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CONNECTING AMERICA: OVERSIGHT OF NTIA

VIRTUAL HEARING

BEFORE THE

SUBCOMMITTEE ON COMMUNICATION AND TECHNOLOGY

OF THE

COMMITTEE ON ENERGY AND COMMERCE

HOUSE OF REPRESENTATIVES

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CONNECTING AMERICA: OVERSIGHT OF NTIA

WEDNESDAY, FEBRUARY 16, 2022

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

The subcommittee met, pursuant to notice, at 12:05 p.m. via Webex, Cisco online video conferencing, Hon. Jerry McNerney (member of the subcommittee), presiding.

Members present: McNerney, Veasey, Soto, Eshoo, Welch, Schrader, rdenas., Kelly, Fletcher, Pallone (ex officio); Latta (subcommittee ranking member), Guthrie, Bilirakis, Johnson, Hudson, Mullin, Walberg, Carter, Duncan, and Curtis.

Also present: Representatives Tonko, Joyce, and Barragán

Staff present: Jennifer Epperson, Senior Counsel; Waverly Gordon, Deputy Staff Director and General Counsel; Jessica Grandberry, Staff Assistant; Mackenzie Kuhl, Press Assistant; Jerry Leverich, Chief Counsel, Communications and Technology; Joe Orlando, Policy Analyst; Chloe Rodriguez, Clerk; Johanna Thomas, Counsel; Kate Arey, Minority Content Manager and Digital Assistant; Sarah Burke, Minority Deputy Staff Director; Michael Cameron, Minority Policy Analyst, CPC, Energy, Environment; William Clutterbuck, Minority Staff Assistant/Policy Analyst; Theresa Gambo, Minority Financial and Office Administrator; Jack Heretik, Minority Press Secretary; Nate Hodson, Minority Staff Director; Sean Kelly, Minority Press Secretary; Peter Kielty, Minority General Counsel; Emily King, Minority Member Services Director; Bijan Koohmaraie, Minority Chief Counsel, Oversight and Investation Chief Counsel; Tim Kurth, Minority Chief Counsel, CPC; Clare Paoletta, Minority Policy Analyst, Health; Olivia Shields, Minority Communications Director; Michael Taggart, Minority Policy Director; Everett Winnick, Minority Director of Information Technology; Evan Viau, Minority Professional Staff Member, Communications and Technology; Kate O'Connor, Minority Chief Counsel, Communications and Technology.

Mr. MCNERNEY. The Subcommittee on Communications and Technology will now come to order.

Today is—the Subcommittee on Communications and Technology is holding a hearing entitled, "Connecting America: Oversight of NTIA."

Due to the COVID–19 public health emergency, today's hearing is being held remotely. All Members and witnesses will be participating via video conferencing.

As a part of our hearing, microphones will be set on mute for the purpose of eliminating inadvertent background noise. Members and witnesses, you will need to unmute your microphone each time you wish to speak.

Documents for the record can be sent to Joe Orlando at the email address we have provided to staff. All documents will be entered into the record at the conclusion of the hearing.

The Chair now recognizes himself for 5 minutes for an opening statement.

OPENING STATEMENT OF HON. JERRY MCNERNEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORINIA

Today's hearing comes at a crucial time in our Nation's history for delivering high-speed, reliable, and affordable broadband to all Americans. Never before has Congress and the president made such a bold investment, $65 billion, to connect Americans to one of the most valuable resources of the 21st century, the internet. And the pivotal agency that is going to help us cross the finish line and reach this important goal is the one that is before us today, the National Telecommunications and Information Administration, the NTIA.

NTIA plays a key role in developing and overseeing telecommunications and technology policy for this country. Indeed, Congress long ago designated NTIA as the president's primary adviser on these critical policy issues. It is not surprising that, in the bipartisan infrastructure law, we in Congress designated the NTIA to administer this historic $65 billion investment to connect Americans across the country to reliable, high-speed, and affordable broadband.

This is certainly a big responsibility to place on one agency. But the recent confirmation of Mr. Alan, our witness today—we have someone who is up to the task at hand.

The bipartisan infrastructure law is poised to have a massive impact on the roughly 30 million Americans who currently cannot connect to the internet. As we have all learned during the COVID–19 pandemic, broadband is the foundation that allows so many Americans workers to support their families, our children to expand the horizons and complete their homework, and all of us to strengthen our bonds with family and friends, even when we are thousands of miles apart.

I am particularly pleased that the bipartisan infrastructure law included my Digital Equity Act. There is no doubt that the over 45 billion in the law to fund and build out of new networks will help communities in my district and across the country.

But universal connectivity does not stop at network access. Families need to be able to afford this service. The individual must have devices and technical skills to use those services for their needs. The Digital Equity Act provides funding to all 50 states, plus the District of Columbia and Puerto Rico, to develop State digital equity plans that identify barriers faced by their residents in accessing broadband.

One of those State plans—once those State plans are completed, it will fund projects to address the barriers identified in the plans

to make sure that the goals of universal connectivity is meaningful to everyone.

The bipartisan infrastructure law does not stop there. Even for those who have physical access to those networks and the skills to take advantage of them, a challenge remains for many in finding plans that they can deliver high-speed broadband services at affordable prices. In today's economy, broadband is an absolute necessity. No family should have to choose between the internet and other basic household needs.

So I am pleased that the bipartisan infrastructure law makes tangible investments in broadband affordability, so that we can ensure that economically vulnerable households are not put in a position to make difficult decisions, such as deciding what essential services to do without. These investments include the affordable connectivity program at the FCC, but also the low-cost option that recipients of the development program administered by the NTIA are required to provide. These are two separate and distinct ways to address broadband affordability, and will, no doubt, separately ensure broadband is affordable to people across the country.

Last, but certainly not least, we have all seen in recent months, thanks to a trend that began in the last Administration, what happens when NTIA and the FCC do not row in the same direction. Thanks to the hard work at the NTIA and the FCC and others in the last few weeks, we have finally begun to see some progress in resolving the spectrum issues left over by the Trump Administration.

Even better, we saw yesterday that the NTIA and the FCC have announced a new spectrum coordination initiative to ensure that our government once again speaks with one voice on spectrum management matters.

And it doesn't stop there. The NTIA is working on cutting-edge issues like artificial intelligence and cybersecurity that will benefit all of us.

For all of these reasons, I am pleased to have Mr. with us today. I look forward to the conversation.

[The prepared statement of Mr. McNerney follows:]

PREPARED STATEMENT OF HON. JERRY MCNERNEY

Committee on Energy and Commerce

Opening Statement as Prepared for Delivery
of
Representative Jerry McNerney

Hearing on "Connecting America: Oversight of NTIA"

February 16, 2022

Today's hearing comes at a critical time in our country's history for the delivery of high-speed, reliable, and affordable broadband to all Americans. Never before has Congress and the President made such a bold investment, $65B, to connect Americans to one of the most valuable resources in the 21st century—the internet. And the pivotal agency that is going to help us cross the finish line and reach this important goal is the one before us today—the National Telecommunications and Information Administration (NTIA).

NTIA plays a key role in developing and overseeing telecommunications and technology policy for this country. Indeed, Congress long ago designated NTIA as the President's primary advisor on these critical policy issues. It is not surprising that in the bipartisan infrastructure law, we in Congress designated NTIA to administer this historic $65 billion investment to connect Americans across the country to reliable, high-speed, and affordable broadband. This is certainly a big responsibility to place on one agency. But with the recent confirmation of Mr. Alan Davidson, our witness today, we now have someone who is up to the task at hand.

The bipartisan infrastructure law is poised to have a massive impact on the roughly 30 million Americans who currently cannot connect to the internet. As we all have learned during the Covid-19 pandemic, broadband is the foundation that allows so many American workers to support their families, our children to expand their horizons and complete their homework, and all of us to strengthen our bonds with family and friends even when we are thousands of miles apart.

I am particularly pleased that the bipartisan infrastructure law included my Digital Equity Act. There is no doubt that the over $45 billion, in the law, to fund the build-out of new networks will help communities in my district and across the country. But universal connectivity does not stop at network access. Families need to be able to afford the service, and individuals must have the devices and the technical skills to use the service for their needs.

The Digital Equity Act provides funding to all 50 states plus D.C. and Puerto Rico to develop state digital equity plans that identify barriers faced by their residents in accessing broadband. Once those state plans are completed, it will fund projects to address the barriers identified in the plans to make sure the goal of universal connectivity is meaningful to everyone.

The bipartisan infrastructure law though does not stop there. Even for those who may have physical access to these networks and the skills to take advantage of them, a challenge remains for many about finding plans that can deliver these high-speed broadband services at affordable prices. In today's economy, broadband is a necessity; no family should have to choose between the internet and other basic household needs. So, I am pleased that the bipartisan infrastructure law makes tangible investments in broadband affordability so that we

can ensure that economically vulnerable households are not put in a position to make difficult decisions such as deciding what essential services to do without. These investments include the Affordable Connectivity Program at the FCC, but also the low-cost option that recipients of the deployment program administered by the NTIA are required to provide. These are two separate and distinct ways to address broadband affordability and will no doubt separately ensure broadband is affordable to people across the country.

Lastly, but certainly not least, we have all seen in recent months—thanks to a trend that began in the last administration—what happens when NTIA and the FCC do not row in the same direction. Thanks to the hard work of NTIA, the FCC, and others in the last few weeks, we have finally begun to see some progress in resolving the spectrum disputes left over by the Trump Administration. Even better, we saw yesterday that NTIA and the FCC have announced a new spectrum coordination initiative to ensure that our government once again speaks with one voice on spectrum management matters.

And it doesn't stop there—the NTIA is also working on cutting edge issues like Artificial Intelligence and cybersecurity that will benefit us all. For all the reasons, I am pleased to have Mr. Davidson with us today and I look forward to the conversation. And with that, the Chair yields back.

Mr. MCNERNEY. And with that, the Chair yields back. The Chair now recognizes Mr. Latta, the ranking member of the Subcommittee on Communications and Technologies

[sic], for 5 minutes for his opening statement.

OPENING STATEMENT OF HON. JERRY LATTA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. LATTA. Well, I thank the Chairman and my good friend for conducting today's hearing. I greatly appreciate it.

And good afternoon, and welcome to the first oversight hearing held by the Communications and Technology Subcommittee this Congress.

I would also like to start off again, Mr. Secretary—Assistant Secretary Davidson, again congratulating you on your confirmation to lead the National Telecommunications and Information Administration. It is a very, very important post.

The COVID–19 pandemic magnified the importance of internet access, as so much of our daily lives moved online. From telehealth to education, nearly every aspect of American life was forced online overnight. And unlike our international counterparts, our providers were well positioned to step up and make sure their networks were successful in handling the spike in traffic.

Fortunately, the Trump Administration's FCC made great progress connecting Americans across the country. Americans without access to broadband service fell by 14 percentage points in 2018, and Americans living in rural areas with access to broadband at 250 megabits per second increased by 85 percent since 2017.

Yet, despite the success, more work must be done to close the digital divide in many of the hardest-to-reach parts of our country, including in my district. By statute, NTIA is the president's principal adviser on all telecommunications and information policy, and is responsible for representing the executive branch on both domestic and international communications policies. And with the passage of the Infrastructure Investment and Jobs Act, NTIA is now at the forefront, expanding broadband connectivity across all of the United States.

NTIA received an unprecedented $43 billion of funding for broadband deployment, and over 15 billion to promote digital equality—equity and broadband affordability. This staggering investment must first prioritize hard-to-reach, unserved areas. However, I am concerned that we are seeing this Administration move the goal post by redefining what it is—what it means by—considered "served." By moving the goalpost, and not having proper safeguards in place, we risk leaving Americans with no service further behind.

In addition to this funding, Republicans have outlined comprehensive broadband permitting reform legislation that would make it easier to deploy broadband on Federal lands in hard-to-reach areas. As the assistant secretary, you have the discretion over how these funds are spent, and I encourage you to keep these concerns in mind as you draft the rules.

NTIA is also manager of all Federal spectrum. Federal agencies rely on spectrum for mission-critical systems, but they must also be held accountable for efficiently using their spectrum resources.

Additionally, as more Americans rely on wireless devices and the growth of the Internet of Things, making spectrum available for commercial use is necessary for America to lead in future generations of technology.

NTIA has the distinct role of balancing both interests, and representing the voices of all Federal agencies on spectrum matters. This is not an easy task. We continue to see Federal agencies circumvent NTIA in the spectrum management process, or ignore changes in the spectrum landscape. More frequently, we see these technical spectrum disputes spilling out into the public.

The most recent example is the—with the FCC's C-Band order. Rather than engage with expert engineers at the NTIA and FCC and participate in FCC's public and transparent process, the aviation industry and the FAA engaged in fearmongering tactics by going to the press and threatening to ground planes.

As the commercial spectrum landscape continues to evolve with advances in new technologies, NTIA is at the center of preserving Federal missions, and ensuring Federal users are prepared for new developments in the spectrum landscape. It is our responsibility, as members of the Energy and Commerce Committee, to oversee NTIA's implementation of these diverse and important tasks, and provide necessary direction when challenges arise.

Today's hearing is a great start to what I hope is the first of many oversight hearings on these important topics. And again, Mr. Secretary, it is great to have you with us today.

[The prepared statement of Mr. Latta follows:]

PREPARED STATEMENT OF HON. BOB LATTA

Opening Statement of Republican Leader Bob Latta
Subcommittee on Communications and Technology
"Connecting America: Oversight of NTIA"
February 16, 2022
(As Prepared for Delivery)

Good morning, and welcome to the first oversight hearing held by the Communications and Technology Subcommittee this Congress. I'd like to start off by congratulating you, Assistant Secretary Davidson, on your confirmation to lead the National Telecommunications and Information Administration, and thank you, Mr. Chairman, for holding this important hearing.

The COVID-19 pandemic magnified the importance of Internet access as so much of our daily lives moved online. From telehealth to education, nearly every aspect of American life was forced online overnight, and unlike our international counterparts, our providers were well positioned to step up and make sure their networks successfully handled the spike in traffic.

Fortunately, the Trump Administration's Federal Communications Commission made great progress in connecting Americans across the country. Americans without access to broadband service fell by 14 percentage points in 2018, and Americans living in rural areas with access to broadband at 250 megabits per second increased by 85 percent since 2017. Yet despite this success, more work must be done to close digital divide in many of the hardest to reach parts of our country, including in my district.

By statute, NTIA is the President's principal advisor on all telecommunications and information policy and is responsible for representing the Executive Branch on both domestic and international communications policies. And with the passage of the Infrastructure Investment and Jobs Act, NTIA is now at the forefront of expanding broadband connectivity across all of the United States.

NTIA received an unprecedented $43 billion of dollars of funding for broadband deployment and over $15 billion to promote digital equity and broadband affordability. This staggering investment must first prioritize hard to reach, unserved areas.

However, I am concerned that we are seeing this Administration move the goalpost by redefining what it means to be considered "served." By moving the goalposts and not having proper safeguards in place, we risk leaving Americans with no service further behind.

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necessary for America to lead in future generations of technology. NTIA has the distinct role of balancing both interests and representing the voices of all federal agencies on spectrum matters.

This is not an easy task. We continue to see federal agencies circumvent NTIA in the spectrum management process or ignore changes in the spectrum landscape. More frequently, we see these technical spectrum disputes spilling out into the public. The most recent example is with the FCC's C-Band order. Rather than engage with expert engineers at the NTIA and FCC, and participate in the FCC's public and transparent process, the aviation industry and the FAA engaged in fearmongering tactics by going to the press and threatening to ground planes. As the commercial spectrum landscape continues to evolve with advances in new technologies, NTIA is at the center of preserving Federal missions and ensuring Federal users are prepared for new developments in the spectrum landscape.

It is our responsibility as members on the Energy and Commerce committee to oversee NTIA's implementation of these diverse and important tasks, and provide necessary direction when challenges arise. Today's hearing is a great start to what I hope is the first of many oversight hearings on these important topics.

I yield back.

Mr. LATTA. And Mr. Chairman, I yield back the balance of my time.

Mr. MCNERNEY. Well, the gentleman from Ohio yields back, and it is good to see your face, and not just hear your voice, Bob.

Mr. LATTA. Well, thanks very much. Good seeing you.

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

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

Mr. PALLONE. Thank you, Chairman McNerney. Good to see you.

Today the committee is conducting important oversight of the NTIA. And I would venture to guess that most Americans have never heard of NTIA, but the agency plays a crucial role in connecting Americans.

I am pleased President Biden has prioritized the agency's role by appointing Alan Davidson as administrator. It was unfortunate that, during the majority of the Trump Administration, NTIA did not have a politically appointed leader. And Administrator Davidson's leadership is going to be critical, as NTIA is poised to deliver on one of the most important economic and equity issues of the day, and that is universal access to robust and affordable broadband service.

Our broadband internet is not a luxury. It is a necessity. It is needed for Americans to do their jobs, run their small businesses, study for school, meet with their doctor for a telehealth visit, and connect with family and friends. Unfortunately, studies estimate that as many as 30 million Americans are still without home broadband internet access, and members of this committee on both sides of the aisle have for years discussed ways to address this issue so that everyone can take part in today's digital society.

In November Congress and President Biden delivered for the American people with the bipartisan infrastructure law that included a historic $65 billion investment in broadband programs, and this funding will support the cost of building these networks into rural and under-served communities, including tribal communities, so that they can finally benefit from the economic and educational opportunities they deserve. And this investment will ensure every American has access to reliable, high-speed internet.

Affordability is also an issue when it comes to broadband access, and the bipartisan infrastructure law tackles it in different ways. Most notably, it created the Affordable Connectivity Program at the Federal Communications Commission. Under the ACP, one in four American households are now eligible to receive a discount of $30 every month on their internet bill, or $75 a month for people living on tribal lands.

The law also requires providers that receive money from the Broadband Equity Access and Deployment Program at NTIA to offer a low-cost service plan for low-income Americans. And through these efforts and others, we need to make sure that affordability is not a barrier to universal connectivity, because broadband is so essential.

And finally, the bipartisan infrastructure law also includes digital equity funding to help ensure that people have the skills and tools they need to connect when they have access. So beyond the positive impacts to individuals and communities, this investment is also critical to ensuring that America's economy can successfully compete on the world stage. You only need to look at the enormous investments China has made in fiber, putting it on track to connect more than a billion people to broadband. So we can't allow other nations to get ahead of us in building the economy of the future.

While NTIA's work of implementing the programs within its purview is only just beginning, the agency also is administering the programs we enacted on a bipartisan basis in the Consolidated Appropriations Act in 2021. So I look forward to getting an update on all of these investments today, as NTIA continues its monumental work of connecting America.

Congress has also tasked NTIA with the important responsibility of managing Federal spectrum users, and coordinating with the FCC to ensure that our airwaves are effectively managed between Federal and commercial users. Sadly, during the Trump Administration, that responsibility was ignored, in my opinion, and resulted in unnecessary and counterproductive public fights in multiple spectrum bands, including the C-Band.

So I am hopeful that, with the new leadership at NTIA, we will move past these public spectrum disputes, and instead rely on the work of the expert agencies in coordination with the Federal partners to reach decisions that serve the public's interest. So I was pleased to see yesterday that Administrator Davidson and FCC Chairwoman Rosenworcel moved to update their spectrum memorandum of understanding, consistent with legislation this committee unanimously reported to the House back in November. And this is an important step to get this country's management of its airwaves back on track.

I also believe that rolling out a national spectrum strategy will better position NTIA to ensure that the Federal Government is coordinated with respect to our airwaves, and that is going to help consumers, commercial carriers, and Federal agencies with the spectrum resources they need and for the—you know, they need now, as well as for the future.

So there is a lot for us to discuss today, as we continue our important work on connecting America. I welcome Administrator Davidson, and I look forward to hearing from him.

[The prepared statement of Mr. Pallone follows:]

PREPARED STATEMENT OF HON. FRANK PALLONE, JR.

Committee on Energy and Commerce

Opening Statement as Prepared for Delivery
of
Chairman Frank Pallone, Jr.

Hearing on "Connecting America: Oversight of NTIA"

February 16, 2022

Today, the Committee is conducting important oversight of the National Telecommunications and Information Administration—or NTIA. I would venture to guess that most Americans have never heard of NTIA, but the agency plays a crucial role in connecting Americans.

I'm pleased President Biden has prioritized the agency's role by appointing Alan Davidson as Administrator. It was unfortunate that during the majority of the Trump Administration, NTIA did not have a politically appointed leader. Administrator Davidson's leadership is going to be critical as NTIA is poised to deliver on one of the most important economic and equity issues of the day—universal access to robust and affordable broadband service.

Broadband internet is not a luxury, it is a necessity. It's needed for Americans to do their jobs, run their small businesses, study for school, meet with their doctor for a telehealth visit, and connect with family and friends. Unfortunately, studies estimate that as many as 30 million Americans are still without home broadband internet access. Members of this Committee—on both sides of the aisle—have for years discussed ways to address this issue so that everyone can take part in today's digital society.

In November, Congress and President Biden delivered for the American people with the Bipartisan Infrastructure Law that included a historic $65 billion investment in broadband programs. This funding will support the cost of building these networks into rural and underserved communities—including Tribal communities— so that they can finally benefit from the economic and educational opportunities they deserve. This investment will ensure every American has access to reliable high-speed internet.

Affordability is also an issue when it comes to broadband access and the Bipartisan Infrastructure Law tackles it in different ways. Most notably, it created the Affordable Connectivity Program (ACP) at the Federal Communications Commission (FCC). Under the ACP, one in four American households are now eligible to receive a discount of $30 every month on their internet bill or $75 a month for people living on Tribal lands.

The law also requires providers that receive money from the Broadband Equity, Access, and Deployment Program at NTIA to offer a low-cost service plan for low-income Americans. Through these efforts and others, we need to make sure that affordability is not a barrier to universal connectivity because broadband is so essential.

Finally, the Bipartisan Infrastructure Law also includes digital equity funding to help ensure that people have the skills and tools they need to connect when they have access.

Beyond the positive impacts to individuals and communities, this investment is also critical to ensuring that America's economy can successfully compete on the world stage. You only need to look at the enormous investments China has made in fiber, putting it on track to connect more than a billion people to broadband. We cannot allow other nations to get ahead of us in building the economy of the future.

While NTIA's work of implementing the programs within its purview is only just beginning, the agency also is administering the programs we enacted on a bipartisan basis in the Consolidated Appropriations Act in 2021.

I look forward to getting an update on all of these investments today as NTIA continues its monumental work of connecting America.

Congress has also tasked NTIA with the important responsibility of managing federal spectrum users and coordinating with the FCC to ensure that our airwaves are effectively managed between federal and commercial users. Sadly, during the Trump Administration, that responsibility was ignored and resulted in unnecessary and counterproductive public fights in multiple spectrum bands, including the C-Band.

I am hopeful that with new leadership at NTIA, we will move past these public spectrum disputes. And instead, rely on the work of the expert agencies, in coordination with their federal partners, to reach decisions that serve the public's interests.

I was pleased to see yesterday that Administrator Davidson and FCC Chairwoman Rosenworcel moved to update their spectrum Memorandum of Understanding, consistent with legislation this Committee unanimously reported to the House back in November. This is an important step to get this country's management of its airwaves back on track.

I also believe that rolling out a national spectrum strategy will better position NTIA to ensure that federal government is coordinated with respect to our airwaves. This will help provide consumers, commercial carriers, and federal agencies with the spectrum resources they need now and for the foreseeable future.

There is a lot for us to discuss today as we continue our important work on connecting America. I welcome Administrator Davidson to the Committee and look forward to hearing from him.

Mr. PALLONE. And I yield back, Mr. Chairman, Mr. Chairman McNerney, for the balance of my time.

Mr. MCNERNEY. The Chairman yields back. The Chair now recognizes Mrs. McMorris Rodgers, ranking member of the full committee, for 5 minutes for her opening statement.

OPENING STATEMENT OF HON. CATHY MCMORRIS RODGERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mrs. RODGERS. Good morning. Thank you, Mr. Chairman.

I would like to join in congratulating Assistant Secretary Davidson on your confirmation to lead the National Telecommunications and Information Administration.

NTIA is tasked with ensuring all Americans have a reliable broadband connection. This is a massive responsibility, requiring significant investment. And because of this, it is imperative that the Energy and Commerce Committee perform its duty and conduct regular oversight of NTIA and other agencies under its jurisdiction.

Having the NTIA assistant secretary before us today is a great start. I hope we can have leaders from the Federal Communications Commission before us soon, which Ranking Member Latta and I have requested.

By statute, NTIA is the president's principal adviser on all telecommunications and information policy, and is responsible for representing the executive branch on both domestic and international communications policies. This includes managing all Federal spectrum use, ensuring the security of our communications networks and their supply chain, overseeing FirstNet and the implementation of the nationwide Public Safety Network, coordinating broadband funding activities across the government, and now implementing the biggest investment in broadband infrastructure in our Nation's history.

Access to broadband has never been more important than COVID–19: remote schools, telehealth, virtual meetings, and business. Because of the light-touch regulatory policies in place before the pandemic, broadband providers have invested tens of billions in their networks over the past decade, which is why, during the pandemic, American broadband networks were so dependable, even as these networks faced an unprecedented surge of individuals and businesses moving online full-time.

Unfortunately, many Americans continue to live in areas with no connectivity at all. The last major investment in broadband was in 2009, when Congress passed the American Recovery and Reinvestment Act. NTIA received 4.7 billion, much of which turned into a missed opportunity when funds were directed to overbuilding and failed projects. We cannot afford to let this happen again.

Through the infrastructure bill, Congress provided NTIA nearly 43 billion for broadband deployment, more than 10 times the amount administered in 2009. This funding must be targeted to truly unserved areas. That is, areas currently lacking broadband speeds the FCC considers served, which are those areas that lack download speeds of 25 megabits per second and upload speeds of 3 megabits per second.

Congress also designated NTIA to track and coordinate how funds are being used for broadband access across the government, the Federal Government, which ensures that funds are going to unserved areas, and not being used to overbuild in areas that already have reliable access.

The only way to connect all Americans is by reliably tracking broadband funding, making sure agencies utilize the FCC's updated maps, and prioritizing unserved areas first. NTIA must get this right in order to close the digital divide once and for all.

We also must make sure that our networks are secure. The Department of Commerce is implementing rules to enhance the security of our communications network supply chain. NTIA is also administrating an information-sharing program for small, rural providers, which is a key provision of this committee's Secure and Trusted Communications Networks Act. I look forward to hearing about NTIA's progress in this space, and their growing mission to promote supply chain security.

We also cannot forget about the importance of wireless connectivity. Wireless technologies can offer connectivity in areas unreachable by fiber. A critical role NTIA plays in promoting economic growth is managing Federal airwaves effectively to ensure America leads in next-generation technologies. In this role, NTIA has a dual task of making sure agencies have enough spectrum for their missions, while also making sure they use their spectrum resources efficiently, and working toward repurposing spectrum for commercial use.

Spectrum is a valuable, finite resource, and as we have seen in recent years, distributing this resource is only going to become more challenging over time. During recent high-profile disputes over spectrum allocations, we have seen certain agencies, such as the Department of Transportation and the Department of Defense, attempt to assert authority over commercial spectrum bands, where those agencies do not hold licenses. These costly interagency battles threaten our ability to lead the world in next-gen communications, and NTIA must assert its authority in the spectrum management process to prevent that from happening.

If NTIA needs congressional support to execute its duties, we stand ready to ensure it has the resources and the authorities necessary to do so. We must have trust in the expertise at the NTIA and the FCC, and confidence in NTIA's leadership in this spectrum process, which requires regular oversight like today's hearing.

Finally, I would like to add that NTIA's role in overseeing FirstNet, and their implementation of the country's Public Safety Network is critical to ensuring our first responders can communicate at all times.

You have an important mission ahead, and I am happy to have you before us today. I look forward to the discussion on these important topics, and I hope that we can continue working together.

[The prepared statement of Mrs. Rodgers follows:]

PREPARED STATEMENT OF HON. CATHY MCMORRIS RODGER

Opening Statement of Republican Leader Cathy McMorris Rodgers
Subcommittee on Communications and Technology
"Connecting America: Oversight of NTIA"
February 16, 2022
(As Prepared for Delivery)

Good morning.

Thank you, Mr. Chairman.

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Access to broadband has never been more important than during COVID-19. Because of the light-touch regulatory policies in place before the

pandemic, broadband providers were able to continue investing in their networks over the past decade, which is why, during the pandemic, American broadband networks were so dependable, even as these networks faced an unprecedented surge of individuals and businesses moving online full time.

Unfortunately, many Americans continue to live in areas with no connectivity at all. The last major investment in broadband was in 2009 when Congress passed the American Recovery and Reinvestment Act. NTIA received $4.7 billion, much of which was wasted on overbuilding and failed projects. We cannot afford to let this happen again.

Through the infrastructure bill, Congress provided NTIA nearly $43 billion for broadband deployment, more than 10 times the amount administered in 2009. This funding must be targeted to truly unserved areas; that is, areas currently lacking broadband speeds the FCC considers "served," which are those areas that lack download speeds of 25 megabits per second and upload speeds of 3 megabits per second.

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Finally, I would like to add that NTIA's role in overseeing FirstNet and their implementation of the country's public safety network is critical to ensuring our First Responders can communicate at all times. You have an important mission ahead, and I am happy to have you before us today.

I look forward to the discussion today on these important topics and hope we can continue to work together going forward.

I yield back.

Mrs. RODGERS. I yield back.
Mr. MCNERNEY. The gentlelady yields back.

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

I would like to introduce our witness for today's hearing, Hon. Alan Davidson, a second—assistant secretary for communications and information, administrator of the National Telecommunications and Information Administration, U.S. Department of Commerce. Administrator Davidson was confirmed to his position on January 11th, 2022.

Congratulations, Administrator.

And he has previously served as the first director of digital economy at the U.S. Chamber of Commerce—at the U.S. Department of Commerce. That was a little misstep there.

We wish to thank Assistant Secretary Davidson for joining us today.

We look forward to your testimony.

At this time the Chair will recognize Administrator Davidson for 5 minutes to provide his opening statements.

Administrator Davidson, you are recognized for 5 minutes.

