. 4194, the National Suicide Hotline Designation Act of 2019 in today's hearing. This is a critical piece of legislation that can help Americans facing a crisis.

Our Nation truly faces an epidemic of suicide and Montanans, tragically, are all too familiar with it. Montana has the highest suicide rate in the nation. Unfortunately, mental health care is not available to many Montanans. In fact, more than 600,000 Montanans live in an area where there is a shortage of mental health professionals.

Last year, I held two mental health and substance abuse roundtables in Montana. Providers and experts described the need for more resources to address mental health care and prevent suicide. We need a multipronged approach to combat this tragic situation.

Ideally, everyone would have access to preventive mental health care. Folks who live in rural and frontier communities face overwhelming obstacles to receive mental healthcare. That is why the 9-8-8 is so important.

The goal of the National Suicide Hotline is to ensure people know about and have access to the services they need in the face of a crisis. Our bill provides this essential service for anyone facing a mental health crisis and helps our communities grow healthier and stronger.

In addition to this bill, I have also introduced a bill with Representative Beyer to conduct a national suicide prevention campaign. We need to ensure that those struggling with depression, anxiety disorders, and other mental illnesses don't feel stigmatized. Everyone needs to know that it is OK to ask for help and, in the case of an emergency, where they can find it.

I thank you again for the opportunity to discuss this important piece of legislation and I look forward to seeing the National Suicide Hotline Designation Act signed into law.

And with that, Mr. Chairman, I yield back.

Mr. DOYLE. The gentleman yields back.

The committee now welcomes one of our most esteemed members of the full committee to the subcommittee. Mr. Engel, you have 5 minutes.

Mr. ENGEL. Thank you. Thank you very much, Mr. Chairman. Thank you for the opportunity to participate.

I want to speak about an issue of critical importance that has flown under the radar for quite some time, which is the preservation of a lifesaving radio spectrum known as the T-Band. For decades, the T-Band has supported vital public safety radio communications among our first responders. It allows police, firefighters, and EMS providers to communicate even when cell towers, electricity, or the internet are down. It functions deep underground in tunnels and inside concrete buildings.

But now, thanks to a provision of law passed back in 2012, the FCC is required to relocate an auction the T-Band spectrum for use by the private sector in 2021. This would endanger crucial public safety communications where in my district in Bronx, New York, and Westchester, New York, as well as in major metropolitan areas across the United States.

It would also force police, firefighters, and EMS providers to spend billions of dollars, change their systems, and buy new equipment.

According to the National Public Safety Telecommunications Council and the GAO, roughly \$6 billion would be needed to relocate public safety users off the T-Band. The cost to the New York area alone would be \$1.4 billion.

In December 2019, FCC Chairman Pai underscored the importance of this issue by writing, and I quote him: The Agency has extensively analyzed the T-Band and concluded that moving forward is not viable. I am calling on Congress to repeal the T-Band mandate. I am hoping that Congress can resolve this matter without delay. Unquote.

The GAO agreed, reporting to Congress that the T-Band mandate is unworkable and could deprive first responders of their current ability to communicate by radio.

The urgent need to address the issue is clear. To further emphasize the point, I would like to submit some letters to the record, including a letter dated December 9, 2019 from the International Association of Fire Chiefs, the International Association of Firefighters, the National Sheriffs Association, the International Association of Chiefs of Police, the National Public Safety Telecommunications Council, the Greater Boston Police Council, the Los Angeles Regional Interoperable Communications System, and others; a letter dated November 13, 2019 from the New York State County Executives Association; a letter dated October 8, 2019 from the New York State Association of Counties; a letter dated August 2, 2019 from the Police Commissioner of the City of New York; a letter dated July 2019 from public safety officials in Harris County, Texas; and a letter dated June 24, 2019 from the U.S. Conference of Mayors and the National League of Cities. I have more letters but I will stop for now.

To resolve this issue, I introduced the bipartisan Don't Break Up the T-Band Act. My legislation would repeal the 2012 provision of law that is at the heart of this problem and would allow law en-

forcement, fire officials, and EMS providers to continue using the T-Band spectrum to operate their radios for day-to-day lifesaving operations.

Mr. Chairman, for including my legislation in this hearing. I understand that our ranking member, Mr. Walden, has also introduced legislation, the FIRST RESPONDER Act, to address this issue. I look forward to working with Mr. Walden and the rest of our colleagues on the Energy and Commerce Committee to harmonize our legislation and resolve this issue.

Today's hearing also includes other bills that are of critical importance to improve communication networks in times of emergency. Included among them is the RESILIENT Networks Act, which picks up where the SANDy Act left off, and will ensure that communications networks are prepared for the worst.

Let me ask Mr. Gerst. Let me ask you this question. My city was New York City. It was devastated by Superstorm Sandy. The destruction was immeasurable. Can you tell me what lessons the wireless industry learned from the storm and whether we are better prepared today than we were back in 2012? In your view, will legislation in front of our subcommittee today help prepare us for future storms and rising seas?

Mr. GERST. Congressman, thank you so much for the question.

Yes, Superstorm Sandy was sort of a touchdown moment for our industry and led to the development of the Wireless Resiliency Cooperative Framework, including through the leadership of Chairman Pallone. That Framework, its pillars were increasing coordination and collaboration between wireless providers who were competitive but they have done things since Superstorm Sandy like sharing resources, repairing each other's towers, and making sure each other's customers can use service on each other's networks.

We have also increased local coordination through new best practices from the local governments and we have enhanced our consumer education tools all under the Framework because of Superstorm Sandy.

In my testimony, I go through a number of different examples of how we think our networks are stronger and we know that there is more that can be done. That is why we are supporting the goals of the RESILIENT Networks Act. It has some of the very similar pillars as our Framework. It has enhanced collaboration and coordination. It has making sure that wireless providers are using—have reasonable and flexible expectations around roaming, mutual aid, and backup power, and it is forward-looking in terms of how can 5G advance resiliency.

So we are making steady improvements on resiliency in the wake of Superstorm Sandy.

Mr. DOYLE. The gentleman's time has expired.

Mr. ENGEL. Thank you, Mr. Chairman.

Mr. DOYLE. The Chair requests unanimous consent to enter the following into the record: A letter from APCO; a letter from Craig Fugate former FEMA Administrator; a letter from IAFF; a letter from Mental Health Liaison Group; a letter from NAB; a letter from the National League of Cities; a letter from U.S. Telecom; a letter from Reps Moulton and Stewart on H.R. 4194; a Chairman Pallone letter to the GAO about the 2017 hurricane season.

Without objection, so ordered.

[The information appears at the conclusion of the hearing.]

Mr. DOYLE. I want to thank the witnesses for their participation in today's hearing.

I want to remind all members that, pursuant to committee rules, they have ten business days to submit additional questions for the record to be answered by the witnesses who have appeared. And I would ask that each witness respond promptly to any such questions that you may receive.

At this time, the committee is adjourned.

[Whereupon, at 12:55 p.m., the subcommittee was adjourned.]

116TH CONGRESS  
1ST SESSION

# H. R. 451

To repeal the section of the Middle Class Tax Relief and Job Creation Act of 2012 that requires the Federal Communications Commission to reallocate and auction the T-Band spectrum.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2019

Mr. ENGEL (for himself, Mr. ZELDIN, Mr. GREEN of Texas, and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To repeal the section of the Middle Class Tax Relief and Job Creation Act of 2012 that requires the Federal Communications Commission to reallocate and auction the T-Band spectrum.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Don’t Break Up the  
5 T-Band Act of 2019”.

1 **SEC. 2. REPEAL OF REQUIREMENT TO REALLOCATE AND**  
2 **AUCTION T-BAND SPECTRUM.**

3 (a) REPEAL.—Section 6103 of the Middle Class Tax  
4 Relief and Job Creation Act of 2012 (47 U.S.C. 1413)  
5 is repealed.

6 (b) CLERICAL AMENDMENT.—The table of contents  
7 in section 1(b) of such Act is amended by striking the  
8 item relating to section 6103.

○

116TH CONGRESS  
1ST SESSION

# H. R. 1289

To amend the Communications Act of 1934 to provide for a moratorium on number reassignment after a disaster declaration, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2019

Mr. THOMPSON of California (for himself, Mr. CARSON of Indiana, Mr. DUNN, Ms. ESHOO, Mr. GARAMENDI, Ms. GARCIA of Texas, Ms. KUSTER of New Hampshire, Ms. NORTON, Mr. ROONEY of Florida, and Mr. WEBER of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To amend the Communications Act of 1934 to provide for a moratorium on number reassignment after a disaster declaration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preserving Home and  
5 Office Numbers in Emergencies Act of 2019”.

1 **SEC. 2. MORATORIUM ON NUMBER REASSIGNMENT AFTER**  
2 **DISASTER DECLARATION.**

3 (a) IN GENERAL.—Section 251(e) of the Commu-  
4 nications Act of 1934 (47 U.S.C. 251(e)) is amended by  
5 adding at the end the following:

6 “(4) MORATORIUM ON NUMBER REASSIGNMENT  
7 AFTER DISASTER DECLARATION.—

8 “(A) IN GENERAL.—During a covered pe-  
9 riod with respect to an area, a number assigned  
10 in such area may not be reassigned, and the as-  
11 signment of such number may not be rescinded  
12 or otherwise modified, except at the request of  
13 the subscriber to which such number is as-  
14 signed.

15 “(B) EXTENSION AT REQUEST OF SUB-  
16 SCRIBER.—At the request of the subscriber, the  
17 prohibition in subparagraph (A) shall be ex-  
18 tended with respect to the number assigned to  
19 such subscriber for 2 years beyond the end of  
20 the covered period.

21 “(C) SUBSCRIBER RIGHT TO CANCEL AND  
22 RESUBSCRIBE.—

23 “(i) IN GENERAL.—In the case of a  
24 number that is assigned to a subscriber for  
25 the provision of wireline voice service at a  
26 residence that is located in an area that is

1 in a covered period (or in the case of such  
2 a number with respect to which the sub-  
3 scriber requests an extension under sub-  
4 paragraph (B)), if the major disaster in-  
5 volved results in covered damage to such  
6 residence—

7 “(I) the provider of such service  
8 may not charge the subscriber any  
9 early termination or other fee in con-  
10 nection with the cancellation of such  
11 service; and

12 “(II) if the subscriber cancels  
13 such service, such provider (or any  
14 other provider of wireline voice service  
15 that serves the location involved)—

16 “(aa) shall permit the sub-  
17 scriber to subscribe or resub-  
18 scribe, as the case may be, to  
19 wireline voice service with such  
20 number at such residence or at a  
21 different residence (if such num-  
22 ber is available in the location of  
23 such different residence); and

24 “(bb) may not charge the  
25 subscriber any connection fee or

1 other fee relating to the initiation  
2 of such service.

3 “(ii) TIMING.—Clause (i) shall cease  
4 to apply with respect to the number at the  
5 end of the covered period or at the end of  
6 the extended period under subparagraph  
7 (B), as the case may be.

8 “(iii) LIMITATION.—Except as pro-  
9 vided in this subparagraph, the prohibition  
10 in subparagraph (A) and any extension of  
11 such prohibition under subparagraph (B)  
12 shall cease to apply with respect to a num-  
13 ber when the subscriber cancels the service  
14 with respect to which the number is as-  
15 signed.

16 “(D) IDENTIFICATION ON COMMISSION  
17 WEBSITE.—The Commission shall publicly iden-  
18 tify on the website of the Commission each area  
19 that is in a covered period.

20 “(E) DEFINITIONS.—In this paragraph:

21 “(i) COVERED DAMAGE.—The term  
22 ‘covered damage’ means, with respect to a  
23 residence, damage—

24 “(I) that renders a residence in-  
25 accessible or uninhabitable, or that re-

1           sults in displacement from the resi-  
2           dence; and

3           “(II) with respect to which the  
4           President determines that an indi-  
5           vidual or household is eligible for  
6           housing assistance or other needs as-  
7           sistance under the Robert T. Stafford  
8           Disaster Relief and Emergency Assist-  
9           ance Act (42 U.S.C. 5121 et seq.).

10          “(ii) COVERED PERIOD.—The term  
11          ‘covered period’ means, with respect to an  
12          area, any period that—

13               “(I) begins on the date of a dec-  
14               laration by the President of a major  
15               disaster under section 401 of the Rob-  
16               ert T. Stafford Disaster Relief and  
17               Emergency Assistance Act (42 U.S.C.  
18               5170) with respect to such area; and

19               “(II) ends on the date that is 1  
20               year after the date on which such dec-  
21               laration expires.

22          “(iii) WIRELINE VOICE SERVICE.—  
23          The term ‘wireline voice service’ has the  
24          meaning given the term ‘voice service’ in  
25          section 227(e)(8), except that the term

1                   ‘wireline voice service’ does not include  
2                   commercial mobile service (as defined in  
3                   section 332(d)).”.

4       (b) EFFECTIVE DATE.—Paragraph (4) of section  
5 251(e) of the Communications Act of 1934 (47 U.S.C.  
6 251(e)), as added by subsection (a), shall apply with re-  
7 spect to a major disaster declared by the President under  
8 section 401 of the Robert T. Stafford Disaster Relief and  
9 Emergency Assistance Act (42 U.S.C. 5170) after the  
10 date that is 180 days after the date of the enactment of  
11 this Act.

12       (c) TRANSITIONAL RULE.—Clause (iii) of subpara-  
13 graph (E) of paragraph (4) of section 251(e) of the Com-  
14 munications Act of 1934 (47 U.S.C. 251(e)), as added by  
15 subsection (a), shall apply before the effective date of the  
16 amendment made to section 227(e)(8) of such Act (47  
17 U.S.C. 227(e)(8)) by subparagraph (C) of section  
18 503(a)(2) of division P of the Consolidated Appropriations  
19 Act, 2018 (Public Law 115–141) as if such amendment  
20 were already in effect.

○

116TH CONGRESS  
1ST SESSION

# H. R. 3836

To amend section 332 of the Communications Act of 1934 to include public safety requirements in terms and conditions States may require of mobile services.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2019

Ms. ESHOO (for herself, Mr. THOMPSON of California, Mr. HUFFMAN, Mrs. DAVIS of California, Mr. KHANNA, Ms. SPEIER, Mr. RUIZ, Mr. ROUDA, Ms. BROWNLEY of California, Mr. COX of California, Ms. ROYBAL-ALLARD, Mr. PANETTA, Ms. HILL of California, Mr. CISNEROS, Ms. LEE of California, and Mr. MCNERNEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend section 332 of the Communications Act of 1934 to include public safety requirements in terms and conditions States may require of mobile services.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wireless Infrastructure  
5 Resiliency during Emergencies and Disasters Act” or the  
6 “WIRED Act”.

