

STRENGTHENING OUR COMMUNICATIONS NETWORKS: LEGISLATION TO CONNECT AND PROTECT

VIRTUAL HEARING
BEFORE THE
SUBCOMMITTEE ON COMMUNICATION AND
TECHNOLOGY
OF THE
COMMITTEE ON ENERGY AND
COMMERCE
HOUSE OF REPRESENTATIVES
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(*ex officio*)

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STRENGTHENING OUR COMMUNICATIONS NETWORKS: LEGISLATION TO CONNECT AND PROTECT

TUESDAY, MAY 24, 2022

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

The subcommittee met, pursuant to notice, at 10 a.m., in the John D. Dingell Room, 2123 Rayburn House Office Building, and remotely via Cisco Webex online video conferencing, Hon. Doris O. Matsui, (member of the subcommittee) presiding.

Members present: Representatives McNerney, Clarke, Veasey, McEachin, Soto, O'Halleran, Rice, Matsui, Welch, Schrader, Cárdenas, Kelly, Craig, Fletcher, Pallone (ex officio); Latta (subcommittee ranking member), Guthrie, Bilirakis, Long, Walberg, Carter, and Rodgers (ex officio).

Also present: Representatives Joyce and Kuster.

Staff present: Parul Desai, FCC Detailee; Jennifer Epperson, Senior Counsel; Waverly Gordon, Deputy Staff Director and General Counsel; Jessica Grandberry, Staff Assistant; Tiffany Guarascio, Staff Director; Perry Hamilton, Clerk; Mackenzie Kuhl, Digital Assistant; Jerry Leverich, Chief Counsel, Communications and Technology; Dan Miller, Professional Staff Member; Joe Orlando, Policy Analyst; Chloe Rodriguez, Clerk; Johanna Thomas, Counsel; Kate Arey, Minority Content Manager and Digital Assistant; Sarah Burke, Minority Deputy Staff Director; Michael Cameron, Minority Policy Analyst, 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 Investigations, 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.

Ms. MATSUI. The Subcommittee on Communications and Technology will now come to order.

Today the Subcommittee on Communications and Technology is holding a hearing entitled, “Strengthening Our Communications Networks: Legislation to Connect and Protect.”

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

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

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

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

OPENING STATEMENT OF HON. DORIS O. MATSUI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Back in March this committee met to execute one of the most important functions: holding an FCC oversight hearing. At that hearing one thing was abundantly clear: There is bipartisan agreement that we cannot let the FCC’s auction authority lapse under any circumstances.

Congress has extended the FCC’s spectrum auction authority on a bipartisan basis several times over the last three decades, and has never let it lapse. I am committed to keeping that unbroken record intact.

It is no exaggeration to say that the FCC truly sets the global benchmark for spectrum auctions. To date the Commission has held 98 auctions, awarding more than 94,000 licenses and permits, raised more than \$233 billion in revenues, and provided more than \$1 trillion in benefits for the American people.

But the stakes are even higher right now. In July the FCC will be kicking off the 2.5 gigahertz auction, bringing more needed mid-band spectrum to market. Even a brief lapse in FCC auction authority could jeopardize licenses from being awarded, and delay the carriers’ ability to supercharge their networks with this 5G-ready spectrum. That cannot happen.

The inclusion of Congresswoman Davids’ Extending America’s Spectrum Auction Leadership Act on today’s agenda can prevent that. It would extend the FCC’s general auction authority for an additional 18 months to March 31st, 2024, providing the needed time to complete the 2.5 gigahertz auction. I look forward to working in a bipartisan, bicameral way to give the FCC the authority it needs to maintain America’s position as a pace setter in wireless communications.

I am also excited to see Congressman Guthrie’s SMART Act on the agenda today. As my fellow co-chair of the congressional Spectrum Caucus, we have worked together on more legislation than I can count, and the SMART Act is no different. This important bill would improve spectrum management in the United States by es-

tablishing a standardized framework to facilitate spectrum sharing between Federal and non-Federal users.

While I am interested in pursuing some clarifying edits with Congressman Guthrie, I am confident that it can be done on a bipartisan basis and set the path for a smooth markup and quick consideration on the floor. This bill is smart public policy and tackles an emerging but crucial issue in spectrum—America’s spectrum leadership.

Congressman Carter’s ITS Codification Act would also reinforce America’s leadership in innovation by providing statutory authority for NTIA’s Institute of Telecommunications Sciences. As a research and engineering arm of NTIA, ITS advances innovation in communications technologies through cutting-edge research.

The ITS Codification Act also established an initiative at NTIA to develop emergency communication technologies for use in locating individuals trapped in areas where mobile connectivity may not be available.

We also have two bills on the agenda that will increase broadband access and provide new protections to help survivors of domestic violence and human trafficking. Representatives Luria and Katko’s Ensuring Phone and Internet Access for SNAP Recipients Act establishes new reporting requirements to help track and improve Lifeline enrollment among SNAP participants, ensuring critical assistance programs are working together to ensure participants will help deliver better services to those who need them most, especially as we continue to recover from the pandemic. I believe this bill will help provide information to improve the Lifeline program.

Additionally, Representatives Kuster and Eshoo’s Safe Connections Act establishes new protections that will help survivors of domestic violence and human trafficking gain independence. Too often survivors of crimes like domestic violence, dating violence, stalking, sexual assault, and human trafficking remain stuck on a family or shared wireless phone plan. This allows their abusers to limit their access to family, social safety networks, employers, and support services.

The Safe Connections Act empowers survivors by allowing them to separate a mobile phone line from any shared plan involving an abuser without penalty, including the lines of any dependents in their care. And it requires the FCC to initiate two rulemakings to connect survivors to the Lifeline program and ensure calls or texts to hotlines do not appear on call logs. Is smart policy, and I hope our committee will consider it as a markup as soon as possible.

I want to thank the authors of these bills and the witnesses for appearing today. I look forward to hearing your testimony.

[The prepared statement of Ms. Matsui follows:]

PREPARED STATEMENT OF HON. DORIS O. MATSUI

Committee on Energy and Commerce

Opening Statement as Prepared for Delivery
of
Representative Doris O. Matsui*Hearing on “Strengthening our Communications Networks: Legislation to Connect and Protect”*

May 24, 2022

Back in March, this Committee met to execute one of its most important functions, holding an FCC oversight hearing. At that hearing one thing was abundantly clear: there is bipartisan agreement that we cannot let the FCC’s auction authority lapse under any circumstances. Congress has extended the FCC’s spectrum auction authority on a bipartisan basis several times over the last three decades and has never let it lapse. I am committed to keeping that unbroken record intact.

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The inclusion of Congresswoman Davids’ “Extending America’s Spectrum Auction Leadership Act” on today’s agenda can prevent that. It would extend the FCC’s general auction authority for an additional 18 months to March 31, 2024 providing the needed time to complete the 2.5 gigahertz auction.

I look forward to working in a bipartisan, bicameral way to give the FCC the authority it needs to maintain America’s position as the pacesetter in wireless communications.

I’m also excited to see Congressman Guthrie’s SMART Act on the agenda today. As my fellow Co-Chair of the Congressional Spectrum Caucus, we’ve worked together on more legislation than I can count, and the SMART Act is no different. This important bill would improve spectrum management in the United States by establishing a standardized framework to facilitate spectrum sharing between federal and non-federal users.

While I’m interested in pursuing some clarifying edits with Congressman Guthrie, I’m confident they can be done on a bipartisan basis and set the path for a smooth markup and quick consideration on the floor. This bill is smart public policy and tackles an emerging but crucial issue in American spectrum leadership.

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Additionally, Representatives Kuster and Eshoo's Safe Connections Act establishes new protections that will help survivors of domestic violence and human trafficking gain independence. Too often, survivors of crimes like domestic violence, dating violence, stalking, sexual assault, and human trafficking remains stuck on a family or shared wireless phone plan. This allows their abusers to limit their access to family, social safety networks, employers, and support services.

The Safe Connections Act empowers survivors by allowing them to separate a mobile phone line from any shared plan involving an abuser without penalty, including the lines of any dependents in their care. And, it requires the FCC to initiate two rulemakings to connect survivors to the Lifeline program and ensure calls or texts to hotlines do not appear on call logs. It's smart policy and I hope our Committee will consider it at a mark-up as soon as possible.

I want to thank the authors of these bills and the witnesses for appearing today. I look forward to hearing your testimony and now want to recognize my friend, Ranking Member Latta, for his opening statement.

Ms. MATSUI. I now want to recognize my friend, Ranking Member Latta, for his opening statement.

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

Mr. LATTA. Well, thank you very much and, Madam Chair, thanks very much for calling for today's hearing.

And also, thank you to our witnesses that are appearing before us. I really appreciate it.

As our Nation's spectrum resources become more scarce, good public policy plays an increasingly important role in ensuring efficient use. I am encouraged that today this subcommittee is considering legislation that will allow the United States to better utilize these valuable airwaves for economic growth and innovation.

Recently, Chairman Doyle and I introduced the Spectrum Innovation Act to accelerate commercial access to the lower three gigahertz band. Access to this mid-band spectrum is needed to bring 5G to farms and households across rural America, and I am proud to have worked with my colleague to come to an agreement on this legislation, which should move through Congress, and should be sent to the President's desk.

I am also pleased that we are considering the Extending America's Spectrum Auction Leadership Act of 2022. This legislation extends the FCC's authority to conduct spectrum auctions and issue licenses for 18 months, which will allow the FCC to continue its ongoing work to make more spectrum available for commercial use. Without congressional action, the FCC's authority will expire on September 30 of this year. And I urge swift passage of this bipartisan legislation to avoid any disruption to the FCC's planned auction activities, like auctioning the 2.5 gigahertz band.

While these are great steps forward, our work is far from over. The FCC, NTIA, and industry must continue to identify opportunities to use spectrum more efficiently, which remains difficult as the demand for wireless technology grows and spectrum resources have become more congested.

Fortunately, we have engineers at NTIA's Institute for Telecommunications Sciences, or ITS, who play a critical role in advancing technologies that help NTIA better manage Federal spectrum resources. ITS played a key role in developing the solutions to spectrum sharing between Federal and commercial users in the Citizens Broadband Radio Service Band. Spectrum has been—previously been under-utilized by the Federal Government. It is now able to be used commercially to promote 5G, while protecting Federal incumbents.

ITS's role will only continue to grow in its importance as spectrum re-purposing decisions become more difficult, which is why Mr. Carter's legislation, H.R. 4990, the ITS Codification Act, is so important. This legislation takes an important step forward by strengthening ITS authorities and recognizing the contributions the lab makes to our wireless economy.

In order to identify areas where Federal spectrum use can be more efficient, Congress must provide NTIA with necessary tools to advance the spectrum management mission. To further this effort, Mr. Guthrie's SMART Act requires NTIA to establish an incumbent

informing capability to take a holistic view of how Federal users are using their spectrum resources across the government to identify opportunities for new commercial uses, while preserving Federal missions to keep our country safe.

As these spectrum management decisions become more difficult, we must utilize every tool in the toolbox to efficiently use these airwaves and provide certainty for commercial investment and wireless developments. I am pleased to see the legislation on today's hearing, and look forward to discussing these important topics.

[The prepared statement of Mr. Latta follows:]

PREPARED STATEMENT OF HON. BOB LATTA

**Opening Statement of Republican Leader Bob Latta
Subcommittee on Communications and Technology
“Strengthening our Communications Networks: Legislation to Connect and
Protect.”
May 24, 2022
(As Prepared for Delivery)**

Good morning, and welcome to today’s legislative hearing. Thank you to our witnesses who are here with us today.

As our nation’s spectrum resources become more scarce, good public policy plays an increasingly important role in ensuring efficient use. I am happy that today, this subcommittee is considering legislation that will allow the United States to better utilize these valuable airwaves for economic growth and innovation.

Recently, Chairman Doyle and I introduced the Spectrum Innovation Act to accelerate commercial access to the lower 3 gigahertz band. Access to this mid-band spectrum is needed to bring 5G to farms and households across rural America, and I am proud to have worked with my colleague to come to an agreement on this legislation, which I hope moves through Congress and is sent to the President’s desk.

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ITS played a key role in developing solutions to spectrum sharing between federal and commercial users in the Citizens Broadband Radio Service band. Spectrum that had previously been underutilized by the federal government is now able to be used commercially to promote 5G while protecting federal incumbents. ITS's role will only continue to grow in importance as spectrum repurposing decisions become more difficult, which is why Mr. Carter's legislation, H.R. 4990, the ITS Codification Act, is so important. This legislation takes an important step forward by strengthening ITS authorities and recognizing the contributions the lab makes to our wireless economy.

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I am pleased to see the legislation on today's hearing and look forward to discussing these important topics. Thank you, and I yield back.

Mr. LATTA. Thank you, Madam Chair, and I yield back the balance of my time.

Ms. MATSUI. 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, Chairwoman Matsui, and it is good to see you chairing the subcommittee today.

And let me point out to our members that this is what we call a virtual committee week, as set by the Speaker. And there are three committee days: today, tomorrow, and Thursday. And we are having a subcommittee hearing each of those days, two of which are legislative hearings. So we are always busy, even when we are virtual.

We are continuing this committee's long-time work in this subcommittee of ensuring that our Nation's communications networks are stable, secure, and reliable. Communication networks are essential infrastructure to help connect friends and families, relay emergency communications to the public, allow business operations to run more efficiently and effectively, and deliver education and health services.

At today's legislative hearing we will discuss five bills, most of which are bipartisan, on a broad range of proposals aimed at ensuring that these invaluable networks continue to deliver this critical service to consumers. I would like to comment and give my own view on these bills.

First, I am pleased that we are considering H.R. 7783, the Extending America's Spectrum Auction Leadership Act, introduced by Representatives Davids, Joyce, Welch, and Johnson. This committee has a long tradition of working together in a bipartisan fashion to lay the groundwork for technological innovation in this country. We are called the innovation committee, and this legislation is no exception. It will extend spectrum auction authority for the Federal Communications Commission by 18 months from its expiration date later this fall. And as a result, the FCC will be able to hold its planned auction of the 2.5 gigahertz band in July without disruption, and also fully close out auctions that have already occurred.

Congress has never let the FCC's spectrum authority lapse since authorizing it in the early 1990's, so I am pleased we are taking this important step forward today.

I also want to thank the FCC Chairwoman Rosenworcel for her leadership on this issue and emphasizing its importance. I agree with the chairwoman. I am hopeful that Congress can come together to use the funding from the upcoming auctions to fund important priorities like next generation 911 and the replacement of suspect communications equipment, among other good ideas.

Next, we are considering H.R. 7132, the Safe Connections Act, introduced by Representatives Kuster and Eshoo, and cosponsored by Representatives Welch and Walberg. While there is no question that wireless phone service can be an important lifeline for sur-

vivors of domestic violence, human trafficking, and other related crimes, it is also the case that shared mobile service plans can subject these individuals to hidden risks, such as digital abuse. So, this bill addresses this abuse by requiring mobile service providers to separate the survivor's phone line from an account shared with their abuser without financial penalties or other potential challenges after they receive a request from a survivor.

The FCC would also be required to establish emergency communications support for these survivors. This is lifesaving legislation that has already passed the Senate, and I welcome the opportunity to discuss it here today.

We are also considering H.R. 4275, the Ensuring Phone and Internet Access for SNAP Recipients Act, introduced by Representatives Luria and Katko. Since 1985 the FCC's Lifeline program has provided a discount on phone service to qualifying Americans. But the data demonstrates that only a fraction of Lifeline-eligible individuals enroll in the program. So this bill would require the FCC to annually submit a report to Congress on the Lifeline program's enrollment of individuals participating in SNAP.

It would also require the FCC to report to Congress on the enrollment of new broadband consumers in the Lifeline program, and the effectiveness of advertising on these numbers.

Now, finally, we will consider two bills directed at the work of the National Telecommunications and Information Administration: specifically, H.R. 4990, the ITS Codification Act, introduced by Representative Carter and cosponsored by Representative O'Halleran; and then, separately, H.R. 5486, the SMART Act, introduced by Representative Guthrie.

And collectively, these bills provide NTIA with access to innovative spectrum management solutions, led in part by NTIA's Institute for Telecommunications Scientists [sic], ITS. As the engineering laboratory for NTIA, ITS helps drive innovation, enables the robust development of telecommunications infrastructure, and helps protect an open, global internet.

So finally, I did want to also recognize, if I could today, a departing member of the Energy and Commerce Committee team. Parul Desai is a native New Jerseyan and has done terrific work for the committee over the past five years since she joined us as a detail from the FCC. She is now headed to a new role at the NTIA. We all know the incredible amount of work that agency has before it, and I just want to wish her nothing for the best in her future pursuits.

So thank you, Parul.

[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 “Strengthening Our Communications Networks: Legislation to Connect and Protect”

May 24, 2022

Today we are continuing this Committee’s longtime work of ensuring that our nation’s communications networks are stable, secure, and reliable. Communications networks are essential infrastructure. They help connect friends and families, relay emergency communications to the public, allow business operations to run more efficiently and effectively, and deliver education and health services. At today’s legislative hearing we will discuss five bills, most of which are bipartisan, on a broad range of proposals aimed at ensuring that these invaluable networks continue to deliver this critical service to consumers.

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I also want to thank FCC Chairwoman Rosenworcel for her leadership on this issue and emphasizing its importance. I agree with the Chairwoman, and I am hopeful that Congress can come together to use the funding from upcoming auctions to fund important priorities like next generation 9-1-1 and the replacement of suspect communications equipment, among other good ideas.

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This bill would require the FCC to annually submit a report to Congress on the Lifeline Program's enrollment of individuals participating in the Supplemental Nutrition Assistance Program (SNAP). It would also require the FCC to report to Congress on the enrollment of new broadband consumers in the Lifeline Program and the effectiveness of advertising on these numbers.

Finally, we will consider two bills directed at the work of the National Telecommunications and Information Administration (NTIA). Specifically, H.R. 4990, the ITS Codification Act, introduced by Representative Carter, and co-sponsored by Representative O'Halleran; and H.R. 5486, the SMART Act, introduced by Representative Guthrie. Collectively, these bills provide NTIA with access to innovative spectrum management solutions, lead in part by NTIA's Institute for Telecommunication Sciences (ITS). As the engineering laboratory for NTIA, ITS helps drive innovation, enables the robust development of telecommunications infrastructure, and helps protect an open global internet.

Finally, I would like to recognize a departing member of the Energy and Commerce Committee team. Parul Desai is a native New Jerseyian and has done terrific work for the Committee over the past few years since she joined us on detail from the FCC. She's now headed to a new role at the NTIA. We all know the incredible amount of work that agency has before it, and I wish her nothing but the best in her future pursuits.

Mr. PALLONE. And with that, I yield back the balance of my time, Madam Chair.

Ms. MATSUI. The gentleman yields back. The Chair now recognizes Mrs. Rodgers, ranking member of the full committee, for 5 minutes for her opening statement.

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

Mrs. RODGERS. Thank you, Madam Chair. Good morning, everyone.

The success of our Nation's wireless future depends on smart management of our spectrum resources. Earlier this year we had a hearing on spectrum issues, where we heard overwhelming support from witnesses to extend the Federal Communications Commission's spectrum auction authority to ensure the successful competition of the FCC's upcoming spectrum auction of the 2.5 gigahertz band. This will allow carriers to expand 5G across the United States.

I am pleased to announce that this committee responded. Today we are considering bipartisan legislation to extend the FCC's auction authority for 18 months through March 2024. This bill will ensure the agency completes their ongoing spectrum activities, and it provides certainty to bidders in the upcoming 2.5 gigahertz auction that the FCC will be able to use their licenses if they bid.

I want to thank Chairman Pallone and Chairman Doyle for working with us to reach this bipartisan agreement. And I look forward to advancing this legislation.

As demand for wireless technology grows, we need to adapt to make sure our spectrum resources are used efficiently. While it is critical to re-purpose spectrum from Federal to commercial use, it is becoming increasingly difficult to find prime spectrum bands that are unencumbered. I am pleased that we are considering my colleague Representative Guthrie's SMART Act today, which requires NTIA to establish an incumbent informing capability. This will allow NTIA to see spectrum usage by agency across the Federal Government, and help them improve spectrum use efficiently, while also protecting national security.

Representative Carter's bill, the ITS Codification Act, will codify the important duties of NTIA's Institute for Telecommunications Sciences, the government's premier radio-frequency laboratory; clarify the agency's responsibilities; and direct them to advance spectrum re-purposing opportunities; and certify new technologies as we continue to advance American wireless leadership.

U.S. leadership and next generation technology depends on our ability to develop innovative solutions to re-purpose spectrum for commercial use. This will ensure spectrum resources are available for future uses not yet known and maintain the United States' reputation as the number-one place for businesses to invest in innovation and grow the economy.

This committee is leading on solutions to make spectrum resources available. But to unleash the full potential of today's spectrum legislation, we also need to address barriers to deploying wireless infrastructure. Energy and Commerce Republicans are

leading on a package of bills, the Boosting Broadband Connectivity Agenda, which roll back duplicative, burdensome regulations and permitting requirements to speed up deployment of broadband infrastructure. Without permitting reform, it will be difficult for the United States to compete and beat China. If we fail to address these reforms, this committee will miss an opportunity to strengthen American leadership in next-gen communication technology.

We are also considering legislation that would allow survivors of domestic violence and human trafficking to separate from any shared mobile contracts with their abuser. Republicans have several changes we would like to see made to this bill, if it advances. But we stand ready to work with our colleagues to find a solution. Survivors of domestic violence must have the freedom to have a new start, to be safe and secure, and able to separate from their abuser quickly.

This hearing is a great first step to discuss these bills and hear from witnesses about how they will impact the marketplace. I look forward to hearing from all of you.

[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
“Strengthening our Communications Networks: Legislation to Connect and
Protect”
May 24, 2022
(As Prepared for Delivery)**

Thank you, Mr. Chairman.

The success of our nation’s wireless future depends on smart management of our spectrum resources. Earlier this year we had a hearing on spectrum issues, where we heard overwhelming support from witnesses to extend the Federal Communications Commission’s spectrum auction authority to ensure the successful completion of the FCC’s upcoming spectrum auction of the 2.5 gigahertz band. This will allow carriers to expand 5G across the United States. I am pleased to announce that this Committee responded.

Today we are considering bipartisan legislation to extend the FCC’s auction authority for 18 months, through March 2024. This bill will ensure the agency completes their ongoing spectrum activities, and it provides certainty to bidders in the upcoming 2.5 gigahertz auction that the FCC will be able to issue their licenses if they bid.

I want to thank Chairman Pallone and Chairman Doyle for working with us to reach this bipartisan agreement, and I look forward to advancing this legislation.

As demand for wireless technology grows, we need to adapt to make sure our spectrum resources are used efficiently. While it is critical to repurpose spectrum from federal to commercial use, it is becoming increasingly difficult to find prime spectrum bands that are unencumbered.

I am pleased that we are considering my colleague Representative Guthrie’s SMART Act today, which requires NTIA to establish an Incumbent Informing Capability. This will allow NTIA to see spectrum usage by agency across the federal government and help them improve spectrum use efficiency while also protecting national security.

Representative Carter’s bill, the ITS Codification Act, will codify the important duties of NTIA’s Institute for Telecommunication Sciences, the

government's premier radiofrequency laboratory, clarify the agency's responsibilities, and direct them to advance spectrum repurposing opportunities and certify new technologies as we continue to advance American wireless leadership.

U.S. leadership in next generation technology depends on our ability to develop innovative solutions to repurpose spectrum for commercial use. This will ensure spectrum resources are available for future uses not yet known, and maintain the United States reputation as THE number one place for businesses to invest in innovation and grow the economy.

This committee is leading on solutions to make our spectrum resources available, but to unleash the full potential of today's spectrum legislation, we also need to address barriers to deploying wireless infrastructure.

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Without permitting reform, it will be more difficult for the United States to compete and beat China. If we fail to address these reforms, this committee will miss an opportunity to strengthen American leadership in next-gen communications technology.

We are also considering legislation that would allow survivors of domestic violence and human trafficking to separate from any shared mobile contracts with their abuser.

