

OVERSIGHT OF THE FEDERAL COMMUNICATIONS COMMISSION

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

FIRST SESSION

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OVERSIGHT OF THE FEDERAL COMMUNICATIONS COMMISSION

WEDNESDAY, JUNE 21, 2023

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

The subcommittee met, pursuant to call, at 10:30 a.m., in the John D. Dingell Room 2123 Rayburn House Office Building, Hon. Robert E. Latta (chairman of the subcommittee) presiding.

Members present: Representatives Latta, Bilirakis, Walberg, Carter, Dunn, Curtis, Joyce, Weber, Allen, Balderson, Fulcher, Pfluger, Harshbarger, Cammack, Obernolte, Rodgers (ex officio), Matsui (subcommittee ranking member), Clarke, Veasey, Eshoo, Cárdenas, Craig, Fletcher, Dingell, Kuster, Kelly, and Pallone (ex officio).

Also present: Representatives Johnson and Lesko.

Staff present: Sarah Burke, Deputy Staff Director; Slate Herman, Counsel, Communications and Technology; Sean Kelly, Press Secretary; Peter Kielty, General Counsel; Emily King, Member Services Director; Tim Kurth, Chief Counsel, Innovation, Data, and Commerce; Giulia Leganski, Professional Staff Member, Communications and Technology; John Lin, Senior Counsel, Communications and Technology; Kate O'Connor, Chief Counsel, Communications and Technology; Carla Rafael, Senior Staff Assistant; Michael Taggart, Policy Director; Evan Viau, Professional Staff Member, Communications and Technology; Hannah Anton, Minority Policy Analyst; Jennifer Epperson, Minority Chief Counsel, Communications and Technology; Tiffany Guarascio, Minority Staff Director; Dan Miller, Minority Professional Staff Member; Michael Scurato, Minority FCC Detailee; Johanna Thomas, Minority Counsel; and Keegan Cardman, Minority Intern.

Mr. LATTA. Good morning. The subcommittee will come to order, and the Chair recognizes himself for 5 minutes for an opening statement.

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

And, again, good morning and welcome to today's oversight hearing of the Federal Communications Commission. I want to begin by welcoming the Commissioners back to the subcommittee. It has been over a year since the Commission last testified before us, and to say we have a lot to cover in today's hearing would be an understatement.

The FCC is an independent agency charged by Congress to regulate interstate and international communications by radio, television, wire, satellite, and cable. Its responsibilities include administering the Universal Service Fund, the USF, holding spectrum auctions, and regulating broadcast licenses. During the COVID-19 pandemic, Congress added to the list by charging the FCC with administering the Affordable Connectivity Program, the ACP, the Energy Connectivity Fund, and the COVID-19 Telehealth Program totaling billions of dollars.

Closing the digital divide is a key priority for this committee. Last month, the FCC released an updated version of its National Broadband Map, which showed that 8.3 million homes and businesses still lack access to high-speed broadband. This map, produced in accordance with the bill I led, the Broadband DATA Act, is significantly better than previous maps, but concerns with a preproduction draft that overstated coverage in some areas and missed communities in others highlight the need for oversight of the effort.

This oversight is especially important because the National Telecommunications Information Administration plans to use this latest map to make allocations to States for \$42 billion in the BEAD Program on June 30. With a huge amount of money at stake, we need confidence these maps are accurate so States get the right allocation and connect all their unserved and underserved residents.

As I mentioned, the FCC administers the USF, the ACP, the ECF programs. Congress' significant investment in broadband raises questions about the future of the USF. For example, what, if any, should the USF fund once the Infrastructure money is spent? How should Congress address duplicative programs like ACP and Lifeline, and who should contribute to the USF? I hope today's discussion will answer these questions.

Unfortunately, we also know these programs are ripe with waste, fraud, and abuse. The FCC Inspector General has issued two advisories related to enrollment fraud in ACP and its predecessor program, the Emergency Broadband Benefit, two programs creating response to the COVID-19 pandemic. And earlier this year, the Government Accountability Office found the FCC did not have the adequate antifraud controls for the program. It is my hope that the Commission takes these findings seriously and implements the right oversight and controls to prevent additional fraud from taking place.

Finally, we need to fully fund the supply chain reimbursement, or the Rip and Replace Program, which Congress created to help small providers remove unsecure equipment from the networks. This committee unanimously passed H.R. 3565, the Spectrum Auction Reauthorization Act, to immediately address the shortfall and restore the FCC's spectrum auction authority, which expired on March the 9th. Providers are required to begin the process of removing the equipment by July the 15th, and they need the certainty they can get reimbursed for their efforts. This is a serious problem, especially for rural America.

Without these funds, small carriers could be forced to shut down their networks, leaving their customers without a connection. We

cannot let this happen and need the full House and Senate to act on this legislation immediately.

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

[The prepared statement of Mr. Latta follows:]

Opening Statement of Republican Leader Bob Latta
Subcommittee on Communications and Technology
“Oversight of the FCC.”
June 21, 2023
(As Prepared for Delivery)

Good morning, and welcome to today’s oversight hearing of the Federal Communications Commission. I want to begin by welcoming the Commissioners back to the subcommittee. It has been over a year since the Commission last testified before us, and to say we have a lot to cover in today’s hearing would be an **understatement**.

The FCC is an independent agency charged by Congress to regulate interstate and international communications by radio, television, wire, satellite, and cable. Among its responsibilities include administering the Universal Service Fund (USF),

holding spectrum auctions, and regulating broadcast licensees. During the COVID-19 pandemic, Congress added to this list by charging the FCC with administering the Affordable Connectivity Program (ACP), Emergency Connectivity Fund, and the COVID-19 Telehealth program—both totaling billions of dollars.

Closing the digital divide is a key priority for this Committee. Last month, the FCC released an updated version of its National Broadband Map, which showed that **8.3 million homes and businesses** still lack access to high-speed broadband. This map, produced in accordance with a bill **I led, the Broadband DATA Act**, is *significantly* better than previous maps. But concerns with the “pre-production” draft that overstated coverage in some

areas and missed communities in others highlight the need for oversight of this effort.

This oversight is **especially** important because the National Telecommunications and Information Administration plans to use this latest map to make allocations to states for the \$42 billion BEAD Program on June 30. With the amount of money at stake, we need confidence these maps are as accurate as possible so states get the right allocation to connect all their unserved and underserved residents.

As I mentioned, the FCC administers the USF, the ACP, and the ECF programs. Congress' significant investment in broadband raises questions about the future of the USF.

- For example, what, if anything, should the USF fund once the infrastructure money is spent?
- How should Congress address duplicative programs like ACP and Lifeline?
- Who should contribute to the USF?

I hope today's discussion can help us answer these questions.

Unfortunately, we also know these programs are ripe with waste, fraud, and abuse. The FCC Inspector General has issued two advisories related to enrollment fraud in ACP and its predecessor program, the Emergency Broadband Benefit, two programs created in response to the COVID pandemic.

And earlier this year, the Government Accountability Office found the FCC did not have adequate antifraud controls for the program. I hope the Commission takes these findings seriously and implements the right oversight and controls to prevent additional fraud from taking place.

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Providers are required to begin removing this equipment by July 15 and they need the certainty they can get reimbursed for this effort. **This is a serious problem for rural America.** Without these funds, small carriers could be forced to shut down their networks, leaving their customers without a connection. We cannot let this happen and need the full House and the Senate to act on this legislation immediately.

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

I now yield to my colleague, the Ranking Member of this subcommittee, the gentlelady from California's Seventh District, for her opening statement.

Mr. LATTA. And I now recognize the gentlelady from California, the ranking member of the subcommittee, for 5 minutes for her opening statement.

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

Ms. MATSUI. Thank you very much, Mr. Chairman, and I want to welcome the Commissioners who are here today.

On March 9th of this year, the Commission's auction authority expired. The very next day, this subcommittee held a hearing. Ironically, the title of that hearing was "Defending America's Wireless Leadership." As I said at that hearing, allowing this authority to lapse was a failure. To add insult to injury, it was a completely avoidable failure.

I think I can speak for the members of this subcommittee when I say allowing this rolling lapse to continue is unacceptable. The stakes are simply too high. In May, the Energy and Commerce Committee once again passed a bill to reestablish FCC auction authority. We assert the statutory role of civilian agencies and fund vital national security initiatives. Until we pass that bill, economic and national security imperatives remain in limbo.

One of the most pressing is our unfinished work ripping and replacing vulnerable Chinese gear in our networks. I say that because, without additional funding, the FCC will be forced to prorate reimbursements on July 17th. As an original cosponsor of the Secure and Trusted Networks Act, I can say with confidence Congress didn't mandate the removal of some of this gear, we mandated the removal of every last piece. We did that because it is a clear and immediate national security threat.

Passing the Spectrum Auction Reauthorization Act would also remove any uncertainty about the FCC's ability to grant 2.5 gigahertz licenses that are sitting unused. Companies with service footprints across the country are eager to put this spectrum to use. T-Mobile alone is waiting for the FCC to approve more than 7,000 licenses with a collective value of more than \$300 million.

For these reasons and more, I am hopeful the House will vote on the bipartisan Spectrum Auction Reauthorization Act as soon as possible. It will then be up to the Senate to join us in this effort. And I sincerely hope they do.

But there is much more we need to discuss today because the FCC's authority is vast and there is a lot of important work ahead of us. Most importantly, we need to stay committed to keeping American families connected. The Bipartisan Infrastructure Law established the Affordable Connectivity Program, or ACP, to help families afford a broadband connection. Whether that is for the first time or when you need a little extra help making ends meet, the ACP program is working.

This program now helps more than 18 million households pay for the internet service, and like the law that created it, it remains steadfastly bipartisan.

Republican Governors across the country are witnessing this program in action and praising its effectiveness. Governor Ivey of Alabama called the ACP "a great resource for Alabamians to get help

paying for the internet.” Governor Lombardo of Nevada said, “We need to make sure all Nevadans have a chance to connect, which is why we are committed to helping families access high-speed internet through the ACP.” And just yesterday, Senator Wicker led a group of eight Republican Senators urging the White House “to ensure the continuity of funding for this program.”

I ask unanimous consent that this letter be entered into the record.

Mr. LATTA. Without objection, so ordered.

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

Ms. MATSUI. Thank you.

This bipartisan support reflects ACP’s successes. It keeps families connected, provides new customers for broadband companies, and it grows the economy.

Now with that, I want to thank Chairwoman Rosenworcel and the Commissioners for being here today, and I look forward to our discussion.

[The prepared statement of Ms. Matsui follows:]

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Subcommittee on Communications & Technology Ranking Member Doris Matsui
Hearing on “Oversight of the Federal Communications Commission.”

June 21, 2023

Thank you, Chairman Latta. On March 9th of this year, the Commission’s auction authority expired.

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One of the most pressing, is our unfinished work ripping and replacing vulnerable Chinese gear in our networks.

I say that because without additional funding the FCC will be forced to prorate reimbursements on July 17th.

As an original cosponsor of the Secure and Trusted Networks Act, I can say with confidence – Congress didn’t mandate the removal of *some* of this gear, we mandated the removal of every last piece.

We did that because it’s a clear and immediate national security threat.

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June 21, 2023

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Governor Lombardo of Nevada said "we need to make sure all Nevadans have a chance to connect, which is why we are committed to helping families access high-speed internet through the ACP."

And just yesterday, Senator Wicker led a group of eight Republican Senators urging the White House to "ensure the continuity of funding for this program."

I ask unanimous consent that this letter be entered into the record.

This bipartisan support reflects ACP's successes – it keeps families connected, provides new customers for broadband companies, and grows the economy.

That's why I'm committed to keeping the ACP funded.

With that, I want to thank Chairwoman Rosenworcel and the Commissioners for being here today and look forward to our discussion.

I yield the balance of my time.

Ms. MATSUI. Thank you, and I yield back the balance of my time.

Mr. LATTI. Well, thank you. The gentlelady yields back, and the Chair now recognizes the gentlelady from Washington, the Chair of the full committee, for 5 minutes.

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

Mrs. RODGERS. Good morning, everyone, and thank you, Chairman Latta.

Welcome back to Chairwoman Rosenworcel and Commissioners Carr and Starks and Simington. There is a lot on the agenda today.

Since the last time you were before this committee in March of 2022, the FCC spectrum auction authority has expired for the first time ever. The FCC stood up its Space Bureau and the Office of International Affairs, multiple versions of new broadband maps have been released, FCC Inspector General advisories have identified waste, fraud, and abuse in multibillion-dollar programs that were created to keep Americans connected during COVID, and a major merger under review that cleared the Department of Justice languished for more than 400 days at the FCC, a new record. This merger review was denied by FCC bureau staff rather than considered at the full Commission level. This is an unprecedented move by the Commission.

Your agency also plays a key role in managing our Nation's airwaves, a vital task. In order for the U.S. to lead in the next-generation technologies, the commercial industry must have access to spectrum. This committee has prioritized providing the FCC with the tools it needs to manage our Nation's airwaves effectively.

Unfortunately, a key tool used by the FCC, the authority to issue spectrum licenses, expired earlier this year for the first time ever. I have been working with my colleagues in the House for over a year and with colleagues in the Senate to extend this authority.

Earlier this year, the committee unanimously passed H.R. 3565, the Spectrum Auction Reauthorization Act, to extend the FCC's auction authority for 3 years, fund the shortfall in the Rip and Replace Program, and support our first responders through upgraded 9-1-1 networks. We are continuing to work on advancing this legislation out of the House, through the Senate, and onto the President's desk to sign.

This committee is also prioritizing closing the digital divide, and the FCC has a key role to play in that effort. I am pleased that the Commission has released two versions of the broadband maps since our last oversight hearing. These maps are significantly better than the previous FCC maps, and we need to make sure that the FCC gets this right in order to ensure every person can participate in today's economy.

Forty-two billion dollars has been allocated to this effort, and we must be able to trust that these maps are correct and that this money is going to unserved communities. This money cannot be wasted, which we are unfortunately seeing in some of the other FCC programs. Since 2021, the FCC Inspector General has released two advisories warning of fraud in the Affordable Connectivity Program, or ACP. Congress provided over 17 billion

for this program to help low-income individuals afford broadband. This fraud undermines confidence in the program and the FCC's ability to administer it. This is especially concerning as Congress considers the future of ACP.

The FCC also has been active in the media marketplace. In March 2022, Standard General announced its proposed acquisition of Tegna, which manages 64 television stations in 51 U.S. markets. The transition passed review unchallenged by the Department of Justice.

Then in an unprecedented manner, the FCC delegated the decision to the Media Bureau, which was directed to punt this decision to an administrative law judge. It takes the administrative law judge an average of 799 days to complete the hearing process. Delegating this decision to an administrative law judge hearing effectively kills this deal.

You were all confirmed by the Senate to take votes on these types of decisions. The Chair's decision to delegate this manner to—matter to career officials is really of question today. This hearing—this oversight hearing of the Commission reaffirms our commitment to ensuring agencies under the jurisdiction of this committee are held accountable, uses the resources allocated to them responsibly, and stays on mission.

Chairwoman Rosenworcel, Commissioners Carr, Starks, and Simington, I thank you for being here, and I look forward to our discussion.

[The prepared statement of Mrs. Rodgers follows:]

**Opening Statement of Chair Cathy McMorris Rodgers
Subcommittee on Communications and Technology
“Oversight of the Federal Communications Commission”
June 21, 2023**

(As Prepared for Delivery)

Good morning, and thank you, Chairman Latta.

Welcome back, Chairwoman Rosenworcel, and Commissioners Carr, Starks, and Simington.

There is a lot on the agenda today.

Since the last time you were before this Committee in March of 2022, the FCC’s spectrum auction authority has expired for the first time ever.

The FCC stood up its Space Bureau and Office of International Affairs.

Multiple versions of new broadband maps have been released.

FCC Inspector General advisories have identified waste, fraud, and abuse in multi-billion-dollar programs that were created to keep Americans connected during COVID.

And... a major merger under review that cleared the Department of Justice languished for more than 400 days at the FCC.... a new record.

This merger review was denied by FCC bureau staff rather than considered at the full Commission level.

This is an unprecedented move by the Commission.

SPECTRUM

Your agency also plays a key role in managing our nation's airwaves, a vital task.

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Unfortunately, a key tool used by the FCC – the authority to issue spectrum licenses – expired earlier this year for the first time ever.

I have been working with my colleagues in the House for over a year, and with my colleagues in the Senate, to extend this authority.

Earlier this year, the Committee unanimously passed H.R. 3565, the Spectrum Auction Reauthorization Act, to extend the FCC's auction authority for 3 years...

...fund the shortfall in the rip-and-replace program...

...and support our first responders through upgraded 9-1-1 networks.

We're continuing to work on advancing this legislation out of the House, through the Senate, and to the President's desk to sign.

BROADBAND SPENDING

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These maps are significantly better than previous FCC maps...

...and we need to make sure the FCC gets this right in order to ensure every person can participate in today's economy.

\$42 billion dollars has been allocated to this effort and we must be able to trust that these maps are correct--and that this money goes to unserved communities.

This money cannot be wasted, which we are unfortunately seeing within other FCC programs.

Since 2021, the FCC Inspector General has released two advisories warning of fraud in the Affordable Connectivity Program or ACP.

Congress provided over \$17 billion for this program to help low-income individuals afford broadband.

This fraud undermines confidence in the program and the FCC's ability to administer it.

This is especially concerning as Congress considers the future of the ACP.

MEDIA ISSUES

The FCC has also been active in the media marketplace.

In March 2022, Standard General announced its proposed acquisition of Tegna, which manages 64 TV stations in 51 U.S. markets.

The transaction passed review unchallenged by the Department of Justice.

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It takes the Administrative Law Judge an average of 799 days to complete the hearing process.

Delegating this decision to an Administrative Law Judge hearing effectively kills this deal.

You all are confirmed by the Senate to take votes on these types of decisions.

The Chair's decision to delegate this matter to career officials is a dereliction of her duties.

Closing

This oversight hearing of the Commission reaffirms our commitment to ensuring agencies under the jurisdiction of this Committee are held accountable...

...use the resources allocated to them responsibly, and do not stray from their mission.

Chairwoman Rosenworcel, and Commissioners Carr, Starks, and Simington, thank you for being here.

I look forward to our discussion.

Mr. Chairman, I yield back.

Mrs. RODGERS. I yield back.

Mr. LATTI. Thank you. The gentlelady yields back the balance of her time, and the Chair now recognizes the gentleman from New Jersey, the ranking member of the full committee, for 5 minutes for an opening statement.

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

Mr. PALLONE. Thank you, Chairman Latta.

This is the second oversight hearing of the FCC since Chairwoman Rosenworcel has taken over. And, unfortunately, it is also our second hearing with only four Commissioners before us, and we need an FCC that is at full capacity with five Commissioners, and I still hope that the Senate will finally make this happen soon.

Fortunately, the lack of a full Commission has not stopped the FCC from tackling important issues. The impressive bipartisan work reflects positively on Chairwoman Rosenworcel's leadership and on the ability of all four of you to work together, compromise, and largely put the needs of people over partisan politics.

And thanks to the Commission's bipartisan efforts to rapidly stand up the Emergency Broadband Benefit and its success of the Affordable Connectivity Program, millions of American families have seen their internet bills reduced by \$30 a month, and 75 if they are on Tribal lands. And these are significant savings that are helping more than 18 million families afford the monthly cost associated with broadband service.

It is not surprising that the Affordable Connectivity Program has received bipartisan praise from Governors, State officials, and experts nationwide. We must come together to ensure that the program continues to receive the funding that is necessary to make the internet more affordable for millions of American families.

Now, the program is also going to play an important role in ensuring that our historic broadband deployment investments don't end up building infrastructure that goes unused because people at the other end can't afford it. So last month the Commission released the latest version of the National Broadband Map, a product of the bipartisan Broadband DATA Act that we moved through this committee a few years ago.

The map is critical to the implementation of the \$42 billion Broadband Equity Access and Deployment Program in the Bipartisan Infrastructure Law. Accurately mapping unserved and underserved communities is going to allow the Biden administration to use these historic investments to expand high-speed internet access to communities that have been left behind far too long.

For years, Democrats and Republicans have complained about the lack of accurate broadband maps, and so I applaud your—you on advancing this effort. Although the maps have taken center stage, as we get closer to the Broadband Equity Access and Deployment State allocations, I want to acknowledge the hard work of the agency to deliver and continue to improve what is surely the most granular broadband map we have ever had. The goal is to close the digital divide in these communities so that they can grow their economy for the future.

I would also like to commend the FCC for its work on implementing the Martha Wright-Reed Act to end predatory phone rates being charged to incarcerated people and their families. The Commission also adopted rules promoting broadband competition in condos and apartment buildings to help lower costs and provide additional options, a first-of-its-kind broadband nutrition label giving consumers more transparency into internet access plans. These are all proconsumer rules that provide consumers the tools they need to make the internet more affordable.

Of course, there is still more work to be done. For instance, despite some significant steps forward with my TRACED Act, robocalls remain not only annoying but dangerous. Your requests for additional authority have not gone unheard, and I am determined to continue working to put an end to this problem once and for all. So I will be introducing legislation in the coming months to fix loopholes that allow these calls to continue, update the authorities of our expert agencies, and empower consumers.

Similarly, you have told us that we are facing a shortfall in the Rip and Replace Program. Removing Huawei, and ZTE, and other suspect equipment is a critical national security issue, and I assure you that we are working hard to make sure that program doesn't come up short. And the agency's lapsed spectrum authority that the Chairwoman mentioned not only deprives the Commission of a core agency function, but it impacts a massive sector of our economy and jeopardizes our global wireless leadership. So I am proud of the bipartisan action that this committee has taken to rectify the situation, and we will not rest until we get that process back on track, and we must restore the FCC's spectrum auction authority.

And, finally, I remain concerned about the last administration's reversal of net neutrality authority. This reversal leaves consumers without protection when it comes to bad behavior by broadband providers. Broadband is the central communications technology of our day, and yet we don't have a broadband regulator, and that means consumer protections are falling by the wayside, so we need to fix that.

But, again, thank you, thank all four of you for joining us today, and all the work that you have done successfully and on a bipartisan basis.

[The prepared statement of Mr. Pallone follows:]

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Full Committee Ranking Member Frank Pallone, Jr.
Communications and Technology Subcommittee
Hearing on “Oversight of the Federal Communications Commission.”
June 21, 2023

This is the second oversight hearing of the Federal Communications Commission (FCC) since Chairwoman Rosenworcel has taken over, and unfortunately it is also our second hearing with only four commissioners before us. We need an FCC that is at full capacity – with five commissioners, and I still hope that the Senate will finally make this happen soon.

Fortunately, the lack of a full Commission has not stopped the FCC from tackling important issues. The impressive bipartisan work reflects positively on Chairwoman Rosenworcel’s leadership and on the ability of all four of you to work together, compromise, and, largely, put the needs of people over partisan politics.

Thanks to the Commission’s bipartisan efforts to rapidly stand up the Emergency Broadband Benefit and its successor, the Affordable Connectivity Program millions of American families have seen their internet bills reduced by \$30 a month and \$75 if they are on Tribal lands. These are significant savings that are helping more than 18 million families afford the monthly costs associated with broadband service.

It is not surprising that the Affordable Connectivity Program has received bipartisan praise from governors, state officials, and experts nationwide. We must come together to ensure that the program continues to receive the funding that is necessary to make the internet more affordable for millions of American families.

The program is also going to play an important role in ensuring that our historic broadband deployment investments don’t end up building infrastructure that goes unused because people at the other end can’t afford it.

Last month, the Commission released the latest version of the National Broadband Map – the product of the bipartisan Broadband Data Act that we moved through the Committee a few years ago. The map is critical to the implementation of the \$42 billion Broadband, Equity, Access, and Deployment program in the Bipartisan Infrastructure Law. Accurately mapping unserved and underserved communities is going to allow the Biden Administration to use these historic investments to expand high-speed internet access to communities that have been left behind for too long.

June 21, 2023

Page 2

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Of course, there is still more work to do. For instance, despite some significant steps forward with my TRACED Act, robocalls remain not only annoying, but dangerous. Your requests for additional authority have not gone unheard, and I am determined to continue working to put an end to this problem once and for all. I'll be introducing legislation in the coming months to fix loopholes that allow these calls to continue, update the authorities of our expert agencies, and empower consumers.

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Finally, I remain concerned about the last administration's reversal of net neutrality authority. This reversal leaves consumers without protection when it comes to bad behavior by broadband providers. Broadband is the central communications technology of our day, and yet we don't have a broadband regulator, and that means consumer protections are falling by the wayside. We need to fix that.

I again thank all four commissioners for joining us today and for all the work you've done successfully on a bipartisan basis.

Mr. PALLONE. And with that, Chairman Latta, I yield back the balance of my time.

Mr. LATTA. Well, thank you. The gentleman yields back, and that will end our opening statements from our Members.

Our witnesses today include the Honorable Jessica Rosenworcel, the Chair of the FCC; the Honorable Brendan Carr, the Commissioner; Honorable Geoffrey Starks, Commissioner; and also Honorable Nathan Simington, Commissioner of the FCC.

I would like to note for the witnesses that the timer light will turn yellow when you have 1 minute remaining and will turn red when your time has expired. I also just want to make a quick point again that we do have another subcommittee running upstairs, so we are going to have Members shuffling back and forth throughout the morning. Health started at 10:00, and we, of course, started at 10:30.

I would also just like to take a point of personal privilege to recognize our former chairman of the full committee, the gentleman from Oregon, Mr. Walden, for being with us today, who always is looking down from us.

[Laughter.]

Mr. LATTA. So your presence is always felt. But welcome back. Chairman Rosenworcel, you are recognized for 5 minutes for your opening statement.

**STATEMENTS OF JESSICA ROSENWORCEL, CHAIRWOMAN, AND
BRENDAN CARR, GEOFFREY STARKS, AND NATHAN
SIMINGTON, COMMISSIONERS, FEDERAL COMMUNICATIONS
COMMISSION**

STATEMENT OF JESSICA ROSENWORCEL

Ms. ROSENWORCEL. Good morning, Chair McMorris Rodgers, Ranking Member Pallone, Chair Latta, and Ranking Member Matsui, as well as members of the subcommittee.

Since I appeared before you last, a lot has happened at the Federal Communications Commission. With the pandemic behind us, it has become clear that broadband is no longer just nice to have, it is need to have for everyone everywhere. Network security is needed by everyone everywhere. Effective public safety communications are needed by everyone everywhere, and every consumer should be the beneficiary of innovation from competitive markets with services that are open, reliable, affordable, and fair.

We are meeting this moment at the Commission by turning down the noise and ramping up the work. Let me explain how.

First, we set up the Affordable Connectivity Program. It is the largest broadband affordability program in our Nation's history, and it now helps nearly 19 million households get online and stay online.

Second, we are fighting for consumers by promoting competition. We develop broadband labels that look just like the nutrition labels you see at the grocery store. Every carrier will need to use them so that every one of us can compare services plans. And we proposed all-in pricing to stop junk fees on cable and satellite bills. On top of that, we took action to help those who live in apartment buildings by ending sweetheart deals that landlords sometimes cut,

making residents stuck with one broadband provider and shutting them off from competition.

Third, we built the National Broadband Map. It is the most accurate broadband map in our Nation's history, and it is designed to be iterative. That means it is always improving.

Fourth, we are helping connect the most vulnerable. We are using the Safe Connections Act to improve access to communications for survivors of domestic violence. We are using the Martha Wright-Reed Act to finally address the sky-high rates for communications for families of the incarcerated. And this month we took action to make the video conferencing platforms that became so popular during the pandemic accessible to those with disabilities.

Fifth, we are doubling down on efforts to stop scam robocalls and robotexts. That means we have required new technologies in our networks, we are using new and creative enforcement tools, and we have new allies. Under my watch, we have developed partnerships with 44 State attorneys general to fight robocalls and robotexts. And to the six remaining, I am coming for you because nobody likes this junk.

Sixth, we are helping connect people to emergency services. Next month is the 1-year anniversary of the Commission setting up 9-8-8. That is the easy-to-remember, three-digit hotline to reach out to for suicide prevention and mental health assistance. Under my watch, we have also made it available for texting, not just phone calls, and it is making a difference. Last month, nearly twice as many people used this number as the old 10-digit hotline number from a year earlier.

Seventh, we are doing a lot to keep our networks safe. We have published the first-ever list of communication services that pose an unacceptable risk to national security. We are working with carriers to remove insecure Chinese equipment from their networks. And we are laser-like focused on consumer security with the first-ever Privacy and Data Protection Task Force at the Commission.

Eighth, we are working to make our networks more resilient. We have seen snow in Texas, hurricanes on the Gulf Coast, and wildfires out West, and every one of those events puts communications at risk. In response, we have developed a mandatory disaster response initiative, for the first time requiring roaming and mutual aid from carriers so that, when the unthinkable occurs, our calls are all more likely to go through.

Ninth, we have launched the Space Bureau. The space economy is growing fast, and also growing are the number of satellite applications before the Commission. We are reorganizing to support this growth and ensure that in the new Space Age, the United States leads.

Tenth, but not last, we are building the wireless future. We have held two midband spectrum auctions, identified more than a thousand megahertz of spectrum for new use in the 12 and 13 gigahertz band, and are organizing for our 6G future with networks that feature dynamic access technologies, machine learning, and artificial intelligence. But we need your help, because for the first time in three decades, the agency's spectrum auction authority has expired.

We need it back, because using this tool, the Commission has distributed wireless licenses in 100 auctions and raised more than

\$233 billion for the United States. This is the tool that has made us the worldwide leader in wireless. We need this tool back because we do not intend to cede that title to anyone else

I want to thank my colleagues who have been an integral part of all of these efforts, and I look forward to answering any questions you may have.

[The prepared statement of Ms. Rosenworcel follows:]

STATEMENT OF
JESSICA ROSENWORCEL
CHAIRWOMAN
FEDERAL COMMUNICATIONS COMMISSION
BEFORE THE
SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY
COMMITTEE ON ENERGY AND COMMERCE
UNITED STATES HOUSE OF REPRESENTATIVES
JUNE 21, 2023

Chair McMorris Rodgers, Ranking Member Pallone, Chair Latta, Ranking Member Matsui, Vice Chair Carter and Members of the Subcommittee - thank you for the opportunity to appear before you today.

Since I appeared before you last year, a lot has happened at the Federal Communications Commission. Over the past year, as the pandemic eased, I had the opportunity to get out of Washington and spend more time in more places across the country. To understand and appreciate why the agency's work matters, there's just no substitute for meeting people where they live and work. The pandemic proved with clarity what this Committee and Commission have long known to be true: broadband access is essential for full participation in modern life. From New York to California, Texas to Michigan, and everywhere in between, the connected world we have come to rely on isn't going away. High-speed internet access is no longer just a nice-to-have; it's a need-to-have for everyone, everywhere. This connectivity fuels our economy and is fundamental to U.S. leadership on a global stage.

Across the board, the agency has turned down the volume and ramped up the work. So let me highlight ten things we have been working on.

First, the Commission's Affordable Connectivity Program, the largest broadband affordability program in our nation's history now helps more than 18 million households pay for high-speed internet service. Across the country, I have met with people who have been able to get online and stay connected thanks to this program. With success comes responsibility. Our current projections indicate that our appropriated funds to continue this program and keep these households connected could run out within a year. I strongly support funding the Affordable Connectivity Program into the future to help more families get and stay connected to the high-speed internet they need to participate in modern life.

Second, the FCC is fighting for consumers by promoting clarity and competition. One-third of people in this country live in multi-tenant units like apartments, which often offer limited choices when it comes to internet service because landlords cut exclusive deals and shut out competition. To improve competition and consumer choice, the Commission adopted rules to prohibit these kickbacks that keep out competitors and to improve access to in-building wiring. The Commission also adopted and released the new Broadband Label that providers will display at point-of-sale to enable consumers to easily shop for services among different providers and plans. And just last week, I put before my colleagues a new proposal to look at data caps and how they impact consumers and competition. When we need access to the internet, we aren't

thinking about how much data it takes to complete a task, we just know it needs to get done. It's time the FCC took a fresh look.

Third, the agency's work to create the National Broadband Map—the most accurate broadband map every created—will help close the digital divide. For decades, the Commission produced broadband maps based on Census blocks. In practice, this meant that if there was high-speed internet service in a single location in a Census block, the agency assumed there was service throughout the area. Needless to say, this methodology overstated service nationwide. Following the Broadband DATA Act, in November 2022, the FCC developed its first location-based broadband map to paint a more accurate picture of where broadband is and is not available across the United States. And we just updated it again on May 30. This new map identifies every household and small business in the country that should have access to high-speed internet service. For context, on how much more granular this is than what came before, in our current mapping effort the Commission identified over 114 million locations where fixed broadband could be installed compared to data from just 8.1 million Census blocks in our prior maps. We will keep iterating and improving this map and look forward to using this data to help efforts all over this country to bring broadband to everyone, everywhere.

Fourth, the Commission is working to connect the most vulnerable. This past February, the Commission took steps to implement the Safe Connections Act championed by members of this committee. Under this new law, the Commission now has authority to help survivors of domestic abuse to swiftly and securely separate from communications contracts like family plans. It also sets up a way for survivors to receive emergency communications support from Lifeline or the Affordable Connectivity Program for up to six months.

We are also implementing the Martha Wright-Reed Just and Reasonable Communications Act. Because those in prison are often separated from their families by hundreds of miles and families may lack the time and means to make regular visits. Phone calls are the only way to stay connected. But when the price of a single phone call can be as much as most of us spend for unlimited monthly plans, it can be hard to stay in touch. This is not just a strain on the household budget. It harms all of us because regular contact with kin can reduce recidivism. We are going to use this new law and the expanded authority it provides to ensure the rates for prison phone calls—both interstate and intrastate—are just and reasonable. We are going to use it to address advanced communications services like video. And we are going to use it to ensure access to these communications by those with disabilities. Along the way, we will work to integrate these new efforts with what we have done before, so that across the board these policies are fair and sustainable.

In addition, earlier this month, we took steps to make the video conferencing services that have become ubiquitous more accessible to people with disabilities.

Fifth, we are doubling down on our efforts to stop scam robocalls and robotexts. Robocalls and robotexts aren't just exasperating, they are a pathway for fraudsters to harm consumers. So, we have been attacking them from all angles—cutting off bad actors from our networks, requiring providers to block unwanted calls, and mandating technology to stop call

spoofing. Some of our efforts are beginning to bear fruit. After we identified the companies behind the auto warranty robocall scam, we told the rest of the industry to cut them off and auto warranty calls fell by 90 percent. We used the same method to reduce student loan scam calls by 88 percent. We now have a memorandum of understanding with Attorneys General from 44 states, the District of Columbia, and Guam to work together to go after illegal robocalls. I also have asked Congress for some new authorities to win this fight against robocalls. We need to fix the definition of “autodialer” because the Supreme Court’s current interpretation may lead to less consumer protection from unwanted robocalls and robotexts. And we need the authority to collect our own robocall fines and the authority to look at financial records so we can break up rings of scammers without them getting a heads up we are coming for them.

Sixth, the Commission is helping connect people to emergency services. This July is the first anniversary of 988- the three-digit, easy-to-remember number you can dial to reach the Suicide and Crisis Lifeline. Thanks in part to the Commission’s work, if you text or dial 988, you will now be connected to professional, compassionate support for mental health emergencies. Last month, we saw a 45 percent increase in people using the Lifeline, compared to May 2022 numbers. That’s 160,000 more people seeking and receiving help in just one month. This is a really big deal that is going to save a lot of lives.