1 **SEC. 2. REGULATORY TREATMENT OF MOBILE SERVICES.**

2       Section 332(c)(3)(A) of the Communications Act of  
3 1934 (47 U.S.C. 332(c)(3)(A)) is amended by inserting  
4 after “other terms and conditions of commercial mobile  
5 services” the following: “including reasonable require-  
6 ments to promote resilient wireless communications infra-  
7 structure for situational awareness during a natural dis-  
8 aster (as such term is defined in section 602 of the Robert  
9 T. Stafford Disaster Relief and Emergency Assistance Act  
10 (42 U.S.C. 5195a(a)(2)))”.

○

116TH CONGRESS  
1ST SESSION

# H. R. 4194

To amend the Communications Act of 1934 to direct the Federal Communications Commission to designate 9–8–8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline and through the Veterans Crisis Line, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 20, 2019

Mr. STEWART (for himself, Mr. MOULTON, Mr. GIANFORTE, Ms. JOHNSON of Texas, Mr. BALDERSON, Mr. BERGMAN, Mr. BISHOP of Utah, Mr. BROWN of Maryland, Mr. CALVERT, Mr. CÁRDENAS, Mr. CARSON of Indiana, Mr. CISNEROS, Ms. CLARKE of New York, Mr. CLEAVER, Mr. COLE, Mr. COLLINS of New York, Mr. CRAWFORD, Mr. CURTIS, Mr. DEFazio, Ms. BARRAGÁN, Mrs. DINGELL, Mr. FITZPATRICK, Mr. GALLAGHER, Mr. GALLEGO, Mr. GRIJALVA, Mr. HASTINGS, Mr. KING of New York, Mr. LOWENTHAL, Mr. MARSHALL, Mr. MCKINLEY, Mrs. RODGERS of Washington, Mr. MOOLENAAR, Ms. NORTON, Mr. OLSON, Mr. PAYNE, Mr. RASKIN, Mr. DAVID P. ROE of Tennessee, Mr. ROSE of New York, Ms. ROYBAL-ALLARD, Mr. RUTHERFORD, Mr. RYAN, Mr. SERRANO, Mr. SIRES, Mr. SOTO, Mr. STEIL, Mr. STIVERS, Mr. TURNER, Ms. VELÁZQUEZ, Mr. WALTZ, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Communications Act of 1934 to direct the Federal Communications Commission to designate 9–8–8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide

Prevention Lifeline and through the Veterans Crisis Line, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Suicide Hot-  
5 line Designation Act of 2019”.

6 **SEC. 2. UNIVERSAL TELEPHONE NUMBER FOR NATIONAL**  
7 **SUICIDE PREVENTION AND MENTAL HEALTH**  
8 **CRISIS HOTLINE SYSTEM.**

9 (a) IN GENERAL.—Section 251(e) of the Commu-  
10 nications Act of 1934 (47 U.S.C. 251(e)) is amended by  
11 adding at the end the following:

12 “(4) UNIVERSAL TELEPHONE NUMBER FOR NA-  
13 TIONAL SUICIDE PREVENTION AND MENTAL HEALTH  
14 CRISIS HOTLINE SYSTEM.—The Commission and any  
15 agency or entity to which the Commission has dele-  
16 gated authority under this subsection shall designate  
17 9–8–8 as the universal telephone number within the  
18 United States for the purpose of the national suicide  
19 prevention and mental health crisis hotline system  
20 operating through the National Suicide Prevention  
21 Lifeline maintained by the Assistant Secretary for  
22 Mental Health and Substance Use under section  
23 520E–3 of the Public Health Service Act (42 U.S.C.  
24 290bb–36e) and through the Veterans Crisis Line

1 maintained by the Secretary of Veterans Affairs  
2 under section 1720F(h) of title 38, United States  
3 Code. The designation shall apply to both wireline  
4 and wireless telephone service.”.

5 (b) DEADLINE.—The designation required by the  
6 amendment made by subsection (a) shall be made not later  
7 than the date that is 1 year after the date of the enact-  
8 ment of this Act.

9 **SEC. 3. STATE AUTHORITY OVER FEES.**

10 (a) AUTHORITY.—

11 (1) IN GENERAL.—Nothing in this Act, any  
12 amendment made by this Act, the Communications  
13 Act of 1934 (47 U.S.C. 151 et seq.), or any Com-  
14 mission regulation or order may prevent the imposi-  
15 tion and collection of a fee or charge applicable to  
16 a commercial mobile service or an IP-enabled voice  
17 service specifically designated by a State, a political  
18 subdivision of a State, an Indian Tribe, or village or  
19 regional corporation serving a region established  
20 pursuant to the Alaska Native Claims Settlement  
21 Act (43 U.S.C. 1601–1624; 85 Stat. 688 et seq.) for  
22 the support or implementation of 9–8–8 services, if  
23 the fee or charge is held in a sequestered account to  
24 be obligated or expended only in support of 9–8–8  
25 services, or enhancements of such services, as speci-

1       fied in the provision of State or local law adopting  
2       the fee or charge.

3           (2) LIMIT ON FEE OR CHARGE.—For each class  
4       of subscribers to IP-enabled voice services, the fee or  
5       charge may not exceed the amount of any such fee  
6       or charge applicable to the same class of subscribers  
7       to telecommunications services.

8       (b) FEE ACCOUNTABILITY REPORT.—To ensure effi-  
9       ciency, transparency, and accountability in the collection  
10      and expenditure of a fee or charge for the support or im-  
11      plementation of 9–8–8 services, not later than 1 year after  
12      the date of the enactment of this Act, and annually there-  
13      after, the Commission shall submit to the Committees on  
14      Commerce, Science, and Transportation and Appropria-  
15      tions of the Senate and the Committees on Energy and  
16      Commerce and Appropriations of the House of Represent-  
17      atives a report that—

18           (1) details the status in each State of the collec-  
19      tion and distribution of such fees or charges; and

20           (2) includes findings on the amount of revenues  
21      obligated or expended by each State or political sub-  
22      division thereof for any purpose other than the pur-  
23      pose for which any such fees or charges are speci-  
24      fied.

25       (c) DEFINITIONS.—In this section:

1           (1) COMMERCIAL MOBILE SERVICE.—The term  
2           “commercial mobile service” has the meaning given  
3           that term under section 332(d) of the Communica-  
4           tions Act of 1934 (47 U.S.C. 332(d)).

5           (2) IP-ENABLED VOICE SERVICE.—The term  
6           “IP-enabled voice service” has the meaning given  
7           that term by section 9.3 of the Commission’s regula-  
8           tions (47 C.F.R. 9.3), as those regulations may be  
9           amended by the Commission from time to time.

10          (3) STATE.—The term “State” has the mean-  
11          ing given that term in section 7 of the Wireless  
12          Communications and Public Safety Act of 1999 (47  
13          U.S.C. 615b).

14          (4) TELECOMMUNICATIONS SERVICE.—The  
15          term “telecommunications service” has the meaning  
16          given that term in section 3 of the Communications  
17          Act of 1934 (47 U.S.C. 153).

18   **SEC. 4. LOCATION IDENTIFICATION REPORT.**

19          (a) IN GENERAL.—Not later than 180 days after the  
20          date of the enactment of this Act, the Commission shall  
21          submit to the appropriate committees a report that exam-  
22          ines the feasibility and cost of including an automatic  
23          dispatchable location that would be conveyed with a 9–  
24          8–8 call, regardless of the technological platform used and  
25          including with calls from multi-line telephone systems (as

1 defined in section 6502 of the Middle Class Tax Relief  
2 and Job Creation Act of 2012 (47 U.S.C. 1471) identifica-  
3 tion or equivalent information features over the 9–8–8  
4 network.

5 (b) DEFINITION.—In this section:

6 (1) APPROPRIATE COMMITTEES.—The term  
7 “appropriate committees” means the following:

8 (A) The Committee on Commerce, Science,  
9 and Transportation of the Senate.

10 (B) The Committee on Health, Education,  
11 Labor, and Pensions of the Senate.

12 (C) The Committee on Energy and Com-  
13 merce of the House of Representatives.

14 (2) DISPATCHABLE LOCATION.—The term  
15 “dispatchable location” means the street address of  
16 the calling party and additional information such as  
17 room number, floor number, or similar information  
18 necessary to adequately identify the location of the  
19 calling party.

○

116TH CONGRESS  
1ST SESSION

# H. R. 4856

To improve oversight by the Federal Communications Commission of the wireless and broadcast emergency alert systems.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 2019

Mr. MCNERNEY (for himself, Mr. BILIRAKIS, Ms. GABBARD, and Mr. OLSON) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To improve oversight by the Federal Communications Commission of the wireless and broadcast emergency alert systems.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reliable Emergency  
5 Alert Distribution Improvement Act of 2019” or “READI  
6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act—

1           (1) the term “Administrator” means the Ad-  
2       ministrators of the Federal Emergency Management  
3       Agency;

4           (2) the term “Commission” means the Federal  
5       Communications Commission;

6           (3) the term “Emergency Alert System” means  
7       the national public warning system, the rules for  
8       which are set forth in part 11 of title 47, Code of  
9       Federal Regulations (or any successor regulation);  
10      and

11          (4) the term “Wireless Emergency Alert Sys-  
12      tem” means the wireless national public warning  
13      system established under the Warning, Alert, and  
14      Response Network Act (47 U.S.C. 1201 et seq.), the  
15      rules for which are set forth in part 10 of title 47,  
16      Code of Federal Regulations (or any successor regu-  
17      lation).

18   **SEC. 3. WIRELESS EMERGENCY ALERT SYSTEM OFFERINGS.**

19      (a) AMENDMENT.—Section 602(b)(2)(E) of the  
20      Warning, Alert, and Response Network Act (47 U.S.C.  
21      1201(b)(2)(E)) is amended—

22          (1) by striking the second and third sentences;  
23      and

1           (2) by striking “other than an alert issued by  
2     the President.” and inserting the following: “other  
3     than an alert issued by—

4                     “(A) the President; or

5                     “(B) the Administrator of the Federal  
6     Emergency Management Agency.”.

7     (b) REGULATIONS.—Not later than 180 days after  
8     the date of enactment of this Act, the Commission, in con-  
9     sultation with the Administrator, shall adopt regulations  
10    to implement the amendment made by subsection (a)(2).

11 **SEC. 4. STATE EMERGENCY ALERT SYSTEM PLANS AND**  
12 **EMERGENCY COMMUNICATIONS COMMIT-**  
13 **TEES.**

14     (a) DEFINITIONS.—In this section—

15           (1) the term “SECC” means a State Emer-  
16     gency Communications Committee;

17           (2) the term “State” means any State of the  
18     United States, the District of Columbia, the Com-  
19     monwealth of Puerto Rico, the United States Virgin  
20     Islands, Guam, American Samoa, the Common-  
21     wealth of the Northern Mariana Islands, and any  
22     possession of the United States; and

23           (3) the term “State EAS Plan” means a State  
24     Emergency Alert System Plan.

1 (b) STATE EMERGENCY COMMUNICATIONS COM-  
2 MITTEE.—Not later than 180 days after the date of enact-  
3 ment of this Act, the Commission shall adopt regulations  
4 that—

5 (1) encourage the chief executive of each  
6 State—

7 (A) to establish an SECC if the State does  
8 not have an SECC; or

9 (B) if the State has an SECC, to review  
10 the composition and governance of the SECC;

11 (2) provide that—

12 (A) each SECC, not less frequently than  
13 annually, shall—

14 (i) meet to review and update its  
15 State EAS Plan;

16 (ii) certify to the Commission that the  
17 SECC has met as required under clause  
18 (i); and

19 (iii) submit to the Commission an up-  
20 dated State EAS Plan; and

21 (B) not later than 60 days after the date  
22 on which the Commission receives an updated  
23 State EAS Plan under subparagraph (A)(iii),  
24 the Commission shall—

1 (i) approve or disapprove the updated  
2 State EAS Plan; and

3 (ii) notify the chief executive of the  
4 State of the Commission's findings; and

5 (3) establish a State EAS Plan content check-  
6 list for SECCs to use when reviewing and updating  
7 a State EAS Plan for submission to the Commission  
8 under paragraph (2)(A).

9 (c) CONSULTATION.—The Commission shall consult  
10 with the Administrator regarding the adoption of regula-  
11 tions under subsection (b)(3).

12 **SEC. 5. INTEGRATED PUBLIC ALERT AND WARNING SYS-**  
13 **TEM GUIDANCE.**

14 (a) IN GENERAL.—Not later than 1 year after the  
15 date of enactment of this Act, the Administrator shall de-  
16 velop and issue guidance on how State, Tribal, and local  
17 governments can participate in the integrated public alert  
18 and warning system of the United States described in sec-  
19 tion 526 of the Homeland Security Act of 2002 (6 U.S.C.  
20 321o) (referred to in this section as the “public alert and  
21 warning system”) while maintaining the integrity of the  
22 public alert and warning system, including—

23 (1) guidance on the categories of public emer-  
24 gencies and appropriate circumstances that warrant  
25 an alert and warning from State, Tribal, and local

1 governments using the public alert and warning sys-  
2 tem;

3 (2) the procedures for State, Tribal, and local  
4 government officials to authenticate civil emer-  
5 gencies and initiate, modify, and cancel alerts trans-  
6 mitted through the public alert and warning system,  
7 including protocols and technology capabilities for—

8 (A) the initiation, or prohibition on the ini-  
9 tiation, of alerts by a single authorized or unau-  
10 thorized individual;

11 (B) testing a State, Tribal, or local govern-  
12 ment incident management and warning tool  
13 without accidentally initiating an alert through  
14 the public alert and warning system; and

15 (C) steps a State, Tribal, or local govern-  
16 ment official should take to mitigate the possi-  
17 bility of the issuance of a false alert through  
18 the public alert and warning system;

19 (3) the standardization, functionality, and inter-  
20 operability of incident management and warning  
21 tools used by State, Tribal, and local governments to  
22 notify the public of an emergency through the public  
23 alert and warning system;

24 (4) the annual training and recertification of  
25 emergency management personnel on requirements

1 for originating and transmitting an alert through  
2 the public alert and warning system;

3 (5) the procedures, protocols, and guidance con-  
4 cerning the protective action plans that State, Trib-  
5 al, and local governments should issue to the public  
6 following an alert issued under the public alert and  
7 warning system;

8 (6) the procedures, protocols, and guidance con-  
9 cerning the communications that State, Tribal, and  
10 local governments should issue to the public fol-  
11 lowing a false alert issued under the public alert and  
12 warning system;

13 (7) a plan by which State, Tribal, and local  
14 government officials may, during an emergency, con-  
15 tact each other as well as Federal officials and par-  
16 ticipants in the Emergency Alert System and the  
17 Wireless Emergency Alert System, when appropriate  
18 and necessary, by telephone, text message, or other  
19 means of communication regarding an alert that has  
20 been distributed to the public; and

21 (8) any other procedure the Administrator con-  
22 siders appropriate for maintaining the integrity of  
23 and providing for public confidence in the public  
24 alert and warning system.