STATEMENT OF HON. ALAN DAVIDSON, ASSISTANT SECRETARY FOR COMMUNICATIONS AND INFORMATION, ADMINISTRATOR OF THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE

STATEMENT OF ALAN DAVIDSON

Mr. DAVIDSON. Thank you for that introduction. Thank you, Representative McNerney, chairing this hearing, Ranking Member Latta, Chairman Pallone, Ranking Member Rodgers, and members of the Subcommittee, for the opportunity to speak with you today.

By law, NTIA serves as the president's adviser on telecommunications and information policy. Today NTIA's programs focus largely on expanding broadband internet access and adoption in America, expanding the use of spectrum by all users, improving public safety communications, and ensuring that the internet remains an engine for continued innovation and economic growth.

We have been given a historic opportunity, thanks to bipartisan support from Congress, to close the digital divide, create good-paying jobs, promote equity, and enhance American competitiveness.

I am excited to join you today, just a little over 1 month into my new role. I have spent my career devoted to the idea that technology must serve human progress. For the last 25 years, as a computer scientist, a lawyer, a public interest leader, and an executive, I have sought to build and shape technologies that connect people and make their lives better. I am honored and humbled to lead NTIA at this pivotal moment.

As you of all noted, NTIA has many responsibilities. But today I will highlight some of the top priorities for us this year.

Our first priority is closing the digital divide. People need good internet access to thrive in the modern economy, to learn and work from home, to remotely visit doctors, to stay connected with family and with friends. Achieving an equitable future demands that

American homes and businesses have high-quality connections at affordable prices, and the means to use them. And that will be our work.

Thanks to the leadership and work of this subcommittee, the bipartisan infrastructure law provided $65 billion to help deliver affordable, reliable, high-speed internet to every American. Forty-eight billion dollars of that total was allocated to NTIA to create and expand four different programs.

The $42 billion Broadband Equity Access and Deployment program, the so-called BEAD program, or State program, as we call it, will fund infrastructure build-outs needed to connect every American through grants to states.

Nearly $3 billion was allocated for a program to address digital inclusion and equity.

A billion dollars for a program to expand middle mile infrastructure.

And our active tribal broadband connectivity program received an additional $2 billion to help further our efforts with tribal communities.

In addition to all these programs in the bipartisan infrastructure law, NTIA is currently implementing $1.5 billion in broadband grant funding included as part of the Consolidated Appropriations Act last year.

Our second big priority is ensuring access to spectrum. NTIA serves a critical role, ensuring most effective and efficient use of this scarce Federal resource. That includes meeting essential Federal missions, while also coordinating with the FCC to support advanced wireless technologies.

As I stated during my confirmation hearing, I am committed to working toward a coordinated national approach to spectrum use and planning to meet the current and future demands. As a tangible step in this direction, I was delighted just yesterday to announce, with the FCC, NTIA's new Joint Spectrum Coordination Initiative, and I look forward to answering any questions, talking more about that in the—in our questions and answers.

The final thing is that, you know, NTIA is working to bolster cybersecurity and public safety communications, protect privacy, advance America's vision of free and open communications around the world.

We are playing a leading role in the U.S. Government's efforts to increase market competitiveness and enhance supplier diversity for secure 5G infrastructure.

We are working to accelerate the adoption of OpenRAM technologies in the U.S. and around the world.

NTIA is leading efforts to enhance public safety communications, as was mentioned, and next generation 911, supporting the FirstNet authority for our Nation's first responders.

And we are working to ensure that our global communications systems remain a positive force, offering people open access to information and economic opportunity around the world. That includes support for the election of Doreen Bogdan-Martin as secretary general of the ITU, a key U.S. priority.

All of these are ambitious goals. Given technology's growing role in our lives, these priorities are about far more than communica-

tions policy. They are about creating new jobs for Americans. They are about public safety and national security. They are about competing globally and improving equity here at home.

This is a exciting and historic time to be at NTIA. I look forward to working with this subcommittee to execute our mission, and to deliver on these promises for all Americans.

Thank you for your time, and I look forward to your questions.

[The prepared statement of Mr. Davidson follows:]

Written Statement of

Alan Davidson
Assistant Secretary for Communications and Information
National Telecommunications and Information Administration
U.S. Department of Commerce

Before the House Committee on Energy and Commerce
Subcommittee on Communications and Technology

"Connecting America: Oversight of the NTIA"

February 16, 2022

Introduction

Thank you Chairman Doyle, Chairman Pallone, Ranking Member Latta, Ranking Member Rodgers, and members of the Subcommittee for the opportunity to speak with you today.

By law, NTIA serves as the President's advisor on telecommunications and information policy. NTIA's programs and policymaking focus largely on expanding broadband Internet access and adoption in America, expanding the use of spectrum by all users, and ensuring that the Internet remains an engine for continued innovation and economic growth.

We have been given a historic opportunity—thanks to bipartisan support from Congress—to close the digital divide, create good-paying jobs, promote equity, and enhance American competitiveness.

I am pleased to join you now just a little over one month in this new role. I have spent my career devoted to the idea that technology must serve human progress. For 25 years—as a computer scientist, a lawyer, a public interest leader, and an executive—I have sought to build and shape digital technologies that connect people to make their lives better. I am honored and humbled to lead NTIA at this pivotal moment.

NTIA has many responsibilities, but today I will highlight the top priorities for us this year.

Priority number one is closing the digital divide. Gaps in broadband access mean gaps in opportunity: fewer opportunities to learn and work from home, remotely visit doctors, or stay connected with family and friends. Achieving an equitable future means ensuring that homes and businesses have high-quality connections at affordable prices, and the means to use them.

Thanks to the leadership and work of this Subcommittee, the Bipartisan Infrastructure Law provided $65 billion to help deliver affordable, reliable, high-speed Internet to every American and help close the digital divide. NTIA was allocated $48.2 billion of that total.

To achieve these goals, the Bipartisan Infrastructure Law created or expanded four programs at NTIA. The $42.5 billion Broadband Equity, Access, and Deployment Program will fund infrastructure buildouts needed to connect every American to reliable, high-speed, affordable Internet. The law also provides NTIA with $2.75 billion for a program to address digital inclusion and equity, and $1 billion for a program to expand middle mile infrastructure. Our active Tribal Broadband Connectivity Program received an additional $2 billion to help further our efforts with tribal communities.

In addition to these Bipartisan Infrastructure Law programs, NTIA is working to implement the separate $1.5 billion in broadband grant funding included as part of the Consolidated Appropriations Act of 2021.

NTIA's second priority is ensuring access to spectrum. NTIA serves a critical role in ensuring the most effective and efficient use of this scarce Federal resource across the Federal government. That includes meeting critical Federal mission needs while coordinating with the Federal Communications Commission to support advanced wireless technologies, so we can realize the promise of next generation services and connected devices. As I stated during my confirmation hearing, I am committed to working toward a coordinated, national approach to spectrum use and planning to meet current and future demands.

Finally, NTIA is working to bolster cybersecurity and public safety communications, protect privacy, and advocate for America's vision of free and open communications around the world. We are playing a leading role in the U.S. government's efforts to increase market competitiveness and enhance supplier diversity for secure 5G infrastructure, and working to accelerate the adoption of Open RAN technologies in the United States and around the world. NTIA also is leading efforts to enhance public safety communications and Next Generation 911, and supporting the FirstNet Authority for our nation's first responders.

And we are working to ensure that our global communications systems remain a positive force offering access to information, connection with community, and economic opportunity – including support for the election of Doreen Bogdan-Martin to Secretary General of the International Telecommunication Union as a key U.S. government priority.

All of these are ambitious goals. Given technology's growing role in our lives, these priorities are about far more than communications policy. They are about creating new jobs for Americans. They are about public safety and national security. They are about improving equity here at home. They are about competing on the global stage.

This is an exciting and historic moment for NTIA. I look forward to working with this Subcommittee to execute our mission and deliver on these promises to all Americans.

Thank you for your time, and I look forward to your questions.

Mr. MCNERNEY. Thank you.

We have now concluded openings, and we move to member questions. Each member will have 5 minutes to ask questions of our witness. I will start by recognizing myself for 5 minutes.

Administrator Davidson, as you know, these past couple of years have highlighted why it is so important to make sure everyone who wants reliable broadband access at home is able to get it. Reliable broadband access is needed so students can do their homework, people can look for jobs, family and friends can stay connected, and people can otherwise participate in our society.

Making broadband available is not just an infrastructure challenge. For many, it is an economic challenge. That is why, again, I championed the Digital Equity Act, which requires the NTIA to establish grant programs for promoting digital equity, supporting digital inclusion activities, and building capacity for state-led efforts to increase adoption of broadband by the residents.

As the NTIA implements the Digital Equity Act, how will it engage with all impacted stakeholders, including local groups that are in tune with local needs, to ensure successful implementation of the Act's objectives?

Mr. DAVIDSON. Well, thank you for that question, and thank you for your leadership on these issues. I have enjoyed talking about these when we had a chance to meet earlier.

And I will say our view is that you are exactly right, that this is about more than just making sure there is a wire going past somebody's home. Affordability and adoption require a lot more than just access. It doesn't do us any good if somebody has access, but there is no—they can't afford to get online. It doesn't help if they can afford to get online, but they don't have a device to use the online connection, or they don't have—you know, don't have the means to actually make use of it.

So we are thinking very holistically about how to address these adoption issues. And the digital equity grant program that we are going to be implementing is a key part of that. We have already begun outreach to affected communities. We have created a digital economy—sorry, digital equity leaders network. I had a chance to speak with it just a few weeks ago, a terrific group of people around the country who are thinking about these issues.

And we are engaged with states, communities, and particularly the communities impacted, to talk about how people can most effectively use this, and use it in conjunction with our other programs. And that is the key for us, making sure that all these programs are working together in lockstep, so that we are addressing these digital equity issues, even as we address the broader set of issues, too.

Mr. MCNERNEY. Well, thank you. One of the things you have stressed since being brought in at the NTIA is how important it is that you and the agency's actions are transparent to the public to build trust in your decisions. Can you talk about why transparency is important to you, and how this will inform your decisionmaking about the programs you are charged with implementing?

Mr. DAVIDSON. Sure. Well, as a starting point, we know that we need to be careful stewards of the resources and responsibilities that we have been given. We won't meet our mission if we don't

use funds wisely. And we also need to make sure we are bringing on—bringing along the public, and making sure that there is faith in how we use these resources.

There is a saying, you know, sunlight is the best disinfectant, and I strongly believe that. Transparency is a huge element of our accountability. It is part of why I am here today. It is part of what we will be trying to implement—what we will be implementing at NTIA and working with the states. So you can expect more transparency about what we are doing. And we are going to insist that states are transparent, too, about how they are spending the money that we grant them.

Mr. MCNERNEY. OK, excellent. Administrator Davidson, I am currently the co-chair of the Artificial Intelligence Caucus, and I am particularly interested in AI-related issues. What do you see as NTIA's role in efforts to advance AI and machine learning in the United States and abroad?

Mr. DAVIDSON. Well, it is a tremendously important issue, in the sense that we know that there are a lot of questions about the use of AI, huge benefits, huge opportunities, huge challenges, too.

And I will say NTIA right now has a fairly limited portfolio in this space at the moment, but we do serve as the President's adviser on telecommunications and information policy. There is very active work happening within the Administration at the OSTP and the White House. Our colleagues at NIST are working on artificial intelligence.

And I will say that we stand ready to assist those efforts as needed.

Just as an observation, I will just say this is an area where American leadership is quite important, as others start to move into the space.

Mr. MCNERNEY. Well, how will the agency address the ethics and security implications of those advanced technologies?

Mr. DAVIDSON. I—you—the—my observation from—coming from the private sector, particularly, is that there is a hunger in industry for a sense of what good looks like. There is lots of companies that want to do the right thing. I think the government, you know, giving them some sense of what that should look like could be quite helpful for industry being able to move forward with these exciting technologies.

Mr. MCNERNEY. Thank you. The chairman's time has expired. The Chair now recognizes my good friend, Mr. Latta, ranking member for the subcommittee, for 5 minutes for his questions.

Mr. LATTA. Well, I thank my good friend for recognizing me. And again, Mr. Secretary, it is great to have you before us today, and it was good to talk with you the other day.

Mr. Davidson, as we mentioned in our opening statements, NTIA has received an unprecedented amount of funding for broadband deployment. This amount of funding is a historic opportunity to close the digital divide once and for all. But the last time NTIA received billions of dollars for broadband funding for the BTOP program, much of that funding resulted in a lot of failed projects.

The Senate infrastructure bill has certain requirements, and it provides significant discretion to you, as the assistant secretary, to determine how this funding is spent. Mr. Davidson, one of those re-

quirements is that $42.5 billion for broadband deployment must go to areas that are 80 percent unserved. This means up to 20 percent of those areas could be served.

How do you intend to track those areas, and ensure that NTIA's grant program funds are not used to overbuild networks in the 20 percent that are served?

Mr. DAVIDSON. Well, thank you for the question, and we—that is a—it is a very important element of this program.

The mission that we have been given, first and foremost, in the—in this—what we call the BEAD program, is to reach the unserved, to reach all the unserved in America. And that has to be our focus. We are going to faithfully follow the structure put forward in the statute, as you said. And we know we need to do—if we are going to succeed, we need to focus on those areas first.

The key for us in doing that is going to be using good maps, better maps than we have had before. I think a huge challenge in this area has been that the maps that we have used to understand where to deploy resources have been highly flawed. I think people understand that now. Congress, in its wisdom, put—you know, made this very clear in the statute, as well, that the maps are—you know, maps are going to be built by the FCC. That work is ongoing right now, and we will use those maps, and states will use those maps to ensure that the funding that we are putting out will go to the unserved areas first, and then the under-served areas, and so on through the—as the statute describes.

So that is going to be a key piece of this, and coordinating with other Federal agencies to make sure we are doing that properly is the other piece for us.

Mr. LATTA. Well, you know, I have got a lot of work with maps, and you are absolutely correct. You have got to use the maps to make sure—you got to send them the money, but at the same time those maps have to be accurate. So it is also important in your role to ensure that the other departments and agencies are out there using your maps, and the maps that the FCC create.

The Senate infrastructure bill leaves discretion for NTIA to prioritize certain projects. To avoid overbuilding, we commit to requiring grant recipients for prioritized areas that are 100 percent unserved, meaning lacking speeds of 25, 3 megabits per second, the FCC's current definition of being unserved.

Mr. DAVIDSON. It is laid out very clearly. In my mind, it is laid out very clearly in the statute. There is a framework that the statute lays out. That is the framework we are going to follow. It basically has these definitions about what an unserved project is, and what an unserved area is, and that is what we are going to follow.

Mr. LATTA. All right, thank you. By statute, NTIA plays an important role in reflecting the views and concerns of Federal agencies' use of spectrum and FCC action that may impact them. However, several Federal agencies have taken their concerns about certain spectrum proceedings directly to the FCC in certain years.

What steps are you taking to ensure that NTIA continues to speak authoritatively on behalf of the Federal agencies when it comes to those FCC actions?

I know we have discussed this in the past, but I would like to hear your thoughts on that.

Mr. DAVIDSON. Yes. Well, I think this is a critical responsibility for NTIA, as we have seen. And I think we have seen also the cost of not being well coordinated.

We have to get spectrum out in a way that meets the needs of commercial users, meets the needs of Federal agencies. The American public demands it, because we want to meet their needs, and they love using these wireless services and technologies.

The best thing that we can be doing is what we have started to do this week, is to strengthen our coordination within the Federal Government. I spoke to the chairwoman of the FCC on my second day in the job. We have been in constant communication since then, and we have launched this initiative just this week. There are five pieces to it. We are going to be doing much more high-level meetings within—between the FCC and the NTIA, not just the biannual meetings that we have been required to do in the past. We are going to update our MOU about how we work together. We are working on a national spectrum strategy together, which I think will be a key piece of this.

And we are going to coordinate on the science. I think this all needs to be evidence-based. That has being a big part of the problem, not agreeing on where interference happens. So we are going to be working on standards for that, and doing technical exchange between our advisory committees.

So it is a first step. I think it is an important step, and I—hopefully, it will show people that we are committed to working in lockstep to make sure that these issues don't come up again.

Mr. LATTA. Well, again, thank you very much for being with us today.

And also, this—you know, spectrum management proceeds need to be evaluated, and I want to work with you, Mr. Chairman and this subcommittee, to evaluate these issues in depth with our appropriate stakeholders.

And with that, I yield back the balance of my time.

Mr. MCNERNEY. The gentleman yields back. The Chair recognizes now the chairman of the full committee, Mr. Pallone, for his 5 minutes.

Mr. PALLONE. Thank you, Chairman McNerney. Mr. Latta said that broadband investments, both in the bipartisan infrastructure law and the 2021 Consolidated Appropriations Act, offer a historic opportunity to address the inequities of the digital divide.

So what I wanted to ask you is, Mr. Davidson, can you tell us briefly—because I have a second question, too—about how the NTIA plans to work with State, local, and tribal governments to create the broadband and digital equity plans, and how the agency can ensure that they are serving all communities?

Mr. DAVIDSON. Thank you for the question. As you said, I really liked it that broadband is not a luxury, it is a necessity, and that is for—and it goes for all the communities you just mentioned.

A key part of what we are going to be building here at NTIA, we have started building, is a real—a muscular outreach mechanism, where we are engaging with these communities, whether it is the states, local communities, tribal and minority communities. And what we are—we are hiring a team of program officers here.

There is going to be a person here for each State, so that, if it is the State of New Jersey, we will know who to call. They will have a name of a person here that they can reach out to, and there will be a person here who wakes up every morning thinking, "How do I make things work for the State of New Jersey?" That goes also for these other programs.

And the key thing for us is we are building out teams, particularly in the tribal digital equity areas, teams of people who come from those communities, and understand their needs. So that is really our approach, is really staffing up to do the outreach. I think it is a key, critical component of our success.

Mr. PALLONE. I would agree with that, because, you know, I often meet with my mayors and local officials and, you know, that is the first thing they say to me, is that they say the bipartisan infrastructure—but whether it is broadband or drinking water or brownfields or whatever it is, that, you know, they want to know how they can tap the money.

And of course, they could always call me. But if you have a—you know, contacts that we can contact, and that we can give them, that really know how to deal with this, that is very important. Because, you know, every week or every month we get new roll-outs from the bipartisan bill on the different topics. Some of them we haven't had yet, like the sewer. And, you know, sometimes the guidelines are clear, and other times it isn't. So it is good to have the staff.

My second question is that I wanted to say the FCC is doing a good job helping Americans afford internet through the Affordable Connectivity Program. But as you know, the bipartisan infrastructure law clearly requires that recipients of broadband equity access and deployment program funds offer a low-cost broadband service option. And states have a role in defining what that means. But as assistant secretary, you have the ability to approve those or not.

So do you have—can you share some thoughts about the criteria the NTIA will use to evaluate proposals for the low-cost service option?

Mr. DAVIDSON. Well, I will say this is an—this is a very important topic, and really active area of discussion within our—as we build out the program.

As you say, affordability is critical here, and we were just talking about the fact that having access doesn't necessarily mean that you can afford to get online. It is not that useful. So—for families.

We also—as good as the ACP program, the $30-a-month benefit that Congress has put in place at the FCC, as important as that is, we know it doesn't help if, you know, it is $30 off a $100 plan, right? For—if the plan still costs a lot of money, it doesn't help—it is not going to be enough for a lot of families. So we are quite focused in thinking about—we are—in thinking about the BEAD program, the State grant program, in the requirement that every recipient of Federal funding offer a low-cost option. It is in—it is built into the program.

What that exactly looks like, I will just say we don't quite know yet. We have asked for and received comments on this. We received over 550 comments in our recent request. A lot of them have to do with the question of how to build this.

We are going to be looking at it with an eye toward some of the other Federal programs that are out there, like the ACP at the FCC, you know, like the programs that are out there, so that there may be an opportunity to help—for states to shape these things based on their knowing what kinds of benefits may be available, and the standards. We would like to make this as simple as possible.

I will say I think we expect states to do it—different states will do it different ways.

Mr. PALLONE. But I think that is important, you know, that we have criteria——

Mr. DAVIDSON. Yes.

The CHAIRMAN [continuing]. That are meaningful, and that are objective.

And then, as you said earlier, and then we have, you know, a way of contacting someone in the agency to follow through.

So I can't stress those two things enough. And it is not only true with broadband, it is true with everything that is rolled out from the BIF. So thank you——

Mr. DAVIDSON. Thank you. And the offer goes—will be for every State in the country, not just central Jersey, so—where I am from.

[Laughter.]

Mr. PALLONE. Where are you from?

Mr. DAVIDSON. We are Frank Pallone fans, Chairman, so——

Mr. PALLONE. What town, Alan? Tell us. I don't even know. I apologize.

Mr. DAVIDSON. Somerset, New Jersey, just next to the chairman's district——

Mr. PALLONE. Oh, right, we had that conversation. Yes.

Mr. DAVIDSON. Yes.

Mr. PALLONE. I don't represent Somerset any more. Bonnie Watson Coleman does——

Mr. DAVIDSON. You did at one point.

Mr. PALLONE. I did for a long time.

Mr. DAVIDSON. Yes.

Mr. PALLONE. You told me that. I apologize.

Thank you, Jerry.

Mr. DAVIDSON. Thanks.

Mr. MCNERNEY. The gentleman yields back. The Chair now recognizes Mrs. Rodgers, full committee ranking member, for 5 minutes.

Mrs. RODGERS. Thank you. Thank you, Mr. Chairman.

And again, Mr. Davidson, I really appreciate you being with us. I wanted to start out by just asking about the recent dispute—it was pretty public—between the wireless carriers and the aviation community, and it was alarming, I think, to a lot of us.

Unfortunately, we saw the chairman of the FCC pretty quiet. There wasn't a lot of direction or engagement by the White House. And as a result of that, the FAA was pressuring companies to impose certain conditions on spectrum licenses, which is not their role. Congress granted the FCC with the authority to make determinations of harmful interference, and impose restrictions on spectrum licenses to avoid those issues.

The C-Band order went through a thorough and transparent process. It was vetted by the FCC's expert engineers. Yet the FAA raised concerns on behalf of the aviation industry about alleged interference at the last minute, without due process.

As NTIA administrator, you are now responsible for representing matters of the executive branch in front of the FCC. And while this is a dispute among commercial spectrum users rather than involving spectrum bands, the FAA circumvented the statutory spectrum management process. And I was pleased to see NTIA and the FCC's announcement yesterday, outlining steps you plan to take to improve communication and coordination between the agencies. It is a great first step. But we still must address issues related to other agencies circumventing the statutory spectrum management process.

And I would just like to ask you to speak to your plan to restore integrity to the spectrum management process and—so that this doesn't happen again.

Mr. DAVIDSON. Well, thank you for that question, and I enjoyed our discussion about it, as well, previously. I—and I know this is something you care a lot about.

As you say, this isn't—this was not an acceptable outcome. It wasn't fair to the parties, the commercial parties involved. It wasn't—it is not—certainly not good for aviation if we have real concerns there. It is not good for the American public.

So, you know, my focus is on how do we avoid these kinds of issues in the future. And I think what is critical is to do the hard work of coordination. It is not always glamorous, but it is, as we have seen today—in recent months, it is essential and important. So the work that we announced, the initiative that we announced with the FCC just this week, I think, is a key first step. It is only a first step, but it is a key step.

And I will just highlight one piece that I think is very relevant, which is the work that we are going to do around common engineering standards. We need a real, evidence-based approach to understanding where there might be interference, or where there might be problems. And that is something we—our engineers are going to work closely with the FCC. We are going to be exchanging technical experts, and I think that is probably one of the most important things we can do, and then take that also and work with the other Federal agencies.

So this is going to be a top priority for us, and we can't let these kinds of problems happen again.

Mrs. RODGERS. Thank you. Well, and I look forward to working with you on that.

I also wanted to ask about the money, the big investment in—through the Infrastructure Investment and Jobs Act for closing the digital divide, once and for all. I believe it is extremely important that we are using—that we have accurate broadband maps. I represent a district in eastern Washington that has many areas that remain unserved, very rural, hard to reach. And what is the commitment to using the FCC's broadband maps when making these funding decisions, and also requiring the states to also do that?

Mr. DAVIDSON. Yes. Well, as you said, the maps are critical, and we are committed to using the updated maps from the FCC for any

of this money that goes out to the State grant programs. And it is really essential, because, exactly as you indicate, how do you know where the unserved are, unless we have good maps?

So the way the statute is written, we rely on these maps before it—using them, the updated maps, to make sure that—to decide what the allocation is to each State. So under the State grant program, the money that goes to each State will depend on a formula that is largely focused on the unserved. And so the maps are going to be essential there. States are going to build their plans based on those maps.

So those maps are absolutely critical, and I am confident we will get much improved maps when we get—when the FCC finishes its process.

Mrs. RODGERS. Thank you. I also believe that, in order to connect all Americans, that we need a technology-neutral approach to funding broadband projects. And the focus on fiber will only get us so far. So how do you ensure that the states are going to take a technology-neutral approach?

Mr. DAVIDSON. And I will just say quickly, you know, we are not adopting a one-size-fits-all approach here. We know that fiber is an extremely important technology. It is very resilient, future-proof. But we also know that there are going to be—there may be situations where other technologies are important. So where states are going to craft their program, it is not one size fits all. And that is how we are going to approach it.

Mrs. RODGERS. Super. Thank you again.

I yield back.

Mr. MCNERNEY. The gentlelady yields back. The—now the Chair recognizes the gentleman from Texas, Mr. Veasey, for 5 minutes.

Mr. VEASEY. Mr. Chairman, thank you very much.

Administrator Davis, I appreciate you appearing before the committee today, and I wanted to talk with you about this historic funding to make real progress toward universal funding for broadband connectivity.

I know today's hearing is a culmination of critical and bipartisan broadband investments that we have been working on for a long time on this committee, and I am very pleased that the bipartisan infrastructure law makes equitable investments across the country by expanding access to broadband access and addressing affordability concerns, which, in a district like mine, is very important.

Among other things, the infrastructure bill puts our emergency broadband benefit program on a more permanent footing and is renamed the Affordable Connectivity Program, and it is funded at about $14 billion. These investments make it possible for all Americans, regardless of income or zip code, to afford to participate in today's internet-driven economy. And in the district like the one that I represent in the Dallas-Fort Worth area, it is very important that we make sure that people aren't left behind, and that they can afford their internet service.

As you mentioned in your written testimony, Administrator Davidson, we have been given a historic opportunity, and I couldn't agree with you more. We are truly in a unique position to deliver on our commitment to achieve universal broadband connectivity.

And I wanted to ask you, the COVID–19 pandemic has laid bare the challenges around broadband connectivity, particularly in lower-income communities. What safeguards will NTIA implement to ensure projects funded through these programs are technology-neutral to allow communities the flexibility to meet their unique needs, while at the same time emphasizing future-proof solutions, so that this significant Federal investment is good for years to come?

Mr. DAVIDSON. Thank you for that question, and let me start, actually, by thanking you for your leadership on the emergency broadband benefit and the American—the Affordable Connectivity Program. Those are, actually, just simply game-changing programs for a lot of Americans. And even though they are not NTIA programs, we think about them quite a bit, and how they fit into the whole picture of adoption in the programs that we are implementing.

To your question about safeguards, I will say—and as I was just saying to the ranking member—we are taking a—we are not taking a one-size-fits-all approach here. The way the statute is created, there is a lot of flexibility. And, in fact, each State will be presenting us with their own plans about how they intend to implement and to use the funding that they are given. For some of our other programs, there are going to be—a lot of different communities will be proposing different things.

We know that fiber is a—you know, has unique properties. It has got unique levels of extensibility, upgradability, resilience, it is future-proof in ways that few other technologies are. So we expect that a lot of people will be putting that forward. We know it may not work everywhere. And, as I say, we are not imposing—we will not be imposing a one-size-fits-all solution. But we will be putting forth requirements and, you know, they are put forward in the statute, actually, about the speeds and latency that is to be expected. And we will be making sure that programs that are proposed and grants that are proposed meet those requirements.

Mr. VEASEY. And speaking of communities, another important program adopted in the infrastructure bill is the Digital Equity Act, which can help fill gaps and address different connectivity barriers people face that have broadband access. Can you talk about how communities will benefit from the digital equity grant program?

Mr. DAVIDSON. I am glad you asked about it. It is a terrific program. In some ways, it is kind of the beating heart of the work that we do here, as I like to say it.

We are establishing three different grant programs. We have been given $3 billion to do it, and it—really, designed to promote meaningful adoption and use of broadband and, you know, targeting a range of populations: low-income households, aging populations, incarcerated individuals. And so we will be really working with communities and individuals, particularly, to make sure that they are able to be part of these grant programs.

We have a terrific start on this with the Digital Equity Leadership Network. I spoke to them a couple of weeks ago, a terrific group of people. Outreach is essential. And honestly, this is an area we would love to work with you on, which is making sure that we

are reaching the right communities, and they know where to find us to be part of these programs.

Mr. VEASEY. Thank you very much, Mr. Chairman.

Mr. MCNERNEY. The gentleman yields back. The Chair now recognizes the gentleman from Kentucky for his 5 minutes.

Mr. GUTHRIE. Thank you, Mr. Chair. I appreciate that very much, and good to talk with you.

I just want to followup on what Mr. Veasey was saying. We were on the phone the other day. We were talking about all the broadband money, and money coming forward. And I have been meeting the last couple of days. I think all of us have been all meeting with our county executives, mayors, and there is—the funds that we talk about, the infrastructure bill that Mr. Veasey was talking about, and others, there is also, through the ARPA money, money that counties received as replacement for revenue lost during COVID.

And one of the available uses for that, as we discussed, is broadband. And our county executives and mayors know the communities that are behind and need service and so forth, and things moving forward. However, I think all that is going to kind of get intermingled. There is a lot of money for broadband. There is a lot of need for broadband.

And so, how can the county executives and mayors have support to move forward, because there is going to be a lot of people wanting to build broadband?

And I think that we are going to reach capacity with the people who can supply it, people who can build it, but everybody wants it and needs it. And so what kind of thinking of an overall program strategy—since we have an enormous amount of money available to, really—somebody previous—or an FCC Commissioner said we have enough money now to put broadband everywhere we want to—we need to put it, we just need to make sure it gets to the right—map, so maps is another thing in that.