And this year we began an effort to enhance the availability of Wireless Emergency Alerts, starting with making them available in more languages. We launched this effort after New York State Attorney General Letitia James brought our attention to the fact that nearly all of those who lost their lives during Hurricane Ida spoke languages other than English and Spanish. But we’re not stopping with more languages, we are also proposing changes to increase transparency and participation in Wireless Emergency Alerts along with performance information like reliability, speed, and location accuracy.

Seventh, the Commission is doing more than ever before to keep your communications secure. Under my strategy of “deter, defend, develop”: deter bad actors, defend against untrusted vendors, and develop a market for trustworthy innovation, the Commission has taken a number of actions to protect our networks. Recently, the Commission adopted my proposal to regularly review foreign companies’ authorizations to provide telecommunications services in the United States. This is just one of a number of clear and decisive actions the FCC has taken to address national security risks in our communications networks. For example, we have worked with our national security counterparts to publish and update the first-ever FCC list of communications and services that pose an unacceptable risk to national security. The FCC’s rules prohibit the use of federal funds to purchase equipment or services on the Covered List. But the list does more than that—it provides companies making their own purchasing decisions clear signals about the security of products in the marketplace.

Beyond national security, we are working to keep your personal data secure. The twin forces of always-on connectivity and the monetization of your personal data have never been so intertwined. In 2020, the FCC took an enforcement action against wireless carriers for selling and sharing customer geolocation data. I’ve asked my colleagues to vote for Forfeiture Orders to close out this enforcement action and impose fines for these violations. And just last week, I

announced the first-ever Privacy and Data Protection Task Force at the Commission. The Task Force will have input in several ongoing efforts, including modernizing the agency's data breach rules and cracking down on SIM-swapping fraud. The digital-age privacy challenges we face are not going away, and we need to face them with new vigor.

Eighth, we are working to make our networks more resilient. Last year, I traveled to Florida and Puerto Rico to survey the recovery efforts of Ian and Fiona, which we followed up with a virtual field hearing on hurricanes and communications. And I had the opportunity to learn from public safety officials in Louisiana. Thanks to these initiatives, we've learned lessons we can apply. We have updated our rules to improve the reliability and resiliency of wireless networks during emergencies. We launched the Mandatory Disaster Response Initiative, which promotes service continuity through coordination, assistance, and information sharing during emergencies and disasters. And we opened up our Network Outage Reporting Systems and Disaster Information Reporting System for sharing with Federal, state, Tribal and territory access. Sharing this information will enhance the ability of these agencies to respond more rapidly to outages and help save lives.

And we are already active in our preparation for the 2023 hurricane season, including co-hosting a workshop last week in Puerto Rico with the Federal Emergency Management Agency, the Department of Energy, the Cybersecurity and Infrastructure Security Agency, and the Puerto Rico Governor's Office, to improve coordination between the communications and energy sectors during disaster response and restoration.

Ninth, we are doing our part to keep pace with the rapid development of the satellite sector and the growing importance of space-based communications. This year, I established a new Space Bureau to promote long-term technical capacity to address satellite policies and improve our coordination with other agencies on these issues. And the Commission is preparing for the coming convergence of satellite and terrestrial communications in 6G. We call it the Single Network Future because we believe next generation communications will combine traditional ground-based airwaves with satellite signals. The FCC kicked this effort off with a rulemaking to explore how to support direct satellite-to-smartphone communication and bring our spectrum policies into a converged future.

We also took action to care for our skies and promote strength and sustainability in the space community. Our space economy is moving fast. With an eye to the future, we adopted rules that shorten the period to deorbit satellites in low-Earth orbit at the end of their operations from 25 to five years.

Tenth—last but not least-- we are finding more ways to use spectrum to support wireless communications into the future. We are working to free up more spectrum to serve as a launching pad for new technologies. We have already identified the 7-16 GHz band as prime mid-band airwaves for 5G, 6G and beyond. That is why I proposed making 550 megahertz of spectrum in the 12.7-13.25 GHz band available for new commercial mobile use. And we're not stopping there, the FCC is already looking to what a 6G future could look like including its impact on the digital divide, machine learning, how it could make life easier and more efficient

for consumers, and new ways to connect industries, technology, and communities. Those communities include Tribal communities, and as a result of our work in the 2.5 GHz band, today more than 80 percent of Federally-recognized Tribes have licensed spectrum. That is real change—and real opportunity.

Unlocking the promise of 6G will require planning and coordination. As we plan for this future in the United States, we also need to be mindful of the spectrum demands in the present. And one thing that absolutely needs to happen is the restoration of the FCC's spectrum auction authority. For three decades the FCC has had the authority to auction off airwaves to commercial actors to use to deploy, create, and innovate. But on March 9 of this year, that authority expired for the first time. As this Committee knows, if this is not corrected, it could have a tremendous impact. Over the past three decades, the FCC has held 100 spectrum auctions and, in the process, raised more than \$233 billion for the United States Treasury.

Restoring this authority will provide the United States with the strongest foundation to compete in a global economy, counter our adversaries' technology ambitions, and safeguard our national security. Most importantly, we cannot afford to wait. The global wireless community is convening for the World Radiocommunication Conference at the end of this year. It is where we set the future of spectrum policy. Restoring the FCC's auction authority is the first step in doing that, and it is my hope we can do it soon. And when we do, let's think about building a new spectrum pipeline that that can carry us to 6G.

So that's ten things the FCC is doing to bring high-speed connectivity to everyone, everywhere that is secure, resilient, and ready for the future. Thank you for the opportunity to join you today to share these details about the Commission's ongoing work. I look forward to your questions.

Mr. LATTA. Thank you very much for your statement.
Commissioner Carr, you are recognized for 5 minutes.

STATEMENT OF BRENDAN CARR

Mr. CARR. Thank you. Chairman Latta, Ranking Member Matsui, distinguished members of the subcommittee, thank you for the invitation to testify.

I want to start by commending this body for its continued leadership on initiatives that will increase Americans' access to affordable, high-speed broadband. One example is the Satellite and Telecommunications Streamlining Act. So I want to applaud the bipartisan leadership that Chair Rodgers and Ranking Member Pallone have demonstrated in moving that bill forward. The legislation would strengthen America's space-based leadership while promoting competition in encouraging businesses to base their operations here in the U.S.

I also want to applaud Members for their work on the American Broadband Deployment Act as well as the recently passed bipartisan Federal Land Reforms bill that would accelerate broadband infrastructure builds. Streamlining infrastructure rules is vital to the Nation's effort to close the digital divide, so I would encourage swift passage of those smart bills.

At the Commission, I have welcomed the chance to work with many of you and my FCC colleagues to advance the public interest. I would like to highlight a few of those areas today.

First, extending U.S. leadership in wireless has been one of my top priorities. My first few years in this job, I was pleased with the fast actions the FCC took on spectrum. All told, those spectrum initiatives opened up more than 6 gigahertz of licensed spectrum for 5G in addition to thousands of megahertz of unlicensed spectrum.

But there is more that we can and should be doing on spectrum. For one, the FCC itself should formally identify target bands that are underutilized. I set out some ideas on this front in a spectrum calendar that I previously released. For another, Congress should act to restore the FCC spectrum auction authority, which lapsed for the first time ever. At bottom, a swift acceleration in FCC spectrum action is vital, as studies increasingly show that the U.S. will soon face a significant spectrum shortfall.

Turning from spectrum to infrastructure, we need to make even more progress on permitting reform. At the FCC, we should bring fresh urgency to this effort, including by examining whether we should extend some of our decisions on small cells and 5G builds to fiber and other high-speed offerings. The Government should also look at modernizing our approach to broadband bills that cross Federal lands. Getting approval from all of the Federal agencies that manage those lands has long been an impediment, particularly for reaching rural communities. In fact, we often hold State and local governments to tighter timelines than the Federal Government itself, and I think this needs to end.

And permitting reform is especially vital as we sit here today because the Commerce Department is poised to allocate about \$42 billion to States for the expansion of high-speed internet. Without permitting reform, those dollars simply will not go as far as Congress intended.

Now, the influx of those Federal dollars also highlights the ongoing shortage of broadband workers, the tower crews and telecom techs needed to build out internet infrastructure. Bolstering this workforce will not only accelerate internet builds, it will create thousands of good-paying jobs. And that is why I launched a jobs initiative that looks to community colleges and technical schools as pathways into the industry.

And just recently I had the chance to join Commissioner Starks at Virginia State University, an HBCU, for a broadband and 5G workforce training event, and it was a good example of the types of initiatives that can play a key role in meeting our workforce challenge.

In addition to supporting the buildout of high-speed networks, the FCC has also been busy working to safeguard our networks from entities that threaten our national security. We need to keep making progress here too. To do so, the Federal Government should take action on several additional fronts.

For one, the FCC should build on our actions in the Section 214 context by opening a new proceeding to examine whether we should prohibit regulated carriers from directly interconnecting with entities that have been deemed a national security risk.

For another, the FCC should publish a list of every entity with an FCC license or authorization that has sufficient ties back to a foreign adversary, including Communist China. I would imagine that this is a fairly lengthy list at this point. This action would help ensure that a range of stakeholders can provide any relevant information about national security threats that those entities may pose. One bill that would accomplish this is the bipartisan FACT Act that Congresswoman Stefanik and Congressman Khanna have introduced, so I support those efforts.

In closing, I want to thank you again for the opportunity to testify. I look forward to answering your questions.

[The prepared statement of Mr. Carr follows:]

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

June 21, 2023

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

I want to start by commending the Subcommittee and its Members for their continued leadership on initiatives that will increase Americans’ access to affordable, high-speed Internet.

One bill that advances this goal is the Satellite and Telecommunications (SAT) Streamlining Act. So I want to applaud the bipartisan leadership that Chair Rodgers and Ranking Member Pallone have demonstrated in moving that legislation forward. This important bill would strengthen America’s space-based leadership by establishing a streamlined statutory framework for licensing new satellite systems—including those that offer high-speed Internet service. This action matters because it will promote competition and encourage operators to base their operations here in the United States at time when other nations are seeking to draw investment and innovative companies to their shores. So the Committee’s unanimous support for this legislation, as well as other satellite focused bills, is good news for America.

I also want to applaud the Members of the Subcommittee that have put forward a series of smart bills that would streamline and accelerate broadband infrastructure builds back here on Earth. I have long been in favor of the package of now more than 28 bills that were included as part of last year’s “Boosting Broadband Connectivity Agenda,” and I was pleased to see several of these bills pass the Committee on a bipartisan basis just a few weeks ago. Permitting reform is vital to the nation’s efforts to promote broadband builds and close the digital divide. So I encourage the swift passage of those bills.

The Members here also deserve credit for their efforts to oversee the billions of dollars in new broadband initiatives that have been stood up over the past few years. That is important work given both the amount of dollars at stake and the policy benefits of ensuring that these programs achieve the goals set out by Congress.

At the FCC, I have welcomed the chance to work with my colleagues to advance many of the same public interest goals. I would like to highlight a few of those actions today.

First, extending U.S. leadership in wireless has been one of my top priorities since joining the Commission back in 2017. In my first few years in this job, I was pleased with the swift progress the agency made to free up more spectrum—not only because this helped bring

Americans across the digital divide but because doing so created jobs and helped grow the economy. With respect to mid-band spectrum in particular, the FCC moved with unprecedented speed between 2017 and the end of 2020. At 3.5 GHz, for instance, the FCC auctioned 70 MHz worth of spectrum. At 2.5 GHz, we transformed the rules governing nearly 200 MHz worth of this mid-band spectrum to support 5G builds and teed up over 100 MHz for auction. At 3.45 GHz, we paved the way for an auction of 100 MHz of prime, mid-band spectrum. At 4.9 GHz, we modernized the regulation of a 50 MHz swath of spectrum. In the L Band, we authorized 30 MHz of spectrum for 5G and IoT. At 5.9 GHz, we opened up 45 MHz for unlicensed. Plus, we pushed out an additional 1,200 MHz for unlicensed in the 6 GHz band. And of course, there's the C Band where we cleared 280 MHz of sought-after mid-band spectrum. All told, our spectrum efforts over those four years opened up more than six gigahertz of spectrum for licensed 5G services in addition to thousands of megahertz of unlicensed spectrum.

But there is still much more that the FCC can and should do on spectrum. That is why I put forward a spectrum calendar in 2021 that would ensure that the FCC stays on track in bringing new spectrum to market for commercial users.¹ In that spectrum calendar, I identified several actions that I thought we could get done that year, and in years to come. For one, we could authorize very low power devices to operate in the 6 GHz band and also allow client-to-client device communications in that band. For another, we could seek comment on increasing the power levels for CBRS operations in the 3.5 GHz band. For still another, we could start a proceeding to look at updating the rules that apply to unlicensed operations in the mid-band swath of spectrum known as U-NII-2C—perhaps even permitting very low power operations there. The calendar I put forward also identified forward looking actions on critical mid-band and millimeter wave spectrum too, including in the 7 GHz and 42 GHz ranges.

While I have been pleased to work with my FCC colleagues on a number of spectrum initiatives in the past three years, I think the agency should look to accelerate our efforts on the spectrum front. That includes the FCC itself formally identifying target bands as I did in that 2021 spectrum calendar. One step that Congress could take that would aid the Commission's spectrum efforts would be to restore the FCC's spectrum auction authority. But there are still several spectrum actions the Commission can take in the very near term while legislation works its way through Congress. And a swift acceleration in FCC action is vital as studies increasingly show that the U.S. will soon face a significant spectrum shortfall.

Next, I want to update the Subcommittee on the FCC's work on the infrastructure front. At the onset of the 5G era, it was clear that the FCC's infrastructure rules needed an update. Back then, we moved quickly to modernize the agency's approach, and we cut billions of dollars' worth of red tape. Those reforms delivered results too. They allowed our private sector to bring thousands of families across the digital divide, to keep Americans connected during the pandemic, and to outperform dire predictions that the United States would cede leadership in 5G to China.

While we made good progress on infrastructure reforms, the job is far from finished. To end the digital divide, we need to make even more progress on permitting reform, including for

¹ Keynote Remarks of FCC Commissioner Brendan Carr at the American Enterprise Institute (Mar. 15, 2021), <https://docs.fcc.gov/public/attachments/DOC-370781A1.pdf>.

builds that cross federal lands. Getting approval from the federal agencies that manage those lands has long been an impediment to reaching rural communities. In fact, we often hold state and local governments to tighter timelines than the federal government itself. That needs to end.

We also need to keep up the pace on our meat-and-potatoes infrastructure reforms. For instance, the FCC should make sure that the dispute resolution process for pole replacements is not causing delays or otherwise inhibiting Internet builds, particularly in unserved areas. Similar to the reforms we made for wireless and 5G deployments in recent years, we should look at streamlining the rules of the road for fiber and other high-speed wired deployments. Shot clocks and fee reforms have proven to be useful guardrails as governments review permitting requests. I have also encouraged Congress to take a closer look at the delays and costs imposed by municipal and cooperative utilities when providers seek to attach to poles owned by those entities. Permitting reform is especially vital as we sit here today because the Commerce Department is poised to allocate roughly \$42 billion from the Infrastructure Investment and Jobs Act (IIJA) to states for the expansion of high-speed Internet. Without permitting reform, those dollars simply will not go as far as Congress intended—jeopardizing efforts to end the digital divide.

The influx of IIJA dollars also highlights the ongoing shortage of broadband workers—the tower techs and telecom crews working to build out Internet infrastructure. Bolstering this workforce will not only accelerate Internet builds, since a lack of skilled workers has been slowing down efforts—it will also create thousands of good-paying jobs. That is why I launched a jobs initiative that looks to community colleges and trade schools as pathways into the industry. I have been engaging directly with a number of trade schools on this effort, and we’ve already seen programs launch in Ohio, South Carolina, South Dakota, Mississippi, North Carolina, and Oklahoma.

Just recently, I had the opportunity to join Commissioner Starks at Virginia State University, a public historically black college (HBCU), for a broadband and 5G workforce training event. The training being offered at Virginia State University and other technical schools across the country will provide students with a pathway to rewarding careers and good-paying jobs that can benefit their families and communities. Thankfully, there are a number of private sector initiatives that are focused on this challenge, and I am pleased that several states have set aside recent tranches of federal funding to help bridge this gap.

Beyond workforce, the recent increase in funds that Congress has appropriated for broadband underscores the need for diligent oversight and coordination. There is work that remains on this front, and I want to applaud the efforts Members here are making to ensure that federal dollars are effectively advancing the goals Congress has identified. Last summer, the GAO identified over 100 federal broadband programs that are now being administered by 15 different agencies. The GAO’s report warned about a “fragmented, overlapping” patchwork of funding and recommended a national broadband strategy to help synchronize these efforts. I agree. The bipartisan PLAN for Broadband Act introduced by Congressman Walberg and Congresswoman Kuster is vital to filling this gap in the federal government’s approach to broadband infrastructure spending.

Another key component to effective oversight and coordination is the FCC's new National Broadband Map. Just last month, the FCC released the official production version of this new location-based broadband map. I was pleased to see that this version represents a significant improvement over the initial version released last fall. Our new and improved map was made possible thanks to the leadership of this Committee by enacting the Broadband DATA Act and providing \$98 million in funding to support our work. Better maps will help ensure that government officials properly target the billions of dollars in federal funds that are now available for broadband, and it is imperative that future iterations of the map reflect up-to-date deployment and location data.

I have also worked directly with state broadband offices to help ensure the success of federal broadband initiatives. During the last two years, I have met with officials from state broadband offices in Alaska, Arkansas, Kentucky, Louisiana, New Mexico, Pennsylvania, Tennessee, Utah, and Washington to hear about initiatives they are undertaking and offering my views on how they can maximize their odds of successfully closing the digital divide. In particular, part of my message to these offices is that, in order maximize the impact of federal dollars and avoid overbuilding or other wasteful spending, they should proceed in a tech neutral way based on the FCC's broadband maps. We should not be picking winners or losers when it comes to the technologies that can deliver high-speed Internet services. Today, we have a range of next-gen technologies that can offer robust, affordable, services—from 5G to fixed wireless and from low earth orbit satellites to fiber. Policymakers would be wise to support a mix of different technologies as circumstances on the ground warrant.

In addition to supporting the build out of high-speed networks, the FCC has also been busy working to safeguard our networks from entities that threaten our national security. We are doing so on multiple fronts. For one, we have revoked the domestic and international Section 214 authority of four carriers—China Telecom Americas, China Unicom Americas, Pacific Networks, and ComNet—based on serious national security concerns. For another, the Commission opened a proceeding in 2021 at my urging to address a loophole that allowed entities like Huawei to continue to install equipment into U.S. networks even after they have been determined to pose an unacceptable risk to our national security. Indeed, this important initiative was bolstered by the efforts of Congresswoman Eshoo and the leadership of this Committee with the enactment of the Secure Equipment Act. This legislation gave the FCC additional authorities to close this loophole, which we did in a unanimous decision just last fall. I want to thank Chairwoman Rosenworcel for her leadership in bringing that FCC proceeding forward.

Once again, however, there is more work to be done. As I have previously outlined, the federal government should take action along at least three additional lines to address the threats posed by Communist China. One, the FCC needs to keep our Covered List up to date. We have taken some targeted actions along those lines, but we must continue to ensure that the list is current and comprehensive by engaging regularly and proactively with our national security agency partners. Two, the FCC should build on our actions in the Section 214 context by opening a new proceeding to examine whether we should prohibit regulated carriers from directly interconnecting with entities that have been deemed a national security risk, even if those entities are operating in a manner that does not require a Section 214 authorization. I

believe this would address a potential end-run that entities may be making to avoid the repercussions of having their Section 214 authorizations revoked. And three, the FCC should publish a list of every entity with an FCC license or authorization that has sufficient ties back to a foreign adversary, including Communist China. I would imagine that this is a fairly lengthy list. And this action would help ensure that a range of stakeholders can provide any relevant information or perspectives about national security threats that these entities may pose. One bill that would accomplish this is the bipartisan FACT Act by Congresswoman Stefanik and Congressman Khanna.

* * *

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

Mr. LATTA. Well, thank you very much for your statement. Commissioner Starks, you are recognized for 5 minutes.

STATEMENT OF GEOFFREY STARKS

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

The last time that I appeared before this body, I remarked that we stood at an inflection point in our communications history. I continue to believe that is the case. Broadband has emerged as a lynchpin of opportunity in our modern economy, creating a new sense of urgency to connect all Americans everywhere. At the same time, wireless networks continue to evolve to new and vastly more capable technology generations, driving the need for ubiquity and greater access to scarce—to the scarce commodity that we call spectrum.

Amidst our great interconnectedness, we also face new threats from bad actors and foreign adversaries. Now more than ever, our network security is national security. In the age of online job boards, telehealth, and the homework gap, millions of Americans remain without a home broadband connection. For far too many of them, affordability is the key reason why.

In response to the problem, Congress established the Affordable Connectivity Program, the ACP, which we have implemented. As of June 12th, 18.68 million households were enrolled in ACP. That figure includes more than 100,000 households in 36 States, 10,000 households in all 50 States, and at least a hundred households in several thousand rural ZIP Codes, including more than 80 percent of nonmetro counties.

Our wireless networks continue to transform the way we live, work, learn, build, and communicate. At the end of last year, U.S. mobile carriers launched 5G networks in more than 500 American cities, surpassing China's count for the very first time. To ensure that this pace of innovation in wireless continues and that it benefits all Americans, our networks need to grow in their capability, in their coverage, and in the choice that they offer consumers.

As we expand access, increase our connective capabilities, we have even more reason to ensure that our networks remain secure. In 2019, I called for the United States to find it, fix it, fund it—that is, to identify insecure equipment in our U.S. telecommunication networks, remove that equipment, replace it with equipment from trusted resources.

Through your actions in the Secure and Trusted Communications Act, we are now in the process of implementing that Rip and Replace programming, and we must continue to work together to address this ongoing threat and finalize that remediation process.

I appreciate the opportunity to appear before you today. I look forward to your questions. Thank you.

[The prepared statement of Mr. Starks follows:]

**STATEMENT OF COMMISSIONER GEOFFREY STARKS
FEDERAL COMMUNICATIONS COMMISSION
BEFORE THE
SUBCOMMITTEE ON COMMUNICATIONS & TECHNOLOGY
COMMITTEE ON ENERGY & COMMERCE
UNITED STATES HOUSE OF REPRESENTATIVES
CHECKS AND BALANCES: OVERSIGHT
OF THE FEDERAL COMMUNICATIONS COMMISSION
JUNE 21, 2023**

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

The last time that I appeared before this body, I remarked that we stood at an inflection point in our communications history. I continue to believe that is the case. Broadband has emerged as a linchpin of opportunity in our modern economy, creating a new sense of urgency to connect all Americans, everywhere. At the same time, wireless networks continue to evolve to new and vastly more capable technology generations, driving a need for ubiquity and greater access to the scarce commodity we call spectrum. Amidst our greater interconnectedness, we also continue to face new threats from bad actors and foreign adversaries. Now more than ever before, our network security is national security.

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As we expand access and increase our connected capabilities, we have even more reason to ensure that our networks are secure. In 2019, I called for the United States to “Find It, Fix It, Fund It”—to identify insecure equipment in U.S. telecommunications networks, remove that equipment, and replace it with equipment from trusted sources. Through your action in the Secure and Trusted Communications Act of 2019, we are now in the process of implementing rip-and-replace. We must continue to work together to address this ongoing threat and finalize our remediation process.

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

Mr. LATTA. Thank you for your testimony.
Commissioner Simington, you are recognized for 5 minutes.

STATEMENT OF NATHAN SIMINGTON

Mr. SIMINGTON. Thank you. Chairman Latta, Vice Chair Carter, Ranking Member Matsui, and distinguished members of the subcommittee, it is a privilege to appear before you today.

In my opening remarks at last year's oversight hearing, I discussed my three policymaking priorities within the Commission: securing wireless devices against cyber attacks, putting in place orbital debris rules that will ensure that Earth orbit is a natural resource that is as available to future generations as it is to us, and improving receiver performance to make it faster and cheaper to newly commercialized or repurposed spectrum.

Many have attempted to characterize the Commission as deadlocked, at least until another confirmation can jolt us back to life, but the facts reveal the opposite: a Commission totally committed to the public interest and faithful implementation of congressional mandates. I am pleased to say, for example, that we have made great progress in all three areas that I have listed.

On the security front, we have banned untrustworthy Chinese Communist Party-controlled equipment from our networks and continue to explore how to further incorporate cybersecurity standards in our equipment authorization rules.

Regarding orbital debris management, we instituted a requirement that low Earth orbit satellite operators safely de-orbit their satellites within 5 years of the end of their mission. And I would like to thank committee Chair McMorris Rodgers and Ranking Member Matsui for their work on the proposed Satellite Streamlining and Spectrum Coexistence Acts, respectfully, both of which I very much support.

Concerning receivers, the Commission issued a policy statement detailing how receiver performance is essential for making the best use of scarce and valuable spectrum and how it can be integrated into future spectrum policymaking. This pushes back against the practice of forcing inefficient, lighter use of new licenses to protect old backward receivers that ought to be replaced. And so I look forward to modifying FCC processes to allow the Commission to put these principles into action in future rulemakings.

In my remarks today, I want to focus on three other important issues facing the FCC.

First, I can't emphasize enough how vital it is that the FCC spectrum auction authority is renewed. The auction system for commercializing spectrum has been a resounding success and, in fact, earned its architect a Nobel Prize in economics. It has ensured that valuable spectrum gets put to the highest and best use, and it has kept the United States the global leader in wireless communications. It has been copied by countries around the world.

The private sector's thirst for spectrum to serve public demand is unquenchable, and any amount of Greenfield spectrum made available for new commercial use can represent many millions of dollars' worth of innovation and productivity gains for the American economy, not to mention revenues for the U.S. Treasury. The FCC should also proceed with its work on improving reception and

coexistence to retain Congress' confidence that our work on spectrum commercialization is driving efficiency and modernization, not just uptake.

I know there are some contentious issues surrounding the renewal of the FCC's authority, and I just want to thank Congress for its diligent work on resolving them while committing to get more out of spectrum that is already commercialized.

Second, the Commission should adopt rules allowing all exercises of delegated authority to be timely reviewed by the full Commission. The FCC Chair has broad discretion in delegating matters to career officials and political appointees, which restricts those matters from the review, comment, and voting of the full Commission. This weakens, in my opinion, congressional oversight by removing accountability from Senate-confirmed officials.

In light of the questions raised in recent litigation about the scope of administrative discretion, I still believe that it is in Congress' interest for administrative agencies to retain discretion on issues that are too granular for Congress to effectively address. However, this is likely to be challenged in the courts or by Congress itself if we abuse this discretion by taking issues away from the Commission and giving them without timely recourse to the staff.

Third, funds for the Affordable Connectivity Program are due to expire next year, and the question of whether and in what form to reauthorize it is before you. Commission staff did a diligent and praiseworthy job implementing the provisions of the Infrastructure Investment and Jobs Act, and I want to thank them for that. Unfortunately, considering our experience with the Universal Service Fund Lifeline Program, I fear that waste, fraud, and abuse will be a continuing issue with this program and, indeed, cases have already been uncovered. It is crucial to implement fullproof procedures for verifying eligible individuals who actually need the service at the receiving end of the benefit.

I welcome ACP uptake to get Americans online and able to access needed resources for modern life. However, if Congress wants the program to endure, the FCC should look into the factors going into adoption to ensure that ACP dollars are indeed driving adoption and uptake, not merely acting as a subsidy for broadband service that consumers would have purchased anyway. I look forward to engaging with you and your colleagues in the Senate as you consider whether and in what form to renew this program.

Chairman Latta, Vice Chair Carter, Ranking Member Matsui, and distinguished members of the subcommittee, I want to thank you again for holding this hearing and for the opportunity to testify. I look forward to answering your questions.

[The prepared Mr. Simington follows:]

**TESTIMONY OF NATHAN SIMINGTON
COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION
BEFORE THE SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY
OF THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY AND COMMERCE
“CHECKS AND BALANCES: OVERSIGHT OF THE FEDERAL COMMUNICATIONS
COMMISSION”
JUNE 21, 2022**

SUMMARY OF TESTIMONY

- The FCC has been immensely productive, laser focused on the public interest and on faithfully implementing Congressional mandates.
- The FCC made significant progress on efforts to promote the efficient use of spectrum, to secure our nation’s networks against cyberattacks, and on making sure that Earth orbit remains as valuable a resource for future generations as it is for ours.
- Renewal of the FCC’s spectrum auction authority is crucial for the United States to remain a leader in wireless communications. The private sector has an unquenchable thirst for spectrum, and we generate billions upon billions of dollars of value for the US economy every time we make new spectrum available for commercial use. Moreover, the model of allocating spectrum by auction forces proposed uses to tie to business cases capable of attracting financing and works against special interest block grants.
- The FCC should be required to increase transparency, certainty, and legitimacy by providing a mechanism for timely Commission review of all exercises of delegated authority.
- Affordable Connectivity Program funds will likely be depleted during this Congress. There are many waste, fraud, and abuse concerns with this program. If you choose to renew it, there are changes that you could make to help address these issues, like better identity verification and more precise targeting of the program to those who it was designed to serve.

TESTIMONY OF NATHAN SIMINGTON
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BEFORE THE SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY
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Many have attempted to characterize the Commission as deadlocked, at least until another confirmation can jolt us back to life. But the facts reveal the opposite: a Commission laser focused on serving the public interest and faithfully implementing Congressional mandates. I am pleased to say, for example, that we have made great progress in all three areas I just listed. On the security front, we have banned untrustworthy Chinese Communist Party-controlled equipment from our networks and continue to explore how to further incorporate cybersecurity standards in our equipment authorization rules. Regarding orbital debris management, we instituted a requirement that Low Earth Orbit satellite operators safely deorbit their satellites within five years of the end of their mission. I’d like to thank Committee Chair McMorris-Rodgers and Ranking Member Matsui for their work on the proposed Satellite

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In my remarks today, I want to focus on three other important issues facing the FCC. First, I can't emphasize enough how vital it is that the FCC's spectrum auction authority is renewed. The auction system for commercializing spectrum has been a resounding success, and in fact earned its architect a Nobel Prize in Economics. It has ensured that valuable spectrum gets put to the highest and best use, and it has kept the United States as the global leader in wireless communications. It has been copied by countries around the world. The private sector's thirst for spectrum is unquenchable, and any amount of greenfield spectrum made available for new commercial use can represent many millions of dollars' worth of innovation and productivity gains for the American economy, not to mention revenues for the US Treasury. The FCC should also proceed with its work on improving reception and co-existence to retain Congress's confidence that our work on spectrum commercialization is driving efficiency and modernization. I know there are some contentious issues surrounding the renewal of the FCC's authority, and I just want to thank Congress for its diligent work on resolving them while committing to get more out of spectrum that's already commercialized.

Second, the Commission should adopt rules allowing all exercises of delegated authority to be timely reviewed by the full Commission. The FCC Chair has broad discretion in delegating matters to career officials and political appointees, which restricts those matters from the review, comment, and voting of the full Commission. This weakens Congressional oversight by removing accountability from Senate-confirmed officials. In light of the questions raised in recent litigation about the scope of administrative discretion, I believe that it is in Congress' interest for administrative agencies to retain discretion on issues that are too granular for Congress to effectively address. However, this is likely to be challenged in the courts or by Congress if we abuse this discretion by taking issues away from the

Commission and giving them, without timely recourse, to the staff. Moreover, if the FCC proves unwilling to self-govern on this issue, I would encourage legislation that secures Congressional oversight and accountability.

Third, funds for the Affordable Connectivity Program (ACP) are due to expire next year, and the question of whether and in what form to reauthorize it is before you. Commission staff did a diligent and praiseworthy job implementing the provisions of the Infrastructure Investment and Jobs Act, and I want to thank them for that. Unfortunately, given our experience with the Universal Service Fund Lifeline program, I expect that waste, fraud, and abuse will be a continuing issue with this program, and much has already been discovered. It is crucial to implement foolproof procedures for verifying eligible individuals who actually need the service at the receiving end of the benefit. I welcome ACP uptake to get Americans online and able to access resources; however, if Congress wants the program to endure, the FCC should look into the factors going into adoption and ensure that ACP dollars are driving adoption and uptake, not merely acting as a subsidy for broadband service that consumers would have purchased without such a subsidy. I look forward to engaging with you and your colleagues in the Senate as you consider whether and in what form to renew this program.

* * *

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

Mr. LATTA. Well, thank you for your opening statement, and we also want to thank the Commissioners again for being with us today.

And at this time, we will begin questions from the members of the subcommittee, and I recognize myself for 5 minutes.

Last month, the FCC released a second version of the Broadband DATA Act maps. The first version of this map, while better than previous FCC maps, had significant issues. Madam Chair, what has changed since version 1 and how confident are you in the accuracy of the most recent version so that NTIA can use it to make the State allocations?

Ms. ROSENWORCEL. Thank you for the question. We have produced the most accurate broadband maps in our Nation's history. The old maps we had were light years behind what we have now today. We have got 114 million households we have identified by latitude and longitude, and we have recognized that there are 8.3 million households that have no service.

But we are going to continue to work, not just with our colleagues at NTIA, but also with State broadband authorities across the country, get their input, get their facts, and make sure that that data keeps on getting better all the time. And we would certainly be happy to share those changes with you because it is our goal to produce these maps twice a year under the law. And like I said in my opening statement, they will always be improving.

Mr. LATTA. Well, thank you.

Commissioner Carr, what is your assessment of the current map?

Mr. CARR. Chairman Latta, first of all, thank you for your leadership on the Broadband DATA Act. We had bipartisan recognition for years that our old maps were not fit for purpose for what we needed them to, and the Broadband DATA Act you helped get across the finish line ensured that we are where we are today, which is that the first version of the map that came out 6 months ago or so, there was a lot of concern with it, but I think all the feedback that I am seeing and my own analysis of this map shows that it is improved.

And as the Chair said, it is going to be an iterative process. We need to continue to work with State broadband offices, including to make sure that they are using that map not just for the initial allocation decision that Commerce will make but as they decide where the funding can go, because this map can also play a key role in preventing overbuilding and make sure we are targeting unserved areas.

Mr. LATTA. Well, thank you.

Madam Chair, since your elevation to the Chair of the Commission, the FCC has adopted most items by a 4 to 0 vote. As an independent agency responsible for technical expertise in administering the Communications Act, it is refreshing to see the Commission acting in a bipartisan way without straying too far outside of your authorizing statute or exerting regulatory overreach.

Tomorrow, the Senate is considering the nominees that would restore the Commission to its full strength of five Commissioners. Should a fifth Commissioner be confirmed, do you commit to continuing to pursue an agenda that will maintain the strong bipar-

tisan agreement and practice regulatory restraint similar to actions taken by the Commission under a 2–2 split?

Ms. ROSENWORCEL. Well, I am proud of the work we have been able to accomplish as a four-member agency. Like I said in my opening statement, we have turned down the noise and we have ramped up the work. But I also recognize that Congress intended this body to have five members, so I look forward to that day coming sooner rather than later but will continue to operate in a collegial way with every one of my colleagues no matter who they are and no matter how many we have.

Mr. LATTA. Thank you.

Commissioner Carr, since 2020, Congress has provided significant funding for broadband deployment affordability, distance learning, and telehealth. The USF also funds these activities. How do you view the future of the USF and in light of these new programs?

Mr. CARR. Chairman, thanks for the question. For years, maybe even decades, the FCC's Universal Service Program was the lion's share of all Federal support for broadband builds, for digital divide efforts. And now we are seeing a lot of efforts across many other agencies as well. There was a GAO report recently that said that we now have something like 130 programs spread across 15 agencies.

