

CONNECTING AMERICA: OVERSIGHT OF THE FCC

VIRTUAL HEARING
BEFORE THE
SUBCOMMITTEE ON COMMUNICATION AND
TECHNOLOGY
OF THE
COMMITTEE ON ENERGY AND
COMMERCE
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS
SECOND SESSION

MARCH 31, 2022

Serial No. 117-78



Published for the use of the Committee on Energy and Commerce
govinfo.gov/committee/house-energy
energycommerce.house.gov

U.S. GOVERNMENT PUBLISHING OFFICE

60-331 PDF

WASHINGTON : 2026

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CONNECTING AMERICA: OVERSIGHT OF THE FCC

THURSDAY, MARCH 31, 2022

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

The subcommittee met, pursuant to notice, at 10:31 a.m. in the John D. Dingell Room, 2123 Rayburn House Office Building, and remotely via Cisco Webex online video conferencing, Hon. Michael F. Doyle, (chairman of the subcommittee) presiding.

Members present: Representatives Doyle, McNerney, Clarke, Veasey, Soto, O'Halleran, Rice, Eshoo, Butterfield, Matsui, Welch, Schrader, Cardenas, Kelly, Craig, Fletcher, Pallone (ex officio); Latta (subcommittee ranking member), Guthrie, Kinzinger, Bilirakis, Johnson, Long, Mullin, Walberg, Carter, Duncan, and Rodgers (ex officio).

Also present: Representatives Dingell, Trahan; Joyce, and Pence.

Staff present: Parul Desai, FCC Detailee; Jennifer Epperson, Senior Counsel; Waverly Gordon, Deputy Staff Director and General Counsel; Tiffany Guarascio, Staff Director; Zach Kahan, Deputy Director Outreach and Member Service; Hank Kilgore, Policy Coordinator; Mackenzie Kuhl, Press Assistant; Jerry Leverich, Chief Counsel, Communications and Technology; Dan Miller, Professional Staff Member; Joe Orlando, Policy Analyst; Chloe Rodriguez, Clerk; Johanna Thomas, Counsel; Caroline Wood, Staff Assistant; Sarah Burke, Minority Deputy Staff Director; Michael Cameron, Minority Policy Analyst, Consumer Protection And Commerce, 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 Investigation Chief Counsel; Tim Kurth, Minority Chief Counsel, Consumer Protection And Commerce; 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; and Kate O'Connor, Minority Chief Counsel, Communications and Technology.

Mr. DOYLE. The Subcommittee on Communications and Technology will now come to order. Today the Subcommittee on Com-

munications and Technology is holding a hearing entitled, “Connecting America: Oversight of the FCC.”⁵

Due to the COVID-19 public health emergency, members can participate in today’s hearing either in person or remotely, via on-line video conferencing.

In accordance with the updated guidance issued by the attending physician, members, staff, and members of the press present in the hearing room are not required to wear a mask, although you can do so if you want to.

For members participating remotely, your microphones will be set on mute for the purpose of eliminating inadvertent background noise. Members participating remotely will need to unmute your microphone each time you wish to speak. Please note that, once you unmute your microphone, anything that is said in Webex will be heard over the loudspeakers in the committee room, and subject to be heard by the livestream and C-SPAN.

Since members are participating from different locations at today’s hearing, all recognition of members, such as four questions, will be in the order of subcommittee seniority.

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

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

Well, welcome to today’s hearing to provide oversight of the Federal Communications Commission. I am glad to have Chairwoman Rosenworcel and Commissioners Carr, Starks, and Simington with us today.

It is great to have you all here, especially now that the President finally took my advice and made Ms. Rosenworcel the permanent chairwoman of the Commission. I am sure he had lots of other advice besides mine. It is an incredible deserved—it is an incredibly deserved honor, and I think the bipartisan work of the Commission during this period is a testament to that.

I hope soon the Senate will confirm Gigi Sohn also to bring the Commission to full strength. Ms. Sohn’s knowledge of communications policy and dedication to consumer protection are exemplary. The FCC and the American public will be well served with her nomination.

And I also want to commend all four of you for your outstanding bipartisan work to deliver for the American people as you await your fifth colleague.

The FCC has a broad mission: regulating communications by wire, radio, satellite, and cable with a mandate to promote competition, investment, diversity, and security in our Nation’s communication networks. It is also the congressionally designated body to regulate commercial spectrum and make spectrum assignments. The FCC should be applauded for tackling such a wide array of duties with the limited budget and staff it is afforded.

Broadband is an essential, necessary service for Americans, for their jobs, for schooling, for health care, and for civic participation in our country. With this in mind, Congress made historic investments through the CARES Act, the 2020 omnibus, and the American Rescue Plan, and the Infrastructure Investment and Jobs Act to connect our schools, students, low-income households, tribal communities, and those in need of health care services. This makes the FCC's position as the national regulatory authority on broadband more important than ever.

Under the bipartisan work of this FCC, enormous strides have been made in the adoption of the Affordable Connectivity Program, as nearly 11 million households have signed up. The Emergency Connectivity Fund has already put over \$5 billion toward connectivity for our Nation's schools, libraries, and students. And I commend the Commission for getting this money out quickly and efficiently.

And now that the FCC has successfully overcome a bid protest, the Commission can finally move forward with more of its broadband mapping activities, which will be crucial for the NTIA to distribute the \$42 billion for broadband access in its BEAD program.

As with our Nation's other communication technologies, it is critical that the FCC ensure that the core principles of the Communication Act run throughout broadband policy: consumer protection, competition, universal service, and public safety.

The FCC should use all of its tools to re-establish its consumer protection authorities over broadband, including by prohibiting unfair and unjust practices, and continuing to fight against robocalls and robo texts.

It should promote competition in the broadband marketplace. so consumers can benefit from choice and the expanded services and lower costs the competition brings.

It should pursue universal service by ensuring that all consumers have access to reliable, affordable broadband, and to prohibit practices that hinder broadband deployment.

And it should continue its support of the public safety and commitment to our first responders and law enforcement officials. and secure our networks from untrustworthy equipment.

Finally, I applaud your recent work with the NTIA on the Spectrum Coordination Initiative. Congress designed the FCC as the overseer of commercial spectrum and tasked it with determining the highest and most efficient use of spectrum. It has a long history of basing its decisions on the science and engineering facts brought before it, and we need to bolster its spectrum management processes that have made the United States the global leader in technology.

To that end, I hope we can revisit the lower 3 gigahertz band in a way to both protect the incumbent users and maximize commercial use as envisioned in the Spectrum Innovation Act. And Congress should re-authorize the FCC's authority to conduct auctions, particularly in light of the upcoming 2.5 gigahertz auction that is so important to 5G and the rural wireless community.

This committee has entrusted the Commission with a great deal of responsibility, and it is going to take all of us working together

to successfully connect all of our communities, protect our constituents, and ensure the continued leadership of the United States.

Thank you to the Commissioners for coming before us today. I look forward to hearing your testimony.

[The prepared statement of Mr. Doyle follows:]

PREPARED STATEMENT OF HON. MIKE DOYLE

Committee on Energy and Commerce

Opening Statement as Prepared for Delivery
of

Subcommittee on Communications and Technology Chairman Mike Doyle

Hearing on "Connecting America: Oversight of the FCC"

March 31, 2022

Welcome to today's hearing to provide oversight of the Federal Communications Commission. I'm glad to have Chairwoman Rosenworcel and Commissioners Starks, Carr, and Simington with us today. It is great to have you all here especially, now that the President finally took my advice and designated Ms. Rosenworcel as permanent Chairwoman of the commission.

It's an incredible deserved honor and I think the bipartisan work of the commission during this period is a testament to that. I hope soon the Senate will confirm Ms. Gigi Sohn to bring the Commission to full strength. Ms. Sohn's knowledge of communications policy and dedication to consumer protection are exemplary and the FCC and the American public will be well-served with her confirmation. I also want to commend all four of you and your outstanding bipartisan work to deliver for the American people as you await your fifth colleague.

The FCC has a broad mission regulating communications by wire, radio, satellite, and cable, with a mandate to promote competition, investment, diversity, and security in our nation's communications networks. It is also the congressionally designated body to regulate commercial spectrum and make spectrum assignments.

The FCC should be applauded for tackling such a wide array of duties with the limited budget and staff it is afforded. Broadband is an essential, necessary service for Americans for their jobs, for schooling, for healthcare, and for civic participation in our country.

With this in mind, Congress has made historic investments through the CARES Act, the 2020 Omnibus, the American Rescue Plan, and the Infrastructure Investment and Jobs Act to connect our schools, students, low-income households, tribal communities, and those in need of healthcare services.

This makes the FCC's position as the national regulatory authority on broadband more important than ever. Under the bipartisan work of this FCC, enormous strides have been made in adoption of the Affordable Connectivity Program, nearing 11 million households signing up.

The Emergency Connectivity Fund has already put over \$5 billion dollars towards connectivity for our nation's schools, libraries, and students.

I commend the Commission for getting this money out as quickly and efficiently. And now that the FCC has successfully overcome a bid protest, the commission can finally move forward with more of its broadband mapping activities, which will be crucial for the NTIA to disburse the \$42 billion dollars for broadband access in its "bead" program.

March 31, 2022

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The FCC should use all of its tools to reestablish its consumer protection authorities over broadband, including by prohibiting unfair and unjust practices and continuing to fight against robocalls and robotexts; it should promote competition in the broadband marketplace so consumers can benefit from choice and the expanded services and lower costs that competition brings; it should pursue universal service by ensuring that all consumers have access to reliable, affordable broadband and to prohibit practices that hinder broadband deployment; and it should continue its support of public safety and commitment to our first responders and law enforcement officials, and secure our networks from untrustworthy equipment.

Finally, I applaud your recent work with the NTIA on the Spectrum Coordination Initiative. Congress designated the FCC as the overseer of commercial spectrum and tasked it with determining the highest and most efficient use of spectrum. It has a long history of basing its decisions on the science and engineering facts brought before it, and we need to bolster its spectrum management processes that have made the United States the global leader in technology.

To that end, I hope we can revisit the lower 3 gigahertz band in a way to both protect the incumbent users AND maximize commercial use, as envisioned by the Spectrum Innovation Act. And Congress should reauthorize the FCC's authority to conduct auctions, particularly in light of the upcoming "two dot five" (2.5) gigahertz auction that is so important to 5G and rural wireless connectivity.

This Committee has entrusted the Commission with a great deal of responsibility and will take all of us working together to successfully connect all of our communities, protect our constituents, and ensure the continued leadership of the United States. Thank you again to the Commissioners for coming before us today.

I look forward to hearing their testimony. And now I recognize my friend, Ranking Member Latta.

Mr. DOYLE. And now it gives me great pleasure to recognize my good friend, Ranking Member Latta.

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

Mr. LATTA. Well, thank you, Mr. Chairman, and I really appreciate this hearing today. And also, thanks to our Commissioners for being with us today.

And, you know, this is the first FCC oversight hearing held by the Communications and Technology Subcommittee this Congress. And again, I want to congratulate you, Madam Chair, for your confirmation; Commissioner Simington, for your first visit here with us; and also, I want to thank Commissioner Carr for coming out to the district again to see what is happening, especially during COVID. So I really appreciate it.

Well, it has been a year-and-a-half since the Commission last testified before us. Much has happened in the communications industry, and we have many important topics to cover today. Since the onset of the COVID-19 pandemic, Congress appropriated billions of dollars to the FCC to establish programs to connect low-income Americans to the Internet for distance learning and telehealth. We also appropriated tens of billions of dollars across the Federal agencies to expand broadband infrastructure across the United States.

While these programs were necessary at the time to help Americans stay connected through the pandemic, it is encouraging that broadband prices in the United States continue to become more affordable, thanks to the private sector offerings. Recent government and industry data confirm that, when adjusted for inflation, the cost of broadband is decreasing while speeds are increasing. In fact, the \$30 per month subsidy that will be available to Americans through the Affordable Connectivity Program is higher than the cost of plans being offered by certain broadband providers. That doesn't quite seem to add up.

What is clear is why adoption continues to be a problem. If cost is the primary driver of non-adoption, then, theoretically, every American who has broadband services offered in their community should have broadband. But that is not the case. And we need to seriously consider what role, if any, the government should play in encouraging adoption, given the numerous private sector programs that are now in place.

We need to continue to focus on deploying broadband where it doesn't exist. As agencies implement programs authorized in the Infrastructure Investment and Jobs Act, it is imperative that we do not pick winners and losers. And let me say it again: We cannot pick winners and losers. And existing programs like the Rural Digital Opportunity Fund are not undermined. With the investment landscape changing, it is essential for Federal agencies to rely on the FCC's forthcoming broadband maps to avoid overbuilding on federally subsidized duplicate projects.

Given the incredible volume of work the FCC has completed in establishing new programs in a short period of time, it is critical that the FCC is transparent, responsible to this committee in a timely manner. The amount of money that is appropriated is ripe for waste, fraud, and abuse. Our diligent oversight is absolutely es-

sential to ensure that that does not happen. We have already seen the FCC's Office of Inspector General publicly raise instances of fraud, risk in the emergency broadband benefit program. As the Affordable Connectivity Program and other programs are implemented, we will be following this work quite closely.

I appreciate this Commission has continued the work of the previous Administration by increasing transparency, and has already accomplished bipartisan work. I hope to see this bipartisanship continue if and when the Commission gets its fifth Commissioner.

Apart from COVID response, the FCC has many important missions, from expanding rural broadband through the Universal Service Fund, and leading broadband mapping efforts to managing non-Federal spectrum, and combating unlawful robocalls. In addition to these ongoing responsibilities, the FCC has several immediate issues that it needs to address.

First, Congress enacted the Secure and Trusted Communication Networks Act in 2020 to prevent USF funds from being used for purchase of hardware or services for communication networks that pose an unacceptable risk to national security. It also established a reimbursement program to assist small providers with removal and replacement of this vulnerable equipment. Unfortunately, the demand for this—for these reimbursements significantly outstripped the initial estimates. And the FCC should keep Congress apprised of any shortfall that remains once the applications are reviewed, as well as how these funds are intended to be spent.

Second, Congress enacted the TRACED Act in 2019 to combat the scourge of illegal robocalls. Congress, the FCC, and private industry have made this a top priority, and several advances have been made, both in the government's response and in action by voice providers to stop calls before they even get to your phone. Despite this progress, more must be done to ensure that illegal robocalls don't slip through the cracks, and that they are blocked so that legitimate calls are able to get to the Americans who need them. As Congress looks to build on the tools that the TRACED Act provided, I encourage the FCC to work with my colleagues and me to ensure that the proper tools are available to both regulators and private industry.

I look forward to discussing these important issues before the Commission, and I want to thank the Commissioners and the chairman for this hearing today. Thanks for being with us.

[The prepared statement of Mr. Latta follows:]

PREPARED STATEMENT OF HON. ROBERT E. LATTA

**Opening Statement of Republican Leader Bob Latta
Subcommittee on Communications and Technology
“Connecting America: Oversight of the FCC.”**

March 31, 2022

(As Prepared for Delivery)

Good morning, and welcome to the first FCC oversight hearing held by the Communications and Technology Subcommittee this Congress. Congratulations Chairwoman Rosenworcel on your confirmation, and to Commissioner Simington on your first appearance before our Committee. While it has been a year and half since the Commission last testified before us, much has happened in the communications industry, and we have many important topics to cover today.

Since the onset of the COVID-19 pandemic, Congress appropriated billions of dollars to the FCC to establish programs to connect low-income Americans to the Internet for distance learning and telehealth. We also appropriated tens of billions of dollars across several Federal agencies to expand broadband infrastructure across the United States.

While these programs were necessary at the time to help Americans stay connected through the pandemic, it is encouraging that broadband prices in the United States continue to become more affordable thanks to private sector offerings. Recent government and industry data confirm that, when adjusted for inflation, the cost of broadband is decreasing while speeds are increasing. In fact, the \$30 per month subsidy that will be available to Americans through the Affordable Connectivity Program is higher than the cost of plans being offered by certain broadband providers.

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What is less clear is why adoption continues to be a problem. If cost is the primary driver of non-adoption, then theoretically, every American who has broadband services offered in their community should have broadband. But that is not the case, and we need to seriously consider what role, if any, the government should play in encouraging adoption given the numerous private sector programs in place.

We need to continue to focus on deploying broadband where it doesn't exist. As agencies implement programs authorized in the Infrastructure Investment and Jobs Act, it is imperative that we do not pick winners and losers and existing programs like the Rural Digital Opportunity Fund are not undermined. With the investment landscape changing, it is essential for Federal agencies to rely on the FCC's forthcoming broadband maps to avoid overbuilding or federally subsidizing duplicative projects.

Given the incredible volume of work the FCC has completed in establishing new programs in a short period of time, it is critical that the FCC is transparent and responsive to this committee in a timely manner. The amount of money appropriated is ripe for waste, fraud, and abuse. Our diligent oversight is absolutely essential to ensure that does not happen. We have already seen the FCC's Office of Inspector General publicly raise instances of fraud risk in the Emergency Broadband Benefit program. As the Affordable Connectivity Program and other programs are implemented, we will be following this work closely.

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As Congress looks to build on the tools that the TRACED Act provided, I encourage the FCC to work with my colleagues and me to ensure that the proper tools are available to both regulators and private industry.

I look forward to discussing the important issues before the Commission and thank you to the Commissioners for being here today.

Mr. DOYLE. The gentleman yields back. The Chair 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 Doyle. This is the first oversight hearing of the SEC since Chairwoman Rosenworcel has taken the agency's helm. And while it was my hope to have a full five-member Commission with us today, we are glad to have the four of you here.

And I want to begin by congratulating the chairwoman on becoming chair of the FCC, the first woman to be named to the position on a permanent basis, and it is much deserved. And the work the Commission has accomplished under your leadership has not gone unnoticed.

As the chief regulator of our communications networks, it is more important than ever that the FCC prioritize protecting consumers. Over the past two years, since the beginning of the COVID-19 pandemic, broadband and connectivity has proven essential to everyone's lives. And that is not going to change. Whether it is telework, telehealth, commerce, or video calls with friends and family, high-speed, reliable broadband service is fundamental, not just to our daily connections, but also economic opportunity and American global leadership.

Unfortunately, the pandemic has also highlighted the massive disparities faced by individuals and families without reliable home Internet access. It is an issue that we on this committee, both Democrats and Republicans, have talked about for a long time. And that is why I am proud that we stood together to enact the Emergency Broadband Benefit Program, which is now a long-term program known as the Affordable Connectivity Program. And this new long-term program was created thanks to passage of the bipartisan infrastructure law. As of today, the Affordable Connectivity Program is helping more than ten million households afford monthly internet service. And working together, I believe we can push that number even higher.

I am also proud that last year we invested in the educational opportunities of students by enacting the Emergency Connectivity Fund as part of the American Rescue Plan. In today's classroom, a home internet connection is just as essential as a textbook or a pencil, and we should no longer accept that millions of students must sit in a parking lot to access this fundamental educational tool.

If I could talk about my home State of New Jersey, over \$122 million in funding has distributed—has been distributed to schools and libraries to ensure that students can connect to the internet at home, allowing them to take advantage of online learning and do their homework. And these funds are critical to helping fulfill the promise of—our nation's students have a quality education that can open the door to opportunity and success.

And I have to say, Chairwoman, I think we put out, I don't know, you know, out of the district office in New Jersey, I think we put

out, like, 10 or 12, you know, press things, or social media every time a new school, a new library, or whatever gets awarded, because people are just so into it, and you know, they—it is so important to them.

Now, these broadband affordability programs have been implemented by the FCC on a bipartisan basis, as have other actions over the past year, actions that put the consumer first.

The FCC is increasing pricing transparency by requiring the so-called broadband nutrition label to allow consumers to quickly and easily compare service plans.

It also recently adopted rules to help the millions of Americans who live in apartments and condominium buildings by promoting broadband provider competition in those buildings, and opened an examination into how the outrageous practice of digital discrimination could be prevented. And these are all actions that will help consumers.

The FCC's work on behalf of the public also includes its vigilance in securing our communications networks under the Secure and Trusted Communications Networks Act and the Secure Equipment Act.

And we also charged the Commission with implementing the Broadband Data Act, which will be critical to ensuring we have accurate maps when it comes to distributing the more than \$40 billion that Congress appropriated for broadband in the bipartisan infrastructure law.

So, again, I want to congratulate the entire Commission for your recent victory in the bid protest case that the GAO—that put a hold on some progress with respect to these maps. And I also want to note the agency's good work increasing coordination and collaboration with the NTIA to ensure the Federal Government is competently managing our spectrum, and speaking with one voice on these important issues.

So the FCC has accomplished so much. I mean, I just—I know there has been a lot, but when I listed it today I was just even more impressed.

And of course, there is more to be done, and we do need the fifth Commissioner. So I hope that seat is filled quickly, and it is past time that FCC assume its place as the agency with expertise to oversee broadband service providers, and with the authority to adopt rules to protect consumers.

So that is what you are doing, and I just want to commend you again, and thank the four Commissioners for being here today.

[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 the FCC”

March 31, 2022

This is the first oversight hearing of the Federal Communications Commission (FCC) since Chairwoman Rosenworcel has taken the agency’s helm, and while it was my hope to have a full, five-member Commission with us today, we are glad to have the four of you here.

I want to begin by congratulating Chairwoman Rosenworcel again on becoming Chair of the FCC, the first woman to be named to the position on a permanent basis. It is much deserved, and the work the Commission has accomplished under your leadership has not gone unnoticed.

As the chief regulator of our communications networks, it is more important than ever that the FCC prioritize protecting consumers. Over the past two years, since the beginning of the COVID-19 pandemic, broadband and connectivity has proven essential to everyone’s lives, and that isn’t going to change. Whether it is telework, telehealth, commerce, or video calls with friends and family—high-speed, reliable broadband service is fundamental not just to our daily connections, but also economic opportunity and American global leadership.

Unfortunately, the pandemic also has highlighted the massive disparities faced by individuals and families without reliable home internet access. It is an issue that we on this Committee—Democrats and Republicans—have talked about for years. And that is why I am proud that we stood together to enact the Emergency Broadband Benefit program, which is now a long-term program known as the Affordable Connectivity Program. This new long-term program was created thanks to passage of the Bipartisan Infrastructure Law. As of today, the Affordable Connectivity Program is helping more than ten million households afford monthly internet service. Working together, I believe we can push that number even higher.

I am also proud that last year we invested in the educational opportunities of students by enacting the Emergency Connectivity Fund as part of the American Rescue Plan. In today’s classroom, a home internet connection is just as essential as a textbook or a pencil, and we should no longer accept that millions of students must sit in a parking lot to access this fundamental educational tool.

In my home state of New Jersey, over \$122 million in funding has been distributed to schools and libraries to ensure that students can connect to the internet at home – allowing them to take advantage of online learning and do their homework. These funds are critical to helping fulfill the promise to our nation’s students of a quality education that can open the door to opportunity and success.

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Notably, these broadband affordability programs have been implemented by the FCC on a bipartisan basis, as have other actions over the past year—actions that put the consumer first. The FCC is increasing pricing transparency by requiring the so-called broadband nutrition label to allow consumers to quickly and easily compare service plans.

It also recently adopted rules to help the millions of Americans who live in apartments and condominium buildings by promoting broadband provider competition in those buildings and opened an examination into how the outrageous practice of digital discrimination can be prevented. These are all actions that will help consumers.

The FCC's work on behalf of the public also includes its vigilance in securing our communications networks under the Secure and Trusted Communications Networks Act and the Secure Equipment Act.

We also charged the Commission with implementing the Broadband Data Act, which will be critical to ensuring we have accurate maps when it comes to distributing the more than \$40 billion Congress appropriated for broadband in the Bipartisan Infrastructure Law. I want to congratulate the entire Commission for your recent victory in the bid protest case at the Government Accountability Office that put a hold on some progress with respect to those maps.

Of course, I also want to note the agency's good work increasing coordination and collaboration with the National Telecommunications and Information Administration, to ensure the federal government is competently managing our spectrum and speaking with one voice on these important issues.

The FCC has accomplished a lot over the last year, but there is so much more it needs to do — especially when the agency finally has a fifth commissioner. I hope that seat is filled quickly, so the agency can reverse some of the harmful actions from the last administration. Notably, it is past time that the FCC assume its place as the agency with expertise to oversee broadband service providers and with authority to adopt rules to protect consumers who rely on broadband service now more than ever.

I again thank all four commissioners for joining us today.

Mr. PALLONE. I yield back, Mr. Chairman.

Mr. DOYLE. The gentleman yields back. The Chair recognizes Mrs. Rodgers, the 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. Thank you, Mr. Chairman. Welcome, everyone.

I too want to congratulate the new Chairwoman Rosenworcel for your appointment and chairmanship, and to Mr. Simington on your first appearance as FCC Commissioner before the Energy and Commerce Committee.

The COVID-19 pandemic put an unprecedented demand on our communications network. Overnight, Americans' lives translined—transitioned online for work, school, and to stay connected to family and friends. Thanks to the great work and private investment of U.S. communication providers, our networks withstood this stress test.

Since 2017, broadband providers invested more than \$300 billion into upgrading and expanding our networks. Since 2015, broadband speeds for the most popular service tier have more than doubled. And according to the most recent FCC data, the digital divide closed by 14 percent between the end of 2016 and the end of 2019. At the same time, the price of service decreased. Companies continue to offer discounted plans for low-income Americans at speeds fast enough to support streaming and working from home. And when the cost of virtually everything is skyrocketing because of inflation, the inflation-adjusted cost of broadband service has decreased by 34 percent since 2015.

On top of this private sector response, Congress acted to help connect Americans. Congress provided the FCC \$450 million to expand networks and provide devices to enable telehealth services, and established the \$3.2 billion emergency broadband benefit to keep low-income Americans struggling due to the pandemic connected.

The infrastructure bill then extended the duration of this program, known as the Affordable Connectivity Program, and provided the FCC with an additional \$14.2 billion to subsidize broadband service.

Combined with the reduced offerings by the private sector, broadband service is free for many low-income Americans. At a time when people have lost their jobs and were stuck at home, these bipartisan programs provided necessary relief to make sure they could stay connected during the pandemic. Now we must make sure these funds are not subject to waste, fraud, and abuse, and get Americans back to work and off of these temporary COVID-era government subsidy programs.

The success of our broadband performance, deployment, and affordability is largely due to the actions taken by the Trump Administration and Republican FCC to roll back regulations. In 2017, then-FCC Chairman Pai rescinded the strict net neutrality regulations that were enacted during the Obama administration, which promoted investment in our broadband networks. It allowed our

networks in the United States to withstand the COVID-19 stress test, while our allies in Europe struggled to keep up, due to their burdensome net neutrality regulations, which some Democrats continue to advocate for here.

Rather than expanding government command and control into the broadband marketplace, let's learn from this pandemic, and continue on the path of deregulation. We should not ignore the success that private sector innovation yielded, and revert to heavy handed regulations.

We have the opportunity to work together on ways to promote innovation and U.S. leadership in technology. I am excited to be working with Chairman Pallone on my legislative discussion draft, the Satellite and Telecommunications Streamlining Act. It updates and streamlines the FCC's satellite licensing rules to encourage satellite investment in the United States.

Satellite technology is a viable solution to providing connectivity in hard-to-reach areas with speeds Americans need. Let's encourage this and more innovation, and make sure our policies and regulations keep pace.

The FCC is at the forefront of making sure all Americans are connected. Congress tasked the FCC with updating its broadband maps to accurately reflect where broadband exists in the United States and where it does not. Without these maps, and without removing regulatory and other barriers to deployment, the \$45 billion that Congress appropriated for the broadband deployment may be wasted. We cannot let that happen.

It is crucial that the FCC complete the maps as soon as possible, and share the data with agencies that were awarded broadband funds. We need to make sure that the money gets to where it is needed. We need to make sure recipients can deploy quickly and efficiently. All agencies awarded broadband funding should use these maps to get it right.

I look forward to today's discussion on these important topics, and look forward to working together with the members of this committee.

[The prepared statement of Mrs. Rodgers follows:]

PREPARED STATEMENT OF HON. CATHY McMORRIS RODGERS

Opening Statement of Republican Leader Cathy McMorris Rodgers
Subcommittee on Communications and Technology
“Connecting America: Oversight of the FCC.”
March 31, 2022
(As Prepared for Delivery)

Good morning. Thank you, Mr. Chairman.

I’d like to congratulate you, Chairwoman Rosenworcel, on your confirmation to lead the Federal Communications Commission. And you, Commissioner Simington, on your first appearance as FCC Commissioner before the Energy and Commerce Committee.

COVID-19

The COVID-19 pandemic put an unprecedented demand on our communications networks. Overnight, Americans’ lives transitioned online for work, school, and to stay connected to family and friends.

Thanks to the great work and private investment of U.S. communications providers, our networks withstood this stress test. Since 2017, broadband providers invested more than \$300 billion into expanding and upgrading our networks.

Since 2015, broadband speeds for the most popular service tier have more than doubled, and according to the

most recent FCC data, the digital divide closed by 14 percent between the end of 2016 and the end of 2019.

At the same time, the price of service decreased. Companies continue to offer discounted plans for low-income Americans at speeds fast enough to support streaming and working from home.

And when the cost of virtually everything is skyrocketing because of inflation, the inflation-adjusted cost of broadband service has decreased by 34 percent since 2015.

American Rescue Plan/IIJA Programs

On top of this private-sector response, Congress acted to help connect Americans. Congress provided the FCC 450 million dollars to expand networks and provide devices to enable telehealth services and established the 3.2 billion dollar Emergency Broadband Benefit to keep low-income Americans struggling due to the pandemic connected.

The infrastructure bill then extended the duration of this program, known as the Affordable Connectivity Program, and provided the FCC with an additional 14.2 billion dollars to subsidize broadband service.

Combined with the reduced offerings by the private sector, broadband service is free for many low-income Americans.

At a time when many people lost their jobs and were stuck at home, these bipartisan programs provided necessary relief to make sure they could stay connected during the pandemic.

Now, we must make sure that these funds are not subject to waste, fraud, and abuse and get Americans back to work and off of these temporary, COVID-era government subsidy programs.

Remove Red Tape

The success of our broadband performance, deployment, and affordability is largely due to the actions taken by the Trump Administration and Republican FCC to roll back regulations.

In 2017, then-FCC Chairman Pai rescinded the strict net neutrality regulations that were enacted during the Obama Administration, which promoted investment in our broadband networks.

It allowed our networks in the United States to withstand the COVID-19 stress test while our allies in Europe

struggled to keep up due to their burdensome net neutrality regulations which the Democrats continue to advocate for here.

Rather than expanding government command and control into the broadband marketplace, let's learn from this pandemic and continue on the path of deregulation.

We should not ignore the success that private sector innovation yielded and revert to heavy handed regulations.

Innovation

We have the opportunity to work together on ways to promote innovation and U.S. leadership in technology. I am excited to be working with Chairman Pallone on my legislative discussion draft, the Satellite and Telecommunications Streamlining Act.

It updates and streamlines the FCC's satellite licensing rules to encourage satellite investment in the United States. Satellite technology is a viable solution to providing connectivity in hard-to-reach areas with speeds Americans need.

Let's encourage this and more innovation, and make sure our policies and regulations keep pace.

Broadband Mapping/Interagency Coordination

The FCC is at the forefront of making sure all Americans are connected. Congress tasked the FCC with updating its broadband maps to accurately reflect where broadband exists in the United States and where it does not.

Without these maps, and without removing regulatory and other barriers to deployment, the 45 billion dollars that Congress appropriated for broadband deployment can be wasted.

We cannot let that happen. It is crucial that the FCC complete the maps as soon as possible and share that data with the agencies that were awarded broadband funds

We need to make sure that money gets where it needs to go and we need to make sure recipients can deploy quickly and efficiently once they get it.

All agencies awarding broadband funding should use these maps, so we get this right. 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, thank you.

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

So I would now like to introduce our witnesses for today's hearing.

First we have Hon. Jessica Rosenworcel, chairwoman of the Federal Communications Commission, joined by Commissioner Brendan Carr—welcome—and Commissioner Simington. And joining us virtually is the Commissioner Geoffrey Starks.

At this time the Chair will recognize each witness for 5 minutes to provide their opening statement.

Before we begin, I would like to explain the lighting system, since it has been a while since we have all been here together. There is a series of lights. It will initially be green. The light will turn yellow when you have a minute remaining. After that we ask you to start to wrap up your testimony. The light will turn red when your time expires. And if you continue speaking, there are trap doors under your seats that will take you down to the Rayburn subway, and whisk you out of here.

So I would ask my colleagues also on the panel here to try to observe the 5-minute rule, also.

So we have witnesses appearing virtually. So I need to ask my colleagues in the hearing room to mute themselves whenever they are not directly speaking during their question-and-answer portion so we can clearly hear all the witnesses' response.

So, we will start with our chairwoman. You are now recognized for 5 minutes.

STATEMENT OF HON. JESSICA ROSENWORCEL, CHAIRWOMAN, FEDERAL COMMUNICATIONS COMMISSION; HON. BRENDAN CARR, COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION; HON. GEOFFREY STARKS, COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION; AND HON. NATHAN SIMINGTON, COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION

STATEMENT OF JESSICA ROSENWORCEL

Ms. ROSENWORCEL. Good morning, Chairman Pallone, Ranking Member Rodgers, Chairman Doyle, Ranking Member Latta, and members of the subcommittee. Thank you for the opportunity to appear before you today. And it is a treat to be here in person.

While I have been at this table many times, this is my first time as chairwoman of the FCC, and it is an honor to serve in this role at a time when the connections that unite us all, physical and digital, have never been more important.

I believe that there are four essential values in communications: universal access, public safety, competition, and consumer protection. Today I want to tell you what we have done to advance these principles at the FCC.

First, universal access. The pandemic has proven with total clarity that broadband is no longer just nice to have. It is need to have for everyone everywhere. In response to this crisis, and with the

help of Congress, the FCC did something historic. We set up the Nation's largest-ever broadband affordability program. What is now known as the Affordable Connectivity Program is helping 11 million households get online and stay online.

We also made history addressing a problem I call the homework gap, the especially cruel digital divide between students who have access to the internet at home and those who do not. You know who these children are, because you see them lingering in the library parking lot to catch the free Wi-Fi signal, and you see them sliding into the booths of fast food restaurants to do their homework with a side of fries. During the pandemic the homework gap became an educational chasm. But with the help of Congress, we set up the Emergency Connectivity Fund to get these kids services and devices. And so far it has helped more than 12 million students.

In addition, with help from Congress, we have supported universal access to telehealth technologies, expanding remote diagnosing and monitoring of patients in every State across the country.

Second, public safety. In the aftermath of Hurricane Ida, we proposed new rules for network resiliency. We recommitted to spectrum for public safety in the 4.9 gigahertz band. And I have also proposed, with the support of first responders, that when Congress re-authorizes the agency spectrum auction authority, it commit the funds raised from our public airwaves to public safety, with a nationwide upgrade to next generation 911.

We also have made strides when it comes to national security. We kicked off the Nation's first inquiry into Open RAN systems. We launched a first-of-its-kind program to remove insecure equipment from two Chinese vendors from our domestic networks. We revoked the authorizations of four companies because our national security agencies determined that they could be subject to exploitation, influence, and control by a foreign government.

We rechartered the Communications Security, Reliability, and Interoperability Council, and gave it a 5G focus. And for the first time, this group is being co-chaired by the Cybersecurity and Infrastructure Security Agency. And last week we updated our covered list of communications equipment and services that pose an unacceptable risk to national security and may not be used in our universal service programs. And for the first time, we included a Russian software company.

Third, competition. To advance competition in our wireless economy we have moved aggressively to free up spectrum for new 5G services. Earlier this year we concluded a successful auction of 100 prime mid-band span—mid-band spectrum in the 3.45 gigahertz band. And just last week I announced we are going to hold another mid-band auction in the 2.5 gigahertz band. We also identified spectrum for the first time to support increased competition for commercial space launch in order to support innovation in our new space age.

But I recognize that we are not going to be able to do all this wireless work alone. We need a whole-of-government approach. That is why, last month, the FCC and NTIA announced a new and, frankly, much needed spectrum coordination initiative.

Fourth, consumer protection. We are creating a broadband nutrition label that is going to make it easy for consumers to compare and purchase services for themselves and their families. We have updated our rules to support broadband competition for the one-third of us that live in multi-tenant units like apartment buildings. And we are putting an end to exclusive sweetheart deals that are sometimes cut by landlords that deny consumers their choice of broadband provider.

Finally, we have prioritized fundamental issues of communications equity, and started an agency-wide proceeding to address digital discrimination, aided by our Communications Equity and Diversity Council.

So over the course of the year, we have made real progress. The four of us have turned down the volume and ramped up the work. Still, I know there is a lot left to do and a full Commission of five is an important part of achieving those results.

So thank you for the opportunity to appear before you today. I look forward to any questions that you might have.

[The prepared statement of Ms. Rosenworcel follows:]

**STATEMENT OF
JESSICA ROSENWORCEL
CHAIRWOMAN
FEDERAL COMMUNICATIONS COMMISSION
BEFORE THE
SUBCOMMITTEE ON COMMUNICATIONS & TECHNOLOGY
COMMITTEE ON ENERGY AND COMMERCE
UNITED STATES HOUSE OF REPRESENTATIVES
MARCH 31, 2022**

Good morning Chairman Pallone, Ranking Member McMorris Rodgers, Chairman Doyle, Ranking Member Latta and Members of the Subcommittee. Thank you for the opportunity to appear before you today. It is good to see you—in person.

While I have been before you many times, this is the first time as Chairwoman of the Federal Communications Commission. It is an honor to serve in this role at a time when the connections that unite us have never been more important. The pandemic has proven with clarity what this Committee and the Commission have long known to be true: Broadband access is essential for full participation in modern life. When we masked up and hunkered down, we relied on communications to stay working, stay healthy, stay informed, stay in school, stay in touch, and stay entertained. But as we leave this period, we need to acknowledge that the connected world we've relied on is not going away. High-speed internet access is no longer just nice-to-have. It is need-to-have for everyone, everywhere. For this reason, the Commission has been hard at work—using tools both new and old—to connect people to the broadband they now need for everyday life.

During the last year the agency mounted an extraordinary response to this crisis. With the help of Congress, we've established three historic efforts to bring reliable, affordable, high-speed internet to more people in more places.

First, in record time we launched the nation's largest-ever broadband affordability program. Last year we began by putting in place the Emergency Broadband Benefit. It provided eligible households monthly discounts to help pay for internet service and a one-time discount for a computer or tablet. That meant these families could keep up with work, apply for jobs, seek out healthcare, and get the information they need in the communities where they live. Then, earlier this year, the Infrastructure Investment and Jobs Act gave the agency the authority to extend this effort and renamed it the Affordable Connectivity Program. Working on a tight timeframe, the agency set up this \$14.2 billion effort to extend the monthly discount available for a longer time and put in place new statutory criteria to reach more households. As a result, we now have more than 11 million households nationwide participating in the program. We're also at work identifying how to expand outreach with a rulemaking that is ongoing. And led by Commissioner Starks, we are working to develop an initiative to reach those in federal housing assistance communities and get even more households connected.

Second, in the past I've sat before you and described a problem I call the Homework Gap, the especially cruel digital divide between students who have access to the internet at home for their nightly schoolwork, and those who do not. You know who these children are because you see them lingering in the library parking lot to catch the free Wi-Fi signal for schoolwork and sliding into the booths at fast food restaurants to write their papers with a side of fries. During the pandemic the Homework Gap became an educational chasm. Students without broadband at home were locked out of the virtual classroom. But again, with your help the Commission was able to get kids connected and make a meaningful dent in the Homework Gap. The American Rescue Plan Act provided the agency with the authority to set up the Emergency Connectivity Fund. This is a \$7.17 billion program that supports schools and libraries nationwide, helping them get the internet service and devices they need to get online and fully participate in remote education. To date, the Commission has been able to use this program to support more than 12 million students.

Third, the Commission recently wrapped up awards for its historic COVID-19 Telehealth program. With funding from both the CARES Act and Consolidated Appropriations Act, the agency awarded just under \$450 million in support for telemedicine efforts during the pandemic. During the last round of funding, the agency made it a priority to ensure that these funds reached every state and territory in the country. They have been used to provide equipment and services that hospitals use to remotely diagnose and evaluate patients as well as enhance the telehealth services they provide on-site. In addition, the agency has committed over \$98 million to support expanded healthcare monitoring programs using new technologies through its Connected Care Pilot Program, an initiative promoted by Commissioner Brendan Carr. With these efforts, the Commission has expanded access to quality care using connections that help make it available where it is safe and convenient.

These programs are expanding connections and improving lives for households across the country. But we are also using this moment to build a foundation for growth and opportunity in a post-pandemic world. This effort includes our recent work to expand the wireless economy in order to create jobs, promote competition, and advance both prosperity and equity. To this end, we've moved aggressively to free up wireless spectrum for new 5G services. Earlier this year we concluded a successful auction of 100 megahertz of prime-mid-band spectrum in the 3.45 GHz band. Just last week, I announced that we will hold another mid-band auction, featuring the 2.5 GHz band, starting in July, following our special effort to award more than 355 licenses in this band for broadband deployment on rural Tribal lands. We also identified spectrum for the first time to support increased competition among commercial space launch providers and launch sites, which will help promote the space industry overall. This is a key part of our ongoing effort to modernize spectrum policy to meet the needs of the next-generation Space Age. We're also making sure our first responders reap the benefits of new wireless capabilities by updating our approach to the 4.9 GHz band. To make sure public safety has the updated emergency communications systems they need, I have put forward a plan that recommends when Congress authorizes an extension of the Commission's wireless auction authority it simultaneously commits to having those auction revenues support the much-needed nationwide upgrade to next generation 911. And with wireless we're also doing something new—next month we will kick off a proceeding to explore the role receivers have in spectrum efficiency and use. On this last effort, I want to thank Commissioner Simington for his support and interest in this area.

However, I recognize that the Commission cannot do all this wireless work alone. Now more than ever, we need a whole-of-government approach to our spectrum policy—one that promotes safety and security but is open to commercial innovation and opportunity. That’s why, last month, Assistant Secretary Alan Davidson and I announced a new Spectrum Coordination Initiative. Going forward, the Commission will work together with the National Telecommunications and Information Administration to strengthen the processes for decision making and information sharing on spectrum issues. That way, we can revitalize the interagency process so that it once again is able to produce results for consumers and for the economy. I’m happy to announce that the agencies have already started work to reinstate high-level meetings, update the Memorandum of Understanding between the agencies, consult on a national spectrum strategy, compile science and engineering best practices, and revamp technical collaboration.

