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**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”

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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.

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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.