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OPENING STATEMENT OF HON. ROGER WICKER,
U.S. SENATOR FROM MISSISSIPPI

Senator WICKER. Good morning. This hearing will come to order. Welcome to today’s hearing on the Oversight of the Federal Communications Commission and we have them here today.

I extend a special welcome to our distinguished panel of witnesses and thank them for appearing.

Today, we will hear from FCC Chairman Ajit Pai, Commissioner Jessica Rosenworcel, Commissioner Mike O’Rielly, Commissioner Brendan Carr, and Commissioner Geoffrey Starks.

The FCC is the Nation’s primary regulator of interstate and international communications networks. A core part of the agency’s mission is to ensure that all people in the United States have access to rapid, efficient, and nationwide communications services at reasonable prices.

Never before has the FCC’s responsibility to achieve this mission been more important. The COVID–19 public health emergency has put a spotlight on the Nation’s communications networks and the American people’s access to broadband services.

Since March, there has been a dramatic and sustained surge in Internet usage, but the U.S. networks have performed well and we are faring much better than other countries in meeting this increased demand. This is to be applauded but there’s still more work to be done, of course.

Today, there are far too many Americans who remain unserved and who lack affordable access to any broadband connection whatsoever.

I appreciate the FCC’s continued efforts under Chairman Pai’s leadership to close the digital divide and secure U.S. leadership in
next generation communications technologies, especially during this pandemic.

Through the Commission’s Keep Americans Connected Pledge, over 700 providers have voluntarily committed not to terminate broadband services to any residential or small business customers because of an inability to pay their bills. This has been pivotal in keeping many Americans connected.

Clearly the businesses who participated in the pledge cannot sustain that effort indefinitely. We need to engage in a thoughtful debate about ways to transition from the pledge when it expires.

In addition, I welcome the FCC’s work on the newly created COVID–19 Telehealth Program authorized by the bipartisan CARES Act. This program is designed to provide access to critical life-saving telehealth services to Americans who lack access to quality care during this global health crisis.

Today’s hearing is an opportunity for Commissioners to discuss what more can be done to expand broadband access and digital opportunity for all Americans. This work begins with the implementation of the Broadband DATA Act.

As I’ve said many times, accurate broadband maps are essential to targeting universal service funds and other Federal broadband resources to unserved areas and communities in need.

To ensure the success of new USF programs, such as the 5G Fund, it is imperative that the FCC develop accurate broadband maps with more precise data about where broadband is available and where it is not and at what speeds.

I hope the Commissioners will outline what funding will be necessary to comply with the law before moving forward with 5G Fund.

I appreciate Commissioner O’Rielly’s commitment to this committee last week that he would not support moving forward with the 5G Fund until the FCC completes the new maps required by the Broadband DATA Act.

In addition to developing accurate maps, Congress needs to explore the feasibility of allocating more resources for broadband deployment to areas that are not economical to serve or to families who have experienced economic hardship as a result of the pandemic.

I look forward to discussing the Accelerating Broadband Connectivity Act, which I have authored, which would incentivize providers to expedite broadband build-out plans without undermining or delaying the RDOF auction.

I hope Commissioners will also discuss ways to provide immediate connectivity relief to schools and students, minority communities, and families experiencing economic hardship because of the coronavirus.

Another important part of making broadband universally available is having a regulatory framework that fosters investments and promotes broadband deployment. I’m sure the Commissioners will want to discuss the recent adoption of the 5G Upgrade Order which modernizes rules for the installation of wireless communications equipment as well as other efforts to streamline regulatory processes that can delay or indefinitely stall broadband deployment in
too many communities across the country. I appreciate Commissioner Carr’s leadership on the 5G Upgrade Order.

As Americans rely increasingly on their Internet connections to engage in professional, educational, health care, and personal activities, it is vital that we ensure the security of our networks and supply chains.

Any comprehensive broadband legislation should include network and supply chain security, including full funding for the FCC’s newly authorized Rip and Replace Program.

I hope Commissioners will discuss funding needs for that critical program and other plans to increase network security and reliability.

Finally, Section 230 of the Communications Decency Act is intended to preserve a vibrant and competitive online marketplace for the benefit of all Americans. Section 230 protects interactive computer services, such as social media platforms, from being held liable for the content posted by their users.

Section 230 also specifically allows interactive computer services to restrict access to or the availability of content that it considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable.

I am deeply troubled by recent reports that suggest some online platforms are disproportionately censoring conservative voices or imposing an unfair bias through their policies and terms of service.

Last week, The Federalist, an online magazine, was notified that its publication would be removed from Google’s advertising platform because of complaints from NBC News about content in The Federalist Comment section. The information I have is that the comments contained on the site were indeed derogatory and impermissible. However, policing offensive content is one thing. Threatening the demonetization of an entire site is quite another.

And just yesterday, we learned of comments by Facebook moderators that seemed to confirm a blatant anti-conservative bias.

If there is to be a debate over the future of Section 230, it is clear that each side has a responsibility to ensure that the Internet remains a forum for a true diversity of political discourse that promotes competition and innovation.

This committee will evaluate the merits of Section 230 and whether modifications are necessary to promote more transparency and accountability across Internet platforms and services.

Clearly, there’s much to discuss today. I thank the Commissioners again for their testimonies, and I thank my friend and colleague, Senator Cantwell, for her cooperation as Ranking Member and I now turn to her for whatever opening remarks she chooses to make.

Senator Cantwell.

STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON

Senator CANTWELL. Thank you, Chairman Wicker, and thanks for holding this important and timely hearing, and it’s good to see all the Commissioners here in person, a rare opportunity for sure.

The full FCC comes before us today at what I think is a pivotal moment. If we were still in any doubt that the COVID crisis has
made its impact clear to us, it is very clear today when it comes to the issue of broadband. It is really an essential service and yet millions of Americans remain trapped on the other side of the digital divide.

The statistics are well known, but no less damning:

- At least 18 million Americans without access to broadband, and even that number may be artificially low;
- Twelve million children currently lack access to broadband at home, prohibiting their ability to learn remotely, and as we have uncertainty about what the fall and beyond will bring, it's imperative that we deal with this issue;
- In the state of Washington, 16 percent of families with children have no access to broadband;
- And 31 percent of households on tribal lands lack access to high-speed broadband compared to 7 percent in non-tribal areas.

So we must expand high-quality, affordable broadband in underserved and unserved communities so that Americans who are being isolated can effectively endure during this pandemic and learn remotely and, I would also say, have access to health care. It is so critical that rural communities increase the ability to use broadband as a tool to help deliver medicine at this critical time.

We have a real opportunity here to close the digital divide, but I know it's going to take being bold. It won't be accomplished through just incremental change or plus-upping some numbers. It will require significant investment. I know our House colleagues have promised more than a hundred billion.

But we have to make sure that low-income, minority, and tribal communities that connectivity is an issue we do address. We need to invest in programs that will promote digital literacy and digital adoption, targeting these marginalized communities. So I hope that this can be part of our discussion today.

Chairman Pai, I wrote on March 5 and asked for consideration of the FCC’s existing authority and programs as well as temporary policies or rule waivers could be used to help ensure the Nation was being well served during the COVID crisis.

Specifically, I asked what take-home emergency actions to facilitate at-home connectivity for students to keep in class remote schoolwork being done during the COVID crisis?

So I’m not interested in just applying aggressive laws to industry. I’m interested in making sure millions of children caught in the gap of not being able to do their homework don’t fall further behind. So I am looking for emergency orders by the Commission, and yet nothing has happened.

So I’m concerned about spectrum, as well. I know we’re in a very high-profile public dispute, but the FCC has sided against Federal experts on weather forecasting, aviation, transportation safety, and national security.

It would be tempting to dismiss these public disputes as just another sign of internal chaos with the Administration, but I believe it is more than that. It seems to me that the agency has narrowed its interests in the standard for public broadband policy.
Today, the FCC dismisses national priorities and defaults to the belief that the highest and best use of spectrum is always terrestrial broadband. Nowhere is this development more obvious than the Ligado decision. Despite unified opposition from the Executive Branch agencies, aerospace industries, and others, Ligado would cause harm to the GPS spectrum critical to safety operations, but despite a fundamental disagreement over competing studies, of which there were many, the FCC continued to move forward. So I hope today we can also discuss this issue.

I believe that the FCC should not be the place to just move forward, but the place to have the discussion and make sure these issues are well addressed. It is important that these issues move forward and are addressed by the many interests in the spectrum because this issue of spectrum is not going to go away. It’s going to become even more in demand, and if you think you’re just the default agency to make a decision and exacerbate the problem, you can see it hasn’t gone away. It’s just moved over to the Armed Services Committee.

So I would ask you today to think about how we’re going to do a better process, given the increased need for spectrum in the future.

So, Mr. Chairman, I know there are many other issues that we want to discuss today, but with that, I’ll leave my remarks and ask that I do have to go to the Floor, but I will return for questioning at some point in time. If I miss my cue, I’m sure my colleague, Senator Blumenthal, or others will jump in in my absence.

But again, I thank the Commissioners for being here in person. Senator WICKER. Thank you so much, Senator Cantwell.

And we are recognizing in this order today. We’ll start with the Chair and then we’re recognizing Commissioners in terms of seniority.

So we’ll begin with the Honorable Ajit Pai, Chair of the FCC, and we will receive each set of written testimony in full and ask you to summarize in some 5 minutes.

You are recognized, sir.

STATEMENT OF HON. AJIT PAI, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION

Mr. Pai. Thank you, Mr. Chairman.

Chairman Wicker, Ranking Member Cantwell, Members of the Committee, I appreciate you inviting me to testify and update you on the work of the Federal Communications Commission.

With the onset of the COVID–19 pandemic, Internet connectivity is more important than ever. Americans rely on broadband to telework, to learn, to consult with doctors, to stay in touch with loved ones, and that’s why we have been using every resource at our disposal to deal with this unprecedented national emergency.

Most importantly, I challenged broadband and telephone providers in March to take the Keep Americans Connected Pledge, a commitment to, among other things, not terminate service to residential or small business consumers because of their inability to pay their bills due to disruptions caused by the coronavirus pandemic.
More than 780 providers took the pledge, including all of our Nation’s largest. The pledge has been critical to maintaining connectivity for millions of American consumers, but these companies, especially small ones, cannot continue to provide service without being paid for an indefinite period of time. No business in any sector of our economy could.

As the pledge ends on June 30, I have called on providers not to disconnect consumers and small businesses in July who have fallen behind on their bills, but to instead adopt extended payment plans to ensure that these consumers have a chance to catch up.

This transition period will also give Congress the chance next month to provide funding to help ensure that many Americans have continued access to broadband and telephone services.

Along these lines, I applaud Chairman Wicker for releasing the Broadband Connectivity and Digital Equity Framework, and I would welcome the opportunity to work with the Committee on this for other related legislative activities.

Speaking of funding, I want to thank you for establishing the COVID–19 Telehealth Program as part of the CARES Act. The FCC has worked quickly to adopt rules for this program, to open the application window and review the submissions that we have received.

I’m proud that as of this morning, we’ve approved 444 applications in 46 states and the District of Columbia, for a total of $157.6 million. From the Franklin County Hospital in Meadville, Mississippi, to the Country Doctor Community Health Center in Seattle, this program is enabling health care providers to treat and monitor patients remotely, improving care and reducing risks for patients, doctors, and nurses.

During this national emergency, our networks have been tested like never before and I’m pleased to say that they have performed extremely well. For example, average fixed and mobile broadband speeds in our country are now higher than they were before the pandemic hit. The record fiber and small cell deployments of the last two years have made a real difference, but we can’t rest on our laurels and that’s why the FCC is continuing to take aggressive steps to expedite 5G deployment.

In July, we’ll begin an auction of 70 megahertz of spectrum for priority access licenses in the 3.5 gigahertz band. We’re also on track to commence a public auction of 280 megahertz of spectrum in the C-band in December.

Because satellite operators vacating this spectrum have committed to accelerated relocation, this spectrum will become available for 5G, two to four years earlier than otherwise would have been the case and just yesterday, we won a major court victory as a court rejected the request to stop our progress.

I would especially like to thank Chairman Wicker and Chairman Thune for their leadership on this issue.

Our rural tribal priority window for the 2.5 gigahertz band is now open, which enables tribes to get first dibs on this prime midband spectrum before we hold an auction next year.

We’ve also unanimously opened up the entire six gigahertz band for unlicensed use, a massive 1200 megahertz test bed for innovators and innovation, and we’ve almost finished the post incentive
auction TB transition. Because this transition has gone well, wireless services, including 5G, are now being provided throughout America on the 600 megahertz band.

Finally, I'd like to mention a personal and professional priority that is literally a matter of life and death: suicide prevention. Three weeks from today, the FCC will vote on final rules to designate 9–8–8 as a new nationwide three-digit number to reach trained professionals who staff the National Suicide Prevention Lifeline.

By making it easier for those who are in crisis to reach those who can help, we can save lives and reduce the stigma that is associated with mental illness. In a time when suicide rates in America are on the rise, hitting historic levels, especially for vulnerable populations, like veterans, LGBTQ youth, and African American teens, this three-digit number, 9–8–8, could make all the difference.

I would like to thank in this regard Senators Gardner and Baldwin for their bipartisan leadership on this issue.

Chairman Wicker, Ranking Member Cantwell, Members of the Committee, thank you again for holding this hearing. I look forward to answering your questions today.

[The prepared statement of Mr. Pai follows:]

PREPARED STATEMENT OF HON. AJIT PAI, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION

Chairman Wicker, Ranking Member Cantwell, and Members of the Committee, thank you for inviting me to testify. I appreciate the opportunity to update you on the work of the Federal Communications Commission, particularly our efforts during the COVID–19 pandemic.

Since becoming FCC Chairman in January 2017, my top priority has been to close the digital divide. With the onset of the COVID–19 pandemic, Internet connectivity is more important than ever. Americans rely on broadband to telework, take classes online, consult with doctors remotely, and stay in touch with loved ones they can’t see in person. That's why I'm committed to using, and why we in fact have been deploying, every resource at the FCC's disposal to deal with this unprecedented national emergency.

For example, I challenged broadband and telephone service providers to take the Keep Americans Connected Pledge—a voluntary commitment (1) not to terminate service to any residential or small business customers because of their inability to pay their bills due to disruptions caused by the coronavirus pandemic; (2) to waive any late fees that residential or small business customers may incur because of their economic circumstances related to the coronavirus pandemic; and (3) to open a company's Wi-Fi hotspots to any American who needs them. The Keep Americans Connected Pledge is a big win for the American people with more than 780 providers participating who serve the vast majority of broadband and telephone subscribers. Based on the feedback we've received, the Pledge has been critical to maintaining connectivity for millions of Americans. Companies have also gone above and beyond the Pledge by offering free or discounted service for low-income Americans and students, lifting data caps, and increasing broadband speeds at no cost to meet the heightened demand for connectivity due to telework and distance learning.

The Keep Americans Connected Pledge is a public-private partnership which has been critical to American consumers. Without it, many consumers would have found it much more difficult, if not impossible, to conduct their daily lives. It has been an extraordinary success, and I commend all of the broadband and telephone service providers that have stepped up to the plate to do the right thing during this national emergency.

But these companies, especially small ones, cannot continue to provide service without being paid for an indefinite period of time; no business in any sector of our economy could. Accordingly, the Pledge will expire as currently scheduled on June 30. As we transition out of the Pledge, I have called on broadband and telephone service providers to take steps to help ensure that American consumers and small
Fixed broadband fell by 30 percent while the number of Americans without access to at least 25/3 Mbps fiber deployment set a record in 2018—a record that itself was broken in 2019. Three years has promoted substantial infrastructure investment and deployment. That’s thanks in part to networks being designed to handle ever-higher peak traffic loads and in part to our market-based regulatory framework, which over the past three years has promoted substantial infrastructure investment and deployment.

From 2016 to 2018, the number of Americans without access to at least 25/3 Mbps fixed broadband fell by 30 percent while the number of Americans without access...
to 250/20 Mbps fixed broadband plummeted by 75 percent. According to Ookla, during that same time period, the number of Americans without access to 10/3 Mbps 4G LTE mobile broadband fell by 62 percent.

Broadband service is also improving, with average speeds skyrocketing. According to Ookla Speedtest Intelligence Data, average fixed broadband download speeds have increased by 133 percent since January 2017 while average mobile broadband download speeds have increased 99 percent during that same time period. The Internet remains free and open. The United States is leading in 5G, with the FCC delivering low-, mid-, and high-band spectrum. We continue to work to promote rural broadband deployment through the reduction of regulatory burdens and reform our USF programs, aiming to efficiently distribute funds to those areas where the business case to deploy with private capital alone does not exist.

With respect to our efforts to expand broadband access, the Commission’s 2018 Connect America Fund Phase II reverse auction allocated $1.488 billion in support over ten years to expand broadband to more than 700,000 unserved rural homes and small businesses in 45 states. We’ve now authorized thirteen waves of funding, totaling more than $1.45 billion, which expands connectivity to 643,813 homes and businesses nationwide, including in Arizona, Colorado, Florida, Hawaii, Illinois, Indiana, Kansas, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, South Dakota, Tennessee, Texas, Utah, Washington, and Wisconsin. I have seen the positive results for myself, traveling in February to Wind River Reservation in Wyoming. There, I visited with Tribal leaders, including a Tribally-owned broadband provider which is using CAF Phase II funding to extend high-speed access to very rural, poor members of the Northern Arapaho and Eastern Shoshone Tribes.

Going forward, the Rural Digital Opportunity Fund represents the Commission’s boldest step yet in bridging the digital divide. This new program builds upon the success of the CAF Phase II auction and will provide more than $20 billion over the next decade to support up to gigabit service for up to 6 million rural homes and businesses through a competitive reverse auction. We plan on targeting support to areas lacking access to fixed 25/3 Mbps broadband through a two-phase approach. The first phase will address areas of the country that everybody agrees are unserved. The second phase will cover areas in which the first phase doesn’t yield winning bidders, as well as any areas that are partially served.

Through the Rural Digital Opportunity Fund, we will connect more Americans to faster broadband networks than any other USF program in history. On June 9, the Commission adopted a Public Notice setting forth auction procedures for the first phase of the auction, which is scheduled to begin on October 29. This phase will make up to $16 billion available for the deployment of fixed broadband networks across rural America. The benefits would be felt from the Mississippi Gulf Coast to the Appalachian Mountains, and from the Great Plains to the Pacific Ocean.

Now, some have called for delaying Phase I of the Rural Digital Opportunity Fund auction—for months, and more likely for years—until more granular broadband coverage maps are ready through the Commission’s Digital Opportunity Data Collection. But that would be a mistake; the areas the Commission is targeting in the Phase I auction are areas where the Commission’s current data show there is currently no service. As of March, Commission staff estimated that approximately 11.7 million unserved Americans live and work in areas that we know are unserved. Delaying them access to broadband purposely keeps them on the wrong side of the digital divide and also will do nothing to help those living in partially-served areas get broadband more quickly. We’re not going to do that. Digital opportunity delayed is digital opportunity denied.

We have also made significant progress on the Commission’s 5G FAST Plan. With respect to spectrum—the first component of that Plan—the Commission has left no stone unturned in its quest to make a mix of low-, mid-, and high-band spectrum available for 5G services. Our auctions program has been active and has produced at record levels. Earlier this year, we concluded Auction 103, in which bidders won licenses for 3,400 megahertz of spectrum in the upper 37, 39, and 47 GHz bands, the most spectrum ever won in a single auction. That auction followed the aggressive schedule set the year before, when we auctioned 850 megahertz in the 28 GHz band, and 700 megahertz in the 24 GHz band. Combined, these three auctions made available almost five gigahertz of high-band spectrum for commercial use. To put that in perspective, that is more spectrum than was used for terrestrial mobile broadband by all wireless service providers in the United States combined before these auctions started.

Gross proceeds for these three auctions totaled over $10 billion. And with more auctions to come, now is a fitting time to reiterate my 2016 call for a Rural Dividend. Such a dividend would set aside 10 percent of the net proceeds from the Com-
mission’s spectrum auction program and make them available for rural broadband build-out as a supplement to our high-cost program. With new auctions on the horizon, now is the time to act, and I applaud Chairman Thune for his recent proposal along these lines.

Coming up next is our 3.5 GHz auction, scheduled to start on July 23. It will make available 70 megahertz of spectrum for Priority Access Licenses on a county-by-county basis, offering the greatest-ever number of licenses—over 22,000—in a single FCC auction. Earlier this month, our auctions staff announced we had received 348 short-form applications to participate in the auction, also a record for any single auction.

Next on deck is the 2.5 GHz band. The Rural Tribal Priority Window for the 2.5 GHz band, which opened earlier this month, allows the Commission to work closely with a few individual stations that may not otherwise be able to make the deadline due to circumstances beyond their control to devise plans that will ensure a prompt transition and continuation of service to their communities. I want to acknowledge the continued interest and support of the FCC’s C-band proceeding by Chairmen Wicker and Thune, and other Committee members. Our efforts to make this critical spectrum available for 5G have been very well. Our staff announced earlier this month that all eligible operators have already vacated their pre-auction channels. The result is increased deployment of wireless services, including 5G, throughout the United States using the 600 MHz band. And we expect that almost all stations will transition before their July 3 deadline. I’d like to thank the broadcasters, tower crews, and wireless companies for their work throughout the repack, and extend a special thanks to this Committee for its support.

Through our combined efforts, the repack has gone off smoothly. Additionally, Commission staff is working closely with a few individual stations that may not make the deadline due to circumstances beyond their control to devise plans that will ensure a prompt transition and continuation of service to their communities during the ongoing national emergency.

In addition to pushing more spectrum out in the marketplace, we continue to clear regulatory hurdles and facilitate infrastructure build-out, spurring record-breaking capital investments in essential infrastructure, including fiber-optic cables and small cells. Indeed, hundreds of thousands of small cells will need to be deployed each year to meet growing mobile data demands. In addition to its necessity for 5G deployment, these installations (along with new towers) create employment...
opportunities for skilled workers. And now that T-Mobile’s recent acquisition of Sprint is completed, the six-year clock has started for T-Mobile to deliver on its commitment to the Commission to extend its 5G network to 99 percent of Americans, including 90 percent of rural Americans.

One issue that I know is important to this Committee is broadband mapping. As you know, Congress passed the Broadband DATA Act, ratifying the Commission’s decision last year to require new, granular broadband deployment maps for both fixed and mobile providers. Unfortunately, the law prohibits us from relying on the Universal Service Administrative Company as we had planned to implement that effort and develop new broadband maps—even though we repeatedly warned Congress starting last year that this provision would disrupt our work on improving these maps and prevent us from implementing the new maps without a separate appropriation to cover the significant costs of developing the new maps. As such, the Commission stands ready and willing to implement this measure, but we do not have the $85 million needed to get that effort off the ground and implement that law through its first year. We want to work with you to appropriate this funding as soon as possible so we can move forward quickly to improve our Nation’s broadband maps. In the meantime, the Commission will continue to work on rulemakings as appropriate (and allowed and funded), including the consideration of an Order and Further Notice of Proposed Rulemaking at our July open meeting as part of our work to adopt final rules by September’s statutory deadline.

As always, the Commission has stood vigilant in fulfilling our consumer protection mission. Our top priority in this regard has been to help consumers avoid COVID-19-related robocall scams. Unfortunately, scammers are promoting bogus cures, offering fake test kits, sending hoax text messages, and generally preying on virus-related fears. In April and May, together with the Federal Trade Commission, we demanded that multiple gateway providers stop bringing COVID-19-related scam robocalls into the country. We warned that if they did not, they risked being cut off from U.S. phone networks. Our letters worked; each gateway provider told us within 24 hours that it was complying with our demand. Additionally, we’ve launched a COVID-19 Consumer Warnings and Safety Tips webpage to alert consumers to pandemic-related scam phone calls and texts.

Our decisive action regarding gateway providers comes on top of our already aggressive approach to robocalls—consistently our top source of consumer complaints. We’ve allowed telephone providers to block suspected, malicious, and illegal calls by default. And in March, the Commission unanimously adopted a Report and Order mandating the implementation of caller ID authentication technology known as STIR/SHAKEN. This technology enables phone companies to verify caller ID information transmitted with a call, helping them identify calls with illegally spoofed caller ID information before those calls reach Americans’ phones. This action fulfills one of the major provisions of the TRACED Act—a bill championed by Senators Thune and Markey, and others on the Committee. We are on track with our implementation of the other components of the bill.

Earlier this year, we acted on the outstanding investigatory efforts of our Enforcement Bureau, proposing significant fines against the Nation’s four largest wireless carriers for selling access to their customers’ location information without taking reasonable measures to protect against unauthorized access to that information. We let the carriers know, in no uncertain terms, that they may not disclose their customers’ location information to a third party without their customers’ express consent. This FCC will not tolerate phone companies putting Americans’ privacy at risk.

We continue to protect American citizens and the national security of the United States. At our November 2019 meeting, the FCC unanimously adopted a rule prohibiting USF recipients from purchasing equipment or services from companies that pose a national security threat, and we initially designated Huawei and ZTE as covered companies for purposes of this rule.

But the Commission still needs your help on this issue. Since our last hearing, Congress passed the Secure and Trusted Communications Networks Act, which ratifies the Commission’s proposal to require small, rural telecommunications companies to end their reliance on manufacturers that pose national security threats. I strongly support the rip-and-replace requirements Congress mandated, but that mandate came without money. Last November, we estimated a full-scale rip-and-replace program could cost up to $2 billion—and we ordered an information collection to nail down those costs. As our staff works through the data that’s been collected, we want to work with you to ensure that needed funds are appropriated so we can move forward quickly to implement this program and protect our Nation’s networks from national security threats.
Additionally, February 17, 2020 was the effective date of Kari’s Law, which requires all new multi-line telephone systems—commonly used in hotels, office buildings, and college campuses—to directly route 911 calls, without the need to dial a prefix to reach an outside line. This will help save lives by enabling those who need it most to reach help immediately.

Another public safety issue involves suicide prevention and mental health. Suicide rates in this country are reaching levels not seen since World War II. Vulnerable populations are particularly at risk, such as veterans, rural Americans, and LGBTQ youth. Access to trained counselors could make the difference between life and death. And so, consistent with the call of Members of this Committee, we have proposed to designate 988 as a new, nation-wide, three-digit number for suicide prevention and mental health. I intend to ask my fellow Commissioners to adopt final rules making 988 the new three-digit number for suicide prevention and mental health at our July agenda meeting. If this number is implemented, those in crisis will only need to dial a three-digit number to be connected with trained professionals staffed 24/7 by the current National Suicide Prevention Lifeline.

I also want to assure the Committee that we will continue essential projects focusing on American territories. A good example is the $950 million in long-term funding we approved last year to expand, improve, and harden broadband networks in Puerto Rico and the U.S. Virgin Islands through the Uneindoa Puerto Rico Fund and Connect USVI Fund. This month, we authorized $233.9 million to three mobile carriers serving Puerto Rico and $4 million to one carrier serving the U.S. Virgin Islands. This includes approximately $59.5 million in funding specifically devoted to deploying 5G networks in Puerto Rico and the U.S. Virgin Islands—the first funding the Commission has awarded anywhere in the country that is targeted for 5G deployment.

Finally, I should note there is one auction currently mandated by Federal law we are not looking forward to holding. Specifically, the Spectrum Act of 2012 mandates that we auction off parts of the T-band—spectrum from 470–512 MHz, which is currently used by public safety entities in several states. We greatly appreciate the efforts of this Committee, and specifically Senator Markey, in working to repeal this mandate. Our highly skilled economists believe this auction will raise less revenue than the amount needed to clear incumbents from the spectrum. Nonetheless, because of the statutory mandate, our staff has had to divert resources to preparing for an auction process to commence in February—including the preparation of a Notice of Proposed Rulemaking, currently before the Commission, to kickstart the auction process. Bipartisan legislation in Congress would repeal this mandate and address related concerns like 911 fee diversion, and I hope this legislation passes as soon as possible.

As you can see, the FCC has been exceptionally busy, and I expect we will continue to be so for the foreseeable future. We have been able to accomplish all of this due to the talent and dedication of our extraordinary staff who continue to effectively perform throughout the COVID-19 mandatory telework policy. The hard-working men and women of the FCC serve the American public each day with skill and commitment, and I am deeply honored to work alongside them.

I thank you again for the opportunity to be here before you, and I look forward to answering your questions.
small town in Northern Vermont, one of those places that is perfect
for a postcard, but the truth is it could have happened anywhere
in rural or urban America.

Anyway, this teacher was out and about and she ran into the
mother of one of her students. That student had not been going to
online classes during the past week and, of course, the mother
knew because right after she exchanged the usual pleasantries
with this teacher, she blurted out an explanation.

She said, “The Internet ran out.” In other words, her kids
couldn’t go to class because in their house, like so many others,
they had limited data-capped Internet access. That meant during
this crisis, they were metering out life online, stuck allocating bits
of smart phone service to classes, work, health care, and emer-
gencies.

That’s haunting but not surprising because this crisis has ex-
posed a hard truth. Our digital divide is very real and it’s very big.
You see it in stories like this one and you also see it how nation-
wide parking lot Wi-Fi has become a thing. People are driving to
places where the signal is free and sitting in their cars doing work,
going to class, just trying to maintain some semblance of normal
modern life. We can do better.

First, we need a clear plan for broadband for all. It was just a
few weeks ago the FCC released its annual Broadband Progress
Report. It was a glowing assessment that all is well and only 18
million Americans do not have access to broadband but that’s just
not credible. That number is based on the same problematic meth-
odology you called for us to stop using in the Broadband DATA Act.

Yet despite having made no efforts to improve our Nation’s dubi-
ous broadband data, the FCC’s about to hand out billions in fixed
broadband support with the new Rural Digital Opportunity Fund,
based on maps we know are wrong.

It’s also proposed the same course with the wireless 5G Fund.
We can’t afford to delay improved data any further because without
it, we will never be assured that we’re targeting our universal serv-
cice support to the right places. We will leave communities behind.

We also can’t limit our focus to just deployment. We need to ad-
dress barriers to adoption because the digital divide is not just a
problem in rural America. By some estimates, there are three to
four times as many households without Internet access in urban
and suburban areas.

Second, we need a clear plan to fix the homework gap. We need
to work during the summer months so come fall, no student is
without the Internet access they need to go to classes online.

The FCC could do this with the E-Rate Program right now, but
if you choose to address the homework gap through legislation, I
hope we can move fast so no child is left offline.

Third, we need a clear plan to keep all Americans connected.

The FCC, at the Chairman’s direction, has secured a commit-
ment from our Nation’s carriers that they will not cutoff consumers
during this crisis, but that commitment comes to an end this
month and we should all worry about what’s on the other side.
With sky high unemployment rates, we need to find a way to ex-
tend this commitment.
We’re also going to have to rethink the Lifeline Program from top to bottom, and we should have a broader conversation about data caps and overage fees.

Fourth, we need a clear plan for a secure 5G future. If we want to be a global leader in the next generation of wireless, we need a whole of government approach to 5G service but we don’t have one.

Our national spectrum strategy is nearly a year overdue and Federal authorities are fighting in public about access to 5G spectrum bands.

We also have work to do to secure supply chains and need to address the security of the growing Internet of things.

Fifth, we need a clear plan to sustain local media and stand up for the First Amendment.

Local news is vital, but the economics that underlie the industry are changing. To meet these new challenges, I believe we need to study our rules and identify how we better support local media and diversity, but one thing we shouldn’t do is compromise our values, including those in the First Amendment.

Nowhere is this clearer than in the recent Executive Order concerning Section 230 of the Communications Decency Act. I know that social media can be frustrating, but an Executive Order that would turn the FCC into the President’s speech police cannot be the answer.

Finally, we need a clear plan to learn from this crisis so we can take stock of changes in network demand and use what we discover to inform our efforts in the future.

Thank you. I look forward to answering any questions you might have. 

[The prepared statement of Ms. Rosenworcel follows:] 

PREPARED STATEMENT OF HON. JESSICA ROSENWORCEL, COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION

Good morning Chairman Wicker, Ranking Member Cantwell, and Members of the Committee. It is good to see you all today—from a safe distance.

These are historic times. A public health emergency has strained our hospitals and crashed our economy. Protests have filled our streets in our largest cities and smallest towns in a nationwide reckoning over systemic racial injustice. We need connections now—physical and digital—that strengthen our mutual bonds. We need connections that remind us that our states are united, and our interdependence is powerful. That’s because networks that connect more people in more places lift us all.

To meet this moment, we need to extend communications opportunity broadly. Our efforts to date won’t cut it. The fact is they have left too many people in too many places behind. This is true in rural America, urban America, and everywhere in between. Our ongoing crises have revealed this hard truth. Now we need policies to fix these problems so that no community in this country is consigned to the wrong side of the digital divide.

First, we need a clear plan for broadband for all.

In this pandemic so much of modern life has migrated online. As a result, it has become painfully clear there are too many people in the United States who lack access to broadband. It has become obvious that our Nation’s digital divide is very real and very big.

If we are going to address this challenge responsibly, we need to start by understanding its scope. After all, we cannot manage problems that we do not measure. Yet it’s an open secret that the FCC does not know with certainty where broadband is and is not across the country. We don’t have accurate data. We don’t have reliable maps. That means in the United States we lack an honest picture of the commu-
nities that are consigned to the wrong side of the digital divide and the people and places most at risk of falling further behind.

This needs attention. A year ago the FCC acknowledged as much when it committed to updating its broadband data efforts to get correct maps in place. Then Congress built on this foundation when it passed the Broadband DATA Act—led by the thoughtful work of this Committee.

But so far, the FCC has little to show for it. Just a few weeks ago the agency released its annual broadband progress report. It was a glowing assessment that all is well and that broadband networks are reaching all Americans in a timely way. In fact, the agency reported only 18 million Americans do not have access to broadband nationwide. But this is just not credible. It’s based on the same problematic methodology you called for us to stop using in the Broadband DATA Act. These numbers are not a true measure of the lack of broadband in rural America and on Tribal lands. Other estimates put it at 42 million and even potentially as high as 162 million.

Yet despite having made no efforts to improve our Nation’s dubious broadband data, the FCC is about to hand out billions in fixed broadband support with the new Rural Digital Opportunity Fund based on maps we know are wrong. It has proposed the same course with its wireless 5G Fund. We can and should do better.

We need to roll up our sleeves and get the data we do not have about where service is and is not in rural communities. While we’re at it we need to incorporate the experience of so many people across the country who can tell us what service looks like where they live and why our maps are wrong. After all, the best broadband map will not be built in Washington. It will be built by all of us. The sooner we get started on this, the better. Because without it we will never be sure that we are targeting our universal service support to the right places.

Next, if we are going to address the digital divide, we need to devote energies to broadband adoption as well as deployment. It’s not just a problem in rural America. By some estimates, there are three to four times as many households without Internet access in urban and suburban areas across the country. This cruel pandemic has revealed this like nothing before. In too many cases, families are struggling without connections or metering out life in this crisis with capped data plans shared by a family on a prepaid mobile phone.

It’s time to update our thinking about broadband adoption from front-to-back. Unemployment is at historic levels and too many families are facing real income insecurity. We need to have an honest conversation about the barriers to broadband adoption. Regrettably, this was not included in the FCC’s recent broadband progress report. Going forward, it should be. It’s essential that we understand it if we truly want to close the digital divide.

Second, we need a clear plan to fix the Homework Gap.

This cruel pandemic has shuttered schools nationwide. More than 50 million students were sent home. They were told to head online for class. But students without Internet access at home were locked out of the virtual classroom. We need to make it a priority to fix this Homework Gap and connect every student so they can have a fair shot at continuing their education when school starts again in the fall.

According to the Senate Joint Economic Committee, 12 million children fall into the Homework Gap. The Associated Press suggests that the homework gap affects nearly one-in-five students. During this school year they haven’t been able to join classes online, communicate with their teachers, or keep up with their peers. The usual places to get a connection—coffee shops, libraries, and fast food restaurants where they can do their schoolwork with a side of fries—were closed. So during this crisis parking-lot Wi-Fi became a thing. So many students sat in a car with a school-issued laptop propped on the dashboard, attending online class in parking lots where Wi-Fi signals were free. These kids have extraordinary grit. Just look at the efforts they made to continue with their education. But no parent—in rural or urban America—would ever choose this for their child.

The good news is we can fix this. We can solve the Homework Gap. Even better, we have a sound basis to do so through the E-Rate program. In fact, the agency has even done this in the past on a trial basis! That means the FCC could use E-Rate right now to provide every school library with Wi-Fi hotspots and other connectivity devices to loan out to students who lack reliable Internet access at home. We should get started immediately.

Alternatively, if you see fit to address this issue through legislation, I hope that we can move fast and faithfully to implement any directives you provide. I am optimistic that we can fix the Homework Gap. We can make sure no child is left offline.
Third, we need a clear plan to keep all Americans connected.

Everyone needs communications to have a fair shot at 21st century success. It was true before this crisis. But it’s even clearer now. That’s because staying connected means you have a fighting chance at maintaining some semblance of normal life. It’s increasingly essential for work, for school, for healthcare, and so much more.

It’s a good thing that hundreds of communications providers have committed to keep America connected, pledging to open their networks, lift fees, and promising not to discontinue service. They deserve credit for making these commitments.

But at the end of this month, many of these commitments are coming to an end. And what comes next is just as daunting, because this pandemic is still moving through so many communities and upending so many lives. We need new ideas now to keep Americans connected in the future.

To this end, the FCC should seek to have communications providers extend their commitments and work with this Committee to help them do so. But with unemployment levels approaching those of the Great Depression we need to do more. We also need to rethink the Lifeline program to meet this moment.

For nearly four decades, this program has helped low-income households get connected to modern communications. It got its start when President Reagan was in the White House and most communications involved a curly cord with a telephone connected to a jack in the wall. It was a long time ago. But what the FCC recognized then—that a connection was essential for school, for work, for healthcare, for reaching out in an emergency—is just as true today. But during the last several years the FCC has cut this program to the bone, despite the fact that so many people rely on it—including more than two million elderly and more than 1.3 million veterans. We need to change course and identify how it can help more Americans keep connected to the communications services that are essential to navigate the ongoing public health and economic crisis.

We can start by updating standards for what Lifeline supports so everyone can maintain some semblance of modern life. We need to revisit eligibility criteria. Then we should work with our partners at the federal, state, and local levels to make the most of this program through improved outreach.

While we’re at it, we need to have a broader conversation about data caps and overage fees. With Americans working from home, taking classes, videoconferencing, playing games, chatting with friends, and streaming news and entertainment we must rethink how we count bandwidth and data usage. While some companies have voluntarily waived these caps and fees, on this score the FCC’s work to keep Americans connected came up short. I think the FCC’s efforts should go further because during this time, no one should be punished for exceeding their usage allotments because they are juggling work, telehealth visits and the like all from home.

Fourth, we need a clear plan for a secure 5G future.

If we want to be a global leader, then it’s imperative that we secure our leadership in the next generation of wireless, known as 5G. This is the technology of the future.

If there is one thing this crisis is demonstrating, it’s the value of faster and more robust networks. But our progress to date has been limited. That’s because we lack a whole-of-government approach to 5G policy. This is especially true when it comes to freeing up spectrum, which is essential for our leadership in the next generation of wireless services. It also is apparent in our disagreement over how to secure supply chains and mixed record on deploying infrastructure. As a result, we are chasing other countries like China when it comes to 5G investment and 5G patents.

We can fix this. We need a national spectrum strategy that can unify all of government and commit to expanding next-generation technologies to all Americans. An Executive Order from October 2018 promised such a plan by April of 2019. But we’re still waiting. Its absence is leading to interagency disputes about airwaves in the 24 GHz band, the 37 GHz band, the L-band, the 5.9 GHz band, the 6 GHz band and more. But while we argue among ourselves about what to do with these spectrum resources, other nations are moving forward.

This is not good. When that plan is finally delivered we need a full government commitment to our leadership in 5G. To facilitate it we need to revisit the fundamentals of spectrum reallocation. We need to develop a valuation of Federal spectrum and then build structural incentives facilitating repurposing of airwaves for modern use. We need a way our Federal colleagues see gain and not just loss from reallocation.

We also need to secure our 5G supply chain by returning the United States to a leadership position in the market for secure 5G equipment. That’s not an easy task. Last year, the Defense Innovation Board—the United States military’s premier...
advisory board of academic researchers and private sector technologists—surveyed the state of 5G and issued a sober warning. They found that “the country that owns 5G will own innovations and set the standards for the rest of the world,” and “that country is currently not likely to be the United States.” The underlying truth about next-generation networks in many parts of the world is that technology developed in China may be at the center.

One way to start changing this is to invest in virtualizing radio access networks—or open RAN. I offered this idea early last year and it has since garnered support from staff of the Department of Homeland Security, the Department of Commerce, the Department of State, and my colleagues at the FCC. The RAN is the most expensive and restrictive part of the network—it sits between your device and a carrier’s core network. Today all major components of a RAN have to come from the same vendor. There is no way to mix and match. But if we can unlock the RAN and diversify the equipment in this part of our networks, we can increase security and push the market for equipment to where the United States is the strongest—in software and semiconductors. This will also give carriers around the world that are locked into upgrade cycles with a single foreign vendor a way out. The FCC can help with this effort by incorporating open RAN testbeds in our ongoing efforts to authorize city-wide 5G innovation zones, which exist today in New York and Salt Lake City. Doing this now will help ensure that this technology develops here, on our shores.

We also need to plan now so that the growing Internet of things is secure. With 5G we are moving to a world with billions of connected devices all around us. Every piece of machinery, pallet of equipment, thermostat, smoke detector, streetlight, garbage pail, parking meter—you name it—will be a connected device. This creates powerful opportunities that will make us more effective and more efficient, our cities smarter and our communities more connected. But these benefits come with big security challenges we need to address.

Here is what that could look like. Every device that emits radiofrequency at some point passes through the FCC. If you want proof, pull out your smartphone or take a look at the back of any computer or television. You’ll see an identification number from the FCC. It’s a stamp of approval. It means the device complies with FCC rules and policy objectives before it is marketed or imported into the United States. This routine authorization process takes place behind the scenes. But the FCC needs to revisit this process and explore how it can be used to encourage device manufacturers to build security into new products. To do this, we could build on the National Institutes of Standards and Technology draft set of security recommendations for devices in the Internet of things. This effort specifies the cybersecurity features to include in network-capable devices, whether designed for the home, hospital, or factory floor. It covers everything from device identification, device configuration, data protection, access to interfaces, and critical software updates. In other words, it’s a great place to start—and we should do it now.

Fifth, we need a clear plan to sustain local media and stand up for the First Amendment.

Local news is vital. We need it to make decisions about our lives, our communities, and our country. But despite the increased demand for news right now, the economics that underlie the industry are changing. You see it in advertising revenues. You see it in lost jobs. You see it in business models that are under enormous pressure to evolve when real facts get casually derided as fake news, algorithms are ascendant, and what is viral is not often verifiable.

For decades, the FCC has had policies in place to support localism, diversity, and competition. But in the last few years, consolidation has made it less local and less diverse. Local journalists have been told to do more with less, as content gets beamed in from far-away places and fewer stories get told.

To meet these new challenges, I believe we should scour the FCC’s rules to identify how to support local media. It’s not a cure-all and it may not be especially trendy, but we need to do our part to try to support local journalism and jobs. We need to help bring the capacity for program origination back to the communities where stations serve. We also need to put back in place the tax certificate policies that history demonstrates were the single strongest tool we had for increasing the diversity of media ownership.

