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RPTR GENEUS

EDTR ZAMORA

MARKUP OF:

H.R. 4889, THE KELSEY SMITH ACT OF 2016;

H.R. 4167, KARI'S LAW ACT OF 2015;

H.R. 4884, CONTROLLING THE UNCHECKED AND RECKLESS BALLOONING OF THE LIFELINE FUND ACT (CURB LIFELINE);

H.R. 4111, RURAL HEALTH CARE CONNECTIVITY ACT OF 2015;

H.R. 4190, SPECTRUM CHALLENGE PRIZE ACT OF 2015;

H.R. 3998, SECURING ACCESS TO NETWORKS IN DISASTERS (SANDy) ACT; AND

H.R. 2031, ANTI-SWATTING ACT OF 2015

MONDAY, APRIL 18, 2016

House of Representatives,
Committee on Energy and Commerce,
Washington, D.C.

The subcommittee met, pursuant to call, at 5:08 p.m., in Room 2123, Rayburn House Office Building, Greg Walden [chairman of the subcommittee] presiding.

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Present: Representatives Walden, Eshoo, Pallone (ex officio).

Staff Present: Rebecca Card, Assistant Press Secretary; Giulia Giannangeli, Legislative Clerk, CMT; Peter Kielty, Deputy General Counsel; Tim Pataki, Professional Staff Member; Graham Pittman, Legislative Clerk; David Redl, Chief Counsel, Telecom; Charlotte Savercool, Professional Staff C&T; Dan Schneider, Press Secretary; Gregory Watson, Legislative Clerk, C&T; Jen Berenholz, Minority Chief Clerk; David Goldman, Minority Chief Counsel, Communications and Technology; Tiffany Guarascio, Minority Deputy Staff Director and Chief Health Advisor; Jerry Leverich, Minority Counsel; Jessica Martinez, Minority Outreach and Member Services Coordinator; Matt Schumacher, Minority Press Assistant; Ryan Skukowski, Minority Policy Analyst; Andrew Souvall, Minority Director of Communications, Outreach and Member Services.

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Mr. Walden. I call to order the Subcommittee on Communications and Technology. I recognize myself for an opening statement.

After a productive and informative legislative hearing on seven pieces of legislation, I am pleased that we are moving quickly to subcommittee markup. It was clear to me after the testimony and questions we heard last week, these bills are all worthy candidates for becoming law.

We heard from the mother of Kelsey Smith, a young woman whose tragic death motivated her family to give law enforcement the tools to prevent something similar from happening to another family. The Kelsey Smith Act would allow law enforcement to more quickly and easily locate victims in emergencies using location data from their cell phone providers.

Now, we also heard from an ACLU attorney, who expressed concerns about privacy violations and potential abuse of the legislation by law enforcement. While I know these concerns are shared by some members here, I believe the law, as drafted, creates a sufficiently narrow set of circumstances in which law enforcement agencies can access these types of data, as well as the very small subset of data that they are able to access.

The bill seeks to balance all interests by protecting the privacy of users, while still providing access when the situation demands it. This bill utilizes existing technology to help law enforcement better respond when someone is in serious danger.

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As we discussed last week, it is essential that any legislation not put the burden of liability on cell phone carriers. So any decision should be left to trained law enforcement, which allows carriers to hand over the data without second-guessing the police on what constitutes an emergency and without fear of a lawsuit.

I will offer an amendment tomorrow that will make sure that a carrier's customer service representative is not faced with making a decision about whether complying with the request from law enforcement opens the company or individual up to liability. When every second counts, this type of decision should not be left to someone who is not trained to make it. Let's not get in the way of law enforcement trying to do their jobs.

The Kelsey Smith Act has been passed in 22 States, including my own State of Oregon in 2014, where it passed unanimously, and was signed into law by a Democratic governor. This doesn't have to be a partisan exercise, and, indeed, it is not.

As Mrs. Smith testified, concerns about abuse of the law and privacy violations simply have not come to fruition. The lifesaving benefits, however, have been seen more than once. I hope that today we can take another step toward a Federal law that will help prevent another family from enduring what the Smiths did.

We will also consider Kari's Law, which requires that multiline telephone systems typically found in hotels, offices, and schools have a default configuration to dial out to 911 without any prefix required.

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I think that most of the members on this panel share my disbelief when we heard last week that such a problem could exist and, indeed, does exist.

I think every parent can agree that they never taught their child to dial another number, like another 9 before 911. So we have the opportunity to make sure this confusion never contributes to a tragedy again. With a legislative fix, it is both easy and inexpensive.

Hotels have made significant progress in addressing this problem, but without a uniform and consistent law across the country, those efforts will not eliminate the potential for another caller to try and fail to reach emergency responders when they are needed most. No grandfather should have to hear his grandchild say that she tried dialing 911 but it just didn't work. That is what Hank Hunt heard after the tragic murder of his daughter. Let's fix this.

We are also going to look at a bill from Rep. Austin Scott, which caps the Lifeline portion of the Universal Service Fund. And last week, we heard from a Lifeline recipient who spoke of the importance of connectivity for children and families. I agree with her. Being connected is a vital thing in our digitally-driven world.

So the changes this bill would make do not end that program, and they do not require the FCC to turn people away. All we are asking for is a dose of fiscal discipline. If there is a budget in place, the FCC will be forced to undergo a more serious examination of the problems plaguing the system, and we all know there are problems

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plaguing the system.

They have taken some steps to address the waste, fraud, and abuse, and I commend the FCC for that, but there is clearly still more that must be done. Just 2 weeks ago, the FCC issued a proposed \$51 million fine to a company for receiving subsidies for tens of thousands -- tens of thousands -- of duplicate registrants, and that represented a fraction of the alleged fraud. Instead of continually expanding the fund at the cost of rate payers, let's instead take a hard look of what we can do while living within our means.

Now, we will also consider four other bills we discussed at last week's legislative hearing. We heard from several witnesses on the importance of these pieces of legislation, almost all of which are targeted fixes to important problems. As we move forward with these bills, we continue our work towards more modern and effective communications laws. There is no question that this industry is driving our economy in so many positive ways, and it is our job to make sure the law does not unnecessarily stand in the way of that progress.

Again, I would like to thank all the sponsors of these bills, both sides of the aisle, both Republicans and Democrats, for their hard work on these legislative efforts. This markup is another promising step forward in the subcommittee's, I think, very positive legacy.

[The prepared statement of Mr. Walden follows:]

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

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Mr. Walden. So with that, I will yield to my friend from California, the ranking member of the subcommittee, Ms. Eshoo, for 5 minutes.

Ms. Eshoo. Thank you, Mr. Chairman. Good to see you.

And it seems to me, with three members here, we can get just about everything done, and free everyone up tomorrow.

Mr. Walden. Well --

Ms. Eshoo. Tomorrow, our subcommittee is going to convene to mark up, as you said, seven bills that cover a wide range of issues across the communications landscape. I think some bills are very good; some, I think, need some improvement; and I think one bill will have severe consequences for low-income Americans in how they access basic communication services.

So I want to start with the -- very good. The Rural Health Care Connectivity Act introduced by Congressman Lance would allow skilled nursing facilities in rural communities to apply for support from the Universal Service Fund's rural healthcare program to increase access to affordable broadband Internet service. I think that this is an important and good step.

The Spectrum Challenge Prize Act carried by Congresswoman Matsui, would encourage innovation in new technologies to utilize spectrum more efficiently.

The SANDy Act, which was introduced by Ranking Member Pallone, would make our emergency networks more resilient during times of

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emergency or natural disaster. And his State really came to understand what the word "disaster" means. So this is another important and good one.

The Anti-Swatting Act, introduced by Congressman Engel, targets the dangerous and reckless crime of swatting by putting in place strong criminal and civil penalties for offenders. And I think that that is really going to speak volumes to anyone that anticipates undertaking, you know, what is going on.

These are all laudable goals, and they deserve the high priority of our subcommittee.

Next, I think there is room for improvement on two very important measures that will improve our Nation's emergency communications network and strengthen law enforcement's ability to keep us safe.

Kari's Law Act would require multiline telephone systems to provide direct dialing to 911, as you described, Mr. Chairman. As a co-chair of the NextGen 9-1-1 Caucus, location accuracy should be included in this discussion. And I plan to offer an amendment to require a location accuracy proceeding at the FCC within 180 days of enactment of the bill. I also look forward to working with the majority and stakeholders to address some technical concerns that have been raised about this bill, and I know that the majority is aware of some of those concerns. And I think that those are doable.

The Kelsey Smith Act would require wireless carriers to provide law enforcement officials with location information for an

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individual's device if that person is believed to be in an emergency situation. We need to look closely at the compromise reached on this bill in the 113th Congress to ensure appropriate privacy protections are included.

Finally, and I know you won't be surprised by this, I am strongly opposed to the CURB Lifeline Act. This bill would impose an arbitrary cap on the FCC's Lifeline program budget of \$1.5 billion, and eliminate the program's support for voice-only mobile services within 2 years, and prohibit Lifeline from being used to subsidize the sale or lease of a mobile phone.

I am struck by the word "lifeline." That is exactly what it is. Why would we curb poor people's lifeline to potential employers, to their healthcare providers, to 911 services? That is very serious, 911 serious -- services, and of course, with their families and friends. So, obviously, I am opposed to that, and I believe that -- I am strongly opposed to it, because this is a social safety net program, and I think we are going to have a vigorous debate on that.

So I am hopeful that both sides of the aisle will -- and I think that we will -- work together to address some of the concerns that I raised.

And, lastly, Mr. Chairman, I have a unanimous consent request for a letter to be placed in the record from the Leadership Conference on Civil Rights and Human Rights.

Mr. Walden. Without objection.

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Ms. Eshoo. Thank you, Mr. Chairman. And I yield back.

[The information follows:]

***** COMMITTEE INSERT *****.

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[The prepared statement of Ms. Eshoo follows:]

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

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Mr. Walden. The gentlelady yields back.

The chair recognizes the ranking member of the full committee for opening comments, Mr. Pallone of New Jersey.

Mr. Pallone. Thank you, Mr. Chairman, and also our ranking member, Ms. Eshoo, for holding this markup today on important communication bills, most of which focus on the importance of public safety communications.

Telecom plays a critical role in public safety. Ensuring people have access to communication services can make all the difference during an emergency, which is why I support many of the bills before us today. However, there is one bill included in this markup that actually makes it more difficult for low-income Americans to access these critical communication services, and I will oppose that legislation.

In New Jersey, we learned firsthand during Hurricane Sandy the importance of telecommunications during an emergency. Making a call for help is difficult when the power is out, and when the cell towers are also down, it can be nearly impossible. I would like to thank Chairman Walden for including my Security Access to Networks and Disaster, or the SANDY Act, in today's markup, as well as two other Democratic bills. I hope all these bills will garner bipartisan support.

The SANDY Act would recognize the critical role that all communications providers, broadcasters, cable, and telecom serve in

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emergencies. But most notably, the bill would ensure consumers have access to wireless service even if their particular wireless network goes down. We need to be better prepared because no one should be left with silence on the other end of the call when they dial 911.

Another bill we will be considering today, H.R. 2 -- I am sorry -- 4167, or Kari's Law, would also make us all safer. Last week, we heard powerful testimony from Hank Hunt, whose daughter, Kari Dunn, might still be alive today if her hotel's phone simply allowed a call to 911 to go through without dialing an extra 9 first. We should never let that happen again, which is why I support the bill named for Mr. Hunt's daughter. However, this bill can be even stronger. With minor changes, it can save more lives.

Last week, we heard that another problem with these multiline systems is that they don't deliver precise location information to first responders. We heard that a 911 call from the phone industry would tell public safety officials only that we are somewhere in the Rayburn Office Building, a multistory building that spans two city blocks. At a time when every second counts, crucial minutes would tick by as first responders scramble to track down the call. And that is why I urge my colleagues to support a Democratic amendment that would direct the FCC to address this problem.

We also heard moving testimony last week from Melissa Smith, whose daughter was abducted and killed. We heard how it took police 4 days to find her daughter Kelsey after she had been abducted, because that

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is how long it took the phone company to hand over the location of Kelsey's cell phone. This was tragic, and we should find a bipartisan way to address this issue, which is exactly what this committee did in the last Congress.

Democrats and Republicans came together to reach consensus on a way forward that would get law enforcement the location information they need quickly, while still safeguarding consumer privacy. And most of these safeguards go into place after a search is over, and the record indicates these kinds of safeguards would not hamper an investigation.

For some reason, however, the Republicans decided to walk away from their own deal. Instead, we have H.R. 4889, a version of the bill that drops all the consumer safeguards Republicans agreed to in the last Congress. But it is not too late. Tomorrow, Democrats plan to offer the version of the Kelsey Smith Act that easily cleared the committee with bipartisan support in the last Congress, and I urge everyone to support this Democratic amendment.

Unfortunately, not all of the bills before us today actually make us safer. As the other bills we are considering today make clear, our phones are the essential lifesaving devices that we keep up -- that keep with us every day. But H.R. 4884 would set a cap on the Lifeline program and effectively rip these essential lifesaving devices from the hands of the people who need help the most.