1 (b) COORDINATION WITH NATIONAL ADVISORY  
2 COUNCIL REPORT.—The Administrator shall ensure that  
3 the guidance developed under subsection (a) do not con-  
4 flict with recommendations made for improving the public  
5 alert and warning system provided in the report submitted  
6 by the National Advisory Council under section 2(b)(7)(B)  
7 of the Integrated Public Alert and Warning System Mod-  
8 ernization Act of 2015 (Public Law 114–143; 130 Stat.  
9 332).

10 (c) PUBLIC CONSULTATION.—In developing the guid-  
11 ance under subsection (a), the Administrator shall ensure  
12 appropriate public consultation and, to the extent prac-  
13 ticable, coordinate the development of the guidance with  
14 stakeholders of the public alert and warning system, in-  
15 cluding—

16 (1) appropriate personnel from Federal agen-  
17 cies, including the National Institute of Standards  
18 and Technology, the Federal Emergency Manage-  
19 ment Agency, and the Commission;

20 (2) representatives of State and local govern-  
21 ments and emergency services personnel, who shall  
22 be selected from among individuals nominated by  
23 national organizations representing those govern-  
24 ments and personnel;

- 1           (3) representatives of federally recognized In-  
2       dian Tribes and national Indian organizations;
- 3           (4) communications service providers;
- 4           (5) vendors, developers, and manufacturers of  
5       systems, facilities, equipment, and capabilities for  
6       the provision of communications services;
- 7           (6) third-party service bureaus;
- 8           (7) the national organization representing the  
9       licensees and permittees of noncommercial broadcast  
10      television stations;
- 11          (8) technical experts from the broadcasting in-  
12      dustry;
- 13          (9) educators from the Emergency Management  
14      Institute; and
- 15          (10) other individuals with technical expertise  
16      as the Administrator determines appropriate.
- 17      (d) INAPPLICABILITY OF FACA.—The Federal Advi-  
18      sory Committee Act (5 U.S.C. App.) shall not apply to  
19      the public consultation with stakeholders under subsection  
20      (c).
- 21      (e) RULE OF CONSTRUCTION.—Nothing in sub-  
22      section (a) shall be construed to amend, supplement, or  
23      abridge the authority of the Commission under the Com-  
24      munications Act of 1934 (47 U.S.C. 151 et seq.) or in  
25      any other manner give the Administrator authority over

1 communications service providers participating in the  
2 Emergency Alert System or the Wireless Emergency Alert  
3 System.

4 **SEC. 6. FALSE ALERT REPORTING.**

5 Not later than 180 days after the date of enactment  
6 of this Act, the Commission, in consultation with the Ad-  
7 ministrator, shall complete a rulemaking proceeding to es-  
8 tablish a system to receive from the Administrator or  
9 State, Tribal, or local governments reports of false alerts  
10 under the Emergency Alert System or the Wireless Emer-  
11 gency Alert System for the purpose of recording such false  
12 alerts and examining their causes.

13 **SEC. 7. REPEATING EMERGENCY ALERT SYSTEM MES-**  
14 **SAGES FOR NATIONAL SECURITY.**

15 Not later than 180 days after the date of enactment  
16 of this Act, the Commission, in consultation with the Ad-  
17 ministrator, shall complete a rulemaking proceeding to  
18 modify the Emergency Alert System to provide for repeat-  
19 ing Emergency Alert System messages while an alert re-  
20 mains pending that is issued by—

21 (1) the President;

22 (2) the Administrator; or

23 (3) any other entity under specified circum-  
24 stances as determined by the Commission, in con-  
25 sultation with the Administrator.

1 **SEC. 8. INTERNET AND ONLINE STREAMING SERVICES**2 **EMERGENCY ALERT EXAMINATION.**

3 (a) **STUDY.**—Not later than 180 days after the date  
4 of enactment of this Act, and after providing public notice  
5 and opportunity for comment, the Commission shall com-  
6 plete an inquiry to examine the feasibility of updating the  
7 Emergency Alert System to enable or improve alerts to  
8 consumers provided through the internet, including  
9 through streaming services.

10 (b) **REPORT.**—Not later than 90 days after com-  
11 pleting the inquiry under subsection (a), the Commission  
12 shall submit a report on the findings and conclusions of  
13 the inquiry to—

14 (1) the Committee on Commerce, Science, and  
15 Transportation of the Senate; and

16 (2) the Committee on Energy and Commerce of  
17 the House of Representatives.

○

116TH CONGRESS  
2D SESSION

# H. R. 5918

To direct the Federal Communications Commission to issue reports after activation of the Disaster Information Reporting System and to make improvements to network outage reporting.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2020

Ms. MATSUI (for herself, Ms. ESHOO, Mr. THOMPSON of California, and Mr. HUFFMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To direct the Federal Communications Commission to issue reports after activation of the Disaster Information Reporting System and to make improvements to network outage reporting.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REPORTS AFTER ACTIVATION OF DISASTER IN-**  
4 **FORMATION REPORTING SYSTEM; IMPROVE-**  
5 **MENTS TO NETWORK OUTAGE REPORTING.**

6 (a) REPORTS AFTER ACTIVATION OF DISASTER IN-  
7 FORMATION REPORTING SYSTEM.—

8 (1) PRELIMINARY REPORT.—

1 (A) IN GENERAL.—Not later than 6 weeks  
2 after the deactivation of the Disaster Informa-  
3 tion Reporting System with respect to an event  
4 for which the System was activated, the Com-  
5 mission shall issue a preliminary report on, with  
6 respect to such event—

7 (i) the number and duration of any  
8 outages of—

9 (I) broadband internet access  
10 service;

11 (II) interconnected VoIP service;  
12 and

13 (III) commercial mobile service;  
14 (ii) the approximate number of users  
15 affected by an outage described in clause  
16 (i);

17 (iii) the number and duration of any  
18 outages at public safety answering points  
19 that prevent public safety answering points  
20 from receiving emergency calls and routing  
21 such calls to emergency service personnel;

22 (iv) initial recovery efforts related to  
23 communications networks; and

24 (v) any additional information deter-  
25 mined appropriate by the Commission.

1 (2) PUBLIC FIELD HEARINGS.—

2 (A) REQUIREMENT.—Not later than 4  
3 months after the deactivation of the Disaster  
4 Information Reporting System with respect to  
5 an event for which the System was activated,  
6 the Commission shall hold at least one public  
7 field hearing in communities affected by such  
8 event.

9 (B) INCLUSION OF CERTAIN INDIVIDUALS  
10 IN HEARINGS.—For each public field hearing  
11 held under subparagraph (A), the Commission  
12 shall consider including—

13 (i) representatives of State govern-  
14 ment, local government, or Indian Tribal  
15 governments in areas affected by such  
16 event;

17 (ii) residents of the areas affected by  
18 such event, or consumer advocates;

19 (iii) providers of broadband internet  
20 access service;

21 (iv) faculty of institutions of higher  
22 education;

23 (v) representatives of other Federal  
24 agencies;

25 (vi) electric utility providers;

1 (vii) telecommunications infrastruc-  
2 ture companies; and

3 (viii) first responders, emergency  
4 managers, or 9–1–1 directors in areas af-  
5 fected by such event.

6 (3) FINAL REPORT.—Not later than 8 months  
7 after the deactivation of the Disaster Information  
8 Reporting System with respect to an event for which  
9 the System was activated, the Commission shall  
10 issue a final report that includes, with respect to  
11 such event—

12 (A) the information described under para-  
13 graph (1)(A); and

14 (B) any recommendations of the Commis-  
15 sion on how to improve the resiliency of af-  
16 fected communications or networks recovery ef-  
17 forts.

18 (4) DEVELOPMENT OF REPORTS.—In devel-  
19 oping a report required under this subsection, the  
20 Commission shall consider information collected  
21 through the Disaster Information Reporting System  
22 and a public hearing described in paragraph (2) with  
23 respect to the applicable event.

24 (5) PUBLICATION.—The Commission shall pub-  
25 lish each report issued under this subsection on the

1 website of the Commission upon the issuance of such  
2 report.

3 (b) IMPROVEMENTS TO NETWORK OUTAGE REPORT-  
4 ING.—Not later than 6 months after the date of the enact-  
5 ment of this Act, the Commission shall initiate a rule-  
6 making to—

7 (1) determine the circumstances under which to  
8 require providers of commercial mobile service to  
9 provide alerts to public safety answering points re-  
10 garding communications service disruptions of the  
11 commercial mobile service within the assigned terri-  
12 tories of such public safety answering points that  
13 prevent—

14 (A) the origination of 9–1–1 calls;

15 (B) the delivery of Automatic Location In-  
16 formation; or

17 (C) Automatic Number Identification; and

18 (2) require such alerts to be made.

19 (c) DEFINITIONS.—In this section:

20 (1) AUTOMATIC LOCATION INFORMATION;  
21 AUTOMATIC NUMBER IDENTIFICATION.—The terms  
22 “Automatic Location Information” and “Automatic  
23 Number Identification” have the meaning given  
24 those terms in section 9.3 of title 47, Code of Fed-  
25 eral Regulations, or any successor regulation.

1           (2) BROADBAND INTERNET ACCESS SERVICE.—  
2       The term “broadband internet access service” has  
3       the meaning given such term in section 8.1(b) of  
4       title 47, Code of Federal Regulations, or any suc-  
5       cessor regulation.

6           (3) COMMERCIAL MOBILE SERVICE.—The term  
7       “commercial mobile service” has the meaning given  
8       such term in section 332(d) of the Communications  
9       Act of 1934 (47 U.S.C. 332(d)).

10          (4) COMMISSION.—The term “Commission”  
11       means the Federal Communications Commission.

12          (5) INDIAN TRIBAL GOVERNMENT; LOCAL GOV-  
13       ERNMENT.—The terms “Indian Tribal government”  
14       and “Indian Tribal Government” have the meaning  
15       given those terms in section 102 of the Robert T.  
16       Stafford Disaster Relief and Emergency Assistance  
17       Act (42 U.S.C. 5121).

18          (6) INTERCONNECTED VOIP SERVICE.—The  
19       term “interconnected VoIP service” has the meaning  
20       given such term in section 3 of the Communications  
21       Act of 1934 (47 U.S.C. 153).

22          (7) PUBLIC SAFETY ANSWERING POINT.—The  
23       term “public safety answering point” has the mean-  
24       ing given such term in section 222 of the Commu-  
25       nications Act of 1934 (47 U.S.C. 222).

1           (8) STATE.—The term “State” has the mean-  
2       ing given such term in section 3 of the Communica-  
3       tions Act of 1934 (47 U.S.C. 153).

○

116TH CONGRESS  
2D SESSION

# H. R. 5926

To amend the Communications Act of 1934 to provide for expedient restoration of advanced communications service networks during times of emergency, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2020

Mr. PALLONE (for himself and Mr. McNERNEY) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Communications Act of 1934 to provide for expedient restoration of advanced communications service networks during times of emergency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reinforcing and Evalu-  
5 ating Service Integrity, Local Infrastructure, and Emer-  
6 gency Notification for Today’s Networks Act” or the “RE-  
7 SILIENT Networks Act”.

1 **SEC. 2. NETWORK RESILIENCY COOPERATIVE REQUIRE-**  
2 **MENTS.**

3 Title VII of the Communications Act of 1934 (47  
4 U.S.C. 601 et seq.) is amended by adding at the end the  
5 following:

6 **“SEC. 723. NETWORK RESILIENCY COOPERATIVE REQUIRE-**  
7 **MENTS.**

8 “(a) REQUIRED COORDINATED RESPONSE IN TIMES  
9 OF EMERGENCY.—

10 “(1) IN GENERAL.—Not later than 1 year after  
11 the date of the enactment of this section, the Com-  
12 mission, in consultation with the Secretary of Home-  
13 land Security, shall conduct a proceeding and, after  
14 public notice and an opportunity for comment, adopt  
15 rules to provide for coordination among providers of  
16 advanced communications service during times of  
17 emergency.

18 “(2) REQUIRED ASPECTS OF COORDINATION.—  
19 In issuing the rules required by paragraph (1), the  
20 Commission shall require that, where technically fea-  
21 sible—

22 “(A) providers of wireless advanced com-  
23 munications service have in place reasonable  
24 roaming and peering agreements for times of  
25 emergency, which can be employed without ad-  
26 ditional negotiation, as necessary; and

1           “(B) providers of advanced communica-  
2           tions service have in place reasonable arrange-  
3           ments for the provision of mutual aid for times  
4           of emergency, as necessary.

5           “(b) REQUIRED ASSISTANCE FOR FIRST RESPOND-  
6           ERS.—

7           “(1) IN GENERAL.—Not later than 1 year after  
8           the date of the enactment of this section, the Com-  
9           mission shall, after public notice and an opportunity  
10          for comment, adopt rules designed to improve co-  
11          ordination for times of emergency between providers  
12          of advanced communications service and public safe-  
13          ty answering points and covered public safety enti-  
14          ties.

15          “(2) PROVIDING DETAILED TIMELY NETWORK  
16          OUTAGE DATA TO FIRST RESPONDERS.—In issuing  
17          the rules required by paragraph (1), the Commission  
18          shall—

19                 “(A) make changes to the Disaster Infor-  
20                 mation Reporting System to facilitate the par-  
21                 ticipation in such System by all providers of ad-  
22                 vanced communications service;

23                 “(B) require providers of advanced com-  
24                 munications service to participate in the Dis-

1           aster Information Reporting System during  
2           times of emergency;

3           “(C) ensure information collected through  
4           the Disaster Information Reporting System is  
5           made available to public safety answering points  
6           and covered public safety entities in those areas  
7           where the Disaster Information Reporting Sys-  
8           tem is activated in an easily accessible format  
9           that—

10           “(i) facilitates the provision of such  
11           information as soon as possible, in light of  
12           efforts to remedy network disruption and  
13           restore services, with reasonably sufficient  
14           granularity and speed to help such public  
15           safety answering points and covered public  
16           safety entities understand the timing, na-  
17           ture, and scope of reported disruptions to  
18           the provision of advanced communications  
19           service during times of emergency, includ-  
20           ing disruptions to the provision of such  
21           service to public safety answering points or  
22           covered public safety entities;

23           “(ii) reflects the status of operations  
24           of and disruptions affecting the individual  
25           reporting provider’s network during times

1 of emergency and does not reflect the con-  
2 tinued provision of advanced communica-  
3 tions service using roaming and peering ar-  
4 rangements; and

5 “(iii) allows such information to be  
6 accessed through a secure internet website;  
7 and

8 “(D) ensure that providers of advanced  
9 communications service are not held liable for  
10 outage reports based upon reasonable efforts to  
11 identify accurately any such outages as soon as  
12 reasonably practicable during times of emer-  
13 gency that may later be determined to have  
14 contained inaccurate information.