One thing that we shouldn’t do, however, is compromise when it comes to our values, including those embodied in the First Amendment. Nowhere is this clearer than the recent Executive Order concerning Section 230 of the Communications Decency Act. I know that social media can be frustrating. But an Executive Order that would turn the FCC into the President’s speech police is not the answer.
Finally, we need a clear plan to learn from the crisis before us.

The FCC should commit now to taking stock of the lessons learned when we are on the other side of this pandemic. For those households that are connected, so many are video calling, streaming, and uploading content at the same time. Our providers are seeing unprecedented new patterns in usage. We need to study these changes because they represent the future. What bandwidth is being used? At what speeds? Our national standard for broadband is 25 Megabits per second up and 3 Megabits per second down. Is that low for what we demand from our online experiences today? Is that keeping pace with the rest of the world? Plus, to what extent are today’s asymmetrical networks with higher download than upload capacities truly suited for a world with big changes in data processing and cloud storage that are altering how we work everywhere from the office to the farm?

Regrettably, there is still no official source for tracking America’s digital connectivity during this public health emergency. This is a mistake. We should require reporting about how our networks are holding up, like we do for other public emergencies like hurricanes, wildfires, and power outages. We also have given out millions for new telehealth initiatives pursuant to the CARES Act. We need to study how those funds were spent to understand what connected care works so our telemedicine initiatives can be more effective. The bottom line is we need to do a better job of learning from this crisis so we are better prepared in the future.

* * *

Despite the uncertainty that we face with this pandemic, I have real optimism. When Americans see crisis, we mobilize. When we are challenged, we overcome with uncommon courage and extraordinary grace. I see it at the agency, too, in the deep commitment of the FCC staff to work during this pandemic to adjust our policies to extend the reach of communications. But now we need to do more than build on what was done in the past. Because what has come before will not get us where we need to go. We need to recognize that the future belongs to the connected and we need to develop new policies that make digital opportunity available for all.

Thank you for having us here today and I look forward to answering any questions you may have.

Senator WICKER. Thank you very, very much, Commissioner Rosenworcel.

Commissioner O’Rielly, welcome back.

STATEMENT OF HON. MICHAEL O’RIELLY, COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION

Mr. O’RIELLY. Thank you.

Senator WICKER. We’ve made this a weekly practice.

Mr. O’RIELLY. I prefer not to but if you want, I’ll be here.

Senator WICKER. You’re recognized, sir.

MR. O’RIELLY. Thank you.

Chairman Wicker, Ranking Member Cantwell, and Members of the Committee, thank you for the opportunity to be here to discuss important matters before the Federal Communications Commission.

Since you have my fairly lengthy written testimony, I thought it best to focus my comments on a few topics. At the forefront of my priorities is bringing broadband access to unserved areas as expeditiously as possible.

One outstanding idea championed by Chairman Wicker is to provide financial incentives to FCC auction winners to accelerate their broadband deployment obligations through funding provided by Congress.

I thank Chairman Wicker, Senators Blackburn and Capito for introducing the Accelerating Broadband Connectivity bill and I commit to continue working with the Committee and staff on this important initiative.
I also commit to working with Members of Congress on implementing our obligations under the Broadband DATA Act. I've long been critical of the FCC's data for purposes of distributing broadband funding and applaud the bipartisan effort that led to the mapping statute being signed into law earlier this year. I agree that we must produce new, accurate coverage maps before moving forward with any new subsidy mechanisms.

Switching gears to spectrum, one of the primary obligations of the Commission is to allocate unlicensed spectrum for commercial purposes to accommodate the incredible demand for new spectrum uses. Existing licensees, both commercial and Federal, often must relocate, shrink their footprints, or cease operations.

While sometimes there are opportunities to entice incumbent licensees to voluntarily alter their current use, such as with the broadcast incentive auction or the C-band satellite services, the vast majority of our efforts requires honestly assessing current usage and actively making changes to the holdings if spectrum is not being appropriately used.

Let me take a moment to discuss 5.9 gigahertz because I'm sure it will come up sooner or later. It would be correct to say that in 20+ years, little progress has been made in deploying DSRC technology previously mandated by the Commission. To put a finer point on the matter, DSRC deployment in the universe of vehicles that currently feature technology is limited to only a few thousand GM Cadillacs. Zero automobile manufacturers are currently deploying DSRC in current models and virtually no one has stated they have any plans to use it at all in the U.S. in the future.

Moreover, all of the automobile safety purposes originally envisioned, except one, has been usurped by other technologies that utilize other spectrum bands. On top of this, a new technology based on LTE wireless standard CV2X has gained prominence and many automobile companies are actively considering it for auto safety enhancements.

The Commission is trying to thoughtfully balance the reality of these circumstances with the increasing demand for wireless spectrum. In this case, the unlicensed community has sought to share a portion of the 5.9 gigahertz band, leaving a sufficient amount for dedicated automobile safety purposes.

Consider that American families right now are being connected to broadband over 5.9 gigahertz via wireless wisps under temporary Commission authority and millions of Americans could enjoy connectivity from expanded Wi-Fi if the Commission moves forward with its balanced approach to allow unlicensed operations in a portion of the band while preserving spectrum for automobile safety systems.

In terms of freeing spectrum for future wireless offerings, the most ideal band after C-band and CBRS is the 3.1 to 3.55 gigahertz band. This spectrum was singled out by this committee in the MOBILE NOW Act.

After looking at this matter closely, I respectfully argue that upwards of 200 megahertz needs to be cleared for exclusive use commercial services with the bulk of the remainder available for shared use.
At the same time, Congress and the Commission must work together by taking every action to replenish our spectrum, our future spectrum pipeline which lies nearly empty. For instance, we should look at the seven gigahertz for licensed or unlicensed use.

Separately, I hope the Committee will look closely at proposals, including in my written testimony, including to expedite the appointment of a work Ambassador, establish an international commissioner and modify the Commission’s marketing and import rules to promote device innovation.

I thank the Committee and look forward to answering any questions that members may have.

[The prepared statement of Mr. O’Rielly follows:]
of Congress based on the law as written, I have committed to fulfilling our statutory obligation to produce new, accurate coverage maps before moving forward with any new subsidy mechanisms.

Further, in keeping with my commitment to work with Congress on closing gaps in coverage across the country, I appreciate the thoughtful framework announced last week by Congressional leaders to expand and maintain connectivity during the COVID–19 pandemic; remove barriers to deployment; and promote public health, safety, and network security. To the extent further broadband funding is part of a potential future Congressional effort, such as an infrastructure bill, I would also respectfully encourage our Nation’s legislators to keep certain principles in mind.

First, to ensure precious funding is spent as efficiently as possible, targets those most in need, and does not undermine the investments of ratepayers and the private sector. Congress should include safeguards against wasteful, subsidized overbuilding. I have brought attention to many examples of duplicative spending by other departments and agencies, as well as within the FCC’s own Universal Service Fund (USF), and we should learn from the past mistakes that led to these outcomes. At the very least, I would humbly exhort lawmakers to draft statutory language that is as specific as possible and adopt clear requirements for effective coordination among the various departments, agencies, and programs involved in distributing subsidies across the Federal government. Second, following principles of technology neutrality is essential: the American people benefit most when we don’t foreclose opportunities for innovation and when the market—not the government—picks winning and losing technologies. Third, and finally, consider the FCC as the primary means to allocate new funding, given our agency’s successful cost-effective track record and expertise in distributing subsidies.

Spectrum Policy

Moving from wireline policy to wireless, the Commission has also been busy freeing up spectrum resources for next-generation offerings. While the millimeter wave bands should help facilitate 5G in America’s largest urban centers, the mid bands will be crucial to providing 5G across all of the country, especially in rural areas. The 350 megahertz of licensed spectrum in both the 3.5 GHz band, which is somewhat limited, and the C-Band between 3.7 and 4.2 GHz is a great start, but much more is needed. Wireless providers are seeking 100 megahertz channels to fulfill the true promise of 5G to consumers. Not to mention, a mid-band pipeline is also needed to ensure we have frequencies available for future innovation over the next decade, to meet the needs of an increasingly mobile-hungry public, and to maintain our position as the global leader in wireless technologies. And, frankly, the future pipeline has effectively run dry, jeopardizing the premier position American wireless innovation has achieved.

An ideal opportunity for future wireless offerings is the 3.1 to 3.55 GHz band, as it is directly below the 3.8 GHz and C-Band and could, therefore, provide a large swath of contiguous spectrum that could be quickly deployed utilizing existing equipment due to its proximity to these bands. This spectrum has already been singled out by this Committee, and the requirement to evaluate its reallocation has been enacted in law in the MOBILE NOW Act. This body asked the Federal agency holders to study these frequencies to see if they could be made available for commercial use. Ultimately, the upper 100 megahertz (3.45 to 3.55 GHz) needs to be cleared for exclusive-use commercial services. Additionally, a significant slice, beyond the top 100 megahertz, should be cleared for licensed use. And, while it would be ideal for all 450 megahertz to be cleared, I realize that may be unrealistic, so the bulk of the remaining lower portion of the band (e.g., 3.1 to 3.35 GHz) must be studied and allocated for shared use with incumbents.

I have also been an outspoken advocate for identifying spectrum for unlicensed use over many years, especially as an early one to preach for opening the much-needed 6 GHz band for unlicensed use. Following several years of this effort, the FCC recently did so in order to relieve our congested Wi-Fi networks and permit high-speed unlicensed systems that require far greater capacity than is currently available. However, we still need to expand on these efforts by, for example, modifying our 6 GHz technical rules to permit very low power devices in the band, permitting unlicensed use in 5.9 GHz while protecting automobile safety systems, and completing our proceeding to maximize use of TV white spaces, especially in rural America. Further, we need to start looking for the unlicensed bands of the future, such as 7 GHz.

Unfortunately, finding more bands—either licensed or unlicensed—will lead to future clashes with those entities occupying the most ideal mid-band spectrum, especially the Department of Defense. There is already friction, which has been publicly documented, and it is unlikely to subside any time soon. Studies performed to deter-
mine whether reallocating spectrum for new uses or sharing will potentially result in harmful interference must be based on reasonable, technical parameters. We need to ensure that spectrum is being maximized and used as efficiently as possible, and overprotecting or hoarding spectrum for incumbents cannot be allowed. We have seen this in our own proceedings, and it was definitely at the forefront of issues leading up to last year’s World Radio Conference (WRC).

International Conference Participation and Advocacy

I have been fortunate to have participated in the last two WRCs, along with several preparatory meetings in advance of the conferences. I cannot stress enough that this is a long, resource-intensive process, not only as it relates to formulating our national positions, which have been fraught with conflict, but also in ensuring that we have adequate time to convince other countries that our positions are the correct ones. And, we face a lot of international opposition, as some countries are intentionally trying to block U.S. wireless progress for their own economic gain. Previously, I have argued that an alternative process, akin to the G–7, may be needed to bring like-minded, forward-thinking nations together to work on global harmonization matters. But, I am also committed to working to improve the existing WRC process, so I have begun to look at the steps that we can take to reform our WRC preparations. I want to make it clear that my suggested reforms in no way take away from Chairman Pai’s exemplary leadership at WRC–19, nor do they alter the role of the FCC, the State Department, or NTIA. Instead, they serve to highlight the importance of this process and the need to expedite U.S. deliberations, and to reflect on the difficulties associated with how the system itself is set up. I would like to raise two recommended changes with you, as they would take Congressional action to implement.

First, a temporary ambassador is typically appointed for six months to lead the U.S. delegation at every WRC, but this is simply not enough time to allow the head of the delegation to get caught up on all the issues and advocate effectively when preparations span a four-year period. As background, generally, the ambassador is officially designated five months before the one-month-long conference. While the designee might be employed by the State Department beforehand, it is necessary to have the ambassador in place well before the conference so that they can finalize policy positions, attend the pre-meetings, and advocate for U.S. priorities abroad. I suggest that U.S. interests could be better served by allowing the President to appoint the temporary ambassador up to two years before the WRC. To assist this process, NTIA should be brought into the process by requiring it to provide to the Secretary of State recommendations on potential candidates to assist the administration two and a half years before the conference.

Second, the FCC Chair should be able to select a Commissioner to follow the evolving and controversial international issues closely and designate the Commissioner to attend conferences on his or her behalf. This “International Commissioner” could also help ensure decisions are made expeditiously and keep the other Commissioners apprised of the international landscape. To be clear, this would in no way diminish the Chair’s role, fully preserving the right of the Chair to attend as many international conferences as desired and to be the final voice in expressing Commission policy with regard to international matters. Yet, the Chair has many priorities that compete for time and attention, and the international portfolio is time-consuming and challenging, as it requires following not only the FCC processes and what is going on at NTIA and the State Department, but also the dynamics of every ITU member state and the regional groups.

Digital Taxation

In addition to these international matters, I would also like to take this opportunity to comment on one recurring international policy issue that has yet again come to a head: digital taxation. It is an issue not necessarily within the Commission’s jurisdiction but one that nonetheless has important implications for many regulated entities and the larger communications sector. As recently as May, French officials decided to move forward with their plan to impose discriminatory taxes on the largest, and most successful, U.S. tech firms. The plan is to impose a retroactive, extraterritorial, percentage levy on gross revenues generated from providing “digital interface” and “targeted advertising” services “in France.” Combined, the target companies—particularly, Google, Apple, Facebook, and Amazon—account for a significant portion of the world’s current economy, so maybe it is no surprise that a country known for wine, cheese, and other material riches, wonderful as these may be, would take a backward approach to tapping into the digital riches of high-technology industries. Yet, what is even more scandalous is that this plan, which is now part of French law, blatantly attempts to exclude certain French com-
panies involved in other digital markets from these taxes. Such a shameless effort is awful policy under any circumstances, but threatening American innovators during the worst pandemic in several generations is a new low. Many observers, such as Grover Norquist of Americans for Tax Reform, have aptly pointed out the risks of retaliation and an escalating spiral of regulation as more and more countries seek to tax constituencies that have no political recourse.

Sure enough, last week, the European Union (EU) announced the interest of its countries in “going it alone” to impose digital taxes after the U.S. rejected the state of negotiations and pulled out of talks at the Organization for Economic Cooperation and Development (OECD). Comments by EU officials claim they seek to bring taxation into the 21st century, but, given the dearth of digital technology companies in Europe, such comments are clearly a thin veil covering attempts to slow American progress and penalize our innovators. American entrepreneurship, which sent astronauts into space a few weeks ago, can continue to thrive if the right environment for invention is preserved. Imposing unfair and discriminatory taxes on high-technology companies will result in less innovation. Thankfully, earlier this month, the United States Trade Representative (USTR) announced investigations into digital taxes imposed by certain European countries. I heartily applaud the Administration’s strong efforts to push back appropriately on these unfair taxes and urge this Committee to actively join the fight.

Modifying FCC Marketing and Import Rules

Shifting from international concerns to the plight of domestic companies, I will conclude by discussing policies related to the import of electronic devices. Every stage in the process of bringing new electronic devices to consumers can be difficult and time consuming. Unfortunately, the Commission’s rules can unintentionally make this more onerous than necessary. Specifically, current FCC rules prohibit the pre-sale or conditional sale of radiofrequency devices, except to wholesalers and retailers. In other words, manufacturers must first seek and obtain the requisite equipment authorization from the Commission prior to marketing or selling the next new cell phone or other innovative device. The problem is that companies must expend incredible amounts of time and capital on processing and hardware development to gain approval for products that consumers may ultimately reject. On balance, consumers are harmed because of the lost productivity and investment that cannot be redeployed easily into products that they actually want. Similarly, FCC rules prevent the importation of devices that haven’t yet received FCC equipment authorization. There are exceptions for the very limited importation of devices for trade shows, testing and evaluation, and a few other specific uses, but without the ability to import a sufficient quantity of new products, retailers are prevented from adequately preparing for the launch of marketing campaigns and actual sales of approved devices.

To remediate these issues, I believe that we can make targeted changes in our marketing rules to allow equipment manufacturers to take orders for devices, and obtain financial commitments, before a device has received final Commission approval. This would allow them to gauge consumer interest before devoting extensive time and resources to final production. Market research pales in value compared to actual customers putting their money on the table. Also, this would help determine how many devices will be needed in the near-term to meet consumer demand, preventing both excess and under supply. While small and large manufacturers could gain, consumers will be the ultimate beneficiaries—of additional innovation, especially as 5G and the Internet of Things further expand.

At the same time, a reasonable solution for these import difficulties would be to adopt an exception to the import rules for purposes of device advertising and retail display preparation, similar to other uses that currently have such exemptions. This would give electronic device manufacturers the chance to keep a very limited number of physical devices on hand in retail establishments that clearly couldn’t be displayed, used, or sold without completing the FCC device authorization process, but that would be available to sell as soon as final authorization is received.

* * *

In conclusion, I thank the Members of the Committee for your attention and stand ready to answer any questions you may have.

Senator WICKER. Thank you very much, sir.
Commissioner Carr.
STATEMENT OF HON. BRENDAN CARR, COMMISSIONER,
FEDERAL COMMUNICATIONS COMMISSION

Mr. Carr. Chairman Wicker, Distinguished Members of the Committee, thank you for the opportunity to testify. It's a privilege to appear before you with my FCC colleagues.

Since we last testified, the country has been seized by a pandemic that has seriously altered Americans' lives. Our daily routines, driving to work, sending our kids off to school, even catching up with friends were upended. Staying at home prompted us to recreate these routines online in an instant. That sudden massive transition made our Internet connections more important than ever.

With so many Americans relying on the internet, it was incumbent on providers and the Commission to ensure continuous quality service. I'm proud of our efforts to meet the moment.

First, the private sector and regulators joined together to make sure that pandemic-related financial stress and our own support rules did not cutoff service when Americans needed it most.

Chairman Pai's Keep Americans Connected Pledge opened up free Wi-Fi hot spots and kept families online through job disruptions. We cleared the way for providers to donate tablets so kids could learn from home, waived the lifeline rules, and provided flexibility for services vital to the deaf and hard-of-hearing.

Second, we tracked the surge in network traffic and took steps to expand capacity. With the pandemic, Internet traffic spiked about 25 percent on fixed networks and around 20 percent on mobile ones.

Throughout all of this, America's networks fared exceptionally well. Other countries weren't so fortunate. Their networks strained to maintain quality and speed. In Europe, officials asked Netflix to reduce their video quality, yet our networks showed no significant degradation in speed or latency.

In fact, U.S. wireless networks saw speed increases. By contrast, China saw up to a 40 percent reduction in speeds, joining many other countries that experienced significant declines.

America's networks performed because of the private sector's massive investment in our Internet infrastructure. In 2018, for example, America's wireless providers invested 70 percent more per subscriber than their counterparts in Europe. In 2019, our wireline providers built out more miles of high-speed fiber than ever before. Those investments increased speeds and pulled families across the Digital Divide.

All of this investment is especially important to advancing 5G. The very first commercial 5G service launched here in the U.S. in 2018 and today, 5G networks are live in 381 communities across the 50 states, making us home to the world's leading 5G platform.

The network's performance under stress, the 5G build-out, all of this investment didn't happen by chance. They are fostered by a light touch regulatory approach to infrastructure.

At the Commission, I've led our infrastructure modernization efforts. We updated Federal historic and environmental rules for small cells. We built on common sense reforms adopted by states and just 2 weeks ago, we acted to expedite the upgrade of thousands of towers to 5G.
While wireless towers are being upgraded to 5G, there’s another wave of upgrades happening on broadcast towers, the upgrade to ATSC 3.0. It’s a new standard that allows broadcasters to offer 25 megabit per second download speeds over the same powerful spectrum that Americans now use for TV. These new broadcast Internet services could be used for everything from smart ag to connected cars. So I was pleased the FCC voted this month to promote the nationwide development of those services.

Whether we’re discussing broadcast Internet or upgrading towers to 5G, Americans care about these investments because of the life-changing services delivered over those networks and few services can be more life-changing than telehealth.

On a trip to Mississippi with Senator Wicker, I first learned about a new trend in telehealth toward connected care. Now back then, we had no idea how important providing care at a distance would be but because of the leg work we started after that visit, the FCC was able to stand up a COVID–19 telehealth program in record time that built on the lessons we learned in Ruleville, Mississippi.

Finally, after discussing our work to accelerate infrastructure investment, I’d be remiss if I didn’t update you on our efforts to secure those networks.

As you know, we prohibited subsidized gear from untrusted vendors from going into our networks. We’re looking at removing any such equipment that made its way into our networks and we’re considering whether to revoke the authority of certain carriers to connect to our networks.

As Congress considers additional action, one step I recommend is to promote the swift transition to software-based networks or O-RAN which will advance our national security goals while decreasing the costs of building out networks.

In closing, I want to thank you again, Chairman Wicker, Ranking Member Cantwell, and Distinguished Members of the Committee for holding this hearing. I look forward to your questions.

[The prepared statement of Mr. O’Rielly follows:]

PREPARED TESTIMONY OF HON. BRENDAN CARR, COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION

Chairman Wicker, Ranking Member Cantwell, and distinguished Members of the Committee, thank you for the opportunity to testify. It is a privilege to appear before you with my FCC colleagues.

Since we last testified, the country has been seized by a pandemic that has seriously altered Americans’ lives. Our daily routines—driving to work, sending the kids off to school, even catching up with friends—were upended. Staying at home prompted us to recreate these routines online in an instant. And that sudden, massive transition made our Internet connections more important than ever. With so many Americans relying like never before on their home connections, it was incumbent on providers and the Commission to extend and ensure continuous, quality service. I’m proud of our efforts to meet the moment.

First, the private sector and regulators joined together to make sure that pandemic-related financial stress and our own support rules did not cut off service when Americans needed it most. Chairman Pai’s Keep Americans Connected pledge opened up free Wi-Fi hotspots and kept families online through job disruptions. The Commission cleared the way for providers to donate computers and tablets so kids can learn from home, waived certain Lifeline rules so that under-resourced families wouldn’t lose wireless service, and provided flexibility for services vital to the deaf and hard of hearing. We also worked closely with providers that launched new programs to connect low-income families with high-speed services.
Second, we closely tracked the surge in network traffic and, when necessary, took steps to expand capacity to meet demand. In the first few weeks of the pandemic, Internet traffic surged about 25 percent on fixed networks and 20 percent on mobile ones. Peak usage, which normally hits a network around 9:00 PM local time, lasted longer and stretched into daytime hours. Network traffic not only spiked virtually overnight, it shifted at nearly the same time from urban centers to the suburbs. In addition to carriers’ own network management steps, we granted carriers special temporary authority to lease spectrum from other providers and offered some of the Commission’s licenses in inventory to augment capacity.

Throughout all of this, America’s networks fared exceptionally well. While our networks delivered high quality service despite elevated traffic levels, our friends in other advanced economies were not so fortunate. Their networks strained to maintain quality and speed. In Europe, EU officials asked Netflix and other streaming platforms to significantly reduce their video quality to prevent the continent’s networks from breaking. Australia made a similar request. Yet our networks showed no significant reduction in speed or increase in latency, according to independent measurements. In fact, U.S. wireless networks saw speed increases despite the significant jump in data usage. By contrast, China saw up to 40 percent reductions in download speeds, and countries all across Europe and Asia also experienced significant declines.

America’s networks performed because of the private sector’s massive investment in our Internet infrastructure over the past few years. In 2018, for example, America’s wireless providers invested over 70 percent more per subscriber than their counterparts in Europe. In 2019, telecom crews built out more miles of high-speed fiber than ever before—over 450,000 route miles, which is enough to wrap around the Earth over 18 times. All of that fiber and new investments have increased speeds and connected more families. This benefits all of us whether or not we’re in a sudden pandemic. Indeed, since 2016, speeds are up about 85 percent, and the digital divide narrowed by about 30 percent between 2016 and 2018.

This private sector investment is especially important to advancing 5G. Industry estimates that it will invest $275 billion into upgrading our wireless networks to 5G. That money already has been put to work. The very first commercial 5G service launched here in the U.S. in 2018. By the end of that year, the private sector extended 5G to 14 communities. Halfway through 2019, that figure expanded to more than 30. And today, 5G networks are live in 381 communities across all 50 states, making us home to the world’s leading 5G platform.

The networks’ performance under stress, the 5G build out, and all of this investment don’t happen by chance. They are fostered by a light-touch regulatory approach to infrastructure. It’s an approach that emphasizes clear rules that keep pace with changing technology.

At the Commission, I’ve led our infrastructure modernization efforts. Together, we updated the Federal historic and environmental rules that were needlessly delaying the build out of high-speed small cells. We built on the commonsense reforms adopted by the states and reined in outlier conduct. We streamlined the process for swapping out utility poles to add wireless equipment, among many other reforms.

And in our last Commission meeting just two weeks ago, we took action to encourage upgrades of existing wireless towers. In Section 6409 of the Spectrum Act, Congress codified a commonly held view: adding new equipment to an old tower is much less involved than building a new tower from scratch. And so if an upgrade to an old tower doesn’t substantially change the tower’s physical dimensions, the upgrade shouldn’t go through a lengthy review process. Our rules that originally implemented Section 6409 created a 60-day shot clock for local government approval, and we defined what counts as a “substantial change.” In the six years since we wrote those rules, parties have come to different interpretations of what we wrote, and the varying views from local governments and industry have caused delays—exactly the thing Congress was trying to avoid by writing Section 6409 in the first place. This month’s order seeks to clarify our rules around the shot clock and “substantial change,” and in so doing, are expected to further expedite the upgrade of thousands of towers to 5G, including in rural and other remote communities.

While wireless towers across the country are being upgraded to 5G, there’s another great wave of upgrades happening on broadcast towers—the upgrade to ATSC 3.0. It’s a new standard that allows broadcasters to do more with their signals by transmitting in Internet Protocol, or IP. Much of the attention on ATSC 3.0 has focused on what it can do for TV, including transmitting Ultra HD video and allowing content to be personalized to a household. But focusing solely on better video misses the technology’s full potential. By transmitting the data as IP and remembering that broadcast channels are spectrum, we can reconceptualize what this technology can be used for. This technology looks less strictly like refined broadcast TV and...
begins to look more like Broadcast Internet. Every broadcast channel using this standard has about enough spectrum to transmit 25 Mbps over the entire coverage footprint of its tower. That’s the equivalent of a new broadband link down to every household that station serves.

What could we do with this new Broadcast Internet pipe? For telemedicine applications, IoT, and smart ag, Broadcast Internet’s broad coverage could push data over a large area. For autonomous vehicles, the service could send targeted map and traffic data or provide fleet-wide software updates. And for many families, it could mean another option for high-speed downloads—from movies to applications—delivered over the same spectrum that they’ve long used for over-the-air television.

Given all of this potential, I was pleased that the Commission unanimously approved an order this month to ensure that Broadcast Internet services are not weighed down by legacy media regulations. Our decision makes clear that broadcasters and other innovators can offer Broadcast Internet services nationwide without triggering the FCC’s TV station ownership rules. That certainty should encourage more investment and development of this technology.

Whether we’re discussing Broadcast Internet or upgrading towers to 5G, Americans care about these improvements most because of the life-changing services delivered over these networks. And few services can be more life-changing than quality healthcare.

For years, the FCC has played a key role in supporting the build out of high-speed Internet services to health care facilities. And that important work will continue. But there’s a new trend in telehealth. The delivery of high-tech, high-quality care is no longer limited to the confines of connected, brick-and-mortar facilities. With remote patient monitoring and mobile health applications that can be accessed right on a smart phone or tablet, we now have the technology to deliver high-quality care directly to patients, regardless of where they are located. It’s the health care equivalent of shifting from Blockbuster to Netflix.

I first learned about this new trend on a visit to the University of Mississippi Medical Center (UMMC) with Senator Wicker. That’s when UMMC professionals explained how they launched a connected care pilot program in the Mississippi Delta to improve the lives of patients with diabetes. That program showed great results for the patients and significant cost savings compared to traditional care methods. Since then, I’ve been working with my colleagues at the Commission to create a nationwide program that builds on the one UMMC pioneered.

Back then, we had no idea how important providing care at a distance would be in today’s pandemic. But because of the leg work we started after my first visit to Mississippi, we were able to stand up a COVID–19 telehealth program in record time; it was a matter of days from the time President Trump signed the CARES Act to an FCC order. That program has made an impact in a very short time. So far, we have approved 367 applications for over $128 million, with tens of millions more likely to be released in the coming months.

Finally, after discussing the efforts the Commission has made to connect Americans and spur infrastructure investment, I would be remiss if I did not update you on our efforts to secure those connections and infrastructure. As you know, in November, we banned USF support from being used to purchase equipment from certain untrusted vendors. I thank Congress for its strong support of that action and its consideration of additional measures to make sure that insecure telecom equipment in our networks does not threaten our national security. That proceeding remains open, and as you may also know, we separately have been examining the interconnection authorizations that years ago were granted to a number of providers that may be owned and controlled by the communist regime in China. I am pleased that the FCC is now taking a hard look at those authorizations.

These actions and investigations have confirmed the urgency with which we must secure our networks. In refining our security strategy, many have pointed out that for some critical network components, we do not have a home champion—an American company that provides an alternative to an insecure foreign competitor. Instead of creating or acquiring a champion to compete with the foreign components makers, the Open Radio Access Network (O–RAN) concept has begun to gain traction. The central idea is to standardize components of the radio access network and allow them to be built by competing firms instead of a fully-integrated RAN in one company’s control. Because the components of the RAN do not have to be built and integrated by one company, the higher functionality moves from the hardware components to the software running on it. Having a more software-driven RAN plays to an enduring American advantage in software development and security—and it has the upshot of likely lowering the costs of building out networks over time. This trend towards software-based networks will advance our network security goals as well as infrastructure investment. So as Congress considers infrastructure initia-
tives, it should continue to promote policies that will support and speed the transition to software-based networks.

* * *

In closing, I want to thank you again Chairman Wicker, Ranking Member Cantwell, and Members of the Committee for holding this hearing and for the opportunity to testify. I look forward to continuing to work with the Committee on policies that can accelerate the buildout of broadband networks for the benefit of the people we serve. I welcome the chance to answer your questions.

Senator WICKER. Thank you. Thank you very much. And now we recognize Commissioner Starks.

STATEMENT OF HON. GEOFFREY STARKS, COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION

Mr. STARKS. Chairman Wicker, Ranking Member Cantwell, and Members of the Committee, thank you for inviting me here today. It comes at a historic moment.

So far, more than two million people in the United States have been infected with COVID–19. Over 119,000 have died. Unemployment has hit its highest level since the Great Depression and millions of children have missed months of in-classroom education. All of this has profound implications for the FCC and I look forward to discussing that with you.

Today, however, I also want to shed light on an additional perspective in my remarks by speaking not only as an FCC Commissioner but as an African American father of two young children who deeply cares about my country and my community.

The civil protests of the last few weeks have sparked a movement that has centered on the black experience in America. Each of us has our own unique personal narrative about being black in America, but there’s also a common story, a shared experience, a collective thread, and over the last few weeks, a tighter bond has formed through shared emotions: fear, frustration, and, most of all, of course, hope.

Last week, alongside civil rights leaders Reverend Al Sharpton, Mark Morial, Vanita Gupta, and Maurita Coley, I published an op-ed on broadband in America with a particular focus on communities of color. Our historic failure to close the Digital Divide has had a devastating impact on American communities of color, both rural and urban, which the coming months and years will magnify exponentially without a more urgent and successful intervention.

In 2020, black Americans and other people of color are still by a wide margin significantly less likely to have a home broadband connection than their counterparts. They have frequently worked around this issue by searching for libraries, restaurants offering free Wi-Fi. The pandemic has changed these fundamentals.

Shelter-in-place orders and closings have restricted and foreclosed completely in many instances the broadband access many of these public places and spaces provided and classrooms and workplaces have moved online to virtual settings. Our longstanding Digital Divide has morphed truly into a monstrous COVID–19 divide.

A few thoughts. Access to high-quality broadband is a civil right we cannot afford to lose but one that many cannot afford to have. We must focus on affordability as an access issue.
Even before the pandemic, more than 18 million American households did not have broadband at home simply because it is too expensive and with unemployment at Great Depression levels and people trying to decide whether they have enough money for groceries or for rent, this problem has undoubtedly worsened.

There are a number of legislative proposals currently available for broadband connections and devices for low-income families and the newly unemployed and I cannot overstate how I believe that these efforts are essential to connecting and empowering all Americans.

For my part, within the Commission’s authority, I have also long advocated that we require rural providers who build out with Universal Service dollars that they offer an affordable broadband option.

The Lifeline Program remains disappointingly underused and its benefits do not meet the needs of low-income consumers in this era of social distancing. The FCC must coordinate with agencies that administer services, like SNAP or Medicaid, that determine eligibility for lifeline programs to ensure low-income communities learn about it and avail themselves of its benefits. Americans cannot afford for this government to work in silos and I’m thankful for the 40 Senators that signed a letter agreeing with that proposal, including many on this committee, and I’m thankful for Senator Klobuchar’s leadership on the congressional push for interagency coordination to increase lifeline enrollment.

We should also increase the data and voice offerings that lifeline covers to meet connectivity needs of our low-income subscribers during this public health crisis.

We also need to focus on our youngest learners. Millions of students across the country remain disconnected, even though they spent this spring in-home classrooms away from school grounds. E-Rate must meet the demands of the moment and to respond to the ongoing need for distance learning, we should permit schools to offer broadband connections, including hot spots, to their students.

The outlook for school reopening for the fall remains opaque. So this issue is not going away.

I’m making my own investments in these issues. Earlier this month, I announced my Digital Opportunity Equity Recognition, a DOER Program, and with the help of an advisory board of digital equity champions, I plan to recognize organizations, companies, individuals who have helped to make quality affordable broadband service available to unserved or underserved communities with a particular focus on responding to the challenges of COVID-19.

The alarming and predicted impacts of COVID–19 make clear that the American people can no longer wait for connectivity. Inspired by the fierce urgency of now and guided, of course, by hope, I want to make sure that all communities have access to affordable and reliable broadband.

If we do and work together, I know we will create a better country for all Americans.

Thank you for inviting me here today. I look forward to your questions.

[The prepared statement of Mr. Starks follows:]
Chairman Wicker, Ranking Member Cantwell, and members of the Committee,
thank you for inviting me to today’s hearing. It comes at a historic moment. So far,
more than 2 million people in the United States have been infected with COVID–
19 and over 119,000 have died. Unemployment has hit its highest levels since the
Great Depression. Millions of children have missed months of in-classroom edu-
cation. And Americans across the country have exercised their constitutional right
to demonstrate for justice. Even as the Commission continues its regular work, this
is no time for business as usual.

We must help combat the pandemic by connecting as many Americans as possible
to high-quality, affordable broadband service, as quickly as possible. Even as many
of us have taken our daily activities online, tens of millions of Americans have been
unable to access or cannot afford the home broadband connections necessary to ac-
cess telework, medical information, government resources, and distance learning.

Back in March, I called for a “connectivity stimulus” with roles for the Federal
government and the private sector. I called on Internet Service Providers to intro-
duce or expand their low-income broadband programs and eliminate their data caps.
In times of emergency, no American should go without a connection because of cost.
I called for expansion of the Commission’s Lifeline program and for temporary waiv-
ers to put underutilized spectrum to work. I’ve been happy to see many of these pro-
posals implemented, and I appreciate the hard work of the Chairman, Commission
staff and industry to respond to this emergency. I also thank Congress and this
Committee for funding essential COVID–19 telehealth services.

But much more needs to be done. The Lifeline program remains dramatically un-
derutilized, and its benefits do not meet the needs of low-income consumers in this
era of social distancing. The FCC must coordinate with agencies that administer
services like SNAP or Medicaid that determine eligibility for Lifeline to ensure low-
inecome communities learn about this critical program. Americans cannot afford for
the government to work in silos, and I’m thankful for Senator Klobuchar’s leader-
ship on the congressional push for interagency coordination to increase Lifeline en-
rollment. We should also increase Lifeline’s voice and data offerings to meet the
connectivity needs of low-income subscribers during this public health crisis.

E-rate also needs a fresh look. Students across the country spent this spring in
home “classrooms” away from school grounds. To respond to the ongoing need for
distance learning, we should permit schools to offer broadband connections, includ-
ing hotspots, to their students. The outlook for school re-opening for the fall remains
opaque, so this issue isn’t going away.

We mustn’t forget our seniors, who’ve been among the hardest hit by this pan-
demic but are among the least connected. According to the Pew Research Center,
only 53 percent of Americans 65 and older own a smartphone, and nearly one-third
of seniors never go online at all. I’ll never forget my visit last year to Boston’s
Roxbury neighborhood, where I met Ms. Eleanor, a senior who participated in the
library’s “Tech Goes Home” program, which trains residents to use the Internet and
helps them purchase affordable laptops and home broadband service. Thanks to this
program, Ms. Eleanor can enjoy her favorite new activity at home with her first
laptop—learning to line dance by watching online videos. During the pandemic, the
ability of our seniors to safely connect is much more serious. We owe it to our sen-
iors to connect them to broadband and offer the training and tools necessary to
make the most of those connections.

Finally, last week, alongside civil rights leaders—Reverend Al Sharpton, Marc
Morial, Vanita Gupta, and Maurita Coley—I published an op-ed on broadband in
America, with a particular focus on communities of color. Our historic failure to
close the digital divide has had a devastating impact on American communities of
color, both rural and urban, which the coming months and years will magnify exp-
enentially without more urgent and successful intervention. In 2020, Black Ameri-
cans and other people of color are still, by a wide margin, significantly less likely
to have a home broadband connection than their counterparts. They have frequently
worked around this by searching out libraries or restaurants offering free Wi-Fi.
The pandemic has changed these fundamentals—shelter in place orders and closings
have restricted or foreclosed completely the broadband access many of these public
spaces provided, while classrooms and workplaces have moved to online virtual set-
tings. Our long-standing digital divide has morphed into a monstrous COVID–19 di-
vide.

Now more than ever, the FCC must stay focused on this work—as opposed to Sec-
tion 230—as its top priority. The alarming current and predicted impacts of
COVID–19 make clear that the people we all serve can no longer wait for
connectivity. I’m making my own investments to respond to these issues. Earlier this month, I announced my Digital Opportunity Equity Recognition, or DOER, program. With the help of an Advisory Board of digital equity champions, I will recognize organizations, companies and individuals who have helped make quality affordable broadband service available to unserved or underserved communities, with a particular focus on responding to the challenges of COVID–19.

Thank you again inviting me today. I look forward to your questions.

Senator WICKER. Well, thank you to all of you for excellent testimony.

Let me say we need to do everything we can for distance learning. At the same time, we need to get this economy open and we need to get schools opened. Nothing can take the place of that and that ought to be one of the major priorities of this Congress and this Administration to get our elementary and secondary institutions open so parents can go back to work and kids can go to school where educators are taught and trained to do the best job of teaching and we need to get our colleges and universities opened.

So thank you for your effort there, but the main solution is a broader solution.

We’ve got a lot to discuss. Chairman Pai, Commissioner Rosenworcel is concerned that we’re not going to get the Broadband DATA Act information in time for two important events: the RDOF, Rural Digital Opportunity Fund, and then the 5G Fund.

I think you said recently that we can get that information in months rather than years, which is an optimistic and welcomed statement on your part.

So I’m going to let the two of you discuss this, but respond to her concerns and on the RDOF, the first step of the application begins in a week or two, July, and then it’s going to be here before we know it.

What do you say to her point that we’re going to be doing that blind without new information on the Data Act?

Mr. P AI. Mr. Chairman, I would say that that concern is misplaced. Phase 1 of the Rural Digital Opportunity fund focuses on unserved areas, areas that we know, especially after the challenges that we received, do not have any service according to the maps, any map that you look at, and so to me at least for those millions of Americans who are on the wrong side of the Digital Divide, who we know are on the wrong side of the Digital Divide, it is not adequate for me to say they should be denied digital opportunity potentially for months or even years while we figure out the mapping in partially served areas.

That is what is at stake here, Point Number 1. Point Number 2.

Senator WICKER. Please hold that point, though. Commissioner Rosenworcel, that makes sense to me. We know that these areas in the RDOF are unserved.

Ms. ROSENWORCEL. So I want to point something out to you. We’re making it a choice between speed and accuracy. I think the government needs to do both and let me talk a little bit about accuracy.

The nation’s largest broadband providers came together and assessed how accurate our data was. What they found was that 38 percent of the homes and businesses that our data say have service today do not. That’s an error rate of two in five.
Senator WICKER. OK. But with——

Ms. ROSENWORCEL. We're going to hand out billions of dollars based on that data——

Senator WICKER. But with regard, though, to the RDOF areas, we know they're underserved, don't we?

Ms. ROSENWORCEL.—but here's the problem. The bulk of Americans without service today are in areas that are on the outskirts of suburbs, on the outskirts of exurban America, and our maps say those people have service when they do not, and the problem is——

Senator WICKER. Are they subject to the RDOF?

Ms. ROSENWORCEL.—one week before the selection, we are poised to give out $16 billion based on maps we know are wrong. That's 80 percent of the funds for the next 10 years we have.

To me, I don't think we have any business giving out that much money without first making some effort to fix our maps that we know are wrong.

Senator WICKER. OK. What's your suggestion?

Ms. ROSENWORCEL. Here's what I suggest. I respect what the Chairman said about trying to move fast, but I don't think giving out 80 percent of our funds for the next 10 years when we know our data is wrong is the right number.

I think we have to reserve far more of those funds for a time when our maps are correct and accurate because if we don't, we will not have funds to get to every American. We will leave people behind.

Senator WICKER. We have groups and citizens contacting us saying we need to speed this RDOF up and make it even earlier.

Ms. ROSENWORCEL. And, you know, I——

Senator WICKER. Aren't you——

Ms. ROSENWORCEL.—also lots of people——

Senator WICKER.—saying that we——

Ms. ROSENWORCEL.—reaching out to me telling me when I look at the FCC map, it says I have service when I don't and as a result, I can't get service in my community, in my home, and in my business. Again, an error rate of two in five.

Senator WICKER. Well, I was hoping——

Ms. ROSENWORCEL. It's not the kind of data we should give out billions of dollars from.

Senator WICKER. I was hoping, Commissioner Rosenworcel, though, that you would answer the question rather than making a speech.

Are these areas that are subject to the RDOF among those suburban areas that you're talking about?

Ms. ROSENWORCEL. No, I think they're the areas that we more conclusively know there is not service today.

Senator WICKER. OK.

Ms. ROSENWORCEL. And I agree we should move ahead and do something fast, but I think taking 80 percent of our funds for the next 10 years and doing this without fixing our data is a mistake. We should find a way to be both fast and accurate.

Senator WICKER. Well, OK, how do we get the Broadband DATA Act complied with more quickly, Mr. Chairman?

Mr. PAI. Well, the FCC needs funding to be able to do that. 65 million just for startup costs in the first year alone. Otherwise it
is an unfunded mandate and I’ve said repeatedly we need money before maps and I think what you just heard was an implicit concession that without it, those Americans, Americans I’ve met in places like Capon Springs, West Virginia, and the Gulf of Mississippi, and in other poor towns across this country, they will have to wait potentially for years unless and until Congress gives us funding and we stand up the systems to determine what suburban areas might be partially served, and I think digital opportunities should not be denied to those Americans who are on the wrong side of the divide by any metric we use.

Senator WICKER. Well, it seems to me that we’ve mandated this and it is incumbent upon the Congress to provide the funds to get this going as soon as possible because it is an urgent need.

Mr. PAI. Yes, sir.

Senator WICKER. Thank you very much.

Do you two have dinner together?

Mr. PAI. Socially distant.

Ms. ROSENWORCEL. He’s keeping it lively for you.

Senator WICKER. Well, you’re both terrific and very articulate.

Who is next? Senator Klobuchar.