Last week, Abigail Medina told us about how her phone truly was

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her lifeline when she was on the program. A Republican witness countered that low-income Americans do not need the program, because they can get online at restaurants or coffee shops. So I ask everyone here today, would you give up your phone to just go online at a coffee shop? Well, if not, why is that okay for millions of Americans who rely on the Lifeline program to provide them with their basic communication services, including the ability to call 911? The best way to lower the cost of the Lifeline program is to lift people up, not to take away their connection to a better life.

I support the other three bills we are considering today, H.R. 4111, the Rural Health Care Connectivity Act, which would ensure support for communications to skilled nursing facilities. This is a common sense bill that provides these facilities in rural areas with reasonable, comparable rates for telecommunication services provided to those in urban areas.

H.R. 4190, the Spectrum Challenge Prize Act, [audio malfunction in hearing room] creative approach to improving wireless technology by encouraging innovators to find new ways to make sure that the billions of wireless devices worldwide could all connect without interfering with each other.

And, finally, H.R. 2031 from Congressman Engle, would increase the penalties for an abhorrent practice. Swatting is when one person uses a fake caller ID to call a SWAT team against someone else, often as a prank. This behavior should not be tolerated, and I fully support

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this bill to stop it once and for all.

Sir, again, I yield back, and thank you for putting these bills together today. It is a good combination, other than the Lifeline bill. Thank you.

[The prepared statement of Mr. Pallone follows:]

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

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Mr. Walden. The gentleman yields back the balance of his time.

And I kind of liked your suggestion, just going ahead and we could, you know, voice vote.

Ms. Eshoo. Do you realize how much we could get done?

Mr. Walden. I don't see anyone else from the subcommittee at this time to make opening statements. So the committee will -- oh, wait a minute. I probably have some official script I am supposed to read here.

So the chair calls up H.R. 4889 and asks the clerk to report.

The Clerk. H.R. 4889, to amend the Communications Act of 1934 to require providers --

Mr. Walden. Without objection, the first reading of the bills is dispensed with. The bill will be opened for amendment at any point. So ordered.

[The bill follows:]

***** INSERT 1-1 *****

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Mr. Walden. We are now on H.R. 4889. The subcommittee will reconvene tomorrow at 2:00 p.m. And I remind members, the chair will give priority recognition to bipartisan amendments. I look forward to seeing all of you tomorrow.

Without objection, the subcommittee stands in recess.

[Whereupon, at 5:25 p.m., the subcommittee recessed, to reconvene at 2:00 p.m., Tuesday, April 19, 2016.]

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6 MARKUP OF:

7 H.R. 4889, THE KELSEY SMITH ACT OF 2016;

8 H.R. 4167, KARI'S LAW ACT OF 2015;

9 H.R. 4884, CONTROLLING THE UNCHECKED AND

10 RECKLESS BALLOONING OF THE LIFELINE FUND ACT

11 (CURB LIFELINE);

12 H.R. 4111, RURAL HEALTH CARE CONNECTIVITY

13 ACT OF 2015;

14 H.R. 4190, SPECTRUM CHALLENGE PRIZE

15 ACT OF 2015;

16 H.R. 3998, SECURING ACCESS TO NETWORKS IN

17 DISASTERS (SANDY) ACT; AND

18 H.R. 2031, ANTI-SWATTING ACT OF 2015.

19 TUESDAY, APRIL 19, 2016

20 House of Representatives

21 Subcommittee on Communications and

22 Technology

23 Committee on Energy and Commerce

24 Washington, D.C.

25

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1 The subcommittee met, pursuant to call, at 2:00 P.m., in Room
2 2123 Rayburn House Office Building, Hon. Greg Walden [chairman
3 of the subcommittee] presiding.

4 Members present: Representatives Walden, Latta, Barton,
5 Shimkus, Blackburn, Scalise, Lance, Guthrie, Olson, Pompeo,
6 Kinzinger, Bilirakis, Johnson, Long, Elmers, Cramer, Upton (ex
7 officio), Eshoo, Doyle, Welch, Yarmuth, Clarke, Loeb sack,
8 Butterfield, Matsui, McNerney, Lujan, and Pallone (ex officio).

9 Staff present: Mike Bloomquist, Deputy Staff Director; Sean
10 Bonyun, Communications Director; Karen Christian, General
11 Counsel; Gene Fullano, Detailee, Telecom; Giulia Giannangeli,
12 Legislative Clerk, Commerce, Manufacturing, and Trade; Kelsey
13 Guyselman, Counsel, Telecom; Peter Kielty, Deputy General
14 Counsel; Grace Koh, Counsel, Telecom; Tim Pataki, Professional
15 Staff Member; Graham Pittman, Legislative Clerk; Charlotte
16 Savercool, Professional Staff, Communications and Technology;
17 Dylan Vorbach, Deputy Press Secretary; Gregory Watson,
18 Legislative Clerk, Communications and Technology; Jen Berenholz,
19 Minority Chief Clerk; Elizabeth Ertel, Minority Deputy Clerk;
20 David Goldman, Minority Chief Counsel, Communications and
21 Technology; Tiffany Guarascio, Minority Deputy Staff Director and
22 Chief Health Advisor; Jerry Leverich, Minority Counsel; Lori
23 Maarbjerg, Minority FCC Detailee; Jessica Martinez, Minority
24 Outreach and Member Services Coordinator; Tim Robinson, Minority
25 Chief Counsel; Matt Schumacher, Minority Press Assistant; Ryan

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1 Skukowski, Minority Policy Analyst; and Andrew Souvall, Minority
2 Director of Communications, Outreach and Member Services.

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1 Mr. Walden. We are going to call to order the Subcommittee
2 on Communications and Technology. At the conclusion of opening
3 statements yesterday, the chair called up H.R. 4889.

4 [The Bill H.R. 4889 follows:]

5

6 *****INSERT 1*****

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1 Mr. Walden. The bill was opened for amendment at any point.
2 Are there any bipartisan amendments to this bill? Are there other
3 amendments to H.R. 4889? The chair recognizes -- for what purpose
4 does the gentleman from New Jersey seek recognition?

5 Mr. Pallone. To offer an amendment, Number 01, Mr.
6 Chairman.

7 [The amendment offered by Mr. Pallone follows:]

8

9 *****INSERT 2*****

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1 Mr. Walden. All right. The Clerk will report the
2 amendment.

3 The Clerk. Amendment to H.R. 4889, offered by Mr. Pallone.
4 Strike all after --

5 Mr. Walden. Without objection, the reading of the amendment
6 is dispensed with, and while they distribute the amendment, Mr.
7 Pallone, if you would like to go ahead for 5 minutes in support
8 of your amendment.

9 Mr. Pallone. Thank you, Mr. Chairman, and I won't need all
10 the time. Last Congress, the committee considered another
11 version of the Kelsey Smith Act and voted that bill out of
12 committee on a voice vote. But we are not considering that
13 version today. Today, the bill before us, H.R. 4889, does not
14 follow the framework of that compromise, and the bill disregards
15 this committee's hard work on the Kelsey Smith Act, in my opinion.

16 When the committee first considered the act, it heard
17 concerns about the bill's potential risk to consumers' privacy
18 and Fourth Amendment rights. The committee worked together in
19 a bipartisan way to address some of those concerns and favorably
20 reported the Kelsey Smith Act to the floor of the House.

21 This amendment would offer another opportunity to take up
22 the compromise that was worked out last Congress. That amendment
23 requires that 48 hours after law enforcement makes an emergency
24 request that the officer making that request seek a court order
25 stating whether he or she had probable cause to believe that there

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1 was in fact an emergency.

2 As a result, the bill addresses some of the concerns that
3 civil liberties groups have raised regarding potential abuse of
4 H.R. 4889 while also ensuring that law enforcement have quick
5 access to lifesaving location data when they are presented with
6 an emergency situation.

7 Let me be clear that nothing in this bill would stop law
8 enforcement from acting swiftly to get the accurate location data
9 needed to respond to life threatening emergency. That is a goal
10 we all agree on. If we can't agree, however, Mr. Chairman, on
11 our prior work or to build on our prior work, perhaps we can work
12 together as we move towards full committee markup.

13 But I would like to address some of these civil liberties
14 concerns, and this is the way that we had thought we could do it on
15 a bipartisan basis. So I would urge members to support these
16 efforts and I yield back.

17 Mr. Walden. The gentleman yields back the balance of his
18 time. I would rise in opposition to the amendment. I appreciate
19 the gentleman's strong support of the legislation that I helped
20 offer last time. Subsequent to that we learned a few things about
21 the bill that caused consternation, frankly, among sheriffs and
22 others in my own state, and that is why we modeled this newer bill
23 after what passed in Oregon unanimously in the House and the Senate
24 and signed by the governor, all of whom by the way I don't have
25 to say too loudly are all Democrats. So everything is run by the

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1 Democrats out there which brings joy to your heart, I am sure.

2 But we think it is a balanced piece of legislation we brought
3 before, and the other piece of this is that it does have that
4 liability protection for the carriers so that you don't have some
5 customer representative wondering whether or not they are going
6 to have some liability here if they comply. So I would urge my
7 colleagues to oppose the gentleman's amendment and --

8 Mr. Pallone. Mr. Chairman, if you are done I just was going
9 to ask you to yield a minute.

10 Mr. Walden. Sure.

11 Mr. Pallone. Again, I understand your position. But I did
12 want to mention that the idea here is not to suppress any evidence
13 that resulted from, you know, from the law enforcement activity.
14 That would not be the case, but rather just to provide some
15 deterrent to unlawful police activity. That is what the civil
16 liberties groups are concerned about, so I just wanted to mention
17 that or add to my comments in that regard, Mr. Chairman.

18 Mr. Walden. I appreciate that and I would yield back the
19 balance of my time. Are there other members seeking recognition
20 on the gentleman's amendment? Seeing none, the question now
21 arises. All those in favor of the amendment will say aye.

22 Those opposed, no.

23 The noes appear to have it. The noes have it and the
24 amendment is not agreed to.

25 Are there other amendments at the desk? Why, yes there are.

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1 We will pull up the Walden amendment, please.

2 The Clerk. Amendment to H.R. 4889, offered by Mr. Walden.

3 [The amendment offered by Mr. Walden follows:]

4

5 *****INSERT 3*****

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1 Mr. Walden. Without objection, the reading of the amendment
2 is dispensed with and I will recognize myself for 5 minutes in
3 support of the amendment.

4 This is the fixes that we did to the other bill that put in
5 the liability protection provision that was an issue that came
6 to our attention, because once again you don't want the account
7 reps not cooperating and all because of fear of liability, and
8 so that is what our amendment does. I think it has merit and
9 should achieve bipartisan support, and I would encourage my
10 colleagues on both sides of the aisle to support it, and I yield
11 back the balance of my time.

12 Are there other members seeking recognition on this
13 amendment? Seeing none, the question now comes on the amendment.
14 All those in favor will say aye.

15 Those opposed, nay.

16 The ayes have it. The amendment is agreed to. Are there
17 further amendments? Seeing none, the question now occurs on
18 forwarding H.R. 4889, as amended, to the full committee. All
19 those in favor will say aye.

20 All those opposed, nay.

21 The ayes appear to have it. The ayes have it. The bill is
22 favorably reported. And I want to recognize the Smiths who are
23 in the audience today. Thank you for your participation in this
24 process, and the bill is favorably reported.

25 The chair now calls up H.R. 4167 and asks the Clerk to report.

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1

[The Bill H.R. 4167 follows:]

2

3

*****INSERT 4*****

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1 The Clerk. H.R. 4167, to amend the Communications Act of
2 1934 to require multi-line telephone systems to have default
3 configurations that permit users to initiate call to 911 without
4 dialing any --

5 Mr. Walden. Without objection, the first reading of the
6 bill is dispensed with. The bill will be open for amendment at
7 any point, so ordered. Are there any bipartisan amendments to
8 this piece of legislation? Are there amendments, any amendments
9 the members want to offer? I recognize the gentlelady from
10 California.

11 Ms. Eshoo. Thank you, Mr. Chairman. I think that this has
12 the potential for a bipartisan amendment, and I believe it is at
13 the desk. Do you have the amendment at the desk? It is MLTS/01?

14 Mr. Walden. Yes, before you -- yes, if the Clerk will read
15 the amendment.

16 The Clerk. Amendment to H.R. 4167 offered by Ms. Eshoo of
17 California.

18 [The amendment offered by Ms. Eshoo follows:]

19

20 *****INSERT 5*****

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1 Mr. Walden. Without objection, first reading of the
2 amendment is dispensed with, and the chair recognizes the
3 gentlelady from California.

4 Ms. Eshoo. Thank you, Mr. Chairman. As I was saying, this,
5 I think, has the potential to be a bipartisan amendment and let
6 me just outline what this would do.

7 Kari's Law addresses a very, very serious problem and I think
8 everyone understands that here at the committee. When you dial
9 911 from a hotel or an office when split seconds really matter,
10 you shouldn't have to dial 9 or some other prefix to get help.
11 So I strongly support, and I know that my colleagues on this side
12 we all support the overall goals of the bill.

13 But I want to point out where I think there is a deficiency
14 and that is relative to location accuracy for multi-line telephone
15 systems is really just as important as what I just stated. Once
16 your call reaches a 911 call center, the people answering the
17 phones have to know where you are to dispatch first responders.