So I think the time is ripe right now to make sure that we have a coordinated approach to all these different broadband programs, and I think that can start with a big think about how does the USF fit within those other programs. There is some good legislation that would do that, including from Members here, Congressman Walberg, Congresswoman Kuster, the PLAN Act, which would ensure better coordination across all of that.

Mr. LATTA. Well, thank you. Let me follow up, Commissioner Carr. On July the 17th, participants in the Rip and Replace Program would be required to submit their first claims for reimbursement. This committee has acted twice, but unless Congress acts before July the 17th, this program will not be fully funded. What will happen if Congress fails to act, and what are the implications to national security and also for rural America?

Mr. CARR. Yes, if we don't fully fund Rip and Replace quickly, there is going to be very serious real-world consequences. The insecure gear is going to come out, but the challenge is having the funding for these small providers to replace it. And so in some extreme circumstances we could even see small rural ISPs and other sort of wireless providers, that might be the only option in an area, could potentially go out of business. Otherwise, entities could stay in business, but they would have holes in coverage, which itself is a public safety challenge. So I do think we need to make good on our commitment to all of these providers to fully fund Rip and Replace.

Mr. LATTA. Well, and it is definitely essential. And I know we have had a lot of discussions, not only on this subcommittee and full committee and also with you as the Commissioners, but we have got to get this thing done. And I am looking forward to making sure that as we move things out of the House and get it over to the Senate that they can bring these things up.

My time has expired, and I will submit my extra questions I had that I wasn't able to get to for the—later to be answered. And I will now recognize the gentlelady from California, the ranking member of the subcommittee, for 5 minutes.

Ms. MATSUI. Thank you very much, Mr. Chairman.

The ACP is helping more than 18 million households afford a broadband connection. Whether that is for the first time or getting—after getting laid off, the ACP is working.

Madam Chair, can you briefly describe the relationship between the ACP and broadband deployments through the BEAD Program?

Ms. ROSENWORCEL. Thank you for the question. I think that relationship is really important. After all, Congress passed the Bipartisan Infrastructure Law with both of these programs. They work hand in hand. The BEAD Program supports deployment, and the Affordable Connectivity Program supports subscribership. These two programs need to go together. That is how we make sure that we solve the digital divide in this country.

Ms. MATSUI. Thank you.

Commissioner Starks, briefly, could you describe the geographic footprint of the ACP and its effect on both rural and urban communities?

Mr. STARKS. Yes. Thank you for the question, Congresswoman. I think both of these programs, we see that there are a significant number of ACP enrollees in BEAD spaces, and in fact BEAD and the buildout commitments that folks are going to have to make, providers are going to have to make, they have to offer an affordable option as well. And so I also agree that the footprint that is going to be expanded through BEAD is also going to be very important as it has a synergy with ACP.

Ms. MATSUI. OK, thank you.

As an original cosponsor of the Rip and Replace bill, I believe we must be unwavering in our commitment to get every single piece of vulnerable Chinese gear out of our networks. Madam Chair, could you describe the consequences if Congress fails to address the \$13 billion shortfall in Rip and Replace funding by July 17th?

Ms. ROSENWORCEL. Thank you. Like my colleague Commissioner Carr said, we need to get this equipment out of our Nation's networks, and the small carriers that have it are going to face a tough choice. They are either going to file with us and request support to remove it but only get paid about 40 cents on the dollar, or they will leave this equipment in their networks. That is a really unacceptable choice, and I think that we need to work with Congress to make sure we fully fund this program and get this insecure equipment out of our Nation's networks.

Ms. MATSUI. OK, thank you. I am sure to many I sound like a broken record, but I believe it is a national security and economic imperative for the U.S. Government to speak with one voice on spectrum governance. Madam Chair, in the runup to the WRC, do you believe a protracted lapse in auction authority has implications for our standing in the international community?

Ms. ROSENWORCEL. Yes, absolutely. We need to go to the World Radio Conference this year with full spectrum authority. We need to lead at that conference and lead the world on these matters.

Ms. MATSUI. OK, thank you.

Commissioner Simington, I want to thank you for your work highlighting the role of receivers in promoting more effective use of our limited spectrum. I also appreciate your support for my Spectrum Coexistence Act, which would require the Federal Government to take a close look at its existing receiver technology. Commissioner Simington, briefly, what is the role of receivers in promoting more efficient spectrum use, and do you think it is valuable for the Government to scrutinize its own technology?

Mr. SIMINGTON. Thank you, Congresswoman, and I greatly appreciate—I'm sorry, Ranking Member Matsui, and I greatly appreciate your comments.

So the roles of—role of receivers in spectrum is—you know, is that there is a two-way transmission path—you transmit and you receive—and therefore the quality of receivers has a great bearing on what can be transmitted and what can be transmitted adjacently. Therefore, in planning spectrum, everyone takes receiver—anticipated receiver quality and performance into account implicitly.

The danger is and the reasons that the FCC has been reluctant to touch this issue before is that the Federal Government could impose overly rigid standards or perhaps deviate from the harmful interference standard that is long established as not only our law but also as the international approach in favor of an engineering standard that would then become precedential and inappropriate and would serve as a straightjacket to lock us into a particular developmental pathway.

Ms. MATSUI. OK, thank you.

Today—I want to talk about robocalls. Today Chairman Lujan and I introduced the FCC Legal Enforcement Act to give the FCC new authority to go after scammers. Consumers across the country are inundated with these calls, and I believe it is imperative we help enforce and keep up with these fly-by-night operations. Chair Rosenworcel, can you talk about the limitations of the existing process and how this bill would help the FCC crack down on scammers?

Ms. ROSENWORCEL. Thank you for your efforts. We have been working to try to get rid of these junk calls and texts on overtime. In fact, like I mentioned, we have 44 State attorneys general now working with us on this. We have issued more than \$700 million in fines, but the FCC is not institutionally allowed to go collect those fines in court. I would like to have the power to do so. I recognize that some of these folks are fly-by-night companies, but I want to be able to hold them accountable in a court of law, so I appreciate your legislative efforts.

Ms. MATSUI. Well, thank you very much, and I hope we get rid of those robocalls.

And I yield back.

Mr. LATTA. The gentlelady yields back, and the Chair now recognizes the gentlelady from Washington, the Chair of the full committee, for 5 minutes.

Mrs. RODGERS. Thank you, Mr. Chairman.

First, a question to each of you. I will start with the Chair. H.R. 3565, the Spectrum Auction Reauthorization Act of 2023, would restore FCC's general auction authority, fund the shortfall in the Rip

and Replace Program, and lead to improved processes for making spectrum available for commercial use. Do you support the legislation?

Ms. ROSENWORCEL. Absolutely.

Mrs. RODGERS. Commissioner?

Mr. CARR. Yes, it is vital that we restore auction authority. The legislation does that, and I want to thank you for the leadership in doing that.

Mr. STARKS. Yes, thank you for the leadership as well. I strongly support the restoration of the FCC's auction authority development of a spectrum pipeline. I think it is vital for security.

Mrs. RODGERS. Thank you.

Mr. SIMINGTON. Thank you. I am very pleased the House has prioritized the reauthorization of the FCC's auction authority, and I hope a comprehensive bill moves forward quickly through both houses of Congress. I believe nothing is more important than ensuring the FCC's auction authority is reinstated expeditiously and that a robust spectrum pipeline plan is secured in order to preserve U.S. technology leadership.

Mrs. RODGERS. Thank you.

To the Chair, just a few months ago the Commission officially stood up the Space Bureau and voted its first item on the satellite communications licensing. While I was disappointed that the announcement came as a surprise, I am glad that we have a shared goal of ensuring that the FCC processes satellite licenses effectively and efficiently. I appreciate your support of our legislation, the SAT Streamlining Act, which would provide direction to the FCC's Space Bureau to establish a streamline statutory framework for the FCC to license satellite communications.

How does the new Space Bureau advance the goal of making the United States an international leader on satellite spectrum policy?

Ms. ROSENWORCEL. Well, I appreciate the priority you have brought to this issue here at the committee, and I want to make clear that we share it at the agency. We reorganized to set up a Space Bureau because we have so many more satellite applications before us, and the United States is in a position to lead, but we are going to have to process them more rapidly and more thoughtfully.

We have already done work on orbital debris, we have done work to change the processing rounds for satellites and low Earth orbit, and we are the first country in the world to start to contemplate the combination of terrestrial and satellite systems in a single network future. So I think we have launched with a lot of activity and energy, and we will be happy to keep you apprised of our progress.

Mrs. RODGERS. Thank you. Senator Cruz and I sent you a letter, Madam Chair, in April requesting information related to the Standard General application to acquire Tegna. In your response, you declined to answer most of our questions. Since the transition is no longer before the FCC to be litigated, I hope you can answer our questions today.

This merger would have created the Nation's largest minority-owned and woman-led broadcast company in the United States' history. There were reports that you knew by delegating this to be—to an administrative law judge that it was destined to fall apart.

As the Chair of the FCC, the Commission has control over the transfer of broadcast licenses, so why was the hearing designation order issued by the Media Bureau under delegated authority rather than through a full Commission vote?

Ms. ROSENWORCEL. To be clear, this is still a restricted proceeding, so there are some limitations, but I will try to answer your questions. The Commission has lots of precedent for doing this at the bureau letter—level. Be happy to share those cases with you.

In addition, the parties to this transaction took the agency to court not once but twice and alleged that we were not following the law, but the DC Circuit in both cases found that the FCC's efforts to send this to an administrative law judge fully complied with the Communications Act. This is a provision that has been in the law since the 1930s, and if, of course, this committee has difficulties with it, we would work with you to change it and adjust it. But to be clear, our efforts and our process was held up in court on two separate occasions.

Mrs. RODGERS. I would like to ask the other Commissioners if you believe this acquisition should have received a full Commission vote, beginning with Commissioner Carr.

Mr. CARR. Yes, Chair Rodgers, I mean, look, as you noted, this would have created the largest minority-owned female-led broadcasting group. We have tried at the FCC through lots of administrations to bolster minority ownership in media, and here we would have gone from the single digits in terms of ownership by minorities of full power stations to into the teens for the first time ever. I think we deserve to give these parties an up or down vote on the merits after a year-plus-long review.

It is a problem here, but also more broadly I think it is a troubling signal to anybody looking to invest in local journalism, which we need as a country, that at any point in time a trap door could open up and they can't get to a decision on the merits.

Mrs. RODGERS. Thank you.

Mr. STARKS. Yes, thank you for the question. From my perspective, the transaction in full never came before me as a Commissioner. I didn't have the opportunity to view the full record. But, you know, as the Chairwoman said, twice this came before on the question of process, and the law, and our—how we handled the transaction was upheld by the DC Circuit.

Mrs. RODGERS. OK. Commissioner Simington?

Mr. SIMINGTON. I am not going to disagree with the characterization of the process as following the law as currently written. On the other hand, I don't know that this addresses the concerns that you have raised with the adequacy of that process and with the confidence that we can have that this process will result in full Commission review going forward.

So as I stated in my opening remarks, I think it would be useful for the FCC to adopt or for Congress to propose to the FCC means of ensuring that every such transaction is able to receive timely review at the Commission level.

Mrs. RODGERS. Thank you. Thank you.

And my time is expired. I think bottom line, I want to reinforce the importance of the full Commission doing—fulfilling your re-

sponsibilities versus being delegated to the Media Bureau. But more to come.

I'll yield back.

Mr. LATTA. Thank you. The gentlelady yields back, and the Chair now recognizes the gentleman from New Jersey, the ranking member of the full committee, for 5 minutes.

Mr. PALLONE. Thank you, Chairman Latta.

I think we would all agree that robocalls are pervasive and can be dangerous, and I authored the TRACED Act to impose common-sense restrictions on these calls, and I recently announced that I will be introducing legislation to—in part to fix loopholes caused by the Supreme Court that allowed these calls to continue, unfortunately.

So let me ask Chairwoman Rosenworcel about, you know, what we can do about robocalls. What additional tools can Congress give the FCC to combat abusive robocalls?

Ms. ROSENWORCEL. Thank you for your work on this. Unfortunately, the scam artists behind these calls are nimble, so we are going to have to change our practices and change our approach fairly regularly.

Two things I think would make a difference. The first, as I mentioned to Congresswoman Matsui, is making sure we have the authority to go to court and collect these fines. And the second thing is something I know that you have talked about, which is correcting a loophole that was created by the Supreme Court in the year before last where they froze the definition of auto-dialer in 1991 so that many of the scam artists can use equipment that get outside of the purview of the Telephone Consumer Protection Act.

I would like to fix that so we can go after more of these bad actors, and it is my understanding you are willing to introduce legislation to do so, so we would be happy to help.

Mr. PALLONE. Thank you. Now, I welcome recent actions to refocus the agency on consumer privacy and data security. This committee has on a bipartisan basis been working aggressively to enact a privacy bill, but in the absence of a national standard, it is important that agencies like the FCC are stepping up to protect consumers' data. The committee is also currently investigating the shady world of data brokers, and I repeatedly pushed then-Chairman Pai to act in 2019 after reports exposed the sale of extremely sensitive wireless location data to bad actors like bounty hunters.

The FCC existing rules prevent the sale of this data in most situations, and I was encouraged when the Commission finally took bipartisan action, yet I am troubled that efforts to finalize these enforcement actions have remained pending for nearly a year.

So can I ask each of you, beginning with the Chairwoman—and just say yes or no—have you voted to approve the pending forfeiture orders?

Ms. ROSENWORCEL. Yes.

Mr. PALLONE. Commissioner Carr?

Mr. CARR. I have been discussing with my colleagues some ideas for paths forward in those. So, for instance, the sale of the sensitive data continues. It has shifted from the carriers over to sort of other third parties. And my focus is how do we use this enforcement proceeding to potentially get at that ongoing conduct. And so that is

what I have sort of put forward, and I would welcome the chance to do that in these enforcement items, and I would be happy to move quickly on it.

Mr. PALLONE. So then you haven't voted to approve the pending forfeiture orders?

Mr. CARR. Right. I am hoping we can move forward in a way—

Mr. PALLONE. OK.

Mr. CARR [continuing]. That addresses a broader problem—

Mr. PALLONE. All right. No, I am just trying to get through this. So let me go to Commissioner Starks.

Mr. STARKS. Yes, I have voted the items.

Mr. PALLONE. And Commissioner—I can't even read. Oh, Simington, I'm sorry.

Mr. SIMINGTON. That is fine. Like Commissioner Carr, I remain troubled by the movement of the data brokers into GPS pings instead of CPMI, and I have not yet voted on these items.

Mr. PALLONE. OK, thank you.

Now let me go back to the Chairwoman. Can you talk more about this sensitivity of precise location data and why it is so important for the Commission to confirm these orders as soon as possible?

Ms. ROSENWORCEL. Yes. Our geolocation data is a record of who we are, it is where we go and everything we do. And at the FCC, we have the gold standard. We tell carriers they cannot sell that data to anyone. That was a policy adopted during the last administration. And to the carriers who violated it, I just want to be able to hold them to account. That is why I would appreciate my colleagues voting on the enforcement action that I have put before them.

Mr. PALLONE. All right. Last question. During Superstorm Sandy, I saw the consequences of a total breakdown of communication networks, and I have worked to make sure people can stay connected when it matters the most. So the FCC recently mandated the wireless resiliency framework that I helped create, and this is going to make a difference and save lives.

So let me just ask the Chairwoman: Can you provide me with a status update on that effort?

Ms. ROSENWORCEL. Yes. Appreciate the work you did following Superstorm Sandy. You set up a template for the Commission and carriers to develop a voluntary framework to help restore communications after a disaster.

Following Hurricane Ida, Commissioner Carr and I went down to Louisiana, spent time with public safety there, and concluded that that framework could no longer be voluntary, it needed to be mandatory. It is now in place, and we are going to keep tabs on it to make sure it works. We will have no shortage of hurricanes and storms and wildfires, and which we do so, but it is really important that we keep up to date with these policies and make sure that every carrier works together to sustain communications in a disaster.

Mr. PALLONE. Thank you. I was going to ask Commissioner Carr to comment, but my time is out, so thank you, Chairman.

Mr. WALBERG [presiding]. Thank the gentleman, and now I recognize the gentleman from Florida, Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, Mr. Chairman, I appreciate it, and I appreciate all your testimony here.

Chairwoman, just like with the FTC oversight hearing, I have been anxiously waiting for the FCC's return to the Hill for its due oversight hearing. And right before the agency is set to testify, it magically starts to respond to congressional letters—imagine that—announce grant awards, and in this case break news on the establishment of a new privacy task force.

Over the past few years, considerable time and effort on the Innovation, Data, and Commerce Subcommittee, which I chair, has been occurring on a bipartisan data privacy bill, so we are working on that. I expect you are familiar with previous versions, of course, of the efforts, which include having the FTC regulate common characters' collection, use, and transfer of consumer information as opposed to the FCC.

So the question is, Madam Chairwoman, should our takeaway on your privacy task force be that the FCC wants to regulate on top of what the FTC regulates on data privacy protections?

Ms. ROSENWORCEL. Consumers care deeply about communications privacy, that is why Congress provided the FCC with authority to address communications privacy in section 222 of the law, section 631 of the law, and section 337 of the law. We are using those provisions to help protect consumer privacy right now. We are not waiting for new laws, we are going to use them as much as we can to protect consumers as much as we can.

The bottom line is that we have data breach laws that need to be updated in the communications sector, we have SIM-swapping fraud we need to get on top of, and we have the enforcement of geolocation fines that needs to take place. I don't think we should apologize for using the law as we have it before us and protecting consumers' privacy.

Mr. BILIRAKIS. Well, you know, I know you just stated and you cited some sections of statutes. Again, elaborate a little. Can you—which sections of the statutes you rely on to provide with the authority to regulate data privacy. I know you just stated that but—

Ms. ROSENWORCEL. Customer proprietary network information and customer network information is regulated under section 222 of the law. There are comparable provisions for cable services and satellite services in other sections of the law. These have been in place for decades.

Mr. BILIRAKIS. OK.

Ms. ROSENWORCEL. And I think it is incumbent on the agency to use them in a modern way, and that is what we are doing.

Mr. BILIRAKIS. All right. Next question. As you know, spectrum auction authority has expired. Leading up to that end date, no one truly knew how that expiration would impact the process of auctions that were completed, and winners were simply waiting for the issuance of licenses. Now we know the Commission has taken a limited view on these license-issuing authorities.

Given that the hurricane season has begun, I am most concerned about the—ensuring that we can have resilient connections and have the ability to get networks back online as quickly as possible if they go down during a natural disaster. And as you know, the

hurricanes affect my State of Florida, and we have a lot of rural areas in my district.

With auction authority having expired, why haven't you utilized temporary basis authorities for the use of the 2.5 gigahertz spectrum, which would better allow for spectrum utilizations in the aftermath of a hurricane or other natural disaster? If you could answer that.

Ms. ROSENWORCEL. Well, first, I appreciate what you are saying about Florida. Following Hurricanes Ian and Fiona, I went and spent time with public safety authorities in Florida in Lee County and talked to them about some of these issues, so I realize how important it is for restoration.

But the FCC's authority to grant spectrum licenses expired. The law is super clear. It says, you shall have the authority to grant licenses and it expires on March 9th. Any special, temporary authority is subject to that broader authority, and so we are right now tying ourselves in knots trying to figure out how to get these licenses out. And the precedent we have here is complicated because issuing these licenses now could violate the Antideficiency Act, which is a criminal statute.

And just so you know, the last time that the FCC was alleged to have violated the Antideficiency Act involving spectrum policy, we had all sorts of staff in the agency get investigated by the GAO. They had to hire their own counsel. I don't want to have any of that nonsense happening again.

But I would happily work with you and everyone else on this committee to do whatever we can to make sure we get that spectrum auction authority back and definitely make sure we get it back before hurricane season gets fully underway.

Mr. BILIRAKIS. Well, I look forward to working with you. Please follow up.

I will yield back, Mr. Chairman. Thank you.

Mr. WALBERG. I thank the gentleman. Now I recognize the gentlelady from New York, Ms. Clarke.

Ms. CLARKE. I thank the chairman and ranking member for holding this important oversight hearing, and to our esteemed Chairwoman and Commissioners for participating today.

The Federal Commissions—excuse me, the Federal Communications Commission's mission of promoting connectivity and ensuring a robust and competitive market is often challenged by the breakneck pace of technological innovation. That task is further complicated under a split Commission by the rise of hyperpartisanship infecting our national discourse on topics once thought too mundane to draw the attention of politically motivated ideologues.

In light of these challenges, I want to commend Chairwoman Rosenworcel and the entire Commission for your hard work and success in these difficult times. It has not gone unnoticed.

In addition to being a crucial component of unlocking much of the historic broadband investments from the Bipartisan Infrastructure Law, the FCC's work to release its latest update to the National Broadband Map represents yet another significant step towards closing the digital divide and moving our Nation towards a more equitable future. The upcoming disbursement of the Broadband Equity Adoption and Deployment, BEAD, Program

funds will undoubtedly serve to bring more Americans online and unleash innovation across the country.

When we last hosted the Commission for a hearing in March of last year, the Affordable Connectivity Program had already provided 10 million households assistance to afford broadband. And today I am proud to see that the ACP now supports over 18 million households, including nearly 1.4 million in New York City—in New York State.

Beyond actions to keep us connected, the Commission has also done important work to keep Americans safe. From standing up the 9–8–8 Suicide and Crisis Lifeline, examining internet routing vulnerabilities, administering Rip and Replace efforts, and adopting a first of its kind broadband consumer label, the work done by the FCC makes clear its commitment to public safety and national security.

The Commission has also been hard at work implementing critical legislation passed out of this committee last Congress, including the Martha Wright-Reed Just and Reasonable Communications Act, which will be the focus of my first question. The Martha Reed—excuse me—the Martha Wright-Reed Just and Reasonable Communications Act directs the FCC to ensure that charges for communications services at correctional facilities are just and reasonable. For incarcerated people and their families, this is a civil rights issue, and studies show that connectivity is so important for reducing recidivism rates and creating better postrelease outcomes.

Chairwoman, can you provide us an update on the implementation of the Martha Wright-Reed Act and tell us how this legislation can allow the Commission to more fully address the predatory rates and other challenges faced by incarcerated people and their loved ones?

Ms. ROSENWORCEL. Thank you for the question and thank you for your work on this. For far too long, the rates that have been charged for phone calls from our prisons and jails have just been usurious, and the families that are forced to pay them, it is totally unfair, and it means that they can't stay in touch with their loved ones, and as you suggested, that increases the risk of recidivism.

The FCC for over a very long time, starting with the work of my former colleague, Mignon Clyburn, tried to address these rates, and we kept on getting our handiwork sent back to us by the courts. That is why the work in the Martha Wright-Reed Act is so important. It gives us authority to oversee intrastate rates for the first time and advance communications.

We started a rulemaking to do that, and it is my goal to be able to address this and fix this wrong by next summer, and we are working hard to do just that.

Ms. CLARKE. Outstanding. As has been noted, programs such as the ACP and the Emergency Connectivity Fund, which covers the cost of connected devices for students and school staff and have rightly been seen by many as a rousing success, bringing high-speed broadband access to millions, the ACP, in particular, has been a significant progress in closing the digital divide and garnered bipartisan praise. Just yesterday, eight Senate Republicans wrote to the—to President Biden to express support for keeping ACP funded.

Chairwoman, as a vocal proponent of the ACP, can you please explain for this committee why continued sustainable support for the ACP should remain a priority for Congress and what is the risk if we allow funding for the ACP to run out? And other Commissioners, you can feel free to respond as well.

Ms. ROSENWORCEL. It is really clear that you don't have a fair shot in the 21st century if you don't have access to broadband at home. And as a result of the Bipartisan Infrastructure Law, we have got lots of funds to help with the deployment in largely rural areas, but we are also going to need funds and efforts to address affordability. The ACP is the best program we have ever developed to do that, and we have got to make sure it continues.

Ms. CLARKE. Mr. Chairman, I will yield back and ask the other Commissioners, if you have any comments, please respond to us in writing.

Mr. WALBERG. I thank the gentlelady. Now I recognize myself for questioning.

I also want to thank the FCC for having the Commissioners here together. I thank you for your help recently with Michigan with our broadband maps. The agency's prompt response—and it was prompt—helped the State uncover and fix some discrepancies that could have lost us hundreds of millions of dollars for broadband deployment, so thank you. The maps still have a ways to go—as you have said, always improving, Madam Chair—but I am confident that with improved coordination and planning we can get rural Michigan and other places connected.

Commissioner Carr, good to see you here. I hope you have just gotten down from a 2,000-foot tower or something that you are known to climb. I am not certain why, but glad you take your job seriously.

On the note of Michigan being connected and others' rural connections, how would a national broadband strategy, like the one created by my PLAN for Broadband Act, improve outcomes for rural deployment?

Mr. CARR. Yes, I think your legislation is incredibly important. It is good to see you. I enjoyed the visit we did a year or so ago in your district. And I think what your legislation tackles is this current challenge of for the first time in a lot of ways we have enough funding to end the digital divide. The question is, do we have the right policies and are we coordinated correctly to actually get it done? And with this GAO report that showed that we have, you know, broadband spending over 130 different initiatives, 15 different agencies, we need a national coordinating strategy, and that is the exact piece that your bill would put in place. I think it is vital that we get that done.

Mr. WALBERG. Well, we will work at it. From your lips to our chairman's ears. Commissioner Carr, this committee has been working diligently to address the pervasive threat of TikTok, especially after discovering that their CEO lied throughout his testimony here in March. I have heard some people make First Amendment arguments for why we shouldn't ban TikTok in the United States. Can you give us your perspective on the issue?

Mr. CARR. I have heard that argument as well, and I don't think that it is particularly strong. If you look at the Supreme Court

precedent, they have drawn a very clear distinction between regulatory action based on the content of speech as opposed to the conduct of an actor. There is a famous Supreme Court case, *Arcara Books*, that had to do with a bookstore that was engaged in criminal conduct out of the bookstore. The Government shut down the bookstore because of that. The proprietor said, "You can't shut down my bookstore, that is First Amendment-protected activity," and the court was clear that the action had nothing to do with speech or content, it was based on conduct.

So too here with TikTok. The action would not be based on the content of TikTok's speech or, for that matter, anybody's speech. It would be based on the conduct that represents a clear national security threat. And for that reason, I think the First Amendment argument against taking action on TikTok is not particularly strong.

Mr. WALBERG. I appreciate the perspective.

Madam Chair, turning to spectrum, the FCC recently sought to comment on expanding the commercial use of the upper 12 gigahertz band. What steps is the FCC taking to coordinate with NTIA to ensure that any Federal agencies that may have concerns register those concerns in a timely manner versus after any potential future auction takes place?

Ms. ROSENWORCEL. We are working very closely with NTIA on this issue right now. As you know, we have a spectrum coordination initiative with them, and it is designed to prevent there from being any late-breaking difficulties with existing Federal incumbents. And as a result, I think we are in the clear for this, but I am looking forward to the record that develops. We just started a rulemaking on this subject.

Mr. WALBERG. I look forward to it as well in as timely a way as all of you are addressing our questions today. Thank you.

Madam Chair and Commissioner Carr, how is the FCC approaching AI, and how can it be used in the telecommunications networks? Simple, simple subject.

Ms. ROSENWORCEL. Thank you. Yes, thank you for the question, and I will try to give you my 30-second response. If I can for a minute, I want to be an AI contrarian because I think it can do tremendous things for communications. That if we introduce machine learning and pattern recognition on our wired and wireless networks, we are going to be able to radically increase our efficiency. We will take what feels scarce and make it abundant.

And I just announced yesterday that we will be working with the National Science Foundation to hold a forum to discuss just that. So I am not discussing AI writ large, I realize that is before a lot of other actors, but with respect to communications, I think it is full of potential, and I want to start to understand its use and start to incorporate it into our thinking about 5G and 6G networks and fiber facilities.

Mr. WALBERG. That is the creative tension, isn't it?

Commissioner Carr?

Mr. CARR. I would say if you look back at the last few decades, there has been really two technology developments that have stood out: the internet and mobile. And I think AI is poised to be the third. That is how significant it is going to be. We want to encourage it, promote it. We don't want to smother it in the cradle, but

we need to make sure that going forward it advances in a way that is consistent and promotes our values.

Mr. WALBERG. Thank you.

My time is expired. I yield back.

I now recognize Representative Fletcher for her time of questioning.

Mrs. FLETCHER. Thank you very much, and thanks to Chairman Latta and Ranking Member Matsui for convening today's hearing to discuss the many important topics under the FCC's jurisdiction, and thank you to Chairwoman Rosenworcel and the Commissioners for being here and answering these questions today. This has been a very useful hearing so far, and I really want to continue on some of the topics that we have touched on and that we have touched in our prior hearings.

In the last committee hearing we had last week, I talked about the importance of reliable emergency communications for all of the diverse communities in my district, and I really want to continue that conversation with you all today because I think it is critically important. There are more than 140 languages spoken in my district and in the Houston area in Harris and Fort Bend Counties. In one neighborhood in my district alone, the Gulfton neighborhood, there are more than 50 languages spoken.

And, unfortunately, last month, there was a critical incident, there was a shelter in place issued in our district and, unfortunately, many of the members of the community couldn't—didn't get the emergency alerts, didn't get—didn't even know about this chemical fire in the area or know to shelter in place because the wireless emergency alerts in the City of Houston's subscription-based alert system are available only in English and Spanish.

I know and was very pleased to see that the FCC has adopted a notice of proposed rulemaking in April and is engaged in that process to require wireless providers to translate alerts into the 13 most commonly spoken languages in the United States. And, Chairman Rosenworcel, I know and understand that as part of this notice that you sent letters to the nine largest providers of WEAs requesting information on how alerts can offer more multilingual access and, of course, we have visited about how you are looking to those who have done it successfully to figure out how we can implement effective programs.

So can you share some of the information you have learned, some of the challenges that you see that are out there, and some of the ways that we on this committee and in the Congress can help give you the tools you need to address this critical issue?

Ms. ROSENWORCEL. Sure. Wireless emergency alerts have extraordinary potential. All of us have those devices in our palm, our pocket, or purse at any time, so when they buzz with emergency information, we can act on it. Right now, they are sent out in English and Spanish, but as you mentioned, there are a lot of people who might not get the information they need because it is not in the language they understand.

So we have done a few things. As you mentioned, I have written to the largest wireless providers and asked about this technology and what changes might need to be made. I reached out to the New York Attorney General who has been working with us because the

New York Emergency Management Department actually has some protocols to get it out in 13 languages. And then we started a rule-making.

So my hope is we are going to get a robust record and we are going to figure out how to move forward and make these available to more people in more languages, but over time we might also need assistance from you because FEMA runs the integrated system that helps send out these messages, and I want to make sure we are all working and rowing in the same direction.

Mrs. FLETCHER. Thank you. You know, in—one of the issues that that raises, you mentioned FEMA, and I know that one of the challenges that you noted in response to the letter we sent back in February is that there are more than 1600 Federal, State, local, Tribal, and Territorial governments that are responsible for these alerts as well in coordination with and at times working with FEMA, at times obviously working on their own, and that these generally are usually just in English and Spanish.

I know that you have provided guidance to these entities in sending non-English and non-Spanish alerts, but I am wondering, again, sort of what we can do that is helpful and whether the FCC has the authority it needs to address the alerts through the rule-making, whether there are additional authorities that you need, or what the things—what things Congress can do really to help also support these entities and ensure that they have the resources to send out the alerts in languages other than English and Spanish to those who need it.

Ms. ROSENWORCEL. Those are all the right questions, they are the ones that we have asked in our rulemaking, and as soon as we get comments in, I would be happy to make sure that my staff sits down with yours and identifies pathways forward and what might take additional congressional action.

Mrs. FLETCHER. Terrific. Well, thank you so much for that. I appreciate your work on this issue. And I just want to stress that it is of great importance to me and my communities I know as it is to my colleagues here on this committee.

So because I typically run overtime, I am going to yield back with some time left. I thank you. You all have covered my other questions I had prepared.

So I thank you, Mr. Chairman, and I yield back.

Mr. LATTA [presiding]. Thank you. The gentlelady yields back, and the Chair now recognizes the vice chair of the subcommittee, the gentleman from Georgia, for 5 minutes.

Mr. CARTER. Well, thank you, Mr. Chairman, and thank you for hosting this committee, Mr. Chairman, this is extremely—this hearing, this is extremely important, and thank all of you Commissioners for being there—for being here today.

Commissioner Carr, I would be remiss if I did not thank you again for coming to my district a couple of years ago and seeing firsthand the struggles that we have in South Georgia in rural areas and the need for more broadband and high-speed internet in our district and in South Georgia in general, so thank you again.

Since I have been on this committee, one of my top priorities has been closing the digital divide, particularly in the rural areas. I know I have said it numerous times before, and you have probably

heard it, but there are two Georgias: There is Atlanta and everywhere else, and I represent everywhere else, and that is a struggle sometimes for us, particularly when it comes to broadband.

Chairwoman Rosenworcel, I wanted to ask you, last May the FCC proposed rules for an enhanced A-CAM Program that would have increased speed requirements for participants, and I actually wrote a letter to you asking you to take action, and I am very pleased that—to see the announcement last Friday that you are moving forward with this proposal on circulation. Can you describe the proposal for me, please?

Ms. ROSENWORCEL. Sure. The rural carriers in this country who serve communities like those in South Georgia have long depended on the FCC's Universal Service Fund. Some of those carriers depend on a model to get financial support, others depend on a legacy system. But those systems were going to be coming to an end in a few years, and they had less than robust standards for the speeds that needed to be delivered.

So what we have done is we have updated the speeds and we have extended the time period for support. I have put that before my colleagues, and it is complex, but I think it is a good model and a good way forward to continue to support rural carriers providing broadband.

Mr. CARTER. Well, thank you, and thank you for addressing the issue of rural carriers and the issue of the rural areas. I really do appreciate that.

Let me ask you, last year when you testified before this subcommittee you stated that, and I quote, "We should make sure that when we are developing programs from Federal funds we condition those funds on having a reasonable and streamlined process for things like permitting and right-of-ways." Do you still agree with that statement?

Ms. ROSENWORCEL. Yes.

Mr. CARTER. OK. Are you familiar with the American Broadband Development Act that I proposed and that streamlines the permitting process at the Federal, State, and the local levels, and just wondering if you are in support of that?

Ms. ROSENWORCEL. A little bit. If I look at what has come before the agency, I will tell you this, that I think our biggest permitting problem now is on Federal lands. Uncle Sam owns about one-third of the real estate of this country, and the standards for response back to those who want to build on those lands—we allow Federal actors to take a lot more time before they get back to someone who wants to build than we do State and local entities.

Mr. CARTER. Mm-hmm.

Ms. ROSENWORCEL. At this point, I think we have got to focus on that because I think that is a huge gap in our system, and it is where I would focus efforts were I to sit in your shoes.

Mr. CARTER. Right, right. And we certainly have Federal lands in South Georgia as well, so that is of concern to us.

One last thing. Chairwoman. On April 24th, the FCC granted several waivers sought by auto manufacturers to use the 5.9 gigahertz band for Cellular Vehicle-to-Everything—I believe it is called C-V2X technology—so that they can immediately deploy the technology. However, some parties like Georgia didn't receive a

waiver to begin this deployment. What—when can we expect the FCC to take action on the remaining waiver requests to ensure that the spectrum can be used by entities like Georgia who have requested a waiver?