STATEMENT OF HON. AMY KLOBUCHAR, U.S. SENATOR FROM MINNESOTA

Senator KLOBUCHAR. Thank you very much, Mr. Chairman.

Thank you to all of you and thank you for your heartfelt words about what this pandemic has meant, particularly thank you to you, Commissioner Starks, to so many families across this Nation.

So Senator Cramer and I have a bill which I know you’re aware of which would create a major fund at the FCC to help providers, some of the small Internet providers that are the ones that are stepping in right now to help so many families, so students and low-income families can connect to work, school, and communities.

We now have 32 co-sponsors, including nine on this committee, Peters, Young, Baldwin, Duckworth, Sullivan, Tester, Sinema, and Rosen.

Chairman Pai, last week you sent a letter to congressional leaders requesting legislation to help ensure that nearly 800 broadband providers that signed the FCC’s Keep Americans Connected Pledge can continue providing service to consumers after the pledge expires at the end of the month.

You also state in your testimony that “these companies, especially small ones, cannot continue to provide service without being paid for an indefinite period of time.”

Do you agree that legislation like the one that Senator Cramer and I have introduced would help ensure that we can keep Americans connected?

Mr. PAI. I appreciate the question, Senator Klobuchar. There’s no question that some of the smaller providers that are the subject of your bill have endured significant losses in many cases, as we’ve heard, and I think your legislation is an important step in the right direction to make sure that from the consumer perspective they can continue to enjoy the services they’ve relied on the last 3 months.

Senator KLOBUCHAR. Thank you.

Commissioner Rosenworcel.
Ms. ROSENWORCEL. Yes, thank you for your leadership on this issue, and I agree with everything the Chairman just said.

Senator KLOBUCHAR. OK. Very good. Which I’m sure is always the case.

[Laughter.]

Senator KLOBUCHAR. Commissioner Starks, last week in your joint op-ed in *Essence* with the civil rights leaders that you mentioned, right,—

Mr. STARKS. Yes.

Senator KLOBUCHAR.—you called on lawmakers to improve connectivity for marginalized communities during this crisis and in the future.

We have a bill, Supporting Connectivity for Higher Education Students in Need Act, with Senators Hirono, Peters, and Rosen, to help the National Co-Communications Information Administration ensure that college students with financial need can access critical internet.

Do you believe that legislation would be helpful?

Mr. STARKS. Yes, Senator, I do believe that is extremely helpful legislation. I held an HBCU roundtable myself with presidents from HBCUs as large as Howard, FMU, to Morgan State and each of them also discussed how important this is going to be to make sure that Pell Grant students, students that are going back to their homes in rural areas, urban areas where there’s not connectivity, making sure that we’re thinking through that. It’s extremely important.

Senator KLOBUCHAR. You also mentioned the Lifeline Program and Senator Durbin, Marcia Fudge, NSU, and myself wrote a letter along with 140 Members of Congress urging the FCC to take action to make sure that they are aware of the help they can get to access the Internet and we know that this has always been an issue, but this pandemic has put a major magnifying glass on this problem.

What additional measures do you think are necessary to help close the homework gap and increase connectivity for students moving forward?

Mr. STARKS. Yes, and on that letter in particular, we know that only seven and a half million Americans are on Lifeline right now, whereas upwards of 38 million are eligible, and so it’s going to be increasingly important and what I called for was an MOU by the FCC to SNAP, to HHS, to other agencies that are prerequisites basically to get Lifeline. I think it’s going to be extremely important that those agencies be a part of this and the fact of the matter is that Americans cannot afford for our government to work in silos right now.

Senator KLOBUCHAR. OK. Thank you.

Ms. Rosenworcel, and I will ask some other broadband questions of the other two Commissioners, I didn’t mean to omit you, but this is about the merger of T-Mobile and Sprint. You know, I have opposed that and I’m very concerned that we have only three nationwide wireless carriers once this would go through and just very concerned about what’s happening with consolidation in general.

There’s a hearing going on unrelated to FCC matters right now but related in a bit of a way and it’s over in the House on whistleblowers and it involves some disturbing news on some of the anti-
trust investigations and political interference in them related to the cannabis industry and some other things but it's worth looking at that testimony. I was pretty shocked. That's how I started my day today.

And the reason it's relevant here is not that it involves the FCC but that the concern about any political interference in these merger decisions, and what do you think the impact will be of having only three nationwide wireless carriers on our country's ability to deploy 5G?

Ms. ROSENWORCEL. Thank you for the question. Consolidation is a problem throughout the economy. Less competition is less competition. That means higher rates and less innovation.

So we went from four to three major wireless carriers. When we went from four to three major airline carriers, I got baggage fees and smaller seats. The same thing's going to happen here and all I've seen to date are thousands and thousands of job losses. We should be concerned.

Senator KLOBUCHAR. OK.

Senator WICKER. Thank you,——

Senator KLOBUCHAR. Thank you.

Senator WICKER.—Senator Klobuchar.

Senator Fischer joins us remotely. Senator Fischer, you are recognized.

STATEMENT OF HON. DEB FISCHER,
U.S. SENATOR FROM NEBRASKA

Senator FISCHER. Thank you, Mr. Chairman. Can you hear me OK?

Senator WICKER. Absolutely.

Senator FISCHER. OK. Thank you very much.

Chairman Pai, Nebraska's one of several states across the country with its own Universal Service Fund and I think the Federal-state communication here is particularly important.

In the past, the FCC and the Nebraska Universal Service Fund has encouraged and supported projects in a very complementary way. As we look to the FCC's upcoming initiatives, I want to understand how today's FCC views that dynamic.

So, Mr. Chairman, do you believe that the FCC has effective ways to interface with state commissions for those that have the Universal Service Funds, such as both the state and Federal funds, so that both the state and the Federal funds are maximized for the most efficient use?

Mr. PAI. Thank you for the question, Senator, and I do hope that you can hear me.

The answer to your question is yes. In fact, the very first vote held after I became Chairman was to cement a partnership with the State of New York to make sure that Federal and state funds for broadband deployment in rural areas were working in concert.

Over the years since I've become Chairman, we've had cooperative relationships like that with other states, too, Pennsylvania, among others. In fact, just a week ago or 2 weeks ago, I had a great conversation with broadband leaders in Washington State about making sure that we are working in concert not just on rural broadband, but on things like E-Rate and tribal broadband to make
sure that we stretch every taxpayer dollar, whether it comes from the Federal or state level, as far as possible to close that Digital Divide.

Senator Fischer. We want to make sure that we don’t have duplication but we also want to make sure that we have very, very efficient coordinated efforts. Would you agree with that?

Mr. Pai. I couldn’t agree more, Senator. It’s important from the consumer perspective for all levels of government to be working together, not in silos and certainly not at loggerheads.

Senator Fischer. Right. I know Nebraska has a very dynamic, a very thoughtful and involved Public Service Commission, and so I hope that we can continue that partnership to be beneficial to the customers and the citizens of my state.

Also, Chairman Pai, due to the pandemic, we see students across the country that have had major shifts in their daily lives over the past several months in needing to complete their class work from home. Questions remain for if and how students will be back at school this fall. It’s going to place some extra stress on addressing both the affordability and the access challenges that they have for Internet connectivity.

So, Chairman Pai, in light of the pledge that’s going to be expiring next week, what policies do you see as most helpful in tackling these challenges for student households across the country?

I’ve had a couple roundtables with people in telecom providing services, with state officials, and with superintendents from districts across the state, and this is a deep concern.

Mr. Pai. Absolutely, Senator. That’s why 3 months ago, I sent a letter to Congress, including, I believe, members of this committee, urging the creation of a Remote Learning Initiative as part of the CARES Act, something similar to what Congress ultimately did with respect to telehealth in the COVID–19 Telehealth Program.

My vision is for Congress to give the FCC similar authority to be able to in a streamlined way direct this funding to the schools and the school kids who really need that connectivity.

In the meantime, we’re going to continue to pull out the stops with our existing authorities to make sure that we provide that connectivity to the maximum extent possible. We’ve relaxed the gift rules, for example. We’ve extended a number of deadlines. We want to work with school districts and also with the Department of Education because the CARES Act did allocate $16 billion of funding that can be used for education technology.

So we’re working with Federal and state officials to make sure that school districts are aware of that funding so they can use it certainly by the time school gets back in in the fall.

Senator Fischer. I really appreciate you taking this cause up and your leadership because you certainly understand the vastness when it comes to many of our states in this country while also recognizing the importance of access but also affordability which we see in many of our urban areas, as well.

So thank you.

Mr. Pai. Thank you, Senator.

Senator Fischer. I was pleased to see the recent announcement of funds going to medical providers in Norfolk and Omaha from the FCC’s new COVID–19 Telehealth Program.
Commissioner Carr, how has the structure of that program been successful, and what challenges have you seen with that?

Mr. Carr. Senator, thank you for the question and for your leadership on expanding telehealth. I had a chance to join you in Norfolk myself. So I’m glad to see that some of these funds are going there.

I was also on the remote Pine Ridge Indian Reservation which runs along the South Dakota-Nebraska border and saw where a mental health service provider was able to remotely deliver care for her location in Ballantine, Nebraska. So I think the program that we have at the FCC that we stood up very quickly is moving hundreds of millions of dollars, ultimately I think we’re at a 150 million so far today, out into the health care system. I think it’s a great result, and I’m really pleased with the progress we’re making on that front.

Senator Wicker. Thank you.

Senator Fischer. On your findings, are those being recorded, and can they be applied to the FCC’s other efforts that you’re working on with telehealth?

Mr. Carr. That’s right. Well, the new wave of telehealth applications that are going to open up for a longer-term 3-year pilot program, I think there certainly will be lessons learned from this emergency COVID-19 that we can apply in that context, too.

Senator Fischer. Thank you very much.

Senator Wicker. Thank you.

Senator Fischer. Thank you, Mr. Chairman.

Senator Wicker. Thank you, Senator Fischer.

Senator Blumenthal.

STATEMENT OF HON. RICHARD BLUMENTHAL,
U.S. SENATOR FROM CONNECTICUT

Senator Blumenthal. Thanks, Mr. Chairman. Thank you all for being here today and all that you’re doing.

Chairman Pai, I hope you and the Commission have some sense of the urgency and impatience of this committee on Homework Gap, which is rapidly turning into a homework chasm.

In Connecticut, students, many of them lost a semester that will be very difficult for them to recover and if they lose another semester in the fall, it will seriously and irreparably harm their education.

So this homework chasm is turning into a national scandal and I would like to know why the FCC is unwilling apparently to waive the E-Rate rules to allow schools to use their funds to provide devices and connections for students.

I recognize you’ve done some on the gifts. I know that you’ve taken some very limited and narrow steps, but why not go farther to waive those E-Rate rules?

Mr. Pai. Thank you for the question, Senator. The answer is the law. We can waive a rule. We cannot waive a statute and the statute clearly says that E-Rate can only subsidize services delivered to classrooms. It uses that specific term.

That’s why in the context of the CARES Act when it was being developed, I strongly urged Congress, give us the authority to set
Senator B. LUMENTHAL. You know, on March 16, Senator Markey and I led a letter with 16 of our Senate colleague saying, in effect, the FCC could do it under your present authority. You disagreed. Commissioner Rosenworcel, what do you think?

Ms. ROSENWORCEL. I think we need to meet this moment. In 2011 and 2012, we used the E-Rate Program to help connect disconnected kids at home. There is a reference to classrooms but those classrooms are now online.

In addition, there are references to using additional services for educational purposes and we have forbearance authority under Section 10. We're tying ourselves in knots and by doing so, we're not helping students who really need to be connected.

Senator B. LUMENTHAL. Chairman Pai, I think the sense of this committee, as you've heard, is that the FCC has to do more, it has to do it more quickly, and it has to do it now, and I hope that you will heed that sentiment. I think that you have an obligation to the students of America to do it and to their families.

Let me ask you on the subject of authority. Would you agree with me that the FCC has no authority to do the kind of rulemaking that the President has ordered in his most recent Executive Order with respect to Section 230?

Mr. PAI. Senator, as you know, the Executive Order directs the NTIA to file a petition for rulemaking with the FCC and so I can't express a view at this time as to——

Senator B. LUMENTHAL. Well, your fellow Commissioners have.

Mr. PAI. I can't speak for them. I can only speak for myself and I would never opine about a petition for rulemaking that we have not yet received.

Senator B. LUMENTHAL. Will you commit to dealing with that NTIA petition in the coming weeks?

Mr. PAI. Senator, we haven't received any petition, so I can't——

Senator B. LUMENTHAL. Will you deal with it as quickly as you can after it's filed?

Mr. PAI. Senator, we will certainly follow the appropriate process that we do for such petitions.

Senator B. LUMENTHAL. Let me just say this Executive Order is plainly and blatantly simply an assault on the credibility and the legitimacy of the First Amendment and of your agency. It's directing you to do something that you simply do not have the authority to do.

If you care about your agency and you care about its integrity and authority, you will stand up for it and avoid the President's effort to engage you in retaliating against his political rivals, against tech companies who happen to be on the other side of issues from him, and I would like your commitment that you will, in effect, dispel the over-hanging threat to them and to constitutional rights that this Executive Order reflects.

Mr. PAI. Well, Senator, if you're asking for a substantive answer, I can't provide that. Of course, I'm not going to prejudge any petition for rulemaking, but what I will say is what I've said on every issue. I will always follow the law and follow the facts, nothing more, nothing less.
Senator Blumenthal. I'm assuming that everybody on this panel agrees that the Lifeline Program is an important and vital program. If you disagree, please raise your hand.

I'm assuming—and no one has. So let me go to the next question. I'm assuming you all would support more funding for it, as I have urged with a number of my colleagues. I led a letter with about 26 of them urging the leadership to allocate a billion dollars.

Do you agree that that is at least the additional amount that's necessary? Anybody disagree?

Commissioner O'Reilly? Why don't you turn on your microphone?

Mr. O'Reilly. Sorry. We're under a billion dollars in terms of spending, so I don't know how much more would be needed. I'm not against more money. I just don't know how much more we're talking about. So your number might be——

Senator Blumenthal. You're in favor of more money?

Mr. O'Reilly. If needed, absolutely. I voted for it in the past, but in terms of how much more, I can't tell you what the number is.

Senator Blumenthal. But you're the only one among the Commissioners who feels that you have any doubts that a billion dollars is necessary and thank you.

Mr. Carr. Senator, I would obviously defer to Congress on any bill they pass and be happy to implement it, but I join my colleague in saying there's not a specific number right now that I have in mind.

Senator Blumenthal. Are you telling this committee you have no idea how much more money is necessary for the Lifeline Program?

Mr. Carr. I'm saying I don't know if a billion dollars is the right number or the wrong number. It could be more, it could be less.


Members of the Commission are asked by our Technical Staff to turn on the microphone when you're speaking but to turn it off then after your answer is complete.

I think Senator Thune is next. You are recognized.

STATEMENT OF HON. JOHN THUNE, U.S. SENATOR FROM SOUTH DAKOTA

Senator Thune. Thank you, Mr. Chairman. Commissioners, thank you for being here. Thank you for all your service and in these days under extremely difficult circumstances but nonetheless lots of challenges we face as a nation and you guys are right in the middle of it.

Very quickly, Section 230 of the Communications Decency Act has been the subject of much debate and has garnered bipartisan interest.

Today, I'll be joining Senator Schatz in introducing a Platform Accountability and Consumer Transparency Act or the PACT Act, which is a bipartisan bill that will provide for more accountability and transparency for large tech platforms with respect to content moderation decisions.

The PACT Act includes two provisions put forward by the Department of Justice last week in its recommendations for reforming Section 230. The Attorney General has concluded that Section 230 is, and I quote, "ripe for reform."
For each Commissioner, yes or no, do you agree with the Attorney General that Section 230 is ripe for reform and would bipartisan congressional action be the most effective way to achieve this?

Mr. Chairman?

Mr. PAI. Senator, I can't give you a yes or no answer. It's an important debate, but I haven't formed a view on that particular question at this time.

Senator THUNE. OK, Commissioner.

Ms. ROSENWORCEL. Yes, and I believe congressional action is the only way to do this.

Senator THUNE. OK.

Mr. O'RIELLY. Yes.

Mr. CARR. It is ripe for reform, and I think all stakeholders in government, from the FCC to the Federal Trade Commission to the Department of Justice to Congress, all have a responsibility to look at their roles in updating and reforming the approach to Section 230.

Mr. STARKS. Yes, Senator, and I think that the way that Section 230 is currently written, the FCC does not have a role and I'm highly skeptical on that and I do think Congress is the right venue for any further dialogue, yes.

Senator THUNE. OK. Thank you. All right. Now you've got to work on your Chairman.

Last week, I introduced legislation that would provide additional funding to the FCC for the build-out of broadband networks to unserved areas. Would a framework like the one established under my Rural Connectivity Advancement Program Act make it easier for the FCC to utilize congressional dollars for broadband deployment? I'll start with you, Chairman Pai.

Mr. PAI. Yes, Senator, absolutely. It would help accelerate that rural broadband deployment in concert with some of the FCC's own initiatives, like the Rural Digital Opportunity Fund, and speeding up broadband deployment, I think, is the top priority of this Commission as well as this Congress.

Senator THUNE, Mr. O'Rielly?

Mr. O'RIELLY. Yes, absolutely.

Senator THUNE. All right. We got consensus there. I will direct this to Chairman Pai and Commissioner Carr.

In the United States, we've largely taken a light touch approach to broadband regulation by the Federal Government and because of that, we've seen investment in our fixed and mobile networks increase, which means more individuals can telework, students can utilize distance learning, and families can benefit from telehealth services.

Chairman Pai, could you speak to some of the tele-communications infrastructure reforms the FCC has recently taken to ensure that we continue to see more investment in broadband networks, and should Congress consider additional reforms, like the bipartisan Streamlined Small Cell Deployment Act, to spur more investments?

Mr. PAI. I would be happy to, Senator. As your question suggests, Commissioner Carr has played a leading role in this effort, but what I will say is that our recent Wireless Infrastructure Declaratory Ruling clarifying our Section 6409 rules I think is a good ex-
ample of trying to streamline the process to give wireless companies, infrastructure builders, and others the certainty they need to be able to build some of these next generation networks at scale.

Capital is fickle, talent is scarce, innovation doesn’t have to happen, and so the more difficult the regulatory system is for wireless infrastructure deployment, the less likely we are to get it and that’s why that was a step in the right direction, and it’s consistent, I would add, with the 3-years of infrastructure reforms that we have made, often with great heat taken, but ultimately over the last 3 months those strong networks have been proof of concept for our regulatory approach.

Senator THUNE. Commissioner Carr?

Mr. CARR. I think these infrastructure reforms, including the ones that you have championed in the Streamline Act, would continue and accelerate our efforts to close the Digital Divide, but, look, the trajectory that we’ve gone in this country over the last 3 years when it comes to building out Internet infrastructure is a marked contrast from the prior 8 years.

We wasted a tremendous amount of time chasing around partisan political agendas at the FCC rather than focusing on what matters, which is building out Internet infrastructure in rural America, and I think this pandemic has put telecom policy in a crucible and what comes out of all of this is that’s what we have to focus on, not partisan politics but on closing the Digital Divide, and that’s really where we’ve been the last 3 years and it’s paying off results. We’re not raising the mission accomplished flag yet but the Digital Divide is narrowing and speeds are increasing and the U.S. Internet infrastructure held up better than a lot of our global counterparts because of the investment that the private sector generated over the last couple years.

Senator THUNE. Hear hear. Very quickly, we’re seeing 5G networks deployed across the country, including in South Dakota. It’s going to require a combination of low band/mid band/high band spectrum.

The FCC recently held successful auctions to free up additional high band spectrum, but assuring that we have additional mid band spectrum is key to winning the race.

Chairman Pai, I appreciate your work on the upcoming C-band auction that is set to take place at the end of this year. Can you speak to the benefits of getting this spectrum to market quickly?

Mr. PAI. Absolutely, Senator, and because the satellite operators have accepted accelerated relocation, that spectrum will be available two to 4 years sooner than otherwise would have been the case and that means that American consumers will be ahead of the curve in enjoying 5G services.

American companies will get quicker access to this spectrum, one of the critical parts of the 5G airwaves ecosystem, and America will be ahead of the curve compared to other countries that are looking to seize the advantage when it comes to 5G.

C-band was critical to our efforts and I’m very proud of the work that we’ve done, thanks in part to you and Senator Wicker.

Senator THUNE. Thank you. Thank you, Mr. Chairman. Thanks to all of you for your service. Appreciate you being here.

Senator WICKER. Thank you, Senator Thune.
STATEMENT OF HON. BRIAN SCHATZ,  
U.S. SENATOR FROM HAWAII

Senator SCHATZ. Thank you, Mr. Chairman. Thank you to the Commissioners for being here.

I want to start with a follow-up question on the exchange, Commissioner Pai, that you had with Commissioner Rosenworcel.

She said that 80 percent of the $16 billion for broadband that is going to be deployed over the next 10 years will be decided upon this October and that it has a 40 percent error rate. Do you agree that those are the facts?

Mr. PAI. Those are not the facts. First of all, with respect to the 80 percent, that is the estimated cost of deploying to Phase 1 areas. If that budget is not met, those funds roll over into Phase 2. So it could well be lower than 16 billion, as was the case in the Connect America Fund Phase 2 auction.

Second, the 38 percent she’s talking about has nothing whatsoever to do with the unserved areas that are part of Phase 1.

Senator SCHATZ. So what’s the number?

Mr. PAI. In terms of the error rate or in terms of the——

Senator SCHATZ. Yes.

Mr. PAI. Well, again, the error rate has to do with partially served areas. Phase 1 has only to do with the unserved areas.

We’re talking apples and oranges here.

Senator SCHATZ. What’s the error rate?

Mr. PAI. I don’t know what the error rate exactly is. There is an estimate of——

Senator SCHATZ. So hold on, hold on. I know you can go five minutes on your own. I want to make sure I get my questions in here.

You don’t know what the error rate is. We’re asking you to get better fidelity on what the error rate is and the basic point Commissioner Rosenworcel is making is that, you know, measure twice, cut once, that this is a significant investment, that maybe it’s not 80 percent of the $16 billion, maybe it’s something less than that, but it’s certainly a significant chunk and certainly it is an incomplete picture as we deploy billions and billions of dollars.

Commissioner Rosenworcel, I want to give you a chance to respond to Commissioner Pai here.

Ms. ROSENWORCEL. Yes, thank you for the question. Again, we should have a policy that involves both speed and accuracy. That’s how we should spend Federal dollars, and I think the record reflects that we don’t have accurate data.

We say 18 million people don’t have broadband. There are other studies that suggest that number is 42 million or even 162. We just don’t know well enough to give out 80 percent of our funds for the next 10 years in October.

Senator SCHATZ. Thank you. Commissioner Pai, I want to follow up on Senator Blumenthal’s question regarding the definition of a classroom, and you and I have had a conversation about this, but it seems to me, and I’ve consulted with lawyers about this, that the definition of a classroom under the statute for E-Rate certainly could be captured by an online classroom, and I’m just wondering
why you have chosen to interpret this statute in the middle of a pandemic so narrowly because the consequences are so dire here. Why not allow E-Rate dollars to be used to provide more connectivity when brick-and-mortar classrooms are in lots of instances actually closed?

Mr. Pai. Senator, I share your frustration. That's why 3 months ago, at the inception of negotiations of the CARES Act, I urged Congress to give us additional authority and funding.

Senator Schatz. I got it. I got it. You wanted a statute to make it clear and now you have an opportunity to interpret existing statute in a way that doesn't run afoul of the law but actually provides more broadband and so do you have—can I get a commitment that you'll relook at this and consider the possibility that you have maybe a more narrow legal path but a path nonetheless to get this done?

Mr. Pai. I'm always happy to look at new legal arguments about this issue.

Senator Schatz. OK. We'll send that in. Finally, the CARES Act appropriated $200 million for telehealth. 46 states have received funding. Why has Hawaii, North Dakota, Montana, and Alaska not received an award at all?

Mr. Pai. Thank you for the question, Senator. The reason is because we've been applying objective level, county level data from Johns Hopkins University as the Department of Health and Human Services advised, and we're considering an area to be hard hit if the county where the lead applicant is located is in the 75th percentile of all U.S. counties for either confirmed cases or confirmed deaths.

Now the highest counties in the states that you mentioned—

Senator Schatz. So hold on. So the only criteria that you're using is current COVID rates during the time that you consider the application. I want you to know how absurd that is.

Number 1, obviously this virus moves across the country in unpredictable ways. So you might be a highly impacted county 1 month and then a low-impact county the next month.

The other thing is this is telehealth. This is about providing health care generally speaking, not just COVID-related health care, and every single part of this entire country has been impacted as every single hospital was told to, whenever possible, to utilize telehealth for non-COVID-related services.

So the idea that the only way a county or a county hospital can be hit is if it has got a high COVID rate is based on nothing at all, other than the objective to peg it to one set of data. That is not the intention of the statute and that is not fair to states and counties that have done a good job in managing this pandemic.

Mr. Pai. Senator, I understand your frustration, but again we've adopted objective criteria that are flexible to meet changing circumstances.

Senator Schatz. It's not an objective criteria.

Mr. Pai. For example, we gave an award to Yakima, Washington, because it's an emerging hot spot and they demonstrated that. If there are areas in Hawaii that meet that objective criteria, let me know, but we can't just give it out on a whim. We have to do it based on objective criteria.
Senator SCHATZ. So what I’m saying, Commissioner Pai, is that it is not an objective criteria to tie it exclusively to the COVID rate in a particular county. That’s not what the statute was for. That’s not what telehealth in hospitals is exclusively for.

I want you to understand that just because you tie it to one dataset doesn’t make it objective.

Mr. PAI. Senator, again, we’re relying on data from Johns Hopkins as advised by HHS and if we were to do anything other than that,—

Senator SCHATZ. I got your talking point. Everybody heard the Johns Hopkins talking point.

Mr. PAI. It’s not a talking point.

Senator SCHATZ. Yes. So what I’m saying—

Mr. PAI. OK. Well, we’re—

Senator SCHATZ. What I’m saying is—what I’m saying is that what you need to do is consider the possibility that the statute was not only about serving places with a high COVID rate.

Mr. PAI. Senator, if I did anything different, if I didn’t use objective criteria, I’d be criticized for picking winners and losers across the country and that’s not what I’m going to do. We’re going to base it on the expert opinion of those who had advised us to use these Johns Hopkins county level data across the country and be flexible to meet those adapting circumstances in places like Yakima, Washington.

Senator SCHATZ. I apologize, Mr. Chairman. I apologize to the Chairman for exceeding my time. I’ll send a letter.

Thank you.

Senator WICKER. Thank you. And yes, we’ll take other rounds and submit questions.

But let me ask you, Mr. Chairman. Was this decision made administratively? Was it made by a vote of the Commission?

Mr. PAI. The actual set up of the COVID–19 Telehealth Program was a vote of the Commission. The staff has been developing some of the criterias, of which one is relying on the county level data from Johns Hopkins University to reach that 75th percentile benchmark.

Senator WICKER. OK. And if the Committee will indulge me for a moment, Commissioner Rosenworcel, I just want to make sure, you’re not proposing that the RDOF be postponed, are you?

Ms. ROSENWORCE. What I am proposing is that we reconsider the sheer volume of dollars that we’re rushing out the door before we have more accurate data. Let’s calibrate so we have enough funds for the next 10 years to reach everybody. I think that should be our goal.

Senator WICKER. Would you change the scheduled RDOF in any way?

Ms. ROSENWORCE. I would certainly support us having Rural Digital Opportunity Fund opportunity in October, but I think giving out 80 percent of our funds for the next 10 years before we have better data is a mistake. I think we should actually identify how we can preserve some of those funds for a moment when we have a lot better data because leaving 20 percent for the next 10 years strikes me as likely to leave communities behind.
Senator WICKER. Chairman Pai, do you understand the proposal that Commissioner Rosenworcel is making?

Mr. PAI. No. Look, the answer to your first question was yes. I mean that is the argument, right, that we shouldn't do Phase 1 until the maps are perfect. That's not going to happen immediately. It's not going to happen in 2020 and so I think people who advance that view should own it, that we want to keep people we know are unserved on the wrong side of the Digital Divide until suburban areas or other areas are filled in with perfect color. That is not acceptable to me, Number 1.

Number 2, this whole distinction between Phase 1 and Phase 2 in terms of the budget is false. As I mentioned, if the budget is lower for Phase 1, those funds roll over into Phase 2 and, second, the Commission can always increase the size of Phase 2, if need be, to meet the circumstances. That's a decision for a future commission to make.

Senator WICKER. OK. Well, why don't I give Commissioner Rosenworcel 30 seconds and then I'll apologize to Senator Cruz and the two of you can supplement on the record.

Ms. ROSENWORCEL. Sure. At the end of the day, I think we have to have speed and accuracy together. For 2 years, you've been telling us to improve our broadband data and not to give out funds until we actually know with clarity where people have service and where they don't.

We know we have really high error rates in the data we have. I think we should do some funds fast but we've got to make sure that the bulk of them go out when we have accurate maps.

Senator WICKER. See if the two of you can supplement your answers on the record.

Senator Cruz, thank you for indulging the Chair. You are recognized for at least 5 minutes.

STATEMENT OF HON. TED CRUZ, U.S. SENATOR FROM TEXAS

Senator CRUZ. Thank you, Mr. Chairman. Thank you to each of you for your service. Thank you for being here.

I want to talk about the topic of big tech censorship, which is a difficult topic. I believe it is an incredibly important topic.

We have been seeing in recent years and recent months and even recent weeks growing assertions of power from big tech to censor, to shadow ban, to silence views with which they disagree.

Just within the last two weeks, we saw Google, at the behest of a foreign advocacy group, threaten to “demonetize” The Federalist, a conservative online journalistic outlet. The Federalist was told the reason they faced the threat of being demonetized was because of objectionable comments in their comments section. So nothing that actually anyone at The Federalist had written but, rather, third party users had put some, as far as I know, unidentified comments that Google found objectionable.

That policy is not a policy Google applies uniformly. Indeed, a quick search can show dozens of progressive journalistic outlets that have comment sections that have all sorts of nasty things being said that are not facing the threat of demonetization and indeed one doesn't need to look as far as a third party site.
YouTube, which is wholly owned by Google, any one of us can go on to YouTube comments right now and read a host of profane and racist and otherwise offensive comments on YouTube’s platform. Yet Google was not applying that standard to its own wholly owned and highly profitable subsidiary, but was instead applying it to The Federalist to force them to demonetize.

Now The Federalist ended up just pulling its comments section down because Google’s power is such that challenging the Star Chamber is almost impossible.

Yesterday, we saw Twitter decide to censor and block a tweet from the President of the United States that said that an autonomous zone, a lawless autonomous zone will not be allowed to be created in Washington, D.C., and if anyone attempts to do so, law enforcement will stop them. Google deemed the President pledging to protect public safety and stop the creation of a lawless zone in our Nation’s Capital, Twitter deemed that abusive and so put a content block on it.

Something else that complicates this challenge is there’s an utter lack of transparency. If one asks and I have asked representatives from Google, from Facebook, from Twitter, from YouTube over and over again how many posts are you blocking, how many posts are you throttling, are you just reducing the number of people who see them, they won’t answer that.

There are zero data that exist about comparative blocking. In other words, bias. I’ve asked the questions, very simple questions. We have two major political parties. I’ve asked each of them the question, how many posts from Republican candidates for office have you blocked? How many posts from Democratic candidates for office have you blocked?

We do know, for example, Twitter blocked my colleague Senator Blackburn’s launch video for Senate. So she’s a sitting candidate, a sitting member of the House running for Senate and Twitter deemed her launch video unacceptable and blocked it. They refused to answer these questions.

They then respond, well, there are no data showing our bias because the only source of the data is the black box of their internal file. No one else has that information but Google and YouTube and Facebook and Twitter. So much like the individual that kills his parents and then pleads mercy of the court because he’s an orphan, the absence of data is their direct creation because they refuse to answer these questions.

The FCC has recently been brought directly into this issue with an Executive Order from the President and I understand from comments earlier that at least some of you have concerns as to the extent of legal authority to address this.

This is a topic I’ve been deeply engaged in a long time and I will readily admit solving it is complicated. Part of the reason solving it is complicated is because it cuts across so many jurisdictional lines, that it doesn’t fit neatly into one silo. It doesn’t fit neatly into FCC or FTC or DOJ or Antitrust or Civil Division or Consumer Protection. It cuts across all of those lines and so I think our Federal Government is straining to figure out how to address this.

I want to start with just a question to each of you. Do you agree that it is a problem that a handful of Silicon Valley billionaires
have unfettered power to silence speech with which they disagree with no transparency and no accountability whatsoever for those decisions?

Mr. Pai. Yes.

Ms. Rosenworcel. Well, Senator, what I would start with is what I agree with you with, the absolute lack of transparency and also that social media is frustrating, but I think when it comes to the First Amendment, it’s there to protect all forms of media from government, not to protect government from all forms of media.

I think the Executive Order has it backward, but I would understand and support efforts of you, this committee, and Congress to try to revisit this law, but as you said, it is complicated.

Mr. O’Reilly. Yes, I believe the transparency is horrible and their positions and how they have treated different groups, specifically conservatives, has been absolutely horrible.

Mr. Carr. The Prodigy and CompuServ messaging boards of the day when Congress passed Section 230 have long since shed their swaddling clothes. They are now corporate behemoths Twitter, Google, Facebook. They have more power, more control over more speech than any other institution we’ve ever known in history.

This immense concentration of power and the application of it in an arbitrary way is something that those of us in government can’t look at and sit on our hands and do nothing. I think that’s why you’re seeing bipartisan consensus from Senator Blumenthal and the EARN IT Act to some words from FTC Commissioner Wilson to take action.

I think the status quo is no longer going to hold. I don’t think it can hold. I think we have a responsibility at the FCC to take a look at updating Section 230. I think the Federal Trade Commission needs to look at some of the unfair deceptive business practices and Attorney General Barr needs to look at some of the competition and antitrust issues at issue.

Mr. Starks. Thank you for the question, Senator. I do agree that this is a cross-sectional issue, that there are a lot of complications and a lot of heavy issues. What I would focus on is the First Amendment, which I do think prohibits the government from focusing on the speech of these companies.

What I would also really like to fixate on here is that what we really need to do in order to make sure that this does not cloud our elections, I have encouraged NTIA to bring the Executive Order to the FCC as quickly as possible so that we can have a vote amongst us. I again do not think that there’s legal authority. I’m happy to engage with my colleagues, but so that this does not overhang throughout our elections and have a dark cloud over online speech is something that I’m interested in making sure we do as quickly as practicable.

Senator Cruz. My time has expired. Let me make a very quick observation, which is, I look forward to working with each of you on this and Commissioner Rosenworcel’s observation about the need for transparency.

If the FCC were able to do one thing and simply provide real transparency so the American people can see how many people are being silenced, how many people are being shadow banned, who and what the relative ratios are, that would transform the ability
to address this problem and so transparency would be a very valuable thing to focus on.

Senator WICKER. Thank you very much, Senator Cruz.

Senator Cantwell.

Senator CANTWELL. Thank you, Mr. Chairman, and again apologize for my absence. I guarantee you all these issues are very important and very important to the state of Washington and to all of us.

I made in my opening statement comments about the homework gap, and so I want to come back to that. I know that my colleague from Hawaii brought this up, as well, but I think, Commissioner Rosenworcel, you know because you visited Washington State, you looked at both the education gap but also we focused a lot on the health care gap, too. So both of them are incredibly important, and I can see you were a little shocked when I said some of our numbers because you were thinking, wait, in Washington, you still have—yes, that's true, even in Washington, we can still have a gap.

So following up on what my colleague from Hawaii brought up, how can we address the E-Rate issue with the authority that you have?

Ms. ROSENWORCEL. Sure. We have adequate authority right now so that all of our Nation's schools could loan our W-Fi hot spots, routers, get every student connected at home. We got 50 million kids who were kicked out of the classroom but not all of them could go to online school.

So let's use the E-Rate Program to meet this moment. We've already used this authority back in 2011–2012. The statute mentions classrooms. Those classrooms are online. We also have forbearance authority to forbear from that to the extent the Chairman thinks it's an impediment. Let's not get tied up. Let's figure out to help students so no child's left offline.

Senator CANTWELL. So why aren't we doing this?

Ms. ROSENWORCEL. Well, despite my understanding of the statutes, I don't believe that I have convinced my colleagues, but I know that you are leading on a piece of legislation to compel this agency to use E-Rate and make sure every kid gets connected and I hope we can proceed and use the summer months to get it done.

Senator CANTWELL. Well, thank you. I couldn't agree more that we just can't afford this gap, just can't afford it, can't afford it. The crisis has brought into focus many inequities, but clearly the inequity by not having good broadband access for education is one of them. So I could say the same thing.

I think, Commissioner O'Rielly, you know, I know the Chairman's got a tough job. He's got to fit all these people in. So last week, we had a panel. Too many people on the panel to get the time in questions in, so I'm going to give you a question today.

Mr. O'RIELLY. Sure.

Senator CANTWELL. So last year, the international community rejected the FCC's inadequate protection for weather spectrum adjacent to the 24 gigahertz band. Instead, they adopted a more stringent protection based on sound science and analysis, and I was part of a bipartisan coalition of senators who believed the FCC had put that weather data at risk. We had many conversations about this with our colleagues.
So what is the FCC doing now to ensure that the domestic wireless companies will comply with these international interference protections, and will you commit to working with NASA and NOAA to ensure that these protections on interference are improved?

Mr. O’RIELLY. I'll always work with my Federal agencies and partners.

In terms of what we're doing now, we have the WRC proceedings that came that I was there in Egypt. At some point, they will be transferred into an FCC Order and we'll have a chance to consider it. They take a number of years to actually—you know, it takes a little bit of time to actually put before us.

We were voting on previous—you know, every 4 years, we were doing a couple of them, catch-up, during the Wheeler days. So it will take a little bit of time before they're adopted into our proceedings.

Senator CANTWELL. So you are going to adhere to those international issues that were brought up, saying that there was inadequate protection?

Mr. O’RIELLY. I will—we will put that into the item and have an opportunity to consider it at that time. That was the position of the United States and they agreed to it.

Senator CANTWELL. Commissioner Rosenworcel, can I ask you about this and the Ligado issue? I mean, why not go back—if so many people are involved now saying hold up, time out, like, you know, this is like all of these issues fighting around, I mean, shouldn't we listen to these international standards and make sure they're implemented? Shouldn't we look in the Ligado case and say, well, wait, wait just a minute, let's look at this?

I mean, to me, aviation safety is critical, and it bothers me to think that our aviation system of the future is going to be hampered if that also is not adequately addressed.

Ms. ROSENWORCEL. OK. So a lot there. The first was the 24 gigahertz band and I agree with my colleague. We're going to have to take the standards that were developed at the World Radio Conference, put them into our policies. I understand those to be more stringent in terms of protecting weather services than what the FCC initially proposed. We'll have to do that and because I believe those have the force of law, we should do that in short order.

With respect to Ligado, I want to be clear that I respect deeply the work of the FCC's engineers. They've worked on this issue for 10 years and so many adjustments and changes have been made over time, including an extraordinary reduction in power levels, a much larger guard band.

So I think their work is solid, but I also want to respect you and your point, which is, there's a lot of concern about the continuing viability of GPS as a result of this decision.

So I think balancing those equities and out of respect for you and your colleagues who have said that they're concerned about this, if the Chairman was interested in circulating a decision to us staying the decision we recently reached on the L-band, that would certainly be something I would support because we've got to iron this kind of stuff out if we really want to have a big and bold 5G future.

Senator CANTWELL. Thank you. Thank you, Mr. Chairman. I see my time has expired, and I don't know if our vote has started yet.
Senator WICKER. It has not started yet.
Senator Moran.

STATEMENT OF HON. JERRY MORAN,
U.S. SENATOR FROM KANSAS

Senator Moran. Chairman Wicker, thank you very much. Commissioners, thank you for being here.

I have the view that we have a very solid and impressive FCC and I appreciate all five of you. Particularly I believe the FCC is enhanced by the presence of two of my colleagues from Kansas.

Chairman Pai, let me start with you. Appropriations process, FSGG appropriates money for the FCC. As you know, as you’ve experienced, we take our oversight responsibilities pretty seriously, and you have been in front of our subcommittee numerous times now.

One of the things that I understand is that your staff, the FCC staff is working to provide our subcommittee with specific information on the FCC’s previous broadband availability data, data collection, and mapping efforts.

I just want to hear from you that you commit to me that this information will be provided to our subcommittee as soon as possible, quickly, as we begin the deliberations, as we continue the deliberations about appropriations for the ensuing year, and I want to make certain that we have that information and that there can be no complaint that the FCC hasn’t fulfilled its responsibilities to provide such information.

Can you commit that to me, Chairman Pai?

Mr. Pai. Yes, Senator. I know the staff has had a number of crosswalks and briefings with the FSGG staff and will provide you further information, as needed, as soon as we possibly can.

I know our Office of Managing Director is working on that particular issue that you raised in your question.

Senator Moran. Thank you very much. Chairman Pai, last week we discussed the FCC’s Keep America Connected Pledge. That pledge is with nearly 800 broadband providers.

I’ve had since then conversations with a number of Kansas providers. I think the expectation is that the COVID–19 consequences are lingering longer than perhaps expected and the amount of the resources that these companies are forgoing from their customers is increasing.

Based upon your conversations with providers, do you have suggestions for any future legislative package? Does the FCC have any recommendations for targeting Federal relief to those providers who are forgoing the payments from their customers? Are there certain size of broadband providers that need to be prioritized? Are there certain types of eligible services or recipients that Federal resources should be focused on, and is there a preferred method in distributing that Federal funding? Should Federal support be directly provided to the consumer or to the provider?

Mr. Pai. Thank you for the question, Senator. Obviously that is a really important topic and also a complex one and so if it’s OK, I’d like to follow up with you and your team and the Committee in more detail, but at a very high level, I think you’ve put your finger on the problem.
As illustrated in my colloquy with Senator Klobuchar, smaller providers in particular, I would say those below, say, two million subscribers, something like that, have incurred a great deal of cost which is disproportionate to them, given their smaller scale, and so I think it’s important as the pledge expires as we move into the post pledge transition for Congress to think about creative solutions to ensure that at the end of the day, those consumers who are with those smaller providers ultimately have seamless service.

I defer to Congress, of course, in the first instance as to what exactly that vehicle looks like, whether it’s a subsidy to consumers or to companies and the like, but I think it’s important for us to address this as soon as possible because a lot of these consumers, of course, continue to rely on connectivity during the pandemic.

Senator Moran. I appreciate Senator Klobuchar’s legislative attention to this issue. Let me see if any other Commissioners have anything they’d like to respond to that question.

Ms. Rosenworcel. I would just say that I agree with the Chairman on this. I think that legislation is important, it’s timely, and I hope that this committee and Congress acts.

Senator Moran. Anyone else?

[No response.]

Senator Moran. Let me highlight the FCC’s announcement yesterday. I’m a sponsor with another member of this committee, Senator Gardner, of a three-digit suicide hotline. Let me highlight and express gratitude to the FCC for the efforts that you are undertaking.

Would any of you care to speak to the importance of the transition deadline of July 16 applicable to all telecommunications carriers, and based upon your conversations with industries, are you expecting any challenges to get us to that point by that date, meeting that transition deadline?

Mr. Pai. Senator, I would be happy to take the first crack at it since I just circulated the Order to my colleagues yesterday, but based on the record, we believe that that two-year implementation deadline of July 16, 2022, was the soonest feasible, given the fact that we have thousands, if not hundreds of thousands of switches in the United States that need to be reconfigured or replaced, et cetera.