18 It was an honor to have the families of those who lost their
19 lives come and testify before us on 911, and I think if there were
20 a witness from a family on location technology everybody would
21 be, would just automatically say yes, we should do this.

22 So what this amendment does is that it requires the FCC,
23 because we don't know how to do this amongst ourselves, to initiate
24 a proceeding on location accuracy within 180 days of this bill
25 becoming law. And the amendment says that nothing about what that

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1 proceeding at the FCC should look at and what the FCC would
2 require. They have the expertise to do this. And the FCC
3 has already requested and received public comment on the ability
4 and the feasibility of the MLTS, the multi-line telephone systems,
5 to provide precise location information for 911 callers. At
6 least 16 states have already passed laws or issued regulations
7 requiring enhanced 911 service for MLTS.

8 So I think that this an appropriate moment for us to direct
9 the FCC which I described at this initiative on location accuracy,
10 and I don't think we should let this opportunity slip through our
11 fingertips. So I know I spoke to the gentleman from Illinois,
12 Mr. Shimkus, who is a wonderful co-chair of the NextGen 9-1-1
13 Caucus, and I don't know if he is prepared to make any remarks
14 on it, but I
15 know --

16 Mr. Shimkus. If the gentlelady would yield?

17 Ms. Eshoo. Yes, I would be happy to.

18 Mr. Shimkus. I wanted to thank her for the work. And just
19 imagine, I mean, we have these systems here in the building. So
20 what the request is, is that when someone can immediately access
21 911 that then we would know which room it would be in. So I think
22 it has got great merit to it, and I think it is something that
23 I think if we give it some time we can bring a bipartisan amendment
24 if we do due diligence and look at the language and then also some
25 other due diligence. I look forward to working with her. We have

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1 had a great ride in helping the public safety and the 911 community
2 respond, and I hope that we can continue that as we move to the
3 full committee.

4 Ms. Eshoo. I thank the gentleman. We will work together.
5 It is a very short one page maybe five lines, and with your
6 commitment to work this out before we go to full committee I will
7 withdraw my amendment. Thank you, and I yield back.

8 Mr. Walden. The gentlelady withdraws her amendment and
9 yields back her time. Are there other amendments to the
10 legislation? If not, the question now occurs on forwarding H.R.
11 4167 to the full committee. All those in favor say aye.

12 Those opposed, nay.

13 The ayes have it and the bill is favorably reported.

14 The chair now calls up H.R. 4111 and asks the Clerk to report.

15 [The Bill H.R. 4111 follows:]

16

17 *****INSERT 6*****

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1 The Clerk. H.R. 4111, to include skilled nursing facilities
2 as a type of health care provider under Section 254(h) of
3 Communications Act of 19 --

4 Mr. Walden. Without objection, the first reading of the
5 bill is dispensed with and the bill will be open for amendment
6 at any point, so ordered. Are there any bipartisan amendments
7 to this legislation? Are there any other amendments to the bill?
8 The gentleman seeks to strike the last word and is recognized from
9 Iowa, Mr. Loeb sack.

10 Mr. Loeb sack. Thank you, Mr. Chairman. I would like to
11 thank the committee for bringing up H.R. 4111, the Rural Health
12 Care Connectivity Act, which I am proud to co-sponsor along with
13 Congressman Lance and Congressman Cramer and I thank both of you
14 for your wonderful work on this.

15 This common sense bill would allow skilled nursing
16 facilities to be eligible for Universal Service Funding through
17 the Rural Health Care Program. In rural areas like my district
18 in Iowa, it can be difficult for patients to get the health care
19 that they need without driving long distances. That is why
20 innovations like telemedicine are so important to Iowa families
21 and other rural families as well. Unfortunately, it can
22 be difficult, it can be expensive for providers to get the
23 broadband access they need to provide these services to patients,
24 and this bill would allow skilled nursing facilities to offer
25 improved care options and services to our rural communities.

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1 Skilled nursing facilities offer long term care to seniors, and
2 in rural areas may be the only health care providers close by.
3 These facilities provide much needed care to aging populations
4 and need to be able to develop and utilize the full range of
5 telehealth opportunities that are out there.

6 Just last week I visited with Wilton Care Center, a skilled
7 nursing facility in my district, and I heard about how critical
8 internet access is for them so that they can offer the best care
9 possible for their patients. And in particular they explained
10 how difficult it can be to transport the patients that live at
11 their facility to a hospital or another doctor and how telehealth
12 technologies allow them to save a potentially dangerous and
13 disruptive trip that could take up to an hour while getting
14 patients the care and service that they need.

15 And it is facilities like the Wilton Care Center that need
16 robust and affordable broadband so they can best serve their
17 patients and I am glad that we are working towards that goal. And
18 I thank the committee and the chairman, and in particular Mr. Lance
19 and Mr. Cramer for working on this, and I yield back. Thank you,
20 Chair.

21 Mr. Walden. The gentleman yields back. The chair
22 recognizes the gentleman from New Jersey, Mr. Lance, for 5
23 minutes.

24 Mr. Lance. Thank you, Mr. Chairman, and thank you, Mr.
25 Loeb sack. Let me say that health care should not be based upon

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1 where one lives, and this is a country that includes many rural
2 areas. And this applies only to public or nonprofit entities,
3 and it is a step in the right direction for the better health of
4 the entire nation including those of our residents and citizens
5 who live in rural America. Thank you very much, Mr. Chairman.

6 Mr. Walden. The gentleman yields back the balance of his
7 time. Are there other members seeking recognition? Seeing
8 none, the question now occurs on forwarding H.R. 4111 to the full
9 committee. Those in favor say aye.

10 Those opposed, nay.

11 The ayes have it. The bill is favorably reported.

12 The chair now calls up H.R. 4190 and asks the Clerk to report.

13 [The Bill H.R. 4190 follows:]

14

15 *****INSERT 7*****

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1 The Clerk. H.R. 4190, to promote innovation, investment,
2 and economic growth by accelerating spectrum efficiencies through
3 the challenging prize competition.

4 Mr. Walden. Without objection, the first reading of the
5 bill is dispensed with. The bill will be open for amendment at
6 any point, so ordered. Are there any bipartisan amendments to
7 this bill? Are there any other amendments to this bill? Does
8 anyone want to speak on this bill?

9 Ms. Matsui. Mr. Chairman, I want to strike the last --

10 Mr. Walden. The chair recognizes the gentlelady from
11 California, Ms. Matsui.

12 Ms. Matsui. Thank you, Mr. Chairman. I am pleased the
13 subcommittee is considering my legislation today, H.R. 4190, the
14 Spectrum Challenge Prize Act of 2015. The U.S. has always been
15 a global leader in wireless technologies, but we need to continue
16 to innovate in order for our wireless economy to continue to grow.

17 Spectrum is invisible infrastructure of the 21st century and
18 we need to pursue every avenue to ensure that we can meet the
19 growing demands of the mobile economy. I worked with my colleague
20 Representative Guthrie and many members of the subcommittee to
21 free up some of the airwaves used by the federal government.
22 Spectrum is a finite resource, so we also need new technological
23 approaches to encourage greater efficiencies.

24 My challenge prize legislation, which I introduced with
25 Senator Tom Udall, would encourage wireless innovation by

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1 creating a federal spectrum challenge prize. The spectrum
2 challenge competition would help incentivize innovators and
3 entrepreneurs to develop technologies that eclipse the current
4 state of the art.

5 Challenge prizes have a long track record of spurring
6 innovation, for instance, like the driverless-car technology.
7 The Spectrum Challenge Prize Act creates a new opportunity for
8 the federal government and the private sector to work
9 collaboratively in this pursuit of a spectrum efficiency
10 breakthrough which is ultimately a victory for American
11 consumers. I urge all my colleagues to support this legislation.
12 Thank you, and I yield back.

13 Mr. Walden. The gentlelady yields back. Any other members
14 seeking time? Seeing none, the question now occurs on forwarding
15 H.R. 4190 to the full committee. All those in favor say aye.

16 Those opposed, nay.

17 The ayes appear to have it. The ayes have it and the bill
18 is favorably reported.

19 The chair calls up H.R. 3998 and asks the Clerk to report.

20 [The Bill H.R. 3998 follows:]

21

22 *****INSERT 8*****

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1 The Clerk. H.R. 3998, to direct the Federal Communications
2 Commission to commence proceedings related to the resiliency of
3 critical telecommunications networks during the time of emergency

4 --

5 Mr. Walden. Without objection, the first reading of the
6 bill is dispensed with. The bill will be open for amendment at
7 any point, so ordered. Are there any bipartisan amendments? Are
8 there any amendments? Mr. Pallone, do you want to strike the last
9 word?

10 Mr. Pallone. Not if you are supportive.

11 Mr. Walden. I am supportive.

12 Mr. Pallone. Then I have nothing to say, thank you.

13 Mr. Walden. All right. Well, let's -- yes. Okay, any
14 other members seeking recognition or not seeking recognition?
15 With that the question now occurs on forwarding H.R. 3998 to the
16 full committee. All those in favor say aye.

17 Those opposed, nay.

18 The ayes appear to have it. The ayes have it and that bill
19 is also favorably reported to the full committee.

20 The chair calls up H.R. 2031 and asks the Clerk to report.

21 [The Bill H.R. 2031 follows:]

22

23 *****INSERT 9*****

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1 The Clerk. H.R. 2031, to amend the Communications
2 Act --

3 Mr. Walden. Without objection, the first reading of the
4 bill is dispensed with. The bill will be open for amendment at
5 any point, so ordered. Are there any bipartisan amendments? Are
6 there other amendments? Apparently not. The question now
7 occurs on forwarding H.R. 2031 to the full committee. All those
8 in favor say aye.

9 Those opposed, nay.

10 The ayes have it and the bill is favorably reported.

11 The chair calls up H.R. 4884 and asks the Clerk to report.

12 [The Bill H.R. 4884 follows:]

13

14 *****INSERT 10*****

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1 The Clerk. H.R. 4884, to amend the Communications Act.

2 Mr. Walden. Without objection, the first reading of the
3 bill is dispensed with. The bill will be open for amendment at
4 any point, so ordered. Are there any bipartisan amendments? Are
5 there other amendments? For what purpose does the gentlelady
6 from California seek recognition?

7 Ms. Matsui. I have an amendment at the desk.

8 [The amendment offered by Ms. Matsui follows:]

9

10 *****INSERT 11*****

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1 Mr. Walden. The Clerk will report the amendment.

2 The Clerk. Amendment to H.R. 4884 --

3 Mr. Walden. Without objection, the reading of the amendment
4 is dispensed with. And the gentlelady is recognized for 5 minutes
5 in support of her amendment.

6 Ms. Matsui. Thank you, Mr. Chairman. I am disappointed my
7 Republican colleagues are bringing up H.R. 4884, the CURB Lifeline
8 Act. Three weeks ago, the FCC took a major step forward to close
9 the digital divide. The Lifeline program will now support
10 broadband connectivity and help low-income households get and
11 stay connected to the communications services they need to
12 participate in the 21st century economy.

13 Just as we are celebrating this progress for struggling
14 families across the country, our Republican colleagues are
15 pushing legislation that take us backwards. Low-income families
16 in every community have so many demands on their household budgets
17 whether it is the cost of child care, transportation, or housing,
18 we know that hard conversations about how to stretch paychecks
19 each month are happening at kitchen tables across our nation.

20 The CURB Lifeline Act could prevent millions of low-income
21 Americans from receiving the assistance they need to get connected
22 and to be full participants in our 21st century economy. Rather
23 than cut and cap the Lifeline program, my amendment would build
24 upon the work the FCC has done to expand the program to broadband
25 and strengthen our efforts to promote broadband adoption.

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1 Instead of talking about how to artificially limit the number of
2 people Lifeline can serve, we should be thinking creatively about
3 how we can help remove the barriers to getting online faced by
4 our seniors, veterans, and families with school-age children.

5 I urge all my colleagues to vote for my amendment and stand
6 up for the millions of Americans who could use Lifeline to help
7 lift themselves out of poverty. Thank you, and I yield back.

8 Mr. Walden. The gentlelady yields back the balance of her
9 time. Anyone seeking time in opposition to the amendment? If
10 not, I will.

11 The amendment strikes the entire base text of H.R. 4884, and
12 instead replaces it with an FCC proceeding that will almost
13 inevitably lead to greater spending on Lifeline. The amendment
14 instructs the FCC to consider the following factors when
15 calculating the amount of assistance: consumers' market price
16 for broadband internet access service; speeds of service adopted
17 by households; usage patterns of residential customers; and
18 minimum service standards adopted by the FCC. These factors as
19 a whole will almost certainly result in the Commission determining
20 that a higher subsidy amount is necessary, which will further
21 expand the fund and raise rates for those who pay the rate.

22 The current amount of \$9.25 per subscriber was set in 2012.
23 The Lifeline program is intended to be a discount for low-income
24 consumers not a payment to fully cover broadband or voice service.
25 It was to be a subsidy, a discount. The amendment also explicitly

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1 prohibits the FCC from discontinuing standalone mobile voice
2 service within the program. However, the FCC has already adopted
3 an order that phases out mobile voice service. This amendment
4 does the opposite of both the base bill and the Commission's own
5 actions.

6 This amendment not only fails to cap the program or control
7 spending, but instead would likely lead to increased spending and
8 therefore I must oppose the amendment, and I yield back the balance
9 of my time. Are there other members seeking recognition? I
10 recognize the gentleman from New Jersey.