15 “(3) ACCESS AND SECURITY.—In issuing the  
16 rules required by paragraph (1), the Commission  
17 shall ensure that—

18 “(A) the information described in para-  
19 graph (2)(C) is secured against access by any  
20 person not authorized to access such informa-  
21 tion and that persons authorized to access such  
22 information are trained in reasonable security  
23 measures to protect such information;

24 “(B) such information will be used by pub-  
25 lic safety answering points and covered public

1 safety entities exclusively for the purpose of re-  
2 sponding to public safety concerns during times  
3 of emergency, and that public safety answering  
4 points and covered public safety entities will be  
5 required to notify the Commission and affected  
6 providers of advanced communications service  
7 as soon as reasonably practicable in the event  
8 of any breach or other unauthorized use; and

9 “(C) the public continues to have access to  
10 the information published by the Commission  
11 on its websites in times of emergency in a man-  
12 ner that is at least as accessible to the public  
13 as before the date of the enactment of this sec-  
14 tion.

15 “(c) COORDINATED RESPONSE MASTER DIREC-  
16 TORY.—

17 “(1) IN GENERAL.—Not later than 1 year after  
18 the date of the enactment of this section, the Com-  
19 mission, in consultation with the Secretary of En-  
20 ergy, shall, after public notice and an opportunity  
21 for comment, establish a master point-of-contact di-  
22 rectory to provide for effective communication be-  
23 tween providers of advanced communications service,  
24 tower owner or operators, and public safety answer-

1 ing points, covered public safety entities, and utili-  
2 ties.

3 “(2) ACCESS AND SECURITY.—In establishing  
4 the directory under paragraph (1), the Commission  
5 shall ensure that—

6 “(A) the directory established under para-  
7 graph (1) is secured against access by any per-  
8 son not authorized to access such directory in-  
9 formation and that persons authorized to access  
10 such information are trained in reasonable se-  
11 curity measures to protect such information;

12 “(B) such information is updated by the  
13 Commission no less frequently than quarterly;  
14 and

15 “(C) such information will be used by pub-  
16 lic safety answering points and covered public  
17 safety entities exclusively for the purpose of re-  
18 sponding to public safety concerns, and that  
19 public safety answering points and covered pub-  
20 lic safety entities will be required to notify the  
21 Commission and affected providers of advanced  
22 communications service, tower owner or opera-  
23 tors, and utilities as soon as reasonably prac-  
24 ticable in the event of any breach or other un-  
25 authorized use.

1       “(d) TRIENNIAL REVIEW OF COORDINATED RE-  
2 SPONSE POLICIES.—

3           “(1) IN GENERAL.—Not later than the date  
4 that is 4 years after the date of the enactment of  
5 this section, and every 3 years thereafter, the Com-  
6 mission shall, after public notice and an opportunity  
7 for comment, evaluate whether the rules adopted  
8 and directory established under this section, coupled  
9 with any other actions that the Commission has  
10 taken regarding network resiliency, are substantially  
11 improving the resiliency of advanced communications  
12 services in times of emergency.

13           “(2) ADDITIONAL ACTION.—If the Commission  
14 finds in an evaluation under paragraph (1) that the  
15 rules issued pursuant to this section and the direc-  
16 tory established under this section, coupled with any  
17 other actions that the Commission has taken regard-  
18 ing network resiliency, are not substantially improv-  
19 ing the resiliency of advanced communications serv-  
20 ices, the Commission shall seek comment and con-  
21 sider amending such rules and directory to take ad-  
22 ditional action that may be necessary and within its  
23 jurisdiction to help ensure those rules more effi-  
24 ciently promote the resiliency of advanced commu-  
25 nications services in times of emergency.

1       “(e) EXEMPTION FROM PAPERWORK REDUCTION  
2 ACT.—Information collected under this section shall not  
3 constitute a collection of information for the purposes of  
4 subchapter I of chapter 35 of title 44, United States Code  
5 (commonly referred to as the Paperwork Reduction Act).

6       “(f) DEFINITIONS.—In this section:

7           “(1) ADVANCED COMMUNICATIONS SERVICE.—  
8       The term ‘advanced communications service’ has the  
9 meaning given such term in section 3 and has the  
10 meaning given to the term ‘advanced telecommuni-  
11 cations capability’ in section 706 of the Tele-  
12 communications Act of 1996 (47 U.S.C. 1302), but  
13 such term shall not include the network of the First  
14 Responder Network Authority established by section  
15 6204 of the Middle Class Tax Relief and Job Cre-  
16 ation Act of 2012 (47 U.S.C. 1424).

17           “(2) DISASTER INFORMATION REPORTING SYS-  
18 TEM.—The term ‘Disaster Information Reporting  
19 System’ means the system described in the public  
20 notice released by the Commission on September 11,  
21 2007 (DA 07–3871).

22           “(3) UTILITY.—The term ‘utility’ has the  
23 meaning given to the term ‘distribution utility’ in  
24 section 217 of the Federal Power Act (16 U.S.C.  
25 824q).

1           “(4) PUBLIC SAFETY ANSWERING POINT.—The  
2       term ‘public safety answering point’ has the meaning  
3       given such term in section 222.

4           “(5) COVERED PUBLIC SAFETY ENTITY.—The  
5       term ‘covered public safety entity’ is an entity re-  
6       sponsible for emergency management functions dur-  
7       ing times of emergency that is expressly authorized  
8       by the Federal Emergency Management Agency or  
9       Governor of a State as eligible to access outage in-  
10      formation pursuant to subsections (b) and (c).

11          “(6) ROAMING.—The term ‘roaming’ means the  
12      ability of a subscriber of wireless advanced commu-  
13      nications service to originate or terminate a call, to  
14      continue an in-progress call, or to transmit or re-  
15      ceive data, using the facilities of a provider of wire-  
16      less advanced communications service different than  
17      the one with whom the subscriber has a direct pre-  
18      existing service or financial relationship.

19          “(7) TIME OF EMERGENCY.—The term ‘time of  
20      emergency’ means—

21           “(A) the time period of an emergency (as  
22           defined in section 102 of the Robert T. Stafford  
23           Disaster Relief and Emergency Assistance Act  
24           (42 U.S.C. 5122));

1           “(B) the time period that the Federal  
2           Communications Commission activates the Dis-  
3           aster Information Reporting System; or

4           “(C) the time period of an emergency as  
5           declared by the Governor of a State.

6           “(8) TOWER OWNER OR OPERATOR.—The term  
7           ‘tower owner or operator’ has the meaning given to  
8           such term in section 427 of the Robert T. Stafford  
9           Disaster Relief and Emergency Assistance Act (42  
10          U.S.C. 5189e).

11          “(9) RESILIENCY.—The term ‘resiliency’ means  
12          the ability to withstand and recover rapidly from dis-  
13          ruptions. Resiliency includes the ability to withstand  
14          and recover from deliberate attacks, accidents, or  
15          naturally occurring threats or incidents.”.

16 **SEC. 3. STOPPING ACCIDENTAL CUTS TO COMMUNICA-**  
17 **TIONS NETWORKS.**

18          (a) STUDY.—Not later than 180 days after the date  
19          of the enactment of this Act, the Commission shall, in con-  
20          sultation with the Secretary of Transportation, and after  
21          public notice and an opportunity for comment, complete  
22          a study on the feasibility of expanding the one-call notifi-  
23          cation system programs under chapter 61 and section  
24          60114 of title 49, United States Code, to cover advanced  
25          communications service.

1 (b) CONSIDERATIONS.—In conducting the study  
2 under subsection (a), the Commission shall consider addi-  
3 tional solutions to prevent third-party damage to infra-  
4 structure used in the provision of advanced communica-  
5 tions service, including dig-once policies, and the use of  
6 wireless backhaul.

7 (c) REPORT.—Not later than 270 days after the date  
8 of the enactment of this Act, the Commission shall publish  
9 on the website of the Commission and submit to the Com-  
10 mittee on Energy and Commerce of the House of Rep-  
11 resentatives and the Committee on Commerce, Science,  
12 and Transportation of the Senate a report detailing the  
13 findings and recommendations of the study conducted  
14 under subsection (a).

15 **SEC. 4. KEEPING ADVANCED COMMUNICATIONS SERVICE**  
16 **OPERATIONAL.**

17 (a) COORDINATION BEST PRACTICES.—Not later  
18 than 1 year after the date of the enactment of this Act,  
19 the Commission, in consultation with the Secretary of En-  
20 ergy, shall adopt, after public notice and an opportunity  
21 for comment, a set of recommended best practices on how  
22 providers of advanced communications service and utilities  
23 should coordinate in order to ensure that advanced com-  
24 munications service remains operational during times of  
25 emergency and pre-planned power downs.

1 (b) MEASURES.—Not later than 1 year after the date  
2 of the enactment of this Act, the Commission, in consulta-  
3 tion with the Secretary of Energy and Secretary of Home-  
4 land Security, shall—

5 (1) establish a process by which providers of  
6 advanced communications service and utilities share  
7 information regarding what infrastructure, used in  
8 the provision of advanced communications service,  
9 should be prioritized for reenergization to best re-  
10 store critical parts of such providers' networks nec-  
11 essary for emergency response and restoration ef-  
12 forts, in a manner that promotes the most efficient  
13 and effective use of resources during times of emer-  
14 gency and pre-planned power downs;

15 (2) ensure that providers of advanced commu-  
16 nications service take reasonable and technically fea-  
17 sible measures to integrate backup power, including  
18 generators and batteries, into such providers' net-  
19 works to continue the provision of advanced commu-  
20 nications service during and following times of emer-  
21 gency and during pre-planned power downs with  
22 particular focus on consumers' ability to send and  
23 receive emergency communications;

24 (3) take all necessary, reasonable measures to  
25 ensure appropriate coordination including at incident

1 command centers established during times of emer-  
2 gency between utilities, covered public safety enti-  
3 ties, providers of advanced communications service,  
4 and, where appropriate, Federal, State, and local  
5 representatives, to ensure such utilities, entities, and  
6 providers—

7 (A) are aware of where infrastructure used  
8 in the provision of advanced communications  
9 service is located to avoid inadvertently dam-  
10 aging such infrastructure and thereby delaying  
11 restoration of advanced communications service  
12 during and following times of emergency and  
13 pre-planned power downs;

14 (B) communicate with each other on a reg-  
15 ular and ongoing basis regarding the progress  
16 of network restoration during and following  
17 times of emergency and pre-planned power  
18 downs; and

19 (C) are aware of their respective restora-  
20 tion plans, priorities, and critical sites in ad-  
21 vance of any emergency, as well as during and  
22 following times of emergency and pre-planned  
23 power downs; and

24 (4) ensure any and all information exchanged  
25 pursuant to this section will be subject to reasonable

1 confidentiality protections, accessed only by author-  
2 ized users responsible for coordination required by  
3 this section, and used exclusively for the purpose of  
4 ensuring advanced communications service remains  
5 operational during and following times of emergency  
6 and pre-planned power downs.

7 **SEC. 5. PROMOTING 5G RESILIENCY.**

8 (a) REPORT.—Not later than 1 year after the date  
9 of the enactment of this Act and after public notice and  
10 an opportunity for comment, the Commission, in consulta-  
11 tion with the Secretary of Homeland Security, shall pub-  
12 lish on the website of the Commission and submit to the  
13 Committee on Energy and Commerce of the House of  
14 Representatives and the Committee on Commerce,  
15 Science, and Transportation of the Senate, a report that  
16 includes the following:

17 (1) An evaluation of any unique (with respect  
18 to other forms of advanced communications service)  
19 challenges or advantages of 5G wireless networks  
20 with regard to the resiliency of such networks to  
21 withstand disruptions during times of emergency.

22 (2) An analysis of the following:

23 (A) 5G wireless networks using high-band  
24 frequencies of the electromagnetic spectrum.

1 (B) 5G wireless networks using low-band  
2 frequencies of the electromagnetic spectrum.

3 (C) The backhaul requirements of 5G wire-  
4 less networks.

5 (D) The power requirements of 5G wireless  
6 networks.

7 (E) The potential uses of 5G wireless net-  
8 works in responding to natural and manmade  
9 disasters for public safety officials and the pub-  
10 lic that are specific to 5G wireless networks.

11 (F) The uses of 5G wireless networks to  
12 provide wireless emergency alerts and dispatch-  
13 able location to public safety answering points.

14 (G) The uses of 5G wireless networks in  
15 responding to natural and manmade disasters  
16 in rural areas.

17 (3) Recommendations regarding regulatory or  
18 statutory changes that could address any challenges  
19 to, or better use any advantages of, 5G wireless net-  
20 works with regard to the deployment and resiliency  
21 of such networks.

22 (b) RULES MAY BE REQUIRED.—Not later than 2  
23 years after the date the Commission submits its report,  
24 the Commission shall consider whether to adopt rules or  
25 issue best practices to address any challenges or better

1 use any advantages of 5G wireless networks with regard  
2 to the resiliency of such networks are needed.

3 **SEC. 6. AUDIT OF FCC'S RESPONSE TO 2017 HURRICANE**  
4 **SEASON IN PUERTO RICO.**

5 (a) IN GENERAL.—The Comptroller General of the  
6 United States shall conduct a performance audit of the  
7 Commission's efforts to restore advanced communications  
8 service, and other communications services, in Puerto Rico  
9 during, and following, the 2017 hurricane season.

10 (b) REQUIRED CONSIDERATIONS.—In conducting the  
11 study under subsection (a), the Comptroller General shall  
12 examine—

13 (1) the timeliness of the Commission's actions  
14 to restore advanced communications service, and  
15 other communications services, in Puerto Rico dur-  
16 ing, and following, the 2017 hurricane season; and

17 (2) how the Commission responded following  
18 the 2017 hurricane season in Puerto Rico as com-  
19 pared to how the Commission responded to other  
20 natural disasters, including hurricanes, previously or  
21 subsequently.