Republicans have several changes we would like to see made to this bill if it advances, but we stand ready to work with our colleagues to find a solution. Survivors of domestic violence should have the freedom to start fresh, to feel safe and secure, and should be able to separate from their abuser quickly.

This hearing is a great first step to discuss these bills and hear from the witnesses about how they will impact the marketplace.

I look forward to hearing from you all and yield back.

Mrs. RODGERS. And I yield back the remainder of my time.

Ms. MATSUI. 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.

I now would like to introduce our witnesses for today's hearing: Ms. Anna M. Gomez, partner, Wiley Rein LLP; Dr. Thomas E. Kadri, assistant professor, University of Georgia School of Law; Mr. Mark Gibson, director, business development and spectrum policy, CommScope, and regulatory officer of the OnGo Alliance; and Dr. Alisa Valentin, senior director of technology and telecommunications policy, National Urban League.

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

Ms. Gomez, you are recognized for 5 minutes.

STATEMENT OF ANNA M. GOMEZ, PARTNER, WILEY REIN LLP; THOMAS E. KADRI, PH.D., ASSISTANT PROFESSOR, UNIVERSITY OF GEORGIA SCHOOL OF LAW; MARK GIBSON, DIRECTOR, BUSINESS DEVELOPMENT & SPECTRUM POLICY, COMMScope AND REGULATORY OFFICER OF THE ONGO ALLIANCE; AND ALISA VALENTIN, PH.D., SENIOR DIRECTOR OF TECHNOLOGY AND TELECOMMUNICATIONS POLICY, NATIONAL URBAN LEAGUE

STATEMENT OF ANNA M. GOMEZ

Ms. GOMEZ. Thank you, Chairwoman Matsui, Ranking Member Latta, Chairman Pallone, Ranking Member McMorris Rodgers, and the distinguished members of the subcommittee, for the opportunity to appear before you today.

My background, from working at the FCC and NTIA, as well as my experience in the private sector, give you a unique view of spectrum challenges. However, my testimony today reflects my own views, and are not necessarily those of my clients.

The task that NTIA and the FCC share in managing our Nation's airwaves can be daunting, given the diverse array of stakeholders and interests, as well as our continuing need to identify additional spectrum for new and innovative uses. It is important to bolster and respect the agency's shared responsibilities.

I, therefore, want to first commend and thank the Committee for its bipartisan attention and commitment to exploring ways to strengthen U.S. spectrum management. The Simplifying Management Reallocation and Transfer of Spectrum Act would authorize NTIA's proposed incumbent informing capability, which would provide a common platform for sharing.

I want to applaud Congressman Guthrie for introducing this thoughtful legislation.

NTIA's missions are critical and complex. The tools Congress has provided ultimately allow NTIA to draw on its experience to ensure continued U.S. leadership in facilitating the development and deployment of new and innovative services which spur economic growth, investment, and job creation, while ensuring that the Federal agencies have the spectrum they need to meet their missions.

The Institute of Telecommunications Sciences, or ITS, Codification Act is another important step in ensuring that NTIA has the tools necessary to effectively manage the country's spectrum. ITS is an integral arm of spectrum management efforts by providing research, testing, and analysis both to NTIA, as well as to entities with which it has contracted, like commercial providers and other government agencies. By providing the statutory authority for ITS, the Act will further support spectrum management initiatives. And I want to commend Congressman Carter for introducing this legislation.

In recent years, the NTIA and FCC coordination process has been increasingly challenging. However, the two agencies recently announced their new Joint Spectrum Coordination Initiative. Of the commitments they announced, developing a national spectrum strategy is particularly essential, and any strategy should include identifying additional spectrum for new uses, while continuing to ensure that Federal agencies can meet their missions.

Of course, identifying additional spectrum would be of little use if the FCC does not have the authority to conduct auctions to license that spectrum. In addition to encouraging the best and highest use of spectrum, spectrum auctions have raised over \$200 billion in Federal revenue. Congress has, in turn, used that revenue to significantly reduce our national debt and to pay for key national priorities, such as the first responder network authority and 911 grants.

Revenue from spectrum auctions also helps facilitate the repurposing of Federal to non-Federal spectrum through the Spectrum Relocation Fund. Accordingly, Congress's extension of the FCC's spectrum auction authority is of paramount importance.

I want to thank the bipartisan leadership of this subcommittee for reaching a compromise to extend the FCC's auction authority. Once extended, this subcommittee has an important role to play in overseeing the work and producing a national spectrum strategy that identifies additional spectrum bands for re-purposing.

I want to conclude by urging the subcommittee to continue to look for ways to improve the existing spectrum management framework. In that regard I refer to FCC Chairwoman Rosenworcel's recent letter to the House and Senate Commerce Committee leaders regarding improvements Congress can make to existing spectrum processes, which includes recommendations for updating the Commercial Spectrum Enhancement Act, or CSEA, to make it even more effective for re-purposing spectrum.

While the CSEA is an effective tool, there is room for improvement. For example, Congress can further incentivize Federal agencies by removing the comparable capability limitation, which then would allow Federal spectrum users to modernize their outdated equipment as part of the spectrum reallocation process, generating greater incentives to relinquish under-utilized or duplicative spectrum bands.

In addition, reforming CSEA to cover costs to evaluate impacts to non-Federal bands where there are strong Federal equities would allow NTIA to examine thorny issues affecting commercial providers.

Thank you again for allowing me to share my thoughts with you on my perspective on pending legislation to improve our Nation's spectrum management activities. I look forward to answering any questions you may have.

[The prepared statement of Ms. Gomez follows:]

**Testimony of Anna M. Gomez
Partner, Wiley Rein LLP**

**Before the
U.S. House of Representatives
Committee on Energy & Commerce
Subcommittee on Communications and Technology
Strengthening Our Communications Networks:
Legislation to Connect and Protect
May 24, 2022**

Chairman Doyle, Ranking Member Latta, distinguished Members of the Subcommittee, thank you for the opportunity to appear before you to share my thoughts on legislation pending before this Subcommittee relating to spectrum management.

From January 2009 through March 2013, I had the honor of serving as the National Telecommunications and Information Administration's (NTIA's) Deputy Administrator. Prior to that, I am proud to have served our nation alongside the many committed professionals at the Federal Communications Commission (FCC), where I worked as an attorney for 12 years in a variety of capacities. My background from working at the country's two leading agencies for spectrum management, as well as my experience in the private sector, give me a unique and well-rounded view of spectrum management challenges at both agencies.¹

NTIA and the FCC share responsibility of managing our Nation's airwaves. The task can be daunting given the diverse array of stakeholders and interests, as well as our continued need to identify additional spectrum for both Federal and non-Federal new and innovative uses. It is therefore important to bolster and respect the agencies' shared responsibilities, and to recognize that NTIA is the Federal spectrum manager speaking on behalf of the Administration on

¹ My testimony today reflects my own views and not necessarily those of my clients.

telecommunications policies, and that the FCC is the final arbiter (pursuant to judicial review) of non-Federal spectrum policies.

I therefore want first to commend and thank the Committee for its bipartisan attention and commitment to exploring ways to strengthen spectrum management in the United States. The Simplifying Management, Reallocation, and Transfer of Spectrum Act (“SMART Act”) is the latest installment in a long line of amendments made to the NTIA Organization Act that provide NTIA with the tools and flexibility necessary to fulfill its mission as the manager of the Federal government’s use of spectrum. The bill facilitates the incorporation of a standardized framework for facilitating the sharing of spectrum between non-Federal and Federal users, including requirements for the sharing regime to permit non-Federal secondary uses of the spectrum when there is no primary use by Federal entities as well as mechanisms to address harmful interference. It makes the sharing regime more transparent by requiring an incumbent Federal entity sharing a spectrum band to input information regarding the frequency, time, and location of their use of the band, while providing for proper protection of classified information. I want to applaud Congressman Guthrie for introducing this thoughtful legislation.

NTIA’s missions are critical and complex, and Congress has vested the responsibilities of overseeing advising the President on telecommunications and information policies, including public safety communications, grant programs for broadband, public safety, and Next Generation 911, and ensuring the free flow of data across borders, to name but a few. The tools Congress has provided ultimately allow NTIA to draw on its experience to ensure that the United States continues being a leader in developing and deploying new and innovative services, which spurs economic growth, investment, and job creation, while ensuring that the Federal agencies have the spectrum resources they need to meet their missions.

The Institute for Telecommunication Sciences Codification Act (“ITS Codification Act”) is another important step in ensuring that NTIA has the tools necessary to effectively manage the country’s spectrum. The Institute for Telecommunications Services (ITS) is an integral and long-established arm of NTIA’s spectrum management efforts. It provides valuable research and analysis to inform NTIA’s Office of Spectrum Management as it works to identify additional spectrum efficiencies and potential opportunities to increase spectrum access for all users. Furthermore, its research and expertise are fundamental in making spectrum available for commercial use as well as for identifying spectrum sharing opportunities among both Federal and commercial entities. By providing the statutory authority for ITS, the Act will further support spectrum management initiatives by the FCC and NTIA.

In recent years, the NTIA and FCC coordination process has increasingly met challenges. However, the two agencies recently announced their new joint Spectrum Coordination Initiative (“Initiative”).² The Initiative, an exceptional step, seeks to improve U.S. government coordination on spectrum management. Specifically, the agencies committed to jointly develop a national spectrum strategy, reinstate high-level meetings, update the Memorandum of Understanding between the two agencies to address gaps in government coordination, develop processes for spectrum engineering compatibility analyses such as interference protection criteria, and lastly, foster proactive technical exchange and engagement with industry and other Federal agencies by participating in cross-agency advisory groups. Of these commitments, developing a national spectrum strategy is particularly essential, and any strategy should include

² *FCC, NTIA Establish Spectrum Coordination Initiative*, News Release, available at <https://www.fcc.gov/document/fcc-ntia-establish-spectrum-coordination-initiative>.

identifying additional spectrum for new and innovative services while still ensuring that Federal agencies can meet their missions.

Of course, the identification of additional Federal spectrum for new and innovative services would be of little use if the FCC does not have the authority to conduct auctions to license any spectrum made available for non-Federal use. The FCC's auction authority has been a critical tool for licensing most non-Federal spectrum in the United States since 1993. It is, however, set to expire by the end of the current fiscal year. In addition to benefiting the American public through encouraging the best and highest use of spectrum, spectrum auctions have raised over \$200 billion in Federal revenue. Congress has in turn used the revenue to significantly reduce our national debt and to pay for key national priorities such as the creation of the First Responder Network Authority, or FirstNet and for 911 grants.³ Revenue from spectrum auctions also help facilitate the repurposing of Federal to non-Federal spectrum. It provides funding to enable the agencies to work together to develop a steady spectrum pipeline, and compensates Federal agencies for the cost of relocating incumbent services, among other key spectrum management activities. Accordingly, Congress's extension of the FCC's spectrum auction authority is of paramount importance to ensure the ongoing availability of airwaves to support innovative mobile broadband services as well as the continuation of efficient spectrum management. I want to thank the bipartisan leadership of this Subcommittee for reaching the compromise to extend the FCC's auction authority. Once extended, this Subcommittee has an important role to play in overseeing the work of NTIA and the FCC over the next 18 months to

³ Federal Communications Commission, *Auctions Summary*, available at www.fcc.gov/auctionssummary (accessed May 18, 2022).

produce a national spectrum strategy that identifies additional spectrum bands for repurposing for the next decade.

I want to conclude by urging the Subcommittee to continue to look for additional ways to improve the existing spectrum management framework at the NTIA and the FCC, and to smooth any spectrum repurposing initiatives. In that regard, I refer to the March 30, 2022 letter FCC Chairwoman Jessica Rosenworcel wrote to leaders of the House and Senate Commerce Committees regarding improvements Congress can make to the existing spectrum allocation processes. One such option, as Chairwoman Rosenworcel pointed out, would be for Congress to update the Commercial Spectrum Enhancement Act (CSEA) to make it even more effective for repurposing spectrum. The CSEA was passed in 2004 and gave the FCC a mechanism to encourage incumbent Federal spectrum users to clear spectrum bands so that reallocated spectrum could be made available for commercial use. To encourage incumbent Federal spectrum users to clear spectrum bands, the CSEA established the Spectrum Relocation Fund to reimburse Federal agencies operating on certain frequencies that have been repurposed to non-Federal use.

While the CSEA is an effective tool, there is room for improvement. For example, Congress can further incentivize Federal agencies clearing spectrum by ensuring that a full range of costs, including up-front planning, technology development, and staffing to support the relocation effort, are covered by the Spectrum Relocation Fund. Congress can also sweeten the incentives by removing the limitation currently placed on agencies subject to relocation to modernize their spectrum usage. By removing the “comparable equipment” requirement, Federal spectrum users will gain the ability to modernize their outdated equipment as part of the

spectrum reallocation process, generating greater incentives to relinquish under-utilized spectrum bands.

Thank you again for allowing me to share my thoughts with you regarding my perspective on pending legislation to improve our Nation's spectrum management activities. I look forward to answering any questions you may have.

Ms. MATSUI. Thank you.

Dr. Kadri, you are recognized for 5 minutes.

STATEMENT OF THOMAS E. KADRI

Dr. KADRI. Thank you, Chair Matsui, Ranking Member Latta, and distinguished members of the subcommittee. I greatly appreciate the opportunity to testify before you today.

By way of background, I am a law professor at the University of Georgia, where I am also affiliated with the Institute for Women's Studies and the Institute for Cybersecurity and Privacy. I obtained my Ph.D. from Yale Law School, and my research focuses on the legal and technological regulation of privacy, speech, and abuse. And as an affiliated researcher with Cornell's Clinic to End Tech Abuse, CETA, I work directly with victims of digital abuse, and advise lawmakers on how to address it.

Now, I use the term "digital abuse" to refer broadly to how people exploit technology to harm others. More specifically, digital abuse involves using technology to control, harass, stalk, surveil, or threaten someone in a way that invades their privacy or autonomy, or harms them emotionally, physically, reputationally, or financially.

Now, digital abuse is on the rise. Domestic Violence Charity Refuge estimates that 95 percent of its cases involve technology, while the National Domestic Violence Hotline has seen a 155 percent increase in reports of digital abuse between 2015 and 2018, and those numbers have surely grown during the pandemic. These statistics might initially seem shocking, but one in three women and one in six men have experienced abusive relationships. And so, given how central digital technologies have become in our lives, their growing role in interpersonal abuse is predictable.

Why is digital abuse so harmful? Well, this is, obviously, a complex question. But one common theme is that abusers use technology to become ever-present in a victim's life, or at least to create that impression.

Now, though it might be tempting to focus on more sensational topics like stalkerware apps, the work of Dr. Karen Levy and others has shown that digital abuse is often mundane in that it requires little to no sophistication, and relies on everyday devices and services. And a classic example of this is family phone plans.

Information that an abuser can gather from these plans might exacerbate abuse, and even thwart a victim's attempts to escape. And these serious yet under-appreciated risks make family phone plans the snake in the grass of domestic violence. These plans let an abuser monitor a victim's calls, texts, and even their precise location of their device. An abuser may, for example, discover where a victim is currently hiding, or planning to go, as well as any contact they have had with family members, domestic violence hotlines, or crisis response centers.

As Diana Freed, a lead researcher at CETA, has observed, "People would come into our clinic and report that the abuser knows where they are. They have left the abuser. They have moved on to a new relationship, new friends, and suddenly all of their contacts have been contacted by the abuser. And there was no idea how this person got the numbers."

So though a victim could always abandon their device entirely, this might actually worsen matters if their phone and its number connect them to friends, family, work, and crucial services that can help keep them safe.

And if a victim does try to leave a family plan, phone companies often charge high fees of up to \$350 per line, in addition to demanding upfront payment for any devices being financed in installments. Now, for many victims, paying these sums all at once will exceed their financial means, especially when their abuser controls their economic resources, as is common with domestic violence.

And currently, no Federal law allows victims to leave family plans. Existing State laws, meanwhile, provide inadequate protections. And people in states without any legal right to get out of a family plan, especially people with low incomes, could effectively be trapped in a contract that allows their abuser to control them.

A strong Federal law empowering victims to leave family plans would help vulnerable people in all states to cut this dangerous tie with their abusers.

The legislation before your subcommittee, the Safe Connections Act, represents significant progress by making it easier to leave family plans quickly, remotely, and for free. Victims rely on phones as a lifeline, but that same technology can simultaneously expose them to abuse. And the Act represents a careful effort to respond to how phones play this essential but complicated role in victims' lives.

It is encouraging to see the bipartisan consensus that has emerged as the Act has passed through Congress, or progressed through Congress. And even the telecommunications industry has now signaled its support.

Federal law should allow victims to make a clean break from their abusers with minimal barriers and risks. And the Safe Connections Act would be a step in the right direction.

Thank you, and I look forward to your questions.

[The prepared statement of Dr. Kadri follows:]



School of Law



Written Testimony
 Thomas E. Kadri, Ph.D.
 Assistant Professor, University of Georgia School of Law
 Affiliated Researcher, Clinic to End Tech Abuse at Cornell University

U.S. House Committee on Energy and Commerce

Subcommittee on Communications and Technology

Hearing on “Strengthening our Communications Networks: Legislation to Connect and Protect”

May 24, 2022

—

Chairman Doyle, Ranking Member Latta, and distinguished members of the Subcommittee — I greatly appreciate the opportunity to testify about the pressing concern of protecting people from digital abuse.

By way of background, I am a law professor at the University of Georgia, where I am also affiliated with the Institute for Women’s Studies, the Institute for Cybersecurity and Privacy, and the College of Journalism and Mass Communication. I obtained my Ph.D. in Law from Yale Law School, and my research focuses on the legal and technological regulation of privacy, speech, and abuse. As an affiliated researcher with the Clinic to End Tech Abuse (CETA) at Cornell University, I work directly with victims of digital abuse and advise lawmakers on how to address it.¹ I also serve on the board of directors for Project Safe, a nonprofit organization in Georgia that helps victims to escape and overcome domestic violence.

The Rise of Digital Abuse

In my work, I use the term “digital abuse” to refer broadly to people exploiting technology to harm others. More specifically, digital abuse involves using technology to control, harass, stalk, surveil, or threaten someone in a way that either invades their privacy or autonomy, or harms them emotionally, physically, reputationally, or financially. Though the means and methods vary, digital abuse — like other forms of interpersonal violence — often involves coercion, manipulation, gaslighting, and deception. And while some forms of digital abuse might initially seem trivial or rare, research and experience have repeatedly shown that this growing phenomenon is serious and pervasive.²

¹ CETA is a group of trained volunteers, clinic staff, and researchers who have expertise in fields such as computer security, human-computer interaction, and computing for underserved communities. CETA volunteers receive special training on detecting technology-related abuse and working with people who have survived trauma, providing clinic services through a collaboration with the New York City Mayor’s Office to End Domestic and Gender-Based Violence

² Parts of this Written Testimony draw from my article, *Networks of Empathy*, 2020 UTAH L. REV. 1075 (2020).

Digital abuse is on the rise. Sometimes the perpetrators are strangers, sometimes they are familiar, but always they are manipulating technology to harm their targets.³ Domestic-violence charity Refuge estimates that 95% of its cases involve technology,⁴ while the National Domestic Violence Hotline saw a 155% increase in reports of digital abuse between 2015 and 2018 even as other forms of abuse remained fairly constant.⁵ According to another poll, one in ten Americans admits to using “stalkerware” apps to siphon information and images from their partner’s or ex’s phone.⁶ And a 2017 study found that 18% of internet users report having experienced serious online threats, harassment, and stalking⁷ – a number that has surely grown during a pandemic that has filtered even more of our interactions through technology.

These statistics might initially seem shocking, but we should not be surprised. After all, one in three women and one in six men have experienced abusive relationships,⁸ and the Center for Disease Control reports that tens of millions of Americans have faced physical violence, contact sexual violence, or stalking by an intimate partner.⁹ Given how central digital technologies have become in our lives, their growing role in interpersonal abuse is predictable. These technologies are powerful, and their power will inevitably be wielded for negative as well as positive ends.

To compound the problem, people often underestimate the gravity of digital abuse, yet study after study confirms its cruelty.¹⁰ Victims’ lives are disrupted and damaged. Their domestic and professional stability

³ See Karen Levy & Bruce Schneier, *Privacy Threats in Intimate Relationships*, 6 J. CYBERSECURITY 1 (2020) (exploring the social complexity of “intimate threats: a class of privacy threats that can arise within our families, romantic partnerships, close friendships, and caregiving relationships”).

⁴ Charlotte Jee, *How “Stalkerware” Apps Are Letting Abusive Partners Spy on Their Victims*, MIT TECH. REV. (July 10, 2019), <https://www.technologyreview.com/s/613915/stalkerware-apps-are-letting-abusive-partners-spy-on-their-victims>.

⁵ Compare NAT’L DOMESTIC VIOLENCE HOTLINE, A YEAR OF IMPACT: NATIONAL DOMESTIC VIOLENCE HOTLINE & LOVEISRESPECT 3 (2015), <https://www.thehotline.org/wp-content/uploads/sites/3/2018/06/2015-Impact-Report-digital.pdf> (reporting that 5% of cases involved digital abuse, equating to 21,812 reports of digital abuse), with NAT’L DOMESTIC VIOLENCE HOTLINE, A YEAR OF IMPACT: NATIONAL DOMESTIC VIOLENCE HOTLINE & LOVEISRESPECT 2 (2018), <https://www.thehotline.org/wp-content/uploads/sites/3/2019/06/Impact-Report-2018.pdf> (reporting that 15% of cases involved digital abuse, equating to 55,710 reports of digital abuse).

⁶ Laura Hautala, *1 in 10 Americans Uses Stalkerware to Track Partners and Exes, Poll Finds*, CNET (Feb. 12, 2020), <https://www.cnet.com/news/1-in-10-people-uses-stalkerware-to-track-partners-and-exes-poll-says>.

⁷ MAEVE DUOGAN, PEW RESEARCH CTR., ONLINE HARASSMENT 2017 3 (July 11, 2017), <https://www.pewresearch.org/internet/2017/07/11/online-harassment-2017>; see also MAEVE DUOGAN, PEW RESEARCH CTR., ONLINE HARASSMENT 2–5 (Oct. 22, 2014), <https://www.pewresearch.org/internet/2014/10/22/online-harassment> (presenting similar findings).

⁸ *Id.*

⁹ CENTERS FOR DISEASE CONTROL AND PREVENTION, NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY 7–10 (2018), <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>.

¹⁰ Trivialization is a longstanding and stubborn societal problem, both for harassment generally and digital abuse specifically. This is especially true with respect to harms disproportionately suffered by women. As Danielle Citron laments, “[s]ociety ignored or downplayed domestic violence’s brutality for over 200 years,” and “[n]o term even existed to describe sexual harassment in the workplace until the 1970s, despite the pervasiveness of the practice.” Danielle Keats Citron, *Law’s Expressive Value in Combating Cyber Gender Harassment*, 108 MICH. L. REV. 373, 376 (2009); see also *id.* at 392–404 (tracing historical trivialization of women’s suffering, from sexual assault to domestic violence to workplace harassment and now to cyber-harassment).

crumbles.¹¹ Their work is jeopardized.¹² Their relationships deteriorate and their safety is threatened.¹³ Their health suffers.¹⁴ Their communities suffer the consequences.¹⁵ And to rub salt into the wound, their sanity and truthfulness are often doubted when they share their experiences.¹⁶

Why is digital abuse so harmful? This is a complex question, but one common theme is that abusers use technology to become ever-present in a victim's life — or at least to create that impression.¹⁷ This incessant attack is both perilous and debilitating. Not only do victims spend time defending their physical and emotional wellbeing, but documenting their abuse for potential legal proceedings can become a full-time job. Even if the abuse eventually subsides, the effects can long endure. Many victims suffer from post-traumatic stress disorder;¹⁸ others resort to self-protective isolation and silence because they fear their abuser will reemerge if they raise their head above the parapet.¹⁹

Family Phone Plans as a “Snake in the Grass”

Though it might be tempting to focus on more sensational topics like stalkerware apps and deepfake videos, the work of Dr. Karen Levy and others has shown that digital abuse is often “mundane” in that it requires “little to no sophistication” and relies on “everyday devices and services.”²⁰ A classic example is family phone plans, which create major vulnerabilities for victims. Information that an abuser can gather from these plans might trigger and exacerbate abuse and even thwart a victim's attempts to escape. These serious yet underappreciated risks make family plans “the snake in the grass” of domestic violence.²¹

¹¹ Ari Ezra Waldman, *Amplifying Abuse: The Fusion of Cyberharassment and Discrimination*, 95 B.U. L. REV. ANNEX 83, 83 (2015) (“Targets of online hate and abuse have gone into hiding, changed schools, and quit jobs to prevent further abuse.”); KATRINA BAUM ET AL., U.S. DEP’T OF JUSTICE: BUREAU OF JUSTICE STATISTICS, NATIONAL CRIME VICTIMIZATION SURVEY: STALKING VICTIMIZATION IN THE UNITED STATES 6 (2009), <https://www.justice.gov/sites/default/files/ovw/legacy/2012/08/15/bjs-stalking-rpt.pdf> (reporting that 1 in 7 stalking victims moves out of their home).