11 Mr. Pallone. Mr. Chairman, I guess I am just confused about
12 what is going here, because I think we all recognize that the
13 Lifeline program is very important for low-income people, that
14 all in all it has been a success. And I think that it is clear
15 that Ms. Matsui, even though you disagree, is making an effort
16 to essentially make, you know, a good program or program that has
17 worked, maybe has some faults, better. And it seems to me that
18 that is a much preferable alternative to the bill, because the
19 bill effectively is going to eliminate this service for the people
20 that need it most. And so for the life of me, I am not
21 looking to have a dialogue right now, but I just for the life of
22 me don't understand why her proposal, or maybe something like it,
23 can't be the basis for an agreement on how to make this program
24 better. That we could work on a bipartisan basis rather than
25 this, you know, taking an axe, which is what I think the GOP is

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1 doing, to what is a very important program. So I am just
2 a little taken aback, I guess, by the fact that the Republicans
3 are simply sort of taking an axe to this, and when we have something
4 like Ms. Matsui's amendment or substitute that would actually make
5 the program better and, I think, address some of the concerns that
6 we don't move in that direction. But I know that is not where
7 we are going today, so I will yield back.

8 Mr. Walden. The gentleman yields back the balance of his
9 time. The chair recognizes the vice chair of the subcommittee,
10 Mr. Latta.

11 Mr. Latta. Well, thank you, Mr. Chairman. I would like to
12 strike the last word and yield to the chairman.

13 Mr. Walden. I appreciate that. And I would just like to
14 say that I don't believe we are taking an axe to this program.
15 I think you can find as we both said, both sides of the aisle,
16 there is a very important service being provided to low-income
17 people through this program. But I think we also have to
18 acknowledge there have been many cases of waste, fraud -- a lot
19 of fraud -- and abuse.

20 And in fact, as I think all of us discussed or some of us
21 did at the subcommittee hearing, the FCC's recent action against
22 Total Call Mobile for allegedly defrauding the Lifeline fund they
23 got fined \$51 million. Now what is interesting, upon further
24 investigation Total Call enrolled at least 32,000, 32,000
25 duplicate Lifeline consumers in the program. They were able to

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1 override the National Lifeline Accountability Database which is
2 used to identify duplicates. So they overrode the
3 database that was supposed to be in place to prevent this from
4 happening. Total Call enrolled ineligible consumers into the
5 Lifeline program. This is why we think there needs to be a cap
6 until this fraud gets weeded out of this.

7 How long did this go long? We now know according to the FCC
8 itself that this fraud went on in 2013, 2014, 2015, and 2016. When
9 did the FCC become aware of this activity? Since the first FCC
10 subpoena was issued on November 10th, 2014, we know they became
11 aware of it some time before that. In other words, the FCC knew
12 about the fraud and it appears let it continue for at least 17
13 months. Because the FCC did not release the proposed forfeiture
14 until April of this year, this month, it appears the majority of
15 the fraudulent activity will actually go unpunished because the
16 FCC failed to take action within the statute of limitations. So
17 it dragged on so long they didn't take action, and now they can't
18 take action and most of the fraud they will not go after it.

19 According to Commissioner Pai, the commissioners were told
20 that the massive fraud could not be disclosed publicly until after
21 April 1st. Now this is really important. That was the day after
22 the majority voted to expand the program to broadband and rejected
23 the imposition of a cap on the fund. As we know, there was a
24 bipartisan tentative agreement at the Commission to put a cap on
25 the fund. Somehow they delayed the vote for more than 3 hours,

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1 I think, or three times while that agreement fell apart. What
2 happened behind all those closed doors I wasn't a party to, I don't
3 know, but it is unfortunate.

4 According to Commissioner Pai, the investigation had largely
5 concluded in mid-2015. In an April 18th letter to USAC,
6 Commissioner Pai disclosed that Total Call was not the only
7 company defrauding the Lifeline program. Four other companies
8 are engaged apparently in the same fraudulent practices as Total
9 Call, four other companies. The facts and circumstances
10 underlining the notice of apparent liability raised a number of
11 significant issues. The timeline of the FCC's actions and
12 inaction suggests the possibility the something was going on down
13 there at the FCC that they didn't want this released. But
14 interestingly enough, it was released the day after the
15 commissioners had the vote on this expansion of the program.

16 All this is to say a lot of us hear from our constituents,
17 and I have heard from a lot of members including Mr. Scott on
18 multiple occasions about circumstances in their communities where
19 this program has been abused by companies allegedly like Total
20 Call, and yet they are still engaged in this activity.

21 What we are trying to do here is clean this up so that people
22 who actually are eligible and need the help get the resources and
23 that this isn't some open-ended checkbook where ratepayers get
24 the bill, these companies that are defrauding the system get paid
25 and walk away, and people who need the help may not get it. So

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1 we are trying to put a cap in place that is reasonable and balanced.

2 We are trying to build on the reforms this commission has
3 taken already, but this latest example of delay in disclosure,
4 delay in prosecution, and further evidence of fairly substantial
5 abuse, if they are signing up 32,000 people fraudulently and they
6 were able to override the very system the FCC had in place to
7 prevent that there is a problem. There is a problem.

8 And all we are saying is, let's cap this program to protect
9 ratepayers, but it is still at \$1.5 billion. That is not an
10 insignificant amount of subsidy. So with that I yield back the
11 balance of my time and I recognize the gentlelady from California.

12 Ms. Eshoo. Thank you, Mr. Chairman. I couldn't wait to
13 debate this. There are several things that you have said and
14 there are several things that you haven't said. There isn't one
15 person on this side, or the entire committee for that matter, that
16 supports any kind of abuse or fraud or any of that. I was one
17 of the first on our subcommittee to go after this committed to
18 it. Why? Because every dollar is really precious and in this
19 program it is extra precious. Why? Because these are the
20 poorest people in the country, all right.

21 Now, I know you have issues with the FCC. I know that every
22 time the oracle Mr. Pai speaks everybody jumps up and down, but
23 you know what, Mr. Pai's service he is not going to lose a damn
24 thing in this, but our constituents are. If you are going to cut
25 off the lifeline, and I said this in my opening statement

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1 yesterday, this is truly the lifeline for people that live in
2 poverty.

3 So you don't like the FCC that is one thing. Why are we
4 punishing our own constituents? Why do that? It is their
5 lifeline, or do they have second or third class citizenship? This
6 program, this Lifeline program was borne out of Universal Service.
7 This program was borne and supported by the Reagan administration.
8 This program was expanded during the George W. Bush
9 administration. And these are phone companies or private sector
10 outfits that are committing the fraud.

11 And the FCC is doing the right thing. They just fined this
12 outfit what, \$51 million? Well, I wish they had done it sooner,
13 but it takes time to build a case to go after people to prosecute
14 them. But we are doing something different here. We are doing
15 something different here. We are ripping their lifeline away.

16 I think every single member of this committee, for one month,
17 operate without your computer in your pocket and see how you would
18 succeed. Would you be able to do your job? Would you be able
19 to communicate with your family? In many cases we are thousands
20 of miles away from them. Would you be able to correspond with
21 your office? Could you negotiate anything with the details?

22 So you know what, just because someone is poor they shouldn't
23 be kicked. And I have to say that this is, I don't think that
24 this is in your DNA, Mr. Chairman. I understand trying to
25 streamline, make things better, push on an agency to do more, but

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1 you know what the bill does and the reason why Ms. Matsui is
2 offering this, and it really is like a substitute, I think, is
3 for the reasons that I am stating. Why are we hurting these
4 people? What did they ever do to you that you want to do this
5 to them? Don't do this. You are going to be taking away 911
6 services from them. Who wants to answer for that? Come on, we
7 are better than this. We really are better than this.

8 I am disappointed that this is the form of the bill that has
9 come up and maybe someone, maybe someone in the middle of the night
10 is going to wake up and say let's have some heart in this. We
11 can be accountable. We can handle going after the fraud, but we
12 should not abuse people in our country. We shouldn't be abusing
13 people and taking services away from them. This is not a waste
14 of money. This is their lifeline. Just because we have ours,
15 it is so easy to sit here like princes and princesses and say we
16 are going to judge them. So obviously, I oppose this
17 effort. I think it is a sad one, I think it is a hurtful one,
18 and I don't want to have anything to do with it because it just
19 to me is so stark in terms of what it is going to do to people.
20 So with that I will -- I have 27 seconds. You can -- I would be
21 happy to yield.

22 Mr. Doyle. If you yield. No, I would just say if you want
23 to take care of the fraud, if a company does what that company
24 you mentioned, Mr. Chairman, kick them off the program. Don't
25 allow them to participate in Lifeline. Let's penalize the people

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1 that are committing fraud. Fine them \$51 million or whatever it
2 is, and tell them you are no longer allowed to sell telephones
3 in a Lifeline program, but let's not hurt poor people.

4 Mr. Walden. The gentlelady's time has expired. Are there
5 other members seeking recognition? The chair recognizes the
6 gentleman from Pennsylvania.

7 Mr. Doyle. Yes, I move to strike the last word, and I would
8 like to yield my time to Mr. Pallone.

9 Mr. Pallone. Thank you, Mr. Doyle. I just want to say one
10 thing in general, and then specifically something about this Total
11 Call Mobile case that the chairman mentions.

12 What I hear the chairman saying is that this bill is designed
13 to try to force, you know, some kind of action to prevent fraud
14 and abuse, but I don't see any way that a cap is going to accomplish
15 that. I really don't. I don't even understand the theory that
16 say, okay, we are going to cap this making all these poor people
17 suffer, the way Ms. Eshoo so eloquently described, and then
18 somehow that is going to reform the system. It seems to me that
19 there is no reason to believe that.

20 But I did want to mention with regard -- I know that the
21 chairman and some of our colleagues on the Republican side are
22 concerned about the timing of this recent enforcement action the
23 FCC took against Total Call Mobile for overbilling the program,
24 and I just wanted to lay out what I consider the facts in this
25 case. First, it is not clear that the FCC could have moved any

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1 faster than it did.

2 As recently as December, the FCC was still collecting as part
3 of its investigation thousands of pages of documents from the
4 company. After the FCC collected the documents it had to review
5 them and circulate a draft action to the commissioners, and at
6 that point commissioners often take weeks to review the case
7 making any changes they see fit and then they vote. And we are
8 only in April now, which I think is a reasonable time frame.

9 But again, all this misses the point. The FCC has already
10 said publicly that the inspector general dictated the timing in
11 this case not the chairman, and while none of us here know the
12 details of the inspector general's involvement, I just think we
13 should be a little cautious about saying anything here that
14 interferes with the independent investigation or suggest that
15 somehow it is the FCC's fault over the timing.

16 But again, I think all this kind of misses the point. I don't
17 understand how this bill is going to effectuate any positive
18 changes to the program. It seems to me again it is just an axe
19 to the program, and if we actually listened in great, in some
20 detail to what Ms. Matsui's proposing, she is actually proposing
21 a method to achieve a better program which is, I think, what the
22 Republicans are talking about. And even if you don't like exactly
23 what she is saying in this amendment that is the way to go, not
24 just doing the cap. I yield back. Thank you, Mr. Doyle. Thank
25 you.

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1 Mr. Walden. The gentleman yields back.

2 Mr. Doyle. I yield back.

3 Mr. Walden. Anyone else seeking time? No one else seeking
4 time, the question now comes on passage of the amendment. All
5 those in favor will say aye.

6 Those opposed, nay.

7 The nays appear to have it. The nays have it and the Clerk
8 will call the roll.

9 The Clerk. Mr. Latta.

10 Mr. Latta. No.

11 Mr. Latta votes no.

12 Mr. Barton.

13 Mr. Shimkus.

14 Mr. Shimkus. No.

15 The Clerk. Mr. Shimkus votes no.

16 Mr. Scalise.

17 Mr. Scalise. No.

18 The Clerk. Mr. Scalise votes no.

19 Mrs. Blackburn.

20 Mrs. Blackburn. No.

21 The Clerk. Mrs. Blackburn votes no.

22 Mr. Lance.

23 Mr. Guthrie.

24 Mr. Guthrie. No.

25 The Clerk. Mr. Guthrie votes no.

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1 Mr. Olson.

2 Mr. Pompeo.

3 Mr. Kinzinger.

4 Mr. Kinzinger. No.

5 The Clerk. Mr. Kinzinger votes no.

6 Mr. Bilirakis.

7 Mr. Bilirakis. No.

8 The Clerk. Mr. Bilirakis votes no.

9 Mr. Johnson.

10 Mr. Long.

11 Mr. Long. No.

12 The Clerk. Mr. Long votes no.

13 Mrs. Ellmers.

14 Mrs. Ellmers. No.

15 The Clerk. Mrs. Ellmers votes no.

16 Mr. Collins.

17 Mr. Cramer.

18 Mr. Cramer. No.

19 The Clerk. Mr. Cramer votes no.

20 Mr. Upton.

21 The Chairman. No.

22 The Clerk. Mr. Upton votes no.

23 Ms. Eshoo.

24 Ms. Eshoo. No. Oh, aye.

25 The Clerk. Ms. Eshoo votes aye.

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1 Mr. Doyle.