So I will just turn that over to you, and let you kind of discuss what we discussed the other day in public, so people can hear what you are thinking.

Mr. DAVIDSON. Well, I think there is a couple of different elements to it, and I think particularly getting out to communities. The key piece of it is outreach to the communities, right, so that we are helping people understand all the opportunities that are there.

And as I have said—and I think I said to you—that we are building capacity here to do that outreach to states and to communities, that we are going to have a team of people here who are kind of a one-stop-shop, you know? "Operators are standing by, call us." And so they will be sitting and thinking about how to make Kentucky succeed in this. And that is going to be critical. And that includes not just at the State level, but the communities that are impacted.

I will say also of my first speech as—my first public appearance was at the U.S. Conference of Mayors just last month, a couple of weeks ago. And I do think that community is incredibly important for us to reach.

The second thing is that we can be better coordinated on the Federal side. You know, I think we discussed, you know, people outside Washington have no idea whether the money is coming from NTIA or FCC or USDA. It just doesn't make a difference. So what we can do here at the Federal level is make sure we are well coordinated, it is easy for states and communities to apply for these grant programs.

We are hopeful that, at NTIA, since you have been—we have been given the resources, we are going to build some of that capacity for communities to——

Mr. GUTHRIE. OK, I want to get another question in. But just be mindful that there is going to be a lot of money spent that is not going through the grant programs, not going through the state——

Mr. DAVIDSON. Right.

Mr. GUTHRIE. It is going to counties and cities, and that is where they are going to spend money, and it just needs to be coordinated, so we do it correctly and get it to the right place.

So the other one is spectrum. We talked about Federal spectrum, agency spectrum. We need to get more spectrum into the marketplace, as—particularly as we race for 5G. It seems like agencies can wait people out when they know they are moving forward, and they have their defenders in Congress—me being one, and the Department of Defense—"Well, we need to hold on to this spectrum."

So how—what kind of plans do you have to really dig into these agencies, and get spectrum that they—if it is available, and they don't need it—if they need it, well then, we want them to have it. I mean, we just had tornadoes through my town, so we know that we have a need for spectrum at the government level. There is also, we think, excess spectrum. But agencies don't give it away freely.

So how—what is the plan to kind of dig in and get this into the marketplace?

Mr. DAVIDSON. Well, you are 100 percent right. We need to be using our scarce spectrum resources efficiently and effectively at the Federal level. That is a key part of what we need to do. And we are the manager of the Federal spectrum, but also we have—we understand that—the other imperative here, which is to make sure that we are making enough spectrum commercially available.

And I do think that a lot of the other agencies understand that, but it is understandable also that they want to make sure that they can meet their Federal missions. So a big piece of what we need to be doing is what we have started with this announcement this week, our Spectrum Coordination Initiative. And particularly, I would highlight building this national spectrum strategy. And this is something that we need to do, not just with the FCC, but with other Federal agencies too, so that everybody is on board and understands where we are going.

I do think there are big opportunities out there. Congress has indicated some of them. For example, the—this lower three gigahertz, there is a big band of spectrum. It is Department of Defense spectrum right now, but I am cautiously optimistic about our ability to find ways to make those kinds of transitions work. And part of it is also going to be about building better tools and working together.

But Congress can play a big role here in helping us enforce——

Mr. GUTHRIE. Thanks. My time is expiring, but there is a big—it takes a lot of effort to get the agencies to release the spectrum moving forward.

I appreciate your time, and I appreciate the question—I mean the opportunity to ask questions, and I yield back.

Mr. MCNERNEY. The gentleman yields back. The Chair now recognizes the gentleman from Florida, Mr. Soto, for his 5 minutes.

Mr. SOTO. Thank you, Mr. Chair. What an exciting time to get internet access for all Americans. Much like the 1960's, under President Johnson, we have the opportunity to do something big for all Americans, particularly in our rural areas.

The Build Back Better infrastructure law has 65 billion to help us with this. And like my colleagues, I have been meeting with local officials in Orange, Osceola, and Polk Counties, local governments, including our Farm Bureau president in Orange County, Bobby Beagles, who—out there in one of the few areas of Orange County that doesn't have high-speed internet, and it is affecting our local agriculture.

I also believe the 5G rollout was a huge accomplishment, years in the making. Obviously, we have to balance it out with airport safety, and upgrading altimeters, and 10 percent of the commercial fleet of airplanes—and you have outlined, Secretary Davidson, the plan forward.

Third, central Florida has—we just saw a recent Space X launch of additional Starlink satellites, over 2,000 up there now. We see those launches from our backyard in Kissimmee. Amazon is hot on their trail, as is Europe.

And finally, the American COMPETES Act, where we are finally going to bring those microchip manufacturing, that telecom manufacturing back to the United States. We make microchips in central Florida and Kissimmee, a key area.

But to our goal of getting internet to all Americans, Secretary Davidson, the infrastructure law included language prioritizing broadband funding for grantees that have "demonstrated record of and plans to be in compliance with Federal labor and employment laws."

One problem we often see in broadband is the fissured workplace, where some of the work is passed down to subcontractors with poor labor records, who often do rush, low-quality work that jeopardizes service. Do you have plans in place to avoid that problem, ensure that the funding that you oversee will, in fact, support good jobs, high-quality work, and ensures all Americans have reliable, high-speed internet access?

Mr. DAVIDSON. We—that—great question. We, you know, I think have been talking about this infrastructure law both as a opportunity to deploy broadband, but it is also an opportunity to create good jobs, and that is a high priority for us as we think about implementation.

When we manufacture equipment, or dig trenches, or lay fiber or other infrastructure, you know, we are creating—we will be creating good jobs, good-paying jobs, in every State. We know many of those jobs will be, you know, jobs that are going to be available to new entrants, new people who haven't done them before.

I think one of the big opportunities here, and one we would love to work with you on, and the members of the subcommittee, are thinking about that workplace opportunity, right? How to train up.

We don't have enough of a workforce to build out the—to do the deployments that we have—we are contemplating. So there will be a giant job opportunity ahead of us, making sure that there is—those jobs go out to local communities, that there is equity and diversity in how those jobs get filled. That is a massive opportunity for community colleges, for vocational programs, and I hope we can work with you all on that.

Mr. SOTO. Thank you, Secretary Davidson.

We also have an issue with access to poles in a timely fashion, rights of way in project areas. What—and this is a barrier in Florida—what requirements will NTIA incorporate into the Broadband Equity Access and Deployment Program to ensure all pole owners provide the timely and non-discriminatory access to poles to project areas necessary for broadband providers to complete these BEAD projects on time?

Mr. DAVIDSON. Well, it is a great question. It is something we are looking at. I don't have an answer for you right now, I don't know the answer. It is an area we have been asking stakeholders about. We just did this request for comments. We got over 550 comments. We are reading the comments right now. I know some of them, for sure, have touched on this issue.

Another related issue is about permitting. We have talked to stakeholders. We know that there is a lot of concerns about permitting, and how we could speed the permitting process. All of these things are going to be important if we are able to get the—if we are going to get these program dollars out and do—and build the infrastructure quickly. But poles—pole attachment is a big issue we know about, and I am sure we will be addressing it.

Mr. SOTO. Thank you, Mr. Secretary. And because my time is limited, I also want to just remind you of NTIA's commitment to distribute broadband funding consistent with our congressional intent, which is a tech-neutral manner to under-served and unserved communities. And this is going to be key, going forward.

And with that, my time is expired. I yield back.

Mr. MCNERNEY. The gentleman yields back, and has set a good example for yielding within his 5 minutes.

Next, the Chair recognizes the other gentleman from Florida, Mr. Bilirakis, for his 5 minutes.

Mr. BILIRAKIS. Thank you. Hey, how long have I been on this committee? You mispronounced my name.

What is that background that you have over there?

Mr. MCNERNEY. Some pictures——

Mr. BILIRAKIS. What is that? I am taking too much time, taking too much time. You look good, Mr. Chairman.

NTIA clearly shares authority over spectrum management with the FCC. Based on recent headlines in the telecommunications world, we can see what happens when Federal agencies fail to communicate honestly, effectively, and timely on spectrum policy. Simply put, the result is that everybody loses.

The last time NTIA and the FCC updated their memorandum of understanding on spectrum coordination was in 2003. Last Con-

gress I introduced for the first time the Spectrum Coordination Act, which will require the agencies to update their memorandum of understanding on spectrum policy. Shortly after, I got word that NTIA and FCC were being proactive and starting the process on their own. Again, fast forward 2 years, and the new Congress. I reintroduced the Spectrum Coordination Act, and I believe that the chairman of the full committee referred to it. And I am pleased to say that the legislation passed the committee unanimously. We have got to get it on the floor as soon as possible.

I was going to ask you, Mr. Davidson, why Congress is moving faster than the agencies on getting this done. But yesterday—this is great news—I saw a Washington Post article that updates are forthcoming.

So Mr. Davidson, can you give us a status report on the negotiations for updating the memorandum of understanding between your agency and FCC for spectrum coordination?

And what areas of the MOU do you think are specifically crucial to update—to make the progress more effective, please?

Thank you.

Mr. DAVIDSON. Well, first of all, thank you for your leadership on this issue and on this legislation.

We, as you rightly noted, have been taking this on as a top priority, for me, in my new role, even in this last—just 1 month in. I spoke to the chairwoman of the FCC on my second day on the job. This was one of the things we talked about. We put it on the list as a high priority.

We have talked regularly since then, and the result is the announcement that you saw yesterday, and we are going to be working expeditiously toward it. It has got a couple of key pieces. You know, we are going to be doing regular meetings, probably monthly to start with, definitely much more frequently than the biannual meetings. And the updated MOU is a key deliverable here.

We are also working on a national spectrum strategy technical exchange, but the MOU is a key piece of it, and that is going to be our——

Mr. BILIRAKIS. Yes, regarding the MOU, do you think we can get it done before the end of the year, the update?

Mr. DAVIDSON. You know, I would be very surprised if we couldn't. This is going to be the new guy talking here, and I hope—but I—it is definitely something we are going to work—we are working on right now, and I am optimistic that we can do it, certainly, before the end of the year. That is our belief.

Mr. BILIRAKIS. I really appreciate that very much.

Moving on, I do have a couple of minutes here. So Mr. Davidson, whenever it is time to talk about Federal telecommunications programs, I always have to point out that Florida, my great State of Florida—and you know, this is a bipartisan issue, obviously—we are the payers into the vast majority of these programs. Simply put, we are not getting back in services.

I know you are new to this, so I am not criticizing you, and I appreciate you getting on this—these issues.

So now this would not be a big problem for us, but—except that, historically, a lot of funding has been wasted on poor coordination

and outdated information, which led to the overbuilding and underperforming expected outcomes.

Now, through the Infrastructure Investment and Jobs Act and the Consolidated Appropriations Act, your agency is in charge of tens of billions of dollars in new taxpayer funding to continue broadband development, and to create and operate new programs.

What is your agency going to do differently to ensure that we do not continue again the mistakes of the past, and instead use this funding appropriately?

And is NTIA going to ensure broadband maps—I think you answered this question, but again, are they going to—NTIA, are you going to issue broadband maps, and make sure that they are updated before allocating large sums of money to get geographic areas?

Mr. DAVIDSON. I will just say very quickly FCC is going to build the maps, we are going to use them. They are going to be much better than any of the maps we have used before. And we are going to be in careful coordination with the other Federal agencies to make sure we are spending taxpayer money wisely.

Mr. BILIRAKIS. Well, I appreciate it very much.

I yield back, Mr. Chairman. Thank you very much.

Mr. MCNERNEY. The gentleman yields back. The Chair now recognizes my colleague from California, the gentlelady, Anna Eshoo.

Ms. ESHOO. Thank you, Mr. Chairman. Nice to see you in the chair.

Alan, it is wonderful to see you as the administrator of the NTIA. I—we all wish you all of our best, because what you oversee is really the—it is the spine of communications throughout our Nation. So it is essential. It is absolutely essential. I have three questions.

The first relates to what your view is of community broadband, and closing the digital divide. There has been research done by New America that shows that community broadband networks have a higher quality, they are more affordable. But despite this, the emergency brake has been pulled up in 22 states because they have, as you know, protectionist laws that prohibit community broadband.

So my first question is—and we have over 900 in the country. To the ranking member of the full committee, the Pacific Northwest really leads in this effort. There are 900 of them across the country.

My other question is to what degree is NTIA considering wholesale and open access network requirements to encourage competition and making the funding go further?

And last, you know, building on some of the things that members have said, you know, frankly, much of the problem relative to spectrum has really not been with the FCC and—but, in fact, with other agencies, who are not working through NTIA. So maybe you can tell us how you are going to fix that.

So those are my—the three points that I want to raise with you.

And really, Alan, to the extent that you succeed in your leadership, America is going to succeed. We are on the threshold of something big, and this opportunity cannot be blown. And I am sure you carry that with you every day.

So what do you have to say about my three points, or questions?

Mr. DAVIDSON. No pressure, no pressure. Well, no, it is an amazing moment, and we are on the threshold of something big. And I want to, first of all, just start by saying thank you for your leadership over these many years in the technology space, in the internet access space. It has really been appreciated. I have had a chance to see it close up. And also, thank you for your leadership on the—on so many issues related to broadband deployment and so many other things. So thank you for that.

Ms. ESHOO. Thank you. Thank you, Alan.

Mr. DAVIDSON. On the community broadband, I will just say the data shows that these are very valuable, can be very valuable approaches, and the statute is quite clear. The law that we are implementing says that municipal broadband co-ops, non-profits, other types of non-traditional providers can participate. And so we are expecting that that will happen. We are going to construct it so that it is possible. We are going to provide technical assistance to make sure that people who want to do those things will be able to.

And we expect a broad array of participation. We expect it will vary. Different states are going to take different approaches, for sure. But we know that this could be—will be, for some, a valuable part of it. So I am excited to see what happens there.

On wholesale and open access, we are thinking through those issues very carefully. There is a lot of opportunity there. It has come up—we asked for comments on this, and in our requests for comments we received a huge number of comments that we are reviewing. This was an issue. And so we are thinking carefully about how we can best incorporate that in the program. So I don't have an answer for you, but it is very much front of mind, and I have been in meetings, conversations with this—about this already.

And then the last thing on the—on spectrum, well, you are certainly—you are 100 percent right. This is not just a—you know, this is not just a one-agency issue. This is going to be a whole-of-government issue that we need to be working on. And so the spectrum coordination initiative that we announced with the chairwoman of the FCC just yesterday is a key first step in this. It is not the only step that we need, but I do think it is a key marker to show that we are committed to working with the FCC, put regular order in place. And to—then we will expand out, and we will be working—we are already beginning the conversations with other agencies.

So I look forward to working with you, and thank you for your support. We are going to need Congress's support in all of these areas to be a success.

Ms. ESHOO. Thank you, Alan.

I yield back, Mr. Chairman, a few seconds.

Mr. MCNERNEY. Thank you. The gentlelady yields back. And now the Chair recognizes the gentleman from Ohio, Mr. Johnson, for 5 minutes.

Mr. JOHNSON. Well, thank you, Mr. Chairman. And Mr. Davidson, thank you for being with us today.

We have talked a little bit about the infrastructure bill several times. You know that new law now includes language that prohibits sub-grantees from using funding to purchase fiber optic cable and optical transmission equipment manufactured in the People's

Republic of China. However, if the eligible entity, the sub-grantee, shows that this prohibition would "unreasonably increase the cost of the project," the assistant secretary is empowered to waive it.

Given the efforts by this committee, Congress, and the previous Administration to ban untrusted equipment from our communications networks that present a national security concern, several of which are manufactured in China, I am extremely concerned at the idea that this prohibition may be waived at such a low bar. So, Mr. Davidson, do you intend to utilize that waiver authority?

Mr. DAVIDSON. So let me start by saying we take the—understand the reasons behind it, and believe that cybersecurity and security in our infrastructure is an essential part of what we are putting together about—of our rollout here, and that we are going to be putting in place clear requirements and understanding about how states and grantees will use the money to make sure that security concerns are met.

We are——

Mr. JOHNSON. But are you planning to use that waiver to waive that?

Mr. DAVIDSON. As far as China goes, I—it is hard to see what that would look like, to be honest. I—you know, I——

Mr. JOHNSON. Well, let me ask you, then——

Mr. DAVIDSON. Yes.

Mr. JOHNSON [continuing]. If you were to use that waiver, how would you go about determining what constitutes an unreasonable increase of cost?

Mr. DAVIDSON. Right.

Mr. JOHNSON. How would you ensure China doesn't continue its attempt to abuse its cyber capability to disadvantage the United States?

And how would you balance all of that with the threat to national security?

Mr. DAVIDSON. Very carefully. I mean, I just want to say to you we take those concerns incredibly seriously. In my mind, it is a very high bar for us to use that equipment. We have—we see the requirements in the statute. We also know that there are real Buy America requirements in there. Our objective is to have the—as much of this material as possible, the vast majority of it—the whole point of this is to build—create jobs, spur our manufacturing capability.

We know that there are unique issues in the telecom sector. We want to make sure that we are able to build out the program. We think there is huge opportunity, domestically. That is going to be our absolute focus. The bar is high, in my mind——

Mr. JOHNSON. OK.

Mr. DAVIDSON [continuing]. For us to have any kind of waivers.

Mr. JOHNSON. All right. Well, good. Well, also, NTIA has a dual task to manage all Federal spectrum users, while also making spectrum available for commercial use. This is an important task, as we are trying to have the U.S. be a leader in 5G. We have talked about that a little bit. What are your top priorities in the spectrum space during the remaining 3 years of this Administration?

Do you have plans to make more spectrum available for commercial use?

Will you be presenting a plan to Congress? And if so, when can we expect that plan?

Mr. DAVIDSON. So we have plans, we have hopes, and I think we are—we understand that there is this twin imperative here, both to make sure that we are managing the Federal use efficiently, effectively, but with an eye toward the fact that there is commercial use that we know is needed. And my hope is that we will make progress on that. There is three big things we are going to be focused on.

Stronger coordination on the Federal level, so that we can, you know, have regular order here, and be buttoned up so we don't face some of the problems we have had in the past.

The second is real, science-based, data-based understanding. This gets to your point about how do we free up more spectrum. It is by having a clear, common understanding of where interference happens, and how we can free up some of these bands.

And the last point is leaning into new technology. I have to say the low-hanging fruit, unfortunately, is gone. You know, the notion that it is really easy to just find an unused band of spectrum and just repurpose it, that is not—that is much harder to do today. We have done that work.

We are going to have to be really smart, really clever, use new technology, including sharing technologies to help people free up more spectrum. I am optimistic we can do it, particularly in the lower three gigahertz, which I mentioned before.

Mr. JOHNSON. OK. Well, I had another question regarding pole attachments, but my time has run out.

So Mr. Chairman, I will yield back.

Mr. MCNERNEY. The gentleman yields, and thank you for being conservative with your time.

And the Chair now recognizes the gentleman from Vermont, Mr. Welch, for 5 minutes.

Mr. WELCH. Thank you very much, Mr. Chairman. Thank you so much for calling this hearing. We are going to miss you next year.

Mr. Davidson, thank you also for the work you are doing. And you and I have had a chance to talk a bit about Vermont, where we have created these community union districts.

And also, the State of Vermont—and this is probably true in some other states, as well—has done a lot of their own mapping. And there was real frustration for many of us with the mapping that had been done years ago.

And the question I have is, where there is a conflict in the mapping from the State versus FCC, can you describe what the challenge process will be when the State data conflicts with FCC data?

And will the FCC consider using a State map, especially in those circumstances when, for no one's fault, the FCC map is delayed?

Mr. DAVIDSON. Well, that is a terrific question, and I know—we know that some states actually have very good data. Vermont may be one of them, actually. And that should be an input into this process.

We need to use the FCC maps. That is the way the statute is built for the bulk of it. And our hope is that that becomes the one

source of truth. The question is how—about where the unserved are. The question is how to best make sure that it is that accurate source of information that we all want.

There is a challenge process. It is actually, I think, a two-stage process. The first will be when we first have that kind of first draft FCC map. This year, there will be an opportunity for states and communities to go to the FCC and say, "Oh, that is not actually an unserved area," or, "That is a served area."

There will also be a possibility—when states submit their plans to us, we will be checking on that and getting input on whether they have hit the right unserved areas.

So I think there is two bites at the apple, and we are building that process out now.

Mr. WELCH. Thank you. There are a few communities in Vermont where we have municipal broadband. And, of course, there has always been tension between the private sector and municipalities. But where we have had municipal broadband, it actually has resulted in cheaper and faster service to the citizens.

How will you ensure that the municipalities can stay in the game?

Mr. DAVIDSON. Well, as you said—and I—Congresswoman Eshoo asked something similar—you know, the truth is that the statute is quite clear on this, which is that municipal broadband networks, as well as co-ops, non-profits, other types of newer or non-traditional providers, they are—they can participate. We are going to make sure the door is open for them to participate. We are going to offer technical assistance to make sure communities that want to use those models can participate. The statute is pretty clear on that. We know there is value there.

It won't be a one-size-fits-all solution. Some states may take very different approaches, and we are going to have room for that.

Mr. WELCH. Thank you very much. I really appreciate the work you are doing, and we are all quite excited to make the progress that is right out there for us to make.

I yield back.

Mr. DAVIDSON. Thank you.

Mr. MCNERNEY. The gentleman yields back. Thank you for yielding your time, Peter. The gentleman—the Chair now recognizes the gentleman from Oklahoma, Mr. Mullin, for 5 minutes.

Mr. MULLIN. Man, I feel special. I have been on this lot less than Gus, and you got my name right. So I know who is liked the best.

Anyways, Mr. Davidson, it seems there is not really a good understanding of what middle mile infrastructure exists in the U.S., and how you can assure that those funds from the IIJA Middle Mile Grant Program aren't duplicating the broadband funding. So how do we keep that from happening?

Mr. DAVIDSON. Well, we—I think we are very keen on making sure these programs are additive, not, you know, kind of conflicting or duplicative.

There is—I mean, I know, on some level, $42 billion is a lot of money. On another level, given the mission, it is not enough if we are going—if we are not careful about how we use it. Middle mile programs only—only—is $1 billion. We are going to be very careful. We have gotten a lot of input already about how we would best use

it. We are being very thoughtful about—it is not going to be a last-mile program like the BEAD State grant program.

Mr. MULLIN. Sure.

Mr. DAVIDSON. It is going to be about something that we use that is going to—the hope is that it is additive, and it helps make things more affordable, it helps fuel deployments in rural areas by providing that backbone that then other providers can piggyback on.

Mr. MULLIN. Well, and we—that is what we are wanting to happen. What we are afraid is, though, the duplication of it. I mean, my district in Oklahoma is the least connected district in the country. Less than 50 percent of district 2 of Oklahoma is connected to reliable internet service. And it is very expensive and hard to get the middle mile, much less the last mile put in place.

And so we just want to make sure it is used appropriately.

Mr. DAVIDSON. Yes.

Mr. MULLIN. It is——

Mr. DAVIDSON. I would say your connection looks pretty good right now, actually, so——

Mr. MULLIN. Well, that is because I am sitting in Tulsa, in the middle of my truck, and I am using Ford Wi-Fi. That is a true story.

Mr. DAVIDSON. OK.

Mr. MULLIN. So I am—but I mean—but we do have—our electric co-ops are the ones that is providing a lot of service, plus our telecoms are providing a lot of broadband for our last mile, to get to it.

But you know, it has now been over a year since we appropriated the $300 million to the NTIA for the broadband infrastructure program. When do you think they are going to start awarding those grants?

Mr. DAVIDSON. I think it will be very soon. We—there were two conflicting things in the statute. One said, "Here is the shot clock." Another said, "Make sure you give people a chance to cure their applications." And we just basically had to choose, and we chose to delay the program in order to give people the chance to be able to make sure that their applications were good.

And we are very glad we did that, because we have some great applications, people who just—you know, administrative stuff, they just needed to fix their application. We just needed to go ask them to do it. And I think you will see, you know, in the matter—in the near future, those grants will be coming out.

Mr. MULLIN. Right. My last question is the IIJA allows for 25 percent matching fund requirements to be met by other Federal funding. How are we assuring that the first-time applicants are financially viable to receive these awards?

Mr. DAVIDSON. So really, it is an important question. We have been talking about it. I think it needs to be done carefully, to make sure that we are, you know, being prudent with our money, and make sure that the people who get it have viability.

I think, you know, the match is an important piece of that. We are looking at lots of different creative ways. You know, it may be that the match, in some cases anyway, may be too low. You know, and maybe that becomes a piece of it, too.

But I would say the key thing here is that we know the match is important. We know financial viability of sub-grantees is important. Ultimately, the states will decide how they are going to build their programs, but we are going to put some baseline rules in there, and particularly around oversight, to make sure that we have viable programs, and that people don't just disappear on us. We don't want that to happen. That is not going to serve anybody well.

Mr. MULLIN. Thank you. Mr. Davidson, thank you so much for your time.

And Chairman, I yield back.

Mr. MCNERNEY. Well, the gentleman yields. And now the Chair recognizes the gentleman from Oregon, Mr. Schrader, for 5 minutes.

Mr. SCHRADER. Thank you so much, Mr. Chair.

And thank you, Mr. Assistant Secretary, for being here. We are all excited about the prospects out there.

And I guess I will just take a quick moment to give ourselves a pat on the back, as the U.S. Congress approving a bipartisan infrastructure bill. I mean, this is a big deal. We agree to disagree on a lot of things, but, frankly, when it comes to bread-and-butter issues, country comes together, Congress comes together, and we do this. A little bit of a shout-out for, you know, a dozen Democrats, a dozen Republicans who made sure it got all the way to the finish line on the House side, but that is just the nature of legislation. And this is—the broadband deployment here is just going to be absolutely transformational for everyone on this panel, and everyone in this country, where we are finally, hopefully, all connected.

We got one 137,000 Oregonians without broadband access. That is totally unacceptable. Congress has made this historic investment, and hoping that it actually gets disbursed in the timely manner. I think Markwayne's comments are very spot on, as have others.

And I just want to make sure folks know, you know, what are going to be the impediments. You have alluded to a couple of them. You know, the shot clock versus getting it out the door. We also have the mapping issue. And what is a—you know, the realistic timeline to make sure we get it out over—I want to give folks back home a realistic timeline, so no one is disappointed, they can get their ducks in a row, and know how to go about getting that—the grants out there.

Mr. DAVIDSON. Well, we are—it is a great question, Congressman, and I appreciated talking to you about some of these issues.

The timeline—you know, we are going to be moving forward aggressively against the timeline that is put forward in the statute. The key first date for us is in less than 90 days. And on—by May 16th we will be putting out our notice—or we call it our notice of funding opportunity, our NOFO—and that will be when the shot clock starts, or the—I guess the starting gun goes off is a better way to say it.

And right after that, states will be immediately able to apply for planning grants. Very simple, $5 million planning grants to every State and territory that wants them. We are going to make it real-

ly easy for them to get them. Planning is a key part of this. And so I am really glad that Congress wisely included planning money for states. That will start things off right away.

The key next thing is we are going to be waiting for the—looking for the maps. And the FCC is working on that. That is probably going to take until later in the year, from what they have said. I think this summer, the FCC chairwoman has said, the maps will start to be available. There will be a challenge process. And then it will be later in the year when states can really use those maps to get their allocations, and start putting their plans in.

So it is—you know, the statute and the law that Congress put in was very careful. States have to put together plans. We are going to be approving those plans. It takes a little while before money will get—you know, dirt will get shoveled. But we are going to work through it very, very—as quickly as we can, given the process that Congress set forward.

Mr. SCHRADER. So where are the communities—who should the communities go to to get the support?

I mean, there is a lot of small, rural counties——

Mr. DAVIDSON. Yes.

Mr. SCHRADER [continuing]. And towns and communities that don't really have big grant-writing operations.

Mr. DAVIDSON. Yes.

Mr. SCHRADER. You know, the—understanding the myriad complexities of this legislation may be a little bit beyond them.

And certainly they can call my office and everyone on the Zoom here, but you know, who should they contact in your office?

And when do you anticipate being staffed up enough that they can get a call back? I don't want to ask them——

Mr. DAVIDSON. That is——

Mr. SCHRADER [continuing]. Call you, when you don't have anybody there, so——

Mr. DAVIDSON. That is——

Mr. SCHRADER [continuing]. Give it some time.

Mr. DAVIDSON. Probably the most important thing that we are doing right now is building out a bigger team, a big team of people who will be there to work with states and communities on their—on getting access to these funds.

And so we are going to have here a team of folks, where there is a person dedicated to the State of Oregon. They are going to wake up every morning and think, "How do I make Oregon succeed in this—in these grant programs?" There will be a person that you and the State government will know they can reach out to at NTIA, who will be their point person for these programs.

And our hope is that, you know, that you all will help us be an emissary to the states and communities. We will make sure you know who those people are here, and we will make sure that you can help get—anybody who has got questions, this will be an "Operators are standing by" kind of thing. That is the most important thing that we can do——

Mr. SCHRADER. Well, when will that occur?

Mr. DAVIDSON. It is——

Mr. SCHRADER. When is it realistic for us——

Mr. DAVIDSON. It is happening now. We already have a State broadband leaders network that has been around for a while. We are building out. And by the 16th, by May 16th, we will have a lot of that capacity in place so that, when the starting gun goes off, people will know who to call.

Mr. SCHRADER. Excellent. Excellent. Good luck. Thank you so very much.

Mr. DAVIDSON. Thank you.

Mr. SCHRADER. I yield back, thank you.

Mr. MCNERNEY. The gentleman yields back. The Chair now recognizes the gentleman from Michigan, Mr. Walberg, for 5 minutes.

Mr. WALBERG. Thank you, Mr. Chairman.

And Administrator, thank you for being with us today, and it is good to let you see that my technology actually works this time. I missed that the other day, when you kindly called me. So——

Mr. DAVIDSON. It wasn't that bad, but yes.

Mr. WALBERG. There has been a lot of talk about preventing overbuilding, and I share those concerns, especially as we are facing serious workforce and supply shortages. If we don't have the workers to get the job done, this massive taxpayer investment we made for broadband deployment will mean nothing. To address this, NTIA was included as a member of the Interagency Telecommunications Workforce Working Group, which was created as a result of my legislation, the Telecommunications Skilled Workforce Act.

