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STRENGTHENING OUR COMMUNICATIONS

NETWORKS TO MEET THE NEEDS OF CONSUMERS

WEDNESDAY, OCTOBER 6, 2021

House of Representatives,

Subcommittee on Communications

and Technology,

Committee on Energy and Commerce,

Washington, D.C.

The subcommittee met, pursuant to notice, at 11:58 a.m., in Room 2123, Rayburn House Office Building, Hon. Mike Doyle [chairman of the subcommittee] presiding.

Present: Representatives Doyle, McNerney, Clarke, Veasey, Soto, O'Halleran, Rice, Eshoo, Butterfield, Matsui, Welch, Schrader, Cardenas, Kelly Craig, Fletcher, Pallone (ex officio), Latta, Guthrie, Long, Hudson, Mullin, Walberg, Carter, and Curtis.

Staff Present: Parul Desai, FCC Detailee; Jennifer Epperson, Counsel; Waverly Gordon, General Counsel; Mackenzie Kuhl, Digital Assistant; Jerry Leverich, Senior Counsel; Kaitlyn Peel, Digital Director; Chloe Rodriguez, Deputy Chief Clerk; Johanna

Thomas, Counsel; Kate Arey, Minority Content Manager & Digital Assistant; Sarah Burke, Minority Deputy Staff Director; Michael Cameron, Minority Policy Analyst Consumer Protections & Commerce, Energy, Environment; William Clutterbuck, Minority Staff Assistant/Policy Analyst; Theresa Gambo, Minority Financial & Office Administrator; Jack Heretik, Minority Press Secretary; Nate Hodson, Minority Staff Director; Sean Kelly, Minority Press Secretary; Peter Kielty, Minority General Counsel; Emily King, Minority Member Services Director; Bihan Koohmaraie, Minority Chief Counsel, Oversight and Investigations Chief Counsel; Tim Kurth, Minority Chief Counsel, Consumer Protections & Commerce; Clare Paoletta, Minority Policy Analyst, Health; Olivia Shields, Minority Communications Director; Michael Taggart, Minority Policy Director; Everett Winnick, Minority Director of Information Technology; Evan Viau, Minority Professional Staff Member, Communications and Technology; and Kate O'Connor, Minority Chief Counsel, Communications and Technology.

Mr. Doyle. The committee will now come to order. Today, the Subcommittee on Communications and Technology is holding a hearing entitled, "Strengthening Our Communication Networks to Meet the Needs of Consumers."

Due to the COVID-19 public health emergency, members can participate in today's hearing either in person or remotely via online videoconferencing. Members who are not vaccinated and participating in person must wear a mask and be socially distanced. Such members may remove their mask when they are under recognition and speaking from a microphone. Staff and press who are not vaccinated and present in the committee room must wear a mask at all times and be socially distanced.

For members participating remotely, your microphones will be set on mute for the purpose of eliminating inadvertent background noise. Members participating remotely will need to unmute your microphone each time you wish to speak. Please note that once you unmute your microphone, anything that is said in Webex will be heard over the loudspeakers in the committee room, and subject to be heard by the live stream and C-SPAN.

Since members are participating from different locations at today's hearing, all recognition of members, such as for questions, will be in the order of subcommittee seniority. Documents for the record can be sent to Joe Orlando at the email address we have provided to staff. All documents will be entered into the record at the conclusion of the hearing.

The chair now recognizes himself for 5 minutes for an opening statement. Today's hearing presents us once again with the opportunity to discuss and debate the communication needs of our Nation, while reviewing the proposal our members have authored to meet those needs.

It is our responsibility on the subcommittee to highlight, as we have in so many hearings, the issues important to the people we represent, issues such as access to and the adoption of broadband, resiliency, media localism, and more. And imperatively, it is our duty to explore solutions we can advance to address those issues in a way that makes progress for the Nation.

On this committee, we have a bipartisan tradition that recognizes no single party has a monopoly on good ideas. We consider a large slate of bills specifically before us today. The twelve bills, six authored by Democrats and six by Republicans, span the jurisdiction of this subcommittee and highlight so many issues of importance to Americans.

We have all seen the stark reality highlighted by the ongoing pandemic that broadband is a necessity. We have made important investments in funding for broadband deployment and adoption, investments that will help our urban and rural communities, our students and teachers, and those Americans who otherwise could not afford a broadband connection.

To that end, we should examine how the proposals under consideration could speed deployment of wired and wireless networks, and assist localities and broadband providers as they facilitate buildout to consumers. We should examine how to ensure incarcerated individuals can remain connected to their families. We should examine the role of localism in the media, and we should examine how we can use connectivity to keep us safe during an emergency.

There are, of course, a few proposals I think deserve highlighting. For example, I am proud that today, we will be considering the Martha Wright Prison Phone Justice Act. We must give further consideration to enact upon proposals that ensure that incarcerated population and their families have access to communications services at a

fair and reasonable rate.

Studies have shown that the ability to connect with family and support reduces recidivism. That means a reduction in crime and reincarceration. Families should not go into debt to maintain contact with an incarcerated loved one. I believe these are goals we can all support.

Perhaps a little more arcane, but critically important, we have to protect the Universal Service Fund from disruption by extending the Antideficiency Act exemption. This is critical to connecting rural hospitals, rural homes, schools, libraries, and providing telehealth and discounted internet and phone service.

I am also happy to see Mrs. Fletcher's bill before us, a proposal that aims to treat our local governments as partners not adversaries in the effort to deploy broadband.

And, of course, I am looking forward to hearing our witnesses' thoughts on the Spectrum Innovation Act, which would give consumers access to more spectrum leading to faster speeds, better networks, and new innovative services. Mid-band is of critical importance as this Goldilocks spectrum can cover substantial geographic areas and handle large amounts of data.

We have sought unprecedented participation in the CBRS auction last year, a record-breaking C-band auction earlier this year, and an auction for the 3.45 band that just started this week. We should build on those successes, and we should do so with a process framework that will promote maximum usage of this valuable band.

Ultimately, this should be a win for the Federal incumbents of the band, consumers, our economy, and the U.S. Treasury. We have an excellent panel before us today who will provide valuable insight into the bills before us and the issues they seek to address.

I also look forward to the feedback and questions of my colleagues to ensure that

the views of their constituents are heard throughout this deliberative process. Thank you both to the witnesses who are speaking with us today and to my colleagues for their contributions to this hearing and their thoughtful legislative proposals.

I look forward to continued collaboration on these important topics, and that concludes my initial remarks. So the chair will now recognize my good friend, the ranking member for the Subcommittee on Communications and Technology, Mr. Latta, for 5 minutes for his opening statement.

Mr. Latta. Well, I thank my friend for today's hearing, and also for our witnesses for appearing before us today. It has been nearly 100 days since this subcommittee has held a hearing, and I am glad we are back to discuss some important issues within the communication and technology jurisdiction.

For over a decade, expanding broadband access has been a shared bipartisan goal. We have enacted landmark legislation to improve our broadband availability and mapping tools, took steps to streamline Federal broadband deployment, and worked together to ensure Americans did not lose service during the COVID-19 pandemic. All this was done with thoughtful input from Republicans and Democrats alike.

Yet, on the cusp of a once-in-a-generation investment in broadband, as the President calls it, our committee, and in particular this subcommittee, has been absent. We have held no hearings to examine communication provisions included in the Senate infrastructure bill that is being discussed among House leadership. We have also held no markups to consider improvements, despite a partisan bill on today's hearing that aims to improve portions in the Senate bill.

In addition to the disappointment of not having input on the Senate infrastructure bill, we have not heard directly from the agencies on how they plan to implement this funding should Congress provide it to them.

NTIA and the FCC, both agencies that this committee has oversight, stand to receive tens of billions of dollars between the Senate infrastructure bill and the partisan reconciliation bill, yet, we have not had either agency before this committee to testify under this administration.