22 (c) REPORT.—Not later than 18 months after the  
23 date of the enactment of this Act, the Comptroller General  
24 shall submit to the Committee on Energy and Commerce  
25 of the House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Senate a  
2 report on the findings of the study under subsection (a),  
3 including any recommendations.

4 (d) NO COMBINATION.—Such study and report re-  
5 quired by subsection (a), (b), or (c) may not be combined  
6 or associated with any other ongoing, or subsequently re-  
7 quested, study by the Comptroller General.

8 (e) PROCEEDING.—Not later than 2 years after the  
9 date of the enactment of this Act, the Commission shall  
10 commence a proceeding regarding what actions are appro-  
11 priate for the Commission to take in addressing the find-  
12 ings and recommendations outlined in the report issued  
13 under subsection (c).

14 **SEC. 7. RULE OF CONSTRUCTION.**

15 Nothing in this Act or the amendments made by this  
16 Act shall affect the operation or authority of the First Re-  
17 sponder Network Authority established by section 6204 of  
18 the Middle Class Tax Relief and Job Creation Act of 2012  
19 (47 U.S.C. 1424).

20 **SEC. 8. DEFINITIONS.**

21 In this Act:

22 (1) TERMS DEFINED IN SECTION 723 OF COM-  
23 MUNICATIONS ACT OF 1934, AS AMENDED.—The  
24 terms defined in section 723 of the Communications

1 Act of 1934, as added by section 2, have the mean-  
2 ings given such terms in section 723.

3 (2) COMMISSION.—The term “Commission”  
4 means the Federal Communications Commission.

○

116TH CONGRESS  
2D SESSION

# H. R. 5928

To repeal the requirement to reallocate and auction the T-Band spectrum, to amend the Wireless Communications and Public Safety Act of 1999 to clarify acceptable 9–1–1 obligations or expenditures, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2020

Mr. WALDEN introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To repeal the requirement to reallocate and auction the T-Band spectrum, to amend the Wireless Communications and Public Safety Act of 1999 to clarify acceptable 9–1–1 obligations or expenditures, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Fee Integrity and Re-  
5 sponsibilities and To Regain Essential Spectrum for Pub-  
6 lic-safety Operators Needed to Deploy Equipment Reliably  
7 Act of 2020” or the “FIRST RESPONDER Act of  
8 2020”.

1 **SEC. 2. REPEAL OF REQUIREMENT TO REALLOCATE AND**  
2 **AUCTION T-BAND SPECTRUM.**

3 (a) REPEAL.—Section 6103 of the Middle Class Tax  
4 Relief and Job Creation Act of 2012 (47 U.S.C. 1413)  
5 is repealed.

6 (b) CLERICAL AMENDMENT.—The table of contents  
7 in section 1(b) of such Act is amended by striking the  
8 item relating to section 6103.

9 **SEC. 3. CLARIFYING ACCEPTABLE 9-1-1 OBLIGATIONS OR**  
10 **EXPENDITURES.**

11 Section 6 of the Wireless Communications and Public  
12 Safety Act of 1999 (47 U.S.C. 615a–1) is amended—

13 (1) in subsection (f)—

14 (A) in paragraph (1), by striking “as spec-  
15 ified in the provision of State or local law  
16 adopting the fee or charge” and inserting “con-  
17 sistent with the purposes and functions des-  
18 ignated in the final rules issued under para-  
19 graph (3) as purposes and functions for which  
20 the obligation or expenditure of such a fee or  
21 charge is acceptable”;

22 (B) in paragraph (2), by striking “any  
23 purpose other than the purpose for which any  
24 such fees or charges are specified” and insert-  
25 ing “any purpose or function other than the  
26 purposes and functions designated in the final

1 rules issued under paragraph (3) as purposes  
2 and functions for which the obligation or ex-  
3 penditure of any such fees or charges is accept-  
4 able”; and

5 (C) by adding at the end the following:

6 “(3) ACCEPTABLE OBLIGATIONS OR EXPENDI-  
7 TURES.—

8 “(A) RULES REQUIRED.—In order to pre-  
9 vent diversion of 9–1–1 fees or charges, the  
10 Commission shall, not later than 180 days after  
11 the date of the enactment of this paragraph,  
12 issue final rules designating purposes and func-  
13 tions for which the obligation or expenditure of  
14 9–1–1 fees or charges, by any State or taxing  
15 jurisdiction authorized to impose such a fee or  
16 charge, is acceptable.

17 “(B) PURPOSES AND FUNCTIONS.—The  
18 purposes and functions designated under sub-  
19 paragraph (A) shall be limited to the support  
20 and implementation of 9–1–1 services provided  
21 by or in the State or taxing jurisdiction impos-  
22 ing the fee or charge and operational expenses  
23 of public safety answering points within such  
24 State or taxing jurisdiction.

1           “(C) CONSULTATION REQUIRED.—The  
2           Commission shall consult with public safety or-  
3           ganizations and States and taxing jurisdictions  
4           as part of any proceeding under this paragraph.

5           “(D) DEFINITIONS.—In this paragraph:

6                 “(i) 9–1–1 FEE OR CHARGE.—The  
7                 term ‘9–1–1 fee or charge’ means a fee or  
8                 charge applicable to commercial mobile  
9                 services or IP-enabled voice services spe-  
10                cifically designated by a State or taxing ju-  
11                risdiction for the support or implementa-  
12                tion of 9–1–1 services.

13               “(ii) 9–1–1 SERVICES.—The term ‘9–  
14                1–1 services’ has the meaning given such  
15                term in section 158(e) of the National  
16                Telecommunications and Information Ad-  
17                ministration Organization Act (47 U.S.C.  
18                942(e)).

19               “(iii) STATE OR TAXING JURISDIC-  
20                TION.—The term ‘State or taxing jurisdic-  
21                tion’ means a State, political subdivision  
22                thereof, Indian Tribe, or village or regional  
23                corporation serving a region established  
24                pursuant to the Alaska Native Claims Set-  
25                tlement Act (43 U.S.C. 1601 et seq.).

1           “(4) PARTICIPATION.—A State or taxing juris-  
2       diction (as defined in paragraph (3)(D)) shall pro-  
3       vide the information requested by the Commission to  
4       prepare the report required by paragraph (2).”; and  
5           (2) by adding at the end the following:

6       “(j) SEVERABILITY CLAUSE.—If any provision of this  
7       section or the application thereof to any person or cir-  
8       cumstance is held invalid, the remainder of this section  
9       and the application of such provision to other persons or  
10      circumstances shall not be affected thereby.”.

11   **SEC. 4. PROHIBITION ON 9-1-1 FEE OR CHARGE DIVERSION.**

12       (a) IN GENERAL.—If the Commission obtains evi-  
13      dence that suggests the diversion by a State or taxing ju-  
14      risdiction of 9-1-1 fees or charges, the Commission shall  
15      submit such information to the interagency strike force  
16      established under subsection (c).

17       (b) REPORT TO CONGRESS.—Beginning with the first  
18      report under section 6(f)(2) of the Wireless Communica-  
19      tions and Public Safety Act of 1999 (47 U.S.C. 615a-  
20      1(f)(2)) that is required to be submitted after the date  
21      that is 1 year after the date of the enactment of this Act,  
22      the Commission shall include in each report required  
23      under such section all evidence that suggests the diversion  
24      by a State or taxing jurisdiction of 9-1-1 fees or charges.

1 (c) INTERAGENCY STRIKE FORCE TO END 9-1-1  
2 FEE OR CHARGE DIVERSION.—

3 (1) ESTABLISHMENT.—Not later than 180 days  
4 after the date of the enactment of this Act, the  
5 Commission shall establish an interagency strike  
6 force to study how the Federal Government can  
7 most expeditiously end diversion by a State or taxing  
8 jurisdiction of 9-1-1 fees or charges. Such inter-  
9 agency strike force shall be known as the “Ending  
10 9-1-1 Fee Diversion Now Strike Force” (in this  
11 section referred to as the “Strike Force”).

12 (2) DUTIES.—In carrying out the study under  
13 paragraph (1), the Strike Force shall—

14 (A) determine the effectiveness of any Fed-  
15 eral laws, including regulations, policies, and  
16 practices, or budgetary or jurisdictional con-  
17 straints regarding how the Federal Government  
18 can most expeditiously end diversion by a State  
19 or taxing jurisdiction of 9-1-1 fees or charges;  
20 and

21 (B) consider whether criminal penalties  
22 would further prevent diversion by a State or  
23 taxing jurisdiction of 9-1-1 fees or charges.

24 (3) MEMBERS.—The Strike Force shall be com-  
25 posed of such representatives of Federal depart-

1       ments and agencies as the Commission considers ap-  
2       propriate, in addition to—

3               (A) State attorneys general;

4               (B) States or taxing jurisdictions found  
5       not to be engaging in diversion of 9–1–1 fees  
6       or charges;

7               (C) States or taxing jurisdictions trying to  
8       stop the diversion of 9–1–1 fees or charges;

9               (D) State 9–1–1 administrators;

10              (E) public safety organizations;

11              (F) groups representing the public and  
12       consumers; and

13              (G) groups representing public safety an-  
14       swering point professionals.

15       (4) REPORT TO CONGRESS.—Not later than  
16       270 days after the date of the enactment of this Act,  
17       the Strike Force shall publish on the website of the  
18       Commission and submit to the Committee on En-  
19       ergy and Commerce of the House of Representatives  
20       and the Committee on Commerce, Science, and  
21       Transportation of the Senate a report on the find-  
22       ings of the study under this subsection, including—

23              (A) any recommendations regarding how to  
24       most expeditiously end the diversion by a State  
25       or taxing jurisdiction of 9–1–1 fees or charges,

1 including actions that can be taken by Federal  
2 departments and agencies and appropriate  
3 changes to law or regulations; and

4 (B) a description of what progress, if any,  
5 relevant Federal departments and agencies have  
6 made in implementing the recommendations  
7 under subparagraph (A).

8 (d) FAILURE TO COMPLY.—Notwithstanding any  
9 other provision of law, any State or taxing jurisdiction  
10 identified by the Commission in the report required under  
11 section 6(f)(2) of the Wireless Communications and Public  
12 Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)) as engaging  
13 in diversion of 9–1–1 fees or charges shall be ineligible  
14 to participate or send a representative to serve on any  
15 committee, panel, or council established under section  
16 6205(a) of the Middle Class Tax Relief and Job Creation  
17 Act of 2012 (47 U.S.C. 1425(a)) or any advisory com-  
18 mittee established by the Commission.

19 (e) DEFINITIONS.—In this section:

20 (1) 9–1–1 FEE OR CHARGE.—The term “9–1–  
21 1 fee or charge” has the meaning given such term  
22 in subparagraph (D) of paragraph (3) of section 6(f)  
23 of the Wireless Communications and Public Safety  
24 Act of 1999, as added by this Act.

1           (2) COMMISSION.—The term “Commission”  
2 means the Federal Communications Commission.

3           (3) DIVERSION.—The term “diversion” means,  
4 with respect to a 9–1–1 fee or charge, the obligation  
5 or expenditure of such fee or charge for a purpose  
6 or function other than the purposes and functions  
7 designated in the final rules issued under paragraph  
8 (3) of section 6(f) of the Wireless Communications  
9 and Public Safety Act of 1999, as added by this Act,  
10 as purposes and functions for which the obligation  
11 or expenditure of such a fee or charge is acceptable.

12          (4) STATE OR TAXING JURISDICTION.—The  
13 term “State or taxing jurisdiction” has the meaning  
14 given such term in subparagraph (D) of paragraph  
15 (3) of section 6(f) of the Wireless Communications  
16 and Public Safety Act of 1999, as added by this Act.

○

February 27, 2020

The Honorable Mike Doyle  
Chairman  
Subcommittee on Communications and  
Technology  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

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

The Honorable Bob Latta  
Ranking Member  
Subcommittee on Communications and  
Technology  
Committee on Energy and Commerce  
U.S. House of Representatives  
2322-A Rayburn House Office Building  
Washington, DC 20515

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

Dear Chairmen Doyle and Pallone, Ranking Members Latta and Walden, and Members of the Subcommittee:

Thank you for holding this important hearing on “Strengthening Communications Networks to Help Americans In Crisis.” Having dedicated my career to public safety, I understand the critical importance of ensuring reliable communications systems during times of emergency.

As your committee examines the future of our nation’s emergency communications infrastructure, I encourage you to remember one network that has provided the public with lifeline information during times of crisis for decades – America’s local broadcasters.

During my career in emergency management – including eight years as the director of the Florida Emergency Management Division under Governor Jeb Bush and eight years as administrator of the Federal Emergency Management Agency (FEMA) under President Barack Obama – I witnessed firsthand the important work broadcast radio and television stations do to keep local communities informed when disaster strikes.

Even as other communications networks fail or become congested during emergencies, broadcast radio and TV’s unique infrastructure allows local stations to serve the public with critical information when disaster strikes. Local radio and TV stations often provide round-the-clock news coverage during dangerous situations, offering block-by-block information to keep the public out of harm’s way. They partner with local public safety officials to keep Americans’ apprised of the situation on the ground and carry important emergency briefings live on-air.

I have benefitted personally from radio and TV broadcasters' role as 'first informers.' During Hurricane Irma in 2017 I lost power, taking with it my cable and Internet service. Local cellular networks were congested with traffic. Thankfully, I had a battery-operated radio that served as my only news source until the storm had passed. My experience is just one of countless others that highlight why all Americans should have a battery-operated television or hand-crank broadcast radio in their emergency supply kit.

Thank you again for your interest in strengthening communications infrastructure to keep every American safe during emergencies. I urge you and your colleagues to remember that when it comes to public safety in a lifeline situation, there is no substitute for the credible and reliable information that comes from local radio and TV broadcasters.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Craig Fugate', with a stylized, cursive script.

W. Craig Fugate

FEMA Administrator 2009-2017

Director, Florida Division of Emergency Management 2001-2009



February 25, 2020

**EXECUTIVE DIRECTOR  
CHIEF EXECUTIVE OFFICER**  
Derek K. Poarch  
poarchd@apointl.org

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

The Honorable Greg Walden  
Ranking Member, Committee on Energy and Commerce  
U. S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Pallone and Ranking Member Walden:

On behalf of the Association of Public-Safety Communications Officials (APCO) International,<sup>1</sup> I respectfully submit this statement for the record to the House of Representatives Committee on Energy and Commerce Subcommittee on Communications and Technology hearing titled “Strengthening Communications Networks to Help Americans in Crisis.” APCO appreciates the bipartisan effort to address issues of importance to public safety. Below, I outline several suggestions related to the legislation being considered.