Ms. ROSENWORCEL. Sure. This makes clear that new cellular technologies can be used by auto manufacturers in the upper 30 megahertz of the 5.9 gigahertz band. We have given a waiver to some actors. We are adjusting that waiver because there's been some technical concerns about power levels. Once we get that just right, we are going to be able to move on to the rest of them. We are working with our colleagues at NTIA to do so.

Mr. CARTER. Great, great.

Mr. Chairman, that is all I have. Thank you, and I yield back. Thank you all.

Mr. LATTA. Well, I appreciate it. The gentleman yields back the balance of his time. The Chair now recognizes the gentleman from California's 29th District for 5 minutes.

Mr. CÁRDENAS. Thank you very much, Mr. Chairman and Ranking Member, for having this important committee hearing and also to Chairwoman and FCC Commissioners as well, thank you so much for your time and your expertise today.

One of Congress' core responsibilities is oversight. Hearings like the one today allows us to monitor the progress being made to address the challenges America is facing in the broadband access media ownership spectrum allocation, the time it takes to participate in spectrum auction, and the actual assignment of those—that spectrum, and many, many other matters. One issue of particular interest to me is the implementation and expansion of the 9–8–8 Suicide and Crisis Lifeline. Since it was launched in July of last year, millions of Americans have been connected to trained counselors in a time of crisis. Last month alone, more than 400,000 contacts were routed to trained professionals with an average answer time of 35 seconds.

There is no doubt in my mind this program has saved lives, but we must continue to work systematically to build out and improve this lifesaving program. For example, right now, calls, texts, and chats sent to 9–8–8 are connected to crisis centers based on the area code of the caller. This sometimes routes people in crisis to centers thousands of miles from their physical current location and potentially jeopardizes their ability to access the nearest and best care.

Chairwoman, in your opinion, what obstacles remain before the FCC can guarantee phone calls, text messages, and chats sent to 9–8–8 are routed to the participating crisis center closest to the geographic area from where the call, the message, or the chat is originated from?

Ms. ROSENWORCEL. Thank you for the question. And as you mentioned, in the nearly year since 9–8–8 has been available, it has become a tremendous resource for anybody who is contemplating suicide or suffering from mental health crisis. We got it up and running using the area code, so an area code from Washington, DC, will go to someone who can respond in Washington, DC, without regard to where the person is.

Now over time we want to be able to make those connections more local and more effective, but we want to be very careful when we do this because there are privacy and confidentiality reasons to be careful here. And so what we did is we held a forum with carriers to try to discuss geolocation last year, and we are now working with the Substance Abuse and Mental Health Administration to try to make sure that they are talking to the carriers as well. It is my hope we are going to have an announcement or a pilot, try to find a way forward, so that wherever you are when you reach out for help, we can send resources to you because who you will be talking to will be somebody who is nearby.

Mr. CÁRDENAS. So to clarify to people listening, the technical answer to that is within reach.

Ms. ROSENWORCEL. I think——

Mr. CÁRDENAS. So it is not like we have a problem with the technical aspect, we just have to make sure we do it in a way that respects all the tangibles that—in order to do it right, safely, and protecting people's privacy.

Ms. ROSENWORCEL. Exactly. I don't want us to just solve this as a technical matter, I want the mental health authorities to sit with us and help us manage privacy and safety and security every step of the way.

Mr. CÁRDENAS. As it should be. Thank you very much, Chairwoman.

An area of importance to me and my constituents is the continuity of Affordable Connectivity Program. I want to address some of the comments that have been made here today because I think there is some misunderstanding about the purpose of the program.

Commissioner Simington, you wrote in your testimony that we should consider, quote, "more precise targeting of the program to those who it was designated to serve," end quote. This seems like a strange suggestion to me because Congress, on a bipartisan basis, set out clear eligibility criteria in the law—that is, who the program was designed to serve. The suggestion that this program should be narrowed to only those who would not otherwise have broadband seems to me to ignore the reality of family budgets and the sacrifices many families often need to make to afford necessities that so many of us take for granted.

The fact remains that for far too many American households, in both Democratic and Republican districts, the monthly cost of an internet connection is not affordable enough to them.

So my question to you, Chairwoman Rosenworcel, is, in your advanced raising awareness of this program, I am sure you have met many families in rural, urban, and suburban areas and on Tribal lands benefiting from ACP. Can you describe for us how this program serves those families and their communities and why it would be so shortsighted to help only people who have never been online?

Ms. ROSENWORCEL. I agree. There is a study out there that shows that households that earn \$50,000 or less, half of them are at regular risk, month-to-month risk, of being disconnected from the internet.

Mr. CÁRDENAS. Wow.

Ms. ROSENWORCEL. That means they won't have a shot at success in modern life. We need to make sure the Affordable Connectivity Program speaks to those families as well as those who have never been online.

Mr. CÁRDENAS. OK, thank you very much.

My time having expired, I yield back.

Mr. LATTA. The gentleman's time has expired, and he yields back. The Chair now recognizes the gentleman from Florida's 2nd District for 5 minutes.

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

The FCC has certainly become well known to Americans due to its roles in TV, radio, and cable, now space as well. Commercial, academic, and military use of space-based architecture has seen unprecedented growth in the last couple of decades, and therefore it is essential that the FCC also move at the speed of business.

I was very pleased to see the creation of the Space Bureau of the FCC this April. This is designed to handle all matters relating to satellite and spectrum approval, orbital launch, communications, and preventing debris—space debris, and that is a great start. It is exciting to see the Commission focus on improving the processes for using space.

Unleashing American commercial space innovation is critical to our global competitiveness, including our competition with China. When it comes to winning the race to 5G and the benefits of next-generation networks, I fear we are falling behind on securing the licensed spectrum pipeline to compete on the global stage, particularly against China.

Chinese operators already have more access to midband spectrum than U.S., operators and the CCP is expanding aggressively. It has been estimated that may soon have four times as much commercial license midband as U.S. It is concerning if China can efficiently deploy their 5G architecture and develop software that rides on top of these next-gen networks, and I worry that our rivals will leverage that innovation against us in all sectors.

In December of '21, the FCC acknowledged the growth of the space economy and noted a swath of new satellite applications. They committed to improving their satellite review processes. And while the creation of Space Bureau and an MOU between it and the NTIA looked to be very positive, I see some challenges remain. I think you noted actually, Madam Chair, at the end of 2022, roughly 64,000 satellite applications were pending FCC approval.

Madam Chair, by the end of this calendar year 2023, how do you think that will look, and what are we going to do to expedite the review of these applications?

Ms. ROSENWORCEL. Well, when I got to the agency, the first thing I did was take a look and say, "Where do we have a volume of work and we don't have the people to address it?" And what became apparent to me is that, when it comes to satellites, the United States is in a position of leadership. We are launching more into our skies than any other country. But at the same time, we are going to have to update our practices for reviewing those satellites and reviewing those constellations.

That is why we started the Space Bureau, that is exactly what is going on now. That is why we started a proceeding to streamline

our assessment of those applications, and it is why we are looking into the far future and thinking about how terrestrial and satellite networks will combine so that we can get rid of mobile dead zones and we can do new and creative things with combined access to satellite and ground-based systems.

Mr. DUNN. Well, thank you for that. Additionally, the FCC's December press release mentioned the Commission would consider quickly issuing public notices on applications from U.S. companies when filing at the FCC. However, these companies are telling me they still have applications that sit with the Commission for extended periods of time before action is taken. In fact, some have noted that their applications were filed months ago but they haven't been published for even—even for as much as a public comment at this point.

Can you identify the current FCC process that is a bottleneck contributing to this delay?

Ms. ROSENWORCEL. Yes, I think historically the agency has had this practice of making sure every duck is in a row, every piece of paper is filed, everything is before us before we put these applications on public notice. When I came in, I decided that that process takes too long and is insufficiently transparent. So we started a rulemaking to identify how to say exactly what needs to be filed so that we can put all of those applications on public notice more expeditiously and then resolve the application faster. So we have an outstanding rulemaking on just what you are describing, and I think we are going to be able to make progress.

Mr. DUNN. I have to believe that these companies are pretty talented and if you give them clear instructions that they can follow clear instructions. And please work with us here to help you in any way that we can. We want that process to speed up. We want it to be good, but we want it to speed up.

Commissioner Carr, in the remaining few seconds, do you agree that the United States needs to secure meaningful pipeline of licensed spectrum for 5G to keep pace with consumer data usage and, importantly, to compete with the CCP?

Mr. CARR. Yes, thank you, Congressman. I agree, it is vital both for efforts to bridge the digital divide here but moving spectrum forward, getting action on that is vital to our geopolitical interest. For one example, we talked about this World Radio Conference that is coming up. Communist China and other unallied nations are engaged in constant mini battles in that setting to develop services in particular spectrum bands that are consistent with their interest and their values, and we are trying to push back.

When we have a big pipeline of spectrum and we have auction authority, it puts the wind at the back of those that are negotiating for U.S. and our interest. So spectrum authority and spectrum action is vital to our geopolitical interest and security.

Mr. DUNN. Well, Congress will help you in any way we can with that, it is a very important effort. Thank you.

Mr. Chairman, I yield back.

Mr. LATTA. Thank you. The gentleman yields back, and the Chair now recognizes the gentlelady from New Hampshire for 5 minutes.

Ms. KUSTER. Thank you.

I would like to start today by recognizing the Chairwoman for her attention and urgency to implement the Safe Connections Act. Last Congress, I led this legislation with my colleagues, Representative Eshoo and Walberg, to require phone companies to allow survivors of domestic violence to quickly separate their phone lines from shared plans with an abuser. A cellphone is a critical lifeline enabling survivors to stay connected to support networks and to access assistance from hotlines or emergency services. As the founder and cochair of the bipartisan Task Force to End Sexual Violence, I was proud to see this legislation signed into law to protect this lifeline for survivors.

Chair Rosenworcel, can you share any updates on your agency's work to implement this law?

Ms. ROSENWORCEL. Thank you so much for your work on this law along with Congresswoman Eshoo and Congressman Walberg. It is really important. One in four women in this country will face domestic violence, one in nine men. And so before we even put pen to paper, what I did at the FCC was talk to experts in domestic violence.

Ms. KUSTER. Mm-hmm.

Ms. ROSENWORCEL. Because what I learned was the minute that somebody decides to get a new phone is the minute they decide to leave their abuser. It is really important. And that means the FCC has a really valuable role to play, and you gave us tools to do that in the Safe Connections Act.

So we are working right now to identify what policies need to be put in place to make sure that someone can get out of their family plan fast, securely, and privately, also putting policies in place to make sure that that individual can sign up for Lifeline or the Affordable Connectivity Program, and making sure that call logs do not reference domestic violence support systems so that people can call them safely and securely.

Along the way, we have worked with the carriers that take all those calls and made sure that they are working with the National Domestic Violence Hotline, because if somebody calls and wants to get off their family plan because they are leaving a domestic abuse situation, we want to make sure they don't get any old person who is answering the phone at the call center. We are going to make sure those individuals are actually trained to deal with this situation and can provide additional help and support.

So you have put in place a very good thing, and I am confident that by next summer we are going to be able to act on it and have rules in place.

Ms. KUSTER. Great, thank you. This program will take needed steps to eliminate barriers for survivors and provide support as they rebuild their lives.

Now, the Safe Connections Act also includes a provision to assist survivors who may be facing financial hardship and are unable to afford their phone plan, as you referenced. I understand the FCC is currently considering whether to dedicate the Affordable Connectivity Program to provide emergency communications support to survivors who have separated their phone plans. Unfortunately, as you know, the ACP is expected to exhaust its funding sometime next year.

Chair Rosenworcel, if Congress were to fail to authorize renewed funding for the Affordable Connectivity Program, how could this affect survivors under the Safe Connections Act?

Ms. ROSENWORCEL. If Congress were to fail to appropriate new funds for the Affordable Connectivity Program, we would undermine the biggest broadband affordability program this Nation has ever created, we would cut families off, and we would also cut off survivors who rely on this program to stay connected and rebuild their lives.

Ms. KUSTER. Great, thank you very much. The ACP is already serving as a lifeline to the more than 18 million households that currently rely on this program to remain connected. In New Hampshire, over 30,000 households, including nearly 17,000 in my district, have signed up for the ACP, and more households are signing up every day.

As cochair of the Rural Broadband Caucus, I understand that addressing affordability is a crucial step toward closing the digital divide for rural households. Congress has already invested over \$42 billion through the BEAD Program to build broadband infrastructure in unserved and underserved communities. This is a once-in-a-generation investment in our Nation's broadband infrastructure, but this investment will be wasted if Americans can't afford to pay for broadband services. The ACP helps to bridge this affordability gap.

Now I have also seen studies that estimate that the ACP can reduce the cost of broadband infrastructure in rural areas by up to 25 percent per household. That is not an insignificant cost savings. If we want Federal dollars to go further in reaching our shared goal of closing the digital divide, we cannot let the ACP lapse just as the BEAD Program is set to begin.

Chairman Rosenworcel, would you agree?

Ms. ROSENWORCEL. I agree. I think the ACP Program and the BEAD Program work hand in glove. They work together—one a tax deployment, the other a tax subscribership. By working together, we are going to solve our digital divide.

Ms. KUSTER. Great, thank you so much. I appreciate your leadership at the agency.

And I yield back.

Mr. LATTA. The gentlelady yields back. The Chair now recognizes the gentleman from Pennsylvania for 5 minutes.

Mr. JOYCE. Thank you, Chairman Latta and Ranking Member Matsui, for bringing together this hearing, and to our FCC Commissioners for giving your time to be here today.

As we all know, access to broadband has become a critical need, not just a want. The lack of broadband access has hit hard, particularly in my district in Pennsylvania 13. As our rural residents and farmers face increasingly unmanageable digital divide, we need to ensure that all Americans are able to connect to the internet, regardless of what town or what community or what geographic divides are presented to them.

Chairwoman Rosenworcel, NTIA was given \$42.45 billion for broadband equity access and development, the BEAD Program, which is aimed to give grants to communities to build broadband networks, specifically in unserved areas. Would you please discuss

how your agency is working with NTIA to ensure that this program is successful in the rural areas that I serve?

Ms. ROSENWORCEL. Absolutely. Like you mentioned, we are making a historic commitment to closing the digital divide in this country. Forty-two billion dollars to make sure networks reach rural communities is a big deal. We have got to make sure it is spent in the right places. That is why we have developed our Nation's broadband map, which is the most granular accounting of where service is and is not in our Nation's history, and quite literally every day we are on the phone and working with NTIA to make sure they understand that map, understand its nuances, understand the trends we are seeing, because we want all of our data to inform their allocation in the BEAD Program.

Mr. JOYCE. And to that point, the allocation date for BEAD funding is June 30th, it is right around the corner. Currently, my State of Pennsylvania still has around 5,000 challenges that were submitted by the initial January deadline that have yet to be adjudicated. Would you please describe how the FCC adjudicated these challenges submitted during the challenge process, and will you be able to adjudicate those remaining 5,000 Pennsylvania challenges prior to this upcoming June 30th deadline?

Ms. ROSENWORCEL. So the most important thing to know is that we take in challenges every day, every month, every year, and then under the law there are certain time periods in which we can resolve them. FCC rules give 60 days for a carrier to look at those challenges, 60 days to resolve them with the customer, and then Congress threw another 90 days on top of that in the Bipartisan Infrastructure Law. So this is the timeframe in which we resolve availability challenges.

Now that being said, every time we can resolve them earlier, we do so, and every time we resolve challenges, we update our map very, very shortly thereafter, and we call our colleagues at NTIA.

With respect to what you are talking about in Pennsylvania, I would be happy to have my team follow up with you offline so you know just where everything stands in the process.

Mr. JOYCE. Thank you. That June 30th deadline with those 5,000 continued unadjudicated issues to be resolved, I thank you for that followup.

We know that the FCC's campaign to advertise the ACP has begun. We also know that the program will run out of funding early next year. Chairwoman Rosenworcel, is it responsible to do this before Congress decides the future of the program?

Ms. ROSENWORCEL. Working with my colleagues on a bipartisan basis, we committed to doing more outreach with this program. That was also a recommendation from the GAO. So we set aside a small amount of money to do it, and then we followed Federal contracting procedures and grant procedures to get those dollars out. We are putting a premium on everyone who has received funds using them as soon as possible to make sure that there is no conflict with an appropriation or a coming appropriation from Congress.

Mr. JOYCE. Commissioner Carr, I congratulate you for your boots-on-the-ground approach as we look to roll out additional rural broadband. You are acutely aware of how the lack of internet ac-

cess negatively affects rural Americans. Students and their learning have been left behind, businesses suffer without access to expanding e-commerce, farmers are unable to utilize precision agriculture to more effectively produce food for America, and patients and doctors cannot access the ability to heal from home with telemedicine.

Commissioner Carr, do you feel that the FCC recognizes the impact of the digital divide on rural America, and are all steps being taken to address this from the FCC perch?

Mr. CARR. I do think so. I think we fundamentally agree that we have to do more to end the digital divide and—we have done a lot, but there is more to be done on infrastructure, as I mentioned. I think there is a lot more we can do on sort of meat-and-potato infrastructure reforms. Again, we have all of these BEAD dollars coming out the door, \$42 billion. If we don't streamline permitting and we are just spending this additional money, we are effectively jumping on the gas and the brakes at the same time.

So we need to address Federal lands. That probably requires some congressional action. We need to take a look at railroad crossings, which continue to be a big barrier to broadband builds. There is some legislation here that could do that. And I think we should take some of the shot clocks and fee reforms that we apply to small cells and look at applying those to wired infrastructure. If we can do that at the FCC, which I think we can, we could accelerate these rural builds even faster.

Mr. JOYCE. I see my time is expiring. Thank you, Mr. Chairman, and again, thanks to all the witnesses for being here today, and I yield.

Mr. LATTA. Thank you. The gentleman yields back, and the Chair now recognizes the gentlelady from California's 16th District for 5 minutes.

Ms. ESHOO. Thank you, Mr. Chairman, and to our ranking member, Congresswoman Matsui.

Welcome, Chairwoman Rosenworcel and the Commissioners of the FCC. It is always great to see you and have you here in this hearing room. I was—as I was listening to others, I was reminiscing over all of the FCCs that have come here during my tenure, and it is a long and important effort. Chairwoman Rosenworcel, for as long as I can remember, you have been in my view the leading voice about the need to close the digital divide and the homework gap, and I would argue that the availability of midband spectrum is an important tool to achieve these goals.

Now, this last Sunday marked a hundred days since the FCC spectrum auction authority expired. We all know that spectrum is the gold—18-karat gold, not 12 or 14—18-karat gold of the 21st century. Nothing moves without it. Yet the Commission is sitting on a vast amount of midband spectrum in the 2.5 gigahertz band spectrum that was won at auction. A carrier paid over \$300 million for that last August.

That is going to come up to a year pretty soon, and I don't know if that money is earning interest, where it is. It is stunning to me that someone pays for something, they don't get it, but the person or the entity they paid it to still gets to keep it.

These licenses that haven't been issued, and more importantly the real point is, is they are not being put to use. We know that four FCC general counsels wrote to the FCC in March about this, Public Knowledge wrote to the Commission in January to express their concerns over the licenses. In fact, Public Knowledge as a part of Harold Feld's letter said—I'll quote—"As always, when licenses are at issue, this is not simply a matter that impacts a single company. Licenses are issued to serve the community of license, and the delay in issuing these licenses denies those communities all the important services that come with them."

Public Knowledge also went on to ask the Commission to issue a public notice to publicly state whether it has, in fact, concluded that it does not have the authority to issue the licenses at issue. They also went on to request the Commission to consider alternatives, the STAs, the special temporary authority.

I wrote to the Commission, wrote to you and the Commission, I believe it was May 15th, stating essentially the same case. I know that I wrote with Congressman Soto on I believe it was June 16th—that is very recent so you wouldn't have, I don't think, had a chance to answer. T-Mobile has written. Public Knowledge has written. But there is no response on STAs and no official statement, requiring the public to rely on reports, you know, in press and public statements and all of that.

So I am—you know that this has been a source of not only aggravation to me but real worry, and I think writ large that it sets a chill in many ways on auctions that have been so extraordinarily successful over the last 2 years. So I want to ask you, Chairwoman, if you will give consideration to the STAs?

Ms. ROSENWORCEL. So I want to make clear that this situation is totally unfair. I have said that to the CEO of the company involved. It is also unprecedented, because for 30 years we have had this authority. Congress has always renewed it.

Ms. ESHOO. I know it is unprecedented.

Ms. ROSENWORCEL. Yes.

Ms. ESHOO. So are the Commission's actions or inactions.

Ms. ROSENWORCEL. Let me also explain this. This is an area where the law is extremely clear. It says, our authority to issue licenses shall expire on March 9th. This is not ambiguous language.

Ms. ESHOO. I only have 17 seconds left.

Ms. ROSENWORCEL. Listen, a special temporary authority—

Ms. ESHOO. I want to ask you—

Ms. ROSENWORCEL [continuing]. Only exists to the extent that that underlying authority is there.

Ms. ESHOO. I want to ask you if you will consider STAs and if you will commit to providing the public transparency that is really due because this is a huge issue?

Ms. ROSENWORCEL. We are going to continue to look at every law that we can to see if there is a way forward here. My other concern is violation of the Antideficiency Act.

Ms. ESHOO. But I don't hear you saying yes.

Ms. ROSENWORCEL. Well, what we are doing right now is studying the laws to make sure we don't violate the Antideficiency Act, which is a criminal law. And as I mentioned earlier today, the last time it was alleged that the FCC violated the Antideficiency Act in

a situation involving our spectrum authority, the GAO investigated and the staff of the agency had to hire their own counsel to defend themselves. Like I said before, I don't want any of that nonsense.

Ms. ESHOO. Well, my time is expired.

Ms. ROSENWORCEL. That is why we are going to be exceptionally careful.

Ms. ESHOO. My time is expired. Thank you, Mr. Chairman.

Mr. LATTA. Thank you very much. The gentlelady's time is expired. The Chair now recognizes the gentleman from Texas' 4th District for 5 minutes.

Mr. WEBER. Thank you, Mr. Chairman. 14th District. You kind of shorted me there. It is a—

Mr. LATTA. I apologize.

Mr. WEBER. It is all good. Thank you.

Mr. LATTA. Fourteen.

Mr. WEBER. In April, the World Radio Communications Conference, WRC, Advisory Committee submitted its recommendations to the FCC which it had put out for public comment, but it is kind of unclear what has happened since. As the FCC prepares to work with the Department of State in preparation for the WRC, transparency is going to be the key to our private-sector partners.

So, Chairwoman Rosenworcel, in 30 seconds or less, does the FCC adopt a view for each item, and is that something the Chair decides or does the Commission vote on it?

Ms. ROSENWORCEL. On our World Radio Conference recommendations?

Mr. WEBER. Mm-hmm.

Ms. ROSENWORCEL. It has generally been the practice that we work with the industry to develop them through the World Radio Conference Advisory Committee and then we work with other countries in our region to develop consensus—

Mr. WEBER. Do you vote on whether to use—to submit those as the Commission, or is that something you just decide?

Ms. ROSENWORCEL. I have to go back and check, but I don't believe that has been the practice of the agency, but I make clear to my colleagues where we are going before we head to the World Radio Conference—

Mr. WEBER. Do they make clear to you whether they agree?

Ms. ROSENWORCEL. Well, I think we have a good relationship, and I expect them to provide me feedback—

Mr. WEBER. OK.

Ms. ROSENWORCEL [continuing]. Whenever they feel like—

Mr. WEBER. I'm just checking.

Commissioner Carr, I am going to go to you. The United States is currently in the process of defining our wireless future by working to advance our spectrum policy interest at the WRC. Unfortunately, at the same time we are advocating for certain spectrum bands to be made available, the FCC lacks the authority to conduct auctions, as we all are painfully aware, or what was it the Chair—the woman from California said: aggravated and worried.

So, Commissioner Carr, do you think this undermines our credibility?

Mr. CARR. I think having auction authority going into WRC is of vital importance. Again, we are having lots of little mini debates

in that context. The CCP-allied entities want certain spectrum bands to be used for certain purposes. Our allied nations want to go a different way. When we have auction authority and can sit at that table, it is a wind at the back of our negotiator. So it isn't the U.S.'s geopolitical interests to have spectrum authority and to be—spectrum auction authority and be moving forward, moving spectrum bands out.

Mr. WEBER. You are going to help us place that through the Senate?

Mr. CARR. Happy to do it.

Mr. WEBER. OK. I thought so. Let me do a followup. You mentioned earlier that we need to reinstate auction authority and pass H.R. 3565 to ensure that China doesn't write our wireless future. It is almost as if they are not our friends. How involved is the FCC in security assessments of foreign actors' motivations when engaging in global institutions such as the ITU for the U.S. and its allies to vacate or make certain bands available that countries like China will not permit at home? Did you catch all that?

How involved is the FCC in security assessments, in security assessments of foreign actors' involvements when you are engaging with those global institutions such as the ITU? Chairwoman, maybe we will come to you.

Ms. ROSENWORCEL. OK.

Mr. WEBER. I see you writing. Go ahead.

Ms. ROSENWORCEL. Well, as a result of Congress passing laws like the Secure and Trusted Communications Networks Act and the Secure Equipment Act, we are now working with our national security authorities on these matters like never before. We have established relationships with them. We keep them abreast of how we are developing our recommendations and progress with the World Radio Conference.

Mr. WEBER. So you are confident those will be in place and America will get the best deal possible, the safest and the best?

Ms. ROSENWORCEL. Yes, I am.

Mr. WEBER. OK. Commissioner Carr, I will come back to you. When the Commission makes a spectrum decision, literally billions of dollars are spent by private industry—I think we have touched on this—to make the equipment and deploy the networks that bring the value of that decision to Americans in their homes and also on the move. But lately, some have been calling for the FCC to reverse its allocation decisions.

So I am concerned about the impact on investment if the FCC were to do an about-face after they have already made up their mind. I am concerned about the investment and what that will do to investors. Do you share that concern?

Mr. CARR. Yes, we certainly need to, you know, provide certainty, and once we authorize and allocate spectrum, we have billions of dollars of investment. We should not be coming in behind after the fact and pulling the rug out from under us. It is bad in that instance, and it is bad to attract the investment that we need to U.S. shores to continue to bridge the digital divide.

Mr. WEBER. Is there a timeframe in there? In other words, you know, if you did it immediately, maybe not too bad, but if you did

it a year or two later—is it the longer the time is, the worst retraction, so to speak, or reversal would be?

Mr. CARR. Right, exactly. There is longer sort of reasonable investment-backed expectations the longer the FCC would wait before taking such an action.

Mr. WEBER. All right. Well, I am going to—time is up. I am going to yield back, Mr. Chair.

Mr. LATTA. Thank you. The gentleman yields back, and the Chair now will recognize the gentlelady from Illinois for 5 minutes.

Ms. KELLY. Thank you, Chair Latta and Ranking Member Matsui, for holding this important hearing, and I have been in another committee, so excuse me for not being here for very long.

I want to thank the Commissioners for their testimony and all the work the FCC is doing to expand access to broadband infrastructure and lowering internet costs for Americans.

For my constituents back home in Illinois, there is no dispute that expanding access to affordable high-speed internet services is one of the most beneficial things that can happen in a community. The impact of broadband expansion on economic outcomes is significant, resulting in improved life outcomes stemming from higher property values, increased job and population growth, and lowering unemployment rates. And my district is, as you know, urban, suburban, and rural.

One such program helping to accomplish this is the Affordable Connectivity Program, or ACP. In Illinois, it is estimated that over 550,000 households are enrolled in this program, which saved Illinoisans 16.6 million on their internet service. In my district, the 2nd Congressional District, it is estimated there are about 61,000 enrollees in the program, saving my constituents about 1.8 million on their internet bills. These are real savings for real people.

Chair Rosenworcel, I have seen studies that estimate the existence of ACP can reduce by 25 percent the per-household subsidy needed to build in rural areas. In fact, multiple Republican Senators wrote to President Biden just yesterday in support of additional ACP funding. If we want government to go further in reaching our shared goal of closing the digital divide, why is it important that Congress and this committee work to maintain funding for ACP, and when must the FCC begin preparing for the possibility that program will run out of money or will need funds?

Ms. ROSENWORCEL. The Affordable Connectivity Program is a big deal. It is the largest broadband affordability program in our Nation's history, and the thing is, if we are going to give out funds like we are in the BEAD Program to help deployment in rural areas, we have got to make sure that people are going to show up and subscribe. So these programs work hand in glove, the BEAD Program and the ACP Program. We need to make sure the ACP Program continues so that the BEAD Program can also thrive.

We anticipate that the funds could end for this program, as they have been appropriated so far, by as early as April of next year, so we have got to start planning now and working with Congress now to make sure that this big, historic program to help close the digital divide and keep everyone online and all the good it is doing can continue.

Ms. KELLY. Thank you for your response. I am Chair of the Congressional Black Caucus Health Braintrust and have done a lot of work around maternal mortality and morbidity, so yesterday's announcement from the FCC on how the agency is exploring the role of broadband connectivity and maternal health outcomes could not have come at a better time. As we know, broadband connectivity also leads to improved health outcomes.

Can you talk about the importance of this data to help this country take strides to improve maternal mortality rates?

Ms. ROSENWORCEL. The U.S. is the only industrialized country with a rising level of maternal mortality. And for women who live in rural areas and Black and Latino women, the numbers are even higher. It is unfair, it is not right, and we have got to fix it.

So we are doing our part to contribute by looking at the data for broadband deployment and overlaying it with facts about maternal mortality. We know there are telemedicine and telemonitoring solutions for women in pregnancy and we want to make sure that they are available, and so our hope is that by pushing this data out, which is a combination of FCC data and data from the CDC and other places, we are going to get people to study it to tell us what patterns there are out there and what kind of telemedicine programs can help us address this crisis.

Ms. KELLY. Thank you. I am one of the cochairs of the Data Mapping to Save Moms' Lives Act.

Now quickly turning to spectrum, can you—by letting auction authority lapse, is the U.S. at risk of losing our global leadership position with respect to technology and innovation?

Ms. ROSENWORCEL. Unfortunately, yes. We are going to have to get that authority back because when we have spectrum in the pipeline and we have auction authority, nobody innovates or creates like the U.S. when it comes to wireless services.

Ms. KELLY. And even with the current lack of auction authority, are the FCC and NTIA continuing to work with government users like DoD to identify new spectrum for deployment to ensure commercial access for 5G, IoT, and other technologies? Quickly.

Ms. ROSENWORCEL. We continue to talk to NTIA about those matters on an almost daily basis.

Ms. KELLY. Thank you.

I yield back.

Mr. LATTA. Thank you. The gentlelady yields back, and the Chair now recognizes the gentlemen from Georgia's 12th District for 5 minutes.

Mr. ALLEN. Thank you, Mr. Chairman, for holding this hearing today, and I want to thank you committee—witnesses for being here. It has been 15 months since this subcommittee last held an FCC oversight hearing, so we have lots to go over today, and I know lots has been said so far.

Commissioner Carr, it has been over 3 months since the FCC spectrum auction authority expired. I have a lot of constituents waiting to be provided 5G service with that 2.5 gigahertz spectrum band that you mentioned in your testimony. Can you explain what is going on with the licensing of the spectrum band?

Mr. CARR. Yes, actually, I think the FCC's authority to issue those 2.5 gigahertz licenses is clear, and I think the statutory anal-

ysis is very straightforward. Our Section 309(j) authority to conduct new auctions has expired. Our Section 309(a) authority to issue licenses, including licenses won at previous auctions, has not expired. In fact, if you look at the FCC decision to issue licenses won at auctions, we cite our 309(a) authority, which again is continuing, not our 309(j) authority.

In fact, there was a very similar case basically directly on point, a 2003 case, Ranger Cellular, where our then-lottery authority expired, including language that said “shall issue,” but our 309(a) authority continued and the FCC issued those licenses. Our general counsel went to the DC Circuit and said, effectively, it doesn’t make any sense to read that the statute having to do with our then-lottery authority having expired prevented us from issuing licenses.

And so this is why I think you say four FCC general counsels write a letter from various administrations saying that we can move forward with our licensing of that spectrum. I am a former general counsel, so maybe there’s five now that agree with that view. And if we did so, it would effectively light up spectrum for 50 million Americans, and in many cases this is spectrum that the radios, the antennas are already up there. So with the flip of a switch we can bring 50 million Americans across the digital divide or get them better service, I think that is something that we should take right now.

Mr. ALLEN. So let me understand. How do we get that done, and how do we have a sense of urgency about getting this done? How do we fix this?

Mr. CARR. Well, it would require an action by the Commission. It is one that I support, but I’ll let my colleagues sort of speak for their views.

Mr. ALLEN. OK. Is it possible for the United States to lead the world in 5G and 6G if we do not have a robust midband spectrum pipeline like the major economies that we compete with?

Mr. CARR. We have to make more progress on midband. When I first started at the Commission, the first 4 years, we moved a lot of midband spectrum out the door. We need to sort of double down and get back on moving midband spectrum at the same pace that we did there. I put forward some ideas on how we could do that. I have a spectrum calendar out there, including some midbands. We need to move a little faster on that.

Mr. ALLEN. In 2021, Democrats created a 7.1 billion Emergency Connectivity Fund to support distance learning. Is there still a need for this fund given schools have returned to in-person instruction and the E-rate program is already in place?

Mr. CARR. Well, most directly, we still have a lot of funding left over, my understanding, in ECF at the moment.

Mr. ALLEN. So is that funding still needed or should it be clawed back?

Mr. CARR. Well, fundamentally, we should take a broader relook at all of these programs, including, to your point, the Move Back to School, and see what continues to be necessary. But ECF right now is ongoing because the funding remains.

Mr. ALLEN. Chair Rosenworcel, why hasn’t the FCC implemented the Inspector General’s recommendation to request the last four

digits of an applicant's Social Security number as a fraud prevention tool?

Ms. ROSENWORCEL. Well, we invite any applicant for the ACP to put in their Social Security number information, but as you might know, when Congress passed the Bipartisan Infrastructure Law, it also made eligible for the ACP households with a student on the Free and Reduced Lunch Program and the Women, Infants, and Children Program. Both of the programs do not require a Social Security number, so what we have done in the alternative is say, well, you have got to prove that you are who you say you are, so you can submit, for instance, a military ID or a passport or something like that in the alternative.

Mr. ALLEN. So the ACP applicants should provide the last four digits of their Social Security number?

Ms. ROSENWORCEL. There—you have to prove you are who you say you are. So you can provide a Social Security number, but you could also provide a taxpayer identification number or a military ID, like I just described.

Mr. ALLEN. OK. Well, good. I have got a couple more questions, I will submit those, but I am out of time, so I yield back, Mr. Chairman.

Mr. LATTA. I thank the gentleman. He yields back. The Chair now will recognize the gentlelady from Michigan for 5 minutes.

Mrs. DINGELL. Thank you, Chairman Latta and Ranking Member Matsui, for holding this important hearing, and to all of you for—I know your favorite thing—to come before the Energy and Commerce Committee.

As COVID-19 pandemic highlighted, the work that you all do is vital to our economy, our emergency services and communications networks, and national security. Broadband and spectrum access remains essential for every American to participate in rapidly innovating medical services, educational opportunities, crucial protections, the digital economy.

So I want to focus on a number of important issues. I know you have talked about some others, but I am always worried about emergencies, domestic abuse, and things like that. Many of my colleagues today have mentioned the expiration of the FCC spectrum auction authority. Tied to the lapse in the FCC spectrum auction authority are critical investments in the Next Generation 9-1-1. These delays are having a significant impact on our ability to upgrade 9-1-1 capabilities and modernize our emergency services infrastructure, including innovations that could have a profound impact on vulnerable individuals.