Mr. Davidson, the working group is tasked with developing recommendations to address the significant workforce needs we have in the telecommunications industry. Can you please provide an update on the working group's progress? I hope you have some.

Mr. DAVIDSON. I can say that this is a huge issue, and a huge opportunity, and we see the opportunity—the potential here. As you have rightly pointed out, we have a giant need, and we are not going to be able to implement these programs and spend these billions of dollars without workers to do it.

Ideally, you would want those workers coming from the communities where the building is happening. So we see a giant opportunity for more vocational training, more community college programs, all of those things. We are working with the White House on these issues, and working to coordinate.

I have to say I don't actually have an update for you today on that working group. I will be sure to get one for you right away, and get back to your staff.

Mr. WALBERG. Well, I appreciate that. I understand it is early into your tenure.

Mr. DAVIDSON. Yes.

Mr. WALBERG. So a lot to find out. But I am concerned, in all honesty, that the Biden Administration's rollback of industry-recognized apprenticeship programs is a step, I think, in the wrong direction in a growing—in growing the skilled workforce that we need.

Given the immediate need, do you believe that all types of qualified training programs should be on the table to address the workforce shortage?

Mr. DAVIDSON. I think we—I know that we need a lot of the workers, and I think we want to make sure these are good-paying jobs for all Americans. We need the partnership.

And I am not familiar enough with the details of those particular programs to be able to tell you, but I know this is going to be an all-hands-on-deck approach. I can tell you that is how we are looking at it. And we will just look forward to leaning into the opportunity, and I can get you an update on that, too, as I learn more about it.

Mr. WALBERG. Well, we hope. You know, I would lobby for the fact that we ought to be open to all qualified training programs, that media industry standards, whether registered programs or not—we need the workers.

Let me move on. My staff recently had a call with the Michigan High-Speed Internet Office, which will be the entity in charge of managing and doling out the NTIA grant funds in my home State. The office was only established in June 2021. And though they have made some progress in a short amount of time, the office is behind other states in terms of planning and staffing. So, Mr. Davidson, what assistance is NTIA offering the states to ensure that they are deployment-ready, especially those like Michigan, whose broadband offices are playing catch-up?

Mr. DAVIDSON. So you rightly kind of point to a key piece of this, which is that, especially for the State grant programs, the states are our critical partners. And we know this. Like, we are not going to succeed unless we are supporting the states. It is our—honestly, I think the most important thing that we are going to build here, that we are building here now, is that State support system.

So we are going to have Federal program officers. We are hiring right now a whole bunch of new ones who are going to be tasked with working with each State, and so that there is somebody here who the State of Michigan knows they can reach out to for any of their technical questions. We will have a—it is sort of like an operators-are-standing-by kind of thing. They will know that name. They will know who to reach out to here.

There will be somebody here who wakes up every day and thinks, "How do I make Michigan succeed?" You will know who that person is, and we are hoping that we can use you and the rest of the members of the subcommittee and Congress in a kind of whole-of-government approach to reach out to the communities in need. It is the most important thing we can build, because we know different states are in different places on this.

And Michigan, I know, has just created this office. I am not even sure it has been funded yet, but it is going to be really important for success.

Mr. WALBERG. Thank you, and I yield back.

Mr. MCNERNEY. The gentleman yields back, and now it is my privilege to recognize the gentleman from southern California, home of the Super Bowl champions, Mr. Cárdenas.

Mr. CÁRDENAS. Thank you very much, Chairman McNerney. And like my colleagues have echoed, we are going to miss you on this committee, especially when it comes to this very, very important issue. You have been, certainly, a leader in many respects on this.

So thank you so much for your service, and for chairing the committee today.

It is wonderful, as my colleagues have also mentioned, we are working in a bipartisan manner. We do that quite often. It is not covered in the news very much, because I guess that is kind of boring. But we do a lot of boring, good, amazing work in this committee. For example, the BEAD program and the ACP being by—run by the NTIA and the ACP program being run by the FCC. That leads me to my first question about how we are going to create that seamless ability to create not only infrastructure, but access.

Administrator Davidson, can you tell us briefly how your—what your expectations are to make sure that we pull these two programs together and coordinate with those two, your two organizations?

Mr. DAVIDSON. I am happy to talk about it, thank you for the question. You know, the ACP is that $30-a-month benefit for broadband service, really transformative for many communities, incredibly important, administered by the FCC, as you say.

We are going to be focused—our part of it, really, is on—well, first of all, I would just say we know that affordability is a key issue here. It doesn't make—it doesn't help a family if they have a wire running to their home if they can't afford the service on it. So it is essential that we think about affordability in the program.

Fortunately, the law, the bipartisan infrastructure law, as it was created, requires that those who receive grants from us have to include a low-cost option, and I think that will be a major driver of affordability in this grant program. We are working with, talking to, thinking about how those FCC programs will fit into the program.

And so we are very aware of it, I will say, and—as we construct how we—what a low-cost plan might look like. It is going to vary from place to place and states to State. Different communities are going to know—they know that affordability means different things in different places. So we expect some variation, but we also are very aware of the programs that are out there, and want to work closely together. And it is something I have talked to the chairwoman about, as well, how we can mutually reinforce the work that we are doing.

I think ACP is going to be a key piece of making sure that people have that on-ramp onto the internet.

Mr. CÁRDENAS. And it is very important that we make sure that, when it comes to times of emergency, especially in California, when it comes to wildfires—and we see floods and other natural disasters around the country—and one of the requirements is to make sure that it is reliable, and we have a reliable and resilient network out there.

What are we—what do you say about that resiliency, and how we plan on making sure that that is the final—that is the result that we are receiving across the country?

Mr. DAVIDSON. Another—it is a very important piece of this. Our hope and our plan is to build out a broadband infrastructure that is not only fast and affordable, but also reliable and resilient. And

as you say, that has become a huge issue for infrastructure, as we have seen in recent months and years.

So we need an infrastructure that is designed for those challenges. And not just today, but in the future. We are—so that is going to be—that is a—going to be a key element of this. We are thinking about speed and capacity, but we are also thinking about how we can include in our requirements the ability to handle and have resilience in the future. So it has been something we have been talking to stakeholders about, and we have gotten some input on, and I expect we will include it.

That is something I am sure the people of California know quite well about how to think about, too. So we welcome your input, and would love to work with you on it.

Mr. CÁRDENAS. Yes, I look forward to working with you on it, as well. And in the spirit of bipartisanship, my colleague, Rodgers, and also my colleague, Soto, touched on, when it comes to technology and implementation, and making sure that what is ready and accessible should be considered, and being technology agnostic, to make sure that it is implemented—we get implementation as quickly as possible, so that we can get as many Americans connected as efficiently and quickly as possible, and with long-term benefits, as well.

Also, I just—I would be remiss if I didn't mention the fact that, in Indian country, as it is called, in our sovereign tribal nations, there is a lot of issues that they are concerned about, and we want to make sure that you give some feedback to this committee when it comes to how it has been going, and how to help those sovereign nations access and be able to apply for these grants, et cetera. Because, as one of my colleagues mentioned earlier, some communities just don't have the technical infrastructure to compete with other, more fortified communities that are competing for those grants, as well.

So with that, my time has expired. I apologize, Chair McNerney, and I yield back.

Mr. MCNERNEY. The gentleman yields. The Chair now recognizes the gentleman from Georgia, Mr. Carter, for 5 minutes.

Mr. CARTER. Thank you, Mr. Chairman, and thank you, Mr. Davidson, for being here. It is a pleasure to have you.

I wanted to talk about NTIA's lab, the Institute for Telecommunication Sciences—ITS, as I think you call it. I know that it conducts important tests and research to solve challenging technical issues, and to use spectrum more efficiently. It is also one of the key drivers, I believe, in freeing up Federal spectrum for commercial use.

Can you please speak to the importance of ITS, and what you envision it doing for the—over the next 3 years?

Mr. DAVIDSON. Well, I am glad you raised it. It is a—it is not necessarily always a well-known part of NTIA, and I have been learning a lot about it. It is really a national treasure.

We have this lab that is based out of—near Boulder that has capabilities—engineers, computer scientists, people who model spectrum interference and understand it, people who can do testing around spectrum, and real research. And I will say we have—it has never been more important.

I think the recent months and the kinds of conflicts we have had over spectrum have made it clear how important it is for us to have real resources to come up with a common source of truth about where there is, you know, kind of data that shows there are problems and where there isn't.

And so my hope is that we can really buildup those capabilities, both within, you know, the spectrum team here in D.C., and also our lab out in Colorado to do that work. And just as a great example, we have—are now embarking on a project with the Department of Defense, a 5G challenge, to look at how 5G deployment might affect their equipment.

So just like the commercial aviation industry is interested, as you can imagine, the Defense Department is quite interested, too. And we will have to send you some pictures. We just did a great test, where we had some of the military helicopters and equipment out at our testing facility, kind of seeing what the interference looks like with 5G. That is the kind of cutting edge work that we want to do, and I hope we will continue to do in the year to come.

Mr. CARTER. Well, good. I understand there is some legislation out there that would take care of ITS. And, in fact, I think it is my legislation, so I hope that you will be looking for it.

Anyway, you just alluded to the fact that you are working with the Department of Defense, you are working with the FAA and others about the problem that 5G may have in the C-Band. Can you describe the working relationships that NTIA has with the FAA, Department of Transportation, and Department of Defense, along with any other interagency communication problems that need to be addressed?

Mr. DAVIDSON. Well, I think we do meet regularly with these other Federal agencies, and there are good mechanisms at the—I call it sort of at the staff level—for, you know, kind of technologists to meet with technologists, engineers to meet with engineers. We have the two committees, the IRAC, one of them, which has now been going on for quite a while. We have a group called PPSG—and I am going to get the acronym wrong, but we have these working groups to discuss the technical and policy challenges.

We know we need to strengthen those, and I think my sense is that we need to strengthen the political layer, as well, and make sure that coordination is happening, you know, at the highest levels of our agencies. And so that is really why we need a national spectrum strategy. That is why I was glad to launch this initiative with the FCC chairwoman this week.

And I would just say, stay tuned for more. This is a high priority for us, to make sure we are communicating well——

Mr. CARTER. Good.

Mr. DAVIDSON [continuing]. With the Federal users.

Mr. CARTER. Mr. Davidson, you and I have talked before, and I have explained to you, as I think a lot of people know, there are two Georgias. There is Atlanta and there is everywhere else. And I represent everywhere else. And, you know, we need broadband in south Georgia. And I get it. I know there are urban deserts, but at the same time we are really struggling down here.

And what I wanted to just say real quickly is that, you know—and we have got the funds coming in in the BIF, and they have

been authorized, and now we are seeing what is going to happen. But I just want to make sure that we are not going to have any kind of undue regulatory obligations, such as product and service mandates or open access requirements, so that this would interfere with the deployment of broadband in the rural areas, in particular.

Mr. DAVIDSON. Well, as we discussed, you represent a very beautiful part of Georgia, as I know.

And so—and we are—we want to work with you, and we want to make sure we are—I will just say we are laser-focused on fast, accountable deployment. That is our focus. That is what we are going to be trying—what we are working on. And those are the issues that we are going to be thinking about, how to do that quickly, and how to do it accountably. And I will just say that is my focus.

Mr. CARTER. OK. Well, thank you very much.

And thank you, Mr. Chairman. I yield back.

Mr. MCNERNEY. The gentleman yields back. The Chair now recognizes the gentlelady from Illinois, Ms. Kelly, for 5 minutes.

Ms. KELLY. Thank you, Mr. Chair.

And thank you for testifying today, Administrator Davidson. I know NTIA has been waiting a long time for a permanent leader in this position, and you have a lot on your plate.

Last year Congress made a once-in-a-generation investment in our Nation's broadband infrastructure, and this is our chance, frankly, to build the digital divide—or to bridge the digital divide, and lay the foundation for our Nation's future.

One of the bipartisan infrastructure laws was a provision on requiring a low-cost broadband service option, and every State will be required to submit its definition for their low-cost option, and NTIA will have to approve their plan. This could mean we wind up with 50 different plans for what is considered low-cost.

At the same time, the FCC has been overseeing the Affordable Connectivity Program, which, by statute, defines affordable connectivity—defines the affordable connectivity benefit as a monthly discount for an eligible household applied to the actual amount charged to such household in an amount equal to such amount charged, but not more than $30. Or if an internet service offering is provided to an eligible household on tribal land, not more than $75.

So how do you plan to approach the low-cost approval process?

Also, the FCC program eligibility is based on income. Will all individuals be eligible to select the low-cost option for BEAD?

Mr. DAVIDSON. Well, thank you for those questions. And I will just start by saying we know that affordability must be a critical piece of this. That is, just because there is a cable running to somebody's home doesn't necessarily mean that they can—a family can afford to get online. So we know we need to be looking at the full range of things that people need to be able to get adoption, and affordability is a piece of it.

As you rightly say, our program required—the beauty of what—the bill that Congress wrote, the law that Congress passed, is that we are requiring—we will be requiring a low-cost option be available for any recipient of our Federal grant money. And so states will have to include a low-cost option, and that low-cost option, our

expectation is, it will be available to those who meet the requirements, anybody who is the recipient—works for one of those grantees, for one of those programs.

We are working on the specifics of that, and we are very aware of the ACP program. I don't think it is going to be a one-size-fits-all solution, the way that the program is written. In fact, the virtue of it is that different states can do different things. What Illinois needs for low-cost options probably could be quite different from what Georgia or Florida or Montana need. Right?

So there is going to—we expect flexibility, but this is going to be a critical component. We are going to make sure states have good, low-cost options available.

Ms. KELLY. OK. In addition to affordability, access to high speed internet and digital redlining have been issues that have held back many minority communities from fully engaging in the modern economy. The bipartisan infrastructure law creates a process to address digital discrimination and prohibit deployment discrimination.

I know this is something important to you. Can you explain how BEAD funds will help address the issues that we have so frequently seen when it comes to digital redlining?

Mr. DAVIDSON. It is an extremely important issue, and I—and digital redlining is something we can't tolerate in this program.

I will note that the FCC—I believe the FCC was actually tasked at looking at this in the—at this very issue in the bipartisan infrastructure law. We are working with them, as we move forward in our programs, to get their—benefit of their thinking and their work, as well.

I know that, as we have talked to mayors and community leaders—I have spoken to a group of mayors—we know that there are locations that lack physical access to broadband, and that are truly unserved. And so it is going to be—I think our belief is that we should be, you know, BEADS—the State grant program, the BEAD funding, is for all unserved locations. And we do believe that there are—and we will be watching to see if there are, in fact—I think we truly believe there are, as you know—unserved locations in many different places in America, including in urban areas. And so we are going to make sure that our BEAD funding is available there.

Ms. KELLY. Thank you so much, and I wish you the best of luck.

Mr. DAVIDSON. Thank you.

Ms. KELLY. I yield back.

Mr. MCNERNEY. The gentlelady yields back.

I request unanimous consent to enter the following into the record: a letter from WISPA to Chairman Doyle and Ranking Member Latta; a letter from the U.S. Chamber of Commerce to Chairman Doyle and Ranking Member Latta in support of NTIA's new broadband programs under the Infrastructure Investment and Jobs Act; a letter from Connect Americans Now, CAN, to Administrator Davidson; a letter from Nextlink to Chairman Pallone, Ranking Member Rodgers, Subcommittee Chair Doyle, Ranking Member Latta; a letter from Ranking Members Rodgers, Comer, Granger, and Foxx to the U.S. Department of Education Secretary Cardona; a letter from Ranking Members Rodgers, Comer, Granger to Fed-

eral Communication Chair Rosenworcel; a letter from Ranking Members Rodgers, Comer, and Granger to National Telecommunications and Information Agency Acting Secretary Remaley; a letter from Ranking Members Rodgers, Comer, and Granger to the Department of Treasury Secretary Yellen; a letter from Ranking Members Rodgers, Comer, Granger, and Thompson to the U.S. Department of Agriculture Secretary Vilsack and Under Secretary of Agriculture for Rural Development Torres Small.

Without objection, so ordered.

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

Mr. MCNERNEY. The Chair now recognizes the gentleman from South Carolina, Mr. Duncan, for 5 minutes.

Mr. DUNCAN. Mr. Chairman, thank you, and I concur with a lot of others: you will be missed on the committee. I have enjoyed working with you during my short time here.

Administrator Davidson, I represent a very rural area, as many of the Congressmen that have come before me have said. I am concerned about the aspect of overbuilding in urban areas to the extent of not building out the much-needed infrastructure in rural areas. Industry has available matching funds, and investing in rural areas is a great leverage of these private-sector funds.

What can you say about NTIA's commitment to ensure these rural areas across the Nation aren't left out, as money is spent in urban areas, where the need isn't as great due to existing systems?

Mr. DAVIDSON. Well, thank you for the question, sir, and I would say that the statute is quite clear on this to us: unserved first. And that is how we are going to be approaching it.

The statute lays out a clear framework for us to define "unserved," right, people who don't have the speeds that are defined in the statute. It lays out a framework for how we are supposed to approach it—again, with the unserved first. And that is going to be our approach. And I do believe we believe that a lot—most, perhaps, of, probably—of the unserved are going to be in those rural areas, where there hasn't been access.

You heard me just—if you were listening—you know, I don't know if you were listening, but I just spoke with Representative Kelly about it. Of course, you know, we will find the unserved wherever they are. But it is going—that is going to be our focus. And so I will just say that the—in our view, my view, the statute is very clear, and the unserved will be the people we look to, to make sure states are——

Mr. DUNCAN. Thank you for that answer. The IIJA states very clearly that NTIA shall not engage in rate regulation related to the broadband grant program, generally, and the low-cost option, in particular.

We talked a lot about the under-served and those that can't afford it, and the affordable option. Will you confirm for us here today, as other administrators have done, that you will abide by the statute, and not regulate broadband rates directly or indirectly as part of your work on the broadband grant program?

Mr. DAVIDSON. I can confirm that the statute says—is clear that we are not going to be engaged in rate regulation, and we will follow the statute.

Mr. DUNCAN. Thank you. We are served by both the big Verizons, AT&Ts but we also have electric cooperatives and telephone cooperatives. How do you envision working with the cooperatives to assist in this buildout, and meeting the under-served across the nation?

Mr. DAVIDSON. So, I—you know, we see a—an all-of-the-above approach to making sure we can meet the mission here. If we are really going to serve all Americans, if we are going to make sure that all the unserved are reached, it is going to take a lot of different actors to build—to do those build-outs.

The statute is very clear, that all are welcome, and that—we see a role for co-ops. I expect—you know, we are hopeful that we will have a lot of new entrants, non-traditional players. We will put careful standards in place to make sure that everybody is held accountable for the money they receive. But our hope is that we will be building these plans, and states will build these plans. The states are going to actually be building out the—doing the granting that welcome an all-of-the-above approach to how we tackle the problem.

Mr. DUNCAN. You mentioned a lot about training and education for folks in the technology sector, but also in the construction and buildout.

Mr. DAVIDSON. Yes.

Mr. DUNCAN. Are any of those grants slated for technical colleges across the country?

Mr. DAVIDSON. I don't think there is anything that is earmarked. I could be wrong, but I think that we expect that, in some settings, they could well be used.

And I would also note we were administering several different programs here, but particularly the—for example, a digital equity program, funds could certainly be used for workforce development.

We are taking comments through this request for comments that we have asked for to think about how workforce development could be funded through the programs. I don't have a direct answer. We haven't made those decisions yet.

But I will just say you have hit on it. Workforce is a giant opportunity, and also a problem if we don't address it. But it is a big opportunity. We want to make sure we get to it in the programs.

Mr. DUNCAN. Can I ask your office to keep my office informed as to that aspect?

Mr. DAVIDSON. Absolutely.

Mr. DUNCAN. And that is the technical training and workforce development.

Mr. DAVIDSON. We would welcome a chance to work with you on it, get your ideas on it. We will absolutely keep you up to speed, as we think about it.

Mr. DUNCAN. Awesome. With that, Mr. Chairman, I yield back.

Mr. MCNERNEY. The gentleman yields back. The Chair now recognizes the gentlelady from Texas, Mrs. Fletcher, for 5 minutes.

Mrs. FLETCHER. Thank you, Mr. Chairman, and thank you, Ranking Member Latta, for convening today's hearing on the NTIA and its role in administering significant broadband funding to expand access, and affordability, and bridge digital divide, as we have been discussing this morning.

Administrator Davidson, thank you so much for joining us today, and sharing your insights with us. This has been a very helpful hearing, I think, for us all.

As many of my colleagues have noted, the Infrastructure Investment and Jobs Act provides $65 billion for broadband programs, including more than 40 billion for broadband equity, access, and deployment program, sending the money to states to close the availability gap in their communities.

And as you have already noted a couple of times, and several of my colleagues have pointed out, different states will approach things differently. And you have talked a little bit about the planning money provided for states, but I think we can reasonably assume that with this funding will come a flood of applications to deploy the infrastructure needed to provide these connections, and that that flood of applications will strain local offices that are tasked with reviewing applications.

Anticipating this issue, I introduced a bill, the Broadband Incentives for Communities Act, to support local governments as they process applications for broadband deployment by providing grants for hiring and training staff, purchasing and updating software, and updating their processes. It also brings all the stakeholders together under NTIA in a local broadband advisory council to promote collaboration and problem-solving.

So with that in mind, Administrator Davidson, I would love to hear your thoughts on the crucial role that State and local governments will play in effective administration of these funds, and a little bit about how you see State and local government as partners in the NTIA's goals with distributing the funds.

Mr. DAVIDSON. Well, to start with, it is a—thank you for that, and thank you for your leadership on this issue.

It is really essential that the communities, local governments have the resources to be able to participate in this, to be working with states on the plans, also to be doing the permitting they will need to—you know, there is lots of different elements of this, where we need more strength and capacity at the local level.

In our view, states are—first of all, the statute is clear. States are required to consult with local communities as they develop their plans. And we are going to be making sure that is true as we review the State grant programs.

We are thinking a lot about how we can support states and local communities. I think the most important thing we are building here is this kind of team of Federal program officers who are going to be assigned to each State. And that is not just to the Governor's office. That is about working with communities, too. And so we might have to have two for Texas, I hear it is a big place. But you know, that is the kind of thing that we are working on. We want to partner with—you know, I know there is some terrific private-sector networks that are also coming on, and I think tapping into that will be very important.

I would just say we would love to work with you on this issue as you develop your legislation, as we think about this.

You are 100 percent right, we really need to be supporting these local leaders who—and giving them the technical assistance they need to participate.

Mrs. FLETCHER. Well, thanks for that. Your answer anticipated my next question, but I think so much of this legislation emerged from the experience that we have had here in Houston, where I live, where we have had a very successful rollout of 5G, and have local leaders really committed to making it accessible throughout our community.

But we have also learned a lot of lessons about sort of the various permitting requirements, the various agencies involved, the importance of coordinating. And so a lot of the idea for the bill really came out of our experience here. And of course, we would love to share that across the country, and really address some of those issues on the front end.

It is my understanding, with maybe the minute I have left, that a small portion of the eligible costs and activities for the BEAD program can be used for pre-deployment and planning costs, like technical assistance, and employee training, and establishing capacity at eligible entities.

So in your opinion, would additional assistance like this grant program that I have introduced for State and local governments to hire and train employees, purchase software upgrade capabilities, facilitate these upgrades at the local level be helpful to ensure the effective use of the funds, as well as some of the other programs you described at the statewide level?

We have got about 30 seconds left, but——

Mr. DAVIDSON. So I would just say something like what you described would be enormously helpful, and we would want to work with you on the details and dig into it.

But, you know, we are doing planning grants to states. That is just the tip of the iceberg. A $5 million planning grant to states is meaningful, but it doesn't reach all the communities that need it. We would love to think with you about how we could do that better, and take advantage of the resources that are out there. It is critical to give the people the technical assistance they need.

Mrs. FLETCHER. Well, thank you so much for your partnership. I very much look forward to working with you, and thank you for your leadership of this hugely important process for our entire country.

So with that, I will yield back, Mr. Chairman.

Mr. MCNERNEY. The gentlelady yields back. The Chair now recognizes the gentleman from Utah, Mr. Curtis, for 5 minutes.

Mr. CURTIS. Thank you, Mr. Chairman. This has been a great hearing. I am appreciative of my fellow members and their questions.

And Mr. Davidson, thank you. I think everybody is looking forward to your service with optimism with what can be accomplished. I would like to make three points, and then ask a couple of questions. And these points come from the perspective of being a former mayor in a city that did municipal broadband that was actually unsuccessful.

And I would love to have a thoughtful conversation with my colleagues about municipal broadband. Having been—gone through that experience myself, I think I see certain things that not everybody sees. It is frequently referred to as another utility.

One of the big differences between broadband and power or sewer and water is that the cities hold a monopoly on those things. And let me tell you, I loved having a monopoly. It is a great way, you can't fail. And, of course, municipal broadband isn't that way.

It is also something that goes so quickly. For instance, we installed our fiber network, and tried to sell it 9 years later, and we were told it was worthless, because the technology is outdated and it would have required another massive investment from our city.

The second point I would like to make is this money is fantastic, and it is going to do a lot of good things. But in my district we see that money is not the only impediment, and permitting is a large problem, as well. Ninety percent of some of my district is owned by the Federal Government, and permitting across these Federal lands is a huge problem.

The third point is that I am not sure we fully thought through a one-size-fits-all answer for speed. And when we are mandating speeds of 100 down, I—just for the fun of it, I am here in my district office. I am on my cell phone now. But a little earlier I tested the speeds in my district office, and we were working on 18 megs down, and less than 2 megs up. Now, that is a fifth of what we are requiring from providers.

And so, Mr. Davidson, you and I had the chance to talk about this. I represent part of the Navajo Indian reservation. We spoke yesterday after you and I talked. They asked me to bring this up with you. They have parts of their reservation that don't have running water or electricity. And it is—we are just not going to get fiber in there. And they want to do fixed wireless, but are prohibited from this.

And so I guess my question for you is am I missing something? Are there technologies that could get this 100 megs in, or have we missed something in the legislation, where we are not taking into account certain geographic areas of our country?

Mr. DAVIDSON. First of all, thank you. Thank you for the questions, and thank you for the conversation the other day. I really appreciated your insights, and particularly the work that you have done when you were a mayor in Provo. It was very insightful, so thank you.

And by the way, I hope your puppy is doing well. I got a chance to see that adorable 10-week-old. That is amazing. And hopefully not chewing the cables anymore.

So this is an important question. And I do—you know, the statute is clear, right, that what is contemplated is building out—you know, if—when we are funding, we are going to be funding things that meet these requirements for speed and latency. And I—you know, our sense is that there was a strong reason behind it, which is that we wanted to make sure that we are investing in infrastructure that is going to stand the test of time, so that we are not coming back here in 10 years and then saying to Congress, "Well, you gave us all this money, but the networks are now too slow for what we need 5, 10 years from now." So——

Mr. CURTIS. I don't mean to jump in on top of you, but you——

Mr. DAVIDSON. Yes, please, please.

Mr. CURTIS. We only have 5 minutes. And you and I can have a longer conversation, in other words.

I worry that, like—remember flip phones?

Mr. DAVIDSON. Yes.

Mr. CURTIS. If we would have tried to future-proof flip phones, we would have said, "They have to open quicker," right? And there is just so much

[inaudible]. And I worry a little bit about that. And I think, really——

Mr. DAVIDSON. Yes.

Mr. CURTIS [continuing]. Mr. Davidson, I think what I would ask of you in this hearing is that you would engage with us and the Navajo Nation about what answers are out there for them, and are there other grants that fit outside of this, if these won't work, and maybe kind of take this as a special project.

Mr. DAVIDSON. Well, I would welcome the chance to do that, sir, and to engage with them particularly. And this—you know, we are not taking a one-size-fits-all approach. I do think there are other solutions, some of which may meet it, but we need to learn from the examples you have for us. And so we would be very open to doing that. So thank you.

Mr. CURTIS. I appreciate that. By the way, they told me yesterday they have 88 requests into your office, so I am sure——

Mr. DAVIDSON. Excellent.

Mr. CURTIS [continuing]. There is lots to do there.

Just quickly in the last few seconds that we have, permitting. I would just request of you to work with your other Federal agencies. I know that you—you know, like, I am talking BLM, and Forest Service, and all of these agencies. But we had a case where a grant was given, and they couldn't get the permit before the grant expired. And of course, that is a terrible thing to have happen. So I just would hope we can work with you on permitting, and getting some speeds there.

Mr. DAVIDSON. I will just say, absolutely, we would welcome that. We know that permitting is an issue. You gave that very good example to me the other day, and it stuck with me, and we would love to talk to you more about it and working with other Federal agencies to streamline, dig once, all of those things.

Mr. CURTIS. Good. I am sorry, we are out of time, Mr. Chairman. I yield back. Thank you.

Mr. MCNERNEY. The gentleman yields. We are now moving on to the members who have waived on, and I appreciate your patience in waiting your turn. The first will be the gentleman from New York, Mr. Tonko.

You are recognized for 5 minutes.

Mr. TONKO. Thank you, Mr. Chair. Thank you, Chairman McNerney, for the great professionalism and intellect that you bring to the committee. We are going to miss that.

And I thank Chairman Doyle, Chairman Pallone, Ranking Member Latta, and Ranking Member Rodgers for allowing me to waive on to this subcommittee hearing today.

And of course, a huge thank you and congratulations to Secretary Davidson for being here with us. I am so excited to hear about all of the great work going on at NTIA.

I know we both agree that broadband access is essential in the 21st century, and the pandemic has only highlighted how many

Americans are still not able to access this vital way to communicate, to learn, conduct business, and to engage in the democratic process. For years I have heard from my constituents in the capital region of New York about their worries from lack of access to telemedicine, to concerns about isolated seniors, to small businesses unable to process electronic payments online, to students and teachers unable to connect.

The major limitations that come from a lack of quality internet access is one of my many reasons I wanted to join the Energy and Commerce Committee and to work on broadband legislation. Last year my Access Broadband Act was signed into law, creating the Office of Connectivity and Growth, which now tracks and coordinates Federal broadband investments. And the Infrastructure Investment and Jobs Act devoted a whopping 65 billion, as we all know, to expanding quality internet access.