We are missing an opportunity to deliver a truly bipartisan success for the American people that reflects the expertise and experience of this committee's members to close the digital divide once and for all. So today, we will examine the missed opportunities as a subcommittee and prepare for the hard work of understanding the shortcomings of the Senate infrastructure bill.

Earlier this year, Republicans introduced the boosting broadband connectivity agenda to remove regulatory barriers to broadband deployment, and I am pleased to see four bills from that agenda on today's hearing: Mr. Curtis' Federal Broadband Deployment in Unserved Areas Act would map Federal facilities that can support broadband infrastructure in unserved areas; Mr. Duncan's Expediting Federal Broadband Deployment Reviews Act would expedite and prioritize reviews for requests to deploy broadband on Federal land; Mr. Kinzinger's Wireless Resiliency and Flexible Investment Act would make it easier to invest in network resiliency; and Mr. Bucshon's Protecting Critical Infrastructure Act would establish a 2-year prison term for anyone who maliciously destroys a communications facility.

While it is disappointing that we are not considering all of the bills included in our package, this is a good first step. I would be remiss if I did not also mention the other bills on today's hearing, that despite being historically bipartisan issues have been unnecessarily injected with partisanship.

The chairman's Spectrum Innovation Act takes meaningful steps to improve the auction of lower 3-gigahertz spectrum that was included in the Senate infrastructure bill.

However, this bill did not have the opportunity to receive Republican input before it was placed in the partisan reconciliation tool as part of the Democrats' \$3.5 trillion tax and spending spree.

H.R. 5400 extends the Antideficiency Act exemption for the Universal Service Fund, conveniently through the first term of the Biden administration's FCC Chair, who still remains unknown. Yet, this subcommittee has not held an FCC oversight hearing after giving record-level funding to the FCC through partisan reconciliation spending with no confirmed share.

And then we have H.R. 4208, another attempt by the Democrats to disregard the First Amendment by this time telling broadcast agencies what type of news programming to distribute.

Mr. Chairman, the breadth and significance of these bills demand much more than a last-minute legislative hearing, including additional hearings on the individual topics we are covering today. We have certainly had time over the last several months to hold substantive hearings on the topics contemplated in this legislation. I would urge you to do so before the committee meets to consider reporting these bills to the floor.

Mr. Chairman, again, thank you very much for today's hearing, and I yield back the balance of my time.

Mr. Doyle. The gentleman yields back.

The chair recognizes Mr. Pallone for 5 minutes for his opening statement.

The Chairman. Thank you, Chairman Doyle.

Communications networks play an integral role in the lives of our constituents, and today, we are going to examine legislation aimed at strengthening those networks to better meet the needs of consumers. Today's legislative hearing, as you mentioned, includes twelve bills, six of them led by Democrats, and the other six by Republicans.

First, I am pleased we will be discussing H.R. 5378, the Spectrum Innovation Act, which was introduced by Chairman Doyle and Representative Matsui. This committee has worked for years to address the increasing demand for spectrum. This legislation requires making at least 200 megahertz of new mid-band spectrum available for auction, as well as requiring the opportunistic use of those airwaves.

Representative Hayes and Veasey have introduced H.R. 5400, the Preventing Disruptions to Universal Service Funds Act. This bill extends the Antideficiency Act exemption on the Federal Communications Commission's universal service programs until December 2024. Without this extension, the universal service programs, including rural broadband, rural healthcare, telemedicine, E-Rate and lifeline programs may be at risk.

And as part of this committee's ongoing efforts to reverse the alarming trends in maternal mortality, we will consider H.R. 1218, the Data Mapping to Save Moms' Lives Act. And this bipartisan bill introduced by Representatives Butterfield, Bilirakis, and Blunt Rochester requires the FCC to consult with the Centers for Disease Control and Prevention to integrate maternal health outcome data into the FCC's broadband maps.

I am also looking forward to discussing Representative Rush's bill to address predatory phone rates and fees that target incarcerated people and their families. It is well documented that connections to friends and family during incarceration help reduce better outcomes for people after they are released, including lower rates of recidivism.

H.R. 2489, the Martha Wright Prison Phone Justice Act, would require the FCC to issue rules to limit the costs that may be charged to incarcerated individuals or their families.

And, finally, I would like to mention H.R. 4208, the Section 331 Obligation Clarification Act, which was introduced by Representative Pascrell in series. This legislation aims to address the lack of local television programming for New Jersey

residents.

So I look forward to discussing today all these bills, that we continue our bipartisan work to improve connectivity for all Americans. And I would like to split the remainder of my time between Representative Matsui and Representative Fletcher. So I guess I will yield the minute and 15 seconds beginning with Representative Matsui and then a minute and 15 seconds to Representative Fletcher.

Ms. Matsui. Thank you very much, Mr. Chairman, for yielding to me. And thank you, Chairman Doyle, for having this hearing.

Recently, I joined Chairman Doyle in introducing the Spectrum Innovation Act to ensure we are making available as much spectrum as possible for commercial use while recognizing the needs of our Federal users.

Our bill lays out a balanced framework for freeing up much-needed, mid-band spectrum in the lower 3-gigahertz band. By requiring 200 megahertz of spectrum to be made available, we are asserting a clear commitment to winning the race to 5G and beyond. The bill also creates a path for new innovative uses of spectrum through opportunistic and flexible access. This bill will help ensure that the United States has a healthy pipeline of spectrum to boost innovation and job creation.

And with that, I yield my time back to Mr. Chairman.

The Chairman. I yield the rest to Representative Fletcher, Chairman Doyle.

Mr. Doyle. The gentleman yields to Congresswoman Fletcher.

Mrs. Fletcher. Thank you, Chairman Pallone.

And thank you, Chairman Doyle, for holding this important legislative hearing today where we are looking at useful proposals to help keep our communities connected.

And I am glad that my bill, H.R. 5058, the Broadband Incentives for Communities Act, is one of the proposals that we will discuss today. This bill grew out of partnerships

in my community here in Houston where we have learned important lessons in the effort to build our broadband networks.

And as this committee works to address the digital divide, which we have seen the impacts of throughout the COVID-19 pandemic across communities across the country, and as Congress has invested significantly in broadband expansion and is continuing that work in the Infrastructure Investment and Jobs Act, we must ensure that our local governments are prepared to take advantage of these efforts and these funds.

And my bill does just that. It provides grants to local governments to support their processing of applications for broadband deployment. These grants could be used to build remote or electronic submission portals, or hire additional staff to process applications, for example.

The program would be voluntary. It would not preempt any local, zoning, or permitting processes. But it serves to make sure that these crucial funds are efficiently and effectively disbursed.

Thank you, and I yield back.

The Chairman. And I yield back, Mr. Chairman.

Mr. Doyle. The chairman yields back.

It is the chair's understanding that Mr. Hudson will be claiming Chairwoman Rodgers' time. So, Mr. Hudson, you are recognized for 5 minutes for an opening statement.

Mr. Hudson. Thank you, Mr. Chairman.

The Energy and Commerce Committee and this subcommittee have a rich history of bipartisanship. We have come together many times on solutions to tackle tough issues, like securing our communications supply chain, combating robo calls, and improving our broadband maps to ensure resources go to the people who need them

most.

We all share the goal to close the digital divide, and ensure all Americans are connected. I have concerns with some of the proposals today and appreciate the opportunity to hear from our witnesses and for a robust discussion and debate on legislation from both sides of the aisle.

My colleagues and I are leading and support solutions to lift the permitting and regulatory burdens to speed up the deployment of America's broadband infrastructure. This is the kind of approach we wanted before the Democrats chose to rush through reckless levels of funding for proposals that lack the critical, targeted funding necessary to ensure resources get to the people who need them.

As we debated in our recent markup, the majority's partisan go-it-alone agenda, has the potential to fuel out-of-control inflation while wasting billions of taxpayer dollars on a partisan wish list. This will not drive results for reliable broadband in communities like the ones I represent in North Carolina.