2 Mr. Doyle. Aye.

3 The Clerk. Mr. Doyle votes aye.

4 Mr. Welch.

5 Mr. Welch. Aye.

6 The Clerk. Mr. Welch votes aye.

7 Mr. Yarmuth.

8 Mr. Yarmuth. Aye.

9 The Clerk. Mr. Yarmuth votes aye.

10 Ms. Clarke.

11 Ms. Clarke. Ms. Clarke votes aye.

12 Mr. Loeb sack.

13 Mr. Loeb sack. Aye.

14 The Clerk. Mr. Loeb sack votes aye.

15 Mr. Rush.

16 Ms. DeGette.

17 Mr. Butterfield.

18 Ms. Matsui.

19 Ms. Matsui. Aye.

20 The Clerk. Ms. Matsui votes aye.

21 Mr. McNerney.

22 Mr. McNerney. Aye.

23 The Clerk. Mr. McNerney votes aye.

24 Mr. Lujan.

25 Mr. Lujan. Aye.

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1 The Clerk. Mr. Lujan votes aye.

2 Mr. Pallone.

3 Mr. Pallone. Aye.

4 The Clerk. Mr. Pallone votes aye.

5 Chairman Walden.

6 Mr. Walden. Walden votes no. Are there other members not
7 recorded? Mr. Olson.

8 Mr. Olson. No.

9 The Clerk. Mr. Olson votes no.

10 Mr. Walden. Mr. Johnson.

11 Mr. Johnson. No.

12 The Clerk. Mr. Johnson votes no.

13 Mr. Walden. Mr. Lance.

14 Mr. Lance. No.

15 The Clerk. Mr. Lance votes no.

16 Mr. Walden. Thank you. Are there other members not
17 recorded? The Clerk -- oh, Mr. Butterfield.

18 The Clerk. Mr. Butterfield you are not recorded.

19 Mr. Butterfield. I vote yes.

20 The Clerk. Mr. Butterfield votes aye.

21 Mr. Pompeo. No.

22 Mr. Walden. Mr. Pompeo.

23 The Clerk. Mr. Pompeo votes no.

24 Mr. Walden. Are there other members not recorded? If not,
25 the Clerk will report the results.

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1 The Clerk. Mr. Chairman, on that vote there were 11 ayes
2 and 16 noes.

3 Mr. Walden. Eleven ayes and 16 noes, the amendment is not
4 agreed to. Are there further amendments? Mr. Yarmuth, for what
5 purpose do you seek recognition?

6 Mr. Yarmuth. I have an amendment at the desk.

7 [The amendment offered by Mr. Yarmuth follows:]

8

9 *****INSERT 12*****

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1 Mr. Walden. The Clerk will report the amendment. Mr.
2 Yarmuth. Oh, you have two of them, Mr. Yarmuth. Which one?

3 Mr. Yarmuth. I have two. This is the first one, 6B, Cap
4 Date 6B.

5 Mr. Walden. Thank you. That will help the clerks.

6 The Clerk. Amendment --

7 Mr. Yarmuth. Cap Study 01, yes.

8 Mr. Shimkus. Reserve it, Mr. Chairman. Mr. Chairman.

9 Mr. Walden. Yes.

10 Mr. Shimkus. Reserve point of order.

11 Mr. Walden. The gentleman reserves point of order against
12 the amendment. The Clerk will report the amendment.

13 The Clerk. Amendment to H.R. 4884 offered by Mr. Yarmuth.

14 Mr. Walden. Without objection, the amendment will be
15 considered as read, and the chair recognizes the gentleman from
16 Kentucky.

17 Mr. Yarmuth. Thank you, Mr. Chairman. And this amendment
18 actually relates to the discussion we just had. As we know, the
19 bill, underlying bill arbitrarily caps funding for Lifeline to
20 be the first time the program would be capped since it was created
21 in 1984. What my amendment would do is direct the GAO to conduct
22 a study to find out if such a cap will in fact have any impact
23 on reducing waste, fraud or abuse within this program.

24 As we recall from the hearing the other day, the witness from
25 Americans For Prosperity who testified about the need for caps

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1 gave one of the fundamental reasons to impose caps that it would
2 reduce fraud, waste and abuse. When I asked her if she had any
3 evidence that caps in this program or in any other program actually
4 did in fact reduce fraud, waste and abuse, she could not answer
5 and promised to get me information if she had it. I don't suspect
6 that we have that yet.

7 So I think what is important is as the chairman stated, and
8 I totally agree with him, we have to do everything we can to root
9 out all the inefficiencies in any federal program. As a matter
10 of fact, I wrote an op-ed last week in which I made the case the
11 Democrats --

12 Mr. Walden. Would the gentleman suspend for just a moment?

13 Mr. Yarmuth. Yes.

14 Mr. Walden. Because apparently we ended up with the wrong
15 amendment. It is the Cap Study 01.

16 Mr. Yarmuth. Cap Study 01, right.

17 Mr. Walden. And the majority is prepared to accept your
18 amendment.

19 Mr. Yarmuth. Oh. Well, wonderful.

20 Mr. Walden. Unless you want to keep going.

21 Mr. Yarmuth. No, I think this is a worthy thing. I
22 congratulate the majority for endorsing such a sound concept that
23 we ought to know.

24 Mr. Walden. All right, you are starting to lose votes now.

25 Mr. Yarmuth. I yield back. I yield back.

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1 Mr. Walden. I recognize the gentleman from Illinois.

2 Mr. Shimkus. I will withdraw the point of order.

3 Mr. Walden. The gentleman withdraws his point of order.

4 All those in favor of the amendment will say aye.

5 Those opposed, nay.

6 The ayes have it. The ayes have it, and the amendment is
7 adopted. Are there other amendments? Seeing none --

8 Ms. Clarke. Mr. Chairman.

9 Mr. Walden. Well, it is open.

10 Ms. Clarke. Mr. Chairman.

11 Mr. Walden. Yes.

12 Ms. Clarke. I have an amendment at the desk.

13 [The amendment offered by Ms. Clarke follows:]

14

15 *****INSERT 13*****

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1 Mr. Walden. All right. The chair recognizes the
2 gentlelady from New York. What is your amendment?

3 Ms. Clarke. Cap Date 07.

4 Mr. Walden. Caps 807.

5 Mr. Shimkus. Mr. Chairman, I would like to reserve a point
6 of order.

7 Mr. Walden. The gentleman reserves point of order. So is
8 the Clerk familiar with Cap 807? Without --

9 Ms. Clarke. Cap Date, Cap Date 07.

10 Mr. Walden. Cap Date 07. Without objection, the reading
11 of the amendment is dispensed with, and the gentlelady is
12 recognized for 5 minutes in support of her amendment.

13 Ms. Clarke. I thank you, Mr. Chairman. My amendment to
14 H.R. 4884 is simple. My amendment suspends the bill's cap on
15 Lifeline until the FCC can certify that this cap will not adversely
16 affect Americans in the Supplemental Nutrition Assistance
17 Program, or SNAP.

18 My Republican colleagues have said that being connected is
19 vital to participating in our increasingly digital society. This
20 amendment ensures that the cap would not disconnect SNAP
21 recipients so that they too can participate. SNAP is an integral
22 part of Lifeline. Thirty eight percent of all Lifeline
23 recipients qualify for the program through SNAP. The number of
24 Americans that need SNAP rises during economic downturns and falls
25 when the economy improves. Historically, SNAP has been one of

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1 the most responsive federal programs in assisting families during
2 economic downturns.

3 Taking away Lifeline support from SNAP recipients means
4 taking away support from some of the most vulnerable in our
5 society. Close to two thirds of SNAP recipients are children,
6 elderly, or disabled. Nearly half, two fifths of SNAP benefits
7 go to households that make less than 50 percent of the federal
8 poverty level.

9 So I urge my colleagues to support my amendment. Protecting
10 these vulnerable, low-income Americans is something we should all
11 be able to agree on. We should be working to lift all Americans
12 up, and we will not allow an artificial statutory cap on the
13 Lifeline program to take resources away from those that have so
14 very little to begin with. I yield back, Mr. Chairman.

15 Mr. Walden. The gentlelady yields back the balance of her
16 time. Any members seeking recognition on the Clarke amendment?
17 If not, the chair will recognize himself, and I call my colleagues
18 to oppose this amendment and the subsequent amendments that are
19 all basically the same thing. That it is a way to prevent this
20 cap from ever taking place, because if you have to rely on the
21 FCC to do a report and report back to Congress before anything
22 happens we know that FCC's track record is pretty abysmal. For
23 example, it has been 3,045 days, December 18th of 2007 to be exact,
24 since the FCC last issued its statutorily required quadrennial
25 review of media ownership rules. That is more than 8 years ago.

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1 The report is mandated by law to be produced every 4 years.
2 This FCC hasn't produced this statutorily mandated report for the
3 entirety of the Obama administration, even though we have called
4 on them to do that here when they have
5 testified and yet it never seems to happen.

6 So the amendments that the majority are putting forward
7 simply call for new studies and reports from the FCC time and time
8 again preventing this cap from being put in place. I understand
9 you are opposed to the cap. I understand you don't believe that
10 a cap on this fund will bring about any kind of reforms that are
11 so very needed.

12 And the other point worth making, this is the only one of
13 these funds that doesn't have a cap. All the other funds have
14 caps except this one. And we think it is prudent, on the
15 Republican side, to have a cap on this one. It doesn't mean it
16 can't be revisited.

17 We do know as a matter of fact that there is fraud in this
18 program. There are fraudulent operators, there are fraudulent
19 takers-up of this program, and we have to continue to do the
20 reforms because there is another group of people out there who
21 actually pay this bill. They are called the ratepayers. It is
22 on your phone bill. And they are getting pretty fed up with the
23 news reports in virtually every major U.S. city about phones being
24 given out to people, multiple phones. At one point, nearly 99
25 percent of the sign-ups by Total Mobile were fraudulent, 99

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1 percent. They were busting through the phone database there you
2 are supposed to check against, the protocols in place by the FCC.
3 They were getting around them.

4 And I think we also, and I have made it clear all along that
5 I support helping those in low income get access to the internet,
6 helping them get access to a phone, making sure their kids have
7 that. We are already going to spend a billion and a half dollars
8 to do that.

9 But we have this other obligation responsibility to those
10 who are actually paying the bill to get at the waste and fraud
11 that is clearly evident and evidenced by this latest fine, even
12 though apparently it went on for 3 years and they missed the
13 statute of limitations. By the way I am told this company is still
14 in the program which is sort of shocking and it has been noticed
15 of apparent liability of \$51 million.

16 So I would call my colleagues, each of these amendments is
17 the same thing only they have divided them up to be veterans and
18 SNAP recipients and rural areas and all those sorts of things.
19 The underlying point is the same and that is no cap, no limit,
20 no spending control, because the order that got adopted at the
21 FCC has a false budget cap in it. It just says if we get up against
22 what we think the budget might be, then you have to tell us and
23 then we have multiple months to figure out if there is an issue.

24 I think ratepayers deserve some protection here too. I
25 think the people paying the bill deserve protection too, just like

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1 I think those that need help most among us need support. But I
2 am willing to do both, help the low income who need access to the
3 internet -- and I have got to take a little offense when others
4 say that somehow we on this side of the aisle are somehow against
5 helping the poor. I have done a lot of work to help the poor and
6 I will continue to, but I am also not going to be so blinded as
7 to not help the ratepayers who are paying the bill. So I oppose
8 this amendment and I will oppose the other one.

9 Ms. Eshoo. Mr. Chairman.

10 Mr. Walden. Certainly I will yield to my friend.

11 Ms. Eshoo. Mr. Chairman, why can't we do both? Why can't
12 we do both?

13 Mr. Walden. We can.

14 Ms. Eshoo. That was my point. Yes, but when you --

15 Mr. Walden. Is there a cap -- reclaiming my time.

16 Ms. Eshoo. Yes.

17 Mr. Walden. Is there any cap number that you would support?

18 Ms. Eshoo. I would sit down and talk about it, but I think
19 that we need to know how many people are going to be --

20 Mr. Walden. So you think there is a --

21 Ms. Eshoo. How many people are going to be left out of this,
22 because the bill is arbitrary in terms of cutting people off.

23 Mr. Walden. So there is a --

24 Ms. Eshoo. I am a ratepayer. We are all ratepayers.

25 Mr. Walden. Reclaiming my time. So there is a cap number

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1 you think you could get to?

2 Ms. Eshoo. Take care of the people and I will be satisfied.

3 Mr. Walden. I can see Mr. Pallone shaking his head in
4 opposition.

5 Ms. Eshoo. Take care of people I will be satisfied, but I
6 think what is built into this thing is dangerous, I really do.
7 I think --

8 Mr. Walden. My time is expired.

9 Ms. Eshoo. Thank you.

10 Mr. Walden. Others seeking time? The chair recognizes the
11 gentleman from New Jersey, Mr. Pallone.

12 Mr. Pallone. I am not going to, you know, keep beating up
13 here, but I just, again I don't understand how the cap accomplishes
14 any of these goals. And, you know, the reason why we have these
15 series of amendments that reference various people who are going
16 to be really negatively impacted is, you know, starting with SNAP
17 recipients, veterans, different categories that the chairman
18 mentioned that are the subject of these different Democratic
19 amendments is because we are trying to highlight how the negative
20 impact on these different groups.