Chairman Rosenworcel, how would advancements made through investments in NG 9-1-1, such as texts to 9-1-1, assist in protecting survivors of domestic violence and strengthen steps the FCC is taking to implement the Safe Connections Act?

Ms. ROSENWORCEL. I really appreciate you asking this question. It is vital that we upgrade 9-1-1 in this country. The 6,000 public safety answering points that are out there that take our 9-1-1 calls, many of them are still operating in the analog era. We want to make sure that they have all the technologies that we would expect them to have in the digital age. So if you call, you should be able to reach out and have a discussion, you should be able to text,

you should be able to send pictures and information, your healthcare records should be available.

All of those things are possible with Next Generation 9-1-1. They are going to make it easier for more people to safely reach out for help in crisis. So that is why I think the Spectrum Reauthorization Act's spending on a nationwide upgrade for 9-1-1 is so important.

Mrs. DINGELL. Thank you. Recent reporting has indicated that a number of websites offering mental health crisis resources across the country that are tied to the National 9-8-8 Suicide and Crisis Lifeline have shared data with Meta due to information collected by pixels on their web pages. In many cases, users tap on a dedicated call button on these websites that will immediately reach 9-8-8 or a local line for mental health services. But the use of this site or button also triggers these pixels which then transfers data to Facebook sharing intimately personal information about the user during this time of need.

These pixels and other external ID factors can then be used to match web users to their Facebook accounts or other profiles for advertising. I think we can all agree that anyone reaching out to these services for help wants to remain anonymous and should be able to remain anonymous.

Madam Chairwoman, how is the FCC working with the Substance Abuse and Mental Health Services Administration and other organizations associated with the National 9-8-8 Suicide and Crisis Lifeline to ensure that personal information of Americans utilizing this service remains anonymous and protected through whatever medium they use to seek aid?

Ms. ROSENWORCEL. We have developed a very close relationship with the Substance Abuse and Mental Health Services Administration because I want to make sure that privacy and confidentiality are part of all of our policies. But the situation you described is totally unacceptable. I am not clear that it violates the Communications Act, but I am fairly confident it violates some law maybe involving healthcare, and so we will go back to our enforcement bureau—

Mrs. DINGELL. You really do need—

Ms. ROSENWORCEL [continuing]. And identify what is going on and see what we can do to help you fix that. And if it is not us, we want to be able to direct you to the right people to do it.

Mrs. DINGELL. It is a major issue. I had a suicidal young person who then got public and it became worse.

Lastly, I am cochair of the 5G and Beyond Caucus and the AV Caucus, so I would like to focus a few questions on promoting the new technologies of the future and help close the digital divide. Chairwoman Rosenworcel, do you see the advent of fixed and mobile 5G as a tool for connecting communities and promoting developing technologies, like autonomous vehicles, is this a good development for consumers?

Ms. ROSENWORCEL. Yes.

Mrs. DINGELL. OK. The rest of the Commissioners, because you should have a chance to talk, do you agree with the Chairwoman, is this a good development for consumers, yes or no, and why?

Mr. CARR. Yes, I do. Yes.

Mr. STARKS. Yes, I agree as well.

Mr. SIMINGTON. Yes, I agree, and it will also help them in their working lives as we expand the ability of 5G to enhance industrial production and keep us competitive.

Mrs. DINGELL. Thanks again to all of you for being here today and for your service to the American people.

And while we are talking about the FCC, Congress needs to do its job and fund the Affordable Connectivity Program that continues to be a critical lifeline for families, and we need to ensure it remains funded.

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

Mr. LATTA. Thank you. The gentlelady yields back, and the Chair recognizes the gentleman from Ohio's 12th District for 5 minutes.

Mr. BALDERSON. Thank you, Mr. Chairman, and thank you all for being here today.

My first question is for Commissioner Carr. The FCC is an immensely important agency regulating media, auction, and relocate spectrum and helping get Americans connected, amongst many other things within their purview. During a recent markup, this committee passed Mr. Carter's H.R. 3557, the American Broadband Deployment Act. I included an amendment in that bill that would help streamline the permitting process for deployments over or under rail crossings.

Commissioner Carr, outside of congressional action, what can the FCC do to streamline the permitting process for deployments across rail crossings?

Mr. CARR. Well, thank you, Congressman, for your leadership. I think the legislation that you have introduced has identified a real serious problem. I have tried to spend a lot of time in this job on the road meeting with the telecom crews that build out fiber and other connections, and right from the get-go they said that railroad crossings is just a really difficult issue in terms of the timelines of getting approval and the cost. And I think our jurisdiction to do something about that is—would be very stretched, so I think that we really need something like your legislation to pass.

Mr. BALDERSON. OK, thank you very much for that answer.

Madam Chairwoman, the FCC under the Trump administration took a number of steps to streamline the permitting process with their rulemakings, specifically when it comes to wireless deployment. Do you plan on retaining these rules and interpretations once the FCC returns to its full complement of Commissioners?

Ms. ROSENWORCEL. To the extent that they have been upheld in court, yes. But I do want to also acknowledge this: That we have got to streamline permitting procedures, but we have got to be mindful that most people don't like Washington telling them what they can and can't do in their own backyards. And we are going to have to figure out a way to cooperatively work with communities to get this network infrastructure deployed, and I don't want those relationships to be hostile, friction-filled, or aggressive. We are going to have to work with local municipalities to make sure next-generation network infrastructure gets out there.

Mr. BALDERSON. OK. I look forward to that, thank you.

Back to you, Commissioner Carr. I wanted to follow up with you on the permitting process. What lasting impact has the Pai Commission's action on broadband deployment?

Mr. CARR. I think it has been incredibly successful. If you just look at small cells, for instance, back in 2016 new small cell builds in this country had effectively flatlined. We had something like 708 new cell sites go up. I think some of the data I saw from 2019, for instance, show that we had 64,000 new cell sites go up.

So infrastructure reform really matters, and it paid off during COVID-19. We had robust, resilient networks because of those infrastructure reforms. Flash forward to Europe, their top regulators were asking their streamers to degrade the quality of their video content because they were afraid that the continent's networks were going to break.

Our networks perform very, very well, and I think at least part of that is due to the infrastructure reforms that were—that led from 2017 forward.

Mr. BALDERSON. OK, thank you very much. My next question is for Commissioner Carr and Commissioner Simington. You have been sitting there pretty quiet. Shifting gears to spectrum. Coordination between the FCC and the NTIA is crucial when the FCC is deciding on spectrum action. Congress has made several efforts at increasing coordination between the FCC and the NTIA, be it through my bill, the Spectrum Coordination Act, or through the recent spectrum auction reauthorization bill approved by this committee.

Commissioners Carr and Simington, can you tell me how coordination with the NTIA has improved throughout your time serving on the Commission?

Mr. CARR. Well, it is always a challenge. At the end of the day, NTIA is intended to represent a lot of Federal users, and the entire spectrum process in this country works better when Federal users filter their views into NTIA and then NTIA, with authority, can represent the views of Federal users to the FCC and then we do what Congress intended, which was we make the final decision on whether this spectrum band can work here or what power level.

The challenge we have seen—this isn't unique to this administration, we saw in the last administration—is once the FCC's experts call the ball, we see a lot of collateral attacks on that decision from Federal agencies. So I think what would be good through legislation or otherwise is reinforcing Congress' decision that the FCC is the central authority for making spectrum allocation decisions and that NTIA needs to be empowered to really speak for the Federal agencies with one voice.

Mr. BALDERSON. OK. Mr. Simington, you have 20 seconds.

Mr. SIMINGTON. Thank you. I used to serve at the NTIA. The NTIA is a very sophisticated organization scientifically, but it is a small organization. It has much—it has 200 people as opposed to tens of thousands at some other agencies. If other agencies freelance and don't operate through the NTIA and don't treat the NTIA as a convening center for their views, then the FCC will then be unable to coordinate with anyone.

Mr. BALDERSON. OK, thank you both very much.

Mr. Chairman, I yield back.

Mr. LATTA. Thank you. The gentleman yields back, and the Chair now recognizes the gentleman from Utah for 5 minutes.

Mr. CURTIS. Thank you, Mr. Chairman and the ranking member.

I have listened to my colleagues' comments and questions. I have some that were originally questions, and I would just like to now comment on your responses and reemphasize that they are important to me as well.

The first is the 9-8-8 number and the issue with responding to the area code versus the actual location, so let me just weigh in on that also being important.

The second is this issue of 2.5 gigahertz spectrum and the industry not feeling like the FCC has been responsive in answering the questions. I know you have answered that, so I am not going to ask you to answer that again, but I just want to weigh in on the importance of also communicating with industry and helping them understand your position.

The third, Chairwoman, I noted your recent letter to Senator Grassley recognizing the agency's lack of jurisdiction in the online video marketplace and rightly demonstrating regulatory restraint. I just want to echo those sentiments and caution the Commission from taking action that would attempt to shoehorn an old TV regulation into the growing MVPD marketplace.

Now to a question or two. Madam Chair, the FCC Inspector General and Government Accountability Office has issued reports about fraud and the lack of antifraud controls in the Affordable Connectivity Program. The Inspector General has made some recommendations for improving the program's oversight. What steps has the FCC taken in response to those reports and safeguards program—and safeguarding the program from waste, fraud, and abuse?

Ms. ROSENWORCEL. Thank you. We are doing everything we can to make sure that this program runs with—that it is strong and it is run with structural integrity. Remember, Congress asked us to set up the Affordable Connectivity Program in 60 days. In 60 days the people sitting before you built the biggest broadband affordability program ever. And so, when the Inspector General makes recommendations, we take a look at them and we identify what we can implement and how fast we can implement.

We have put new fraud controls in, we have changed our vendors for different language and translation services, we have also made adjustments to make sure that all of the—that there are no commissions for those who reach out and try to sign people up for these services. We have taken a lot of their recommendations and put them to work.

Mr. CURTIS. Thank you.

Commissioner Carr, did you have any response on that?

Mr. CARR. Yes, look, we have to obviously stay very vigilant on this. One idea that I have thought about is attempting to formalize the process of the FCC Commission's consultation with the Inspector General. I have spoken to the Inspector General before we have moved forward, and the Chair and her team have as well, but that is not formalized.

I think one idea maybe going forward is to, when we have big spending initiatives above some threshold, or maybe all of them,

we consult with the Inspector General and we put their recommendations in the FCC order and we can respond to it. Hopefully, we are agreeing with them, but we can at least respond to what the IG said.

If we formalize that process, I think maybe that could help us catch a little bit more of this on the front end.

Mr. CURTIS. Thank you.

Ms. ROSENWORCEL. I do want to acknowledge that in our draft Affordable Connectivity Program order, we shared it with the Inspector General to take in those kind of recommendations.

Mr. CURTIS. Thank you, thank you.

Let me switch gears a little bit. I represent a large rural district. They are very concerned about rip and replace, as all of us are. The funds are not there for them to complete their work. I am just curious, to all of the Commissioners, have you heard from providers that will be shutting down their networks if they don't receive the full reimbursement, and what are you hearing, and what solutions do you have? Madam Chair?

Ms. ROSENWORCEL. We are going to need help from Congress to make sure we fully fund this program so that we can take this insecure Chinese equipment out of our Nation's networks. Right now those small carriers that rely on this program have a really hard choice. They can rip that equipment out of their networks but be paid a limited amount of money to do so, or they could leave it in and make sure that those networks are not secure, and it is not something that we are going to be able to tolerate in the United States.

Mr. CURTIS. Not a good choice.

Ms. ROSENWORCEL. We are going to need your help on this.

Mr. CURTIS. Yes. Anybody else want to weigh in on that? Good. All right, thank you, Mr. Chairman, I yield.

Mr. LATTA. Thank you. The gentleman yields back, and the Chair recognizes the gentleman from Texas' 33rd District for 5 minutes.

Mr. VEASEY. Thank you, Mr. Chairman.

I wanted to first of all really thank the panel for coming in and talking about their vision for connectivity, for digital connectivity, particularly here in the United States, and the Affordable Connectivity Program is what I really wanted to focus on today. One of the reasons why is because it is such a great example of a program that is working. Whether it is an urban district like the one that I represent or in a rural district like many of our Republican colleagues represent, it is tremendous what it is doing to change families' lives and what a positive impact that it has made in 18 million households across this country.

People that weren't connected before finally have an opportunity to do that, and being able to do it affordably and not have to make the choice between whether or not they should be connected with the rest of the world or whether or not they, you know, have to, you know, pay other bills. And so it has just been a great program.

And, Chairwoman Rosenworcel, I want to commend you and the Commission on setting up ACP and its predecessor, EBB, so quickly and particularly under challenging circumstances that we faced. But it wasn't a set-it-and-forget-it situation, and I know that lots

of improvements have been made to the program and, unfortunately, the media always talks about the waste and the fraud, and that is what gets the headlines. And so the 18 million people that I talked about earlier whose lives have been positively changed because of this program, to me the system is working as it is supposed to be working and people are connected that weren't before, and that is what we have to keep in mind.

Can you talk to us, Chairwoman, about the improvements and integrity measures that you have made and implemented to ensure that ACP is on firm footing?

Ms. ROSENWORCEL. Well, first of all, thank you. I know that you played a big role in getting the predecessor to this program, the Emergency Broadband Benefit, set up, and then Congress took a look at that work and decided to continue it, and that is why we have the Affordable Connectivity Program today.

Like I mentioned a second ago, we had to set it up in 60 days. Congress gave us 60 days. That is a little bit like building a plane when it is in the air. But we did it, and we have 18 million, 19 million households that rely on it now.

So every time we identify a problem, we are swift to make change. For instance, the Inspector General identified a problem with subscribers in community-eligible participation schools. Over the course of 2 to 3 days, we shut down that pathway, required additional documentation, did a reverification of everyone who had previously applied under that requirement, I mean—and we sent any problematic findings off for enforcement and investigation. I think that is exactly what you want.

Mr. VEASEY. Yes.

Ms. ROSENWORCEL. You run a problem, you make sure it has structural success and integrity, and you do that by taking in any criticisms and acting on them in a fast and expeditious way.

Mr. VEASEY. Yes. No, no, I think that is absolutely right. And you mentioned also in your testimony that current projections suggest that ACP funds could run out within a year, and there are currently, again, 18 million Americans enrolled. If that happens and this program does wind down, what processes are in place to prevent consumers from certainly losing the discount and facing unexpected bills, and when would providers need to start informing customers in our districts that this benefit is no longer available?

Ms. ROSENWORCEL. These are very good questions, and we are taking a look at all of them right now. First things first, we want to make sure that Congress continues to fund this program. We built the biggest broadband affordability program in our Nation's history, so let's keep the good stuff going, and we would like to work with you to do that.

But come this fall, we will have to make hard decisions about what kind of choices will need to be made to wind this program down if Congress does not provide an additional appropriation, and we are taking a look at all of those issues right now.

Mr. VEASEY. Yes. Well, thank you very much. Well, I—it is—like I said earlier, it has made a big difference, from kids being able to do their homework in a more efficient manner, people being able to explore starting, you know, a new business one day. And as this digital economy continues to grow, we want to make sure that

lower-income communities can participate because it can change lives. I appreciate your testimony today.

And, Mr. Chairman, I yield back.

Mr. LATTA. The gentleman yields back. Just to remind Members, votes will be called at 1:15. And the Chair now recognizes—let's see, who do we have—OK, the gentlelady from Tennessee for 5 minutes.

Mrs. HARSHBARGER. Thank you, Mr. Chairman. Thank you all for being here today.

And I guess my first question is to Commissioner Carr. You know, I am excited about the potential benefits and economic development that can happen in my district with 5G. For example, the fixed wireless broadband is quickly growing, and I have a mountainous region in East Tennessee, and that has incredible potential for unlocking smart manufacturing, precision agriculture, and a whole lot more.

So how can the FCC ensure that wireless carriers have the right type of spectrum and other tools they need to get the 5G services to the people I serve?

Mr. CARR. We need to—thank you for the question. You know, we need to obviously continue to push spectrum out there. I think obviously the 2.5 gigahertz is one band that we could allow carriers to light up immediately. We also have to be sensitive, not just the FCC but Commerce Department, on the BEAD Program, that we allow a range of technologies to compete. At the end of the day, when Congress passed IIJA, the infrastructure act, they did so making clear that they wanted to be technology neutral.

So we want a ton of fiber in this country, but there are pockets where fixed wireless could bridge the digital divide almost overnight, and so we need to leave room for those technologies to compete as well.

Mrs. HARSHBARGER. I know there was, you know, some legislation. I talked to our Senators, you know, fiber is probably what people would prefer but if you can't get it and you need to get up and going because there's many rural areas where—I have two distressed counties where they have to, you know, drive to Walmart or McDonald's to download their lessons. We need something.

So—and this goes to Chairwoman. As the FCC handles more space-related applications and actions at the staff level, it is important that there is a process in place for the elevation of certain decisions to the Commissioner level. Some of the decisions are on controversial matters that arguably should be made by the Commissioners who can be held accountable. And I guess my question to you is, can you please explain what the current practice is for elevating decisions for Commissioner-level review?

Ms. ROSENWORCEL. There is a mix of different precedential authorities here. For instance, if the Commission has previously acted on these issues or comparable issues, we can assign them to bureau authorities. There are other times where the Commission actually delegates certain tasks to the bureaus.

Mrs. HARSHBARGER. Mm-hmm.

Ms. ROSENWORCEL. There is a lot of stuff that comes before the FCC on any given day.

Mrs. HARSHBARGER. Yes.

Ms. ROSENWORCEL. And we have to figure out how to process it expeditiously, so that takes a mix of Commission- and bureau-level action to do so.

Mrs. HARSHBARGER. OK, thank you for that answer.

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

Mr. LATTA. Thank you. The gentlelady yields back, and the Chair will now recognize the gentleman from Idaho for 5 minutes.

Mr. FULCHER. Thank you, Mr. Chairman and Commissioners, for being here today.

I would like to speak about spectrum just a little bit, in particular shared licenses. And with less and less greenfield and clear spectrum available, where is the Commission when it comes to pursuing shared license options to ensure Federal users like DoD, private users can utilize these bands at even faster speeds? And I would like to get everybody's input, if I may, so Chairwoman Rosenworcel, if you could begin, please.

Ms. ROSENWORCEL. I think that is a really smart question because we are not making more airwaves, we have got to get creative about how we use them. And I think one of the best exercises of that creativity has been our work in the 3.5 gigahertz band, where we have created a hierarchy of rights where there is a military right that they can preempt at any time, but we created secondary rights and sold off licenses, and beneath that we made the spectrum more broadly available for unlicensed and Wi-Fi purposes. I think that's a model of creativity and we have got to study models like that and see if we can export them into the future because identifying greenfield spectrum, just like you mentioned, is going to get harder and more difficult.

Mr. FULCHER. Chairman Carr?

Mr. CARR. Yes, I agree with the Chair. At the end of the day, we need to provide a mix of different spectrum bands, not just, you know, where it is—low, mid, high—but exclusive use, shared, unlicensed. We have to strike the right balance there.

Mr. FULCHER. OK. Chairman Starks—or Commissioner Starks.

Mr. STARKS. Yes, thank you for the question. I completely agree with my colleagues. You know, the additional thing that I would say, obviously, the physics of it matters, where you are in particular bands. The FCC has outstanding engineerings—engineers that we work with, and they certainly keep us well-informed.

Mr. FULCHER. Commissioner Simington?

Mr. SIMINGTON. Thank you. My colleagues have already said a number of very, very smart things, and I am going to more or less agree with all of them. I would note also that in Chinese deployments of 5G, they often operate in private networks, of which China has a very high density compared to the United States indoors and at relatively low power levels, thus providing support for manufacturing and other industrial facilities, so that is something we should explore as well.

Mr. FULCHER. OK, thank you for that. And that is kind of a lead-in for where I wanted to go next, and we will just go in reverse order, if we may, because I would like to get all of your input on this as well, and it has to do with the mix of licenses, if you will.

So as Congress seeks to support FCC's spectrum auction authority, where do you see the value to Americans when it comes to this

mix—shared license, unlicensed, and exclusive licensed spectrum? What is the value to Americans in that mix? So Commissioner Simington can start, please.

Mr. SIMINGTON. Absolutely. So full-power exclusive-use licenses allow for the most detailed network engineering, and companies that are going to try to cover large amounts of terrain with sophisticated network engineering need the certainty that they have control of that band in order to deploy the huge capital costs of covering an entire country with, for example, wireless telephony.

On the other hand, unlicensed spectrum has—is where the Wi-Fi industry came from. It allows anyone to get in and start innovating, and having a mix of unlicensed spectrum available allows for an explosion in diversity of services, sometimes ones that start with very low investment but can grow.

And, finally, as far as shared spectrum, shared spectrum is often the model that we are looking at when there are a number of services that have different operational characteristics and can share the same band or that are operated at different times and can be synchronized—can be offset in time so that there is heavy traffic in one direction when that is what is needed and then at other times they turn off. So, for example, the radar comp rate.

Mr. FULCHER. OK.

Mr. SIMINGTON. We need them all.

Mr. FULCHER. Great, thank you. Commissioner Starks?

Mr. STARKS. I agree with my colleague there, Commissioner Simington. The two things that I would additionally add is we are also advised by the Technical Advisory Council, which frequently gives us great ideas, but in particular the thing that I would foot stomp is Wi-Fi has produced billions and billions if not trillions—

Mr. FULCHER. Right.

Mr. STARKS [continuing]. Of additional dollars of economic impact to the United States and to Americans everywhere.

Mr. FULCHER. Right, got it. Commissioner Carr, once again it is the—regarding the mix of licenses, the value to Americans.

Mr. CARR. Yes, I agree with the comments that my colleagues made. Mr. Simington put it very well. You know, we made—in the near term, we have made a lot of progress on unlicensed. For instance, we opened up about 1200 megahertz of spectrum and six gigahertz. Obviously we can always open up more, but we need to continue to put emphasis on some of the licensed spectrum as well, given some of the recent unlicensed progress we have made, and I think that will get us back to a more balanced approach.

Mr. FULCHER. Thank you.

Chairwoman Rosenworcel?

Ms. ROSENWORCEL. I think my colleagues have all made good points. The bottom line is that good spectrum policy requires a mix of licensed and unlicensed services and exclusive and shared-use propositions.

Mr. FULCHER. Great.

Ms. ROSENWORCEL. And we constantly have to be recalibrating to make sure we are making the right balance in our skies.

Mr. FULCHER. Thank you. Commissioners and Mr. Chairman, I do have more questions, but I am out of time, so I am going to send those to you in writing. Mr. Chairman, I yield back.

Mr. LATTA. Well, thank you. The gentleman yields back. The Chair now recognizes the gentlelady from Florida for 5 minutes.

Mrs. CAMMACK. Thank you, Mr. Chairman, and thank you to all our witnesses for being here today.

With regard to all of the commentary surrounding spectrum, I just want to say ditto. I know that so many of my colleagues up here today have touched on this issue, so it—there is no need for me to go into that. But I just want to open up with saying I think very few Americans really understand how much their everyday life is impacted by the work of the FCC, and so thank you to you all for everything that you have done and will continue to do.

And I am just going to jump right into the Cable Act. So, as you all know, in 1992 Congress passed the Cable Act to promote competition and provide consumers with expanded video choices. Today, the robust media marketplace has expanded far beyond cable TV, providing consumers for many options to watch videos and beyond. Now with the possibility of a fifth Commissioner joining your team, I would caution the FCC in taking any action that would apply outdated, burdensome regulations to a flourishing marketplace.

So, Chairwoman, and correct me if I am saying this wrong, Rosenworcel?

Ms. ROSENWORCEL. Nice.

Mrs. CAMMACK. All right. Under former Chairman Pai, the FCC eliminated many unnecessary rules on the media industries. Do you commit to not reinstate any of the rules eliminated in the media modernization order?

Ms. ROSENWORCEL. I think there were more than 30 rules that were eliminated, or at least 30 proceedings on it. To be candid with you, I would rather go back and look at them than give you a uniform answer now. But many of them were outdated, and it was an effort to adjust them and modernize them for the times. As you acknowledged, the ways we watch have changed, and I think that is a fair thing to recognize.

Mrs. CAMMACK. So just to go back to that, so you have no plans to institute new rules or regulations in this space?

Ms. ROSENWORCEL. We don't have anything before us at the agency involving those issues right now. And I am not certain if you are referring to something specifically.

Mrs. CAMMACK. Nope.

Ms. ROSENWORCEL. OK.

Mrs. CAMMACK. I appreciate that. And also while I have got you, the FCC is required to conduct its quadrennial review of media ownership rules every 4 years, and I believe that the most recent review is overdue. When can we expect to see that review from you?

Ms. ROSENWORCEL. We are working on it. We also started the—last year's quadrennial review in December, and I know that this issue is also before the court in a mandamus petition, though the court has not actually asked us to respond to it yet.

Mrs. CAMMACK. Thank you.

Commissioner Carr, anything to add?

Mr. CARR. Yes, I do think we need to get going on a lot of those proceedings, including the quadrennial review. There is a lot of,

you know, progress you can make. At the end of the day, you know, our guide star here has to be continuing to create an environment that is going to lead to investment in local journalism, local TV, local radio. When you look at newspapers across this country, something like 2200 closed down over the past 15 years, and I am worried that newspaper could be the future for local radio, local broadcast.

It doesn't have to be that way, but we can't impose regulations that are going to make it more difficult for local broadcasters to thrive. They have an incredibly important business model, a lot of upside. We just can't saddle them with too much regulation.

Mrs. CAMMACK. I agree. I am very much a proponent of less government is better government, so I appreciate that.

And I know that this issue has also been hit on a few times today: robocalls. I, like every American, despise the robocalls, the scammers, but scammer text messages, in particular. I know, Chairwoman, you and I have discussed a couple of ways we can address some of the robocall issues, but can you tell me one specific thing that you need from us in Congress to stop the scammer text messages?

Ms. ROSENWORCEL. Sure. As we all know, the scam artists are moving from calling us to texting us.

Mrs. CAMMACK. Yes.

Ms. ROSENWORCEL. And it is extraordinarily annoying and really dangerous because people click on that junk really easily and find that some bad actor can then go, you know, drain their bank accounts or cause them real harm. One of the things that I would like us to be able to do is to take the TRACED back consortium that this committee made available in the TRACED Act, which is a group of carriers that actually identify junk calls on the line. I would like to take that technology and apply it to texting.

Mrs. CAMMACK. Wonderful.

Ms. ROSENWORCEL. We might need your help to do that. I am not clear whether or not we can make that happen under the TRACED Act, but it is absolutely something that has been successful for scam calls. I would like to now apply the same approach in the texting context.

Mrs. CAMMACK. Wonderful, thank you for that, and we will definitely follow up on that.

And, finally, I know we are going to make a wild jump here into prisons, so stay with me. The contraband cellphone issue in our prison system is a very serious issue. I represent several of these prisons, both State and Federal, in my district, and all of the major crimes committed have begun with a conversation, and 9 times out of 10 it is facilitated with a cellphone.

So what can the FCC do specifically to encourage the adoption of technologies like managed access systems to prevent the illegal phones in our prison systems?

Mr. LATTA. If you could answer that in about 10 seconds.

Ms. ROSENWORCEL. Last year we adopted—

Mrs. CAMMACK. Sorry. Sorry, Mr. Chairman.

Ms. ROSENWORCEL [continuing]. Updated rules for managed access systems that were intended to streamline the process so that

more correctional authorities can avail themselves of those systems.

Mrs. CAMMACK. Thank you.

Mr. Chairman, I yield back.

Mr. LATTA. Yep, thank you very much. The gentlelady yields back. The Chair now recognizes the gentleman from Texas' 11th District for 5 minutes. And, again, we will probably be called here in about 3 minutes.

Mr. PFLUGER. Thank you, Mr. Chair, and thank you all for being here. Chairwoman, it was nice to speak with you as well. It is good to see everybody here today.

I represent the fourth-most underserved district in the country, and the other districts that are, you know, 1, 2, and 3 are adjacent to me, so I would really like to speak on behalf of not just my own district, Midland and Odessa, San Angelo, the rural areas, the national security area that we talked about energy production, agriculture, but also places like Lubbock, places like Amarillo, and a lot of West Texas throughout the Permian Basin.

I have—you know, just kind of looking back at the funds that have been distributed, and I just ran into my predecessor, Mike Conaway, in the halls walking here, and he brings me back to 2009, you know, and the conversations when he was chairman of the Agriculture Committee a couple of years later with the amount of funds that have been put towards getting access in rural America. And, you know, it is hard to think about 6G when we are still, you know, waiting for 25/3 service in my own district.

And, you know, I think that one of the things we have to focus on is the competition—commercialization and the competition with China, it is very important, so obviously 6G is important. But when it comes to the maps and when it comes to prioritizing rural needs, whether it be precision agriculture or the production of energy, Chairwoman, can you maybe give us some assurance that, you know, before doing 6G that we are going to have, you know, actual service, just broadband service just in general in places like my district?

Ms. ROSENWORCEL. So with respect to wireless, we have talked a lot about maps for wired but not wireless. And, in fact, we are actually developing the Nation's most accurate wireless maps right now too. For the first time ever, we are getting all of our carriers to give us data based on the same metrics and same systems and the same assumptions.

So what we are trying to do is identify where there is service, where you will get bars today and where you won't. And once we get that down, we will be able to also identify what areas are going to need support for wireless service everywhere.

One of the cool new tools we have is the FCC's Speed Test App. If you put it on your phone in an anonymized way, you can check the speed you are getting on your phone, but it will report right back to us and tell us where you are standing and what kind of speeds you get. So we are actually taking advantage of some crowdsourced information to make sure our in-house mapping initiative for wireless is even more correct and even more accurate.

Mr. PFLUGER. Is that mapping process taking into account community interaction and commercial partners as well?

Ms. ROSENWORCEL. Well, on the wired side, we have done a lot of community outreach because a lot of States have—and even localities and municipalities have broadband task force and broadband offices. So we are developing those ties right now because I don't think we are going to be able to produce all this data in Washington without asking people to check and tell us what is happening in the communities where they live.

Mr. PFLUGER. OK, great.

Commissioner Carr, anything to add to that?

Mr. CARR. No, I think as we have discussed, you know, we have really an unprecedented influx of Federal dollars designed to end the digital divide, and so it is not a funding challenge at the problem in terms of the buildout of infrastructure, it is a policy implementation. We have got to focus on the places of this country that have zero megabit over zero megabit. I want everybody to get the latest and the greatest, whether it is 6G, whether it is a hundred megabit service, but have to focus first and foremost on the places that are still on dial-up, still on, you know, almost nothing, because if we focus there, we can make a big difference with the funding that we have right now.

Mr. PFLUGER. Yes. The Chairwoman?

Ms. ROSENWORCEL. Yes, I just want to make a plug for another map that we have which is called the Broadband Funding Map. Congress asked us to create it, and most people don't even know that it exists, but it is a map of all these programs that we are now presently funding, not just at the FCC but at the Department of Commerce, the Rural Utilities Service, the Department of Treasury. We are trying to take in every single program and produce data on a single map so you can see what the Government has funded, and you can go check and see what is happening in those areas, and you can also identify areas that we might have missed.

I think that that map is just as important as our National Broadband Map, and it is one that I would certainly want this committee to be aware of as you look at our progress.

Mr. PFLUGER. Well, thank you. And when we look at those maps, you know, again, I am going to highlight the national security issue of providing food for this country and providing energy, and I want to make sure that as we spoke about on the phone that there is no bias that is inflicted by this agency, by the FCC when it comes to climate agendas and things that we have seen that—there are biases that are out there, but providing broadband, providing coverage to the Permian Basin and the surrounding areas is very important.

Mr. Chairman, my time is expired. I yield back.

Mr. LATTI. Yes, the votes have now been called. The gentleman from California is recognized for 5 minutes.

Mr. OBERNOLTE. Well, thank you very much, Mr. Chairman, and thank you to the Commissioners for a very interesting hearing.

Chairwoman Rosenworcel, you said some things that I thought were really spot on in your testimony. You said that broadband isn't nice to have, it is need to have. You also said you don't have a fair shot in the 21st century unless you have broadband at home, which I completely agree with, and that is why I think it is so important that you have created the broadband availability map to

really highlight the need to extend infrastructure in parts of the country that don't have it.

In perusing that map, I couldn't help but noticing that there is a huge hole in coverage right over my district, both in fixed and in mobile broadband. And I know that a lot of our conversation at the hearing today has centered around affordability of broadband, but my point would be it doesn't matter how affordable broadband is if you don't have access to it, and many of my constituents don't.

My constituents have kind of a unique problem in that so much of my district is in public ownership, either National Forest or Bureau of Land Management land. Many of my communities are completely landlocked. I have got one city that is completely surrounded by BLM. I have got another city that is completely surrounded by National Forest. And problems arise when we try to permit the extension of broadband infrastructure through public lands.

And, Commissioner Carr, I know that you, in answering Congressman Joyce's question on this, you got into this a little bit. So we are supposed to have a shot clock of 270 days on the permitting of broadband infrastructure through Federal land, but our agencies right now commonly ignore that shot clock. So the question then—I'll start with you, Commissioner Carr. The question is, what can be done about that?

Mr. CARR. It is a challenge. We have tackled this—you have tackled this through legislation multiple times, Congress has, and we have a shot clock right now on these entities, and it is not being abided by. I think it kind of has to go maybe to the top of these agencies and really bring it to the leadership's attention that Congress is serious about these deadlines, imposing some consequences for missing the deadlines, because right now there isn't one.

Mr. OBERNOLTE. Consequences like what?

Mr. CARR. You know, it could be sort of consequences for funding, perhaps, something that would be enough to get the attention of leadership, because these are—you know, they are good-meaning public servants but their missions are directed on totally other issues and their career isn't advanced by moving quickly on broadband permitting, so we have to find some way of aligning the incentives, whether it is carrots or sticks, as my colleague says, to make sure that they are abiding by those shot clocks.

Mr. OBERNOLTE. I completely agree. I have introduced a bill, H.R. 3340, the GRANTED Act, that would simply say if you have a permit that has met all of the other requirements but the shot clock has expired through the inaction of a Federal agency for the permitting of infrastructure across public land, then the approval is deemed granted.

Mr. CARR. Yes.

Mr. OBERNOLTE. And I think that would incentivize Federal agencies to not ignore the shot clock. And I know it is a heavy-handed approach, but I don't know how else to get their attention. Maybe we will look at also tying it to maybe some funding, but, you know, something needs to be done. I completely agree with you.

Chairwoman Rosenworcel—which, in your defense, is not worse than Obernolte—one of the things that has really changed about the way that consumers get information, particularly video services

over the last few years, is the advent of streaming services, and I know you are very aware of the—how the industry has transitioned there. So questions have arisen recently about whether or not the FCC has the jurisdiction to regulate these new online video marketplace distributors as—in the same manner that you have regulated them that—in nonstreaming formats in the past.

So do you believe that the FCC has that jurisdiction, and do you intend to regulate streaming services the same way that you do other MVPDs?

Ms. ROSENWORCEL. I think the answer is that our authority extends only to what Congress provided us in the 1984 Cable Act and the 1992 Cable Act, and I think it is fair to assume that none of us in this room were contemplating the kind of streaming services we have today when Congress passed those laws.

Mr. OBERNOLTE. Right. Thank you, that is a pretty clear answer. I know we have some people waiting to go on, and we have votes, so I want to thank you all for your dedication to extending broadband into rural districts like mine, and it is very much appreciated.

I yield back, Mr. Chairman.

Mr. PFLUGER [presiding]. The gentleman yields. The Chair now recognizes the gentleman from Ohio, Mr. Johnson.