Industry wanted a longer period of time, 3 years or later, but to me at least, we need to match both the priority of this issue, suicide, as I mentioned, is reaching epidemic levels, with the technical feasibility, and so I wish in my heart it could be sooner but we believe that that 2-year transition period is the most appropriate one, given the facts in the record.

Senator Moran. Thank you. I appreciate again your attention to this issue. I serve as the Chairman of the Veterans’ Committee. This is an important issue for all Americans and I understand, Mr. Chairman, that I’m yielding back no time.

Senator Blackburn [presiding]. The gentleman yields back.

Senator Udall, you are recognized on remote.
STATEMENT OF HON. TOM UDALL,
U.S. SENATOR FROM NEW MEXICO

Senator Udall, Madam Chair and Ranking Member Cantwell, I want to thank all the members of the Commission for being here today.

The public health crisis and the resulting economic crisis caused by COVID–19 has put a spotlight on the work you do to connect Americans. Broadband service is more essential than ever for New Mexicans to stay connected to school, to medical and emergency services, work, social services, friends and family, and the Commission's role in protecting free speech and freedom of the press is especially important as protesters continue to call for justice reform.

Chairman Pai, as part of your confirmation hearing in July 2017, you pledged to this committee that you would speak out if the press were under attack. You also pledged to exercise your authority as Chairman of the FCC to regulate the media in an impartial manner, free of White House political pressure.

Setting aside the substantive Section 230 debate, we are talking about it because the President is engaged in high-profile feuds with social media companies. In light of the President's repeated threats to use government power against those he deems enemies of the people, this looks like a bad faith attempt to retaliate against criticism of the President.

On top of that, there are far too many examples of journalists being unconstitutionally restricted and physically assaulted and detained as they have tried to cover historic Black Lives Matter protests. There are dozens and dozens of documented assaults by law enforcement on journalists. If there is any time to speak up, it is now.

Chairman Pai, will you take this committee hearing as an opportunity to reassure us you will not buckle the White House demands on Section 230 and to speak out in support of press freedom to cover these protests?

Mr. Pai. Senator, not only do I reaffirm that commitment I made several years ago, but I have actually done that over the last couple of weeks, including standing up for local broadcasters who I said must be allowed to do their work free from attacks. I've also rejected the calls of some who argued that a television broadcaster should have its licenses threatened or even yanked because of disagreement with the political viewpoint it expresses. So the answer to your question ultimately is yes.

Senator Udall. Commissioner Starks and Commissioner Rosenworcel, during these times of crisis like this, we see just how important local journalism is. It's how people stay informed on local events and situations to keep their families and their communities safe.

What more must Congress and the FCC do to protect the First Amendment and increase support for local journalism?

Mr. Starks. Yes, thank you for the question, Senator, and I could not agree more, especially when we're talking about the coverage of the Black Lives Matters rallies, the civil rights movement that I see burgeoning right now. I agree that it's deeply important that we continue to protect all of our journalists.
To your point on Section 230, I do have some strong concern about what I see as a clear intention to influence social media companies in particular with regard to their coverage of political issues, especially in the upcoming election cycle.

Senator Udall. Commissioner Rosenworcel.

Ms. Rosenworcel. Thank you, Senator. I agree with what my colleague just said. Local news is really important. It tells us what we need to know about our lives, our community, and our country, and I think that the economic pressures on local media are significant right now and the FCC needs to spend some time looking through its rules to identify how we can sustain local media because we all need it. It’s essential for our democracy. It’s essential for our communities.

Senator Udall. Thank you. I want to align myself with my colleagues Blumenthal, Schatz, and the Ranking Member when it comes to the E-Rate and expanding access.

I also want to specifically thank Commissioner Rosenworcel for her work to close the homework gap and improve Wi-Fi access to students.

Commissioner Rosenworcel, I have a bipartisan bill that would make Wi-Fi hot spots on school buses eligible for E-Rate. The House infrastructure package includes similar language. You said that the FCC has the authority now to do something similar but you believe such a legislative approach will help close the homework gap in underserved areas.

Do you believe the Senate should consider such a bill?

Ms. Rosenworcel. Yes, we are heading into the next school year and we don’t know what it looks like. I say that professionally but also as a parent of young children. We’ve got to make sure every student can get online and go to class. We don’t want any of them locked out of the virtual classroom.

Senator Udall. Thank you. Yield back, Madam Chair.

STATEMENT OF HON. MARSHA BLACKBURN, U.S. SENATOR FROM TENNESSEE

Senator Blackburn. Gentleman yields back.

I want to welcome all of you and thank you all for being here. It’s been awhile since we’ve had you in front of us and I was sitting here thinking and, Commissioner Starks, you’ve not had the opportunity to hear me opine about the Browser Act and why we should have passed it years ago and give consumers control over their data, to protect their virtual you, and to put in place some guard rails being able to opt in, to opt out.

If we had done that, we wouldn’t be where we are today with the discussions on Section 230 and the need for greater transparency and the need for competition. So it shows the cost of not taking action and not having congressional action. So let’s hope that now we do move forward with reforming Section 230.

Let’s see. Chairman Pai, there has been some talk about the President’s Executive Order. So let’s go to that. Are you planning a comment process pursuant to this Executive Order?

Mr. Pai. Senator, per the Executive Order, the Department of Commerce’s NTIA is supposed to file a petition for rulemaking with
the FCC. If and when that happens, then we will follow the appropriate process.

Senator BLACKBURN. You do plan to follow through with that process?

Mr. PAI. Yes, we will follow that process.

Senator BLACKBURN. Absolutely. That sounds great. Let’s move on to the telehealth issue. I want to thank you all for the work that you have put into that.

As we’ve discussed when I was in the House, telehealth was considered a luxury and a convenience but what we found out in COVID was that it was something that was a necessity and very important to people that were suffering and had complex medical conditions. So thank you for the attention that you have put on that.

Let’s go to the broadband process and expanding broadband, which is vital. I agree with every comment that you all have said about the necessity for that, and I agree, Mr. Chairman, you were talking about the 6409 rules and beginning to relax and move things out of the way and Senator Baldwin and I have the Internet Exchange Act to put these data numbers in places. So that is something that we want to see moved forward, but spectrum is a part of this, also.

So, Commissioner O’Rielly, you’ve kind of had the lead on some of these things and we appreciate the outreach from you. Talk a little bit about what is on the horizon as we look at this mid-band spectrum recouping it. DoD has some. We know that other agencies, NTIA has got to do the inventory so that we can recoup and then we can auction. So speak to that.

Mr. O’RIELLY. We’ve done great work, I believe, in the high bands. We’ve also done great work starting on mid-bands. CBRS, C-band are already moving forward auction schedule, but it’s the future part, the pipeline, what’s next, 5 years look like and beyond. 3.1 to 3.55, which is being hotly fought over.

We have, you know,—there’s nothing else being worked on and that’s where I’ve been spending some time trying to talk to manufacturers and experts in this space. What else can we convert for commercial purposes? How can we reclaim spectrum? That does require difficult decisions with Federal agencies who are using it today.

Senator BLACKBURN. Commissioner Rosenworcel, I think you wanted to comment?

Ms. ROSENWORCEL. No, I agree with my colleague. Listen, we’re going to need to have more air waves to fuel our wireless future and right now we’ve got knock-down/drag-out fights between different Federal entities over what we can reclaim and what we can’t. We’re going to need a better way in the future. We’re going to need to figure out how to value existing Federal assets and then we’re going to have to figure out how to create some structured incentives so those Federal authorities see gain and not just loss from reallocation.

Senator BLACKBURN. Well, I think that as we look at the NDAA and last year with the NDAA, we had a Section 214 and we discussed some of this and finding a way to make the spectrum available is going to be essential.
Commissioner Carr, I want to come back to you on the issue of giving people the ability to air their grievances against big tech and one of the reasons we refer to it as big tech is because these are no longer infant companies. They’re not babies. They have grown up. They are some of the biggest that are there and the censorship that we see taking place in the virtual space is absolutely unprecedented.

So what I continue to hear from people is they want to see some kind of public comment period so that there is a way to air those grievances and Senator Cruz got on this issue a little bit, but I want you to speak to that, the importance of supporting a process where the FCC can have a notice of inquiry and allow the public to comment on what they’ve experienced at the hands of big tech.

Mr. CARR. Thank you, Senator. Thank you for your leadership on these issues. I think it’s time for all of us in government to look for not just greater transparency, which is important, but accountability for a lot of the arbitrary decisions we’re seeing across big tech, from Google to Twitter.

I’ll refer you to a public statement on Twitter’s website from one of their officials. They say, “The truth is we are impartial and believe strongly in impartiality. The Twitter platform doesn’t take sides. Diverse perspectives are treated equally so users can see every side.”

It’s hard to read those words with a straight face at this point and I think this is why a lot of people are calling for some accountability. I welcome the President’s Executive Order and I think we should move forward and provide the public an opportunity to comment on whether we at the FCC should engage in Section 230 reforms.

Senator BLACKBURN. Thank you. I yield back.

Senator Peters, you’re recognized for 5 minutes.

STATEMENT OF HON. GARY PETERS, U.S. SENATOR FROM MICHIGAN

Senator Peters. Thank you, Senator, for the recognition and to all of you, thank you for your testimony here today.

Commissioner Starks, I read with great interest a recent op-ed that you have published which is entitled Broadband Access is a Civil Right We Can’t Afford to Lose But Many Can’t Afford to Have. I think it’s a very powerful op-ed and focuses on the need for us to make sure that everybody, no matter who you are and no matter where you live, have access to the broadband access and the digital world at large and certainly in my state, it is a problem and, in fact, in Detroit, nine out of 10 students don’t have access to tablets, computers, or the internet. Nine out of 10.

This is a time during the COVID crisis when our schools shut down and moved to online instruction and yet students simply had no opportunity whatsoever to be able to avail themselves of that.

So I have a few more other questions, but perhaps you could just tell us a little bit about how do we approach this in an equitable fashion? Zip codes should not matters and right now, it’s those zip codes of communities of color that really matters. How do we change that?
Mr. STARKS. I could not agree more and thank you so much for your leadership. I appreciate it deeply.

I have done a virtual event that was in Detroit and I was shocked to hear the statistics that you're talking about, Senator, and it's deeply disturbing that when you're talking about 90 percent of the students that are in Detroit are without tablets, are without home connectivity.

One thing that we haven't talked about here today is that E-Rate is basically designed to offer support for schools that have students with a higher percent that are on free lunch and so when you are talking about households that are on those Head Start breakfasts, those are exactly the families that are disconnected and that's exactly the students that E-Rate needs to further reach.

Affordability, I think, is an integral part of this, making sure that we have connections that are affordable for millions of struggling families right now, making sure that we have something that is $10–11 ultimately. There are a lot of legislative proposals there that I think deserve serious merit.

The last thing that I would mention is, of course, Lifeline. Our Lifeline Program is going to need to meet the day and that's going to be expanding the data, expanding the voice, expanding the number of dollars, but, you know, something additionally that I think that I would focus on is that because Lifeline is so seriously under-subscribed, about 20 percent of people that are eligible for Lifeline actually are subscribers.

Over 74 Senators wrote a letter saying that the Federal Government should use its advertising dollars to make sure that local broadcasters who are hurting right now can have some of the advertising dollars that they're losing.

I think it makes some good sense for us to have Lifeline advertised, given its low subscription, to some of these local broadcasters. I think it's a slam dunk win-win scenario.

Senator PETERS. Well, I appreciate your leadership on this, Commissioner Starks, and your focus and your passion on it, and as I look at this issue, we also need to think about ownership of broadcast assets, who actually owns these facilities, and having diversity in ownership tends to lead to broader reach, as well.

I introduced the Expanding Broadcast Ownership Opportunities Act to make sure that folks of color actually have a seat at the table, which is critically important in my mind.

Statistics are striking, as well. Women make up less than 6 percent of broadcast TV station owners and minorities account for less than 3 percent. Similarly, women own just 7 percent of broadcast radio stations and minorities own less than 3 percent, as well.

So my bill would establish the FCC's Tax Certificate Program, which incentivizes the sale of broadcast stations to socially disadvantaged individuals.

So my question to you, Commissioner, is, how would this help diversify the industry, and what needs to be done to help bring back this important program?

Mr. STARKS. Well, thank you again for the question, Senator. You know, I could not foot stomp that legislation more. When you look at the numbers on our media diversity and it's important from the ownership to who's in front of the camera, who
is in the newsroom, the fact of the matter is that in our latest report that we issued in February, first of all, it covers data from 2017, so in that sense, I think it’s a bit stale, the data is trending in the wrong direction from 2015.

Asian ownership is down. Latino ownership is down. As you pointed out, Senator, women ownership is down from 7.4 percent down to 5.3 percent, despite the fact that we know that they’re over 50 percent of our population, and the fact of the matter is out of 1,400 full power TV stations, 12 of them are owned by African Americans and so what that means is if you are rounding that number, you would round it down to zero percent. That is unacceptable in this day and in this time.

Access to capital, access to opportunities, all of these are important. The tax incentive proposal that you have is the biggest shot in the arm that I see that we can take on this front.

Senator PETERS. I appreciate it. Thank you. My time is up.

Senator LEE [presiding]. Senator Gardner is up to bat next.

STATEMENT OF HON. CORY GARDNER,
U.S. SENATOR FROM COLORADO

Senator GARDNER. Thank you, Mr. Chairman, and thank you to the panelists for taking the opportunity to testify today.

Colorado has one of the highest suicide rates in the country. Tragically, we lose a Coloradan approximately once every 7 hours to suicide and the COVID–19 pandemic has exacerbated that problem. For the months of March and April 2020, calls to our state mental health crisis lines spiked 48 percent compared to last year and a significant number of those calls were related to the global pandemic.

We have to ensure that people in this crisis have the resources they need for such an emergency and such emergency situations that they can access those resources easily to help provide them when they are at their greatest need.

So I was pleased to see Chairman Pai’s announcement yesterday. Thank you very much, Chairman Pai, that the Commission will be voting on Advancing the Designation and Implementation of 9–8–8 to replace the current 10-digit suicide hotline.

Your leadership on this issue is incredible. It’s commendable and will save countless lives by making 9–8–8 the new three-digit national hotline for mental health crises.

Senator Baldwin and I have been working, as well, together on this as well as with our House counterparts, Congressman Stewart, Congressman Moulton, to put that designation of 9–8–8 into law.

Our legislation does not absolve Congress of its duty to continue to ensure robust funding for the National Suicide Hotline but it helps ensure that any extra dollars raised for 9–8–8 services actually go toward that intended purpose.

Last, we commissioned a report on specialized services for communities most at risk of suicide ideation, including LGBTQ youth who face a suicide contemplation rate that is four times higher than that of their peers.

My office consulted with the FCC for feedback before this committee passed our legislation unanimously and we recently passed the bill through the Full Senate unanimously, as well.
So I’d just like to go through each of the Commissioners briefly down the line and ask a simple yes or no question, beginning with Chairman Pai.

Do you agree with all 100 Senators that this is critical legislation and that it complements the work you are doing at the Commission and should be swiftly passed by the House of Representatives to help save lives? Commissioner Pai, I’ll begin with you and then if we’d go down the panel that would be great. Yes or no?

Mr. Pai. Yes, Senator. Thank you for your leadership on this issue.

Senator GARDNER. Great. Commissioner Rosenworcel?

Ms. ROSENWORCEL. The answer is yes, Senator. Thank you.

Senator GARDNER. Thank you. Commissioner O’Rielly?

Mr. O’RIELLY. Yes.

Senator GARDNER. Commissioner Carr?

Mr. CARR. Yes, Senator. Thank you for your leadership on these mental and behavioral health issues.

Senator GARDNER. Thank you. Commissioner Starks?

Mr. STARKS. Thank you. I agree, yes, this is tremendous work and I champion it.

Senator GARDNER. Thank you. Chairman Pai, once implementation of 9–8–8 is live, what’s the Commission’s plan to ensure that public education about this new number is clear and widespread?

Mr. Pai. I appreciate the question, Senator. In the first instance, public education will be the responsibility of agencies, such as HHS, the Veterans’ Affairs Department, and others, but I can assure you that I or whoever constitutes the future commission will certainly use this pulpit to make sure we increase awareness and we’re already doing that now in consultation with other sister agencies and private sector organizations, like the Trevor Project, the National Council on Behavioral Health, and others.

Senator GARDNER. Thank you, Chairman, and for all Commissioners, 5G is the next wave of wireless connectivity and can provide billions of dollars in economic benefits for the U.S.

Colorado plays a leading role in these efforts obviously, including major advancements in research and development underway at Ft. Collins, Englewood, and elsewhere along the Front Range.

In addition to the rapid embrace of ORAN and virtualized networks, the future of U.S.-backed telecommunications is incredibly bright, but despite all this good news, some have suggested and it continues to arise in the conversation again that in order to stay competitive with China, we must nationalize our 5G network or select a single company to operate it.

I’d like to ask another simple yes or no question to each of you. Do you support such a plan to either nationalize our 5G network or select a single company to operate it? Chairman Pai, I’ll begin with you.

Mr. Pai. No.

Senator GARDNER. Chairman Rosenworcel?

Ms. ROSENWORCEL. No, I do not, Senator.

Senator GARDNER. Chairman O’Rielly?

Mr. O’RIELLY. No, I completely oppose it.

Senator GARDNER. Commissioner Carr?

Mr. CARR. No.
Senator GARDNER. Commissioner Starks?
Mr. STARKS. I strongly agree, no.
Senator GARDNER. Thank you very much for that, and I think I agree with your answers.
Commissioner Carr, last week I spoke with small telecommunications providers in Colorado. I did a Zoom call with them, teleconference with them, who mentioned they are struggling to find adequate personal protective equipment to safely conduct house calls to perform maintenance and continue construction projects.

We have to ensure our hospitals and medical providers on the front line of COVID–19 have adequate PPE, first and foremost, obviously, but it’s also important not to forget our small businesses as we continue to reopen the economy in state like Colorado for those businesses that are going into homes and interacting with people.

Have you heard about similar concerns to this on PPE in your conversations with telecommunication providers and, if so, what more can Congress and the FCC be doing to ensure that providers have access to PPE to keep Coloradans connected?

Mr. CARR. Senator, thank you for that question. I’ve spent a lot of time with America’s telecom techs and tower crews, including during this pandemic, and I’ve heard some of these concerns, principally early on in the pandemic. I think some of those issues are being worked out as a country.

We have ramped up our supply of PPE, but I look forward to continuing to work with you and my colleagues across government to make sure we get this right.

Senator GARDNER. Thank you. I look forward to that. We need to work together on it. It was just something again that a number of rural cooperatives had brought to my attention and something we need to continue to work on.

So thank you to all the Commissioners. Thank you for your work on that, and, Mr. Chairman, I’ll turn it back to you.

Senator LEE. Thank you, Senator Gardner.

Senator Baldwin.

STATEMENT OF HON. TAMMY BALDWIN, U.S. SENATOR FROM WISCONSIN

Senator BALDWIN. Well, thank you, Mr. Chairman. I really appreciate all of the Commissioners joining us here today and for your service.

I want to dovetail on the remarks of Senator Gardner just now on the three-digit number to access Suicide Lifeline Services and the Veterans’ Crisis Line.

It was a pleasure to work with my colleague, Senator Gardner, on this, on namely making it easier for Americans in crisis to get the help they need by creating that three-digit number, 9–8–8, for crisis services.

Last month, as we noted, the Full Senate passed our bill and I urged my House colleagues to pass it as soon as possible, but, Chairman Pai, thank you for acknowledging in your testimony the importance of this issue.

We just know that the crisis has been made even more heightened due to COVID–19. The pandemic and its economic con-
sequences are placing enormous stress on Americans' health, both physical and mental, and we've seen a tremendous increase in those seeking help.

Just by way of example, in March of this year, there was nearly a 900 percent increase in calls to HHS' Disaster Distress Help Line compared to the prior March and so I hope that we all can move forward expeditiously and I'm glad to see continued progress on the issue at the FCC. I'm looking forward to working with the Commissioners to get this done.

I'd like to now turn to another critical support for Americans in need, another lifeline in fact, and that is the Universal Services Fund Lifeline Program. It plays a critical role in keeping low-income Americans, including millions of seniors and veterans, connected.

Lifeline is all the more important in the current environment. On the one hand, American families are relying more than ever on connectivity to work, learn, and get medical help and stay in touch with friends and family, and on the other hand, many of those families are facing unemployment and other hardships, making that now critical broadband service unaffordable.

Commissioner Rosenworcel, you talked about this in your opening statement. I'll ask Commissioner Starks also because you did, too.

How do we get these individuals connected to Lifeline, and what steps do we need to take to strengthen this program to meet the growing needs?

Ms. Rosenworcel. That is such a good question, Senator. Listen, Lifeline was started during the Reagan Administration when most communications involved a jack in the wall and it was last updated during the Bush Administration after Hurricane Katrina. We saw there was a disaster and we expanded it to wireless telephony.

I think we have a crisis right now, too, and we've got to figure out how to keep more Americans connected and we've got to use Lifeline to do it. We've got to remake it from top to bottom. We've got to reconsider who is eligible. We have to reconsider what services we support, and then we have to do something along the lines that Commissioner Starks spoke about, which is, we've got to double our outreach so that every interaction with public services we make available this service, so everyone gets a fair shot at staying connected in this crisis.

Mr. Starks. Yes, thank you, Senator.

Senator Baldwin. Commissioner Starks?

Mr. Starks. Yes, thank you, Senator. Lifeline is such an under-subscribed benefit that we do need to increase advertising. We do need to increase—again, I think it's a common sense idea that the FCC—we know that SNAP applications because of food insecurity has skyrocketed during this pandemic.

The fact of the matter is that if you are eligible for SNAP, if you are a new SNAP applicant, you are also eligible for Lifeline, and so we at the FCC have to have an MOU in place where, if you start to get SNAP benefits, you should also be told that you're eligible for a Lifeline phone, either follow up via an e-mail or direct mailing, something that makes people aware of this program.
The fact of the matter is that we have millions of struggling Americans right now and if they come knocking on one door, they shouldn’t have to knock on each door in order to get the help that they need.

I think there are also some very administrative things that we need to do. The Lifeline Verifier has been bogged down. The fact of the matter is that only 13 states are automatically connecting applicants through SNAP. We have to do better on that because the manual review for Lifeline applications is not good and the error rate is extremely high and then you have people that are more vulnerable that don’t get the benefit that they need.

So there are a lot of things from top to bottom that we need to do better on Lifeline and millions of Americans are counting on us.

Senator BALDWIN. Thank you.

Senator LEE. Senator Capito.

STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM WEST VIRGINIA

Senator CAPITO. Thank you, Mr. Chairman. Thank all of you for your service and thank you for being here today.

We know that the FCC has played a critical role in addressing the critical needs that we’ve talked a lot about today. Certainly during COVID, it’s just been essential, some of the things we’ve learned that impact the—I mean that are impacted by the decisions that you’ve made.

Looking forward, our largest opportunity, I’ve heard a lot of conversation about it, obviously is the RDOF Program, which will provide funding over the next decade.

According to the FCC under RDOF, West Virginia has over 128,000 eligible locations. I heard you mention West Virginia in one of your answers, Mr. Chairman. So I appreciate that and your visits to West Virginia.

It’s imperative that as many census blocks are eligible for this funding as possible and I’m concerned about this.

So I would ask you, Mr. Chairman, as you’re looking at the process of the challenges that have been made on certain census blocks and where the distribution of the money is going to be, it’s important that we do it effectively and efficiently.

So as you continue to look at this auction process, will you commit to scrutinizing the challenges in the RDOF eligible location process?

Mr. PAI. Yes, Senator, we will.

Senator CAPITO. And are you in the midst of doing that now, and when do you expect that you will—I mean, I’m sure it’s an evolving/revolving decision?

Mr. PAI. Yes, it is an ongoing process, but I can tell you that the list of eligible areas is scheduled to be published by July 1, which is when the short form application window opens, and so we’re in the final stages now. We should have results on this front very soon.

Senator CAPITO. Thank you. One of the areas I’ve been concerned about of past programs is the transparency and accountability of actual delivery of what has been promised.
How do you expect under this new auction or this increased auction aimed at rural America, how are we going to get better at the transparency and accountability of this?

Mr. Pai. A critical question. All the taxpayer money in the world doesn’t make a difference if the providers who get it don’t use it appropriately and that’s why for this auction, the RDOF in particular, winning bidders will have to enter geo-coded locations where they have provided deployments into what’s called the HUB, the High-Cost Broadband Data base, essentially.

In addition to that, USAC will verify and audit that information to make sure the providers have in fact done what they’ve said they’re going to do. On top of that, later on the networks will be subject to drive testing and other rigorous speed and latency verification and if they fail on any of these scores, then ultimately what happens is the providers will have support withheld. They may have to pay support they’ve received back and may face other enforcement action because we want to make sure again those 128,000 locations in West Virginia, places like Capon Springs and Clay and Clendenin, they deserve funding and they deserve deployment.

Senator Capito. Well, I would encourage enforcement because, I mean, we can say we’re going to do things, but if we don’t——

Mr. Pai. Absolutely.

Senator Capito.—enforce it, it’s not going to—it’s a toothless enforcement mechanism.

Commissioner O’Rielly, I want to thank you for working with us in addressing the diversion of the 9–1–1 fees. I know it has been an issue that West Virginia was labeled as a fee diverter and it was impacting our abilities to have these issues resolved. So we are now eligible in the much-needed next generation 9–1–1 funding. So I just wanted to thank you personally for that.

Commissioner Carr, you came to West Virginia with the Connected Care Initiative. Boy, if we’d known then, you know, where we are now, it’s an amazing—I mean, West Virginia University just now got a grant to be able to expand their telehealth services.

So here’s what I’m concerned about. I don’t want to see us do the same thing we do with EMRs. So we’ve got a telehealth initiative that’s going across the country, but we don’t have the ability for all of our health providers to be able to be on the same page. I mean, do you imagine that through Connected Care and other initiatives that you’re going to be able to have really broad-based—I don’t want to say regulations but best practices so that we don’t come back in 5 years and go, well, that’s great, but the radiologists can’t talk to the cardiologists, the rural can’t talk to the urban.

How do you see that playing out as you—both what you’ve done through COVID but also through your Connected Care Initiative that I know you very much are committed to?

Mr. Carr. Senator, I thank you so much for your leadership on telehealth. When I joined you last summer out in West Virginia, that’s actually when we rolled out our proposal that little did we know turned into this COVID–19 Telehealth Program. So it was great that we were out there doing the leg work that’s paid off.
Senator CAPITO. By the way, they’ve used the Telestroke Initiative. Actually, it wasn’t a fake person. It was a real person and actually had great results.

Mr. CARR. That’s wonderful to see. I think West Virginia facilities have now received somewhere over $2 million already within more money that we have to process.

I think there are going to be some important lessons learned, perhaps the one that you flagged already. We’re going to have another follow-on Connected Care pilot program. That’s going to be a 3-year pilot that’s going to run, sort of, after this emergency COVID one does. So I think there are going to be lessons that we can carry over to that, and, frankly, I think the government generally has done a great job.

If you look at what HHS has done in terms of updating some of the licensing/reimbursement issues, I think those are gains that we need to maintain as we power out of this COVID–19 pandemic because I think this connectivity in telehealth is the future. It improves patient outcomes and drives down costs at the same time.

Senator CAPITO. Well, just anecdotally, in talking with folks who’ve had telehealth visits both on the provider side and on the patient side, they seem to really like it. The convenience of it, the ability to be more efficient, and, you know, it’s not going to work in every instance obviously, and so I think really the face of medicine is going to change through this, and I look forward to working with you on this, and thank you.

Senator LEE. Senator Duckworth.

STATEMENT OF HON. TAMMY DUCKWORTH,
U.S. SENATOR FROM ILLINOIS

Senator DUCKWORTH. Thank you, Mr. Chairman. Sorry. I was on mute.

Thank you for holding this important oversight hearing, and I want to start by thanking each of the Commissioners for your previous commitments before this committee to combat unjust and unreasonable phone rates for inmates and their families by clarifying the FCC’s existing intrastate rates, something that we still need to do.

In the interest of time, I’d like to reaffirm that we are on the same page on this issue. So in the interest of time, please raise your hand if you still believe that more should be done to address unjust and unreasonable phone rates at incarceration and detention facilities in the United States?

Mr. Chairman, you’ll have to take a look for me because I can’t see—oh, there we go. Everybody’s got their hands up. Wonderful. Thank you.

Just to be clear, anyone who thinks you’ve adequately tackled this issue, please speak up now.

[No response.]

Senator DUCKWORTH. All right. Thank you. I’m glad to see that each of you agree that more can be done and that more should be done. However, I am deeply disappointed by the FCC’s lack of action and I do understand that there is an opportunity for legislation which I am still working on.
I am not aware of any major action taken by the Commission over the past 3 years to address this issue.

Commissioner Rosenworcel, did I miss anything?

Ms. ROSENWORCEL. No, Senator, you did not. We do have issues associated with intrastate rates. We need your legislation to help us on that, but when it comes to interstate rates, we have a crisis. A single phone call to someone who's incarcerated typically costs as much as you and I pay for a monthly unlimited plan. That's not fair. That's not right. It harms the families of the incarcerated and especially during this crisis when visits are limited and so much communication is cutoff, the FCC should be far more creative when it comes to thinking about rate caps for interstate services, ancillary fees, and site commissions.

We should be doing everything we can to lower those rates and make them fair and just because that's what the law requires.

Senator DUCKWORTH. Thank you.

Chairman Pai, as this hearing has made clear, there's a—I'd like to move on to Ligado and its threat to GPS. As this hearing has made clear, there's a tendency for the Ligado debate to quickly get bogged down in the weeds and I fear that we're at risk of losing sight of the forest for the trees.

When I examined the Ligado issue, the primary question that jumps out to me is simple. I mean, aside from the Ligado itself, why is anyone aggressively pushing for approval, other than Ligado? Ligado is not mentioned in any 5G plan that I previously reviewed, no independent entity that I'm aware of believes that Ligado's proposed network would be significant in any way, shape, or form as a 5G solution. Yet there does appear to be a consensus among key stakeholders, including NTIA and the Departments of Defense and Transportation, that Ligado's proposed network threatens GPS.

Even the FCC noted in Paragraph 91 of the Order, and I quote, “Our analysis should not be construed to say that there's no potential for harmful interference to any GPS device currently in operation or in the marketplace. Indeed, the RAA testing showed that there is potential for harmful interference to some devices, particularly high precision devices.”

Chairman Pai, I understand your frustration that the FCC sought comment four separate times over 2 years on the Ligado proposal and yet DoD did not submit comments for the first four times. You won't find a more sympathetic audience to your frustration than me over DoD's, shall we say, deliberate haste in responding to requests for information from Members of Congress.

However, our sympathy for your plight does not change the reality. DoD is strongly opposed to the FCC Order and informed Congress that Ligado's proposed network places our national security at risk.

The Department of Transportation testified to this very committee the following. They said, “I regret to say in this case I believe that physics stand between the people of goodwill. I do not see a way in which anything approaching the Ligado proposal can succeed without interference with GPS.”

So, Chairman Pai, recognizing that the FCC is already considering petitions from DoD, DOT, NTIA, and various industries re-
questing that the FCC reconsider the Ligado Order under existing administrative procedures, why wouldn’t the FCC reconsider the Order? Isn’t the whole point of the reconsideration process to enable FCC to deal with controversial orders where there are disputes over the record, new information continues to emerge, and in the event that Ligado’s network does lead to improper interference, the costs of which could be enormous and these costs could be passed on to consumers, why would you not reconsider this?

Mr. Pai. Well, Senator, thank you for the question about the unanimous bipartisan decision that the FCC made to approve this application with serious conditions.

This issue has been pending for over a decade. In fact, in 2003, the FCC granted terrestrial authority to companies, like Ligado, to use this spectrum on the ground.

In 2010, this issue was first teed up and for the last 10 years, the agency has been considering what the technical rules should be.

Based on the engineering and the facts in the record and that alone, the FCC decided to approve the application with stringent conditions: a 99.3 percent reduction in power levels to 9.8 watts, a 23 megahertz guard band carved out of Ligado’s own spectrum, even though its GPS was actually bleeding over into Ligado’s spectrum, a stop buzzer to ensure that any deployments that are occurring or that have occurred will not cause interference to GPS, the replacement and removal of equipment.

I mean, all of these conditions were imposed because we wanted to balance the necessary interests. Allowing this company to move forward, as the FCC had granted it authority to do 17 years ago, and preserving GPS from harmful interference.

Based on the facts in the record, we made a decision, a decision. I would add, that was shared with Federal agencies well over half a year ago to enable them to give feedback to us, based on the facts that they saw in the record.

We’ve had a very open door. This process has gone on for long enough and we made a decision based solely on the facts and on the law and I will defend this decision before any forum in this Congress or around the country.

Senator DUCKWORTH. I am out of time and I yield back, Mr. Chairman.

STATEMENT OF HON. MIKE LEE,
U.S. SENATOR FROM UTAH

Senator Lee. Thank you so much, Senator Duckworth.

Thanks to all of you for being here. It was fantastic, by the way. I liked the polling. That sounds like fun. Maybe for a future hearing, I will employ that technique. It’s also given me some ideas on other commissions. Maybe the next time we have the Supreme Court in front of the Judiciary Committee, I could try the same thing. I’m not sure they’ll love it.

Chairman Pai, I want to thank you. A few weeks ago, several of my colleagues and I sent you a letter asking some questions about the Ligado issue and about the Commission’s decision to approve the spectrum license modification for Ligado. You responded and you provided a number of very helpful answers to my technical
questions, and without objection that will be entered into the
record for today's hearing.

Mr. PAI. Thank you, Senator.

[The information referred to was unavailable at time of printing.]

Senator LEE. Chairman Pai, in a recently disclosed e-mail, there
was an official at the Department of Defense who acknowledged
that the Department of Defense has not relied on the GPS L1 Band
“for years” and that the Department of Defense uses the L2 Signal,
which is not close to, is somewhat far away from the L1 Band.

If it’s true that the Department of Defense is relying on the L2
Signal, then why is it that the Department of Defense argues that
Ligado will cause interference with the DoD’s GPS systems?

Mr. PAI. A very good question, Senator, one that is more appro-
priately presented to the Department of Defense. All I can say from
our perspective is that our determination was that starting at 1569
megahertz and above, that Ligado’s operation is well below that. 23
megahertz below that, would not cause interference to any of the
GPS spectrum, especially the lower in that band, which is where
the L1 Signal comes from.

Senator LEE. OK. So if that’s the case, if the military in fact op-
erates on the L2 Signal and not the L1 Signal, then is interference
from Ligado, from the Ligado Bands even possible?

Mr. PAI. Senator, we don’t believe it is likely but to be sure,
that’s why we imposed those very strict conditions. We easily could
have rubber stamped this application as it was and said, you know
what, we don’t think there’s any engineering case here at all, but
to make sure that we protected high precision receivers and others,
we incorporated all those conditions and that is why I’m very con-
fident in going forward that we’ve made a decision that is based
much more on sound engineering as opposed to some of the fear-
mongering that we’ve heard.

Senator LEE. The Ligado Bands are roughly how far away from
the L2?

Mr. PAI. From L2, so it’s 23 megahertz up to the L1, which is
1569. I can’t remember exactly. It’s a significant amount more than
that to get to L2. I can’t remember if it’s 33 or more.

Senator LEE. OK. So we’ve got——

Mr. PAI. For context, by the way,—

Senator LEE (continuing). Buffer there?

Mr. PAI. Oh, absolutely. For context, in the 600 megahertz incen-
tive auction, we created a three megahertz-wide guard band to pro-
tect wireless companies from full power broadcasters. We’re talking
about a guard band here that is almost eight times as large to pro-
tect against the L1 Signal, let alone the L2.

Senator LEE. That’s helpful. Thank you. And, Mr. Chairman, it’s
my understanding that the National Advanced Spectrum and Com-
communications Test Network, I keep wanting to figure out a pro-
nounceable acronym from that, NASCTN, but it doesn’t sound very
good, but it provides testing and modeling and analysis necessary
to inform spectrum policy and that it’s a joint effort that involves
a whole bunch of Federal agencies, including NIST, NTIA, DoD,
NASA, NSF, and NOAA.

Is there any evidence that the NASCTN produces biased results?
Mr. PAI. Not at all, Senator. In part, I would say because some of those agencies you mentioned are a member of that group.

Senator LEE. And did this group, the NASCTN, study the impact of the LPE Signals in Ligado's spectrum on GPS devices?

Mr. PAI. They did, yes.

Senator LEE. And were DoD's comments and concerns heard and studied in this particular instance?

Mr. PAI. I have no reason to think that they were not.

Senator LEE. I've seen arguments that the Commission's decision would somehow impact taxpayer dollars because the Department of Defense, as a result of the decision, would be tasked with updating its government systems to comply.

Now in the event that there is harmful interference, my understanding is that Ligado is on the hook for replacing the affected government receivers. Chairman Pai, did that issue get addressed in the FCC's Order?

Mr. PAI. It did, Senator. We imposed a condition on Ligado to essentially remedy any of those types of situations. That could include, for example, replacement of certain affected receivers, high precision receivers.

By the way, now I'm recalling the L2 is actually 300 megahertz away. It's in 1227, something like that. So we're talking about a significant distance away from Ligado's operations.

Senator LEE. I want to make one final point. Commissioner O'Rielly and Commissioner Rosenworcel, the FCC approved the Ligado Modification unanimously. It's no small feat for the FCC to agree in a unanimous manner and some would say in a bipartisan manner, especially on a complex issue like spectrum allocation.

But even though the Commission unanimously agreed, the Ligado issue still took about a decade to complete, spanning multiple Administrations and Administrations of multiple political parties.

Now this wasn't, as far as I can understand, for partisan reasons nor was it the product of petulance or inaction on the part of commissioners. This wasn't for partisan reasons, but I do fear that it might reflect a broken interagency process for spectrum decision-making, and, if true, this would hinder U.S. leadership in technology.

So I guess the question I have for you is, should the Ligado decision be a warning sign for a broken interagency spectrum decision process, and what do we do to address this breakdown in communication between agencies on spectrum-related decisionmaking?

Ms. ROSENWORCEL. Sure. Thank you for bringing that up, Senator. We're going to need more air waves if we want to power the 5G future and this is a tough story, the one that the Chairman just exchanged with you. We've got to do better. We can't wait 10 years to continue to reclaim air waves.

So here are three things we could do right now. First, we should reform the Interdepartment Radio Advisory Committee, which is how the FCC comes together with other Federal actors to figure out what spectrum to reclaim.

Second, we should do something like you and Senator Markey proposed in legislation. We need a full valuation of Federal spec-
trum. What do they own where? What is its value when it comes to all of our Nation's spectrum assets?

And then we've got to set up a series of incentives. I don't think people do things when we continue to have these knock-down/drag-out fights. What we need to do is make sure that Federal actors get the opportunity to see budgetary gain and not just loss from their reallocation.

Senator Lee. Thank you.

Mr. O'Reilly. So I would argue a couple things similar to my colleague. One, we need to improve the structure for how NTIA manages the different agencies that it oversees in terms of spectrum policy, the one-off agencies coming and complaining to Congress that the FCC is not working. So whether it's NOAA or NASA or DoD or DOT coming at us one-on-one has been very problematic and that's what NTIA used to do. We have to filter through some of that function and weed out the bad arguments and only present the most compelling and that's not what we're getting today.

I would agree with my colleague in terms of incentives, but I'd also suggest we're going to need more sticks and that's why I've suggested we need the budgetary impact. We need to understand how much funding or how much assets they're sitting on in terms of dollars. The valuation piece is important. It should be part of their budget. We're going to need more sticks to push this issue forward.

And the last thing I would say is Congress needs to identify the bands. We can help you with that. Identify new Federal bands that need to be converted. It's a heavy, heavy lift. It's been done in the past by this committee just as recent as MOBILE NOW Act, and it just requires a lot of lifting.

Senator Lee. Well said. Thank you. I'll turn the gavel back over to the Chairman. I'll say in closing when somebody is going up against an issue that the FCC has addressed over a decade with great scientific expertise and on an issue of great national importance as this one, they darn well better come to the argument armed with something other than the catch phrase national security or trust us, we're right, or I can't tell you why I think this because it's classified, but trust us, national security dictates that we not do this. That's wrong. They know it's wrong and we can't let them get away with it.

Thank you.

Senator Wicker. Thank you, Senator Lee. Senator Lee and Senator Blackburn have been very gracious during this hearing to take the gavel for an extended period of time and I very much appreciate that.

We might as well finish talking about Ligado. First of all, who wants to take this, this issue of the decision being made in the dark of night on a weekend? Who would like that? Chairman Pai?

Mr. Pai. I'd be happy to take it. It's absolute nonsense. I circulated the Order to my fellow Commissioners on Thursday. The majority of votes were in the following day, Friday.

Senator Wicker. So this was done remotely, as we've had to do so many things during this timeframe?

Mr. Pai. Absolutely, and we, of course, do things in the regular course, as we do on circulation.
Senator WICKER. When you circulated that, was that provided only to the members and staff or was it a matter of public record?

Mr. PAI. It was—when we do things on circulation, we share it with all the Commissioners and their staff.

Senator WICKER. OK.

Mr. PAI. We also shared 6 months earlier that exact draft with the Department of Defense, among other agencies, through the Interdepartment Radio Advisory Committee.

Senator WICKER. OK.

Mr. PAI. So other departments had that physical possession of it months and months in advance.

Senator WICKER. OK. Now why didn’t you just vote on it on Thursday? You have to wait a certain period of time? I just——

Mr. PAI. There are two different ways that things are voted on at the FCC. One is at our monthly meetings in which case the Chairman has to designate an item at least 3 weeks in advance. The other is through circulation, as it’s known. Essentially, you e-mail around the proposal, the order to all the various commissioners, and then they have a certain—essentially an indefinite period of time to be able to suggest changes and the like, and so in this case, I did that, circulated it on Thursday. I can’t speak for why the other offices voted when they did but they did and we ultimately released the item the following Thursday, a week later.

Senator WICKER. OK. Ms. Rosenworcel, 30 seconds, and Mr. O’Rielly, 30 seconds.

Ms. ROSENWORCEL. I think the Chairman’s correct when he says our regular processes were followed.

Senator WICKER. OK. And Mr. O’Rielly?

Mr. O’RIELLY. Yes, I waited till Friday to vote. I voted on Friday. I had four meetings, phone call meetings with all interested parties that wanted to weigh in on the matter. I listened to those arguments and then voted. So it wasn’t over the weekend.

Senator WICKER. Ms. Rosenworcel, on this terminology interference, harmful interference, potentially impacting, help us parse that. Is harmful interference a term of art?

Ms. ROSENWORCEL. Well, it’s terminology that is widely used not just by the FCC but by our colleagues at NTIA and in fact it’s used worldwide. I think it means if something significantly obstructs, degrades, or interferes with existing communication, and in every environment, the agency and our engineers are tasked with trying to give meaning to that and like I mentioned before, our staff did work on doing that here.

Senator WICKER. So to the extent that this new proposal hurts the GPS functioning, that would not be permitted without compensation and correction by Ligado, am I correct there?

Ms. ROSENWORCEL. I believe that’s correct. It is a slightly more complicated story than that, but, yes, that was the intent of what I believe the Order intended.

Senator WICKER. So in 10 years, it is more complicated.