In 2009, Congress enacted the American Recovery and Reinvestment Act under President Barack Obama, and spent billions of dollars on broadband through the BTOP. This Federal funding was not targeted to unserved areas and not based on accurate broadband maps. Across the country, this led to wasteful overbuilding.

BTOP was a failure across the Nation, and without changes, the Senate infrastructure bill and the partisan reconciliation package is on the same path. This package gives nearly unlimited discretion to the assistant secretary of NTIA and to States to impose burdensome restrictions on carriers, such as net-neutrality obligations. It prioritizes funding in areas which already have access to broadband, which could lead to overbuilding.

The problem is the market is already in these areas, and if we are going to spend

billions of dollars, then it needs to go to areas that have no access. From broadband to energy to nearly every sector that this committee has jurisdiction over, the Senate infrastructure package lacks any improvement in today's outdated permitting process and regulations.

Further, at a time when Congress is pushing an unprecedented billions of dollars of broadband funding with minimal guardrails to the executive branch, this administration has yet to even nominate people for the top two most important jobs for broadband, the Chair of the Federal Communications Commission and an assistant secretary for National Telecommunications and Information Administration. This is the longest it has taken any President in history to nominate an FCC Chair.

Earlier this year, my colleagues requested that the Energy and Commerce Committee hold an FCC oversight hearing, and today I would like to reiterate that request. We should be leading to ensure accountability.

We all want to close the digital divide once and for all, and the people's House should have been allowed to have input on these massive programs, included on permitting reforms to spur development, which should have been included in the Senate infrastructure package.

But the fact remains, this committee didn't write that bill. The Democrats have taken a go-it-alone partisan approach to borrow and tax to spend an insane amount of money in their late package. We should work together in a bipartisan way and honor the rich history of this committee.

And, finally, since Leader Rodgers is unable to be here, I am thrilled to give a warm welcome to one of her constituents, Todd Brandenburg, with PocketiNet, who is testifying before us today. I look forward to hearing about his good work to deploy broadband. Welcome to you, sir. And Mr. Chairman, I yield back.

Mr. Doyle. The gentleman yields back.

The chair would like to remind members that, pursuant to committee rules, all members' written opening statements shall be made part of the record.

Now, I would like to introduce our witnesses for today's hearing. First, we have Mr. Tim Donovan, senior vice president, legislative affairs, with the Competitive Carriers Association; next, the Honorable John Fogle, Council Member, City of Loveland, Colorado, National League of Cities Information Technology and Communications Committee; third, Mr. Todd Brandenburg, President and CEO of PocketiNet; and last but certainly not least, Cheryl Leanza, Policy Adviser, United Church of Christ, Office of Communications.

We want to thank our witnesses for joining us today. We look forward to your testimony. At this time, the chair will recognize each witness for 5 minutes to provide their opening statement.

Before we begin, I would like to explain the lighting system, and hopefully you are able to see this lighting system, but in front of our witnesses is a series of lights. The light will initially be green. It will turn yellow when you have a minute remaining. Please, at that time, wrap up your testimony. When the light turns red your time has expired.

So, Mr. Donovan, you will lead it off. You are now recognized for 5 minutes.

**STATEMENTS OF TIM DONOVAN, SVP, LEGISLATIVE AFFAIRS, COMPETITIVE CARRIERS ASSOCIATION; HON. JOHN FOGLE, COUNCIL MEMBER, CITY OF LOVELAND COLORADO, NATIONAL LEAGUE OF CITIES INFORMATION TECHNOLOGY AND COMMUNICATIONS COMMITTEE; TODD BRANDENBURG, PRESIDENT AND CEO, POCKETINET; AND CHERYL A. LEANZA, POLICY ADVISOR, UNITED CHURCH OF CHRIST, OFFICE OF COMMUNICATIONS, INC.**

**STATEMENT OF TIM DONOVAN**

Mr. Donovan. Chairman Doyle, Republican Leader Latta, and members of the subcommittee, thank you for the opportunity to testify.

CCA represents wireless carriers ranging from small, rural providers serving fewer than 5,000 customers to regional and nationwide providers serving millions, as well as vendors and suppliers throughout the wireless communications ecosystem.

As the COVID pandemic altered our lives, connectivity has never been more important. The bills under consideration today will help preserve and expand service, particularly wireless services and 5G, and set our country on a path to maintain wireless leadership in the years ahead.

5G will impact every industry segment of our economy. Where fully deployed, these networks will power significant benefits and drive innovation. Conversely, insufficient service threatens to deprive the communities that could benefit most from enhanced connectivity.

As this committee's bipartisan leadership recently noted, closing the digital divide remains a shared bipartisan goal. I fully agree. Legislation pending before the

committee addresses three key policy areas to make this goal a reality: spectrum, infrastructure, and universal service.

First, spectrum, the life blood of wireless services. 5G services continue to drive massive increases in data use, and carriers need additional spectrum to meet demands and prepare for continued growth in the years ahead.

A significant portion of the mid-band spectrum most important to 5G, the Goldilocks spectrum, as Chairman Doyle just called it, is currently controlled by the Federal Government. For example, the 3.45 to 3.55-gigahertz band is in the process of being reallocated from Federal to commercial use with bidding beginning this week.

CCA strongly supports considering adjacent spectrum in the 3.1 to 3.45 gigahertz band for potential reallocation. I commend Chairman Doyle and Representative Matsui for their leadership on this issue through the Spectrum Innovation Act.

In addition to developing the spectrum pipeline, confidence in the reallocation and coordination process is vital. Unfortunately, as this committee's leadership noted in a bipartisan letter earlier this year, the NTIA FCC coordination process is broken. This has led to disputes where individual agencies have presented claims of potential interference outside of the NTIA process, and contrary to science-based studies. Such efforts distract from important policy goals, and undercut bitter confidence in FCC service rules, and eventually auctions.

Updating the memorandum of understanding on spectrum coordination between the FCC and NTIA, as contemplated in the Spectrum Coordination Act, can help improve the process for resolving disputes and increase confidence from all spectrum users.

Second, infrastructure. Carriers must also deploy, maintain, and upgrade physical infrastructure to support current and future demands. As Congress considers significant additional resources to boost broadband deployment and close the digital

divide, it is more important than ever that policies to review applications and permits are reasonable and consistent. This includes oversight of Federal agencies to ensure that they facilitate not impede deployment.

CCA thanks the committee for proposing solutions to address barriers to deployment, including through bills on the agenda today that make up part of the boosting broadband connectivity agenda. CCA strongly believes that meaningful broadband infrastructure reform need not pit carriers against States and municipalities. As the number and scope of applications increases, additional resources can make sure that an influx of applications does not become a chokepoint that delays deployments.

The Broadband Incentives for Communities Act proposes a win-win-win for carriers reviewing agencies and ultimately consumers, by providing resources through grants to build capacity to review applications. Congress also should clarify that States and localities can use their allocations of the \$350 billion coronavirus State and local recovery funds for these purposes.

Third, and finally, Universal Service Fund support will continue to provide critically needed resources, not only to preserve and expand broadband connectivity in rural and high-cost areas, but also to provide support for low-income Americans, rural healthcare, and programs for schools and libraries.

CCA commends this committee's bipartisan work to enact the Broadband DATA Act, and work is well underway at the FCC to collect reliable data. The resulting maps should be the standard used across Federal agencies and programs. These maps can also provide reliable data for other purposes, such as proposed in the Data Mapping to Save Moms' Lives Act.

Congress should continue to exercise oversight over USF to ensure that the universal service mandates are met by supporting ubiquitous 5G, and making sure that

contribution sources are equitable and sustainable. Congress also should continue to exempt the Universal Service Fund from the Antideficiency Act to ensure that support remains predictable as mandated by the Communications Act.

In closing, strengthening our communications networks to ensure that all consumers have access to critical broadband services should remain a top priority for Congress. Thank you for your leadership on these issues. I welcome any questions you may have.