Mr. JOHNSON. Well, thank you, Mr. Chairman, and I appreciate our panelists being with us today. Chairman Rosenworcel and the rest of the Commission, good to see all of you.

The committee has passed my legislation, the ALERT Parity Act, to formalize the way the FCC licenses supplemental coverage from space when providing emergency alerts and 9-1-1 service. While there have been several partnerships announced that seek waivers of the FCC's rules for more advanced services, this burgeoning topic also raises several interesting questions about spectrum use.

One such question pertains to the geographic areas required to offer supplemental coverage from space. I want to make sure that, whatever the FCC does, my constituents in rural eastern Ohio are not left out because rural carriers don't have the spectrum over the entire U.S. So first question, Chairwoman, would the FCC's proposed supplemental coverage from space rules exclude smaller carriers from bringing these services to the rural communities they serve?

Ms. ROSENWORCEL. The short answer is no, but the longer answer is this. As we try to combine terrestrial services and satellite services, we are going to have to deal with a lot of potential interference issues. That is why our lead proposal in our rulemaking on the single network future focuses on spectrum where a single carrier holds all cochannel licenses in an area.

Mr. JOHNSON. OK. I—

Ms. ROSENWORCEL. But we also proposed ideas for how other carriers could work together to help avoid that interference and participate in this growing area of spectrum.

Mr. JOHNSON. OK. All right, so will you commit to working with our committee to ensure that the FCC's actions in this space are not unnecessarily rushed and that they strike the appropriate balance of encouraging innovation while also providing certainty?

Ms. ROSENWORCEL. Yes.

Mr. JOHNSON. OK, great. Chairwoman Rosenworcel, again, one area of geopolitical competition with China is in the space sector. Similar to how China has sought to leverage their terrestrial telecommunications infrastructure, they are also working to build out satellite broadband to directly compete with the United States. Regulatory certainty is something that would help to ensure that U.S. maintains its lead in this critical sector. For instance, right now there are applications that sit for months at the FCC before any action is taken.

If we want to continue to be the global leader on technologies like satellite internet, I strongly believe we need to move much faster. Can you explain to us why the FCC has not been putting out applications for comment on a more timely basis?

Ms. ROSENWORCEL. I agree, when I came to the agency, I noticed that we had a tremendous amount of satellite applications before us. I reorganized the agency, created a Space Bureau. I increased those who review those applications by 50 percent, and we set up a rulemaking to try to identify what criteria are necessary so that we could put them all out on public notice faster. So we are in the process of streamlining this, and I think we are on the way to being successful at just that.

Mr. JOHNSON. OK. Well, you have answered my other question.

So, I think with that, I am going to yield back an entire 1 minute, 27 seconds.

Mr. PFLUGER. The gentleman yields. The Chair now recognizes the gentlelady from Arizona, Mrs. Lesko.

Mrs. LESKO. Yes, thank you, Mr. Chairman, and thank you for being here today.

Radio amateurs voluntarily and without compensation regularly provide important public services, especially emergency and disaster-related support communications when commercial infrastructure has been destroyed by a hurricane, forest fire, or similar disaster. In 2013, radio amateurs petitioned the FCC to delete an obsolete rule that limits the speed with which they can transmit digital messages.

Although the Commission agreed in 2016—in a 2016 notice that the obsolete rule should be deleted, and although it also waives the rule when hurricanes or other disasters threaten, the rule still exists. We are the only country in the world that has a data limit of this type. As you may know, I have twice introduced a bill that directs the Commission to replace the data limit with a bandwidth limit. This would allow radio amateurs to engage in modern data communications and increase efficient use of their spectrum.

Chairwoman and any other members that want to answer, when can we expect the Commission to act on this matter, or will it be necessary for me to pass my legislation to get the Commission to act on this, what I think is a simple matter?

Ms. ROSENWORCEL. Well, I appreciate you giving voice to amateur radio. It is important for hobbyist use, but as you mentioned, it can be also used in emergencies, and we have seen lots of demonstrations of people doing just that and really helping out.

So we had this petition a while ago, and it is about amateur radio rule and how it is a shared use so that we have some restrictions on how amateur radio hobbyists can use it. Some of those in-

volve the symbol rate, some involve a bandwidth restriction, and there is a lot of conflict in our record about how we should update those. But as you mentioned, we last did a rulemaking on this, and I think it was 2016 or 2017, and I think we should refresh that record so that we can move ahead and maybe get to this issue before you have to introduce some additional legislation.

Mrs. LESKO. Do you have a estimated timeline on that, because I have hundreds of amateur radio people that would be ecstatic—

Mr. PFLUGER. Microphone.

Mrs. LESKO. Oh, sorry. Do you have any estimated timeline on this, because, as you know, there are hundreds in my district alone of amateur radio operators, and I have gone to some of these emergency training events where they help hospitals, and I think they are very vital. And this seems, from what they described to me, to be a simple and logical change, and I was wondering what your estimated timeline is on this.

Ms. ROSENWORCEL. Well, the thing is that the record that we have on it is stale and the old record—there was a lot of divide about exactly what changes should be made to the bandwidth restrictions here. So I think we are going to have to update that and then get back to you. I wish I could give you an estimate without updating it, but I think the right thing to do is to update that record.

Mrs. LESKO. And do any of the other Commissioners have a comment on if we should do this?

Mr. SIMINGTON. Yes, Congresswoman, I had a number of friends in the Amateur Radio Relay League who sent me copies of your introduced legislation with, you know, big smiley faces on them and such. It is—you know, I think this is a very—been very well-received by the community.

Obviously, the whole concept of a bowed rate is a little bit outdated. I don't want to be precipitated on how best to reflect the—how best to update the record, and I think the Chairwoman is proposing the right approach, but this is certainly something we should take seriously.

Mrs. LESKO. Well, if you did what is complementary to my legislation, you would have thousands of people that would be very happy.

And with that, I yield back.

Mr. PFLUGER. The gentlelady yields back.

I ask unanimous consent to insert in the record the documents included on the staff hearing documents list.

Without objection, that will be an order.

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

Mr. PFLUGER. I remind Members that they have 10 business days to submit questions for the record, and I ask the witnesses to respond to the questions promptly. Members should submit their questions by the close of business on July 5th.

Without objection, the subcommittee is adjourned.

[Whereupon, at 1:31 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

Documents for the record – Oversight of the Federal Communications Commission

Majority

1. A June 20, 2023, letter to Chair Latta and Ranking Member Matsui from NAFCU regarding the Oversight of the FCC Hearing.
2. A June 21, 2023, statement from American Television Alliance regarding the Oversight of the FCC Hearing.
3. A June 202, 2023, letter from ACA International to Chair Latta and Ranking Member Matsui regarding the Oversight of the FCC Hearing.

Minority

4. A July 21, 2023, letter from Education Superhighway to Chair Latta and Ranking Member Matsui regarding the Oversight of the FCC Hearing.
5. A May 10, 2023, letter from The Leadership Conference to Financial Services and Appropriations leadership regarding ACP.
6. A June 20, 2023, blog post from Common sense regarding ACP.
7. A June 20, 2023, letter to President Biden from Senators regarding ACP.
8. A letter from Public Knowledge to the Wireless Telecommunications Bureau regarding the Commission's failure to issue licenses to T-Mobile.



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National Association of Federally-Insured Credit Unions

June 20, 2023

The Honorable Robert Latta
Chairman
Committee on Energy & Commerce
Subcommittee on Communications
and Technology
U.S. House of Representatives
Washington, DC 20515

The Honorable Doris Matsui
Ranking Member
Committee on Energy & Commerce
Subcommittee on Communications
and Technology
U.S. House of Representatives
Washington, DC 20515

Re: Tomorrow's Hearing, "Oversight of the Federal Communications Commission"

Dear Chairman Latta and Ranking Member Matsui:

I write to you today on behalf of the National Association of Federally-Insured Credit Unions (NAFCU) in conjunction with tomorrow's Federal Communications Commission (FCC) oversight hearing. NAFCU advocates for all federally-insured not-for-profit credit unions that, in turn, serve nearly 137 million consumers with personal and small business financial service products. We appreciate the opportunity to share our views as the Subcommittee exercises its oversight authority over the FCC.

NAFCU supports the FCC's rules aimed at targeting illegal and fraudulent robocalls. The FCC should, however, find ways to tailor its regulations to focus on bad actors instead of sweeping in good actors like credit unions in broadly written regulations. As community-based, member-owned financial institutions, credit unions play no part in illegal communications and are not the type of entity the Telephone Consumer Protection Act (TCPA) was intended to target. Over the years, the FCC has created a regulatory labyrinth that has enriched plaintiffs' attorneys and hurt credit unions attempting to make legitimate and useful informational calls. Credit unions deserve relief so that they may contact their members about important information regarding their accounts without a high risk of frivolous lawsuits.

A prime example is the FCC's recent proposed rule regarding robocalls and robotexts that would restrict a credit union's ability to obtain a consumer's single consent for multiple uses. This proposal could prevent important communications such as "fraud alerts" from reaching a credit union member. As such, there needs to be a reasonably fast remediation timeline when call carriers accidentally block legitimate texts. Additionally, credit union member "opt-ins" to robotexts should be interpreted to give both the credit union and their relevant service provider partners authority to robotext members. Finally, consumers are able to provide their consent through mobile applications, over the phone, or in writing, so the FCC should display or otherwise provide the list of entities the consumer is giving consent to for each of these avenues.

The Honorable Robert Latta
The Honorable Doris Matsui
June 20, 2023
Page 2 of 2

We thank you for the opportunity to share our concerns while the Subcommittee exercises its oversight authority. Should you have any questions or require any additional information, please contact me or Chad Adams, NAFCU's Senior Director of Legislative Affairs, at (703) 842-2265 or cadams@nafcu.org.

Sincerely,

A handwritten signature in black ink, reading "Brad Thaler". The signature is written in a cursive, flowing style.

Brad Thaler
Vice President of Legislative Affairs

cc: Members of the Subcommittee on Communications and Technology

AMERICAN TELEVISION ALLIANCE STATEMENT FOR THE RECORD

U.S. House of Representatives
 Energy & Commerce Committee
 Communications & Technology Subcommittee
 Oversight Hearing of the Federal Communications Commission
 June 21, 2023

The American Television Alliance includes cable operators, satellite TV providers, telco video companies, independent programmers, and consumer groups. We want to provide the House Energy & Commerce Committee our perspective on some of the important issues related to the Federal Communications Commission.

1. Standard General/TEGNA.

ATVA's membership includes companies with a substantial record of participation in FCC merger proceedings. Regarding the merger of Standard General and TEGNA, ATVA's members agree that the FCC's public interest analysis and focus on consumer pricing was squarely within its authority and consistent with long standing precedent. Standard General and its allies in the broadcast industry are wrong to suggest otherwise.

Every merger applicant understands that, under the Communications Act, the FCC must examine whether the proposed merger serves the public interest. For decades, that analysis has included whether the transaction will cause anticompetitive retail price increases. Here, the FCC raised concerns that the parties engineered the transaction to increase the price paid for TEGNA's stations. This is exactly the sort of thing that the FCC looks at, and there is nothing unusual or improper about what it did here.

2. Ownership, Loopholes, and Sidecars.

The FCC's ownership rules generally prohibit a single entity from owning two or more of the top-four rated television stations in a single market. These rules make sense from our perspective—if one broadcaster owns, say, CBS and NBC in New York, it will be able to charge more than if the stations were owned separately.

Unfortunately, several loopholes permit broadcasters to evade these rules. One, the “multicast loophole,” permits a broadcaster to put multiple network *feeds* (say, CBS and NBC) on a single station. Another, the “low power” loophole, says low power stations don't count for the ownership rules. We have identified at least 110 markets in which broadcasters use one or both of these loopholes.

Equally bad is the use of “sharing arrangements” to violate the ownership rules. For years, broadcasters have entered into such arrangements under which, for example, one station might sell some advertising for a second station. More recently, however, broadcasters have used such agreements in a manner far beyond their intended scope. Hypothetically, the FOX affiliate in Albany, for example, might sign multiple sharing agreements with the Albany ABC affiliate—

permitting it to manage essentially all aspects of the ABC affiliate's operations. The FOX affiliate cannot *nominally* own the ABC affiliate, but the sharing agreements accomplish much the same thing. Stations like the ABC affiliate are known in the industry as "sidecars." Sidecars have become yet another way around the ownership rules for broadcasters.

We think the local ownership rules are important. We also think that, if the FCC is going to have rules, it should prevent wholesale evasion of those rules. We have thus urged the FCC to eliminate its loopholes and prevent the use of sidecars.

3. Retransmission Consent.

Retransmission consent has been a mess for a long time. From the consumer's perspective, however, things are worse than ever.

The latest FCC *Communications Marketplace Report* found that the average subscriber pays more than \$200 per year for so-called "free" broadcast television, representing an increase of more than 20% over the previous year. In fact, since 2013, retransmission consent fees have increased, on average, more than 30% annually. The FCC reports that "in 2021, fees per subscriber were more than eight times their 2013 value."

On top of this, broadcasters have blacked out consumers' access to these "free" stations more than 1,800 times since 2010.

In 2014, Congress directed the FCC to reconsider its "good faith" negotiation rules to help bring some sanity to retransmission consent negotiations. Then-Chairman Wheeler paused that proceeding, concluding that new *specific* rules about good faith would be less effective than the current *general* standard. The proceeding is now closed.

Chairwoman Rosenworcel told Congress that she is eager to work with it to prevent consumers from being caught in the middle of retransmission consent disputes.¹ We too are eager to help. It is long past time for Congress to address retransmission consent abuses.

¹ Additional Questions for the Record, Subcommittee on Communications and Technology, Hearing on "Connecting America: Oversight of the FCC," responses of Chairwoman Rosenworcel (March 31, 2022) available at <https://docs.house.gov/meetings/IF/IF16/20220331/114545/HHRG-117-IF16-Wstate-RosenworcelJ-20220331-SD001.pdf>



June 20, 2023

Chairman Bob Latta
House Energy and Commerce Committee
Communications and Technology
Subcommittee
Washington, D.C. 20510

Ranking Member Doris Matsui
House Energy and Commerce Committee
Communications and Technology
Subcommittee
Washington, D.C. 20510

Dear Chairman Latta and Ranking Member Matsui:

On behalf of ACA International, the Association of Credit and Collection Professionals (“ACA”), I am writing regarding the House Energy and Commerce Subcommittee on Communications and Technology Hearing, “Oversight of the Federal Communications Commission.”

ACA represents approximately 1,700 members, including credit grantors, third party collection agencies, asset buyers, attorneys, and vendor affiliates, in an industry that employs more than 125,000 people worldwide. Most ACA member debt collection companies, however, are small businesses. The debt collection workforce is ethnically diverse and 70% of employees are women.

Background about ACA International

ACA members play a critical role in protecting consumers and providing liquidity to lenders. ACA members work with consumers to resolve their debts, which in turn saves every American household, on average, more than \$700, year after year. The accounts receivable management (“ARM”) industry is instrumental in keeping America’s credit-based economy functioning with access to credit at the lowest possible cost. For example, in 2018 the ARM industry returned over \$90 billion to creditors for goods and services they had provided to their customers. And in turn, the ARM industry’s collections benefit all consumers by lowering the costs of goods and services—especially when rising prices are impacting consumers’ quality of life throughout the country.

ACA members also follow comprehensive compliance policies, are diligent about employing strong compliance management systems, and have high ethical standards to ensure consumers are treated fairly and the wide range of federal and state laws that govern collections are followed. The Association contributes to this end goal by providing timely industry-sponsored education as well as compliance certifications. In short, ACA members are committed to assisting consumers as they work together to resolve their financial obligations, all in accord with the Collector’s Pledge that all consumers are treated with dignity and respect.

ACA members support the Federal Communications Commission's ("FCC" or "Commission") efforts to target illegal scam calls and text messages. Illegal fraudsters should be eliminated from the marketplace. However, certain FCC policies have done little to stop bad actors who do not care about the law, and instead have resulted in limiting legitimate informational calls that consumers need. ACA supported the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act ("TRACED Act") because of its efforts to target bad actors harming consumers. However, carriers and the FCC have not kept up with their end of the bargain in this important law. Instead of providing clear standards for transparency and redress options when calls and texts from legitimate businesses are blocked, the FCC has allowed for opaque and incomplete standards that result in carriers continuing to block needed calls with information consumers must know about their finances, health care or other topics. We ask that Congress consider the following concerns:

FCC's Work on Text Message Blocking

This spring, the FCC proposed (1) to require terminating mobile wireless providers to investigate and potentially block texts from a sender after they are on notice from the Commission that the sender is transmitting suspected illegal texts, (2) to apply the National "Do Not Call" Registry's restrictions to text messages, and (3) to restrict the ability of entities to obtain a consumer's single consent and use that consent as the basis for multiple callers to place marketing calls to the consumer.

The Commission should not impede the completion of text messages sent by legitimate businesses to their customers and other consumers. To protect text messages from legitimate companies, the Commission should require mobile wireless providers to notify the sender immediately when the provider has blocked the sender's text message and to resolve disputes no longer than six hours after receiving the dispute. ACA and a large group of other stakeholders outlined actions (available [here](#) (PDF)) the FCC can take to protect legitimate callers and consumers.

A sender of text messages can only take action to dispute an erroneous block if they know that their text message has been blocked. Unfortunately, the FCC's erroneous thinking in this area and in its Report and Order inaccurately stated that carriers are "already providing adequate notice when they block texts." The Commission should require immediate notification of blocking.

Call Blocking Activity

In May, the FCC issued another call blocking order and further notice for combatting illegal robocalls. The FCC unfortunately has missed the mark on requiring carriers to put effective processes in place to ensure call blocking comes with transparency and redress options for callers, which Congress required in the TRACED Act. A large group of impacted callers has outlined several concerns as they work towards seeking appropriate redress.¹

¹

Congressional Discussions

Last week, Ranking Member Frank Pallone, Jr. (D-N.J.) issued a statement, “denouncing the ongoing epidemic of abusive robocalls practices,” which he says have been exacerbated by the Supreme Court’s ruling in *Facebook, Inc. v. Duguid*, which interpreted the Telephone Consumer Protection Act’s (“TCPA”) definition of “autodialer” or “ATDS.” The Supreme Court correctly found that to qualify as an ATDS under the TCPA, a device must have the capacity to either store a telephone number using a random or sequential number generator or produce a telephone number using a random or sequential number generator. In other words, equipment that can store or dial telephone numbers without using a random or sequential number generator does not qualify as an ATDS under the TCPA.² While the plaintiffs’ bar surely regrets the clarity that the 9-0 decision from the Supreme Court provided on this issue, it is an important development for a host of businesses making informational calls with much needed information for consumers. It has also decreased class action litigation under the TCPA.³

Fraudulent calls aimed to harm consumers should be limited. However, the wide variety of financial services calls that consumers need about account updates, information about stolen credit cards, and other critical financial information should be supported by Congress.

We understand the serious problems that fraudulent nuisance calls present for consumers, and it is important to consider public policy objectives to limit these calls. However, the truth is that illegal scam artists do not care about the law and as evidenced in recent years, do not pay fines even when presented with them. More should be done to address this issue without laws or regulations that in an overreaction actually stop legitimate calls and texts with needed information for consumers.

Thank you for your attention to the concerns of the ARM industry. Please let me know if you have any questions.



Scott Purcell
Chief Executive Officer
ACA International

² In April 2021, the U.S. Supreme Court issued a 9-0 decision in *Facebook, Inc. v. Duguid*, 141 S. Ct. 1163, finding that many lower courts were improperly interpreting what types of technology were considered an ATDS. The Supreme Court justices were clear that Congress drafted the TCPA to address abusive telemarketing, not to punish legitimate business callers.

³ WebRecon Stats Dec '22 & Year in Review, available at https://webrecon.com/webrecon-stats-dec-22-year-in-review/?utm_source=ActiveCampaign&utm_medium=email&utm_content=WebRecon+Stats+Dec++22+%26+Year+in+Review&utm_campaign=Dec+2022+Newsletter&vgo_cc=AqSuxCM3%2B72kAO9%2FZXuiVzpLB9tk6tN1Fm%2BmFY3WWOeL8u0%2BWBCfKIYwvb2nYN9. (noting that For the full year 2022, FDCPA (-31.3%) and TCPA (-10.8%) were both down significantly over 2021).



July 21, 2023

The Honorable Bob Latta, Chairman
Committee on Energy and Commerce
Subcommittee on Communications and Technology
United States House of Representatives
2123 Rayburn House Office Building
Washington, DC 20515

The Honorable Doris Matsui
Ranking Member
Committee on Energy and Commerce
Subcommittee on Communications and Technology
U.S. House of Representatives
2123 Rayburn House Office Building
Washington, DC 20515

RE: Oversight of the Federal Communications Commission

Dear Chair Latta, Ranking Member Matsui, and Members of the Subcommittee on Communications and Technology:

On behalf of EducationSuperHighway (ESH), a national nonprofit with the mission to close the digital divide for the 17 million households that have access to the internet but cannot afford to connect, I thank the Committee for the opportunity to share our views on the oversight hearing of the Federal Communications Commission (FCC) on June 21, 2023.

EducationSuperHighway focuses on America's most unconnected communities, where more than 25% of people do not have internet. From 2012-2020, EducationSuperHighway led the effort that closed the classroom connectivity gap, successfully connecting 99.3% of schools to high-speed broadband. In recent years, our organization has been focused on closing the broadband affordability gap, including working with the FCC, states, and local trusted institutions to overcome the awareness, trust, and enrollment challenges that have limited enrollment in the Affordable Connectivity Program (ACP).

After decades of public and private investment in broadband infrastructure, *affordability is now the number one barrier to closing the digital divide*. Nearly two-thirds of the 28.2 million unconnected households have access to a home broadband connection but are offline primarily because they cannot afford to connect. This broadband affordability gap is present in every



state and impacts virtually every community in America - urban, suburban, and rural - and disproportionately impacts Black and Latinx households, households living on tribal lands, veterans, the elderly, and low-income families. Ensuring these communities can afford broadband connectivity is essential to economic mobility, education, and access to resources.

As this Committee is well aware, the COVID-19 pandemic changed everything and created a national conversation on the importance of closing the broadband affordability gap and, ultimately, the digital divide in communities across the country. The pandemic exposed the consequences of being on the wrong side of the digital divide and made it clear that without a home broadband connection, many households are shut out of economic security and opportunity. The need for home broadband connections existed before the COVID-19 pandemic and has continued past stay-at-home orders. Without high-speed internet at home, Americans cannot send their children to school, work remotely, access healthcare, enroll in job training, access critical government services, or participate in the digital economy. The internet is no longer a luxury; it is a necessity in the daily lives of every American.

In 2021, Congress recognized this simple truth by creating the ACP to help households afford the broadband they need for success in the 21st century. The FCC Chair moved quickly to carry out Congress' affordable broadband legislation, implementing both the Emergency Broadband Benefit (EBB) and the Affordable Connectivity Program. Unfortunately, the \$14.2 billion Congress allocated for the ACP is projected to run out by the middle of 2024 - long before the digital divide is closed. **EducationSuperHighway urges the Federal Communications Commission to continue its successful collaboration with national organizations and local trusted institutions to increase adoption of the Affordable Connectivity Program (ACP), and requests that Congress approve additional funding to extend the program past 2024.**

Since going into effect, the ACP has reached more than 18 million households and saved American consumers \$500 million per month. Furthermore, there are households in all 50 states and U.S. territories that currently rely on the ACP, showcasing the nationwide need for this program. The Affordable Connectivity Program also enjoys broad bipartisan support among Americans. In fact, 28 governors¹, including Idaho, Illinois, Michigan, Minnesota, New Hampshire, New Jersey, Ohio, Tennessee, Texas, and Utah, have made public statements on the importance of the ACP in their efforts to address the broadband needs of their constituents.

¹ No Home Left Offline, *Governors In 28 States Have Already Made Affordable Connectivity Program Adoption A Priority*, available at <https://www.educationsuperhighway.org/no-home-left-offline/governors/>



EducationSuperHighway has also partnered with 19 states to mobilize local government leaders and community-based organizations and launch statewide ACP Act Now awareness campaigns.

Likewise, in March of this year, the FCC announced grant awards as part of the ACP Outreach Grant Program, which will invest more than \$60 million in grant funding to states and trusted institutions that will work to increase awareness and enrollment in the program. The success of the Outreach Grant program and the work of grantees will be put at risk if the ACP is allowed to lapse in just a few months.

Funding provided through ACP is also critical to the success of Congress's historic investment in making broadband accessible and affordable for all. The \$42.45 billion Broadband Equity, Access, and Deployment (BEAD) program was created by Congress through the Infrastructure, Investment, and Jobs Act (IIJA) to expand high-speed internet access by funding planning, infrastructure deployment, and adoption programs. The National Telecommunications and Information Administration (NTIA) will soon announce BEAD funding allocations that will fund the deployment of broadband infrastructure in communities across the country, especially in rural areas that have lacked meaningful access to date. The existence of the ACP is inextricably linked to the success of the BEAD program as states develop their required 5-year action plans and create BEAD-funded procurement opportunities. It is also a critical incentive as Internet Service Providers (ISPs) evaluate whether to participate in infrastructure deployment opportunities that will begin next year. The Digital Equity Act (DEA) also allocates \$2.75 billion for ACP adoption efforts, including awareness and enrollment support for unconnected households. This combination of this unprecedented funding represents the largest ever federal infrastructure investment dedicated to connecting those on the wrong side of the digital divide and makes the FCC's work administering the ACP a strategic part of the success of our nation's efforts to remove the barriers that keep millions of unconnected households offline.

Initial funding for the ACP has served as a lifeline for millions of consumers around the country, but if funding is allowed to run out in early 2024, millions more will be left without assistance and without the ability to connect to affordable broadband access. The pandemic shined a light on the absolute necessity of broadband access in everyday life, and the ACP has become a critical tool for ensuring households can get and stay online. Now is the time for the ACP to transition from a pandemic benefit program focused on keeping people on-line to a permanent program, with a sustainable funding solution, focused on closing the digital divide for those who cannot afford a home broadband connection. Without additional funding, millions of



Americans will be stuck in the inequitable digital divide and are at risk of being further left behind. Consumers who have already benefited from the program would face devastation in regard to their jobs, healthcare, and educational opportunities if the ACP is not made permanent and they lose access to their service due to affordability. **EducationSuperHighway urges Congress to prioritize additional funding for the ACP and bolster the FCC's ongoing efforts to connect Americans to affordable broadband service.**

If you have any questions about the issues raised in this letter, please contact Adeyinka Ogunlegan, Vice President of Government Affairs & Policy, at adeyinka@educationsuperhighway.org and Abbey Roudebush, Director, Government Affairs & Policy, at abbey@educationsuperhighway.org

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Evan Marwell", written in a cursive style.

Evan Marwell
Founder/CEO
EducationSuperHighway

cc: Members of the Subcommittee on Communications and Technology

**The Leadership Conference
on Civil and Human Rights**

1620 L Street, NW
Suite 1100
Washington, DC
20036
202.466.3311 voice
202.466.3435 fax
www.civilrights.org



May 10, 2023

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Educational Fund, Inc.
Christian F. Nunes
National Organization for Women
Rabbi Jonah Pesner
Religious Action Center
of Reform Judaism
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National Education Association
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National Fair Housing Alliance
Kaitley Robinson
Human Rights Campaign
Anthony Romero
American Civil Liberties Union
Liz Shuler
AFL-CIO
Fawn Sharp
National Congress of American Indians
Maria Town
American Association of
People with Disabilities
Randi Weingarten
American Federation of Teachers
John C. Yang
Asian Americans Advancing Justice |
AAJC

President and CEO
Maya Wiley

The Honorable Patty Murray
Chair
Senate Appropriations Committee
U.S. Senate
Washington, DC 20510

The Honorable Chris Van Hollen
Chair
Subcommittee on Financial
Services and General Government
U.S. Senate
Washington, DC 20510

The Honorable Kay Granger
Chair
House Committee on Appropriations
U.S. House of Representatives
Washington, DC 20510

The Honorable Steve Womack
Chair
Subcommittee on Financial Services
and General Government
U.S. House of Representatives
Washington, DC 20510

Dear Chair Murray, Chair Van Hollen, Chair Granger, and Chair Womack,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to promote and protect the rights of all persons in the United States, and the 165 undersigned civil society organizations, municipal governments, and other interested groups, we write to request robust additional funding for the Affordable Connectivity Program (ACP).

Today, the ACP's current rate of expenditure is roughly \$500 million per month. Based on this and projected growth, funding for the ACP could be exhausted by Q2 of next year, if not sooner.¹ Without adequate and sustained funding, millions of vulnerable Americans currently relying on the program would see their internet bill jump or be disconnected entirely, and Congress' bipartisan \$42 billion investment in broadband deployment will not meet the goal of universal broadband deployment and adoption.

Broadband access at home is universally recognized as a necessity. It is the essential infrastructure of the 21st century, and the signers of this letter are committed to ensuring that all communities, particularly those who are underserved, gain and continue to have access to affordable, reliable, and high-quality advanced communications services. Lack of high-speed internet access among low-income people, communities of color, and other underserved

¹ "ACP Enrollment and Claims Tracker," Universal Service Administrative Company (last accessed Apr. 14, 2023), <https://www.usac.org/about/affordable-connectivity-program/ACP-enrollment-and-claims-tracker/#total-enrolled>.



communities is of particular concern, and the ACP has proven critical in getting households in these communities online.

The last three years demonstrate that broadband internet service is indispensable for employment, education, health care, commerce, community building, civic engagement, and government services. The high cost of service, however, prevents access for countless households across the United States.²

Thanks to Congress' action, the ACP now helps more than 17 million households in America afford broadband internet, with enrollment continuing to increase steadily.³ These households collectively save more than \$500 million per month on internet expenses,⁴ while the program drives economic growth, higher incomes, and lower unemployment.⁵ The ACP is currently improving telehealth access for more than 3 million low-income seniors and 400,000 veterans, expanding access to education for more than 3 million students, and providing more economic opportunities to more than 1 million federal housing residents.⁶ Broadband strengthens communities by creating immediate and long-lasting economic benefits and provides economic improvements for everyone — from rural areas that then become more attractive to businesses and workers, to cities facing aging and inadequate broadband infrastructure. For example, one study demonstrated the employment effects of subsidized broadband resulted in just over \$2,200 of benefits per household through increased labor force participation.⁷

Failure to extend the ACP with new funding could result in the biggest loss of internet connectivity ever. Without action from Congress this year, millions of households could immediately lose service.⁸ In addition, the loss of ACP would reduce the efficacy of Congress' groundbreaking \$42 billion investment in the Broadband Equity, Access, and Deployment (BEAD) Program. A recent study concluded that the

² Anna Read, "How Can the United States Address Broadband Affordability," Pew (Apr. 29, 2022), <https://www.pewtrusts.org/en/research-and-analysis/articles/2022/04/29/how-can-the-united-states-address-broadband-affordability>; Dr. Hernan Galperin, Annual Survey on Broadband Adoption 2021, California Emerging Technology Fund and University of Southern California (Mar. 2021), https://www.cetfund.org/wp-content/uploads/2021/03/Annual_Survey_2021_CETF_USC_Final_Summary_Report_CETF_A.pdf; "No Home Left Offline: Bridging the Broadband Affordability Gap," Education SuperHighway (2022), https://www.educationsuperhighway.org/wp-content/uploads/No-Home-Left-Offline-Report_EducationSuperHighway2021.pdf.

³ "ACP Enrollment and Claims Tracker," Universal Service Administrative Company (last accessed Apr. 14, 2023), <https://www.usac.org/about/affordable-connectivity-program/ACP-enrollment-and-claims-tracker/#total-enrolled>.

⁴ "Fact Sheet: Biden-Harris Administration Announces New Actions to Lower High-Speed Internet Costs," The White House (Mar. 15, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/15/fact-sheet-biden-harris-administration-announces-new-actions-to-lower-high-speed-internet-costs/>.

⁵ Adie Tomer, Lara Fishbane, Angela Siefer, and Bill Callahan, "Digital Prosperity: How Broadband Can Deliver Health and Equity to All Communities," Brookings (Feb 27, 2020), <https://www.brookings.edu/research/digital-prosperity-how-broadband-can-deliver-health-and-equity-to-all-communities/>.

⁶ "ACP Enrollment and Claims Tracker," Universal Service Administrative Company (last accessed Apr. 14, 2023), <https://www.usac.org/about/affordable-connectivity-program/ACP-enrollment-and-claims-tracker/#total-enrolled>.

⁷ George W. Zuo, 2021. "Wired and Hired: Employment Effects of Subsidized Broadband Internet for Low-Income Americans," 13 American Economic Journal: Economic Policy 447 (Aug. 2021).

⁸ Blair Levin, "Washington May Be About to Take a Giant Step Backward in Closing the Digital Divide," Brookings (Mar. 13, 2023), <https://www.brookings.edu/blog/the-avenue/2023/03/13/washington-may-be-about-to-take-a-giant-step-backward-in-closing-the-digital-divide/>.

May 10, 2023
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ACP reduces the size of the subsidy needed to incentivize broadband deployment in rural areas by 25 percent.⁹ ACP makes BEAD program dollars go farther. Sustained funding is critical as broadband companies and others consider the level of public and private investment needed to fulfill Congress' goal of universal affordable broadband deployment and adoption.

Thank you for the work you have done already to make high-speed internet affordable and accessible across the country and for your attention to the critical concerns we have raised here. If you have any questions about the issues raised in this letter, please feel free to contact Anita Banerji, senior director of the media/tech program, at banerji@civilrights.org, or Jonathan Walter, media/tech policy counsel, at walter@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
#OaklandUndivided
18 Million Rising
Advocates for Basic Legal Equality
AHIMA Foundation
All4Ed
Alliance for Community Media
Alliance for Digital Equity (Western Massachusetts)
Alternate ROOTS
American Association of People with Disabilities
American Civil Liberties Union
American Federation of Teachers
American Library Association
Americans for Democratic Action (ADA)
Asian Americans Advancing Justice – AAJC
Asian and Pacific Islander American Vote (APIAVote)
Asian Health Services
Austin Free-Net
Autistic Self-Advocacy Network
Baltimore County Public Library
Baltimore Digital Equity Coalition
Baystate Health
Benefits Data Trust
Benton Institute for Broadband & Society
Bitwise Impact

⁹ Kelsey Clark, et al., "Closing the Digital Divide Benefits Everyone, Not Just the Disconnected: An Analysis of How Universal Connectivity Benefits Education, Health Care, Government Services, and Employment," Common Sense Media (2022), <https://www.common Sense Media.org/research/closing-the-digital-divide-benefits-everyone-not-just-the-unconnected>.