Ms. ROSENWORCEL. I know. I know I just want—listen, you’d be going back and forth with the Chairman on it——

Senator WICKER. I want to let you——

Ms. ROSENWORCEL.—if he has the opportunity.
Senator WICKER.—wrap this issue up and then recognize Senator Rosen.

Mr. PAI. So, sorry, I missed that.

Senator WICKER. No. On the—

Mr. PAI. Oh, on the harmful—

Senator WICKER.—harmful interference and interference.

Mr. PAI. Right. So there are two different issues. First is how do you measure harmful interference and, second, what is the likeliness of harmful interference from Ligado's operations?

There's a fundamental disagreement about the standard. The Department of Defense and others are advancing a certain standard that is called the One DB Standard, the metric. It's not even a standard for measuring harmful interference and to take that metric seriously would wipe out wireless communications as we know them because just through natural occurrences, you can see a one DB change in any type of device's operation.

So putting aside the One DB Standard, which the FCC has never embraced, which NTIA itself has rejected, then you move to the question of what is going to happen in terms of harmful interference?

The FCC tested over a long period of time a whole bunch of different GPS receivers and they found that the Ligado's operations with the parameters that we're talking about, 9.8 watts, 99 percent reduction, the guard band, et cetera, would not cause harmful interference.

One could make an argument that for certain high precision receivers, there may be some type of interference and so we said, OK, stipulated there will be interference in that case, let's make sure that we impose all of these different conditions that we've discussed to ensure that that is not the case and on top of that back it up with a pre-deployment notification Ligado has to do for Federal agencies and a post-deployment notification system where any affected agency can essentially tell us there's interference. This needs to be remedied ASAP.

So given all of these conditions, I find it very hard to say that the FCC just rubber stamped this and sent it out into the ether. We took a very careful look at this over a long period of time. It would have been very easy for me just to kick the can down the road, as many of my predecessors have done, but that's not why we're called to these things.

We're called to these jobs to make the difficult decisions, to promote American leadership in wireless, and to protect incumbent interests from harmful interference. We have to make tough decisions and we've got to make them now and I'm not going to kick this can or any can down the road any longer.

Senator WICKER. I guess we could win the race to 5G without this.

Mr. PAI. This is the argument in every band, 2.5, 3.5, 3.7, 3.1, 4.9, 5.9, 6 gigahertz, Ligado. Every single agency, every single band you'll find somebody, some Federal agency or some stakeholder saying I'm completely in favor of American leadership in 5G, just not in this band.

If we were to take this objection seriously, this country would never go anywhere and that's part of the reason why we've done
the hard work, based on engineering, focusing on the facts, to promote American leadership and protect those incumbent interests. Were it otherwise, we’d still be stuck in the starting blocks while China and South Korea and Europe and other countries, other regions just race ahead of us.

Senator WICKER. Senator Rosen.

STATEMENT OF HON. JACKY ROSEN,
U.S. SENATOR FROM NEVADA

Senator ROSEN. Thank you, Senator Wicker. Thank you, Ranking Member, and for bringing this important oversight hearing to us today. I appreciate all the witnesses also for your hard work in so many areas.

Today, I want to talk a little bit about maternal mapping and health outcomes because in Nevada and across the country, it has really been incredible to see the way the telehealth has enabled so many patients to receive care while complying with the stay-at-home orders due to the pandemic and so telemedicine, of course, we know it’s not a substitute for receiving a physical evaluation. It is useful in many applications, including keeping pregnant women and new mothers safe while accessing maternal care.

As a country, we have the highest maternal-infant mortality rate amongst other developed countries. That was before the pandemic and it’s especially crucial that we use every tool and resource we have to reach every new and expectant mother. This is especially important for our high-risk populations, women of color, disparities among our indigenous, African American, and rural communities. It’s even more pronounced during this pandemic.

That’s why last year, I introduced the Data Mapping to Save Moms’ Lives Act along with Senators Fischer, Young, and Schatz, and this bipartisan legislation would direct the FCC to consult with the CDC to incorporate data on maternal health outcomes into the FCC’s broadband health maps in order to show where poor broadband access and high rates of poor maternal health outcomes, where they overlap in order to determine where telehealth is most needed.

So, Chairman Pai, I just really want to say thank you to your office for reaching out and working with mine, to understand the issues and all the outstanding issues on this bill.

The Commission, you currently map health data for rural broadband physician shortages, diabetes, obesity. I know you’ve updated your mapping platform so maternal health shouldn’t be a major challenge.

But for Commissioner Rosenworcel, I’d like to thank you for your leadership on maternal and infant health and mortality and I’d like you to address how easy or difficult it would be for the Commission to add maternal health outcomes to your current health mapping platform?

Ms. ROSENWORCEL. Thank you, Senator, for the question and for your leadership on this.

We’ve got a crisis in this country. We are the only industrialized nation with a rising level of maternal mortality and that is especially a challenge for women of color and also women in rural com-
munities. Half of our counties in rural America no longer have a maternity ward.

So I spent some time in rural Arkansas and also with the Mayo Clinic in Minnesota and what I’ve learned is they’re coming up with all forms of telemedicine to figure out how to take on this maternal health care crisis.

So I think it would be terrific if we could use some of our mapping data, like we have in the past with diabetes, to understand which communities are connected and which communities have the highest levels of maternal mortality because it is the start of a solution and we should make sure our work gets us there.

Senator ROSEN. So building upon that, are there other health issues that you think might be useful for us to track if we’re going to be adding maternal mortality? Maybe while we’re doing that, we just add a few other things at the same time. What do you think might help?

Ms. ROSENWORCEL. It’s a really good question. There are really two things to think about here.

First, what types of health care problems are we seeing en masse around this country that we have to correct for, and, second, what subset of those problems are likely to be effectively managed with telemedicine?

We’ve seen some early demonstrations that with maternal mortality and with diabetes, these are tools where continuous home monitoring could make a huge difference.

So I’d welcome a dialogue with Congress and this committee to continue to try to identify what meets those two criteria and how we can organize our thinking about broadband in accord with it.

Senator ROSEN. And I think that’s terrific. I’d like to ask you finally for the last few seconds I have how the FCC can harness the Connected Care Pilot Telehealth Program to support this delivery of future telehealth services, particularly for our rural or underserved communities.

Ms. ROSENWORCEL. Yes. We do have this $100 million program that we’ve announced and it’s a pilot, but rather than just giving the money here, there, here’s an idea. Let’s choose maternal mortality. Let’s identify that problem and let’s see what we can do with it in all 50 states nationwide.

Senator ROSEN. Thank you. I appreciate that, and I’ll yield back my last 20 seconds. Thank you.

Senator WICKER. Thank you, Senator Rosen. We certainly haven’t been worried about 20-second periods during this hearing.

Let me see if we can nail a few things down. On the money that the Education Department was provided in CARES, are you all coordinating with Secretary DeVos? How does that work, and is there some way we can facilitate, Chairman Pai?

Mr. PAI. Yes, we are, Senator, and we’ve been working with the Department of Education on making sure the local school districts and other educational officials are aware of that $16 billion. It’s broken up into $13 billion and then three billion.

Under the law as passed by Congress, that’s available for education technology and we want to make sure that school districts are able and willing to use that for home connectivity.
Senator WICKER. Are we a little slow on that? Is the proposed system a little behind?

Mr. PAI. Well, we certainly are not. I can tell you that one of the first things we did after the CARES Act was passed was to sit down and figure out how do we strategize with the Department of Education and they’ve had an open door with us, as well. So we’re continuing that effort with our state counterparts.

Ms. ROSENWORCEL. It’s good what the Chairman’s doing. I do appreciate his effort, particularly with the $13 billion, coordinating with the Department of Education, but that funding was also for sanitizing schools, teacher training. It’s a laundry list of things that schools are going to need to get back up and running, just like you suggested.

So I think it’s essential that we identify how we can use E-Rate for a dedicated pool of funding to get students connected.

Senator WICKER. Very good. I’m told Senator Young is now in the queue, is that correct?

STATEMENT OF HON. TODD YOUNG,
U.S. SENATOR FROM INDIANA

Senator YOUNG. Yes, thank you, Mr. Chairman.

Commissioner Carr, so good to see you and the other Commissioners once again. I want to thank you for accepting my invitation to come to Indiana not too long ago. That was pre-pandemic. A lot’s changed since then, since the pandemic hit our country. I want to thank you for your work in establishing the $100 million Connected Care Pilot Telehealth Program. It’s really benefited our state. It’s a $200 million telehealth fund that we, in a bipartisan way, established through the CARES Act.

Just today, the 10th Street Clinic in Richmond, Indiana, a community health center in Lawrenceburg, Decatur County Memorial Hospital in Greensburg, Indiana, were awarded nearly a million dollars from the fund to support telehealth efforts. So the resources are getting out there and very much appreciated.

I’d just ask you to briefly discuss the importance of both of these programs, the Connected Care pilot and the Telehealth Fund, and then if you could quickly pivot kindly to whether there are flexibilities related to telehealth that have been made temporarily available that should remain in place on a permanent basis, based on your early assessment of how they’re working?

Mr. CARR. Thank you, Senator, for the question and for your leadership on telehealth. I had a chance to join you out in Indiana, in McCordsville, and visit a health care facility there that’s relying on high-speed Internet connections.

I think this is the future. It’s going to be a game-changer. For years, we focused on connections to brick and mortar facilities. That’s important. It’ll continue, but where we’ve pivoted now with this COVID program and with the Connected Care Program is this idea of connected care so that people can access high-quality care wherever they have a high-speed connection.

That’s so important in rural America as this country is facing a growing doctor divide. Health care facilities are closing by the dozen. It’s hard to get a general practitioner in rural America, let alone a specialist. So I think what we’re doing now is laying the
groundwork to give everyone in this country a fair shot at quality affordable health care.

There are lessons learned that we need to keep as we power out of this pandemic. I think HHS has done a lot of great work in short order to look at licensing reimbursement issues. Our Emergency COVID Program is being followed by this separate $100 million program. I think we are, you know, moving in the right direction and we need to keep the red tape that we’ve cut to the sideline.

Senator Young. Well, thank you. Why don’t we maintain a dialogue, as we have ever since you were confirmed to this position, about the issue of telehealth and we’ll continue, of course, to work with HHS on that issue.

Commissioner O’Rielly, you recently blogged about removing unnecessary barriers and maximizing competition within the Universal Service Fund through their auctions, such as the upcoming Rural Digital Opportunity Fund that will extend broadband in rural Indiana and across other rural areas around the country.

Can you expand on this idea of maximizing competition and removing unnecessary barriers, maybe identifying specific actionables that need to be taken?

Mr. O’Rielly. Sure. My blog explored whether we should eliminate our eligible telecommunications carrier designation requirement and actually recommended that Congress do so. The ETC mandate that’s in law actually limits the number of competitors that are willing to participate in our auctions.

I’ve talked to multiple providers who would like to participate and drive down the costs. So when you think of the RDOF, for instance, we’re trying to drive a $30 billion program into a $16 billion expenditure and that’s through competition. It’s letting the different providers compete for different areas and driving down how much we need to subsidize those things.

So there’s a barrier, in my opinion, that’s no longer necessary. The burdens that exist today in terms of state verification and state designation for ETCs don’t make any sense any longer, in my opinion, especially since the fact that broadband and VoIP are both areas that are outside state jurisdiction. So I think that’s something the Congress really could be helpful for.

Senator Young. So if you eliminate that condition that auction winners be designated ETCs under the statute, you prod more people into the auction. You end up in short getting more value for the taxpayer in the end, is that correct?

Mr. O’Rielly. Absolutely. The money that’s collected on a monthly basis goes further and stretches. You expand broadband services throughout our Nation. Absolutely.

Senator Young. Thank you so much. I’m out of time.

Senator Wicker. Thank you, Senator Young.

Senator Tester, have you had lunch yet?

STATEMENT OF HON. JON TESTER,
U.S. SENATOR FROM MONTANA

Senator Tester. Thanks for caring. I appreciate that.

I would say, first of all, thank you, Mr. Chairman, for having this hearing, and I want to thank the FCC for being here.
One of the things you get to do being last is you get to hear most of what's been said before or being close to last, and I just want to go back to underserved areas. I want to go back to allocating 80 percent of the RDOF funds, you know, at the end of this administration, and the reason this is somewhat troubling is because this committee has always been, I think it's still there, has always been very, very bipartisan in the fact we want maps that are right, so you can spend the money and not waste money.

We're talking about a fair amount of dough. 80 percent is a little over 16 billion, if my math is correct. That 16 billion doesn't draw a lot of attention around here and so the question is—this is to Chairman Pai and Ms. Rosenworcel, if you'd like.

I don't see how you're going to put this money out without good maps. I just got to tell you and I want the money out sooner than later. I come from a state that has underserved areas big time in it, but the potential for wasting money here is just over the top and I want you to tell me, Chairman Pai, how this money is going to be appropriated out so it isn't just a crap shoot?

Mr. PÁI. Senator, there are thousands upon thousands of locations in Montana that we know, based on any map you consult, are unserved and that is exactly what Phase 1 is targeting.

What some would argue is that unless and until we figure out how the suburbs of Milwaukee are getting covered or not, we will not move forward with Montana. That's not acceptable to me.

Senator TESTER. So, Chairman Pai, you have maps that are rock solid certain that if you take this $16 billion and you put it in the marketplace, that that money is going to go to underserved areas and not overbuild in others?

Mr. PÁI. Absolutely, Senator. Phase 1 goes to underserved areas, areas that we suggested were underserved and now we've gone through the challenge process. We can confirm they are underserved, so that when the auction starts on October 29, we're talking about thousands of locations in your state that for the first time will get broadband deployment. That's what's at stake here.

Senator TESTER. That's music to my ears, but the question has been before why hasn't the money already been appropriated to those areas if we knew they don't have the service?

Mr. PÁI. I can't speak for what happened before I got in office, but the very first thing we did was to reorient our USF Programs to target underserved parts of the country to firmly close that Digital Divide, and I've seen it for myself in Wisdom and Saint Ignatius and Absaroka Wilderness and other places like that, and it's high time that these folks in Montana and other underserved areas got digital opportunity.

I'm not willing to wait for months or even years while we——

Senator TESTER. I've got it.

Mr. PÁI.—figure out what suburban areas are partially served before we get these underserved parts of the country on the right side of the Digital Divide.

Senator TESTER. I've got it. But one of the major problems has always been, and I don't want—we're both on the same page here. We want to do the same thing. I think everybody does on the FCC and then on this committee is on the same page. We want to make sure the money is well spent. You've been on the FCC for a long
time. I mean, it’s not like you haven’t been affiliated with this board, this Commission.

Mr. Pai. I couldn’t agree more, Senator, and that’s why in August, we instituted the Digital Opportunity Data Collection to get the more granular maps. Unfortunately, Congress has now passed the Broadband DATA Act which not only prohibits us from using USAC to create those maps, it also doesn’t give us any funding to be able to implement the Broadband DATA Act’s mandates.

65 million in the first year alone is required. We don’t have it and so that’s why I’m coming to you and I went to the Appropriations Subcommittee last week to ask for this necessary funding. We need it to be able to create those maps.

Senator Tester. I got it, and I appreciate that. Things don’t happen by air.

I would just tell you this, that I think that the accountability issue here becomes a real problem because if you’re doing it before you walk out the door potentially and we’re counting on those maps being correct and if they’re not, we just wasted a ton of money, and, look, I think I’ve supported nearly everybody, if not everybody, on the Commission’s confirmation, and the fact is, is that, we need to have this work.

If we’ve seen anything in Montana, we’ve seen health care being shortchanged. We’re seeing education being shortchanged because we don’t have the service and that’s the bottom line, and I hear you say we’re going to do it. I just hope you’re right on that.

One last thing I just want to ask about and that’s a question that Senator Schatz brought up about health care and the fact that $200 million in the CARES Act. Montana got zero and other states did, too, based on the incidence of COVID–19.

I would just say this. Our Governor took actions that were very preemptive and it stopped things from happening like they could have happened. We’re getting penalized because the Governor showed good leadership and we don’t know where this virus is going to go and we’ve got at least three proposals, and I want to ask you to go back and look at those to see if there’s any money left in that fund to try to help these folks out.

Montana is just not a flyover state. There’s people that live there and they’re pretty good people. So we need service, too.

Mr. Pai. Well, Senator, if I might, I did want to let you know that we have given grants to, for example, Providence St. Joseph in Seattle, which has been given a million dollars in funding for several sites, including St. Patrick Hospital in Missoula and St. Joseph Medical Center in Polson. In addition to that, Avera ECare in Sioux Falls has also gotten a grant, $803,000, to cover in part 10 Montana health care providers across the state. So we look forward to continuing to work with you to make sure that your state gets the help that it needs under this program.

Senator Tester. I appreciate that and I appreciate the help that we’ve gotten. Make no mistake about it. Those other states need help, too.

Thank you, Mr. Chairman.

Mr. Pai. Thank you, Senator.

Senator Wicker. Thank you. Thank you, Senator Tester.
Before I go to Senator Sinema, Chairman Pai, when did the FCC first conceive of the RDOF? When did you first start working on that?

Mr. Pai. Gosh. Early 2018, yes, I believe it’s—sorry. Late 2018, if I remember correctly. I’ll have to go back and look at the calendar, but it has been awhile, long time coming.

Senator WICKER. OK. So——

Mr. Pai. I first publicly announced it, if I remember correctly, in the spring of 2019.

Senator WICKER. OK. Now if it goes forward on time in October, I think the problem we’re going to see is it’s going to take a long time to build this out. Now we could use a whole lot more money from the Congress and get this build-out done much faster, could we not?

Mr. Pai. Absolutely, Mr. Chairman, and——

Senator WICKER. You would welcome that, would you not?

Mr. Pai. Yes, your initiative——

Senator WICKER. We would welcome that, would you not?

Ms. ROSENWORCEL. I think as we’ve established, I think there’s a fatal flaw in its foundation, but your idea to speed it up because people can’t wait and that you would make sure that winners get additional funds if they build faster is one that has a certain sense to it, yes.

Senator WICKER. Senator Sinema, thank you for indulging me there just to let me try to nail that down. You are recognized, ma’am.

STATEMENT OF HON. KYRSTEN SINEMA, U.S. SENATOR FROM ARIZONA

Senator SINEMA. Thank you, Mr. Chairman, and thank you to all of our witnesses.

You know, I look forward to working with the FCC and my colleagues on this committee to support Americans with expanded affordable broadband access during the pandemic as jobs, schools, and health care have shifted online.

My first question is for Commissioner Rosenworcel. I’m sorry.

Ms. ROSENWORCEL. No problem.

Senator SINEMA. Now more than ever, communities across Arizona need reliable access to emergency services. I’ve heard from Arizonans lacking consistent cell service, including some seniors living at the Sundance RV Resort and the Fairways Community in Pinal County, many of whom can’t reach 9–1–1 in the event of an emergency. In fact, during a recent 30-minute call between my staff and a resident discussing this poor cell service, the call was dropped three times.

So the FCC Mobility Fund failed to reach communities in need because the maps were just plain wrong. I’m concerned the FCC might repeat the mistakes of the past and again spend money without ensuring it gets to communities that need it, like in Pinal County.

How do you recommend we best move forward to help Arizonans who live without reliable cell service?

Ms. ROSENWORCEL. Thank you, Senator, for the question. Not having wireless service, like you said, it’s not just an inconven-
ience, it could be a matter of life or death. You can’t access 9–1–1. You can’t get health care and for a long time, the FCC’s been trying to figure out with propagation maps from carriers where service is and where service is not and what we’ve found is that many of the maps we had from carriers were profoundly wrong.

So we’re going to have to take the authority you gave us in the Broadband DATA Act and rebuild our wireless maps, figure out where service is and is not, and when we do it, let’s not just do it here in Washington with the five of us. Let’s not just go to carriers. Let’s go to people in Arizona and every other state in the country who from their lived experience know where you get bars on your phone and where you don’t and use that kind of crowd sourcing to inform our data and that way we’ll develop the kind of information that allows us to target funds to places that need it most.

Senator Sinema. Oh, thank you. Chairman Pai, that one I got right, we need to provide tribal governments with the resources to ensure equitable broadband access for Indian Country.

I’ve worked to ensure that tribes in Arizona can utilize the 2.5 gigahertz band for broadband services. The tribal priority filing window for this spectrum can lessen the Digital Divide in Indian Country but tribes need adequate time to learn about the spectrum and understand how they can use it.

Unfortunately, tribes have been disproportionately affected by the coronavirus and have requested additional time to apply for the spectrum.

Would you commit to a 180-day extension for the tribal priority filing window in the 2.5 gigahertz band because of the coronavirus?

Mr. Pai. Thank you, Senator, for the question. I certainly appreciate your leadership on issues of tribal connectivity.

It was my insistence that we included this rural tribal priority window to give tribes first dibs on this prime mid-band spectrum. I’m aware of the request from some advocates for an extension of that window and that’s something that we are currently considering. We would be happy to keep your team apprised as we make that decision.

Senator Sinema. Please do. As you may be aware, Chairman Pai, there are several tribes in Arizona which are currently facing the most severe outbreaks in the entire country, in fact reaching levels above that of New York. So the need for them to have additional flexibility during this very dangerous time for their communities is important.

Commissioner, do you also agree with the Chairman about the need to consider extending time for Indian tribal communities to have access to this decision?

Ms. Rosenworcel. Yes, it’s a once-in-a-lifetime opportunity for tribes to have some mid-band spectrum to promote wireless broadband services. They are some of the least connected communities in the country. I think we should give an extension of that August 3 deadline because tribal communities have been more affected by this virus than others and I think an extension of 180 days is warranted.

Senator Sinema. Thank you. Chairman Pai, I’ll follow up with you directly on the specific needs of these tribal communities in Ar-
Arizona, and I would ask you again to very strongly consider granting them an extension as right now their tribal communities are entirely focused on issues of life and death during this pandemic.

Mr. Chairman, I yield my time. Thank you.

Senator WICKER. Thank you so much, Senator Sinema.

Let me tie up some loose ends and I do appreciate the Commission indulging us.

Chairman Pai, there’s some build-out in unserved areas being done through funds provided through RUS, the Rural Utility Service. Is there a chance that in the RDOF process there could be duplication there and how do we avoid that?

Mr. PAI. There is not, Mr. Chairman. So per the FCC's Order, we want to make sure that there is no company, no provider that is under a legal obligation through either a Federal or state program to build out broadband to that area. So those types of areas would not be eligible in Phase 1 of the RDOF because we don’t want to give companies essentially twice the money to do the same thing.

Senator WICKER. OK. Now let’s see. Commissioner Carr, broadcasters are in the process of implementing a technological evolution in their Signal ATSC 3.0 or Next Gen TV will provide broadcasters with new business opportunities beyond simply broadcasting.

Could you please explain what the new ATSC 3.0 technology is, how it works, and how you think this will facilitate greater applications in rural America?

Mr. CARR. Thank you, Senator, for the question. I think ATSC 3.0 is a really fascinating technology. It takes the same spectrum that Americans receive today over-the-air television and lets broadcasters use some or all of that to offer effectively a 25 megabit per second, so think of it as a high-speed internet, down link over its existing footprint.

So it could be used for anything from updating connected cars with these large-scale files that they may need for mapping to smart ag, which can be important for rural communities, to just downloading movies potentially on your phone.

I think the future of connectivity is going to be one where you don’t have necessarily the same pipe as the download pipe and the upload pipe at the same time. You may be able to couple together different options from different technologies and different spectrum bands.

So I think broadcast Internet is going to be part of that future of connectivity and our decision at the FCC this month removed the overhang of some regulations that could have slowed down the build-out nationwide of broadcast Internet services.

Senator WICKER. Thank you. Commissioner O’Rielly, let me get your comment about the Universal Service Fund. Stakeholders have voiced concerns about the sustainability of the funding mechanism.

What solution do you recommend, if any, to ensure that the USF remains sustainable in the months and years ahead, and what are your thoughts on making sure this remains sustainable?

Mr. O’RIELLY. It is not sustainable as it currently sits. Some of that recent increase is because of the pandemic that’s going on, but it has been rising for far too long.
There have been a number of ideas that have been put forward. One of those pushed forward by the state commissioners would involve a tax on broadband. I haven’t favored that and that has put us at loggerheads. We haven’t been able to get past that conversation.

I have asked for any idea and all to be debated out and let’s figure out how we can get to a new mechanism for USF funding. Our expenditures, the amount of money, every single one of the four programs, plus some that are outside, are being increased in terms of the amount of dollars that are going out, but the money coming in is problematic, how we collect it.

Senator WICKER. Commissioner Starks or Commissioner Rosenworcel, do you want to jump in on that?

Ms. ROSENWORCEL. I think that Commissioner O’Rielly and I both had the pleasure of running the Universal Service Joint State Board that has tried to wrestle with these issues and, honestly, it’s really hard because the system that was set up in the Telecommunications Act of 1996 assumed the future was interstate long distance voice and what that means is that that’s what we assess against in order to come up with all these funds to build broadband.

So the factor keeps rising because the pool that we assess against keeps falling.

Senator WICKER. Right.

Ms. ROSENWORCEL. Simple math. And I think I’ve come to the conclusion that we’re going to have to work with Congress to figure out what comes next because I don’t think the law and what we were contemplating in 1996 is quite adequate for the moment that we’re in.

Senator WICKER. I think people viewing this hearing today can appreciate there’s a lot that the Commission needs to work with Congress on.

Chairman Pai, temporary waivers on Lifeline oversight expire in a day or two. How do you plan to ensure that qualified Lifeline users remain connected while also ensuring that the program does not experience waste, fraud, or abuse?

Mr. PAI. Great question, Mr. Chairman. We’ve tried to make sure that we grant maximum flexibility to both Lifeline providers and consumers. For example, just recently, we took the step of making sure that rural tribal consumers that can’t produce documentation for eligibility are able to get service nonetheless for 45 days after the application is submitted to allow the provider to get some additional time to verify the documentation.

We’ve also relaxed some de-enrollment and recertification rules. We’ve taken other steps and we’d be happy to consider extending those, if necessary, to meet the needs of this emergency.

There have been a whole bunch of different steps like this that we have taken to make sure that low-income consumers can have that connectivity and certainly think that a number of my colleagues support has been very important in that process.

Senator WICKER. Thank you. We haven’t talked about rip and replace yet. The FCC recently collected data from telecommunications providers about the use of Huawei and ZTE and their networks. Based on the information provided so far, how are we
doing? How much do you think it will cost to rip out that equipment and replace it with network components from trusted suppliers as we all agree needs to be done and as Congress has put into the statute, Chairman Pai?

Mr. Pai. I’ll be happy to take a crack at it.

Senator Wicker. Yes.

Mr. Pai. So our preliminary estimate was that it would cost up to two billion to rip and replace that equipment with trusted vendors. Right now, as you mentioned, we have a data collection that we’ve now received all the information from.

The Office of Economics and Analytics is going through that information to verify the nature of the equipment involved and what the price tag would be for replacing it and so once we reach that assessment, we’d be happy to work with your team to make sure that the adequate resources are given to companies to rip and replace that problematic equipment.

Senator Wicker. Do you think it’s worth $2 billion to the taxpayers?

Mr. Pai. Oh, I think in this regard, I think it is indeed. Making sure that we have trusted vendors supplying that equipment and services in our networks is incredibly important.

Senator Wicker. What is the time-frame on getting this done, Mr. Chair?

Mr. Pai. You mean in terms of——

Senator Wicker. Of completing the mandate under rip and replace, secure and trusted communications network.

Mr. Pai. So certainly the OEA is going through that data collection information as quickly as they can and we would—I mean, we want to work with you to make sure we do it as soon as possible. This is an issue that I’ve been banging the drum about for a couple of years and we need to make sure we take action with dispatch.

Senator Wicker. How soon can it be done?

Mr. Pai. I mean, I can’t give you a full answer because I don’t know the nature of the funding that’s going to be provided. We don’t yet know the full scope of the problematic equipment. So I would hesitate to give you an answer if there are thousands of providers out there or hundreds. The time-frame shifts very significantly.

Senator Wicker. OK. Let’s talk about regulatory barriers, Commissioner Carr, and I think this is your question. The FCC recently approved an infrastructure order that clarifies key siting rules for wireless infrastructure deployment, including 5G. It’s intended to eliminate unnecessary barriers to siting on existing infrastructure and accelerate wireless networks upgrades.

I understand you’re the lead commissioner on this Order, is that correct, sir, and what impact do you see from the 5G Upgrade Order? Do you anticipate increased investment and build-out as a result?

Mr. Carr. Thank you, Senator, for the question and for your work to help promote the accelerated build-out of Internet infrastructure.

Our goal, I think all of our goal on the Commission, is to see 5G build in every single community. The finish line was never when New York or San Francisco see their first 5G builds. We’ve made
tremendous progress over the last couple of years and one way that we ultimately closed that Digital Divide is to make sure that Internet infrastructure is available in every community.

This 5G Upgrade Order looks at existing macro towers which serve a lot of rural communities. I was at one not too long ago in Glenelg, Maryland, macro tower a couple hundred feet on a farm, got to climb up the tower with Charlie and Aaron, two of America’s hard-working tower techs, swapping out an antenna from effectively a 2G style antenna to a 5G antenna, took them less than an hour, but the regulatory process can drag on for months and months.

So we updated and clarified our approach under Section 6409, which Congress passed, and I do think this is going to accelerate the upgrade of 5G, particularly in rural communities.

Senator WICKER. Who’s going to be offended by this? Who’s going to fight you?

Mr. CARR. Any time that we issue a decision off the FCC that deals with the build-out of Internet infrastructure, you’re going to see some pushback from state and local governments that ultimately oversee the siting process.

What I’ve been pleased by, though, is we’ve gotten support from a lot of state and local officials who want 5G build-out in their community and understand that if we drive down the regulatory costs of building out, it’s going to happen in their communities faster.

Senator WICKER. Commissioner Rosenworcel, is this going to be easy?

Ms. ROSENWORCEL. We’ve been here for 3 hours. Nothing feels totally easy at this point.

Senator WICKER. Thank you all. We have so many issues.

Ms. ROSENWORCEL. No, no, no. I appreciate your efforts.

Listen, we’ve got to streamline the deployment of infrastructure in this country. That is an absolute given. We also have a 10th Amendment and a long history of local control in this country. You know, people don’t take kindly to five unelected people telling them what they can and can’t do in their own backyard and so we’re going to have to figure out how to balance those two things.

I would suggest this, that if you have future infrastructure legislation with dollars attached, you should condition them on speedy resolution of siting and permits at the local level. Let’s figure out how we can use carrots rather than sticks to get this done.

Senator WICKER. Well, we are anticipating such legislation.

Ms. ROSENWORCEL. So I read.

Senator WICKER. Chairman Pai, what can you tell us about the pending proceeding at the FCC to create a new FM Radio Broadcast Class, referred to as FM Class C4? Have you ever heard of that?

Mr. PAI. I’ve heard a little bit about that, Mr. Chairman.

Senator WICKER. Can you just give us an update there and tell us what the considerations are?

Mr. PAI. I appreciate the question. We received a petition from NMTC, among other advocates, suggesting that the creation of a Class C4 could be useful for certain radio broadcasters and I put that on the floor for my colleagues’ consideration. At the request
of one of my colleagues, we converted what was originally intended to be a Notice of Proposed Rulemaking into a Notice of Inquiry.

My understanding, based on the last time we've had these discussions, is that there's not majority support for moving ahead with the Notice of Proposed Rulemaking and so we look forward to creative solutions to trying to advance the ball in a way that reflects consensus on this issue.

Senator WICKER. Who has doubts about this that you'd like to voice? Yes, Commissioner O'Rielly?

Mr. O'RIELLY. Yes, I don't like to voice but I will voice. I have concerns it will cause, our favorite word, harmful interference to existing other radio broadcasters and there is a big, you know, disagreement amongst existing broadcasters on the impact of this.

What I did, and I asked the Chairman to go from an NPRM back to an NOI because the NPRM was fairly empty and I thought it ought to understand what are the impacts. It should explain what's the value of this going forward. It didn't. So we went to an NOI and hopefully that has been addressed and fully fleshed out, but I haven't seen anything since.

Senator WICKER. What is an NOI?

Mr. O'RIELLY. Notice of Inquiry. It's a more vague approach in our process.

Senator WICKER. OK. Well, there are people out there who will very much benefit from that answer.

OK. Let me stir the pot on my last question. Commissioner Carr, you said something that makes sense to me about how well we've done during this recent period as compared to our friends across the ocean and some adversaries across the ocean in terms of the Internet working. You say, “America's networks performed because of the private sector's massive investment in our Internet infrastructure over the past years.”

So the question is, why did this happen? Are we just lucky? You conclude, “The network's performance under stress, the 5G build-out, and all of this investment doesn't happen by chance. They are fostered by light touch regulatory approach to infrastructure. It's an approach that emphasizes clear rules that keep pace with changing technology” and apparently in your view, also encourage investment by the private sector which got us to this very favorable position that we've had the last few months.

So you've expressed your opinion there. I'll let anybody on the panel discuss this and challenge it or take a different view. Do we all agree with the conclusion of Commissioner Carr in that regard? Are you raising your hand, Commissioner Rosenworcel?

Ms. ROSENWORCEL. I know. I just want to qualify. First, let's be proud of how our Nation's networks have responded to this crisis.

Senator WICKER. And I am proud.

Ms. ROSENWORCEL. I absolutely—no, but I believe they've done a good job, but here's the thing. I think I would like it if we collected data on it. We don't even collect standardized data on broadband outages. It's not part of our network outage reporting system and so the one thing I would say is I'm not sure if we know on a regional and local level how well it's performed because we're not collecting data on it.
Senator WICKER. And how would we do that?

Ms. ROSENWORCEL. Well, I think we would update our outage reporting structure so that it reflects the broadband age.

Right now, we primarily collect data on legacy telephone outages, but, you know, just last week, we had a major wireless provider that had an outage that affected big swaths of the country. The wireless phone didn’t work for one major national provider. We got to figure out how our outage system and reporting reflects the way that people use services today so then we can use that data to make sure our policies are smarter in the future.

Senator WICKER. Thank you. And, Chairman Pai, you get the last word in this lengthy hearing on that topic. Is it a fact that our system performed so much better and why is that?

Mr. PAI. I appreciate the question, Mr. Chairman, and I think the answer that Commissioner Carr gave is correct, and if you look at it from 60,000 feet, over the last 3 years, we’ve had to make some very difficult decisions. Some of them were popular, some of them were less so, but at the end of the day, the proof is in the pudding.

Because of some of the decisions we’ve made to get rid of utility-style regulation of Internet infrastructure, to get rid of heavy-handed regulation of business data services, to streamline the process for wireless infrastructure deployment, to encourage companies to focus their investments on fiber instead of copper, these types of decisions in the aggregate have created an incredibly strong incentive for companies to make the massive network investments that are necessary for moments just like this and but for the fact that we had the courage to make some of these decisions, I daresay that we may have been put in the position similar to the European Union which had to proactively, as Commissioner Carr mentioned, go to Netflix and YouTube and these other streaming services and ask them to proactively throttle their own consumers’ bandwidth in order to make sure that networks didn’t collapse.

I’m incredibly proud not just of the American broadband network’s performance but of all the building blocks that were in place for that success, one of the critical ones of which was the regulatory framework we’ve established over the last three years.

Senator WICKER. Well, thank you, Chairman Pai, and thank you all, and these are words that you have been longing to hear.

The hearing record will remain open for two weeks. During this time, Senators are asked to submit any questions for the record. Upon receipt, the witnesses are requested to submit their written answers to the Committee as soon as possible but by no later than midnight Wednesday, July 29, 2020.

I thank you and this hearing is now adjourned.

[Whereupon, at 1:19 p.m., the hearing was adjourned.]
APPENDIX

June 23, 2020

The Honorable Roger Wicker
Chairman
Committee on Commerce, Science, and Transportation
U.S. Senate
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member
Committee on Commerce, Science, and Transportation
U.S. Senate
Washington, DC 20510

Re: June 24, 2020, Senate Committee on Commerce, Science, and Transportation Hearing – “Oversight of the Federal Communications Commission,”

Dear Chairman Wicker and Ranking Member Cantwell:

In advance of the Committee’s June 24 hearing with the Federal Communication Commission (FCC), I am writing to express NAFA Fleet Management Association’s (NAFA) serious concerns with efforts underway at the FCC to reallocate portions of the 5.9 GHz band, known as the safety spectrum, away from Intelligent Transportation System (ITS) operations. Please consider utilizing your oversight authority to direct the FCC to reconsider the approach in the NPRM1 on the 5.9 GHz band until the U.S. Department of Transportation’s (DOT) ongoing transportation safety technology testing has been completed and the test results have been evaluated.

NAFA has more than 2,000 individual fleet manager Members who are employed by corporations, universities, government agencies (federal, state, and local), utilities, and any other entities that use vehicles in their normal conduct of business. NAFA Members are in control of more than 4.2 million vehicles and manage assets in excess of $92 billion. These vehicles travel more than 84-billion miles each year. The fleets managed by NAFA’s Members run the gamut from light- to heavy-duty vehicles, and depending on the employer’s mission, these fleets may be contained to one specific geographic area, dispersed among multiple regions or states, or be in multiple countries. In addition, NAFA is supported by more than 1,000 associate members who represent companies that support fleet managers in their jobs. These include vehicle manufacturers, leasing companies, aftermarket equipment suppliers, telematics firms, service providers, and others.

NAFA requests that the full 5.9 GHz band be preserved for ITS operations, such as Cellular Vehicle to Everything (C-V2X) devices and Dedicated Short Range

1 Use of the 5.800-5.925 GHz Band, Notice of Proposed Rulemaking, FCC, Dec. 2019
Communications (DSRC). Preservation of the full 5.9 GHz safety spectrum band for automotive safety technologies that enable vehicle-to-everything ("V2X") communication is essential to incentivize the further deployment of V2X technologies.

V2X technologies are a critical component of ITS operations that aid in preventing and mitigating roadway crashes. V2X communications can enable vehicles and other road users to communicate in real-time with each other and the surrounding infrastructure. The technology is able to assist in coordinating traffic and collision avoidance, thus saving lives and reducing congestion and saving businesses and consumers millions or billions of dollars in insurance and auto repair costs. These technologies present a significant tool for fleet managers to go beyond managing risks to actively mitigating risks through the avoidance of operator error by other drivers on the road. The National Highway Traffic Safety Administration (NHTSA) estimates this technology has the potential to intervene and help prevent up to 80% of all non-impaired light vehicle crashes, significantly reducing the nearly 37,000 lives lost and 3 million injuries that occur on U.S. roadways each year.  

The FCC’s contention that ITS operations are being deployed too slowly within the 5.9 GHz band is at odds with the expected outcome of the NPRM. Technical assessments of the FCC’s NPRM from the U.S. Department of Transportation ("DOT") do not support FCC’s assertion that "designating 30 megahertz of spectrum will be sufficient to support ITS-related functions in the 5.9 GHz band." The DOT expects that the shift proposed in the NPRM could defer accident reduction for another five years.

It would be worthwhile for the FCC to undertake a rigorous analysis of the potential transportation public safety costs associated with such a delay. In the past, NHTSA calculated that the total cost related to the economic and societal harm from motor vehicle crashes amounted to $836 billion in a single year. The study relied on data collected from 2010, a year in which 32,999 people were killed in motor vehicle crashes. In 2019, an estimated 38,120 people died in motor vehicle traffic crashes on U.S. roadways. Even the high-end estimates for the potential gains from unlicensed use of

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1 Proposed rule would mandate vehicle-to-vehicle (V2V) communication on light vehicles, allowing cars to ‘talk’ to each other to avoid crashes. NHTSA, Dec. 2016 (https://www.nhtsa.gov/about-nhtsa/Press- Releases/Alabama's-V2V-proposed-rule-121216-print)
the full 75-megahertz of the 5.9 GHz band do not outweigh the likely possible cost of motor vehicle crashes if V2X technology deployment is delayed.

Sharing or re-channelization of the 5.9 GHz band could nullify progress already made, unnecessarily delay implementation, devalue prior 5.9 GHz ITS technology investment, and, most critically, could lead to the unnecessary loss of lives. These concerns have been emphasized in the large number of comments filed in opposition to the FCC’s NPRM to permit unlicensed devices to operate in the 5.9 GHz band.9

Safety is a significant issue for fleet managers. In the business world, safe driving means fewer crashes, lower insurance premiums, and the use of less fuel, but it also means the protection of a company’s greatest assets — its employees. NAFA and its members have always understood the far-reaching implications vehicle crashes can have as fleet vehicles interact with the other vehicles on the road. For the general welfare of employees and those with whom they share the road, safety and risk management are a must.

Should you or your staff have any questions about NAFA or our policy positions, please do not hesitate to contact me or Patrick O’Connor, NAFA’s U.S. Legislative Counsel, at (703) 351-6222 or patoconnor@kantoconnor.com.

Thank you for considering our comments.

Sincerely,

Bill Schankel
Chief Executive Officer
NAFA Fleet Management Association (NAFA)

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June 23, 2020

The Honorable Roger Wicker
Chairman
Committee on Commerce, Science
and Transportation
U.S. Senate
Washington, D.C. 20510

The Honorable Maria Cantwell
Ranking Member
Committee on Commerce, Science
and Transportation
U.S. Senate
Washington, D.C. 20510

Re: Oversight Hearing on the Federal Communications Commission (FCC)

Dear Chairman Wicker and Ranking Member Cantwell,

I write to you today on behalf of the National Association of Federally-Insured Credit Unions (NAFCU) in conjunction with tomorrow’s hearing titled, “Oversight of the Federal Communications Commission.” NAFCU advocates for all federally-insured not-for-profit credit unions that, in turn, serve 120 million consumers with personal and small business financial service products. Limitations under the Telephone Consumer Protection Act (TCPA), combined with the current pandemic, present challenges to the ability of credit unions to keep their members informed. We hope you will use tomorrow’s hearing to urge the FCC to use its authority to address the concerns of industry.

Pandemic-Related Regulatory Relief

The FCC recently issued a narrow Declaratory Ruling confirming that the pandemic is an emergency under the TCPA and stating that certain healthcare-related calls are excepted from the TCPA’s requirements. In light of the severity of the economic impact of the pandemic on consumers, NAFCU and several other trade associations have filed a Petition for Expedited Declaratory Ruling asking the FCC for the same flexibility regarding calls to consumers about their ability to access their funds, assistance programs regarding loan payments, and other important financial information related to the pandemic. The Consumer Financial Protection Bureau (CFPB), the National Credit Union Administration (NCUA), and multiple consumer advocacy groups have indicated support of that Petition. This would seem to be an important step for the FCC to take to help consumers during the pandemic, but they have yet to do so. We would request that you use the hearing to urge the FCC to grant this request.

TCPA Autodialer Definition and Call Labeling and Blocking

A key challenge stems from credit unions’ ongoing concerns with the FCC’s definition of “automatic telephone dialing systems” ("autodialer") under the TCPA and the impact it is having in the current environment. The FCC’s definition of autodialer was struck down by the Court of Appeals for the D.C. Circuit Court in 2018, and in the absence of a valid, constitutional definition
The Honorable Roger Wicker, The Honorable Maria Cantwell  
June 23, 2020  
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from the FCC, a split has formed among Federal appellate courts. We hope that the Commission will revisit this definition in light of the current environment.

NAFCU has also consistently submitted comments in support of the FCC’s efforts to combat illegal robocalls by implementing a fully tested and effective STIR/SHAKEN framework. As financial services are becoming increasingly conducted remotely due to the coronavirus pandemic, credit unions have been experiencing trouble with call labeling and blocking. Labeling calls as fully authenticated is an important component of the STIR/SHAKEN framework. However, call labeling should not be implemented until the STIR/SHAKEN framework is fully implemented and tested to prevent the mislabeling and erroneous blocking of legitimate communications.