We are off to a great start, and I am excited about the progress we have made, but I am still hearing from constituents, including those in Rensselaerville, where 16 percent of residents lack internet access, who are reminding us that the work isn't done. I look forward to continue a productive partnership with NTIA, and to make certain we get this done, and we get it done right.

So Secretary Davidson, I was very pleased to see the first access broadband report come out in December. Can you provide an update for us on how the setup of the Office of Internet Connectivity and Growth is proceeding?

Mr. DAVIDSON. Well, thank you, Congressman, thank you for being here, and thank you for your leadership, truly, on the Access Broadband Act. Creating the OICG, as we call it, the Office of Internet Connectivity and Growth, you know, really set NTIA up for success in many ways, in terms of coordinating Federal investments on broadband. Hugely important.

I will say the organization is wonderful, and I would say that, actually, about a lot of parts of NTIA. But part of what I have been really struck by is, just in arriving here, how dedicated the team is. We have a very smart and experienced group of people. We have been hiring more, and are going to be hiring a lot more. That office is going to grow quite a bit. But the team that is here is expert. They have invested in relationships around the country that are going to be important. They have created things like the Digital Equity Leadership Network and the Broadband Leaders Network, and those are hugely important things.

And I will say there is a spring in people's step around here. The opportunity is historic. Everybody knows it. This is going to be like rural electrification, or building the highway system. We are excited to be part of it, and I would just say the—thank you for your leadership in setting up that group. They are doing very well.

Mr. TONKO. My pleasure. And what is the impact of the new office on the implementation of the $48.2 billion piece allocated to the NTIA for broadband investment programs in the IIJ Act?

Mr. DAVIDSON. They will be leading it. This office is the structure we are going to be using to building out—to build out all of this work. The grant programs are going to be administered there. The Federal program offices are going to be housed there. We are going to be taking advantage and leveraging the work they have done,

the expertise they have. The Minority Community Network that is—that we are building, it is all housed in this office, and that is going to be the structure that we are growing.

There will be a lot of other parts of NTIA that help along the way, because there is a lot of work to be done. But that is going to be our set of leaders. And, like I said, I think they—we know this is a once-in-a-generation—maybe once-in-a-lifetime—opportunity for those who have been working in this space. So it is a great office, and we are going to be—it is going to grow quite a bit.

Mr. TONKO. And I am committed to continuing to support it, and push for increased broadband access. What additional resources would be helpful to your efforts at NTIA to get all Americans connected to high-quality internet as urgently and efficiently as possible?

Mr. DAVIDSON. I think there is both resources and there is different kinds of resources. I would say, first of all, you know, the—even aside from the State grant program, the existing grant programs we have, for example, around tribal connectivity or broadband infrastructure, they have all been oversubscribed. We get 5 times, 10—you know, much more people asking for money than the funds we have to give.

It will be interesting to see how digital equity rolls out. I think that, you know, it may be that we—that the market shows us that there is a lot of appetite out there that we can't even reach.

And then the last thing I will say is your partnership—and I say that collectively to the subcommittee—is critical. Like, this is a whole-of-government approach. We are going to need to offer a lot of assistance to states and communities to be able to—for them to participate. You folks are a key partner for us in doing that.

Mr. TONKO. Well, thank you. I have a few other questions that I will get to the committee to get to you, but I appreciate your responses.

And Mr. Chair, I yield back.

Mr. MCNERNEY. The gentleman yields back. The Chair now recognizes the gentleman from Pennsylvania, Mr. Joyce——

Mr. JOYCE. Thank you——

Mr. MCNERNEY [continuing]. For 5 minutes.

Mr. JOYCE [continuing]. Chair McNerney and Ranking Member Latta, for allowing me to waive on to today's Communication and Technology Subcommittee hearing.

And thank you, Administrator Davidson, for testifying.

Connectivity continues to be a serious issue in my district and the Commonwealth of Pennsylvania as a whole. Nearly 800,000 Pennsylvanians go without fast, reliable broadband, including a half a million of them, more than 500,000 of them, living in rural communities throughout Pennsylvania. Now, more than ever, we must work together to bridge that digital divide. This is why it is so important that we steer funding to areas, areas that are in most need of that digital—of bridging that digital divide.

Mr. Davidson, we have heard a lot of concerns from our side of the aisle about using these Federal funds to overbuild broadband in areas of the United States that already have access. But the only way to avoid this waste of taxpayer funds is by using accurate broadband maps.

The law is clear that NTIA may not distribute the vast majority of broadband money until the FCC's new broadband maps are available. However, I am concerned that states might try to sidestep the FCC's maps, and rely on their own inadequate data in addition to the FCC maps, which could lead to duplication with other Federal programs, if not done correctly.

What steps are you taking to ensure that states use the FCC's broadband maps when making awards to sub-grantees?

Mr. DAVIDSON. Well, thank you for the question, and I will say I, first of all, strongly—we strongly believe that the maps are critical here to make sure—good maps are critical here to make sure that we are following the purpose of the statute, to serve the unserved first, and then follow the rest of it.

We will be using the FCC maps. It is clear from the—you know, we are going to follow the framework of the statute. The FCC maps are going to be the source of information for how we allocate funds, how states build out their plans. And we are going to—like I say, we are just going to follow what the statute says, follow the framework in the statute to do that.

And I think—you know, and to work with different states and commonwealths, like the Commonwealth of Pennsylvania, to build out their broadband offices and be able to follow what the maps tell us.

Mr. JOYCE. And thank you for addressing that, because the accountability of following the FCC maps, I think, is so important in rolling this out in an equitable fashion.

Several commenters for the BEAD program raised concerns about how to practically implement "Buy American" provisions, given the complexity of sourcing of broadband components. Mr. Davidson, do you intend for NTIA to seek a waiver from the Office of Management and Budget for this requirement to ensure that broadband funding can actually be deployed in a timely fashion?

Mr. DAVIDSON. I don't know the answer. We are looking at that—those issues very carefully.

I will say that it is quite clear, you know, that we have a strong desire within the Administration, that I think all of us do, there is a clear reason we had those Buy American provisions, which is that we want the vast majority of this—these moneys to be spent with American companies on American workers. We want to promote the workforce, we want to create jobs, we want to buildup our manufacturing center. So that is—capability. So that is absolutely the goal here.

We also do know that there are real challenges in the telecommunications sector. We are trying to understand those better. We have—you know, we have gotten comments in our outreach and our requests for comments on this topic, and we are going to be looking at it. There has to be a high bar, and we have to be very smart about and very tailored about any waivers that we give.

But, you know, we appreciate the overall goal of this, which is to make sure we are building the American economy first. But we also do need to be able to do these deployments. So we will be looking at it carefully.

Mr. JOYCE. And I appreciate your understanding, because I also am concerned that we need to keep that Buy American clause.

But you stated earlier that we need fast, timely, and accountable implementation of this, and I think that those waivers need to be considered and discussed in advance. Do you agree with that?

Mr. DAVIDSON. I do agree with—that we need to be fast, timely, and very careful here. Agreed. And like I said, there will be a very high bar for any waivers.

Mr. JOYCE. Thank you, Mr. Chairman, for allowing me to waive on, and thank you for holding this hearing today.

Mr. MCNERNEY. The gentleman yields. It is now my privilege to introduce another member from the home of the Rams, Ms. Barragán, for 5 minutes.

Ms. BARRAGÁN. Thank you, Mr. Chairman. Thank you for that recognition. We are still celebrating here, in Los Angeles, the Super Bowl win. And thank you for the opportunity to join this hearing today. I wanted to be on because the issue of broadband is such a critical issue.

A broadband connection is fundamental to access essential services, job applications, medical support, telehealth and education, among others. And the infrastructure bill Democrats fought for will make the transformational investment, as people have mentioned today: $65 billion in broadband access, affordability, and adoption to bridge the digital divide.

In Los Angeles County alone, where my congressional district exists, over 365,000 houses remain unconnected. Furthermore, the areas where more than 20 percent of households lack broadband service are largely communities of color, where both the household income is less than $50,000 per year.

And Administrator, it is great to hear you today talk about affordability issues, as some of the other members have spoken about. I want to ask about broadband for the homeless. So, Mr. Administrator, in my district and across the Nation we need to ensure that everyone, regardless of income, can participate in our digital society. That includes the more than 580,000 people experiencing homelessness in our country. Does the NTIA have any plans to direct broadband infrastructure funds to people without homes, or that reside in interim and permanent housing sites?

Mr. DAVIDSON. Thank you for that question, and I will say, you know, we have been thinking quite a bit about how we can use these programs, again, beyond access alone.

You know, we have the big State grant program that is highly focused on access, or has major affordability elements to it. We are administering these other programs that I think are going to be extremely important in addressing the issues that you have spoken about.

We know that, again, access alone is not enough. If there is a wire, but a family can't or a person can't afford to get online, that doesn't help. If they can afford to get online, but they don't have a device, as you just indicated, then the connection doesn't do them any good. If they have a device and they don't know what to do when they get online, that is a problem. So there are real issues around literacy and education.

So we are thinking about all of that. And particularly, as we think—as we are structuring this digital equity grant program, I think there will be real opportunities for states and communities

to use that, and access those funds for the kinds of things that you are talking about.

We also really believe that this is—you know, it is an essential piece of work for people to—I mean, adoption and being able to get online is essential to access to telehealth, mental health resources. It is a way to reach a tough population.

So I would just say we are committed to thinking about these issues. You know, we have asked for comments, and we have gotten some comments that touch on this. I don't have an answer for you about the homeless population specifically, but we would love to continue the conversation with you, get your—understand your experiences with it, and work with your office on it.

Ms. BARRAGÁN. Great. Thank you. Administrator Davidson, the infrastructure law addresses the practice of digital redlining, something one of my colleagues touched upon. The redlining is where broadband providers choose not to deliver high-speed internet services to certain parts of their service area, usually low-income, minority areas.

The bill requires the FCC to develop rules that prohibit digital discrimination. How will the NTIA coordinate with the FCC to share data and information about providers engaged in digital redlining?

Mr. DAVIDSON. Well, as you rightly note, the FCC has the lead here under the broadband infrastructure law to look at this very issue. We are in conversation with them about a lot of different aspects of the—of how we are going to implement these programs, including this. We are going to work with them as we move forward to make sure we get the benefit of their thinking on this.

I would just say it is really critical that we can use the State grant funding to connect these locations, the unserved, the people who have been left out or been the subject of redlining. Those folks, wherever they are, not just—you know, in rural areas, in urban areas, in suburban areas, we will be looking to serve them all, and to benefit from the—you know, from what the FCC finds in their work.

Ms. BARRAGÁN. Right, and, you know, with respect to that—just a quick followup in my last 10 seconds here—how will the NTIA address funding to a provider that has been found to have engaged in digital redlining?

Mr. DAVIDSON. That is something we really need to investigate. I don't have an answer for you today. I will say it is a great question, and I will be interested in what the FCC comes up with. We are working with them really closely, sharing data, sharing information. This could easily be something else that we share with them. So thank you for raising it.

Ms. BARRAGÁN. Great.

Mr. DAVIDSON. And I would be happy to get back to you on that.

Ms. BARRAGÁN. Thank you, Mr. Administrator.

And with that, thank you, Mr. Chairman. I yield back.

Mr. MCNERNEY. The gentlelady yields.

I would like to thank you, Administrator Davidson, for your participation today. You are clearly committed, and you have the enthusiasm and the capability. So we really look forward to seeing the results of this investment.

And I want to say, as a matter of personal privilege, this has been an honor to chair the committee tonight—or this afternoon—and it is exactly what we should be doing in Congress. We are working together. My colleague from Oregon mentioned that. This is what it is supposed to be. We are supposed to be working together. And every question today was productive. I think we have got a lot of answers, and we are going to look forward to continuing oversight.

I want to remind Members——

Mr. LATTA. Mr. Chairman?

Mr. MCNERNEY [continuing]. That, pursuant to committee rules, they have 10 business days to submit additional questions for the record to be answered by the witness who has appeared.

I ask the witness to respond promptly to any questions you may receive.

At this time?

Mr. LATTA. Mr. Chairman?

Mr. MCNERNEY. Yes?

Mr. LATTA. Hey, it is Bob Latta. Hey, I just want to thank you very much for today's hearing on this. I thank the administrator for being with us today. I also thank him for reaching out to talk to the members prior to the hearing. I think it is very, very productive.

I look forward to working with you.

And as always, for my good friend from California, it is always great working with you. So we are going to miss you in the future, but we still got you to the end of the year. So thank you very much, Mr. Chairman, and I yield back.

Mr. MCNERNEY. Thank you, Bob.

Administrator, do you have any final words?

Mr. DAVIDSON. I would just say thank you. My first oversight hearing. I am sure it will not be my last.

And I will say it is—I know it is a critical part of our system. I am glad to be here today. I look forward to your—and I have really appreciated the conversation. And we have got some homework assignments here. I have got some questions I know we need to followup on, but I have really appreciated the thought.

And I would just say, I really mean it, we want to partner with you all. This is a huge, historic opportunity, and we are going to—it is going to require all of us working together to get it done. So thank you.

Mr. MCNERNEY. Thank you. At this time the committee is adjourned.

[Whereupon, at 2:37 p.m., the subcommittee was adjourned.]

PREPARED STATEMENT OF HON. ANNA ESHOO

Committee on Energy and Commerce

Opening Statement as Prepared for Delivery
of
Representative Anna G. Eshoo

Hearing on "Connecting America: Oversight of NTIA"

February 16, 2022

Chairman Doyle, thank you for holding a hearing on this highly important topic.

This Congress, and in particular this Subcommittee, worked hard on investing an historic $65 billion in broadband programs to close the digital divide as part of the bipartisan infrastructure law. I'm pleased to welcome Administrator Alan Davidson, who I've had the pleasure of working with in the past and believe he is particularly well-suited to oversee the implementation of this historic investment.

NTIA's role in the implementation of this investment cannot be understated. We have a real opportunity to make tremendous progress toward actually closing the digital divide and empowering *all* Americans to participate in modern society fully. To optimize this opportunity, I recently wrote to the NTIA about policies it ought to consider as part of its implementation of the four main broadband programs it's tasked with administering, including the following:

- Ensuring funding isn't spent on Huawei, ZTE, or other companies that pose a national security risk by prohibiting subgrantees from all programs from using funds to purchase equipment from entities on the Federal Communications Commission's Covered List;

- Enabling community broadband by preempting protectionist state laws to allow municipalities, cooperatives, and public-private partnerships to receive subgrants;

- Advancing pro-competition rules similar to the Department of Agriculture's recent Rural eConnectivity (ReConnect) Program rules giving partial award preference to states that commit to net neutrality and wholesale open-access networks;

- Requiring a "dig once" policy to reduce deployment costs; and

- Using demand-side incentives to address the shortage in mature semiconductors.

I'd also like to highlight the opportunity NTIA has now to re-establish its leadership role in coordinating the federal government's use of spectrum. NTIA has a role in resolving the type of confusion that we saw unfold with 5G and the Federal Aviation Administration, and I hope that NTIA takes it.

I look forward to a productive hearing and I yield back.

February 15, 2022

The Honorable Michael F. Doyle
Chair
Subcommittee on Communications and Technology
U.S. House of Representatives
Washington, DC 20515

The Honorable Robert E. Latta
Ranking Member
Subcommittee on Communications and Technology
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Doyle and Ranking Member Latta:

WISPA commends you for conducting the oversight hearing titled, "Connecting America: Oversight of NTIA" on February 16, 2022.

WISPA represents the interests of the evolving broadband ecosystem: small innovative entrepreneurs who provide fixed wireless and other broadband solutions such as fiber to approximately seven million consumers, businesses, first responders and community anchor institutions.

Wireless internet service providers (WISPs) bring critical Internet access to millions of Americans in unserved and underserved rural, suburban, Tribal and urban areas of the country, quickly and affordably, offering cost-effective, competitive and innovative service options where they did not previously exist. Many WISP owners have used their own capital to build their businesses, helping not only to close the digital divide, but create thousands of well-paying jobs and attract other investment in rural and exurban areas.

The Infrastructure Investment and Jobs Act (P.L. 117-58) (IIJA) provides $65 billion in federal funding for broadband deployment through the Broadband Equity, Access, and Deployment (BEAD) program that provides funding to states and territories for deployment of broadband networks, planning and mapping activities, a $1 billion grant program to fund the construction, improvement, or acquisition of middle mile infrastructure; and grant programs to ensure that more Americans have the ability to participate in the digital economy. These programs, to be administered by NTIA, represent historic investments that will help close the digital divide if administrated properly.

As NTIA works to implement the provisions of the IIJA, WISPA believes it is essential that it adhere to several key principles to ensure that this investment of taxpayer money helps as many Americans as possible:

1. **Ensure broad participation by broadband providers through program implementation, competitive processes and program requirements that afford all providers fair and equal access to application.**

We are encouraged that NTIA already has taken the important first step of seeking public comments via its January 7, 2022, Notice and Request for Comment. Its next step should be to consider the record and meet the May 14, 2022, deadline for establishing the BEAD program. NTIA also should continue to conduct listening sessions and engage with stakeholders through webinars, attendance at government and broadband conferences and other public outreach initiatives.

In addition, it is essential that NTIA ensures full transparency in funding requirements, from application and challenge processes to selection criteria.

2. **Ensure efficient use of federal funds by making sure NTIA grants are not used for overbuilding.**

Subsidizing overbuilding in places where innovative, small providers are delivering broadband service inequitably distorts the market. Government funds should go only to support a provider deploying first-time broadband service to unserved areas, not to create competition among multiple providers.

This is why WISPA believes it is important that NTIA grant funding is not used to compete with providers that are already providing service with 25/3 Mbps or faster service; are subject to an enforceable federal or state deployment commitment to provide 100/20 Mbps or faster service; or have filed pending applications for federal or state funding programs that include enforceable deployment requirements to provide 100/20Mbps or faster speeds.

Locations served by at least one provider offering 25/3 Mbps or faster service should be excluded from BEAD funding because private investment, or investment from other government programs, has eliminated the need for support, which can be more efficiently applied to locations that lack adequate levels of service.

3. **Rely on granular data in determining the broadband-serviceable locations eligible for NTIA broadband funding.**

As the IIJA requires, grants must be premised on up-to-date, accurate and granular broadband mapping data to ensure investments are targeted to the truly unserved first, and avoid using government funds to overbuild existing investments.

While we recognize that NTIA is not responsible for the completion of mapping data, we are encouraged that Secretary of Commerce Gina Raimondo agreed with the principle that accurate FCC maps are necessary for the successful implementation of the IIJA grant programs when she testified before the Senate Appropriations Commerce, Justice, Science and Related Agencies Subcommittee earlier this month.

4. **Ensure that all provider types can participate in a technology-neutral environment.**

In adopting rules for IIJA broadband programs, NTIA should ensure that smaller community-based broadband providers – those like WISPA's members that have deployed service in areas that larger, legacy carriers have ignored – have a fair and meaningful opportunity to apply for subgrants. This objective can be best achieved by not favoring one technology or class of providers over others.

In its Notice and Request for Comment (RFC), NTIA rightfully acknowledges that "the participation of a variety of provider types is important to achieving the overall goals of the [Act's] broadband programs." The best provider of broadband in any given community could be a for-profit company (including a small provider), a cooperative or non-profit, or a municipality. Putting all providers on an equal footing is a far more affecting way to make sure that each community gets the best solution for its needs.

In addition, neither the IIJA, nor the RFC suggest that NTIA should favor one particular technology over others. Rather, the emphasis is on functionality – whether the proposed network can meet certain specified consumer-facing service metrics.

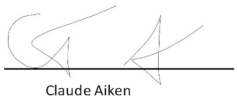
NTIA must ensure that its application process and selection criteria, and the practices of the states and territories, do not foreclose participation by any provider type or technology. States and territories should not be permitted to adopt rules or selection criteria that favor incumbents or particular classes of subgrantees, or award preferences for speeds faster than the statutory service requirement of 100/20 Mbps.

Furthermore, NTIA should not depart from the IIJA's requirements and impose restrictive financial requirements that may be more difficult or impossible for small providers to meet. For example, providers should be able to meet the 25 percent match through a variety of means, including cash on hand, a commitment to provide equity or debt financing if the provider is a successful subgrantee, or the provision of in-kind contributions.

Restrictive requirements would mean that entrepreneurs that have risked private capital to deploy reliable, affordable, high-speed broadband to millions of unserved Americans could face government-subsidized competition to overbuild their networks.

Thank you again for holding this timely and important hearing. We look forward to working with you to ensure that the promise of broadband connectivity for all Americans becomes a reality.

Sincerely,



Claude Aiken

WISPA President & CEO

U.S. Chamber of Commerce

1615 H Street, NW
Washington, DC 20062-2000
uschamber.com

February 16, 2022

The Honorable Michael Doyle
Chair
Subcommittee on Communications
and Technology
U.S. House of Representatives
Washington, DC 20515

The Honorable Robert Latta
Ranking Member
Subcommittee on Communications
and Technology
U.S. House of Representatives
Washington, DC 20515

Dear Chair Doyle and Ranking Member Latta:

The U.S. Chamber of Commerce respectfully submits the following statement for the record for the House Energy and Commerce's Subcommittee on Communications and Technology hearing titled "Connecting America: Oversight of NTIA." We commend the Subcommittee for holding his important hearing to exercise oversight over the National Telecommunication and Information Administration's ("NTIA") broadband programs and new responsibilities under the Infrastructure Investment and Jobs Act ("IIJA").

America's communications networks play an essential role in connecting Americans and are revolutionizing the way that people work, learn, seek medical care, and communicate with friends and family. Throughout the COVID-19 pandemic, the private sector has played a critical role in keeping the "digital lights" on for the economy. The Chamber believes that broadband adoption, access, and affordability serve as crucial building blocks to connect all Americans and enable the internet economy to flourish.

The IIJA provides NTIA a leading role in implementing the IIJA's broadband programs and helping connect all Americans, primarily through the $42 billion Broadband, Equity, Access, and Deployment ("BEAD") Program. As NTIA continues to implement the program, the Chamber urges this Subcommittee to provide ongoing oversight to ensure taxpayer dollars are spent responsibly and that NTIA adheres to the IIJA's statutory guardrails and Congressional intent.

In particular, the Chamber recommends that the Subcommittee keep several high-level points in mind. First, while the Chamber appreciated the opportunity to file comments in NTIA's recent Request for Comment, we believe it is critical that NTIA proactively engages with industry stakeholders as they implement IIJA's broadband

programs. NTIA's responsibilities in the IIJA are extensive and will require significant input from expert agencies, such as the Federal Communications Commissions, as well as industry stakeholders most familiar with on the ground realities of broadband deployment.

Second, the Chamber suggests that taxpayer funds provided in the IIJA for broadband be used efficiently and responsibly. NTIA can effectuate this goal through adhering to the IIJA's requirement that unserved areas are to be addressed first to enable all Americans to be connected to the internet. Also, NTIA should coordinate with other federal and state entities to prevent the duplicative use of limited taxpayer funds given the number of ongoing private sector broadband projects as well as existing federal and state broadband deployment programs.

Third, the Chamber supports using federal funding to assist in broadband deployment, but we also urge policymakers to consider policy options that would lower the cost of broadband deployment, such as through permitting reform. Similarly, policymakers should be avoid imposing policies that would increase the cost of deployment, including through domestic content restrictions and novel, onerous regulatory requirements on broadband.

The United States has a unique opportunity to help close the digital divide and bring internet access to millions of Americans. Consequently, the effective implementation of IIJA's broadband programs will be necessary to achieve this objective. The Chamber looks forward to working with NTIA and Congress on IIJA implementation and other policy solutions to connect all Americans.

Sincerely,

Tom Quaadman
Executive Vice President
Chamber Technology Engagement Center
U.S. Chamber of Commerce

cc: Members of the Subcommittee on Communications and Technology

CONNECT AMERICANS NOW

February 2, 2022

The Honorable Alan Davidson
Assistant Secretary of Commerce for Communications and Information and Administrator
National Telecommunications and Information Administration
Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

Re: Request for Comment on Broadband Programs in Bipartisan Infrastructure Law, Docket No. NTIA-2021-0002

Dear Assistant Secretary Davidson:

The urgency for action to permanently eliminate the digital divide in every American community, regardless of zip code, is greater than ever before. Federal agencies like the National Telecommunications and Information Administration (NTIA) have a historic opportunity to make substantial progress toward that national mission through the implementation of programs recently authorized by Congress in the Infrastructure Investment and Jobs Act to expand access to an affordable, reliable broadband connection and digital skills.

When distributing broadband deployment funding, Connect Americans Now (CAN) encourages NTIA to distribute broadband deployment funding consistent with the Infrastructure Investment and Jobs Act which targets funding in a technology neutral manner at unserved and underserved areas as well as anchor institutions without limiting which broadband technologies are eligible for funding. As NTIA prepares to administer the $42 billion broadband deployment program, CAN and the co-signed organizations below urge NTIA to allocate these resources consistent with the legislation. This carefully crafted technology neutral approach allows broadband providers the flexibility they need to connect the greatest number of people as quickly as possible by leveraging the technology that is best suited for a given area. It allows for rapid deployment of broadband network solutions and maximizes the reach of government dollars in building networks and connecting consumers.

We have seen various types of broadband deployments from wired and wireless technologies to now even satellites used to deliver broadband service to people living in regions with differing levels of infrastructure as well as differing topographies and population densities. The 2021 Fixed-Wireless and Hybrid ISP Industry report from the Wireless Internet Service Providers Association (WISPA) found fixed-wireless deployments can connect subscribers for one-fifth or less the cost of deployments that rely on fiber alone. The study also found fixed-wireless networks take less time to deploy and more quickly recoup initial investments — supporting the conditions for long term economic viability and network maintenance in less populated areas. The study found the timeframe for return on investment for fixed-wireless deployments is less than one year compared to the minimum of two years and as much as six years for other technologies. In order to connect as many communities as quickly as possible, an all of the above approach, that does not favor one type of technology over another, is essential.

Furthermore, a technology neutral approach provides multiple benefits. By allowing broadband providers to determine what technologies best serve a given community, it allows them to decide how best to deploy networks cost effectively. Given the size of the fund, this will maximize the impact of each dollar by allowing cost effective technologies to serve the hardest to serve, unserved areas — helping ensure more resources are available to also reach underserved areas. A technology neutral approach will also allow for rapid deployment of networks and reduce the likelihood of over-building — thereby maximizing the impact of the funding and the number of Americans with access to broadband. Ultimately, with limited resources, it's critical to put a plan in place that reaches as many people as possible with broadband and reduces the likelihood that another generation may grow up without broadband in American communities.

We also commend NTIA's commitment to solutions that can more effectively help to close the broadband gap, particularly NTIA's recent establishment of a broadband map that allows the public to better understand the state of broadband in American communities

CONNECT AMERICANS NOW

by comparing data from a variety of sources. **According to the Federal Communications Commission (FCC) — more than 14 million people living in America lack broadband access. However, a recent study found the actual number of individuals lacking access to affordable, reliable broadband in the U.S. is closer to 42 million, and a separate analysis of usage data suggests that as many as 120 million people are not using the internet at broadband speeds.** The use of multiple data sets to better understand where broadband is available is a critical tool in getting to accurate maps and ultimately ensuring that funding is prioritized for areas that will have the greatest impact on connecting consumers. NTIA should continue to make its maps available using third-party data which in the near term can help to inform potential applicants as they prepare to pursue funding and assist the FCC in the development of accurate broadband maps.

CAN and the co-signed organizations below encourage NTIA to capitalize on this historic opportunity and stay true to the Infrastructure Investment and Jobs Act by advancing guidance that will maximize the reach and effectiveness of broadband deployments and eliminate the digital divide for as many people as possible as rapidly as possible.

Sincerely,

National and Regional Organizations
ACT | The App Association
American Farm Bureau Federation
American Seed Trade Association
ArcherDanielsMidland (ADM)
BroadbandNow
College Possible
Connect Americans Now
Corteva
Council for Affordable and Rural Housing
Digital Wish
Gigabit Libraries Network
Midwest Food Products Association
National Cattlemen's Beef Association
National Veteran Small Business Coalition
OCHIN
Student Veterans of America
USA Rice
Voices for Innovation

State and Local Organizations
California Farm Bureau Federation
California Telehealth Network
Chehalem Valley Innovation Accelerator
Greater Grenada Partnership
Mississippi Hospitality & Restaurant Association
Montana Rural Education Association
Northwoods Association of REALTORS
Oregon Association of Nurseries
Oregon Cattlemen's Association
Oregon Dairy Farmers Association
Oregon Hop Growers Association
Oregon State Chamber of Commerce
Oregon Water Resources Congress
Telehealth Alliance of Oregon
Thomas County Economic Development Alliance
Wisconsin Corn Growers Association
Wisconsin Independent Businesses
Wisconsin Potato and Vegetable Growers Association
Wisconsin Rural Schools Alliance

cc:

Honorable Maria Cantwell, Chair, U.S. Senate Committee on Commerce, Science & Transportation
Honorable Roger Wicker, Ranking Member, U.S. Senate Committee on Commerce, Science & Transportation
Honorable Frank Pallone, Chair, U.S. House Committee on Energy & Commerce
Honorable Cathy McMorris Rodgers, Ranking Member, U.S. House Committee on Energy & Commerce

February 15, 2022

The Honorable Frank Pallone
Chairman, House Energy and Commerce Committee

The Honorable Cathy McMorris-Rogers
Ranking Member, House Energy & Commerce Committee

The Honorable Mike Doyle
Chairman, House Energy and Commerce Subcommittee on Communications & Technology

The Honorable Robert Latta
Ranking Member, House Energy and Commerce Subcommittee on Communications & Technology

Dear Chairman Pallone, Ranking Member McMorris-Rogers, Subcommittee Chairman Doyle and Subcommittee Ranking Member Latta:

On behalf of AMG Technology Investment Group LLC dba Nextlink Internet I am writing to you today out of grave concern for the future success of our nation's federally supported rural broadband programs. Of critical importance is language in the rules surrounding the use of ARPA funding, which has encouraged government-funded overbuilding of other government supported broadband networks and eroded confidence in these programs. We are also concerned that future funding from NTIA's $42.45 billion BEAD program will have a similar adverse impact on billions of existing CAF and RDOF funding and the deployment of broadband in rural America.