May 10, 2023
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Black Women's Roundtable
BoomTown
Byte Back
CanCode Communities
Center for Changing Lives
Center for Rural Strategies
City of Chicago
City of Cleveland
City of Philadelphia
City of San Antonio
City of San Jose
Civic Nation
Clearinghouse on Women's Issues
Coalition on Human Needs
Color of Change
Common Cause
Common Cause Delaware
Common Cause Georgia
Common Cause MN
Common Cause New Mexico
Common Sense Media
Communications Workers of America
Community Tech Netowrk
Computopt
Computers 2 Kids
Connect Your Community Institute
Cuyahoga County
Demand Progress
DigitalC
Duluth Public Access Community Television
East Baton Rouge Parish Library
EducationSuperHighway
Electronic Frontier Foundation
Empowering Pacific Islander Communities
Energy Outreach Colorado
EveryLibrary Institute NFP
EveryoneOn
Fair Count
Florida Nonprofit Alliance
Florida Philanthropic Network
Frederick County Health Care Coalition
Free Press Action
Fully Equipped 4 Life Training Solutions



GWI, Inc
 HALOS
 Hispanic Federation
 Houston Information Technology Services
 Human-I-T
 IBSA, Inc
 Impact Fund
 Institute for Local Self-Reliance
 Japanese American Citizens League
 JustLeadership USA
 Kansas Office of Broadband Development
 Labor Council for Latin American Advancement
 League of Women Voters of the United States
 LifeLong Medical Care
 Link Oregon (Oregon Fiber Partnership)
 Lit Communities Broadband, Inc.
 Local Initiatives Support Corporation
 Long Beach Gray Panthers
 Low Income Utility Advocacy Project
 Lummi Indian Business Council
 MACS 2030 – Minnesotans for the American Community Survey and 2030 Census
 MakeIT Haverhill
 MALDEF (Mexican American Legal Defense and Educational Fund)
 Marconi Society
 Massachusetts Law Reform Institute
 Media Alliance
 MediaJustice
 Multicultural Media, Telecom and Internet Council (MMTC)
 NAACP
 National Action Network
 National Association of Councils on Developmental Disabilities
 National Association of Counties
 National Association of Elementary School Principals
 National Association of Housing Cooperatives
 National Association of Telecommunications Officers and Advisors (NATOA)
 National Black Justice Coalition
 National Center for Lesbian Rights (NCLR)
 National Coalition on Black Civic Participation
 National Consumer Law Center, on behalf of its low-income clients
 National Consumers League
 National Digital Equity Center
 National Digital Inclusion Alliance
 National Disability Rights Network (NDRN)

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National Fair Housing Alliance
 National Hispanic Media Coalition
 National Organization for Women
 National Skills Coalition
 National Urban League
 National Women's Law Center
 NETWORK Lobby for Catholic Social Justice
 New America's Open Technology Institute
 Next Century Cities
 NTEN
 Open MIC
 Oregon State University Extension Services
 Parents as Teachers
 Partners Bridging the Digital Divide
 PCs for People
 Pennsylvania Utility Law Project
 PFLAG National
 Public Knowledge
 Pullman Public Schools
 Right Here, Right Now Project
 ROC United
 Schools, Health & Libraries Broadband (SHLB) Coalition
 SETDA
 Sikh American Legal Defense and Education Fund (SALDEF)
 Sojourners
 Sonoma County Library
 Southeast Community Development Corporation
 Stewards of Affordable Housing for the Future
 SUNY #EmTech
 Tech Goes Home
 Technology Learning Collaborative
 The ARC of the United States
 The Charleston Metro Chamber of Commerce
 The Children's Agenda
 The Children's Partnership
 The Education Trust
 The Greelining Institute
 The Public Utility Law Project of NY
 The STEM Alliance
 Tricounty Cradle to Career Collaborative
 TURN – The Utility Reform Network
 UnidosUS
 United Church of Christ Media Justice Ministry

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United Steelworkers
Universal LLC
US Ignite
Valley Vision
Virginia Citizens Consumer Council
Virginia Society for Technology in Education
VOICES for Alabama's Children
Volunteers of America National Services
Westchester Library
Women Employed
YISD

CC: The Honorable Susan Collins, Vice Chair, Senate Appropriations Committee
The Honorable Bill Hagerty, Ranking Member, Subcommittee on Financial Services and General Government
The Honorable Rosa DeLauro, Ranking Member, House Committee on Appropriations
The Honorable Steny Hoyer, Ranking Member, Subcommittee on Financial Services and General Government

How Successful Is the Affordable Connectivity Program?

The ACP has connected millions of families and communities to high-speed internet, and it needs to be extended.



Across the country, states are making critical decisions about how to leverage \$80 billion in federal broadband infrastructure funding from the [Infrastructure Investment and Jobs Act](#) (IIJA) and the [American Rescue Plan](#) (ARP). With the right planning, these funds could ensure that high-speed internet service will finally reach every single home and business in the country, which has been one of Common Sense Media's top priorities for years. However, careful planning and community outreach are essential to using these funds effectively, as is the [Affordable Connectivity Program](#) (ACP)—the most successful program the country has ever enacted to help struggling families afford high-speed internet.

We know that for a lower-income family in the digital divide, just having access to a broadband network is not enough to ensure that they can subscribe. The ACP is an essential tool because it addresses the number one reason people aren't online—they're unable to afford internet service. In fact, offline households are often only able to pay [\\$10](#), yet the median cost of an internet plan is [\\$74.99](#) per month.

The ACP helps lower-income households by subsidizing the cost of an internet service plan as well as devices, like laptops or tablets. In fact, the program is overwhelmingly

popular, and uptake is exceeding even the highest expectations. Our [analysis](#) shows it's popular in cities, suburbs, and rural areas. It's popular with Democrats, Republicans, and independents. In short, the ACP is helping people everywhere, no matter where they live or how they vote.

Here are five facts about the impact the ACP is having on families across the country:

- Roughly [50 million](#) households qualify for the subsidy. That's nearly 40% of the country.
- Over [18.5 million](#) households are currently enrolled. That's more than 14% of the country.
- In 2023, ACP enrollment grew by over half a million every month, or at a rate of 3.5% per month.
- Majorities in both parties [support](#) the ACP: Sixty-four percent of Republicans and 95% of Democrats.
- The ACP's success is bipartisan. Forty-six percent of enrollees live in Republican congressional districts, and 50% live in Democratic congressional districts.

The benefit of the ACP also reaches well beyond eligible households.

Our [research](#) found that connecting families has a significant positive impact on education, health care, government services, and even workforce development. When more households are connected to high-speed internet, outcomes can improve in each of these sectors. For example, when students remain unconnected, our [research](#) found an estimated loss of \$33 billion dollars in GDP annually. By connecting students, the country could avoid this loss.

A recent [analysis by Cigna](#) noted that telemedicine access lowered the cost of care by up to \$141 per visit. The same analysis found that telemedicine increased the number of entry points into the health care system as well as improved outcomes. With more families connected, telemedicine could be an option for more people, both patients and providers. Connectivity also increases employment rates and earnings, creating more than [\\$2,200 in economic](#) benefit for lower-income households.

Both new and established providers need certainty that ACP will remain in place as they decide whether to participate in the biggest new broadband infrastructure program, the [Broadband Equity, Access, and Deployment \(BEAD\)](#) Program, and determine how ambitious they can be in their proposals.

Our recent [analysis](#) found that the existence of ACP led to an estimated 25% reduction in the per household subsidy needed to incentivize providers in rural areas. ACP is the linchpin that will turn the IJA's massive once-in-a-generation investment in broadband from a program that is just about building networks to one that is helping our most vulnerable communities connect to the benefits of the digital economy.

At Common Sense, we have worked hard to get to where we are today, and we are determined to see this job through. To close the digital divide once and for all, we need to continue funding a robust ACP.

<https://www.common sense media.org/kids-action/articles/how-successful-is-the-affordable-connectivity-program>

ROGER F. WICKER
 MISSISSIPPI
 ARMED SERVICES
 COMMERCE, SCIENCE, AND TRANSPORTATION
 ENVIRONMENT AND PUBLIC WORKS
 RULES AND ADMINISTRATION
 COMMISSION ON SECURITY
 AND COOPERATION IN EUROPE

United States Senate
 WASHINGTON, DC 20510

SUITE 425
 RUSSELL SENATE OFFICE BUILDING
 WASHINGTON, DC 20510
 (202) 224-6253
www.wicker.senate.gov

June 20, 2023

President Joseph R. Biden
 The White House
 1600 Pennsylvania Avenue NW
 Washington, D.C. 20500


Dear Mr. President:

We write regarding the Affordable Connectivity Program, an important tool in our efforts to close the digital divide. The Infrastructure Investment and Jobs Act provided significant funding for the Affordable Connectivity Program, which has already enabled 18 million Americans to access the high-speed broadband services they need. However, given the current rate of enrollment, projections indicate that the funding for the Affordable Connectivity Program could be exhausted as early as the first quarter of 2024. Therefore, we urge the White House to repurpose a portion of unobligated emergency COVID relief funds to ensure the continuity of funding for this program, while we explore alternative sustainable funding mechanisms and updated parameters.

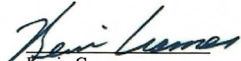
As you are aware, the Broadband Equity, Access, and Deployment (BEAD) Program and the Capital Projects Fund are contributing billions toward the expansion of broadband services to connect high-cost and hard-to-reach areas. These programs operate hand-in-glove with the Affordable Connectivity Program to achieve the goal of universal broadband so that all Americans have access to the modern commerce, educational and healthcare opportunities that broadband enables. As expanded networks become operational, the significance of the Affordable Connectivity Program will become even more important as it ensures our constituents can benefit from these historic investments in connectivity.

Again, we encourage the White House to repurpose a portion of unobligated emergency COVID relief funds to make certain the Affordable Connectivity Program remains on solid financial footing, ensuring our constituents and communities can access crucial broadband services.


Sincerely,


 Roger F. Wicker
 United States Senator

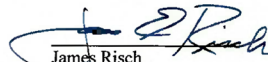

 Mike Crapo
 United States Senator



Kevin Cramer
United States Senator


Thom Tillis
United States Senator


Shelley Moore Capito
United States Senator


J. Mark Vance
United States Senator


James Risch
United States Senator


Todd Young
United States Senator



Joel Taubenblatt
 Chief
 Wireless Telecommunications Bureau
 Federal Communications Commission
 45 L St. NE
 Washington, DC 20554

Re: Transforming the 2.5 GHz Band
 WT Docket No. 18-120

Dear Chief Taubenblatt:

Public Knowledge writes to express concern over the Commission's failure to issue licenses to T-Mobile that it won in Auction 108. As always when licenses are at issue, this is not simply a matter that impacts a single company. Licenses are issued to serve the community of license, and delay in issuing licenses denies those communities important services. Here, as the Commission is well aware, the 2.5 GHz band serves as the anchor for T-Mobile's 5G network and the 2.5 GHz licenses auctioned in Auction 108 fill critical holes in T-Mobile's 5G coverage. Delays in issuing these licenses therefore delay the deployment of important 5G services in small markets and in rural America.¹ In urban areas, the delay in issuing these licenses undermines T-Mobile's broadband fixed wireless access offering² – which has provided a genuine potential competitor to cable providers.³

We therefore ask the Commission to issue a Public Notice, either in this docket or in a new permit-but-disclose proceeding, to publicly state whether it has in fact concluded that it does not have authority to issue the licenses at issue, to explain its reasoning, and to take comment on its legal conclusion. We also ask the Commission to consider alternatives, such as issuing special

¹See Monica Allevan, "T-Mobile Tackles the Hard Part About 5G Mid-Band Deployment," Fierce Wireless (April 28, 2023). Available at:

<https://www.fiercewireless.com/5g/t-mobile-tackles-hard-part-about-5g-mid-band-build>

²See Paul Gallant, "T-Mobile and 2.5 GHz: Delayed Licenses May Benefit Wireless & Cable Competitors," TD Cowen Washington Research Group (May 4, 2023).

³See Patience Haggin and Will Feuer, "Cable Companies and Mobile Carriers Battle Over Fixed Wireless Internet," Wall St. Journal (April 26, 2023). Available at: <https://www.wsj.com/articles/cable-companies-mobile-carriers-battle-fixed-wireless-7dd189d7>

temporary authority (STA) for T-Mobile to begin operation in the areas of license⁴ until Congress restores the Commission's auction authority or the Commission concludes it has authority to issue the remaining Auction 108 licenses. To the extent the Commission believes that STAs or other pathways are also foreclosed, the Commission should publicly explain its reasoning and solicit comments on alternate interpretations of the statute.

Such a public notice will serve several valuable purposes. First and foremost, it will make clear to members of Congress that its failure to reauthorize auctions is not harmless. Every day that Congress delays is another day Congress denies rural America 5G and undermines potential broadband competition in urban markets. Congress must understand that it is not that the Commission chooses not to issue these licenses, but that the Commission genuinely (although Public Knowledge believes erroneously) believes that it *cannot* issue these licenses until Congress acts.

Second, the public notice will assist the Commission in this novel situation to properly analyze the statute. To assist the Commission, Public Knowledge provides its own theory of statutory authority as an appendix to this letter. This theory differs in some particulars from that of T-Mobile, and public comment on these different theories may invite new interpretations of the statute that will enhance the Commission's own legal analysis.

Finally, a Public Notice will provide important transparency and allow all parties to have reasonable expectations. The Commission has made no official statement, requiring the public to rely on reports in the press,⁵ public statements by T-Mobile,⁶ and recent filings by DISH,⁷

⁴ T-Mobile applied for STAs to cover the areas of license on March 23, 20223. *See* Gallant *supra* n.2.

⁵ *See, e.g.*, Dan Mayer, "T-Mobile U.S. Pleads With FCC for Spectrum Access to Boost 5G Coverage," SDXCenral (April 10, 2023). Available at: <https://www.sdxcentral.com/articles/analysis/t-mobile-us-pleads-for-spectrum-access-to-boost-5g-coverage/2023/04/>

⁶ Neville Ray, President of Technology, T-Mobile, "More 5G for More Americans," T-Mobile Blog (April 6, 2023). Available at: <https://www.t-mobile.com/news/network/more-5g-for-more-americans?noreferrer=UUpUeUpU1009621>

⁷ *See* Letter of Jeffery H. Blum, Executive Vice President External and Legislative Affairs, DISH, to Wireless Telecommunications Bureau, Re: Application for Special Temporary Authorities, **Inbox – 1.931**, Market Based STAs, May 2, 2023.

T-Mobile⁸ and 4 former FCC General Counsels.⁹ On a matter this momentous, the public deserves to hear directly from the Commission. A Public Notice will set reasonable expectations for the public and impacted stakeholders. Will T-Mobile receive the licenses it needs to expand its service in rural America and small markets, or not? Will T-Mobile have the capacity to enhance its competing FWA offering, or not? A Public Notice will provide necessary information and transparency on this important matter.

Sincerely,

Harold Feld
Senior Vice President
Public Knowledge
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Suite 410
Washington, DC 20036
(202) 559-1044
hfeld@publicknowledge.org

⁸ See Letter of Kathleen Ham, Senior Vice President Government Affairs, T-Mobile, to Marlene Dortch, Secretary, Federal Communications Commission, Re: ULS Application File Nos. 0010206629 and 0010475575 (April 28, 2023).

⁹ Letter of Samuel L. Feder, Thomas M. Johnson, Jr., Howard J Symons, and Christopher J. Wright to P. Michele Ellison, General Counsel, Federal Communications Commission, March 23, 2023.

APPENDIX
LEGAL ANALYSIS OF COMMISSION AUTHORITY TO GRANT OUTSTANDING
AUCTION 108 LICENSES OR STAs

Without an explicit statement from the Commission of its reasoning, it is difficult to discern how to frame the argument. Based solely on T-Mobile’s filings, it appears that the Commission has two concerns. First, that granting the licenses would violate the plain language of Section 309(j)(11). While this argument is plausible, it is unclear why this language would apply to T-Mobile’s request for STAs. Second, the Commission apparently worries that processing the licenses would violate the Anti-Deficiency Act. In the absence of a clear explanation of the Commission’s reasoning, it is extremely difficult to see why this should be the case.

Section 309(j)(11) Does Not Apply to Issuing Licenses, But to Selecting Between Conflicting Applications for Licenses.

Section 309(j)(11) states:

(11)TERMINATION

The authority of the *Commission to grant a license or permit under this subsection* shall expire March 9, 2023, except that, with respect to the electromagnetic spectrum identified under section 1004(a) of the Spectrum Pipeline Act of 2015, such authority shall expire on September 30, 2025, and with respect to the electromagnetic spectrum identified under section 90008(b)(2)(A)(ii) of the Infrastructure Investment and Jobs Act, such authority shall expire on the date that is 7 years after November 15, 2021. (Emphasis added)

There are two ways to interpret the language “to grant a license or permit under this subsection.” The first is to understand that this language refers to the process of *selecting* a licensee. The second means the literal granting of the license after using an auction to select a licensee. While the former comports with both precedent and the structure of the Act, the later does not. Nor does the broader reading make logical sense in light of the purpose of auctions or traditional canons of statutory construction.

It has been well established since virtually the dawn of Communications Act that the source of Commission authority to grant licenses lies not in Section 309, but in Section 307(a). In *FCC v. Sanders Bros. Radio Station*, 309 U.S. 470 (1940), the Supreme Court cited Section 307(a) as the source of Commission licensing authority. “Section 307(a) of the Communications Act directs that the Commission . . . shall grant the applicant therefor a station license provided by this Act.” at 473 (cleaned up). *See also National Broadcasting Co. v. United States*, 319 U.S. 190, 230

(1943) (“Subject to the limitations defined in the Act, the Commission is required to grant a station license to any applicant ‘if the public interest, convenience or necessity will be served thereby.’ § 307(a)”) (Murphy, J. dissenting). Indeed, *Sanders Bros* does not even mention Section 309. The conclusion that the source of the Commission’s licensing authority resides in Section 307(a) is further buttressed by the title of the relevant Section: “Section 307 Licenses. (a) Grant of licenses.” 47 U.S.C. § 307(a).

This also logically follows from the interplay of Section 307 with Sections 308¹⁰ and 309.¹¹ Section 308, “Requirements for License,” describes the requirements for an application for any license (for example, that a license application must be in writing¹² and that such applications must conform to any rules or requirements the Commission may establish by regulation.¹³ Section 309, “Application for License,” describes what factors the Commission must consider when granting a license under Section 307. *See NBC v. U.S.*, 318 U.S. at 215 (citing generally to Sections 307, 308 and 309 for source of the public interest standard in consideration of granting licenses).

In other words, the Act works like this: Under Section 307, the Commission must grant a license if it finds doing so will serve the public interest. The application must conform to the requirements of Section 308. Once the Commission receives an application that conforms to Section 308, it determines whether or not to grant the application and under the criteria established by Section 309 and what the actual license must contain. Thus, Section 309(a) establishes that the Commission must “examine” the application and may consider “any other factors the Commission shall notice” in making its public interest determination. Sections 309(b)-(e) set out the timing of license grants and renewals, who may contest an application, and the nature of hearings on license applications. Section 309(f) describes when the Commission may bypass the procedures of Sections 309(b)-(e) and grant a Special Temporary Authority.¹⁴ Section 309(g) allows the Commission to establish classifications of applications “to effectuate the purposes of this section” (i.e., the grant of applications that serve the public interest). Section 309(h) describes the actual contents of the license and the rights conferred as a consequence of the license.

It is in this context that the Commission must understand Section 309(j), and therefore 309(j)(11). Section 309(j) introduced a new criteria for determining whether grant of a license under Section 307(a) serves the public interest when presented with multiple applications for the same license. Auctions are a method of *selection*, under the theory that market mechanisms such as auctions will place the license in the hands of those best able and most eager to provide

¹⁰ 47 U.S.C. § 308.

¹¹ 47 U.S.C. § 309.

¹² 47 U.S.C. § 308(a).

¹³ 47 U.S.C. § 308(b).

¹⁴ As discussed in greater detail below, an application for an STA is a separate application for a “license” as defined by 47 U.S.C. § 153(49).

service.¹⁵ If it were otherwise, the Commission would have no power to grant licenses that meet the statutory exceptions, *see* 47 U.S.C. § 309(j)(2), or grant licenses with only a single applicant.¹⁶ The termination of authority under Section 309(j)(11) must therefore be read as prohibiting the use of auctions as a selection method, not as authority to grant the license after the selection is made.

Because the Commission has not issued a public notice to explaining its reasoning, it is unclear whether the Commission's long standing view that auction revenues may be used to pay the costs associated with issuing licenses post-auction under Section 309(j)(8)(B) influences the analysis of the extent of Section 309(j)(11). But nothing in this analysis should alter the Commission's long standing view. Section 309(j)(8)(B) allows the Commission to use revenues to "develop and implement the program required by this subsection." Notably, the statute uses the phrase "the program required by this subsection" (i.e., as a means of selection) rather than referring to the grant of a license or permit under this subsection. The actual grant of the license is necessary to "implement" the selection regardless of the statutory authority to grant licenses.

In addition to the general structure of the statute and long established precedent, the Commission should consider why Congress would sunset the Commission's authority to select licensees via auction and whether that purpose would include denying winning bidders the licenses after an auction is already finished and the payments received. To address the elephant in the room, Congress sunsets the auction authority in order to increase the available auction revenue from FCC auctions as an offset against spending. Were Congress to make the FCC's authority permanent, it would provide only a single score in that one bill. By contrast, requiring reauthorization allows the Congressional Budget Office to score the anticipated auction revenue every time Congress reauthorizes spectrum auctions for the duration authorized. Setting aside the merits of allowing funny accounting tricks to drive spectrum policy, there is no reason to believe Congress intended to deny winning bidders their licenses as a consequence of CBO's peculiar method of scoring and the desire to create revenue on paper to offset expenses.

But even setting this unspoken consideration aside and assuming Congress had other reasons to sunset the FCC's spectrum auction authority, none of the possible reasons Congress might have (such as a desire to reconsider the wisdom of auctioning licenses in favor of a return to comparative hearings) would mandate withholding authority to distribute licenses *after* the conclusion of the auction and the receipt of all money owed. Such an outcome would be extremely disruptive, leaving the Commission, the winning bidders, and the public in limbo for an indefinite period. It is much more reasonable to assume that Congress intended the authority to conduct auctions to sunset, without any impact on the Commission's Section 307(a) authority to actually grant the licenses if an auction were already concluded. The Commission should

¹⁵ *FCC v. Nextwave Personal Communications, Inc.*, 200 F.3d 43, 51-52 (2nd Cir. 1999).

¹⁶ *See* Public Notice, Wireless Telecommunications Bureau Announces Procedures for 2.5 GHz Rural Tribal Priority Window, WT Docket No. 18-210, 35 FCC Rcd 308 ¶ 26 (2020).

disfavor an interpretation that would lead to such a disruptive and absurd result where a more sensible explanation is available.

Finally, two canons of statutory interpretation favor the interpretation presented here. Interpreting Section 309 as the source of the Commission's licensing authority would render Section 307(a) a nullity. Such an interpretation is to be disfavored when it is possible to give effect to every statute in a manner consistent with the statutory language, structure and intent. Reading Section 307(a) as the source of the Commission's licensing authority, while reading Section 309 (and thus 309(j)) as the method of determining whether to grant the license and to whom, avoids reading Section 307(a) out of the Communications Act. Furthermore, if the Commission were to read Section 309(j)(11) as displacing the original licensing authority of Section 307(a), it would amount to an implied repeal of Section 307(a). As with interpretations that produce absurd results and interpretations that render statutory provisions superfluous, interpretations that create implied repeals are disfavored when an alternative explanation consistent with the statutory context is available.

To conclude, the most logical reading of Section 309(j)(11) consistent with past precedent, the structure of the statute, and general canons of statutory interpretation is to read the prohibition of using "this subsection" to "grant any license or permit" following the sunset date is that the Commission is prohibited from using auctions as a method of selecting licensees as part of the process of granting a license under Section 307(a). But if the Commission has *already* selected the licensee via auction, the role of "this subsection" (309(j)) is complete. All that is left is the actual issuance of the license under Section 307(a).

Special Temporary Authority Is a Separate License Application That Falls Outside Section via 309(j).

In light of the Commission's apparent conclusion that Section 309(j)(11) prevents it from issuing the outstanding 2.5 GHz licenses from Auction 108, T-Mobile has applied for STAs to begin service until the Congress restores the Commission's auction authority or the Commission reevaluates its conclusion. Because the Commission has issued no Public Notice explaining its reasoning, or Order denying the requested STAs, it is impossible to determine whether the failure to grant the requested STAs reflects a conclusion by the Commission that Section 309(j)(11) also prohibits issuing an STA to cover the same area of license, whether the Commission does not believe that T-Mobile has satisfied the requirements of Section 309(f),¹⁷ or some unrelated reason. While Public Knowledge cannot address either of the last two reasons, Public Knowledge provides this analysis as to whether Section 309(j)(11) has any relevance to application of an STA under Section 309(f). For the reasons explained below, Section 309(j)(11) should have no impact on T-Mobile's separate applications for STAs.

¹⁷ 47 U.S.C. § 309(f).

Section 309(f) states:

When an application subject to subsection (b) has been filed, the Commission, notwithstanding the requirements of such subsection, may, if the grant of such application is otherwise authorized by law and if it finds that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the institution of such temporary operations would seriously prejudice the public interest, grant a temporary authorization, accompanied by a statement of its reasons therefor, to permit such temporary operations for a period not exceeding 180 days, and upon making like findings may extend such temporary authorization for additional periods not to exceed 180 days.

The sticking point would appear to be the phrase “if the grant of such application is otherwise authorized by law.” While hampered by the lack of any explanation of the Commission’s reasoning, it would appear to be as follows: T-Mobile’s application for licenses in the 2.5 GHz band (the long-form licenses submitted following Auction 108) is no longer “otherwise authorized by law.” Therefore, the Commission cannot grant STAs in this case pursuant to Section 309(f). Again, assuming this is the Commission’s reasoning, it misinterprets the structure of the Communications Act.

A grant of Special Temporary Authority is a license as defined by Section 153(49).¹⁸ An STA is an “instrument of authorization required by this chapter or the rules and regulations of the Commission made pursuant to this chapter, for the use or operation of apparatus for transmission of energy, or communications, or signals by radio, by whatever name the instrument may be designated by the Commission.” As explained above, it therefore originates in Section 307(a) and is granted subject to the selection criteria provided by Section 309 after an applicant provides an application in conformance with Section 308. While the application must be the sort of application generally subject to Section 309(b) (as required by the words “when an application subject to subsection (b) has been filed), Section 309(f) provides for an expedited process to provide a license of limited duration in circumstances that the Commission deems satisfy the requirements of 309(f). Or, in other words, it is the application for the STA, not any associated application, that must be “subject to subsection (b)” and therefore fall into the classification of licenses provided for in 309(b).

This interpretation is required by the Commission’s action in authorizing STAs in situations where no other application is pending. For example, the Commission authorized WISPs to file STAs for outdoor use of the 5.9 GHz pending resolution of the Further Notice of Proposed

¹⁸ 47 U.S.C. § 153(49).

Rulemaking in ET Docket No. 19-138.¹⁹ Because outdoor operation in the band is generally prohibited under the existing rules, there is no independent application for license “otherwise authorized by law” associated with the grant of STAs in the band. The only application “otherwise authorized by law” is the application for the STA itself.²⁰

Similarly, any application for an STA by T-Mobile to provide CMRS common carrier service (and associated broadband service) is itself the application covered by Section 309(j)(b). Regardless of the Commission’s conclusion with regard to whether the pending “long-from” 2.5 GHz license applications for the licenses won in Auction 108 are “otherwise authorized by law,” there can be no doubt that licenses not distributed by auction are still grantable by law. The Commission is therefore free (indeed, required) to consider these license applications for STAs under its general licensing authority and, if it determines that the applications for STAs meet the requirements of Sections 309(a) and 309(f), should grant them.

It Is Not Clear Why the Anti-Deficiency Act Should Apply.

Again, without a written statement from the Commission explaining its reasoning, it is difficult to see why the Anti-Deficiency Act should apply. T-Mobile has already paid for its licenses, so there is no question of receiving money outside of a mechanism authorized by statute. While Section 309(j)(8)(B) instructs the Commission to retain sufficient funds from auction revenues for “developing and implementing the program required by this subsection,” Section 309(j)(8)(B) states that these funds “are authorized to remain available until expended.” If the Commission concludes that Section 309(j)(11) does not prevent it from issuing the remaining Auction 108 licenses (under any theory), then Section 309(j)(8)(B) funds should be accessible to “implement the program” of using auctions to distribute licenses assigned under the licensing authority of Section 307(a).

Alternatively, nothing prevents the Commission from spending money provided under its general appropriations to issue licenses. Congress provides the FCC with a general appropriation, rather than dictating specific allocations for specific purposes. Nor does Section 309(j)(8)(B) limit the Commission exclusively to retained auction revenues to pay the expenses related to “developing and implementing” Auction 108. It does require the Commission to use those funds when they are available (by using the word “shall”). But recognizing that the funds may not be available,

¹⁹ See *In re Use of the 5.850-5.925 GHz Band, First Report and Order, Further Notice of Proposed Rulemaking, and Order of Proposed Modification*, 35 FCC Rcd 13440 at ¶ 86 (2020).

²⁰ Because broadband access service is no longer classified as a common carrier service, the class of service provided by WISPs is no longer explicitly listed in Section 309(b). Section 309(b)(2)(F) allows the Commission to add additional classes by rule – which it did by authorizing STAs on a non-interfering basis and subject to Commission coordination with federal users.

Congress did not expressly prohibit the Commission from using other funds when these funds are not available.

Congress provides the FCC with a general appropriation, rather than dictating specific allocations for specific purposes. It would therefore not violate any specific allocation for the Commission to issue either the license or the STAs as part of the general duties of WTB. If the Commission regards the auction funds as “unavailable” at this time, it can therefore use its general budget without violating the Anti-Deficiency Act.

Conclusion

The delay in issuing the remaining Auction 108 licenses has significant consequences for the public. These 2.5 GHz licenses will fill holes in T-Mobile's 5G network, allowing T-Mobile to provide 5G in rural areas and small markets. In more populated urban areas, the licenses will enhance T-Mobile's FWA offering, bringing the potential for increased broadband competition. The Commission should therefore act expeditiously to grant the remaining Auction 108 licenses.

If the Commission believes it cannot grant the licenses, the Commission should issue a Public Notice explaining its reasoning and allowing the public to comment. This will make it clear to Congress that their ongoing, continuing failure to reauthorize the Commission's auction authority has real world consequences. It deprives rural America and small markets of needed expanded 5G coverage, and undermines broadband competition. Additionally, the responses the Commission will receive in response to a Public Notice will provide valuable research and perspectives that may help the Commission reevaluate its current conclusion that Section 309(j)(11) prevents it from issuing the remaining Auction 108 licenses.

Questions for the Record

Subcommittee on Communications and Technology

Hearing entitled, “Oversight of the Federal Communications Commission”

June 21, 2023

Chairwoman Jessica Rosenworcel

Federal Communications Commission

**Attachment I-Additional Questions for the
Record**

Chairman Latta

1. **Local Broadcasters have been working on Next Gen TV deployment since 2017 to better personalize broadcasts with information and interactive features. Next Gen TV is seen by broadcasters as a way for them to innovate, provide new services to TV viewers and maintain their role as providers of local news. What do you see coming out of the Future of TV initiative that you announced on April 17 and what actions does the FCC plan to take to accelerate the transition from ATSC 1.0 to ATSC 3.0?**

Free, over-the-air broadcasting has long been an important source of local news and programming in our communities. The next generation television standard, known as ATSC 3.0, has the potential to support new business opportunities for broadcasters and also unlock new benefits for consumers. These benefits many include things like Ultra High-Definition picture quality and immersive audio, advanced emergency alerts, greater accessibility options, and interactive services.

There has been consistent progress in the transition to ATSC 3.0. At present, 60 percent of households in this country are covered by at least one next generation television signal, the result of a voluntary, market-by-market rollout of ATSC 3.0. This approach balances the benefits of stations transitioning to ATSC 3.0 with measures that minimize costs and disruption for consumers who rely on programming using the existing standard, known as ATSC 1.0. To support this approach, the Commission has put in place a special system for licensing simulcast and multicast streams to protect consumers during the voluntary transition period. This has allowed broadcasters to take steps forward deploying ATSC 3.0 services, while ensuring that consumers who still rely on legacy technology are not deprived of vital local television service.

The primary challenge we face is that the next generation television standard is not backward compatible with existing television sets or set-top boxes. This means consumers who can receive a next generation television signal are unable to watch it without buying new televisions or purchasing new reception devices—and this comes at a cost. While some major television manufacturers have started to include ATSC 3.0 tuners in their latest sets, options are limited, and they have a significant price tag. That means a market-wide solution for all consumers, including the most vulnerable consumers who cannot easily afford new televisions and reception devices, is not currently available.

The Commission will continue to work with broadcasters to support the rollout of the next generation television standard, as reflected in our new Future of TV initiative. This initiative will need to address backward compatibility in order to protect consumers from disruption of service, loss of service, and the imposition of new equipment costs on each household that relies on television. We are hopeful that through this public-private effort we can tackle this challenge as well as develop a roadmap for technical issues associated with the transition that could require Commission attention, including encryption, accessibility, and

compatibility. By creating this forum, we are developing a new way to work through these matters and make progress.

a. Is a successful migration to ATSC 3.0 important for the viability of the broadcast industry?

A successful transition from ATSC 1.0 to ATSC 3.0 will provide for an orderly shift to next generation television and will allow broadcasters to innovate while protecting consumers from loss of their vital free local broadcast television service, especially those most vulnerable consumers.

The Honorable Tim Walberg

1. We have made the unprecedented step to fund the buildout of broadband to every American. Do you believe in these times of scarce federal dollars that we should use all technologies at hand to bring broadband to every American, or should we decide that a single technology like fiber is the only answer, when we know that fiber is too expensive for many parts of rural America?

The Commission has long put a premium on technology neutrality in its universal service programs, which have played an important role in delivering communications services to remote communities nationwide. But in order to ensure the continued effectiveness of these programs, the Commission periodically reviews them when time advances and technology changes.

To this end, the agency just adopted an update to its universal service high-cost program involving the A-CAM model used by small carriers for service support in some of the most rural areas of this country. The new model, known as Enhanced A-CAM, is technology neutral. It provides carriers with the opportunity to elect to serve all locations in their service areas at speeds of 100 Megabits down and 20 Megabits up in return for an extension of the A-CAM program and an incremental increase in support for especially hard-to-serve areas.

The same kind of technology neutral approach was used in another high-cost universal service program at the Commission, known as the Rural Digital Opportunity Fund. This program began with an auction. The agency accepted applications from a wide range of providers, including some that did not propose to use traditional wireline technology in their deployment. The agency conducted a careful review to ensure that the networks they proposed were fully capable of delivering their promised speeds and dozens of these applicants received awards.

2. Last fall, the Commission conducted an auction for the 2.5 GHz band. But while the auction took place in the fall of 2022, most of the spectrum made available is still not being used by consumers because of concerns from the commission about issuing licenses without auction authority. This stall by the

Commission is unfortunate because this critical mid-band spectrum can be used for so much including enhancing competition and importantly providing services in rural areas and other underserved locations.

- a. Wouldn't it be in the public interest to ensure that consumers, especially in rural and underserved locations have access to this 2.5 GHz spectrum as soon as possible?**
- b. How can the Commission find ways to put this spectrum to use, even if it is on a temporary basis?**

I agree that the 2.5 GHz band holds great promise for expanding access to modern wireless services and closing the digital divide, particularly in rural Tribal areas where over 330 licenses have already been assigned through the Rural Tribal Priority Window.

I also share your frustration with the statutory restrictions that currently prevent moving ahead with the licensing process for this auction. For three decades the Commission has held spectrum license auction authority without interruption—and this authority has been a powerful economic force. It has supported domestic deployment and innovation that in turn, has made the United States a global leader in wireless technology. It is also unfair that the recent and unprecedented lapse in this authority means that those carriers with 2.5 GHz band licenses do not have access to them right now.

To be clear, in the Communications Act, Congress stated that the authority to “grant a license or permit” for any spectrum that is auctioned “shall expire March 9, 2023.” This provision is straightforward. The only exceptions to this deadline are itemized in the law and apply to a specific set of airwaves identified in the Spectrum Pipeline Act and Bipartisan Infrastructure Act, neither of which involve the 2.5 GHz band. Furthermore, any effort to license these airwaves with temporary authority is conditioned on the agency having underlying authority. To this end, the Communications Act states that special temporary authority may be granted only “if the grant of such application is otherwise authorized by law.” Here, that authorization expired on March 9, 2023.