¹² Mary Anne Franks, *Sexual Harassment 2.0*, 71 MD. L. REV. 655, 658 (2012).

¹³ Mary Anne Franks, “Not Where Bodies Live”: *The Abstraction of Internet Expression*, in FREE SPEECH IN THE DIGITAL AGE 137, 140 (Susan J. Brison & Katharine Gelber eds., 2019).

¹⁴ Eric Blaauw et al., *The Toll of Stalking: The Relationship Between Features of Stalking and Psychopathology of Victims*, 17 J. INTERPERSONAL VIOLENCE 50, 57–58 (2002) (finding that stalking victims suffer much higher rates of depression, anxiety, insomnia, and social dysfunction than the general population); Waldman, *supra* note 11, at 83 (“Cyberharassment devastates its victims. Anxiety, panic attacks, and fear are common effects; post-traumatic stress disorder, anorexia and bulimia, and clinical depression are common diagnoses.”).

¹⁵ See Waldman, *supra* note 11, at 83 (arguing that the “personal effects” of digital abuse “are part of a larger social cancer that breeds sexism, subjugation, and inequality”).

¹⁶ Deborah Epstein & Lisa A. Goodman, *Discounting Women: Doubting Domestic Violence Survivors’ Credibility and Dismissing Their Experiences*, 167 U. PA. L. REV. 399, 447–51 (2019) (exploring how victims who are discredited and invalidated after disclosing their abuse commonly develop feelings of powerlessness, futility, personal worthlessness, and self-doubt).

¹⁷ Delanie Woodlock, *The Abuse of Technology in Domestic Violence and Stalking*, 23 VIOLENCE AGAINST WOMEN 584, 592 (2016).

¹⁸ See Michele Pathé & Paul E. Mullen, *The Impact of Stalkers on Their Victims*, 170 BRIT. J. PSYCHIATRY 12, 14 (1997) (finding that 37% of stalking victims fulfill the diagnostic criteria for post-traumatic stress disorder).

¹⁹ See Robin West, *Cyber-Sexual Harassment*, JOTWELL (Jan. 21, 2015), <https://juris.jotwell.com/cyber-sexual-harassment> (discussing how digital abuse can curtail a victim's “civic participation” and lead her to “close down her public and cyber persona”).

²⁰ Karen Levy, *No Safe Haven for Victims of Digital Abuse: Security Isn’t Just a Technical Problem. It’s a Social One.*, SLATE (Mar. 1, 2018), <https://slate.com/technology/2018/03/apps-cant-stop-exes-who-use-technology-for-stalking.html>.

²¹ Louise Matsakis, *A Hidden Risk for Domestic Violence Victims: Family Phone Plans*, WIRED (July 23, 2020), <https://www.wired.com/story/family-phone-plans-hidden-risk-domestic-violence-victims> (quoting former CETA director Sarah St. Vincent).

What risks, specifically, do family plans pose to victims?²² In short, these plans let an abuser monitor a victim's calls, texts, and even the precise location of their device. The abuser can then use this information to harass, stalk, intimidate, or carry out violence. An abuser might also gain insight into a victim's support networks, from friends to family to coworkers.

One source of this information are phone bills or other account records. These digital logs reveal details about a victim's communications that can also provide clues about their physical location, such as through area codes or call patterns. Though the contents of a victim's communications might be concealed, some family plans allow an abuser to access the victim's voicemails.²³ Family plans can also empower abusers through "parental" controls or apps that show the location of a victim's (or their child's) phone, a history of where the phone has been during the past week, and what numbers they have called or texted.²⁴

Through these various means, an abuser may, for example, discover where a victim is currently hiding or planning to go, as well as any contact a victim has had with family members, domestic-violence hotlines, crisis-response centers, or other parts of their support system. As Diana Freed, a lead researcher on a study drawing on CETA's clinical work, observes:

"People would come [to the clinic] and report, for example, the abuser knows where they are. They've left the abuser and moved onto a new relationship, new friends, and suddenly all of their contacts have been contacted by the abuser and there was no idea how this person got the numbers."²⁵

One CETA client shared details of their own experience with abuse through a family plan:

"[The abuser] was the one who got a phone from [phone company], it was his account... he can see everybody I talk to. He probably had access to my voicemail. I just learned that somebody can access your voicemail. I don't know what he was doing."²⁶

²² The following discussion draws on work done by researchers associated with CETA who study how to improve technology safety and security for victims of intimate partner violence. See generally Diana Freed, Jackeline Palmer, Diana Minchala, Karen Levy, Thomas Ristenpart & Nicola Dell, "A Stalker's Paradise": How Intimate Partner Abusers Exploit Technology, ASS'N COMPUTING MACH. (2018); Diana Freed, Jackeline Palmer, Diana Minchala, Karen Levy, Thomas Ristenpart & Nicola Dell, *Digital Technologies and Intimate Partner Violence: A Qualitative Analysis with Multiple Stakeholders*, 46 PROC. ASS'N COMPUTING MACH. HUM.-COMPUT. INTERACTION 1 (2017) (same); Diana Freed, Sam Havron, Emily Tseng, Andrea Gallardo, Rahul Chatterjee, Thomas Ristenpart & Nicola Dell, "Is My Phone Hacked?" Analyzing Clinical Computer Security Interventions with Survivors of Intimate Partner Violence, 3 PROC. ASS'N COMPUTING MACH. HUM.-COMPUT. INTERACTION 1 (2019) (same); Emily Tseng, Rosanna Bellini, Nora McDonald, Matan Danos, Rachel Greenstadt, Damon McCoy, Nicola Dell & Thomas Ristenpart, *The Tools and Tactics Used in Intimate Partner Surveillance: An Analysis of Online Infidelity Forums*, USENIX Security Symposium no. 29 (2020), <https://arxiv.org/pdf/2005.14341.pdf>

²³ Freed et al., "A Stalker's Paradise," *supra* note 22, at 4 ("In these situations, the abuser often receives phone bills that provide them with detailed information about the survivor's call history, text messages, and voicemails.").

²⁴ See Kaofeng Lee & Erica Olsen, *Cell Phone Location, Privacy and Intimate Partner Violence*, 18 DOMESTIC VIOLENCE REPORT (2013) ("Applications that are provided through the wireless carrier can be added by an account holder. If the victim's phone is part of a family plan or the phone's account holder is the abuser, it is easy for the account holder to add this location feature onto the victim's phone."); Verizon SmartFamily FAQs, VERIZON, <https://www.verizon.com/support/verizon-smart-family-faqs>; Location Tracking with AT&T Secure Family, AT&T, <https://www.att.com/support/article/wireless/KM1299008>; T-Mobile FamilyWhere App, T-MOBILE, <https://www.t-mobile.com/support/plans/features/t-mobile-familywhereapp>.

²⁵ Matsakis, *supra* note 21.

²⁶ Freed et al., "A Stalker's Paradise," *supra* note 22, at 4.

In at least ten other cases, CETA clients reported that the abuser gave a phone to a child they shared with the victim, providing a dangerous window into the victim's life.²⁷ Because the abuser might have a legal right to remain in contact with their child, the victim might be forbidden from taking away the phone. This tactic can enable an abuser to control and surveil the victim even after the victim manages to leave the relationship. As one social worker reported:

"[E]specially if they're separated and having custody issues, the abuser will give a cellphone to one of the kids. And the kid is so excited, they get a cellphone, but [the abuser] uses it as a way of getting in and figuring out what's going on in the home."²⁸

All of this information from family plans can enable further escalation by the abuser. Safety-planning is essential when a victim is trying to leave an abusive relationship, but that same planning can create immense danger if an abuser discovers an imminent departure. Similarly, hazardous situations might arise if an abuser is alerted that the victim knows that their phone is being tracked, as might occur if a victim disables certain surveillance features in a family plan.²⁹ These risks affect not only the victim themselves, but also people close to them, and can even discourage victims from reaching out to others for help. And, ultimately, if a victim remains stuck in a family plan, an abuser can exploit this connection to control and threaten them, perhaps even missing payments or canceling a line in order to abruptly isolate the victim from their support network without warning.

Obstacles to Mitigating Risks of Family Phone Plans

Various obstacles inhibit victims from mitigating the risks posed by family plans. For starters, the surveillance enabled through family plans can be difficult to detect and disable. Stalkerware and other apps that reveal communications or location data usually require abusers to gain physical access to a device for their installation or activation, and these apps can usually be deleted or deactivated by a victim if discovered. Not so with surveillance through family plans, which can be enabled remotely and can rarely be disabled through the device itself (and usually cannot be disabled by anyone besides the primary account holder, who is often the abuser). Though a victim could always abandon the device entirely, this might worsen matters if their phone and its number connect them to friends, family, work, and crucial services that can keep them safe.

If a victim does try to leave a family plan, phone companies often charge high fees of up to \$350 per line to end the contract, in addition to demanding upfront payment for any devices being financed in installments. For many victims, paying these sums all at once will exceed their financial means, especially when their abuser controls or drains their economic resources, as is common in cases of domestic violence.³⁰

Even if a victim has the funds to leave a family plan, they can still encounter resistance from a phone company that has no legal obligation to honor line-separation requests. The company might also demand information

²⁷ See *id.*; see also Niharika Vattikonda & Swathi Ramprasad, *The Safe Connections Act: Helping Survivors Break from Abusers' Phone Plans*, DUKE SANFORD SCHOOL OF PUBLIC POLICY: CYBER POLICY AND GENDER VIOLENCE INITIATIVE (Apr. 6, 2021), <https://sites.sanford.duke.edu/genderviolencepolicy/2021/04/06/the-safe-connections-act-helping-survivors-break-from-abusers-phone-plans>.

²⁸ Freed et al., "A Stalker's Paradise," *supra* note 22, at 4.

²⁹ Lee & Olsen, *supra* note 24.

³⁰ Stephanie Kirchgessner & Amanda Holpuch, *A Bill Aims to Stop Abusers Stalking Ex-Partners. US Telecom Firms Are Lobbying Against It*, GUARDIAN (May 6, 2021), <https://www.theguardian.com/society/2021/may/06/us-wireless-industry-bill-domestic-violence-victims>About-Financial-Abuse>, NNEDV, <https://nnedv.org/content/about-financial-abuse>.

that the victim does not know about the account holder, such as a password or social security number. And while some companies might be more cooperative voluntarily, corporate programs meant to help abuse victims are often so poorly advertised that victims are highly unlikely to even know they exist.³¹

To cap it all off, the current process of leaving a family plan can be complex and risky. Fighting with a phone company might seem like one burden too many for a victim who is already feeling overwhelmed and insecure. If the severance process is arduous, victims might subconsciously discount the dangers of failing to pursue it, instead prioritizing steps like changing their locks or seeking counseling. And if the process is flawed, it might expose victims to further danger and anxiety, including the inevitable risk and paranoia that victims will experience if companies create ambiguity about whether and when an abuser will be notified about a line separation.

The Current Legal Landscape

No federal law allows victims to leave family plans, while existing state laws provide victims with inadequate protections.

Roughly a dozen states have passed laws or are considering legislation in this general area. Some states require victims to get a court order to leave a family plan. While this avenue might sound promising, many of these laws do not give victims a right to end their contracts completely. Instead, they may merely switch to a different plan with the same company, leaving them obliged to pay termination fees and costs they might be unable to afford.

Other states, like New York and Hawaii, allow victims to leave family plans without a court order, but they instead compel victims to supply phone companies with evidence of their abuse through documents like police reports or medical records.³² Although this represents a legislative step in the right direction, these laws often lack strong protections to protect a victim's privacy interests in these sensitive documents.

At least one state, Delaware, has even distributed free prepaid phones to victims as a way to reduce the risks posed by family plans. Delaware's Department of Justice explained that these phones would "offer a measure of privacy, protection, and independence to survivors who may feel economically trapped in an abusive situation because of reliance on an abuser's phone plan."³³ The state also proclaimed that it was ensuring "that survivors' activity – including calls for help – are not reflected in abuser's monthly cell phone plans and equip[ping] survivors with a vital tool as they rebuild their lives."³⁴ While these statements might be true, this initiative fails to mitigate the burden that victims face when they cannot use their own phones or numbers.

Meanwhile, people in states without any legal right to get out of a family plan – especially people with low incomes – could effectively be trapped in a contract that allows their abuser to control them. A strong federal law empowering victims to leave family plans would help vulnerable people in all states to cut this dangerous tie with their abusers.

³¹ Abusers, by contrast, might know how to use features of family plans to their advantage, especially since research has revealed that abusers learn strategies and swap tips in online forums. See Tseng et al., *supra* note 22.

³² N.Y. GEN. BUS. L. § 399-yyy; HI REV. STAT. § 269-16.93.

³³ *Domestic Violence Survivors Receive More Than 100 Prepaid Phones*, DELAWARE DEP'T JUSTICE (May 4, 2020), <https://news.delaware.gov/2020/05/04/domestic-violence-survivors-receive-more-than-100-prepaid-phones>.

³⁴ *Id.*

The Safe Connections Act

In August 2020, CETA joined with the National Network to End Domestic Violence, the Electronic Frontier Foundation, and other organizations in calling on Congress to pass laws achieving the following goals:

- 1) Give survivors and children in their care a right to get out of family plans immediately, remotely, and for free.
- 2) Require phone companies to apply strong privacy protections to any information about the abuse.
- 3) Not impose burdensome or traumatizing requirements for survivors to give evidence of the abuse to the phone company.
- 4) Let survivors keep their numbers to stay connected.
- 5) Require phone companies to train their employees about these rights and give information to their customers about getting out of family plans in abuse situations.³⁵

The legislation before your Subcommittee, the Safe Connections Act, makes significant progress on achieving many of these goals. My research and my work with victims reveal how this law could be crucial. Victims rely on communication technologies as a lifeline, but those same technologies can simultaneously expose them to abuse. The Safe Connections Act represents a careful effort to respond to how phones play this essential but complicated role in victims' lives.

By making it easier to leave family plans quickly, remotely, and for free, the Safe Connections Act would set a good foundation from which further regulatory efforts could build. The Federal Communications Commission (FCC) would be empowered to enforce the Act's protections and protect victims' interests. The exploration of rules requiring phone companies to omit any communications with domestic-violence hotlines from phone records is also a wise idea, as is the expansion of eligibility for the FCC's Lifeline program. And though I believe that victims should be able to leave family plans without providing third-party documentation, it is encouraging that the Act would require phone companies to treat all evidence of abuse as confidential and to dispose of it securely. The Act also contains an important and clear statement that it would not affect state laws providing enhanced protections, such as those aimed at ensuring the safety and privacy of victims by allowing them to submit alternative evidence of their abuse.³⁶

People who work directly with victims seem similarly supportive of the Safe Connections Act. According to Natalia Krapiva, Tech Policy Counsel at Access Now:

“Survivors are often entangled psychologically and financially with perpetrators, making leaving an abusive relationship extremely difficult and dangerous. This bill will help ensure that phone plan separation will not be an obstacle to freedom.”³⁷

³⁵ Letter to Chairman Wicker and Ranking Member Cantwell, U.S. Senate Committee on Commerce, Science, and Transportation (Aug. 20, 2020), https://82beb9a6b7db490a88be9f149baf221.filesusr.com/ugd/c4e6d5_8e1f1a0110e04e92912ee6fbef347423.pdf.

³⁶ In New York, for example, legislation has been passed in the state senate to allow people to leave a family plan based on their own selfattestation of abuse. Anna M. Kaplan, *Senator Anna Kaplan Helps Pass Stronger Protections for Survivors of Sexual Abuse and Domestic Violence*, N.Y. STATE SENATE (Apr. 26, 2022), <https://www.nysenate.gov/newsroom/press-releases/anna-m-kaplan/senator-anna-kaplan-helps-pass-stronger-protections-survivors>.

³⁷ *Phone Contracts Should Not Bind Survivors to Abusers – SAFE Connections Act Needed Now*, ACCESS NOW (Apr. 28, 2021), <https://www.accessnow.org/phone-contracts-should-not-bind-survivors-to-abusers-safe-connections-act>.

Nish Williams, legal director at the North Carolina Coalition Against Domestic Violence, sings a similar tune:

“I just think that it’s beyond time for the federal government to catch up with the way in which we are living, technologically.... We are living on our phones. Much of a person’s identity, relationships, support networks exist within that device. And if a survivor is seeking to leave an abusive relationship, they need to know that that device is a secure device.”³⁸

Laura Berry, the executive director of Indiana Coalition against Domestic Violence, has explained that the absence of this kind of law means that victims are often encouraged to ditch their phone and get a new one. When discussing a similar bill at the state level in Indiana, Berry was enthusiastic about the proposed reform:

“This time they’ll be able to successfully take that number and keep in contact.... I hold everything dear in my phone, my pictures, my contacts. I couldn’t make a connection with anybody without that phone, so this will allow victims to do that.”³⁹

In a similar vein, Sarah St. Vincent, CETA’s former Director, has observed:

“Abusers will often do anything they can to control their victims, and family phone plans can be a powerful tool for such abuse. People’s lives and safety are far more important than any contract they once signed, and Congress should recognize this by creating protections now.”⁴⁰

Given how people who work closely with victims have advocated for legal protections to leave family plans, it is encouraging to see the bipartisan consensus that has emerged as the Safe Connections Act has progressed through both chambers of Congress. Lawmakers from each major party appear to be taking this issue seriously and heeding victims’ experiences compassionately. Even the telecommunications industry, which once sought to undermine this bill,⁴¹ has now signaled its endorsement of the Act.

As members of this Subcommittee consider the Safe Connections Act, I urge you to focus on the law’s potential to help victims confront some of the major challenges they face while fighting to regain their independence and guard against future abuse. In order to achieve these goals, Congress should ensure that the law can be robustly enforced and that victims’ confidentiality is protected. The essential protections envisioned by this Act cannot rely on trust alone. Mere trust provides inadequate accountability for most legal regulation, but it is especially troubling to demand trust from abuse victims who might reasonably be distrustful of others given their experience.

Finally, any law seeking to help victims must be not only effective but also empathetic to their experiences. What might seem like an inconvenience for someone who has never suffered abuse can be felt very differently by someone who has. For those who lack that personal perspective, it is essential to engage your imagination and strive to place yourself in a victim’s shoes. What does this mean for the bill before this Subcommittee?

³⁸ Vattikonda & Ramprasad, *supra* note 27.

³⁹ Kaitlin L. Lange, *Bill Gives Domestic Violence Victims Ability to Switch Phone Plans*, INDY STAR (Mar. 13, 2017), <https://www.indystar.com/story/news/politics/2017/03/13/bill-gives-domestic-violence-victims-ability-switch-phone-plans/99127582>.

⁴⁰ *Tech Privacy and Anti-Abuse Groups Call on Congress to Help Abuse Survivors Leave Family Phone Plans*, CORNELL TECH (Aug. 20, 2020), <https://tech.cornell.edu/news/tech-privacy-and-anti-abuse-groups-call-on-congress-to-help-abuse-survivors-leave-family-phone-plans>.

⁴¹ Ashley Gold & Margaret Harding McGill, *Technology Wireless Lobby Tangles Future of Domestic Violence Bill*, AXIOS (Feb. 17, 2022), <https://www.axios.com/2022/02/17/wireless-lobby-violence-against-women-act-safe-connections>.

In my view, to be both effective and empathetic, the law should allow victims to make a clean break from their abusers with minimal barriers and risks. The Safe Connections Act would be a step in the right direction.

Ms. MATSUI. Thank you.

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

STATEMENT OF MARK GIBSON

Mr. GIBSON. Thank you, Chairwoman Matsui and Chairman Doyle, Ranking Member Latta, and members of the subcommittee. Thank you for the opportunity to testify today. It is truly an honor and a pleasure to be here today, if only virtually.

I am here today in my capacity as regulatory officer and board member of the OnGo Alliance. The mission of the OnGo Alliance is to support the common interests of members, implementers, and operators for the development, commercialization, and adoption of LTE and 5G solutions for the U.S. 3.5 gigahertz Citizens Broadband Radio Service. This is a very important band for the 5G deployment in our country, as it is one of the first 5G bands available. And I would like to discuss how the legislation that is the focus of today's hearing will enhance the importance of the band, and allow for greater deployment of broadband.

Deployment in the Citizens Broadband Radio Service, or CBRS, launched in January 2020. In the nearly two-and-a-half years since CBRS service launched, there have been well over 200,000 base stations deployed across the country. These deployments support all regions of telecommunications, including support for distance learning during COVID, enabling hospital COVID triage centers, helping otherwise poorly connected farmers achieve 5G connectivity, support for critical manufacturing automation, and helping to connect disparate corners of our supply chain.

CBRS literally saves lives.

The CBRS band is shared with several types of incumbent operations, including fixed satellite service, legacy broadband, and the DoD. Sharing happens through a Spectrum Access System, or SAS. The role of the SAS is to tell CBRS base stations what frequencies they can operate on at their locations without causing interference to incumbent operations.

For fixed satellite and broadband incumbents, SASes know where these operations are, and can easily perform frequency availability analyses. However, for DoD operations, which are generally a specific type of naval radar onboard aircraft carriers, it is not possible for the SAS to know exactly where they are located for national security reasons.

Therefore, these operations are identified through coastal sensor networks called Environmental Sensing Capability, or ESC. Each ESC network is comprised of scores of coastal sensors that sense radar operation and alert SASes, which then tell CBRS base stations to avoid the radar frequencies in use.

ESC Sensors must quickly sense radar operations that occur over 150 miles off the coast, which means that ESC sensors are extremely sensitive to very weak signals, and this also means that ESC sensors can be susceptible to interference from CBRS base stations.

To avoid interfering with ESC sensors, CBRS devices as far as 25 to 50 miles from an ESC sensor must operate at reduced power, or avoid operating altogether. This creates a de facto protection area around each sensor where a CBRS device operation is either

curtailed or extremely limited. ESC operators have tried to minimize these protection zones through sensor design and location by placing sensors as close to the coast as possible.

But sometimes avoiding populated areas is inescapable. Because of reduced availability of CBRS, ESC sensor protection affects millions of Americans in coastal regions, as well as CBRS licensees who paid over \$4.5 billion for their spectrum in an FCC auction.

However, there is a remedy to this problem in the form of a portal-based incumbent informing capability. The NTIA has proposed creating a portal they are calling the incumbent informing capability, or IIC. The IIC would allow for any Federal spectrum user to notify about their operation with at least a few minutes notice. This would then be communicated to SASes. Federal spectrum users could specify a time, duration, location—which could be an area—and operating frequencies, and this information could be provided to SASes, which would then perfect—protect the areas if—as if an ESC sensor had sensed the radar.

The only drawback to the IIC is authorization and funding. There is currently no firm timeline for the construction of the IIC, and no authorization or specified funding source. The IIC would greatly enhance 5G operations in CBRS, including allowing our operators to increase power levels and fully realize the value of the band, allowing, potentially, millions of Americans along the coast to benefit.