Network Resiliency

During network outages, directors of 9-1-1 emergency communications centers (ECCs) often learn that there’s a problem with the public’s ability to call 9-1-1 before the carrier notifies the ECC – whether from social media, other 9-1-1 directors, or a drop in call volume. Service providers should provide ECCs with outage information in an easily accessible format that provides situational awareness of the timing, nature, and scope of any impacts to communications with ECCs. The FCC maintains two outage reporting systems – the Disaster Information Reporting System (DIRS) and Network Outage Reporting System (NORS) – but neither of these is sufficiently timely or granular to help ECCs dealing with outages in the moment, and they are not used in all types of outages. ECCs need information that is more timely, streamlined, and granular than these

<sup>1</sup> Founded in 1935, APCO is the world’s oldest and largest organization of public safety communications professionals. APCO is a non-profit association with over 35,000 members, primarily consisting of state and local government employees who manage and operate public safety communications systems – including 9-1-1 Emergency Communications Centers (ECCs), emergency operations centers, radio networks, and information technology – for law enforcement, fire, emergency medical, and other public safety agencies.

systems provide, and the information should be available whenever there's a potential impact on 9-1-1, not just during major disasters or outages. With effective situational awareness of network outages, ECCs will be able to take proactive measures such as advising the public of alternate means to seek emergency assistance.

Relatedly, when a wireless network outage could be preventing calls to 9-1-1, the ECC needs to know how to contact the carrier to gather information that will assist with mitigating the outage's impact. Wireless service providers should establish a secure two-way contact database to ensure that ECCs know who to contact when they suspect an outage and for carriers to know the best way to promptly notify ECCs of known and suspected outages.

#### T-Band

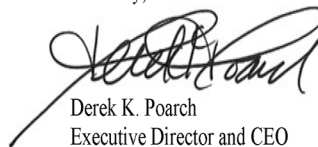
The options for replacement spectrum to account for the loss of the T-Band remain very limited, and the cost of relocating users far exceeds the anticipated value of the spectrum if auctioned. Accordingly, the right thing to do is for Congress to preserve the T-Band for public safety.

#### 9-1-1 Fee Diversion

Finally, APCO appreciates the attention being brought to ending the unfortunate practice of 9-1-1 fee diversion. Funds collected for 9-1-1 should not be diverted for other purposes. Ultimately, the goal must be ensuring that 9-1-1 professionals have the resources they need to perform their lifesaving work, including from local, state, and federal sources.

Thank you for your consideration and for your efforts to improve public safety communications.

Sincerely,



Derek K. Poarch  
Executive Director and CEO



# INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS®

HAROLD A. SCHAITBERGER  
General President

EDWARD A. KELLY  
General Secretary-Treasurer

February 26, 2020

The Honorable Mike Doyle  
Chairman  
Subcommittee on Communications and Technology  
United States House of Representatives  
Washington, DC 20515

The Honorable Bob Latta  
Ranking Member  
Subcommittee on Communications and Technology  
United States House of Representatives  
Washington, DC 20515

Dear Chairman Doyle and Ranking Member Latta,

On behalf of the nation's 320,000 professional fire fighters and emergency medical responders, I urge you to enact legislation to repeal Section 6103 of Title VI of Public Law 112-96, which preserves the T-Band frequency spectrum (470 MHz – 512 MHz) for public safety radio communications networks.

Enacted in 2012, Section 6103 mandates the Federal Communications Commission (FCC) auction the T-Band frequencies (470-512 MHz) by February 22, 2021. It further requires existing public safety system operators to clear the spectrum within two years. T-Band public safety communications systems exist in 11 major metropolitan areas, including: Boston, Chicago, Houston, Miami, New York, Philadelphia and Washington DC.

Without a repeal, the relocation of the systems operating on the T-Band spectrum must occur. There is insufficient public-safety narrowband spectrum available for this purpose in most of the large markets—a reality that led to the utilization of T-Band spectrum in the first place.

Even if the allocation of public safety spectrum is possible, the cost associated with shifting away from T-Band is tremendous. This move is estimated to cost more than \$5.9 billion. Originally, it was envisioned these funds would be recouped from the auction of the T-Band spectrum. However, industry analysts are doubtful the auction revenues will raise enough funds to offset the costs that will be incurred by cash strapped public safety agencies.

Given the tremendous fiscal challenges and the absence of available spectrum to relocated public safety communications systems, Congress must urgently pass legislation to repeal the requirement for the FCC to auction and reallocate the T-Band spectrum.

Thank you for your consideration and your leadership on important issues to our nation's professional fire fighters and emergency medical personnel. We look forward to continuing to work with you to safeguard and preserve the critical public safety radio communications networks.

Sincerely,

Harold A. Schaitberger  
General President

February 27, 2020

The Honorable Frank Pallone  
Chair, House Energy and Commerce  
Committee  
2107 Rayburn House Office Building  
Washington, DC 20515

The Honorable Greg Walden  
Ranking Member, House Energy and  
Commerce Committee  
2185 Rayburn House Office Building  
Washington, DC 2051

Dear Chair Pallone and Ranking Member Walden:

The undersigned national organizations in the Mental Health Liaison Group (MHLG) write to express our gratitude for today's hearing and respectfully urge you to quickly move forward to mark up and pass H.R. 4194, the National Suicide Hotline Designation Act of 2019. Designating a 3-digit code for the National Suicide Prevention Lifeline will save lives.

As a broad and diverse coalition of national mental health organizations, MHLG members serve countless Americans who are at risk for suicide and other mental health crises. The need for easily accessible and well-supported crisis support for those at risk for suicide and other mental health crises has never been greater, and we feel this legislation is vital to achieving our collective goal of improving mental health crisis response and reducing suicide rates in this nation.

We are grateful for the action taken by the Federal Communications Commission on this issue, and many MHLG members contributed to the recently concluded public comment period. That said, it is our belief that Congress has a central role to play in making "988" a reality.

Given the anticipated increase in demand for the national lifeline's service after 988 goes live, call centers will need resources to meet that increased demand. To meet the anticipated increased demand, we see the need for increasing the capacity of crisis call centers, training call takers in cultural competency, and implementing processes that would allow calls to be routed to specialized services, particularly for at risk communities such as LGBTQ youth. It is important that we not only invest in simplifying access to the lifeline but also in expanding the capacity to provide timely response to all mental health crises.

As organizations at the forefront of the effort to improve access to mental health care, MHLG believe that establishing a national number for mental health and suicide prevention has the potential to transform how our nation accesses mental health care

in times of crisis. It is thus urgent that H.R. 4194 move forward with all deliberate speed. The National Suicide Hotline Designation Act creates an important opportunity to significantly reduce the suicide rate in the United States, and we thank the committee for their commitment to address this important issue.

Sincerely,

American Art Therapy Association

American Association for Marriage and Family Therapy

American Association for Psychoanalysis in Clinical Social Work

American Association of Suicidology

American Foundation for Suicide Prevention /SPAN USA

American Psychological Association

Anxiety and Depression Association of America

Association for Behavioral Health and Wellness

Centerstone

The Kennedy Forum

Mental Health America

National Alliance on Mental Illness

National Association for Behavioral Healthcare

National Association of Social Workers

The Trevor Project

The Honorable Gordon H. Smith  
President and CEO



February 26, 2020

The Honorable Mike Doyle  
Chairman  
Subcommittee on Communications and  
Technology  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Bob Latta  
Ranking Member  
Subcommittee on Communications  
and Technology  
Committee on Energy and Commerce  
U.S. House of Representatives  
2322-A Rayburn House Office Building  
Washington, DC 20515

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

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

Dear Chairmen Doyle and Pallone, Ranking Members Latta and Walden and  
Members of the Subcommittee:

On behalf of National Association of Broadcasters (NAB) and the thousands of  
free, local television and radio broadcasters that we represent, thank you for  
holding this important hearing on "Strengthening Communications Networks to  
Help Americans in Crisis."

As the most trusted source of news and emergency updates, Americans turn to  
local television and radio stations first to get the information they need to stay safe  
during times of crisis. Local stations are part of the communities they serve, and  
broadcasters do not hesitate to put themselves in harm's way to bring critical  
information to their neighbors.

Advocacy Education Innovation

1771 N Street NW  
Washington DC 20036 2800  
Phone 202 429 5449  
Fax 202 517 1617  
nab.org

Whether preparing listeners and viewers for the coming storm, directing them to needed supplies and shelter during disasters, or helping rebuild in the aftermath, local stations are part of the communities they serve. Consistent with the legislation before your Subcommittee, broadcasting is sometimes the only available communications medium in an emergency when wireless and other networks fail.

Broadcasting is unique for the following reasons:

- Broadcasting covers virtually everyone – broadcast signals reach more of the U.S. population than any other communication medium and is free to anyone with a radio or TV with an antenna.
- Broadcasting is localized – local TV and radio stations can deliver market specific information as well as national alerts.
- Broadcasting has no bottlenecks – an emergency alert can reach millions of people simultaneously without concern over network congestion.
- Broadcasting is redundant – there are numerous independently operated stations in each market that deliver alerts.
- Broadcasting is resilient – stations often operate with back-up equipment, generators and fuel supplies to keep stations on the air.
- Broadcaster information is actionable – radio and television stations help people understand what is happening and what steps they should take to stay safe.
- Broadcasters are trusted – they are an integral part of their local communities and speak not just as an authority but as a neighbor.

Local radio and television broadcasters are proud to play the vital role of first informers to keep their communities safe and are committed to providing relevant and up-to-date information when lives are at risk. Accordingly, NAB supports the Reliable Emergency Alert Distribution Improvement (READI) Act (H.R. 4856), which would improve the timeliness, accuracy and availability of emergency alerts when disaster strikes.

Finally, broadcasters are innovating to improve upon this important emergency role through technologies such as Next Gen TV. Beyond stunning pictures, immersive and customizable audio and improved reception to enhance and expand the broadcast viewing experience, Next Gen TV has many features that will improve emergency alerting and public safety, including the ability to wake up sleeping devices, deliver more precise geo-targeted alerts and send rich multimedia files such as weather radar images, evacuation maps and even video files with detailed explanations about the emergency and what to do.

Next Gen TV also supports enhanced mobile reception, so viewers can access unlimited live local and national news, the most popular sports and entertainment programs and children's shows on mobile devices over-the air without having to rely on cellular data services. That means viewers won't run through their data cap, and there's no monthly fee. As broadcasters move to unleash the next generation of free broadcast television service, we welcome the opportunity to continue to work with this Committee to ensure our audience and your constituents have the information that they need to stay safe during times of emergency.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Smith", with a stylized flourish at the end.

Gordon H. Smith



February 25, 2020

The Honorable Frank Pallone  
Chairman  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

The Honorable Greg Walden  
Ranking Member  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

Submitted for the Hearing on Strengthening Communications Networks to Help  
Americans in Crisis

#### National League of Cities Comments Concerning Network Resilience

Dear Chairman Pallone and Ranking Member Walden:

On behalf of the nation's more than 19,000 cities, towns and villages, we appreciate the opportunity to provide input on the critical matter of improving communications network resiliency in times of emergency. City leaders depend on consistent connectivity in times of crisis and need to be kept aware in real-time of any outages that could impact their residents or public safety workers during emergencies. As copper landlines degrade and more residents shift to VoIP or mobile telephone service, our communities face increased challenges in communicating with residents during power outages or extreme weather events.

Local officials must be able to communicate information and alerts to residents, particularly in the event of evacuation or shelter in place notices. Residents must be able to reach their local public safety answering points (PSAPs) when they dial 9-1-1. Leaders and first responders must be able to communicate with each other reliably. And crucially, communities must be made aware when that communication is not possible, so that they can react in a timely fashion and respond appropriately.

We support action by this committee to increase the reporting and information sharing with impacted local leaders and PSAPs during and after emergency events and network outages. We also support action by this committee to ensure that communications networks and their backup power and operational systems are robust enough to meet the emergency needs of their locations, which may vary by community.

We also urge the committee to advance H.R. 451, the Don't Break Up the T-Band Act. As you are aware more than a quarter of all Americans live in a metropolitan area that would be negatively impacted by the planned T-Band spectrum auction, and no feasible alternative to that spectrum band exists for the current public safety users. Preserving the T-Band and repealing Section 6301 in Title VI of P.L. 112-96

#### 2020 OFFICERS

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Matt Zone  
Councilmember  
Cleveland, Ohio

**Chief Executive Officer/**  
Executive Director  
Clarence E. Anthony

will ensure that public safety agencies are able to continue using the networks that governments have spent millions of dollars to build and maintain.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Anthony', with a long horizontal flourish extending to the right.

Clarence E. Anthony  
CEO and Executive Director  
National League of Cities



**Jessica C. Hogle**  
Vice President  
Federal Affairs and  
Chief Sustainability Officer

900 7<sup>th</sup> Street, NW  
Suite 960  
Washington, DC 20001

Tel: 202.638-3503  
Fax: 202.638-3526  
Jessica.Hogle@pge-corp.com

February 26, 2020

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

Dear Chairman Pallone:

On behalf of PG&E Corporation, the parent company of Pacific Gas and Electric Company (PG&E), I write to thank you and Congressman Jerry McNerney (CA-09) for your leadership in introducing H.R. 5926, the “Reinforcing and Evaluating Service Integrity, Local Infrastructure, and Emergency Notification for Today’s Networks Act.” I also would like to take this opportunity to share our views on H.R. 5926, which is scheduled to be discussed before the Subcommittee on Communications and Technology on Thursday, February 27, 2020. This legislation would amend the Communications Act of 1934 to provide for expedient restoration of advanced communications service networks during times of emergency.

PG&E is one of the largest combined natural gas and electric utilities in the United States. Based in San Francisco, with more than 24,000 employees, the company delivers some of the nation’s cleanest energy to nearly 16 million people – or one in 20 Americans – throughout a 70,000-square-mile service area in Northern and Central California.

Following the devastating California wildfires in 2017 and 2018, PG&E is significantly enhancing its approach and urgently taking action to adapt its electric system to the unique and growing wildfire threat. Building upon efforts and lessons learned over the last several years, PG&E’s comprehensive, risk-based 2020 Wildfire Mitigation Plan includes three key objectives: 1) reduce the risk of catastrophic wildfire from electrical equipment by mitigating the known causes of ignitions; 2) reduce the spread of wildfires by increasing PG&E’s understanding of upcoming and real-time weather and fire conditions; and 3) reduce the impacts of Public Safety Power Shutoff (PSPS) events, in which PG&E proactively shuts off power during extreme fire conditions that could result in a wildfire ignition from PG&E’s assets.