The agency’s actions are also governed by the Antideficiency Act. This law prohibits the Commission from expending resources for activities that are not authorized because they have expired. When this law is violated, the agency is obligated to report to the President and Congress “all relevant facts and a statement of actions taken.” Moreover, violations of this law can lead the agency staff that work on these matters to incur criminal penalties.

In light of this, it is imperative that Congress renews the Commission’s spectrum auction authority as soon as possible. This lapse has put more than just the grant of these 2.5 GHz band licenses at issue, it has slowed the ability of the United

States to continue to advance its spectrum interests on the global stage. In a few months, the United States will join members of the international wireless community at the World Radio Conference in order to discuss the future of spectrum policy. Historically, our auctions and advance spectrum planning has been a model for others around the world. But when we do not have this authority and the capability to develop a reliable spectrum pipeline for new commercial purposes, we will lack the strongest foundation needed to compete in a global digital economy, counter our adversaries' technology ambitions, and safeguard our national security.

3. How has the FCC worked with rural internet service providers and rural communities on education and technical assistance related to reviewing and challenging the new national broadband maps?

For the first time ever, the Commission's Broadband Data Collection, developed under the Broadband DATA Act, has provided the opportunity for communities and individual citizens to challenge the data we collect and in doing so, help improve the accuracy of our maps. This is an exciting change because historically Commission maps were not broadly accessible and there was no system in place to accommodate input from those who might actually know what kind of deployment was taking place in their own backyard.

To help ensure communities and carriers from across the country, including those living and serving in rural areas, can provide input to this process, the Commission has done a large amount of outreach. We have set up a Help Center, which explains the collection and challenge process, how to use the Broadband Data Collection system, and how to format and submit data. The agency also has video tutorials that walk through how to send information for anyone seeking to file. These on-demand resources are supported by a Technical Assistance team that has responded to more than 7,600 requests for data-filing assistance from across the country, including many from small rural providers. This team also has Graphical Information System-trained staff that can work with local communities and even individual filers to help them understand and work with the new location data.

In addition to these resources, we have held many meetings with providers and local and state authorities to offer assistance. These efforts include presentations to associations whose members include providers that predominantly serve rural communities as well as one-on-one support sessions. We also have worked with organizations that are not those we deal with on a day-to-day basis at the Commission, but have deep interest in this area, including the National Association of Counties' Rural County Committee and the American Farm Bureau to solicit feedback and offer training to rural communities. We also have developed an outreach toolkit designed for local institutions, like libraries, to post information about our mapping work—and opportunities for feedback—in their communities. I also have personally reached out to the broadband offices working on data and mapping in each state in order to help forge a stronger working relationship.

As you know, one example of the success of this approach involved Michigan. When community leaders shared concerns with the agency that the data in rural areas involving a wireless provider may not be correct, we got to work. The Commission staff reached out the

provider to review their filing and methodology regarding the locations they suggested they could serve. We kept in constant contact with the state and community officials expressing interest in this matter. This led to revisions in the carrier's filing and ultimately a more accurate picture of broadband availability in the state.

4. **Jackson and Hillsdale Public School Districts in my congressional district experienced a ransomware attack this past school year like thousands of other schools across the country. The breach shut both school systems down completely for three days and limited their use of connected devices for even longer.**
 - a. **Why has the FCC continued to resist updating the eligible services list to allow for schools to have the flexibility to purchase advanced cybersecurity tools with their allocation of e-rate funds?**
 - b. **While it is critical for schools to be connected, it is equally critical that they are securely connected. Do you believe that basic firewalls are sufficient to secure school networks?**

E-Rate, which got its start as part of the Telecommunications Act of 1996, is the Nation's largest education technology program. It is responsible for connecting schools and libraries across the country to essential broadband services. Today, E-Rate funds basic firewalls. However, as you note, some stakeholders have called for funding next-generation firewalls and other cybersecurity services, including endpoint protection and advanced services. According to a study conducted by some of these stakeholders, funding a broad range of these kind of cybersecurity services would increase demand in the program as much as an additional \$2.389 billion a year, nearly doubling the overall spending on the program.

In considering whether to expand the E-Rate program to fund additional cybersecurity services, I believe it is important to keep two principles in mind. First, I think it is important that the Commission work in coordination with other federal agencies, including the Cybersecurity and Infrastructure Security Agency and the Department of Education, which have greater expertise and resources in this area, to collaborate on how to best help K-12 schools address cybersecurity threats. Second, I believe it is important that any increased spending on enhanced cybersecurity does not come at the expense of undermining E-Rate's statutory mission and historic success promoting basic connectivity in communities across the country.

In light of this, earlier this month I shared with my colleagues a proposal to establish a Pilot Program to support cybersecurity services for K-12 schools and libraries. I believe that taking this step now will give us valuable insights about whether and how the Commission could leverage its resources to help address the cybersecurity threats that schools and libraries face. Among the issues we will be able to study will be the effectiveness of using advanced firewalls and other tools for cybersecurity protections. This Pilot Program will run for three years with a proposed

budget of \$200 million and would be established within the universal service fund, but separate from the E-Rate program. Ultimately, this Pilot Program will help us better understand the most cost-effective way to work in conjunction with other authorities—like the Cybersecurity and Infrastructure Security Administration and Department of Education—to address this growing problem.

5. **On June 26, NTIA announced state BEAD grant allocations based on the FCC broadband maps. Congress mandated in the Broadband DATA Act that the FCC's Broadband Maps should be the source for determining broadband service availability. The FCC has stated that the National Broadband Map is intended to be iterative and will continue to improve with additional challenges from consumers and stakeholders providing data beyond the data reported by ISPs. How do you plan to continuously improve the FCC National Broadband Map after BEAD grant allocations are distributed on June 30, so that states are able to effectively utilize the FCC National Broadband map as the foundation of their eligibility determinations when awarding grant funding?**

The Commission has a duty under the Broadband DATA Act to develop these maps in an iterative fashion. The Commission will release a major update twice a year, which overlays availability data from providers that is collected every six months, onto the tens of millions of serviceable locations. In addition to these statutorily-required bi-annual updates, we have been making minor updates to the availability data in the map regularly for most of this year. We do this because we want to make sure that challenge outcomes and corrections made by carriers to their filings are publicly available as soon as possible. Going forward, we will continue to accept challenges, every day, every week, and every month because we know that this process can continue to help improve the map. These incremental updates reflect both challenge outcomes and any corrections providers make to their filings. Moreover, we will continue to work closely with states to share this updated data to help states use this tool to inform their efforts—including under the BEAD Program—to help close the digital divide.

6. **As the FCC handles more applications and actions, staff is working hard to keep pace. But often staff at the Commission has acted without letting Commissioners review them. Some of these decisions are on controversial matters that many interested parties would like Commissioners to review and be able to explain their thinking on. Can you please explain what the current practice is for ensuring that Commissioners have an opportunity to review important decisions in a timely manner, and how Commissioners decide when it is appropriate for a staff-level decision rather than Commissioner review?**

The Commission's long-standing rules delegate authority to its bureaus to handle many of the applications the Commission receives. For example, the Commission's rules delegate broad authority to the Media Bureau to handle various matters, including the assignment and transfer of broadcast licenses, without regard to the size of the transaction. Similarly, the Commission's rules delegate authority to the Wireline Competition Bureau to act on applications from wireline carriers for transfers of licenses and discontinuance of service, again without regard to the size of the transaction or discontinuance.

The informal practice of informing other Commissioners or offices of actions taken on delegated authority by the agency's various bureaus or offices is not required by any internal policy, rule, or statute. As the Chairwoman now, and previously as a Commissioner who sometimes received these notifications and sometimes did not, I understand this is a courtesy that is not always possible in every case. Concerns with the premature release of information or the potential for impacting litigation or the stock price of a publicly traded company are some of the considerations that might dictate a shorter notice to other Commission offices, as well as simple issues of timing and logistics.

The Honorable Neal Dunn

1. **Chair Rosenworcel, in response to my question on satellite licensing timelines you noted that this was one of the first projects you undertook when you joined the Commission. While I'm encouraged that the FCC has stood up the Space Bureau and undertaken other recent efforts to focus on satellite applications and space generally, it still seems that it takes far too long for applications to be processed. One thing you've said you would consider is to quickly issue public notices on applications from US companies when filing at the FCC. But we've heard about applications that sit for long periods of time at the FCC before any action is taken. Will you commit to putting these applications out for comment that have been pending for months, and commit to doing so for future applications within 30 days or receipt of an application?**
- a. **I appreciate that you started a proceeding to look at these issues, but is there any rule preventing you from taking these steps now?**
- b. **Will the Commission provide the status of all applications that have been submitted to the International Bureau, including the time since they were received by the Commission?**
- c. **Will the Commission commit to providing this Committee with periodic updates on the status of pending applications?**

As part of the Commission's Space Innovation Agenda, the agency released a rulemaking which proposes to streamline the Commission's licensing of space and earth station applications to keep up with both the unprecedented number of applications that have been filed during the last few of years, as well as the general increase in complexity of applications. While we examine the record in response to that rulemaking and develop policies that will streamline the process going forward, we are committed to reviewing and placing applications that meet the bare minimum of our application requirements on the Acceptable for Filing Public Notice within 30 days.

Section 25.112 of the Commission's rules outlines the requirements that an applicant must meet before an application can be placed on the Acceptable for Filing Public Notice. The Commission is actively reviewing whether there are changes to this rule that could accelerate

the placing of applications on public notice, such as eliminating the provision in 25.112 (a)(3) and 25.112(b) that prevent waiver requests in certain situations, in order to expedite completion of an application.

We note that there are some pending applications that do not meet the bare minimum requirements, as established in our rules, and therefore are not acceptable for filing. In these cases, an applicant may supplement or amend their applications to either bring them into compliance or seek a waiver of our rules. When these situations occur, we actively work with applicants to resolve them in order to ensure that their applications meet the requirements for inclusion on the Acceptable for Filing Public Notice.

As the space economy evolves, it is also increasingly likely that some applications present novel or unique circumstances under our rules. In these cases, additional review may be necessary but the staff will continue to engage with applicants to help them navigate the process in a timely manner, while honoring the law, recognizing the importance of space sustainability, and ensuring that our approach complies with the commitments we have made in international for a involving space policy.

We are happy to provide the Committee information on the status of any application submitted to the Commission. Please feel free to follow up with my office on any individual requests.

The Honorable John Curtis

1. Is the FCC considering pricing modernization or subscription pricing bundles for ITS?

The Commission's rules currently require that providers of incarcerated people's calling services (IPCS) charge per-minute rates. However, recognizing that most callers outside prisons and jails no longer pay per-minute rates, in September 2022 and again in March 2023, the Commission sought comment on permitting alternative pricing structures, including flat fees or bundled pricing.

2. What are the factors that the FCC will consider for subscription pricing services for ITS?

In determining whether to permit alternative pricing structures, the Commission will consider whether such structures are permitted by the relevant law, including the recently enacted Martha Wright-Reed Just and Reasonable Communications Act, which became law in January 2023, and sections 201, 202, and 276 of the Communications Act. The Commission also will consider the effect of alternative pricing structures on the overall and per-minute prices paid by incarcerated people and their families, and whether alternative pricing structures could provide additional predictability and certainty to incarcerated people and their families.

The Honorable Russ Fulcher

1. **In your testimony, you state that the FCC should have authority to enforce robocall forfeiture orders when DOJ drops the ball. However, I am concerned with giving the FCC, an independent agency, this authority, and last Congress Republicans on this Committee introduced legislation to allow State Attorney's General pick up the slack on robocall enforcement actions. Do you support this effort to crack down on illegal robocalls?**

We need an aggressive, coordinated approach to stopping illegal robocalls, and that includes working with state Attorneys General to combat this problem. In fact, we have an active Memorandum of Understanding with Attorneys General in 44 states, the District of Columbia, and Guam. Moreover, these collaborations are bearing fruit, like in the Commission's work with the Ohio Attorney General to stop auto warranty scam calls. We were able to accomplish this with a one-two punch, wherein the Ohio Attorney General filed suit against scammers, while the Commission took immediate action to block the bad actors from accessing our phone networks. I support all efforts to work with our federal and state partners to stop illegal robocalls.

2. **Openness and transparency are cornerstones of effective government. Since Chairman Pai's tenure, it has become standard practice for the FCC to release drafts of agenda items in advance of the monthly Commission Open Meetings. Recently, this practice was not extended to all items on the agenda for the June 2023 Open Meeting. Can you share how you decide which items to make public before Commission votes?**
- a. **Will you commit to the values of openness and transparency by ensuring drafts of all non-enforcement related agenda items are publicly shared in advance of each month's meeting?**

I agree that openness and transparency are important, and to that end, I have continued the practice of releasing the drafts of agenda items in advance of the monthly Commission meetings. Consistent with the practice of the prior administration, items that are circulated and not placed on a tentative meeting agenda are not publicly released until they are adopted by the Commission. This practice includes items that are initially circulated and later added to a meeting agenda, as occurred for three items in January 2021, under the prior administration, and for one item in June 2023.

The Honorable Diana Harshbarger

1. **This Committee has focused on how regulation can be more efficient for space-related matters, most recently working on the SAT Act, which would set a one-year timeline for processing all satellite and earth station applications. The FCC has been engaging in similar efforts, but currently there are only anticipated timeframes, which have rarely been met since they were proposed in 2015 and**

2016. With international competition against U.S. operators increasing, what are you doing to ensure U.S. companies can count on the FCC adhering to the guidance it has provided?

- a. Do you expect to adopt a final requirement that it act by a given time so that the U.S. can remain competitive globally?**

Continued United States leadership in the emerging space economy requires thoughtful collaboration between the public and private sector. In particular, it requires the Commission to update its policies to support the expanding range of commercial opportunities in our higher altitudes.

Streamlining and updating the satellite and earth station licensing rules and framework are a priority for the agency. As part of the Commission's Space Innovation Agenda, the agency released a rulemaking that proposes to streamline the Commission's licensing of space and earth station applications to keep up with both the unprecedented number of applications that have been filed during the last few years, as well as the increase in the complexity of applications.

Specifically, the rulemaking seeks public comment on ways to speed up the process for placing applications on public notice, which is the first step in building a public record. The rulemaking also seeks comment on how to reduce processing timelines and other ways to streamline satellite application processing. The public comment period, during which we received a great deal of input from industry and other interested parties, closed on April 5, 2023. At present, we are closely reviewing the record, which includes comments on the specific question you ask, and are moving quickly to establish final rules.

In addition, some industry commenters have suggested in connection with the Commission's streamlining proceeding that they would appreciate additional guidance on satellite and earth station licensing. In response, we are considering transparency initiatives that would provide additional guidance to applicants regarding Commission application review, processes, and procedures. While we are still considering the specific format that this guidance will take, we plan to make this information widely available and anticipate that this information would increase transparency regarding our processes and help applicants file more complete applications at the outset.

Finally, we are in the process of updating our online application processing system, the International Communications Filing System. This is an internet-based system that accepts electronic filing for all international and satellite services, and we expect that when these updates are in place they will also help speed up the application process with a modern, more accessible system.

The Honorable Bill Johnson

- 1. Recent studies examining the length of time satellite applications take at the Commission suggest that timelines had been slowing over the past few years. In fact, one study found that for companies seeking satellite licenses in the United**

States the average processing time is now stretching into the years, not months. You noted in your testimony that you've increased staff who review satellite applications, and that you set up a rulemaking to try to identify the necessary criteria for inclusion in applications so that you can put these out on public notice faster. Can you explain in detail how the new rule will bring down these timelines, and can you explain specific steps the Commission is taking to ensure we can get these applications completed in a timely manner?

The last few years have seen extraordinary growth in the number of applications filed at the Commission. If the current rate of filings for space station applications remains constant, this year we will receive approximately four times the number of applications that we received in 2015. Similarly, we will receive approximately three times the number of earth station applications that we received in 2015. In addition, the applications before us are unlike those in the past. They now regularly include more complex and novel issues as innovative satellite uses are developing rapidly. Finally, as the space economy grows, satellites are operating in a more complex environment, requiring greater coordination with government and commercial entities on a global scale.

As part of the Commission's Space Innovation Agenda, we released a rulemaking that in several ways proposes to streamline the agency's licensing of space and earth station applications to manage this increase in both volume and complexity.

First, this rulemaking seeks comment on ways to speed up the process for placing applications on public notice, an important first step in building a public record based on a complete application.

Second, the rulemaking seeks comment on how to reduce processing timelines and other ways to streamline satellite application processing.

Third, some industry commenters have suggested in connection with the Commission's streamlining proceeding that they would appreciate additional guidance on satellite and earth station licensing. In response, we are considering transparency initiatives that would provide additional guidance to applicants regarding Commission application review, processes, and procedures. While we are still considering the specific format that this guidance will take, we plan to make this information widely available and anticipate that this information would increase transparency regarding our processes and help applicants file more complete applications at the outset.

Fourth, we are in the process of updating our online application processing system, the International Communications Filing System. This is an internet-based system that accepts electronic filing for all international and satellite services, and we expect that when these updates are in place they will also help speed up the application process with a modern, more accessible system.

2. The FCC has laid out a transition for the frequencies currently used for rail

safety and train control in the 900 MHz band, and we're coming up on the deadlines for operators to replace their equipment. Does the FCC intend to hold the line on this important safety upgrade, and enforce the transition timeline for rail operators to carry out the spectrum transition?

In 2020, the Commission began efforts to transition a portion of the 900 MHz band to make six of the band's ten megahertz available for broadband services and technologies to meet the increasing spectrum capacity demands of a wide range of industries, including utilities, railroads, and other private land mobile radio services. To aid this transition, the Commission agreed to the American Association of Railroad's request to consolidate certain 900 MHz channels used nationwide by the railroads over a five year period (i.e., by September 2025). The Commission stands ready to work with the American Association of Railroads to facilitate a timely transition.

The Honorable Yvette Clarke

1. **The 4.9 GHz band is used in many parts of the country for important public safety applications. In New York City, the Metropolitan Transportation Authority uses the 4.9 GHz band for its Communication-Based Train Control system in the subway. There are plans to upgrade the system to a 5G-enabled technology as part of a long-term modernization program to increase the safety and reliability of subway travel. What steps can the Commission take to ensure that existing and future public safety users are allowed to operate on this band without risk of harmful interference from other uses?**

As we transition to next-generation technologies, we must ensure that public safety is not left behind. That is why one of my first actions as Chairwoman was to vacate rules adopted during the last administration that that would have allowed state licensees to kick first responders off of the 4.9 GHz band and lease it to third parties to generate revenues. Then, working with my colleagues at the agency, we started a rulemaking to look at creative ways to use this band to help improve first responder access to the latest technologies like 5G, increase public safety interoperability, and bolster the availability of equipment in this band.

In light of the record developed in response to this rulemaking and the importance of ensuring the 4.9 GHz band remains a locally-controlled public safety band, in January 2023 the Commission established a new band manager framework. In addition, it adopted more comprehensive and granular technical information requirements for the band. I believe these steps and a further rulemaking we adopted at the same time will help enhance coordination between existing and planned systems in the band and also provide opportunities for new and expanded deployments. At present we are reviewing the record in response to the further rulemaking and are committed to ensuring that any further changes will continue to honor the importance of public safety operations in the band.

2. **The voluntary transition to ATSC 3.0 or NextGen TV has the**

potential to give consumers access to higher video resolution, better audio, additional content, and even, interactivity. While the rollout of new features and enhanced quality is appealing, what assurances can you give those unable or unwilling to upgrade that they will continue to have access to local news, emergency information, and their favorite primetime programming? Does the FCC remain committed to a voluntary, market-driven development and deployment of NextGen TV?

Yes. Free, over-the-air broadcasting has long been an important source of local news and programming in our communities. The next generation television standard, known as ATSC 3.0, has the potential to support new business opportunities for broadcasters and also unlock new benefits for consumers. At present, 60 percent of households in this country are covered by at least one next generation television signal, the result of a voluntary, market-by-market rollout of ATSC 3.0. This approach balances the benefits of stations transitioning to ATSC 3.0 with measures that minimize costs and disruption for consumers who rely on programming using the existing standard, known as ATSC 1.0.

To support this approach, the Commission has put in place a special system for licensing simulcast and multicast streams to protect consumers during the voluntary transition period. This has allowed broadcasters to take steps forward deploying ATSC 3.0 services, while ensuring that consumers who still rely on legacy technology are not deprived of vital local television service. The local simulcasting requirement is part of this effort because it supports the deployment of ATSC 3.0 service in a manner that minimizes viewer disruption by continuing to provide essential programming for viewers relying on ATSC 1.0 technology and ensuring that the ATSC 1.0 broadcast is substantially similar to the primary video programming stream on the ATSC 3.0 channel. This requirement was set to expire on July 17, 2023. However, on June 23, 2023, the Commission acted to extend the expiration date to July 17, 2027. It also committed to initiate a review one year before the requirement is set to expire in order to determine whether it should be extended in light of marketplace conditions and consumer needs.

The Honorable Tony Cardenas

1. **A recent report from the GAO found that hundreds of thousands of K-12 students are affected by ransomware attacks each year. Since 2016, there have been 1,331 publicly disclosed cyber incidents affecting U.S. school districts. Just last September, the FBI and CISA issued a warning stating that schools face a growing risk of intrusions. What's more, dozens of public library systems across the country have suffered ransomware attacks.**

In October, Vice Society, a Russian speaking cyber gang claimed responsibility for a ransomware attack on Los Angeles Unified School District's network. The stolen information included passport, Social Security numbers, tax forms, financial reports, and health information including psychological assessments of students.

Unfortunately, this data was subsequently published online. Other school systems across the country including Minneapolis Public School District, Baltimore City Public Schools, Miami- Dade School District, Clark County, Nevada, and more have faced similar devastating attacks. CISA released a report finding that "[w]ith greater connectivity among [education] systems and networks, threat actors attack these systems for financial gain, to disrupt classes, or for other potentially destructive purposes."

While a more comprehensive approach to address the security needs of schools and libraries should be pursued, the FCC should, at a minimum, permit schools and libraries to purchase advanced or next generation firewalls through the E-Rate program. This would constitute a major step forward in protecting K-12 students from this constant cyber threat. Advanced or next generation firewalls would make an immediate impact on school security by providing enhanced protections like intrusion detection and prevention, enabling the use of virtual private networks ("VPN"), DDoS protection, and advanced network access controls.

Without these tools, schools will continue to be targeted by cyber criminals. The E-Rate program today supports basic firewalls and could support advanced or next generation firewalls without impacting existing E-Rate supported connectivity, modifying or exceeding the E-Rate program budget, or causing other significant disruption to the Universal Service Fund.

Will the FCC consider permitting schools to use their Category II funding to purchase advanced firewalls?

E-Rate, which got its start as part of the Telecommunications Act of 1996, is the Nation's largest education technology program. It is responsible for connecting schools and libraries across the country to essential broadband services. Today, E-Rate funds basic firewalls. However, as you note, some stakeholders have called for funding next-generation firewalls and other cybersecurity services, including endpoint protection and advanced services. According to a study conducted by some of these stakeholders, funding a broad range of these kind of cybersecurity services would increase demand in the program as much as an additional \$2.389 billion a year, nearly doubling the overall spending on the program.

In considering whether to expand the E-Rate program to fund additional cybersecurity services, I believe it is important to keep two principles in mind. First, I think it is important that the Commission work in coordination with other federal agencies, including the Cybersecurity and Infrastructure Security Agency and the Department of Education, which have greater expertise and resources in this area, to collaborate on how to best help K-12 schools address cybersecurity threats. Second, I believe it is important that any increased spending on enhanced cybersecurity does not come at the expense of undermining E-Rate's statutory mission and historic success

promoting basic connectivity in communities across the country.

In light of this, earlier this month I shared with my colleagues a proposal to establish a Pilot Program to support cybersecurity services for K-12 schools and libraries. I believe that taking this step now will give us valuable insights about whether and how the Commission could leverage its resources to help address the cybersecurity threats that schools and libraries face. Among the issues we will be able to study will be the effectiveness of using advanced firewalls and other tools for cybersecurity protections. This proposed Pilot Program will run for three years with a proposed budget of \$200 million and will be established within the universal service fund, but separate from the E-Rate program. Ultimately, this Pilot Program will help us better understand the most cost-effective way to work in conjunction with other authorities—like the Cybersecurity and Infrastructure Security Administration and Department of Education—to address this growing problem.

2. **Chairwoman Rosenworcel, understanding the value and importance of reducing barriers to broadband deployment to unserved communities in unserved areas, under your leadership, and early in your tenure, the FCC started a proceeding to seek clarification of the FCC's existing utility pole attachment rules.**

Since then, billions of additional dollars are about to be committed for broadband deployment across the country, in both urban and rural areas. The timeliness of having modernized rules of the road regarding how fiber optic cable gets on utility poles to connect America, would appear to advance our common goal of closing the digital divide.

In that spirit, Chairwoman Rosenworcel, can you commit to this committee that you will help speed this critical docket and have a final order in front of the Commission by the end of this year?

I agree that the Commission should be doing everything it can to speed the deployment of broadband to all areas of the country and that ensuring there is a transparent, fair, and fast pole attachment process that considers the needs of pole owners and attachers is a key part of that effort. As you note, last year the Commission unanimously adopted a rulemaking that sought comment on questions on a number of complex economic and legal issues that may arise with pole replacements, including the allocation of pole replacement costs between utilities and attachers. The rulemaking also sought comment on whether there are other reforms we can make to speed up the process for negotiations over pole replacements and attachments, recognizing that certainty is good for both the providers seeking to build broadband networks and for the electric companies that own most utility poles. Commission staff is currently reviewing the record in this proceeding. Please be assured that we will take into consideration the issues and concerns presented by all stakeholders as the Commission deliberates on the appropriate course of action.

The Honorable Ann Kuster

1. **Chairwoman Rosenworcel: Last December, I joined a bipartisan group of members on a letter to your agency urging expeditious consideration of the proposed A-CAM program enhancements. I was pleased to see the FCC announce its plans for an Enhanced A-CAM program to require speeds of 100/20 Mbps or faster speeds. These enhancements will ensure that rural communities serviced by the program aren't offered subpar internet speeds and that their internet service keeps pace with their broadband needs.**
 - a. **Chairwoman Rosenworcel: Faster speeds is a win for rural communities and many providers have already begun to upgrade their services and deploy 100/20 Mbps speeds. How will the FCC work to include providers that took the initiative to improve their services before the A- CAM enhancements were announced?**

In order to keep pace with the demand for reliable broadband and meet the needs of consumers today and into the future, we need to optimize the Commission's high-cost programs to bring higher speeds and greater bandwidth to consumers, particularly for those living in high-cost and hard-to-reach areas. To this end, the Commission just adopted an update to its universal service high-cost program involving the A-CAM model used by small carriers for service support in some of the most rural areas of this country. The new model, known as Enhanced A-CAM, provides carriers with the opportunity to elect to serve all locations in their service areas at speeds of 100 Megabits down and 20 Megabits up in return for an extension of the AC-CAM program and an incremental increase in support for especially hard-to-serve areas. In light of the kind of earlier enhancements you describe, we also provide ongoing support to providers that built out networks before the Enhanced A-CAM program began.

- b. **Chairwoman Rosenworcel: Will you commit to working with providers to continue developing the Enhanced A-CAM program and quickly implement these much needed improvements?**

Yes. The Commission just adopted an update to its universal service high-cost program involving the A-CAM model used by small carriers. The staff will continue to work with providers to expeditiously implement the program and bring higher speeds and greater bandwidth to consumers.

2. **Chairwoman Rosenworcel: The National Broadband Map provided the foundation for determining the recently announced BEAD allocations to states. I know that the FCC, providers, and state broadband offices have put a tremendous amount of effort into developing this map to be the most comprehensive depiction of broadband availability nationwide. Now that the once-in-a-generation funding from the BEAD program has been allocated, it's time for states to determine how to best use this funding to build up broadband networks in their communities.**
 - a. **Chairwoman Rosenworcel: How can we ensure that this map continues to serve**

as the foundation for determining eligibility when states begin awarding grant funding?

In November 2022, the Commission developed its first location-based broadband map using new legal and technical tools in an effort to paint a more accurate picture of where broadband is and is not available across the United States. This map was light years better than preceding maps because it no longer relied on census block-level reporting. Instead, it identified every household and small business in the country that should have access to high-speed internet service. To illustrate how much more granular this is than what came before, consider that in our most recent mapping effort the Commission identified over 114 million locations where fixed broadband could be installed compared to data from just 8.1 million census blocks in our prior maps. Since November 2022, the Commission has worked closely with state and local governments as well as providers and other stakeholders to continue to improve the map. In May 2023, the Commission released an updated version of the National Broadband Map that identified more locations and incorporated feedback on broadband availability. The Commission has a duty under the law to continue develop these maps in an iterative fashion, so we will continue to update and improve the map. I look forward to working with local, state, and federal authorities to continue to use this tool to help inform efforts to close the Nation's digital divide.

Questions for the Record

Subcommittee on Communications and Technology

Hearing entitled, “Oversight of the Federal Communications Commission”

June 21, 2023

Commissioner Brendan Carr

Federal Communications Commission

Attachment 1—Additional Questions for the Record**The Honorable Russ Fulcher**

When it comes to the issue of Net Neutrality, there has been some back and forth between reclassifying broadband Internet access as a Title II telecommunications service with the potential for a “public utility style” regulation versus keeping the current “light-touch” approach of regulation under Title I of the Communications Act.

1. Could you discuss the benefits of the current “light-touch” approach and whether the imposition of Title II could give the FCC to additional regulatory authority over rates?

Answer: Investment and innovation in America’s broadband networks has thrived under the smart, light-touch approach to regulation that the FCC has applied for decades to the Internet on a bipartisan basis. While there is much more work ahead to end the digital divide in the U.S., imposing costly public utility style regulation to the Internet would only make it harder for ISPs to get the job done.

Indeed, the unprecedented spike in global Internet traffic that followed the COVID-19 pandemic represented the ultimate stress test of communications networks. The U.S. and its light-touch approach offers a stark contrast to the more heavily regulated communications networks in Europe and other parts of the globe. While our networks in the U.S. delivered high quality service despite elevated traffic levels, our friends in other advanced economies were not so fortunate. Their networks strained to maintain quality and speed. In Europe, EU officials asked Netflix and other streaming platforms to significantly reduce their video quality to prevent the continent’s networks from breaking. Australia made a similar request. Yet our networks showed no significant reduction in speed or increase in latency, according to independent measurements. In fact, U.S. wireless networks saw speed increases despite the significant jump in data usage. By contrast, China saw up to 40 percent reductions in download speeds, and countries all across Europe and Asia also experienced significant declines.

America’s networks performed because of the private sector’s massive investment in our Internet infrastructure under the light-touch approach. In 2018, for example, the year following the FCC’s 2017 return to a light-touch approach, America’s wireless providers invested over 70 percent more per subscriber than their counterparts in Europe. In 2019, telecom crews built out more miles of high-speed fiber than ever before—over 450,000 route miles, which is enough to wrap around the Earth over 18 times. On top of that, the U.S. wireless industry invested \$29.1 billion in 2019, \$30 billion in 2020, \$35 billion in 2021, and \$39 billion in 2022—that represents a five-year increase in private sector investment dating back to 2017. We have also seen significant increases in infrastructure approvals and small cell builds.

Indeed, while some predicted that Internet speeds would decline following the FCC’s return in 2017 to a light-touch approach to regulation, the facts speak for themselves. Average mobile download speeds are up from 27.22 Mbps to 151.45 Mbps in the five years following that 2017 decision—that’s up over 5.5X or 456%.

Returning to Title II, in the face of this success and in the absence of any compelling reason to do so, would represent a massive government overreach and open the door to price controls and other intrusive forms of regulation that were adopted nearly a century ago to deal with traditional telephone monopolies—a far cry from the competitive broadband market we have here in the U.S.

Attachment—Additional Questions for the Record

**Subcommittee on Communications and Technology
Hearing on
“Checks and Balances: Oversight of the Federal Communications Commission”
June 21, 2023**

The Honorable Nathan Simington, Commissioner, Federal Communications Commission

The Honorable Russ Fulcher

1. When it comes to the issue of Net Neutrality, there has been some back and forth between reclassifying broadband Internet access as a Title II telecommunications service with the potential for a "public utilities style" regulation versus keeping the current "light-touch" approach to regulation under Title I of the Communications Act. Could you discuss the benefits of the current "light-touch" approach and whether the imposition of Title II could give the FCC to additional regulatory authority over rates?

RESPONSE: Net neutrality is really two different debates. The first is whether there should be rules that internet providers have to follow with regards to fair and nondiscriminatory routing of end-consumer traffic. I think that at least at some level of generality, there is bipartisan support for such rules.

The second question is whether the FCC should assert Title II jurisdiction over broadband providers, the only way it could plausibly impose net neutrality rules without congressional action. I think this is a bad idea that would open the internet to unnecessary and unending bureaucratic meddling. Title II is a comprehensive regulatory framework designed for the telephone system. It is highly prescriptive and limiting. The United States has the most vibrant and successful broadband industry in the world, something it has achieved with relatively light regulation, and suddenly applying this regulatory straitjacket to it would threaten that. Title II is also a rate regulation regime. The possibility of price controls is the death knell for private investment, and their imposition by a future FCC becomes much more likely if this FCC brings the broadband industry under Title II.

The legal case for Title II regulation of broadband is also dubious. Because Title II was designed first and foremost for telephone service, the 2015 Open Internet Order was only able to reclassify broadband as a Title II service by forbearing from almost the entirety of Title II. The Commission essentially crossed out every part of the law except for a handful of common carriage provisions. Even though this order, since rescinded, was upheld, federal courts have recently become much more skeptical of such creative administrative rulemaking. I am

not so confident that a reclassification of internet as a Title II service would be upheld today. I believe new legislation is the only sure way to impose net neutrality rules.

2. When it comes to the Universal Service Fund, I have heard a mix of discussions around the contribution base and what we should continue to fund. I understand the FCC released a report last August on the "future of the USF," but could you give me some sense of the challenges faced here?

RESPONSE: The Universal Service Fund (USF) is currently funded through mandatory contributions made by voice and interconnected VoIP providers, based on those providers interstate voice service revenues. These contributions are assessed on consumers and passed through by providers, which essentially makes them a tax. With the advent of internet-based voice and messaging apps, interstate telephone service revenues have decreased substantially. Meanwhile, the demands on the fund continue to grow, as it pays for programs that subsidize the deployment of high-speed internet to expensive-to-serve areas, and other programs that subsidize the purchase of phone and internet services for various groups, like lower-income families, rural hospitals, and schools. The result is that the contribution factor, i.e., the tax rate, has risen dramatically. Two decades ago, the contribution factor was about six percent. Now it hovers around thirty percent, fluctuating quarter to quarter. Without reform, I only expect it to continue to grow, having increasingly distortionary effects on the market for telephone services.

I believe that the best way forward is to require internet content and application companies, "Big Tech," to contribute to the fund since they have been the primary beneficiaries of it. These are now among the most valuable companies in the history of the world, in large part because broadband providers have been so successful, with the help of USF, at hooking up millions of American consumers with affordable, high-speed internet service. As soon as they get connected, those consumers spend voluminous amounts on online shopping, video streaming, and other internet services, as well as patronizing advertising-supported websites. It only makes sense that these companies, who owe so much of their value to nationwide internet deployment and affordability, should pay into USF.