During the past year, under my leadership the Commission also has made it a priority to increase trust and security in our communications networks. We kicked off the nation’s first inquiry into Open RAN systems, to foster a market for more diverse and secure communications equipment. We launched a first-of-its kind program to remove insecure equipment from two Chinese vendors to the extent it is present in our domestic network today. We proposed rules to update our equipment authorization practices to better align them with national security policies. We took a closer look at the foreign ownership of telecommunications companies providing service in the United States and revoked the authorizations of four companies because our national security agencies had determined that they could be subject to exploitation, influence, and control by a foreign government. We rechartered the Communications, Security, Reliability, and Interoperability Council with a 5G focus, and for the first time this group is being chaired by the Cybersecurity and Infrastructure Security Agency. And last week, we updated our list of communications equipment and services that pose an unacceptable risk to national security and may not be used in our universal service programs.

In the wake of the Russia-Ukraine conflict, we’ve joined CISA in their Shields Up initiative, required new on-air disclosures for foreign-backed broadcasts, launched an internal assessment of Russian ownership of telecommunications interests in the United States, and started an inquiry into Border Gateway Protocol security to explore internet routing vulnerabilities. Next month, I will convene the first principals-level meeting of the Cybersecurity Forum for Independent and Executive Branch Regulators, to better coordinate the government’s response to evolving cyber threats. I also have traveled and held meetings with my international counterparts to support the United States candidate for the Secretary General of the International Telecommunication Union, Doreen Bogdan Martin, who I believe is the right person to lead this organization at this time.

Last but certainly not least, the Commission is focused on consumers. I’ve often said our programs are built household by household, person by person. And it’s true. When a mom enrolls in the Affordable Connectivity Program and can pay for groceries *and* her internet bill that month, I know we’re on the right track. When a student who couldn’t get online, could now receive service or a computer through the Emergency Connectivity Fund, that means we’re making a difference. And when we bring more transparency to the prices and plans consumers consider when purchasing internet service, that means consumers can make informed choices

about the service they pay for. Our efforts to establish a broadband nutrition label for consumers is one way we are meeting consumers where they are and providing them with tools to help make the best decision about high-speed internet services for themselves and their families. But that's not all we're doing. We also have updated our rules to support broadband competition for households who reside in multi-tenant environments like apartments by putting an end to exclusive deals cut by landlords or building owners that can deny tenants the benefit of broadband choice. To make sure consumers have access to networks when they need them most, we are revisiting our policies for network resiliency, an effort spurred by Hurricane Ida and bolstered by a hearing we held with public safety experts. On top of this, we have modernized our policies to focus on the most vulnerable, updating the new 988 Suicide Prevention Hotline number so that it can take not only calls, but texts. Finally, we have recognized the importance of fundamental issues of communications equity for all consumers and have started an agency-wide proceeding to address digital discrimination, consistent with the Infrastructure Investment and Jobs Act. We are looking forward to making progress in this area, aided by the agency's Task Force to Prevent Digital Discrimination and the Communications Equity and Diversity Council.

I believe the work of the Commission has never been more important and I am proud of the work we have done to strengthen the networks that connect us. In all that we do the agency is aided by an uncommonly talented staff. Over the course of the last year, we have accomplished a lot. Nevertheless, I know much work remains and a full Commission is an important part of helping achieve those results.

Thank you for the opportunity to join you today. I look forward to any questions you may have.

Mr. DOYLE. The chairwoman yields back. Thank you very much. The Chair now recognizes Commissioner Carr for 5 minutes.

STATEMENT OF BRENDAN CARR

Mr. CARR. Thank you, Chairman Doyle, Ranking Member Latta, Chairman Pallone, Republican Leader Rodgers, distinguished members of the subcommittee. Thank you for the chance to testify.

And I want to start by offering my congratulations, as well, to the Chair on her first time to testify as Chair before the committee.

Since we all last testified, my FCC colleagues and I have been busy delivering on priorities that you and Congress have identified. We have promoted competition in the broadband market, including by giving Americans that live in apartments, in public housing more choice for high speed service.

On spectrum we have worked together on a successful auction of mid-band airwaves earlier this year, and have another one set for this summer.

On telehealth, we have extended the lifesaving benefits of this technology by awarding \$550 million to telehealth/telecare providers. We have taken bipartisan action, as well, to close the affordability portion of the digital divide, standing up a record setting \$24 billion in new, low-income initiatives.

And we have come together to advance our national security, as well. Over the last five months alone, we revoked the operating authority of four different carriers that posed threats.

Of course, there is more we can do to extend America's leadership. That is why I included a series of ideas in my testimony on spectrum, infrastructure, and national security that are ripe for action.

Outside the FCC there are some emerging trends that concern me. I will start with the effort by agencies to deviate from the clear statutory process that Congress established for regulating our Nation's airwaves. Congress long ago determined that an independent expert agency, the FCC, makes the final call on these rules. Yet on C-Band, executive branch agencies turned Congress's decision aside, and broke from this tried-and-true process at the last minute. They replaced the FCC's rules with ones dictated behind closed doors.

It is no surprise, then, that this chaotic approach resulted in 5G infrastructure laying fallow, and canceled flights. And it is part of a dysfunctional trend, frankly, among agencies that disagree with the process that Congress established for reaching sound spectrum decisions.

As Chairman Doyle and Ranking Member Latta recently indicated in an op ed, we should all stand up for the statutory process. Otherwise, we are only inviting agencies to engage in additional actions that can derail U.S. 5G leadership.

Turning from spectrum to the executive branch's infrastructure efforts, I am concerned that Federal Government is failing to put appropriate guardrails in place. By my count, we now have over \$800 billion that could be used for broadband efforts, and those funds are spread across a range of different agencies. I see several problems.

First, there is little coordination across agencies.

Second, there is an absence of adequate controls in place. Indeed, one executive branch department told me that they weren't even tracking how much money had gone toward broadband.

Third, many of the policies are poised to leave rural communities behind. And this is because the Administration gave the green light to overbuild existing high-speed networks in communities that already have multiple broadband providers.

Fourth, I am concerned that we are going to see record-setting levels of waste, fraud, and abuse. The FCC's inspector general already issued a troubling report about one of our new programs. And we can't waste resources here, particularly because of the supply chain and workforce shortages that are yet to be solved.

Finally, I want to commend the committee members that are working to hold Big Tech accountable. Leader McMorris Rodgers and her colleagues have a smart set of bills that would end Big Tech's abusive practices, while promoting more speech on the internet.

Reining in Big Tech is key, because we now have a handful of corporations with state-like influence that shape everything from the information we consume to the places we shop. These corporate behemoths are not merely exercising market power; they are abusing dominant positions. They are not simply prevailing in the free market; they are taking advantage of a landscape that has been skewed by the government to favor their business models.

Indeed, it is hard to imagine another industry where a greater gap exists between power and accountability. And that is why Congress needs to act, from 230 reform to transparency to non-discrimination rules, to empowering consumers to make their own decisions about content moderation by letting them choose their own content filters or none at all. These steps will go a long way in bringing long-overdue accountability to Big Tech.

So in closing, I want to thank you for the opportunity to testify, and I look forward to your questions.

[The prepared statement of Mr. Carr follows:]

TESTIMONY OF BRENDAN CARR
COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION
BEFORE THE SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY
OF THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY AND COMMERCE

“CONNECTING AMERICA: OVERSIGHT OF THE FCC”

MARCH 31, 2022

Chairman Doyle, Ranking Member Latta, and distinguished members of the Subcommittee, thank you for the invitation to testify. It is an honor to appear before you today.

The issues that this Subcommittee and the FCC focus on have never been more important. Over the last two years in particular, Americans experienced in an unprecedented way the power and opportunity provided by an affordable, high-speed connection as they turned to the Internet for everything from educating their kids and working remotely to accessing high-quality telehealth services. And this has galvanized support for investing the resources necessary to end the digital divide that still persists in too many parts of the country. So I welcome the opportunity to address these issues, and more, today.

I.

At the FCC, we have been busy delivering on Congress’s priorities. From increasing choice and competition in the broadband market to standing up the largest set of affordability programs in FCC history, from expanding access to vital telehealth services to freeing up additional spectrum for high-speed offerings, my FCC colleagues and I have been working together to advance commonsense policies that are making a difference in the lives of everyday Americans. I want to take a moment to highlight a few of those here.

On the competition front, the FCC has been enacting policies that will give Americans more choice for their broadband dollars. To highlight just one example, my colleagues and I voted to unleash greater competition for families living in apartments, public housing, and other multiple dwelling units—environments that account for nearly one out of every three people in this country. We did so by putting an end to contractual shenanigans that only operated to deny consumers access to competitive providers.

On spectrum, the FCC has also taken action. Last year, for instance, we worked together to stand up and complete a successful auction of 100 MHz of spectrum in the 3.45 GHz band. On this score, I want to commend Chairwoman Rosenworcel in particular for establishing rules that allow providers to operate in this spectrum at 5G power levels, which will prove key to connecting more Americans.

On telehealth, the FCC has been helping to extend the life-saving benefits of this technology, including to low-income Americans and veterans. Indeed, over the last two years, we have voted to award about \$550 million to frontline health care providers through our Connected Care Pilot Program and COVID-19 Telehealth Program. I have been fortunate to see the benefits of these initiatives firsthand. Since 2018, I’ve had the privilege of visiting 48 different health care facilities across 24 states. Almost every provider I’ve visited—from Miami to Anchorage—shared a similar message about the spike we are seeing in telehealth and how the FCC’s initiatives are helping meet this demand.

The FCC has also been busy taking bipartisan actions that address the affordability portion of the digital divide. Indeed, in the last 13 months, the FCC has worked together to stand up an unprecedented

\$24 billion in various low-income programs. In February 2021, we built off of Congress’s bipartisan decision in the Consolidated Appropriations Act to enact a \$3.2 billion Emergency Broadband Benefit Program (EBB). In May 2021, we voted to create a \$7.2 billion Emergency Connectivity Fund (ECF) that was funded by Congress in the March 2021 American Rescue Plan (ARPA). By working together, we improved the FCC’s approach to ECF by making sure that the agency would award funding on a prospective, forward-looking basis first. This decision ensured that ECF funds could be used to connect students that were still stuck on the wrong side of the digital divide. We also took steps to ensure that rural students and homeschooled students would receive a fair shot at receiving ECF funds. Most recently, in January 2022, we voted in a bipartisan manner to establish the \$14.2 billion Affordable Connectivity Program.

The FCC has also come together to further secure our communications networks from entities that threaten our national security. We are doing so on multiple fronts. For one, over the past 5 months, we have revoked the domestic and international Section 214 authority of four carriers—China Telecom Americas, China Unicom Americas, Pacific Networks, and ComNet—based on serious national security concerns. For another, the Commission opened a proceeding last year at my urging to address a loophole that allows entities like Huawei to continue to install equipment into U.S. networks even after they have been determined to pose an unacceptable risk to our national security. Thanks to strong leadership from Representatives Steve Scalise and Anna Eshoo—who spearheaded the work to pass the Secure Equipment Act—the FCC now has additional authorities to close this loophole. I look forward to reaching a final determination on this soon.

* * *

At the same time, there is more the FCC can be doing to extend America’s leadership. That is why I have put forward a series of additional ideas on spectrum, infrastructure, and national security that are ripe for action.

On spectrum, I set out a calendar that would ensure that the FCC stays on track—that is, that we match the pace and cadence of the Commission’s prior work on spectrum. After all, doing so is key to bridging the digital divide, expanding economic opportunity, and driving job growth and investment. In that spectrum calendar, which I offered up in a speech one year ago this month, I identified several actions that I thought we could get done in 2021. For one, we could authorize very low power devices to operate in the 6 GHz band and also allow client-to-client device communications in that band. For another, we could seek comment on increasing the power levels for CBRS operations in the 3.5 GHz band. For still another, we could start a proceeding to look at updating the rules that apply to unlicensed operations in the mid-band swath of spectrum known as U-NII-2C—perhaps even permitting very low power operations there. And in 2022 and beyond, we could then shift to the Lower 3 GHz band and several additional spectrum bands that I identified. I also made the point then that we should begin working with Congress on extending the Commission’s spectrum auction authority.

On the infrastructure front, there is also more the FCC can do. To start, one of the most important steps that the FCC can take is to complete our work on accurate, updated maps. Getting those maps done is going to be key to ensuring that we properly target the billions of dollars in federal funds that are now available for broadband. Next, I have called for the Commission to continue the prior FCC’s work to accelerate Internet builds. For instance, I argued that the FCC should make sure that our cost sharing rules for pole replacements are not inhibiting Internet builds, particularly in unserved areas. I am pleased to report that earlier this month the FCC adopted a notice that seeks comment on doing just that.

To build on a connectivity agenda, I recently called on the FCC to look at streamlining the rules of the road for fiber and other high-speed wired deployments. We previously took steps to ensure that the

fees charged for placing small wireless facilities in rights of way do not effectively prohibit buildout. I believe that we should explore similar action for the deployment of other, wired infrastructure to ensure that the funding being made available by Congress and the FCC goes towards connecting families.

And just this month, I encouraged Congress to take a closer look at the delays and costs imposed by municipal and cooperative utilities when providers seek to attach to poles owned by those entities. There is a strong argument that the FCC does not have authority to address issues specific to those poles under Section 224. However, Congress could revisit the exemption that exists in Section 224 for those entities so that the FCC can ensure deployment by providers is streamlined, regardless of the type of pole they are attaching to.

Members of this Committee have also put forward a series of smart steps that can be taken to streamline and accelerate infrastructure builds. Indeed, I applaud the package of 28 bills in the Boosting Broadband Connectivity Agenda, as well as the recently unveiled bipartisan efforts to modernize the FCC rules governing the processing of applications for low-earth orbit satellites—a set of rules that have not kept up with the pace of change. As Republican Leader Cathy McMorris Rodgers knows from spending time nearly 200 feet in the air with a tower crew in Spokane, infrastructure work is already hard enough and we don't need outdated regulations making it even more difficult.

Apart from further streamlining and accelerating infrastructure builds, the FCC must also ensure that our nation's communications infrastructure continues to function during disasters. Last Congress, I met with Representative Eshoo about the challenges that come with maintaining connectivity during the wildfires that have been plaguing the Golden State and many other parts of the country. Since that time, I have witnessed firsthand the tragedies of several additional recent disasters and the incredible work of our public safety community to protect Americans during those emergencies. Last August, I spent some time on the ground in California with part of the team of nearly 6,000 firefighters working the Dixie Fire—the largest single fire in state history. I also traveled to Louisiana with Chairwoman Rosenworcel last year in the wake of Hurricane Ida to hear directly from community leaders, public safety officials, and communications providers. During both of these visits, my experiences on the ground drove home the need to ensure that families—and the public safety community—stay connected when disaster strikes. That is why I support changes that would improve upon the existing wireless resiliency framework, which has been in place without change since 2016.

On the national security front, there is more work to be done too. As I outlined in a statement earlier this month, the federal government should take action along at least four lines to address the threats posed by Communist China. One, the FCC needs to keep our Covered List up to date—and the FCC took some targeted actions along these lines just last week. Two, the FCC must act quickly to bring our proceeding on the Secure Equipment Act to a vote. Three, the FCC should build on our actions in the Section 214 context by opening a new proceeding to examine whether we should prohibit regulated carriers from directly interconnecting with entities that have been deemed a national security risk, even if those entities are operating in a manner that does not require a Section 214 authorization. I believe this would address a potential end-run that entities may be making to avoid the repercussions of having their Section 214 authorizations revoked. And four, the FCC should publish a list of every entity with an FCC license or authorization that is owned or controlled by Communist China. I would imagine that this is a fairly lengthy list. And this action would help ensure that a range of stakeholders can provide any relevant information or perspectives about national security threats that these entities may pose.

II.

Outside the four walls of the FCC, there are some emerging trends in telecom policy that concern me. These headwinds will only make it more difficult for all of us to deliver on our shared goal of eliminating the digital divide.

I will start with the effort by Executive Branch agencies to deviate from the clear, statutory process that Congress established for regulating our nation's airwaves. Congress long ago determined that an independent, expert agency—the FCC—makes the final call on rules governing wireless spectrum like the C-Band. It placed this authority outside of the Executive Branch for a reason. It did not want these technical decisions to be made in a haphazard manner or based on misinformation and short-term, political interests. The FCC has an unbroken record of making these technical decisions in the public interest exactly as Congress intended—based on sound science and the accumulation of real-world experience. As a result, America has led the world with safe, robust networks.

On C-Band, Executive Branch agencies turned Congress's decision aside and broke from this tried-and-true process at the eleventh hour. They replaced the FCC's rules, which were developed through a public rulemaking process, with ones dictated behind closed doors by politicians inside the Executive Branch. This runs directly contrary to the process Congress established. It is no surprise that this chaotic approach resulted in 5G infrastructure laying fallow and cancelled flights.

This is not to say that the Department of Transportation's conduct broke new ground. It is part of a dysfunctional trend among certain Executive Branch agencies that disagree with the process that Congress established for reaching sound decisions about spectrum policy and for adjudicating concerns about harmful interference. We have seen similar conduct when it comes to FCC decisions in the L Band, 5.9 GHz, 24 GHz, and other spectrum bands.

This trend presents a threat to America's 5G leadership that extends beyond the C-Band sites that are sitting dark today. Indeed, Chairman Doyle and Ranking Member Latta penned an op-ed earlier this month that made similar points. So I think it falls to all of us at the Commission and in Congress to stand up for the statutory process and for the FCC's sound decision-making. Otherwise, we are only inviting Executive Branch agencies to engage in additional actions that will undermine America's 5G leadership.

Turning from spectrum to the billions of broadband infrastructure dollars that Congress has appropriated over the past two years, I am very concerned that the federal government is failing to put appropriate guardrails in place. And this is unacceptable given both the magnitude of dollars at issue and the unique opportunity these funds provide for connecting American families. In fact, by my count, about \$800 billion has been appropriated by Congress or budgeted by agencies for infrastructure programs over the past two years alone that could be used on efforts to bridge the digital divide. Those funds are spread across a range of different agencies—including the FCC, Department of Agriculture, Department of Treasury, Department of Education, and Department of Commerce—and over an assortment of various programs. I see a number of problems.

First, there is a worrying lack of coordination across these various agencies and their respective programs. While Congress enacted the Broadband Interagency Coordination Act in 2020, which requires the execution of an interagency agreement between the FCC, NTIA, and Agriculture Department regarding the distribution of federal broadband funds, the agreement does not cover all of the agencies with broadband funds nor does it cover all of the broadband funds within the agencies that it does cover. For example, neither the Department of Education nor the Treasury Department, each with hundreds of billions of dollars at their disposal, are covered by this agreement. The agencies' apparent lack of coordination is compounded by the fact that they are relying on differing and sometimes divergent

standards both in terms of identifying areas eligible for funding and the types of networks that qualify for support.

Second, I am concerned by an apparent lack of adequate tracking, measurement, and accountability standards. For example, last July, I wrote letters to each of the Executive Branch agencies listed above, and I asked them to identify the steps they were taking to track and monitor the broadband initiatives that they were funding. Their responses—or in some cases lack thereof—did not inspire confidence. One Department wrote back that, at least at the time of their response, “it is not possible to identify a specific amount that exclusively went to broadband initiatives,” let alone, I assume, monitor the progress being made towards achieving eligible broadband goals.

Third, many of the policies guiding the expenditure of these broadband dollars are poised to leave rural communities and unconnected Americans behind. Take, for example, the final rules that the Treasury Department adopted earlier this year that govern the expenditure of \$350 billion in ARPA funds. Rather than directing those dollars to the rural and other communities without any Internet infrastructure today, the Administration gives the green light for recipients to spend those funds on overbuilding existing, high-speed networks in communities that already have multiple broadband providers. I am already hearing about jurisdictions that are poised to do just. This misguided action would only deepen the digital divide in this country.

It gets worse. The Treasury rules allow these billions of dollars to be spent based on bad data. It does this by authorizing recipients to determine whether an area lacks access to high-speed Internet service by relying on informal interviews and reports—however inaccurate those may be—rather than the broadband maps that the federal government has been funding and standing up. Thankfully, it is not too late to correct course. The state, local, and Tribal governments that receive ARPA funding will have the power to direct these dollars to those communities that have been left behind, rather than those that already benefit from high-speed Internet services today. I hope they do so. Congress can also help here. In the Infrastructure Investment and Jobs Act (IIJA), Congress ensured that IIJA funds would flow first to *unserved* areas, using the FCC’s forthcoming broadband maps as a guide. While that IIJA provision does not apply to Treasury’s ARPA funds, Congress should consider passing a new law that requires ARPA expenditures to track the IIJA’s prioritization scheme.

Fourth, I am concerned that we are going to see record-setting levels of waste, fraud, and abuse. Many Members here can recall that, after the 2008 recession, Congress appropriated a then-unprecedented \$7.2 billion for broadband in the American Recovery and Reinvestment Act of 2009. As the U.S. Government Accountability Office found in multiple reports examining that initiative, failures in program design, reporting, and coordination resulted in significant waste and an inability to verify the impact of federal funds on broadband availability and subscribership. Given the magnitude of current funding and the pressing need to connect more Americans, it is even more important that we ensure that these funds are spent wisely and that their impact is carefully measured.

But we are already seeing some worrying signs that may just be the tip of the iceberg. For instance, the FCC’s Office of the Inspector General (OIG) issued a report last November regarding one of the FCC’s new initiatives. The OIG report uncovered what appears to be an egregious and near nationwide scheme in which broadband providers or sales agents were falsely claiming that a household has a student that attends a qualifying low-income school. In just one example, the report identifies a low-income school in Florida that was designated by providers as the school supporting the enrollment of 1,884 households, even though there are no more than 200 students that attend the school. As we continue to make funding available through our programs, we need to give OIG the tools it needs to do its job to prevent against this type of abuse.

All of these challenges are going to be compounded by supply chain and workforce shortages that remain to be solved. The recently enacted Telecommunications Skilled Workforce Act, championed by Representatives Tim Walberg and Yvette Clarke, will help address the workforce shortage in the long run. But in the near term, supply chain and workforce issues only underscore the need to prevent overbuilding and eliminate waste, fraud, and abuse.

III.

I also want to commend the Committee Members that are working to hold Big Tech accountable. In particular, Leader McMorris Rodgers has laid out a comprehensive package of bills under the Big Tech Accountability Framework that would end Big Tech's abusive practices while promoting free speech on the Internet.

These are common sense actions. Today, a handful of corporations with state-like influence shape everything from the information we consume to the places we shop. These corporate behemoths are not merely exercising market power; they are abusing dominant positions. They are not simply prevailing in the free market; they are taking advantage of a landscape that has been skewed—in many cases by the government—to favor their business models over those of their competitors. Indeed, it is hard to imagine another industry where a greater gap exists between power and accountability. That is why we need to take action across several fronts.

First, Congress should overhaul Section 230. When the federal government conferred special benefits on Internet companies in the 1990s, it did so, as Section 230 states, “to preserve the vibrant and competitive free market that presently exists.” Yet today, as Justice Thomas has made clear, courts have construed Section 230 broadly to confer sweeping immunity on some of the largest companies in the world that is found nowhere in the text of the statute. They have done so in a way that nullifies the limits Congress placed on the types of actions that Internet companies can take while continuing to benefit from Section 230. Congress should address this by ensuring that Internet companies no longer have carte blanche to censor speech while maintaining their Section 230 protections. Legislation from Leader McMorris Rodgers and Representative Jim Jordan aims to do just this. But an overhaul of Section 230 alone is not going to be enough, as evidenced by the broader set of reforms included in the Framework.

Second, Congress should require Big Tech to start abiding by basic tenets of transparency. Today, Big Tech offers a black box. After Google manipulates search results, a small business can see its web traffic drop precipitously overnight for no apparent reason, potentially flipping its outlook from black to red. On Twitter, social media posts are left up or taken down, accounts suspended or permanently banned, without any apparent consistency. Out of the blue, YouTube can demonetize someone who risked their capital and invested their labor to build an online business.

At the FCC, we require broadband providers to comply with a transparency rule that can provide a good baseline for Big Tech. Under the FCC's rule, broadband providers must provide detailed disclosures about practices that would shape Internet traffic—from blocking to prioritizing or discriminating against content. Any violations of those disclosures are enforced by the Federal Trade Commission. Congress could take a similar approach to Big Tech. It could require these digital distribution networks to provide greater specificity regarding their terms of service and it could hold them accountable by prohibiting actions that are inconsistent with those plain and particular terms. This would ensure that all Internet users, from entrepreneurs to small businesses to ordinary consumers, have the information they need to make informed choices. And within this framework, Big Tech should be required to offer a transparent appeals process that allows for the challenging of pretextual takedowns or other actions that violate clear rules of the road.

Third, Congress should apply antidiscrimination provisions to Big Tech. The Supreme Court has written that “assuring that the public has access to a multiplicity of information sources is a governmental purpose of the highest order, for it promotes values central to the First Amendment.” Indeed, Congress as well as state governments have long and lawfully applied certain antidiscrimination obligations to corporations, including in appropriate cases where those laws regulate a corporation’s decision about what speech to carry.

Fourth, Congress should adopt rules that empower consumers. Section 230 itself codifies “user control” as an express policy goal, and it encourages Internet platforms to provide tools that will “empower” users to engage in their own content moderation. So, as Congress takes up reforms, it should do so mindful of how we can return power to Internet users over their online experiences. One idea on this front is to empower consumers to choose their own content filters.

In all of this, Congress can make certain points clear. For instance, it could focus legislation on dominant, general use social media or digital distribution platforms, rather than specialized ones. This could include excluding comment sections to publications, specialized message boards, or communities within larger platforms that self-moderate. Similarly, Congress could legislate in a way that does not require any platform to host illegal content, child pornography, terrorist speech, indecent, profane, or similar categories of speech that Congress has previously carved out.

Big Tech has avoided accountability in several additional ways too. One of them concerns the FCC’s roughly \$9 billion Universal Service Fund (USF). This initiative provides the support necessary to subsidize the agency’s affordable Internet and rural connectivity programs. The FCC obtains this funding through a line-item charge that carriers add to consumers monthly bills for traditional telecom service and similar offerings. And while Big Tech derives tremendous value from the federal government’s USF investments—using those USF-supported networks to deliver their products—they have avoided paying a fair share into the program. On top of that, the FCC’s current funding mechanism has been on an unsustainable path. To put the FCC’s USF program on fair and stable footing, Congress should require Big Tech companies to start contributing an equitable amount.

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In closing, I want to thank you again Chairman Doyle, Ranking Member Latta, and Members of the Subcommittee for holding this hearing and for the opportunity to testify. I look forward to continuing to work with the Subcommittee to advance our many shared priorities. I welcome the chance to answer your questions.

Mr. DOYLE. The gentleman yields back. The Chair will now recognize, virtually, Commissioner Starks.

You are recognized for 5 minutes.

STATEMENT OF GEOFFREY STARKS

Mr. STARKS. Thank you, Chairman Doyle, Ranking Member Latta, Chairman Pallone, Ranking Member McMorris Rodgers, and members of the Committee. Thank you for the opportunity to appear before you here today.

Congratulations, as well, to Chairwoman Rosenworcel on your first oversight hearing.

We stand, truly, at an inflection point in history: first, the COVID-19 pandemic has transformed the way we work, learn, and connect with each other; second, the challenges of our day make clear that network security has never been more important; and finally, the consequences of climate change are becoming alarmingly clear. The FCC has an indispensable role to play on each of these fronts. And for my part, I am proud to say that we are helping make America more equitable, more secure, and more sustainable.

Our longstanding do to divide has morphed into a monstrous COVID-19 divide. And like so many other aspects of the pandemic, the lack of access to and adoption of home broadband has reinforced existing inequities. In particular, low-income and Americans of color remain, by a wide margin, less likely to have a home broadband connection than their counterparts. The 14.2 billion Affordable Connectivity Program is changing that, converting EBB to a pandemic-focused long-term part of the FCC's work.

And the chairwoman, along with my colleagues, supported my proposal to start work on an ACP pilot program to expand participation by households that benefit from Federal public housing assistance. That is more than five million households that benefit from Federal rental assistance, and that includes public housing and section 8, the Housing Choice Voucher program. And I plan to focus my efforts here where there, I believe, is a clear synergy between housing and connectivity. If we are helping a family secure housing, we should be able to help them secure an online connection in that home.

As we increase access to our broadband networks, we must also ensure that those networks are secure. I am particularly proud of the work we have done to remove untrustworthy equipment from our networks, and deny or revoke telecom operating authority for every carrier identified by Team Telecom.

But our work is not complete. I have called for the Commission to work with Congress and the Administration to examine how to tackle network security threats like foreign-owned data centers. In cooperation with the relevant executive branch agencies, the Commission should commence an inquiry to identify all U.S.-based data centers owned and operated by companies subject to the laws and jurisdiction of adversary states; identify on a confidential basis the services provided by these data centers and their customers; third, ascertain whether the data centers present a risk of interception, tampering, or blocking of U.S. communications and information; and last, identify any legal authority of the FCC or any other regu-

latory body to protect the U.S. communications stored within or transit these data centers.

For example, executive order 13873 delegates authority to Commerce over transactions involving information in the ICT that pose national security risks. The Commission itself also might have oversight through its licensing authority for undersea cable landing sites, given that data centers, as well as those overseas, rely on such cables to transmit information between the U.S. and the rest of the world.

Finally, I have to address another issue that will define our shared and collective future, and that is the environment, and the important role that I see the telecommunications and technology sector playing. Here there are at least, I think, four ways that we can drive impact.

First, we continue to optimize the efficient use of spectrum, a finite resource, while at the same time enabling devices that draw less power. Spectral efficiency and saving energy are a must have here, doing more while using less.

Second, 5G and the use cases we envision are in manufacturing. Precision agriculture and energy could contribute 20 percent toward U.S. emissions reductions by 2025.

Third, public-private partnerships are already hard at work, including the infrastructure legislation's 500 million in DoT awards to support the ongoing efforts by smart cities to use wireless IoT sensors to reduce traffic congestion and energy usage.

Fourth, industry-led initiatives will continue to play a significant role, from reducing or eliminating carbon emissions associated with their operations to increasing the use of renewable energy and minimizing electronic waste.

[The prepared statement of Mr. Starks follows:]

**STATEMENT OF COMMISSIONER GEOFFREY STARKS
FEDERAL COMMUNICATIONS COMMISSION**

**BEFORE THE
SUBCOMMITTEE ON COMMUNICATIONS & TECHNOLOGY
COMMITTEE ON ENERGY & COMMERCE
UNITED STATES HOUSE OF REPRESENTATIVES**

**CONNECTING AMERICA: OVERSIGHT OF THE FCC
WASHINGTON, DC**

MARCH 31, 2022

Chairman Doyle, Ranking Member Latta, Chairman Pallone, Ranking Member McMorris-Rodgers, and members of the Committee, thank you for the opportunity to appear before you today.

We stand at an inflection point in history. First, the COVID-19 pandemic has fundamentally transformed the way we work, learn, and connect to each other. Second, the challenges of our day make clear that network security has never been more important. And finally, the consequences of climate change are becoming alarmingly clear. The FCC has an indispensable role to play on each of these fronts, and it is more evident than ever before that our policies intersect with our nation's highest priorities. For my part, I am proud to say that we are helping make America more equitable, secure, and sustainable.

When I last spoke with this subcommittee, I noted how our long-standing digital divide had morphed into a monstrous COVID-19 divide. And like so many other aspects of the pandemic, the lack of access to and adoption of home broadband has amplified and reinforced existing inequities in our society. In particular, Americans of color remain, by a wide margin, less likely to have a home broadband connection than their counterparts. The Pew Research Center has found that 29 percent of Black adults and 35 percent of Latinx adults do not have a home broadband connection.

We must meet the disconnected where they are. For tens of millions of Americans, the price for broadband is just too high. A recent study by Education Superhighway found that 18.1 million households, home to 47 million people, remain offline simply because they cannot afford an internet connection. Millions more have made difficult sacrifices to keep their broadband service. No family should have to choose between keeping the lights on and a broadband connection, but we know that they do.

The Affordable Connectivity Program is changing that. Congress and President Biden have made a \$14.2 billion investment in affordability that converted the Emergency Broadband Benefit from a pandemic-focused effort into a long-term part of the FCC's work. In setting up ACP, the FCC announced many steps to continue increasing participation in the program. I want to highlight one of the places where I will focus my efforts. The Chairwoman, along with my colleagues, supported my proposal to seek comment on a Pilot Program to expand participation by households that benefit from Federal Public Housing Assistance (FPHA). More than 5

million households benefit from federal rental assistance programs, including public housing and the housing choice voucher program (Section 8). There is a clear synergy between housing and connectivity; if we are helping a family secure housing, we should be able to help them secure an online connection in that home. I've met with a number of Public Housing Authorities already to seek their expertise in closing the digital divide, and I'll never forget when I got to sit down with a single mother of three in Selma, Alabama who told me how free connectivity in her residence at the George Washington Carver Homes transformed her life. I know it can do the same for others.

As we increase access to broadband networks, we must also ensure that those networks are secure. I'm particularly proud of the work we've done to remove untrustworthy equipment from our telecom networks. Back in 2019, I called for a concerted effort to identify such equipment and devise a plan to rip and replace it with secure devices – “Find It, Fix It, Fund It.” With Congress's support, we've developed a program to achieve this goal and have received over 180 applications seeking funding for this effort, at a potential cost of \$5.6 billion. We should give these applications a close look, and I look forward to working with Congress to ensure there is enough funding to remove and replace all the untrustworthy equipment.

2019 was also the year we began to ban untrustworthy carriers from U.S. networks. In the last 3 years, we've either denied or revoked telecom operating authority for every carrier identified by Team Telecom as a national security risk, including our decision two weeks ago to revoke the authority of two Chinese carriers. These actions have strengthened our national security, but our work is not complete. Even as we have barred Chinese carriers from offering telecom services in the United States, some of them continue to market data center and private line services that allow them access to U.S. communications and the personal information of American citizens.

On that issue, I have called for the Commission to work with Congress and the Administration to examine how to tackle network security threats like foreign-owned data centers. In cooperation with the relevant Executive Branch agencies, the Commission should commence an inquiry to: (1) identify all U.S.-based data centers owned and/or operated by companies subject to the laws or jurisdiction of adversary states; (2) identify, on a confidential basis, the services provided by these data centers and their customers; (3) ascertain whether the data centers present a risk of interception, tampering, or blocking of U.S. communications and information; and (4) identify any legal authority of the FCC or another regulatory body to protect U.S. communications stored within or that otherwise transit these data centers.

For example, Executive Order 13873 delegates authority to the Department of Commerce over transactions involving information and communications technology that pose a national security risk to the United States. The Commission also might have oversight through its licensing authority for undersea cable landing sites, given that these data centers, as well as those overseas, rely on such cables to transmit information between the U.S. and the rest of the world.

Finally, I must address another issue that will define our shared future—the environment—and the important role I see the telecommunications and technology sector playing. Here are four ways to drive impact. First, we must continue to optimize the efficient use of spectrum—a finite resource—while at the same time enabling devices that draw less power. Spectral efficiency and saving energy are a must-have – doing more while using less. Second, 5G and other advanced networks are also enabling use cases that could dramatically increase

sustainability, and must be encouraged. 5G use cases in just the manufacturing, precision-agriculture and energy sectors could contribute approximately 20 percent towards US emissions reduction targets by 2025. Third, public-private partnerships are already hard at work, and more will be expected. For example, the Infrastructure Investment and Jobs Act includes \$500 million in DOT awards to support the ongoing efforts by smart cities to use wireless IoT sensors to reduce traffic congestion and energy usage. Fourth, industry-led initiatives will continue to play a significant role, from reducing or eliminating the carbon emissions associated with their operations, to increasing the use of renewable energy and minimizing electronic waste. Here's the point: we have long spoken about the economic benefits of 5G; we must also put time, thought and attention to maximizing 5G's environmental benefits.

The world is undergoing transformative change and communications networks have a critical role to play. The FCC must take the actions necessary to achieve a level playing field for all, protect the security of our nation, and preserve the health of our planet.

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

Mr. STARKS. Thank you so much for inviting me today. I was looking forward to joining the committee in person, but, unfortunately, like many, I have a sick child here at home, and so it necessitates that I join virtually. But thank you, and I look forward to your questions.

Mr. DOYLE. Thank you, Commissioner, and I hope your little one is feeling better.

We will now recognize Commissioner Simington for 5 minutes.

STATEMENT OF NATHAN SIMINGTON

Mr. SIMINGTON. Thank you, Chairman Pallone, Ranking Member Rodgers, Chairman Doyle, Ranking Member Latta, and distinguished members of the subcommittee. It is a privilege to appear before you today. I would like to join you and the rest of my colleagues in congratulating the chairwoman in her first appearance here as permanent chairwoman. And, of course, it is a particular honor for me, because this is my first opportunity to testify before the subcommittee at all, and I will watch out for the Rayburn subway.

Serving on a divided Commission has been an education for me in the fundamentally non-partisan nature of the work of an expert agency. Working on fair allocation of regulatory fees or construction of spectrum auction rules is simply outside of partisan consideration. And while at the FCC I have tried to base my own approach on the professionalism of our great agency staff, today I am going to focus on three forward-looking issues: efficient use of spectrum, device security, and the space economy. The opportunities they present must be captured, and their challenges must be met. And the FCC has a unique mission and mandate for all three.

First, access to and efficient use of spectrum. The FCC and NTIA must balance the interests of commercial spectrum users and Federal spectrum incumbents. Generally, licensed commercial users prefer and get the most value from full power, exclusive use licenses. Generally, when coordinating with the commercial sector, Federal incumbents prefer and feel best able to fulfill their obligations with spectrum sharing, and look toward dynamic spectrum allocation.

Both types of users, however, benefit from clearer rules and certainty for their operations, and the FCC can improve things for all spectrum users by creating a clearer protection rights regime. The FCC should examine how and when receivers are protected from interference, while specifically defining what interference constitutes, so that safe harbors can be created.

An interference limit policy would provide certainty to radio systems operators and receiver manufacturers and, therefore, benefit the end users, which today means every American.

Increased signal strength from transmitters can provide improved reception, but increasing power levels requires receivers in adjacent bands to be able to reject unwanted signals outside their frequencies. We can look for efficiencies at the Commission in a band by band fashion, where spectrum is densest, or where protection of high-value services is of greatest importance. My office has been examining this issue for over a year, and we want to sincerely

thank Chairwoman Rosenworcel for the forthcoming introduction of a notice of inquiry.

We must boldly re-examine the status quo in interference protection. Today we have dense co-location of wireless edge devices, and it is getting denser fast. The 5G revolution isn't just about an improved consumer experience on the cell phone. To get technological advances that we want in public safety, medicine, and industry, we need to put those services on 5G. We are going to switch on billions of new wireless devices over the next decade. Those devices are going to be operating in dense spectrum neighborhoods. So the rules of the road on interference protection have to be crystal clear.

But we also have to be clear about the security challenges of using wireless devices at greater scale, which leads me to my second issue: device security. The FCC is not a cybersecurity agency, but our mission includes protecting the availability of wireless spectrum, a scarce and fragile resource, for the use of the government and the public. Traditionally, we have fulfilled this role by requiring that wireless transmitters pass a battery of FCC tests, and operate within narrowly confined parameters.

Creating scientific standards for what constitutes harmful interference will further protect users of spectrum from harmful interference. But even if every transmitter and receiver in America is designed to meet stringent performance standards, another problem still remains: these devices are increasingly not static circuits, which could be expected to behave consistently for the life of the device.

As more and more static devices are retired, they are being replaced or upgraded with software-controlled devices, often running multiple operating systems from different providers. These systems are inherently more vulnerable than a wired system, or a single-purpose system to a cyber attack. And those attacks can turn a device that performed perfectly well on our workbench into a signal jammer.

I worry especially about the ability of any attacker to hijack multiple wireless devices at once, thereby crafting a remote denial of service attack by a mass signal jamming. Addressing wireless security for the new wireless era will protect Americans against domestic and foreign threats as we use more and more wireless services.

Last, I would like to touch briefly on the space economy. The FCC can help with the robust growth of the launch and satellite service sectors by requiring thoroughgoing orbital debris mitigation standards. As you all know, the FCC has an open procedure—proceeding here. But I was pleased to see the bipartisan legislation shared by Chairman Pallone and Ranking Member Rodgers that clarifies the FCC's authority to craft and implement such rules.

Because the FCC licenses and grants U.S. market access to satellite operators, thus representing something like 50 percent of the present economic opportunity for the worldwide space economy, we have a unique opportunity to lead the world here at a time when other nations have not been carrying the ball. We should capitalize on this to lead a new international consensus, in my view, for safe commercial satellite operation in space.

Chairman Doyle, Ranking Member Latta, Chairman Pallone, Ranking Member Rodgers and members of the subcommittee, I

want to thank you again for holding this hearing, and for the opportunity to testify, and I look forward very much to answering your questions.

[The prepared statement of Mr. Simington follows:]

**TESTIMONY OF NATHAN SIMINGTON
COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION
BEFORE THE SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY
OF THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY AND COMMERCE**

“OVERSIGHT OF THE FEDERAL COMMUNICATIONS COMMISSION”

MARCH 31, 2022

Chairman Doyle, Ranking Member Latta, and distinguished Members of the Subcommittee, it is a privilege to appear before you today. This is a particular honor for me because this is my first opportunity to testify before this Subcommittee.

Serving on a divided Commission has taught me the fundamentally non-partisan nature of the work of an expert agency. Working on fair allocation of regulatory fees or construction of spectrum auction rules is simply outside of partisan considerations—politics has no natural home in these matters at all. And while at the FCC, I have based my own approach on the professionalism of our great agency staff.

Today, I will focus on three issues: efficient use of spectrum, device security, and the space economy. The opportunities they present must be captured and their challenges must be met. And the FCC has a unique mission and mandate for all three.

First, I will address access to, and efficient use of, spectrum. The FCC and NTIA must balance the interests of commercial spectrum users and federal spectrum incumbents. Generally, licensed commercial users prefer, and get the highest value, from full-power, exclusive use licenses; generally, federal incumbents prefer, and feel best able to fulfill their obligations, with spectrum sharing, and look toward dynamic spectrum allocation.

Both types of users benefit from clear rules and certainty for their operations, and the FCC can improve things for spectrum users by creating a clearer protection rights regime. The FCC should examine how and when receivers are protected from interference, while specifically defining what ‘interference’ is so that safe harbors can be created. An interference limit policy would provide certainty to radio systems operators and receiver manufacturers, and therefore benefit the end-users—which, today, means every American. Increased signal strength from transmitters can provide improved reception, but increasing power levels requires receivers in adjacent bands to be able to reject unwanted signals outside their frequencies. We can look for efficiencies in a band-by-band fashion, where spectrum is densest, or where protection of high value services is of greatest importance. My office has been examining this issue for over a year, and we sincerely thank Chairwoman Rosenworcel for the forthcoming introduction of a notice of inquiry.