21 I mean, we all say we support veterans. We all say that we
22 want to help, you know, people who are poor find a job and have
23 a better life and have all kinds of opportunities, but the bottom
24 line is that they are going to be really negatively impacted in
25 their ability to do that. For low-income Americans, this is how

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1 -- if they are unemployed and they are looking to find a job, this
2 is how, you know, the phone is what they use to find a job. If
3 you are a victim of domestic violence you call loved ones for help,
4 you know, if you have to call 911 in an emergency.

5 In this case, the gentleman from New York is saying that --
6 he is talking about SNAP. Thirty eight percent of Lifeline
7 subscribers are eligible through SNAP which provides nutrition
8 assistance to millions of eligible low-income individuals.
9 Twenty three percent of SNAP households are single adult
10 households where there is a female head of household. And the
11 bill would exacerbate the homework gap. Only 45 percent of
12 school-age children in households that may qualify for SNAP
13 benefits used the internet at home in 2013, compared with 70
14 percent of their peers in higher income households.

15 I have heard the chairman, and again I am not trying to be
16 personal about it. But I have heard you talk about the need to
17 expand broadband, the President has talked about expanding it in
18 rural areas, in urban areas where we have poor people. Well, you
19 know, because of the homework gap. The FCC, I think it was
20 Commissioner Rosenworcel who specifically mentioned that when she
21 came here. But all we are doing is making things worse, not
22 better.

23 So what I don't understand, Mr. Chairman, just explain to
24 me how you expect a cap to accomplish the goal. How is that going
25 to accomplish the goal? I mean, just explain that to me because

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1 I don't understand.

2 Mr. Walden. Sure. Will you yield?

3 Mr. Pallone. Yes, of course.

4 Mr. Walden. So in most programs we have a cap. In all of
5 our budgeting we have an authorized amount and then we have an
6 appropriated amount. These are the policy choices we make based
7 on what we think the program should do.

8 Mr. Pallone. But how is that going to -- if I could take
9 back my time.

10 Mr. Walden. Sure.

11 Mr. Pallone. How is that going to accomplish the goal of
12 ending the fraud and abuse that you have talked about? How?

13 Mr. Walden. Well, so there is two things here. One is, and
14 I have commended Chairman Wheeler and the Commission for the work
15 they have done heretofore to tighten down the program. I have
16 said it publicly from this dais. I have said it privately to the
17 chairman. I think they have done a lot of good work. Clearly,
18 there still remains a lot of waste and fraud. We have just seen
19 that. And apparently there are other companies that are engaged
20 in it, and that was what Commissioner Pai's letter to USAC says,
21 please give me the data on these other companies and trying to
22 figure out how much fraud is going on there.

23 So it is not necessary that the cap itself gets at fraud,
24 but at some point programs are authorized at a certain level and
25 in fact all the other funds are capped except this one. And we

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1 think it is prudent to cap this as we work over here because there
2 are people every month on their phone bill, take a look at it,
3 subsidizing this. And if there is no cap then there is no end,
4 and the FCC can expand this to anything, anywhere, anytime, and
5 a future FCC could open the door and then there is no protection
6 for the people paying the bill because it is open ended. And an
7 open ended --

8 Mr. Pallone. Let me just reclaim my time. I understand the
9 criticism you have. I understand some of the things you have
10 cited. But I don't think that you have explained how the cap
11 accomplishes the goal of weeding out the fraud and abuse. I just
12 don't see it. There is no, obviously no precedent where by having
13 a cap in place is going to accomplish that goal. All I think it
14 does is to hurt these people.

15 And the gentleman from New York is talking about the lowest
16 income people with SNAP, the kids who aren't going to have access
17 to do their homework. I just don't understand. I understand
18 that there is a problem; I don't understand how this does anything
19 to correct it. But I will yield back.

20 Mr. Walden. The gentleman yields back.

21 Mr. Pallone. I support the gentlewoman's amendment.

22 Mr. Walden. The chair recognizes the gentleman from
23 Louisiana, Mr. Scalise, for 5 minutes.

24 Mr. Scalise. Thank you, Mr. Chairman, I appreciate you
25 bringing this bill. I really appreciate my colleague Austin

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1 Scott fighting this battle for years. And really, what is at the
2 heart of this is the fact that this program has been out of control.
3 If you look at the levels that they were funded going back to 2008,
4 the program was taking in \$800 million. It then in 4 years
5 mushroomed to over \$2.2 billion dollars. Today it is hovering
6 around \$1.4 billion.

7 So if you just take where it is today that is a 75 percent
8 increase in this program in just 7 years, and so the bill just
9 says let's control this. Let's actually put a cap in place on
10 this program. And there are some people that are talking as if,
11 you know, somebody is trying to take something away from somebody
12 else.

13 And of course we all ought to recognize where this money is
14 coming from. So when we talk about today \$1.4 billion in this
15 program, that is being paid for by people who own cell phones.
16 So the single mom who is working two or three jobs to get by,
17 struggling, barely making it, she has seen in just the last 7
18 years, her portion of the Universal Service Fund, the amount she
19 pays on her cell phone bill has gone up 80 percent, 80 percent.
20 That may be the difference between whether or not she can keep
21 her cell phone or not and she is paying the freight.

22 So when we say let's put a cap on this thing, let's put a
23 limit on it, it is because something is being taken away from
24 somebody. Every time this fee is raised and the FCC comes up with
25 some new idea to spend more money on this program it is coming

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1 out of the pockets of people that are barely struggling to get
2 by.

3 And so when you look at the hearings we have had on the fraud
4 in the program and the duplication in the program, or even just
5 one day the FCC comes up with a new idea for what they want to
6 do to add to this program, you know, we have pointed this out to
7 the FCC commissioners. It is being paid for by hard work and
8 taxpayers that don't have an endless pot of money. And there is
9 not an endless pot of money and at some point you have got to put
10 a cap on this thing and say --

11 Ms. Eshoo. Would the gentleman yield?

12 Mr. Scalise. -- every other program has a cap.

13 Ms. Eshoo. Would the gentleman yield?

14 Mr. Scalise. Sure. I would be happy to.

15 Ms. Eshoo. The gentleman -- thank you very much. The
16 gentleman mentioned a period of time, 7 or 8 years. Did the
17 gentleman track the upswing of usage of wireless, number one, in
18 the country, because it has grown rapidly and we know that. I
19 mean, we have had so many discussions in our subcommittee about
20 wireless and its growth and that is why we need more spectrum and
21 all of that.

22 Secondly, secondly, as that growth took place we were also
23 coming out of the Great Recession. You know, I think that --

24 Mr. Scalise. If I could reclaim --

25 Ms. Eshoo. I just want to point those out --

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1 Mr. Scalise. Yes.

2 Ms. Eshoo. -- and if you in making your comments went back
3 to research both the growth of mobile use across the country and
4 the years of that growth in terms of what was happening with our
5 economy. Thank you very much.

6 Mr. Scalise. Right. And I appreciate the gentlelady's
7 comments because it points out just what is important here, is
8 that as more and more people are able to access technology, you
9 know, technology is not free. It is expensive. America,
10 luckily, is so innovative that we have been able to come up with
11 all kind of new ways to use technology and innovation so that
12 people that aren't wealthy can actually afford it now.

13 And so the problem is as you get people that are just above
14 poverty -- they are in the bottom middle class, maybe they are
15 hardworking, blue collar folks who finally can afford their own
16 cell phone -- the Universal Service Fund continues to increase
17 at a way, again 80 percent increase in this fund, to the point
18 where now it is forcing people to decide whether or not they can
19 keep the phone because they keep adding more and more charges.

20 FCC has refused to cap this program. We have asked the FCC
21 to cap it. They won't do it. And so Congress is implored to stand
22 up for the people that are paying this bill because somebody is
23 paying this bill and it is harder and harder for them to pay it
24 every time that -- you know, Lifeline has been used for a slush
25 fund by the FCC, you know, so they come up with some kind of

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1 whimsical idea and it is usually on a partisan basis,
2 unfortunately.

3 FCC used to be not be partisan, but if they have a partisan
4 vote to say let's add something else because we want to give
5 something to somebody, the problem is they are taking it away from
6 somebody to give it. And all we are saying is somebody protect
7 the taxpayer that is paying the bill. That is what this bill does.
8 It says, finally, let's reinterject the idea that somebody is
9 actually paying for this and they have had enough.

10 You know, it used to be don't tax me, don't tax thee, tax
11 the man behind the tree. The tree has fallen on the man now and
12 he is saying enough is enough, let's put some kind of cap in place
13 so that the taxpayer is protected. The person who is barely
14 making ends meet doesn't have to worry that the FCC is going to
15 come up with more and more ideas that is going to force them to
16 have to give up their cell phone because of some whimsical idea
17 that the FCC has so that it is not any longer a slush fund. I
18 yield back.

19 Mr. Walden. The gentleman yields back the balance of his
20 time. Other members seeking recognition? The gentleman from
21 New Mexico recognized for 5 minutes.

22 Mr. Lujan. Thank you, Mr. Chairman. Can staff tell me when
23 the Universal Service Fund was created?

24 The Counsel. Explicitly in statute or when the Universal
25 Service Fund was started?

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1 Mr. Lujan. I am just a regular guy. You explain it however
2 you need to.

3 The Counsel. Universal Service as a concept it started
4 under the Bell System because you were explicitly subsidizing
5 between high cost and low cost areas for urban and rural. It was
6 explicitly put into statute in the '96 act.

7 Mr. Lujan. 1984, is that about the year that it got started?

8 The Counsel. Yes, it was when the Bell System was broken
9 up in 1984. It was --

10 Mr. Lujan. Who was President back then?

11 The Counsel. It would be Ronald Reagan.

12 Mr. Lujan. Ronald Reagan was President in 1984 when this
13 program got started. How much of the Universal Service Fund today
14 goes to pay for the Lifeline program?

15 The Counsel. Approximately 1.4 to 1.6 billion depending on
16 the year.

17 Mr. Lujan. No, no, no. What percentage?

18 The Counsel. What percentage?

19 Mr. Lujan. What percentage of the Universal Service Fund
20 that our distinguished whip was describing that is collected on
21 cell phone bills, mobile phone bills, what percentage of the USF
22 goes to pay for Lifeline?

23 The Counsel. I will admit that I am going to have to do the
24 math to calculate it out. The high cost --

25 Mr. Lujan. Does a hundred percent -- wait, let me ask the

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1 question this way. Does a hundred percent of the USF that is
2 collected on cell phone bills go to the Lifeline program?

3 The Counsel. No. There is four billion or so that goes to
4 the high cost fund, a billion and a half to low income, I believe
5 the cap on schools and libraries is around 3.9 billion, and 400
6 million for rural health care.

7 Mr. Lujan. So just so we are being clear today, this bill
8 today does not zero out that USF fee on cell phone bills, correct?

9 The Counsel. That is correct.

10 Mr. Lujan. So people are still going to pay it?

11 The Counsel. Yes.

12 Mr. Lujan. So what are they going to pay for? So what does
13 USF go for? You said something about high cost. What does high
14 cost mean?

15 The Counsel. The Universal Service Fund is currently broken
16 into four funds. The high cost fund goes to subsidize deployment
17 in areas where it is uneconomic to deploy communications networks.

18 Mr. Lujan. So part of the USF that will not be zeroed out
19 today still requires people that pay their cell phone bills and
20 mobile phone bills that don't get a subsidy to pay for people
21 across America that have higher costs?

22 The Counsel. This bill does not address the high cost fund.

23 Mr. Lujan. Oh. So people are still going to pay into this
24 fund for people that are vulnerable, for people that have higher
25 costs, so there still will be a subsidy for some people?

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1 The Counsel. Yes. There will still be a Universal Service
2 Fund and people will still be paying a charge to subsidize the
3 Universal Service Fund.

4 Mr. Lujan. So the only point that I am trying to make here,
5 Mr. Chairman, is when we are talking about the collection of the
6 Universal Service Fund, which was created back in 1984 under
7 President Reagan, there was a recognition not only with the
8 break-up of the Bell Companies attributable to the Lifeline
9 program -- I apologize -- the Lifeline program that was created
10 in 1984 that was going to be funded through funding through the
11 Universal Service Fund that there were people in high cost areas
12 across America, there was a recognition that technology was
13 shifting and changing that we had to provide support to them, so
14 just so that we understand that application.

15 The other thing, Mr. Chairman that I pulled up a little
16 earlier was, there was a document that was printed on March 3rd,
17 2014 called The War on Poverty: 50 Years Later, a House Budget
18 Committee report. And in it it talks about different programs
19 that are federal programs, and I was surprised. So when I got
20 to Page 184 of the report, Universal Service Fund low-income
21 support is actually talked about in this report then authored by
22 Chairman Ryan, and very surprised again on Page 185, 186 and 187,
23 the Lifeline program is talked about in this report.

24 Mr. Walden. Yes.

25 Mr. Lujan. So am I to understand that this document which

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1 is called the War on Poverty: 50 Years Later that programs that
2 are listed in here are going to be zeroed out? Is that what this
3 is about?

4 Mr. Walden. No, and nobody is saying that.

5 Mr. Lujan. So how is it in fact then that we are today
6 zeroing out the support for mobile phone services on the Lifeline
7 program?