Nextlink is the fastest growing independent internet and phone provider in the Midwest. It has been awarded $281,283,794 in CAF Phase II support and is the provisional winner for an additional $429,228,073 in RDOF support to make service available to 306,797 households and businesses in 11 states. Nextlink is a solidly funded company with over 900 employees and more than 80,000 customers, most of whom lack other quality service options. Nextlink is investing hundreds of millions of dollars of its own capital in these rural areas, hiring local workers and rapidly bridging the digital divide. To deliver reliable and timely broadband, Nextlink is using both fiber and fixed wireless technologies – always using the best tool to accelerate deployment while meeting enforceable performance obligations.

However, according to the ARPA Interim Final Rule issued by Treasury last May, and the delays Treasury has built into the enforcement of its Final Rule issued January 6, we are already witnessing a significant waste of our limited federal resources. Allow me to give you a specific example.

The State of Iowa has made ARPA funding available for broadband deployment. Via its recent NOFA 7 solicitation, the state solicited applications for broadband buildout regardless of a significant number of areas already covered by awards from federal programs, doing so it apparently ignored both Nextlink's six-year CAF commitment to provide cost-efficient fiber and fixed wireless broadband service to 15,097 rural Iowa locations at speeds of 100/20 Mbps and our commitment to provide Gigabit speed service to 36,228 rural Iowa locations under RDOF.

NEXTLINK

To make matters worse, Nextlink and other CAF and RDOF winners were not allowed to seek Iowa funding in areas where they were a CAF recipient or RDOF winner. As a result of the Interim Final Rule, the State of Iowa was prepared to overbuild at least $163 million of already committed federal resources (representing just the amount Nextlink has been awarded in the state) and as of today Iowa has preliminarily awarded almost $58.3 in overlapping our $38.7 million in funding for our CAF and RDOF areas.

Let me emphasize that – contrary to the Final Rule, Iowa has awarded $58.3 million to other broadband providers to overbuild our $38.7 million of enforceable federal awards for the same 12,248 households and small businesses.

Further, the State appears to be expediting the process of documenting the awards with grantees before April 1 to avoid the effective date of Treasury's Final Rule. The Treasury Final Rule issued on January 6 states, in part:

Given the final rule's revised requirements on eligible areas for investment, the final rule also modifies the interim final rule's requirements around duplication of resources. Since recipients must ensure that the objective of the broadband projects is to serve locations with an identified need for additional broadband investment, the final rule provides that, to the extent recipients are considering deploying broadband to locations where there are existing enforceable federal or state funding commitments for reliable service at speeds of at least 100 Mbps download speed and 20 Mbps upload speed, recipients must ensure that SLFRF funds are designed to address an identified need for additional broadband investment that is not met by existing federal or state funding commitments. Recipients must also ensure that SLFRF funds will not be used for costs that will be reimbursed by the other federal or state funding streams.

Unfortunately, Treasury's decision to make this rule effective April 1 instead of immediately gives license to states to avoid the final rule so long as contracts are entered into prior to the effective date, as the State of Iowa is doing by continuing to propose overbuilding CAF and RDOF obligations, citing the April 1 effective date as the reason they are able to. In addition, there remains confusion, or ambiguity, surrounding the type (i.e., wireline vs wireless) and level of service that would preclude a State from committing funds to overbuilding a previous award.

Sadly, the result is many Iowans lacking service and funded projects will remain isolated from the digital economy while two separate providers are funded by differing buckets of federal dollars to serve their neighbors – wasting the limited financial resources available.

With the Treasury rule and Iowa example, we ask: Did Congress intend that there be two sets of rules, one set that allows overbuilding of existing federal commitments and one set that does not?

When an established, rurally-focused business like Nextlink, dedicated to serving the unserved and employing rural Americans, chooses to participate in a federal solicitation it requires a significant contribution of private capital to fulfill the obligation and make the programs a success. Thus, when government subsidized overbuilding occurs in areas that lack sufficient subscribers to make the economics viable, it puts the entire broadband program at risk - not to mention create a tremendous waste of the limited funding.

NEXTLINK

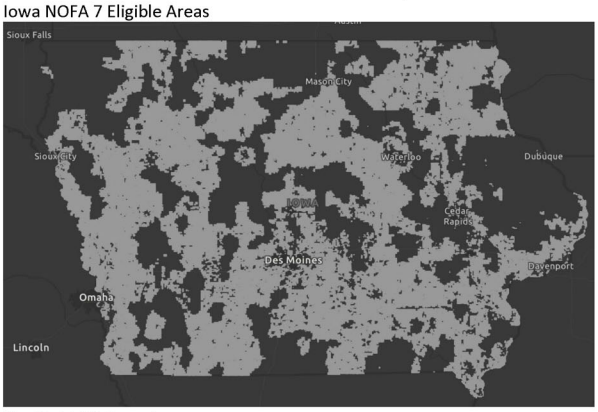
This funding scenario in Iowa is exactly the situation Congress should be looking to avoid. As the NTIA works to develop its rules for the BEAD program, we urge you to ensure that this situation does not repeat itself. It is imperative for all of the US Government to work together, Treasury, Agriculture, NTIA and the FCC to ensure that our limited resources are not wasted and that ALL Americans get access to the reliable, quality high-speed internet they deserve!

Sincerely,

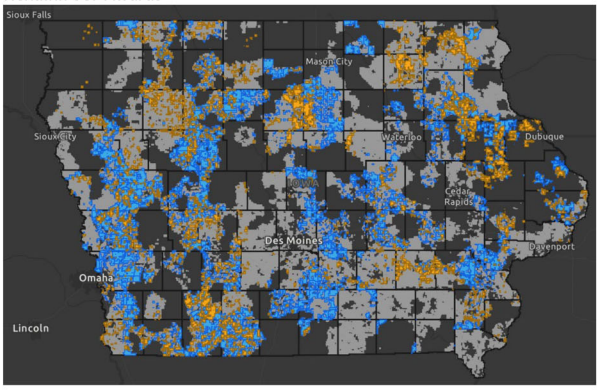
Bill Baker

Bill Baker
CEO/Owner

Iowa NOFA 7 Eligible Areas



Nextlink USF Awards



Congress of the United States
Washington, DC 20510

December 22, 2021

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Secretary Cardona:

Throughout the COVID-19 pandemic, American families have relied on their high-speed broadband connections more than ever, particularly to educate their children. While remote learning posed challenges for many of the nation's students, nowhere were these challenges felt more acutely than in homes without access to the Internet.

Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act,[1] the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA),[2] the American Rescue Plan Act (ARPA),[3] and the Infrastructure Investment and Jobs Act,[4] Congress provided billions of dollars for programs across federal agencies to bridge broadband connectivity gaps.

The Department of Education received over $280 billion to distribute to state and local entities through the Education Stabilization Fund (ESF), some of which may be used to expand access to broadband connectivity in off-campus locations. Additionally, the Federal Communications Commission (FCC) received $7.17 billion to establish an Emergency Connectivity Fund (ECF) to connect schools and students. These funds were appropriated in addition to existing funding programs dedicated to expanding broadband for educational purposes, such as the FCC's E-Rate program.

As you work with ESF grantees on their use of funds, we urge you to assist those entities seeking to fund broadband-related activities as they coordinate such activities with the FCC and the National Telecommunications and Information Administration (NTIA). To the extent these entities are seeking to use ESF funds for broadband deployment, we expect them to prioritize funding for unserved communities and to rely on the FCC's forthcoming coverage maps.

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[1] P.L. 116-136 at 138 Stat. 281 et seq.
[2] P.L. 116-260, Division M
[3] P.L. 117-2
[4] P.L. 117-58

To gain a better understanding of how activities funded under ESF funding streams might interact with other efforts to expand broadband access and prevent wasteful spending, we request your response to the following questions no later than January 14, 2022:

1. What steps have you taken/are you taking to encourage ESF grantees that fund broadband-related activities to coordinate with other federal agencies?

2. What is the total amount of ESF grants that have been used to purchase broadband connectivity in support of remote learning?

3. What is the total amount of ESF grants used to purchase broadband-connected devices or equipment?

4. Are ESF grantees allowed to use funds to support broadband deployment or construction of new networks or facilities? If so, have you notified the FCC and NTIA to ensure those activities are coordinated with those agencies?

5. What steps have you taken/are you taking to ensure that grantees are not using ESF grant funding to duplicate or compete with broadband projects funded by other agencies, including the FCC, the Department of the Treasury, the Department of Agriculture, and the Department of Commerce?

6. What steps are you taking to ensure ESF grant funding is not used to subsidize overbuilding of privately-owned networks, which has been shown to discourage broadband investment and exacerbate the digital divide?

Thank you for your assistance, and we look forward to your timely responses. If you have any questions, please contact Kate O'Connor at (202) 225-3641 or Lamar Echols at (202) 225-5074.

Sincerely,

Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce

James Comer
Ranking Member
Committee on Oversight and Reform

Kay Granger
Ranking Member
Committee on Appropriations

Virginia Foxx
Ranking Member
Committee on Education and Labor

Cc: The Honorable Frank Pallone, Jr.
Chairman, Committee on Energy and Commerce

The Honorable Carolyn Maloney
Chair, Committee on Oversight and Reform

The Honorable Rosa DeLauro
Chair, Committee on Appropriations

The Honorable Bobby Scott
Chairman, Committee on Education and Labor

The Honorable Shalanda Young
Acting Director, Office of Management and Budget

Congress of the United States
Washington, DC 20510

December 22, 2021

The Honorable Jessica Rosenworcel
Chair
Federal Communications Commission
45 L Street, N.E.
Washington, DC 20554

Chair Rosenworcel:

Throughout the COVID-19 pandemic, Americans have relied on their high-speed broadband connections more than ever to work, educate their children, access health care, and connect with loved ones. Unfortunately, these benefits remain out of reach for millions of Americans, particularly those living in rural and remote areas, who continue to lack access to broadband connections.

Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act,[1] the Consolidated Appropriations Act of 2021 (the Act),[2] the American Rescue Plan Act (ARPA),[3] and the Infrastructure Investment and Jobs Act,[4] Congress provided billions of dollars for programs across federal agencies to bridge broadband connectivity gaps.

The Federal Communications Commission (FCC) is one of the key agencies charged by Congress with administering broadband funding. Through these funding packages, the FCC received approximately $450 million to administer the COVID-19 Telehealth Program; $3.2 billion to administer the Emergency Broadband Benefit Program; $7.17 billion to administer the Emergency Connectivity Fund Program; and an additional $14.2 billion to transition the Emergency Broadband Benefit Program into the Affordable Broadband Benefit.

As you work to allocate remaining funding, we encourage you to coordinate with other federal agencies administering their respective broadband funding programs to ensure that you complement, rather than duplicate, each other's efforts. Further, as the FCC has invested billions of Universal Service Fund (USF) dollars towards broadband deployment in unserved areas, it is crucial to ensure that other agencies are not undermining these investments through wasteful overbuilding. This need is even more pressing given that the FCC has not yet completed its broadband map as required by the Broadband DATA Act[5] to provide a clear picture of where broadband gaps remain throughout the nation.

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[1] P.L. 116-136 at 138 Stat. 281 et seq.
[2] P.L. 116-260
[3] P.L. 117-2
[4] P.L. 117-58
[5] "Broadband DATA Act," P.L. 116-130 at 47 U.S.C. 641 et seq.

To gain a better understanding of your efforts to administer these funds and coordinate the FCC's broadband programs with other federal agencies, we request your response to the following questions no later than January 14, 2022:

1. What steps are you taking to coordinate the FCC's COVID-related broadband funding programs with those led by other federal agencies, including the U.S. Department of Agriculture (USDA), the Department of the Treasury, the Department of Commerce, and the Department of Education?

2. What steps are you taking to protect USF ratepayer dollars—including the FCC's investments in the Rural Digital Opportunity Fund auction—from being duplicated by other agencies?

3. What specific steps are you taking to track and report to the USDA and the National Telecommunications and Information Administration the locations where the FCC is funding broadband projects, pursuant to section 904(b)(3) of Division FF of the Consolidated Appropriations Act of 2021?[6]

In addition, we request that you provide a detailed accounting of any CARES Act or Consolidated Appropriations Act of 2021 funds that you have awarded or allocated to support broadband connectivity. Specifically, we request the following information no later than January 14, 2022:

4. For each COVID-related funding award that will be used to fund broadband deployment or buildout:

    a. The geographic area and/or location(s) that the project will cover and the level of service (i.e., bandwidth and latency) that will be provided to the covered area and/or location(s);

    b. Whether an existing provider already offers broadband service in the covered geographic area and/or location(s); and

    c. Whether funds have been awarded through other federal programs (such as the Department of the Treasury's Coronavirus Relief Fund, Coronavirus State and Local Fiscal Recovery Fund, or Capital Projects Fund; the USDA's ReConnect or Distance Learning and Telemedicine grant programs; the Department of Commerce's Broadband Infrastructure Program, Tribal Broadband Connectivity Program, or Connecting Minority Communities Pilot Program; and the Department of Education's Education Stabilization Fund) to provide broadband service to the covered geographic area and/or location(s) and the amount of such funds.

[6] Pub. L No. 116-260, 134 Stat. 1182 (December 27, 2020).

Thank you for your assistance, and we look forward to your timely responses. If you have any questions, please contact Kate O'Connor at (202) 225-3641 or Lamar Echols at (202) 225-5074.

Sincerely,

Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce

James Comer
Ranking Member
Committee on Oversight and Reform

Kay Granger
Ranking Member
Committee on Appropriations

Cc: The Honorable Frank Pallone, Jr.
Chairman, Committee on Energy and Commerce

The Honorable Carolyn Maloney
Chair, Committee on Oversight and Reform

The Honorable Rosa DeLauro
Chair, Committee on Appropriations

The Honorable Shalanda Young
Acting Director, Office of Management and Budget

Congress of the United States
Washington, DC 20510

December 22, 2021

The Honorable Evelyn Remaley
Acting Assistant Secretary of Commerce
for Communications and Information
National Telecommunications and
Information Administration
1401 Constitution Avenue, N.W.
Washington, DC 20230

Acting Assistant Secretary Remaley:

Throughout the COVID-19 pandemic, Americans have relied on their high-speed broadband connections more than ever to work, educate their children, access health care, and connect with loved ones. Unfortunately, these benefits remain out of reach for millions of Americans, particularly those living in rural and remote areas, who continue to lack access to broadband connections.

Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act,[1] the Consolidated Appropriations Act of 2021 (the Act),[2] the American Rescue Plan Act (ARPA),[3] and the Infrastructure Investment and Jobs Act,[4] Congress provided billions of dollars for programs across federal agencies to bridge broadband connectivity gaps.

The National Telecommunications and Information Administration (NTIA) is one of the key agencies charged by Congress with administering broadband funding. Through these funding packages, NTIA received nearly $1.5 billion to expand broadband access for unserved areas, Tribal lands, and minority communities, $42.45 billion for broadband deployment, $2.75 billion for "Digital Equity" grants, and $1 billion for middle mile broadband infrastructure.

Additionally, NTIA was required to establish the Office of Internet Connectivity and Growth to track the construction, use of, and access to any broadband infrastructure built using federal support, and to coordinate broadband deployment funding programs among federal agencies. NTIA also received $10 million to establish a Deployment Locations Map to track and coordinate these funding streams across the federal government. Given the billions of dollars concurrently being awarded for broadband infrastructure deployment by several agencies and the Commission, this Office is on the front line of preventing duplicative and wasteful subsidized overbuilding.

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[1] P.L. 116-136 at 138 Stat. 281 et seq.
[2] P.L. 116-260
[3] P.L. 117-2
[4] P.L. 117-58

As you work to allocate grants pursuant to these laws, we urge you to prioritize funding for unserved communities that lack access to any broadband connection rather than funding duplicative or upgraded service in areas that already have broadband access. Moreover, these unserved communities should be identified based on accurate, granular data established by the Broadband DATA Act (BDA).[5] While the Federal Communications Commission (FCC) is still in the process of implementing the BDA's requirements, we expect federal agencies, including NTIA, to rely on the FCC's forthcoming coverage maps to determine whether prospective projects are eligible for funding.

We also believe that a technology-neutral approach is crucial to ensuring that unserved communities gain broadband access as expeditiously and cost-effectively as possible. Attempts to favor a particular technology or type of provider would undermine broadband innovation and investment, while leaving unserved communities behind.

To gain a better understanding of your efforts to administer these funds, we request your response to the following questions no later than January 14, 2022:

1. What steps is NTIA currently taking to coordinate COVID-related broadband funding investments with those led by other federal agencies, including the FCC, the Department of Agriculture (USDA), the Department of the Treasury, and the Department of Education?

2. What steps is the NTIA taking to ensure that funding goes to unserved areas before areas that already have service?

3. What steps is the NTIA taking to avoid subsidized overbuilding of privately-owned networks, which has been shown to discourage broadband investment and exacerbate the digital divide?

4. How is the NTIA working to ensure that different technologies and providers are leveraged, so that the most remote areas get served expeditiously and cost-effectively?

5. What specific steps is the NTIA taking to track and report to the FCC and USDA the locations where the NTIA is funding broadband projects, pursuant to section 904(b)(3) of Division FF of the Consolidated Appropriations Act of 2021 and section 60102(b) of the Infrastructure Investment and Jobs Act?[6]

6. What steps is the NTIA taking to ensure funding awarded pursuant the competitive digital equity grant program established under section 60305(a) of the Infrastructure Investment and Jobs Act is not used for infrastructure that may duplicate other federal or state broadband infrastructure support programs?

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[5] "Broadband DATA Act," P.L. 116-130 at 47 U.S.C. 641 et seq.
[6] Pub. L No. 116-260, 134 Stat. 1182 (December 27, 2020).

7. What steps is the NTIA taking to ensure funding awarded pursuant to the competitive digital equity grant program established under section 60305(a) of the Infrastructure Investment and Jobs Act does not duplicate broadband affordability support programs, such as the Affordable Broadband Benefit extended under section 60502(a)?

8. Under section 60102(d) of the Infrastructure Investment and Jobs Act, NTIA will have $849 million available for administrative expenses. How does the agency intend to use these funds?

9. What steps is the statutorily mandated Office of Internet Connectivity and Growth taking to coordinate and track broadband funding across the federal government?

In addition, we request that you provide a detailed accounting of any Consolidated Appropriations Act of 2021 funds that you have awarded or allocated to support broadband connectivity. Specifically, we request the following information no later than January 14, 2022:

10. A list of all funding awards that have been awarded or allocated to support broadband connectivity and the amount of each award.

11. For each award that will be used to fund broadband deployment or buildout:
    a. The geographic area and/or location(s) that the project will cover and the level of service (bandwidth and latency, if available) that will be provided to the covered area and/or location(s);

    b. Whether an existing provider already offers broadband service in the covered geographic area and/or location(s); and

    c. Whether funds have been awarded through other federal programs (such as the FCC's Universal Service Fund, Emergency Connectivity Fund, or COVID-19 Telehealth Program; the Department of the Treasury's Coronavirus Relief Fund, Coronavirus State and Local Fiscal Recovery Fund, or the Capital Projects Fund; the USDA's ReConnect or Distance Learning and Telemedicine grant programs; and the Department of Education's Education Stabilization Fund) to provide broadband service to the covered geographic area and/or location(s) and the amount of such funds.

Thank you for your assistance, and we look forward to your timely responses. If you have any questions, please contact Kate O'Connor at (202) 225-3641 or Lamar Echols at (202) 225-5074.

Sincerely,

Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce

James Comer
Ranking Member
Committee on Oversight and Reform

Kay Granger
Ranking Member
Committee on Appropriations

Cc: The Honorable Frank Pallone, Jr.
Chairman, Committee on Energy and Commerce

The Honorable Carolyn Maloney
Chair, Committee on Oversight and Reform

The Honorable Rosa DeLauro
Chair, Committee on Appropriations

The Honorable Shalanda Young
Acting Director, Office of Management and Budget

Congress of the United States
Washington, DC 20510

December 22, 2021

The Honorable Janet Yellen
Secretary
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, DC 20220

Secretary Yellen:

Throughout the COVID-19 pandemic, Americans have relied on their high-speed broadband connections more than ever to work, educate their children, access health care, and connect with loved ones. Unfortunately, these benefits remain out of reach for millions of Americans, particularly those living in rural and remote areas, who continue to lack access to broadband connections.

Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act,[1] the Consolidated Appropriations Act of 2021 (the Act),[2] the American Rescue Plan Act (ARPA),[3] and the Infrastructure Investment and Jobs Act,[4] Congress provided billions of dollars for programs across federal agencies to bridge broadband connectivity gaps.

The Department of the Treasury is one of the agencies charged by Congress with administering broadband funding under the COVID-19 recovery packages. Pursuant to ARPA, your department is currently implementing the $350 billion Coronavirus State and Local Fiscal Recovery Fund, as well as the $10 billion Capital Projects Fund, which will provide pandemic-related aid to states, localities, territories and tribes, including for investment in broadband infrastructure. This funding is in addition to the $150 billion Coronavirus Relief Fund that the Department of Treasury received under the CARES Act to provide COVID-related assistance to state, local, and Tribal governments, which could also be used for expanding broadband.

As you work to administer grants pursuant to these laws, we urge you to work with grantees to prioritize funding for unserved communities that lack access to any broadband connection before funding duplicative or upgraded service in areas that already have broadband access. Moreover, unserved communities should be identified based on accurate, granular data established by the Broadband DATA Act (BDA).[5] While the Federal Communications Commission (FCC) is still in the process of implementing the BDA's requirements, we expect

[1] P.L. 116-136 at 138 Stat. 281 et seq.
[2] P.L. 116-260
[3] P.L. 117-2
[4] P.L. 117-58
[5] "Broadband DATA Act," P.L. 116-130 at 47 U.S.C. 641 et seq.

federal agencies, including Treasury, to rely on the FCC's forthcoming coverage maps to determine whether prospective projects are eligible for funding.

We also believe that a technology-neutral approach is crucial to ensuring that unserved communities gain broadband access as expeditiously and cost-effectively as possible. Attempts to favor a particular technology or type of provider would undermine broadband innovation and investment, while leaving unserved and rural communities behind.

To gain a better understanding of your efforts to administer these funds, we request your response to the following questions no later than January 14, 2022:

1. What steps are you taking to coordinate Treasury's broadband funding investments with those led by other federal agencies, including the FCC, the Department of Commerce, the Department of Agriculture, and the Department of Education?

2. How will you ensure that Treasury funding is not invested in broadband projects that will compete with or undermine broadband projects funded by other agencies?

3. What steps are you taking to ensure that funding goes to unserved areas before networks in areas that already have service?

4. What steps are you taking to avoid subsidized overbuilding of privately-owned networks, which has been shown to discourage broadband investment and exacerbate the digital divide?

5. How are you working to ensure that different technologies and types of providers are leveraged, so that the most remote areas get served expeditiously and cost-effectively?

6. What steps are you taking to track and report to the National Telecommunications and Information Administration and the FCC the locations where Treasury is funding broadband projects through ARPA funds, pursuant to section 904(b)(3) of Division FF of the Consolidated Appropriations Act of 2021?[6]

In addition, we request that you provide a detailed accounting of any CARES Act and ARPA funds that you have awarded or allocated to support broadband connectivity. Specifically, we request the following information no later than January 14, 2022:

7. A list of all funding awards that have been awarded or allocated to support broadband connectivity and the amount of each award.

8. For each award allocated to fund broadband deployment or buildout:
    a. The geographic area and/or location(s) that the project will cover and the level of service (bandwidth and latency, if available) that will be provided to the covered area and/or location(s);

[6] Pub. L No. 116-260, 134 Stat. 1182 (December 27, 2020).

b. Whether an existing provider already offers broadband service in the covered geographic area and/or location(s); and

c. Whether funds have been awarded through other federal programs (such as the FCC's Universal Service Fund, Emergency Connectivity Fund, or COVID-19 Telehealth Program; the USDA's ReConnect or Distance Learning and Telemedicine grant programs; the Department of Education's Education Stabilization Fund; and the Department of Commerce's Broadband Infrastructure Program or Tribal Broadband Connectivity Program) to provide broadband service to the covered geographic area and/or location(s) and the amount of such funds.

Thank you for your assistance, and we look forward to your timely responses. If you have any questions, please contact Kate O'Connor at (202) 225-3641 or Lamar Echols at (202) 225-5074.

Sincerely,

Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce

James Comer
Ranking Member
Committee on Oversight and Reform

Kay Granger
Ranking Member
Committee on Appropriations

Cc: The Honorable Frank Pallone, Jr.
Chairman, Committee on Energy and Commerce

The Honorable Carolyn Maloney
Chair, Committee on Oversight and Reform

The Honorable Rosa DeLauro
Chair, Committee on Appropriations

The Honorable Shalanda Young
Acting Director, Office of Management and Budget

Congress of the United States
Washington, DC 20510

December 22, 2021

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Xochitl Torres Small
Under Secretary of Agriculture for Rural Development
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Secretary Vilsack and Under Secretary Torres Small:

Throughout the COVID-19 pandemic, Americans have relied on their high-speed broadband connections more than ever to work, educate their children, access health care, and connect with loved ones. Unfortunately, these benefits remain out of reach for millions of Americans, particularly those living in rural and remote areas, who continue to lack access to broadband connections.

Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act[1], the Consolidated Appropriations Act of 2021 (the Act),[2] the American Rescue Plan Act (ARPA),[3] and the Infrastructure Investment and Jobs Act,[4] Congress provided billions of dollars for programs across federal agencies to bridge broadband connectivity gaps.

The U.S. Department of Agriculture (USDA) is one of the agencies charged by Congress with administering broadband funding under the COVID-19 recovery packages. USDA's ReConnect Program received over $2.6 billion to fund grants and loans for broadband deployment in rural areas.

We are concerned that key policy decisions on how to distribute the $1.15 billion dollars in the third round of the ReConnect Program will result in duplicative and inefficient use of taxpayer dollars. Unfortunately, USDA is planning to provide funding for communities that are served with internet speeds of greater than 25/3 Mbps, which could leave those in rural America still lacking such service further behind and exacerbate the digital divide. We urge you to focus funding for unserved communities that lack access to any broadband connection rather than toward duplicative or upgraded service for those communities which already have internet service of 25/3 Mbps.

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[1] P.L. 116-136 at 138 Stat. 281 et seq.
[2] P.L. 116-260
[3] P.L. 117-2
[4] P.L. 117-58

Meeting the needs of these unserved communities first before addressing the needs of better served communities is essential to closing the digital divide. To help identify these communities, the Federal Communications Commission (FCC) is in the process of implementing the Broadband DATA Act, which will provide granular data on broadband service across the United States. We encourage USDA and every federal agency to utilize this data as it becomes available to assist in identifying unserved communities and streamlining the application process.

We also believe that forward-looking broadband service standards must be balanced by a technologically neutral approach. USDA must ensure that unserved communities gain broadband access as expeditiously and cost effectively as possible, while securing investments in broadband systems that will provide sufficient service far into the future.

As Republican leaders of the Committees on Agriculture, Appropriations, Energy and Commerce, and Oversight and Government Reform, we are focused on ensuring that the enormous federal investments in broadband are spent as efficiently as possible and targeted to those unserved communities that need it most. It is our responsibility to ensure that USDA's rural broadband activities are effectively managed and coordinated across the federal government.

To gain a better understanding of how the substantial changes made to the ReConnect Round 3 application were developed, we request responses to the following questions, no later than January 14, 2022:

1. Rounds 1 and 2 of ReConnect defined *sufficient access to broadband* as internet speeds of greater than 10/1 Mbps. Similarly, the 2018 Farm Bill established 25/3 Mbps as the minimum broadband speed threshold. Yet, in Round 3 of ReConnect *sufficient access to broadband* is redefined as internet speeds of greater than 100/20 Mbps, a significant increase over both the previous ReConnect rounds and recent legislative history.

   What specific data and analysis did you and your staff rely on to determine that *sufficient access to broadband* should be defined as internet speeds of greater than 100/20 Mbps?

2. The radical shift in the definition of *sufficient access to broadband* shift will have the effect of significantly expanding the areas of eligibility under the program, including encompassing potentially any area with service speeds of less than 100/20 Mbps.

   Please provide a map of what new areas have been made eligible under ReConnect Round 3 as compared to the areas eligible under ReConnect Round 1 and 2, and areas eligible under the requirements in the 2018 Farm Bill.

   Under each map, how many additional communities will be competing for USDA's limited program resources compared to the previously eligible communities?

3. ReConnect Round 3 requires that funded projects be technically capable of provide symmetrical internet speeds of 100/100 Mbps. Please describe what currently available

technologies are capable of meeting these requirements in rural communities. How could this requirement exclude common broadband technologies utilized in rural communities?

What specific data and analysis did you and your staff rely on to determine that symmetrical broadband speeds were a necessary requirement to meet the needs of rural Americans?

4. Historically, USDA broadband programs have treated all potential broadband providers equally, and not advantaged or disadvantaged any type of provider. Yet, the rules for ReConnect Round 3 provide a clear preference for certain types of providers.

   What specific data and analysis did you and your staff consider to justify this break from longstanding historical practice?

To gain a better understanding of your efforts to administer these funds, we request your response to the following questions no later than January 14, 2022:

1. What steps are you taking to coordinate USDA's broadband funding investments, including the recently announced third round of ReConnect funding, with those led by other federal agencies, including the FCC, the Department of the Treasury, the Department of Commerce, and the Department of Education?

2. How will you ensure that USDA does not invest in broadband projects that will compete with or undermine broadband projects funded by other agencies?

3. What is the Department's justification for not prioritizing funding for unserved areas before upgrading networks in areas that already have service?

4. What steps are you taking to avoid subsidized overbuilding of privately-owned networks, which has been shown to discourage broadband investment and exacerbate the digital divide?

5. How are you working to ensure that different technologies and types of providers are leveraged, so that the most remote areas get served expeditiously and cost-effectively?