[The prepared statement of Mr. Donovan follows: ]

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Mr. Doyle. Thank you for your testimony.

Council Member Fogle, you are now recognized for 5 minutes.

#### **STATEMENT OF HON. JOHN FOGLE**

Mr. Fogle. Thank you, Chairman Doyle and Ranking Member Latta and members of the subcommittee. On behalf of the City of Loveland, Colorado, and the National League of Cities, thank you for inviting me to speak before this body today. My name is John Fogle, a member of the Loveland, Colorado City Council, Chair of the National League of Cities Information Technology and Communications Committee, and a member of the NLC Board of Directors.

With Congress poised to approve a historic Federal investment in our Nation's broadband infrastructure, the timing could not be better for this committee to consider what further steps are needed to strengthen the Nation's communications networks and better meet the needs of consumers. Our cities, towns, and villages urge Congress to partner with local governments on this effort.

Over the past 18 months of the COVID-19 pandemic, local leaders have stepped up to the plate, gotten creative, and worked hard to connect their communities. We ask that Federal solutions support and empower these local leaders, rather than imposing a one-size-fits-all edict.

One of the ways Congress can support and sustain this locally driven broadband leadership is through increased access to resources. Many communities are already investing substantial funds in connectivity. These investments include public broadband infrastructure, subsidized connections, technical support, digital navigators, and digital

literacy training.

The funding made available through the American Rescue Plan Act has bolstered these efforts. Funding for digital equity, anchor institutions, and middle-mile broadband infrastructure in the Infrastructure Investment and Jobs Act, and the Build Back Better Act, will continue these efforts.

Congress must also ensure the Universal Service Fund programs are sustainable for the long term, so that households and institutions may consistently access them in the future. Congress should also consider funding broadband planning and capacity building efforts at the local level.

While governments will benefit from large, new grant programs for broadband infrastructure, broadband is deployed at the street level. Many communities, particularly smaller communities, would benefit from increased Federal technical assistance and funding for capacity building to assist them in planning for their broadband futures.

Congress can also support local governments by removing the barriers to local investment in community broadband programs. PULSE, Loveland's city-owned municipal broadband system, was approved by our council in 2018, and began connecting residential customers in 2020.

Heading a community broadband network meant we were able to respond to the COVID-19 pandemic. We were able to take advantage of a State grant to connect students living in a remote canyon area, and students living in a local mobile home park where broadband access was not available and mobile hotspots performed poorly.

In Colorado, we are fortunate to have the local authority to overwrite State preemption, and the citizens of Loveland did so by a vote of 82 percent, as have most Colorado cities and counties. However, in more than a third of the States, municipalities

are blocked from investing in their own broadband infrastructure. Until these State barriers to municipal broadband are removed, the U.S. will continue to fight the digital divide with one hand tied behind our back.

Finally, we urge Congress to support local broadband connectivity by preserving local decision-making authority. No one is more eager to adopt new technologies and improve communication infrastructures than local leaders.

As the community on Colorado's front range, we have seen the consequences of wildfires and extreme weather. We need to know that our mobile networks will be there when we need them to ensure an emergency alert system, or residents when they need to dial 9-1-1. It is critical that efforts to improve and expand communications infrastructure are done in cooperation with local governments.

Cities, towns, and villages work hard to balance protection of residents and public property with speed when working with communications providers. Federal mandates preempting local processes will harm that balance without significantly improving infrastructure. Preemption creates an antagonistic environment for negotiations between local governments and providers.

When we partner with industry, we all succeed. In Loveland, we mandated that PULSE work with all carriers to provide our citizens the world-class municipal broadband they deserve. For the future, PULSE may work with private broadband providers for direct links between businesses and future needs for wireless providers, making it easier for these companies to add wireless infrastructure in our community as time goes on. These partnerships cannot succeed in an environment of Federal overreach and local preemption.

Again, I thank you for your attention on this important and timely issue, and I look forward to your questions.

[The prepared statement of Mr. Fogle follows: ]

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Mr. Doyle. Thank you, Mr. Fogle.

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

#### **STATEMENT OF TODD BRANDENBURG**

Mr. Brandenburg. Thank you, Chairman Doyle and esteemed Members of Congress here on the committee. I am going to speak to you directly here today and not read my notes here and tell you a story a little bit about the work that we have been doing for the last 21 years in eastern Washington, and this is from an internet service provider. PocketiNet Communications is a regional provider that provides residents and businesses with that high-speed broadband connectivity.

So we have been doing the work of actually serving our customers, and we try to do that every day with 2 words: Honor and respect. And during these pandemic times, we were actually -- we had put in place a network that was able to scale to meet the demand, but I want to talk to you a little bit about some programs that are coming down, you know, from the Federal and State level.

From the Federal level, we have the infrastructure -- the looming infrastructure bill that really is defining 100 megabits by 20 megabits as the speed standard. And, by the way, we serve customers throughout the region with fixed wireless and fiberoptic technologies, and are able to serve customers anywhere from 10 to a gigabit of services.

So when this pandemic hit, we were all kind of not prepared for the onslaught of demand because we had a lot of customers that were forced to be at home, and a lot of those customers were doing school at home for their children as well as work. And so, we got calls routinely for increasing speeds, and we took a pledge, and that pledge was

not to turn down any customer whether they could pay or not. So we honored that throughout the year and actually are still doing that.

I think for the first time, I would like to talk frankly about, I have never been threatened, I guess, by government programs, but I do feel that way today in that -- with the risk of being overbuilt by municipal networks, or State networks, and that is a concern to us because we have worked for 21 years of reinvesting every dollar that we make putting back into the network.

And, so, I have experience working with wholesale open-access networks. And in the State of Washington, we actually have retail authority for those cities, ports, counties, to actually go direct to consumer. And I feel that we may have to, at some point in time compete directly with the local government, and I don't believe that that should be allowed because it is government funds going directly against private sector.

The other thing I would like to briefly talk to you about is permitting. We have been tasked with building infrastructure throughout the region, and we serve about 22 communities, about 200 miles across by 100, and we have been trying to put up towers. And we have tried to work -- we work really well with our local authorities permitting, but we have, in most cases, been delayed by up to a year in processing those permits. And if broadband is a priority, we must do something to do a better job in that.

By the way, we are a member of WISPA, Wireless Internet Service Provider Association, and we fully support additional spectrum. We believe that there is a need for at least 200 megahertz of additional mid-band spectrum. We would actually welcome that in auctioned and non-auctioned availability as well.

The last thing I would like to just touch upon is something that is very near and dear to our customers. They have been plagued recently by ransomware attacks, and these ransomware attacks are yielding lots of money, and we feel we have no availability

from the Federal Government to help thwart these attacks.

Just recently, in the last few weeks, tier 1 VOIP providers have been attacked, taking down our Nation's telecommunications infrastructure and being held for ransom, and I believe that we must do something. So thank you very much, and I appreciate the opportunity, and I welcome your questions.

[The prepared statement of Mr. Brandenburg follows: ]

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Mr. Doyle. Thank you, Mr. Brandenburg.

And now we recognize Ms. Leanza. You are now recognized for 5 minutes for your opening statement.

#### **STATEMENT OF CHERYL A. LEANZA**

Ms. Leanza. Thank you so much. Good afternoon, Chairman Doyle, Ranking Member Latta, and members of the subcommittee. My name is Cheryl Leanza, and I am honored today to be testifying on behalf of the United Church of Christ's 60-year-old media justice ministry.

I commend the subcommittee for holding this hearing and for its focus on strengthening communications policy to serve the needs of consumers. Beyond being consumers, however, it is important to remember that the people of the United States are human beings, they are citizens, and they are always in need of meaningful communication from affordable telephone calls between each other to accurate and thorough local news and information broadcasts.

