



June 22, 2018

TO: Members, Subcommittee on Communications and Technology

FROM: Committee Majority Staff

RE: Hearing entitled “Discussion Draft: National Telecommunications and Information Administration Reauthorization Act of 2018.”

I. INTRODUCTION

The Subcommittee on Communications and Technology will hold a hearing on Tuesday, June 26, 2018, at 1:15 p.m. in 2322 Rayburn House Office Building. The hearing is entitled “Discussion Draft: National Telecommunications and Information Administration Reauthorization Act of 2018.”

II. WITNESS

- John Kneuer, President, JKC Consulting;
- Michael D. Gallagher, CEO, Entertainment Software Association; and,
- Joanne S. Hovis, President, CTC Technology and Energy.

III. BACKGROUND

The National Telecommunications and Information Administration (NTIA), a division of the U.S. Department of Commerce, is the executive branch agency principally responsible for advising the president on telecommunications and information policy issues.

NTIA states that its programs and policymaking focus largely on expanding broadband internet access and adoption in America, expanding the use of spectrum by all users, and ensuring that the internet remains an engine for continued innovation and economic growth. In addition to working with other executive branch agencies to develop administration positions, NTIA represents the executive branch in both domestic and international telecommunications and information policy activities.¹

During the 115th Congress, this Subcommittee has held a number of hearings examining the NTIA, reauthorization of the agency, and matters within the agency’s jurisdiction:

- February 2, 2017, “Reauthorization of NTIA”: The first hearing of the Subcommittee on Communications and Technology in the 115th Congress examined the reauthorization of

¹ See, <https://www.ntia.doc.gov/about>

the NTIA. The Subcommittee heard from former NTIA administrators on a range of topics, including spectrum management, public safety communications, and cybersecurity.

- March 21, 2017, “Broadband: Deploying America’s 21st Century Infrastructure” and June 21, 2017, “Defining and Mapping Broadband Coverage in America”: The Subcommittee held two hearings to discuss the challenges associated with mapping and deploying broadband infrastructure.² The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) tasked NTIA with developing and maintaining a comprehensive nationwide inventory map of broadband service. The map has not been updated by NTIA since June 30, 2014, when funding lapsed and the Federal Communications Commission took over broadband mapping efforts in 2015. The Committee on Energy and Commerce and the administration continue to support having NTIA oversee a nationwide broadband map.³
- March 29, 2017, “Realizing Nationwide Next-Generation 911”: The Subcommittee held a hearing to discuss barriers to deployment, governance, and security of next-generation 9-1-1 systems.⁴ As part of the Next Generation 9-1-1 Advancement Act of 2012, NTIA and the National Highway Transportation Safety Administration (NHTSA), which jointly administer a 9-1-1 matching grants program, received a renewal for states to develop next generation systems. In order to be eligible for the \$115 million in funds, states and other applicants must certify that they have not diverted 9-1-1 fees within the 180-day pay period prior to their applications. The agencies have yet to issue these grants and have stated on the record that the rules will become effective this year.⁵
- November 16, 2017, “The Race to 5G and its Potential to Revolutionize American Competitiveness”: The Subcommittee held a hearing on the race to 5G, which included discussion on NTIA’s role in managing Federal spectrum and its role in the race to 5G.⁶ NTIA is at the forefront of spectrum management for all Federal agencies and is actively pursuing innovative approaches to protect federal interests, while also granting greater access to spectrum for commercial purposes. NTIA’s Advanced Communication Research is focused on identifying Federal spectrum that could be made commercially available.

² See, <https://energycommerce.house.gov/hearings/broadband-deploying-americas-21st-century-infrastructure/>, and <https://energycommerce.house.gov/hearings/defining-mapping-broadband-coverage-america/>

³The President’s Budget for Fiscal Year 2019, National Telecommunications and Information Administration. Available at: <https://www.whitehouse.gov/wp-content/uploads/2018/02/appendix-fy2019.pdf>

⁴ See, <https://energycommerce.house.gov/hearings/realizing-nationwide-next-generation-911/>

⁵ Testimony of Heidi King, Deputy Administrator, National Highway Transportation Safety Administration.

Available at: <http://docs.house.gov/meetings/IF/IF17/20180214/106854/HHRG-115-IF17-Transcript-20180214.pdf>

⁶ See, <https://energycommerce.house.gov/hearings/race-5g-potential-revolutionize-american-competitiveness/>

- January 30, 2018, “Closing the Digital Divide: Broadband Infrastructure Solutions”: The Subcommittee held a hearing on broadband infrastructure deployment and closing the digital divide.⁷ NTIA, through the expertise of its BroadbandUSA program, encourages and promotes partnerships among state, municipal, non-profit, and private-sector organizations to support deployment of broadband infrastructure through technical assistance, regional workshops, and guides and tools that help with planning, financing, construction, and operations.
- March 6, 2018, “Oversight of the National Telecommunications and Information Administration”: The Subcommittee held an oversight hearing of NTIA and its fiscal year 2019 budget request.⁸ From Federal spectrum management and public safety to supply chain security and international issues, NTIA plays an integral role in assessing important policy challenges. NTIA remains central to the executive branch’s involvement in internet governance and works through international multistakeholder processes to reach consensus on a wide range of internet policy issues, including the domain name system (DNS), consumer data privacy, cybersecurity, digital copyrights, and protecting internet openness and freedom.
- March 22, 2018, “Legislative Hearing on Four Communications Bills”: The Subcommittee held a hearing to discuss four pieces of legislation, including H.R. 3994, ACCESS BROADBAND Act, sponsored by Rep. Tonko and Rep. Lance.⁹ On June 13, 2018, the Subcommittee forwarded H.R. 3994 to the full Energy and Commerce Committee by a voice vote.¹⁰ H.R. 3994 would create an Office of Internet Connectivity and Growth within NTIA, continuing the agency’s long history of interagency coordination. This new office would track Federal funding for broadband programs across the Federal government, ensuring Federal funds are efficiently used to promote broadband infrastructure deployment. NTIA has conveyed to the bill’s authors and Subcommittee staff the need for more resources to accommodate the new office. The Subcommittee chairman’s statement at this markup specifically mentioned addressing this office in the context of NTIA reauthorization.¹¹
- May 16, 2018, “Telecommunications, Global Competitiveness, and National Security”: The Subcommittee held a hearing to discuss threats to our communications networks and vulnerabilities in their supply chains.¹² Witness testimony suggested that the Federal government should improve interagency coordination of supply chain vulnerabilities in