6. What specific steps are you taking to track and report to the FCC and the National Telecommunications and Information Administration the locations where USDA is funding broadband projects, pursuant to section 904(b)(2) of Division FF of the Consolidated Appropriations Act of 2021?[5]

In addition, we request that you provide a detailed accounting of any CARES Act and Consolidated Appropriations Act of 2021 funds that you have awarded or allocated to support broadband connectivity. Specifically, we request the following information no later than January 14, 2022:

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[5] Pub. L No. 116-260, 134 Stat. 1182 (December 27, 2020).

7. A list of all funding awards that have been awarded or allocated to support broadband connectivity and the amount of each award.

8. For each award that will be used to fund broadband deployment or buildout:
   a. The geographic area and/or location(s) that the project will cover and the level of service (bandwidth and latency, if available) that will be provided to the covered area and/or location(s);

   b. Whether an existing provider already offers broadband service in the covered geographic area and/or location(s); and

   c. Whether funds have been awarded through other federal programs (such as the FCC's Universal Service Fund, Emergency Connectivity Fund, or COVID-19 Telehealth Program; the Department of the Treasury's Coronavirus Relief Fund, Coronavirus State and Local Fiscal Recovery Fund, or Capital Projects Fund; the Department of Education's Education Stabilization Fund; and the Department of Commerce's Broadband Infrastructure Program, Tribal Broadband Connectivity Program, or Connecting Minority Communities Pilot Program) to provide broadband service to the covered geographic area and/or location(s).

Thank you for your attention, and we look forward to your timely responses. If you have any questions, please contact Kate O'Connor at (202) 225-3641, Lamar Echols at (202) 225-5074, or Paul Balzano at (202) 225-0317.

Sincerely,

Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce

James Comer
Ranking Member
Committee on Oversight and Reform

Kay Granger
Ranking Member
Committee on Appropriations

Glenn "GT" Thompson
Ranking Member
Committee on Agriculture

Cc: The Honorable Frank Pallone, Jr.
Chairman, Committee on Energy and Commerce

The Honorable David Scott
Chairman, Committee on Agriculture

The Honorable Shalanda Young
Acting Director, Office of Management and Budget

Questions for the Record

Subcommittee on Communications and Technology
Hearing on
"Connecting America: Oversight of the NTIA"
February 16, 2022

The Honorable Alan Davidson, Assistant Secretary of Commerce for Communications and Information, National Telecommunications and Information Administration

The Honorable Yvette D. Clarke (D-NY)

1. The NTIA's responsibilities under the Infrastructure Investment and Jobs Act are substantial and complex. These responsibilities include evaluating proposals, ensuring that the funds are used appropriately, preventing waste and fraud, and establishing various public databases. Does the NTIA anticipate that it will use private contractors to perform any of these responsibilities? If so, will the NTIA set aside a portion of those contracts for small businesses?

   RESPONSE: The National Telecommunications and Information Administration (NTIA) will resource these programs with a mix of government staff and contract services. To date, NTIA has awarded over $22 million in contracts to small, disadvantaged businesses that have been assisting with planning, technology enablement, and initial program development. NTIA also recently awarded a professional services contract that will support NTIA's broadband grant program development and administration. In the competitive solicitation for this professional services contract, NTIA included small business utilization as an evaluation factor for the award to demonstrate NTIA's commitment to supporting small businesses and to promote the inclusion of small businesses in offeror proposals. NTIA awarded this contract to a contractor teaming arrangement which included a small business as one of the prime vendors as well as additional small businesses in subcontracting roles.

   NTIA is leveraging the contractor support obtained through this professional services contract to provide operational and analysis support in the implementation of the Infrastructure Investment and Jobs Act (IIJA, P.L. 117-58) grant programs, including support for post-award grant monitoring.

   It is important to note that inherently governmental responsibilities, including award recommendations and decisions will be explicitly performed by NTIA personnel, culminating in award decisions by the Assistant Secretary for Communications and Information recommendations, as presented by the Associate Administrator of the Office of Internet Connectivity and Growth. In the post award environment, the responsibility for conducting programmatic and

grants compliance monitoring to prevent waste, fraud, and abuse lies with NTIA and its staff as well as with the applicable Grant Office (NIST or NOAA, depending on the program). Contractor staff will support NTIA program staff in conducting grant monitoring and compliance efforts, but the responsibility and commitment to conduct a robust post award monitoring program remains with NTIA with support from the Grants Offices.

2. How does the NTIA, coordinating closely with the FCC and other relevant stakeholders, plan to ensure that the data collected by state programs implemented in unserved and underserved communities under the Digital Equity Act is not used to surveil these communities? Moreover, what safeguards will be put in place to protect the privacy of these communities, so this data is not sold to third parties without the explicit and informed consent of consumers?

   RESPONSE: NTIA's positions on privacy are guided by the Administration's priorities and commitments, such as President Biden's Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, his Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation, his call in the State of the Union Address for stronger privacy protections for children and teens, and his Blueprint for an AI Bill of Rights. To develop the record and determine possible steps going forward for addressing issues at the intersection of privacy, equity, and civil rights, NTIA held listening sessions in December 2021, will issue a Request for Comment (RFC) based on those listening sessions, and will ultimately issue a report based on the data collected. With respect to the Digital Equity Act of 2021 (included in P.L. 117-58, the Infrastructure Investment and Jobs Act at sections 60301 through 60307), NTIA will consider ways to help protect consumer data and to ensure that states do not make inappropriate use of any information collected to advance the Act's objectives. I share your view that programs designed to close equity gaps and bring opportunity to those who have been left behind should not be used to further disadvantage these groups, and I welcome all input on how to protect the privacy of all Americans served by the programs that NTIA oversees.

3. More than 10 million households in America have signed up for the Affordable Connectivity Program (ACP) to subsidize their monthly internet service cost. However, some service providers have circumvented the rules by forcing customers to switch to full-price plans once the subsidy ends or by requiring current customers to switch to a more expensive data plan in order to qualify for the subsidy. What steps is NTIA taking to ensure that internet service providers do not engage in similar exploitative tactics for consumers who are eligible for the ACP subsidy?

   RESPONSE: I defer to my colleagues at the Federal Communications Commission (FCC) regarding the operation of the Affordable Connectivity Program (ACP). I will note, however, that when the Biden-Harris Administration established the ACP, the Administration very intentionally worked with members

of Congress—on a bipartisan basis—to put in place explicit statutory consumer protections to prevent problems that arose during the Emergency Broadband Benefit program. That included, among other things, ensuring enrolled households can apply to any plan offered by an Internet service provider (ISP) to prevent the silo of ACP participants into second-class or exploitative plans as well as prohibitions on inappropriate upselling or downselling by a participating provider. Each state and territory that participates in the Broadband Equity, Access, and Deployment (BEAD) grant program is required not only to participate in the ACP program, but also to define, subject to NITA's approval, a low-cost broadband service option. Providers that are selected by the states and territories to receive BEAD grants to deploy broadband infrastructure will be required to offer at least one low-cost broadband service option for eligible subscribers. I will be mindful of the concern you have expressed as I review each state and territory's proposed low-cost broadband service definitions.

4. Some households at the margins of the eligibility guidelines for the Affordable Connectivity Program may still be unable to afford internet access due to rising costs of living. Is there a plan to identify how many households could qualify at a tier beyond the current eligibility guidelines and would NTIA support any future efforts to expand affordable internet to that population?

   RESPONSE: We want fast, high-quality broadband service to be accessible and affordable by everyone, and thankfully, the IIJA has given us some important tools for helping to make that happen. The ACP expanded eligibility to a wide range of Americans, including those in households with incomes of up to 200% of the poverty level, and while any adjustment to that threshold falls to Congress rather than NTIA, we stand ready to work with your office on any proposal to further refine the eligibility criteria. While a subsidy program like ACP is vital to low-income households, it also is important to stimulate affordability of broadband more generally. We are keeping this in mind when it comes to the BEAD low-cost plan requirements, and we're also interested in the potential for the middle mile grant program to stimulate competition and drive down prices.

5. As NTIA implements programs of the Digital Equity Act, how will NTIA engage with industry partners on implementation? Will there be an opportunity for the private sector to bid on/implement programs to further the programs' objectives?

   RESPONSE: The Digital Equity Act of 2021 does not contemplate that for-profit, private sector entities will be eligible to participate directly in the three grant programs established under that Act. We fully expect the entities that are awarded grants under the State Digital Equity Capacity Grant Program and the Digital Equity Competitive Grant Program will seek to partner with industry to find the most effective ways to promote the achievement of digital equity and support digital inclusion activities.

6. How does NTIA plan to make use of the expertise of American technology firms as it works to develop evaluation criteria for Phase I Planning Grants and Phase II Capacity Grants?

   RESPONSE: NTIA's Request for Comment, released in early January with comments received on February 4, 2022, elicited a significant number of responses from industry, including technology firms. NTIA reviewed each of the submitted comments, including those of industry, to understand stakeholder perspectives and to develop, shape, and implement the new broadband programs. These comments helped NTIA determine and refine relevant policy objectives and the criteria included in the Digital Equity Planning Grant Notice of Funding Opportunity (NOFO), including those associated with evaluation criteria for the review and assessment of applications (Section V) and inputs into state or territory subgranting processes (IV(C)).

7. How will NTIA ensure that states prioritize digital literacy, as well as physical connectivity, in their digital equity grant programs?

   RESPONSE: The Digital Equity Act of 2021 requires that each State Digital Equity Plan include "measurable objectives for documenting and promoting…digital literacy," as well as "the availability of, and affordability of access to, fixed and wireless broadband technology". See Digital Equity Act at § 60304(c)(1)(B). Moreover, any state that applies for a state capacity grant must certify that the state, acting through its administering entity, will implement its State Digital Equity Plan *(see* State Digital Equity Planning Grant NOFO at I(A)). NTIA will ensure that all State Digital Equity Plans meet the necessary criteria, and will monitor each state's implementation to ensure that the development of digital literacy is appropriately prioritized alongside physical connectivity.

The Honorable Marc Veasey (D-TX)

1. Administrator Davidson, NTIA is also administering the Minority Communities Program, a $268 million grant program authorized under the Consolidated Appropriations Act of 2021, that will help eligible Historically Black Colleges or Universities, Tribal Colleges or Universities, among others, to purchase broadband internet service, equipment, or devices. It was recently announced that over 200 applications totaling more than $833 million in funding requests have been made.

    a. How does such a high volume of applications for the Connecting Minority Communities Pilot Program display the importance of a program like this and the need to expand affordable broadband access to minority communities?

    RESPONSE: The number of Connecting Minority Communities Pilot Program (CMC) applications submitted, and the oversubscription of funds requested, is a representation of the need for better broadband access and connectivity that exists within the Historically Black College or University (HBCU), Tribal College or University (TCU), and Minority-Serving Institution (MSI) communities.

The Honorable Tom O'Halleran (D-AZ)

1. Assistant Secretary Davidson, the Infrastructure Investment and Jobs Act included a provision explicitly allowing ReConnect funding to be used for pole attachment fees and replacements for the shared use of utility poles by broadband providers. Can you confirm whether NTIA will allow BEAD funds to be used for the same purpose and whether the NTIA will include requirements that states may not prohibit the use of BEAD funds for this purpose?

   RESPONSE: Section 60102 of the Infrastructure Investment and Jobs Act (IIJA), which creates the Broadband Equity, Access, and Deployment (BEAD) Program, does not directly address pole attachment fees, terms, and conditions. We are cognizant, however, of the important role that reasonable access to poles, conduit, and rights of way plays in broadband deployment. In the Notice of Funding Opportunity, we directed states and territories to tell us what they plan to do to streamline permitting and similar processes. We also are working with our partners at the federal level to minimize barriers to broadband deployment.

2. Assistant Secretary Davidson, certain broadband projects require significant permitting and rights-of-way approvals before construction can begin. Current procedures at the Bureau of Indian Affairs (BIA) requires BIA to weigh in on granting rights of way on tribal land, even in instances where other federal agencies are involved. This policy has the effect of delaying and disincentivizing private investment in projects on tribal land. As federal funding from the Tribal Broadband Connectivity Program, BEAD program, and other programs deploying broadband in tribal areas, would the NTIA consider entering into an interagency agreement with the Department of Interior to clarify the BIA's right-of-way authority?

   RESPONSE: NTIA appreciates the unique circumstances of broadband deployment on Tribal land and is exploring opportunities to promote streamlined permitting. NTIA participates in regular discussions with the Bureau of Indian Affairs.

   On August 9, 2022, NTIA and the Department of the Interior's Bureau of Indian Affairs (BIA) announced an agreement to coordinate responsibilities in ensuring compliance with environmental, historic preservation, and cultural resources requirements related to the Tribal Broadband Connectivity Program (TBCP). This collaboration allows high-speed internet service to be deployed quickly while also ensuring safeguards to protect Native lands and interests. Additionally, it streamlines the National Environmental Policy Act reviews for both NTIA, as the lead Federal agency for high-speed internet grant programs, and BIA, as authorized to grant rights-of-way over and across land held in trust or restricted status by the United States under the Indian Right-of-Way Act of 1948 (Act of Feb. 5, 1948, P.L. 80-407, codified at 25 U.S.C. §§ 323-38).

3. Assistant Secretary Davidson, coordination of federal funding for broadband projects is essential. With the creation of the NTIA's Office of Internet Connectivity and Growth (OICG), there have been significant steps toward ensuring federal agencies responsible for deploying broadband coordinate funding. The Federal Communications Commission is in the process of authorizing funding for winning bidders through the Rural Digital Opportunity Fund (RDOF) while other agencies are concurrently reviewing grant applications or will be for broadband projects. There is concern that the current timeline may disadvantage areas where winning bidders have defaulted or withdrawn their application if other federal programs prohibit projects in RDOF areas.

    a. What steps is the NTIA taking to ensure there is adequate support for communities where RDOF support has been denied or may be withdrawn?

    RESPONSE: NTIA is working with other federal agencies to coordinate broadband investment programs (*e.g.*, the FCC's Rural Digital Opportunity Fund (RDOF) and the U.S. Treasury's Capital Projects Fund), to best ensure that affordable, reliable, high-speed internet access is deployed to every serviceable location in the United States.

    Meeting the goal of connecting all Americans will require a "whole of government" approach that includes close coordination among federal, state, and community actors. We are in regular communication with our interagency colleagues and the White House Infrastructure Task Force to ensure full coordination. In addition, NTIA, FCC, and the U.S. Department of Agriculture (USDA) signed an interagency agreement in June 2021 that documents their commitment to coordinate resources and leverage data from each to appropriately identify areas of need, and work to avoid duplication of efforts where feasible. In May 2022, NTIA, the FCC, USDA, and the U.S. Department of the Treasury (Treasury) announced an interagency agreement to share information about and collaborate regarding the collection and reporting of certain data and metrics relating to broadband deployment.

    b. Would the NTIA consider implementing guidelines that direct states to prioritize areas that have had bidders default on RDOF awards?

    RESPONSE: The Infrastructure Investment and Jobs Act does not contemplate prioritizing areas where bidders default on RDOF awards. States are, however, required to award funding in a manner that prioritizes unserved service projects. NTIA is working closely with the states as well as the FCC to best ensure that affordable, reliable, high-speed internet access is deployed to every serviceable location in the United States.

4. Assistant Secretary Davidson, Congress established the NTIA's Connecting Minority Communities Pilot Program in the Consolidated Appropriations Act of 2021,

providing $268 million for the program. Dine College, a tribal land-grant college in my district, applied through the program for a grant to provide critical support for broadband, as well as equip students in need with laptops and Internet access. The application window for the program closed on December 1, 2021, and the Notice of Funding Opportunity outlined the NTIA will complete its review, selection of successful applicants, and award processing by March 1, 2022. When does the NTIA expect to begin announcing awards through the program?

RESPONSE: On July 22, 2022, NTIA announced more than $10 million, including $2,925,627.00 for Dine College, in CMC grants. NTIA will continue to announce CMC awards on a rolling basis. NTIA received more than 200 applications and more than $833 million in grant requests for the $268 million pilot program.

The Honorable Anna G. Eshoo (D-CA)

1. The Infrastructure Investment and Jobs Act (IIJA) prohibits a state's subgrantees receiving funding through the Broadband Equity, Access, and Deployment (BEAD) program from using funds to purchase equipment from entities on the FCC's Covered List.

    a. How else can NTIA protect the security of our country's telecommunications systems from foreign adversaries?

    RESPONSE: Section 60102(b)(4)(B)(ii) of the IIJA requires NTIA to provide technical and other assistance to eligible entities "regarding cybersecurity resources and programs available through Federal agencies, including the Election Assistance Commission, the Cybersecurity and Infrastructure Security Agency, the Federal Trade Commission, and the National Institute of Standards and Technology." Further, Section 60102(g)(1)(B) of IIJA requires that every BEAD Program subgrantee "comply with prudent cybersecurity and supply chain risk management practices, as specified by the Assistant Secretary, in consultation with the Director of the National Institute of Standards and Technology and the Commission." NTIA staff has been engaged with colleagues at NIST to ensure that the BEAD Program incorporates appropriate and prudent cybersecurity and supply chain risk management practices.

    b. Is the NTIA considering national security-related requirements for the other IIJA broadband and connectivity programs it is implementing?

    RESPONSE: NTIA will continue to consider national security-related requirements when instructed by Congress, and to work with our interagency partners to incorporate appropriate and prudent national security risk management practices.

2. I've been working for years to establish a national 'dig once' policy to eliminate the need for duplicative and costly roadway excavation. Has NTIA taken a position on 'dig once' policies and do you believe there's a role to advance 'dig once' policies through implementation of IIJA's broadband programs? If so, what?

    RESPONSE: NTIA is supportive of dig-once policies as part of an efficient broadband infrastructure deployment strategy. NTIA supports the U.S. Department of Transportation's Federal Highway Administration (FHWA) regulations, published in 2021, which require State departments of transportation (State DOTs) to coordinate to facilitate the installation of broadband during road construction projects, alongside other utilities, to minimize the need for further excavation in the future. See FHWA regulations, 23 CFR § 645.307(a)(4). This approach can minimize cost and disruption to the traveling public, and make federal funding go further by leveraging an existing construction project to deploy

broadband. The FHWA regulations also require State DOTs to identify broadband utility coordinators and establish a process to register broadband entities. We will encourage the BEAD and Middle Mile recipients to coordinate with these broadband utility coordinators to maximize the federal funding they receive.

3. I appreciate NTIA's work on protecting privacy, including hosting three recent listening sessions on the role of privacy, equity, and civil rights with respect to personal data.

    a. Is NTIA considering additional listening sessions, reports, or other action related to these issues?

    RESPONSE: NTIA, and the Administration as a whole, are committed to protecting privacy, equity, civil, and human rights. In addition to the three listening sessions held in December 2021, NTIA will soon release a request for comment to solicit written feedback and expertise on these issues and possible ways forward. Those comments, along with input from the listening sessions, will inform our findings in a subsequent report.

    b. In its capacity as an advisor to the Administration, has the NTIA taken a position on what actions are needed to protect privacy?

    RESPONSE: NTIA's positions on privacy are guided by the Administration's priorities and commitments, such as President Biden's Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, his Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation, his call in the State of the Union for stronger privacy protections for children and teens, and his Blueprint for an AI Bill of Rights. NTIA is looking at possible steps forward to address issues at the intersection of privacy, equity, and civil rights in its report, building off of the December listening sessions and forthcoming Request for Comment.

4. I was pleased by the success of the NTIA's partnership with the FDA to reduce illegal opioid sales online through a trusted notifier program.

    a. Do you believe Congress should take additional steps related to this particular program (e.g., codify the program in statute)?

    RESPONSE: NTIA is proud of the trusted notifier pilot with the U.S. Food and Drug Administration (FDA) and domain name registries, which serves as a proof of concept that voluntary, collaborative programs to address illegal Internet content (in this case, websites selling illegal opioids to Americans) can and do work. I welcome the opportunity to discuss how these efforts can be strengthened or enhanced with you or your staff.

b. Has the NTIA considered implementing similar programs for other areas of rampant illegal activity online? If so, what other areas might be appropriate for trusted notifier programs?

RESPONSE: NTIA is exploring further work on trusted notifier and similar, voluntary programs to address illegal activity online in ways that should prove durable for the rapidly changing Internet environment. We are currently exploring options and opportunities with stakeholders.

The Honorable Peter Welch (D-VT)

1. Administrator Davidson, we share the goal of rapid and efficient broadband deployment in our communities under the IIJA broadband grant program. Can you discuss the challenges in achieving that goal as it relates to the new the domestic content requirements under the law and what options the agency may be considering to address it?

   RESPONSE: Secretary Raimondo and I are intent on maximizing the use of goods, products, and materials produced in, and services offered in, the United States in connection with the broadband infrastructure grant programs NTIA is responsible for administering. In the short term, we are actively working with industry to understand the impact that domestic content preferences will have on the Middle Mile Grant Program and the BEAD Program. On September 17, 2022, NTIA sought public comment on a limited applicability nonavailability waiver that would provide recipients of federal financial assistance under NTIA's Middle Mile Grant Program a limited exemption from application of the Buy America Preference as applied to limited classes of manufactured products and construction materials.

2. If NTIA chooses to pursue a targeted waiver, what metrics will the agency consider to be the most appropriate to apply? Are you considering how previous applications of Buy America requirements to federal broadband programs worked and if so, what have you learned?

   RESPONSE: The Commerce Department is committed to faithfully implementing the Infrastructure Investment and Jobs Act (IIJA), including the Build America, Buy America provisions. As I said during my testimony, the Department will only waive these requirements where the acquisition of domestic components would be inconsistent with the public interest, their cost would be unreasonable, or the relevant materials or products are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. As noted above, on September 17, 2022, NTIA sought public comment on a limited applicability nonavailability waiver that would provide recipients of federal financial assistance under NTIA's Middle Mile Grant Program a limited exemption from application of the Buy America Preference as applied to limited classes of manufactured products and construction materials.

The Honorable Tony Cárdenas (D-CA)

1. Wi-Fi is the most heavily used wireless technology in the world and was born in the U.S. consumers, schools, and businesses rely on it more now than ever before. How does NTIA plan to support the FCC's recent efforts to make more spectrum available for Wi-Fi use?

   RESPONSE: As the manager of federal spectrum and the President's principal advisor on telecommunications and information policy, NTIA plays a key role in developing and enacting our nation's spectrum policy. That includes coordinating on the FCC's efforts to make more spectrum available for unlicensed usage for critical technologies like Wi-Fi.

   NTIA also played an essential role in the development of the shared spectrum technologies in the Citizen Broadband Radio Service (CBRS). This innovative band allows unused spectrum to be used on a permissive basis, while giving priority to incumbent federal users and users with priority access licenses as needed.

   Shared spectrum systems like those deployed in the CBRS band offer a roadmap for how federal spectrum can be shared with licensed users and others. I am committed to meeting our nation's evolving communications needs and to coordinating with FCC to allow us to continue leading the world in the development and deployment of innovative spectrum technologies and policies.

   On August 2, 2022, the FCC and NTIA announced an updated Memorandum of Understanding (MOU) between the agencies on spectrum coordination. The MOU establishes a stronger framework for managing spectrum use and planning, including, among other things, through: 1) normalized high-level planning; 2) a longer-term spectrum outlook; 3) greater coordination; 4) improved transparency and data sharing; and 5) clearer dispute resolution.

2. I know making sure NTIA is appropriately coordinating and funding projects to Tribes is important to you, and I know there is much work to be done on Indian country and pent-up demand. When do you anticipate distributing all of the funds to the grant recipients? How many applicants have not made it past the first round, and how are you communicating and providing notice to applicants that have been disqualified during the initial review?

   RESPONSE: While award notifications have begun on a rolling basis, the process is still ongoing and we are unable to speak to the status of applications under review until we've formally completed the awards process. Per the guidance set forth in the Notice of Funding Opportunity (NOFO), unsuccessful applicants will receive notification from the program office and be afforded the opportunity to meet with program staff to discuss the content of that notification.

The timeline for awards has been adjusted based upon a number of factors, including additional amendments to program funding under Infrastructure Investment and Jobs Act (IIJA), Build America, Buy America provisions and waiver considerations requiring OMB approvals, and the need for further consultation with Tribes regarding how best to treat the additional funding appropriated under IIJA in an equitable manner. As of September 22, 2022, NTIA has made a total of 70 awards totaling $755,737,402.24 from the initial round of funding under the June 3 Tribal Broadband Connectivity Program (TBCP) NOFO.

Given the volume of requests submitted in response to the June 2021 TBCP NOFO and the significant need to quickly expand high-speed internet service on Tribal lands, NTIA announced on August 9, 2022, that it had added $1 billion from the IIJA to the current TBCP funding period, which closed September 1, 2022, increasing the total available for high-speed internet grants as part of that notice to $1.98 billion. NTIA alerted Tribal entities who applied in June 2021 that there is no action required on their part and NTIA will continue to announce additional awards on a rolling basis as they move through NTIA's review process. The additional IIJA funding added to the TBCP round one will ensure a portion of the IIJA funding reaches eligible applicants faster and reduces the burden on applicants to apply in a second NOFO but does, however, increase the amount of time to conduct application review and curing as well as when we are permitted to notify unsuccessful applicants.

3. As NTIA considers how to distribute funding designated for the Broadband Equity, Access, and Deployment (BEAD) program, how will you ensure the most intense use of the infrastructure that it expects to fund?

   RESPONSE: The IIJA lays out a clear framework for eligible entities to fund broadband infrastructure projects, which requires them to prioritize unserved locations, then underserved locations, and then community anchor institutions. The NOFO requires that eligible entities faithfully adhere to that framework so that unserved areas are addressed first.

4. Telecommunications infrastructure can be shared by multiple broadband providers. Leveraging this publicly funded infrastructure to support more than one technology and/or provider would promote competition and benefit consumers. What will NTIA do to ensure that multiple providers have access to the infrastructure developed with BEAD money on a reasonable and non-discriminatory basis?

   RESPONSE: The middle mile program is the force multiplier of the three IIJA programs. It will be the first out of the gate when it comes to our disbursement of funds and will help us leverage the biggest benefit from the BEAD program. One of the criteria for evaluating middle mile applications at the merit review stage includes whether providers commit to offering open access to the network. Section 60401(e)(1) of the IIJA states that "[t]o be eligible to obtain a middle mile

grant, an eligible entity shall agree, in the application submitted through the process established under subsection (d), to prioritize—

(A) connecting middle mile infrastructure to last mile networks that provide or plan to provide broadband service to households in unserved areas;

(B) connecting non-contiguous trust lands; or

(C) the offering of wholesale broadband service at reasonable rates on a carrier-neutral basis."

There are specific wholesale requirements in the IIJA. Section 60102(h)(4)(H) states that if a BEAD Program subgrantee is "no longer able to provide broadband service to the locations covered by the subgrant at any time, [the subgrantee] shall sell the network capacity at a reasonable, wholesale rate on a nondiscriminatory basis to other broadband service providers or public sector entities."

5. Recently, the White House celebrated the success of the Emergency Broadband Benefit (EBB) program and its successor the Affordable Connectivity Program (ACP), both bipartisan and bicameral programs developed by Congress to address affordability. These programs now have over 10 million participants, allowing many homes to afford high-speed, high-capacity broadband for the first time. Given this success, do you believe that low-cost option for your broadband grant programs should be modeled on these affordability efforts, especially when it comes to who is eligible for these programs?

RESPONSE: Congress tasked NTIA, and the states, with helping to ensure that every person in America has access to affordable, reliable, high-speed internet access. The BEAD NOFO provides several affordability tools to participating states and territories: (1) it requires all funded networks to provide a low-cost option to eligible subscribers; (2) it requires all states and territories to have plans to address middle-class affordability; and (3) it requires states to prioritize funding proposals that improve affordability. States and territories have significant flexibility with respect to how they achieve this goal. As stated in the NOFO, "We expect that Eligible Entities will adopt diverse strategies to achieve this objective."

The Honorable Robin Kelly (D-IL)

1. Apart from funding Congress is preparing to appropriate in the USA Telecom Act, as NTIA shapes its rules for each of these programs under the BIL, in what ways will NTIA consider Open-RAN architecture for connecting consumers?

   RESPONSE: NTIA supports industry's development of Open RAN, and NTIA has been at the forefront of Executive Branch engagement to promote the development and deployment of this innovative approach to telecommunications network infrastructure. NTIA expects wireless-related solutions such as Open RAN to play a role in advancing the connectivity goals outlined in the BIL.

The Honorable Bob Latta (R-OH)

1. During the hearing, I asked about the definition of "unserved" for the Broadband Equity, Access, and Deployment (BEAD) Program, which by statute includes areas that may be considered as "served" in up to 20% of the area. While I appreciate your response that NTIA will follow the law, including that definition, the law also provides you the discretion to prioritize certain projects that, "provide broadband service that meets speed, latency, reliability, consistency in quality of service, *and related criteria as the Assistant Secretary shall determine*."

    a. Given that NTIA will be using the forthcoming maps produced by the FCC consistent with the Broadband DATA Act to make these funding decisions, will you commit to prioritizing projects that will serve areas that are 100% unserved, meaning areas that lack access to 25/3 Mbps?

    RESPONSE: The Infrastructure Investment and Jobs Act (IIJA) lays out a clear framework for eligible entities to fund broadband infrastructure projects, which requires them to prioritize unserved locations, then underserved locations, and then community anchor institutions. The Notice of Funding Opportunity requires that eligible entities faithfully adhere to that framework. Eligible entities will need to demonstrate that they have the ability to deploy to unserved locations before they begin deploying to underserved locations.

    In particular, we require that every state or territory develop a plan that ensures deployment of qualifying broadband service at 100 Mbps downstream/20 Mbps upstream to every unserved location. Where a state or territory has funds left over after that, it must use those funds to ensure deployment to all underserved locations (those lacking service at 100 Mbps/20 Mbps). Only if the state or territory will meet those goals can it use additional BEAD Program funds for other purposes.

2. Permitting delays present a real challenge to deploying broadband in rural areas, and I led my colleagues in introducing the Boosting Broadband Connectivity Agenda to streamline the permitting process in a technology neutral manner.

    a. Is NTIA considering adding requirements for States to streamline their permitting processes, and if so, what types of requirements is NTIA considering?