I am here today, first, to strongly encourage the committee to support and quickly pass Congressman Rush's Martha Wright Prison Phone Justice Act, H.R. 2489. Currently, high costs and egregious practices separate people inside prisons and jails from connections with their families and loved ones on the outside.

The need for this bill's passage is urgent. Rates are atrocious. For grandmothers like Martha Wright herself before she passed away, for clergy, for counsel making local calls, the Federal Communications Commission found instances where a 15-minute local call cost as much as \$24.80. The prison policy initiatives 50-States study

found the average cost of a 15-minute call was \$5.74.

And even these smaller amounts add up when they are the only contact a child has with a parent or a married couple has with each other. Three \$6 calls a week is over \$800 a year. Could you maintain your marriage on a few 15-minute conversations per week? I don't think so, and neither can these families.

Studies show families are going into debt to stay in touch on top of already challenging hardships. This impacts everyone. One in two adults have a family member who has been incarcerated, and there are 1.4 million children in the United States with an incarcerated parent. No matter what your parent has done, you are better off hearing from them and maintaining contact.

I am reminded of the words of Diane Lewis, a mother of an incarcerated son. She explained, she always paid her prison phone account first before the electric bill. She said, and I quote, "I have seen the difference between my son, who has a lot of support, and others in prison who can't make phone calls, or who never have family visits. There is a big difference, and it is why they struggle while they are inside and often go back after. It is the anger and depression that comes with doing time by yourself and the lack of practical support needed when you get out."

Treatment of all people is a human -- as human beings is a moral issue. And as somebody representing a Christian denomination, I would be remiss if I did not remind the committee of the biblical teaching in Mathew 25 -- Mathew chapter 25, asking us to take care and look after the people who are often considered the least of these among us.

In addition to supporting H.R. 2489, I want to turn to the matter of accountability and local broadcasting. I am here on behalf of a long line of advocates from the United Church of Christ. Many of you may know that Dr. Everett Parker, who founded our

denomination's advocacy in the 1960s, he pressed television stations at that time to serve all their viewers when Black viewers could not get news about the civil rights movement through their TV stations and through two seminal court cases, UCC versus the FCC, established the right of ordinary people to petition the FCC and establish accountability for broadcasters.

For that reason, I urge the committee to give serious consideration to Representative Pascrell's H.R. 4208. Decades of neglect by the Federal Communications Commission has rendered broadcasters' legal obligations often close to meaningless, ignoring Congress' directive in law that broadcasters serve the public interest in competition, localism, and diversity. And nowhere is this more evident than the failure of FCC to supervise section 331 stations.

Advocates from New Jersey came, showed their evidence to the FCC in the -- standing in the shoes of Dr. Parker, showed the failures, and yet, the FCC turned a blind eye. Holding the public trust should mean something.

And, finally, in my closing few minutes, I want to point out that H.R. 5400 is an extremely important bill to ensure that the FCC's universal service programs continue to function without interruption and without running afoul of the Antideficiency Act.

These programs provide critical subsidies for rural telecommunications and telehealth for schools, for libraries, and for low-income families. Connectivity is too important particularly now to allow these programs to come to a screeching halt.

Thanks very much for your time this morning.

[The prepared statement of Ms. Leanza follows:]

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Mr. Doyle. Thank you very much.

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

The Spectrum Innovation Act seeks to ensure that the entire 350 megahertz of the 3.1 band are used as efficiently as possible. Additionally, the bill provides flexibility to the FCC and NTIA to balance not just the needs of the incumbent Federal users and safeguard their operations, but also the interest of all commercial wireless users.

Mr. Donovan, could you talk about why this flexibility is important and what it would mean for your member companies?

Mr. Donovan. Of course. Thank you for the question. Flexibility is absolutely vital as we are looking at reallocating these bands. Spectrum is important, but it is also finite, and we are not making any more of it.

So particularly when we are talking about mid-band spectrum resources that are really the sweet spot for 5G services, that flexibility is going to allow the FCC and NTIA to do what they do best and structure a band plan that maximizes use by the commercial industry while also protecting incumbent missions.

Mr. Doyle. Thank you. You know, it is not just the portions of this band that can be auctioned that are important for consumers. Unlicensed spectrum is crucial for our in-home devices, and in developing new innovation.

Ms. Leanza, how do you see the opportunistic use provisions in this legislation benefiting consumers and other end users of spectrum?

Ms. Leanza. Thanks, Mr. Doyle. As Mr. Donovan said, spectrum is a very valuable resource as it is scarce. And policies that maximize the number of users that

then can utilize spectrum are incredibly important, for example, entrepreneurs that come from communities that face barriers in access to capital, small businesses, new entrants.

And so, unlicensed-use and opportunistic-use standards really maximize the amount of use for all the greatest number of consumers. Opportunistic-use standards permit devices to share spectrum in real time, and they are very helpful to make the most of our valuable and scarce spectrum.

Mr. Doyle. Thank you.

I agree with the witnesses who noted today that speedy broadband deployment is going to take collaborative work between our towns who are closest to their constituents and broadband providers. And I want to commend my colleague, Congresswoman Fletcher, for her work in developing legislation that embodies this principle.

Mr. Fogle, I would be curious to hear your thoughts on this proposal, and how better Congress can provide support for municipalities as they plan for their communities' broadband futures?

Mr. Fogle. Thank you, Chairman. Locally directed funding to build out and improve broadband networks is desperately needed. Local leaders need to have a say in where infrastructure is built and what locally needs to be done. Nobody knows our communities better than the elected officials and the staffs of our cities, towns, and local municipalities.

I think the best thing that Congress can do is to not impose layers of prescriptive infrastructure or citing requirements and/or onerous shot clocks on, or fee limitations that limit local governments' abilities to deal with the carriers in their regions.

Funding technical assistance programs for regional and local areas, I think, is a critical piece that needs to be added into the Federal infrastructure. This could include capacities for activities like broadband planning, digital inclusion programs, and

incorporating new technologies from municipal uses.

Mr. Doyle. Thanks. Mr. Donovan, do you have any other thoughts you want to add on these deployment issues?

Mr. Donovan. Sure. So we agree that providing ways for carriers to work with their local communities is the best way to move forward. Many CCA members are based in the very communities literally connecting their neighbors.

And so we appreciate Congresswoman Fletcher's bill and efforts to make sure there is resources to process those applications. And if there is further needs that municipalities have in reviewing applications, we want to hear about them and we want to find ways to fix that.

In addition, you asked about other issues for deployment, I would be remiss if I didn't mention that just as localities need additional people to review applications, the industry is needed for additional wireless workforce to make sure to work on these deployments, from tower climbing, delaying fiber, and all across the board.

So efforts to boost the workforce are helpful, and efforts to provide some more stability in supply chains, especially right now. We are hearing from members from, you know, seemingly random supply chain shortages on different issues from fiber and other inputs. As we have resources to expand broadband and timelines that are going to come with that, making sure that we have access to a secure and stable supply chain is going to be very important.

Mr. Doyle. Thank you. The chair will yield back 15 seconds as an example to my colleagues going forward. And I will now recognize Mr. Latta, ranking member of the subcommittee, for 5 minutes to ask his questions.

Mr. Latta. Well, thanks, Mr. Chairman.

Again, thanks to our witnesses for being with us today.

Over the last decade, this subcommittee has held numerous oversight hearings on the failures of the broadband technology opportunities program, BTOP, that was created in President Obama's 2009 stimulus bill.

But instead of building on this committee's expertise learning from past mistakes, we are bound to repeat them if the House is able to pass the \$65 billion broadband in the Senate infrastructure bill. If not fixed, this bill has language that gives the NTIA and assistant secretary vast authority to spend the money as he or she wishes.

Mr. Brandenburg, in the BTOP program, there were many issues with how that funding was awarded because there were not appropriate safeguards, and the funding was not targeted. How do BTOP funds affect the broadband landscape in eastern Washington, and what were some of the challenges you faced when you considered participating in the BTOP program?