PG&E appreciates the patience and understanding of our customers and recognizes the associated hardships they experienced during the nine PSPS events that occurred in 2019 for safety. Moving forward, PG&E is committed to reducing the impact of PSPS events for customers, including critical infrastructure customers such as telecommunication carriers, by

making future events smaller in scope, shorter in duration, and smarter in performance. PG&E is actively seeking and incorporating feedback from its stakeholders and customers to increase preparedness and coordination now, before the next wildfire season, in addition to implementing its broader wildfire safety measures.

Specific to telecommunication carriers, PG&E began outreach in advance of the 2018 wildfire season to increase awareness, mutual preparedness and coordination for PSPS events, which included workshops and hundreds of one-on-one discussions. During PSPS events, PG&E aims to provide critical infrastructure customers 48-72 hours' advance notification of a potential shutoff event, whenever possible. However, PG&E is committed to continuous improvement and is currently working to enhance and formalize this collaboration with telecommunications providers in 2020. PG&E is also participating in and sharing information with the Federal Communications Commission (FCC) on its efforts to improve communications resiliency during disasters.

To that end, PG&E appreciates the leadership and attention of you and Congressman McNerney to complement and support these joint resilience coordination efforts in H.R. 5926. Specifically, PG&E appreciates the inclusion in Section 4 of holistic data-sharing provisions which would enhance information sharing and enable more effective and prioritized restoration of critical infrastructure and facilities, while keeping these customers' privacy and confidentiality protections in place.

More broadly, PG&E believes the efforts that you have undertaken in the Committee to improve our nation's resilience in the face of increasing, climate-driven threats are a positive step forward. Emergency preparedness and resilience are national priorities that will require action from all sectors of the economy and all levels of government. PG&E is focused on improving the resilience of its energy system and the communities and customers it serves to the increasing threats experienced in California, most notably wildfires. PG&E looks forward to continuing our efforts – and working with Congress to further address these important issues – as we strive to operate the safest and most reliable electric system in the nation.

Thank you for your support and leadership.

Sincerely,



Jessica Hogle

cc: Congressman Jerry McNerney (CA-09)



February 27, 2020

The Honorable Michael F. Doyle  
Chairman  
Subcommittee on Communications &  
Technology  
House Committee on Energy & Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Bob Latta  
Ranking Member  
Subcommittee on Communications &  
Technology  
House Committee on Energy & Commerce  
2467 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Doyle and Ranking Member Latta:

We appreciate this Subcommittee's focus on resiliency and dependability of our nation's communications networks in today's legislative hearing titled "Strengthening Communications Networks to Help Americans in Crisis."

Network reliability and resiliency for consumers is a core priority for all of USTelecom's carrier members. We understand the critical public safety functions of our networks. When natural disasters temporarily disrupt connectivity, we are committed to restoring service as quickly as possible. When crisis and public health challenges affect the communities we serve, we recognize the importance of our networks in supporting the well-being and security of our customers. We look forward to working with the Subcommittee on this legislation to find durable solutions that ensure our nation's communications infrastructure can securely and reliably serve every American family, community and enterprise in times of crisis.

*Suicide Prevention and H.R. 4194, National Suicide Hotline Designation Act*

The creation of a three-digit national dialing code for a suicide prevention and mental health crisis hotline is an idea whose time has come. This important public safety initiative leverages the strengths of USTelecom members' existing communications networks, and USTelecom stands ready to work across government, healthcare and community organizations everywhere on the various technical and network upgrades required to make this life-saving platform a reality.

USTelecom is committed to advancing effective solutions to this critical issue so people can more easily access critical mental health resources and receive life-saving help. While the time and costs for implementation will vary based on the network architecture of a particular voice service provider, the overall technical and operational challenges associated with 988 could significantly increase the cost and time needed to implement the 988 3-digit dialing code. USTelecom recognizes the strong support of 988 from the mental health community and is already working diligently to address the technical and operational challenges associated with nationwide implementation of 988, but this specific dialing code will require more equipment to be replaced than other N11 alternatives and because of that, implementation of 988 will take significantly longer than one year.

Due to the importance of this public safety initiative, Congress must mindfully incentivize nationwide coordination of the implementation of the 3-digit dialing code for a suicide prevention

and mental health crisis line. USTelecom urges the Subcommittee to consider the complex technical and operational concerns—for communications providers and the mental health service providers responsible for answering calls for help—to ensure effective implementation of any 3-digit dialing code to be used for mental health crisis intervention. It is critical that when members of the public seeking help in a time of crisis dial a specific number that a dependable mental health professional answers the call in a timely fashion to provide needed care.

*H.R. 1289, Preserving Home and Office Numbers in Emergencies (PHONE) Act*

USTelecom members are already on the front lines addressing consumer needs when disasters strike local communities. This legislation seeks to restrict reassignment of telephone numbers during a declared major disaster two years beyond the original covered period, and would be a vast departure from years of well-established phone numbering regulation which only holds numbers in reserve for 180 days.

If implemented as currently drafted, this would be a significant, localized, and dynamic modification to phone service providers' numbering systems that must meet strict Federal Communications Commission ("FCC") number utilization rules designed to keep numbers active, not reserved. We fear this language could create a deficit of available numbers and slow access to additional approved numbers or entire area codes during a time of emergency when immediate response is imperative. Additionally, tying the "covered area" to a presidential declaration can create ambiguities, potentially causing it to be over inclusive and open-ended. Declarations often apply to entire counties or states, and would be unmanageable and impractical to allow a two-year reservation period to such a potentially broad swath of territory.

Adjustments of this scale would require large scale, industry-wide coordination with the FCC. The proposed 180 day implementation time is likely insufficient for the FCC and its associated numbering groups (ATIS/INC, NANC) to deliberate, decide, and apply new requirements consistently across the network. Even the seemingly straightforward cancel and re-subscribe provisions would require industry-wide modifications with potentially problematic participation and approval decisions.

Lastly, we urge Congress to consider other, less drastic deviations from existing FCC number utilization rules that would accomplish the same goal. Exploring an alternative approach where Congress directs the FCC to formalize and standardize its current practices in ways that extend phone number assignments via automatic waiver of aging rules for residential telephone subscribers is one possibility that could be implemented through existing channels in a more efficient manner than currently drafted.

*Resiliency and H.R. 5926, RESILIENT Networks Act*

When it comes to reacting to a service outage, minutes matter. So, when solving problems ranging from tragic natural disasters to isolated service disruptions, administrative processes should not be carriers' first priority.

Many of our members are in the business of providing backhaul service to wireless providers—or are wireless providers—so we know coordination is key for maintaining and restoring service during an outage or disaster. Lockstep coordination between the backhaul provider, wireless providers, and other stakeholders (like power companies) is standard practice for our industry. This coordination has been ongoing for years in various federal government settings to understand inter-dependencies and plan for greater resilience and reliability, particularly after a disaster.

We look forward to continue to work with Chairman Pallone and Representative McNerney so their vision for pre-planned coordination strategies can become law and help communities dealing with disaster as expediently as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Spalter", with a horizontal line extending from the end of the signature.

Jonathan Spalter  
President and CEO  
USTelecom – The Broadband Association

Cc: The Honorable Frank Pallone  
The Honorable Greg Walden



December 9, 2019

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, D.C. 20510

The Honorable Kevin McCarthy  
Republican Leader  
U.S. House of Representatives  
Washington, D.C. 20510

Dear Speaker Pelosi and Leader McCarthy:

On behalf of the nation's public safety leadership organizations, we urge you to include language in an appropriations package that would repeal Section 6103 in Title VI of P.L. 112-96. This will prevent the Federal Communications Commission (FCC) from having to auction and clear spectrum critical to public safety communications.

In eleven major metropolitan areas, T-Band systems support public safety voice communications.<sup>1</sup> Local public safety agencies have used billions of dollars in federal, state, and local taxpayer funds over the past five decades to build T-Band systems that are interoperable and meet mission-critical voice requirements. It is expected to cost \$5 to \$6 billion for these localities to move off the spectrum and auction proceeds are not expected to be high enough to cover these costs.<sup>2</sup> Of the eleven affected areas, five do not have alternative spectrum options.

In June, the Government Accountability Office released a study on the impact of the T-Band auction on first responder capabilities. The report found that, without access to the T-Band, public safety agencies may not be able to maintain communications or communications interoperability. The GAO recommends that Congress consider allowing public safety organizations to continue operating in the T-Band. In a public statement on December 2, 2019, FCC Chairman Ajit Pai agreed that the T-Band auction mandate "could deprive first responders of their current ability to communicate by radio" and concluded that "moving forward is not viable."<sup>3</sup>

We ask that you protect public safety by including language in an appropriations package that is similar to language in H.R. 451, Don't Break Up the T-Band Act of 2019, sponsored by Representatives Engel (D-NY), Zeldin (R-NY), and King (R-NY). Thank you for your consideration of this important matter.

Sincerely,

International Association of Fire Chiefs

International Association of Fire Fighters

National Sheriffs' Association

<sup>1</sup> The affected metropolitan areas by population are New York, Los Angeles, Chicago, Dallas/Fort Worth, Houston, Washington, D.C., Miami, Philadelphia, Boston, San Francisco, and Pittsburgh.

<sup>2</sup> Government Accountability Office, Required Auction of Public Safety Spectrum Could Harm First Responder Capabilities, June 21, 2019. <https://www.gao.gov/assets/700/699916.pdf>

<sup>3</sup> FCC News Release "Chairman Pai Calls on Congress to Protect Public Safety and Repeal T-Band Mandate." <https://docs.fcc.gov/public/attachments/DOC-361103A1.pdf>

International Association of Chiefs of Police

Association of Public-Safety Communications Officials-International

Channel Industries Mutual Aid

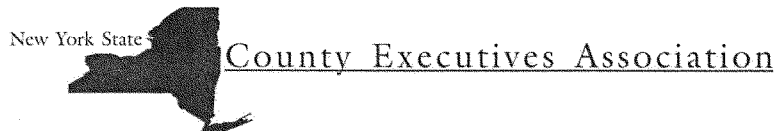
National Public Safety Telecommunications Council

ICI System

Greater Boston Police Council

Los Angeles Regional Interoperable Communications System

cc:   The Honorable Nita Lowey, Chair, House Committee on Appropriations  
      The Honorable Kay Granger, Ranking Member, House Committee on Appropriations  
      The Honorable Frank Pallone, Chair, House Energy and Commerce Committee  
      The Honorable Greg Walden, Ranking Member, House Energy and Commerce Committee



President: Hon. Daniel P. McCoy  
Albany County  
Executive Director: Stephen J. Acquario, Esq.

November 13, 2019

Dear New York Congressional Delegation,

On behalf of the New York State County Executives Association we urge you to support H.R. 451, "Don't Break Up the T-Band Act" sponsored by Representatives Engel, King, Green and Zeldin.

This legislation repeals section 6103 of the "Middle Class Tax Relief and Job Creation Act of 2012." This change in law mandates that the Federal Communications Commission (FCC) begin an auction of the T-Band spectrum allocated to public safety by February 21, 2021 and clear public safety users from the band within two years of auction close.

There are 11 T-band jurisdictions that are made up of a major city and 50 miles surrounding the city. These jurisdictions include New York, Boston, Los Angeles, San Francisco, Houston, Miami, Philadelphia, Chicago, Dallas, Washington/Baltimore, Pittsburgh.

Without action on this issue, these eleven metropolitan areas will be unable to serve the 90 million people living in these regions. If these municipalities were forced to leave the T-Band, public safety users would be required to relocate communication systems. It would require new communication towers, radios, and other infrastructure at a cost of between \$5 to \$6 billion to these municipalities.

Forcing public safety functions to move off T-band spectrum so it can be auctioned to private companies in 2021 will have a disastrous effect on the New York City, surrounding counties, and the millions of residents in New York State that depend on this public safety spectrum. The T-band is the lifeblood of the NYC public safety communications system, used in over 9 million annual 9-1-1 call responses by NYPD and FDNY alone.

**We ask that H.R. 451 "Don't Break Up the T-Band Act" be included into the year-end spending package/omnibus bill.**

Sincerely,

Daniel P. McCoy  
President

CC: National Council of County Association Executives  
Rich Fitzgerald, Alleghany County, Pennsylvania Executive

**NYSAC**  
NEW YORK STATE  
ASSOCIATION OF COUNTIES

October 8, 2019

Sincerely,

Stephen J. Aguanan

Stephen J. Acquario  
Executive Director

CC: Matthew Chase, Executive Director National Association of Counties

Committed to counties since 1923

[illegible]



THE POLICE COMMISSIONER  
CITY OF NEW YORK

August 2, 2019

The Honorable Eliot L. Engel  
U.S. House of Representatives  
Washington D.C. 20515

The Honorable Lee Zeldin  
U.S. House of Representatives  
Washington D.C. 20515

Dear Chairman Engel and Representative Zeldin:

The New York City Police Department joins the International Association of Fire Chiefs, the International Association of Chiefs of Police, the National Sheriffs Association, the Major Cities Chiefs Association, the U.S. Conference of Mayors, the Greater Boston Police Council and the LA-RICS in supporting the Don't Break Up The T-Band Act of 2019, (H.R. 451). We thank Representatives Eliot Engel, Lee Zeldin, Al Green, and Peter King for introducing this legislation.

The New York City Police Department utilizes the T-Band to support our mission-critical voice communications networks. The NYPD and other NYC public safety agencies have spent many years and millions of dollars to plan and build out T-Band networks to meet stringent public safety requirements, including site hardening, redundancy and resiliency.

Section 6301 in Title VI of Public Law 112-96 mandates the Federal Communications Commission to auction the T-Band spectrum allocated to public safety by February 21, 2021 and to clear public safety users from the band within two years of the closing of the auction. It is intended that the proceeds of the auction will fund the migration of public safety licensees to an alternative spectrum. The NYPD opposes this Section of the legislation since it would cause a major disruption to our mission-critical voice radio networks. Furthermore, the NYPD believes that the auction proceeds will be insufficient to meet the cost of relocating to an alternative spectrum band.

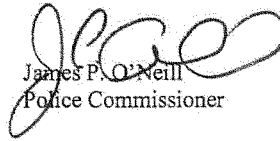
The NYPD concurs with the June 2019 GAO Report's conclusion, that "If FCC conducts such an auction, it is unclear that all public safety users in the affected areas will be able to relocate. If alternative spectrum is not available, public safety would be jeopardized in some of the nation's largest metropolitan areas. Even if alternative available spectrum can be found, public safety users are likely to bear significant costs associated

with relocating and reestablishing interoperability. These costs could go well beyond the revenue produced by such an auction.”<sup>1</sup>

The NYPD concurs with the June 2019 GAO Report's Matter for Congressional Consideration: “Congress should consider legislation allowing public safety users continued use of the T-Band radio spectrum.”