⁷ See, <https://energycommerce.house.gov/hearings/closing-digital-divide-broadband-infrastructure-solutions/>

⁸ See, <https://energycommerce.house.gov/hearings/oversight-national-telecommunications-information-administration/>

⁹ See, <https://energycommerce.house.gov/hearings/legislative-hearing-four-communications-bills-2/>

¹⁰ See, <https://energycommerce.house.gov/markups/subcommittee-vote-on-h-r-2345-h-r-5709-h-r-3994-and-h-r-4881/>

¹¹ See, <https://docs.house.gov/meetings/IF/IF16/20180613/108429/HMKP-115-IF16-MState-B001243-20180613-U50.pdf>

¹² See, <https://energycommerce.house.gov/hearings/telecommunications-global-competitiveness-and-national-security/>

our domestic communications networks, on an ongoing basis, with input from a wide range of Federal agencies and the private sector. NTIA is working on supply chain-related issues, including spectrum, broadband deployment, and cybersecurity, with the private sector and across the Federal government.

IV. DISCUSSION DRAFT, REAUTHORIZATION OF THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

The Subcommittee will review a discussion draft to reauthorize NTIA for the first time since 1992 at an appropriations level of \$50,800,000. The House and Senate Appropriations Committees have both passed their respective Fiscal Year 2019 appropriations bills through their respective Committees. In both bills, NTIA has been appropriated \$39,500,000. NTIA's Fiscal Year 2017 request was \$50,800,000.¹³

The following matters are addressed by the discussion draft:

- **Broadband Mapping:** The discussion draft reasserts NTIA's authority over broadband mapping and builds on the case for NTIA funding included in the omnibus appropriations package passed earlier this year. NTIA would be tasked with facilitating more accurate, granular maps of broadband coverage with input from the Federal Communications Commission and other Federal resources, as well as the States and public-private partnerships.
- **Broadband Deployment:** The discussion draft incorporates the provisions of H.R. 3994 which would establish the Office of Internet Connectivity and Growth to streamline and track Federal funding for broadband programs at the FCC and across the Federal government. The NTIA Administrator is currently a Co-Chair of the Broadband Interagency Working Group, which "works with other Federal agencies to improve coordination across programs, reduce regulatory barriers to broadband deployment, promote awareness of the importance of federal support for broadband investment and digital inclusion programs, and collect and share information with communities about available federal resources for broadband deployment and digital inclusion efforts."¹⁴
- **Supply Chain:** The discussion draft reflects the witness testimony and discussion from the May 16, 2018 Subcommittee hearing on threats to our communications networks—and their supply chains—and the implications for national security and global competitiveness. Witnesses and stakeholders pointed out a need for increased coordination among Federal government agencies on supply chain vulnerabilities existing in our communications networks. The discussion draft includes a sense of Congress,

¹³ See, House Report 115-704 to H.R. 5952, filed May 24, 2018. <https://www.congress.gov/115/crpt/hrpt704/CRPT-115hrpt704.pdf> See, Senate Report 115-275 to S. 3072, filed June 14, 2018. <https://www.appropriations.senate.gov/imo/media/doc/FY2019%20CJS%20Appropriations%20Act,%20Report%20115-275.pdf>

¹⁴ See, <https://www.ntia.doc.gov/category/broadband-interagency-working-group>

stating that NTIA should coordinate this forward-looking response to supply chain vulnerabilities.

- **Internet Governance:** NTIA leads and participates in an interagency effort to develop American internet policy and works directly with stakeholders to develop policies that preserve an open, interconnected global internet, continued innovation, and economic growth. To that point, NTIA has jurisdiction over the Domain Name Service (DNS) and is the U.S. voice in the Internet Corporation for Assigned Names and Numbers (ICANN)'s Government Advisory Committee.¹⁵ ICANN maintains and enforces contracts with all registrars, requiring them to continue to collect identifying information from registries during the domain registration process.¹⁶ This information is maintained by registrars in a WHOIS database, pursuant to the terms of the registrar's contract with ICANN. The discussion draft contains a sense of Congress that states NTIA should work to ensure that the multistakeholder model of internet governance maintains the security, stability, and resiliency of the DNS, and that new laws and regulations around the world do not undermine the WHOIS service.
- **Next Generation 9-1-1 (NG911):** The Subcommittee continues its efforts to further deployment of NG911 services. NTIA has developed unique expertise in this space, and has been tasked by Congress in the past to issue grants and to further new technologies as they become available. Recent reports of the capabilities of mobile devices to provide more accurate location information have led to questions about how these location services can also serve the needs of first responders and 9-1-1 call centers.. Given the need for increased understanding of the capabilities and limitations of current location technologies, a Government Accountability Office study is included in the discussion draft.

V. STAFF CONTACTS

If you have any questions regarding this hearing, please contact Tim Kurth or Robin Colwell of the Committee staff at (202) 225-2927.

¹⁵ See, <https://www.ntia.doc.gov/category/icann>

¹⁶ See, <https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#whois>