Mr. Brandenburg. Thank you, Congressman Latta. Just to speak directly to that, we did not, you know, apply for the use of the funds at that time, but we watched it happen with a lot of other carriers in the State. One carrier that did work with was -- you know, and applied for those funds was NoaNet, Northwest Open Access Network. And they teamed with a lot of communities, community leaders, libraries, schools, that type to get letters of endorsement and built this middle-mile extension, you know, throughout the State.

We thought that was great, and it has done some good work to actually connect those cities, but it did not succeed in actually providing residential and business services because it only served anchor institutions.

When asked later on if we, as a service provider, could access excess fiber for the -- to connect some of our cities, we were told that by NoaNet representatives that there was not enough capacity. So they had purposely built the network with low-count

fiber, ultra high-cost labor costs to extend this network, and it didn't result.

So other than serving the anchor institutions and paying for the construction to that, the anchor institutions did -- there was no funding to provide services for those libraries and schools.

And I would further like to add, if a business wanted to connect to that fiber, sometimes the costs were \$5,000 to \$10,000 to connect to that fiber, and then on a wholesale level they were \$300 to \$400 a month for a basic 100-meg service.

Mr. Latta. Well, thank you very much.

Mr. Donovan, your members have vast experience with Federal agencies making funding decisions based on bad broadband maps over the years. In fact, the FCC delayed awarding money through its 5G fund until the Broadband DATA Act maps are complete, so we now put money out before knowing where it is most needed.

The Chairman. You need to increase the volume.

Mr. Latta. Will you please speak -- oh, I am sorry. Would you speak to the importance of targeting broadband support based on accurate broadband maps and where the Senate infrastructure proposals may fall short on targeting these funds?

Mr. Donovan. Thank you for the question, and thank you for your past leadership on mapping issues, including with enacting the Broadband DATA Act. I know you know from personal experience that in the world of mobility fund and the 5G fund that had funds gone out under the previous map, areas like in your district that should receive support to make sure they can get connected would be blocked from those resources simply because the map said that coverage already exists there.

So I can't underscore enough the importance of having reliable mapping data. We are pleased to see the FCC moving forward on this issue as they continue work to come up with collecting more reliable data. We are also encouraged to make sure that

there is some sort of firewall in the process so that maps that overstate coverage aren't immediately sent to a challenge process that requires burdensome demands for drive testing from carriers and others including localities, just to prove what they already know and what you already know from traveling around your district that more support is needed to make sure that there is ubiquitous coverage. So I agree that it is significantly important that all funding programs should flow and be based on the maps created by the Broadband DATA Act.

Mr. Latta. Well, thank you very much. And, again, those maps are so absolutely important and appreciate your work.

And, Mr. Chairman, I will submit my other questions for the record, and my time has expired and I yield back.

Mr. Doyle. I thank the gentleman. The gentleman yields back.

The chair now recognizes Mr. Pallone, the full committee chairman, for 5 minutes for his questions.

The Chairman. Thank you, Chairman Doyle.

I want to ask Council Member Fogle about interplay of State and local government. Can you explain how the Federal Government and local governments can work together in a manner that promotes resilient ambiguous broadband but doesn't impose, I guess what I will call, a one-size-fits-all approach of preempting State and local autonomy?

Mr. Fogle. I have got to remember to push my button. Thank you. As far as the local city autonomy, NLC as a unit supports local control, always has, always will. We want to see local authority maintained so that each of our cities and our counties and our States have the ability to make the decisions that are important to them when it comes to broadband authority and broadband rollouts.

As far as how the States work with the local cities, in our State, the ability to override the State's preemptive authority, in 2005, our State put in a preemption that it didn't allow for municipalities to participate in the communications space whatsoever. But, thankfully, they did have the foresight to put in the ability for municipalities to override that authority, and more than half of the municipalities in our State have overridden that, and many have taken off on doing their own broadband programs.

In northern Colorado, the four cities have formed their own broadband networks, and all work cooperatively to provide backhaul and all the needed resources to bring broadband as a -- broadband to the home utility to all of our customers to the Northern Front Range.

The Chairman. Well, thanks.

Mr. Donovan, I want to ask you about the FCC's Universal Service Fund in this Antideficiency Act exemption. Can you tell us what you think would happen to the millions of Americans who rely on the high-cost program, the rural healthcare program, the E-Rate program, or the lifeline program if we let the Antideficiency Act exemption expire, and then should Congress consider a multiyear extension?

Mr. Donovan. Thank you for the question, Mr. Chairman. I don't need to speculate on what would happen were that to expire. We can go back that when the determination was made by the Office of Management and Budget, that the Antideficiency Act should apply to the Universal Service Fund, the immediate effect that that had in 2004 was a 4-month pause in funding through the E-Rate program.

In recognizing that, Congress did move at that time to apply an exemption to the ADA for Universal Service Fund, some that has now been repeated since that time through several different processes, through appropriations bills and including through work product that has come through this committee in the past.

That is significantly important, especially as you talk about the importance of a multiyear exemption. That would allow for the continued scope of a lot of Universal Service Funds that are not, you know, 1-year programs, aren't 6-month programs, certainly aren't the length of a continuing resolution if that is the way that the ADA is extended.

The multiyear extension allows for the network planning and operations for all aspects of the Universal Service Fund. And as CBO has mentioned, and has been cited in previous work product in this committee during process reform bills at the FCC, that the exemption doesn't change the amount of money that USF brings in or disburses; it merely adjusts the timing so that it can be done in a reasonable way. So that is something that we support and I would encourage moving forward with.

The Chairman. All right. Thanks. Let me try to get one more question in. I would like to introduce the statement, Chairman Doyle, for the record, from our friend Congressman Pascrell and an op-ed from my Senator, Menendez.

And I would also like to ask a question to Ms. Leanza, why localism is so important not just in New Jersey, but in every part of the country, if you will?

Ms. Leanza. Thanks, Congressman. Our country, of course, is a democracy, and it is founded on local control and local citizens participating. If you don't understand what is happening in your local community through local news and information, how can you make your views known? How can you know what the school board is doing? How can you know what your governor or your State House is doing?

When Congress directed the FCC oh so many years ago to license broadcast stations, they specifically licensed them to particular communities, to licensees' communities and not as a -- it is not a national service, because we need that information from our next-door neighbors on our local issues.

Mr. Doyle. Frank, I think you are muted, but your time is up anyway.

The Chairman. I just wanted to make sure we were able to enter into the record the statements from Pascrell and Menendez.

Mr. Doyle. Yeah, without objection so ordered.

[The prepared statements of Mr. Pascrell and Senator Menendez follows:]

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The Chairman. Thank you, Mr. Chairman.

Mr. Doyle. Thank you, Mr. Pallone.

The chair now recognizes Mr. Guthrie for 5 minutes.

RPTR SINKFIELD

EDTR ROSEN

[12:58 p.m.]

Mr. Guthrie. Thank you, Chair. Thank you for the recognition. And I just wanted to reiterate what a couple of my colleagues have already said that we should do these issues bipartisan. I know that we haven't had oversight of the FCC in over a year, some of the other agencies. And I have been working on spectrum and working bipartisanly on spectrum. And I know in the reconciliation process, particularly in the Senate, we haven't been going through regular order. And I just kind of ask the committee to rethink that and hopefully we can get our jurisdiction back into regular order.

I want to start with a question with Mr. Donovan. And, yesterday, I introduced legislation that would create an incumbent, informed and capability or spectrum-sharing system in NTIA, so that Federal and non-Federal users know when and where users are operating in a given band?

Mr. Donovan, do you think this system would be useful and as we continue to look at ways to be more efficient with Federal spectrum and make Federal spectrum more available for commercial use? Mr. Donovan?