We must boldly re-examine the status quo on interference protection. Today, we have dense co-location of wireless edge devices, and it’s getting denser fast. The 5G revolution isn’t just about an improved consumer experience. To get technological advances in public safety, medicine, and industry, we need to put those services on 5G. We are going to switch on a billion new wireless devices over the next decade. Those devices are operating in dense spectrum neighborhoods, so the rules of the road on interference protection have to be crystal clear. But we also should be clear about the security challenges of using wireless services at greater scale.

This leads me to the second issue: device security. The FCC is not a cybersecurity agency, but our mission includes protecting the availability of wireless spectrum, a scarce and fragile resource, for the use of the government and the public. Traditionally we have fulfilled this role by requiring that wireless transmitters pass a battery of FCC tests and operate within narrowly confined parameters. Creating scientific standards for what constitutes harmful interference will further protect users of spectrum from harmful interference. But even if every transmitter and receiver in America is designed to meet stringent performance standards, another problem still remains. These devices are increasingly not static circuits, which could be expected to behave consistently for the life of the device. As static devices are retired, they are being replaced with software-controlled devices, often running multiple operating systems from different providers. These systems are vulnerable to cyber-attacks, and those attacks can turn a device that performed perfectly well on an FCC workbench into a signal jammer. I worry especially about the ability of an attacker to hijack many wireless devices at once and carry out a denial-of-service attack via mass signal jamming. Addressing wireless security for the new wireless era will protect Americans against domestic and foreign threats.

It would be a mistake for the FCC to merely give wireless device manufacturers a checklist of security guidelines. Frankly, I don't think the agency has the resources or the subject-area expertise to define the problem in enough detail. Even if we did, we would end up hampering the development of new technology and new approaches to security. Instead, we should focus on a few broad ideas that are clearly within our current mandate. First, wireless devices running software should receive security updates for the expected life of the device. Second, wireless device manufacturers should have to share data with security researchers so that vulnerabilities are discovered and fixed before bad actors are able to find and exploit them. And third, there should be after-the-fact accountability for reckless security practices that cause harm to the public.

Lastly, I'd like to touch briefly on the space economy. The FCC can help with the robust growth of the launch and satellite service sectors by requiring thoroughgoing orbital debris mitigation standards. As you all know, the FCC has an open proceeding here, but I was pleased to see the bipartisan legislation shared by Chairman Pallone and Ranking Member McMorris Rodgers that clarifies the FCC's authority to craft and implement such rules. Because the FCC licenses and grants U.S. market access to satellite operators—which represents something like fifty percent of the present economic opportunity for the space economy—we have a unique ability to lead the world. We should capitalize on this to lead a new international consensus for safe commercial satellite operation in space.

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Chairman Doyle, Ranking Member Latta, and Members of the Subcommittee, I want to thank you again for holding this hearing and for the opportunity to testify. I look forward to answering your questions.

Mr. DOYLE. Thank you very much. The gentleman yields back. We have now concluded openings. We are going to move to member questions. Each member will have 5 minutes to ask questions of our witnesses. I would ask all my colleagues that—let's do our best to adhere to that 5-minute rule. And I will start by recognizing myself for 5 minutes.

Commissioner Rosenworcel, especially in this economy, people are struggling to make ends meet. And I think it is important that we have a strong advocate for consumers in the FCC, which is why I am so glad that you are the Chair. As we have heard from today's testimony, broadband connections are essential, and it is also essential broadband consumers are able to understand and receive the benefits that they are paying for.

Chairwoman, I introduced an important bill that I sponsored last Congress, the Television Viewer Protection Act, which, among other things, requires more transparency around consumers' TV, phone, and internet bills. Can you tell me how the implementation is going, from your perspective? Are the companies complying with the provisions related to equipment surcharges? Is the FCC still getting complaints about these issues?

Give us an update on where you see this.

Ms. ROSENWORCEL. Thank you for your—the question, and your work on the Television Viewer Protection Act.

When we went back and we looked on the record on this subject, what we found is the agency had done a lot of work to make sure that small providers of video services could develop buying collectives to negotiate for the carriage of channels. But we hadn't done a lot of work when it came to the consumer-focused provisions you are describing about transparency, and also making sure that, if you order a service, the company shouldn't make you get some equipment you don't intend to use.

We have certainly seen press reports suggesting that is still going on. So in December of this year, we sought comment on these issues, because we want to develop an up-to-date record. If that is happening, we want to fix it, and we want to use the Television Viewer Protection Act to do so.

Mr. DOYLE. Great, thank you.

Commissioner Starks, we have signed around 11 million households for the—up for the Affordable Connectivity Program. And I want to say I am very encouraged by the pilot program you are standing up to help families in low-income housing receive the benefits of the ACP. Can you tell us a little bit more about your expectations for the program and its ability to reduce the digital divide for these families?

Mr. STARKS. Well, thank you so much for the question, Mr. Chairman.

I have long said it is clear that we need to meet this—the disconnected where they are. And there are a lot of great things happening around the FCC on ACP, but I am glad to join with you in highlighting the focus on beneficiaries of Federal housing programs, including residents, as I mentioned, that are in public housing on section 8.

You know, Congress made public housing beneficiaries eligible, but we have seen a very small share of them enrolled. And so there

is a particular nexus between housing and connectivity. I have seen it myself. I will never forget when I met with a mother of three who lived in the George Washington Carver Homes in Selma, Alabama. She told me how she was able to complete an online degree program, keep her kids safe and off the streets while they finish their homework. And so we need to bring that transformative experience to millions of families. And I am hopeful that we can focus some efforts here on the five million families that are in public housing.

Mr. DOYLE. Great, thank you very much. And I agree, we have got to do more to get the word out. I hear that in Pittsburgh, too, that a lot of people just simply don't know about the program. So we have got to give some thought to how we can get more information out.

You know, I was really glad to see the Spectrum Coordination Initiative with NTIA Administrator Davidson in your announcement yesterday regarding updating the 2003 memorandum of understanding. I think we have to do everything we can to bring back normalcy to our spectrum management processes, and avoid fights like we have been seeing.

So, Chairwoman, what are your expectations for the initiative, and what other steps do you think need to be taken? And what, if anything, do you need from Congress?

Ms. ROSENWORCEL. Thank you for raising this issue. We have got to do better when it comes to spectrum coordination. We truly need a whole-of-government approach. So very shortly after Alan Davidson was appointed to his role at the NTIA, I reached out and we set up this initiative to make clear that we have goals, and those goals include working closely together.

With respect to Congress, I want to make sure that you pay attention to our work and if you see areas for improvement, you let us know what they are. But I would also like you to reinforce the NTIA Act. That is the law you passed to set up NTIA, to make them the overseer and advisor of Federal spectrum interests. I want NTIA to continue to be able to speak for Federal spectrum interests, and not just the agencies themselves. So elevating NTIA and its authority in the discussion, just as Congress intended, is really important going forward.

Mr. DOYLE. Thank you very much. And to set a good example for my colleagues, I am yielding back ten seconds.

The Chair now recognizes Mr. Latta.

Mr. LATTI. Well, thank you, Mr. Chairman. Thanks again to our witnesses for being with us today.

Chairwoman Rosenworcel, according to the publicly available data from the Bureau of Labor Statistics, inflation-adjusted broadband prices have dropped approximately 15 percent since 2010. In fact, according to the FCC's own data from the Urban Rates Survey, the inflation-adjusted change in the most popular broadband tiers has decreased 34 percent since 2015. Our Americans are getting more broadband for their buck.

Chairwoman, do you agree with the FCC's data that consumers are getting better broadband service offerings for comparably lower and affordable prices?

Ms. ROSENWORCEL. Well, what I would like to do is take advantage of the new legislation that you have offered us in the Infrastructure Investment and Jobs Act, which expressly tasks us with doing a study on what prices are for the plans that are being ordered by anyone who is on the Affordable Connectivity Program. And I think that that is going to provide an opportunity to provide updated data. I truly hope that it reflects exactly the kind of data you just shared with me.

Mr. LATTA. Well, thank you. I would like to acknowledge and also thank the industry for their efforts to provide broadband service at affordable prices, while continuing to upgrade and expand their service offerings prior to the Federal subsidies being enacted.

I was disappointed to see a letter sent by my Democratic colleagues on this committee to NTIA Assistant Secretary Davidson urging him to expand the scope of the BEAD program, impose burdensome requirements like open access, rather than focusing on the task at hand, and incentivize private investment to make sure all Americans are connected.

The FCC's broadband maps will be crucial for agencies distributing broadband funds, especially with respect to the \$42.5 billion that the NTIA will be distributing to the states through its BEAD program. The FCC is also actively awarding funds for the Rural Digital Opportunity Fund.

Chairwoman, in March 2020 you testified before the Senate that the FCC could radically improve its broadband maps within three to 6 months. Congress provided \$98 million to the FCC to implement its mapping activities in December 2020. And since you have been leading the FCC, it has been about 2 years since you have made the statement to the Senate, and yet we still, unfortunately, don't have maps.

The FCC recently announced the deadline for providers to submit mapping data to the FCC is September 1st. How long after that date do you contemplate that we are going to have complete maps? And, you know, do you commit to getting these maps done before the end of the year?

Ms. ROSENWORCEL. Well, the answer to your final question is absolutely yes. We will have maps in the fall.

I want to unpack a few of the other things that you mentioned there. You mentioned comments that I made in March of, oh, pre-pandemic days. That was a reference to the maps that we used to inform our Rural Digital Opportunity Fund. As you may know, we have had a lot of problems with the preliminary awards in that program because the last Administration awarded rural broadband funding to the Pentagon parking lots, the parking lot at LA International Airport, and a whole bunch of traffic medians.

The bottom line is that we have got to do better than that. And so we have taken advantage of the law that this committee worked on, the Broadband Data Act, which requires us to build better maps. And I think you and I can agree the best time to do that would have been 5 years ago. But the second best time is right now, and my goal is to build the kind of maps that are not just good for the moment we are in, but provide a framework and a structure that people can use 5 to 10 years from now, when they sit in this same seat.

So we are following that law to a tee. We are dotting every I. We are making sure that we do everything that you requested. We have brought in a broadband and data architect. We have acquired systems for—to make sure we have the capacity to manipulate this data. We have beta-tested those systems with wireless broadband maps and new propagation models. And we also acquired—we set up a contract for a broadband location fabric, which is required under the law.

As Chairman Doyle mentioned, we got slowed up in that process, because Federal contracting rules required us to put our pencils down for 100 days. But we were victorious earlier this month, and now it is all systems go. The broadband data location fabric is being built. And in June of this year carriers will start filing their data with us, and we will convert that data into maps in the fall.

Mr. LATTA. Well, thank you very much.

Commissioner Carr, just real briefly, you know, as we look, are there any other things that we could do to help in making sure that we don't have an over—federally subsidized overbuilding by our agencies?

I don't feel like we have had in the past—we don't want that competition out there.

And I am sorry, I have got about 12 seconds.

Mr. CARR. I am concerned about it, because Treasury recently laid out rules for hundreds of billion dollars of ARPA funds that green light the use of them for overbuilding. We still have too many communities in this country with zero megabits per second, so we need to prioritize there. Some of that can be corrected at the State level, when they receive the funds, but I would also encourage Congress potentially to look at passing legislation similar to the Infrastructure Act, which included a prioritization scheme that is not present in the ARPA funds.

Mr. LATTA. Well, thank you very much.

Sorry about going over, Mr. Chairman. I yield back the balance of my time.

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

Mr. PALLONE. Thank you, Chairman Doyle. I wanted to ask the Chairwoman Rosenworcel.

I know you have been meeting with students and teachers across the country as the FCC has implemented the Emergency Connectivity Fund from the American Rescue Plan. But could you just give us a little more description of how this program has made a meaningful difference for students who previously lacked home internet?

I know you have talked about it, but I would like to hear a little more.

Ms. ROSENWORCEL. Thank you. You know, in pre-pandemic days, we called it the homework gap, because there were these kids who had internet access at school, but they went home and they couldn't do the schoolwork they had been assigned because they had no broadband. And during the pandemic, that gap really became a huge crisis, because we had students in every State across the country locked out of the virtual classroom.

And so, with the help of Congress, we have committed to fixing that. As a result of the Emergency Connectivity Fund, we have made a meaningful dent in the homework gap. We have helped more than 12 million students get devices and connections at home. And we have been able to do that by supporting libraries and schools in every State across the country.

I think, when we look back, we will look at that law and this moment as the one where we decided that, just like every student should be able to have paper and a pencil to do their schoolwork, they also need internet access.

Mr. PALLONE. Thank you. Let me ask Commissioner Stark.

We know that the cost of monthly internet services is too much for a lot of people to afford. And that is why, again, on a bipartisan basis, we created this emergency broadband benefit, which was turned into a long-term Affordable Connectivity Program in the bipartisan infrastructure.

So, Commissioner Stark, can you describe why it is so important that economically vulnerable households can access reliable internet service, and how this ACP helps with that, if you would?

Mr. STARKS. Yes. Thank you for the question, Mr. Chairman.

You know, all the advanced infrastructure in the world won't help if ordinary Americans cannot afford to buy broadband service it supports. For tens of millions of Americans, we know—the data shows—that the price is just too high. Almost 47 million Americans, 18 million households remain offline just because they can't afford their internet connections. And millions more have had to make a difficult sacrifice in order to keep their broadband on.

And, you know, I have said no family should have to choose between keeping the lights on and a broadband connection, but we know that they do. The fact of the matter is that you have so many folks, especially through the pandemic, who need their kids educated, who have lost their jobs, are looking to get job—additional job training. And making sure that they have something that can power their household is absolutely essential. And the once-in-a-generation investment that you all have made is critical.

Mr. PALLONE. Thank you. Let me just—I want to commend—I guess all I am doing today is commending the FCC, which is kind of unusual for—I don't always do that with all the agencies that come in here.

But I wanted to commend you on the swift action it took to address the instances of fraud by providers in the program that was uncovered by the inspector general, and exactly how that system is supposed to work. But I will go back to Chairwoman Rosenworcel.

Can you say a few words about why the inspector general alerting system and corresponding FCC action is important to maintain program integrity in a program like the ACP?

Ms. ROSENWORCEL. Sure. Congress gave us 60 days to set up the Nation's largest-ever broadband affordability program, and also asked the inspector general to take a close look. So this is working exactly as intended.

The inspector general saw that we had set up a streamlined process for community-eligible participation schools, which are schools with very high percentages of students on the free and re-

duced lunch program. And they suggested to us that the process we had set up created a loophole, and that we were seeing spikes in demand in those locations that looked out of the ordinary.

And so, upon learning on that, we immediately shut that portal down, required more documentation, referred any bad actors to our enforcement unit, and we also reached out to every single subscriber who had signed up for the program through that portal to re-certify and re-verify them. And in that process we have identified some companies and some agents who have been problematic, and we will hold them to account.

Mr. PALLONE. Thank you so much.

Thank you, Chairman.

Mr. DOYLE. The gentleman yields back. The Chair now recognizes Mrs. Rodgers, the full committee ranking member, for 5 minutes to ask questions.

Mrs. RODGERS. Thank you, Mr. Chairman.

Chairwoman Rosenworcel, I thank you for your support of the draft legislation we are working on to modernize the satellite communications licensing process.

In 2020, approximately two-thirds of the investment in space startups took place in the United States, and we want to encourage that innovation. What challenges is the FCC facing with the current satellite licensing process, and how can Congress help?

Ms. ROSENWORCEL. This is a really exciting time for space technology. We had \$10 billion of investment in the United States in the space sector last year. We launched more than 1,700 satellites, which is more than we ever have in human history.

Now, the challenge we face with all this activity is to make sure our regulatory structures keep up. And I think, on that score, we do have work to do, because they were built for an era when satellites were sent up only occasionally. We didn't have large systems with constellations, with thousands of satellites. We just had a handful.

So what we are going to have to do is come up with more people who can work in our agency on satellite policy, faster turnaround times with shorter deadlines, and more thoughtful approaches to some hard issues like orbital debris. And that is certainly something that I hope that we can work together with this committee on, and do some work on a bipartisan basis at the agency.

Mrs. RODGERS. I look forward to it, too, also, thank you.

To all the Commissioners, starting with the Chair: at her second confirmation hearing, FCC Commissioner nominee Gigi Sohn responded to a question from Senator Moran stating, "At the last hearing I expressly disavowed any support for the FCC implementing rate regulation," and then went on to say they, the FCC, tried to do it in cable in the 1990's, it didn't work out well.

I would like to ask, do you support rate regulation?

Ms. ROSENWORCEL. I support consumer protection, but don't believe that that is the place that we should go in order to manage the broadband industry on a going-forward basis.

Mrs. RODGERS. Thank you.

Mr. Carr?

Mr. CARR. No, I don't. I think here it is important, too, to be clear that there is two forms of rate regulation. There is rate regu-

lation we call ex-post, meaning tariffing on the front end, and then there is application of just and reasonable standards on the back end. And I think, when we talk rate regulation, we should be clear. I am against both forms of rate regulation as to broadband internet access service.

Mrs. RODGERS. Thank you.

Mr. Simington?

Mr. SIMINGTON. I am—I would like to echo my colleagues' sentiments. I am opposed to all forms of rate regulation.

And in particular, I would like to ask the question what exactly it would even mean to tariff a broadband connection. I don't think there is any analogy from telephone service.

Mrs. RODGERS. OK, Mr. Starks?

Mr. STARKS. Yes, yes. For my part, going forward, I have not envisioned rate regulation as part of our broadband regulatory scheme.

Mrs. RODGERS. Thank you.

Commissioner Carr, you have been a vocal proponent of using the FCC to advance the deployment of next gen technologies. One of my biggest concerns with the FCC using title II of the Communications Act to regulate is that it unnecessarily restricts innovation.

In the past, Republicans on this committee have put forth a menu of legislative options that protect consumers while enabling innovation in network performance such as virtualization, network slicing, or faster speeds. What would the impact of title II regulations have on these emerging technologies, and do they run the risk of ceding leadership to China if we restrict innovation by over-regulating the broadband market?

Mr. CARR. Yes, they do. I think it is important to distinguish, on the one hand, consumer protection, net neutrality rules, where there is a lot of common ground, and title II as a legal framework.

We need to look no further, as you indicated in your opening, to Europe. When COVID-19 hit, it was a global stress test of our internet ecosystem. Traffic surged around the world. In Europe, regulators there had to ask streamers like Netflix to degrade the quality of the service because they thought that the networks, the continent's networks, would break.

We didn't see that here in the U.S., because we had the right regulatory framework in place that incentivized investments before, but also, to your point, actively. There was node splitting going on. There was adding of capacity, there was managing of the network to ensure that it worked.

And to your point, we need innovation in the network going forward, so we don't want to put a straitjacket of title II in that situation.

Mrs. RODGERS. Thank you.

Mr. Chairman, I would like to enter a letter you sent to the FCC Chairman Genachowski, where you expressed concern with the FCC using title II of the Communications Act to reclassify broadband as a telecommunications service, saying that any action that needs to be taken in this space "is a job for Congress." I would agree, and hope that we can work together on that, going forward.

Mr. DOYLE. Without objection, so ordered.

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

Mrs. RODGERS. The Infrastructure Investment and Jobs Act extended FCC auction authority for seven years for purposes of auctioning spectrum in the lower 3 gigahertz band. Notwithstanding the 2.5 and 3.45 auctions, what would the impact to the FCC's ongoing operations be if this is not—it expires?

And I think my time has actually expired, so hopefully someone else will ask this question. Thank you, Mr. Chairman. I will yield back.

[Laughter.]

Mr. DOYLE. I thank the ranking member. The Chair now recognizes Mr. McNerney for 5 minutes.

Mr. MCNERNEY. I thank the Chair, and I thank the Commission for your work, and congratulate the chairwoman.

These past couple of years have highlighted why it is so important to make sure that everyone who wants reliable broadband access at home is able to get it.

However, for too many people in my district, the cost of monthly service is really just too high. I am proud that Congress has made our historic investment to help low-income Americans afford broadband through the Affordable Connectivity Fund, which is helping over 1.2 million Californians.

It is also very important for students to have reliable broadband access in their homes. The Emergency Connectivity Fund has brought over \$10 million to schools and libraries in my own district, and I commend the Commission for your efforts on this program.

I also want to voice my support for a meaningful FCC authority over broadband internet service providers. We need a Federal agency to ensure that consumers are protected and communities aren't left behind.

Chairwoman Rosenworcel, in your testimony you discuss the importance of Wi-Fi in closing the homework gap. As co-chair of the Wi-Fi Caucus, along with Ranking Member Latta, I have long advocated for spectrum to help such concerns. But spectrum is a finite resource, and there is hardly any, if any, greenfield spectrum bands left. Given that most spectrum bands have existing users and operations, how can the Commission and Congress make more spectrum available, including low band spectrum for commercial use?

Ms. ROSENWORCEL. Well, thank you for the question. The future of our wireless economy depends on a lot of people in this room getting together and identifying spectrum bands that we can commit to new commercial uses, both licensed and unlicensed. That is going to create—that is going to take creating incentives for Federal actors that have existing allocations and need to be pushed to use less of their airwaves than they do at present. And it is also going to take some creative activity, thinking about hierarchies of spectrum rights, as the agency did in the CBRS and 3.5 gigahertz band, as well as new technologies that allow for real-time and dynamic access.

These are really exciting things, but it is going to require a lot of policy, regulatory, and legislative work to make them happen.

Mr. MCNERNEY. So how do you know so much stuff?

But Chairwoman Rosenworcel, the FCC's general auction authority expires at the end of September. And I am going to ask the question that the ranking member was asking. At our recent hearing, all witnesses expressed how important it is for Congress to extend its authority. I agree. What would be the impact if Congress fails to extend FCC's general auction authority in advance of the expiration date?

Ms. ROSENWORCEL. Well, over the course of our history, the FCC has raised more than \$233 billion from its spectrum auctions. We have led the world when it comes to reallocating airwaves and doing creative things with them. I want that to continue.

I would recommend to this committee, however, that when you re-authorize our spectrum authority, that you consider this: you might take that spectrum authority and take the dollars that are raised from the first set of auctions from those public airwaves, and commit them to public safety so we could have a nationwide program to upgrade 911 in every State in the country. First responders support that. And I think you have an opportunity to make a meaningful difference when it comes to emergency calls.

Mr. MCNERNEY. I thought you were going to say that.

Ms. ROSENWORCEL. Yes.

[Laughter.]

Mr. MCNERNEY. Last month the Commission published the notice of inquiry, as identified by Commissioner Simington, seeking comments on securing the internet's global routing system, known as the Border Gateway Protocol Against Vulnerabilities.

More recently, the Commission took further action to secure American networks from bad actors by including three additional equipment and service providers to the list of untrusted communication equipment services under the Secure Trusted Communications Network Act. This has been discussed already a few times this morning. This is an important development for network security.

Chairwoman Rosenworcel, do you anticipate further action from the Commission in either of these areas? And is there a bigger role for Congress to play here?

Ms. ROSENWORCEL. The answer is yes. I think that our security threats are constantly evolving, so we will have to stay on top of them. And to the extent that existing legislation, which requires our coordination with national security authorities, causes any problem, this will be the committee we come to first to talk to about that.

Mr. MCNERNEY. Thank you. In my remaining time I want to discuss the Lifeline that has been so critical for my constituents.

Commissioner Starks, can you talk about the importance of the Lifeline Program, even with the Affordable Connectivity Program, especially for vulnerable populations?

You only have about ten seconds before Chairman Doyle hits the gavel.

Mr. STARKS. Yes. Well, you and I see eye to eye. There are, you know, over six-and-a-half million Americans on Lifeline right now. It is a critical program to make sure that folks stay in touch with family, with jobs, with health.

And the other thing that I would add is that Lifeline can be in addition to an ACP benefit. So we can have somebody who gets a Lifeline phone in addition to a, for example, a home ACP connection.

Mr. MCNERNEY. Thank you, Mr. Chairman.

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

Mr. GUTHRIE. Thank you, Mr. Chair. Thanks for that, and thanks for everybody being here today, and Chair Rosenworcel, for your first as chair of the committee—of the Commission.

Rip and replace—I want to ask you this question, Chair Rosenworcel, on rip and replace. There is 181 applications for 5.6 billion. Congress estimated the need at 1.9 billion, and appropriated that much. So a 3.7 billion shortfall. Is there a review of—when will you complete your review, and know if that is a real shortfall?

Ms. ROSENWORCEL. Yes, thank you for this question. It is important that we have the funds necessary to take this insecure equipment out of our networks and replace it with secure equipment.

On June 15th, under the law, we will have an assessment of those 181 applications that have been filed with us. So I can't offer you preliminary information before then, but I can tell you this. I have been studying why we have this shortfall. Congress appropriated \$1.9 billion. We have demand of \$5.6 billion. And here is what I have learned. There are three reasons.

The first reason is that the \$1.9 billion program that Congress set up was based on a voluntary data collection done by my predecessor. And many of the companies that filed in that voluntary data collection also sought funding. We got a lot of other companies that sought funding who never filed with us before.

Second, Congress expanded the universe of eligible companies. The FCC was assuming only carriers with less than two million subscribers. Congress expanded it to carriers with 10 million or less, and added educational institutions.

And finally, when we say we have a fund, and we suggest that they should apply in order for us to support whatever technologies or equipment they want, it is not uncommon for—to have applicants ask for funding for things that the law does not allow.

So those three reasons contributed to the \$5.6 billion you are referencing. And by June 15th, we will be able to speak with authority on how much the demand truly is.

Mr. GUTHRIE. Good. Does the law allow recovery for, like, legal fees, permitting processes? Is that part of the services in the law?

Ms. ROSENWORCEL. I believe there is some of that, but it is more limited, and I would like to go back and actually get back to you on that so I am more precise.

Mr. GUTHRIE. Thanks. My understanding is some—and maybe Commissioner Carr will also kind of move this around a little bit—my understanding is that some of the permitting process costs could have been part of the 5.6 billion. And thanks for your answer, because that was helpful, Chair.

But also—so I have introduced the TRUSTED Broadband Act, which would exempt carriers from the burdensome permitting requirements of NEPA and NHPA solely for removing dangerous

equipment and replacing it. How would that be helpful? Would that be helpful in this cause, in moving forward, Commissioner Carr?

Mr. CARR. Very much so. Thank you, Congressman, for that legislation.

I agree with the Chair that the first step has to be to define how much fat is in that request. And then, once we do that, we obviously need to make good on our commitment to providers.

And to your point, if we can streamline the process of regulations and other red tape that is unnecessarily driving up the cost, we should do that. And so I commend you for that legislation.

In fact, more broadly, when you look at all the money we are spending on infrastructure right now, there is sort of an absence of rationalizing NEPA and NHPA regulations. And if you are doing that, you have basically stepped on the gas and the brakes at the same time, if you are not streamlining the infrastructure rules, and just putting money into the process.

Mr. GUTHRIE. Thanks. That—so, Chair Rosenworcel, back to you.

I have—one of the biggest issues that I hear, actually, in my district—maybe not the biggest in the Nation, but I hear—is the robocalls. And I know we passed the robocall bill, and one of my frequent persons who has brought this up to me says, “Well, you said you passed a law, and I am still getting robocalls.” He just got elected to the State senate. So he is going to have to answer some of these when he gets—when he deals with some of this, as well. But, you know, it is a top concern.

And so one of the requirements of the TRACED Act was for the FCC and Department of Justice to establish a working group to identify barriers to the enforcement of robocall violations. However, the most recent FCC—annual FCC TRACED Act report reported that the FCC lacks knowledge about the Justice Department’s collections beyond two major referrals by FCC.

So the question would be, how do you view the success of the FCC and DoJ enforcing criminal violations on robocalls, and kind of what would we expect in the future?

Ms. ROSENWORCEL. Sure. Look, robocalls are annoying, and it is a non-stop effort to try to prevent them, stop them, and hold those who make them to account.

If I could point something out, I feel like this committee did a lot of really great work on the TRACED Act, but it is time for the next version of that law. And if I had some requests, I would say there are two of them.

The first is that the Supreme Court recently reached a decision on the definition of autodialer. And while it wasn’t a robocalling case, it had the effect of reducing the FCC’s authority over autodialers, generally, which reduces our authority to go after robocallers.

The second thing—and this goes straight to what you mentioned about the Department of Justice, and I noticed that this was true with my predecessor, and it is true with me, as well—we continue to enforce against bad actors, and you keep on telling us to ratchet up the fines, which we do. In fact, under my leadership we issued a \$225 million fine against a robocaller, the largest in our history. But then we take those fines, and we hand them over to our col-

leagues at the Department of Justice. And I think the best I can say is that we hope and pray that they take them to court.

I think that, instead of just continuing this process, which pre-dates my arrival, I think that this committee should consider giving us the authority to take those bad actors to court. I would like to hold them to account, and I bet that every one of my colleagues would agree with the expansion of our authority like that, and I think it would have meaningful impact, were we able to do more of that, on the number of robocalls consumers actually receive.

Mr. GUTHRIE. Well, thank you for that, and I am——

Mr. DOYLE. The gentleman's time has expired. The Chair now recognizes Ms. Clarke for 5 minutes.

Ms. CLARKE. And thank you so very much, Chairman Doyle and Ranking Member Latta, for holding this important oversight hearing, and to our esteemed panel of witnesses for participating.

Technology has revolutionized the way consumers view television programming by enabling access to linear and on-demand programming through multiple distribution platforms. This transformation can be beneficial to small, independent programmers attempting to break into the marketplace.

However, independent programmers contend that multi-channel video programming distributors, or MVPDs, create barriers to entry by imposing certain unconditional and unreasonable contractual provisions that restrict competition and innovation, which effectively reduces consumers' access to diverse content. In 2016 the FCC proposed rulemaking that would prohibit certain types of contract provisions, but that proceeding was stalled under the previous Administration.

So my first question is for our chairwoman, and let me just add my voice to all of those who have congratulated you on assuming the Chair of the FCC.

Good morning, Chairwoman. Can you tell us, does the FCC plan to continue with proceedings to remove marketplace obstacles that could keep diverse and small independent programmers from reaching consumers?

Ms. ROSENWORCEL. Yes. Well, thank you for that. We need to find ways to get independent voices on the screen. And a lot of independent creators have a difficult time getting carried on our major video systems right now. And I know the FCC had a proceeding on this in 2014.

And I think the thing we are going to have to do is start a new proceeding so it is up to date and actually reflects the way that people watch right now, because that has certainly changed in the last few years, as we seek to find content on any screen handy.

But we also need to find pathways for independent creators to be able to reach us.

Ms. CLARKE. Well, thank you, Chairwoman. I also thank the entire Commission for its work establishing the Emergency Connectivity Fund and the Affordable Connectivity Program, critical programs that keep Americans connected. Your efforts in this space have not gone unnoticed. Nearly 11 million households, including over 730,000 New Yorkers, have enrolled in the ACP, and in addition to help—getting help with their monthly internet bills,

also now have access to strengthened consumer protections under the new program rules.

Additionally, the Comprehensive ACP Consumer Outreach Toolkit has helped partners and local communities increase awareness of the program to reach all eligible families. So, Commissioner Sparks—Starks, can you expand on your testimony, and share how the FCC plans to broaden its outreach efforts to increase participation in the programs like the ACP and ECF, as well as ensure funds continue to be available, especially for those who remain unconnected?

Mr. STARKS. Yes, thank you, Congresswoman. This has long been a priority of mine.

In particular, one of my very first trips actually was to visit public housing in New York. And I saw the myriad challenges at the time, from the provider side to, of course, the household side, as well. And so a lack of access to and adoption of broadband has reinforced existing inequities.

We know that nearly 29 percent of Black households, 35 percent of Latinx households are disconnected. And, you know, Congress, very clearly—one of my efforts is on the public housing side. And Congress made clear that public housing folks are eligible. The Commission said that innovative approaches are needed here, including expanding awareness to beneficiaries, offering assistance to digital navigators.

And so I am in contact with housing authorities there in New York, and would love and, of course, always eager to continue to work with you on public housing and connectivity needs there in your district.

Ms. CLARKE. Well, thank you so much, Commissioner. Well, you know, it is so apparent that, particularly during this time where everyone has had to get online, just the inequities that exist. So it is important that we drill down and get this work done.

I have introduced several bills that tackle the issue of diversity in media, including H.R. 5836, the Enhancing Diversity Data Act, and so that the FCC would once again collect EEO workforce diversity data; as well as H.R. 5056, legislation to establish tax credits to incentivize carriage of diverse and independent programming.

Chairman Rosenworcel, can you provide any updates on the FCC's EEO proceeding?

Ms. ROSENWORCEL. Yes. We have an obligation under the law, under section 334 of the Communications Act, to collect information about the diversity of broadcast companies employment. And that is an obligation has been largely ignored by the agency since 2004. But last year we started a proceeding to get it going again. And I have been surveying the record and talking about it with Commissioner Starks, and expect to talk to my other colleagues about it soon.

I hope that we can correct the fact that for 15 years we have not done anything on this matter, and we have a duty to do so under the law.

Ms. CLARKE. Thank you, I yield back—

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

Ms. CLARKE [continuing]. Mr. Chairman.

Mr. DOYLE. The Chair now recognizes, virtually, Mr. Kinzinger.

You are recognized for 5 minutes.

Mr. KINZINGER. Thank you, Mr. Chairman. And to the Chairwoman and Commissioners, thanks for being with us today.

Chairwoman Rosenworcel, I was pleased to see that last week the FCC announced it would conduct an auction of 2.5 gigahertz spectrum, critical mid-band spectrum that can be used to provide much-needed broadband capacity, particularly in rural areas, beginning on July 29th. The FCC's authority to conduct auctions expires about two months after that.

So the question is, given the need for Congress to act quickly to extend auction authority to provide certainty to the FCC and to the potential bidders in the 2.5 gigahertz auction, do you support a clean, short-term extension of the FCC's spectrum authority—spectrum auction authority, so that the FCC can complete its ongoing spectrum auction activities?

Ms. ROSENWORCEL. I support an extension, but would, under all circumstances, prefer a long-term extension. I think that is better for the wireless economy and our consistent ability to be able to make these airwaves available for commercial purposes.

Mr. KINZINGER. OK. Commissioner Carr, let me ask you. The FCC has been working with NTIA and Federal partners for years to make the lower 3 gigahertz spectrum available for commercial use. What is the status of identifying spectrum within the 3 gigahertz band for commercial use, and what work remains?

Mr. CARR. Well, thank you, Congressman. The lower 3 gigahertz is really our next best slug of mid-band spectrum. I think it is going to be a key boost to America's 5G leadership. That is why a year ago I put that on my spectrum calendar as one of the prime bands we should be looking to move on this year and next year.

The challenge now is, with one of the infrastructure laws that was passed, DoD has a provision that stops us from moving forward on that until at least 2024. And then, after that, they have maintained, effectively, a veto on our ability to do that. So one thing we need to do is address that, so we can continue to work toward freeing up the lower 3 gigahertz.

And while we are doing that, I think we need to sort of continue to fill in with our spectrum pipeline, given the challenges that may exist with lower 3. And that is why I have identified a number of additional bands, from 3.5 to 6 gigahertz to UNII2c that we should be sticking in the pipeline as, you know, backups or additions to lower 3.

Mr. KINZINGER. OK. Let me stick with you on another one.

As part of the RAY BAUM'S Act, Congress passed my Rural Wireless Act, which directed the FCC to consider whether to establish a process for carriers to disaggregate or partition portions of their license that they may not use. The idea was to consider the benefits of providing smaller carriers with an opportunity to work with larger carriers to put that spectrum to good use.

The FCC has proposed the Enhanced Competition Incentive Program to achieve this, but it has not yet been implemented. So how do you envision this program benefiting smaller companies?

And more importantly, how do you see it benefiting rural and tribal customers?

Mr. CARR. Yes, this is a frustrating issue. We license spectrums over—spectrum over broad geographic areas, and we expect carriers to build out. And sometimes they can meet their buildout obligations by not reaching rural or less densely populated parts. So any idea that would create incentives for that spectrum to do something other than sit fallow, instead of connect families, is a great idea. And I think that is part of what your legislation goes to, which is how do we disaggregate that spectrum and give another provider that is willing to invest money and put it to use the chance to do so.

So I think that is a very good idea that we need to keep pushing forward on.

Mr. KINZINGER. OK. And my last question, back to Chairwoman Rosenworcel, the Alternative Connect America Model, or ACAM Program, was established in a bipartisan basis in 2016. And while there has been some significant program successes, technological standards continue to increase. And therefore, we have to ask ourselves if the policies are keeping up.

A petition was filed at the Commission in October 2020 requesting that the FCC re-evaluate the program standards, and if a decision was made to make updates to then initiate a new notice of proposed rulemaking.

What are your thoughts on the success of that program, and what do you see as the future of the program?

Ms. ROSENWORCEL. Thank you for the question. We need to update it, we need to modernize it, and we need to develop a rulemaking based on the petition you described.

And if I could go back for 1-second to what you were asking Commissioner Carr, I just want to point out that in late November we issued a rulemaking on the Enhanced Competition Incentive Program, and received our final comments on it this month. My hope is that we will be able to move ahead with that effort to partition and disaggregate spectrum licenses to serve more rural and tribal communities. So that is underway.

Mr. KINZINGER. OK, great. I thank everybody.

And, Mr. Chairman, I will yield back my 23 seconds.

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

Mr. VEASEY. Mr. Chairman, thank you. And I am happy that we are here talking about this today. I mean, it is something that we honestly can't talk about enough, and glad that we have Commissioners from the FCC here to talk about this important program.

I think that all of us realize that, with COVID-19 especially, it made us understand just how much we needed to make sure that all parts of America are connected, because being connected is just, in reality, just a part of modern life. Again, this is something that we really recognized in the early stages of the pandemic.

I was happy to work on the Emergency Broadband Benefit Program, which has now been renamed the Affordable Connectivity Program under the bipartisan infrastructure law that was passed, and I am glad that we were, again, just able to connect so many people to our new digital economy that we all really function in.

And I wanted to ask Chairwoman Rosenworcel. Today we have over 10 million households enrolled in the ACP, and more than a

quarter of a million of those live in Texas. Schools and libraries in the district that I represent have received over half-a-million dollars through the Emergency Connectivity Fund. And I have heard from constituents and even people from outside of the district that live in other parts of Dallas and Fort Worth that this is really making a difference in their lives.

And the one thing that I am worried about is, as we try to bridge the digital divide, and try to bring more of these services into people's home, that there was a GAO report last year finding that the Lifeline-eligible consumers are often discouraged when signing up because it can be a difficult and challenging process.

How can we mitigate these challenges as we work to connect the next 10 million Americans in the ACP?

Ms. ROSENWORCEL. Thank you for the question. And more importantly, thank you for the work that you did to develop this program in its early days.

As you can see, there is huge demand. We now have 11 million households that are relying on it. The challenge for the FCC is two-fold right now.

First, we have to make it easy and simple for those who need the support to sign up, while at the same time having appropriate guardrails for waste, fraud, and abuse. And we are going to be constantly iterative, trying to make sure that we find the way to do this properly.

And the second thing that is really important is making sure that we have outreach partners at the local level. We can preach about this program at the agency or from Washington, but what matters most is when people hear about it in their communities from people they trust. So developing partnerships with State and local actors and institutions is really, really important.

Mr. VEASEY. Thank you very much.

And Commissioner Starks, I know that one of your key priorities is increasing participation in the ACP by households that benefit from Federal public housing assistance, or FPHA. We know that FPHA beneficiaries were eligible for the EBB, but unfortunately, only a small fraction of those actually enrolled in the program.

Can you talk a little bit about both the short-term and long-term benefits of connecting FPA beneficiaries to broadband?

Mr. STARKS. Yes, sir. Thank you for the question, Congressman.

You know, to your point, how are we going to get more folks connected, how are we going to push past that 11 million households that are already enrolled, I think the pilot—the public housing pilot program that I am leading is essential. I am working with the chairwoman and my colleagues who have all endorsed this as a place for us to continue to look.

In particular, you know, I would offer up that we are fortunate that HUD has a great leader in Secretary Fudge, who understands the importance of these issues. I have partnered, in particular, with Secretary Fudge back when she was a Congresswoman. Our offices are working together even as we speak.

And so we are fortunate that HUD also has an existing programmatic effort to build on their Connect Home Program there in HUD. It has provided a platform for public-private partnerships to

have access, and, you know, they are working now with over 100 cities.

So I see a lot of great potential for collaboration. We are working hard, and we do need to keep pushing to get more and more households connected to this essential program.

Mr. VEASEY. Thank you very much.

And, Mr. Chairman, I yield back my 20 seconds. Thank you.

Mr. DOYLE. I thank the gentleman, he yields back. The Chair recognizes, oh, my suffering Pittsburgh Pirate buddy, Gus Bilirakis.

You have 5 minutes.

Mr. BILIRAKIS. Help is on the way, Mr. Chairman, help is on the way.

This question is for the Commissioner. I am not sure exactly which one, but anyway, during the Trump Administration the FCC began the Rural Digital Opportunity Fund to provide support for broadband in areas that were completely unserved, and define unserved—lacking access to speeds less than 2.53 megabits per second.

I believe this is for Commissioner Carr. Since then, an additional \$50 billion has been appropriated several agencies broadband deployment. So, Commissioner, again, however, not all agencies are using the metrics. For example, the USDA Reconnect Program provides Federal funds to serve areas lacking 100 up and 20 down megabits per second.

Again, for Commissioner Carr, what are the risks we have with having different agencies making funding awards based off different criteria?

Mr. CARR. Well, thank you, Congressman, for the question. This is a challenge. This is like going to the scarecrow in The Wizard of Oz and asking for directions, and it ends up pointing in all sorts of directions. We have got various agencies with divergent standards that they are applying, and it is a problem.

One thing we can do is, obviously, complete the process of the FCC's broadband maps. We can drive everybody, every funding decision through an accurate, complete map that will help to make sure we avoid at least subsidized overbuilding.

We need to make sure we have a prioritization scheme, so that unserved areas go first. And where we have made a commitment to people to build out pursuant to RDOF, we shouldn't be having other funds come in over top and undermine the business case for those RDOF-supported builds, again, particularly where we have too many parts of the country that still have zero megabits per second.

So there is a lot that we need to do right now to improve coordination, I think.

Mr. BILIRAKIS. Thank you. We are already hearing examples of agencies awarding Federal funds for broadband deployment projects in areas that have received RDOF funds, making it uneconomical for companies that receive RDOF funds to build out and serve that area.