Credit unions have already experienced the negative effects of allowing Voice Service Providers (Service Providers) to enact call blocking and labeling without the full implementation of the STIR/SHAKEN framework. The Commission has already received data that 24 percent of labeled calls were mislabeled according to one report.¹ We hope that the FCC will address these concerns and provide credit unions with clarity that important calls to their members will not be erroneously blocked.

We thank you for the opportunity to share our thoughts and look forward to continuing to work with you on telecommunications issues. Should you have any questions or require any additional information, please contact me or Lewis Plish, NAFCU’s Associate Director of Legislative Affairs, at 703-842-2263 or llish@nafcu.org.

Sincerely,

Brad Thaler  
Vice President of Legislative Affairs

cc: Members of the Senate Committee on Commerce, Science and Transportation

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO HON. AJIT PAI

Question 1. The coronavirus pandemic has highlighted the digital divide experienced by millions of American children who do not have Internet access at home and are unable to engage in online learning. In normal times this prevents school children from doing homework and supplemental learning. During the pandemic lack of broadband access also locks these children out of their classrooms. As the coronavirus pandemic continues to threaten our nation, I believe it is in the public interest for the FCC to ensure that children learning from home can connect to their online classrooms.

Unfortunately, in your June 24th testimony before the Senate Commerce Committee, you stated that the Communication Act’s reference to “classrooms” prohibits the FCC from utilizing the E-Rate program or waiving applicable rules so that beneficiaries of the program can utilize universal service funding to provide wireless service and hotspots for students. See 47 USC § 254(b)(6).

You also committed to me to review the FCC’s interpretation of classroom under the statute.

As I stated to you at the hearing, I believe your interpretation of “classroom” callously disregards the fact that classrooms are now online for millions of students because of the pandemic and is unnecessarily narrow. The FCC appears to be unwilling to use the tools granted to it by law to aid our children as Congress intended. Please explain why the FCC has decided to adopt such a narrow interpretation “classroom” under this statute?

It also appears that the FCC has flexibility to provide funding to schools for “educational purposes” under 47 USC § 254(h)(1)(b). Please explain why you have not exercised the FCC’s authority under this section of the Act to allow schools to use E-Rate funds to connect to their students for educational purposes.

In addition, the FCC has authority to designate additional services as eligible for E-Rate support under 47 USC § 254(c)(3). Have you explored the ability of the FCC to fund connectivity to students under this provision of law? If so, why have you decided not to use the FCC’s authority under this provision to connect children to their schools during the pandemic?

Assuming that the statutory provisions listed above present insurmountable barriers that prevent the FCC from allowing schools to use E-Rate funds to connect to their students, the Act provides the FCC with explicit authority to forebear, on its own discretion, from statutes that limit the use of E-Rate funds if “such provision or regulation is consistent with the public interest.” See 47 USC § 160(a)(3). Do you believe that it is in the public interest for school children to be connected to their classrooms during the pandemic? If so, why have you chosen not to forbear from applying § 254(b)(6), § 254(h)(1)(b), or any statute that governs the E-Rate program that you believe prevents the FCC from allowing E-Rate funds to be used to connect children to their schools during the pandemic?

Extended school closures due to COVID–19 have led to unprecedented disruption of K–12 education in this country. Schools have had to change the way they teach, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis. The FCC aims to enable this transition to remote learning. But, as I explained during the recent Senate Commerce Committee oversight hearing, we face a major barrier: the Communications Act, which the FCC is duty-bound to administer, expressly limits the FCC’s use of E-Rate program funding to broadband and other services delivered to school “classrooms” and libraries. As such, wireless connectivity and devices supplied to students at home unfortunately do not qualify for E-Rate support under the law, regardless of whether they are being used for educational purposes. And because agencies only have the authority granted to them by Congress, we do not have the authority to waive these statutory requirements. See City of Arlington, Tex. v. FCC, 569 U.S. 290, 297 (2013); Chrysler Corp. v. Brown, 441 U.S. 281, 283 (1979).

Nor does the Commission’s authority under 47 U.S.C. § 160 to “forbear from applying any regulation or any provision of this Act to a telecommunications carrier or telecommunications service” afford the Commission latitude in this regard; our forbearance authority does not extend to the lifting of Congressional limitations on the Commission’s ability to expend universal service funds outlined in Section 254.

That’s why we have been working, and will continue to work, with Congress on dedicated funding for remote learning. This includes funding for Wi-Fi hotspots, Wi-Fi enabled modems, end-user devices, and broadband connectivity for students who need these tools to do online learning at home. I remain willing to work with Con-
gress on solutions to this problem, especially a remote learning initiative of the kind I proposed several months ago.

I also would point out that Congress has also provided $16 billion in CARES Act funding—a massive injection of funding that is 400 percent more than the annual cap for the E-Rate program—to help schools during COVID–19. Congress also made it explicit that this funding can be used for remote learning. We’ve been working with the Department of Education to help make sure that schools know about this important resource, and I would hope and expect that educators would prioritize their students’ needs as they spend these funds. We’ve also been working with the Institute of Museum and Library Services to get the word out to libraries and Tribal organizations about CARES Act funding that is available to help the bridge the digital divide in their communities.

Question 2. In your testimony, you explained that the FCC is using information from the Centers for Disease Control and Prevention (CDC) and Johns Hopkins Coronavirus Resource Center to determine which applications should receive support through the FCC COVID–19 Telehealth Program. However, in the April 2, 2020, Report and Order announcing the COVID–19 Telehealth Program, the FCC identified several other factors in addition to CDC and John Hopkins data that the FCC would consider when reviewing providers’ applications. These factors included:

• whether the provider served high-risk and vulnerable patient populations;
• whether the provider was under existing strain due to large underserved or low-income patient populations, health care provider shortages, rural hospital closures, or limited broadband access and/or Internet adoption rates, prior to the crisis;
• whether the funds were being used to treat other types of patients in order to prevent, prepare and respond to the coronavirus; and
• whether the provider was using telemedicine in the prevention of pandemic spread by facilitating social distancing and similar measures in the community.

Please explain how the FCC employed each of the four factors listed above to evaluate COVID–19 Telehealth applications. What metrics did the FCC use to ensure that these factors were considered in the FCC’s decision-making process?

Answer. In the COVID–19 Telehealth Program Order, consistent with Congress’ directive and the urgent need for telehealth services in light of the COVID–19 pandemic, the Commission directed the Wireline Competition Bureau to select participants and funding amounts for each selected applicant on a rolling basis and to “target[] funding towards areas that have been hardest hit by COVID–19.” The Commission expected the Bureau to “use publicly available resources to help us identify these areas, such as data released by the Centers for Disease Control and Prevention, in addition to information provided by applicants.” On the recommendation of the Department of Health and Human Services, Commission staff used the objective Johns Hopkins data to help identify whether an application was from an area that was hardest hit by COVID–19.

After prioritizing for review applications from the hardest hit areas, as directed by the Commission, staff reviewed those applications in depth. As you note, the Commission “strongly encourage[d] selected applicants to target the funding they receive through the COVID–19 Telehealth Program to high-risk and vulnerable patients to the extent practicable,” “recognize[d] that some health care providers may have been under pre-existing strain,” noted that “treating other types of conditions or patient groups through the Commission’s COVID–19 Telehealth Program could free up resources . . . allow health care providers to remotely treat patients with other conditions who could risk contracting coronavirus by visiting a health care facility, and could reduce health care professionals’ unnecessary exposure to coronavirus,” and said that staff should “consider as part of a health care provider’s application a showing that telemedicine directly aids in the prevention of pandemic spread by facilitating social distancing and similar measures in the community,” among other things. All of these factors were considered holistically, as relevant to any particular application.

Altogether, the Commission was able to approve 539 applications in almost every state in the country, consistent with our overarching goal to ensure that Telehealth Program support would have the most significant possible impact in fighting the ongoing pandemic. There was incredible interest in the Program, and we were unable to approve the majority of applications, even from providers that were located in what qualified as the hardest hit areas. But I’m confident that the Program will prove its worth, both in the near and long terms.
Question 1. Thank you for your continued engagement on the issue of designating 9–8–8 as the three-digit code for our Nation’s crisis hotlines. Although the vast majority of calls to the National Suicide Prevention Lifeline do not result in the dispatch of emergency services, for the 2 percent of calls that do, knowing the caller’s location can be the difference between life and death.

a. What technological or other challenges exist today to making a dispatchable location available for Lifeline caller?

b. Is the FCC considering how access to dispatchable location could be accomplished through its current 9–8–8 rulemaking process? If not, why not?

Answer. The transmission of call location information, thus making a dispatchable location available for a Lifeline caller, is a technically complicated issue, as the Commission’s Report and Order in the 988 rulemaking proceeding explains. By way of comparison, the FCC’s E911 rules require wireless carriers to provide information regarding a caller’s location to any Public Safety Answering Point that has requested its delivery, and wireless carriers have developed various techniques over the past several decades to provision this information. Here, however, carriers’ and providers’ networks are not set up to transmit location information to the National Suicide Prevention Lifeline, and the Lifeline is not set up to receive such information.

Further, the FCC lacks the authority to compel the Lifeline and its call centers to accept geolocation information. The Substance Abuse and Mental Health Services Administration, which organizes the Lifeline, however, has acknowledged that the Lifeline could benefit from geolocation capacities to assist and locate acutely suicidal individuals. Should our Federal partners at the Substance Abuse and Mental Health Services Administration and the U.S. Department of Veterans Affairs wish to add dispatchable location capabilities to the Lifeline, the FCC could then elect to revisit this issue in a future proceeding that develops a detailed record on the various technological, logistical, and legal issues raised by the automatic transmission of geolocation and other caller data during a 988 call.

In the interim, as fully explained in the Report and Order, the FCC did not wish to unduly delay or complicate implementation of 988 and the life-saving benefits it offers to Americans in crisis.

Question 2. This December, Lifeline voice support is set to continue to sunset and the mobile broadband minimum is set to skyrocket. The Lifeline program has shrunk dramatically due in large part to the minimum service standards.

What do you plan to do to restore Lifeline support for voice service and to ensure that the mobile broadband minimum service standards do not further restrict the availability of Lifeline across the country?

Answer. Pursuant to the 2016 Lifeline Order, Lifeline support for service that includes a qualifying voice service but not a qualifying broadband service will transition from the current amount of $7.25 per month to $5.25 per month on December 1, 2020, while Lifeline support for qualifying broadband service will remain at $9.25 per month to encourage affordable modern communications services for low-income Americans. Also pursuant to the 2016 Lifeline Order, on December 1, 2021, the support amount for service that does not include a qualifying broadband service will be eliminated, except in Census blocks where there is only one Lifeline provider, where Lifeline voice support will remain at $5.25 per month.

When the Commission created the voice support phase-down in 2016, it noted that retail voice-only offerings were naturally declining in price as a result of a competitive marketplace, and the Commission aimed to target Lifeline support to modern broadband offerings, which had a higher price for service. Targeting Lifeline support in this way appropriately focuses finite universal service resources on broadband offerings to encourage Lifeline carriers to offer affordable communications services that enable low-income consumers to participate in the modern economy. And we have already seen this theory borne out in practice, as Lifeline providers have increased subscribers’ access to broadband service to obtain the full $9.25 in Lifeline support. When Lifeline support for voice decreased from $9.25 per month to $7.25 per month in December 2019, the percentage of Lifeline subscribers receiving service that included both qualifying voice and qualifying broadband immediately jumped from 26 percent to 41 percent, while the percentage of Lifeline subscribers receiving support for Lifeline voice service without qualifying broadband immediately dropped from 29 percent to 13 percent. An additional 46 percent of Lifeline subscribers received either standalone broadband or broadband bundled with voice service that did not meet the Lifeline minimum service standards. This result pro-
vides little reason to stop the transitioned phasedown of voice support that began in 2016, and indeed indicates that the phasedown has thus far maximized the impact of Lifeline disbursements to the benefit of low-income consumers.

In 2016, the Commission also established minimum service standards for mobile voice and fixed and mobile broadband, along with mechanisms to automatically increase those standards each year, to ensure that Lifeline subscribers were not receiving second-class service relative to other subscribers. Last year, the 2016 Lifeline Order’s formula to update the standard for mobile broadband data capacity yielded a minimum service standard of 8.75 GB per month, which the Wireline Competition Bureau subsequently adjusted to 3 GB in an order partially granting a petition for waiver. This year, the 2016 Lifeline Order’s problematic formula would yield a minimum service standard of 11.75 GB per month—that’s why I’ve circulated to my colleagues an order on reconsideration that would result in a more predictable formula going forward while still increasing the minimum standard to 4.5 GB for next year so that subscribers don’t receive second-class service.

Question 3. Have you considered raising the support amount so that Lifeline subscribers can get more data?

Answer. I believe that the current approach that the Commission has adopted and implemented for Lifeline reimbursement ensures that we maximize our resources to support quality services at more affordable rates for low-income Americans. The Commission’s minimum service standards set a floor from which eligible telecommunications carriers (ETCs) must offer service, and we have seen ETCs offer more data than is required to meet market demands.

Additionally, we cannot ignore the fact that any increase in Lifeline support would impact the Universal Service Fund contribution factor, which is proposed to be 26.5 percent for the third quarter of 2020. Taxpayers bear the burden of any increase in universal service support, and an increase in the Lifeline reimbursement rate will impact these consumers, who are, of course, from all income brackets and often include low-and middle-income Americans. I do not believe that now is the right time to ask even more of taxpayers.

Question 4. What do you plan to do to increase participation in the Lifeline program to ensure that Lifeline is meeting its potential to close the digital divide?

Answer. The Commission’s rules require every Lifeline carrier to advertise the availability of Lifeline (requiring such carriers to “publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service”)—and many carriers do so aggressively. Furthermore, the FCC and Universal Service Administration Company (USAC) staff have undertaken numerous efforts to promote Lifeline awareness to ensure that consumers who are eligible for the program have the information and resources they need to apply. These efforts have involved coordination with a variety of government agencies and non-profit organizations, including Federal and state agencies that administer programs like the SNAP and Medicaid, through which consumers can qualify for Lifeline. At the Federal level, FCC and USAC staff have been coordinating with a number of agencies, including:

- The Department of Health and Human Services, including the Administration for Children and Families, the Administration for Community Living, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, the Indian Health Service, the Office of the Assistant Secretary for Planning and Evaluation, and the Substance Abuse and Mental Health Services Administration;
- The Department of Veterans Affairs, including the Veterans Health Administration’s Homeless Programs Office and Office of Connected Care;
- The Department of Housing and Urban Development, including the Office of Field Policy and Management, the Office of Housing, and the Office of Public and Indian Housing;
- The Department of Agriculture;
- The Bureau of Indian Affairs;
- The Social Security Administration;
- The Department of Commerce, including the National Telecommunications and Information Administration; and
- The National Institute for Children’s Health Quality.

Through these coordination efforts, FCC and USAC staff have shared Lifeline materials with non-profit organizations, presented program information to agency employees both in Washington, D.C. and regional field offices interested in learning about and promoting awareness of the program among their constituents,
and organized customized training sessions for agency stakeholders who serve on the front lines in providing support to low-income individuals who may qualify for Lifeline.

At the state level, the Commission has partnered with the National Association of Regulatory Utility Commissioners to spread awareness of the Lifeline program among low-income populations, including consumers who may be newly eligible for the program. USAC has also distributed outreach materials directly to state government agencies that administer SNAP and Medicaid programs across the United States, urging them to inform consumers of their eligibility for Lifeline. In addition, the FCC and USAC have expanded access to the Lifeline National Eligibility Verifier to enable state agencies to take a more hands-on role in helping consumers apply for the Lifeline program. With this access, state departments of health and human services and state social service agencies can assist consumers with submitting their online applications, uploading eligibility or other documentation (as needed), and tracking the status of their Lifeline program applications.

At the local level, USAC has distributed Lifeline materials to over 13,000 food banks, homeless shelters, and other direct service organizations to ensure people in need are aware of the Lifeline program. USAC has also conducted five Lifeline consumer advocate training sessions since May, two of which were designed for consumer advocates serving residents on Tribal lands who may need assistance in applying for enhanced Lifeline support. USAC also provided additional trainings for hundreds of consumer advocates as a result of our ongoing conversations with state and Federal partners.

Finally, FCC and USAC staff have also created a toolkit of Lifeline resources for our Federal and state partners, which is posted on the USAC website at https://www.usac.org/lifeline/learn/lifeline-resources-for-state-and-federal-partners/, so that any agency that needs it can easily provide its stakeholders with information about the program and how to apply. We expect that our Lifeline outreach and coordination with federal, state, and local partners will continue in the coming months and years to ensure low-income families get and stay connected to broadband and phone service.

Question 5. Broadcast licensees are seeing a fee increase this year, in addition to one they experienced last year. While I understand these fees increases are driven, at least in part, by increased workload at the FCC, as you know, broadcasters have experienced a massive drop in revenue as a result of the ongoing pandemic and the accompanying loss of advertising.

c. In light of that, has the Commission considered freezing these fee increases while the pandemic continues?

d. Are other FCC licensees also seeing similar increases in their regulatory fees this year?

e. Can you share the data or formula the Commission uses to determine the fee structure placed on licensees?

Answer. I recognize that local radio and television broadcasters are providing essential information to listeners and viewers during this unprecedented time. I have publicly commended the industry for all that they have done—and continue to do—to serve the public. At the same time, as you note, these stations are facing incredible financial uncertainty because they rely primarily on over-the-air advertising as a revenue source.

The Commission has taken steps during this crisis to ease regulatory burdens, as appropriate, on the entities that we regulate. But the collection of regulatory fees is one area where the law set forth by Congress is explicit. We must assess fees that can reasonably be expected to equal the amount of funds appropriated by Congress. We must collect these fees by September 30 of each year. We must allocate the fees fairly across all of the fee payor entities. And we cannot exempt entities that do not already have an exemption in the statute, such as the de minimis exemption.

There is some flexibility, however, to offer extended payment terms at nominal interest rates for regulatory fee payors that demonstrate they face significant financial challenges, just like we did for some regulatees impacted by hurricanes in 2017 and 2018. We have sought comment on such an approach in our annual Regulatory Fees Notice of Proposed Rulemaking, which was adopted on May 13. Alternatively, Congress could choose to modify the existing statutory language to provide additional flexibility—including providing an extension of time to file beyond September 30.

As you note, the potential increase in fees each year is dependent on how much Congress appropriates to the Commission to complete its mission and how much
Congress requires us to collect from regulatees. We revisit the allocation annually to reflect changes in both the appropriation to be recovered and the distribution of FTEs across the core bureaus (International Bureau, Media Bureau, Wireless Telecommunications Bureau, and Wireline Competition Bureau) whose regulatees pay the fees. Accordingly, each year, some licensees see increases in their fees and some see decreases. The Commission follows the same process each year by initiating a proceeding regarding the collection of regulatory fees. Within that NPRM, the Commission’s fee allocation methodology is described in detail. The NPRM is available at: https://docs.fcc.gov/public/attachments/FCC-20-64A1.pdf.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JON TESTER TO HON. AJIT PAI

Question 1. I am proud of the providers in my state for going above and beyond to support their communities. Especially the small providers who are facing economic hardships of their own. I am a cosponsor of the bipartisan Keeping Critical Connections Act, which would reduce some of the weight on these small providers. As Congress discusses how best to help these small providers, are there any gaps we should consider?

Answer. Despite facing financial challenges during the pandemic, many smaller broadband and telephone service providers agreed to take the FCC’s Keep Americans Connected Pledge—a voluntary commitment not to terminate service for inability to pay, to waive any late fees, and to open Wi-Fi hotspots to any American who needs them. I’m proud of the fact that over 780 broadband and telephone service providers across the country, including many small providers, took the Pledge and thus agreed to take these concrete steps to help Americans stay connected with broadband or telephone connectivity during the COVID–19 outbreak. Many of these same companies have gone above and beyond the Pledge and taken additional steps to maintain or expand connectivity during the pandemic and agreed to extend their Pledge and additional offerings to consumers through June 30, 2020.

But these companies, especially small ones, cannot continue to provide service without being paid for an indefinite period of time; no business in any sector of our economy could. That’s why I wrote to Congress in June, urging consideration of the Broadband Connectivity and Digital Equity Framework proposed by Chairman Roger Wicker of the Committee on Commerce, Science, and Transportation. That comprehensive framework would be a good starting point for legislation that would aid small providers.

One gap that I would like to bring your attention—to the extent Congress considers the Keeping Critical Connections Act—is that this legislation does not appear to address small providers that maintained service for small businesses even when they fell behind on their bills.

Question 2. Should we include small providers that maintained service for small businesses even when they fell behind on their bills?

Answer. As noted above, I agree that any legislation offering support to small providers should encompass those that have aided small businesses during the pandemic.

Question 3. What can Congress do to ensure these resources are going to the small providers that need them the most?

Answer. Providing flexibility to the Commission to appropriately target such small providers would aid in getting funding to those that need it most in a timely manner.

Question 4. With regards to the proposed 5G Fund, how will this affect my constituents that are still waiting on 3G and 4G service? Will communities that currently have 4G receive 5G ahead of them? How does the FCC plan to make these decisions?

Answer. The Commission sought comment on two approaches to Phase I of the 5G Fund for Rural America. The first would use existing data to assess how rural an area is and prioritize support to those that historically have lacked 3G and 4G LTE mobile coverage. The second would defer the auction until the Commission is able to collect and process new mobile coverage data through the Digital Opportunity Data Collection and identify and target support to those areas where it is needed most. The public comment period in this proceeding recently closed, and I look forward to reviewing the record and working with my fellow commissioners to chart the best course forward. Generally speaking, we want to make sure that those without 4G or 3G service today will benefit soon from the 5G revolution, rather than expending public funds to help deliver existing wireless technologies at precisely the
moment when urban Americans are beginning to enjoy the technologies of the future.

**Question 5.** Why would the FCC consider spending the entire 10-year Fund based on maps that we know to be inaccurate, and which will soon be replaced?

**Answer.** The Commission has not proposed to spend any amount of the 5G Fund for Rural America based on inaccurate maps. Rather, we have sought comment on two different options for distributing funding as discussed in my prior answer, neither of which would be based on current Form 477 data.

**Question 6.** Between the rural broadband initiatives and the race to 5G, there is a lot of money going out the door for infrastructure. Do we currently have the telecommunications workforce we need to keep up with the investments we’re making in our networks?

**Answer.** That’s a good question. And that’s why when I rechartered the Broadband Deployment Advisory Committee last year, we created a working group dedicated to Broadband Infrastructure Deployment Job Skills and Training Opportunities. Among other things, the working group is studying whether our telecommunications workforce is keeping pace with the evolving communications network, and I expect a report from them later this year. On July 29, the BDAC meeting included consideration of this very issue, as have previous meetings held on March 27, 2020, December 3, 2019, and September 19, 2019.

**Question 7.** What steps should we be taking now to ensure that providers have enough skilled workers in rural areas to handle the demands of these substantial new universal service programs?

**Answer.** Ensuring sufficient and predictable universal service support is available in rural areas is an important component of empowering the providers in those areas to attract the skilled workers they need. I also would draw your attention to innovative public-private partnerships that are underway. For instance, the Telecommunications Industry Registered Apprenticeship Program is a joint venture involving telecommunications companies, industry associations like the Wireless Infrastructure Association, and the U.S. Department of Labor to develop Department-credentialed apprenticeship programs available to qualified employers for the training and career development of the telecommunications workforce. I do not have particular legislative solutions in mind, but am sure those involved in the TIRAP would welcome the opportunity to collaborate with you to augment their efforts.

**Question 8.** Has COVID–19 altered our workforce needs?

**Answer.** The COVID–19 pandemic serves as a reminder of the importance of closing the digital divide for all Americans—and the importance of ensuring our communications workforce is sufficient to keep up with demand, especially when short-term needs in particular markets require immediate augmentation of network capacity. I look forward to reviewing the report from the Broadband Deployment Advisory Committee on this and similar matters later this year.

**Question 9.** FCC is administering the three-year $100 million Connected Care Pilot Program. Based on FCC’s perspective, what have been some key challenges for rural communities to access telehealth services via broadband during the COVID–19 pandemic?

**Answer.** Even before the pandemic, many rural communities experienced challenges accessing telehealth. As explained in the Report and Order establishing the Covid-19 Telehealth Program and the Connected Care Pilot Program, the costs associated with implementing telehealth, limitations on medical reimbursements for telehealth, and medical licensing laws are some key factors that prevented wider adoption of telehealth prior to COVID–19 for many health care providers nationwide, including in rural areas. General health care provider shortages and broadband access and costs also have impacted access to telehealth in many rural communities.

As a result of the COVID–19 pandemic, many health care providers serving rural and non-rural communities turned toward telehealth solutions. Recent temporary changes in medical reimbursements for telehealth and licensing laws have facilitated the wider use of telehealth. However, there are still significant costs associated with implementing telehealth that impact providers in rural and non-rural areas equally. In addition, for some rural communities, gaps in broadband access continue to limit access to telehealth. This underscores the importance of moving ahead with vigor to implement Phase I of the Rural Digital Opportunity Fund on October 29. Broadband is the sine qua non of connected care, and it follows that the longer FCC delays the delivery of broadband to millions of American consumers, the longer those consumers will be denied the benefits of connected care.
Question 10. I am specifically interested in making sure that our veterans in rural and Native American communities have timely access to VA telehealth services. Is there any coordination between FCC and other agencies, including VA?

Answer. Yes, very much so. The FCC has worked closely with other Federal agencies concerning telehealth, including the Department of Health and Human Services, the Department of Veterans’ Affairs, and the Department of Agriculture’s Distance Learning and Telemedicine Program. In particular, the VA collaboration has provided the FCC with key insights into the VA’s important telehealth efforts, as well as the challenges that the VA experiences in deploying telehealth to veterans, including veterans in rural areas and Native American communities. I’ve seen that for myself during many visits to VA facilities across the country, including the Tele-Mental Health Hub in Salt Lake City, the groundbreaking tele-dermatology program in Providence, Rhode Island, and other VA facilities from Lecanto, Florida to Boise, Idaho. I also have collaborated in joint events in Washington with VA leadership to emphasize our commonality of purpose and effort. The FCC continues to welcome ongoing discussions and coordination with other Federal agencies concerning this important issue.

Question 11. What happens to the pilot program after three years?

Answer. The Pilot Program is intended to be of limited duration (as most pilots are) in order to help us determine whether and how USF funds could help support the trend towards connected care services over the long term, particularly for low-income Americans and veterans. The Pilot Program will benefit many patients directly, as well as provide meaningful data and information that could inform next steps by the Commission as well as other agencies that have a role to play in regulating or funding telehealth services. At the conclusion of the three-year Pilot Program, the Commission will be able to review the data generated by health care providers selected to participate and consider whether it is appropriate to make support for connected care services an ongoing part of the Universal Service Fund into the future.

Question 12. While the FCC moves forward on designating 9–8–8 as the 3-digit number for the National Suicide Prevention Lifeline, select providers are already enabling 988 for their subscribers. If 988 becomes available in some areas but not others over this period, it will be vital to avoid consumer confusion in areas where 988 is not operational or ubiquitous. Does the FCC have sufficient authority to ensure that telecom providers are able coordinate with relevant stakeholders, including Lifeline administrators on 988 readiness?

Answer. At the July Open Meeting, the Commission adopted my proposal to require voice service providers to transmit 988 calls to the National Suicide Prevention Lifeline by July 16, 2022—the earliest technically-feasible date for nationwide implementation of 988. The new rules will apply to all telecommunications carriers as well as all interconnected and one-way Voice over Internet Protocol providers. The two-year transition reflects the real challenges of this nationwide effort, including the need for widespread network changes and providing time for the National Suicide Prevention Lifeline to prepare for the expected increase in the volume of calls. Some phone companies urged us to roll out 988 on a phased-in basis. But a uniform implementation date will minimize potentially deadly consumer confusion that could result from having 988 available in some, but not all, areas. Although some providers may implement 988 before the deadline, I anticipate less consumer confusion with a single widely known “available-no-later-than” date, accompanied by coordinated, national consumer education campaigns by our Federal partners. The FCC expects and encourages providers to coordinate with the FCC, SAMHSA, and Department of Veterans Affairs staff before moving forward with early adoption, which will further facilitate clear and informative public education campaigns.

Question 13. Will the FCC use their authority to ensure service providers inform relevant stakeholders of their intention to make 988 available prior to notifying subscribers?

Answer. The FCC expects that providers planning to implement early will coordinate with the FCC, SAMHSA, and the Department of Veterans Affairs, the latter two of which have the primary responsibility to facilitate clear and informative public-education campaigns. To this end, the Order provides an e-mail address—988@fcc.gov—for providers considering whether to implement early to contact. FCC staff will monitor that e-mail address and share any information received with SAMHSA and the Department of Veterans Affairs.

Question 14. What plan does the FCC have to ensure clear, uniform public messaging regarding the availability of 988 and what challenges does the FCC anticipate?
Answer. The Order designates 988 as the 3-digit dialing code for the National Suicide Prevention Lifeline run by SAMHSA, in partnership with the Department of Veterans Affairs. Establishing the easy-to-remember 988 as the “911” for suicide prevention and mental health services will make it easier for Americans in crisis to access the help they need. We will continue to work with Federal and local partners, and leaders of communities most impacted by this crisis, to help raise awareness in any way we can. Our role, however, is limited—we cannot and do not wish to usurp the role of our Federal partners or others in operating or promoting the Lifeline itself. Our partners at the Departments of Health and Human Services and the Department of Veterans Affairs will have the lead role when it comes to educating the public regarding 988 and preparing the Lifeline to handle the expected increase in calls to this vital resource for Americans in crisis, and we are confident that they will do so effectively as they have for many other critical health initiatives.

**Question 15.** In respect to Rural Digital Opportunity Fund (RDOF), how did the FCC determine the funding levels for each phase?

Answer. The Rural Digital Opportunity Fund represents the Commission’s boldest step yet in bridging the digital divide. Building upon the success of the CAF Phase II auction, the $20.4 billion Rural Digital Opportunity Fund will use a two-phase reverse auction that will provide support for up to gigabit service to millions of unserved Americans who currently lack access to fixed 25/3 Mbps broadband. Phase I will target up to $16 billion in support over ten years to wholly unserved census blocks—those areas where no one disputes that there is no service at all—in order to make the areas most in need get broadband service. The Commission adopted $16 billion for Phase I given the likely eligible areas and what our cost-modeling predicts it will cost to deploy to those areas. Nearly 5.4 million American homes and businesses that current data show are unserved could receive a broadband connection through the Phase I auction. It is important to set the budget for the Phase I auction high enough to ensure there is sufficient support for the areas that are eligible while fostering healthy competition for support between eligible bidders.

Phase II will make available at least $4.4 billion (and potentially more, as any funds not awarded in Phase I will be rolled into Phase II) to fill in the remaining coverage gaps by supporting networks that will serve partially unserved census blocks that will be identified in the Commission’s ongoing Digital Opportunity Data Collection proceeding, along with areas that did not have a winning bidder in Phase I. The Commission recognized the need for flexibility, which is why we specifically contemplated revisiting the Phase II budget after the Phase I auction and completion of the Phase II data collection, when we know precisely the areas and unserved locations eligible for Phase II.

**Question 16.** What is the total population of the eligible areas, and how does that compare to the FCC’s estimates for the number of people who lack broadband access?

Answer. Commission staff estimate that approximately 10.4 million Americans live in unserved areas that are eligible for support through the Rural Digital Opportunity Fund Phase I auction. That number represents more than half of the 18.3 million Americans that the Commission’s 2020 Broadband Deployment Report shows lack access to 25/3 Mbps broadband, far and away the largest single step the Commission has taken to close the digital divide and bring broadband to unserved Americans. The Rural Digital Opportunity Fund Phase I auction casts a wide net, and includes almost all high cost, wholly unserved census blocks that are not yet receiving any other support for broadband deployment. Many of the remaining 8 million Americans reported as unserved in the Broadband Deployment Report will receive broadband connections through one of the Commission’s other universal service programs, like the CAF Phase II auction, the first and second ACAM programs, and the CAF BLS legacy support program for small, rural carriers.

**Question 17.** Will there be a challenge process for Phase 1 of RDOF?

Answer. Yes. In March, the Commission’s Wireline Competition Bureau released the preliminary list of census blocks and a map of areas deemed initially eligible for the Rural Digital Opportunity Fund Phase I auction. A challenge process then commenced—a process that was completed last month.

**Question 18.** What is the FCC’s vetting process to ensure that broadband providers are actually able to provide adequate connections?

Answer. Before being qualified to receive support in the Rural Digital Opportunity Fund Phase I auction, an applicant is required to demonstrate its financial and technical ability to provide broadband and voice service at its proposed speed and latency using the applicant’s proposed technology. This process proved effective for
screening potential bidders in 2018 for the successful Connect America Phase II auction. In addition, winning bidders will be required to obtain an irrevocable standby letter of credit to safeguard the universal service funds in the event a bidder fails to build a network serving all required areas. The letter of credit requirements provide important protections for the taxpayers that fund universal service program support, while minimizing burdens on participants. Commission staff will closely scrutinize auction applications to ensure that all applicants are proposing to use technologies that will be successful in providing mass market broadband services to consumers. Then, once service providers have deployed their networks, the deployments will be verified and will be subject to speed and latency testing under the Commission's CAF Performance Measures rules.

**Question 19.** In regards to the IP CTS, since the FCC has decided to allow conditional certification of Automated Speech Recognition (ASR)-only service, will the FCC provide a warning to hard-of-hearing consumers that ASR-only services are experimental? How will the elderly and our veterans going to know that they might be taking a risk?

**Answer.** While ASR-only IP CTS may be new, most IP CTS providers already use ASR in some form as part of their service. The Consumer and Governmental Affairs Bureau recently granted conditional certifications for ASR-only IP CTS service, and the companies will be required to provide the Commission with data to ensure that the service meets our minimum quality standards applicable to all IP CTS providers. Each of the applications was thoroughly reviewed, and an independent entity provided a technical assessment. Consumers will continue to have a choice of IP CTS providers—including those that offer communications assistants—and under the FCC's rules, consumers are free to switch providers at any time for any reason.

**Question 20.** Has the FCC considered using a pilot program to test the Automated Speech Recognition venders?

**Answer.** MITRE Corp., the Commission's contractor that provides the National Test Lab, previously provided detailed testing of various IP CTS technologies as part of the Commission's proceeding and also performs a specific assessment of the technology to be used as part of any individual application. Because the conditions placed on the recently adopted ASR-only certifications ensure that reliable data will be provided to the Commission regarding the quality of service provided, the conditional authorizations serve the same purpose as a pilot program, with the added benefit of providing consumers with the opportunity to try out these new technologies. In short, the conditional authorizations provide consumers with additional choice of providers without delay.

**RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KYRSTEN SINEMA TO HON. AJIT PAI**

**Question 1.** Tribes across the country have been disproportionately affected by the coronavirus pandemic. Across the Southwest, COVID–19 takes lives at rates 19 percent higher than other racial or ethnic groups. The Navajo Nation have had more people infected with the coronavirus per capita than any state in the country. As I mentioned to you at the hearing, I concerned this will impact applications to the priority filing window for the 2.5GHz band.

This opportunity has never before been offered to Tribes and is a good step in the direction to address the broadband gap that has existed in Indian Country for far too long. It is critical Tribes have adequate time to learn about the spectrum and determine if they are eligible.

Following our discussion at the hearing and your opportunity for further review, will you commit to a 180-day extension for the tribal priority filing window in the 2.5GHz band?

**Answer.** I agree with you that the 2.5 GHz Rural Tribal Priority Window is a unique opportunity for Tribal entities to get access to prime mid-band spectrum. That's why I directed the Wireless Telecommunications Bureau and the Office of Native Affairs and Policy to engage in an extensive effort to ensure robust participation in the Rural Tribal Priority Window. In December 2019, the Bureau announced the filing window would last for 182 days—from February 3, 2020 through August 3, 2020—responding to concerns from some Tribes that the initial 60-day filing window contemplated in the Commission's order might be too short. And by January 15, 2020, Bureau or ONAP staff had reached out to every federally recognized Tribe and Alaska Native Village by phone or other direct contact to discuss the filing window. And those efforts have borne fruit. As of today, rural Tribes have submitted 170 applications in the Commission's Universal Licensing System. Nonetheless, I
agree that we must consider whether an extension is warranted, and staff are currently working on that issue.

**Question 2.** An estimated 17 percent of U.S. students do not have access to computers at home and 18 percent do not have access to broadband internet—necessities for Arizona students to access online learning during this crisis. I support legislation to provide additional funds for schools and libraries through the E-Rate program for Wi-Fi hotspots and internet-enabled devices, so students have equal access to online learning.

Do you agree that additional E-Rate funding in an upcoming coronavirus relief bill can help tackle the Homework Gap for students that lack reliable Internet access?

**Answer.** Extended school closures due to COVID–19 have led to unprecedented disruption of K–12 education in this country. Schools have had to change the way students are taught, and it is critical that parents and students stay connected so that they can participate in online learning from home during this crisis. The FCC aims to help schools make this transition to remote learning. But we face a major barrier: the Communications Act, which the FCC is duty-bound to administer, expressly limits the FCC’s use of E-Rate program funding to broadband and other services delivered to school “classrooms” and libraries. Connectivity and devices supplied to students at home unfortunately do not qualify for E-Rate support under the law.

That’s why I have been working, and will continue to work, with Congress on dedicated funding for remote learning. This includes funding for Wi-Fi hotspots, Wi-Fi enabled modems, end-user devices, and broadband connectivity for students who need these tools to do online learning at home. I remain willing to work with you on solutions to this problem, especially a remote learning initiative of the kind I proposed several months ago.

I would note that Congress has already provided $16 billion in CARES Act funding to help schools during COVID–19, and this funding can be used for remote learning. And we’ve been working with the Department of Education to help make sure that schools know about this important resource. We’ve also been working with the Institute of Museum and Library Services to get the word out to libraries and Tribal organizations about CARES Act funding that is available to help bridge the digital divide in their communities.

**Question 3.** Based on the widespread concerns for the continuing viability of GPS, do you support a stay of the Ligado decision to allow for further review of the studies relied upon for the decision and an opportunity for additional input from potentially impacted stakeholders?

**Answer.** The Commission’s unanimous, bipartisan decision imposes stringent conditions on Ligado’s application to deploy a low-power terrestrial network in L-band spectrum. These conditions serve to protect GPS operations, which are important to our national security and economy, from harmful interference. The Commission has received several petitions for reconsideration, including requests that we review our approach to evaluating interference concerns. The Commission also has received a petition to stay the effect of the Ligado Order. I can assure you that the Commission will give full consideration to the issues raised.

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**RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO HON. JESSICA ROSENWORCEL**

**Question 1.** Do you support the FCC beginning Phase I of the RDOF auction on October 29, 2020 as currently scheduled? Yes or no? If no, when should the FCC begin Phase I of the RDOF auction? Please provide a specific date. If the date is past October 29, 2020, please explain why the Federal Communications Commission should delay providing support to known unserved areas in the Rural Digital Opportunity Fund (RDOF) Phase I auction?

**Answer.** I have concerns with the auction as currently scheduled. For years it has been apparent that the Federal Communications Commission’s broadband data and maps suffer from fundamental flaws. The uncomfortable truth is that the agency does not know where broadband is and is not with any sort of precision. In fact, a trade organization representing some of the country’s largest carriers did a pilot project and found that 38 percent of the homes and businesses the FCC counted as served had no service at all.

For this reason, I believe the FCC should have made efforts to improve our data and maps years ago or, at a minimum, at the same time that we advanced our Rural Digital Opportunity Fund (RDOF) policies. Instead, the agency is on a path to commit 80 percent of this broadband funding for the next ten years this October without any new data to inform this effort. If we’re going to spend billions in public
funds on improving service in rural America, I don't think it's too much to ask that we do it with speed and get it right.

Of course, my preferred approach did not carry the day with my colleagues at the FCC. Therefore, as I testified, I acknowledge that the agency intends to move ahead with the RDOF auction in October.

Because I have concerns with the course we have chosen, you ask what date would be appropriate to hold this auction. I share with you a desire to move fast to address the digital divide. But I believe giving out the bulk of our funds before we have honest and accurate data is a mistake. As I suggested when I testified, I believe we could start on the scheduled date with a smaller amount and proceed with the remainder after an all-hands-on-deck effort to improve our information. Failing to do this will lead to budget problems, with the agency draining its available resources before understanding the full scope of our broadband problems. As a result, with our existing approach we risk leaving significant portions of rural America behind.

Question 2. During the hearing, you testified that you would structure the RDOF differently. Please describe how you would restructure the $20.4 billion RDOF to ensure both speed in distributing broadband resources and accuracy in targeting broadband resources to unserved areas. Please include specific dollar amounts for funding to be made available in both the Phase I and Phase II auctions, and an approximate date to begin each auction.

Answer. Last year, when the FCC was considering the rulemaking that led to the establishment of the RDOF, I asked that my colleagues seek comment on alternative approaches. Specifically, I requested that we ask questions about alternatives to committing 80 percent of the total RDOF budget for the next ten years in our earliest phase of spending, known as Phase I. I was concerned then, and remain concerned now, that with the known problems in our existing data, this course would lead to too few funds available in later phases of spending. This lack of funding will prevent the agency from providing adequate support to a substantial number of rural communities in the future. I regret that my colleagues did not agree to my request. As a result, the FCC lacks a public record detailing alternative approaches to these funds, the calendar for spending, and the integration of more precise broadband deployment data into our ongoing RDOF efforts. Without such a record, developing a precise alternative is difficult. But it is clear that proceeding as planned means spending the bulk of our funds before we have accurate data. This approach risks leaving significant portions of rural America behind.

The FCC has already acknowledged that this is true. In fact, in the RDOF decision at the start of this year, in light of deficiencies in our data, the FCC recognized the record reflects that “the size of the budget may be insufficient to serve all of the unserved locations.” It acknowledged that this would require “reassessing the adequacy of the budget after Phase I.” In other words, the FCC intends to reassess the budget for RDOF after the vast majority of the funds are already spent. I do not think this is prudent and fear it will result in rural communities that do not have service and an agency that does not have resources to offer them support.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAN SULLIVAN TO HON. JESSICA ROSENWORCEL

Question 1. The 2.5GHz Rural Tribal Window is a unique opportunity to help bring greater Internet connectivity to tribal entities through direct access to spectrum. The current pandemic is occupying many resources that would otherwise be available for applying for this program. Is the FCC considering extending the application deadline to accommodate the current crisis?

Answer. The decision to extend the application deadline for the 2.5 GHz Rural Tribal Window lies with the Chairman of the Federal Communications Commission. However, in light of the ongoing COVID–19 pandemic, I fully support such an extension.

The available data demonstrate that far too many of our Tribal Lands lack the Internet infrastructure that is essential in the digital age. In an effort to remedy this problem, last year the FCC provided federally-recognized Tribes and Alaska Native Villages on rural Tribal Lands, and the Department of Hawaiian Homelands a “priority window” to obtain 2.5 GHz spectrum to serve rural Tribal Lands. The FCC determined it would keep this window open for 180 days in order to give Tribes the time they needed to apply.

Since the COVID–19 pandemic struck, the FCC has acted quickly to offer other communities extensions of their regulatory deadlines. For instance, when companies suggested they needed more time to clear the 3.5 GHz band because of the pan-
Tribal communities face similar—if not greater—challenges as these other communities when it comes to participating in FCC proceedings during the pandemic, if not more. So we should offer the same courtesy here too. This spectrum can deliver major benefits to rural Tribal communities. They should not be prevented from having their opportunity to apply for it as a result of this public health emergency. An extension will ensure Tribes have adequate time to make the most of this first-of-its-kind opportunity. Accordingly, I would support extending the deadline and committing to ensuring every rural Tribal community has an equitable opportunity to receive spectrum licenses.