Mr. Donovan. Thank you for the question and for the introduction of that legislation. Any tools that we can have more information for where incumbents are using bands is ultimately going to be extremely helpful for industry, both in opportunistic use where that is possible today, as well as you are looking to reallocate bands and bring them to auction for exclusive use in the future. It is an issue that we saw in the run-up to the current auction that began yesterday of a need for information about where

incumbent government systems operate, where there is going to be exclusion zones, and what the impact is going to be for carriers that bid on and ultimately win this spectrum, and where they can use it.

So I certainly encourage more sharing of information about what Federal missions are using spectrum in what areas and when, and a way to facilitate maximum use of limited spectrum resources.

Mr. Guthrie. Thank you. And I would like to ask a question of Mr. Brandenburg. And, Mr. Donovan, if you weigh in as well. The concern I have -- I have a rural district. I have city areas and rural areas. And one of the biggest concerns is just getting broadband into rural areas, as we all have -- are focusing on this. One of the big questions is fixed broadband versus fiber. Everybody wants fiber to their home. But today with all the money that has been appropriated, and even the money to the counties of the American Rescue Plan, most of [inaudible] money and they want to spend it on broadband and fiber.

And the question is, do we have enough capacity to get broadband to every home, even though we have the financial capacity to do it? And if the Federal Government prioritizes fiber over fixed wireless, will that delay people in rural Kentucky, rural America from getting access to broadband? And Mr. Brandenburg, and then Mr. Donovan, if you have a comment?

Mr. Brandenburg. Thank you, Representative Guthrie. Let me just say that I think it is going to take a strategy based on the rural parts of America of fiber and fixed wireless. And so there is not a one technology that fits all solution. And, so, we talk about access to spectrum, which is a very vital part of this. We have been operating as a company on 20-some, 21 years of unlicensed spectrum and, you know, and recently participated in CBRS auction for licensed spectrum. So we welcome any additional

mid-band frequency allocations that -- to be licensed out.

But I do not believe that the Federal Government should be specifying fiber or fixed wireless. It is let the provider actually choose the right tool. My dad always as a farmer had a toolbox, and he told us to go get the right tool. And I think you have to use the right tool and the right application. And having the flexibility for the service provider, I think, is very important.

Mr. Guthrie. Thank you. I appreciate that. Mr. Donovan, if you would comment.

Mr. Donovan. Yeah, I completely agree that -- with my colleague that we need to have every tool in the toolbox. And in many areas, fiber is going to provide a great -- a broadband experience. In some areas, fixed wireless is going to be able to provide requisite speed in a manner that could be built faster than fiber can be deployed.

I think the other piece to look at it, in terms of this, is that there are applications that require mobile wireless services that can't be met by fixed technologies of any fixed speeds of any technology fiber, wireless or otherwise. We talk about the exciting new applications that are going to be powered by 5G networks. So many of them are mobile. And if we don't make sure that we have mobile connectivity as well as fixed access in rural areas, those areas that could benefit most from those benefits could be left behind.

Mr. Guthrie. Thank you both for your responses. And I thank the chairman for the recognition, and I yield back.

Mr. Doyle. I thank the gentleman. The gentleman yields back.

The chair now recognizes Mr. McNerney for 5 minutes.

Mr. McNerney. Well, I thank the chair, and I thank the witnesses for the wide-ranging hearing this morning.

I am a cosponsor of Mr. Rush's bill, the Martha Wright Prison Phone Justice Act. Earlier this year, California took steps to reduce the rates that incarcerated individuals and their families paid for calls, because these links significantly increased positive outcomes for individuals after the release from prison.

Ms. Leanza, I am concerned about families who have to go into debt to maintain a link with incarcerated loved ones paying outrageous and unjustified rates. Can you put this into context with the financial challenges faced by these low-income families?

Ms. Leanza. Absolutely, Congressman. Thank you for your cosponsorship. A study out of the Ella Baker Center based in California show that 1 in 3 families go into debt in order to pay just for phone calls, let alone anything else. And the carceral system falls more heavily on low-income people in the first place who already have families who are struggling to make ends meet, and then they have to take this additional burden.

And it is particularly bad for folks who are in jail. They haven't even been convicted yet, and they are trying to maintain a connection with their family members with their jobs without -- without phone calls and other communication that cannot be done.

So we very much -- the debt -- oh, and Philadelphia also did a study recently. And, I think, 87 percent of their respondents said that they were going into debt in order to pay for phone bills.

Mr. McNerney. Well, thank you, Ms. Leanza. Again, I understand that in the previous administration, the FCC didn't think it had the authority to halt egregious interstate rates. Can you explain how this bill would address that?

Ms. Leanza. Absolutely. Thank you. The bill would clarify something that Congress tried to do in 1996, which is that the Federal Communications Commission

would have authority over all rates that are to and from carceral facilities, from jails, prisons, and other detention centers.

A court decision that happened in about 2017 said that the FCC did not have this authority, even though there already is some provision for this in the Communications Act. So, now, we are limited to Federal rules only about interstate calls, and we need more broad authority to address this problem for once and for all.

Mr. McNerney. Okay. Good. Thank you for explaining that.

Mr. Fogle, I am proud of the work this committee has done to bridge a digital divide. We can't be satisfied until all Americans have access to the affordable, reliable, resilient, broadband service. But to reach that goal, we shouldn't cut corners by cutting out local governments.

In your testimony, you touch upon the role of local governments in responding to emergency situations and disasters, which I take seriously, as I have watched wildfires devastate communities across California. Can you talk more about the importance of productive relationships between communication providers and local governments particularly, in responding to disasters?

Mr. Fogle. In northern Colorado where I live, last year, or a year and a half ago, we experienced massive wildfires, which isolated some of our mountain communities completely. They had no phone service. They had no internet service for up to a couple of months. With our post-broadband, we were able to take care of the local disconnects that occurred within our area, but there were areas that were outside of our fiber reach that were -- we had no availability whatsoever. In fact, some of our phone service to a large community west of us, Estes Park, was cut off for a couple of months. Previous to that, in 2013, we had a flood that devastated all the river systems up and down the northern front range of Colorado, and the mountain communities were totally

cut off.

Since then, we have added fiber and redundant fiber up all of those canyons to make sure that our mountain communities are connected. So the ability of local municipalities to participate in the fiber space has allowed installation of redundant fiber systems that will keep those mountain communities connected, even in the times of calamity. Thank you.

Mr. McNerney. So would you say that that is going to be saving lives?

Mr. Fogle. Oh, absolutely. One of the things that I think Estes Park did experience was a loss of emergency services. Because not only were they cut off physically because the roads were closed, they also had no phone service to a good chunk of their population during that time in 2013 when the flood cut off all of their phone service for an extended period of time.

Mr. McNerney. Very good. Well, I have to leave the questions about maternal morbidity to others, and I yield back.

Mr. Doyle. The gentleman yields back. The chair now recognizes Mr. Long for 5 minutes.

Mr. Long. Thank you, Mr. Chairman. And today we are considering legislation that has little to no committee process. It makes expansive changes to the government, Mr. Chairman. One bill would vastly expand the SEC's authority over the interstate phone rates. One would allow them to continue awarding Universal Service Funds through the end of administration with zero [inaudible].

Mr. Doyle. Billy, we can't hear you. Your voice is cutting out.

Mr. Long. Hello?

Mr. Doyle. Okay. We can hear you now, Billy.

Mr. Long. Okay. Today, we are considering legislation that has had little or no

committee process, yet make expansive changes to government authorities. One bill would vastly expand the SEC's authority over interstate, [inaudible] and one or interstate phone rates. And one would allow them to continue awarding Universal Service Funds through the end of this administration with no oversight. Another one, H.R. 4208, Section 331, Obligation Clarification Act, would reinstate burdensome, outdated mandates on broadcasters that the Trump FCC removed.

Not only does this bill mandate a specific number of hours of common local programming, it mandates the hours of the day when such programming must air. It takes it further and directs a broadcast station to consult with community leaders to determine said programming. Who are these community leaders? Are the same people that follow [inaudible].

Mr. Doyle. Billy, I am sorry. You are cutting out again.