Commissioner Carr, again, what is the FCC doing, or what should it do to ensure that the RDOF auction is not overbuilt by other sources of Federal funding?

Mr. CARR. Well, in my view, we should make it ineligible for other providers with other Federal subsidies to come in over the top of RDOF winners.

One thing we could do, though, is we could look at, for instance, what I call top-off funds, which is if you are given RDOF dollars to bring speeds of X to this community, if you want to go get other dollars to bring speeds of X times two to that same community, then the RDOF winner could be well positioned to do that.

But again, fundamentally, we can't have subsidized providers from other buckets of money coming in over top of RDOF recipients.

Mr. BILIRAKIS. Thank you. The next question is for Chairwoman Rosenworcel.

The Industry Traceback Group was recognized under the TRACED Act for leading private-sector efforts to crack down on illegal robocalls. ITG has helped identify gateway providers that bring illegal robocalls into the U.S. from abroad and get a handle on these fraudsters.

However, has the ITG been to these efforts—how important has it been?

I mean, this is a big problem, that breakup you mentioned earlier. But this is—our constituents ask us questions all the time. I know we have passed previous legislation with regard to the robocalls, but they don't seem to think it has worked.

So if you could address that, and then I have a followup for Commissioner Carr, please. Thank you.

Ms. ROSENWORCEL. Sure. Working with the Industry Traceback Group, we have been able to identify that more and more of these calls are coming from overseas. We don't have clean data on that yet, but it is enough to suggest to us that we have got to make sure that gateway providers that take in junk calls from overseas register in our robocall mitigation data base. We are working on updating our rules to make that happen right now, and that is a direct byproduct of us working with the TRACED Act, which—and the Traceback Group that was created by it.

Mr. BILIRAKIS. Yes, and I will tell you. I mean, I get them all the time from overseas. So, in any case, it is a big problem.

Commissioner Carr, do you have any recommendations on how we can build on this momentum to find new ways to just for robocalls?

Mr. CARR. I thank you. I want to reiterate what the Chair said. I mean, one, we have accelerated the deadline with which smaller providers need to comply with STIR/SHAKEN. We have started a proceeding to look at the gateway providers because, as we have talked about, a lot of these calls are coming from overseas boiler rooms.

So there is more that we need to do after completing that to get at those calls jurisdictionally. Then I am sure we will be back to see what we can do.

Mr. BILIRAKIS. Thanks—

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

Mr. BILIRAKIS [continuing]. Appreciate it very much. Thank you.

Mr. DOYLE. OK. The Chair recognizes Mr. O'Halloran for 5 minutes.

Mr. O'HALLERAN. Thank you, Chairman Doyle and Ranking Member Latta, for holding this meeting today.

First of all, I want to thank the chairwoman, or—the chairwoman for the hard work that she and the Commission and the leadership put into two funds, the Emergency Connectivity Fund—you know, in Arizona the schools and libraries have been awarded \$150 million, including more than \$20 million in Arizona's 1st congressional district to close that homework gap. But also, it is the knowledge gap, the resources gap, research, imagination gap. It is much more than just a homework gap.

And second, the Emergency Broadband Benefit Program, which recently transitioned into the Affordable Connectivity Program. Arizona has nearly 240,000 households enrolled in the ACP. I appreciate the outreach the FCC has done to tribal communities on the program. Tribal communities have had some of the highest uptake rates for EBB and ACP, and we should be doing all we can to reach out to these households, who are among the most left behind in broadband access in our entire country, and in the adoption rate.

We have been talking about broadband maps for years. The FCC and we have talked about it just recently. The FCC starting [sic] proceedings on broadband maps five years ago, and we still haven't had one yet. Chairman Rosenworcel, I know you have made this a priority, and have worked hard to try to get around some of the issues involved, and that the agency recently got the green light to move forward after there was a protest on the selection of a vendor to help create these maps.

We are all anxious for the maps to be completed, but we need to ensure they are accurate. With that in mind, can you give us an idea of the next steps the agency is taking to deliver these maps quickly?

And can you describe how you are working with the NTIA, as the maps will be critical to the implementation of the broadband funding from the bipartisan infrastructure law, and the fairness throughout the process?

Ms. ROSENWORCEL. Absolutely. As a result of the GAO giving us the green light finally, we have a vendor that is building our broadband location fabric, which is a geo-coded set of every buildable location in the country. Once we get that fabric, we are going to allow our carriers to beta-test it, get used to it, to play around with it, because we are going to need them to start filing data with us starting in June of this year.

By the way, that is 2,500 carriers, nationwide. So we need to make sure that they know how to use the system so we get good information.

Once we collect all that data, we are going to build maps in the fall, and then we are going to start a challenge process to let states, localities, tribes, and consumers take a look at our maps and tell us if—what they think we got wrong, and then make the carriers respond to that. So there is crowdsourcing that will figure into this effort, too.

And then, finally, I want you to know we are making every effort to work with our colleagues across government. As you know, we have more broadband programs than ever before, so we got more coordination challenges than ever before. We have a memorandum

of understanding with our colleagues at the Rural Utility Service. We have one with the Department of Commerce. And I am working right now to see if we can also set one up with the Department of Treasury, because I want everyone to have all of the data and information that we are collecting, because that will—I believe it will be the best in the Federal Government.

Mr. O'HALLERAN. Chairwoman, I—and thank you, first of all. Thank you.

You know, my frustration—and it was mentioned the other day to you—about agencies in general, not your agency, but agencies in general, and the—how the public can look at us and say, “Why isn’t government working?” Because it takes so long for this stuff to get addressed. And we have to find a way to get around that, and I know you are trying.

I also wanted to commend the work of the Commission on robocall scams. And the TRACED Act of 2019 and—stop unwarranted and illegal robocalls. But I am—I just want to get this off—I am in full agreement with your thought process that we need—you need the ability to collect these fines. I know the Justice Department is a busy place, but they need to get their job done, too, and they can’t do it with their workload that they have going on, also.

Chairwoman, what barriers are you seeing with enforcement of the Act, and particularly considering the recent Supreme Court ruling, and what—will the—how will that hinder you, actually? You mentioned that earlier.

Ms. ROSENWORCEL. I appreciate that. Scam artists move really fast. We are going to have to, as regulators and legislators, find ways to keep up with them and their robocalling ways. Two things we could use help on from this committee.

First is making sure the definition of autodialer reflects technology today. The Supreme Court decision was a decision that resulted in them defining autodialer like it existed when the Telephone Consumer Protection Act of 1991 was passed. We have got to fix that.

Mr. O'HALLERAN. Thank you, Mr. Chairman. I yield, and I hope we work faster.

Mr. DOYLE. I thank the gentleman. The Chair now recognizes Mr. Johnson for 5 minutes.

Mr. JOHNSON. Thank you, Mr. Chairman.

And Chairwoman Rosenworcel, congratulations on your new role. I haven’t talked to you since you became chairwoman. Congratulations.

You know, we are we are seeing great progress with low Earth orbit satellite systems helping to expand connectivity across the Nation, as well as significant improvement, innovation, and leadership by U.S. companies in this space. There is a lot of interest in deploying new systems in addition to those that are already deployed. Congress is focused on updating the FCC’s tools and authorities to streamline the process for this innovation and investment to ensure robust competition in that marketplace.

Does the FCC share our goal of supporting a streamlined process for encouraging that needed robust competition and innovation going forward?

Ms. ROSENWORCEL. Yes, we have to update our policies. I agree.

Mr. JOHNSON. OK, great. What should the—for Commissioner Simington, what should the law and the regulations regarding space safety and spectrum coordination look like in order to promote a competitive operating environment for these low Earth orbit satellite systems?

Mr. SIMINGTON. This is a complicated question, because our satellite spectrum allocation regime looks back to earlier days, and is thus a sort of an unlicensed regime where there is an incentive to get your proposals out there as early as possible, and then to amend them repeatedly, which leads to a process that can be very opaque to outsiders, and a little bit unpredictable, and leads to extensive, extensive commentary on the record.

So, for example, with the SpaceX third modification last year, we had more than 200 ex-parte filings. Probably the Chair could give you the exact number. The—just the list of filings took up a whole page of the order.

So, as far as improving this, we need an improved system for allocating spectrum to the satellite world. And I think it is not just as simple as saying auction it, but we should probably think about some sort of transferable rights regime, or develop some sort of alternative to ensure that the space spectrum is fully used.

As far as space safety, the United States is in a unique position to use our dominant market size, as a gigantic consumer of satellite services, to require that space safety laws and compliance with American space safety ideas should be mandatory for companies seeking to do business here, regardless of where they launch and retrieve satellites. And that is a unique opportunity for the FCC to step in and take a role there.

One way to make this a contributor to the U.S. economy, instead of just a regulatory drag, would be to determine where the real costs lie and where the real risks of satellite lie. So, for example, orbital debris is much more persistent and dangerous at high altitudes with large satellites than with the slow—I am sorry, with the low and small satellites that you see in constellations operating in LEO. Likewise, the possibilities for advanced coordination technologies to be used to make LEO satellite constellations extremely safe remains unexplored and regulatory incentivized.

So there are a number of things we could do along those lines.

Mr. JOHNSON. OK. Well, thank you.

Chairwoman Rosenworcel, with the tens of billions of dollars now going forward toward broadband deployment, we must make sure that regulatory barriers do not stand in the way of closing the digital divide once and for all. We have already heard concerns from some providers that access to existing infrastructure, such as poles, may impact RDOF awardees seeking to deploy in under-served and unserved areas.

What is the FCC doing to ensure that there are no barriers to the success of the RDOF program?

What action has the FCC taken to address these barriers to access?

Ms. ROSENWORCEL. Sure. You know, we have soaring rhetoric about connecting all. We are rarely talking about utility poles, but they might be the most important part on the ground. You need ac-

cess to them if you want to deploy to unserved and under-served areas. And we have learned from some of the providers that the cost of securing that access can be as much as one-third of their deployment costs. That just sounds too high. A lot of that is in the bureaucracy of cooperating and getting approvals.

So this month we started a proceeding to identify how we can bring those costs down and have better policies when it comes to pole attachment and pole replacement, and how those costs will be shared among providers. So we are looking at that closely right now.

Mr. JOHNSON. OK. I am also concerned with supply chain and labor shortages, ma'am, that spans a—to coin a word, the spectrum of industries in America, we got issues there.

From your discussions with the NTIA, do you believe the states will be able to successfully roll out broadband deployment in the current supply chain situation?

Ms. ROSENWORCEL. It is something we have to monitor closely.

Mr. JOHNSON. OK, all right.

Mr. Chairman, I have more questions. I will submit those for the record.

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

Mr. JOHNSON. And I will yield back.

Mr. DOYLE. I thank the gentleman. The gentleman yields back. The Chair recognizes Ms. Rice for 5 minutes.

[Pause.]

Mr. DOYLE. You need to unmute, I believe, Ms. Rice.

[Pause.]

Mr. DOYLE. Ms. Rice, we can't hear you. If you can hear us, please unmute.

What do you think?

[Pause.]

Mr. DOYLE. We will come back to her. The Chair recognizes Ms. Eshoo for 5 minutes.

Ms. ESHOO. Thank you, Mr. Chairman, for this all-important hearing.

To the Chairwoman, bravo and congratulations. It is really wonderful to see you in action.

And to each of the Commissioners, thank you to all of you, because I think you are working very well together, and there are so many important policies that you are making headway on. So bravo, and thank you.

I want to start out with an issue that most people don't think of that the FCC deals with, and that is national security. We know what Mr. Putin is doing, the tragedy of Ukraine. I think each one of you knows that, in response to eight letters that I sent over to the FCC over, what, some four years, the result of that is that the FCC has updated its regulations last year so that the American people will know when Russia is paying for propaganda broadcasts on airwaves owned by the American people.

I can't underscore how really deeply disappointed I am that American broadcasters are now suing the FCC. They are arguing—get a hold of this—they are arguing that these bare minimum transparency requirements are too onerous. Ultimately, they are delaying implementation of the rules. Now, what is so onerous

about the following? All they have to do is say that their content is paid for by a foreign government when it is, period. So I don't know if any of the broadcasters are listening in today. Come on.

We have a collective responsibility here, as Americans. And right now Americans are listening to Radio Sputnik, and they may not know that it is propaganda, is paid for by the Kremlin. So this is unacceptable, and everyone should be behind these really simple, easy rules.

Thank you for what you have said, Madam Chairwoman, about robocalls. We will work with you to draw up legislation on the authorities that you need, and also that the FCC should be able to collect these fines that are placed on these bad actors.

Now, we know that Russia is known to couple kinetic war with cyber attacks, including exploiting various hardware, software, protocol-level vulnerabilities. I am really pleased to see the FCC launch an inquiry about strengthening the security of BGP. It is a critical internet traffic routing protocol, and I think it is really very important, but it is an under-appreciated issue.

So, Madam Chairwoman, can you just briefly tell us about the issue, and what the FCC is doing on BGP security?

Ms. ROSENWORCEL. Well, thank you, I appreciate the question.

Our effort to look at Border Gateway Protocol came out of conversations we had with the Cybersecurity and Infrastructure Security Agency. We are coordinating more closely than ever, and they identified it, and we confirmed that it is an essential part of the internet's global routing system, but there are significant vulnerabilities when traffic is exchanged between networks. So we started an inquiry to try to understand that better, ask questions about it, because we do not want to create opportunities for theft or espionage at those connection points.

And I do want to thank my colleagues. When I called them and discussed these issues with them, and told them that it was serious and we needed to move in a fast manner, all four of them did.

Ms. ESHOO. Great. I just want to squeeze something else in.

To all of my colleagues, both sides of the aisle, we have an opportunity to address, once and for all, the NextGen 911. There are over 6,000 PSAPs in the country, in every community. This is an arm for law enforcement, as well as health emergencies in all of our communities.

So with the auctions, there will be money. And I think that we need to all do this together to make sure that, once and for all, that our PSAPs are funded appropriately so that the emergencies in every single one of our communities be addressed by NextGen 911.

And with that I yield back, Mr. Chairman.

Mr. DOYLE. The gentlelady yields back. The Chair recognizes Mr. Long for 5 minutes.

Mr. LONG. Thank you, Mr. Chairman.

And Chairwoman Rosenworcel, there is a petition the FCC is considering that would allow a bureau to reinterpret the word "classroom" to mean households, expanding the E-Rate program dramatically.

The FCC also did not seek comment on the actual rules making the Affordable Connectivity Program permanent, but rather sought comment on questions about how those rules should look.

As the stewards of America's tax dollars, my colleagues and I always—are always concerned that the funds we appropriate will be used efficiently. However, far too often we see government squandered away money through waste, fraud, and abuse. While we can disagree on the structure and size of various programs, I know you understand that every dollar misspent is another dollar that never goes to the intended purpose.

While I am pleased that you have continued the tradition of Chairman Pai that he started to make the items in the open meetings agenda available 21 days in advance of a vote, I am concerned that a number of significant FCC actions are being considered without the opportunity for the public to comment on specific rules. Rather, the FCC seeks comment on public notice, instead of the actual proposed language of the regulation.

Even worse, some proposals ask for the FCC bureaus to dramatically expand programs by reinterpreting terms, as I mentioned earlier, to delegated authority.

Will you commit to allowing the public to review proposed rules? And will you commit to not abusing the delegated authority process to expand the existing programs?

Ms. ROSENWORCEL. Any substantial expansion would require that my colleagues all vote on it and we complete it at the Commission level.

Mr. LONG. Can you repeat that? I didn't—

Ms. ROSENWORCEL. Any substantial expansion of any program would require that my colleagues and I agree on it, and vote on it at the full Commission level.

Mr. LONG. OK. Thank you. I have been fighting a cough and cold for ten days now. I am about over it, but I am having a hard time a little bit.

Commissioner Carr, while all funding programs must be administered carefully, the enormous scale and rapid rollout of the COVID relief programs created prime opportunities for the bad actors to exploit government funding. Unfortunately, we are already seeing this happen. The FCC inspector general recently detected fraud in the Emergency Broadband Benefit program.

Commissioner Carr, I would like to thank you for your work to ensure that the funds going through the FCC are actually reaching their intended recipients: American families who are truly in need. Last fall you expressed serious concern that the massive levels of broadband dollars being appropriated by Congress could result in headline levels of waste, fraud, and abuse. Can you explain for us the steps that you would like to see taken to ensure substantive oversight of these programs?

Mr. CARR. Well, thank you, Congressman, great to see you again.

I think everybody here probably remembers 2008, the last time we had a massive infusion of broadband stimulus dollars of around then an unprecedented 7 billion. Well, now, by my count, we have over \$800 billion. What we saw after the 7 billion was just story after story of waste, fraud, and abuse. And the time to act is now to make sure that we don't sit here two years from now and say, where did the \$800 billion go, because my committees are still unconnected?

So we do a couple of things. One, require everybody to go through the FCC's map. That is going to help. Two, make sure we prioritize unserved areas first, make sure we close that digital divide before we add additional providers. Three, we need better tracking and measurements. I wrote letters to all the executive branch agencies that have funds. I said, "Where are your broadband dollars going?" The ones that responded, one of them just said, "We aren't even tracking how much of this money is going toward broadband initiatives."

So we aren't in a good spot right now in terms of controls in place, and the window is quickly closing to fix that.

Mr. LONG. OK. And I would like to thank all three of you for coming in today.

And you are going to miss me next year on this committee because, you know, having an auctioneer on here, I talk fast. I want to yield back 54 seconds.

Mr. DOYLE. Well, I will tell you what, Billy, that wins the prize today.

OK, now we are going to try Ms. Rice again, and hopefully her—she is able to come through.

Ms RICE. Thank you. Thank you, Mr. Chairman—

Mr. DOYLE. So, Ms. Rice, you are recognized for 5 minutes.

Ms RICE. Thank you so much, Mr. Chairman. I am sorry for my technical difficulties. Thank you all so much for coming today.

You know, in just less than a year, just under 11 million households have enrolled in the ACP, including nearly three quarters of a million households across New York, and thousands in my district. Americans are desperate for affordable broadband, and the FCC has stepped up to make this program a success. All of us on this committee, I know, want to make sure it continues to grow and reaches the tens of millions of eligible households that have yet to enroll.

My congratulations to you, Chairwoman Rosenworcel, and I would like to ask you—I am aware that the FCC has already had 400 virtual events to promote ACP awareness and enrollment. Have you noticed any enrollment trends you can share with us?

Are there types of communities or consumers where we have been especially successful, or where uptake is lagging?

Ms. ROSENWORCEL. Thank you. We have reached 11 million households, and it has been a lot of work. We have held more than 400 different sessions. We have worked with boys and girls clubs, with faith institutions, with the NFL players, the Miami Dolphins Foundation. We have worked with the Navajo Nation. Anyone who comes to us with a good idea, we will develop a program to get the word out.

So the one thing that has become apparent is that people need to hear from trusted actors in their local communities. And so if anyone on this committee has ideas about how to reach people where they are, we are open to them. We are iterative. We want to reach people and make sure they hear about it from people they trust.

Ms RICE. So the Commission's proposed rulemaking for ACP bookmarked about \$100 million for promoting the program and en-

couraging enrollment, and that includes paid media campaigns, grants to community, outreach partners.

Commissioner Starks, you have emphasized the importance of outreach to and partnerships with communities of color, individuals with disabilities, and the poor, all groups that are less likely to have quality broadband connections than the general population. How can we make sure that these grants actually get to community organizations that are best situated to reach those households?

And why are these grants—to community-based organizations in this effort—

Mr. STARKS. It is—

Ms. RICE [continuing]. To increase, you know, the enrollment?

Mr. STARKS. It is a great question, Congresswoman, and thank you so much for raising it.

You know, increasing participation in any government program, especially a new one, is truly a complex problem. And so, you know, as mentioned by Chairwoman Rosenworcel, you know, increasing awareness of ACP is assuredly a first step, as you mentioned. In setting up ACP, we affirmed, you know, \$100 million set aside to advance these digital equity goals.

So here is what I am looking for, you know. I want to make sure we follow through with that. And so when we are making grants, we do need to identify those organizations, community-based organizations with a proven track record of working with low-income people, communities of color.

When we are contracting with experts to conduct focus groups, for example, develop advertising campaigns, I think we should ensure that they have expertise with, again, diverse communities, low-income communities, you know.

And when we buy advertisements, another part that is going to be part of our programmatic foray here, we should make sure we are spending—that flows to diverse ownership workforces consistent with our media diversity goals.

And so there really are a lot of ways where we can meet the moment here with digital equity, as well as making sure we are focusing and getting the most number of people so that we can increase that 11 million number.

Ms. RICE. So I would encourage you all to work with State and Federal—other Federal agencies and State agencies, as well, because, as my colleague, Mr. Veasey, pointed out, many of the ACP-eligible individuals or households qualify for the program automatically because they already participate in a program like WIC, SNAP, Medicaid, et cetera. But they don't know they qualify, or they—for this program, or they run into trouble when they try to prove their eligibility. So I would just encourage the Commission to focus on that, and partnering with as many Federal and State agencies as we can to kind of fill in that gap there that may exist with people we already know or identify to other agencies.

And thank you all so much for coming. We wish for your success. Your success is America's success.

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

Mr. DOYLE. The Chair now recognizes Mr. Hudson, 5 minutes.

Mr. HUDSON. Thank you, Mr. Chairman.

Commissioners, it is good to see you here today.

One of the things I hear all the time from my constituents back home in North Carolina is the lack of adequate access to broadband. This hearing is important to my constituents and to all of our constituents.

You, the FCC, are on the precipice of making decades-long decisions which can propel our Nation into the next century by giving our children the ability to learn from anywhere; disrupting telecommunications strongholds by China; providing lifesaving treatments through telehealth, telemedicine; and making places like Carthage, Sanford, and, yes, Barbecue, North Carolina the epicenter of global commerce.

In order to achieve this vision we must win the global race to 5G. With auction authority set to expire in September, I ask you, Mr. Chairman, to continue working with members on this side of the aisle to produce a bill extending the FCC's authority.

The upcoming 2.5 auction has ample mid-band spectrum, which will vastly expand mobile connectivity in rural North Carolina.

My first question is for Commissioner Carr. We have discussed my concerns about the potential for waste if governments don't prioritize funding to connect unserved communities that lack access to broadband, and my concern that guardrails on recent funding bills could have been a lot stronger. In my view, government-subsidized overbuilding will create distortions in the marketplace, and allow the government to pick winners and losers, with unserved and difficult-to-reach communities getting the short end of the stick.

How do we ensure coordination between the various agencies and governments who have an unprecedented level of funding? Does this come down to a single map?

What else can Federal, State, and local officials do to ensure this doesn't happen, and we do not overbuild programs like RDOF that are already being deployed?

Mr. CARR. Well, thank you, Congressman, for the question and your work leading on this.

The single most important thing we can do right now is to make sure that there is no overbuilding with these Federal dollars. It has been a lot of work to make sure that we have enough Federal funds allocated to end the digital divide in this country. And the good news is that I think we are there with the amount that has been appropriated, if we put it into the communities that are still unserved.

We cannot afford overbuilding and waste this potentially generational opportunity to eliminate the digital divide. So we have got to get our maps done. We have got to drive everything through that. We need greater coordination across agencies. We do have some agreements right now, but they don't cover all agencies or all funds within the agencies that it covers.

And so these are some of the steps that we need to take, because we can't sit here three years from now and not have gotten billions of dollars' worth of bridging the digital divide.

Mr. HUDSON. Absolutely, I agree.

Chairwoman Rosenworcel, congratulations on your position, and it is a real pleasure to have you here today.

The FCC has taken significant steps in recent years to identify and make available spectrum for commercial use, including for 5G deployment, and that is critical to ensuring the U.S. leads over China. I understand the FCC is currently examining the potential of 5G in the 12 gigahertz band through extensive engineering reviews, and some want to use the 12 gigahertz band for terrestrial use, but there is disagreement over whether this will cause harmful interference to existing satellite systems.

What is the status of the FCC's technical review?

Will you commit to complete your review in a timely manner, especially if we find that coexistence is possible between satellite and terrestrial use in this case?

Ms. ROSENWORCEL. Sure. One of the most complex dockets we have involves the 12 gigahertz band. So you went right there.

The 12 gigahertz band historically has had fixed satellite systems in it. It has had direct broadcast satellite, and it has had multichannel video data distribution systems. And now we might want to add mobile broadband to the mix. As you might imagine, that is going to take a lot of technical work to make sure that the airwaves can accommodate all those different uses without harmful interference.

And some of the data we have on our record points to different interference-to-noise ratios that are copied from the International Telecommunications Union, but are 30 years old. We have satellite policies we are going to have to update. And once we identify harmful interference, we will have to model what it looks like, and try to come up with standards for where satellite terminals can be compared to 5G systems.

These issues, to be candid, will take time, but they take time because they are really important, and we need to do them well.

Mr. HUDSON. Right. Well, I appreciate that. And the last question, in North Carolina and across the Nation, small rural broadband providers are, in some instances, alone in servicing their communities. They don't have large staffs to work on grant applications, other paperwork requirements. What steps does the FCC take to ensure that its regulations do not impose disproportionate burdens on smaller broadband providers?

Ms. ROSENWORCEL. We always take steps to consider small providers in all of our proceedings. We recognize they may not have the resources needed to fully participate. And, as you acknowledge, when it comes to broadband they may be the companies and individuals we most need to deploy in some of our most remote locales. So we have got to be mindful of that in everything we do.

Mr. HUDSON. Well, thank you very much.

Mr. Chairman, I am not as good as Billy, but I will yield back 12 seconds.

Mr. DOYLE. I thank the gentleman. The gentleman yields back. The Chair recognizes Mr. Soto for 5 minutes.

Mr. SOTO. Thank you, Chairman, and thank you to our FCC Commissioners for being here.

We just had Secretary Cardona from the U.S. Department of Education in central Florida today. We know that our kids have been through so much, our teachers have been through so much, and connectivity has helped us through it, through distance learn-

ing. But we also saw gaps in connectivity, especially in our rural areas. And while we work with NTIA on rural broadband infrastructure, it also will be critical for cell phone service that we work with the FCC to improve this connectivity.

So I want to thank you all for the great work you have done on the Emergency Connectivity Fund and the Affordable Connectivity Program. Places in rural areas like Frostproof, Florida, Saint Cloud, Lake Wales, and in Kissimmee benefit greatly by this access to cell phone service.

I wanted to also talk about the digital divide directly. I got to speak early on with you, Commissioner Starks, about the amazing work that you all have been doing in the FCC. So it would be great to get an update for my constituents, including my wife, who is an assistant principal here in Osceola County, on the work that you all are doing to help with that digital divide and homework gap.

Mr. STARKS. It is a great question. Thank you, Congressman. And for your wife's efforts for your continued efforts, you know, equitable education requires internet access, and many schools, organizations have worked hard to close the gap. But despite that, you know, reports have said, you know, going into the pandemic, nearly a year there, that you still had over 12 million students who remain digitally disconnected, under-served.

And so last year, even I made it a point to hear from students myself. I met with students in Detroit, Michigan at Brenda Scott Academy, a disproportionately high reduced-lunch folks and students. And they talked about, you know, how they were trying to learn on their devices, on a cell phone. The most striking moment was a student who told me that she needed a better internet, and that was plain and simple.

The ECF has done an enormous amount of work, and is continuing, and so the commission staff who stood up this program deserve a lot of praise, as well.

Mr. SOTO. Well, thank you, Commissioner.

Chair Rosenworcel, thank you for your leadership, and congrats on your chairwomanship.

In central Florida we have Cape Canaveral, where there is NASA, SpaceX, Blue Origin, and satellite internet has become a major part of connectivity. We see that with StarLink across the United States, and also with the crisis in Ukraine. Unfortunately, sometimes we see speculators that are proposing to repurpose the 12 gigahertz spectrum that these satellite operators use. It would be great to hear of your continued support for this critical spectrum use by satellite systems to help with the very isolated areas in both Florida and in areas across the world.

Ms. ROSENWORCEL. Thank you. You really do have this space age happening in your backyard in Florida. We want to make sure at the FCC that it continues to be viable, too. We have a proceeding on the 12 gigahertz band that involves a lot of satellite systems, and now possibly the introduction of mobile terrestrial use.

This is a complex proceeding, as complex as any proceeding before the agency. We are combing through engineering documents. We are trying to identify if the—having these services coexist is viable, what interference might be harmful, how we should model it. That work is all underway. I can assure you that we have our

best engineers assessing this right now, and we can continue to keep you updated as we proceed.

Mr. SOTO. Thank you, Chairwoman.

And I want to end just by stressing the importance of the Rural Digital Opportunity Fund program. This is critical for areas like South Osceola and Polk County in my district. And together we will close this digital divide, this homework gap, and the need to improve access for rural businesses in Florida's 9th congressional district, in central Florida and across the Nation.

And with that, Chair, I yield back.

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

Mr. WALBERG. Thank you, Mr. Chairman, and thank you to the Commissioners for being with us today.

Getting spectrum into the marketplace quickly is essential for connecting Americans across the country. We remember back during the Trump Administration, the FCC freed up an unprecedented amount of spectrum by taking an all-of-the-above approach, including for both licensed and unlicensed operations in low, mid, and high-band frequencies.

Chairman Rosenworcel—and again, congratulations for your chairship—in 2018 you called for the FCC to maintain a spectrum calendar to increase transparency about how and when the new resources will be made available to the public. I agreed with the merits of this idea, but I haven't seen a follow-through on that call yet.

Are you still committed to putting out a spectrum calendar?

And if so, what bands, beyond the already scheduled 2.5 gigahertz auction, would you place on the calendar either for auction or making available for the unlicensed?

Ms. ROSENWORCEL. Sure. To be clear, in 2018, in the Mobile Now Act, this committee and Congress required us to publish an annualized calendar, which we did in September of last year.

As you have acknowledged, we have already auctioned the 3.45 gigahertz band, and we now have the 2.5 gigahertz band in our sights for July.

Going forward, I would ask this committee's help on two fronts.

First, the Spectrum Pipeline Act from 2015 requires NTIA to identify 30 megahertz of spectrum below 3 gigahertz for auction. I would like you to make sure that that actually comes to fruition.

And then I know you are working hard to try to identify how we might be able to have access to 200 megahertz of spectrum in the 3.1 to 3.45 gigahertz band, which—the auction of those airwaves was delayed by the Infrastructure Investment and Jobs Act.

So those would be two of the bands that I have in my sights, but two of the bands that I also need this committee's help to bring to commercial market.

Mr. WALBERG. We hope we can do that.

Chairperson Rosenworcel, turning to oversight, Congress created a \$7 billion Emergency Connectivity Fund, as we have talked about, to help schools and libraries stay connected to their students during the COVID-19 pandemic. The FCC has distributed over five million connected devices through the ECF.

My concern is that—does the FCC have a system in place that has kept track of where these devices went after they were sent to the schools and libraries?

And what safeguards are currently in place to make sure that the devices purchased through the Emergency Connectivity Fund are not duplicated across other programs?

Ms. ROSENWORCEL. It is absolutely imperative that we prevent waste, fraud, and abuse in this program and any other program. But I would love to followup with you with more specifics to make sure that I give you precisely the rules that apply to this program, and not one of the other ones that I have in my head at this moment right now. So we will followup with you on that.

Mr. WALBERG. We will look forward to that.

Ms. ROSENWORCEL. OK.

Mr. WALBERG. Because I think we agree, we have too few resources to waste, and that includes our kids. I am glad most of them are back in school in the classroom now.

Chairwoman Rosenworcel, my final question is I want to followup on an answer you gave to Leader Rodgers's question earlier about rate regulation. I just want to make sure that there aren't any hidden asterisks in your statement when you say, "no rate regulation." Are you including within that a commitment not to apply section 201 and 202's just and reasonable provisions to broadband rates, either before or after the fact?

Ms. ROSENWORCEL. There is no asterisks.

Mr. WALBERG. No asterisks. I am glad to hear that.

And, Mr. Chairman, I am going to return 56 seconds.

Mr. DOYLE. Wow. I will tell you, you guys are making our side look bad. I thank the gentleman for yielding back.

The Chair recognizes Mr. Butterfield for 5 minutes.

Mr. BUTTERFIELD. Thank you very much, Mr. Chairman. Can I add his 56 seconds to my time?

OK—

Mr. DOYLE. No, you may not.

[Laughter.]

Mr. BUTTERFIELD. My request is denied. But thank you, Mr. Chairman, for convening this very important hearing today. And thank you to our guests today. And thank you for the incredible work that you do at the Commission.

And let me also say good afternoon to my colleagues. I am not in the committee room. I wish I could see all of you. But hopefully, we will be back to normal very, very soon.

Chair Rosenworcel, we chatted a few days ago, and let me just congratulate you and thank you on your incredible service, not just since you have been on the Commission, but your service before you joined the Commission. I know your resume, and I know you have been very dedicated and committed down through the years. And I just thank you so very much. I am confident that you are going to really make a significant mark on the work of the Commission.

And to the other Commissioners, Commissioner Starks, you and I are friends and have been for years, and Commissioners Carr and Simington, it is just good to see all of you. But let me just get right to the point.

Like Congresswoman Rice said a few moments ago, this is very important. The Affordable Connectivity Program, ACP, is incredibly important. And I just thank you for your leadership to ensure the success of the Affordable Connectivity Program and the Emergency Connectivity Fund. These are two very important initiatives in my State.

In North Carolina, over 400,000 households are enrolled in the ACP, and schools and libraries in the State have been awarded some \$150 million in funding, with over \$17 million of that in my congressional district. That is a big deal. These are real, meaningful benefits for my constituents. And I hope that all of you will continue to work together in ensuring the success of these important programs.

I want to commend the Commission's work on pole replacements and dispute resolution. I wrote to the FCC last year urging you to act on this important issue. So I appreciate the Commission taking steps like this so that unserved households, like those in my district, can get online much faster.

So let's start with question No. 1, and I will start with the Chair. I would like to move on to my bill, the Expanding Broadcast Ownership Opportunities Act, which focuses on bringing back the FCC's minority tax certificate program. And you and I have talked about it over the years. It is designed to incentivize diversity of ownership in the broadcasting industry.

Let me ask you, Madam Chair and Commissioner Starks. Both of you have been outspoken about the positive impacts of this program. I would like to offer the opportunity for all the FCC Commissioners to eventually embrace this idea, and to understand the potential benefits of reinstating the tax certificate program.

Madam Chair, if you would, speak very briefly to this.

Ms. ROSENWORCEL. Sure. I embrace it fully, wholly, and completely. History demonstrates it was the single most effective tool we had to increase the diversity of ownership of media properties in the United States.

Mr. BUTTERFIELD. And Commissioner Starks, can you add to that, please?

Mr. STARKS. Yes.

Mr. BUTTERFIELD. Go ahead.

Mr. STARKS. I emphatically and foot-stomp it, as well. Fourteen hundred full-power commercial broadcast television stations, less than six percent owned by women, less than three percent are minority-owned. And the minority tax certificate program speaks for itself with the great results that it achieved.

Mr. BUTTERFIELD. Thank you.

And back to our chair, Madam Chair, my bill, the Data Mapping to Save Moms' Lives Act—that is a mouthful, but we have talked about it before—it directs the FCC to use its data mapping tool to track maternal mortality and severe morbidity rates. Making the connection between maternal mortality rate and broadband access is crucial to identifying areas that lack support, especially in African American communities, where the maternal mortality rate is unacceptably high.

Can you discuss this with us in the few seconds that we have left?

Ms. ROSENWORCEL. Sure. The United States is the only industrialized economy with an increasing level of maternal mortality. It is a quiet crisis. There are new telehealth technologies that can help women during their pregnancies and produce better outcomes for them and their children. We have got to figure out how to use broadband connections to make those better outcomes happen, and I think your bill and the data we collect pursuant to it would help with just that.

Mr. BUTTERFIELD. And Commissioner Starks, can you use the last 20 seconds to talk to us about modifying the commission's FM booster rules?

Mr. STARKS. Yes. Thank you for the question, Congressman.

This proposal garnered 21 civil rights organizations' support. You know, small radio station operators frequently are also small business owners. I heard from them how hard it was for them to weather the pandemic, as well. So I see great potential in this geobroadcast technology improving local radio experience, news, weather, emergency, as well as positioning small broadcasters and broadcasters of color to compete for listeners and advertising dollars.

And very last, I would like to say, Congressman Butterfield, thank you for your long dedication to public service. Your legacy of excellence is something that I follow, and particularly in the media and telecom space.

Mr. BUTTERFIELD. I am grateful. Thank you. I yield back.

Mr. DOYLE. The gentleman's time has expired. The Chair recognizes Mr. Duncan for 5 minutes.

Mr. DUNCAN. Thank you. And Mr. Chairman, I don't know if the Democrats are practicing baseball yet, but you look awful alert to have gotten up so early, if you all are.

I want to thank the Commissioners for being here. After over 500 days of not having an oversight hearing, I am glad we are finally doing that.

We have talked a lot today about the need for expanding rural broadband connectivity, accurate mapping, and interagency cooperation to ensure we aren't double-building in the process. So I want to echo these concerns, and the need to build out the rural networks, rural broadband, rural networks. I think there needs to be a huge percentage going to rural America, instead of inner cities, where there may already be existing networks, and not just keep spending billions of tax dollars repeatedly on the same inner-city neighborhoods.

We have also talked a lot today about spectrum, and the scarcity of spectrum, and the need for continuing and expanding auction authority to make more spectrum available, and ensuring that the spectrum we make available is usable for industry. I also want to echo those concerns, but this ground has pretty much been covered by the time you get to me.

So, Commissioner Carr, I want to ask you, in your testimony you mentioned the need to push back against the abuses of Big Tech. And I especially want to focus on anti-discrimination provisions that you mentioned. What do you think we in Congress need to do to protect First Amendment rights of conservative content creators, local businesses, local broadcasters, and others who feel they have

been trampled on by Big Tech, keeping the importance of that and multiplicity of information sources that you mentioned in your testimony in mind?

Mr. CARR. Thank you, Congressman. Thanks to you for your work on this issue of reining in Big Tech. I think, first and foremost, we have to fundamentally overhaul section 230. There are portions of section 230 that are pro-speech, that create incentives to leave speech up, particularly political speech. And there is portions of section 230 that today have been misread by courts, as Justice Thomas have walked through, to give them, internet companies, *carte blanche* to remove any speech that they want. That is not the intent of Congress in section 230. And I think Congress needs to amend section 230 in a way that is going to promote more speech.

But 230 reform alone isn't going to be enough. That is why we need to impose some basic transparency obligations on Big Tech. Right now it is a total black box. Some speech is left up, some is taken down. There is no consistency at all. I think we need some basic non-discrimination that could take a lot of different forms, whether it is treating like cases alike, or looking at legislation in the Senate that Senator Wicker has that talks about trying to protect speech that is political in nature from discriminate takedowns.

And I think there is steps we can do in terms of user empowerment. Right now, the whole point of section 230 was to give a little bit of balance between content moderation that websites do and empowering—giving users tools to engage. And right now, that balance has shifted too far.

And I think one step that we could do would be to empower users to make their own content moderation decisions. If you want Fox News to filter your feed before you see it, maybe plug that in. If you want MSNBC's to do it, plug that in. There can be third parties that offer ways to do content filtering, or someone can just choose the Wild West version.

But if we give people more power to make those decisions, I think that is a pro-speech reform that we would be better off, because then we can have, you know, robust, wide open political debates, which we are better for, because that is how we solve problems in this country. It is not by keeping ideas off the table, but by having robust discussions about them.

Mr. DUNCAN. I would love to see this committee or the full committee deal with 230 protections, and have Big Tech come back in, where we could delve into that.

I will move on. Mr.—Commissioner Simington, I know you are a big proponent of looking at regulation of receivers as a way to increase efficiency of how we use spectrum, based on its scarce resource. How would you address the concerns of industry about the potential burdens of such regulations? And what are the benefits of ensuring that government users of spectrum have to upgrade their standards to be more efficient?

Mr. SIMINGTON. This is a great question, because the difficulty of taking receiver standards up in the past has always been that it is a much, much, much more difficult question than physical assessment of transmission.

You can put a transmitter in a box and test if it is emitting according to spec. For a receiver, you have to field test it, and you have to field test it under a wide variety of interference conditions. It is an exponentially more complicated problem, much more like a large research lab's R&D function than something that the Commission is capable of doing. And that is exactly what we don't want to do here.

So hopefully, industry is being assured right here, right now that we are not going to cram burdensome regulations down on them. Instead, the idea is going to be to assess what constitutes an acceptable threshold of interference between every band and service right here, right now, and then to be able to compare and contrast them to understand where it is that receivers' improvements could lead to the availability of bands for commercialization, or to otherwise greater spectral efficiency.

I think that is the last free real eState we are likely to find in the spectrum, but it is very valuable. So hopefully, that is how we will get there.

Mr. DUNCAN. Yes——

Mr. DOYLE. The gentleman's time——

Mr. DUNCAN [continuing]. Thank you.

Mr. DOYLE [continuing]. Has expired.

Mr. DUNCAN. Thank you, I yield back.

Mr. DOYLE. The Chair recognizes Ms. Matsui for 5 minutes.

Ms. MATSUI. Thank you very much, Mr. Chairman, for having this hearing today. And I want to welcome the Commissioners, and especially congratulate Chairwoman Rosenworcel.

And I also want to say it sounds like we are having a productive—you know, before it even got to this point now today, so you have already done productive work already.

I have a question regarding receiver standards. While recent disputes have highlighted the importance of spectrum governance and coordination, it also reinforces the need to take a meaningful look at the role receivers play in supporting or hindering more intensive use of airwaves. I know the FCC will be examining this important issue soon.

I am also working on draft legislation that I believe can complement this effort by assuring the Federal Government isn't buying outdated or inefficient technology.

Chairwoman Rosenworcel and Commissioner Simington, can you describe the relationship between Federal receivers and the spectrum pipeline, and do you think legislation addressing Federal receiver supply could complement the FCC's work?

Ms. ROSENWORCEL. Thank you for the question and your interest in spectrum policy, generally.

Traditionally, we have had discussions about just transition when it comes to spectrum. But if we want to be efficient, we also have to think about the other end. We have to think about receiving. For that reason, working with Commissioner Simington, we have a notice of inquiry we will consider next month on this subject.

But I think what you are raising in legislation is really important. Making spectrum receiver efficiency part of government pur-

chasing will change the market for receiver equipment because government purchases at a greater scale than anyone else.

I think that that was a subject of an old executive order, and it is an idea we need to revisit right now.

Ms. MATSUI. OK, thank you. Mr. Simington, do you have a comment?