I applaud the work of the GAO in bringing clarity to this complex issue and support H.R. 451, which if enacted into law will ensure that the NYPD can continue to communicate seamlessly without disruption. The NYPD urges Congress to consider and pass this important legislation.

Sincerely,

  
James P. O'Neill  
Police Commissioner

<sup>1</sup> See: Report to Subcommittee on Emergency Preparedness, Response and Recovery, Committee on Homeland Security, House of Representatives, dated June 2019, entitled “Emergency Communications: Required Auction of Public Safety Spectrum Could Harm First Responder Capabilities”; available at: <https://www.gao.gov/assets/700/699916.pdf>



July 2019

Dear Delegation,

The T-Band (470-512 MHz) supports critical public safety communications in many of the nation's largest metropolitan areas. Section 6103 in Title VI of P.L. 112-96 directs the Federal Communications Commission to begin an auction of the T-Band spectrum allocated to public safety by February 21, 2021 and clear public safety users from the band within two years of auction close. The Harris County and Houston metropolitan areas are two of the regions in Texas affected by the auction mandate.<sup>1</sup>

Prior to the enactment of P.L. 112-96, the T-Band supported industrial response partners along the Houston Ship Channel. Which it continues to support mutual aid efforts in industry-related hazardous materials incidents, including the Intercontinental Terminals Co. fire that occurred in March 2019. Preserving public safety access to the spectrum would enable Harris County to use the additional spectrum to reinforce and harden the region's P-25 communications system and continue interoperable support with our industrial response partners.

By repealing the T-Band auction requirement, Congress ensures that local fire, EMS, and law enforcement agencies will continue to be able to communicate with one another during emergency operations and major incidents. We urge Congress to consider and pass legislation repealing Section 6103 in Title VI of P.L. 112-96 this year.

Sincerely,

Laurie L. Christensen  
Fire Marshal  
Harris County Fire Marshal's Office

Bruce High  
Chief Information Officer  
Harris County Universal Services

Ed Gonzalez  
Sheriff  
Harris County Sheriff's Office

Mark Sloan  
Emergency Management Director  
Harris County Office of Homeland Security  
and Emergency Management

<sup>1</sup> The other metropolitan areas affected are Boston, New York, Chicago, Philadelphia, Dallas, Pittsburgh, San Francisco, Los Angeles, Miami and Washington, D.C.



June 24, 2019

The Honorable Eliot L. Engel  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Engel:

We write on behalf of the nation's mayors and city council members to register our strong support for the Don't Break Up the T-Band Act of 2019 (H.R. 451) and to thank you and your original co-sponsors – Representatives Lee Zeldin, Al Green, and Pete King – for introducing this important bipartisan legislation.

As you are well aware, Section 6301 in Title VI of P.L. 112-96 mandates the Federal Communications Commission to begin an auction of the T-Band spectrum allocated to public safety by February 21, 2021 and clear public safety users from the band within two years of the auction's close. This provision negatively affects 11 major metropolitan areas: Boston, New York, Chicago, Philadelphia, Dallas, Pittsburgh, Houston, San Francisco, Los Angeles, Miami and Washington, D.C. These areas have a combined population of nearly 90 million people, more than one-fourth of the total U.S. population. Auctioning off the T-Band could leave these jurisdictions without other spectrum for life-saving operations.

Indeed, a report released by the General Accounting Office just three days ago found that in three of the four metropolitan areas it examined, officials said they haven't found a T-Band alternative, noted that a recent FCC study also found few options, and recommended that Congress consider allowing public safety organizations to keep using the T-Band.

Local public safety organizations in these areas have spent many years and millions of federal, state, and local dollars to plan and build out T-Band networks to meet mission-critical voice requirements resulting in hardened public safety networks that meet their operational needs. These T-Band networks provide resilient mission-critical voice coverage; communications reliability; group calling; emergency call alerting, local control and specialized operations capability; and regional interoperability.

H.R. 451 will resolve an important issue for local public safety organizations across the nation. By repealing the T-Band auction requirement, Congress ensures that local fire, EMS, and law enforcement agencies will continue to be able to communicate with one another during emergency operations and major incidents. We urge Congress to pass this important bipartisan legislation this year.

Sincerely,

Tom Cochran  
CEO and Executive Director  
The United States Conference of Mayors

Clarence Anthony  
CEO and Executive Director  
National League of Cities

FRANK PALLONE, JR., NEW JERSEY  
CHAIRMAN

GREG WALDEN, OREGON  
RANKING MEMBER

ONE HUNDRED SIXTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115  
Majority (202) 225-2927  
Minority (202) 225-3641

October 3, 2019

The Honorable Gene L. Dodaro  
Comptroller General  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, DC 20548

Dear Mr. Dodaro:

I am writing to request that you undertake an investigation of the months-long communications failures in Puerto Rico and the U.S. Virgin Islands following Hurricane Maria in 2017.

The resiliency and reliability of our communications infrastructure is critical for keeping our residents informed and safe. Recent hurricanes, such as Hurricane Dorian, are a stark reminder of the destruction these natural disasters can have on communications networks, and the Federal Communications Commission (FCC) response to Hurricane Maria continues to raise serious questions about the state of our communications infrastructure.

On September 17, 2017, Hurricane Maria battered the United States territories of Puerto Rico and the U.S. Virgin Islands, causing great physical harm to its residents and severely damaging the islands' critical infrastructure, including its communications networks. The day after Hurricane Maria made landfall, 95 percent of the cell sites in Puerto Rico were out of service, while 76 percent of the cell sites in the U.S. Virgin Islands were out of service.<sup>1</sup> A month after the storm, 76 percent of cell sites in Puerto Rico and 55 percent of cell sites in the U.S. Virgin Islands remained out of service.<sup>2</sup> Two months after the storm, 36 percent of cell sites in Puerto Rico and 37 percent of the cell sites in the U.S. Virgin Islands were still out of

<sup>1</sup> Federal Communications Commission, *Communications Status Report for Areas Impacted by Hurricane Maria* (Sept. 21, 2017).

<sup>2</sup> Federal Communications Commission, *Communications Status Report for Areas Impacted by Hurricane Maria* (Oct. 17, 2017).

The Honorable Gene L. Dodaro  
 October 3, 2019  
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service.<sup>3</sup> Throughout this entire period, the FCC reported that “the majority” of cable and wireline customers did not have access to those services, primarily due to power outages caused by the storm.<sup>4</sup>

Communications services are much more than a convenience, especially in times of disasters they are the lifeline that allows anyone in danger to call emergency responders for help, or someone to communicate with a family member that they are okay. Emergency broadcasts are critical to informing people about the best way to stay safe and where to find necessities like bottled water, food, and shelter.

The communications network failures in Puerto Rico and the U.S. Virgin Islands were deeply detrimental to their residents, and may have even caused additional deaths in Puerto Rico.<sup>5</sup> Free Press examined the failures of the communications providers serving the people of Puerto Rico and the FCC’s role in the response and recovery to the hurricane.<sup>6</sup> Its report highlights the need for a critical examination of the causes of the communications failures in Puerto Rico and the U.S. Virgin Islands following the hurricane and subsequent efforts to restore communications service.

Ensuring the resiliency and reliability of communications networks in the United States has been a top priority of mine. To prevent similar failures in the future, it is critical that I understand what happened during the hurricane and its aftermath, and what could be improved. To that end, I request that the Government Accountability Office (GAO) begin an evaluation of the communications failures and restoration efforts following Hurricane Maria, to include an examination of the following questions:

1. Has the FCC adequately responded to the communications problems in Puerto Rico and the U.S. Virgin Islands following Hurricane Maria? To the extent the FCC took action, were the actions timely or could the FCC have acted more quickly? Did the FCC coordinate with other relevant agencies, such as the Federal Emergency Management Agency, to address the communications problems? What more could the FCC have done to ensure that the residents of Puerto Rico and the U.S. Virgin Islands had access to communications networks as quickly as possible?

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<sup>3</sup> Federal Communications Commission, *Communications Status Report for Areas Impacted by Hurricane Maria* (Nov. 17, 2017).

<sup>4</sup> See, e.g., Federal Communications Commission, *Communications Status Report for Areas Impacted by Hurricane Maria* (Nov. 17, 2017).

<sup>5</sup> *After Hurricane Maria, Puerto Rico's Internet Problems Go from Bad to Worse*, NOVA (Oct. 23, 2018).

<sup>6</sup> Free Press, *Connecting the Dots: The Telecommunications Crisis in Puerto Rico* (May 2019).

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October 3, 2019  
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2. Did the FCC's response differ from the agency's response to hurricanes that hit the U.S. mainland? Did the FCC's coordination with and examination of communications providers' efforts to restore service differ from the agency's response to hurricanes that hit the U.S. mainland?
3. According to the FCC, one of the benefits to communications providers of the voluntary Disaster Information Reporting System (DIRS) is that it "better ensures that [providers] will be able to serve their communities, providing them with critical updates and risk communications information."
  - a. Was DIRS effective for this purpose in the aftermath of Hurricane Maria? In what ways could DIRS be a more meaningful source of information for the public of critical network outages during emergencies and natural disasters?
4. Despite releasing reports following other hurricanes, the FCC has not released a report on the communications failures caused by Hurricane Maria. In a report assessing problems that arose in the aftermath of Hurricane Michael, the FCC identified failures of the voluntary Wireless Resiliency Cooperative Framework that exacerbated communications outages caused by that hurricane.
  - a. Were there similar issues with the Framework during the aftermath of Hurricane Maria?
5. The FCC approved additional funding to accelerate the restoration of communications networks damaged and destroyed by Hurricane Maria in Puerto Rico and the U.S. Virgin Islands.<sup>7</sup> How is the FCC tracking the funds and ensuring that the funds are being used as intended?

If you have any questions about this inquiry, please contact Dan Miller with the Committee staff at (202) 225-2927.

Sincerely,



Frank Pallone, Jr.  
Chairman

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<sup>7</sup> Federal Communications Commission, *The Uniendo a Puerto Rico Fund and the Connect USVI Fund, et al.*, Order and Notice of Proposed Rulemaking, WC Docket Nos. 18-143,10-90, 14-58, 33 FCC Rcd 5404 (2019).

**Congress of the United States**  
**Washington, DC 20515**

February 27, 2020

The Honorable Michael Doyle, Chairman  
The Honorable Robert Latta, Ranking Member  
House Energy and Commerce Subcommittee on Communications and Technology  
2322 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Doyle and Ranking Member Latta,

We commend your decision to hold on hearing on our legislation, H.R. 4194, the *National Suicide Hotline Designation Act*.

Every nine minutes suicide kills someone in the United States, and for every suicide-related death there are twenty-five attempts. These are truly heartbreaking statistics, numbers that have grown every year for the last 13 years straight. As you all know, sadly, suicide hits close to home. Utah ranks fifth for the highest suicide deaths in the US. Veterans are one and a half times more likely to die from suicide than non-veterans, the suicide rate across rural America is 25 percent higher than other parts of the country, and perhaps saddest of all, the youth suicide rate climbed 56 percent in the last decade.

These are our kids, neighbors, coworkers, family members and friends. We have the power and the responsibility to reach out and help them.

Though there are many tools available to help people who are struggling with mental illness or with thoughts of suicide, some of these resources are simply too difficult to find in a time of need.

The current National Suicide Prevention Lifeline dialing code is cumbersome and hard to remember, and many people have never heard of it. Additionally, in Utah and Massachusetts, as well as many other states, there are various entities providing services but not one consolidated number to call.

After deaths of Kate Spade and Anthony Bourdain, calls to the National Suicide Prevention Lifeline jumped 25 percent. While the hotline number has increased access, we can do better.

This is where Congress can help.

H.R. 4194 will designate a 3-digit number, 9-8-8 as the universal telephone number for a national mental health crisis and suicide prevention hotline. The bill also allows states, if they choose, to address suicide hotline funding challenges by assessing a small fee on telecommunications services in a manner similar to emergency services. Over the summer, a call center in Massachusetts made news because there were not enough volunteers to staff it. The increase in call volume led to calls going unanswered. Imagine calling 9-1-1 when your life is on the line, and nobody picking up. This bill will help expand the life-saving

work call centers are doing right now, and every minute of every day in America.

Additionally, the bill will require the FCC to report back to Congress on the feasibility automatically including a dispatchable location to hotline operators in order to direct personnel in case of an emergency.

This bill has tremendous bipartisan support with one hundred and thirty-five cosponsors.

We recognize that this legislation alone is not a panacea. We must do more. Some mental health issues will require several different approaches. But this is an important step and one that has the potential to avert tragedy and save many lives.

Thank you for holding this important hearing. We look forward to working with you to ensure this important legislation becomes law.

Sincerely,



Chris Stewart  
Member of Congress



Seth Moulton  
Member of Congress

**House Committee on Energy and Commerce  
Communications and Technology Subcommittee  
Hearing on “Strengthening Communications Networks to  
Help Americans in Crisis”**

*February 27, 2020*

During and after Superstorm Sandy hit New Jersey in 2012, we learned just how important it is to keep our critical communications networks powered to so we can contact loved ones, call for emergency assistance, or receive information about local response efforts. One of the key inputs that our communications system relies on to keep our networks online is keeping them powered.

*[To Chief Gossner]*

**Q:** In your experience why is it so important that we keep our networks powered, and why is having enough backup power essential to protecting the public, as is addressed in the RESILIENT Networks Act?

During a natural disaster, it is vital that 9-1-1 call centers and first responders understand where networks are down, so they can understand where to send resources even if no 9-1-1 calls are coming through because the consumers don't have service.

*[To Mr. Henry]*

**Q:** If the RESILIENT Networks Act is enacted, what will it mean to get 9-1-1 call centers, or public safety answering points, this network outage information quickly and at a more granular level?

Once a storm or wildfire has passed and recovery efforts are underway, it is critical for communications providers and electric utilities to engage in mutual coordination so that restoration occurs seamlessly and without delay.

*[To Mr. Gerst]*

**Q:** Can you discuss how some features of the RESILIENT Networks Act, including pre-planned coordination agreements, backup power requirements, mutual aid arrangements, and master contact lists, among other things would help keep our networks online during and following disasters?

I want to shift now to Mr. Torres. Following the 2017 Hurricane Season, it's clear that the FCC and the Trump Administration turned a blind eye to Puerto Rico when it mattered most. Their response simply did not pass muster in my view, and that's why we require an audit of the FCC's response as part of the RESILIENT NETWORKS Act.

*[To Mr. Torres]*

**Q:** Do you agree that an audit of the FCC's response to the 2017 Hurricane Season is necessary to ensure that failures like these won't happen again?