    RESPONSE: Section 60102 of the IIJA, which creates the BEAD Program, does not directly address permitting issues. We are cognizant, however, of the important role that these issues play in broadband deployment, and in the Notice of Funding Opportunity we directed states and territories to tell us what they plan to do to streamline permitting and similar processes, and we are working with our partners at the federal level to minimize barriers to broadband deployment.

3. When you were questioned about community broadband, you stated, "the data shows that these can be very valuable approaches, and the statute is quite clear. The law that we're implementing says that municipal broadband, co-ops, non-profits, other types of non-traditional providers can participate."

    a. What data were you referring to that shows community broadband can be an effective approach? Please provide any such reports, data, or findings to the Committee.

    RESPONSE: Various studies have demonstrated that community broadband systems can offer benefits to consumers in various circumstances. For example, in 2018 the Berkman Klein Center for Internet and Society at Harvard University published a report finding that community-owned fiber-to-the-home networks tended to offer pricing below that of commercially owned Internet Service Providers. (David Talbott and Kira Hessekiel, "Community-Owned Fiber Networks: Value Leaders in America," https://cyber.harvard.edu/publications/2018/01/communityfiber). Last year, the Institute for Local Reliance published findings indicating that nine of the ten fastest networks in the country are municipally owned. (Snapshots of Municipal Broadband, https://ilsr.org/wp-content/uploads/2021/05/05-2021-Snapshots-Fact-Sheet.pdf). The BEAD Program is not designed to prefer municipally owned networks. The law, however, calls on NTIA to ensure that such providers are able to compete for BEAD funding.

4. In the Infrastructure Investment and Jobs Act (IIJA), eligible community anchor institutions are defined as lacking access to gigabit level service, but there is no requirement these institutions to be unserved. Meaning, you could provide funds to anchor institutions that are already served at less than gigabit speeds to upgrade their existing services rather than connect new anchor institutions in unserved communities. This could lead to overbuilding.

    a. Will you commit to prioritizing anchor institutions in areas that remain unserved rather than funding projects that would overbuild existing infrastructure?

    RESPONSE: Minimizing funding duplication is critical to the success of the BEAD program and the overarching goal of ensuring that all Americans have access to affordable, reliable, high-speed internet. IIJA lays out a clear framework for eligible entities to fund broadband infrastructure projects, which requires them to prioritize unserved locations, then underserved locations, and then community anchor institutions. The Notice of Funding Opportunity (NOFO) requires that eligible entities faithfully adhere to that framework. The NOFO explicitly prohibits states and territories from treating any location that is already subject to an enforceable federal, state, or local commitment to deploy qualifying broadband as "unserved" or "underserved," which for community anchor institutions is 1 Gbps symmetrical. It also strongly encourages states and

territories that are able to ensure deployment to all unserved and underserved locations to focus funding on eligible community anchor institutions – those lacking service at 1 Gbps or better.

5. The IIJA provides NTIA direction on how to determine the eligibility of broadband projects, but it also gives States the power to decide how to disburse the money.

    a. Reverse auctions have been extraordinarily successful in stretching Federal funding efficiently, and reducing the potential for waste, fraud, and abuse. Does NTIA plan on including guidance to States that recommend using reverse auctions when disbursing BEAD funds?

    RESPONSE: Each eligible entity faces unique circumstances – there is no "one size fits all" solution to broadband deployment. As such, successful execution of the BEAD Program demands close collaboration between NTIA, as the program administrator, and the eligible entities, who will have significant flexibility when choosing how to fund broadband deployments. NTIA will engage in early, clear, and transparent communication during all phases of the process to help the eligible entities ensure that the subgrantees they choose are well equipped to ensure affordable, reliable, high-speed broadband at every location within their jurisdictions. For some states, this may include conducting reverse auctions.

6. The Digital Equity Act grant programs require States to submit a digital equity plan that is to guide any grant money they receive. However, it also permits a State to select an "administering entity" which under the law can be anything from a "community anchor institution" to a "non-profit foundation."

    a. How do you plan on ensuring there is transparency in the way administering entities are chosen and perform the duties of the State plan?

    RESPONSE: The Department of Commerce, NTIA, eligible entities, and subgrantees each have a critical role to play in ensuring that the Digital Equity Act grant programs are implemented in a manner that ensures transparency, accountability, and oversight sufficient to, among other things, minimize the opportunity for waste, fraud, and abuse; ensure that recipients of grants under the Program use grant funds to further the overall purpose of the Program in compliance with the requirements of the IIJA, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth at 2 C.F.R. Part 200, and other applicable law; and to allow the public to understand and monitor grants and subgrants awarded under the Program.

    b. What steps is NTIA taking to ensure that there are measurable performance metrics and standards to hold these administering entities accountable to objective and measurable levels of success?

RESPONSE: NTIA has established robust financial and program progress reporting mandates that are aligned to the programmatic objectives and intended outputs and outcomes of each discrete program. These initiatives will ensure reporting that tracks, monitors, and collects data on project performance and results. For example, the BEAD NOFO imposes regular reporting obligations on states and territories, which must report within 90 days of receiving any funds, again within one year of receiving funds, and then semi-annually. These reports will cover a host of metrics, many of which will be set forth in more detail in future guidance. BEAD Program subgrantees also are subject to extensive reporting on a semiannual basis (or more frequently, at the state or territory's discretion). The Middle Mile Grant Program NOFO sets forth detailed biannual reporting requirements for grant recipients. The Digital Equity Planning Grant NOFO likewise establishes detailed reporting obligations for participants (states, territories, and Tribal entities), including the provision of financial and performance reports. Notably, these various reporting obligations will work in concert with ongoing auditing requirements to ensure robust oversight of each program.

7. The IIJA is clear that grants must first go to unserved areas with broadband speeds under 25/3 Mbps before states can consider moving onto funding underserved areas, which are defined as areas with access to broadband speeds between 25/3 and 100/20 Mbps. How will NTIA ensure that States and subgrantees have the resources and time necessary to fully serve Americans currently living in unserved areas, before certifying states to move onto underserved areas?

RESPONSE: The IIJA lays out a clear framework for eligible entities to fund broadband infrastructure projects, which requires them to prioritize unserved locations, then underserved locations, and then community anchor institutions. The Notice of Funding Opportunity requires that eligible entities faithfully adhere to that framework. Eligible entities will need to demonstrate that they have the ability to deploy to unserved locations before they begin deploying to underserved locations. If an entity is able to demonstrate that it can deploy to both unserved and underserved locations at the same time, that may be permissible. But this question will ultimately be considered application-by-application.

The Honorable Cathy McMorris Rodgers (R-WA)

1. During the hearing, I asked you about NTIA's commitment to using—and requiring the States to use—the FCC's forthcoming Broadband DATA Act maps.

   While I am pleased that NTIA will be using the FCC maps, I am concerned about how NTIA or the FCC will resolve discrepancies when maps produced by a State conflict with the FCC's map. The IIJA provides that NTIA shall entertain challenges before the formula-dependent funds are awarded to States, but it is unclear as to how that challenge process should be structured.

   a. Will NTIA commit to requiring any challenges to be run through the FCC's process as outlined in the Broadband DATA Act?

   RESPONSE: The IIJA directs the Assistant Secretary, in coordination with the Commission, to allocate BEAD funds amongst the states once the Broadband DATA maps are made public. I agree that accurate mapping data is vital, and that the FCC's challenge processes – both for the Fabric and for provider data submitted in conjunction with the new Broadband Data Collection – are critical to improving their accuracy. The FCC's challenge processes are ongoing, and the accuracy of the maps will improve over time. We are working closely with our colleagues at the FCC to determine how best to balance the need to provide certainty regarding the amounts to be allocated to the states and territories in a timely manner against the need to allow the FCC, states, and providers to review and validate the content of the maps.

   By statute, the FCC's Broadband DATA Act will be used to identify the universe of unserved and underserved locations that each eligible entity will put out for bid during their subgrantee selection process. Section 60102(h)(2)(A) of the IIJA requires eligible entities to "ensure a transparent, evidence-based, and expeditious challenge process under which a unit of local government, nonprofit organization, or other broadband service provider can challenge a determination made by the eligible entity in the initial proposal as to whether a particular location or community anchor institution within the jurisdiction of the eligible entity is eligible for the grant funds, including whether a particular location is unserved or underserved." The BEAD NOFO directs eligible entities to "update the data provided in their Initial Proposal to reflect the most recently published version of the Broadband DATA Maps available as of the initiation of the challenge process."

   Eligible entities are required to include a detailed plan for their challenge process as part of their Initial Proposal, which should include descriptions of the types of evidence that the eligible entity may consider as part of that challenge process. NTIA will review each of these proposals, and the Assistant Secretary may modify the challenge process proposed by the eligible entity as necessary.

NTIA has worked and will continue to work closely with each eligible entity on ensuring that the challenge process required under Section 60102(h)(2) is transparent, evidence-based, and expeditious.

2. The IIJA leaves discretion to impose net neutrality style regulations on recipients of the grant funds because recipients are required to adhere to "quality of service standards" as established by the Assistant Secretary.

    a. Do you plan to impose net neutrality type requirements? Will you prohibit States from imposing similar requirements?

    RESPONSE: The Notice of Funding Opportunity does not impose net neutrality requirements. Net neutrality issues are best addressed by the FCC or Congress, which can choose whether to apply such mandates at a nationwide level.

The Honorable Brett Guthrie (R-KY)

1. As a member of the Energy and Commerce Committee and co-Chair of the Spectrum Caucus, I believe that making more spectrum available to non-federal users is critical, especially as 5G and other wireless technologies are being deployed in the United States.

   To that end, I have introduced the SMART Spectrum Act, which would require NTIA to establish an Incumbent Informing Capability system that would establish a framework for sharing spectrum between federal and non-federal users in an efficient manner.

   a. How would an Incumbent Informing capability help NTIA work with federal agencies to resolve technical concerns?

      RESPONSE: We believe the proposed Incumbent Informing Capability (IIC) represents an important enabling technology that could address many spectrum sharing challenges. The IIC is envisioned as a time- and geographic-based spectrum sharing tool, where the objective is to use temporal and spatial dimensions to make the best use of federal spectrum. IIC would inform new entrants in a shared band when nearby incumbent systems must be avoided. New entrants' access to spectrum would be controlled through a nearly-real-time Spectrum Coordination System (SCS), which is similar to techniques used in the ground-breaking Citizens Broadband Radio Service (CBRS) – but notably would avoid some of the difficulties experienced in CBRS's reliance on environmental sensing. CBRS can offer the first use case for IIC, and IIC in turn could improve CBRS – illustrating how federal spectrum could be shared more robustly. Our vision for the IIC is that it will evolve into a common platform for managing federal and non-federal shared spectrum. As a common platform, the IIC would include technical analysis tools and access to trusted data that could be used by federal agencies – working through NTIA to resolve technical concerns.

   b. Has NTIA begun implementing an Incumbent Informing capability, and if so, can you provide an update on progress?

      RESPONSE: No, however, if NTIA were to receive appropriations to do so, the first steps would be to establish the IIC as an official program and then stand-up a federal agency working group. NTIA has continued developing the IIC concept to allow for more durable implementation once funded.

   c. Could this tool help federal incumbents use their spectrum more efficiently and enable more commercial use of spectrum licensed for federal government use? What other plans do you have to improve the most efficient use of spectrum?

      RESPONSE: Yes, the IIC concept can be applied both to federal-commercial sharing as well as federal-federal sharing. NTIA believes improved spectrum use efficiency will have many benefits, including enabling other users to access the

spectrum when incumbents are not. Our initial focus for the IIC would be to target mid-band spectrum (i.e., 3GHz) for shared federal and non-federal use. Over time, NTIA likely would expand IIC to include other bands as well.

Additionally, NTIA's Institute for Telecommunication Sciences is engaged in ongoing activity with respect to interference analysis, spectrum monitoring, and propagation modeling to maximize efficiency of spectrum.

Lastly, NTIA and FCC signed an agreement in February 2021 to support the National Science Foundation's Spectrum Innovation Initiative, which seeks to advance spectrum management and wireless technology research and contribute to transformative use and management of the electromagnetic spectrum. We expect this collaboration to be instrumental to long-term solutions for improving efficient use of spectrum.

2. In the National Defense Authorization Act (NDAA) for Fiscal Year 2021, Congress created the Public Wireless Supply Chain Innovation Fund to accelerate the development and deployment of Open RAN compatible technology. I am concerned about this delay in funding, especially given the amount of money that has been appropriated for broadband infrastructure.

    a. Understanding that you are waiting for Congress to appropriate funds for this grant program, what actions are you taking now so that NTIA can move quickly to award grants from the Fund to promote Open RAN compatible technology and accelerate the deployment of Open RAN compatible networks?

    RESPONSE: With the enactment of P.L. 117-167, commonly known as the "CHIPS and Science Act"— which appropriates $1.5 billion for the Public Wireless Supply Chain Innovation Fund (PWSCIF)—on August 9, 2022, NTIA has initiated implementation activities. Prior to funds being appropriated for the PWSCIF, NTIA could not carry out implementation activities but began planning next steps in consideration of the legislative requirements to the extent practicable consistent with the Anti-Deficiency Act.

    NTIA has been at the forefront of Executive Branch engagement to promote the development and deployment of this innovative approach to telecommunications network infrastructure. NTIA recognizes the significance of public funding to trusted 5G and future wireless technology solutions. Our regular stakeholder outreach and interagency leadership on Open RAN support our understanding of the opportunities this model presents, possible barriers to wider deployment, and the importance of successful implementation of measures like the PWSCIF.

3. As you know, the FCC has not yet completed their work to update federal broadband maps. Further, while the first public maps will be more granular than what is currently available, there may still be inaccuracies. How does the NTIA plan to address this problem as the BEAD program is rolled out?

RESPONSE:

Section 60102(h)(2)(A) of the Infrastructure Investment and Jobs Act *requires* that each eligible entity "ensure a transparent, evidence-based, and expeditious challenge process under which a unit of local government, nonprofit organization, or other broadband service provider can challenge a determination made by the eligible entity in the initial proposal as to whether a particular location or community anchor institution within the jurisdiction of the eligible entity is eligible for the grant funds, including whether a particular location is unserved or underserved." NTIA has the opportunity and the obligation to review the results of that challenge process.

4. It is frustrating to see other agencies without spectrum engineering expertise publicly involve themselves in technical disputes. We saw this recently in the C-Band, when the FAA involved itself on behalf of the aviation industry. Does the FAA have technical, radiofrequency engineering experts working on this issue?

   a. If yes, what steps are you taking to ensure NTIA's technical experts are communicating with the spectrum experts at other federal agencies, so concerns are communicated in a timely manner?

RESPONSE:
NTIA serves as the President's principal advisor on telecommunications and spectrum, and there are numerous spectrum experts throughout the federal agencies, including at the FAA, who provide advice to us through the Interdepartment Radio Advisory Committee (IRAC) and other channels. Through these engagements, NTIA is working with Federal agencies to ensure that spectrum policy concerns and other related information are shared with NTIA timely. In addition, NTIA and FCC signed an updated Memorandum of Understanding on August 2, 2022—that allows for more meaningful consideration of proposals.

The Honorable Bill Johnson (R-OH)

1. Pole access and cost allocation disputes can stall or even halt broadband buildout. In order to ensure that these disputes do not jeopardize timely completion of broadband deployment projects, would NTIA consider requiring states to adopt an expedited process for resolving disputes between broadband subgrantees and pole owners over access to poles, or the processing of pole attachment applications?

   RESPONSE: We recognize that a lack of reasonable access to poles – and permitting, conduits, and rights of way more generally – can be a key barrier to broadband deployment. We directed states and territories to tell us what they plan to do to streamline permitting and similar processes, and we are working with our partners at the federal level to minimize barriers to broadband deployment. We recognize the importance of removing unnecessary barriers faced by those entities that will build the networks required to achieve our goal of universal, affordable, high-speed internet access.

The Honorable Richard Hudson (R-NC)

1. Mr. Davidson, across America, different entities work to provide broadband service. That includes utilities of all sizes, from investor-owned utilities to electric cooperatives and public power utilities and public utility districts, work diligently to provide broadband service to their communities.

    a. How is NTIA approaching the administration of the middle-mile broadband infrastructure grant program under the Infrastructure Investment and Jobs Act (IIJA)?

    RESPONSE: The Middle Mile Program is the force multiplier of the three IIJA programs. It will be the first program when it comes to our disbursement of funds and will help us leverage the biggest benefit from the BEAD program, while addressing affordability overall.

    The Notice of Funding Opportunity (NOFO) specifies that grants can be used for the construction, improvement, or acquisition of middle mile infrastructure, including: construction, improvement, or acquisition of facilities and equipment; engineering design, permitting and work related to project reviews; personnel costs, including salaries and benefits for staff and consultants; and other costs necessary to programmatic activities.

    When considering an application at the merit review stage, the NOFO lays out the criteria for evaluating a proposed project's purpose, benefit, and sustainability. The criteria for evaluating the project's purpose and benefit include: the extent to which the project either facilitates deployment of high-speed broadband networks to unserved/underserved areas, or improves affordability in already-served markets; whether the project offers non-discriminatory interconnection; whether providers commit to offering open access to the network; the extent to which the project will otherwise benefit the service area; and the comprehensiveness and appropriateness of the proposed technical solution for meeting the community's needs. With respect to project sustainability, the criteria include the applicant's organizational capability; the reasonableness of proposed budget; the project's fiscal sustainability; and any non-federal cost-share commitment above 30%.

    At the Programmatic Review stage, we will consider other benefits of the proposed project, such as its likelihood of reducing end-user broadband prices or reducing latency in remote locations and its likelihood of benefiting low-income Americans, unserved areas, Tribal lands, and anchor institutions (among other things). In the final stage, we will work to ensure geographic diversity and diversity in project size in the final slate of projects selected.

    b. How is NTIA planning to ensure the long-term viability of any projects funded under the middle-mile broadband grant program so that funds are not wasted or

duplicative?

RESPONSE: The IIJA articulates a clear purpose for the Middle Mile Grant Program in section 60401(b) and gives NTIA clear guidance on how it is to prioritize applications for the program, as detailed above. NTIA will faithfully adhere to the guidance set forth in the statute. Among other things, the Middle Mile NOFO specifies that 40 of the 100 points available during the Merit Review stage will be awarded based on the proposed project's sustainability, including sustainability after the award period has ended.

The Honorable Tim Walberg (R-MI)

1. The Infrastructure Investment and Jobs Act (IIJA) is drafted so that NTIA is actually not the entity providing grants to subgrantees—rather, that is the role of the States. Typically, federal grant programs come with safeguards to guard against waste, fraud, and abuse. These safeguards allow agencies to recover misused funds. Will those same federal clawback mechanisms apply to this program since the States are actually awarding the funds? How NTIA will oversee the grants once the money goes to States?

   RESPONSE: See below.

   a. Is there anything in the IIJA that gives NTIA the authority to recover these funds from subgrantees in the event of a default or finding of fraud or abuse?

      RESPONSE: Section 60102(g)(2)(B) of IIJA requires states to "stipulate, in any contract with a subgrantee for the use of such funds, reasonable provisions for recovery of funds for nonperformance." Section 60102(g)(3)(B)(i) further permits the Assistant Secretary to "deobligate grant funds awarded to an eligible entity that" fails to fulfil this obligation or "demonstrates an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the Assistant Secretary."

      In addition, BEAD Program grants are subject to 2 CFR Part 200, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Pursuant to 2 CFR § 200.101(b)(2), "[t]he terms and conditions of Federal awards . . . flow down to subawards to subrecipients unless [another provision of 2 CFR 200] or the terms and conditions of the Federal award specifically indicate otherwise."

   b. Would you consider government-owned broadband providers high-risk, especially if they have never operated a broadband network before, and does NTIA plan on having a stricter review process for new or first-time providers?

      RESPONSE: Section 60102(h)(1)(A)(iii) of IIJA states that eligible entities "may not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts,

or local governments from eligibility for [BEAD Program] grant funds." Section 60401(a)(4) similarly defines the universe of entities eligible to apply for grants as "a State, political subdivision of a State, Tribal government, technology company, electric utility, utility cooperative, public utility district, telecommunications company, telecommunications cooperative, nonprofit foundation, nonprofit corporation, nonprofit institution, nonprofit association, regional planning counsel, Native entity, or economic development authority" or "a partnership of 2 or more" such entities.

Sections 60102(g)(2)(A) and 60401(d)(3) also require that NTIA and the states ensure that any entity selected to deploy broadband infrastructure be able to do so "in a competent manner" and that they have the "technical and operational capability" to carry out the projects they propose. The NOFO faithfully adheres to the guidance set forth in the statute, regardless of the nature of the applicant.

2. What will the NTIA do to ensure that all kinds of utilities, including investor-owned utilities, rural electric cooperatives, and public power utilities, as well as public utility districts, have robust and meaningful opportunities to access funding for middle- and last-mile broadband infrastructure deployment?

   RESPONSE: Section 60102(h)(1)(A)(iii) of IIJA states that eligible entities "may not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments from eligibility for [BEAD Program] grant funds." Section 60401(a)(4) similarly defines the universe of entities eligible to apply for grants as "a State, political subdivision of a State, Tribal government, technology company, electric utility, utility cooperative, public utility district, telecommunications company, telecommunications cooperative, nonprofit foundation, nonprofit corporation, nonprofit institution, nonprofit association, regional planning counsel, Native entity, or economic development authority" or "a partnership of 2 or more" such entities, and section 60401(c) directs the Assistant Secretary to "establish a program under which the Assistant Secretary makes grants on a technology-neutral, competitive basis to eligible entities for the construction, improvement, or acquisition of middle mile infrastructure." NTIA will faithfully adhere to the guidance set forth in the statute.

3. To date, how many new staffers has NTIA hired to assist states with their IIJA plans? How many does NTIA intend to hire? Will these FTEs remain at NTIA following the completion of grant distribution?

   RESPONSE: NTIA's Office of Internet Connectivity and Growth, the office that is implementing the new grant programs, has grown by 100% since enactment of IIJA and had 109 staff as of August 1, 2022. In December 2021, NTIA obtained Direct Hire authority for more than 100 new staff members and NTIA has been proactively recruiting, hiring, and onboarding staff. NTIA intends to continue

these staffing levels after grant award/distribution to support post award monitoring and technical assistance.

4. The IIJA exempts the BEAD program from the Administrative Procedures Act (APA), which includes the Freedom of Information Act. Will you nonetheless commit to transparency and openness of information in establishing and administering this program, particularly evaluating grants?

   RESPONSE: We are committed to running a transparent process. The Department, NTIA, eligible entities, and subgrantees each have a critical role to play in ensuring that the BEAD Program is implemented in a manner that ensures transparency, accountability, and oversight sufficient to, among other things, minimize the opportunity for waste, fraud, and abuse; ensure that recipients of grants under the Program use grant funds to further the overall purpose of the Program in compliance with the requirements of the Infrastructure Investment and Jobs Act, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth at 2 C.F.R. Part 200, and other applicable law; and to allow the public to understand and monitor grants and subgrants awarded under the Program.

5. The IIJA gives you the authority to waive certain requirements included in the Act. Will you commit to use this power sparingly and alert Congress when you do?

   RESPONSE: NTIA expects there will be some instances where waivers will need to be issued, but those waivers will be evaluated and crafted carefully. NTIA believes that waivers will have to be tailored and that the bar for a waiver will be high.

The Honorable Earl L. "Buddy" Carter (R-GA)

1. I appreciate your commitment to working with the Committee, and I was encouraged by your emphasis on fast, accountable deployment of broadband to unserved areas like those in my district. As you know, burdensome regulations can slow down or prevent investment in broadband buildout.

    a. Will you commit to not imposing undue regulatory obligations, such as product and service mandates or "open access" requirements, on subgrantees as a condition of funding eligibility – and prohibit the states from doing so, as well – in order to avoid creating disincentives to participation?

    RESPONSE: I am keenly aware of the importance of ensuring that the programs NTIA is developing are faithful to the guidance provided by Congress in the IIJA, and that potential participants will carefully weigh the costs and benefits of participating in those programs. The Notice of Funding Opportunity adheres to the statute. It does not impose any open access or other undue regulatory obligations on subgrantees as a condition of funding eligibility. NTIA has endeavored to ensure that our programs maximize incentives for participation and benefits to the public.

2. Mr. Davidson, what can the NTIA do to ensure the ability of states and localities to make the broadband investments that are best for their communities, with robust, reliable, and secure broadband?

    RESPONSE: Each eligible entity faces unique circumstances – there is no "one size fits all" solution to broadband deployment. As such, successful execution of the BEAD Program demands close collaboration between NTIA, as the program administrator, and the eligible entities, who will have significant flexibility when choosing how to fund broadband deployments. I have directed NTIA to engage in early, clear, and transparent communication during all phases of the process to help the eligible entities ensure that the subgrantees they choose are well equipped to deliver affordable, reliable, high-speed broadband to every location within their jurisdictions. I note further that Section 60102(g)(2) of the IIJA obligates eligible entities to, among other things, ensure that any prospective subgrantee is capable of carrying out activities funded by the subgrant in a competent manner in compliance with all applicable Federal, State, and local laws; has the financial and managerial capacity to meet the commitments of the subgrantee under the subgrant, the requirements of the Program, and such requirements as may be further prescribed by the Assistant Secretary; and has the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.

3. Mr. Davidson, as I'm sure you're aware, concerns were recently raised by the Federal Aviation Administration (FAA) over interference with aviation safety equipment from

the deployment of 5G in the C-Band. Since then, both the telecommunications industry and the commercial aviation industry have worked hard and collaborated closely with the FAA to mitigate these aviation safety risks.

a. Does NTIA have any sort of Memorandum of Understanding (MOU) with other agencies, especially safety regulators of critical infrastructure, that could address these issues in the future?

RESPONSE: As the U.S. spectrum managers, the FCC and NTIA maintain an MOU that serves as the main mechanism that guides our overall coordination on spectrum matters. The MOU, updated in August 2022, establishes a framework for compliance with a statutory provision that requires the heads of FCC and NTIA to meet at least twice per year to conduct joint spectrum planning on various issues. It formalizes collaboration practices between the agencies with the intention to promote efficient spectrum use, increase commercial access, and prevent harmful interference. In particular, the MOU states that the FCC and NTIA are to provide each other advance notice of actions and work together to resolve technical and policy differences by consensus whenever possible. The MOU also outlines ongoing communication requirements the two agencies are to maintain.

As for other agency participation in spectrum matters, NTIA has the Interdepartment Radio Advisory Committee (IRAC), an advisory committee to the NTIA Administrator that is chaired by NTIA. IRAC is the primary mechanism for federal agency coordination on domestic spectrum-management activities, including when the FCC is planning to allocate spectrum or develop technical service rules through a rulemaking proceeding.

b. Are there spectrum reallocation process changes that you are considering to provide certainty and transparency to all stakeholders?

RESPONSE: In February 2022, FCC Chairwoman Jessica Rosenworcel and I announced a Spectrum Coordination Initiative to strengthen coordination between our two agencies. We will be meeting regularly. Our goal is collaboration to strengthen U.S. Government spectrum coordination and advance our shared priorities. Specific targets of the Initiative include: (1) formalizing our regular meetings, (2) updating the existing Memorandum of Understanding (MOU) between our agencies, (3) working collaboratively on a whole-of-government national spectrum strategy that takes into account federal and non-federal needs and forges deeper interagency cooperation and coordination, (4) including staff participation as observers in each other's advisory committees and (5) establishing best practices for spectrum management. I am confident these initiatives will help increase certainty and transparency for stakeholders.

On August 2, 2022, the FCC and NTIA announced an updated MOU between the agencies on spectrum coordination. This marks the first time the MOU has been

updated in nearly twenty years. As contemplated in the Spectrum Coordination Initiative, the MOU establishes a stronger framework for managing spectrum use and planning, including, among other things, through: 1) normalized high-level planning; 2) a longer-term spectrum outlook; 3) greater coordination; 4) improved transparency and data sharing; and 5) clearer dispute resolution.

The Honorable John R. Curtis (R-UT)

1. Congress has long sought to work with federal agencies to expedite broadband deployment on Federal land, including by tasking NTIA with a lead role in coordinating interagency efforts. Under 47 U.S.C. § 1455(b)(3)(A), federal agencies are required to grant or deny a duly filed application for an easement, right-of-way, or lease that is in, over, or on a building or other property owned by the Federal Government to install a communications facility within 270 days of receipt of the application.

    a. How will NTIA work with agencies like the United States Forest Service, the Bureau of Land Management, the Bureau of Indian Affairs, and the United States Army Corps of Engineers to streamline permitting processes to ensure that the 270-day shot clock is satisfied?

    RESPONSE: Section 606 of the MOBILE NOW Act contains several provisions intended to facilitate the deployment of communications facility installations on federal property. Consistent with Section 606(c), in particular, NTIA coordinated with the Departments of the Interior, Agriculture, Defense, and Transportation, the Office of Management and Budget, and the General Services Administration to develop recommendations for streamlining processes for considering applications to locate broadband facilities on federal property and submitted those recommendations to Congress in May 2022.

    On August 9, 2022, NTIA and the Department of Interior's Bureau of Indian Affairs (BIA) announced an agreement to coordinate responsibilities in ensuring compliance with environmental, historic preservation, and cultural resources requirements related to the Tribal Broadband Connectivity Program (TBCP). This collaboration allows high-speed internet service to be deployed quickly while also ensuring safeguards to protect Native lands and interests. Additionally, it streamlines the National Environmental Policy Act reviews for both NTIA, as the lead Federal agency for high-speed internet grant programs, and BIA, as authorized to grant rights-of-way over and across land held in trust or restricted status by the United States under the Indian Right-of-Way Act of 1948.

2. How does NTIA plan on removing barriers to broadband deployment projects funded through the Broadband Equity, Access, and Deployment (BEAD) program, such as excessive permitting fees and lengthy approval timelines?

    RESPONSE: Section 60102 of the Infrastructure Investment and Jobs Act, which creates the BEAD Program, does not directly address pole attachment fees, terms, and conditions. We are cognizant, however, of the important role that reasonable access to poles, conduit, and rights of way plays in broadband deployment. In the Notice of Funding Opportunity we directed states and territories to tell us what they plan to do to streamline permitting and similar

processes, and we are working with our partners at the federal level to minimize barriers to broadband deployment.