This is why the OnGo Alliance fully supports H.R. 5486, or Simplifying Management Relocation and Transfer of Spectrum Act, the SMART Act, and we are—we honor Congressman Guthrie's work on this. The SMART Act will provide the NTIA with a timeline and funding authorization to build a capability that will allow for sharing in all bands, not just CBRS.

Thank you again, and I look forward to your questions.

[The prepared statement of Mr. Gibson follows:]

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Testimony of

H. Mark Gibson

Member of the Board of Directors and Regulatory Officer

The OnGo Alliance

On

“Strengthening our Communications Networks: Legislation to Connect and Protect”

Before the

U.S. House of Representatives Subcommittee on Communications and Technology of
the Committee on Energy and Commerce

May 24, 2022



Chairman Doyle, Ranking Member Latta and members of the Subcommittee, thank you for the opportunity to testify today, it is truly an honor and pleasure to be here today, if only virtually.

I am here today in my capacity as Regulatory Officer and Board Member of the OnGo Alliance. The mission of the OnGo alliance is to support the common interests of members, implementers and operators for the development, commercialization, and adoption of LTE and 5G solutions for the U.S. 3.5 GHz Citizens Broadband Radio Service. This is a very important band for 5G deployment in our country, as it is one of the first 5G bands available, and I'd like to discuss how legislation that is the focus of today's hearing will enhance the importance of the band and allow for greater deployment of broadband.

Deployment in the Citizens Broadband Radio Service (CBRS) launched in January 2020. In the nearly two and a half years since CBRS service launch, there have been well over 200,000 CBRS base stations deployed across the country. These deployments support all reaches of telecommunications including support for distance learning during COVID, enabling hospital COVID triage centers, helping otherwise poorly connected farmers achieve 5G connectivity, support for critical manufacturing automation and helping to connect disparate corners of our supply chain. CBRS literally saves lives.

The CBRS band is shared with several types of incumbent operations including fixed satellite service, legacy broadband and the Department of Defense (DoD). Sharing happens through Spectrum Access Systems or SASs. The role of the SAS is to tell CBRS base stations what frequencies they can operate on at their locations without

causing interference to incumbent operations. For fixed satellite and broadband incumbents, SASs know where these operations are and can easily perform frequency availability analyses. However, for DoD operations, which are generally a specific type of Navy radars on board aircraft carriers, it is not possible for the SAS to know exactly where they are located for national security reasons. Therefore, these operations are identified through coastal sensor networks called Environmental Sensing Capability or ESC. Each ESC network is comprised of scores of coastal sensors that sense radar operation and alert SASs, which then tell CBRS base stations to avoid the radar frequencies in use.

ESC sensors must quickly sense radar operations that occur over 150 miles off the coast, which means that ESC sensors are extremely sensitive to very weak signals. This also means that ESC sensors can be susceptible to interference from CBRS base stations.

To avoid interfering with ESC sensors, CBRS devices as far as 25-50 miles from an ESC sensor must operate at a reduced power or avoid operating altogether. This creates a de facto protection area around each sensor where CBRS device operation is either curtailed or extremely limited.

ESC operators have tried to minimize these protection zones through sensor design and location by placing sensors as close to the coast as possible. But sometimes, avoiding populated areas is inescapable. Because of reduced availability of CBRS, ESC sensor protection affects millions of Americans in coastal regions, as well as CBRS licensees who paid over \$4.5 billion for their spectrum in an FCC auction.

However, there's a remedy to this problem in the form of a portal-based incumbent informing capability. The National Telecommunications and Information Administration (NTIA) has proposed creating a portal they're calling the Incumbent Informing Capability or IIC. The IIC would allow for any federal spectrum user to notify about their operation with at least a few minutes notice, which would then be communicated to SASs. Federal spectrum users could specify a time, duration, location (which could be an area) and operating frequencies and this information would be provided to SASs, which would protect the areas as if an ESC sensor had sensed a radar. The only drawback to the IIC is authorization and funding. There is currently no firm timeline for the construction of the IIC and no authorization or specified funding source. The IIC would greatly enhance 5G operations in CBRS including allowing our operators to transmit closer to full power allowing potentially millions of users along the coasts to benefit.

This is why the OnGo Alliance fully supports H.R. 5486, or the "Simplifying Management, Reallocation, and Transfer of Spectrum Act", the SMART Act. The SMART Act will provide NTIA a timeline and funding authorization to build a capability that will allow for sharing in all bands, not just CBRS.

Thank you again, and I look forward to your questions.

The OnGo Alliance

The OnGo Alliance is an industry organization focused on driving the development, commercialization, and adoption of shared spectrum solutions. The OnGo Alliance represents nearly 200 companies who believe that 3GPP technology-based solutions in the CBRS band, specifically LTE and 5G, utilizing shared spectrum, can enable both in-building and outdoor coverage and capacity expansion at massive scale. In order to maximize the full potential of CBRS, the OnGo Alliance aims to enable a robust ecosystem towards making 3GPP-based CBRS solutions available. The mission of the OnGo Alliance is to evangelize 3GPP-based CBRS technology, use cases and business opportunities while simultaneously driving technology developments necessary to fulfill the mission, including multi-operator LTE or 5G capabilities. The OnGo Alliance also has an effective product certification program for LTE equipment in the US 3.5 GHz band, ensuring multivendor interoperability. Over 200 different CBRS enabled client devices have been authorized by the Federal Communications Commission (FCC). This includes the latest Apple, Samsung, Google, LG & Motorola phones.

Since 2016, the OnGo Alliance and its members have focused their time, energy, and innovation to develop reliable, secure, and cost-effective wireless services for the 3.5 GHz CBRS band. Since the authorization of full commercial service in early 2020, numerous networks have been deployed to satisfy a wide range of use cases, including mobile broadband, fixed wireless access, and enterprise private networks

The Citizens Broadband Radio Service

The Citizens Broadband Radio Service (CBRS) operates in the 3550-3700 MHz band. CBRS deployment launched in January 2020. In the nearly two and a half years since CBRS service launch, there have been well over 200,000 CBRS devices deployed across the country and growing at the rate of thousands of deployments monthly. These deployments support all reaches of telecommunications including support for distance learning during COVID, enabling hospital COVID triage centers, helping otherwise poorly connected farmers achieve 5G connectivity, support for critical manufacturing automation and helping to connect disparate corners of our supply chain. CBRS supports Education, Healthcare, Manufacturing, Supply Chain and Logistics and Entertainment. A growing number of cities & school districts across the U.S. are now deploying CBRS networks to bridge the digital divide and help students stay connected at home. CBRS can quite literally save lives.

The CBRS band is shared with several types of incumbent operations including fixed satellite service (FSS), broadband and the DoD. The FSS and broadband incumbents operate in the upper 50 MHz of the band (3650-3700 MHz) and the DoD operates in the lower 100 MHz of the band (3550-3650 MHz). This lower portion of the band is also where licenses were awarded through the CBRS auction, which generated \$4.6 Billion for the US Treasury.

Sharing happens through Spectrum Access Systems or SASs. The role of the SAS is to tell CBRS devices what frequencies they can operate on at their locations without causing interference to incumbent operations. For fixed satellite and broadband incumbents, SASs know where these are and can perform frequency availability

analyses easily. However, for Department of Defense (DoD) operations, which are generally US Navy radar operations on board aircraft carriers, it is not possible for the SAS to know where they are due to the sensitive nature of Naval air operations. Therefore, these operations are identified through coastal sensor networks called Environmental Sensing Capability or ESC. Currently, there are two ESC networks. A third ESC network is under development with ESC sensors coming online. Each of the two networks is comprised of over 100 sensors that sense radar operation in a general area and alert SASs, which then tell CBRS devices to avoid the radar frequencies in defined coastal areas.

The Issue

ESC sensors must quickly sense radar operations that can occur over 150 miles off all U.S. coasts. This includes the continental U.S., Alaska, Hawaii, and U.S. possessions. Thus, ESC sensors must be extremely sensitive to potentially very weak signals in all coastal waters. This also means that ESC sensors can be susceptible to interference from CBRS devices and from adjacent, high-power operations in the upper portions of the 3.45 GHz band.

To avoid interfering with ESC sensors, CBRS devices must operate at a reduced power, or avoid operating altogether in the vicinity of an ESC sensor. This creates a de facto protection area around the sensor where CBRS device operation is either curtailed or extremely limited. In fact, the Federal Communications Commission (FCC) has said that reliable operation of ESCs is essential to enabling spectrum access for licensees of

the Citizens Broadband Radio Service and that ESCs are subject to protection from harmful interference from adjacent-channel operations as licensee operations: harmful interference caused to ESC operations will be considered harmful interference to a primary service and dealt with accordingly. These protection areas affect millions of Americans in major coastal cities.

ESC operators have tried to minimize these protection zones through sensor design (for example, using specialized highly directional antennas), and sensor location by placing sensors as close to the coast as possible. ESC sensor protection could be a major limit to CBRS success. This not only affects CBRS licensees who spent over \$4.5 billion on their spectrum, but also those Americans who rely now on CBRS.

The Solution

There's hope in the form of a portal-based incumbent informing capability. NTIA has created the concept of such a portal called the Incumbent Informing Capability or IIC. NTIA bills the IIC as a mechanism for more efficiently managing interference between incumbent federal users and new entrant non-federal and federal users that would be dynamically sharing spectrum in a given band. According to NTIA, the IIC is an, "...innovative way to collaboratively, securely, and dynamically increase opportunistic spectrum access within spectrum allocations principally used by the federal government." NTIA also says the IIC has several potential benefits including support for mid-band spectrum sharing, reduced dependence on environmental

sensing, more secure and reliable operations, and improved incumbent control of real-time spectrum usage information.

The IIC would allow for any federal spectrum user, in this case the DoD or Navy, to schedule their operation which would be communicated to SASs. Federal spectrum users could proactively specify a time, duration, location (which could be an area) and operating frequencies and this information would be provided to SASs, which would protect the areas as if an ESC sensor had sensed a radar.

The IIC will also mitigate the potential for disclosure of classified or sensitive information. The ESC sensor network has the inherent capability to pinpoint radar operation and identify specific locations of aircraft carriers. The FCC has certified ESC networks to ensure this capability is suppressed and ESC networks that have been deployed cannot pinpoint radar operation. ESC operators constantly monitor our networks to ensure that they are operating consistent with our certification. NTIA suggests that with the IIC, federal users gain greater control and security through providing their own, accurate usage data.

The IIC is also not without precedent. Similar systems are also under development at DISA through a program called, Telecommunications Advanced Research and Dynamic Spectrum Sharing Systems (TARDyS3) Tool Suite. The TARDyS3 suite includes a Spectrum Scheduling System (S3) capability that replaces a calendar-based spectrum portal being employed and maintained by SAS administrators for the purposes of reserving spectrum for certain types of radars.

Support for the SMART Act

The only drawback to the IIC is that there is no specific timeline, authorization or funding to implement an IIC. This is why the OnGo Alliance fully supports H.R. 5486, or the “Simplifying Management, Reallocation, and Transfer of Spectrum Act”, the SMART Act. The SMART Act will provide NTIA with much needed funding to design and build a capability that will allow for sharing in all bands, not just CBRS. NTIA says the IIC is an, “...innovative way to collaboratively, securely, and dynamically increase opportunistic spectrum access within spectrum allocations principally used by the federal government.”

We also support the appropriations timing in the SMART Act. NTIA has suggested an IIC availability time frame of 2026. Unfortunately, by then, it is conceivable that there could be at least three functioning ESC networks with several hundred sensors. The resulting protection zones from three ESC networks could have a substantially negative impact on CBRS success, impacting potentially millions of users along the coasts. This is why we think passage of the SMART Act and the eventual specific appropriation is critical to move IIC from concept to reality.

Support for The ITS Codification Act

The Institute for Telecommunication Sciences (ITS) represents the best of federal government subject matter expertise in many aspects of telecommunications. The annual International Symposium on Advanced Radio Technology (ISART) is one of the premier conferences that allows commercial and federal experts to collaborate on

forecasting the development and application of advanced radio technologies. Industry has worked with and relied on ITS for numerous collaborative projects for years and we know first-hand of their level of commitment, skills and knowledge. We fully support H.R. 4990 or the ITS Codification Act and commend the sponsors for their leadership.

Summary

CBRS is experiencing substantial success considering the number of deployments, the diverse use cases and the success of federal-commercial spectrum sharing through the SAS. The OnGo Alliance expects this growth to continue, but it will be limited by the need to protect ESC sensors from interference due to both CBRS and 3.45 GHz service deployments.

The IIC promises to allow CBRS to reach its full potential by ultimately replacing the ESC with a portal-based scheduling system that builds on the evolution of similar systems under development by the DoD including TARDyS3. We commend Congressman Brett Guthrie and fully support the SMART Act, which provides both funding and an appropriate timeline for development of the IIC.

ITS represents some of the best talent and capability in the world in the area of telecom sciences. We fully support the ITS Codification Act.

Ms. MATSUI. Thank you.

Dr. Valentin, you are now recognized for 5 minutes.

STATEMENT OF ALISA VALENTIN

Dr. VALENTIN. Thank you so much, Chairwoman Matsui, Ranking Member Latta, Chairman Pallone, Ranking Member McMorris Rodgers, and distinguished members of the Subcommittee. Thank you for the opportunity to appear before you today. My name is Alisa Valentin, and I am the senior director of technology and telecommunications policy at the National Urban League. I bring you greetings on behalf of our president and CEO, Marc Morial.

In my prior role I was a special advisor to FCC Commissioner Geoffrey Starks, where I advised the commissioner on broadband policies that impacts communities of color and low-income communities. And in this capacity I made policy recommendations regarding the FCC's Lifeline program.

I was also the person watching the livestream, or sitting behind my former boss as he answered from the committee. But my virtual seating arrangement has changed a bit today.

The National Urban League and our 92 local affiliates have long recognized that access to high-speed internet is a civil right. The COVID-19 pandemic demonstrated that everyone needs broadband to learn, work, receive healthcare, and access critical government services, no matter their income, no matter their race, and no matter their geographic location.

Last year the National Urban League published the Lewis Latimer Plan for Digital Equity and Inclusion, where we presented four goals, which included deploying networks everywhere; getting everyone connected; creating new economic opportunities to participate in the growth of the digital economy; and using networks to improve how we deliver essential services. We recognize that, in order to achieve these goals, we must erase pertinent connectivity gaps, including availability, adoption, and affordability.

Today, I will focus on affordability. Nearly 47 million people in the United States are left offline because they are unable to afford broadband, and this disproportionately impacts Black and Latinx households. In fact, 29 percent of Black adults and 35 percent of Latinx adults do not have a home broadband connection.

Prior to the pandemic, low-income families were dependent on the FCC's Lifeline program, which was the only Federal program focused on providing affordable communications services to low-income households. This program must be modernized to reach households who need it most because it is very under-utilized, with a participation rate that hovers at around 19 percent.

We need a whole-of-government approach to get households enrolled in what is already a literal lifeline for millions of families. That is why the National Urban League supports the goals of the Ensuring Phone and Internet Access for SNAP Recipients Act of 2021, which requires the FCC and USDA to submit an annual report to Congress on enrollment in Lifeline by SNAP recipients. It also requires the Commission to report on projected Lifeline consumers through Federal assistance programs and the efficacy of various efforts to advertise the program.

The requirements of this bill should be extended beyond Lifeline to include the Affordable Connectivity Program, which was established with the passage of the Bipartisan Infrastructure Law. Almost 12 million households have enrolled in ACP, and estimates show that approximately 48 million households are eligible.

Congress, the FCC, and NTIA have recognized that outreach efforts must include the funding of trusted organizations working on the ground. The National Urban League could not agree more. We believe the burden of advertising these programs should not fall solely on the shoulders of advocates seeking to serve the underserved. There needs to be more resources provided.

We also think about solutions for the future that can extend the life of the program. Although the National Urban League has not taken a formal position on the spectrum bills being discussed today, we do believe that Congress should consider a number of ways to provide permanent, sustainable funding for ACP, such as using proceeds from spectrum auctions to fund digital equity and affordability efforts.

In an era of rising income inequality and increasing dependency on the digital ecosystem, we must recognize that there is a moral imperative and an economic benefit to connecting everyone to high-speed internet, including both workers and small business owners. The National Urban League believes that spectrum auction winners should also be encouraged or incentivized to hire from underrepresented communities beyond entry level positions; establish diversity hiring goals; and increase supplier diversity. Our organization has taken up efforts to increase equity in companies because we know that Black and Latinx workers and entrepreneurs deserve to experience the economic benefits of this sector.

We have reached a critical juncture in history, and it is time to move forward in creating an inclusive technology ecosystem that centers the needs of communities of color and low-income communities. Thank you for the opportunity to provide testimony today, and I look forward to answering your questions.

[The prepared statement of Dr. Valentin follows:]



Testimony of Alisa Valentin, Ph.D.

**Senior Director of Technology and Telecommunications Policy
National Urban League**

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

“Strengthening our Communications Networks: Legislation to Connect and Protect”

May 24, 2022

Chairman Doyle, Ranking Member Latta, Chairman Pallone, Ranking Member McMorris Rodgers, and distinguished Members of the Subcommittee, thank you for the opportunity to appear before you today. My name is Alisa Valentin, and I am the Senior Director of Technology and Telecommunications Policy at the National Urban League. I bring you greetings on behalf of our President and CEO Marc H. Morial.

As a historic civil rights organization with 92 local affiliates dedicated to aiding underserved communities through economic empowerment, the National Urban League has long recognized that access to high-speed internet is a civil right. The Covid-19 pandemic has clearly demonstrated that everyone across the country no matter their income, race, or geographic location needs broadband to learn, work, receive health care, and access critical government services. In 2021, the National Urban League published *The Lewis Latimer Plan for Digital Equity and Inclusion* where we presented four very achievable goals, which included: 1) deploying networks everywhere; 2) getting everyone connected; 3) creating new economic opportunities to participate in the growth of the digital economy; and 4) using networks to improve how we deliver essential services, in particular workforce development, health care, and education.¹ In our report, we also recognized that in order to achieve these goals, we must erase several persistent and dangerous connectivity gaps including availability, adoption, and affordability. Today, I will focus on the affordability gap.

Nearly 47 million people in the United States are left offline because they are unable to afford broadband. The affordability gap disproportionately impacts Black and Latinx households.² In fact, 29% of Black adults and 35% of Latinx adults do not have a home broadband connection.³

¹ *The Lewis Latimer Plan for Digital Equity and Inclusion*, National Urban League (March 30, 2021), at 10, https://nul.org/sites/default/files/202104/NUL%20LL%20DEIA%20041421%20Latimer%20Plan_vFINAL_1136AM.pdf.

² *No Home Left Offline: Bridging the Broadband Affordability Gap*, Education SuperHighway, (Nov. 4, 2021), at 3, <https://www.educationsuperhighway.org/no-home-left-offline/>.

³ Sara Atske & Andrew Perrin, *Home broadband adoption, computer ownership vary by race, ethnicity in the U.S.*, Pew Research Center (July 16, 2021), <https://www.pewresearch.org/fact-tank/2021/07/16/home-broadband-adoption-computer-ownership-vary-by-race-ethnicity-in-the-u-s/>.

This divide knows no geographic bounds. Surveys from the Census Bureau show that three times as many households in urban areas remain unconnected as in rural areas.⁴

Prior to the pandemic, low-income families were dependent on the FCC's Lifeline program, which was the only federal program focused on providing affordable communications services to low-income households.⁵ Lifeline was created during the Reagan administration in 1985 and was later expanded to include wireless services under the Bush administration in 2005 and internet services under the Obama administration in 2016.⁶ The program provides a \$9.25 monthly subsidy to qualifying low-income households for communications services.⁷ While Lifeline is a key tool to help bridge the affordability gap, the program must be modernized to reach the low-income households who need it most.

The Lifeline program is very underutilized with a participation rate that hovers at around 19% or 6.5 million households despite estimates that more than 34 million households are eligible.⁸ We need a whole-of-government approach to get households enrolled in what is already a literal lifeline for millions of families. That is why the National Urban League supports the goals of H.R. 4275, the *Ensuring Phone and Internet Access for SNAP Recipients Act of 2021*.⁹ This bill requires the FCC and USDA to submit an annual report to Congress on enrollment in the Lifeline program by SNAP recipients. Additionally, it requires the Commission to report on the number of new broadband consumers projected to join Lifeline through federal assistance programs and the efficacy of various efforts to advertise the program. It is important that we understand how best to improve outreach and awareness efforts for this critical program and how best agencies can coordinate with one another to ensure benefits do not go unclaimed.

The requirements of the *Ensuring Phone and Internet Access for SNAP Recipients Act of 2021* should also be extended beyond Lifeline to include the Affordable Connectivity Program (ACP), which was recently established with the passage of the Bipartisan Infrastructure Law. Almost 12 million households have enrolled in this \$14.2 billion program and estimates show that approximately 48 million households, or nearly 40% of the nation, are eligible.¹⁰ We need to take a variety of approaches to ensure we are reaching households to enroll in these critical

⁴ Eduardo Porter, *A Rural-Urban Divide, but Not the One You Think Of*, The New York Times (June 1, 2021), <https://www.nytimes.com/2021/06/01/business/rural-urban-broadband-biden.html>.

⁵ *Lifeline Program for Low-Income Consumers*, Federal Communications Commission, <https://www.fcc.gov/general/lifeline-program-low-income-consumers>.

⁶ *Id.*

⁷ *Id.*

⁸ *Program Data*, Universal Service Administrative Company, <https://www.usac.org/lifeline/resources/program-data/> (last visited: May 21, 2022).

⁹ *Ensuring Phone and Internet Access for SNAP Recipients Act of 2021*, H.R. 4275, 117th Cong. (2022), <https://www.congress.gov/bills/117/congress/house-bill/4275/text?r=4&s=1>.

¹⁰ *ACP Enrollment and Claims Tracker*, Universal Service Administrative Company, <https://www.usac.org/about/affordable-connectivity-program/ACP-enrollment-and-claims-tracker/> (last visited May 21, 2022); Press Release, The White House, Fact Sheet: President Biden and Vice President Harris Reduce High-Speed Internet Costs for Millions of Americans (May 9, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/09/fact-sheet-president-biden-and-vice-president-harris-reduce-high-speed-internet-costs-for-millions-of-americans/>.

connectivity programs. Congress, the FCC, and NTIA have also recognized that outreach efforts must include the funding of trusted organizations working on the ground that are often stretched thin with efforts to secure communities with other critical services such as housing, employment and health care.¹¹ The National Urban League could not agree more and submitted comments to the FCC recommending an ACP navigator program to fund third party intermediary organizations to conduct outreach.¹² The burden of advertising these programs should not fall solely on the shoulders of advocates seeking to serve the underserved. Government must ensure we have the resources to do so.

Corporate America also plays a role and that is why we were pleased to see the White House secure commitments from internet service providers to either reduce prices or raise speeds to offer ACP-eligible households a high-speed internet plan at 100 Megabits per second (Mbps) for no more than \$30 per month. There must be continued cooperation through public-private partnerships so this program is transformative in the lives of our most vulnerable communities.

While industry, civil society, and government are all doing their parts to make sure ACP is fully utilized, we must think about solutions for the future that extend the life of the program. Although the National Urban League has not taken a formal position on the spectrum bills being discussed at this hearing today, we believe that Congress should consider a number of ways to provide permanent, sustainable funding for the Affordable Connectivity Program such as using proceeds from spectrum auctions to fund digital equity efforts. Spectrum funds should support a number of digital inclusion activities including affordable high-speed internet for low-income consumers, digital navigators who can engage communities without connectivity, digital skills training, internet-enabled devices, and outreach and awareness efforts to inform eligible households of existing broadband affordability and digital equity programs. In an era of rising income inequality and increasing dependency on the digital ecosystem, we must recognize that there is both a moral imperative and an economic benefit to connecting every household to high-speed internet.