Question 2. How is the FCC preparing for the utilization of beam forming, beam steering, and Dynamic Spectrum Sharing in the next generation of transportation?

Answer. New intelligent transportation efforts provide opportunities to substantially increase safety on our roadways. To this end, manufacturers are installing capabilities like lane departure warning systems, adaptive cruise control, back-up and side cameras, and other driver assistance systems. Many of these capabilities are made possible by technologies like radar, LiDAR, cameras, sensors, on-board mapping tools, or cellular and Wi-Fi networks.

For the next generation of transportation, some stakeholders also are exploring opportunities to integrate more advanced communications technologies into infrastructure and into vehicles. Specifically, vehicles within the Intelligent Transportation Service framework will sense the driving environment and exchange data with other vehicles and infrastructure. Smart antenna systems that utilize capabilities like beam forming, beam steering, and Dynamic Spectrum Sharing will improve these sensing and sharing capabilities and improve coverage range, capacity, data-rate, and quality of service. This in turn holds promise to advance both safety and American productivity.

The FCC is preparing for the future of transportation by participating in international standards-setting efforts that are developing capabilities like beam forming, beam steering, and dynamic spectrum sharing for 5G and related verticals and by making available flexible-use spectrum for these new technologies. In addition, we have started a rulemaking to explore how best to encourage innovation in the 5.9 GHz band for transportation while also ensuring that the spectrum is put to its highest and best use. Our proposal currently includes new opportunities for C–V2X technology for connecting vehicles in this band which features a protocol consistent with 3GPP standards that provide for beam forming, beam steering, and dynamic spectrum sharing. In addition, the FCC is examining its equipment authorization procedures to update its measurement techniques for approving these advanced technologies.

Question 3. What is the plan for spectrum allocation, aside from DSRC and 802.11P for the DOT, for being able to de-conflict all modes of transportation on the same network?

Answer. The FCC aims to provide spectrum access to support all economic sectors, including transportation. In doing so, the agency aims to implement rules that ensure that the potential for interference among different users is minimized. For example, the FCC’s rules permit vehicular radars in the 76–81 GHz band using a licensed-by-rule approach that allows multiple users to co-exist on the spectrum without the risk of harmful interference. In the 5.9 GHz band, the agency is examining how best to update its 20-year old rules requiring Dedicated Short Range Communications so the American public can reap the greatest benefit from the spectrum, including access to newer safety technologies. The FCC has a number of technical and regulatory tools available to it to permit multiple users to share spectrum or to ensure successful co-existence among nearby users. In addition, advancements in technology and ongoing standards work that seeks to harmonize DSRC and C–V2X technologies hold promise to ensure similar success for future transportation-related spectrum decisions.

Question 4. Does the FCC support or see advantages in utilizing localized wireless networks that keep information as localized as possible and could serve educational or medical districts—especially in places that might not have extensive fiber infrastructure—that that allow more connectivity for children and the workforce?

Answer. For more than 55 million students nationwide, school is closed. The buildings are shut and the classrooms are empty. To manage the spread of COVID-19, learning has migrated online. The same is true for healthcare. This isn't easy for anyone—but for millions of students who lack a reliable Internet connection at
home, it is especially hard. These students fall into the what is known as the “Homework Gap.”

At the FCC, we are updating the way we think about spectrum policy in ways that will help ensure spectrum is available for educational and medical needs at the local level. In the Citizens Broadband Radio Service, the FCC’s rules permit general authorized access users to use this spectrum without license or prior approval from the FCC. In addition, on July 23 the agency will begin an auction of licenses in this band at the county level. These licenses naturally lend themselves to providing localized coverage to all sectors of the economy, including for education and medical needs. In fact, we’ve seen interest from entities supporting localized industrial operations eager to use this spectrum for intelligent manufacturing, power generation and distribution, healthcare, and more. In addition, the FCC recently proposed more flexibility for TV white space devices that operate on broadcast spectrum and have the potential to provide greater Internet access to rural and underserved communities. I hope we can make progress on those proposals soon.

This is exciting, but spectrum policy alone won’t fix the Homework Gap. To do that, we need to also update the E-Rate program. For two decades it has supported Internet connections in classrooms and in every state across the country. Right now, those classrooms are virtual. The E-Rate program can support their classroom connections at home by having schools provide mobile hotspots to students who lack broadband service. While this creative use of E-Rate is possible under existing law, the FCC has not taken any action necessary to make it happen. I think we should change that.

Question 5. What is the FCC’s position on allowing the private management of publicly accessible government networks through spectrum sharing?

Answer. Spectrum is a scarce resource. With the demands on our airwaves multiplying, it is incumbent on policymakers to explore innovative ways to use and manage spectrum. To this end, the FCC previously has explored the private management of publicly accessible government networks. Perhaps the best and most recent example of this approach is the First Responders Network Authority, which offers a nationwide, interoperable public safety broadband network. A private entity bid for the opportunity to manage this network and provide access to first responders using a mix of dedicated public safety spectrum and commercial spectrum when needed. The FCC provides oversight of some aspects of this arrangement, namely ensuring that the terms and conditions of the license are met.

Going forward, additional creative arrangements may emerge in other spectrum bands. While the FCC’s rules are designed to allow for flexibility, successful spectrum sharing reaches its greatest potential when parties operate under the same technical framework. In some circumstances this may require oversight and management in order to simultaneously accommodate new and incumbent uses.
Above all, we need to find creative ways to ensure that during this crisis households are not cut off from the communications they need for essential services, like emergency response, education, and healthcare.

**Question 2.** Should we include small providers that maintained service for small businesses even when they fell behind on their bills?

Answer. Small business is the engine of our economy and responsible for a significant amount of job creation. But, unfortunately, this pandemic threatens the existence of many small businesses. It’s been reported that over 110,000 small businesses have closed permanently nationwide. Many more may be on the brink. So as you contemplate communications relief legislation, studying data from providers—especially the smallest among them—is important. To this end, you might wish to review information about forgone receivables from small businesses in order to understand their continuing ability to pay for service during this emergency.

**Question 3.** What can Congress do to ensure these resources are going to the small providers that need them the most?

Answer. If Congress enacts legislation designed to offer relief for small providers and that relief is administered by the FCC, it is essential that this law identify the criteria that would guide the distribution of available funds. For example, Congress may wish to limit this relief to providers of a certain size, based on revenues. It may also wish to consider the number of employees, the number of consumer and business access lines, and the demonstration of forgone revenues due to efforts to prevent loss of service in the community.

**Question 4.** With regards to the proposed 5G Fund, how will this affect my constituents that are still waiting on 3G and 4G service? Will communities that currently have 4G receive 5G ahead of them? How does the FCC plan to make these decisions?

Answer. We still have too many places in this country where wireless signals are scarce and service is hard to find. Yet the uncomfortable truth is that the FCC does not know where broadband is and is not with any real precision. Its existing system of mapping wireless service based on Form 477 data has well-known deficiencies. While we have a proposal to fix them, the agency has yet to begin doing so in earnest.

To make matters worse, the FCC has proposed moving forward with its 5G Fund before remedying these data problems. Under this proposal the FCC would provide funding to support the deployment of wireless service in rural communities based on information we know is flawed and put off fixing it for later. This makes it a good bet that the existing 5G Fund proposal could lead to wasteful spending and leave rural areas behind, including those in Montana that are still waiting on wireless service.

I think a better course would involve the agency putting a premium on accurate data, so it knows with greater precision which areas have 3G service, 4G service, and no service at all. These facts should inform our distribution of funds. Moreover, I believe that we can choose this course and prove we can two things at once—work fast and base our effort on facts.

**Question 5.** Why would the FCC consider spending the entire 10-year Fund based on maps that we know to be inaccurate, and which will soon be replaced?

Answer. I share your concerns. Simply put, we need maps before money and data before deployment. This is precisely what Congress told us to do in the Broadband DATA Act. It sets forth very specific requirements designed to improve the FCC’s broadband maps for wired and wireless service. Then, this data was supposed to inform the agency’s distribution of universal service funds to expand the reach of service in rural America, including through the 5G Fund.

Moreover, I believe the FCC’s 5G Fund proposal presents a false choice. It suggests we can either provide funds for more wireless service fast or we can do it accurately. But the truth is that we need to do both. If we’re going to spend billions in public funds on improving wireless service in rural America it’s not too much to ask that we do it with speed and get it right.

**Question 6.** Between the rural broadband initiatives and the race to 5G, there is a lot of money going out the door for infrastructure. Do we currently have the telecommunications workforce we need to keep up with the investments we’re making in our networks?

Answer. The deployment of 5G networks over the next several years will grow the U.S. economy and transform the workplace—but first workers have to be trained to build and maintain the needed infrastructure. By some estimates, we will need 20,000 more tower climbers to accelerate the deployment of 5G. We will need additional workers to lay fiber, install radios, and deploy other essential equipment. Un-
less it is filled, the demand for more workers could become a roadblock for the next generation of wireless technology.

To that end, earlier this year the Department of Labor awarded grants to help support 28 public-private apprenticeship partnerships totaling nearly $100 million. These grants will support large-scale expansions of apprenticeship in industries including manufacturing, healthcare, and information technology. The grants included a $6 million grant to the Wireless Infrastructure Association to expand apprenticeships in the telecommunications industry. In partnership with the Power & Communication Contractors Association, the grant will be used to train a 5G workforce. The grant will be supplemented by more than $9 million in matching support from industry for a total commitment to apprenticeship of $15 million in public-private partnership.

These grants will provide funding to design curricula and deliver training to develop qualified applicants for placement in middle-to high-skilled jobs nationwide that will help accelerate 5G deployment throughout the country. The program will be delivered through the Telecommunications Industry Registered Apprenticeship program, which is a public-private partnership with the Department of Labor.

We have a lot of work to do to train a 5G workforce, but this is a start. I believe the FCC now needs to monitor the effectiveness of these Department of Labor efforts so we understand what practices result in the greatest employment opportunities. We also should assess how well these efforts retain workers in the field and if additional work is necessary to ensure that they result in deployment in rural communities.

**Question 7.** What steps should we be taking now to ensure that providers have enough skilled workers in rural areas to handle the demands of these substantial new universal service programs?

**Answer.** In the near term, the United States will have to train another 20,000 tower climbers to help install 5G equipment. In the longer term, we will need many other workers for every layer of the 5G ecosystem. That’s why earlier this year at a hearing before the Committee entitled “Industries of the Future,” I suggested the Department of Labor should ensure 5G jobs are listed as a priority for its registered apprenticeship programs.

At a broader level, we need to think broadly about how we can introduce more pathways to upward mobility across industries and across the country, including in rural America. The skills necessary to secure and keep a job are changing fast, but data suggests a steady decline in the amount employers are investing in their workforce. To remedy this, we need to encourage more investment in our workers. We also should explore a human capital tax credit to offset a portion of new training activities to support the future of work. These initiatives could help upgrade our workforce, ensure access to in-demand skills, and create more job security for American workers nationwide.

**Question 8.** Has COVID–19 altered our workforce needs?

**Answer.** The COVID–19 pandemic is demonstrating the need for more robust communications networks in the United States. With so many Americans forced to stay home and rely on their home broadband networks to interact with the outside world we are putting stress on our Nation’s networks like never before. We should be studying the new demands on our communications to understand how to improve their capacity and resiliency in the future. We also need to put a premium on ensuring those workers who help deploy and maintain those networks have access to the personal protective equipment they need to do their jobs safely.

**Question 9.** FCC is administering the three-year $100 million Connected Care Pilot Program. Based on FCC’s perspective, what have been some key challenges for rural communities to access telehealth services via broadband during the COVID–19 pandemic?

**Answer.** This pandemic has demonstrated just how critical high-speed Internet is to maintain some semblance of normal life. This is especially true with healthcare services. For those living in rural areas, telehealth holds special promise. It can be a way to receive care in a timely way without requiring the coordination and expense associated with traveling to a location with specialized practitioners.

The most obvious limitation on the availability of telemedicine is the absence of networks with the capacity to deliver care. This means the state of broadband deployment has the power to influence health outcomes. But other factors also impact the viability of telehealth solutions, like insurance reimbursement. In addition, state-by-state licensing requirements can be a barrier to delivery of healthcare. The good news is that during this crisis there has been some effort to relax these requirements. Going forward we need to understand how dated licensing policies...
might in impede quality care when, for instance, using telemedicine to reach experts out-of-region requires virtually crossing state lines.

Once we are on the other side of this pandemic, I hope that policymakers will take stock of these matters and assess what practices both helped and restricted the availability of telehealth, especially in rural areas. I also hope that the FCC can take these factors into consideration when it proceeds with its $100 million Connected Care Pilot Program.

Question 10. I am specifically interested in making sure that our veterans in rural and Native American communities have timely access to VA telehealth services. Is there any coordination between FCC and other agencies, including VA?

Answer. I agree that coordination is critical if we want to make our efforts a success. In the text of the FCC's order establishing its Connected Care Pilot Program, which is targeted to both veterans and low-income individuals, the FCC acknowledged that Commission staff “engaged in discussions with the U.S. Department of Veterans Affairs’ Veterans Health Administration.” This is a start. But we need to do more than want to have this program truly deliver on its promise. For this reason, I concurred when the FCC adopted this program. I believe it is well intended but lacks necessary guardrails.

At a minimum, I hope that the program will sponsor a project in every state because we need to ensure that the benefits of this program are available all across the country. I also hope that the program can be targeted to a particular healthcare problem, like maternal mortality. In doing so, the FCC could focus its efforts so that any outcomes will be useful for comparative study.

Question 11. What happens to the pilot program after three years?

Answer. The FCC does not have a plan for what happens after the expiration of the Connected Care Pilot Program. Equally as troubling the program lacks clear performance metrics, which means that it will disburse funds without a system for measuring outcomes. For these reasons, I concurred when the FCC adopted this program. I believe it is well intended but lacks necessary guardrails.

At a minimum, I hope that the program will sponsor a project in every state because we need to ensure that the benefits of this program are available all across the country. I also hope that the program can be targeted to a particular healthcare problem, like maternal mortality. In doing so, the FCC could focus its efforts so that any outcomes will be useful for comparative study.

Question 12. While the FCC moves forward on designating 9–8–8 as the 3-digit number for the National Suicide Prevention Lifeline, select providers are already enabling 988 for their subscribers. If 988 becomes available in some areas but not others over this period, it will be vital to avoid consumer confusion in areas where 988 is not operational or ubiquitous. Does the FCC have sufficient authority to ensure that telecom providers are able coordinate with relevant stakeholders, including Lifeline administrators on 988 readiness?

Answer. I agree that consumer confusion is a risk when it comes to the transition to the new three-digit number for the National Suicide Hotline. However, I believe that the FCC’s July 16, 2022 nationwide deadline for transition will provide us with the time and opportunity to inform the public of this change. To this end, in the FCC’s decision adopting a three-digit number, the agency stated that “we . . . expect and encourage providers to coordinate with Commission staff, the Department of Health and Human Services’ Substance Abuse and Mental Health Services Administration, and the Veterans Administration before moving forward with early adoption” in order to “facilitate clear and informative public education campaigns.”

While the FCC’s authority to proceed in this fashion is derived from its numbering administration powers under the Communications Act, I believe the agency will need to monitor this process and work with Congress if additional authority is required to manage the transition.

Question 13. Will the FCC use their authority to ensure service providers inform relevant stakeholders of their intention to make 988 available prior to notifying subscribers?

Answer. I believe the FCC should work with service providers to help develop best practices to minimize consumer confusion with the transition to the 988 hotline.

Question 14. What plan does the FCC have to ensure clear, uniform messaging regarding the availability of 988 and what challenges does the FCC anticipate?

Answer. The Chairman of the FCC has stated has that the Department of Health and Human Services and Department of Veterans Affairs now lead the effort to educating the public regarding the 988 hotline. Nonetheless, I believe the FCC still has a role to play. The agency should work closely with our Federal partners to help them develop a consumer education plan.

To this end, it is important to recognize that one of the challenges associated with implementing the three-digit National Suicide Hotline is the prerequisite need to transition certain area codes to 10-digit dialing. Accordingly, the FCC has directed
providers to coordinate the implementation of 10-digit dialing in the areas at issue with the North American Numbering Plan Administrator (NANPA). The FCC set forth its expectation that providers working with the NANPA “will be able to develop a standard implementation plan that addresses both outreach and staging, which covered providers will be able to use in many, if not most, areas.” This will be an important task in the coming months.

**Question 15.** In respect to Rural Digital Opportunity Fund (RDOF), how did the FCC determine the funding levels for each phase?

**Answer.** In its RDOF rulemaking the FCC proposed to spend 80 percent of its funding over the next ten years for Phase I. This amounts to $16 billion. I think committing the vast majority of the agency funds for broadband deployment for the next decade without first improving our data collection is a mistake. I think it will lead to waste and leave many rural communities behind.

For this reason, when the FCC was developing the rulemaking that led to the establishment of the RDOF, I asked that my colleagues seek comment on different approaches. Specifically, I requested that we ask questions about alternatives to committing 80 percent of the total RDOF budget for the next ten years in our earliest phase of spending, now known as Phase I. I was concerned then, and remain concerned now, that with the well-known problems in our existing data, this course would lead to too few funds available in later phases of spending. This lack of funding will prevent the agency from providing adequate support to a substantial number of rural communities in the future. I regret that my colleagues did not agree to my request and ultimately decided on an approach to spend the vast bulk of the RDOF funding before we have improved data and maps.

**Question 16.** What is the total population of the eligible areas, and how does that compare to the FCC’s estimates for the number of people who lack broadband access?

**Answer.** On June 25, 2020, the FCC released an updated list of eligible areas for the Phase I auction. The FCC announced that 5,392,530 locations (i.e., homes and businesses) are eligible for the auction. The FCC will issue its final list of eligible locations shortly before the auction.

To date, the FCC has only published this one location count. It has not made publicly available any data about the total population of areas eligible for the auction. The Chairman of the agency, however, should be able to direct staff to conduct this analysis.

You also ask about the FCC’s estimate of the total number of people who lack broadband access. According to the FCC’s most recent Broadband Deployment Report, approximately 18.3 million Americans lack broadband access. However, this number wildly understates the extent of the digital divide in this country. That’s because if a broadband provider tells the FCC that it can offer service to a single customer in a census block, the agency assumes that service is available throughout.

The result is data that systematically overstates service across the country. Other studies have shown that the more accurate number of people without broadband access is 42 million or even as high as 162 million. The gap between these numbers further highlights the problem with the existing plan for RDOF distribution. Despite the apparent inaccuracy of our current count, the data behind it will inform our funding decisions. As a result, areas that are presently counted as served but are not will not be eligible for Phase I funding. Moreover, because the vast bulk of the funds for deployment will be distributed during Phase I, the FCC is likely to lack resources to support deployment in these areas in Phase II.

**Question 17.** Will there be a challenge process for Phase I of RDOF?

**Answer.** The FCC conducted only a limited challenge process for Phase I. It provided stakeholders with an opportunity to remove areas from the FCC’s preliminary list of those that are eligible. However, this process did not offer stakeholders the ability to challenge FCC data marking an area as served where in fact no service is available. In other words, despite the fact that the FCC has been roundly criticized for maps that drastically overstate service, there was no opportunity for the public to correct what they know is wrong. As a result, areas erroneously marked as served are not eligible for Phase I funding and there’s no process in place to change that. That’s regrettable. Moreover, it’s cruel to the residents of these communities who were denied the ability to participate in this initial challenge process.

**Question 18.** What is the FCC’s vetting process to ensure that broadband providers are actually able to provide adequate connections?

**Answer.** In the FCC’s Auction Procedures Public Notice, the agency set forth the vetting method that it will use to evaluate the short-form applications of bidders seeking to participate in the RDOF auction. The notice also detailed the long-form applications that will be required of winning bidders. As a general matter, at the
short-form stage the FCC requires applicants to provide information about ownership, bidding arrangements, operational history, financial qualifications, technology choices, spectrum access, and plans for service provisioning. At the long-form stage, among other things, the FCC requires the submission of a design plan with supportable technologies that meet the relevant RDOF public interest obligations.

In turn, FCC staff review short-form applications before authorizing participation in the auction. With respect to long-form applications the FCC staff perform additional review of the submissions and associated prerequisites, such as compliance with the eligible telecommunications carrier designation process, before authorizing support.

Question 19. In regards to the IP CTS, since the FCC has decided to allow conditional certification of Automated Speech Recognition (ASR)-only service, will the FCC provide a warning to hard-of-hearing consumers that ASR-only services are experimental? How will the elderly and our veterans going to know that they might be taking a risk?

Answer. The FCC has no requirement that compels automatic speech recognition (ASR)-only service providers to notify IP CTS users that their services are conditionally certified or "experimental" in nature.

While I respect the decision of the agency's Consumer and Governmental Affairs Bureau to issue two conditional certifications to providers offering ASR-only service, I believe the FCC must assess and monitor the performance of these services. When we do so, we need to keep those who rely on IP CTS in mind, including the many users who are elderly and veterans.

Finally, I would note that I concurred when the FCC determined the provision of CTS and IP CTS using ASR to generate captions is a form of relay service eligible for compensation from the TRS Fund. At the time, I observed that the FCC's approach was backwards. That's because the agency put the cart before the horse by introducing automatic speech recognition into the IP CTS program before addressing fundamental topics like rates and service quality standards.

Question 20. Has the FCC considered using a pilot program to test the Automated Speech Recognition vendors?

Answer. No. To date, the FCC's Consumer and Governmental Affairs Bureau has granted two applications from providers seeking certification to provide IP CTS using ASR-only. Both certifications were conditional. As a result, the companies were permitted to receive TRS Fund compensation for their service pending verification that their actual provision of ASR-only IP CTS to registered users meets or exceeds the FCC's minimum TRS standards. While the companies that have been conditionally certified can rely on their own ASR vendors, I hope that the FCC will choose to study the performance of these services when it considers future actions.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KYRSTEN SINEMA TO HON. JESSICA ROSENWORCEL

Question 1. Do you support a 180-day extension for the tribal priority filing window in the 2.5GHz band? Why or why not?

Answer. Yes, I wholeheartedly support an extension. However, the decision to extend the application deadline for the 2.5 GHz Rural Tribal Window lies with the Chairman. Nonetheless, I have spoken publicly—including at the oversight hearing—about the need for the agency to extend the upcoming August 3, 2020 deadline. The available data demonstrate that far too many of our Tribal Lands lack the Internet infrastructure that is essential in the digital age. In an effort to remedy this problem, last year the FCC provided federally-recognized Tribes, Alaska Native Villages on rural Tribal lands, and the Department of Hawaiian Home Lands a "priority window" to obtain 2.5 GHz spectrum to serve rural Tribal Lands. The FCC determined it would keep this window open for 180 days in order to give Tribes the time they needed to apply.

Since the COVID-19 pandemic struck, the FCC has acted quickly to offer other communities extensions of their regulatory deadlines. For instance, when companies suggested they needed more time to clear the 3.5 GHz band because of the pandemic, we obliged. We also pushed back the start of this spectrum auction, again citing two issues caused by the ongoing public health emergency. The FCC even granted an extension of time to a foreign company it is investigating as a national security threat to the United States.

Tribal communities face similar—if not greater—challenges as these other communities when it comes to participating in FCC proceedings during the pandemic. So we should offer the same courtesy here, too. This spectrum can deliver major benefits to rural Tribal communities. They should not be prevented from having
their opportunity to apply for it as a result of this public health emergency. An extension will ensure Tribes have adequate time to make the most of this first-of-its-kind opportunity. Accordingly, I would support extending the deadline and committing to ensuring every rural Tribal community has an equitable opportunity to receive spectrum licenses. In addition, I thank you for your leadership on this issue.

Question 2. An estimated 17 percent of U.S. students do not have access to computers at home and 18 percent do not have access to broadband internet—necessities for Arizona students to access online learning during this crisis. I support legislation to provide additional funds for schools and libraries through the E-Rate program for Wi-Fi hotspots and internet-enabled devices, so students have equal access to online learning.

Do you agree that additional E-Rate funding in an upcoming coronavirus relief bill can help tackle the Homework Gap for students that lack reliable Internet access?

Answer. Yes, absolutely.

This cruel pandemic has shuttered schools nationwide. More than 50 million students were sent home. They were told to head online for class. But students without Internet access at home were locked out of the virtual classroom. We need to make it a priority to fix this Homework Gap and connect every student so they can have a full set of educational opportunities. I support legislation to provide additional funds for schools and libraries through the E-Rate program for Wi-Fi hotspots and internet-enabled devices, so students have equal access to online learning.

Question 3. Based on the widespread concerns for the continuing viability of GPS, do you support a stay of the Ligado decision to allow for further review of the studies relied upon for the decision and an opportunity for additional input from potentially impacted stakeholders?

Answer. As I explained when I concurred with the FCC’s order approving the applications, this decision was an extremely close call. In the end I was compelled to support the expert technical analysis done by the FCC’s engineering staff. However, if the Chairman were to circulate a decision to stay in order to allow for further review, I would support his decision to do so.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO HON. MICHAEL O’RIELLY

Question 1. Commissioner O’Rielly, you recently stated regarding the FCC’s action to facilitate the deployment of 5G networks across the United States that the ruling would “help entities like FirstNet meet their public safety obligations.” Can you speak more to why you think this action would help FirstNet’s Nationwide Public Safety Broadband Network buildout and why it is important to public safety responders?

Answer. There should be little debate that the demand for new wireless services, including for public safety use and, particularly, FirstNet, will require more physical wireless infrastructure than exists today. Specifically, the buildout of FirstNet’s extensive wireless network to many rural portions of our Nation will require the construction of new towers and installation of colocated antennas. Even in urban centers, where existing networks may provide service already, congestion will require the siting of new facilities. Unfortunately, some local and state governments consistently erect barriers to these efforts, causing these important network buildouts to take longer than necessary and, in turn, increasing risks to public safety. A similar problem exists for private wireless towers and antennas, which carry 9–1–1 calls and texts to local emergency call centers.

Any clarity that Congress can provide to ease wireless deployment and infrastructure builds would be helpful. In particular, I heartily support the STREAMLINE Act, legislation that you have introduced with Senator Schatz, which would vastly improve the buildout process for many small cell wireless infrastructure projects. Additionally, efforts are needed to address macro tower construction and siting, including resolving the so-called “twilight towers” issue. I would be happy to continue working with your office on this or other related matters.

Question 2. As you are aware, Congress passed and President Trump signed into the law the TRACED Act, legislation to aimed to help reduce illegal and unwanted robocalls. The law also improved the adoption of technical solutions for blocking illegal robocalls that are both harmful and bothersome to consumers. Additionally, the TRACED Act recognized the importance of legitimate calls, like financial institutions providing customers with important alerts. In addition to the TRACED Act, the Commission has taken several efforts to deter illegal robocalls. What steps has
the FCC taken to ensure call blocking technologies do not adversely affect legal robocalls used by legitimate businesses to consumers?

Answer. Despite the arguments of certain advocates, there are many legal and legitimate uses of automated calling technology and I have pushed hard for some time to protect legal robocalls, to ensure they are not improperly blocked or subject to abusive lawsuits. Thankfully, the TRACED Act recognizes the need to protect such calls and therefore codifies in Federal law that voice service providers offer callers an effective and transparent redress process for improperly blocked calls.

At its recent July Open Meeting, the Commission adopted an item to implement specific portions of the TRACED Act. In particular, the item included two new safe harbors to protect voice service providers from legal exposure due to call blocking errors, as well as a redress mechanism to aid legitimate callers whose calls are erroneously blocked. While I was underwhelmed by the redress options available to calling parties in the initial draft version of the item, I worked with the Chairman's office to strengthen the redress mechanism in the final, adopted version, including by requiring that voice service providers resolve call blocking complaints free of charge, and by conditioning the availability of the safe harbors upon implementation of the redress mechanism required by the Commission. Certain other enhancements to the redress mechanism that I requested, including requiring voice service providers to notify callers in real time when their calls are blocked and to resolve complaints related to improper blocking in a defined time frame, were included in the Notice section for purposes of further comment and building a more comprehensive record, with the expectation that they would be acted upon in the future. While the Report and Order makes some progress in protecting legitimate callers, these additional requirements are necessary to ensure legitimate callers are meaningfully protected under the Commission's redress mechanism. More vigilance will be needed to ensure these added fixes ultimately make it into Commission rules.

**Question 3.** In your testimony, you briefly mentioned reforming the World Radio Conference (WRC) and certain international issues as they relate to the FCC. Do you have any specific suggestions for Congress on these matters?

**Answer.** Notwithstanding the aggressive recommendations I have made to reassert U.S. leadership and improve our leverage in dealings within the International Telecommunication Union and its World Radiocommunication Conference (WRC), I believe there are other changes that can and should be made to improve U.S. preparation for WRCs. Specifically, the Commission should appoint an international Commissioner to serve as a chief point person within the agency on international matters. Additionally, the U.S. would benefit significantly by improving its process to identify and select its WRC ambassador, including by appointing that person much further in advance of a WRC than its current practice of six months beforehand. These suggestions would require changes in the law. Accordingly, I am including below proposed statutory language for your consideration, with the qualification that I would always defer to the drafting of those within Congress.

Sec. ___ International Commissioner Designation.

Section 5 of the Communications Act of 1934 is amended by inserting at the end the following:

“(f) A Chairman or acting Chairman shall select, within [90] days of appointment or at an opening longer than 90 days, a commissioner to serve as international commissioner with primary responsibility to represent the Commission in international fora, advise the Chairman on developments in policy involving other nations, and carry out other related duties as the Chairman deems appropriate. A commissioner selected for this role shall serve without any additional compensation and shall perform such functions in addition to other Commission responsibilities. Nothing in this subsection shall diminish the authority of Chairman in any capacity.”

Sec. ___ World Radiocommunication Conference Ambassador.

Section 103(b)(2)(G) of the National Telecommunications and Information Administration Act (47 USC 902) is amended by adding at the end the following:

“(iv) providing advice and recommendations to the Secretary of State regarding candidates to serve as U.S. head of delegation and Ambassador to the quadrennial World Radiocommunication Conference of the International Telecommunications Union, not later than 30 months prior to a conference’s premier meeting.

Section 302 of the Foreign Service Act of 1980 (52 U.S. Code 3942) is amended in subsection (a)(2) by adding at the end the following:

“(D) Notwithstanding subsection (b)(1), the President may confer the personal rank of ambassador to the quadrennial World Radio Communication Conference for a temporary term not exceeding two years in duration.
RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TODD YOUNG TO
HON. MICHAEL O’RIELLY

Question. The FCC is looking for additional spectrum to free up for 5G services. Are you reviewing the 500 megahertz of contiguous, terrestrial spectrum at 12 GHz? Isn’t that band of spectrum one of the few—maybe the only—licensed spectrum block available for 5G use without Federal incumbents in it? Assuming so, what are the Commission’s plans to examine how the spectrum can be used to support 5G?

Answer. There is near universal agreement that the U.S. must clear additional wireless spectrum for licensed commercial purposes to fulfill consumer and enterprise demand for new mobile services and devices. Beyond the absolute necessity of reallocating a good portion of the 3.1 to 3.55 GHz band, 12 GHz could be a candidate to meet these needs as well.

Over the last many months, I have had discussions with existing licensees and other interested parties regarding the 12 GHz band and proposals to potentially reallocate a portion of it, specifically, 12.2 to 12.7 GHz, for advanced wireless services. Your point is very well taken, and I agree that the band consists of a large block of contiguous spectrum that may very well be desirable to offer 5G wireless service. As such, I have recently become the first Commissioner to discuss that it would certainly seem appropriate to explore the relevant issues here. While there is an incumbent willing to make this happen, I am mindful of the concerns of other existing incumbent satellite licensees that use these frequencies to connect to consumer equipment.

One step that may help move the discussion forward would be for all existing licensees to collaborate on whether relocation of some services to other bands is possible and/or whether mutually agreeable mechanisms exist to protect incumbents from terrestrial wireless networks. The Commission could also seek comment on the issue and on any technical studies provided by the parties, as a means to spur these conversations.

While I am supportive of the effort, I must defer to the Chairman on the possible timing of Commission action on this or any other matter.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAN SULLIVAN TO
HON. MICHAEL O’RIELLY

Question 1. The 2.5GHz Rural Tribal Window is a unique opportunity to help bring greater Internet connectivity to tribal entities through direct access to spectrum. The current pandemic is occupying many resources that would otherwise be available for applying for this program. Is the FCC considering extending the application deadline to accommodate the current crisis?

Answer. It is my understanding that the Commission has before it a petition to extend the deadline for this priority window, and my staff and I have been taking meetings from those supporting the extension. Given his role in managing the Commission’s staff resources, the Chairman would be better positioned to answer whether Commission staff may be preparing an item to effectuate this change.

Question 2. How is the FCC preparing for the utilization of beam forming, beam steering, and Dynamic Spectrum Sharing in the next generation of transportation?

Answer. The development of spectrum efficient technologies, such as beam forming, beam steering, and dynamic spectrum sharing, are crucial to the development of next-generation wireless networks. These networks will revolutionize many sectors of the economy, including transportation. The Commission’s priority is to ensure that sufficient spectrum resources are available to meet expected consumer and industry demand, and the Commission is committed to taking a technology-neutral, flexible use approach. When formulating spectrum policy, we consider these technologies in our analysis and implement rules that allow our licensees to use these innovations and others to meet their needs. Specific to the transportation sector, the Commission is seeking comment on possible updates to the 5.9 GHz rules, which includes consideration of the new C–V2X technology. C–V2X is the latest automobile safety technology and takes advantage of beam forming, beam steering, and dynamic spectrum sharing. The Commission is also contemplating whether the band can be shared with unlicensed use.

Question 3. What is the plan for spectrum allocation, aside from DSRC and 802.11P for the DOT, for being able to de-conflict all modes of transportation on the same network?

Answer. In the 5.9 GHz band proceeding, the Commission continues to consider the relevant facts, including the existence of two competing transportation tech-
technologies, DSRC and C-V2X. As discussed above, the Commission generally allocates spectrum in a technology-neutral manner and does not select technology winners and losers. While the Commission analyzes and gives consideration to the potential for harmful interference between different uses and users, the exact co-existence mechanism to facilitate interoperability between different devices, systems, or, in your question, modes of transportation, would generally be considered in the standards setting process and, therefore, decided by industry participants. Additionally, the Commission has also allocated additional spectrum to the transportation industry for other safety purposes, such as for vehicular radars in the 76–81 GHz band, which is the backbone of automotive safety systems.

**Question 4.** Does the FCC support or see advantages in utilizing localized wireless networks that keep information as localized as possible and could serve educational or medical districts—especially in places that might not have extensive fiber infrastructure—that may allow more connectivity for children and the workforce?

**Answer.** Besides telehealth and educational purposes, other industries, ranging from hotels, airports and shipping ports to manufacturing, energy, and critical infrastructure providers, have expressed interest in localized wireless networks. The Commission has taken several steps to ensure that spectrum is available for these systems.

First, I took the lead on the proceeding to reconfigure the 3.5 GHz band so that these bands would be attractive to both commercial wireless providers and those interested in private systems for 5G services. And, I am excited that the Commission’s 3.5 GHz auction will start tomorrow. This will provide priority access licenses (PALs) to auction winners on a county basis. These 10 megahertz PALs would be ideal for school districts, healthcare networks, and others. Even after the auction, it will be possible to acquire these licenses, or a portion thereof, in the secondary market. For those that are not interested in purchasing a license, interested entities can gain general authorized access to 3.5 GHz by registering with the spectrum access system.

Second, I have been a forceful advocate for opening up the TV white spaces for wireless use. These are also available for use by registering through a database that will assign spectrum to users for a myriad of purposes. Further, the Commission currently has a proceeding to relax some technical rules that will expand the use of these valuable frequencies. I hope these changes will be adopted in the next couple of months.

Third, the Commission, at my urging, has opened up the 6 GHz band for unlicensed use. This spectrum will promote high speed and large capacity systems for schools, businesses, including healthcare facilities, and consumers' Wi-Fi systems at home. While the Commission has been actively releasing spectrum into the marketplace, we need to start identifying the spectrum bands of the future to ensure that frequencies will be available to support consumer demand, including for education and telehealth purposes, and the next great innovation, whatever that may be.

In terms of the benefits of localized wireless networks maintaining data closer to users, I can see where this may make sense in certain circumstances and could outweigh any added costs and lost efficiencies. This is not dissimilar to having or maintaining local servers for purposes of caching and improving the consumer experience. At the same time, I oppose efforts, such as in China, to mandate that data be kept locally to facilitate government control of foreign firms or to impose other social mandates.

**Question 5.** What is the FCC’s position on allowing the private management of publicly accessible government networks through spectrum sharing?

**Answer.** To be clear, I only can speak for myself on these and any other matters. While I understand that there may be parties interested in a publicly accessible, government-sponsored network managed by a private-sector entity, I have expressed serious concerns about such a model. The specifics of how any such system would be structured or operated remain unclear, but the project, as described to me, seems to raise substantial problems, which I have detailed previously at length.1

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1 [https://www.fcc.gov/news-events/blog/2019/05/07/substantive-objections-government-5g-wholesale-network](https://www.fcc.gov/news-events/blog/2019/05/07/substantive-objections-government-5g-wholesale-network)
nomics hardships of their own. I am a cosponsor of the bipartisan Keeping Critical Connections Act, which would reduce some of the weight on these small providers. As Congress discusses how best to help these small providers, are there any gaps we should consider?

Answer. I commend those providers that have worked to keep their subscribers connected during the economic hardship wrought by the COVID–19 crisis and recognize the challenges that many have faced in honoring their commitments. I, therefore, applaud Congress’ bipartisan efforts to alleviate some of these burdens by appropriating funding for certain providers. In terms of your question, while I will always implement the will of Congress, the draft legislation might be improved by providing the Commission with more specific direction and objective criteria regarding how the $2 billion in funding should be distributed.

Question 2. Should we include small providers that maintained service for small businesses even when they fell behind on their bills?

Answer. Households and small businesses alike have struggled to stay afloat during COVID–19, and I am unaware of any policy reason not to extend the same benefits to providers that have kept small businesses connected when they were unable to pay their bills.

Question 3. What Can Congress do to ensure these resources are going to the small providers that need them the most?

Answer. As I stated in a previous response, Congress ought to provide clear direction to the FCC on how to distribute the funding. We don't want a beauty-contest-like grant program, where certain well-connected providers are selected for reimbursement and those in greater need go without funding.

Question 4. With regards to the proposed 5G Fund, how will this affect my constituents that are still waiting on 3G and 4G service? Will communities that currently have 4G receive 5G ahead of them? How does the FCC plan to make these decisions?

Answer. I am very aware that vast areas of the country lack access to 4G LTE, or even 3G service, and I have repeatedly voiced concerns over the 5G Fund's premise that it no longer makes sense for the Universal Service Fund to subsidize 4G LTE. I am the first to say that any new funding mechanism for mobile service should prioritize those without service, rather than favor upgrading those who already have access to 4G LTE. While the Commission has only voted to initiate a Notice of Proposed Rulemaking thus far and many of the details of the proposed multi-round, descending clock auction remain to be sorted out, the proposal did include a mechanism to prioritize support in areas that have historically lacked 3G and 4G LTE services, and sought comment on how to identify and prioritize those areas.

Question 5. Why would the FCC consider spending the entire 10-year Fund based on maps that we know to be inaccurate, and which will soon be replaced?

Answer. I fully agree that it would be a mistake for the Commission to implement the 5G Fund auction based on unreliable data and have committed to fulfilling our statutory obligation to produce new, accurate coverage maps before moving forward with such a new subsidy mechanism.

Question 6. Between the rural broadband initiatives and the race to 5G, there is a lot of money going out the door for infrastructure. Do we currently have the telecommunications workforce we need to keep up with the investments we’re making in our networks?

Answer. I have heard from companies, in multiple FCC proceedings, about concerns related to skilled labor shortages in the telecommunications industry. In fact, I have been discussing the issue of workforce preparedness since this issue was originally brought to me in the context of the incentive auction and broadcast station repack. At that time, we knew that there were insufficient tower crews to handle the challenging repack of large broadcast antennae on top of the largest towers. Broadcasters, wireless providers, and their respective trade associations were concerned this would put the broadcast incentive auction, mandated by Congress, at risk. However, industry associations got together to create training and apprenticeship programs to increase workforce numbers. And, this month, the Commission announced that the broadcast repack was concluded on schedule, with just a handful of stations seeking extensions to move to their new channels. In each case, the extensions were justified due to unforeseen events.

The workforce challenges, however, extend beyond needing more tower technicians. I have had multiple conversations with industry participants that general telecommunications technicians and engineers are needed. In response, the Wireless Infrastructure Association created the Telecommunications Industry Registered Apprenticeship Program (TIRAP). TIRAP was created to provide the training necessary...
to create a 5G workforce, and WIA has partnered with five institutions of higher learning to design curricula and train individuals for middle-to high-skilled technician and engineering positions.

These programs have been actively trying to address the shortages and are making strides at ensuring that the workforce is there to meet demand. As workforce management issues have not traditionally fallen within the jurisdiction or expertise of the FCC, however, I would defer to industry experts and the Department of Labor about the future telecommunications labor needs and whether more needs to be done.

Question 7. What steps should we be taking now to ensure that providers have enough skilled workers in rural areas to handle the demands of these substantial new universal service programs?

Answer. Workforce management does not traditionally fall within the jurisdiction or expertise of the Commission, so there are others in the government and in industry who could provide more informed solutions about skilled-worker shortages in rural America. I was pleased, however, to see that the Department of Labor’s (DOL) program to expand apprenticeships in the U.S. through advancing the development of high-quality, Industry-Recognized Apprenticeship Programs, or IRAPs, includes telecommunications. In April, DOL also solicited proposals to award 11 contracts to “industry intermediaries” to serve as conduits between employers and the DOL’s Office of Apprenticeship to accelerate apprenticeship program development and help establish new regional and national sector-based apprenticeship programs. When I appeared before the Committee in January 2020, in my testimony I discussed that the DOL was considering such money for telecommunications and broadband programs. I am happy to inform you that DOL for the first time has included telecommunications and 5G in its list of high-growth industries eligible for these funds. And, in February, the DOL awarded a $6 million grant through the Closing the Skills Gap grant program to WIA to expand TIRAP. Regardless of how these individual programs work out, the DOL has taken note of the workforce needs of the telecommunications sector and is actively pursuing this issue.

Question 8. Has COVID–19 altered our workforce needs?

Answer. I don’t think it has changed our workforce needs as much as it has brought attention to the importance of the Nation’s telecommunications networks and the workforce needed to deploy, maintain, and upgrade the requisite infrastructure. The information we have received at the Commission shows that our networks have successfully handled the traffic increases and changes in patterns during the COVID pandemic. Regardless, there will be a need to expand broadband networks to cover the unserved and deploy infrastructure for next generation services. However, as stated above, workforce management does not traditionally fall within the jurisdiction or expertise of the Commission, so there are others in the government and in industry who could provide more information on whether COVID has changed our workforce needs.

Question 9. FCC is administering the three-year $100 million Connected Care Pilot Program. Based on FCC’s perspective, what have been some key challenges for rural communities to access telehealth services via broadband during the COVID–19 pandemic?