Mr. SIMINGTON. Yes. I just wanted to express my appreciation for your work on the proposed Spectrum Coexistence Act. I have, frankly, I have heard it quietly said by people at major executive branch agencies that focus on spectral efficiency, in terms of agency and government procurement, is exactly how to improve relationships with the FCC.

Ms. MATSUI. OK, thank you.

A reliable pipeline of valuable mid-band spectrum is a fundamental part of keeping the U.S. ahead in the race to the next generation wireless technology. To help keep our pipeline robust and predictable, I recently called on NTIA Administrator Davidson to finish the 2019 study on the 7 gigahertz band.

Chairwoman Rosenworcel, you recently highlighted the importance of spectrum in the 7 to 15 gigahertz range for 6G. How would completion of the study help industry prepare for the future?

And can you describe its potential for commercial use?

Ms. ROSENWORCEL. Yes, thank you. So we are already going there. We are talking about 6G. And it feels early, but there are other nations that are already doing this, so I think we should start targeting some airwaves.

At Mobile World Congress I mentioned, as you suggested, that spectrum between the 7 and 15 gigahertz bands should be our target. So that NTIA study you mentioned that I believe is ongoing is really important.

Ms. MATSUI. OK. Thank you very much.

In California wildfire season has grown from a seasonal concern to almost a year-round threat. In the face of more frequent and severe wildfires, hurricanes, and tornadoes, I introduced the bipartisan Emergency Reporting Act, which passed the House earlier this Congress. I am glad to see the Commission taking action to improve network outage reporting to help us prepare for and respond to emergencies.

Chairwoman Rosenworcel, what steps is the FCC taking to strengthen the resiliency of communications networks during emergencies?

Ms. ROSENWORCEL. Thank you. You know, whether it is snowstorms in Texas or wildfires out West, we have got once-in-a-lifetime weather events happening with increasing frequency.

After Hurricane Ida hit land in Louisiana, Commissioner Carr and I went and studied the communications damage and we came back and immediately started a proceeding to consider how we should, you know, update our wireless cooperative resiliency framework that helps keep wireless service running after disaster, what kind of notification is necessary for 911 and first responders in a disaster, and what reforms we can make so that our power companies work better with our communications companies.

That is a discussion that is still ongoing, but I really do appreciate that Commissioner Carr decided to participate in that, and

has been really thoughtful in trying to find ways to advance it, consistent with the kind of concerns you just described.

Ms. MATSUI. OK. Well, thank you very much.

And Mr. Chairman, I will yield back—well, I guess—I was going to yield back 1-second.

[Laughter.]

Mr. DOYLE. You are right on time, Doris, thank you. The Chair recognizes Mr. Cárdenas for 5 minutes.

[Pause.]

Mr. DOYLE. Mr. Cárdenas, you are—you have 5 minutes.

Mr. CÁRDENAS. Hello, this is Cárdenas. I have 5 minutes?

Mr. DOYLE. Yes, you are up.

Mr. CÁRDENAS. OK, thank you so much. I was having problems with my iPad. Thank you very much. I appreciate this opportunity, Mr. Chairman, Ranking Member, so that we can have this opportunity to work with and speak to the FCC Commissioners, and all the wonderful work that is going on around the country, and implementing legislation that we have all passed and are very excited about.

I would like to highlight, first of all, the accomplishments of the Emergency Broadband Benefit Program, the Affordable Connectivity Program, as well. EBB and ACP are great examples that demonstrates what a partnership between Congress, the FCC, and the internet service providers, the private providers that can lead to including making this program a reality for so many consumers. Public-private partnerships can and do work. The FCC successfully implemented this program, and the private sector stepped up to participate and help consumers by offering free and low-cost broadband to ensure that every family has access to reliable, affordable, high-speed internet to stay connected and to close the digital divide.

For example, this morning I just found out that Charter announced 100 megabit speed for under \$30 a month. That means—and also with no equipment, no installation charges, et cetera. That means that, with \$30 a month ACP credit, we will be able to see families across America be able to afford to have access to the internet at a speed that is—so that people can do their homework and then get their work done.

Chairwoman Rosenworcel, it is good to see you. I love working with you. And thank you so much for making yourself so accessible to so many communities around the country, especially in my district. How do you think the FCC can build on this success, so that all households and communities can benefit from the personal and economic benefits of high-speed broadband internet?

Ms. ROSENWORCEL. Thank you for the question, and thank you for the work you are doing to get out the word about the Affordable Connectivity Program in your own district.

We are partnering with anyone and everyone who has a good idea. We have worked with the Department of Education to send out emails to everyone with a Pell Grant in this country. We have worked with the Department of Labor to make sure that in State unemployment centers there is information about these materials. And my colleague, Commissioner Starks, is spearheading an effort

to work with Federal housing authorities to make sure that they too learn about it.

The bottom line is that our program is up for iteration at any moment in time when people on this committee or anyone else has a good idea about how we effectively get the word out so people hear about it from people they trust. So keep us posted. We would love to have your ideas. Keep them coming.

Mr. CÁRDENAS. Thank you. And thank you for all the work that you are doing across departments. I know people accuse government of being too siloed, so thank you for demonstrating that it can be done. And thank you for the success that the FCC has had working across different agencies and departments.

When it comes to spectrum, two issues are very clear: first, we need more spectrum available for commercial use; and second, with little greenfield spectrum left, we need to use all available tools to determine the most efficient use of spectrum in every band.

Chairwoman Rosenworcel, you and the FCC have really showcased this ingenuity working with DoD, NTIA, and the wireless industry to develop a successful sharing framework in the CBRs, otherwise known as Citizens Broadband Radio Service, thereby allowing commercial operators access to critical mid-band spectrum, while protecting DoD operations in the band. We should consider how sharing regimes like this one can be used in other bands, including 3.1 to 3.4 gigahertz, and band that—lower portions of the 37 gigahertz band.

With spectrum being scarce, a scarce resource, what other types of innovative sharing regimes are you considering to help ensure we are getting the most efficient use out of every megahertz of spectrum?

Ms. ROSENWORCEL. Going forward, it is not going to be easy. We are going to need creative spectrum policies like what you just mentioned in the CBRs band. And we are also going to need new technologies, continued use of automatic frequency coordination, so that we have dynamic, real-time information about when airwaves are available and when they are not.

The United States has always led on these issues. And going forward it is something that I think we should continue to pursue, and it is going to be a feature of our spectrum policy for the foreseeable future.

Mr. CÁRDENAS. Leading is a source of pride, but, more importantly, it is about economics and leading the world like we have in the past.

I would love to ask Mr. Starks a question to expand on housing and access to—when it comes to public housing, et cetera, but I apologize. Hopefully you have an opportunity to expand on that.

Mr. Chairman, I yield back.

Mr. DOYLE. OK, I thank the gentleman. The Chair now recognizes Ms. Kelly for 5 minutes.

Ms. KELLY. Thank you, Mr. Chairman. I was a proud supporter of the American Rescue Plan Act and its creation of the Emergency Connectivity Fund. This legislation was targeted at helping us close the homework gap that has been talked about. The ECF is helping students and teachers across the country access what is now a basic educational tool: the Internet. Already, schools and li-

braries in Illinois have been awarded over \$200 million from ECF, of which over \$7 million has been awarded to my district, which is urban, suburban, and rural.

The Affordable Connectivity Program is another important program enacted on a bipartisan basis that is helping to connect the unconnected. Over ten million consumers have signed up for the program, and it is helping over 335,000 Illinoisans pay for broadband service each month.

However, we know that nationwide there are over 38 million households eligible for ACP that aren't signed up yet. Marginalized communities, including people of color, immigrant populations, and non-English-speaking communities are disproportionately disconnected, and are less likely to be aware of ACP.

Chairwoman, how does the FCC plan to engage with hard-to-reach communities to ensure they are aware of the programs and ultimately enrolled?

And let me give my congratulations to you.

Ms. ROSENWORCEL. Thank you. I have said it before, I will say it again: We need trusted actors in communities getting the word out.

One of the things that we are doing right now is running a proceeding to identify how to spend the outreach dollars we have with local institutions to make sure that they have the resources they need to amplify this program and reach people where they are.

I will also add that, as an act of transparency, on a monthly basis we publish statistics for this program on a zip code basis. So every office that serves on this committee can look at that data, and try to understand if there is an area within their district where they feel that more progress can be made, you should let us know. We will study that data with you, and try to identify a way forward.

Ms. KELLY. Thank you so much, I appreciate it.

Commissioner Starks, do you have any additional thoughts on how the FCC can engage with hard-to-reach communities?

Mr. STARKS. It is a great question, Congresswoman. As I have mentioned, the pilot program, particularly with public housing—I agree with Chairwoman Rosenworcel, making sure that our community-based organizations—advertising is going to be important.

One additional thing that I would offer up to you, Congresswoman Kelly. You know, seniors are, in particular, a group that I think would benefit also from additional focus on ACP. Just one out of three seniors, you know, one out of three seniors lacks a home broadband connection. Nearly 13 percent of seniors live at or below the poverty line. And so there is a way that they need to be part of our targeted reach out.

You know, I would also say, based upon the numbers thus far for ACP, seniors only account for, you know, maybe about 10, 12, 15 percent of folks that are currently enrolling. And so the last thing that I would say here, obviously, when you are talking about digital divide with seniors particularly, issues of digital literacy come into play. Making sure that seniors have the confidence in both setting up and using their internet connections is going to be a big part of that reach-out, as well.

Ms. KELLY. Thank you so much. Through the Infrastructure Investment and Jobs Act, we are investing \$65 billion to help ensure that everyone has access to reliable, affordable, high-speed internet. We know everyone is waiting on the FCC's broadband maps so this important work can get underway. But we have seen problems in the past when we spent limited Federal dollars to build out our broadband networks without first having accurate service maps.

Chairwoman Rosenworcel, congratulations on recently winning the bid process you all faced getting the maps underway. But with that, can you tell us why it is important that the Commission not sacrifice accuracy for speed in developing these maps, especially when this historic investment is at stake?

Ms. ROSENWORCEL. For too long at the FCC we have had maps that don't work, that overstate service. And as a result, when we have Federal dollars, we don't always send them to the right places. So we have got to put a premium right now on getting it right, because we are spending more money on broadband deployment than ever before. And we are going to also put a premium on sharing our data with every single part of the Federal Government that is giving out funds for broadband. We want to make sure that we are coordinating like never before, as well.

Ms. KELLY. Thank you. I just want to close by saying I am eager for the fifth Commissioner to be seated, so you will be at full capacity.

And I want to express my support for the agency acting to re-establish its authority.

I yield back two seconds—or one now.

Mr. DOYLE. The gentlelady yields back. The Chair recognizes Mrs. Fletcher for 5 minutes.

Mrs. FLETCHER. Thank you, Chairman Doyle. And thanks to you and Ranking Member Latta for convening today's hearing on the Federal Communications Commission and its role regulating communications across the country.

And thank you to Chairwoman Rosenworcel, and congratulations, as well. Thank you to Commissioners Carr, Starks, and Simington for joining us today, and for your testimony. It has been very helpful, I think, for all of us to hear these perspectives and cover these range of issues.

And I join all of my colleagues who have expressed their appreciation for your efforts to expand broadband deployment to all communities, rural and urban. That includes your leadership, in addition to all of your work in administering the two historic affordability programs that we have discussed today, the Affordable Connectivity Program and the Emergency Connectivity Fund.

In particular, schools and libraries in Texas's 7th congressional district that I represent have been awarded more than \$4 million through the ECF, and I know this will open doors and opportunity for so many young people in my district. So we are very appreciative of those efforts.

And Chairman Rosenworcel, I wanted to take a minute to touch on this. I really support your approach to incentivizing communities and providers to work together toward the shared goal of broadband deployment everywhere. And that is why last year I in-

roduced the Broadband Incentives for Communities Act to provide critical resources to cities and counties to enhance their zoning and permitting functions.

Based on the experiences in my district in Houston, where we have rolled out 5G, where we have a lot of folks who have a lot of experience here, we have seen that those can be real challenges. And so to enable the cities, counties, communities that are permitting this expansion, we put together this bill to help facilitate that process. And given the billions of dollars provided for broadband under the Infrastructure Investment and Jobs Act, we should make sure that local jurisdictions that are interested in expanding critical broadband and 5G services have access to the resources that they need to manage the process, as well as clear incentives to move quickly.

So I would welcome the opportunity to work with you on this issue by making this concept really a critical part of our ongoing Federal support for fixed and wireless broadband deployment. And that connects a little bit with, I think, your approach, Chairwoman Rosenworcel, about kind of a carrots-and-not-sticks approach for communities when it comes to broadband deployment. Can you talk a little bit more about your approach and strategy, and why you think that that is how we should move forward with broadband deployment?

Ms. ROSENWORCEL. Sure. You know, there are two things I know to be true here. First, that we have a massive infrastructure project underway in the United States right now to bring high-speed broadband to everyone, everywhere. And the second thing I know to be true is that we have a tradition of local control in the United States. We have got a Tenth Amendment, and we have got people who want to have a say in what is happening in their own backyard. So we have got to figure out how to manage both of those two realities at the same time.

And I think what you are describing is spot on. We should make sure that, when we are developing programs with Federal funds, we condition those funds on having a reasonable and streamlined process for things like permitting and rights-of-way. And if we do that, we will both be able to build out this infrastructure and honor that tradition of local control, and do it in a reasonably speedy way. I think that is a win-win across the board.

So I very much appreciate the approach you just described, and we would be happy to work with you on it further.

Mrs. FLETCHER. Wonderful. Well, thank you so much. I very much look forward to the opportunity to do that.

And with the minute or so I have left, I also just want to touch on the theme of resiliency for our communications networks. In recent years in my district in Houston we have seen many types of disasters, from the winter freeze that everyone observed last year, to three 500-year floods three years in a row that knocked out power and hindered communications access. So I would love to get your thoughts and input on how we ensure network resiliency of existing networks, and how we promote resiliency in the construction of new networks. On just that for 30 seconds or so.

Ms. ROSEWORCEL. We have an outstanding proceeding just on that issue. And it was the byproduct of a trip that Commissioner Carr and I took after Hurricane Ida.

We are looking at updating the wireless cooperative resiliency framework. We are looking at making sure that first responders and public safety authorities get timely notice of outages. And we are looking at improvements we can make for coordination between telecommunications companies and power companies, because commercial power is so important for modern communications.

Mrs. FLETCHER. Well, thank you so much for that.

I will ask the other Commissioners to respond for the record, since we won't have time.

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

Mrs. FLETCHER. And I will yield back with 2-seconds, Chairman Doyle, thank you very much.

Mr. DOYLE. I thank the gentlelady. The Chair recognizes Mr. Pence for 5 minutes.

Mr. PENCE. Thank you, Chairman Doyle and Ranking Member Latta, for allowing me to join this subcommittee hearing today. And thank you to the Commissioners for being here.

As many of my colleagues have discussed today, rural communities are left at a disadvantage because of a lack of access to broadband service. Certainly, in my Indiana 6th district, that is the case. Too many of my constituents throughout southeast Indiana remain unserved, not under-served, totally unserved by broadband providers. That means access to telehealth, online education, remote work opportunities, and social connections with family and friends are simply out of reach.

If we are going to close the digital divide with Federal resources, the FCC should prioritize, in my opinion, parts of the country that remain unserved before upgrading existing networks in covered areas like my Indianapolis.

Unfortunately, the delayed process for improving outdated broadband service maps is still an issue for providers in my district. Currently, consensus block data will show coverage across my district, but all I have to do is drive from Columbus, my hometown, to Richmond or Rushville, and I can tell you where I have no service.

Meanwhile, broadband infrastructure has not escaped the inflation and supply chain disruptions that ripple across the country. In my district materials for broadband infrastructure, such as fiber and other communication equipment, still face upwards of 12-month backorders.

Last summer I wrote to the Department of Commerce with 17 of my colleagues to consider opportunities to address these shortages and secure materials necessary to close the digital divide.

Mr. Chairman, I request unanimous consent to insert this letter for the record.

Mr. DOYLE. Without objection, so ordered.

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

Mr. PENCE. Thank you, Mr. Chairman.

I encourage the Commission to find ways to share expertise with relevant agencies to alleviate delays and release broadband maps

so that Federal funding can reflect the needs of southeast Indiana and all of rural America.

Madam Chairwoman, I was pleased to see my bill, the Broadband Interagency Coordination Act, signed into law in 2020. I understand the Commission has recently updated interagency agreements to include additional agencies regarding broadband coordination. However, it is also my understanding the FCC does not have an interagency agreement with every agency involved in broadband support programs.

The IIA requires your Commission to establish a deployment locations map to provide an overview of federally funded broadband deployment projects across the country. Can you explain the interagency process that your Commission is conducting to implement this law?

Ms. ROSENWORCEL. Sure. It is important that we coordinate, because we have a chance to make generational change with these funds, and we are only going to do it if we are all working together. And to that end, consistent with the law you described, in June of last year we signed a memorandum of understanding with the Department of Commerce and the Department of Agriculture to make sure that we share our data with them so that we can make sure our efforts work together, and not in opposition.

I have already notified our colleagues at the Department of the Treasury we would like to do the same with them. They have a \$10 billion fund. They are not mentioned in the legislation, but we are casting far and wide, and trying to make sure that we can all work off the same information, the same data sets, and make good decisions together.

Mr. PENCE. Well, I was interested—you know, I would have identified Treasury. Thank you for doing that. Are you optimistic that you are going to get everybody at the table together?

Ms. ROSENWORCEL. I am persistent.

Mr. PENCE. You are—

Ms. ROSENWORCEL. That might be better.

Mr. PENCE. You seem like you do, so good.

Ms. ROSENWORCEL. Yes.

Mr. PENCE. Well, thank you very much—

Ms. ROSENWORCEL. It can happen.

Mr. PENCE. Thank you all for being here.

And Mr. Chair, I yield back.

Mr. DOYLE. I thank the gentleman. Let's see, Mr. Welch, you are recognized for 5 minutes.

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

First of all, I just want to say to everybody that your job is so important, especially since there has been such significant appropriations, basically bipartisan, to help on broadband.

Mr. Carr, you said something. Your tone concerned me a little bit, but your concern I share. This money, OK, in a lot of ways, is the easy part. We need resources in order to get the capacity to have broadband in rural America. But it is—the hard, hard, hard work is actually getting it done, getting each house wired. So I share that concern.

But the tone part of it worried me a little bit, because we are going to be depending on you and your organization to keep an eye

on this as it is being implemented. And I just want you to know I share that concern, but I look to you and your colleagues and the Chair to make certain this money results in folks in all of our districts having the broadband that they absolutely need. Are you with me on that?

Mr. CARR. Yes, absolutely.

Mr. WELCH. All right. So this has got to be a cooperative effort is what I am saying.

Mr. CARR. Yes.

Mr. WELCH. I mean, you all got to be together on this, and it just would—I would want to shoot myself if I saw that this became a blame game before we even got rural America wired. So thank you. Thank you for that.

Congratulations, now-Chairwoman Rosenworcel. I want to ask you about 911. Our colleague, Anna Eshoo, has been a huge champion of modernizing 911. And one of the challenges we have in Vermont is we have got these antiquated systems. You know, people are in back rooms, and there is bubblegum on the chair. You know, it is just—and we need it. It has got to work, but we need some funds. And you have got a spectrum auction that we are going to be considering re-authorizing.

And I think Anna—Congresswoman Eshoo's thought is maybe we could use some of that money, not just to go back to the Treasury, but to upgrade the 911 services that we have around the country and, again, all of our districts. I would ask you to comment on that.

Ms. ROSENWORCEL. Yes. Thank you for that. I appreciate it. I think it is an important idea.

I think you have an opportunity to make history. We have got more than 6,000 911 call centers all across this country. You know, the odds are you might only call them once in your life, but it will be the most important call you ever make. And many of those centers are not upgraded for the digital age. But if you were to re-authorize our spectrum auctions, we take the revenue from public airwaves and dedicate it to setting up a nationwide fund to update 911. I think that is within this committee's power, and it would be a great thing to do.

Mr. WELCH. Yes, well, I hope all—but, Commissioner, you will have a discussion on that. But that certainly would be helpful to Vermont.

Another question that I would ask each of you to answer, there is more and more VioP

[sic]—you know, the phones are over the internet, and that is happening in Vermont, it is happening all around. When they weren't over the internet, then there was regulatory authority if consumers had complaints. Now there is no regulatory authority if consumers have complaint for the voice over internet. I think there should be.

And I just ask—I don't have much time, but ask each of you—I will start with you, Mr. Simington, whether you would be in favor of us making certain—actually, you can do it, have authority to address legitimate consumer complaints if they have problems with their voice over internet.

Mr. SIMINGTON. It is certainly within Congress's power issue to require us to address anything of that nature, yes.

Mr. WELCH. I think it is within your power. I think you could do it, as well.

Mr. SIMINGTON. Well, I have got no objection. And, as some of my colleagues have mentioned earlier today, we are moving up the timeline for VoIP in response to the TRACED Act exactly for that purpose.

Mr. WELCH. Thank you.

And Mr. Carr?

Mr. CARR. Thank you, Congressman, for the question. I am very open to taking a look at VoIP, and making sure we have the right regulatory framework around it—

Mr. WELCH. Right.

Mr. CARR [continuing]. Given what that technology is, to make sure we protect consumers.

Obviously, consumers have other services they have a certain expectation on, and it is not entirely clear to me that—why we should have such a gap with VoIP, as well.

Mr. WELCH. Thank you.

And Chairwoman Rosenworcel?

Ms. ROSENWORCEL. Yes. Communications is an essential service. It needs oversight from the FCC.

Mr. WELCH. OK, thank you. Well, I certainly support that, and I appreciate you working together on it.

Mr. Chairman, I yield back.

Mr. STARKS. For my part, Congressman—

Mr. WELCH. Sorry, that is right, Mr.—I am sorry.

Mr. STARKS. No, no, no, no worries. The only thing that I would additionally add is that, you know, we adopted an NPRM seeking comment on a wide variety of resiliency issues, including VoIP services. And that may be another way that we can start to help think through this.

Mr. WELCH. OK. Thank you.

I yield back.

Mr. DOYLE. The gentleman's time has expired. The Chair recognizes Mr. Carter for 5 minutes.

Mr. CARTER. Thank you, Mr. Chairman, and thank all of you for being here. This is extremely important.

And I want to give a shout out to Commissioner Carr. He has been to my district before, and I appreciate that. I appreciate it very much.

I want to ask you, Chairwoman Rosenworcel—we have rolled out some programs. Every time you roll out relief—and you need to be very careful. All of us understand that, and it needs to be delicately dealt with. However, we have not dealt with something like we have with this COVID pandemic in the past, and that is the enormous and quick rollout that we have had.

Therefore, we—you know, there is always going to be problems, there is always going to be bad actors, and there is bad actors in everything. There is bad actors in pharmacy, bad actors in health care. And so it is just part of it.

But I know that we are going to see and discover later on, as this—as time goes on, that there were a lot of bad actors, and that probably we are going to discover that. But unfortunately, we have already seen it. We have already seen it happen. The FCC inspec-

tor general recently detected fraud in the Emergency Broadband Benefit program.

What were the OIG's findings on that? Can you go over that for me very quickly?

Ms. ROSENWORCEL. Sure. We had to get this program up and running in 60 days. And you also, I think, you know, in a smart effort, asked the inspector general, "Take a close look at it," because you get a program up and running fast, you have got to make sure there are no loopholes.

They identified a loophole, which is that we had a streamlined process for registering households that have children in community-eligible participation schools with high numbers of kids on the free and reduced lunch program. And immediately upon learning that we shut down our portal for collecting that—those applications, we added additional documentation. We referred bad actors to our enforcement bureau, and we also made sure that we reached out to every single provider and every single subscriber that had signed up through that portal to re-certify and re-verify them. And we have got ongoing enforcement activity to take—to hold to account anybody who caused problems using that portal.

So to be candid with you, I think the system worked as intended. We got it up and running fast. We found a problem, and we addressed it with speed.

Mr. CARTER. Commissioner Carr, what lessons do you think we can learn from this, from these findings?

And how can the FCC tighten eligibility in the enrollment process so that we reduce waste, fraud, and abuse?

Mr. CARR. Thank you, Congressman, for the question. Great to see you again.

You know, look, I think part of the concern that I had, and part of maybe the energy driving behind my concern is I really think we are headed toward a problem here. We are going to waste a lot of funds. And I wrote letters last summer to four different executive branch agencies—Treasury, Education, Commerce, Agriculture, about, hey, could we work together, can we coordinate to make sure we don't waste this opportunity? And I didn't even get responses from all of the agencies.

And so the frustration that I have is that we are trying on the front end to solve this before it is too late. And it is not clear to me that we have the guardrails in place. So again, one, we have to have these maps at the FCC that we drive this through; we have to avoid overbuilding; we have to have tracking controls in place, so that agencies know where their funds are going, and one of the responses that I did get didn't give me a lot of confidence that we are doing that; and we need to empower our inspector general with the tools that they need to ferret out waste, fraud, and abuse.

And in fact, there is a request even to get a Senate-confirmed IG at the FCC. I don't know if that will be better or worse, but that is another step that could be taken.

Mr. CARTER. Right, good. Thank you for that.

Chairwoman Rosenworcel, let me ask you. The Affordable Connectivity Program and the Emergency Connectivity Fund, they both provide funding for devices and internet connectivity, some of which can be used to purchase a hotspot or a connected device. In

instances where an eligible low-income household is also eligible for ECF funds, how is the FCC ensuring that these two programs are not duplicating one another?

Ms. ROSENWORCEL. We actually have rules in place to prevent that from taking place. So we developed the ECF program to make sure that we check on that during our enrollment process to prevent just what you are describing.

Mr. CARTER. So you are pretty confident that that is not going to happen?

Ms. ROSENWORCEL. We have rules in place. We will monitor it over time. I understand what you are saying. You know, we don't have infinite resources. We want to reach as many people as possible with these—

Mr. CARTER. Sure.

Ms. ROSENWORCEL [continuing]. Programs, and that is why we have a rule to that effect. But it is something we will certainly monitor over time for the reasons you describe.

Mr. CARTER. Good. Commissioner Carr, I wanted to end with this. Even before the pandemic, the broadband providers had programs to assist low-income customers get or stay connected to the internet. Since then these programs have expanded, they have improved service, and they have become more widely available, which is good.

Combined with Federal subsidies, many service plans are free to consumers, yet we still see people who are not adopting these services. Going forward, we need to examine the impact these Federal programs like the Affordable Connectivity Program and Lifeline have on adoption rates to determine if they can—if they continue to be necessary. So I hope that you all will pay close attention to that, as well.

Thank you, Mr. Chairman, and I will yield back.

Mr. DOYLE. The gentleman yields back. The Chair recognizes Mrs. Dingell for 5 minutes.

Mrs. DINGELL. Thank you, Mr. Chairman. Thanks for having this hearing. And I am going to cut to the chase, since we have votes.

This hearing has highlighted that broadband and spectrum access remains a necessity to participate in today's economy and, as the chairwoman and Commissioners have emphasized, offer educational opportunities, medical services, and provide new avenues for cutting-edge public safety advancements.

I want to focus on developments in communications technology and its potential uses in roadway safety.

Chairwoman Rosenworcel my questioning has to do with the FCC's ongoing 0.9 gigahertz proceeding. In—the Commission's initial report and order from November 2020 designated the upper 30 megahertz of this band for intelligence transportation systems, or ITS. It furthermore stated that the C-V2X was the technology that should be utilized for ITS.

The Commission asked for further comment on implementing C-V2X and winding down DSCR

[sic] last spring. We are now one year removed from that public comment period and two years removed from the original R&O, and I understand much work remains for those State and local

DoTs and/or automakers who want to deploy this potentially life-saving technology.

Based on the current record before the Commission, how is C-V2X expected to advance automobile safety in this country?

And most importantly, will you work with those automobile stakeholders who want to deploy the C-V2X technology in the 5.9 gigahertz band?

Ms. ROSENWORCEL. The quick answer is yes. We are in conversation with them right now. I know that they want early access to that 30 megahertz of spectrum, and they have a petition before us requesting access. It is my understanding they are going to be updating that petition. We are waiting for that, and I hope we can proceed.

That is the technology that is, of course, the successor to DSRC, and I think it has lots of potential in that 30 megahertz of spectrum. So we want to be able to stay in contact with them, and stay in contact with you, and see if we can make that happen.

Mrs. DINGELL. This matters. We have delayed it for too long.

What can the FCC do next to aid automobile stakeholders interested in deploying C-V2X?

Can the FCC provide any timeline at this time to enable the deployment of C-V2X?

Ms. ROSENWORCEL. I think the most important thing at this point is that we get that updated petition, we provide them with access on a special temporary authority basis, so they can do the kind of experimentation necessary, so they can develop their systems and we can develop rules. That is my goal to have happen as soon as feasible. So, we will continue to work with them and you to make sure that that actually takes place.

Mrs. DINGELL. I will commit to working with you and them.

I want to emphasize that this needs to be a priority for the agency. These stakeholders need clarity, and I urge the FCC to do all it can to enable the deployment of C-V2X faster. I will continue to push to ensure that we are addressing this issue with the urgency that it demands.

Last, what protections are in place to ensure that interference from unlicensed devices in the lower 45 megahertz will not interfere with ITS's use of the upper 30 megahertz in the band?

Ms. ROSENWORCEL. I should point out that this is the subject of ongoing litigation in the DC Circuit. There are some auto interests that have taken the decision from 2020 to court to hash this out in front of a judge. So that is ongoing right now.

But I have confidence in the engineering work of the FCC that was done before I took over the agency that suggested that there is no reason to be concerned for interference. We are going to be able to accommodate in this band both auto safety interests and unlicensed interests.

Mrs. DINGELL. Thank you. I just want to say it is vital that we are developing forward-thinking policy to support the rollout of this cutting-edge, lifesaving technology such as V2X.

[sic]. I want to work very closely with you, because this will save lives on the roads.

Thank you very much. I yield back.

Mr. DOYLE. The gentlelady's time has expired. We just have two more witnesses, or two more members, and hopefully we can maybe get this, so we don't have to recess for just one more person.

Mr. Joyce, you have 5 minutes, but if you don't want to use it all, that would be great.

[Laughter.]

Mr. JOYCE. Thank you to my fellow Pennsylvanian, Chairman Doyle, and Ranking Member Latta for allowing me to waive onto this hearing.

And congratulations, Chairwoman Rosenworcel, for your new position.

My first question is for Commissioner Carr. Many of us have kind of bad habits of signing up for subscription service, whether it is Netflix or a free trial online, and then forgetting about it. And then a few months later, you know what happens? The bill arrives, and you weren't using the subscription, and you cancel the bill. When it comes to Federal subsidy programs, that bill can continue to increase if eligible households eventually move out of their eligibility, and yet continue to receive support on an ongoing basis.

Does the Affordable Connectivity Program have ongoing verification processes to continually review and validate eligibility?

Mr. CARR. Yes, thank you, Congressman, for the question.

Generally, with our programs we have usage requirements and other checks that we make. And I can confirm that we have all of those right ones in place for ACP, as well.

Mr. JOYCE. Thank you. I think that is very important. Strengthening those safeguards to re-verify and re-apply for the ACP program on a periodic basis does help to prevent waste, fraud, and abuse. And I urge the Commission to continue utilizing these types of accountability measures in the program.

Chairwoman Rosenworcel, I have serious concerns about the different Federal agencies making funding decisions based on different sets of data. That, coupled with the differing grant programs, it is really ripe for wasting Federal funds, rather than focusing on the truly unserved parts of America. So this is going to be kind of a quick question, as the chairman requested.

This is yes or no. Do you agree that the FCC's RDOF program is on a path toward successfully narrowing the digital divide thus far?

Ms. ROSENWORCEL. Yes.

Mr. JOYCE. The second question—again, we are going to make it quick, yes or no—do you agree that the NTIA should follow a similar structure, and not impose open access requirements or price regulations and requirements on recipients of their BEAD grant program?

Ms. ROSENWORCEL. I believe those questions are up to them and whatever authority you ultimately provided to them in the infrastructure bill.

Mr. JOYCE. I do not support the NTIA imposing open access or price regulation as a condition for grant funding. I think that opens it up to so many areas of disqualification.

Now, changing subjects, it is clear that the American consumers rely heavily on wireless. And we see it. We see it in the use of mobile phones, Wi-Fi and, increasingly, connected devices like thermo-

stats and even door locks. With this demand for wireless services, how are each of you looking at the need for a spectrum strategy that includes a balance of license and unlicensed spectrum?

And first I will ask Commissioner Carr.

Mr. CARR. Well, thank you. This is—a year ago I put forward a spectrum calendar with listed bands. I thought it would get done that year, this year, and next year. For instance, in that I included 3 to 4, 5 gigahertz, which we have done; 2.5 gigahertz, which hopefully we are doing soon; 6 gigahertz—I think we could look to authorize very low power devices, as well as client-to-client device communications. We can seek comment on increasing power in 3.5 CBRS, and we could take a look at UNII2c and on licensed band and looking at whether we can make that more usable. And there are some additional bands for this year and beyond that I have also listed that I think will help keep us on track.

Mr. JOYCE. Chairwoman Rosenworcel, from your new perch, how do you address this?

Ms. ROSENWORCEL. We are going to have to work with you in Congress to make sure we identify more spectrum that we can make available for both licensed and unlicensed purposes.

The truth is that many of the Federal actors that have allocations today are not eager to give it up. And we are going to need to work with Congress to make sure that their allocations are efficient, and when they have airwaves that they can make available for commercial auction or new unlicensed use, they do so.

Mr. JOYCE. And we look forward to working with you in those regards.

Commissioner Simington, would you please address this?

Mr. SIMINGTON. Absolutely. Everything that has been said so far is correct. We need to continue bringing licensed spectrum to market.

Part of the obstacle in the background of everyone's thinking about the question of bringing licensed spectrum to market is the conflict that inevitably arises. And so we need tools to diffuse those conflicts in advance, which is where I think we are trying to go with the receiver NOI.

As far as unlicensed uses, I would also note that some unlicensed uses have proven to be so encumbered that only a small portion of the actual unlicensed spectrum that is allocated is actually supported by vendors. And I would be happy to support that with examples in—

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

Is Mrs. Trahan still looking to ask questions?

Mrs. TRAHAN. I would love to, if there is time, Mr. Chairman.

Mr. DOYLE. OK. You have got 5 minutes, and we have got 1 minute and 12 seconds until the vote is over. So go for it.

Mrs. TRAHAN. Well, thank you, thank you, Chairman Doyle, Ranking Member Latta, for allowing me to waive on today to discuss a crucial agency.

The bipartisan infrastructure bill included 65 billion to ensure that every American has access to high-speed internet, and Massachusetts is slated to receive no less than 100 million to help provide broadband coverage to 137,000 people who currently lack it.

The legislation also created the new Affordable Connectivity Program, the long-term iteration of the Emergency Broadband Benefit. And according to recent data, over 161,000 Massachusetts residents have enrolled in the program already.

Congress created the Emergency Connectivity Fund in the American Rescue Plan that funds devices and internet service to students and teachers and library patrons, and schools and libraries in my district in Massachusetts have received about seven-and-a-half million dollars from this fund.

So I just want to thank you all for your leadership on this important program. Each of these investments is critical to ensuring that no family ever has to sit in a fast food parking lot to get online again.

But the infrastructure law also included a broadband nutrition label provision spearheaded by my colleague, Congresswoman Craig, and dedicated public interest groups. And this provision is vital in helping my constituents understand their broadband service speeds, costs, and network management in simple, clear terms. It is a great idea, but the label won't work if people can't see it. ISPs are very good at hiding fees in the fine print, and so we need to make sure they don't hide this new label.

Chairwoman Rosenworcel, it is, first of all, great to see you again. I know the Commission is still working to finalize those rules, but I think it is critical that these labels be displayed in a number of places most often seen by consumers, including their monthly bills. Can you just talk briefly about why this kind of transparency is so important for consumers, and also for competition?

Ms. ROSENWORCEL. Yes, I agree. Look, you go into the grocery store, you pull boxes of cereal off the shelf, you can compare calories and carbohydrates really easily, because they have the same nutrition label. That is what we are going for here. All of us know that so many of the details get buried in the fine print. We want to make it easy for people to compare service and make good choices for their families. The goal is to make these labels mandatory, so that consumers can come to expect them any time they choose to sign up for or purchase broadband service.

Mrs. TRAHAN. I couldn't agree more. I have been advocating for similar measures from tech platforms for terms of service labeling. It is clear to me that enforcement is very important with this kind of transparency.

For example, this committee has worked to ensure the FDA nutrition label, as you mentioned, is accurate for over 30 years. And with the new broadband label, consumers are going to need an easy way to report problems, and the FCC should be prepared to investigate.

Do you have thoughts on how the FCC can enforce the label requirement?

Ms. ROSENWORCEL. I think it will provide us with an additional tool. If a consumer signs up for service and the label says that they get a minimum speed, and they don't get that minimum speed, and we start hearing from lots of consumers about that, we are going to have an opportunity to enforce and take action against them,

and hold them to their word. So it provides an additional route for enforcement activity going forward.

Mrs. TRAHAN. Great.

Mr. Chairman, I appreciate you allowing—squeezing me in at the tail end, and I yield back.

Mr. DOYLE. The gentlelady yields back. The Chair requests unanimous consent to enter the following records and other information into the record: a letter from Leadership Conference on Civil and Human Rights; a document from former FCC Chair Michael O'Reilly; an op ed from Congressman Crowley; an op ed from Neil Freed; a letter from 11 organizations on the 5.9 gigahertz band; a letter from U.S. Chamber of Commerce; a letter to former FCC Chairman Genachowski; and a letter to Hon. Gina Raimondo.

Without objection, so ordered.

Mr. DOYLE. I want to thank our witnesses for their participation today.

I remind members that, pursuant to committee rules, they have ten business days to submit additional questions for the record to be answered by the witnesses who have appeared. I ask the witnesses to respond promptly to any such questions you may receive.

At this time, the committee is adjourned.

[Whereupon, at 1:49 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

**The Leadership Conference
on Civil and Human Rights**

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Sherrilyn Ifill
NAACP Legal Defense and
Educational Fund, Inc.
David H. Inoue
Japanese American Citizens League
Benjamin Jealous
People for the American Way
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Joni Madison
Human Rights Campaign
Marc Morial
National Urban League
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Anthony Romero
American Civil Liberties Union
Liz Shuler
AFL-CIO
Fawn Sharp
National Congress of American Indians
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American Association of
People with Disabilities
Randi Weingarten
American Federation of Teachers
John C. Yang
Asian Americans Advancing Justice |
AAJC
Interim President and CEO
Wade Henderson

March 29, 2022

The Honorable Frank Pallone
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Michael Doyle
Chairman
Committee on Energy and Commerce
Subcommittee on Communications and Technology
U.S. House of Representatives
Washington, DC 20515

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

Dear Chairman Pallone, Ranking Member McMorris Rodgers, Chairman Doyle, and
Ranking Member Latta,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by
its diverse membership of more than 230 national organizations to promote and protect the
rights of all persons in the United States, and our Media/Telecommunications Task Force,
we thank the Committee for the opportunity to share our views in connection with the
oversight hearing of the Federal Communications Commission (FCC) on March 31, 2022.

Chair Rosenworcel has been moving quickly and effectively to carry out Congress'
affordable broadband legislation, implementing both the Emergency Broadband Benefit and
the Affordable Connectivity Program quickly and with extensive input from the civil rights
community. We appreciate the focus the FCC has placed on other civil rights priorities,
including initiation of the current proceeding on carceral communications, and addressing
short-term problems with Lifeline's minimum standards. Once the FCC is fully staffed with

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five commissioners, it will face a significant workload. We ask you to review our civil rights priorities with FCC leadership to ensure that they remain among the agency's highest priorities.

Our Media/Telecommunications Task Force is made up of core members of The Leadership Conference coalition with expertise in communications issues, including the United Church of Christ Media Justice Ministry, Common Cause, National Urban League, NAACP, UnidosUS, National Hispanic Media Coalition, National Consumer Law Center, Communications Workers of America, Lawyers' Committee for Civil Rights Under Law, ACLU, Public Citizen, and Asian Americans Advancing Justice | AAJC. The task force works to ensure all people have access to modern affordable communications, hold media and communications companies accountable, and ensure they are representative of the communities they serve.

We write to specifically highlight the top four civil rights priorities under the FCC's purview for the Committee's attention: 1) prioritizing accurate data and ownership diversity in the 2022 broadcast Quadrennial Review and completing it by the first quarter of 2024; 2) collaborating closely with The Leadership Conference and its members in implementing the Infrastructure Investment and Jobs Act (IIJA) provisions prohibiting digital discrimination; 3) completing the open proceedings addressing disability access and predatory rates in carceral communications; and 4) continuing the successful collaboration in achieving affordable broadband by quickly implementing the IIJA's outreach funding grant program and immediately closing the numerous harmful proceedings destabilizing the Lifeline program.

We list below the issues that comprise our agenda so that you may work with the FCC to ensure these goals are addressed.

Ensure Media Ownership Diversity

Delays in initiating and completing the congressionally mandated Quadrennial Review have led to disastrous results. Previously, the FCC has not put sufficient time or resources into ensuring the Quadrennial Reviews can achieve diversity objectives. We urge the FCC to:

- Complete the 2018 Quadrennial Review in the first quarter of 2022 and initiate the 2022 Quadrennial Review, developing and adhering to a timeline to complete the 2022 Quadrennial Review by the first quarter of 2024.
- Immediately start new studies that can be used in the 2022 Quadrennial Review.
- Correct its existing data and improve its data collection on ownership by women and people of color and establish a policy by which, prior to adoption, it will analyze any media policy proposal for its likely impact on increasing or decreasing media ownership diversity.
- Analyze media ownership rules by assessing whether local communities can meet their emergency, health, civic, cultural, and economic information requirements.
- Immediately close its harmful proceeding to raise or eliminate the national TV audience reach cap and eliminate loopholes in measuring national TV audience reach.
- By the first quarter of 2023, complete its open docket considering how to improve ownership data and EEO data collection.

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End Discrimination in Communications

- Collaborate with the civil rights community to develop a robust notice of proposed rulemaking and a final report and order addressing digital discrimination as required by Section 60506 of the Infrastructure Investment and Jobs Act.
- Use its existing authority to prohibit discrimination based on protected characteristics.
- Establish a high-level Office of Civil Rights that includes the current Disability Rights Office and establish a high-level Office of Intergovernmental Affairs that includes the current Office of Native Affairs and Policies.

Improve Communications for Incarcerated People

- In the second quarter of 2022, issue an order in its pending rulemaking addressing the needs of incarcerated people with disabilities.
- By the end of the third quarter of 2022, complete its pending rulemaking further reducing the prison phone rates for incarcerated people.