The economic benefits of communications services must include both workers and small business owners. The National Urban League believes that spectrum auction winners should be encouraged or incentivized to hire from underrepresented communities beyond entry level positions, establish diversity hiring goals, and increase supplier diversity. NUL has worked with other civil rights groups to advise companies on how to prioritize diversity, equity, and inclusion throughout their organizations.¹³ This has led to commitments to incorporate racial equity in

¹¹ FCC Proposes Outreach Efforts for Affordable Connectivity Program, Federal Communications Commission, <https://www.fcc.gov/fcc-proposes-outreach-efforts-affordable-connectivity-program>; Digital Equity Programs, National Telecommunications and Information Administration, <https://broadbandusa.ntia.doc.gov/resources/grant-programs/digital-equity-programs>.

¹² National Urban League Comments, Affordable Connectivity Program, WC Docket No. 21-450 (filed March 15, 2022), https://www.fcc.gov/ecfs/file/download/DOC-5fe3ce68a5800000-A.pdf?file_name=NUL%20response%20FCC%20ACP%20NPRM%20pdf.pdf.

¹³ Civil Rights Groups Sign Groundbreaking Diversity Agreement with T-Mobile US, National Urban League (Oct. 15, 2019), <https://nul.org/news/civil-rights-groups-sign-groundbreaking-diversity-agreement-t-mobile-us>.

corporate board membership, staffing, the C-suite, procurement, philanthropy, and community investment. We have taken up these efforts because we know that Black and Latinx workers deserve job opportunities at every level in technology and technology-related industries alongside opportunities for entrepreneurs of color to experience the economic benefits of this sector.

We have reached a critical juncture in history, and it is time to move forward in creating an inclusive technology ecosystem that centers the needs of communities of color, low-income communities, and other marginalized populations. Thank you for the opportunity to provide testimony today and I look forward to answering your questions.

Ms. MATSUI. Thank you.

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

The FCC's 2023 budget estimate to Congress earlier this week expressed confidence that the 2.5 gigahertz auction will likely conclude before the end of Fiscal Year 2022, when current auction authority is set to expire. But it also notes that certain post-auction activities requiring FCC staff resources may continue into Fiscal Year 2023.

Ms. Gomez, yes or no, do you believe extending the FCC's auction authority will help ensure that 2.5 gigahertz spectrum gets to winning bidders without issue?

Ms. GOMEZ. Yes, Chairwoman.

Ms. MATSUI. OK. I have long been interested in supporting agencies to find innovative ways to share under-utilized spectrum for commercial use. The SMART Act, introduced by Congressman Guthrie, would provide new resources to NTIA to support the development of a new spectrum sharing system to enable more Federal and non-Federal coordination.

Mr. Gibson, why is it important to have a standardized framework for sharing spectrum across Federal agencies?

And could you describe the potential for the system to support commercial applications?

Mr. GIBSON. Yes, Congresswoman and Chairwoman Matsui, thank you very much. That is an excellent question.

The IIC is a project that the NTIA has conceived to facilitate a job that they are already doing sort of in the background, which is supporting the sharing of spectrum.

What the IIC would do, as I noted in my testimony, is allow a more robust capability, thereby doing away with these sensing networks that have been deployed, which sense Federal operation in situations where there may be issues of classification.

So the concept of the IIC is to move that responsibility over to the NTIA by allowing them to build an informing portal that Federal spectrum users would then put that information into the portal, and then that information would be made available to commercial users with the appropriate protections for classification domains.

And so we believe that this is probably one of the best ways to effectuate commercial Federal sharing. And, as the NTIA have noted, that can operate across all spectrum domains where there is Federal commercial sharing.

Ms. MATSUI. OK, thank you.

While we have made strong progress over the years freeing up spectrum for commercial use, we need to keep looking for new opportunities to replace the spectrum pipeline to support 6G, WiFi 6, and satellite broadband.

Ms. Gomez, what role does Federal equipment like receivers and other technology play in supporting or limiting our ability to free up spectrum?

Ms. GOMEZ. Thank you for that question. Federal agencies have equipment that at times is aging. And unfortunately, the Spectrum Relocation Fund does not permit the agencies to use those funds

to do anything but replace their equipment with that that has a comparable capability.

The comparable capability thus serves as a disincentive to the extent the agency's equipment is close to the end of life, or is decades old. So permitting agencies to expand their systems' capabilities would serve as powerful incentives to agencies to plan for repurposing their spectrum.

Ms. MATSUI. OK, thank you.

The FCC's Lifeline program has helped ensure Americans experiencing economic hardship can maintain broadband and voice services.

At the onset of the pandemic I wrote to then-Chairman Pai, urging him to take immediate steps to grant provisional approvals for Lifeline subscribers as they become eligible directly or via qualifying support programs. It is important that we continue to reduce barriers to and expand the awareness of the Lifeline program.

Dr. Valentin, do you see additional opportunities to streamline the Lifeline enrollment process and increase coordination between the FCC and other Federal agencies to increase awareness of the program?

Dr. VALENTIN. Yes, definitely. You know, the bill before us today at its core is about understanding where we are, understanding where we are hoping to go, and identifying any gaps that may persist in the road to get there.

I think that it will also help us to understand, you know, who is eligible for the Lifeline program. Is it folks who are struggling with housing insecurity? Is it folks who are struggling with food insecurity? And that can then help organizations like the National Urban League figure out where we need to focus our efforts to raise awareness about the Lifeline program and the Affordable Connectivity Program.

Ms. MATSUI. OK, thank you. My time is expiring, so I yield back, and I recognize Mr. Latta, subcommittee ranking member, for 5 minutes to ask questions.

Mr. LATTI. Well, thank you very much, Madam Chair. And again, thanks to our witnesses for being with us today. I greatly appreciate it.

Mr. Gibson, if I could start my questions with you, and again, the new wireless use cases demand Federal agencies to identify new and innovative tools to make more efficient use of spectrum use. And incumbent informing capability systems seem to show great promise for enhancing NTIA's ability to manage Federal spectrum and increase opportunities for commercial use. This tool would give NTIA a greater understanding of how and when Federal spectrum users are occupying the airwaves.

How would this tool help promote better interagency coordination of spectrum resources?

Mr. GIBSON. Well, thank you, Chairman Latta. That is an excellent question.

The—as you—as we all know, the NTIA is sort—is the spectrum manager for the Federal Government. And in that role the NTIA is ultimately responsible for interfacing with commercial users in that regard.

The informant incumbent capability will allow other Federal spectrum users, the agencies, to interface with the portal that the NTIA can then use to make that information aware to commercial spectrum users. This could be made aware through this thing I talked about called a spectrum access system, or otherwise. NTIA has constructed a very broad concept for this.

So this, the concept of the IIC, should facilitate sharing across all Federal spectrum domains just by being there and allowing the Federal spectrum users to put their spectrum usage capabilities or spectrum usage information into this that would thereby be made available to commercial users.

Mr. LATTA. Well, thank you.

Ms. Valentin, H.R. 4275, the Ensuring Phone and Internet Access for SNAP Recipients Act would require the FCC to report on the enrollment of the Lifeline program that also participates in the SNAP program. What benefit, if any, would this provide?

Dr. VALENTIN. I believe that it will help the FCC better coordinate with USDA. I think it can be extended, obviously, to other Federal agencies. As I just stated, it is important for us to know where we are, where the gaps in participation are.

And I think it is also really important to help us understand what effective kind of advertising efforts there are out there, so we can better focus those efforts, as well.

Mr. LATTA. Let me followup. Does the FCC currently have the SNAP enrollment data, or would this be new data collection?

Dr. VALENTIN. There is some data that—with USAC. I know that there is data about kind of like the SNAP data bases, and the folks are kind of like directly enrolled through the states, which—I believe that enrollment rate is at about 13 percent.

But then there is also folks who get into the program on, like, kind of a multitude of data bases. And I don't have clarity—I don't—I am not sure the FCC has clarity on how folks are entering when they are eligible through kind of like multiple programs. So this would just better help us kind of pinpoint that information.

Mr. LATTA. OK, thank you.

You know, I am also going to note that there is currently an ongoing discussion required by the infrastructure law as to what the future of the Universal Service Fund should look like in light of all the funding appropriated for the purpose of keeping Americans connected. So I am not really sure right now if this legislation is necessary at this time.

Mr. Gibson, if I could go back to you—a question. The ITS Codification Act would provide additional tools and authority for NTIA's Institute of Telecommunications Sciences. As a significant user of the CBRS spectrum, which ITS helped make available for commercial users, you have benefited from their work. What role did ITS play in the CBRS framework, and how can its expertise be utilized to address our future spectrum management challenges?

Mr. GIBSON. What an excellent question. ITS started off initially by doing a series of interference measurements, bench-type, lab-type interference measurements, radar systems into commercial systems. That report was huge, and was made available initially so that the commercial world could better understand what role the

radars play in causing or mitigating interference. So that was the first work they did.

As we moved through, ITS actually were the agency that did testing for the ESCs and the SASes. On behalf of the FCC they did all of the testing for all of the ESCs to test us against commercial availability.

And then, as we have been working through this, they have conceived—I am not sure if they have actually been able to do it—propagation modeling efforts to help better inform the propagation models that we have been using.

Mr. LATTA. Well, thank you very much.

And Madam Chair, before I yield back, I am going to have to turn my spot over to my good friend from Florida, Mr. Bilirakis, because I am going to have to be at a fentanyl roundtable. But I really appreciate today's hearing, and thank the witnesses. And thank you very—Madam Chair. And I yield back.

Ms. MATSUI. Thank you. The gentleman yields back. The Chair now recognizes Mr. Pallone, full committee chairman, for 5 minutes to ask questions.

Mr. PALLONE Thank you, Chairwoman Matsui. I am going to try to get three questions. And so I would ask each of you to only take a minute or so.

Ms. GOMEZ, can you talk to us about how access to spectrum enhances our mobile broadband networks, and what consumers and the public will lose if auction authority isn't extended? In 1-minute.

Ms. GOMEZ. Yes, that is a very good question, thank you.

So access to spectrum allows mobile networks to meet broader capacity, speed, and low latency needs of our next generation technologies. And it would be bad for consumers if we lost the ability to auction the licenses, because it would delay disproportionately the rollout of services to consumers.

Mr. PALLONE Well, thank you so much.

I wanted to ask a little bit about survivors of domestic violence. We know that domestic violence, human trafficking, and other related crimes are a serious concern. And studies indicated that at least one in four women and one in ten men have experienced sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime. So—and too often, these abusers use technology and the internet to bully, intimidate, or control a partner.

So the question for Dr. Kadri is how could family mobile service plans place survivors of domestic violence and other related crimes in harm's way?

And would providing survivors with the ability to separate their phone service from their abusers help?

Dr. KADRI. Thank you, Chair Pallone. I—absolutely. The family plans allow abusers to monitor a victim's calls, texts, and even their locations sometimes. And so all of this information from family plans can enable further escalation by the abuser.

And safety planning is so essential when a victim is trying to leave an abusive relationship, but that same planning can also create immense danger if an abuser discovers an imminent departure. And so, as things stand, there are just too many obstacles and risks involved.

And we hear these stories all the time in our work at CETA. I will just mention one briefly. It was a client who was on a family phone plan, and then the abuser left the country permanently. And so this client couldn't, you know, get released from the family phone plan because the abuser couldn't even be contacted. And we have all sorts of other stories where people have struggled to get out of these family phone plans.

And the Safe Connections Act could really change these conditions by giving victims a right to leave their phone plans quickly, remotely, and for free.

Mr. PALLONE Well, thank you. And then last I wanted to ask about the Lifeline program, which you know provides eligible families with phone service, so no one would be without a phone line in case of an emergency, or keep in touch with friends or loved ones.

It has been proven to be an essential program for many people, though we know that just a fraction of the eligible population—just about 19 percent, believe it or not—is enrolled. So my question is, Ms. Valentin, in your opinion, could the data reporting requirements in H.R. 4275 help policymakers and community organizations raise awareness of the Lifeline program, and ultimately help those who need this help?

I mean, obviously, we want more people to sign up, if you would.

Dr. VALENTIN. Yes. Thank you for the question. Yes, the data reporting requirements in this bill can absolutely help community organizations raise awareness about the Lifeline program and figure out where we need to target our efforts.

And it is also about accountability as it relates to government agencies fulfilling their obligations to help people most in need. You know, at the National Urban League we understand that access to critical communication services such as the Lifeline program directly correlates to economic opportunity for both workers and entrepreneurs. And we want to be able to close those opportunity gaps.

Mr. PALLONE Well, thank you so much.

Thank you, Chairwoman Matsui.

Ms. MATSUI. Thank you. The Chair now recognizes Mrs. Rodgers, full committee ranking member, for 5 minutes to ask questions.

Mrs. RODGERS. Thank you, Madam Chair. Good morning again. I am really pleased that we have come together with bipartisan legislation to extend the FCC's auction authority for 18 months.

Ms. Gomez, this 18-month extension will allow the FCC to complete the auction of the 2.5 gigahertz band and avoid disruption to the FCC's spectrum operations. However, some people think that the FCC's authority should be extended for a longer term, such as ten years. What are the benefits of extending the FCC's auction authority for 18 months versus a longer-term extension?

Ms. GOMEZ. Yes, thank you, Congresswoman, for your question.

I do think a lengthy extension can be very beneficial, but at this point the 18-month extension is the most practical path at this point in time. We only have a short time left before September 30. We don't have any current spectrum identified, so there wouldn't be any spectrum in the extension of the authority. We don't have a national spectrum strategy, either.

So it is probably best at this point to extend, but if Congress provide the oversight as the FCC and NTIA develop their national spectrum strategy.

Mrs. RODGERS. Ms. Gomez, as the former deputy assistant secretary of NTIA, you have firsthand experience about the role that NTIA plays in spectrum management. NTIA's Federal lab, the Institute for Telecommunications Sciences, ITS, does important work to understand radio frequency propagation and develop technologies to improve spectrum efficiency.

What role does ITS play in the Federal Government?

Ms. GOMEZ. Apologies for the delay in unmuting.

ITS plays a very important role in spectrum management supporting NTIA as it makes its decisions, as well as—with regard to Federal spectrum use, as well as it coordinates with the FCC on spectrum decisions that might affect Federal agencies. It conducts research and development. It conducts testing. It also enters into agreements with other Federal agencies to conduct tests for them, as well as with commercial providers.

So there is a variety of ways that ITS is important in the spectrum management ecosystem.

Mrs. RODGERS. And as we look to the future of wireless technologies, we know that effective spectrum management is critical to our success. How can we better leverage ITS to promote innovation, and continue to compete with China in deploying wireless technology?

Ms. GOMEZ. I am so glad you raised this question, because ITS is a very important component of spectrum management, as I mentioned. It is also largely funded through these agreements. And so being able to pass the Act that is being proposed, being able to draw attention to the importance of its resources, and being able to bolster the ITS functionality all will help support our efforts, both domestically and internationally.

Mrs. RODGERS. Thank you. I appreciate that.

Mr. Kadri, earlier this year the Senate passed the Safe Connections Act to ensure survivors of domestic abuse can separate from a shared phone plan with an abuser. This is important legislation to bring survivors one step closer to a more hopeful, safe, and secure future. However, it is also important that we get the details right in this legislation, so that both survivors and wireless carriers have a smooth process for providing relief.

Would you speak to the challenges survivors of domestic violence face when they are trying to separate from the shared aspects such as a shared phone contract?

Dr. KADRI. Absolutely. Thank you, Congresswoman. So the obstacles are many and varied, but I will just focus on a couple, since I know time is short.

For one thing, it can be quite difficult to even detect this level of surveillance that goes on through family phone plans. And so some victims are just, frankly, unaware of it. But then, when they do become aware, trying to actually protect themselves can be a real challenge. Often times, phone companies won't allow for changes to the accounts unless they have the primary account holder's permission, which, in many cases, will be the abuser themselves. At other times there are considerable fees and upfront costs

that really make this kind of barrier to separating the line too daunting for survivors to go through.

I would be happy to mention other obstacles, but those are a couple that I think are of particular concern to survivors when they are trying to protect themselves and get out of these plans.

Mrs. RODGERS. Well, thank you. And do you think including a remote option to request a line separation might be part of the answer?

Dr. KADRI. Absolutely. And I am pleased that the Act, at least as I read it, does include such a protection, particularly given the fact that so many survivors may have real concerns about going into a physical store, particularly in smaller communities, where the people working in the stores may know them, they may know the person of concern. So I think providing that remote option is crucial.

Mrs. RODGERS. Super. I appreciate your insights and your work. I yield back.

Ms. MATSUI. Thank you. The gentlelady yields back. The Chair recognizes Mr. McNerney for 5 minutes to ask questions.

Mr. MCNERNEY. Well, I thank the Chair for holding this hearing, and I thank the committee staff for putting it together, and the witnesses for bringing your expertise here this morning for us.

Ms. Gomez, how would greater spectrum sharing between the Federal and non-Federal entities impact the current deployment of our 5G networks?

Ms. GOMEZ. Thank you, Congressman, for that question. Sharing is certainly a tool in the toolbox for 5G deployment. As it becomes more and more challenging to identify additional spectrum, sharing enables us to find new ways to obtain spectrum.

But of course, it continues to be preferable to provide cleared spectrum for auction, to enable infrastructure providers and manufacturers the certainty they need to make the necessary investments to establish U.S. leadership in 5G and beyond.

Mr. MCNERNEY. Well, I mean, do you think moving toward a more agile spectrum sharing environment will blur the lines between licensed and unlicensed spectrum, Ms. Gomez?

Ms. GOMEZ. Thank you, Congressman. I don't think we have the technology or the systems in place today to get to an environment that would blur the lines between licensed and unlicensed spectrum. But I can imagine some time in the pretty far future when that could happen. It would require, of course, investments in technology, changes in our allocation processes, and how our regulatory agencies approach spectrum management.

But in the meantime, unlicensed spectrum has been hugely successful, with a tremendous impact on the economy. But there is also an important place for licensed spectrum. So, as I mentioned, for auctions to succeed, the participants must have the certainty necessary that makes them willing to invest in the auction, as well as to invest in deploying the network.

Mr. MCNERNEY. Well, thank you again.

The spectrum sharing framework outlined in the SMART Act includes a system to enable time-based spectrum sharing. So, Ms. Gomez, what degree of automation would be required to ensure successful implementation?

And do you see a role for artificial intelligence and machine learning in time sharing and distribution of the spectrum?

Ms. GOMEZ. Yes. So I have to admit I am not an expert in this exact area. But I will point out that NTIA wrote a report on the IIC a while ago, in which it mentioned that eventually the system should lead to a point where AI and machine-based learning is utilized as a method of implementing these sharing mechanisms.

Mr. MCNERNEY. Good. Thank you for that response.

Mr. Gibson, in your written testimony you explain the concept of incumbent informing capability as a mechanism to manage interference more effectively between Federal and non-Federal users, specifically in the Citizens Band Radio Service.

Could the IIC be expanded to other parts of the spectrum?

Mr. GIBSON. Thank you, Congressman, for that question, and that is a very good question. And to clarify, I don't know that I think the IIC manages interference. It manages spectrum availability, thereby reducing the capability for interference.

But absolutely, it could be applied to other parts of spectrum. In fact, the NTIA's vision for the IIC is to be used across all spectrum domains where there will be Federal commercial sharing, and it could also be extensible to Federal-Federal sharing, to the extent that that is a thing.

Mr. MCNERNEY. Yes.

Mr. GIBSON. But it—their vision on it is very broad, and it could really easily very—effectuate Federal commercial sharing in any spectrum band.

Mr. MCNERNEY. Is artificial intelligence used in that process, or planned to be used in that process?

Mr. GIBSON. It is not planned to be used in that process, but artificial intelligence, machine learning absolutely lend themselves to spectrum management, and that is my area of expertise. And full disclosure, we were a SAS provider, we are an ESC provider, and we have been using bits and pieces of artificial intelligence to improve the fidelity of responses to spectrum queries, thereby mitigating or eliminating interference using those types. It is a little nascent, but it is beginning.

Mr. MCNERNEY. Excellent. Well, what implications would an IIC have for unlicensed 5G and deployment of broadband?

Mr. GIBSON. Well, they could—the—to the extent that any sort of deployment will be in shared spectrum, the IIC would—it wouldn't matter what spectrum is being managed. So it could handle licensed, it could handle the auction spectrum, it could handle unlicensed.

For example, in the six gigahertz band in the United States there is this concept being called an automatic frequency coordinating system that is coordinating much like a SAS for commercial six gigahertz licensed and—around microwave systems. The same thing could be applied in, say, the 7 and 8 gigahertz band, sharing with Federal and—Federal systems up there. So it would absolutely lend itself to that.

Mr. MCNERNEY. Very good. Thank you. It looks like my time is about expired, so I am going to yield back. Thank you for your responses.

Ms. MATSUI. Thank you. The Chair now recognizes Mr. Guthrie for 5 minutes to ask questions.

Mr. GUTHRIE. Thank you, Madam Chair. You said in your opening statement that we worked on more spectrum bills than we can count. And I agree. And each time it has been a pleasure to work with you. And our staff it has been a pleasure to work with your staff. So, I appreciate that very much.

My first question today is for Ms. Gomez, and I want to thank you for your support of my legislation. Spectrum is, obviously, a valuable and increasingly scarce resource, and I believe we need to do all we can do to ensure that every spectrum user is as efficient as possible, including the Federal Government. So, my question is, how would an incumbent informing capability help NTIA work with Federal agencies to resolve technical barriers to make more Federal spectrum available for commercial users?

Ms. GOMEZ. Thank you, Congressman Guthrie.

So, while there is a preference for clearing bands for exclusive use, it is getting harder to fully clear bands. And sharing has some benefits that I see will provide needed transparency and certainty during sharing scenarios.

It would also replace some of the current dynamic sharing methods that are proving to be technically challenging.

I would note that the capability will not enable the use of fully cleared spectrum, but to the extent there are geographic sharing opportunities, it would permit broader uses of spectrum in areas where the Federal agencies may not be operating.

Mr. GUTHRIE. Thank you. I keep muting in between so it doesn't have feedback, so sorry.

The SMART Act—Ms. Gomez again—the SMART Act directs NTIA to establish a standardized framework for Federal spectrum users to share more real-time usage information. As NTIA seeks to identify new bands to clear for commercial use, how would this tool help preserve and enhance Federal missions that are key to protecting our national defense, such as those carried out by the Department of Defense?

We all want access and better spectrum, but we also want to make sure our agencies, our—particularly the Department of Defense and others, can accomplish their core mission. So how does this balance that?

Ms. GOMEZ. Thank you, Congressman. That is right. And, I mean, NTIA's mission is to support the other agencies' ability to fulfill their missions through the use of spectrum, while balancing, of course, the need to support innovation for the economy.

The IIC would enable Federal missions to continue using their spectrum, but on a shared basis. So it gives a broadening opportunity to access more spectrum, while permitting the agencies to continue to utilize them.

Mr. GUTHRIE. OK, thank you.

And one of the bills we are discussing is focused on sharing. I want to reiterate my continued support for making additional spectrum available through auctions or licensed commercial use. So Ms. Gomez, again, can you talk about the role of NTIA in finding ways to incentivize Federal agencies to be more efficient with their spec-

trum, so that we can make more spectrum available for non-Federal use?

And does this bill strike the right balance between prioritizing auctions where possible, and sharing where auctions are infeasible?

Ms. GOMEZ. Thank you, Congressman Guthrie. I am really glad you asked me that question, because it is something I feel very passionate about.

In NTIA's role as spectrum manager, NTIA must work with all agencies to make sure they are making efficient use of their spectrum. It is challenging, however, for NTIA to motivate other agencies to work on either identifying spectrum or to make more efficient spectrum use if the sole purpose is to re-purpose their spectrum for other uses. They are understandably focused on fulfilling their missions, while NTIA's is the efficient use of spectrum while supporting the innovation economy. So the CSEA has provided tools for NTIA in its efforts to re-purpose spectrum. But I noted in my testimony it could be broadened to provide additional incentives.

In addition, it is helpful when Congress or the White House includes spectrum bands to be studied or auctioned in its legislation, or in executive orders or memoranda. Such actions bolster the work that NTIA is doing, and gets the Federal agencies' attention, and helps provide that motivation.

Mr. GUTHRIE. OK, thank you. I appreciate that. That completes the questions that I have.

So I will yield back, Madam Chair.