8 Mr. Walden. Will the gentleman yield?

9 Mr. Lujan. Yes, Mr. Chairman.

10 Mr. Walden. We are not zeroing out.

11 The Counsel. No, sir. The bill would cap the fund at one
12 point --

13 Mr. Walden. No, we are --

14 Mr. Lujan. No, no, no. Mr. Chairman, over 2 years the
15 support services for the mobile --

16 Mr. Walden. Oh, mobile.

17 Mr. Lujan. -- wireless providers, for wireless providers
18 will be zeroed out, correct?

19 Mr. Walden. No.

20 Mr. Lujan. Yes?

21 The Counsel. For voice-only service, but not for broadband
22 service.

23 Mr. Lujan. For voice-only service. So under the spirit of
24 what was created in 1984 to help people stay connected with family,
25 friends, neighbors, everybody else, that part of the program will

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1 be zeroed out in 2 years under the legislation before us today.

2 The Counsel. It would codify what the FCC did in its order
3 2 weeks ago on --

4 Mr. Lujan. Well, this will zero all of that out though as
5 well?

6 The Counsel. Voice-only service?

7 Mr. Lujan. Yes.

8 The Counsel. It would prevent the subsidy to go to
9 voice-only service.

10 Mr. Lujan. Okay. Mr. Chairman, with that I will yield you
11 the balance of my time because I have an amendment offer next as
12 well. Mr. Chairman, I yield you the balance --

13 Mr. Walden. Yes, because my understanding is the FCC agrees
14 with that and is phasing it out. And your point is correct. We
15 are not -- I am sorry, but in terms of the phase-out. The timeline
16 may be different, yes. I yield that. But the point is they are
17 the same in the end. We do it quicker, yes. The point you have
18 made though is the subsidies to help low income with phones that
19 have wireless capability including online, we have talked about
20 the homework gap. A voice-only phone probably doesn't help on
21 a homework gap. You really need to be able to access the internet.
22 We would continue to subsidize that, but we think it shouldn't
23 be an endless subsidy with no cap or fiscal responsibility. It
24 would be a billion and a half, 1.5 billion under the cap.

25 And both of our times have expired, but I appreciate the

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1 gentleman's thoughtfulness. Others seeking recognition?

2 Mr. Lujan. Mr. Chairman. I have an amendment. I am sorry,
3 I am getting ahead of myself.

4 Mr. Walden. Yes, we still have Ms. Clarke's amendment. Any
5 other comments on Ms. Clarke's amendment? If not, the chairman
6 calls --

7 Mr. Shimkus. I need to withdraw my point of order.

8 Mr. Walden. Okay. The gentleman withdraws his point of
9 order, and with that I will ask for a roll call on Ms. Clarke's
10 amendment. All in favor will say aye. Those opposed, nay. The
11 Clerk will call the roll.

12 The Clerk. Mr. Latta.

13 Mr. Latta. No.

14 The Clerk. Mr. Latta votes no.

15 Mr. Barton.

16 Mr. Barton. No.

17 The Clerk. Mr. Barton votes no.

18 Mr. Shimkus.

19 Mr. Shimkus. No.

20 The Clerk. Mr. Shimkus votes no.

21 Mrs. Blackburn.

22 Mrs. Blackburn. No.

23 The Clerk. Ms. Blackburn votes no.

24 Mr. Scalise.

25 Mr. Scalise. No.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 The Clerk. Mr. Scalise votes no.

2 Mr. Lance.

3 Mr. Guthrie.

4 Mr. Guthrie. No.

5 The Clerk. Mr. Guthrie votes no.

6 Mr. Olson.

7 Mr. Olson. No.

8 The Clerk. Mr. Olson votes no.

9 Mr. Pompeo.

10 Mr. Pompeo. No.

11 The Clerk. Mr. Pompeo votes no.

12 Mr. Kinzinger.

13 Mr. Kinzinger. No.

14 The Clerk. Mr. Kinzinger votes no.

15 Mr. Bilirakis.

16 Mr. Bilirakis. No.

17 The Clerk. Mr. Bilirakis votes no.

18 Mr. Johnson.

19 Mr. Johnson. No.

20 The Clerk. Mr. Johnson votes no.

21 Mr. Long.

22 Mr. Long. No.

23 The Clerk. Mr. Long votes no.

24 Mrs. Ellmers.

25 Mrs. Ellmers. No.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 The Clerk. Mrs. Ellmers votes no.

2 Mr. Collins.

3 Mr. Cramer.

4 Mr. Cramer. No.

5 The Clerk. Mr. Cramer votes no.

6 Mr. Upton.

7 The Chairman. No.

8 The Clerk. Mr. Upton votes no.

9 Ms. Eshoo. Ms. Eshoo.

10 Ms. Eshoo. Aye.

11 The Clerk. Ms. Eshoo votes aye.

12 Mr. Doyle.

13 Mr. Doyle. Yes.

14 The Clerk. Mr. Doyle votes aye.

15 Mr. Welch.

16 Mr. Welch. Aye.

17 The Clerk. Mr. Welch votes aye.

18 Mr. Yarmuth.

19 Mr. Yarmuth. Aye.

20 The Clerk. Mr. Yarmuth votes aye.

21 Ms. Clarke.

22 Ms. Clarke. Aye.

23 The Clerk. Ms. Clarke votes aye.

24 Mr. Loeb sack.

25 Mr. Loeb sack. Aye.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 The Clerk. Mr. Loeb sack votes aye.

2 Mr. Rush.

3 Ms. DeGette.

4 Mr. Butterfield.

5 Ms. Matsui.

6 Ms. Matsui. Aye.

7 The Clerk. Ms. Matsui votes aye.

8 Mr. McNerney.

9 Mr. McNerney. Aye.

10 The Clerk. Mr. McNerney votes aye.

11 Mr. Lujan. Mr. Lujan.

12 Mr. Lujan. Aye.

13 The Clerk. Mr. Lujan votes aye.

14 Mr. Pallone.

15 Mr. Pallone. Aye.

16 The Clerk. Mr. Pallone votes aye.

17 Mr. Chairman.

18 Mr. Walden. Walden votes no.

19 Mr. Lance.

20 The Clerk. Chairman Walden, no.

21 Mr. Lance. No.

22 The Clerk. Mr. Lance votes no.

23 Mr. Walden. Mr. Butterfield.

24 Mr. Butterfield. Votes aye.

25 Mr. Walden. Butterfield votes aye.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 The Clerk. Mr. Butterfield votes aye.

2 Mr. Walden. Are there other members seeking to vote. Are
3 there any other members not recorded? If not, the Clerk will
4 report the tally of this vote.

5 The Clerk. Mr. Chairman, the ayes were 11 and the nays were
6 17.

7 Mr. Walden. The ayes are 11. The nays are 17. The
8 amendment is not agreed to. Are there further amendments? The
9 chair recognizes the gentleman from New Mexico for what purpose?

10 Mr. Lujan. I have an amendment at the desk, Mr. Chairman.

11 [The amendment offered by Mr. Lujan follows:]

12

13 *****INSERT 14*****

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1 Mr. Walden. Clerk, without objection, the reading of the
2 amendment is dispensed with and the gentleman is recognized for
3 5 minutes in support of his Amendment 4B.

4 Mr. Lujan. 4B, very good. Mr. Chairman, according to the
5 Federal Communications Commission's most recent broadband
6 progress report, nearly 40 percent of rural Americans, 23 million
7 people, lack access to advanced broadband. In my home state more
8 than 60 percent of New Mexicans living in rural communities lack
9 access.

10 These numbers are simply unacceptable. They mean too many
11 people are being left behind while the rest of the country races
12 forward. Take a student who doesn't have access to broadband at
13 home. When I was growing up all you needed was your textbook,
14 a notebook and some paper and maybe a pencil, but the world has
15 changed.

16 Recently, Commissioner Jessica Rosenworcel testified to
17 this committee that roughly seven in ten teachers assign homework
18 that requires access to broadband. For students without such
19 access, she said, just getting homework done is hard. The FCC
20 recently took a major step toward addressing what Commissioner
21 Rosenworcel had called the homework gap by modernizing the
22 Lifeline program to offer broadband services. But the CURB
23 Lifeline Act and its hard \$1.5 billion cap would undermine this
24 progress and shut out millions of Americans. I will point out
25 that in a hearing Commissioner Pai was asked about the gap, and

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1 even Commissioner Pai's conservative approach was \$1.75 billion
2 and clearly voted with the Commission closer to this \$2 billion
3 cap that they established.

4 All across rural America this bill would make it harder for
5 seniors to communicate with their doctor, for people to look for
6 a job, for families to connect during an emergency and for students
7 to get their homework done. That is why I am offering an amendment
8 that restricts the effectiveness of the cap until the FCC
9 certifies that the cap will not prevent low-income households in
10 rural areas from receiving the Lifeline subsidy at the current
11 subsidy rate and Congress acts to affirm the report.

12 In closing, let me read you some parts of an editorial that
13 was written by Betsy Huber who is president of the National Grange.
14 The National Grange is the nation's oldest agricultural
15 organization. It has a presence in 37 states. She said that you
16 might assume that urban America is where the broadband gap is most
17 severe, but the truth is that rural America is much worse off when
18 it comes to broadband, or more precisely the lack thereof.

19 The FCC's 2015 broadband progress report found that more than
20 half, 53 percent of rural Americans lack access to high speed
21 broadband and much of our rural communities may lack such access
22 for many years to come. In fact, if you look at a map of the
23 portion of rural America west of the Mississippi River that is
24 served by broadband, you will see what is a high-tech wasteland.
25 That is why those of us who advocate for rural America are so

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1 concerned about H.R. 4884, the so-called CURB Lifeline Abuse Act
2 which is being marked up in the House this week or next. For
3 low-income rural Americans this bill is a double-barreled
4 problem. It would take away some of what the FCC just did on
5 broadband affordability and would phase out subsidies for
6 voice-only service for mobile, untimely killing wireless Lifeline
7 cell phone access.

8 Now no one opposes fiscal responsibility in the Lifeline
9 program and efforts to reduce waste, but it is misleading and
10 unfair to trade on anecdotal illustrations of past problems that
11 have long since been addressed. Not only has the FCC in recent
12 years enacted sweeping reforms tackling concerns about the
13 Lifeline program, but it also took additional steps last month
14 to make sure that cell phone and broadband services would be even
15 more efficient.

16 And Mr. Chairman, if I might be able to submit this editorial
17 into the record?

18 Mr. Walden. Without objection.

19 [The information follows:]

20
21 *****COMMITTEE INSERT 15*****

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1 Mr. Lujan. With that Mr. Chairman, again I would hope that
2 there is support for this amendment today as we look at these
3 programs and especially into rural parts of the country, see how
4 we can work with this, understand how this cap was devised, the
5 methodology behind it, what it is going to do, what it is not going
6 to do, who it is going to cut off, who it is not going to cut off.

7 But again, even Commissioner Pai testified before this very
8 subcommittee and said that he would suggest 1.75 billion, but then
9 later in questioning and in actions and votes that were taken
10 supported something closer to \$2 billion. And so Mr. Chairman,
11 I hope we are able to figure out today even where that \$1.5 billion
12 cap was devised, the methodology, and try to understand who it
13 is going to cut off and who it is still going to be able to support.
14 And with that Mr. Chairman, I yield back the balance of my time.

15 Mr. Walden. The gentleman yields back the balance of his
16 time. Are there members seeking recognition? If not, I would
17 recognize myself and strike the last word in opposition to the
18 amendment and yield back.

19 Are there other members seeking recognition? Seeing none,
20 the vote now arises on the Lujan amendment. All those in favor
21 say aye, those opposed, nay, and the Clerk will call the roll.

22 The Clerk. Mr. Latta.

23 Mr. Latta. No.

24 The Clerk. Mr. Latta votes no.

25 Mr. Barton.

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1 Mr. Shimkus.