Expand Equitable and Affordable Access to Broadband Internet and Telephone

- Continue its successful collaboration on the Affordable Connectivity Program (ACP) and work closely with the civil rights community on outreach and program design for underserved and non-English speaking communities as well as the implementation of the dedicated ACP consumer complaint process and reporting.
- Move promptly to develop the outreach funding program to assist nonprofit organizations with outreach for the ACP with low burdens to enable small community-based organizations to easily apply and prioritize grant recipients that focus on hard-to-reach populations.
- Immediately close the numerous harmful proceedings that destabilize the Lifeline program (e.g., proposals to prohibit wireless resellers from participating in the program, require a mandatory co-pay, or to require a hard cap on Lifeline funding leading to waiting lists and/or a benefit amount that adjusts throughout the year).
- Address any outstanding critical questions regarding Lifeline including waivers, COVID-19 response, and minimum service standards, and halt the phase out of voice support.
- Engage with the civil rights community regarding the proceeding on the future of the Universal Services Programs required by the Infrastructure Investment and Jobs Act.

Prevent Exploitative and Discriminatory Uses of Personal Data

- Conduct a rulemaking to strengthen cell phone location privacy under its Section 222 CPNI authority.

If you have any questions about the issues raised in this letter, please contact Media/Telecommunications Task Force Co-Chair Cheryl Leanza, United Church of Christ Media Justice Ministry, at cleanza@alhamail.com; Media/Telecommunications Task Force Co-Chair Yosef Getachew, director of the media and democracy program at Common Cause, at YGetachew@commoncause.org; Anita Banerji, The Leadership Conference media/tech senior program director, at banerji@civilrights.org; or Bertram Lee, Jr., The Leadership Conference media/tech counsel, at lee@civilrights.org.

March 29, 2022
Page 4 of 4



Sincerely,

A handwritten signature in black ink, appearing to read "Wade Henderson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Wade Henderson
Interim President and CEO

A handwritten signature in black ink, appearing to read "Jesselyn McCurdy". The signature is cursive and compact, with the last name "McCurdy" being more prominent.

Jesselyn McCurdy
Executive Vice President of Government Affairs

Wednesday, March 23, 2022



Congress Needs to Fix Major Funding Shortfall in Rip & Replace Program

By Michael O'Rielly

For years now, Congress has been appropriately focused on the national security concerns of our nation's communications networks and those nation states or groups seeking to do harm to the American government and its people. From banning specific companies from serving the U.S. market, ensuring the functionality of "Team Telecom", funding removal and replacement of network equipment, and numerous other measures, Congress has sought to minimize key weaknesses and vulnerabilities in these networks. Unfortunately, changes required of the private sector as a result of these measures are proving more expensive than originally anticipated. In particular, applications for reimbursement under the so-called "Rip & Replace" program are now expected to total over \$5.6 billion, when only \$1.895 billion in Federal funding has been provided for this purpose. Congress can and should promptly fix this, as the failure to do so would undermine a central national security effort and inappropriately leave communications companies holding the bag for these costs.

Meeting Congressional Commitments

The principles established by Congress in the Secure and Trusted Communications Networks Act of 2019 are sound. The applicable House Committee Report notes that "Given the pivotal role that private communications networks serve in connecting U.S. critical infrastructure functions, American networks are appealing targets for foreign adversaries. The United States, therefore, has a clear interest in mitigating threats posed by vulnerable communications equipment and services."^[i] A combination of this law and Federal Communications Commission actions effectively does this by requiring a broad swath of certain communications providers' equipment (and services) capable of being abused to the detriment of U.S. national security, particularly that supplied by Huawei and ZTE, be identified and subsequently removed with cost reimbursements paid for by the government. Specifically, Section 4 of the law, as amended, establishes a thoughtful mechanism for smaller providers (those with 10 million or fewer customers) and other key entities (e.g., non-commercial educational institutions, health care providers, and libraries) to remove, replace, and dispose of "communications equipment or service that poses an unacceptable risk to the national security of the United States or the security and safety of United States persons". In essence, these providers are obligated to remove untrustworthy equipment and be reimbursed for such costs, while minimizing opportunities for waste, fraud, and abuse.

Indeed, the necessity for the reimbursement program is especially strong. Congress targeted resources to smaller broadband providers that unwittingly purchased cheaper equipment (i.e., Chinese origin), which had the unintended consequence of helping to strengthen the Chinese Government, improve its world influence, and expose U.S. networks for potential manipulation and abuse. As House Energy and Commerce Subcommittee Chairman Michael Doyle stated on the House floor, smaller providers – unlike their larger brethren – "didn't get the same heads-up by our government"^[ii] of the risks generated by such equipment. Thus, these entities purchased the troubling equipment without warning and now find

themselves in the unenviable position of being told to remove it. Similarly, Ranking Member Bob Latta stated, "This bill takes into account important concerns we have heard from small, rural providers that were previously unaware of possible security risks when selecting vendors and making purchasing."^[iii] In other words, the U.S. government did not share, either intentionally or by negligence, vital information on potential threat exposures with smaller providers and now seeks their compliance for the equipment removal effort.

To put this in context, Congress and the FCC created the mandates that identified equipment used by certain communications providers be removed. Applicable communications providers are in little position to ignore this requirement and it should not be seen as voluntary. As such, the relevant issue, which was already answered once by the FCC and ostensibly by Congress, is whether cost to smaller providers for conducting this work and replacement equipment should be done *without* sufficient reimbursement. In fact, when considering funding for the Rip & Replace program on the Senate Floor, Senate Commerce Committee Chairman Roger Wicker said, "Let me also make the point that some things are worth paying for, and protecting Americans, protecting our electronic system, our broadband communications from the Chinese-owned Huawei and ZTE is worth paying for."^[iv]

Any lack of additional funding above the \$1.9 billion effectively creates a massive unfunded mandate of approximately \$3.7 billion, as existing funding will be prorated to recipients. Even though the statute prioritizes funding for very small providers (i.e., those with 2 million or fewer customers), this will not resolve the needs of these providers, necessitating prorated reimbursements at significantly reduced rates. That's means, smaller providers would be faced with untenable options, including the possibility of going out of business. The result could be even further reduced broadband service in rural areas. In the meantime, these companies are facing extreme uncertainty.

It's important to note that there is history of Congress increasing initial funding levels after a statute has been passed when it was deemed necessary. Consider the added funding Congress made available under the digital set top box program as part of the analog television conversion process. In that instance, Congress created a two-step funding stream based on consumer demand for the program. However, even with this structure, anticipated demand exceeded funding resources and Congress stepped in to allocate an extra \$650 million the program. Likewise, Congress added additional funding as part of the successful Broadcast Incentive Auction. Specifically, the initial costs for the repacking of broadcast stations exceeded the Congressional allotment of \$1.75 billion. With more programmatic experience, Congress added an additional \$1 billion for the vital reimbursement purposes. In the end, these added funds were essential to accomplishing the Congressional directives contained in the respective statutory provisions.

National Security Needs

The risk of not fully funding the replacement costs for untrustworthy equipment is significant. As House Energy and Commerce Committee Chairman Frank Pallone stated in the requisite House legislative hearing, which helped lead to the statutory provisions, "Communications networks are interconnected and that means that one weak link can harm the whole system. We must help smaller carriers remove suspect equipment for the good of the entire country."^[v] Yet, without sufficient reimbursement funds available, there is a high likelihood that smaller carriers will be simply unable to remove the troubling equipment in any scheduled timeline. Many of these carriers cannot cease operations for a time period to install necessary equipment or conduct the necessary transfer to new equipment while still remaining financially viable. Absent such equipment replacement, the U.S. would consist of a patchwork of upgraded and replaced networks on one hand and those that aren't able to do so on the other hand. Given the interconnected nature of wired and wireless broadband networks, any system that maintains suspect or untrustworthy equipment makes all networked systems more vulnerable to abuse or potential attack.

To clarify the gravity of this situation, Section 2 of the statute explicitly identifies two threats by not replacing the requisite equipment. First, such network equipment potentially could be used to route or redirect "user data traffic or permitting visibility into any user data or packets that such equipment or service transmits or otherwise handles." This indicates that this suspect equipment is capable of being manipulated for purposes of disrupting user communications or to gain access for some monitoring or perhaps nefarious purpose. The consequences of these scenarios are potentially cataclysmic. For example, disrupting communications could lead to a partial or total shutdown of critical user information, especially during emergencies. Those that have experienced communications blackouts know how damaging this can be. Moreover, allowing a foreign actor to collect and examine user communications could facilitate the building of extensive dossiers on all Americans or obtain the sensitive communications of our elected leaders. Second, the statute identifies the possibility that the untrustworthy equipment could be disrupted remotely. That implies that foreign adversaries could have the means and opportunity from afar and without detection to use weak entry points in the network via this equipment to gain complete control over any connected network. The harms that could come from such an occurrence are immeasurable.

Timing Important for Broadband Access

Complicating the reimbursement program's funding issue is the desire from the legislative and executive branches of the Federal government, as well as state and local officials, to see all Americans have access to broadband. As opposed to those Americans with cost or adoption issues, those without broadband access are disproportionately likely to live in less dense or rural areas of the country. These places tend to be where smaller broadband companies operate and thrive. Furthermore, the smaller providers facing the major Rip & Replace program challenges are likely to be some of the same ones that can bring broadband to unserved Americans.

The problematic Rip & Replace program funding is likely to keep some smaller broadband providers on the sidelines as it comes to expanding out their networks to neighboring areas or expanding to new markets. Such uncertainty may feed into the rates paid for matching capital, when needed, or the willingness of states and other officials to select these providers as winning grantees for new broadband access money. Additionally, it means that applications for broadband network access builds will be more expensive and generate fewer submissions. If policy leaders want to ensure that every American has access to broadband it needs to make sure that those providers likely to bring solutions forward are not financially hamstrung by an underfunded reimbursement program.

* * *

The Rip & Replace program has a sound justification – help protect U.S. national security – and a solid structure. But it lacks the necessary funds to make it effective. That is something Congress can rectify, and I hope it does soon. Absent doing so, we will be left with an under-protected communications network system that leaves Americans more vulnerable to harm and also threatens the viability of rural communications network providers.

[i] [CRPT-116hrpt352.pdf \(congress.gov\)](#)

[ii] [CREC-2019-12-16-pt1-PgH10282.pdf \(congress.gov\)](#)

[iii] Ibid.

[iv] [CREC-2019-12-19-pt1-PgS7178.pdf \(congress.gov\)](#)

[v] [2019.9.27.PALLONE_Supply Chain Leg Hearing.CAT_.pdf \(house.gov\)](#)

Broadcasters Can't Have It Both Ways on Compensation for Creators

[musicFIRST Coalition](#)

The NAB wants to have its cake and eat it too. We won't let them get away with it.

By Congressman Joe Crowley



At some point today, nearly all of us are likely to do two things: listen to music and consume the latest news or current events in

some capacity. Maybe we'll click on a broadcast story shared on Facebook, ask Alexa to play some country ballads, or get our news and entertainment the old-fashioned way: from local television, newspapers, and radio stations. It may not matter to you how you get it, but it sure does to the creators.

Why? Because in an era where the news and music industries have been upended by technology and the internet, how you get your content has a big impact on whether creators are compensated, and if so, what cut of the pie they receive. For example, if you get your news watching your local NBC affiliate, the broadcaster gets paid. But if you watch that same news story from your local NBC affiliate on Facebook, the social network may receive the lion's share of the money. Similarly, if you turn to Pandora for music, the performer gets paid — but the same creator won't see a penny when their songs are played on AM/FM radio.

Now, Congress is being asked to address these disparities in creator compensation — and one organization is trying to disingenuously play both sides of the issue.

The organization is the National Association of Broadcasters, the lobbying arm for the largest corporate broadcasters in America. And as the musicFIRST Coalition explain today in [a new filing with the Federal Communications Commission](#), the NAB simply can't be trusted to be consistent on this important issue.

The NAB's duplicitousness can perhaps best be seen in two pieces

of testimony it gave *on the very same day* last month before the Senate and House Judiciary Committees.

On the afternoon of February 2, the NAB told the Senate that online platforms are not adequately paying broadcasters for the content the platforms use to generate advertising revenue. The platforms “simply take [broadcaster] coverage and profit from it, and virtually nothing comes back,” [radio broadcaster Joel Oxley](#) testified on behalf of the NAB. The answer, Oxley testified, is for Congress to pass the [Journalism Competition and Preservation Act](#) (JCPA), which would give broadcasters and other news organizations an antitrust exemption to negotiate collectively for fair compensation from platforms.

We at [musicFIRST](#) — a coalition fighting for artists’ rights that includes SoundExchange, SAG-AFTRA, The Recording Academy, the Recording Industry Association of America and the American Association of Independent Music, among others — agree that distributors should compensate content creators fairly. But what’s good for the goose must be good for the gander — and the NAB can’t have it both ways.

Just a few hours before Oxley’s testimony in the Senate, NAB CEO Curtis LeGeyt appeared before the House Judiciary Committee to oppose the [American Music Fairness Act](#) (AMFA). That legislation would require radio broadcasters to pay music artists fairly for the sound recordings they use to generate millions of advertising dollars. Today, radio broadcasters pay recording artists nothing for

the content they create.

Under the AMFA, large stations — those making more than \$1.5 million per year or owned by a conglomerate making more than \$10 million per year — would pay a per-song royalty to performers. The royalty would be determined by an independent panel of copyright royalty judges that must consider economic, competitive, and programming information presented by all parties.

Small stations that make less than \$1.5 million per year, on the other hand, would only pay a low, flat annual royalty of just \$500 — less than two dollars per day for all the music they need to play. And some stations would pay even less: Noncommercial and college radio stations would pay \$100 per year, while any station with less than \$100,000 per year in revenue would pay only \$10.

Incredibly, LeGeyt went so far as to characterize even these minimal royalties as a financial hardship. When asked to explain why, he absurdly claimed some station owners [might not be able to send their children to camp](#). Nashville Musicians Association president Dave Pomeroy responded by noting that rather than worrying about sending their kids away for the summer, many artists and musicians are struggling just to pay their food, housing, and medical bills. Talk about being out of touch.

But the NAB's shamelessness goes even further. They continue to claim that radio broadcasters don't need to pay recording artists because the "promotional value" of airplay is compensation

enough. But the marketplace has changed dramatically over the last two decades, and radio broadcasters have lost significant audience share. The NAB will be the first to admit this — when it benefits their members' bottom line. As we speak, they are asking the FCC to [loosen limits on how many radio stations a broadcaster can own](#) in a local market, specifically to compensate for this significant decrease in audience share. And this same reality is why they're seeking government intervention via the JCPA to require online platforms to compensate struggling broadcasters for content those platforms use to power their businesses.

We're sympathetic to the challenges broadcasters are facing, but the NAB's conflicting arguments beg the question: if the marketplace has changed so drastically and radio has lost so much audience share that it needs the government to step in and protect it, how can the NAB *simultaneously* argue that “promotional value” on these same struggling stations is enough to somehow compensate music performers for their hard work?

These two arguments can't both be true. And the simple fact is, promotional value was *never* adequate “payment” to music creators, just as the NAB doesn't think online promotion is adequate for news creators.

We should all agree: content creators we rely upon — whether to be informed *or* entertained — must be paid, and paid fairly, for their work. Let's face it, it shouldn't matter what button you push on your car radio whether a musical artist gets paid or not, nor should

it matter if you watch the same clip on Facebook or on your local NBC affiliate's news broadcast whether a newsmaker is compensated.

We stand with creators no matter the industry — and we hope the NAB will stop twisting itself into a pretzel of contradiction and join us.

Congressman Joe Crowley is Chairman of the musicFIRST Coalition — the voice for fairness and equity for music creators.

Even OTA Radio Doesn't Buy Its Claims Against Fair Pay for Music

[DigitalFrontiers Advocacy](#)



Sisacorn/shutterstock.com

Neil Fried

For an advocacy organization to take a dubious position is one thing. To simultaneously make two contradictory arguments before federal policymakers is quite another.

Yet that's what the National Association of Broadcasters is doing, as [SoundExchange](#) and other members of the [musicFIRST Coalition](#) explain today in an [FCC filing on the broadcast radio ownership rules](#).

Content Creators Deserve to Be Paid ... Until They Don't

The hypocrisy is laid plain in two pieces of testimony the NAB delivered to the Senate and House Judiciary Committees within a seven-hour period last month.

As SoundExchange CEO Michael Huppe [has already noted](#), the NAB told the Senate the afternoon of Feb. 2 that online platforms are not adequately paying broadcasters for the content the platforms use to generate advertising revenue. The platforms “simply take [broadcaster] coverage and profit from it, and virtually nothing comes back,” [said over-the-air radio executive Joel Oxley](#) on behalf of the NAB.

The solution, according to Oxley, is for Congress to pass the [Journalism Competition and Preservation Act](#). That legislation would give broadcasters and other news organizations an antitrust exemption to negotiate collectively for fair compensation from platforms.

The morning of Oxley's testimony, however, NAB CEO Curtis LeGeyt was before the House opposing the [American Music Fairness Act](#). That legislation would require radio broadcasters to pay musicians fairly for the sound recordings they use to generate millions of advertising dollars. Radio broadcasters don't pay recording artists anything today.

Sorry You Can't Pay for Your Meds But Junior Needs to Learn

to Sail

Under the legislation, large stations—those making at least \$1.5 million per year or that are owned by a conglomerate making at least \$10 million per year—would pay a per-song royalty. The royalty would be determined by a panel of copyright royalty judges that must consider economic, competitive, and programming information presented by all the relevant parties.

Smaller stations are subject to a low, flat royalty. For example, a commercial broadcaster with less than \$1.5 million in annual revenue would pay \$500 per year for unlimited use of music. A station with less than \$100,000 per year in revenue would pay \$10 annually.

Incredibly, LeGeyt claimed that even such modest fees were too much. Why? Because some station owners [might not be able to send their children to camp](#). To which Nashville Musicians Association President Dave Pomeroy replied that recording artists just want to keep a roof over their heads, food on their plates, and medicine in their cabinets.

If a Song Plays on Radio and No One Hears It, Does It Really Make a Sound?

In an attempt to explain itself, the NAB continues to claim that radio broadcasters don't need to pay recording artists because the "promotional value" of airplay is compensation enough. (Perhaps

tellingly, [copyright pirates make the same argument](#) to justify their theft of content.)

The promotion argument has never been a valid excuse for refusing to pay musicians. Such a rationale could swallow all of copyright, as any use of content can be called “promotional.”

But the NAB undercuts its own argument even further.

As we speak, it is telling the FCC to [loosen limits on how many radio stations a broadcaster can own](#) in a local market, to compensate for the significant audience share broadcast radio has lost. If radio broadcasters have lost so much audience that they need government intervention, the promotional value they say they provide cannot be adequate compensation.

It’s Only Promotion When We Do It

Heck, even the NAB doesn’t believe the promotion claim. Another of its arguments for relaxed ownership rules is a need to offset the inadequate compensation they say the platforms pay. Yet under the NAB’s own theory, the FCC should take into consideration the “promotional” value of online distribution.

Moreover, remember how Oxley testified that “*virtually* nothing comes back” to broadcasters when platforms use their content? That's because platforms *are* paying broadcasters something.

Google and Facebook often don’t pay broadcasters when users

view content on the online services without clicking through to the broadcasters' web sites, according to an NAB-commissioned study. The same study also notes, however, that in certain situations Apple, Facebook, and Google do [pay between 30 and 85 percent](#) of the revenues the platforms collect in connection with content.

If online “promotion” plus the 30 to 85 percent of revenues platforms do pay broadcasters is inadequate for stations, how can alleged promotion of a similar nature and *zero percent* of revenue be adequate for recording artists?

Compensation for One, Compensation for All

Congress and the FCC shouldn't listen to what the NAB is telling them out of one side of its mouth when it is saying the opposite out the other. If recording artists don't deserve a fair return on their content, neither do radio broadcasters.

DigitalFrontiersAdvocacy.com

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March 29, 2022

The Honorable Maria Cantwell
Chairwoman
Committee on Commerce,
Science, and Transportation
United States Senate

The Honorable Roger Wicker
Ranking Member
Committee on Commerce,
Science, and Transportation
United States Senate

The Honorable Frank Pallone
Chairman
Committee on Energy and Commerce
U.S. House of Representatives

The Honorable Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives

Dear Members of Congress,

Following years of careful study, in 2020 the FCC took bipartisan action to allow both unlicensed broadband and automotive use of the 5.9 GHz band, clearing the way for billions of dollars in economic value and innovation.

The Department of Transportation's ("DOT") recently announced study appears to be designed to undermine the FCC's decision, spurred by interests' intent on re-asserting a claim that the automotive industry should control the entire band. DOT is conducting this action without seeking public comment and appears to be relying on improper technical assumptions and methodologies.

Accordingly, the undersigned organizations urge you to stop this misguided effort. DOT should be focusing its efforts on bringing the automotive industry's new cellular vehicle-to-everything ("C-V2X") technology to vehicles. Instead, we are concerned that DOT will attempt to use a study that is both procedurally and technically flawed to pressure the FCC to roll back its bipartisan decision on the 5.9 GHz band. This would be another instance of government agency dysfunction run amok.

Congress designated the FCC as the nation's arbiter of commercial spectrum. The FCC's 5.9 GHz decision is based on sound science and engineering and will best serve both the broadband and automotive safety needs of the country. The FCC's approach:

(1) uses the lower part of the band to strengthen Wi-Fi networks at a time when, as the pandemic demonstrated, Americans rely on these networks more than ever to access jobs, education, healthcare, and financial services; and

(2) designates the upper part of the band to revitalize the Intelligent Transportation Service (ITS) by allowing C-V2X technology to replace the failed dedicated short-range communications

(DSRC) technology. This advances the future of ITS, since DSRC was not deployed by the automotive industry in any meaningful way outside of a handful of pilot projects.

The FCC undertook a lengthy, full, and fair public rulemaking that expressly considered the views of all stakeholders, from consumer advocates and technology companies to the DOT, state transportation agencies and vehicle manufacturers. The result was a bipartisan and unanimous decision that adopted careful technical rules to protect neighboring automotive services.

The FCC's decision is also critical for American jobs, as unlicensed technologies add hundreds of billions of dollars to the U.S. economy every year and economists calculate that enabling access to part of the 5.9 GHz band will add [more than \\$28 billion](#) by 2025. In fact, this spectrum has been used for the past two years to provide consumers with additional bandwidth to meet increased demand during the pandemic.

C-V2X advocates repeatedly told the FCC that 30 megahertz of spectrum would be sufficient for C-V2X to deliver time-critical safety messages and applications. Rather than relitigate the FCC's bipartisan decision on a spectrum matter that is squarely in its jurisdiction, DOT should focus on helping the automotive industry deliver on those vehicle-safety promises.

Spectrum is a finite asset, and after a twenty-year grant of exclusive use of the band, the FCC was right to not allow these critical mid-band frequencies to lay fallow any longer. Given the importance of the 5.9 GHz band to the country, the federal government must speak with a unified voice on spectrum. Congress should direct the DOT to drop this post-Order testing immediately.

Respectfully submitted,

American Library Association
Benton Institute for Broadband & Society
Center for Rural Strategies
Council for Citizens Against Government Waste
Digital Progress Institute
International Center for Law & Economics
Next Century Cities
Open Technology Institute at New America
Public Knowledge
R Street Institute
Wireless Internet Service Providers Association (WISPA)



U.S. Chamber of Commerce

1615 H Street, NW
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March 31, 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 the FCC." We commend the Subcommittee for holding this important hearing regarding the Federal Communications Commission's ("FCC") responsibilities to oversee America's communications networks and ensure U.S. leadership in communications technologies.

Investing in Broadband Deployment

Since the start of the COVID-19 pandemic, Congress has established numerous programs across several federal agencies, including the FCC, to spur broadband deployment and affordability. In 2020, the Chamber released its [homework gap and broadband funding principles](#) focusing on technology neutrality, collocation, speed to market, and targeted and temporary programs. Consequently, we urge lawmakers to rigorously examine the impact of all federal broadband programs to ensure they can effectively close the digital divide and efficiently spend taxpayer resources. Moreover, we encourage Congress to take steps to provide for proper coordination, and if necessary, streamlining of federal broadband programs to minimize overbuilding and to focus on truly unserved areas.

Broadband Permitting Reform

While the Chamber supports federal investments in broadband, policymakers should not overlook barriers to broadband deployment, in particular permitting reform. Excessive and time-consuming permitting requirements can increase the cost of deployment as well as disincentivize private sector investment in broadband networks. The Chamber urges the FCC to use its existing authority to advance broadband

permitting. In addition, we call on Congress to advance permitting reform legislation to speed up broadband deployment.

Competition Policy

Private sector innovation has led to numerous advances in communications technologies and different types of broadband deployment options. This includes satellite and fixed-mobile broadband, which ultimately enhances market competition. Especially as the price of broadband is falling, the Chamber is concerned by initiatives such as the Executive Order (EO) 14036, "*Promoting Competition in the American Economy*" that encourages government interference in broadband markets without supporting evidence that competition is lacking and harming consumers. Finally, Congress should also discourage support for government-owned networks, considering these networks unfairly compete against private sector broadband networks.

Future of the Universal Service Fund

The Universal Service Fund ("USF") faces serious financial challenges and requires fundamental reform to stabilize USF programs. The Chamber strongly believes that the most viable and effective long-term solution is to transition universal service programs into the Congressional appropriations process. This would ensure effective oversight of universal service programs and acknowledge that internet connectivity is essential to nearly every individual and business. As directed by Congress, the FCC is required to produce a report outlining reform options to the USF. We encourage the FCC to expeditiously meet this requirement and for Congress to make USF reform a priority moving forward.

Spectrum Allocation and Management

Spectrum is an essential resource for many crucial private sector activities including radio and television broadcasting, navigation, safety critical applications, wireless connectivity, and many others. As a scarce resource, the federal government is responsible for developing a comprehensive, unified, national spectrum management strategy that should be designed to efficiently utilize spectrum and enhance the availability and flexibility in licensing and the allocation of spectrum. The Chamber is pleased to have supported H.R. 2501, the Spectrum Coordination Act, and encourages the Committee to continue its oversight over spectrum allocation and management issues.

Conclusion

The United States has a unique opportunity to help close the digital divide and bring internet access to millions of Americans. The FCC will play a critical role necessary to achieve this objective. The Chamber looks forward to working with the FCC and Congress to effectively oversee America's communications networks and ensure U.S. leadership in communications technologies.

Sincerely,

A handwritten signature in black ink, appearing to read 'TK' followed by a long, sweeping horizontal line.

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

cc: Members of the Subcommittee on Communications and Technology

ENERGY AND COMMERCE COMMITTEE:
HEALTH SUBCOMMITTEE
CHAIRMAN
ENERGY AND ENVIRONMENT
SUBCOMMITTEE
COMMERCE, TRADE, AND CONSUMER
PROTECTION SUBCOMMITTEE
NATURAL RESOURCES COMMITTEE:
INSULAR AFFAIRS, OCEANS AND
WILDLIFE SUBCOMMITTEE
DEMOCRATIC POLICY COMMITTEE:
COMMUNICATIONS CHAIR
<http://www.house.gov/pallone>

FRANK PALLONE, JR.
6TH DISTRICT, NEW JERSEY

Congress of the United States
House of Representatives
Washington, DC 20515-3006

May 28, 2010

REPLY TO:
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The Honorable Julius Genachowski
Chairman
The Federal Communications Commission
445 Twelfth Street, SW
Suite 8B201
Washington, DC 20554

Dear Mr. Chairman:

I am writing to you with respect to the Federal Communication Commission's (FCC) recent decision to issue a Notice of Inquiry with respect to the regulatory classification of broadband Internet access services.

Let me state at the outset that I support efforts to keep the Internet open and accessible. In fact, in 2006 when the House Energy and Commerce Committee considered an amendment to make a bill's existing neutrality provisions stricter, I voted in favor. I strongly believe consumers have long enjoyed free and unfettered access to the Internet, which has led to a revolution in how Americans communicate with each other and to economic development and job creation across the Internet ecosystem. In addition, I want to commend the work of the FCC on the National Broadband Plan. This is the nation's blueprint for 21st century communications and it is the first step in addressing a variety of issues critical to the expansion of affordable broadband communications.

As you may be aware, I am the Chairman of the Subcommittee on Health of the House Energy and Commerce Committee. In that capacity I am increasingly sensitive about the tendency of Government agencies, and in particular independent agencies, to arrogate to themselves policy-making authority that is properly exercised solely by Congress. It is in that regard that I am writing to you today.

Independent agencies such as the FCC appear nowhere in the Constitution. They exercise authority delegated by the Congress, and remain independent of the Executive Branch of Government. They are thus creatures of the Congress that must heed the boundaries established by laws passed by Congress, or they run the risk of behaving in decidedly undemocratic ways. While questions involving an agency exceeding the authority granted to it by Congress are decided in the courts, an agency ought to be mindful of the limits on its authority.

Classifying broadband Internet access services as telecommunications services that are subject to the provisions of Title II of the Communications Act may have far reaching

implications. In fact, I am concerned that a near-term effect of your announced proposal to (re)classify these services is to create uncertainty - something that is sure to adversely affect investment decisions and job creation, both of which are in short supply right now.

If you believe the Agency's legal authority to implement network neutrality rules or provisions of the National Broadband Plan are in question, it is appropriate for you to come to Congress and seek the authority you need. This is a job for Congress, and in fact the relevant Chairmen in the House and Senate have recently announced their intention begin updating the Communications Act.

I encourage you to be mindful of exceeding the authority delegated to you by Congress. Instead, it is my hope that you will choose to work with Congress to pursue policies that will both protect the open Internet and promote broadband deployment, and thereby create good jobs for ordinary Americans.

Thank you for your consideration. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone Jr." with a stylized flourish at the end.

FRANK PALLONE, JR.
Member of Congress

Congress of the United States
Washington, DC 20515

August 6, 2021

The Honorable Gina M. Raimondo
Secretary
Department of Commerce
1401 Constitution Avenue N.W.
Washington, D.C. 20230

Secretary Raimondo,

As the Department of Commerce seeks to address supply chain vulnerabilities and establish a domestic manufacturing base for 21st century technologies¹, we urge you to consider shortages impacting the availability of communications network equipment needed to connect unserved Americans and close the digital divide. It is our understanding that rural broadband providers in our districts and across the country are facing extensive delays to secure adequate supplies of fiber-optic cables, including shortages of optical network terminals, routers, and other communications equipment needed for installation². To facilitate the deployment of rural broadband, we urge the Department of Commerce to identify opportunities to secure the domestic manufacturing of fiber-optic cable and other technologies that are essential to connecting unserved rural Americans.

Economic disruptions caused by the COVID-19 pandemic, combined with increased demand for broadband enabling equipment, has likely exhausted fragile supply chains³. Rural broadband providers in our communities and across the country are currently investing billions of dollars to meet consumer data demands yet are now facing steep delays in obtaining the equipment necessary to do so⁴. It is our understanding that some providers are scheduled to wait over twelve months to secure the spools of fiber and other communications equipment necessary to complete ongoing infrastructure projects.

Without increased domestic production of the equipment necessary to deploy high quality broadband, closing the digital divide may remain dependent on untrusted foreign suppliers. As

¹ White House, Building Resilient Supply Chains, *Revitalizing American Manufacturing, and Fostering Broad-Based Growth* (<https://www.whitehouse.gov/wp-content/uploads/2021/06/100-day-supply-chain-review-report.pdf>) (June 2021)

² NTCA – The Rural Broadband Association, *Federal Communications Commission WT Docket No. 21-195: In the Matter of Impact of the Global Semiconductor Shortage on the U.S. Communications Sector*, (https://www.ntca.org/sites/default/files/federal-filing/2021-06/06.10.21%20NTCA%20Equipment%20Shortage%20Comments%20WT%20Dkt%2021-195_FINAL.pdf) (June 10, 2021)

³ Cybersecurity and Infrastructure Security Agency, *Building a More Resilient ICT Supply Chain: Lessons Learned During the COVID-19 Pandemic*, (https://www.cisa.gov/sites/default/files/publications/lessons-learned-during-covid-19-pandemic_508_2.pdf) (Nov. 2020)

⁴ *Id.*

we are seeing ongoing shortages of semiconductor chips stifle American manufacturing, we cannot allow the same situation to impede critical broadband infrastructure deployment.

For too long, unconnected Americans have lost out on economic opportunities only attainable in communities afforded with access to 21st century technologies. Connecting patients to health care providers remotely, accessing online education, and remote tele-work opportunities are only a few examples of the benefits behind broadband connectivity. To ensure that reliable and trusted sources of communications technology, including fiber-optic cable and other communications equipment, are available for continued broadband infrastructure deployment, we urge the Department of Commerce to seek opportunities to leverage domestic manufacturing and establish the reliable supply chain necessary to connect unserved parts of our country.

Thank you for your attention to this pressing matter and we stand ready to answer any questions.

Sincerely,



Greg Pence
Member of Congress



Peter Welch
Member of Congress



Dan Crenshaw
Member of Congress




Bill Johnson
Member of Congress



Robert J. Wittman
Member of Congress



Marianne Miller-Meeks, M.D.
Member of Congress



Dusty Johnson
Member of Congress



Tom Rice
Member of Congress

Joe Wilson
Member of Congress

Lisa McClain
Member of Congress

Tim Walberg
Member of Congress

Victoria Spartz
Member of Congress

Larry Bucshon, M.D.
Member of Congress

Glenn Grothman
Member of Congress

Pete Stauber
Member of Congress

Michael Guest
Member of Congress

Jack Bergman
Member of Congress

Jackie Walorski
Member of Congress

Attachment—Additional Questions for the Record**Subcommittee on Communications and Technology
Hearing on
“Connecting America: Oversight of the FCC”
March 31, 2022**

The Honorable Jessica Rosenworcel, Chairwoman, Federal Communications Commission

The Honorable Yvette D. Clarke (D-NY)

1. A disproportionate number of low-income consumers live in multi-family dwellings such as apartment buildings. According to the National Multifamily Housing Council, in 2020, the median household income of apartment dwellers was \$43,000, as compared to \$67,463 for all households. Because lower-income consumers struggle to pay inflated prices, exclusivity agreements will preclude the U.S. from better closing its digital divide. The FCC recently banned graduated revenue sharing agreements, sale-leaseback arrangements, and required more transparency around exclusive marketing agreements. Nonetheless, there could be other arrangements like bulk billing or similar loopholes that could lead to monopolies in multi-dwelling units. What additional steps can be taken to ensure that those living in or working in MDUs have access to the benefits of competition and close the loopholes for monopolies in MDUs?

RESPONSE: As many as one-third of us in the United States live in multi-tenant units. Many of those units are in apartment buildings, where there may only be a single internet service provider. This lack of choice can mean that residents wind up paying higher prices for lower quality services. Moreover, there is very little these tenants can do if they want to switch providers or seek new services.

On February 11, 2022, the FCC took action to address this problem. We made three changes to our policies governing service in multi-tenant environments. First, the agency adopted new rules that prohibit internet service providers from entering into certain revenue-sharing agreements with landlords that keep competing companies from serving those in multi-tenant units. Second, the agency required internet service providers to disclose any exclusive marketing arrangements they have with landlords to the tenants residing in their buildings. Third, the agency clarified that “sale-and-leaseback arrangements” where a provider sells its wiring to a landlord and leases it back on an exclusive basis are prohibited. These actions were designed to promote choice and broadband competition and benefit those who live and work in multi-unit environments.

I believe these actions are only a starting point. We will need to monitor the market for broadband service in multi-tenant units and explore further efforts if necessary. In addition, we will need to ensure that our enforcement process is available

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for those who might find themselves residing in buildings or communities that do not comply with our new rules. We have also begun a proceeding, pursuant to the Infrastructure Investment and Jobs Act, to consider policies to prevent digital discrimination, which may, as the record develops, include issues like this one. Going forward, I would be happy to work with your office on these efforts.

2. The National Verifier is intended to be a centralized application process for Lifeline and Affordable Connectivity Fund programs. Since the National Verifier does not have data on all qualifying programs, many applicants are forced to manually find and upload documents proving their eligibility. Of those applicants, over 60 percent don't finish their applications. How can Congress and the FCC work together to ensure that all state, federal, and tribal agencies with data make it available to determine eligibility for these important programs?

RESPONSE: The National Verifier works best when it securely connects directly to other databases and systems that can help it verify eligibility of a household seeking to enroll in the Affordable Connectivity Program and Lifeline program. Today, the National Verifier has direct access to 24 state and territory databases, including information about consumer participation in the Supplemental Nutrition Assistance Program (SNAP). In addition, the National Verifier has direct connections to two nationwide databases—one at the Centers for Medicare and Medicaid Services (CMS) and the other at the Department of Housing and Urban Development (HUD). The former assists with confirmation of enrollment in Medicaid and the latter assists with confirmation of participation in federal housing assistance programs. As a result of these connections, the National Verifier can automatically confirm a consumer's ability to participate in the programs 67 percent of the time.

The FCC and the Universal Service Administrative Company (USAC) continue to work with state, territorial, Tribal, and federal partners to increase the number of database connections available through the National Verifier. As noted above, during the past year these efforts have resulted in a range of agreements with states, territories, CMS, and HUD to match system data with what was previously the Emergency Broadband Benefit and is now the Affordable Connectivity Program. In addition, the FCC has been able to work with USAC to provide support to some agencies to develop direct connections for database access. However, notwithstanding this support, the FCC and USAC regularly hear from state partners that they do not have the resources necessary to prioritize the work required to complete these connections. Nonetheless, we will continue to work with these partners to seek to find cost-effective ways to establish database connections that will benefit consumers and simplify the application process.

Congress may wish to act to obviate the need for all of these state connections by encouraging the development of nationwide databases for the qualifying benefit programs for the Affordable Connectivity Program enumerated in the law. Right now, data on eligibility and participation in SNAP, free and reduced price school lunch and breakfast, Special Supplemental Nutrition Program for Women, Infants, and Children, Temporary Assistance for Needy Families, and Tribal Head Start are maintained at the state or Tribal

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level, often among different agencies. Because the data are decentralized, we must establish separate National Verifier connections with many entities. Congressional support for the creation of nationwide databases for federal qualifying benefit programs, where possible, would streamline the application process for consumers, reduce burdens on state and Tribal entities, and allow for more efficient administration of both the Affordable Connectivity Program and Lifeline program.

3. The EEOC recently announced that it will expand the available gender options in the voluntary self-identification questions included on its intake forms. Additionally, beginning April 11, 2022, individuals who do not identify as male or female can select unspecified or another gender identity (X) as their gender when applying for a U.S. passport. Currently, FCC Form-395A, Form-395B and FCC Biennial ownership report Forms 323, 323-E only require the collection of binary gender data. Does the FCC have plans to introduce changes to their ownership and employment data forms to include options for trans and non-binary individuals?

RESPONSE: Thank you for raising this issue. We have an ongoing proceeding to reinstate FCC Form 395-B, which collects workforce diversity information from broadcast stations. The issue of including an option for trans or non-binary individuals on the form has been raised in the record. We have taken note of this and are also paying close attention to what the EEOC does to update its own forms.

4. The digital divide cannot be bridged without access to devices, but over 10 percent of all American households lack a computer - and this number rises to over 40 percent among low-income households. The benefits of obtaining affordable broadband are largely negated without a suitable means of connecting to it. Through the Affordable Connectivity Program, qualifying recipients can receive a \$100 discount on devices, but this component of the program has been underutilized. How will the FCC ensure that eligible households are aware of and take advantage of the ACP device discount?

RESPONSE: I agree that devices—computers and tablets—are an essential part of providing meaningful access to broadband for all households. That is why the \$100 device reimbursement permitted under the law establishing the Emergency Broadband Benefit and then extended by Congress to the Affordable Connectivity Program is so important.

The FCC has taken a series of steps to promote the availability of this reimbursement program. Specifically, the agency is using a range of tools and partnerships to reach eligible households and inform them about this opportunity, including developing an outreach network of 40,000 partners, holding training sessions for those working directly with eligible communities, working with journalists and developing social media content to expand awareness, and engaging directly with federal, state, and Tribal authorities. Congress also authorized the FCC to use funds to expand awareness of this program. As a result, we are exploring using a variety of outreach tools and strategies, as permitted by the law, including focus groups, consumer research,

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surveys, a grant program, and paid media. The FCC has set aside \$100 million over five years for these outreach efforts.

The FCC and USAC have developed outreach materials that highlight the one-time device discount. These include consumer FAQs, a fact sheet, flyers, handouts, overview videos, social media posts, and brochures. These materials can be accessed at <https://www.fcc.gov/acp-consumer-outreach-toolkit> and <https://acpbenefit.org/help/resources/>. Materials are available in English and Spanish. In addition, there are consumer handouts and fact sheets in Arabic, Traditional Chinese, Simplified Chinese, French, Haitian-Creole, Korean, Portuguese, Russian, Spanish, Tagalog, and Vietnamese.

To help consumers identify which providers have chosen to offer discounted connected devices as part of their participation in the Affordable Connectivity Program, a list of internet providers that indicates whether or not they offer connected devices is available at <https://www.fcc.gov/affordable-connectivity-program-providers>.

The FCC also has rules regarding advertising, notification, and public awareness that apply to all providers choosing to participate in the Affordable Connectivity Program. To this end, providers are required to “[f]requently carry out public awareness campaigns in their Affordable Connectivity Program areas of service that highlight the value and benefits of broadband internet access service and the existence of the Affordable Connectivity Program in collaboration with state agencies, public interest groups, and non-profit organizations.” Moreover, providers that offer a laptop, desktop, or tablet through the Affordable Connectivity Program must inform consumers about the availability of the connected device discount.

As noted above, the FCC has an open proceeding regarding what efforts should be made to promote this program and increase awareness, including through paid media. In addition, this proceeding sought comment on the structure and objectives for an outreach grant program. Furthermore, the proceeding asked questions about the development of a pilot program to ensure that households relying on federal public housing assistance receive direct outreach to expand awareness of the Affordable Connectivity Program. The comment period for this rulemaking closed on April 15, 2022, and FCC staff are now reviewing the record.

5. An independent evaluation of the Lifeline program was conducted to assess whether it is achieving its objectives efficiently and effectively. The key findings and recommendations in the evaluation helped to inform the FCC's Wireline Competition Bureau's 2021 report on the “State of the Lifeline Marketplace”. We ask for an update on the progress made with respect to each of the recommendations in the report.