Ms. MATSUI. Thank you. The gentleman yields back. The Chair now recognizes Mr. O'Halloran for 5 minutes to ask questions.

Mr. O'HALLERAN. Thank you, Madam Chair and Ranking Member, for holding this meeting today. We need more hearings like this, where we are working together to solve a problem, where we are more focused on finding a solution than partisan bickering. And I appreciate the bipartisan emphasis on this meeting.

I want to voice my support for the Safe Connections Act, introduced by my friend, Congresswoman Kuster, which would take necessary steps to protect victims of domestic abuse and other crimes.

I thank you for your leadership on this, and I am glad to see this committee consider the bill, and hope to make it move through the House quickly.

Another bill we are considering today addresses a problem I see far too often in my district and in under-resourced communities in general. Congress passes legislation often times aimed at helping struggling communities, working families, or seniors. But the people it is supposed to help don't know the program exists or that they are eligible at all. Far too often, people don't know how to navigate bureaucratic systems. We should be doing everything we can to make it easier for them to get the help they need.

Ms. Valentin, what does a whole-of-government approach look like when reaching under-served and under-resourced communities?

Dr. VALENTIN. Thank you so much for the question. You know, I would say a whole-of-government approach means that Federal agencies across the board are using their existing authorities, using their existing resources to reach under-served communities in a co-

ordinated fashion. Eligibility for programs like Lifeline and the Affordable Connectivity Program, you know, are based on eligibility for other Federal assistance programs. But far too often, Federal agencies are working independently to administer their respective assistance programs.

So agencies can, you know, work on creating coordinated, you know, educational materials. They can share information across agencies, and just work on effective outreach efforts.

Mr. O'HALLERAN. I was just out in the field yesterday in my district. It is three different communities. And each one of those communities brought up a lack of knowledge on what was going on with the different programs within our whole-of-government approach. So somewhere along the line we are missing the opportunity to get the information out there. I know that my staff does a consistent job on that, but we have to find a way to—I don't care where it is at and what agency it is, we have to find a way to get—to allow our citizens to know what is going on out there.

Another question, Ms. Valentin. Beyond this bill, are there other approaches Congress should consider to ensure eligible households access programs like Lifeline and the Affordable Connectivity Program?

For example, certain tribal programs administered by the Bureau of Indian Affairs qualifies households for the ACP. Should Congress consider requiring BIA to provide information to eligible households about the ACP, or should other agencies be working together in that whole-of-government approach to get this information out to people?

Dr. VALENTIN. Yes, thank you for the question. Well, as you know, tribal communities are disproportionately disconnected, and they are dealing with both access issues, as well as affordability issues. And with the Lifeline program, as well as the ACP program, you know, that is recognized. And that is why tribal communities receive those enhanced benefits for broadband services.

But those benefits can only be effective, as you said, if the households actually know that these programs exist. So I think that Congress should definitely explore all options that encourage and incentivize Federal agencies to work together in reaching these households. And I think cross-collaboration between the FCC and the BIA can certainly help increase enrollment, and we would certainly welcome legislation that supports those goals.

Mr. O'HALLERAN. Thank you very much.

I am also glad to see this committee consider bills giving the NTIA and the FCC the necessary tools to manage spectrum in an efficient and innovative way. Spectrum is a public resource. It belongs to all of us. But it is also a finite public resource. Our approach to spectrum policy must reflect that reality.

Ms. Gomez, what actions can and should the FCC and the NTIA take to ensure that spectrum bands are used as efficiently as possible?

Ms. GOMEZ. Thank you, Congressman, for your question. The FCC and NTIA are constantly trying to evolve what they do to ensure spectrum bands are used as efficiently as possible. But from a high level, I would say, No. 1, increasing transparency as much as possible. Sometimes this can be difficult with sensitive or classi-

fied systems, but the more knowledge that we have about how spectrum is being used, the more creative ways we can come up with using spectrum more efficiently.

I see we are out of time. Planning as far ahead as possible and participating in research and development.

Mr. O'HALLERAN. Thank you very much, Madam Chair. I yield.

Ms. MATSUI. Thank you. The gentleman yields. The Chair now recognizes Mr. Bilirakis for 5 minutes to ask questions.

Mr. BILIRAKIS. Thank you, Madam Chair. I appreciate it very much.

Like many of my colleagues, I am pleased to see a bipartisan bill to extend the spectrum auction authority for an additional 18 months. The benefits that auctions have brought through increased revenue, technological innovation, and consumer choice have been immeasurable.

Ms. Gomez, if this legislation is not signed into law, and the FCC's auction authority is severely restricted, what implications does that have on the international stage?

And would we be allowing our international competitors—unfortunately, like China—to have a leg up on leading the future of technology?

Ms. GOMEZ. Yes, Congressman, that is a very important point. I do think it would have a significant effect on our international standing, largely because it would make—it would put us back to the old-fashioned way of licensing spectrum, which is very lengthy and inefficient. And so, we would be significantly delayed vis a vis other countries, who are actually quite advanced in providing spectrum for new and advanced services.

Mr. BILIRAKIS. Thank you. Next question—it has been some time since I have brought up natural disasters in this subcommittee. And with June 1st being the beginning of Florida's hurricane season, the time is right to remind people of the dangers, but also the promise that technology brings to—again, we need to save lives.

Congressman Carter's ITS Codification Act includes the creation of an emergency communications and tracking technologies initiative that would help locate trapped individuals during events when communication lines are down, helping save lives when seconds count.

Again, Ms. Gomez, what can Congress do to continue advancing ITS leadership in technological innovation?

Ms. GOMEZ. Thank you for that question. ITS does core research for public safety to better understand the components of a communication signal need to prioritize—to see through smoke in a video, to have resolution, the necessary resolution for public safety responses.

So the work that they are doing is very important. Adequately funding ITS to conduct this research is critically important for us to be prepared as a nation to meet the challenging of—the changing environment, and what that poses to communications systems.

So, you know, Congress supporting the Act is terrific, and continuing to find ways to utilize ITS and to bolster its funding would be terrific.

Mr. BILIRAKIS. Thank you.

As a followup, Mr. Gibson, what role can ITS play in developing technologies to more efficiently use spectrum resources?

Mr. GIBSON. Well, thank you for the question. That is very insightful. And I would say that, you know, I wanted to make sure that I did say this, that I think, in my opinion, ITS is probably the best at what they do.

And so I think that some of the collaboration that ITS has done with industry and also with the Federal Government in terms of innovation, what we can do in industry—and also Federal Government has come up with ideas, and then NTIA ITS can then instantiate those ideas in whatever—they can build models, they can build tools, and—which is some of what they are doing now. In fact, they had built a tool to support spectrum sharing in other spectrum bands in the AWS band.

So I think allowing—as Ms. Gomez said, allowing them the funding they need to get going, allowing a collaboration with other experts in the industry, I think that will help bring about what we are looking for.

Mr. BILIRAKIS. It sounds good. Thank you, Mr. Gibson.

And I yield back the balance of my time, Madam Chair.

Ms. MATSUI. Thank you. The gentleman yields back. The Chair now recognizes Mr. Soto for 5 minutes to ask questions.

Mr. SOTO. Thank you, Madam Chair.

The internet is integral to our daily lives. From online education to e-commerce, telehealth to smart agriculture, access to high-speed internet is essential for all central Floridians.

We made a big promise and put our money where our mouth was with the infrastructure law, \$65 billion for high-speed internet, for rural broadband. It is going to be key for rural areas of Florida, as well as low-income areas of Florida that right now don't have equal access to internet.

Extending Federal auction for an additional 18 months makes sense. We must carefully make spectrum available to the private sector, balanced against defense and aviation concerns. And this is going to help us with that right balance. And I applaud the SMART Act, which is going to standardize a spectrum sharing framework.

We also see more specific legislation on the agenda today to help victims of domestic violence and human trafficking by requiring providers to prove separate lines. Can you imagine? And I have heard horror stories in our district of victims being—

[Audio malfunction.]

Mr. SOTO [continuing]. And how that can put folks into danger.

There are many isolated areas of the Sunshine State also. So this is going to be key in emergency response.

Ms. Gomez, it would be great to hear a little more about some examples of how there is interagency hang-ups, barriers, and conflicts as we are trying to deploy new spectrum. What actually happens on the day-to-day to slow this stuff down, and how does the SMART Act address that?

Ms. GOMEZ. Thank you, Congressman, for that question.

So, you know, on a day-to-day basis, I actually think the coordination between the agencies is quite good. There is a good relationship at the staff level between the agencies. What becomes difficult

is when we are asking agencies to put away their attention from their day-to-day missions and to focus on finding ways to free up spectrum for other uses.

So, as I mentioned before, what we need is incentives to—for the Federal agencies to focus and to provide the engineering that is necessary in order to determine how we can utilize spectrum, either more efficiently or re-purpose it for other uses.

Mr. SOTO. Can you—oh, please continue.

Ms. GOMEZ. Sorry, go ahead.

Mr. SOTO. And you believe the SMART Act would help address those incentives?

Ms. GOMEZ. I think, to a certain extent, it helps address those incentives. It is important that NTIA have that capability, and that NTIA's authority be bolstered and recognized as the manager of Federal spectrum.

So to—for purposes of sharing, it would definitely help NTIA fulfill its mission and work with the FCC to find more ways to share spectrum.

Mr. SOTO. OK. So it helps, but we have more work to do.

Dr. Kadri, my constituents would be shocked to know that domestic violence and human trafficking victims can't even separate a shared line from their attackers. And I was looking in your testimony about roughly only a dozen states provide protections. So 38 states across the United States have nothing to help victims of domestic violence get away from something as essential as having their own cell phone.

And you also mention in your testimony requiring a court order.

So does this legislation—will it help those other 38 states, and will it need a court order, or will we be able to really fast track this going forward?

Dr. KADRI. Thank you, Congressman, for the question. It certainly would help all of those people in states where there are just no existing protections.

And no, thankfully, the bill, as currently drafted, would not require the burden of trying to seek a court order to force a phone company to do this. The survivor would have to provide certain documentation from a third party in order to get the line separation, but they wouldn't have to go to court in order to be able to do it. And that would be a big change, even for those folks in many of the other states, where there are some limited protections for them.

But as you point out, for those folks in other states who currently lack any legal recourse to do this, it would make a big difference.

Mr. SOTO. Thanks, Dr. Kadri, and I am proud of this legislation to make sure we are empowering victims, and I yield back.

Ms. MATSUI. Thank you. The gentleman yields back. The Chair now recognizes Mr. Long for 5 minutes to ask questions.

Mr. LONG. Thank you, Madam Chairwoman.

And Ms. Gomez, you can probably see on the wall behind me my 42-year-old auctioneer license plate from here in Missouri. And so I have got a long, long history auctioneering before I went to Congress 12 years ago. And the FCC spectrum auctions have helped create the wireless services that we all enjoy today. Congress can take a little bit of credit for this success story also.

With one exception, every time Congress extended the FCC auction authority, we told the FCC to auction spectrum. It seems to me that this short-term extension will give Congress the time we need to find the right bands in which to auction.

Ms. Gomez, isn't that why short-term extension of FCC's auction authority, as included in H.R. 7783, makes the most sense?

Ms. GOMEZ. Yes, Congressman, I agree. It makes the most sense for the reasons you articulate.

Mr. LONG. Thank you. And also sticking with you, Ms. Gomez, the National Telecommunications and Information Administration, NTIA, of course, is statutorily—easy for me to say—statutorily responsible for representing Federal views on spectrum matters before the FCC, and FCC actions may affect a Federal user spectrum use.

In recent years, this process has gained public attention. How would standardized framework contemplated in the SMART Act improve NTIA's ability to represent Federal views?

Ms. GOMEZ. Thank you, Congressman, for that question. So the SMART Act will both provide NTIA with a more transparent and efficient tool to permit it to enable the sharing of Federal spectrum. It also recognizes that NTIA is the manager of Federal spectrum, and bolsters its status by that recognition.

Mr. LONG. OK. And why is it important that NTIA retains its role as the spectrum manager across all Federal agencies, rather than have each agency manage their own spectrum use?

Ms. GOMEZ. Thank you, Congressman. This is a very important issue.

NTIA must retain its role as the spectrum manager across all Federal agencies. There is an important distinction between the agencies, which are spectrum users, and NTIA, which manages spectrum used by Federal agencies. Placing the responsibility for managing spectrum within the spectrum user, whether it is a Federal agency or a commercial user, would present an inherent conflict of interest.

Even the FCC doesn't manage its own spectrum. Rather, because the FCC is a Federal user, NTIA manages its spectrum. So the Federal agencies each have their own missions to accomplish, and managing spectrum efficiently is not among those missions. NTIA has to balance its duty to ensure that Federal agencies can perform their missions with its duty of working with the FCC to enable new and innovative uses to enhance the U.S. economy. To perform this mission well, NTIA must remain the regulator, and be charged and bolstered as the agency that makes these difficult decisions.

Mr. LONG. OK, thank you.

And I told you I was a fast talker, so Madam Chairwoman, I yield back 1-minute and 45 seconds.

Ms. MATSUI. Thank you, Mr. Long. The Chair now recognizes Miss Rice for 5 minutes to ask questions.

Miss RICE. Thank you so much, Madam Chair.

And Ms. Gomez, I would like to continue along with Billy—I am sorry, Representative Long's—questions.

I hear you on NTIA remaining the manager of all the spectrum. And what I have heard a lot about is ways that we can make that

management more efficient. I would just like to go back a step. Can you tell us the ways that spectrum is being inefficiently used?

You know, in order for us to make sure that we come up with ways to make sure that the management is as efficient as possible. And maybe give examples of either specific bands that have historically been under-used or that are ripest for re-purposing.

Ms. GOMEZ. Thank you for that question, Congresswoman.

So NTIA actually has an interestingly efficient way of managing spectrum, in that it actually facilitates more sharing between Federal agencies than what you see in the FCC's licensing process, which tends to be more exclusive licensing. That can also create certain inefficiencies.

For example, when NTIA approves systems that have similar product but they are utilizing different bands for those products for different reasons. This happens in, for example, the 1.0 gigahertz band, where you have FAA sensors, you have DoD, you have—I believe it is NOAA that has—have similar uses, similar products that they utilize, but they are utilizing them in ways that really could be consolidated and, therefore, there could be more spectrum freed up. So that is one example of inefficiencies that could be addressed.

Miss RICE. And are we addressing them? Or how do we address them so that we make sure that these—that this limited, finite universe that we have is managed most efficiently?

Ms. GOMEZ. Well, honestly, I think one of—yes, of course, NTIA is constantly studying ways to make the uses more efficient. Giving them the tools to be able to upgrade their spectrum management systems, which are quite antiquated at this point, would be really helpful, increasing the transparency of Federal uses and, as I mentioned, increasing the incentives for Federal agencies to study their own systems and to find ways to move or re-purpose the ones that they have, so that we can free up additional spectrum for new uses.

Miss RICE. Well, that is—thank you so much, Ms. Gomez, that is very helpful. I would like to turn to Dr. Valentin, if I can, for a second.

Legislation like H.R. 4275 is important because it is going to help Congress understand why eligible—and we have talked about this all morning—but why eligible individuals end up enrolling, and more often why they don't enroll in Lifeline. While this bill is focused on Lifeline enrollment in SNAP-eligible individuals, it should offer important lessons for every agency and program that qualify a consumer for Lifeline.

So, for instance, more than ten percent of Lifeline beneficiaries are veterans, even though just 0.08 percent of participants—that is one out of every 1,000—qualify for the program through their veteran's pension or survivor pension.

So, Dr. Valentin, are there ways for the Department of Veterans Affairs and other relevant agencies to improve coordination and outreach around the Lifeline and ACP program so that more qualifying veterans are able to take full advantage of the program?

Dr. VALENTIN. Thank you so much for the question. You know, as the daughter of two veterans, the sibling of a veteran, I am really glad that you raised this because I think that veterans are often a group that is left out of these conversations when we are talking

about the digital divide. And they make so many sacrifices for our country.

And there is also folks who deal with kind of multiple levels of marginalization—for example, you know, Black veterans. One-third of all veterans experiencing homelessness are Black veterans. And I do think that we need a whole-of-government approach to getting households enrolled in the Lifeline program, in the Affordability—Affordable Connectivity Program, as well.

And we need to make sure that, if someone signs up for a program, you know, at the VA, they sign up for a program at USDA, they are immediately notified about all the other programs that they are eligible for, including the Lifeline program, including the Affordable Connectivity Program.

Miss RICE. All right, that is good to know. Thank you.

I just want to thank the witnesses so much, and thank Madam Chairwoman and the ranking member for bringing this hearing today. Thank you, and I yield back.

Ms. MATSUI. Thank you. The gentlelady yields back. The Chair now recognizes Mr. Walberg for 5 minutes to ask questions.

[Pause.]

Ms. MATSUI. Mr. Walberg? Can you—Mr. Walberg, are you hearing us? We can't hear you.

[Pause.]

Ms. MATSUI. OK, let's go on to somebody else.

Schrader?

VOICE. Long. Long, sorry, Long.

Ms. MATSUI. No, Long is already done. OK, the—is Mr. Carter—

Mr. WALBERG. Can you hear me now, Madam Chairwoman?

Ms. MATSUI. Yes, I can.

Mr. WALBERG. Sorry about that.

Ms. MATSUI. OK.

Mr. WALBERG. Sometimes technology doesn't work in a tech committee, I guess.

Ms. MATSUI. I understand.

Mr. WALBERG. I thank the witnesses for being here today, and today's hearing touches on a number of extremely important bills for both consumers and businesses.

But first I want to highlight the importance of H.R. 7132, the Safe Connections Act. I join my colleagues, Representatives Eshoo and Kuster, as the lead Republican on this legislation because no one should ever have to make the choice between staying connected and staying safe.

This partisan—bipartisan bill allows survivors of domestic violence, stalking, and other harms to separate their phone line from any cell phone plan shared with their abuser without having to worry about financial penalties or other requirements. It also directs the FCC to examine further ways to support and protect survivors after they disconnect.

Shared plans can be used by abusers to continue stalking or controlling their victims, and fees and arduous paperwork should not be another impediment to survivors getting to safety.

I am extremely heartened by the broad support this legislation has had. The wire industry worked closely with domestic violence

groups to come to an agreement that passed the Senate by unanimous consent. And I know that we, here in the House, can do the same.

Dr. Kadri, your testimony outlines the patchwork of State laws that currently exist to address digital abuse and shared mobile service contracts. In what ways does the Safe Connections Act strengthen current laws to make gaining digital freedom easier for survivors?

And also, what gaps still remain?

Dr. KADRI. Thank you, Congressman, for the question. The Safe Connections Act, I think, really sets a really solid foundation from which we can kind of expand protections for survivors. So it sets a really good base in making it easier, cheaper, and more accessible for survivors to be able to get out of family phone plans that do pose them the risks that I have discussed this morning.

And then it also empowers the FCC, I think, to engage in some really wise and innovative rulemaking to try and provide further protection. So I think, for example, the provision in the bill that is before you that would have the FCC look into removing or concealing communications with domestic violence hotlines from phone bills would be of crucial importance to survivors as they try and safety plan, and get out of an abusive relationship.

And similarly, the efforts to expand access to the Lifeline plan, as my fellow expert today, Dr. Valentin, has, I think, so compellingly told us, is just so essential in trying to close that digital divide.

So I really commend those aspects of the bill.

Mr. WALBERG. Thank you. Also, Dr. Kadri, the legislation tasks the Federal Communications Commission with determining which program, the Lifeline program or the Affordable Connectivity Program, is best suited to provide emergency communications support to survivors.

Which of these programs, if I could ask, do you recommend for this purpose?

Dr. KADRI. Congressman, I can't say that I have a firm view either way on that one. I would sort of defer to the expertise somewhat of those, you know, within the FCC who really engage with those programs and, I think actually, some of the other legislation that is before your subcommittee today to try and gain a better understanding of how these programs are used or, unfortunately, more often not used by people, could be really important in trying to figure out which of the plans make the most sense.

But I do think that providing that kind of support through one plan or the other would be of great importance to survivors.

Mr. WALBERG. Thank you.

While all of my questions have been asked about H.R. 7783, I do want to applaud that legislation, the Extending America's Spectrum Auction Leadership Act. This short-term extension will ensure that we have an uninterrupted and well-coordinated spectrum pipeline. And it is key to the United States remaining leader in 5G deployment and beyond. And for that reason the continued efforts in this legislation need to be done, need to be carried out, and I certainly stand in strong support.

With that, I yield back my remaining 38 seconds.

Ms. MATSUI. Thank you. The gentleman yields back. The Chair now recognizes Mr. Schrader for 5 minutes to ask questions.

Mr. SCHRADER. Thank you very much, Madam Chair. I appreciate the hearing we are having here today.

Mr. Gibson, interference is a potentially huge hazard to the aviation industry, both military and civilian. I want to know what—if you could speak to the issues about wireless interference, and what is the State of testing going on to make sure, with the spectrum availability auctions that are going on, that that would be minimized or, if at all possible, potentially eliminated.

We have had discussions in this committee about interference for quite some time. And what are the standards, and how are they being allocated at this point in time?

Mr. GIBSON. Well, that is an excellent question. And there is a lot of areas where that is pertinent.

One of—you may be thinking about is the interference situations with radar altimeters. I am not in the middle of that, and probably am not qualified to comment on that, other than knowing the issues as a pilot. And what I do know is there is a lot of work being done with key leadership and key engineers from the FAA, from the FCC, and with wireless carriers. And they are doing their level best to mitigate that.

The new band that is being considered where there may be some aviation interests is the 3100 to 3450 megahertz band. In that band is AWACS operations.

Mr. SCHRADER. Yes.

Mr. GIBSON. And so there is no—at least from what we know about it—and this information is—some of this information is classified, and some of it is coming to us piecemeal—the interference issues there are with respect to the onboard radars. So there is no safety of flight interference issues there in that band.

And then there is just generally potentially interference issues with aviation in general. For example, like, potential for interference with navigation conditions. Like, for example, we are familiar with the issue that occurred years ago with potential interference with GPS. A lot of that stuff is being dealt with now in the context of studies that are being taken care of, both in the NTIA and the FCC.

And for the most part, the only major issue that we are still facing right now with that is the one that is going on in the C-Band. And as far as I can tell, that is on the path to being resolved in time.

Mr. SCHRADER. A related question is, is there a timeframe within which—it seems like, if we are doing all the spectrum auctions, it would be extremely important to have this issue resolved, at least for the near term, until we learn differently, based on the best knowledge at hand about, well, what interference potential there is.

You know, Federal and non-Federal agencies, as well as military and civilian aviation, it seems like we ought to have this figured out before we go too far down the line going forward and, you know, realizing that our best efforts and knowledge at this point might change, but at least have a standard protocol that everyone should count on.

Mr. GIBSON. That is an excellent point, Congressman, and with respect to the C-Band, that effort is ongoing. The auction happened.

What I can tell you that is going on in the 3100 to 3450 meg band, as you well know by the Acts and the legislation, that band won't be auctioned before, I think, early—no earlier than November 2024. And there is study going on as we speak. In fact, I was in a daylong meeting yesterday trying to better understand how the equities that are owned by the DoD in that band can better share with commercial operations.

And our goal in that work is to establish better understanding of use cases, both from Federal, mostly DoD, and commercial use, and then try to effectuate solutions for sharing. And we all understand that the primary goal is to not have interference, especially with some of the DoD systems that are being dealt with, but also with commercial systems.

Mr. SCHRADER. Yes, obviously, important for our committee to have a hearing on this, bringing the FCC and NTIA in, and have a discussion about timeframes and working with civilian and other Federal agencies, and come up with a game plan. Otherwise, we may be ending up still studying things as these auctions transpire.

I guess the last question regarding the—and it was hinted at before, which is, you know, why extend the authority for only a short period of time. I understood the answer to be, well, we don't have any auctions coming up at this point in time.

But I mean, it seems to me—why are we not just extending the authority for the FCC to do these auctions indefinitely?

They will take time, they are—a great deal of work goes into studying the effects, and who is interested, who is not, what the potential problems might be. So why are we not at this point in time just giving this authority to the FCC so we don't have to revisit it every so many months and put it at danger?