Answer. One of the most obvious challenges has been the inability to procure funding under the COVID–19 Telehealth Program, which distributed $200 million in emergency appropriated funding from Congress. Since the FCC’s implementing order did not provide much objective criteria on how funding would be distributed, the process of selecting grant recipients wasn’t particularly transparent. And, since funding was scarce, and the FCC supposedly prioritized recipients in areas hardest hit by COVID–19, that likely meant that many deserving rural applicants were denied. Indeed, I am told that a total of 4,500 applications did not receive any funding under the program, of which 2,300 were located in hardest-hit areas.

Question 10. I am specifically interested in making sure that our veterans in rural and Native American communities have timely access to VA telehealth services. Is there any coordination between FCC and other agencies, including VA?

Answer. While the FCC Chairman is in a better position to answer this question, I fully agree that coordination between the FCC and other agencies such as the VA is crucial when it comes to targeting broadband or telehealth funding. One of my concerns with the Connected Care Pilot Program proceeding was that it did not suf-
iciently coordinate with other agencies involved in similar types of telehealth funding initiatives.

**Question 11.** What happens to the pilot program after three years?

**Answer.** My understanding is that the Connected Care Pilot Program is limited to a three-year duration.

**Question 12.** While the FCC moves forward on designating 9–8–8 as the 3-digit number for the National Suicide Prevention Lifeline, select providers are already enabing 988 for their subscribers. If 988 becomes available in some areas but not others over this period, it will be vital to avoid consumer confusion in areas where 988 is not operational or ubiquitous. Does the FCC have sufficient authority to ensure that telecom providers are able coordinate with relevant stakeholders, including Lifeline administrators on 988 readiness?

**Answer.** I completely agree that the rollout of nationwide 988 should not create unnecessary confusion for consumers. That is why, in my statement in response to the Commission’s July item requiring nationwide deployment of 988 within two years, I cautioned that the Commission’s outreach should be more careful not to create the false impression that it will be operational overnight. In terms of the second part of your question, 988 readiness will depend in large part on transitioning 87 area codes to 10-digit dialing, which will be a challenging and lengthy process and require much work and coordination on the part of the North American Numbering Plan Administrator (NANPA), which is overseen by the Commission. Changes to the 988 Order to require more accountability on the NANPA’s part were included at my request, and I anticipate that this will help ensure a smoother process.

**Question 13.** Will the FCC use their authority to ensure service providers inform relevant stakeholders of their intention to make 988 available prior to notifying subscribers?

**Answer.** While the FCC’s order requiring nationwide deployment of 988 doesn’t specifically stipulate how and when service providers must notify subscribers of the availability of 988, it does anticipate the need for consumer education campaigns and coordination with other stakeholders, such as the NANPA and state public utility commissions, prior to its availability to subscribers.

**Question 14.** What plan does the FCC have to ensure clear, uniform public messaging regarding the availability of 988 and what challenges does the FCC anticipate?

**Answer.** Issues related to the FCC’s public messaging are handled by the Chairman’s Office. Therefore, I must defer to him on this question.

**Question 15.** In respect to Rural Digital Opportunity Fund (RDOF), how did the FCC determine the funding levels for each phase?

**Answer.** The $16 billion Phase I RDOF allocation was calculated based on the total yearly amount of Connect America Fund Phase II support that price cap carriers currently receive, plus the yearly amount the Commission previously dedicated to the Remote Areas Fund, multiplied over a ten-year period. By establishing a Phase I budget well under the aggregate reserve price of $20.4 billion (the estimated cost of deploying a high-speed broadband network to all locations in wholly unserved high-cost price cap census blocks and the total budget for the RDOF), the Commission intends to maximize inter-area competition in the auction and in turn promote efficient use of scarce USF funds.

In terms of Phase II, $4.4 billion is based on the delta between the aggregate reserve price for the auction and the Phase I budget. Note, however, that the Commission has indicated that it may re-evaluate the budgetary needs for Phase II of the auction after conclusion of the first phase.

**Question 16.** What is the total population of the eligible areas, and how does that compare to the FCC’s estimates for the number of people who lack broadband access?

**Answer.** While the final list of eligible areas has not been released, the FCC’s most recent eligible areas list would include 5,392,530 unserved locations in the auction, representing approximately 10.4 million Americans. In comparison, according to the Commission’s 2020 Broadband Deployment Report, 18.3 million Americans lack access to fixed terrestrial advanced telecommunications capability of 25/3 Mbps.

**Question 17.** Will there be a challenge process for Phase 1 of RDOF?

**Answer.** The FCC has conducted a limited challenge process for RDOF Phase I to identify and remove from the auction: 1) census blocks that became served with voice and 25/3 Mbps or better broadband service since the last publicly available Form 477 data; 2) census blocks where a provider has been awarded funding by a Federal or state broadband subsidy and has an enforceable commitment to offer broadband service at 25/3 Mbps or better; and 3) census blocks identified by rate-
of-return carriers in their service areas as ones where they do not expect to extend broadband. In response to the challenges that were filed, the Commission published an updated list of eligible areas on June 25, 2020. The Commission plans to release the final list of eligible areas 14 days prior to the auction start date of October 29, 2020.

Question 18. What is the FCC’s vetting process to ensure that broadband providers are actually able to provide adequate connections?

Answer. The FCC’s vetting process for providers consists of two stages. To become eligible to bid in the auction, applicants must submit a short-form application, which provides information used to determine whether the applicant has the legal, technical, and financial qualifications to participate in the auction and meet the public interest obligations associated with receiving RDOF support. The Commission’s determination that an applicant is qualified to participate in the auction does not, however, guarantee that the applicant will be deemed qualified to receive support if it becomes a winning bidder. In the second stage of the vetting process, each winning bidder must file a more comprehensive long-form application, which the Commission will review to determine if the applicant should be authorized to receive support for its winning bids.

Question 19. In regards to the IP CTS, since the FCC has decided to allow conditional certification of Automated Speech Recognition (ASR) -only service, will the FCC provide a warning to hard-of-hearing consumers that ASR-only services are experimental? How will the elderly and our veterans going to know that they might be taking a risk?

Answer. The Commission has made clear that providers of ASR-only service must meet or exceed the Commission’s minimum TRS standards in order to receive compensation from the TRS fund. So far, the Commission has certified two ASR-only providers on a conditional basis, pending verification of their ability to meet or exceed the Commission’s minimum TRS standards in operation. To my knowledge, the Commission has not formally warned IP CTS consumers that ASR-only services are experimental. However, given the Commission’s cautious approach in granting conditional certification, and the fact that both providers have been shown to meet or out-perform their CA-assisted counterparts, in terms of speed of answer, caption delay, accuracy, readability, verbatim transcription, privacy, and emergency call handling, I am not sure such a warning would be necessary or accurate.

Question 20. Has the FCC considered using a pilot program to test the Automated Speech Recognition vendors?

Answer. While not conducting a pilot program per se, the Commission’s certification of two ASR-only providers was granted on a conditional basis. In other words, these providers will only be able to achieve full certification pending verification of their ability to meet or exceed the Commission’s minimum TRS standards on an operable basis.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KYRSTEN SINEMA TO HON. MICHAEL O’RIELLY

Question 1. Do you support a 180-day extension for the tribal priority filing window in the 2.5GHz band? Why or why not?

Answer. I understand that the Commission has before it a petition to extend the deadline for this priority window, and my staff and I have been taking meetings from those supporting the extension. While I am still considering this issue and discussing it with stakeholders, I also acknowledge that the COVID–19 pandemic has placed a strain on tribal governments’ ability to fully consider this 2.5 GHz opportunity. In the end, however, requests for extensions of time are normally decided at the Bureau level without a Commission vote. Therefore, given his role in managing the Commission’s agenda and staff resources, the Chairman would be better positioned to answer any questions regarding the timing of the tribal priority window and whether Commission staff may be preparing an item to effectuate this change.

Question 2. An estimated 17 percent of U.S. students do not have access to computers at home and 18 percent do not have access to broadband internet—necessities for Arizona students to access online learning during this crisis. I support legislation to provide additional funds for schools and libraries through the E-Rate program for Wi-Fi hotspots and internet-enabled devices, so students have equal access to online learning.
Do you agree that additional E-Rate funding in an upcoming coronavirus relief bill can help tackle the Homework Gap for students that lack reliable Internet access?

Answer. At the outset, the FCC is constrained by the terms of our governing statute and would not be authorized to fund devices or services in a student’s home absent statutory changes. Further, while I am very concerned about ensuring that all students have access to broadband Internet during the COVID–19 crisis, I believe we need to be clear about what we mean by “access” and the specific problem that any additional funding would be seeking to remedy. In my view, lack of access can be attributed to three different problems (which can often overlap): the student’s home is unserved by an existing provider; the student’s household cannot afford a fixed broadband Internet subscription; or the student cannot afford a device to access broadband Internet. In my opinion, the E-Rate program is poorly situated to address the first problem (lack of service at all), which is more appropriately within the expertise of the FCC’s High Cost program. I am concerned that funding the deployment of broadband within the E-Rate program could lead to wasteful over-building of existing networks and duplication of our efforts in the Rural Digital Opportunity Fund program, as well as our CAF II, Alternative Connect America Cost Model (A–CAM), and CAF Broadband Loop Support subsidies. In terms of funding to address inability to afford fixed broadband access, that is also more appropriately within the expertise of the FCC’s Lifeline program, which was specifically established to subsidize communications access for those who cannot afford it. Finally, to the extent that Congress were to expand the E-Rate program to subsidize devices in a student’s home, such as Wi-Fi hotspots, I would encourage Congress to fund this through appropriated funding.

Question 3. Based on the widespread concerns for the continuing viability of GPS, do you support a stay of the Ligado decision to allow for further review of the studies relied upon for the decision and an opportunity for additional input from potentially impacted stakeholders?

Answer. My understanding is that FCC engineers are engaging with the engineering staff of affected Federal agencies on data points not previously disclosed to the Commission regarding the Ligado license modification item. As I have previously committed, I am willing to give due consideration to a stay, based on new data or evidence, if such an item is circulated by the Chairman. Under our current procedures, only the Chair can initiate a reconsideration order, and I do not get the impression that such an item is being drafted at the moment. Notably, I have made numerous recommendations and provided proposals to modify the Commission’s procedures to increase efficiency and transparency, including a greater role for Commissioners to initiate, amend, or vote on items.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. ROGER WICKER TO HON. BRENDAN CARR

Question. Commissioner Carr, you testified at the hearing about the future of broadband connectivity, which may include broadcast Internet services. As you well know, Congress and the FCC are working to allocate billions of dollars for rural broadband deployment to close the digital divide and expand digital opportunity to all Americans. As I understand it, advances in spectrum technology have led to the development of a standard referred to as ATSC 3.0, which may allow low-power television digital signals to deliver bandwidth-intensive broadband content. In light of this new development, what kinds of incentives can Congress or the FCC provide to further develop ATSC 3.0? Could broadcast Internet services help close the digital divide in unserved or underserved areas across the country?

Answer. The television airwaves are undergoing a significant upgrade thanks to ATSC 3.0, an IP-based technology that can leverage the power and coverage of broadcast transmissions to deliver a 25 Mbps data stream to Americans. As our networks continue to mature, they won’t always rely on the same spectrum bands for inbound and outbound data paths. Instead, hybrid networks will look for the most efficient and cost-effective ways to deliver content to users. This will be the future of connectivity. And this is where broadcast spectrum, delivering Broadcast Internet services, can leverage its inherent strengths to compete in this market. Those strengths include wide-area coverage over low-band spectrum and an efficient one-to-many architecture, making it well suited for unserved and underserved rural communities.

I would welcome the chance to work with you to identify additional ways we can facilitate the offering of Broadcast Internet services, particularly in those areas still struggling to close the digital divide. Those initiatives may include support for pilot
projects that can demonstrate the potential for Broadcast Internet services in unserved or underserved areas.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO
HON. BRENDAN CARR

Question 1. A May 27, 2020, Fierce Wireless article cited you as suggesting that the FCC’s recent action to facilitate the deployment of 5G networks across the United States would help FirstNet buildout the Nationwide Public Safety Broadband Network (NPSBN). Can you speak more to the FCC’s actions and its relation to the buildout of FirstNet’s NPSBN?

Answer. The FCC’s 5G Upgrade Order will expedite the upgrade of existing towers—including those used to build out FirstNet—by resolving ambiguities in our regulations that implement Section 6409. As you know, through Section 6409 Congress sought to speed municipalities’ approval of tower upgrades so long as the upgrades do not substantially change the physical dimensions of the tower. In 2014, the Commission implemented Section 6409, for example by defining what constitutes a “substantial change.” In the six years since we wrote those regulations, wireless infrastructure has changed, and we have gained extensive experience with how municipalities and industry interpret the rules. To ensure that Congress’s intentions in Section 6409 are appropriately put into action, the 5G Upgrade Order explains when the 60-day shot clock begins and what equipment may qualify for expedited review, among other clarifications.

We know that much of today’s infrastructure investment is directed at collocations that could benefit from Section 6409. As you reference, AT&T is busy building capacity and coverage to meet its FirstNet obligations, and many of those upgrades will involve installing new equipment on the company’s existing towers. Likewise, established providers and new entrants that are moving quickly to offer 5G service will need to swap out radios, densify networks, and install new equipment such as edge computing devices. We expect many of those upgrades to be expedited thanks to our actions.

Question 2. As you are aware, Congress passed and President Trump signed into the law the TRACED Act, legislation to aimed to help reduce illegal and unwanted robocalls. The law also improved the adoption of technical solutions for blocking illegal robocalls that are both harmful and bothersome to consumers. Additionally, the TRACED Act recognized the importance of legitimate calls, like financial institutions providing customers with important alerts. In addition to the TRACED Act, the Commission has taken several efforts to deter illegal robocalls. What steps has the FCC taken to ensure call blocking technologies do not adversely affect legal robocalls used by legitimate businesses to consumers?

Answer. Illegal robocalls are the number one complaint we receive at the FCC and are responsible for billions of dollars of fraud every year. Therefore, we have made them our number one enforcement priority, while empowering consumers and carriers to address the problem. Our safe harbors have been built around the STIR/SHAKEN protocol and advanced network analytics to capture illegal robocalls, while letting calls from legitimate callers through. We also require blocking carriers to have a single point of contact to dispute erroneously blocked calls, in order to more quickly and easily resolve blocking disputes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TODD YOUNG TO
HON. BRENDAN CARR

Question 1. A recent study showed that China anticipates having 460 megahertz of mid-band spectrum for 5G by the end of 2022. Japan says it will have 1000 megahertz. If we want to lead the world in 5G spectrum, what is the FCC’s plan to examine the opportunity to make 500 megahertz available for 5G in the 12.2–12.7 GHz band?

Answer. The U.S. is home to the premier 4G networks in the world, and with smart policy and growing private sector investment, we now can boast the strongest 5G platform to match. We cannot rest on our laurels, and offering enough spectrum to power 5G remains a top priority at the Commission. We have an open proceeding concerning the band you reference, and I look forward to working with stakeholders to promote intensive use of the spectrum.

Question 2. How can the FCC support the accelerated deployment of Open RAN networks for 5G and other next-generation technologies?

Answer. Illegal robocalls are the number one complaint we receive at the FCC and are responsible for billions of dollars of fraud every year. Therefore, we have made them our number one enforcement priority, while empowering consumers and carriers to address the problem. Our safe havens have been built around the STIR/SHAKEN protocol and advanced network analytics to capture illegal robocalls, while letting calls from legitimate callers through. We also require blocking carriers to have a single point of contact to dispute erroneously blocked calls, in order to more quickly and easily resolve blocking disputes.

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The trend towards Open RAN has the potential to lower deployment costs and increase network security—while reenergizing an important sector of American manufacturing. The unbundling of the RAN already is creating opportunities for American startups that specialize in high-value software services. And Open RAN is the approach to network architecture that DISH has embraced, in part because of its favorable economics, as it seeks to build a greenfield 5G network.

The Federal Government has a role to play in promoting Open RAN. Certainly as part of our ongoing discussions with allies around network security, we should promote Open RAN architecture as a lead competitor to insecure integrated radio systems. More generally, to create a market for Open RAN vendors, we need to continue our nearly four-year effort to reduce barriers to infrastructure deployment.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAN SULLIVAN TO HON. BRENDAN CARR

Question 1. The 2.5GHz Rural Tribal Window is a unique opportunity to help bring greater Internet connectivity to tribal entities through direct access to spectrum. The current pandemic is occupying many resources that would otherwise be available for applying for this program. Is the FCC considering extending the application deadline to accommodate the current crisis?
Answer. I supported the creation of the Rural Tribal Window as part of our order that rationalized the 2.5 GHz band last July. I thought it was appropriate at that time to set the window at approximately seven months and to provide FCC staff resources for extensive tribal outreach. We have received requests to extend the window beyond seven months, and I have not made a final decision on how to proceed.

Question 2. How is the FCC preparing for the utilization of beam forming, beam steering, and Dynamic Spectrum Sharing in the next generation of transportation?
Answer. The technologies you reference enable more efficient use of spectrum. We need creative thinking around spectrum use because the scarcity of spectrum and the popularity of wireless use cases threaten to mismatch supply and demand. Fortunately, the current Commission leadership had the foresight in 2017 to open proceedings into clearing more spectrum for private sector use. The results have been an unprecedented supply of high-band spectrum, increased flexible use of the low-band, and fresh opportunities in the mid-band through EBS spectrum, the CBRS auction, and a cleared C-Band, among others.

Question 3. What is the plan for spectrum allocation, aside from DSRC and 802.11P for the DOT, for being able to de-conflict all modes of transportation on the same network?
Answer. Many of these issues touch on the broader trend in wireless, which is ensuring that we are putting spectrum bands to their highest and best use. Questions around DSRC in particular have been raised in a rulemaking that is pending at the FCC. I look forward to reviewing the record and engaging with stakeholders to determine how best to proceed.

Question 4. Does the FCC support or see advantages in utilizing localized wireless networks that keep information as localized as possible and could serve educational or medical districts—especially in places that might not have extensive fiber infrastructure—that may allow more connectivity for children and the workforce?
Answer. Perhaps the most underappreciated attribute of 5G is its low latency. A 5G network’s responsiveness enables technologies from remote surgery and autonomous vehicles to virtual reality and high-definition gaming. But that low latency often depends on computing closer to the user, and so we have seen a move from cloud to edge processing. I understand that localizing data and computation also could have benefits in rural America, where backhaul is limited.

Question 5. What is the FCC’s position on allowing the private management of publicly accessible government networks through spectrum sharing?
Answer. Congress has long recognized the need to make more spectrum available to support America’s next generation wireless networks. In the Middle Class Tax Relief and Job Creation Act of 2012, Congress determined that, when evaluating existing spectrum allocations, the priority would be for reallocation for exclusive non-Federal use, and that shared use would be limited to circumstances in which relocation is not feasible because of technical or cost constraints. I support this approach, and I look forward to working with Congress and stakeholders on how best to implement it.
RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JON TESTER TO
HON. BRENDAN CARR

Question 1. I am proud of the providers in my state for going above and beyond
to support their communities. Especially the small providers who are facing eco-
nomic hardships of their own. I am a cosponsor of the bipartisan Keeping Critical
Connections Act, which would reduce some of the weight on these small providers.
As Congress discusses how best to help these small providers, are there any gaps
we should consider?
Answer. Private sector providers have been instrumental in strengthening
broadband connectivity during these difficult times, and I am grateful for their con-
tinued efforts to keep Americans connected. It is very encouraging to see Congress
work in a bipartisan fashion to address these matters, and as with any proposal
that strives to expand broadband services to underserved areas, I would be happy
to continue working on this issue with you. We need to make sure that America's
broadband providers continue to invest in and expand their networks.

Question 2. Should we include small providers that maintained service for small
businesses even when they fell behind on their bills?
Answer. Providers of all size have stepped up to keep Americans connected,
though given their smaller scale, small providers have had a harder time shoul-
dering the burdens. So as any legislation moves forward in Congress it makes sense
to tailor relief to the particular burdens faced by smaller providers.

Question 3. What Can Congress do to ensure these resources are going to the
small providers that need them the most?
Answer. The key issue is making sure that money goes as far as possible. Take,
for instance, the 5G Upgrade Order we recently adopted. Prior to its adoption, we
heard from stakeholders around the country about the difficulty of upgrading exist-
ting tower sites to 5G. The chief roadblock, according to many stakeholders, came
from local regulations. All too often, the approval process was overly-burdensome to
the degree that it raised the cost of investment. In response, we at the FCC used
our authority under Section 6409 of the Spectrum Act to expedite the approval proc-
cess in ways that redounded to the benefit of local governments and industry alike.
I am confident that, with the counsel of stakeholders, Congress can appropriate
these resources efficiently and ensure that funding is targeted at the providers that
are most in need.

Question 4. With regards to the proposed 5G Fund, how will this affect my con-
stituents that are still waiting on 3G and 4G service? Will communities that cur-
cently have 4G receive 5G ahead of them? How does the FCC plan to make these
decisions?
Answer. It has always been a principal goal of ours at the FCC to ensure that
every community benefits from the expansion of the 5G network, and we have al-
ready seen tremendous progress. To continue this momentum, I believe a 5G Fund
for Rural America would be the best way forward. Whether a community currently
has 4G is not the dispositive factor for eligibility for support from the 5G Fund.

Question 5. Why would the FCC consider spending the entire 10-year Fund based
on maps that we know to be inaccurate, and which will soon be replaced?
Answer. The recently adopted 5G Fund NPRM proposes two alternative ap-
proaches. Under the first, we would hold an auction in 2021 with eligible areas de-
termined by multiple data sources that identify areas as particularly rural and un-
likely to get 5G without universal service support. Alternatively, we could delay the
auction, potentially for several years.

Question 6. Between the rural broadband initiatives and the race to 5G, there is
a lot of money going out the door for infrastructure. Do we currently have the tele-
communications workforce we need to keep up with the investments we’re making
in our networks?
Answer. We are excited to see the continued momentum of wireless infrastructure
investment across the country. For the people we serve, it will mean better service,
more choices, and fewer dead zones. That investment doesn’t come about by chance;
it’s the result of eliminating unnecessary approval processes and expediting Federal
support to where it’s needed most.
The infrastructure success that we’re experiencing does create a workforce chal-
lenge. Industry estimates that there are around 25,000 tower techs available to
build and upgrade wireless facilities, but to expand coverage and accelerate 5G, the
industry may need as many as 20,000 more workers. These are well-paid jobs that
don’t require expensive four-year degrees. In fact, the basic training needed to begin
working on towers can be gained in three months, with more on-the-job training to
follow.
Question 7. What steps should we be taking now to ensure that providers have enough skilled workers in rural areas to handle the demands of these substantial new universal service programs?

Answer. To meet the challenge I described in my immediately previous answer, I started a workforce initiative at the FCC. We realized that community colleges and trade schools are home to so many capable students and are well-positioned to provide the training to qualify the students for tower tech jobs. We convened educators, training organizations, and industry, and by leveraging the expertise of South Carolina’s Aiken Technical College, we helped to start a new tower tech program at Southeast Tech in South Dakota. We expect more programs to spring from the startup work that we’ve facilitated thus far.

Question 8. Has COVID–19 altered our workforce needs?

Answer. COVID–19 is a challenge for every industry. However, because of the nature of tower tech work, there may be an opportunity to continue the field’s growth despite the pandemic. In discussions with local governments and industry, the most immediate challenge seems to be the slowdown in approvals that understandably has occurred as governments deal with the current health emergency. We helped convene associations of local governments and industry to develop best practices to continue infrastructure approvals during the pandemic. And at the Federal level, we issued updated historic review procedures that allow infrastructure projects to proceed. Keeping up the pace of infrastructure builds will sustain tower tech jobs and the pipeline of workers we are developing.

Question 9. FCC is administering the three-year $100 million Connected Care Pilot Program. Based on FCC’s perspective, what have been some key challenges for rural communities to access telehealth services via broadband during the COVID–19 pandemic?

Answer. Some of the largest obstacles to widespread adoption of telehealth have been related to licensing and physician reimbursement rates for telehealth. A number of reforms from the Department of Health and Human Services have addressed this issue and reduced the barrier to telehealth. If those reforms were kept in place and made permanent, it might provide a tipping point for even more healthcare to be provided via telehealth.

Question 10. I am specifically interested in making sure that our veterans in rural and Native American communities have timely access to VA telehealth services. Is there any coordination between FCC and other agencies, including VA?

Answer. We have been working closely with teams at the Department of Veterans Affairs throughout the development of our Connected Care Pilot program, and I look forward to continuing that coordination.

Question 11. What happens to the pilot program after three years?

Answer. I remain open minded as to the best path forward for the FCC with respect to telehealth after the $100 million pilot has concluded. I look forward to assessing the program as it is rolled out and drawing upon lessons learned from the pilot.

Question 12. While the FCC moves forward on designating 9–8–8 as the 3-digit number for the National Suicide Prevention Lifeline, select providers are already enabling 988 for their subscribers. If 988 becomes available in some areas but not others over this period, it will be vital to avoid consumer confusion in areas where 988 is not operational or ubiquitous. Does the FCC have sufficient authority to ensure that telecom providers are able coordinate with relevant stakeholders, including Lifeline administrators on 988 readiness?

Answer. The new 988 number has the potential to save many lives by making it easier for those in crisis to reach counselors. As it will not be available in every community at exactly the same time, we will continue to coordinate with all stakeholders, and we have directed carriers to coordinate with us.

Question 13. Will the FCC use their authority to ensure service providers inform relevant stakeholders of their intention to make 988 available prior to notifying subscribers?

Answer. In our recently adopted Report and Order, we directed the North American Numbering Plan Administrator to develop a transition plan that enables timely transition based on its expertise. We have also directed carriers considering early implementation of 988 to contact the FCC to ensure SAMHSA and VA staff are apprised.

Question 14. What plan does the FCC have to ensure clear, uniform public messaging regarding the availability of 988 and what challenges does the FCC anticipate?
Question 15. In respect to Rural Digital Opportunity Fund (RDOF), how did the FCC determine the funding levels for each phase?
Answer. There has not been a final decision at this point as to how much money will actually be delivered in each phase. The funding for phase 2 is partly a function of how much funding was distributed in Phase 1.

Question 16. What is the total population of the eligible areas, and how does that compare to the FCC’s estimates for the number of people who lack broadband access?
Answer. We estimate that there are six million homes and businesses in the RDOF Phase I eligible areas, so extending broadband in those communities would help narrow the digital divide.

Question 17. Will there be a challenge process for Phase 1 of RDOF?
Answer. The FCC adopted RDOF Phase 1 with a challenge process included.

Question 18. What is the FCC’s vetting process to ensure that broadband providers are actually able to provide adequate connections?
Answer. We have imposed detailed reporting requirements with the Digital Opportunity Data Collection, as well as performance obligations to hold providers accountable.

Question 19. In regards to the IP CTS, since the FCC has decided to allow conditional certification of Automated Speech Recognition (ASR) only service, will the FCC provide a warning to hard-of-hearing consumers that ASR-only services are experimental? How will the elderly and our veterans going to know that they might be taking a risk?
Answer. There are many positive attributes of ASR, as it can drive down the costs borne by rate payers while improving the quality and availability of IP CTS services. We made sure that quality would not suffer with the use of ASR, as IP CTS providers must ensure they provide functionally equivalent communications, and individual providers must first receive approval from the FCC before implementing ASR.

Question 20. Has the FCC considered using a pilot program to test the Automated Speech Recognition vendors?
Answer. Under our 2018 Declaratory Ruling, any provider wishing to use ASR for IP CTS must first receive approval from the FCC’s Consumer and Governmental Affairs Bureau before integrating ASR into its services. The decision to designate ASR as a functionally equivalent service was made based on a thorough record demonstrating that the technology can work in the real world and is often superior to IP CTS provided by human communications assistants.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KYRSTEN SINEMA TO HON. BRENDAN CARR

Question 1. Do you support a 180-day extension for the tribal priority filing window in the 2.5GHz band? Why or why not?
Answer. I supported the creation of the Rural Tribal Window as part of our order that rationalized the 2.5 GHz band last July. We have received requests to extend the window beyond seven months, and I have not made a final decision on how to proceed.

Question 2. An estimated 17 percent of U.S. students do not have access to computers at home and 18 percent do not have access to broadband internet—neces-sities for Arizona students to access online learning during this crisis. I support legis-lation to provide additional funds for schools and libraries through the E-Rate pro-gram for Wi-Fi hotspots and internet-enabled devices, so students have equal access to online learning.
Do you agree that additional E-Rate funding in an upcoming coronavirus relief bill can help tackle the Homework Gap for students that lack reliable Internet access?
Answer. I have been focused on closing the digital divide through a variety of means so that every family has access to next-generation connectivity. As a result, we now have a strong network that has been able to shoulder this pandemic much better than the broadband networks of a few years ago could have. I support efforts
ongoing in Congress to make sure low-income families are able to get online and stay online.

Question 3. Based on the widespread concerns for the continuing viability of GPS, do you support a stay of the Ligado decision to allow for further review of the studies relied upon for the decision and an opportunity for additional input from potentially impacted stakeholders?

Answer. I support the Commission’s unanimous, bipartisan decision to approve terrestrial use of this spectrum. The applications of Ligado and its predecessors have been sitting before the Commission for years, and I commend Chairman Pai for bringing a close to the matter. Our expert engineers have studied the power and interference issues between Ligado’s band and adjacent bands and recommended imposing various restrictions on terrestrial use, which the Commission unanimously agreed to. There has been no new evidence presented thus far that would lead me to reconsider the decision.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MARIA CANTWELL TO HON. GEOFFREY STARKS

Executive Branch Concerns with FCC’s Ligado Decision. The Departments of Commerce and Transportation (along with the entirety of the executive branch) believe that the Federal Communications Commission’s (“FCC’s”) recent approval of Ligado’s terrestrial wireless plan threatens the Nation’s global positioning system (“GPS”) for which the safety and security of everything from civil aviation to military operations to weather forecasting rely. The FCC rejected the executive branch’s concerns and related technical studies from the government and the private sector showing that the precision and effectiveness of GPS could be impaired. Instead, the FCC relied on competing technical studies (some of which were funded by Ligado), and its own conclusion that the government studies measured the wrong things. Based on these studies, the FCC decided to allow Ligado to move forward with its plans. Yet in its decision, the FCC acknowledged that its “analysis [in the Order] should not be construed to say there is no potential for harmful interference to any GPS device currently in operation in the marketplace.”

Question. Given the potential risks to safety; the unprecedented and unified opposition of Executive Branch agencies to the FCC’s decision; and the fact that a third of the U.S Senate, on a bipartisan basis, has asked you and your colleagues to take a step back and reexamine the decision, would you be willing to support a stay of the Ligado decision until the FCC can work with the Federal expert agencies to reach a sustainable consensus that serves the greater public interest in terms of protecting aviation and transportation safety, national security and our 5G future?

Answer. Given the concerns raised by multiple parties, including Executive Branch agencies as well as you and your colleagues, I would be willing to support a stay while we review petitions for reconsideration so that we can take into account new filings and information received in classified briefings. Of course, the Chairman would have to be willing to circulate a decision to the Commission staying the Ligado decision. It does seem to me, however, that the intensity of concerns regarding possible effects to safety and national security systems, even when balanced against our desire to secure this Nation’s 5G future, warrants a pause and second look given the potentially high stakes if we do not get this right.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JON TESTER TO HON. GEOFFREY STARKS

Question 1. I am proud of the providers in my state for going above and beyond to support their communities. Especially the small providers who are facing economic hardships of their own. I am a cosponsor of the bipartisan Keeping Critical Connections Act, which would reduce some of the weight on these small providers. As Congress discusses how best to help these small providers, are there any gaps we should consider?

Answer. During this pandemic, low-income people are making tough financial decisions because they know being offline means being left out of remote work, education, and health care. I commend the companies that have made and honored the Keep America Connected pledge, but we need a long-term commitment to making broadband affordable. This commitment should emphasize more competition, more resources to the Lifeline program, and a requirement that companies receiving Federal funding for broadband deployment offer affordable options. I also understand that many small providers are facing serious financial issues because of the efforts
to help struggling customers, as well as broader economic challenges. I support the Keeping Critical Connections Act because it focuses on vulnerable small providers who have made vital voluntary commitments to their communities.

Question 2. Should we include small providers that maintained service for small businesses even when they fell behind on their bills?

Answer. I believe funds should be prioritized for small business broadband providers that voluntarily provided free or discounted service to residential customers. If additional funds are available, I would support extending support to small business broadband providers that maintained services for small businesses that could not pay their bills.

Question 3. What Can Congress do to ensure these resources are going to the small providers that need them the most?

Answer. Congress can ensure that these resources are going to the small providers that need them most by insisting that the FCC distribute the funds based on objective, published criteria and provide ongoing public transparency as the funds are distributed.

Question 4. With regards to the proposed 5G Fund, how will this affect my constituents that are still waiting on 3G and 4G service? Will communities that currently have 4G receive 5G ahead of them? How does the FCC plan to make these decisions?

Answer. The Chairman's office is best positioned to answer any specific questions about its future plans regarding the 5G Fund. The 5G Fund Notice of Proposed Rulemaking that the FCC adopted in April proposed to prioritize funding areas that have historically lacked 3G and 4G service. While I dissented in part from the item, I supported the goal of bringing state-of-the-art wireless service to all Americans, especially those in rural communities. The comment period on that NPRM closed on July 27, 2020, and Chairman Pai has not yet put a proposal before the Commission about how to identify those areas.

Question 5. Why would the FCC consider spending the entire 10-year Fund based on maps that we know to be inaccurate, and which will soon be replaced?

Answer. As mentioned above, I dissented in part from the 5G Fund NPRM because I do not believe that spending the 5G Fund based on outdated maps should have even been considered. Doing so would be bad policy and, at a minimum, contrary to the spirit of the Broadband DATA Act. We can and should target the 5G Fund using the new coverage maps Congress has ordered us to develop.

Question 6. Between the rural broadband initiatives and the race to 5G, there is a lot of money going out the door for infrastructure. Do we currently have the telecommunications workforce we need to keep up with the investments we're making in our networks?

Answer. Please see my response to Question 3.

Question 7. What steps should we be taking now to ensure that providers have enough skilled workers in rural areas to handle the demands of these substantial new universal service programs?

Answer. Please see my response to Question 3.

Question 8. Has COVID–19 altered our workforce needs?

Answer. A skilled telecommunications workforce is critical to ensuring that all communities receive broadband service and can participate fully in our economy and democracy. These jobs are not only essential to connecting all communities with broadband but also offer a path to financial security for working men and women, even in these uncertain times. Unfortunately, tower construction and service contractors report that they are experiencing a severe shortage of properly trained and qualified technicians. This problem does not only impact rural communities without broadband service, but also urban and suburban areas that may be underserved. And the problem could be getting worse. According to industry estimates, broadband infrastructure deployments could require as many as 20,000 additional technicians over the next 10 years.

Policymakers need to address this issue, and Senator Tester's Telecommunications Skilled Workforce Act is a good start. I support the bill's goal of increasing interagency coordination between the Commission and the Department of Labor on workforce issues, as well as providing guidance to state governments on Federal workforce development programs that are available to them. Indeed, I've personally encouraged efforts by industry and local minority-serving institutions to develop training and apprenticeship programs in this important field.

COVID–19 has highlighted the challenges brought on by the current workforce shortage. Even as some technicians have missed work due to illness or to care for their families, the need for infrastructure construction has grown with the increased
demand for broadband services. Moreover, travel restrictions related to controlling
the spread of COVID–19 have periodically made it difficult for technicians to travel
between different states. The situation only reinforces the need for a large, well-
trained workforce that is distributed throughout the country.

**Question 9.** FCC is administering the three-year $100 million Connected Care
Pilot Program. Based on FCC’s perspective, what have been some key challenges for
rural communities to access telehealth services via broadband during the COVID–
19 pandemic?

**Answer.** The Chairman’s office is best positioned to answer specific questions
about challenges identified during the application process. In my visits to rural com-
munities and discussions with rural leaders, the same issue arises again and again:
the need for high quality, affordable broadband connections to serve patients and
providers. Without this basic input, telehealth services—along with distance learn-
ing, job opportunities, and many other benefits of the modern economy—will remain
out of reach.

**Question 10.** I am specifically interested in making sure that our veterans in rural
and Native American communities have timely access to VA telehealth services. Is
there any coordination between FCC and other agencies, including VA?

**Answer.** The Chairman’s office is best positioned to answer any specific questions
about FCC staff coordination with other agencies and the VA. As a general matter,
I strongly support the FCC strengthening its coordination with other Federal agen-
cies. For example, I have called on the Commission to enter memorandums of under-
standing with other Federal agencies in order to better promote the Lifeline pro-
gram.

**Question 11.** What happens to the pilot program after three years?

**Answer.** The Chairman’s office is best positioned to answer any specific questions
about future plans for the pilot program. To the best of my knowledge, the Commis-
sion adopted the pilot program for this limited duration in order to generate data
on the benefits of connected care and collect information about how Universal Serv-
ice Fund support could be used more broadly to facilitate connected care. We should
rigorously evaluate that data before determining next steps after the pilot program.

**Question 12.** While the FCC moves forward on designating 9–8–8 as the 3-digit
number for the National Suicide Prevention Lifeline, select providers are already en-
abling 988 for their subscribers. If 988 becomes available in some areas but not oth-
ers over this period, it will be vital to avoid consumer confusion in areas where 988
is not operational or ubiquitous. Does the FCC have sufficient authority to ensure
that telecom providers are able to coordinate with relevant stakeholders, including
Lifeline administrators on 988 readiness?

**Answer.** Please see response to Question 2 below.

**Question 13.** Will the FCC use their authority to ensure service providers inform
relevant stakeholders of their intention to make 988 available prior to notifying sub-
scribers?

**Answer.** The Chairman’s office is best positioned to answer any specific questions
about future plans for service provider requirements. As described in our July 2020
decision, we “expect and encourage providers to coordinate with Commission staff,
SAMHSA, and the VA before moving forward with early adoption.” That decision
provides a single point of contact at the FCC for providers considering early imple-
mentation, which should help streamline coordination efforts.

**Question 14.** What plan does the FCC have to ensure clear, uniform public mes-
ing regarding the availability of 988 and what challenges does the FCC antici-
pate?

**Answer.** The Chairman’s office is best positioned to answer any specific questions
about its public messaging plans. I supported a single nationwide implementation
of 988 because it will facilitate consistent and clear communication with the Amer-
ican people regarding the availability of 988. Our July 2020 decision anticipates that
988 may be available through some providers before the nationwide deadline, but,
I agree with the Order’s conclusion that, even with some early adopters, we can ant-
icipate less consumer confusion with a single widely known ‘available-no-later-than’
date, accompanied by coordinated, national consumer education campaigns.

**Question 15.** In respect to Rural Digital Opportunity Fund (RDOF), how did the
FCC determine the funding levels for each phase?

**Answer.** The Chairman’s office is best positioned to answer any specific questions
about funding level determinations. I do remain concerned that the FCC did not
provide adequate justification for the funding levels of each phase. Because the ma-
jority of the Commission decided to distribute the Rural Digital Opportunity Fund
without first correcting our broadband data, the RDOF Order does not provide an
estimate of how many areas will need to be served using Phase II funding. Without that information, we cannot be sure the budget proposed for Phase II is enough. I am worried that the majority has made promises for Phase II that it will not have the resources to keep.

**Question 16.** What is the total population of the eligible areas, and how does that compare to the FCC's estimates for the number of people who lack broadband access?

**Answer.** The Chairman's office is best positioned to answer any specific questions. For Phase I, the Chairman has announced that RDOF will target approximately 6 million locations. To my knowledge, Chairman Pai has not announced a population estimate for those areas. As described above, I do not believe the Commission has gathered adequate information to determine the number of people in areas that will be eligible for Phase II. The Chairman has not provided assurance that there will be sufficient funding for Phase II. One of the reasons I dissented in part from the January 2020 RDOF Order is that I did not believe the Chairman's proposal was based on accurate data or supported by answers to questions like this one.

**Question 17.** Will there be a challenge process for Phase 1 of RDOF?

**Answer.** Consistent with Chairman Pai's proposal, the FCC conducted a limited challenge process for Phase I. That process operated as a one-way ratchet: it only identified areas that should not be eligible, and it ignored information that identified unserved areas that should be eligible. Accordingly, the Commission did not attempt to correct inaccuracies in its coverage data. As a result, the process almost certainly prevented communities that should have been eligible for RDOF from benefiting—another reason I dissented in part from the January 2020 RDOF.

**Question 18.** What is the FCC’s vetting process to ensure that broadband providers are actually able to provide adequate connections?

**Answer.** I note that in my statement dissenting in part from the RDOF Order, I laid out a four-part plan for a data-driven and fiscally responsible approach to promoting rural broadband deployment that emphasized holding auction winners accountable. Currently, the Commission uses a combination of factors—letters of credit, the state Eligible Telecommunications Carrier designation, and the vetting of long-form applications by Commission staff—to help avoid defaults and ensure service is actually provided. In many cases, this has not proved sufficient. We have seen a significant number of defaults and missed buildout milestones among the Connected America Fund Phase II winners. Going forward, we must create real accountability for companies that receive subsidies and consider updating our vetting processes, because a default can be extremely harmful to communities that face delayed deployment.

**Question 19.** In regard to the IP CTS, since the FCC has decided to allow conditional certification of Automated Speech Recognition (ASR)-only services, will the FCC provide a warning to hard-of-hearing consumers that ASR-only services are experimental? How will the elderly and our veterans know that they might be taking a risk?

**Answer.** The Chairman has not shared with me any plans to provide a warning to hard-of-hearing consumers about any attendant risks posed by ASR-only IP CTS services.

**Question 20.** Has the FCC considered using a pilot program to test the Automated Speech Recognition vendors?

**Answer.** The Chairman has not indicated to me whether he has ever considered using a pilot program to test ASR vendors. However, the Consumer and Governmental Affairs Bureau notes, in recent approvals of certifications to provide fully automatic IP CTS, that such certifications are conditional, and thus subject to a final determination as to whether the service meets the Commission’s minimum standards for IP CTS.
many tribal entities have had difficulties meeting the current filing deadline because of COVID–19-related delays.

Question 2. An estimated 17 percent of U.S. students do not have access to computers at home and 18 percent do not have access to broadband internet—necessities for Arizona students to access online learning during this crisis. I support legislation to provide additional funds for schools and libraries through the E-Rate program for Wi-Fi hotspots and internet-enabled devices, so students have equal access to online learning.

Do you agree that additional E-Rate funding in an upcoming coronavirus relief bill can help tackle the Homework Gap for students that lack reliable Internet access?

Answer. Absolutely. One lesson that we've learned in this pandemic is that the concept of the “classroom” isn't limited to the brick and mortar walls of the school. Over the last few months, the classroom has meant the kitchen table or the home office for families around the country. But far too many kids couldn't take advantage of distance learning because they don't have broadband at home. The FCC needs to adjust its E-rate program to reflect this reality and provide support for hotspots and other broadband connections at home. We've done so before, when we operated a pilot program in 2011 that supported off-campus wireless connectivity for schools and libraries. Additional funds for such an effort are an essential part of our Nation’s response to, and recovery from, COVID–19.

Question 3. Based on the widespread concerns for the continuing viability of GPS, do you support a stay of the Ligado decision to allow for further review of the studies relied upon for the decision and an opportunity for additional input from potentially impacted stakeholders?

Answer. Given the concerns raised by multiple parties, including Executive Branch agencies, as well as you and your colleagues, I would be willing to support a stay to allow for further review of studies and other information in the record from potentially impacted stakeholders. However, because the Chairman controls the Commission’s agenda, only he can present a stay order for our consideration.