2 Mr. Shimkus. No.

3 The Clerk. Mr. Shimkus votes no.

4 Mrs. Blackburn.

5 Mrs. Blackburn. No.

6 The Clerk. Mrs. Blackburn votes no.

7 Mr. Scalise.

8 Mr. Scalise. No.

9 The Clerk. Mr. Scalise votes no.

10 Mr. Lance.

11 Mr. Guthrie.

12 Mr. Olson.

13 Mr. Olson. No.

14 The Clerk. Mr. Olson votes no.

15 Mr. Pompeo.

16 Mr. Kinzinger.

17 Mr. Kinzinger. No.

18 The Clerk. Mr. Kinzinger votes no.

19 Mr. Bilirakis.

20 Mr. Johnson.

21 Mr. Johnson. No.

22 The Clerk. Mr. Johnson votes no.

23 Mr. Long.

24 Mr. Long. No.

25 The Clerk. Mr. Long votes no.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 Mrs. Ellmers.

2 Mrs. Ellmers. No.

3 The Clerk. Mrs. Ellmers votes no.

4 Mr. Collins.

5 Mr. Cramer.

6 Mr. Cramer. No.

7 The Clerk. Mr. Cramer votes no.

8 Mr. Upton.

9 The Chairman. No.

10 The Clerk. Mr. Upton votes no.

11 Ms. Eshoo. Ms. Eshoo.

12 Ms. Eshoo. Aye.

13 The Clerk. Ms. Eshoo votes aye.

14 Mr. Doyle.

15 Mr. Doyle. Yes.

16 The Clerk. Mr. Doyle votes aye.

17 Mr. Welch.

18 Mr. Welch. Yes.

19 The Clerk. Mr. Welch votes aye.

20 Mr. Yarmuth.

21 Mr. Yarmuth. Aye.

22 The Clerk. Mr. Yarmuth votes aye.

23 Ms. Clarke.

24 Mr. Loeb sack.

25 Mr. Loeb sack. Aye.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 The Clerk. Mr. Loeb sack votes aye.

2 Mr. Rush.

3 Ms. DeGette.

4 Mr. Butterfield.

5 Mr. Butterfield. Aye.

6 The Clerk. Mr. Butterfield votes aye.

7 Ms. Matsui.

8 Ms. Matsui. Aye.

9 The Clerk. Ms. Matsui votes aye.

10 Mr. McNerney.

11 Mr. McNerney. Aye.

12 The Clerk. Mr. McNerney votes aye.

13 Mr. Lujan.

14 Mr. Lujan. Aye.

15 The Clerk. Mr. Lujan votes aye.

16 Mr. Pallone.

17 Mr. Pallone. Aye.

18 The Clerk. Mr. Pallone votes aye.

19 Chairman Walden.

20 Mr. Walden. Walden votes no.

21 Are there members not recorded? The gentleman from
22 Kentucky, Mr. Guthrie.

23 Mr. Guthrie. No.

24 The Clerk. Mr. Guthrie votes no.

25 Mr. Walden. The gentleman from New Jersey, Mr. Lance.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 Mr. Lance. No.

2 The Clerk. Mr. Lance votes no.

3 Mr. Walden. The gentleman from Kansas, Mr. Pompeo.

4 Mr. Pompeo. No.

5 The Clerk. Mr. Pompeo votes no.

6 Mr. Walden. The gentleman from Florida, are you recorded?

7 Mr. Bilirakis. No.

8 The Clerk. Mr. Bilirakis votes no.

9 Mr. Walden. The gentleman votes no. The gentleman from
10 Texas.

11 Mr. Barton. Am I recorded?

12 Mr. Walden. You are not.

13 Mr. Barton. No.

14 The Clerk. Mr. Barton votes no.

15 Mr. Walden. The gentleman from Texas votes no. Are there
16 other members who are not recorded?

17 Ms. Clarke. I am not recorded.

18 Mr. Walden. You are not? The gentlelady from New York, Ms.
19 Clarke, how would you like to be recorded?

20 Ms. Clarke. Aye.

21 Mr. Walden. You sure?

22 The Clerk. Ms. Clarke votes aye.

23 Mr. Walden. Ms. Clarke votes aye. Are there other members
24 who are not recorded on the vote? If not, the Clerk will report
25 the tally of the vote.

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1 The Clerk. Mr. Chairman, on this vote the ayes were 11 and
2 the noes were 17.

3 Mr. Walden. The amendment is not agreed to. Are there
4 further amendments? The chair recognizes the gentleman from
5 California, Mr. McNerney, for what purpose does he seek
6 recognition?

7 Mr. McNerney. Well, Mr. Chairman, I have an amendment at
8 the desk.

9 [The amendment offered by Mr. McNerney follows:]

10

11 *****INSERT 16*****

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1 Mr. Walden. Clerk will report the amendment, and without
2 objection, the reading of the amendment is dispensed with. And
3 the gentleman from California is recognized for 5 minutes.

4 Mr. McNerney. Thank you, Mr. Chairman. I move to strike
5 the last word. This amendment will not allow the cap to go into
6 effect until the FCC certifies that the cap does not keep veterans
7 from receiving the subsidy at its current rate and Congress acts
8 on the report.

9 Over the last year, more than 1.4 million veterans reported
10 that they are living below the poverty line. This means that
11 seven percent of all veterans are eligible to participate in the
12 Lifeline program. Nearly 989,000 of those veterans are between
13 the ages of 18 and 64. The FCC's recent vote to update Lifeline
14 to include access to broadband is critical for these veterans to
15 be able to apply for jobs and obtain the necessary retraining and
16 education they need after returning from service.

17 Now on the other hand, 443,000 of those veterans who are
18 Lifeline eligible are over the age of 65, and for many of these
19 veterans they face serious health problems. Lifeline is the only
20 way they are able to obtain health during emergencies. If
21 veterans are unable to receive Lifeline funds, they won't have
22 access to these basic needs and services. This is why we must
23 make sure the cap will not prevent veterans from receiving
24 Lifeline funds at the current rate.

25 Mr. Chairman, I hear your reluctance to wait for the FCC

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1 report. I don't necessarily agree with it, but I hear you. If
2 you have a better way to make sure that veterans are not going
3 to be hurt by this cap, I would certainly like to hear it. With
4 that I will urge my members to vote for this amendment and I yield
5 back the balance of my time.

6 Mr. Walden. The gentleman yields back the balance of his
7 time. Are there other members seeking recognition? Seeing
8 none, I will recognize myself in opposition to the amendment, and
9 I will yield back the remainder of my time. Are there
10 other members seeking recognition? Seeing none, the question now
11 before the committee is on approval of Mr. McNerney's amendment.
12 All those in favor will say aye, those opposed, no. The Clerk
13 will call the roll.

14 The Clerk. Mr. Latta.

15 Mr. Latta. No.

16 The Clerk. Mr. Latta votes no.

17 Mr. Barton.

18 Mr. Barton. No.

19 The Clerk. Mr. Barton votes no.

20 Mr. Shimkus.

21 Mr. Shimkus. No.

22 The Clerk. Mr. Shimkus votes no.

23 Mrs. Blackburn.

24 Mrs. Blackburn. No.

25 The Clerk. Mrs. Blackburn votes no.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 Mr. Scalise.

2 Mr. Scalise. No.

3 The Clerk. Mr. Scalise votes no.

4 Mr. Lance.

5 Mr. Guthrie.

6 Mr. Guthrie. No.

7 The Clerk. Mr. Guthrie votes no.

8 Mr. Olson.

9 Mr. Olson. No.

10 The Clerk. Mr. Olson votes no.

11 Mr. Pompeo.

12 Mr. Pompeo. No.

13 The Clerk. Mr. Pompeo votes no.

14 Mr. Kinzinger.

15 Mr. Kinzinger. No.

16 The Clerk. Mr. Kinzinger votes no.

17 Mr. Bilirakis.

18 Mr. Bilirakis. No.

19 The Clerk. Mr. Bilirakis votes no.

20 Mr. Johnson.

21 Mr. Johnson. No.

22 The Clerk. Mr. Johnson votes no.

23 Mr. Long.

24 Mr. Long. No.

25 The Clerk. Mr. Long votes no.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 Mrs. Ellmers.

2 Mrs. Ellmers. No.

3 The Clerk. Mrs. Ellmers votes no.

4 Mr. Collins.

5 Mr. Cramer.

6 Mr. Cramer. No.

7 The Clerk. Mr. Cramer votes no.

8 Mr. Upton.

9 The Chairman. Votes no.

10 The Clerk. Mr. Upton votes no.

11 Ms. Eshoo.

12 Ms. Eshoo. Aye.

13 The Clerk. Ms. Eshoo votes aye.

14 Mr. Doyle.

15 Mr. Doyle. Yes.

16 The Clerk. Mr. Doyle votes aye.

17 Mr. Welch.

18 Mr. Welch. Yes.

19 The Clerk. Mr. Welch votes aye.

20 Mr. Yarmuth.

21 Mr. Yarmuth. Aye.

22 The Clerk. Mr. Yarmuth votes aye.

23 Ms. Clarke.

24 Ms. Clarke. Aye.

25 The Clerk. Ms. Clarke votes aye.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 Mr. Loeb sack.

2 Mr. Loeb sack. Aye.

3 The Clerk. Mr. Loeb sack votes aye.

4 Mr. Rush.

5 Ms. DeGette.

6 Mr. Butterfield.

7 Mr. Butterfield. Aye.

8 The Clerk. Mr. Butterfield votes aye.

9 Ms. Matsui.

10 Ms. Matsui. Aye.

11 The Clerk. Ms. Matsui votes aye.

12 Mr. McNerney.

13 Mr. McNerney. Aye.

14 The Clerk. Mr. McNerney votes aye.

15 Mr. Lujan.

16 Mr. Lujan. Aye.

17 The Clerk. Mr. Lujan votes aye.

18 Mr. Pallone.

19 Mr. Pallone. Aye.

20 The Clerk. Mr. Pallone votes aye.

21 Chairman Walden.

22 Mr. Walden. Walden votes no.

23 The Clerk. Chairman Walden votes no.

24 Mr. Lance.

25 Mr. Lance. No.

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1 The Clerk. Mr. Lance votes no.

2 Mr. Walden. Are there other members not recorded who seek
3 to be recorded? Seeing none, the Clerk will report the tally.

4 The Clerk. Mr. Chairman, on that vote the ayes were 11 and
5 the noes were 17.

6 Mr. Walden. The amendment is not agreed to. Are there
7 further amendments? Seeing none, the question now occurs on
8 forwarding H.R. 4884 to the full committee. All those in favor
9 say aye, those opposed nay, and the Clerk will call the roll.

10 The Clerk. Mr. Latta.

11 Mr. Latta. Aye.

12 The Clerk. Mr. Latta votes aye.

13 Mr. Barton.

14 Mr. Barton. Aye.

15 The Clerk. Mr. Barton votes aye.

16 Mr. Shimkus.

17 Mr. Shimkus. Aye.

18 The Clerk. Mr. Shimkus votes aye.

19 Mrs. Blackburn.

20 Mrs. Blackburn. Aye.

21 The Clerk. Mrs. Blackburn votes aye.

22 Mr. Scalise.

23 Mr. Scalise. Aye.

24 The Clerk. Mr. Scalise votes aye.

25 Mr. Lance.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 Mr. Lance. Aye.

2 The Clerk. Mr. Lance votes aye.

3 Mr. Guthrie.

4 Mr. Guthrie. Aye.

5 The Clerk. Mr. Guthrie votes aye.

6 Mr. Olson.

7 Mr. Olson. Aye.

8 The Clerk. Mr. Olson votes aye.

9 Mr. Pompeo.

10 Mr. Pompeo. Aye.

11 The Clerk. Mr. Pompeo votes aye.

12 Mr. Kinzinger.

13 Mr. Kinzinger. Aye.

14 The Clerk. Mr. Kinzinger votes aye.

15 Mr. Bilirakis.

16 Mr. Bilirakis. Aye.

17 The Clerk. Mr. Bilirakis votes aye.

18 Mr. Johnson.

19 Mr. Johnson. Aye.

20 The Clerk. Mr. Johnson votes aye.

21 Mr. Long.

22 Mr. Long. Aye.

23 The Clerk. Mr. Long votes aye.

24 Mrs. Ellmers.

25 Mrs. Ellmers. Aye.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 The Clerk. Mrs. Ellmers votes aye.

2 Mr. Collins.

3 Mr. Cramer.

4 Mr. Cramer. Aye.

5 The Clerk. Mr. Cramer votes aye.

6 Mr. Upton.

7 The Chairman. Aye.

8 The Clerk. Mr. Upton votes aye.

9 Ms. Eshoo. Ms. Eshoo.

10 Ms. Eshoo. No.

11 The Clerk. Ms. Eshoo votes no.

12 Mr. Doyle.

13 Mr. Doyle. No.

14 The Clerk. Mr. Doyle votes no.

15 Mr. Welch.

16 Mr. Welch. No.

17 The Clerk. Mr. Welch votes no.

18 Mr. Yarmuth.

19 Mr. Yarmuth. No.

20 The Clerk. Mr. Yarmuth votes no.

21 Ms. Clarke.

22 Ms. Clarke. No.

23 The Clerk. Ms. Clarke votes no.

24 Mr. Loeb sack.

25 Mr. Loeb sack. Nay.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 The Clerk. Mr. Loeb sack votes no.

2 Mr. Rush.

3 Ms. DeGette.

4 Mr. Butterfield.

5 Mr. Butterfield. No.

6 The Clerk. Mr. Butterfield votes no.

7 Ms. Matsui.

8 Ms. Matsui. No.

9 The Clerk. Ms. Matsui votes no.

10 Mr. McNerney.

11 Mr. McNerney. No.

12 The Clerk. Mr. McNerney votes no.

13 Mr. Lujan.

14 Mr. Lujan. No.

15 The Clerk. Mr. Lujan votes no.

16 Mr. Pallone.

17 Mr. Pallone. No.

18 The Clerk. Mr. Pallone votes no.

19 Chairman Walden.

20 Mr. Walden. Walden votes aye.

21 Are there other members wishing to be recorded? Seeing
22 none, the Clerk will report the tally.

23 The Clerk. Mr. Chairman, on that vote the ayes were 17 and
24 the nays were 11.

25 Mr. Walden. The ayes appear to have it. The ayes have it.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker

1 The bill is favorably reported. Without objection, the staff is
2 authorized to make technical and conforming changes of the
3 legislation approved by the subcommittee today, so ordered.

4 Without objection, the subcommittee stands adjourned.

5 [Whereupon, at 4:03 p.m., the subcommittee was adjourned.]