Mr. GIBSON. Well, I think Ms. Gomez made a very good point about that early on, but mostly it is related to, among other things, the fact that we don't have any spectrum auctions teed up in the near future—certainly beyond the horizon for the 18 months.

And also, I would note that the Commission is down a commissioner, and that some of the folks at some of the key bureaus there are acting. And so 18 months seems to be an appropriate timeframe, all those things considered.

Mr. SCHRADER. Very good, very good, and I yield back. Thank you, Madam Chair.

Ms. MATSUI. Thank you. The gentleman has yielded back. The Chair now recognizes Mr. Carter for 5 minutes to ask his questions.

Mr. CARTER. Thank you, Madam Chair, and thank all of the witnesses for being here, a very important hearing. Very, very important, as you know.

And I will start with you, Ms. Gomez. But as you know, I have introduced House Resolution 4990, which is simply to codify the Institute for Telecommunication Services. It also directs the Assistant Secretary of Commerce for Communications and Information to establish an initiative that will support the development of emergency communications and tracking technologies.

But the main impetus of it is really for the Institute for Telecommunication Sciences, or ITS. As you know, it is NTIA's lab, and it is important for tests and research to solve the challenges that we have, the—of the technical issues.

Can you just—Ms. Gomez, can you just please speak to the importance of ITS, and how this bill will strengthen it and the lab's important work?

Ms. GOMEZ. Yes, Congressman, thank you for that very good question.

So NTIA has a very technical mission between spectrum management, supporting technical decisionmaking, and supporting spectrum being transitioned for commercial uses.

ITS conducts the studies to enable sharing, for example. What they are doing day to day is supporting NTIA's efforts to make decisions about how to manage spectrum more efficiently, and how to avoid interference while supporting agency missions. This includes conducting interference studies for FCC actions that affects Federal users.

So their work is very important in both supporting existing spectrum uses and ensuring that they are in an interference—or a harmful interference-free environment, but also for finding new and innovative ways to use spectrum and enabling decisionmaking that allows that.

Mr. CARTER. Great, great. Well, I had asked Secretary Davidson earlier this year, and I will ask you the same thing: What role do you think ITS will play in improving NTIA's interagency spectrum coordination mission?

Ms. GOMEZ. Thank you for that question. ITS plays such an important role, because what ITS gives us is the engineering basis for these discussions and their decisions. They are the ones that provide the proof of how things are going to work.

So it is very important for these discussions so we don't just rely on, you know, generalized discussions or hyperbole; we actually have what we would call a science-based conversation about how to utilize spectrum.

Mr. CARTER. Well, let me ask you this. It is obviously critical to ensure that the FCC continues to have the ability to auction spectrum. We all agree on that.

But you note in your testimony that there is a need for better spectrum coordination. What—based on your experience at NTIA, I am curious, what do we need to be doing to ensure the long-standing interagency spectrum process works?

Ms. GOMEZ. Thank you for that question. I think the most important thing that we need to be doing is recognizing NTIA's statutory role as the manager of Federal spectrum.

What we have seen is, if Federal agencies or also private parties are unhappy with a decision that has been made, then utilize outside of the NTIA and the FCC coordination process in order to continue to litigate some of the issues. And that is just not healthy to have a strong spectrum management process. So bolstering NTIA's position is important. The White House needs to strongly support NTIA, and to reinforce its role as the Federal spectrum manager.

If I can also put in a plug, if Congress would see fit to elevating the assistant secretary to an under secretary at the Department of

Commerce, it would greatly help with his position—his or her in the future—in its negotiations with high-level representatives from other agencies.

Mr. CARTER. How do you think it—why would it help if he—to be elevated?

Ms. GOMEZ. You know, it is amazing how protocol sometimes falls into play with these types of negotiations. If you have an assistant secretary sitting in a room with the deputy secretary of DoD, there are times when perhaps the staff may be unwilling to allow that kind of negotiation to happen. And yet it has happened in the past. Past NTIA heads have sat down with the deputy secretary of defense in order to talk about re-purposing spectrum and management of spectrum, generally.

So it is just a protocol issue, but it definitely helps. Much like having an ambassador status helps in the international negotiation process, having an under secretary status helps in the domestic negotiation process.

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

And I yield back, Madam Chair.

Ms. MATSUI. Thank you very much. Now the Chair recognizes—let's see—Mr. Cárdenas for 5 minutes to ask questions.

Mr. CÁRDENAS. Thank you very much, Madam Chairwoman and Ranking Member, for holding this hearing, and to all the witnesses for your testimony and your expertise and your opinions on the matters today.

We know more than ever that broadband must be more accessible for all Americans to succeed. About 38 million people in the United States benefited from the Supplemental Nutrition Assistance Program, also known as SNAP, in 2019. This is about 12 percent of our total U.S. population.

We also know that too many eligible people don't know that the FCC's Lifeline program exists. SNAP recipients, for example, automatically qualify for the Lifeline program, which offers discounted phone and internet service. More than 33 million households are eligible to receive Lifeline support, yet only 1 in 4 of those households in the United States actually takes advantage of it.

This question is to Dr. Valentin. How does the FCC's Lifeline program, among other Federal programs, help close the digital divide?

And what can the Federal Government do to improve outreach efforts for programs like this one that promote access to low-cost broadband service, and to help increase participation rates and public awareness in all communities, including under-served communities and rural America?

Dr. VALENTIN. Thank you so much for the question. You know, affordability is often cited as the biggest barrier that is preventing communities from adopting broadband. And both the Lifeline program, as well as the Affordable Connectivity Program, are the strongest tools that we have to help bridge that affordability gap by lowering the cost of monthly broadband services for millions of households.

As you stated, both of these programs are very, very under-subscribed. I think that public-private partnerships are really important. As we saw a few weeks ago at the White House, their recent

event where they announced industry commitments to ACP, it helped increase dramatically the awareness around that program.

And also, we have to make sure that we are prioritizing the funding of trusted organizations that are working on the ground to reach communities where they are.

Mr. CÁRDENAS. Thank you. And also thank you for earlier reminding us how important it is that we try to reach out and support our veterans because of the disproportionality of veterans who aren't connected to the internet, and also the disproportionality of veterans who actually are homeless.

The Lifeline program has helped millions of people connect to vital tools and stay digitally connected. The bill introduced by my colleagues, Representatives Luria and Katko, H.R. 4275, Ensuring Phone and Internet Access for SNAP Recipients Act of 2021, would help lower the cost of phone and internet access for families that benefit from the SNAP program. I commend my colleagues who are working on this issue, and I look forward to working with them and the chairman to ensure that all American families have the vital resources that they deserve to be at—to have access, and afford phone and internet services, and stay digitally connected.

When it comes to WiFi and extending spectrum auction authority, I am glad that today's legislative hearing also includes the discussion of H.R. 7783, the Extending America's Spectrum Auction Leadership of 2022, introduced by my fellow colleagues, Representatives Davids, Welch, Joyce, and Johnson. Congress must act now to ensure wireless operators have a continuing supply of the spectrum they need to keep the United States at the forefront of global 5G investment and innovation.

Ms. Gomez, never has the value of WiFi been more apparent than during the COVID-19 pandemic. And even though spectrum auctions raised funds directly for the U.S. Treasury, how can Congress better account for the vast economic and societal benefits offered by unlicensed spectrum when identifying spectrum bands for commercial use?

Ms. GOMEZ. Hi, Congressman, thank you so much for that question. It is a very good question.

You know, I would refer you to the letter that Chairwoman Rosenworcel wrote to the leaders of the Commerce Committees, both in the Senate and the House, where she talks about how to value unlicensed spectrum, which is used for WiFi, in order to demonstrate or to take into account the tremendous economic value that unlicensed has given to our economy as it conducts its analyses of spectrum bills. It only does so for auction spectrum. But the fact is the downstream effects of unlicensed spectrum are tremendous for our economy. So looking at ways to do that would be very helpful.

Mr. CÁRDENAS. Yes, thank you very much.

And once again, we have some incredibly talented commissioners. And Chairwoman Rosenworcel I have known for many years, and has been working really hard on this issue, and trying to be as innovative as possible, and is incredibly accessible to constituents like mine across the country.

So with that, Madam Chairwoman, I want to—I will yield back. Thank you so much.

Ms. MATSUI. The gentleman yields back. The Chair now recognizes Ms. Kelly for 5 minutes to ask questions.

Ms. KELLY. Thank you, Madam Chair.

Dr. Kadri, you mentioned in your testimony how corporate programs meant to help abuse victims are often so poorly advertised that victims are highly unlikely to even know they exist. Other times, the process of leaving a family plan can be complex, burdensome, and risky.

Beyond what is required in the Safe Connection Act, are there are other things wireless service providers can do to help make it easier for victims to leave a family plan?

Dr. KADRI. Thank you, Congressman, for the question. Certainly, there are.

One thing that springs to mind is that the phone providers could allow survivors to leave family plans based solely on a survivor's own sworn attestation of abuse. Now, although, right, the Safe Communications—sorry, Safe Connections Act requires third-party documentation, there is no reason why companies couldn't allow people to leave family plans based on their own affidavit. And so I think that is one thing that they could do.

They could also certainly do more to warn account holders about the potential risks from family phone plans. And indeed, I think an earlier version of this bill had a provision in there that required adults of 18 years or older to sort of opt in to any of these monitoring features on a family plan, such as the location information that could be shared. And although that is no longer in the bill, I see no reason why phone companies couldn't do that, and why they shouldn't do that. I firmly believe that they should.

So those are just a couple of ideas of what they could do on their own sort of volition.

Ms. KELLY. Thank you so much.

As many of my colleagues are aware, representation of Big Tech for women and minorities is abysmal. There is only one woman to every 3.76 men employed at the Big Five tech companies: Amazon, Facebook, Apple, Google, and Microsoft. Racial diversity is also a major concern, with an estimated 77.1 percent of venture-backed startup founders being White, and only 1.8 percent Black. Those numbers do not bode well for creating teams equipped to empathize with victims of digital abuse who are overwhelmingly women, racial minorities, and sexual minorities.

Dr. Kadri, can you discuss how lack of representation in the tech industry can further harm survivors, and what steps companies can take to do more to protect women, racial minorities, and sexual minorities?

Dr. KADRI. Certainly, Congresswoman. It is an excellent question and a really important issue.

I think, you know, not only must these companies engage actively with questions of diversity in hiring, as one of the other experts earlier mentioned—

[Audio malfunction.]

Dr. KADRI [continuing]. Actually kind of listening to survivors' stories and experiences, and stopping treating them as kind of aberrant or rare or unusual is crucial. Even the language that gets used in the tech industry of kind of these situations being treated

as “edge ‘cases’” is really problematic, I think. They aren’t edge cases. They should be seen as stress cases. And here I am drawing on work by Sara Wachter-Boettcher, who has talked about this in her work.

And so I think even that kind of terminology is important.

Ms. KELLY. Thank you.

The Lifeline program is very under-utilized, with a participation rate that hovers at about 19 percent, or 6.5 million households, despite estimates that more than 34 million households are eligible. Dr. Valentin, can you discuss the disproportional effects this has on low-income individuals, women, and people of color, and how we can work to reach those who will benefit most from the program?

Dr. VALENTIN. Yes. Thank you so much for the question.

So, yes, when we are talking about folks who aren’t connected, we are talking about our most vulnerable populations, which includes domestic violence survivors, it includes people who are experiencing homelessness, people of color who are disproportionately in lower-wage jobs. And so the lack of connectivity impacts one’s ability to have access to healthcare, impacts one’s ability to have access to government services that are online, and even impacts one’s ability to stay connected to family and friends.

But it can’t be underscored enough that this is also about an economic opportunity gap. We are leaving these groups behind and—within the tech ecosystem and—when we are not connecting them to broadband and all the opportunities that are associated with broadband.

So, we have to be able to lean on groups that have connections in the communities, fund these groups so that they can fund their outreach efforts, and there also needs to be more outreach efforts going on on the Federal level, as well.

Ms. KELLY. Thank you so very much.

I am out of time, so I yield back. Thank you.

Ms. MATSUI. The gentlelady’s time has expired. Thank you, yield back.

The Chair now recognizes Mr. Veasey for 5 minutes to ask questions.

Mr. VEASEY. Thank you, Madam Chair. I think it is great that we are holding this hearing, and for the witnesses being here today. I think today’s hearing reflects the deliberate and bipartisan work that the committee has been able to accomplish to help connect millions in urban and rural America, and ensure we maintain a robust telecommunications infrastructure, and especially in areas like that I represent here in the Dallas-Fort Worth area, and every part of the country. It is just—it is good that we are having this discussion.

Dr. Valentin, first of all, I want to say congratulations on your recent transition to the National Urban League. And my first question deals with the FCC’s Lifeline program and H.R. 4275, the Ensuring Phone and Internet Access for SNAP Recipients that was introduced by my colleagues Luria and Katko.

As you know, the legislation will require the FCC to submit reports on enrollment in the Lifeline program by those participating in SNAP. According to the USAC in Texas, there are approximately 2.7 million Lifeline-eligible households, yet only about 280,000 are

subscribed, which is a ten percent participation rate in the program. That is also much lower than the national average participation rate, which is around that 20 percent, 19 percent or so.

In your written questions you suggested that the requirements of H.R. 4275 should also be extended beyond Lifeline to include the ACP, which is the long-term version of the emergency broadband benefit program that I helped introduce at the beginning of the pandemic.

Can you explain the benefits of extending the requirements of this bill to go beyond the Lifeline program to also include a report on enrollment in the Affordable Connectivity Program by SNAP recipients?

Dr. VALENTIN. Yes, thank you so much for the question, and thank you for your leadership on the Affordable Connectivity Program, as well.

So, I would kind of answer this question by saying that, you know, we need both the Lifeline program, as well as the Affordable Connectivity Program. As you know, when you are applying these benefits, you can only apply it to either mobile services or your wireline services. And there are households across the country that need both.

Therefore, we need to understand the data from both of those programs. And hopefully, it will also help us understand if, for example, the Lifeline subsidy needs to increase, and how we can better coordinate the programs, as well.

Mr. VEASEY. Dr. Valentin, you also talked in your opening statement about the National Urban League's support for spectrum auction winners to hire from under-represented communities beyond entry level positions, and to increase supplier diversity.

And as you know, many of these auction winners have also made commitments to incorporate racial equity initiatives into their businesses. Do you think these winners are delivering on their promises?

Dr. VALENTIN. I think that we can always do better, honestly. And I think that it is—this is something that National Urban League has been working on for years. But the more that we can integrate equity and inclusion into companies, the better. And it goes across the board, from the workers who are entering the field, to the C-suite, to what—the community investments are of these companies.

Mr. VEASEY. And I know that sometimes, you know, people will say, well, it is better for Congress to stay on the sidelines and let the private sector work all this out, or, "We need some help from Congress." Do you think that there is anything that Congress can do to incentivize auction winners to hire, retain, and promote under-represented groups?

Dr. VALENTIN. Yes. You know, I think, you know, any legislation that you all introduce in this space would definitely be welcomed because, again, we need to make sure that all communities are benefiting from this booming ecosystem.

Mr. VEASEY. Yes, yes. No, absolutely.

And with that, Madam Chairman, I will yield back. But thank you to the panelists. I thought that this was a very useful topic today. Thank you, Madam Chair, I yield back.

Ms. MATSUI. The gentleman yields back. The Chair now recognizes Ms. Clarke for 5 minutes to ask questions.

Ms. CLARKE. And thank you very much, Madam Chair, for convening this very important hearing. And thank you to our panelist [sic] of witnesses for your expert testimony.

Increased and targeted outreach efforts are necessary for all eligible families to take advantage of programs like the Lifeline program. H.R. 4275, the Ensuring Phone and Internet Access for SNAP Recipients Act of 2021, requires the FCC to submit reports on the effectiveness of various Lifeline program advertising efforts.

Dr. Valentin, could you elaborate on how these reports could assist in increasing the utilization of the Lifeline program among SNAP recipients?

Dr. VALENTIN. Yes. You know, we really just need to know, like, where the gaps persist.

And I would say that something—as it relates to, you know, outreach efforts that we can sort of lean on, and something National Urban League talked about in recent comments to the FCC, you know, the CDC had a program, the Partnering for Vaccine Equity Grant Program, and that is a model that the FCC could use.

As a CDC grantee, National Urban League, in conjunction with our amazing affiliates, about 35 of our affiliates, we were able to train 76,000 trusted messengers. We were able to establish 400 partnerships, open 270 non-traditional vaccination sites, and do about 1,000 events. And we were able to then reach about 32 million people with our efforts. If we are able to kind of, like, copy those efforts for the Affordable Connectivity Program, that would be amazing.

But again, in order to do these things, we have to have funding to do so.

Ms. CLARKE. Got it, got it.

Ms. GOMEZ, the FCC's spectrum auction authority is set to expire in September of this year. Proceeds from the spectrum auctions have been used to fund key initiatives like the first responder network authority. By extending the FCC's spectrum auction authority to March 31st, 2024, as stipulated in H.R. 7783, the Extending America's Spectrum Auction Leadership Act of 2022, would you opine a bit on other essential programs that could be funded through auction proceeds?

Ms. GOMEZ. Thank you, Congresswoman. So I don't advocate for any particular programs, but I will list the ones that I have heard advocated that I—that all sound terrific.

So in no order of priority, you know, Chairwoman Rosenworcel has supported utilizing spectrum auction proceeds to fund next generation 911, which is largely overdue, and I think would be a great use of the program.

I have also heard that support for funding digital equity programs, such as what Dr. Valentin was talking about, to continue our desire to get as much uptake as possible of broadband so everyone can benefit from the information economy.

I have also heard that perhaps it could be utilized to continue the rip and replace efforts to replace Chinese-manufactured equipment with non-Chinese, something more secure.

Those are the three that I have heard. And so let's just call those illustrative.

Ms. CLARKE. Thank you, I appreciate it. H.R. 7132, the Safe Connections Act of 2022, requires service providers to provide information for survivors seeking to separate from a shared mobile service contract on their website, in physical locations, and other forms of consumer communication.

Dr. Kadri, in your testimony you indicated that some providers are voluntarily offering similar programs to help survivors of digital abuse, but the programs are not well advertised, so the survivors are not aware of these resources. Would it—wouldn't it be unlikely for a survivor to find this information via a provider's website or physical store, if they are not the primary account holder, especially if the information is not prominently displayed?

And if so, in that case, what would additional outreach efforts look like to reach as many survivors as possible through this legislation?

Dr. KADRI. Thank you, Congresswoman. It is an excellent point, and that is certainly part of the concern, although I will note it is usually possible even for secondary account holders to engage with phone companies, whether that is in person or online.

And so I think the main concern driving the legislation is the sort of type of monitoring that these plans enable. But that said, having conspicuous information available is—you know, it is only going to be one part of it. It is not a panacea. And so I agree that many people will be in conditions where they, frankly, won't be able to even make use of some of the protections in this bill unless it is supplemented with other efforts.

And so, in terms of additional outreach, I think it is important to educate folks on the front lines, kind of, of intimate partner violence about the dangers posed by technology. That is an important start. And we do some of that work at CETA, and there are other great groups doing this. But I think, if people don't know about the legal protections that exist that are designed to help them, then they simply won't use them.

Ms. CLARKE. I thank you.

And Madam Chair, I yield back. Thank you.

[Pause.]

Ms. CLARKE. Madam Chair, unmute yourself.

Ms. MATSUI. Thank you. The gentlelady yields back. The Chair now recognizes Mr. McEachin for 5 minutes to ask questions.

Mr. MCEACHIN. Thank you, Madam Chair.

Dr. Valentin, you know, one of the accomplishments that we have made during this Congress—and I was proud to be part of it—was to establish the Affordable Connectivity Program as part of the Bipartisan Infrastructure Plan. And as you know, that helps qualifying households pay for internet service and buy devices that can access the internet.

How can we, as Members of Congress, help our constituents know more about programs like this one?

Dr. VALENTIN. Thank you so much for the question. You know, the first piece of advice I guess I would give Members of Congress is to partner with the National Urban League and our local affiliates to get the word out about ACP, also partnering with small

businesses, particularly those that are owned by people of color, because they are trusted in local communities.

And also, we can't underestimate the power of paid media, particularly through media organizations that are owned by people of color.

And what I would also add, again, to Members of Congress, an ask is to make sure that you are allocating funds for outreach organizations that are known and trusted in the communities.

And also, you know, lean on the resources at the Federal Communications Commission. They are doing a great job with outreach, and they have had hundreds of events at this point in time, and know that they are always accepting speaker requests.

Mr. MCEACHIN. And I thank you for that answer. You mentioned in your testimony that proceeds from spectrum auctions could be used to fund digital equity efforts. What kind of digital equity efforts could be funded, in your judgment?

Dr. VALENTIN. Yes. So I think that, when we are thinking about digital equity, it must be thought of broadly, and it must include affordability. We have to find a way to sustain a meaningful affordability program for low-income consumers.

And one idea that has been out there is the use of spectrum funds.

But we are also going to need funds for devices. You know, through the Affordable Connectivity Program you get a one-time discount on a device. But what happens when your device breaks, or what happens when it is outdated and it can no longer run, you know, new software?

And also, I would say we can use these funds to help upskill and reskill workers, particularly workers of color, for the jobs of tomorrow, so that they can reap the benefits of the digital economy.

Mr. MCEACHIN. Thank you very much.

Dr. Kadri, I would like to turn to you. And, of course, in your testimony, sir, you left us with some very interesting thoughts about—that family phone plans can pose, actually, challenges to victims of abuse.

We don't have a lot of time left, so let me just ask you this question. Once a victim is able to leave a family phone plan, and that victim doesn't really have control of their own financial resources, how will affordability programs like Lifeline help victims who do not have, again, control of their own finances?

Dr. KADRI. Thank you, Congressman. It is a very important issue, as well.

You know, as I said in my testimony, victims really rely on communications technologies as a lifeline. Right? I think that is why the Lifeline program is called what it is. And so, you know, interpersonal abuse doesn't have this fixed expiration date. There is no neat line in the sand after a victim leaves and the violence, you know, just suddenly ends.

And so I think kind of thinking about ways that these programs can help support in a more enduring way is just crucially important. You know, especially now, given our increasing reliance on technology in the wake of the pandemic, this is something that is only going to become more important, I think.

Mr. MCEACHIN. Thank you for that. In the very long minute and six seconds that we have left, can you sort of summarize some of the ways that family plans are challenging and can pose dangers to victims of abuse?

Dr. KADRI. Absolutely. If I may, maybe I will just use that time to share a very quick story from our work at CETA, which I think is illustrative, and brings the point home.

You know, we had one client who became concerned that their partner was able to kind of routinely find out where they were, and know who they were communicating with. And they were on a family phone plan together. And she eventually tried to leave the phone—you know, the phone plan by calling the phone company. And the company told her that there was another account holder who they needed to contact, and then suddenly, without informing the client, dialed the abuser in to a three-way conference line. And not only did the abuser refuse permission to allow her to leave the plan, this was obviously a deeply traumatic incident.

And so, even later, when the client was informed about a State law that could have allowed them to leave the family plan even without his permission, she just declined to move forward because she was so scarred by that experience. And so experiences like that are—you know, are what I think we should be trying to avoid through this law.

Mr. MCEACHIN. I thank you. I thank the witnesses.

And Madam Chair, I yield back.

Ms. MATSUI. The gentleman yields back. And let me see. The Chair now recognizes Mrs. Fletcher for 5 minutes to ask questions.

Mrs. FLETCHER. Thank you so much, Chairwoman Matsui and Ranking Member Latta, for having this hearing today on strengthening our communications networks. It has been a very important and interesting hearing, and I want to thank all of our witnesses for testifying before us today.

As many of our colleagues and our witnesses have noted today, broadband networks and digital technologies are essential parts of our daily lives. At the same time, because these technologies are so connected to our lives, they can also be used as methods of surveillance and control for those in unsafe situations. And like many of my colleagues, I am deeply concerned about what we have seen, especially recently, about the use of technology to track individuals, and even the ability for others to buy that data.