RESPONSE: The FCC's Lifeline program is a valuable tool for bridging the digital divide in this country. It is important that we continue to work to make the Lifeline program as efficient and effective as possible, even as Congress has developed new affordability efforts like the Affordable Connectivity Program to help connect more

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consumers to broadband. To this end, as you note, the FCC and the Universal Service Administrative Company (USAC) commissioned a third-party Lifeline program evaluation, which was released in July 2021.

The report made four sets of recommendations to improve the Lifeline program. I am pleased to report that the FCC has already made substantial progress implementing these recommendations.

First, the report recommended enhancements to the National Verifier, which determines household eligibility for all Lifeline participants and serves as a pathway for enrollment in the Affordable Connectivity Program. Specifically, the report recommended that the FCC explore opportunities to integrate the National Verifier with state integrated eligibility websites to increase awareness of the Lifeline program and simplify the application process. The report also recommended partnering with other federal benefit programs and state agencies to increase outreach about Lifeline and to integrate Lifeline's application processes into those program applications.

USAC and the FCC have been working diligently to implement these recommendations. The National Verifier currently has national database connections with the Centers for Medicare and Medicaid Services to confirm participation in Medicaid and the Department of Housing and Urban Development to confirm participation in federal housing assistance. In addition, the National Verifier has direct access to 24 different databases in states and territories that automatically confirm consumers' eligibility to participate in the Lifeline program. The FCC and USAC also regularly partner with other federal benefit programs and state agencies that administer those programs in order to increase outreach about the Lifeline program.

Second, the report recommended that the FCC and USAC address difficulties consumers may encounter with the program. Specifically, the report recommended that USAC obtain consumer feedback through qualitative surveys or focus groups to gather information on the application and recertification process and better understand consumer burden and challenges applicants may face in the enrollment process.

Since taking over as Chairwoman, I have made it a priority to increase outreach to participants and stakeholders, both for the Lifeline program and the FCC's newer affordability programs. In response to some of this feedback, in August 2021, USAC revamped its consumer-facing website, LifelineSupport.org. These changes improved site navigation and streamlined content. USAC also developed new consumer-facing videos detailing how to apply for Lifeline through either the National Verifier directly or with a service provider.

Additionally, USAC implemented changes in the National Verifier to allow consumers to more easily search for their application, include secondary e-mail addresses for contact purposes, and improve other related application workflows. We also have set up a process through which Tribal partners can gain direct access to the Lifeline National

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Verifier. This functionality previously existed for state agency partners and allows Tribal organizations to better support consumers as they complete their Lifeline applications.

Third, the report recommended that the FCC develop measures to capture a better understanding of the program's impact on broadband adoption among low-income households and to determine the cost effectiveness of the program, including by publishing data.

The FCC and USAC currently publish a significant amount of Lifeline data and are considering additional improvements. USAC publishes Lifeline program data detailing the participation rate of potentially eligible consumers in each state on its webpage, at <https://www.usac.org/lifeline/resources/program-data/>. This information provides a snapshot of the impact the Lifeline program is having on eligible populations in each state. The FCC and USAC also report on data regarding performance of the program, including the percentage of enrollments requiring manual review, automated database pass rates, Lifeline subscribership over time, and the extent to which voice and broadband service expenditures exceed two percent of low-income consumers' disposable income. To the extent the FCC establishes additional performance metrics, we will strive to ensure that any associated data is shared with the public as appropriate.

Fourth, the report recommended that the FCC create a strategic plan for the program. In 2016 the FCC established goals for the Lifeline program, including ensuring the availability and affordability of voice and broadband service for low-income consumers while also minimizing the contribution burden on consumers and businesses.

That being said, I believe it is time to take a fresh look at the program, in light of changes in the marketplace as well as the work of Congress establishing new efforts like the Affordable Connectivity Program. At the same time, I am mindful that the FCC has a duty under Section 254(j) of the Communications Act to maintain the program in a manner consistent with Section 69.117 of Title 47 of the Code of Federal Regulations.

6. There has been a growing trend of consolidated ownership among broadcast television stations, as we have seen in other industries. In many instances we are seeing transactions that consolidate two, three and sometimes four stations in a single market. The Supreme Court just ruled last year that the FCC can relax its rules regarding the number of newspapers, radio stations, and television stations one company may own in a particular market. This decision will likely lead to further consolidation in the broadcast industry.
 - a. In what ways are some of these broadcast groups exploiting loopholes to circumvent the FCC's prohibition on Top Four?

RESPONSE: Changes in technology and the marketplace have made it more feasible for broadcasters to use a Low Power television station or the multi-cast stream of a Full Power television station to carry additional Big-Four network affiliations in a local market. While this may expand the availability of network

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programming in some markets, it can also result in more concentrated ownership in a manner not historically contemplated by our rules.

- b. What are the ramifications when these loopholes are exploited and how do they affect consumers?

RESPONSE: The local television ownership rule helps maintain competition, localism, and diversity among local broadcast stations. These values have long informed the work of the FCC with respect to media ownership. Even as technology evolves, undermining them may result in higher costs for local businesses seeking to purchase advertising, a reduction in the production of local news, and less diverse programming. Additionally, the power to negotiate for the carriage of two top-four stations in a market can result in higher retransmission consent fees, which are typically passed on to the consumer in the form of higher bills for cable and satellite services.

- c. What is the measured effect on the amount or content of local broadcasting?

RESPONSE: While it is difficult to quantify the content of local broadcasting, we know that local broadcasting has long been a trusted source of local news. According to a study last year by the Pew Research Center, three out of four Americans have some level of trust in the information that comes from local news organizations. This is significantly higher than other sources. I believe the FCC's long-standing dedication to competition, localism, and diversity have helped to foster this trust in local news, and I am dedicated to upholding these values.

7. The way Americans access programming has changed dramatically since the 1992 Cable Act, but retransmission consent rules have largely remained the same. Over the last two years, there were an estimated 460 blackouts associated with retransmission consent impasses, resulting in consumers losing access to their favorite shows. Unfortunately, these blackouts may be used as leverage during retransmission negotiations by broadcasters at the expense of consumer access to television programming. Is there any concern that increased retransmission consent fees may negatively impact consumers during these negotiations? In what ways can Congress and the FCC work together to protect consumers from blackouts?

RESPONSE: The FCC is concerned about retransmission consent negotiations that result in consumers losing access to programming. To this end, we monitor blackouts that result from the failure of broadcasters and multi-channel video programming distributors to reach carriage agreements. Overall, we saw fewer blackouts in 2021 than in recent years, but some of those that took place lasted for an extended period. The number of blackouts is driven by the number of retransmission consent renewals, and based on our understanding of what agreements are presently in the marketplace, we expect more negotiations in 2022.

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With respect to the FCC's oversight of retransmission consent, the agency has taken the position that Section 325 provides it with limited authority over disputes. This authority extends only to the procedural aspects of a negotiation (*i.e.*, the requirement to engage in good faith), rather than its substance. That means absent a change in law we lack authority to order carriage or to require continued carriage during a dispute. Nonetheless, we can and will take enforcement action to the extent our retransmission consent rules are violated. For example, the FCC recently adopted and affirmed a decision imposing a \$8.7 million fine against a group of broadcasters when the stations failed to negotiate for retransmission consent in good faith. I would welcome the opportunity to work with Congress to help protect consumers from being caught in the middle of retransmission consent negotiations.

The Honorable Marc Veasey (D-TX)

1. Local news and media outlets, including radio broadcasters, have had a difficult time during the COVID-19 pandemic. America's radio and TV's broadcasters take seriously their responsibility to report, inform, and educate local communities during and beyond the pandemic. I understand that there is a proceeding pending before the FCC that would enable local radio broadcasters to geo-target content, which would allow radio broadcasters to localize weather, news, alternate language programming, emergency alerts and more. Can you provide a sense of timing in completing this proceeding?

RESPONSE: GeoBroadcast Solutions, the proponent of using booster stations to offer geotargeted advertising for radio broadcasters, recently filed with the FCC reports on the market-based testing of its technology. These tests were conducted in San Jose, California and Jackson, Mississippi. The reports summarizing them provide detailed technical information regarding the ability of the system to provide geotargeted content, the compatibility of the technology with existing broadcasts, and the impact of the technology on Emergency Alert Services as well as digital FM broadcasting. Because this information is an important part of our record on this subject and was not available during our earlier rulemaking, on April 18, 2022, the FCC released a Public Notice seeking comment on these reports. Comments are requested by June 6, 2022, and reply comments are requested by June 21, 2022. Following the filing of these comments, the FCC staff will assess the record and develop next steps.

2. Can you provide an update on how the FCC and NTIA are communicating and coordinating to resolve concerns over the use of the C-Band (3.7-3.98 GHz band) near airports?

RESPONSE: The FCC continues to work closely with its federal partners and with aviation and wireless stakeholders to ensure that next-generation 5G networks can safely co-exist with air safety technologies in the United States, just as it does in more than three dozen countries around the world. As a result of these efforts, the Federal Aviation Administration has approved more than 98 percent of the commercial fleet for low visibility approaches in 5G environments, and new 5G wireless networks have been

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deployed to more than 100 million consumers across the country.

FCC and NTIA staff are meeting weekly, exchanging information, and reviewing proposals to refine the technical mitigations—as well as the analysis and assumptions used to support them—currently in place around 5G networks. In addition, the agency is coordinating with NTIA and others on bench testing, over-the-air testing, and flight testing that will gather actual data on the impact of proposed 5G transmissions on radio altimeters, if any.

Looking ahead, both FCC and NTIA recognize that expanding spectrum opportunities for any sector—including in the C-band—will require the agencies to work together to navigate issues regarding gaps in governmental coordination, the length and complexity of spectrum allocation processes, inefficient uses of spectrum, challenges in making “room” for new services and technologies, and the lack of clarity about spectrum rights and the federal spectrum management process. To better address these challenges, in February, I announced a new Spectrum Coordination Initiative with Assistant Secretary Alan Davidson. This initiative builds on the fundamental strengths of the NTIA-FCC relationship and improves the processes for decision making and information sharing around spectrum policy issues. Specifically, we have committed to the policy actions described below.

- The FCC and NTIA will reinstate high level meetings. For the first time, the Chair of the FCC and the Assistant Secretary will hold formal, regular meetings, beginning monthly, to conduct joint spectrum planning.
- The FCC and NTIA will reaffirm roles and responsibilities. Building on NTIA’s statutory role as manager of the federal government’s use of spectrum, the FCC and NTIA will update the nearly twenty-year-old Memorandum of Understanding between the agencies.
- The FCC and NTIA will renew efforts to develop a national spectrum strategy. The agencies will collaborate to help inform the development of a strategy, increase transparency around spectrum use and needs, and establish long-term spectrum planning and coordination.
- The FCC and NTIA will recommit to scientific integrity and evidence-based policymaking. That means working cooperatively to develop processes for spectrum engineering compatibility analysis and compile principles, guidelines, and accepted technical standards, interference protection criteria, propagation models, and other characteristics.
- The FCC and NTIA will revamp technical collaboration. In March, the agencies identified experts to participate on each other’s cross-agency advisory groups in order to foster proactive technical exchange.

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I believe this initiative can help revitalize the interagency coordination process, which is important for the C-band and other proceedings involving the reallocation of wireless airwaves for new commercial uses. Moreover, I believe it can foster outcomes that will grow the digital economy and provide consumers nationwide with new ways to connect.

The Honorable Bob Latta (R-OH)

1. The COVID pandemic has proven that rural Americans desperately need quality high-speed broadband, making the timely authorization of RDOF support urgent. Recognizing the time a hybrid fiber/fixed wireless technology model can save to deploy gigabit services as compared to fiber only, and considering similar hybrid deployments are already functioning successfully around the United States, do you anticipate any delays in authorizing RDOF support for such hybrid gigabit deployments once FCC staff has completed its technical and financial review of the long form application?

RESPONSE: The Rural Digital Opportunity Fund applications under review for hybrid fiber/fixed wireless winning bids require additional assessment by both our wireline and fixed wireless technical engineering review teams. This review includes a detailed study of wireless signal propagation assumptions and, as a practical matter this process has more steps than review of simple wireline technology. Because the agency is considering millions in support for these services, our review is especially careful in order to ensure that the technology can deliver as promised. To date, the agency has completed this process for more than a dozen fixed wireless applications offering speeds of 100/20 Mbps while the remaining applications are still being assessed.

2. In the Rural Digital Opportunity Fund proceeding, FCC staff have been working diligently to approve long form applications from winning bidders that are proposing to deploy fiber broadband networks. However, the FCC is lagging on approving long form applications from other broadband technologies. What is your plan for approving all long form applications as soon as possible?

RESPONSE: Over 50 staff engineers, economists, and lawyers have been working on reviewing Rural Digital Opportunity Fund long-form applications to ensure that applicants can meet all technical, financial, and legal program requirements before any funding is disbursed. Of the 417 long-form applications filed with the agency, 31 initially included non-wireline technologies. To date, 20 of these applications have been resolved. Some of the pending applications involving non-wireline technologies still have pending ETC designations at the state level. Under the Communications Act, the FCC is unable to distribute universal service funds from the high-cost program without this designation. Accordingly, we will continue to resolve applications as expeditiously as circumstances permit.

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The Honorable Cathy McMorris Rodgers (R-WA)

1. The Commission is currently considering new rules for use of the 4.9 GHz spectrum, a band used in my State for important public safety applications. What is the FCC doing to ensure that State and local interests are protected and that public safety officials, especially in Washington State, will continue to have the ability to make their own decisions about which communications services best serve their needs?

RESPONSE: Nearly two decades ago, the FCC designated 50 megahertz of spectrum in the 4.9 GHz band for use in support of public safety. All licenses in this band were limited to operations within their state and local jurisdictions. Currently, there are 3,541 active licenses that are being used to facilitate video streaming, backhaul, and data connections for advanced public safety devices. While this represents progress, the 4.9 GHz band remains underused outside of major metropolitan areas, with stakeholders citing high equipment costs and limited device availability as barriers to deployment.

Under my leadership, the FCC is working with public safety entities and associations to increase investment in and maximize use of the 4.9 GHz band. In doing so, I am committed to preserving public safety opportunities and protecting the investments they have made in communications services.

These efforts began last year when the FCC stayed implementation of new rules that threatened to remove public safety from these airwaves in favor of more fragmented commercial deployments. The FCC ultimately vacated those earlier policies and kicked off a rulemaking on September 30, 2021, to chart a new course for the 4.9 GHz band that puts public safety interests front and center. Specifically, the agency sought comment on how to increase public safety use of the band and ensure that it helps foster access to the latest technologies, like 5G. It also asked about a variety of different frameworks that can help achieve this goal, including priority and preemption for public safety users, excess capacity leasing, shared access models, or a single, nationwide framework that protects and fosters the growth of critical operations.

At present, FCC staff is reviewing the record filed in response to this rulemaking and developing recommendations for next steps.

2. In August 2019, the Commission unanimously adopted new rules intended to streamline the Part 25 process for constellations of up to ten small satellites that meet additional, specific criteria. How is this new regulatory framework working? In the period since the new rules were adopted, how many applications has the Commission received through the new process, and have the new rules resulted in a shorter timeline for review?

RESPONSE: The United States is on the cusp of a new space age, and the FCC has taken steps to reform its satellite licensing for this new era. For constellations of up to ten small satellites, we have adopted a new framework for authorization that provides greater certainty than our experimental regime under Part 5 of our rules and less red tape than our traditional licensing regime under Part 25 of our rules. It also allows applicants

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to take advantage of a lower application fee and a shorter timeline for review. In other words, the FCC has filled a gap in its policies in order to expand the deployment of small satellite-based services in the United States.

These new rules have had a strong start. Since August 2019, the FCC has received 14 applications seeking approval under this new licensing process for small satellites. To date, the agency has taken final action on nine of these applications. Most were granted within three to four months of being filed, with the exception of two applications that were filed before the date the new rules became effective and one application that required the FCC to consider a novel frequency assignment. That means, on average, new small satellite applications are being processed more rapidly than traditional applications under Part 25 of our rules.

Three small satellite applications and two applications for non-Earth-orbiting small spacecraft are currently pending with the FCC. Of these, one has been pending for less than two months. The others have either been updated or amended since the start of the year, raise novel issues that have generated significant opposition, or ultimately will be processed outside the small satellite licensing process. We will continue to process these applications expeditiously.

Of course, we have more work to do to update the FCC's rules to speed up our process, address the growing challenge of orbital debris, foster competition, and coordinate our activities across the public and private sectors. I welcome the opportunity to work with your office on these efforts.

3. One critical issue for low Earth orbit satellite systems is access to spectrum. The FCC has ongoing proceedings to update the rules for how these systems share spectrum and the rights they have, as well as applications for new satellite constellations. These proposed large constellations are raising new questions about whether and how to coordinate, share information, and promote transparency among competing systems. How does the Commission view the balance between facilitating information sharing while protecting proprietary information so that the United States can have the kind of efficient use of the shared spectrum necessary for all of these systems to operate together?

RESPONSE: Over the past year, the FCC has taken action to update its spectrum policies to better meet the needs of the next-generation of space-based connectivity. This is important because industry experts estimate that more satellites will be launched in the next two to three years than in the last 50 years combined. These satellites will need access to spectrum as well as a transparent regulatory environment.

To support this growth, for the very first time, in an order adopted on April 22, 2021, the FCC identified spectrum to support increased competition among commercial space launch providers and launch sites, which will help the industry overall. In an order adopted on August 4, 2021, the FCC cleared the way for more satellite operators to use spectrum in the 50.4-51.4 GHz band to support new services. At present, the FCC is also

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working with satellite companies and other stakeholders to explore additional opportunities in the 70/80/90 GHz bands.

The FCC also is taking action to improve both spectrum sharing and information sharing between satellite operators. On December 14, 2022, we proposed revisions to our rules for spectrum sharing among non-geostationary satellite orbit fixed-satellite service (NGSO FSS) systems. The proposed revisions would require satellite systems approved in later processing rounds to protect already approved systems, but we also ask about sunseting that interference protection after a period of time in order to encourage new market entry. Moreover, while NGSO FSS operators already have an obligation under the FCC's "good faith" coordination requirement to share data on an ongoing basis, we have sought comment on broader information sharing requirements for operator-to-operator coordination. Specifically, we have asked whether sharing certain types of information, such as beam-pointing information, may be necessary to implement spectrum sharing or protection criteria between operators. We have also asked whether we should provide additional guardrails on what "good faith" coordination entails. Finally, we have asked about what safeguards are needed to protect information that may be competitively sensitive.

Comments in this proceeding were due on March 25, 2022, and reply comments were due on April 25, 2022. FCC staff is currently reviewing the record and considering next steps.

4. This Committee has a longstanding interest in streamlining the process of deploying broadband infrastructure as a means to increase access to fast and affordable Internet service. For its part, the FCC deserves credit for making progress on this front also over recent years. But more work remains to be done—particularly on Federal lands—to modernize our nation's siting rules. This is particularly important given the recent, massive influx of funding that will spur new builds across the country.

- a. Do you support further streamlining of our broadband infrastructure rules?

RESPONSE: Yes.

- b. What is the FCC doing currently in support of this goal?

RESPONSE: Section 224 of the Communications Act provides the agency with authority to oversee the rates, terms, and conditions of pole attachments. Some of the companies that are building broadband to unserved and underserved areas have shared with us that the cost of these pole attachments can make up as much as one-third of the cost of deployment in rural areas—on top of the time required to negotiate agreements with pole owners.

To address these concerns, on March 16, 2022, the FCC unanimously voted to seek comment on changes to our rules governing pole attachments. In particular, we sought comment on how to address situations when poles must be

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replaced before additional attachments are possible, including how the cost of pole replacements should be allocated between the pole owner and the new attachers. We also ask if there are other reforms we can make to speed up and simplify the process for negotiations over pole replacements and attachments. I look forward to reviewing the record in this proceeding and determining what steps are necessary to update our policies regarding poles in order to facilitate further deployment of broadband infrastructure.

- c. Are there additional policies that you support that would further modernize/streamline broadband builds across the US?

RESPONSE: Yes. I believe we need to acknowledge that we have a history of local control in this country but also recognize that more uniform policies can help us deploy more updated infrastructure across the country. Fundamentally, this requires a framework that incentivizes streamlining nationwide. This could entail the development of model codes for different kinds of infrastructure deployment that are supported by a wide range of industry and state and local officials. Then we could review every policy and program, including new broadband funding opportunities at the Department of Commerce, Department of Agriculture, and Department of the Treasury, and build in incentives to use these models. The FCC could consider, too, how to encourage the use of these practices through the high-cost support program that is part of the universal service system. In the process, we would create a more common set of national practices. But to do so, we would use carrots instead of sticks.

In addition, I believe that “dig once” policies can simplify the process of deployment of broadband and other infrastructure. These policies can encourage or require the installation of broadband-supporting conduit during highway or other transportation projects, and many states have implemented these policies. I am encouraged that the Department of Transportation finalized a rule encouraging coordination between transportation projects and broadband providers in December 2021. This rule requires states to identify a broadband utility coordinator that will notify broadband providers of transportation projects. I believe it is essential to monitor this new policy to ensure that it is effective. We may also wish to encourage the development of these policies at the local level through the reward of funding in new initiatives like the Broadband Equity, Access, and Deployment Program.

The Honorable Steve Scalise (R-LA)

1. As you may know, since coming to Congress, I have led efforts to modernize our nation’s outdated video laws. My goal has been to ensure that everyone in the marketplace gets paid for their products and consumers have more freedom to choose what programming they want to pay for.

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- a. Can you describe the extent to which streaming services that wish to offer local stations have been able to do so without retransmission consent?
 - b. Has the lack of retransmission consent agreements between broadcasters and streaming services created distortions in the marketplace?
2. In your view, does the lack of regulation for streaming services correlate with the innovation and popularity of these services? If so, please explain why?
3. In light of your consideration of question 2, what steps can and should the Commission take to reform the video marketplace in a manner that allows all services (including streaming, cable, and satellite) to compete on a level playing field?
4. In light of your consideration of question 2, what steps can Congress take to reform the video marketplace to better reflect the competition in the marketplace today?

RESPONSE: I agree that, as the marketplace evolves, consumers should have more freedom to choose what programming they pay for and want to watch. We also probably can agree that the video programming market has changed substantially since the passage of the Cable Television Consumer Protection and Competition Act of 1992, which amended the Communications Act of 1934. Today many of us watch what we want, when we want it, on any screen handy.

Under the law, online distributors are not subject to the retransmission consent policies that apply to broadcasters and traditional multi-channel video programming distributors. Nonetheless, many of the largest distributors of video programming content like Hulu+ Live TV, fuboTV, DirecTV STREAM, Sling TV, and YouTube TV include the major broadcast networks in their channel packages. In some cases, local affiliates are included as well.

I believe a number of factors have contributed to this development, including increased innovation in the video market, as well as the expansion of high-speed broadband nationwide. More competition in the video market has resulted in expanded choice for consumers along with pressure on price, quality, and customer service. To the extent that Congress seeks to develop regulatory parity between older and newer services, this would require revisions to the Communications Act to impose certain obligations, such as retransmission consent and other consumer protection requirements, on a range of online video distributors. Moreover, I believe any legislative effort that seeks to update these policies should put consumers at the center so that they have access to innovative services as well as their favorite programming, including the broadcast stations that uniquely serve their local communities.

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The Honorable Brett Guthrie (R-KY)

1. As a co-lead of the Secure and Trusted Communications Networks Act, I fully understand the national security concerns with untrusted equipment from China that prompted the establishment of this program, as well as the financial burdens this could place on our small rural carriers.
 - a. If the FCC certifies that there is a shortfall between what has been requested and what Congress has appropriated, what more do you believe will be needed to ensure the rip-and-replace law is effectuated with the fullest extent that Congress intended?

RESPONSE: In the Consolidated Appropriations Act, 2021, Congress provided the FCC with \$1.9 billion for its FCC Secure and Trusted Communications Networks Reimbursement Program. The filing window to participate in the Reimbursement Program opened on October 29, 2021, and closed on January 28, 2022. The gross demand for funding, based on an initial review of the cost estimates contained in the applications submitted, was roughly \$5.6 billion. The Secure and Trusted Communications Networks Act requires the FCC to review Reimbursement Program applications and “approve or deny” them by June 15, 2022. This review is still underway. Accordingly, we will have more complete information about the status of program demand by the deadline in the law.

2. As Co-Chair of the House Spectrum Caucus, I believe freeing up additional spectrum for 5G and other wireless technologies is critical to ensure America remains a global technology leader over countries like China. Currently the FCC is reviewing whether to update the rules in the 12GHz band to determine if it is suitable for 5G. If there is an opportunity to unlock some spectrum in the 12 GHz band for 5G while protecting incumbent operators from harmful interference, I believe we should explore that option. It is critical the Commission study this band closely and get the policy right.
 - a. Chairwoman Rosenworcel, what is the status of the FCC technical review?

RESPONSE: The FCC has started a proceeding to explore opportunities for making more intensive use of 500 megahertz of spectrum in the 12 GHz band. Historically, this band was used for Direct Broadcast Satellite Service and Multi-Channel Video and Data Distribution Service. More recently, proponents of a new generation of satellite operations have received authorization from the agency to launch and operate constellations of hundreds or thousands of satellites using several frequency bands, including the 12 GHz band. Thousands of satellites have been launched already, with new commercial satellite broadband services rolling out across the country. With this proceeding, the FCC is reviewing whether there may be additional opportunities to open this band up for new terrestrial use, including 5G, without causing harmful interference to existing users. That will require carefully examining the characteristics of this spectrum band—including its propagation and capacity characteristics, the nature of in-

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band and adjacent band incumbent use, and the potential for international harmonization—before deciding whether and, if so, how to make it available for more intensive terrestrial or satellite use.

This is a complex process that involves analyzing competing technical analyses. At present, the agency is considering the criteria that should be used for assessing interference between mobile and satellite services. This is important because one study in our record points to an interference-to-noise ratio based on an ITU-R specification that applies to terrestrial and satellite interference, while others advocate for a more stringent threshold that some satellite systems are required to use to coordinate among themselves under FCC rules. In addition, we are studying how to model the increase in probability of interference to satellite user terminals and how to determine what level of probability increase, if any, should be determined as acceptable. Work is also underway regarding the specific assumptions that should be made regarding the operational parameters and technical specifications of satellite user terminals in the band—such as how many there will be, what will be the separation distances between satellite user terminals and 5G stations, what will be the elevation angle, antenna height, and antenna gain of the satellite user terminals—and how best to structure a Monte Carlo simulation. Furthermore, we are determining what propagation model should be used to assess how the radiofrequency energy from 5G transmitters will travel and dissipate in rural, suburban, urban, and dense urban environments. In our record, some parties point to a 3GPP model, while others assert that an ITU-R specification is more appropriate.

A wide range of legal, technical, and policy experts from the FCC’s Wireless Telecommunications Bureau, International Bureau, and Office of Engineering and Technology are engaged in this review, analyzing these questions, and coordinating, as necessary, with other federal authorities in the process.

3. I recently joined Rep. Matsui on a letter urging the FCC to work with Congress to update satellite rules to continue American leadership in this sector. Our letter also mentioned spectrum coordination, which is critical issue for low earth orbit satellite systems.
 - a. Chairwoman Rosenworcel, do you agree that more coordination guidance is needed to ensure systems cooperate in good faith and can effectively use their spectrum?

RESPONSE: Yes. I agree that as the number of satellites in our skies grows, we need to improve the ways that satellite operators coordinate their systems. On December 14, 2022, the FCC began a proceeding to modernize its rules to better reflect the development of new, larger non-geostationary satellite orbit fixed-satellite service (NGSO FSS) systems. This proceeding recognizes that NGSO operators already have an obligation under the FCC’s “good faith” coordination requirement to share data on an ongoing basis to ensure operational compatibility

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and to identify potential interference events in advance. However, it also asks whether broader information sharing requirements for operator-to-operator coordination could help ensure systems cooperate in good faith and effectively use their spectrum. Specifically, the proceeding asks whether sharing certain types of information, such as beam-pointing information, may be necessary to implement spectrum sharing or protection criteria between operators. Finally, it asks about what safeguards are needed to protect information that may be competitively sensitive.

Comments in this proceeding were due on March 25, 2022, and reply comments were due on April 25, 2022. FCC staff is currently reviewing the record and considering next steps.

The Honorable Adam Kinzinger (R-IL)

1. Radio amateurs voluntarily provide an array of public services. For example, amateurs facilitate astronauts aboard the International Space Station to talk with school kids using amateur radio to encourage interest in STEM subjects. Another example is that amateurs train and provide emergency and disaster-related support communications when other means have failed because the necessary infrastructure has been destroyed by a hurricane or similar disaster.

I am hearing that these activities are being constrained by antiquated FCC rules, and that proceedings to update amateur specific amateur rules have been stalled for up to eight years. In particular, at the amateurs' request, the Commission in 2016 proposed to remove an obsolete digital "symbol rate" limit that restricts the speed of amateur digital transmissions and is wasteful of spectrum, but no action has been taken since 2016 to move it along. Related proceedings that would reform permitted frequency uses to account for the increased use of digital signals also are unaddressed after pending for years. (RM-11759 and RM-11828).

- a. Would you commit to resolving the amateur proceedings in the next 6 months?

RESPONSE: The amateur radio service is a key component to the global communications ecosystem that has long fostered innovation, provided important public benefits including in the service of public safety, and has been a model of intensive spectrum sharing.

We are presently considering a variety of ideas that would revise the FCC's amateur radio rules. This includes, as you note, an idea from a rulemaking in 2016 that proposed to remove the "symbol rate" limit on certain amateur transmissions. Commenters in this proceeding were split on different technical points, including whether the symbol rate limit should be removed and the need for bandwidth limits on data transmissions. In addition, some commenters raised other issues, including whether certain transmission protocols may be used.

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The FCC has collected comment on the two related proceedings you reference, RM-11759 and RM-11828. In these cases, petitions for rulemaking were submitted to the FCC and the agency sought comment on the petitions, without initiating formal rulemakings. In one instance, the petitioner sought to reapportion how spectrum in a particular frequency range was dedicated to either telephony or data. The record in response to the petition revealed significant opposition to this approach. In the other case, the petitioner sought to make certain additional telephony and data privileges available to a particular class of amateur licensee. Commenters in response to the petition were split, but many were opposed and cautioned that this approach might result in service degradation.

In each of these cases, the issues are complex and highly technical, and there currently is not a consensus position within the amateur radio community. Moreover, the proceedings are at different points in the regulatory process. For these reasons, providing a guarantee regarding resolution in the next 6 months, as you request, is not easy. Nevertheless, recognizing the time that has passed and the important role of amateur radio, I agree that it is important that these issues be resolved. Accordingly, I've asked the FCC's staff to assess whether these matters can be resolved expeditiously, and if not, to identify any further information required in the record.

The Honorable Bill Johnson (R-OH)

1. In April 2020, the Commission authorized unlicensed use of the 6 GHz band subject to limitations that it believes will prevent harmful interference. The FCC's deference on these technical decisions was upheld by the DC Circuit. However, it is absolutely critical that when the FCC opens a band to new and diverse users, it does not undermine existing users—especially critical infrastructure. What considerations does the FCC take into account when balancing the interests of incumbents and continuing to make spectrum available for commercial use?

RESPONSE: Ensuring there is a pipeline of licensed and unlicensed spectrum is important for the development of 5G wireless service, next-generation services and devices, and our national economic growth and global competitiveness. The spectrum management practices required to support this effort involve a complex, multi-year process that relies on significant input from the public and private sector. It also requires extensive technical, economic, legal, and policy expertise from across the FCC. The engineering work on any spectrum band contemplated for new commercial use typically begins years before an auction or rule change. Among other things, this involves analysis of characteristics of the airwaves at issue and the potential for coexistence between incumbent operations in the frequency band or adjacent band and new commercial uses that might enter the band. As was the case in the 6 GHz band, this analysis is often done in the context of a rulemaking proceeding in order to collect public comment that will shape the technical service rules for the new band. If the band at issue has incumbent federal users, FCC engineers also will work closely with our

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federal partners, through a range of formal and informal coordination processes, including the NTIA's Interdepartment Radio Advisory Committee, the interagency Policy and Plans Steering Group, and regularly scheduled meetings between FCC staff and their counterparts at NTIA and other federal agencies.

Nonetheless, every reallocation presents unique engineering and policy issues, so careful attention and planning is vital. In addition, the complexity of spectrum management has increased steadily as the agency works through more difficult technical and policy matters in an environment where there is less and less vacant spectrum. This will necessitate continued exploration of new coexistence mechanisms like the Automated Frequency Coordination capability being developed in 6 GHz and the Spectrum Access System approach taken in the 3.5 GHz band for mixing federal, non-federal, licensed, and unlicensed use. These innovative approaches to spectrum sharing enable more efficient use of limited airwaves by diverse services.

2. I have concerns about the FCC device certification process given the ongoing threat of countries like China who pose not only security risks but also challenge our global leadership in many areas, particularly those related to technology. The concern I have is that devices continue to be certified in spite of the fact they were knowingly developed using stolen American IP.

- a. Does the FCC's certification process take into account if IP has been stolen to produce the device being considered for certification?

RESPONSE: The FCC's equipment authorization program ensures that radiofrequency devices comply with the certain technical requirements before they can be marketed in or imported to the United States. Under Section 302 of the Communications Act, the FCC is authorized to make reasonable regulations governing the interference potential of devices that emit radio frequency energy and that can cause harmful interference to communications. Accordingly, under existing law, the equipment authorization program does not currently consider if intellectual property has been stolen to produce the device being considered for certification.

- b. If not, does the FCC have the authority to no longer certify such devices?

RESPONSE: I am not aware of any provision of the Communications Act or other law giving the FCC authority to withhold grant of equipment authorization based upon a device incorporating stolen intellectual property.

- c. Do you believe devices should be certified if they were built using stolen IP?

RESPONSE: Under the Communications Act, the equipment authorization system at the FCC is designed to ensure devices comply with the agency's technical rules governing radio frequency emissions. This process ensures the safety of devices and prevents harmful interference between devices. While at present the law does not contemplate the agency using this process to assess

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stolen intellectual property, Congress may change the underlying statute if it wishes.

Currently, the FCC does have an ongoing rulemaking that proposes changes to the equipment authorization process, namely barring any equipment that is on the list of covered communications equipment or services published by the agency under section 2(a) of the Secure and Trusted Communications Networks Act. This list includes communications equipment and services that are deemed by certain national security authorities to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons. The Secure Equipment Act specifically directs the FCC to adopt rules in this proceeding this year.

At present, Customs and Border Protection and Immigration and Customs Enforcement are the entities with responsibility for protecting intellectual property rights through the targeting and seizing of imports of counterfeit goods as well as the enforcement of exclusion orders on patent-infringing goods that violate intellectual property rights. Determining whether a device was built using stolen intellectual property may involve legal and technical determinations that are outside the institutional expertise of the FCC or its authorized testing laboratories. However, I would be happy to work with your office to identify how the FCC may be able to better assist these agencies on these matters.

3. Do you believe Congress must fully fund the Secure and Trusted Communications Network Reimbursement Program in order for it to be successful in securing our nation's communications networks?

RESPONSE: I believe additional support from Congress for the Reimbursement Program will best ensure that insecure communications equipment that poses a threat to our safety and security will be removed from our networks as expeditiously as possible.

Securing our communications networks against national security threats is an important objective that is shared by Congress and the FCC. To this end, Congress appropriated \$1.9 billion in funding to the FCC to set up the Reimbursement Program to assist with the removal of equipment and services that pose a national security risk, as contemplated in the Secure and Trusted Communications Networks Act.

Absent an additional appropriation, the Secure and Trusted Communications Networks Act requires the FCC to prorate the available funding equally across all requests in the first prioritization category mandated by Congress, which includes approximately 99 percent of all applicants. In this scenario, it is possible that some applicants may choose not to participate in the Reimbursement Program or will participate and receive only a portion of the total funding they estimate they need to complete the removal, replacement, and disposal of equipment and services produced or provided by Huawei and ZTE from their networks. However, applicants will still be required to comply with the FCC's rules limiting the use of universal service funds to

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purchase, obtain, maintain, improve, modify, or otherwise support any equipment or services provided or produced by Huawei or ZTE.

I welcome the opportunity for the FCC to work with Congress to ensure that there is adequate funding available for this program to advance our shared national security goals.

The Honorable Billy Long (R-MO)

1. In response to my question asking whether you will commit to not abusing the delegated authority process to expand existing programs, such as the scope of the E-Rate program, you said, “any substantial expansion of any program would require that my colleagues and I agree on it, and vote on it at the full Commission level.”
 - a. Do you consider redefining the term “classroom” to mean households off-campus or off-premises of a library to be a “substantial expansion” of the E-Rate program that would require a full Commission vote?

RESPONSE: Yes, as I testified, any substantial expansion to the E-Rate program would require a vote by the full FCC. However, while expanding E-Rate to support off-campus learning may be substantial right now with respect to the current interpretation of E-Rate rules, it is an approach that is contemplated by the statute. Section 254(h)(1)(B) of the Communications Act only requires that telecommunications services supported by the E-Rate program serve “educational purposes.” The FCC has defined “educational purposes” as “activities that are integral, immediate, and proximate to the education of students.” Moreover, under section 254(c)(3), the FCC has the authority to “designate additional services” for support from the E-Rate program.

In the past, the FCC has made E-Rate support available for off-campus services when such support serves an educational purpose. For example, the FCC has funded the use of wireless telecommunications services by school bus drivers while driving students to and from school. The FCC also has funded internet access for the residential areas of schools that serve unique populations, including schools on Tribal lands and schools designed to serve students with medical needs, because such services are used primarily for educational purposes.

The Honorable Tim Walberg (R-MI)

1. Congress created a \$7 billion Emergency Connectivity Fund to help schools and libraries stay connected to their students during the COVID-19 pandemic. The FCC has distributed over 5 million connected devices through the ECF.
 - a. Does the FCC have a system in place that has kept track of where these devices went after they were sent to schools and libraries?

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RESPONSE: Yes. In order to ensure compliance with our policies and protect against waste and abuse, the FCC put in place a series of safeguards in the Emergency Connectivity Fund. Specifically, to help ensure that devices are used in accordance with our rules, applicants must maintain inventories of devices and services purchased with Emergency Connectivity Fund support. When a school or library provides a device to a student or library patron, the school or library must complete an asset inventory including: (i) device type (i.e., laptop, tablet, mobile hotspot, modem/router); (ii) device make/model; (iii) equipment serial number; (iv) the name of the person to whom the device was provided; and (v) the dates the device was loaned out and returned to the school or library. For devices used to provide service to multiple eligible users, the asset inventory must include: (i) device type (*i.e.*, laptop, tablet, mobile hotspot, modem/router); (ii) device make/model; (iii) equipment serial number; (iv) the name of the school or library employee responsible for that device; and (v) the dates the device was in service. Applicants are required to retain this documentation, as well as records related to their participation in the program sufficient to demonstrate compliance with the rules, for at least 10 years from the last date of service or delivery of equipment. Participants are further required to present this information upon request to the FCC or its delegates, including the Universal Service Administrative Company, as well as to the FCC's Office of Inspector General.

In addition to the device inventory requirements, the FCC also requires schools and libraries to restrict access to eligible connected devices to only those students, school staff, and library patrons with appropriate credentials. Furthermore, to maximize the use of limited funds, the rules prohibit schools and libraries from providing more than one supported connected device and Wi-Fi hotspot to a student, school staff member, or library patron.

The FCC and the Universal Service Administrative Company are currently conducting audits and inquiries to verify compliance with these requirements.

- b. What safeguards are currently in place to make sure that devices purchased through the Emergency Connectivity Fund are not duplicated across other programs?

RESPONSE: The Emergency Connectivity Fund rules require that schools and libraries certify that the equipment or services sought have not been supported via other sources of funding, including the FCC's Emergency Broadband Benefit and its successor, the Affordable Connectivity Program. Similarly, the Affordable Connectivity Program requires that providers certify that no costs for service or devices sought for reimbursement have been paid or promised to be paid by another entity, including any other federal or state program. These policies are the subject of ongoing auditing, as contemplated at the start of the program.

- 2. On March 11, my colleagues and I sent a letter to you to thank you for your focus on improving the efficiency of the E-Rate program, a goal which I share. In some instances, it appears the E-Rate program is overbuilding areas that are already being supported by the

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High-Cost program. As the FCC considers its future of USF proceeding, will you examine whether aspects of the E-Rate program, such as its special construction funds, are funding projects that are also being funded by the high-cost programs, such as unserved households with students?

RESPONSE: I agree that it is important to improve the efficiency of the E-Rate program, which is responsible for keeping thousands of schools and libraries nationwide connected to high-speed broadband. To this end, on December 14, 2021, the FCC began a rulemaking to consider improvements to the competitive bidding process in the program recommended by the Government Accountability Office and the agency's independent Office of Inspector General.

Under our current rules, requests by E-Rate applicants for special construction support are subject to enhanced application reviews by the Universal Service Administrative Company (USAC) to verify compliance with E-Rate Program rules, including the competitive bidding requirements and cost-effectiveness requirements. If an applicant is seeking bids for a self-provisioned network, they are also required to seek bids for services delivered over a third party's existing network on the same FCC Form 470, which is used to initiate the competitive bid process for the E-Rate program, and issue a request for proposals for these services. Our rules establish a minimum 28-day competitive bidding window to solicit bids but allow parties up to one year to complete the competitive bidding process. In addition, applicants are required to select the most cost-effective option, using price of the eligible equipment and services as the primary factor in their bid evaluation process. Applicants also are required to consider the total cost of constructing, owning, operating, and maintaining the network when comparing the cost of a proposed self-provisioned network with services provided over a third party's existing network and provide this information to USAC. As part of these reviews, USAC staff evaluates whether the applicant provided enough information in its request for proposal to allow different providers to respond, considered all bids received, and selected the most cost-effective option.

I expect that as part of our rulemaking on improvements to the competitive bidding process in the E-Rate program and other proceedings like the upcoming report to Congress on the Future of the Universal Service Fund, the FCC will have the opportunity to assess policies that improve the efficiency of the E-Rate program and help ensure that it continues to provide cost-effective connections for schools and libraries that need support.

The Honorable Earl L. "Buddy" Carter (R-GA)

1. The IIJA requires the NTIA to utilize the FCC's new maps when deciding how much of the \$42.5B each State should receive.
 - a. Upon the release of the first version of the FCC's broadband DATA Maps, to what extent do you expect the first version to be challenged – both because of the accuracy of the Broadband Fabric and the providers' filings?

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RESPONSE: As Congress recognized in the Broadband DATA Act, user-friendly challenge processes for the Broadband Serviceable Location Fabric and provider availability data are an essential part of ensuring that we can refine and update our national broadband maps over time. That is why providing methods for consumers and state, local, and Tribal governments to contest the accuracy of information that is provided in the Broadband Serviceable Location Fabric and submitted by broadband service providers are both so important.