That issue, some of the app tracking issues that we are talking about so much lately, are not really before us in this hearing. But I do think that they are connected to the larger issues of privacy and safety in the legislation that we are discussing today, especially in the Safe Connections Act.

And I see Representative Kuster has joined us, who is, of course, the sponsor of that bill, as well as Chairwoman Eshoo. This is a really important bill for supporting survivors of domestic abuse and assisting them in cutting these digital and physical ties with their abusers, as so many of my colleagues have mentioned, as our witnesses have mentioned, and Dr. Kadri, as the story that you just shared really illustrates.

And I know in my home State of Texas, 40 percent of women and 35 percent of men experience intimate partner violence, rape, or

stalking in their lifetimes. And as we have heard, this bill will help them disentangle their lives from abusers by allowing them to separate their phone lines without penalties or burdensome requirements as they try to get off of these family plans.

So I want to followup on some of these questions. In particular, Dr. Kadri, you mentioned in your testimony that the National Domestic Violence Hotline saw a 155 percent increase in digital abuse in a 3-year period, even as rates of other forms of abuse remained fairly constant. So I want to ask a couple of things. Based on your research, are there any explanations or theories that are available as to why that may be the case?

And connected to that, do you anticipate that the rise in digital abuse will continue as digital technologies become even more interwoven in our daily lives?

Dr. KADRI. Thank you, Congressman. Absolutely.

I mean, I think, you know, part of it is a story about how we are relying on technology more. But it really does go beyond that. And I think this really gets to your point earlier, that it is the type of technology that we are using that matters.

And so many of the digital technologies that are so prevalent these days fundamentally prioritize extracting as much data as possible from us. And this alone can create all sorts of risks, as we see with family phone plans and many other forms of technology that are used to perpetrate abuse nowadays. And so I think that, you know, that is certainly one part of the story.

Another is that this technology often allows people to perpetrate harm from afar, often with relative anonymity and secrecy. And so proving who is behind it can be really difficult.

And the other thing I would say is I think the trivialization of digital abuse is really an important part of this story. It is less likely to be taken seriously. It is less likely to—people will identify it as abuse, less likely they may speak up. And of course, that can cut both ways. It might mean that the statistics are misleadingly low because people are actually under-reporting. But maybe also part of the rise is being fueled by people feeling like they can get away with this, and that it is not so serious.

And so, I mean, I don't want to paint too pessimistic a picture, but you asked whether I think it is sort of inevitable that it will keep rising because of how interwoven tech is with our lives, and in some ways I do, but, you know, with the important caveat that that doesn't mean that I think that kind of pragmatism or realism means that we should just give up. And to the contrary, I think we need to be thinking creatively and empathetically to try and come up with ways to mitigate and address this kind of abuse.

Mrs. FLETCHER. Well, thank you so much. That is incredibly helpful. And I have a limited amount of time left. So what I would love to ask you as a followup—and maybe all of our witnesses to weigh in in writing following the hearing—is what kind of other issues of privacy and safety that you have identified in your work that our committee and the Congress should be looking at to ensure the safety and protection for users.

Obviously, we have got some great bills in front of us today, but this is one of many steps. And as you mentioned, there are a lot of things that we can and should be looking at. I would love it if

you and any of our other witnesses who have joined us today want to share those thoughts for the record, and submit that testimony in writing.

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

*****COMMITTEE INSERT*****

Mrs. FLETCHER. I only have a few seconds left, so I just want to thank you all for your time and your work.

And thank you, Chairwoman Matsui, again, for convening the hearing, and I will yield back.

Ms. MATSUI. Thank you. The gentlelady yields back. The Chair now recognizes Mr. Joyce for 5 minutes to ask questions.

Mr. JOYCE. Thank you, Chair Matsui and Ranking Member Latta, for allowing me to waive on to today's Communications and Technology Subcommittee hearing, and thank you to all the witnesses for testifying.

Spectrum is vital for bridging the digital divide in my district, as well as across the entirety of the United States. Last week I helped introduce with my colleagues H.R. 7783, Extending America's Spectrum Auction Leadership Act of 2022, to extend the FCC's general spectrum auction authority by 18 months. By extending the FCC's authority, it allows for more opportunity to help rural Americans seek the connectivity that right now they so desperately need.

As we have seen during this pandemic, more and more people are working, learning, and healing from home. And that requires additional broadband support. Congress must continue to show leadership on spectrum policy, and I implore my colleagues for the swift passage of H.R. 7783.

My first question is for you, Ms. Gomez. Assuming auction authority is extended, what additional policy reforms can be made to spectrum auction rules to promote international competitiveness, maximize spectrum use efficiency, and foster the rapid deployment of next generation technologies?

Ms. GOMEZ. Thank you very much for that question. And I certainly agree with you that the spectrum auctions are important to ensure the rapid deployment of services to all areas, including rural areas.

In terms of other changes, statutory changes that could be made to advance spectrum management, there are a few things that I would recommend. One is kind of practical.

Right now the FCC and NTIA have fantastic engineering—engineers, but it is a very difficult field to hire in because, honestly, the private sector keeps stealing all their good engineers, and can lure them away with much better benefits and—not benefits, but much better salaries. So one thing that could be done is to give authority to NTIA and to the FCC to actually hire at higher market rates, similar to what the SEC was able to do back in the 2000's. It is just practical, like I said, but it would help a lot to be able to have those engineering resources on staff, to be able to quickly act to conduct the engineering studies.

Continuing to support ITS is important, as well, and continuing to support research and development to continue both the FCC—sorry, the U.S. Government participation and policy standards bod-

ies, as well as to support industry representation in the engineering standards bodies would also be important.

Mr. JOYCE. Thank you for that insight.

Mr. Gibson, again, assuming that the auction authority is extended, what specific policy reforms would you recommend to promote the competitiveness, the maximizing spectrum use efficiency, and to foster rapid employment?

Mr. GIBSON. Well, thank you for the question. That is excellent.

And in addition to what Ms. Gomez has said, I—one thing I would suggest is promote stronger collaboration between Federal and commercial users. Right now what happens—and actually, we have begun down that path a little bit even now. I mentioned—you may have missed this, but I mentioned meetings I have been in to deal with sharing issues and the 3100 to 3450 megahertz band.

What seems to be happening is we have moved more toward allowing some collaboration. But I think officializing it, and taking advantage—what Ms. Gomez said is absolutely true, and we have seen that across the Federal space. Obviously, you know, better compensation for Federal experts, but also taking advantage of experts in commercial, and collaborating more, and trying to provide a collaboration framework that allows collaboration without possible conflicts of interest. That might be threading the needle a little bit complexly. But we think that that can be done. It is being done now. It just needs to maybe be more officialized.

Mr. JOYCE. And in my brief time left, Ms. Gomez, do you agree that we in Congress should make it a priority to work on a long-term spectrum pipeline bill?

Ms. GOMEZ. Thank you so much for that question. And if I may just add to my prior answer, of course, reforming the CSEA to use the Spectrum Relocation Fund for additional incentives for both Federal and commercial users.

Second, yes, I do think it is important for Congress to work on the Federal spectrum, the pipeline bill.

Mr. JOYCE. Thank you, Madam Chair. I see my time is expiring, and I yield back.

Ms. MATSUI. The gentleman yields back. The Chair now recognizes Ms. Kuster for her 5 minutes to ask questions.

Ms. KUSTER. Thank you, Madam Chair, and thank you for allowing me to waive on to your subcommittee. I am grateful for the opportunity.

Many Americans have benefited from technological advances, including high-speed broadband, the internet, mobile phones, which many of us take advantage daily

[sic]. However, we also know, by some accounts, 95 percent of domestic abuse cases involve technology, and countless others have suffered or perpetrated abuse online.

Dr. Kadri, I am so grateful for your expertise and your experience. In your testimony you define digital abuse as people exploiting technology to harm others, specifically involving the use of technology to control, harass, stalk, survey, or threaten someone in a way that invades their privacy or autonomy, or harms them emotionally, physically, reputationally, or financially. Can you describe for us how family plans, which you refer to as a snake in the grass, can be a tool of such abuse?

Dr. KADRI. Absolutely. Thank you, Congresswoman, and thank you for your leadership on this bill.

You know, one source of common information is just the phone bill, or other account records, right, which reveal, you know, details about a victim's communications, and can also provide clues about their location, you know, such as the area codes that they are calling, or call patterns that they are making.

Some family plans also allow an abuser to kind of listen to a victim's voicemails, and sometimes even see their text messages. And so, you know, these kinds of surveillance, this level of surveillance and the type of surveillance, just creates this justified, I think, anxiety, as much as anything else. And I think that is what is at stake here.

Ms. KUSTER. Well, thank you for your good work.

And I am proud to have introduced the Safe Connection Act. It is a bipartisan bill with the Health Subcommittee Chair, Representative Anna Eshoo, and Republican Representative Mr. Walberg, which provides a clear template for survivors to work with their phone carriers to exit from a family or shared account that they share with their abusers.

Again, Dr. Kadri, can you explain how the Safe Connection Act will help these survivors?

Dr. KADRI. Certainly. So I think, you know, although a victim could simply abandon their phone, you know, theoretically, and maybe avoid some of the risks that I have talked about during my testimony today, of course, there are many reasons why that might actually do them more harm than good, because phones are so often a lifeline amid abuse.

And so, even if—you know, then there are the high fees that come associated currently with kind of leaving a family phone plan. And so, even if they have the funds to be able to leave, they can still encounter resistance from a phone company that has no legal obligation to honor line separation requests. And so a bill like the Safe Connections Act that would, you know, give them the right to leave safely and quickly would be hugely important.

Ms. KUSTER. Thank you for that. And I think you may have addressed this question, but I will just add it—ask it quickly.

Survivors of digital abuse with limited resources and income are often unaware that they may qualify for participation in Federal programs that provide a discount on phone and broadband services, such as the Lifeline and Affordable Connectivity Programs. But the Safe Connection Act requires the FCC to adopt rules to allow survivors facing financial hardship to enroll in one of these programs as quickly as possible, whether or not they otherwise meet the qualifications of the programs, so they can receive a discount off of service for short period of time while they are getting back up on their feet.

Why—again, Dr. Kadri—is it important to ensure that these abuse survivors are able to maintain consistent communications services after they are allowed to separate from the shared account with their abuser?

Dr. KADRI. Absolutely. I am happy to reiterate on this point, because it is so important, I think, and it is just that people remain in deeply precarious positions long after they attempt to leave a re-

lationship in one form or another. And so, being connected through their phones is just crucial in regaining their independence and in guarding against future abuse.

And this, again, was always true, but it feels important to stress that these last two years, of course, our reliance on technology increasingly, and the way that our—you know, many of our interactions have been filtered through technology more and more, has increased this risk of digital abuse. But it also means it is more important than ever for us to be able to use our devices safely, whether that is for social connections, work, ordering food, testifying before Congress, you know, all of these different ways. It just shows how important it is. And so a survivor should be entitled to do that safely.

Ms. KUSTER. Well, thank you.

And thank you, Dr. Valentin, as well, for your work.

And on behalf of the many members of the bipartisan task force to end sexual violence, I am pleased to see the Safe Connections Act come forward today at this hearing.

Thank you, Madam Chair, and I yield back.

Ms. MATSUI. The gentlelady yields back.

At this time I request unanimous consent to enter the following documents into the record: a letter from the Competitive Carriers Association in support of congressional efforts to extend the Federal Communication Commissions general spectrum authority; and a letter from Public Knowledge and Open Technology Institute.

Without objection, so ordered.

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

Ms. MATSUI. I would like to thank today's witnesses and the committee members for participating in this hearing today. It has been informative and educational in the sense that everyone here were—was agreed upon the importance of these bills in a very bipartisan manner. So I want to thank you all very much for participating.

Now 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 that you may receive.

So at this time the committee is adjourned, and thank you so much for your participation.

[Whereupon, at 1:35 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

PREPARED STATEMENT OF HON. ANNA C. ESHOO

Statement for the Record of Rep. Anna G. Eshoo

Hearing on “Strengthening our Communications Networks: Legislation to Connect and Protect”
House Subcommittee on Communications & Technology
May 24, 2022

Mr. Chairman, thank you for holding this legislative hearing on several important bills.

I’m highly pleased that the Subcommittee is discussing the bicameral legislation that I co-lead with Rep. Kuster, H.R. 7132, the *Safe Connections Act*, to help survivors of domestic violence regain digital independence by ensuring they can remove themselves from shared phone plans with their abusive partners without prohibitive costs and contractual obligations. The legislation also tasks the Federal Communications Commission (FCC) with facilitating access to the Lifeline program to enable survivors to obtain new phones or phone services at discounted prices. These are critical measures to ensure survivors can quickly cut ties with their abusers and remain connected to their support networks.

I’m also pleased to see a bipartisan agreement on reauthorizing the FCC’s spectrum auction authority. This authority is so critical and we absolutely cannot afford to let it lapse. This 18-month extension is important and I support it. At the same time, we must authorize spectrum auctions beyond the 18-month timeline that will establish opportunities for Congress to direct investment in telecommunications programs that further the public interest. I’ve long championed the need for investing in next generation 9-1-1 (NG 9-1-1), and I urge this committee to fund investments in NG 9-1-1 upgrades from spectrum auction proceeds.

I look forward to a productive hearing.



May 24, 2022

The Honorable Frank Pallone, Jr.
Chairman
Committee on Energy & Commerce
U.S. House of Representatives
107 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Mike Doyle
Chairman
Subcommittee on Communications & Technology
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Cathy McMorris Rodgers
Republican Leader
Committee on Energy & Commerce
U.S. House of Representatives
1035 Longworth House Office Building
Washington, D.C. 20515

The Honorable Bob Latta
Republican Leader
Subcommittee on Communications & Technology
U.S. House of Representatives
2467 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Pallone, Republican Leader McMorris Rodgers, Chairman Doyle, and Republican Leader Latta:

Competitive Carriers Association (CCA)¹ commends the Subcommittee for holding today's hearing on "Strengthening our Communications Networks: Legislation to Connect and Protect" and respectfully requests this letter be included in the hearing record. CCA strongly supports congressional efforts to extend the Federal Communications Commission's ("FCC" or "Commission") general spectrum auction authority, currently set to sunset on September 30, 2022. This critical component of telecommunications policy lies at the crux of America's ability provide seamless communications products and innovate and apply next generation technologies across the U.S., especially to those living, working, and visiting rural America.

Since it first authorized the FCC to disseminate spectrum licenses through auctions, Congress has never allowed spectrum auction authority to lapse². CCA applauds the leadership of Representatives Sharice Davids, John Joyce, Peter Welch, and Bill Johnson for introducing H.R. 7783, the Extending America's

¹CCA is the nation's leading trade association for competitive wireless providers and stakeholders across the United States, and our members range from small, rural carriers serving fewer than 5,000 customers to regional and nationwide providers serving millions of customers, as well as vendors and suppliers that provide products and services throughout the wireless communications ecosystem.

² Congress first authorized the FCC to establish "a system of competitive bidding" for spectrum in the Omnibus Reconciliation Act of 1993 (P.L. 103-66), and has consistently extended that auction authority since, including in the Balanced Budget Act of 1997 (P.L. 105-33), The Deficit Reduction Act of 2005 (P.L. 109-171), The DTV Delay Act (P.L. 111-4), and the Middle Class Tax Relief and Jobs Creation Act (P.L. 112-96).

COMPETITIVE CARRIERS ASSOCIATION

601 New Jersey Ave. NW, Suite 820 | Washington, DC 20001 | ccamobile.org

Spectrum Auction Leadership Act of 2022, and urges its swift consideration. This bipartisan bill will immediately ensure that the FCC can successfully complete the 2.5 GHz spectrum auction and other pending auction activities. As FCC Chairwoman Rosenworcel has stated to the Subcommittee, the Commission is “reviewing a number of spectrum bands in various stages of the rulemaking process, some of which could be good candidates for some form of auction.”³ More specifically, the FCC’s FY 2023 Budget Estimate to Congress noted for the 2.5 GHz band that the “auction is likely to conclude before the end of FY 2022, and certain post-auction activities requiring Commission staff resources, including those related to the Rural Tribal Priority Window, may continue into FY 2023.”⁴ Absent extension of auction authority, activities in fiscal year 2023 could be called into question.

The 2.5 GHz band is particularly attractive to rural and regional carriers as it is the first band in many years to be auctioned in small geographic license areas tailor-made for the competitive deployment of broadband in small towns and rural communities across the United States. A lapse in auction authority could jeopardize the success of the auction and have a chilling effect on wireless broadband deployment in these areas. Alternatively, an extension will provide carriers with the certainty needed to fully participate. Missing this opportunity eliminates an important chance for carriers to have access to spectrum needed to expand and strengthen their networks.

As twenty CCA members said in a letter to you earlier this year, “Smaller carriers and carriers serving rural America are at greatest risk of harm if FCC spectrum auction authority were to lapse. Particularly for carriers that may have challenges securing spectrum on the secondary market, FCC-led spectrum auctions are the primary way to have a meaningful opportunity to access this critical resource and in turn provide the latest wireless services in small towns and rural communities that may otherwise be left behind.”⁵

CCA thanks the Subcommittee for addressing this fundamental issue and for providing leadership to ensure access to spectrum resources. We encourage the timely passage of this bill to ensure certainty for carriers, the continued success of FCC auctions to advance wireless connectivity, and most importantly the deployment of next-generation wireless broadband services and technologies to small towns and rural communities across America.

Sincerely,



Steven K. Berry
President & CEO

³ Letter from FCC Chairwoman Jessica Rosenworcel to Chairman Pallone, Chairman Doyle, Ranking Member McMorris Rodgers and Ranking Member Latta in response to questions on the FCC’s spectrum auction program. March 30, 2022.

⁴ FCC 2023 Budget-In-Brief March 2022, page 29. March 15, 2022.

⁵ Letter for the Record to Chairman Pallone, Chairman Doyle, Republican Leader McMorris Rodgers, and Republican Leader Latta on Energy and Commerce Subcommittee on Communications and Technology hearing “5G and Beyond: Exploring the Next Wireless Frontier.” March 16, 2022.



May 23, 2022

Chairman Frank Pallone
2107 Rayburn House Office Building
Washington, DC 20515

Ranking Member Cathy McMorris Rodgers
1035 Longworth House Office Building
Washington, DC 20515

Subcommittee Chairman Mike Doyle
306 Cannon House Office Building
Washington, DC 20515

Subcommittee Ranking Member Bob Latta
2467 Rayburn House Office Building
Washington, DC 20515

Dear Subcommittee on Communications and Technology,

Public Knowledge (PK) and New America Open Technology Institute (OTI) write to provide our perspective on the bills that the Subcommittee on Communications and Technology (the Subcommittee) will consider at its May 25, 2022 legislative hearing on spectrum policy titled “Strengthening Our Communications Networks: Legislation to Connect and Protect.” We support continuing the bipartisan approach to spectrum policy that the United States has pursued over the last decade. This approach has emphasized a mix of access regimes, including licensed, unlicensed, and shared (licensed-by-rule) use. Providing diverse opportunities to access spectrum has created a dynamic and vibrant marketplace for wireless communications, ensuring that consumers continue to benefit from a full array of services and that spectrum is allocated efficiently.

Two of the five bills that the Subcommittee will consider,¹ H.R. 4275 and H.R. 7132, address the needs of vulnerable people. PK and OTI support these efforts and look forward to working with the Subcommittee as these bills progress through the legislative process. H.R. 4275 requires the Federal Communication Commission (FCC) to study Lifeline’s current and projected enrollment of supplemental nutrition and assistance program (SNAP) recipients and the effectiveness of different advertising methods in promoting SNAP recipient enrollment in Lifeline. PK and OTI support this legislation because it takes an important step towards ensuring that SNAP and other federal benefit recipients are aware of and can take advantage of programs like Lifeline and the Affordable Connectivity Program, which help to make connectivity affordable.

H.R. 7132 also attempts to solve a connectivity issue vulnerable people face by allowing victims of domestic abuse to withdraw from family share plans and establish their own mobile service. This is a

¹ H.R. 4275, the “Ensuring Phone and Internet Access for SNAP Recipients Act of 2021”; H.R. 4990, the “Institute for Telecommunication Sciences Codification Act” or the “ITS Codification Act”; H.R. 5486, the “Simplifying Management, Reallocation, and Transfer of Spectrum Act” or the “SMART Act”; H.R. 7132, the “Safe Connections Act of 2022”; and H.R. 7783, the “Extending America’s Spectrum Auction Leadership Act of 2022.”

common sense requirement that mobile providers should adopt to help these victims fully extract themselves from abusive situations. While the legislation includes some overly burdensome requirements that a domestic abuse victim must overcome, we believe that this is an important issue that Congress should address. PK and OTI are happy to outline specific suggestions to eliminate the cumbersome burdens on victims with little to no consequence to the mobile providers.

Of the other three bills, which focus on spectrum allocation, PK and OTI only support one, H.R. 4990. This bill permanently establishes the Institute for Telecommunications Sciences (ITS). The ITS would continue to exist as part of the NTIA. Importantly, H.R. 4990 acknowledges that the ITS is the government's premier research lab for advancing spectrum sharing and interference research. This bill further acknowledges the importance of spectrum sharing with commercial entities.

H.R. 4990's support for spectrum sharing is, however, contradicted by H.R. 5486, which would turn the United States' spectrum sharing policy on its head. H.R. 5486 establishes an automated spectrum sharing regime in Federal bands that only auction winners can utilize. If this bill were to pass, it would prevent commercial ISPs, schools, individual enterprises and other entities that do not need or cannot afford an auctioned license from accessing shared spectrum opportunities. This would, in turn, harm consumers by limiting their choices in the wireless market and increasing the costs of certain services. No public interest purpose is served by prohibiting the use of an automated federal spectrum coordination mechanism to facilitate unlicensed or licensed-by-rule sharing by commercial and Federal users if that is what the FCC, in consultation with NTIA, determines is the highest and best use of a band.

Moreover, H.R. 5486 is unnecessary under existing law. Section 923(b)(2)² and Section 927(b)(1) provide mechanisms for allowing shared use between Federal users and licensees. Essentially, if the Commission determines that sharing federal spectrum with licensees is technically feasible and beneficial, it can already do so without foreclosing sharing by rule or unlicensed services. In contrast, this bill creates for no good reason an additional barrier to unlicensed or license-by-rule sharing of underutilized Federal spectrum bands. This is because under the Commercial Spectrum Enhancement Act, federal agency costs for relocation or for sharing a band are only reimbursed in situations where the frequencies made available for private sector use are auctioned. However, this limitation – like the restriction in H.R. 5486 – could foreclose opportunities for efficient sharing among Federal and non-Federal users in underutilized bands that are not appropriate for auction.

For these reasons, PK and OTI strongly oppose H.R. 5486.

Although the final bill under consideration, H.R. 7783, is a straightforward 18-month extension of the FCC's auction authority, it misses real opportunities to advance the public interest needs of the telecommunications sector. The bill could address these needs by setting aside proceeds to fund NG911, digital equity, or securing our network equipment. We understand that this bill may represent a compromise to ensure the FCC's auction authority does not lapse, but we feel it is important to register on the record that such a compromise for the sake of preserving auction authority does not meet the public interest needs of this sector. Consumers of wireless broadband services ultimately pay for the cost of

² 47 U.S.C. §923(b)(2).

auctions. We believe the Committee should at a minimum establish an authorization that would direct future auction proceeds back into the sector for enumerated public interest purposes, one of which should be investments in digital literacy and adoption that are complementary to pending large investments in broadband infrastructure and affordability.

Thank you for this opportunity to express our views on these bills for the record. We appreciate all of the work the Subcommittee has done to advance spectrum policy over the years and look forward to continuing to engage with the Subcommittee on these vitally important matters that impact the economic health of our connected economy.

Respectfully Submitted,

/s/ Greg Guice
Director of Government Affairs

/s/ Harold Feld
Senior Vice President

/s/ Kathleen Burke
Policy Counsel
Admitted to the Bar under D.C. App. R. 46-A
(Emergency Examination Waiver)

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/s/ Michael Calabrese
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