The FCC held a multi-part procurement process to award the contract for creation of its Broadband Serviceable Location Fabric. At the end of that process, we selected CostQuest Associates as the vendor for the fabric. The creation of the fabric will be an iterative process involving a series of data sources available to CostQuest. Some of these sources can be found in public databases but many others are proprietary and therefore unavailable to the public. CostQuest, in consultation with the FCC and based on business rules that are consistent with FCC precedent, is identifying broadband serviceable locations from this mix of data sources for the initial production version of the fabric that will be made available to fixed broadband service providers and other entities by June 30, 2022.

In preparation for opening this window for filing on June 30, 2022, the FCC has published detailed data specifications for how fixed and mobile broadband service providers must format and submit their availability data into the new broadband data collection system. This information was first published on March 4, 2022, in order to provide adequate time for providers to prepare for the upcoming filing requirements. Until we have received provider data and have opened the challenge process, we are unable to speculate as to what extent the fabric data or provider-submitted data will be challenged, but we believe that robust participation by consumers, state, local, and Tribal governmental entities, and others in that process is essential to the long-term success of the broadband data collection as envisioned by Congress in the Broadband DATA Act. For this reason, the FCC is procuring additional technical and consumer support services to provide assistance to those who wish to participate in the challenge process.

- b. In addition, how long do you believe it will take to process any challenges that are received and how much more accurate will the map be as a result of the challenge?

RESPONSE: The FCC will accept challenges to fixed and mobile availability data and challenges to the locations shown on the Broadband Serviceable Location Fabric. Under FCC rules, each of these processes affords providers an opportunity to respond to and rebut challenges. Our rules also allow the FCC to request additional information if necessary to resolve a challenge. As directed in the Infrastructure Investment and Jobs Act, the FCC will resolve challenges “not later than 90 days after the date on which a final response by a provider to a challenge to the accuracy of a map or [other coverage information or the fabric] is

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complete,” but we anticipate that many challenges will be able to be resolved more quickly.

2. I understand the Universal Service Fund’s ACAM Program was designed to bring broadband to America’s most rural areas. These programs, however, only require participating carriers to build out networks to 4:1 and 10:1 speeds. Since the enactment of the Infrastructure Investment and Jobs Act, several Federal agencies may now overbuild these same areas at much greater speeds.

- a. What is the FCC doing to attempt to address this situation?

RESPONSE: The ACAM program provides model-based support to rate-of-return carriers in return for broadband deployment obligations. Under current rules, the ACAM program ends in 2028 for most electing carriers. As you note, this program currently requires locations to be served at speeds ranging from 4/1 Mbps to 25/3 Mbps, while the Infrastructure Investment and Jobs Act generally requires deployment of speeds of 100/20 Mbps.

On April 27, 2022, I shared with my colleagues a proposal to start a rulemaking to increase the standard ACAM deployment obligations to 100/20 Mbps. If adopted, the goal of this rulemaking would be to harmonize the ACAM program with the speeds required by the Infrastructure Investment and Jobs Act.

- b. Under your leadership, is the agency doing anything to try to update these archaic programs, in order to boost the speeds to reasonable levels and prevent Federal government duplication?

RESPONSE: As noted above, I have shared with my colleagues a proposal to update the ACAM program. In addition, it is worth noting that the agency’s most recent high-cost programs, including the Bringing Together Puerto Rico Fund, Connect USVI Fund, and Rural Digital Opportunity Fund, have generally only funded networks providing speeds of 100/20 Mbps or greater.

More broadly, I agree with you about the importance of working together with our federal partners to avoid unnecessary duplication. On June 25, 2021, the FCC, NTIA, and Rural Utilities Service at the Department of Agriculture entered into an Interagency Agreement that specifically “require[s] coordination . . . for the distribution of broadband deployment.” As a result, the FCC, NTIA, and Rural Utilities Service share information on a regular basis about our respective funding programs, including the entities seeking and receiving funding to provide service in a given area, the speed and technology funded, and the terms and conditions of the funding under the law. We are currently working to finalize a similar information-sharing agreement with the Department of Treasury, which is funding broadband projects through the Coronavirus State and Local Fiscal Recovery Fund and the Coronavirus Capital Projects Fund.

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However, it is important to note that the programs each agency oversees may be different under the law. In other words, these efforts each have unique elements like eligibility criteria, funding purposes, and speed thresholds. In some instances, those features could result in separate funding in the same location working together—like, for instance, where one program funds capital expenditures and another supports operating expenditures. I believe it is essential to make sure that these programs, consistent with the law, operate in a complementary manner. At the same time, it is critical that those responsible for these programs—including the FCC—coordinate to ensure funding is directed to areas without adequate service and avoid unnecessary duplication.

The Honorable John R. Curtis (R-UT)

1. I am excited about the promise of low earth orbit (LEO) satellite systems and their ability to deliver high speed connectivity to remote communities in Utah. LEO satellite providers have announced plans to launch thousands and even tens of thousands of satellites, which drastically increases the need for safety rules and coordination among competing systems. How do you intend to address these space safety concerns and ensure these new technologies are deployed responsibly?

RESPONSE: Across the board, I believe we need to do more to prepare for the proliferation of satellites in our higher altitudes.

This effort begins with tackling the growing challenge posed by orbital debris. Unchecked, growing debris in our orbit could make some regions of space unusable for decades to come. That is why I am pleased that on April 20, 2022, the Administration announced that the United States was committing not to conduct destructive, direct-ascent anti-satellite missile testing and is seeking to establish this as a new international norm for responsible behavior in space. I hope other nations will join us and make similar commitments.

For its part, the FCC has long been a global leader in adopting regulations concerning orbital debris mitigation and applying these regulations to commercial, experimental, and amateur satellite systems. The agency first adopted rules to address the growing risk of orbital debris in 2004 based on federal guidelines for government satellites. Since then, the FCC has provided technical support to the National Aeronautics and Space Administration-led process to update the Orbital Debris Mitigation Standard Practices and supported United States participation in international activities and organizations, such as the Inter Agency Space Debris Coordination Committee and the United Nations Committee on Peaceful Uses of Outer Space. On April 23, 2020, in order to harmonize its policies with an update to the federal guidelines for government satellites, the FCC modernized its orbital debris mitigation rules for commercial satellites. The changes were intended to help ensure the sustainability of space as new satellite constellations proliferate and innovative satellite technologies emerge. The new rules address several issues, including disclosures regarding collision risks and safety measures, casualty risk assessments, post-mission disposal, spacecraft tracking and data sharing, and frequency coordination during orbit-raising.

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These efforts are substantial. Nonetheless, I agree with you that we have more work to do. To this end, in a rulemaking adopted on April 23, 2020 the FCC has sought further comment on issues related to newer, larger low-earth-orbit constellations. Specifically, we have sought comment on standards for evaluating aggregate constellation risk, additional post-mission disposal requirements, satellite maneuverability above a certain low-earth-orbit altitude, and liability requirements. I would welcome the opportunity to work with your office on these issues and other initiatives to ensure space safety and sustainability.

The Honorable John P. Joyce (R-PA)

1. Chairwoman Rosenworcel, I am concerned about the accuracy of the maps once they are released.

- a. For the mobility maps, how does the FCC plan to validate the self-reported?

RESPONSE: The Broadband DATA Act, and FCC rules adopted pursuant to it, established the basic parameters that mobile broadband service providers must use when modeling their coverage areas for submission in the broadband data collection. These requirements are meant to improve the granularity and consistency of the mobile broadband availability data collected by the FCC. To help validate the accuracy of these mobile filings, the FCC has incorporated into the data collection system several ways to automatically check to ensure filers have complied with these requirements. In addition, the FCC recently issued a Request for Information seeking information from vendors to provide software and technical and engineering assistance and analysis to aid FCC staff verifying the accuracy of the mobile broadband availability data. FCC staff are reviewing the responses and will proceed as necessary to ensure we have the tools and resources to fulfill our various obligations under the Broadband DATA Act.

- b. Could Independent RF testing to validate service areas be helpful as parties challenge the maps through the FCC's process?

RESPONSE: As noted above, the FCC recently issued a Request for Information seeking information from vendors regarding their capabilities and proposals to provide software and technical and engineering assistance and analysis to the FCC's Wireless Telecommunications Bureau and Office of Economics and Analytics in verifying, validating, and potentially auditing provider-submitting mobile broadband availability data. We believe the use of such services, combined with a robust challenge process, will ensure that providers follow the parameters established in the Broadband DATA Act and related FCC rules. This, in turn, will improve the accuracy and consistency of the mobile broadband coverage data over time.

Attachment—Additional Questions for the Record

**Subcommittee on Communications and Technology
Hearing on
“Connecting America: Oversight of the FCC”
March 31, 2022**

The Honorable Brendan Carr, Commissioner, Federal Communications Commission

The Honorable Cathy McMorris Rodgers (R-WA)

1. You were an advocate for the Streamlining Licensing Procedures for Small Satellites Order adopted in August 2019.
 - a. How are the reforms adopted in that Order working?

RESPONSE: Satellite technology—small satellites (or, small sats), in particular—is playing an increasingly important role in the next generation communications landscape. But the FCC’s part 25 approach for processing satellite applications was designed for the school bus-sized satellites that first launched decades ago. That approach and its regulatory costs can prevent the business case for small sats from ever getting off the ground. So in 2019, we adopted a Rocket Docket for small sats. Our record showed that a streamlined process for small sats would encourage use cases from predicting crop yields with artificial intelligence to collecting data from sea vessels to aid in fishing operations while continuing to protect against harmful interference. An oversized regulatory burden should never be what stands between entrepreneurs and progress, so I was pleased to support that Order.

Since then, I have heard from many entities in the satellite industry that these reforms have improved the application process, but issues remain. And while the FCC continues to pursue reforms to the rules governing satellite applications and operations—most recently adopting an Order and Notice of Proposed Rulemaking to update rules governing NGSO FSS systems in December 2021—more work needs to be done to support this growing and important sector.

- b. As Congress contemplates reform of the rules governing NGSO licensing, are there additional steps that should be taken to streamline the process for small satellites?

RESPONSE: Thanks to your efforts, as well as those of Chairman Pallone, there is bipartisan recognition in Congress of the importance of additional efforts to streamline the process for small sats. Indeed, the final frontier is home to an emerging constellation of satellites that are offering high-speed Internet services. That is great news for American consumers because it provides them with even more choice and competition for their broadband dollars. We need to ensure that America continues to attract the jobs and investments that flow from these innovative operations. And that is why I applaud the bipartisan work of yourself and Chairman Pallone.

Your respective draft bills—the Satellite and Telecommunications (SAT) Streamlining Act and the Secure Space Act—would strengthen America’s space-based leadership by further streamlining the licensing process and advancing the security of satellite systems.

2. This Committee has a longstanding interest in streamlining the process of deploying broadband infrastructure as a means to increase access to fast and affordable Internet service. For its part, the FCC deserves credit for making progress on this front also over recent years. But more work remains to be done—particularly on Federal lands—to modernize our nation’s siting rules. This is particularly important given the recent, massive influx of funding that will spur new builds across the country.

- a. Do you support further streamlining of our broadband infrastructure rules?

RESPONSE: In 2017, when I joined the Commission, it was clear that our broadband infrastructure rules were overdue for an update. When Chairman Pai tapped me to lead the FCC’s infrastructure reforms, we moved quickly to modernize the agency’s approach and cut billions of dollars’ worth of red tape. We updated the environmental and historic preservation rules that needlessly drove up the cost and slowed down the timeline for adding small cells. We put in place guardrails to address outlier fees and delays imposed at the state and local level. We streamlined the process for swapping out utility poles to add wireless equipment. We created an expedited approval process for tower builds during COVID-19. We accelerated next-gen networks through a 5G Upgrade Order that clarified Section 6409. And we paved the way for more resilient and capable cell sites by streamlining the local approval process for modifying existing sites.

The FCC’s infrastructure reforms enabled America’s private sector to deliver results. They helped telecom crews bring thousands of families across the digital divide, to keep Americans connected during the pandemic, and to outperform dire predictions from 2016 that the US would cede leadership in 5G to China.

But a lot more work remains, and I support further streamlining broadband infrastructure rules, including when it comes to builds on federal lands. As part of the FCC’s continuing effort to close the digital divide, we should look at ways we can continue to streamline the rules of the road for broadband infrastructure across all sectors.

- b. What is the FCC doing currently in support of this goal?

RESPONSE: There is a lot more the FCC can do to modernize infrastructure rules and ensure that communities are connected far more quickly. And I have included some of those ideas in the answer below. While I was pleased the Commission sought comment on a pole sharing idea in a March 2022 NPRM, I am ready to work with my FCC colleagues on making progress on additional infrastructure reforms.

- c. Are there additional policies that you support that would further modernize/streamline broadband builds across the US?

RESPONSE: Our streamlining efforts must continue, particularly in light of the unique opportunity we have in front of us to end the digital divide. Whether it is the \$65 billion for

broadband in the bipartisan infrastructure bill or the hundreds of billions of dollars that various agencies have allocated for infrastructure projects, we have the chance to ensure that every American has a fair shot at next-gen connectivity. One way that federal and state governments alike could squander that opportunity is by allowing these dollars to get caught up in red tape and by unnecessary fees and charges. After all, if the government is just spending broadband dollars without streamlining infrastructure rules, then it's just stepping on the gas and brakes at the same time.

Specific to pole attachments, there is even more we can do to avoid that outcome. For instance, I continue to hear concerns from broadband builders about unnecessary delays and costs when they seek to attach to poles that are owned by municipal and cooperative utilities. Unlike what the issues raised in the FCC's recent item, there is a strong argument that Section 224 does not give us authority to address issues specific to those types of poles. Therefore, I encourage states and Congress to take a closer look at these issues—and revisit the exemption that exists in Section 224—so that we can ensure deployment is streamlined, regardless of the type of pole you are attaching to.

As part of the FCC's continuing effort to close the digital divide, we should also look at ways we can continue to streamline the rules of the road for fiber and other high-speed wired deployments. During the prior Administration, the FCC took steps to ensure that the fees charged for placing small wireless facilities in rights of way do not violate Section 253. We should begin to explore similar action for the deployment of other, wired infrastructure to ensure that the funding being made available by Congress and the FCC goes into the ground and towards connecting families.

We should also make sure that all of our policies are going to encourage private sector investment in infrastructure. We must reject calls for government-subsidized overbuilding, which jeopardizes the operations of businesses that risked their own capital to serve local communities. Instead, we need to direct funding to communities that have been left behind, rather than those that already benefit from high-speed Internet services today.

Finally, members of this Committee have also put forward a series of smart steps that can be taken to streamline and accelerate infrastructure builds. Indeed, I applaud the package of 28 bills in the Boosting Broadband Connectivity Agenda, as well as the recently unveiled bipartisan efforts to modernize the FCC rules governing the processing of applications for low-earth orbit satellites—a set of rules that have not kept up with the pace of change. As you know from spending time nearly 200 feet in the air with a tower crew in Spokane, infrastructure work is already hard enough and we don't need outdated regulations making it even more difficult.

The Honorable Steve Scalise (R-LA)

1. As you may know, since coming to Congress, I have led efforts to modernize our nation's outdated video laws. My goal has been to ensure that everyone in the marketplace gets paid for their products and consumers have more freedom to choose what programming they want to pay for.

- a. Can you describe the extent to which streaming services that wish to offer local stations have been able to do so without retransmission consent?

RESPONSE: The video marketplace has changed dramatically in the 30 years since the 1992 Cable Act was enacted. And in recent years, streaming services and other new entrants have brought much needed competition to the market. We have heard, however, that a number of new services have had difficulty reaching carriage agreements with certain content providers, including local stations.

- b. Has the lack of retransmission consent agreements between broadcasters and streaming services created distortions in the marketplace?

RESPONSE: The current regulatory landscape is skewed by outdated and asymmetric regulations that do not reflect the modern video marketplace. These outdated laws and regulations often create distortions and artificial bargaining leverage that can result in reduced competition and consumer choice.

2. In your view, does the lack of regulation for streaming services correlate with the innovation and popularity of these services? If so, please explain why?

RESPONSE: The complete absence of regulation is not a necessary condition for innovative new services to grow and thrive. Instead, such services should be subject to appropriate regulation that is tailored to the service and consistent with the overall video marketplace. But too often, and for too long, new services are simply wedged into an existing regulatory framework that fails to promote competition and consumer choice.

3. In light of your consideration of question 2, what steps can and should the Commission take to reform the video marketplace in a manner that allows all services (including streaming, cable, and satellite) to compete on a level playing field?

RESPONSE: Under then Chairman Pai's leadership, the FCC launched a "Media Modernization" initiative, which was designed to eliminate outdated regulations and promote competition in the media marketplace. I supported that initiative and would welcome additional steps to rationalize the media regulations at the FCC. However, many regulations are rooted in statutory requirements, and the FCC's ability to revise or remove these regulations may be limited.

4. In light of your consideration of question 2, what steps can Congress take to reform the video marketplace to better reflect the competition in the marketplace today?

RESPONSE: Congress has an important—if not central—role in reforming the regulations governing the video marketplace to help promote competition and consumer choice. You, along with Congresswoman Eshoo, have long advocated for the need to update our outdated video laws, including most recently with the introduction of the Modern Television Act of 2021. I would welcome the opportunity to discuss these issues with your office.

The Honorable Gus M. Bilirakis (R-FL)

1. Commissioner Carr, I want to thank you for your continued efforts to add Chinese government involved companies to the FCC's covered list. I share our concerns about the national security issues with companies connected to the Chinese Communist Party and believe that they are putting American security at risk. In recent weeks, I have been troubled by reports of China based company, Da Jiang Innovations (DJI) providing location information of DJI drones in use by the Ukrainians to the invading Russian forces. Is there any reason to suspect that DJI could be doing the same thing with drones in use by the US government?

RESPONSE: DJI drones and the surveillance technology on board are collecting large amounts of sensitive data that could be exploited by Beijing. This could include everything from high-resolution images of critical infrastructure to personal data from the operator's smartphone. DJI's collection of vast troves of sensitive data is especially troubling given that China's National Intelligence Law grants the Chinese government the power to compel DJI to assist in espionage activities. Although various components of the U.S. government have taken a range of independent actions—including grounding fleets of DJI drones based on security concerns—a consistent and comprehensive approach to addressing DJI's potential threats is not in place. Reports about DJI drones being used by the Russian military in Ukraine only underscore the need for the U.S. to adopt such an approach.

2. What are the repercussions if the Secure and Trusted Communications Networks Reimbursement program is not fully funded? Do we have estimates on how many companies may refuse to participate? Will China continue to have a stronghold on our communications networks?

RESPONSE: The FCC is currently reviewing applications submitted through the Secure and Trusted Communications Networks Reimbursement program. Of the total 181 applications that were filed, 162 were initially found eligible and acceptable for filing. Of those applications filed and initially found eligible and acceptable for filing, the gross cost estimate demand for support for the removal, replacement, and disposal of Huawei and ZTE equipment is approximately \$5.6 billion. As you know, Congress appropriated \$1.9 billion to the Commission to carry out the Reimbursement program.

A funding shortfall would significantly hamper the FCC's ability to ensure the program's success. Without additional funding from Congress, carriers would be required to come up with additional funding on their own to carry out the removal and replacement of insecure gear. For small carriers in particular, the financial burden could lead to reduced service or shuttering their business entirely. Alternatively, other carriers may simply opt out of the program all together, placing their USF support at risk so long as the covered equipment remains in their networks.

Given the national security implications, I believe that once we determine the final budget shortfall, the funding gap should be closed. Since Congress has already appropriated billions of dollars towards closing the digital divide in recent COVID-19 related spending packages, I would encourage a review of those programs—as well as any others that may be appropriate—to

determine whether funding can be re-programmed towards the Reimbursement program in order to close the shortfall.

I stand ready to work with you and your colleagues in Congress to ensure the Reimbursement program has the resources necessary to be successful. However, at the same time, the FCC should continue to use every tool at our disposal to protect America's communications networks. To that end, I have urged four lines of action. First, the FCC must keep our Covered List up to date. Second, the FCC should act quickly to bring our proceeding required by the Secure Equipment Act to a vote. Third, the FCC should build on our actions in the Section 214 context by opening a new proceeding to examine whether we should prohibit regulated carriers from directly interconnecting with entities that have been deemed a national security risk, even if those entities are operating in a manner that does not require a Section 214 authorization. And four, the FCC should publish a list of every entity with an FCC license or authorization that is owned or controlled by Communist China.

The Honorable Bill Johnson (R-OH)

1. Do you believe Congress must fully fund the Secure and Trusted Communications Network Reimbursement Program in order for it to be successful in securing our nation's communications networks?

RESPONSE: Given the national security implications, I believe the budget shortfall—once the FCC reaches a final determination on that amount—should be closed. Since Congress has already appropriated billions of dollars towards closing the digital divide in recent COVID-19 related spending packages, I would encourage a review of those programs—as well as any others that may be appropriate—to determine whether funding can be re-programmed towards the Reimbursement program in order to close the shortfall.

I stand ready to work with you and your colleagues in Congress to ensure the Reimbursement program has the resources necessary to be successful. However, at the same time, the FCC should continue to use every tool at our disposal to protect America's communications networks. To that end, I have urged four lines of action. First, the FCC must keep our Covered List up to date. Second, the FCC should act quickly to bring our proceeding required by the Secure Equipment Act to a vote. Third, the FCC should build on our actions in the Section 214 context by opening a new proceeding to examine whether we should prohibit regulated carriers from directly interconnecting with entities that have been deemed a national security risk, even if those entities are operating in a manner that does not require a Section 214 authorization. And four, the FCC should publish a list of every entity with an FCC license or authorization that is owned or controlled by Communist China.

The Honorable Earl L. "Buddy" Carter (R-GA)

1. The IJA requires the NTIA to utilize the FCC's new maps when deciding how much of the \$42.5B each State should receive.

- a. Upon the release of the first version of the FCC's broadband DATA Maps, to what extent do you expect the first version to be challenged – both because of the accuracy of the Broadband Fabric and the providers' filings?

RESPONSE: I defer to Chairwoman Rosenworcel and her team, as they are the ones with a direct, day-to-day insight into the agency's work on mapping, but my own expectation is that there should be minimal need for a significant challenge process. After all, Congress provided \$98 million in the Broadband Data Act to ensure the FCC compiles accurate broadband maps. Doing so is key to the ongoing efforts to end the digital divide.

- b. In addition, how long do you believe it will take to process any challenges that are received and how much more accurate will the map be as a result of the challenge?

RESPONSE: With the caveat that Chairwoman Rosenworcel and her team control the day-to-day work on the agency's mapping efforts, my expectation is that the final maps the FCC produces are accurate and do not require significant work or a lengthy challenge process.

2. Commissioner Carr, the United States has an opportunity to unlock 500 megahertz of mid-band spectrum in the 12 GHz band for new terrestrial 5G uses. Through the Commission's ongoing 12 GHz NPRM, some stakeholders have suggested that coexistence is possible between existing satellite services and higher power, two-way terrestrial operations that would pave the way for new 5G services. However, other stakeholders have countered these claims, and the expert engineers are currently reviewing both technical arguments. How do you view the status of this issue, and what more can be done to make more spectrum available for 5G?

RESPONSE: A range of different providers offer services in the 12 GHz band today. As part of the ongoing 12 GHz proceeding, the FCC is assessing whether adding additional authorizations would promote or hinder the delivery of next-generation services. As we do so, I believe it is imperative that we approach the policy and technical issues associated with this band in a balanced manner to ensure that we reach a result that will promote the public interest. I hope that the engineering demonstrates that we can get to a win-win in this proceeding.

But in order to maintain US leadership in 5G, we must also look outside the 12 GHz band. Going forward, we can make more spectrum available for 5G through additional spectrum auctions and reassigning spectrum for consumer use. For one, we could authorize very low power devices to operate in the 6 GHz band and also allow client-to-client device communications in that band. For another, we could seek comment on increasing the power levels for CBRS operations in the 3.5 GHz band. For still another, we could start a proceeding to look at updating the rules that apply to unlicensed operations in the mid-band swath of spectrum known as U-NII-2C—perhaps even permitting very low power operations there. And in 2022 and beyond, we could then shift our focus to the Lower 3 GHz band and several additional spectrum bands.

The Honorable John R. Curtis (R-UT)

1. I am excited about the promise of low earth orbit (LEO) satellite systems and their ability to deliver high speed connectivity to remote communities in Utah. LEO satellite providers have announced plans to launch thousands and even tens of thousands of satellites, which drastically increases the need for safety rules and coordination among competing systems. How do you intend to address these space safety concerns and ensure these new technologies are deployed responsibly?

RESPONSE: I share your excitement about the future of the satellite industry to provide much needed Internet service to remote communities in Utah and beyond. And I also share your concerns regarding space safety as more and ever-larger constellations take to the sky.

Over the years, I have expressed concerns about the FCC's jurisdiction and expertise when it comes to orbital debris. After all, analyzing collision risk, spacecraft maneuverability, ionic sodium-potassium droplets, tubular cylinder deployers and separation rings—which represent just some of the considerations that go into orbital debris rules—are not areas within the Commission's core competencies. This is not a slight against the FCC's talented engineering staff, but this stuff is literally rocket science.

So while I believe that the FCC must have a seat at the table to ensure safety concerns are addressed and new technologies are responsibly deployed, I don't think it should be our table. Instead, expert agencies with experience in aerospace engineering, like NASA, NOAA, and the FAA, should be leading these efforts. And it is imperative that any FCC rules in this area consider the standards and guidance of our sister agencies involved in this space (pun intended).

Attachment—Additional Questions for the Record

Subcommittee on Communications and Technology
Hearing on
“Connecting America: Oversight of the FCC”
March 31, 2022

The Honorable Geoffrey Starks, Commissioner, Federal Communications Commission

The Honorable Yvette Clarke (D-NY)

1. A technology called ZoneCasting, developed by GeoBroadcast Solutions, LLC (GBS), allows radio stations to target advertising to specific neighborhoods and to advertise locally on FM boosters, independently of their primary station. In 2020, the FCC released an NOI seeking comments on a proposed rule change allowing the use of FM booster stations for ZoneCasting using GBS’s proprietary technology. Geo-targeted radio would reserve a small portion of airtime every hour for hyperlocal advertising. Proponents of the technology contend that the technology promotes more advertising for small business owners with limited advertising budgets, who want to connect with a geographically specific audience. While this appears to be an excellent benefit on the surface, we cannot overlook the potential risks of this technology.

For example, consider that minority-owned radio stations may feel compelled to do business with major corporations with large advertising budgets at the expense of local businesses in order to stay afloat, which effectively negates any potential benefit for small businesses. Moreover, geo-targeted advertising could lead to an industry-wide “race to the bottom” as advertising agencies and buyers leverage cheaper, geo-targeted ads to demand lower rates market-wide, further damaging industry stability. Further, there is already evidence that targeted advertising can be discriminatory, further dividing and isolating communities. Industry stakeholders and advocacy organizations have expressed concern regarding the potential for this technology to create an advertising landscape wherein redlining of low-income and minority communities runs rampant as broadcasters would have no recourse for ad buyers seeking to geotarget ads only to more affluent parts of a given radio market.

- a. How would the FCC address these potential adverse effects of ZoneCasting?

RESPONSE:

Thank you for your interest in this important issue. While the Commission has not yet made a decision on the rule changes that would facilitate technologies like ZoneCasting, I see great potential in this technology—both in improving the local radio experience for audiences and in better positioning small broadcasters, particularly broadcasters of color, to compete for listeners and advertising dollars.

For the FCC, a threshold question is whether these technologies would cause interference that degrades the listening experience. We have before us two reports from trials in different terrain environments. The results are promising. The Commission is now seeking comment on those reports. Once public input has been submitted, we will carefully review the record with the Commission's expert engineers.

With respect to the economic and redlining points you raise, I understand your concerns and continue to meet with broadcasters on this subject. And I note that there are a wide range of views about the most likely economic impacts. With regard to the likely economic impacts, many radio broadcasters believe, for example, that the industry's stability is threatened by its current inability to compete with other forms of media that have geotargeting capabilities. I recognize that these differences of opinion may represent varying market conditions in different parts of the country, and I note that the rules outlined in the Commission's 2020 Notice of Proposed Rulemaking would permit this use of FM boosters on a voluntary basis.

This technology may not be right for every broadcaster or every market. Based on the feedback that the FCC has received so far, it is reasonable to expect some radio broadcasters will be interested in trying geotargeting if the Commission allows its use. In particular, more than 20 civil rights organizations, including National Urban League, MMTC, and the NAACP, have stated their belief that "the ability to geo-target content on radio will be especially beneficial to minority broadcasters and their advertisers, and could have significant benefits for their programming and for minority ownership in radio overall."

The Honorable Cathy McMorris Rodgers (R-WA)

1. This Committee has a longstanding interest in streamlining the process of deploying broadband infrastructure as a means to increase access to fast and affordable Internet service. For its part, the FCC deserves credit for making progress on this front also over recent years. But more work remains to be done—particularly on Federal lands—to modernize our nation's siting rules. This is particularly important given the recent, massive influx of funding that will spur new builds across the country.
 - a. Do you support further streamlining of our broadband infrastructure rules?
 - b. What is the FCC doing currently in support of this goal?
 - c. Are there additional policies that you support that would further modernize/streamline broadband builds across the US?

The Commission has an obligation to ensure that all Americans have access to high-quality, affordable, and secure communications services. Congress has made a historic contribution towards that goal with its passage of the Infrastructure Investment and Jobs Act, which will fuel the once-in-a-generation construction of broadband infrastructure throughout the United States, including fiber buildouts and tower construction. That infrastructure deployment will require

close cooperation between industry and state, local, and Tribal authorities. The Chairwoman controls the Commission's agenda and is best equipped to describe the agency's current efforts, but I support infrastructure rules that will further encourage partnerships between telecom providers and the state, local, and Tribal authorities that represent their customers. Streamlined rules and more flexibility can be helpful and sometimes necessary, and we must ensure that these goals work with, and not at the expense of, state, local, and Tribal governments. We must also ensure that, in any streamlining of our rules, we incentivize telecom providers to deploy everywhere, and particularly in underserved or unserved areas.

The Honorable Steve Scalise (R-LA)

1. As you may know, since coming to Congress, I have led efforts to modernize our nation's outdated video laws. My goal has been to ensure that everyone in the marketplace gets paid for their products and consumers have more freedom to choose what programming they want to pay for.
 - a. Can you describe the extent to which streaming services that wish to offer local stations have been able to do so without retransmission consent?
 - b. Has the lack of retransmission consent agreements between broadcasters and streaming services created distortions in the marketplace?
2. In your view, does the lack of regulation for streaming services correlate with the innovation and popularity of these services? If so, please explain why?
3. In light of your consideration of question 2, what steps can and should the Commission take to reform the video marketplace in a manner that allows all services (including streaming, cable, and satellite) to compete on a level playing field?
4. In light of your consideration of question 2, what steps can Congress take to reform the video marketplace to better reflect the competition in the marketplace today?

RESPONSE:

While online distributors are not subject to the retransmission consent rules applying to broadcasters and Multichannel Video Programming Distributors that Congress created in the Cable Act of 1992, many of the largest online distributors now offer packages that include the major broadcast networks and, in some cases, local affiliates. These new choices in video distribution can increase competition and choice—wins for consumers. They also reflect a dramatic evolution in the video programming market over the last three decades. If Congress decides to take action to level the playing field between online distributors and MVPDs, changes to Title VI of the Communications Act would be required. I stand ready to work with Congress to ensure that any such changes promote reliable access to local broadcast stations.

The Honorable Bill Johnson (R-OH)

1. Do you believe Congress must fully fund the Secure and Trusted Communications Network Reimbursement Program in order for it to be successful in securing our nation's communications networks?

RESPONSE:

I strongly support the goals of the Secure and Trusted Communications Reimbursement Program and have been a leader in pushing for the Commission to ensure that our networks are secure and that untrustworthy equipment and services are removed. When I hosted the Find it, Fix it, Fund it Workshop at the Commission back in 2019, I discussed the importance of funding for small rural carriers and noted that we cannot expect these small carriers to replace insecure equipment alone. That remains true today. While the estimated expenses came in above the appropriated funding, I believe that any result that leads to carriers being unable to afford to remove, replace, and dispose of insecure equipment and services would leave our networks vulnerable. We have come a long way toward eliminating untrustworthy Huawei Technology Company and ZTE Corporation equipment from our networks and we need to finish the job.

The Honorable Earl L. "Buddy" Carter (R-GA)

1. The IIJA requires the NTIA to utilize the FCC's new maps when deciding how much of the \$42.5B each State should receive.
 - a. Upon the release of the first version of the FCC's broadband DATA Maps, to what extent do you expect the first version to be challenged – both because of the accuracy of the Broadband Fabric and the providers' filings?

RESPONSE:

We cannot close the holes in broadband access in this country if we don't know where they are. Our new maps will be an important tool in deploying broadband where it is needed most. But while these maps will be a significant improvement, we can't expect them to be perfect on the first version. That is one of the reasons for the challenge process. I expect that if there are errors, challenges may occur.

- b. In addition, how long do you believe it will take to process any challenges that are received and how much more accurate will the map be as a result of the challenge?

RESPONSE:

I am confident that the FCC's Broadband DATA Map team will work diligently to process any

challenges. Any challenge that is proven accurate will improve the accuracy of our maps, which is a good thing. Chairwoman Rosenworcel determines the schedule and priorities for the Broadband Data Maps Taskforce and can provide additional insight on expected timing.

The Honorable John R. Curtis (R-UT)

1. I am excited about the promise of low earth orbit (LEO) satellite systems and their ability to deliver high speed connectivity to remote communities in Utah. LEO satellite providers have announced plans to launch thousands and even tens of thousands of satellites, which drastically increases the need for safety rules and coordination among competing systems. How do you intend to address these space safety concerns and ensure these new technologies are deployed responsibly?

RESPONSE:

I share your optimism about the potential for next-generation satellite broadband to bridge the digital divide in the hardest-to-reach areas of our nation. I've proudly supported several Commission decisions authorizing new satellite constellations that will use low-earth orbit satellites to provide broadband service with unprecedented speed and lower latency. At the same time, the FCC's satellite policies were drafted in a different age of satellite policy, when launch numbers and constellation sizes were smaller and the technology very different. I believe that we should update our rules to reflect the new reality of more frequent launches and larger constellations, and we should work with the industry and our Federal partners with substantial expertise in space safety in considering these updates.

Attachment—Additional Questions for the Record

**Subcommittee on Communications and Technology
Hearing on
“Connecting America: Oversight of the FCC”
March 31, 2022**

The Honorable Nathan Simington, Commissioner, Federal Communications Commission

The Honorable Cathy McMorris Rodgers (R-WA)

1. This Committee has a longstanding interest in streamlining the process of deploying broadband infrastructure as a means to increase access to fast and affordable Internet service. For its part, the FCC deserves credit for making progress on this front also over recent years. But more work remains to be done—particularly on Federal lands—to modernize our nation’s siting rules. This is particularly important given the recent, massive influx of funding that will spur new builds across the country.

- a. Do you support further streamlining of our broadband infrastructure rules?

RESPONSE: Yes, I support all streamlining efforts of Commission infrastructure rules.

- b. What is the FCC doing currently in support of this goal?

RESPONSE: The Commission is working closely with the NTIA and states to ensure that all of the FCC’s resources are made available to relevant stakeholders for IIA implementation. The Commission recently signed a memorandum of understanding with NTIA regarding data sharing for these purposes, and shared its tower construction notification system with the Department of Commerce. Chairwoman Rosenworcel shared that she is primarily concerned that the NTIA place a premium on the projects that are streamlined and can be implemented the fastest.

In March of 2022, the Commission adopted a Further Notice of Proposed Rulemaking that seeks comment on whether our pole attachment and replacement rules need further reform. The Further Notice focuses primarily on the proper allocation of costs between pole owners and attachers, such as when a pole must be replaced. But at least as important as allocating these costs fairly is fostering certainty about who is responsible for paying. Disputes about pole attachments can hold up the deployment of broadband to new areas, and perfect justice for pole owners and attachers does little to help consumers whose access to broadband is held up by such disputes. So while we should strive for fairness, our highest calling in this area is ensuring that all parties have clear legal rights, and

access to quick dispute resolution, so they can get on with the work of making high speed internet available to more Americans.

- c. Are there additional policies that you support that would further modernize/streamline broadband builds across the US?

RESPONSE: I fully support all of the goals aimed at by the 2021 Boosting Broadband Connectivity Agenda, which you and subcommittee Chairman Latta introduced, including streamlining permitting processes, facilitating broadband deployment on federal lands, and closing the digital divide in both rural and urban areas.

I also support efforts to study the Commission's infrastructure rules and procedures for ways to further streamline them for more rapid broadband deployment.

The Honorable Steve Scalise (R-LA)

- 1. As you may know, since coming to Congress, I have led efforts to modernize our nation's outdated video laws. My goal has been to ensure that everyone in the marketplace gets paid for their products and consumers have more freedom to choose what programming they want to pay for.

- a. Can you describe the extent to which streaming services that wish to offer local stations have been able to do so without retransmission consent?

RESPONSE: Over-the-top linear video providers like YouTube TV and Hulu Live negotiate with network programmers, not local affiliates, for retransmission rights. Network programmers now include, in agreements with affiliates, the right to retransmit their local content on over-the-top platforms. Network programmers pay affiliates whatever they are obligated by their affiliate agreements to pay, or otherwise pay whatever they deem to be fair. Network affiliates simply are not involved in negotiation with over-the-top linear video providers for their carriage of their local content.

- b. Has the lack of retransmission consent agreements between broadcasters and streaming services created distortions in the marketplace?

RESPONSE: Yes. We have two sets of rules: one for traditional multichannel video programming distributors (MVPDs), like cable and satellite systems, and one for over-the-top linear video providers. In a recent case, Disney, which owns ABC, ESPN, and Hulu, withheld ABC and ESPN content from roughly 4 million YouTube TV customers for several days. Neither Google nor Disney had an obligation to negotiate in good faith, as our rules require broadcast affiliates and traditional MVPDs to do. The American consumer was left in the lurch. There is no reason to suspect, as every network programmer spins up its own OTT video service, that the contract disputes responsible for the de-listing and re-listing of content from every OTT on-demand video provider will not continue to spill over into OTT linear video.

2. In your view, does the lack of regulation for streaming services correlate with the innovation and popularity of these services? If so, please explain why?

RESPONSE: It is possible, but a two-tiered system of regulation is untenable. I would observe that the two most popular OTT linear video providers charge \$65 or \$70 per month for content available on less expensive traditional MVPD packages. Having fewer facilities to pay for to transmit this video, and benefitting from lower prices for carriage of local content negotiated directly with network programmers, presumably OTT linear video providers are operating at higher margins than traditional MVPDs. If there is some special innovation appurtenant to those higher margins, I have yet to see it. I suppose there is probably machine learning driven content recommendation on these platforms, but delivery of OTT linear video is not at the core of technological innovation for edge providers.

3. In light of your consideration of question 2, what steps can and should the Commission take to reform the video marketplace in a manner that allows all services (including streaming, cable, and satellite) to compete on a level playing field?

RESPONSE: We should refresh the record in the 2014 proceeding dealing with whether OTT linear video providers should be treated as MVPDs for the purpose of retransmission consent. If there is a fundamental reason to extend this two-tiered regulatory system into the future, the beneficiaries of this system are free to make the case in the record. What is clear is that the market has significantly changed since the topic was treated in 2014, and a refresh of the record is warranted.

We can also institute changes in broadcast ownership rules that reflect the fact that the largest independent broadcast groups trade at rounding errors of their big tech rivals. In small markets, broadcasters struggle to achieve the scale necessary to maintain profitable operations, and without those broadcasters, the big tech platforms that use—often without compensation—that same content to drive their own ad revenue growth will find themselves bandits in an empty bank.

4. In light of your consideration of question 2, what steps can Congress take to reform the video marketplace to better reflect the competition in the marketplace today?

RESPONSE: About 80% of all internet traffic is over-the-top streaming video. The most effective thing that Congress can do, then, to create a level playing field for the video marketplace is adding a Computer Title to the Communications Act to bring these providers within the full scope of Commission authority.

Failing that, however, Congress should expand the USF contribution base to reflect that the principal beneficiaries of expanded network access besides the American consumer—streaming video platforms and edge providers generally—begin to pay their fair share into the construction and maintenance of the very facilities that make their success possible. That expansion would bring manifold benefits, including buttressing rural networks, so that small

market broadcasters and independent programmers can reach all Americans where they are, on any device they wish to use.

The Honorable Bill Johnson (R-OH)

1. Do you believe Congress must fully fund the Secure and Trusted Communications Network Reimbursement Program in order for it to be successful in securing our nation's communications networks?

RESPONSE: Not fully funding the program risks that companies will leave dangerous Chinese state-owned equipment in their networks because they cannot afford to replace it. Alternatively, it forces those same companies to replace the equipment when they cannot afford to, potentially causing several of them to go out of business. The exceptional character of this program might be worth emphasizing, so that it does not encourage companies to purchase questionable equipment because they believe the government will bail them out should it become an issue.

The Honorable Earl L. "Buddy" Carter (R-GA)

1. The IIJA requires the NTIA to utilize the FCC's new maps when deciding how much of the \$42.5B each State should receive.
 - a. Upon the release of the first version of the FCC's broadband DATA Maps, to what extent do you expect the first version to be challenged – both because of the accuracy of the Broadband Fabric and the providers' filings?

RESPONSE: I know that the FCC staff is working very hard to deliver high quality maps, and I am sure that the vast majority of providers are doing their best to provide high quality data. But mistakes are inevitable in such a large undertaking. Providers vary dramatically in their organizational resources and sophistication and even large providers often have flawed data. Even more important than preventing errors is making sure that they are fixed promptly. Thankfully, in a competitive market for broadband deployment, providers have an incentive to be vigilant about flawed data reported by other providers, but it's up to the FCC to turn that vigilance into swift corrective action.

On a similar note, the NTIA and state broadband offices will also need to be vigilant as they implement their programs. It is inevitable that some projects will be erroneously denied, and others erroneously approved based on poor quality data. We have heard concerns from internet service providers that in implementing previous programs, some state governments have been slow or outright unable to correct for errors in coverage data even when brought to their attention. To protect the federal taxpayer's investment in broadband deployment, the FCC, NTIA, and state offices should engage in constant information sharing with an eye to identifying and correcting coverage data errors.

- b. In addition, how long do you believe it will take to process any challenges that are received and how much more accurate will the map be as a result of the challenge?