Mr. Long. I have got a good signal. I don't know what to do.

Mr. Doyle. You know what? You can come back. Let's keep trying.

Mr. Long. Okay. I have got a good signal. I don't know what to do. I have got a signal here. It looks like a good signal. Anyway, the Democrat's bill purportedly takes aim at a TV station in New Jersey owned by Fox, no surprise. What is next? Programming mandates for cable news, more Rachel Maddow, less Sean and Tucker, more Obama library coverage, and less accountability of this administration's failure in Afghanistan?

Sounds to me like another attempt by my friends on the Democratic side to counter news programming they simply don't like. This goes along with Democrats pushing their socialist agenda through Congress with no Republican support. The Senate infrastructure bill tied to the reconciliation package is going the same route. This is not legislating.

If you are serious about working together, we should have had hearings on these topics in the subcommittees throughout the summer. Throwing controversial bills on a hearing to claim that they have due process and try to shove them to the end-of-the-year funding package isn't legislating, it is lazy and irresponsible. I sincerely hope you take the reins back from your leadership and stand [inaudible] for working together.

Mr. Doyle. Okay. I think Billy finished. I didn't hear any questions there, but I believe he is done. Is that right, Billy? Yeah.

All right. Let's see, who we have next here, let me look through the list. Congresswoman Rice, you are now recognized for 5 minutes.

Miss Rice. Thank you, Mr. Chairman. I want to thank all the witnesses for being here today. And I would like to direct my first question to Ms. Leanza. The Antideficiency Act, among other things, prohibits an officer or employee of the Federal Government from obligating or expending funds in advance of the appropriation of such funds. So in 2004, the FCC concluded that the Antideficiency Act's limitations applied to the FCC spending from the Universal Service Funds, which, through its various programs, is intended to ensure that telecommunications services, including broadband, are available and affordable throughout the country.

That is why Congress has acted since then to exempt the Universal Service Fund from application of the Antideficiency Act so that these programs do not face any uncertainty.

So, Ms. Leanza, what would the lack of Universal Service Fund support have on efforts to make broadband affordable? And if Congress does not act, is it your opinion that the FCC may have other tools to continue with the Universal Service Fund program?

Ms. Leanza. Thanks, Congresswoman. No, the FCC doesn't really have many tools, except for just stopping funding. And then, as Mr. Donovan mentioned, in 2004,

that is what happened. We had schools and libraries across the country had put in their applications to get their E-rate funds, and all of a sudden, disbursement letters were cut off. We all know schools and libraries right now are relying incredibly on the need for broadband connectivity. And to have their budgets, which are done carefully on a year-to-year basis suddenly left up in the air because there was no funding available because of the Antideficiency Act violation would be extremely problematic.

So, I think all of us have been understanding how important the telemedicine efforts are. Everybody needs connectivity, and we know that even more than ever in the COVID-19 crisis. So there is not much alternative except for cutting off the spigot. And it really doesn't change the amount of money that is being spent, it is just changes timing for what is being spent. So it could be quite a problem. And Congress has been extending this on a bipartisan basis, I think, since 2004. So it has been well, well-considered.

Miss Rice. Yes, H.R. 5400 would exempt USF, Universal Service Fund programs from the Antideficiency Act for 3 years until December 31, 2024. And as you have pointed out, we have done this on a bipartisan basis before. It is a simple bill, but it is a bill that brings long-needed certainty.

Mr. Donovan, the Universal Service Fund has supported the deployment of broadband networks to rural and remote areas. It has also provided essential support to build out networks to healthcare facilities that may otherwise go without service. If we don't pass this bill, what would be some of the disruptions felt in rural America, particularly, on rural healthcare as we try to find our way out of the pandemic?

Mr. Donovan. Thank you for the question. So if the exemption is not extended, then what you are really doing is you are shrinking the window of timeframes for what the FCC can obligate funds through for the Universal Service Fund. And as we know

that, broadband projects, whether from carriers building to deploy services or healthcare facilities standing up new operations, or ways to connect with patients to minor health, especially as remote health has become so important over this time, must be done within the current appropriations window, or the current funding window, despite the fact that the Universal Service Fund is an ongoing permanent appropriation that raises funds through contributions on rate papers, not from appropriated funds from Congress.

So it would have an immediate, disruptive effect and lead to increased cost in the short term by reducing the windows that you have to complete projects and uncertainty in the long term to making sure that those projects can go on over multiyear periods.

Miss Rice. Thank you so much to all the witnesses. Mr. Chairman, I yield back the balance of my time.

Mr. Doyle. The gentlelady yields back. And I thank her. The chair now recognizes Congressman Mullin for 5 minutes. Markwayne, can you hear me? Are you available?

Okay. I think we are going to move on to Mr. Walberg. Tim, you are recognized for 5 minutes.

Mr. Walberg. Thank you, Mr. Chairman. And thank you to the panel for being here today as well.

Others like it, this hearing today, I would agree with a number of my colleagues should have been held weeks ago. We are now holding what seems to be a legislative hearing on bills that have received little, if any, due diligence. That is not to say that I don't support some of the legislation on the agenda today. But many of these bills take substantial action to address problems with broadband access and deployment.

A few of these bills, along with dozens of others not being considered here today, were included in a legislative package introduced by members of this subcommittee in

February. Among other things, our proposals would have removed barriers to employment, streamlined permitting, and the processes involved, promote competition and consumer choice, enable broadband facilities on Federal lands, and help close the digital divide.

A bill that I introduced, the Brownfield Broadband Deployment Act, would help expedite environmental reviews for broadband infrastructure projects in digitally unserved areas.

I am disappointed that this commonsense solution and many others like these were not included on today's agenda. But it is what it is. So before today, none of these proposals had been considered in this subcommittee, and none of them were included in the Senate infrastructure bill either. Not only that, this subcommittee will never -- was never given an opportunity to provide input or weigh the merits of the \$65 billion in broadband infrastructure and digital equity grants included in the infrastructure bill that is now expected at some point to go directly to the House floor.

So I would like to use what time I have left to ask a few questions about the broadband provisions in the \$1.22 trillion spending bill.

Mr. Donovan, if the Senate infrastructure proposal goes forward as it is, coupled with reconciliation proposal, do we risk wasting \$65 billion of taxpayer money without fully closing the digital divide?

Mr. Donovan. Thank you for the question, and thank you for your leadership on broadband issues. As cochair of the Bipartisan 5G Caucus, we appreciate your efforts on that. If the Senate passed Infrastructure Investment and Jobs Act moves forward as is, we agree that it is ultimately important that we rely on data. And that comes back to the maps being produced from the Bipartisan Broadband Data Act, work product that was seriously considered in this committee. And the FCC is now underway of contracting for

the location fabric for fixed locations as well as collecting data on updated and more reliable parameters from our mobile providers.

So the way that that bill would get implemented would ultimately be determined on its success by how the States use their grant funding, since the bill does provide the funding significantly through State setup processes, and how much it does apply on being -- following the map produced by the FCC and making sure that that mapping exercise and the commission is a success.

Mr. Walberg. Well, I would just add to that, I think what you are saying is we are in trouble, at the very least. We may overbuild. We may underproduce.

But let me ask further. Mr. Donovan, in your testimony, you talk about how your member companies have been forced to default on Federal broadband rewards solely because they were unable to obtain the requisite permits from other Federal agencies within the required timeframe for deployment.

Would having the ability to waive certain environmental historic preservation reviews in circumstances, where they aren't necessary, have a significant effect on speeding up the process? And then, second, can you speak further to how regulatory streamlining has an impact on deployment?

Mr. Donovan. Sure. So when the previous funding programs -- you know, our members have applied for funding because they want to deploy service. And so it is extremely frustrating when they are trying to get permitting through other Federal agencies, that the timelines meant that they ended up having to seek extensions. And then they default on those programs because they could not get funding cleared -- permitting cleared through Federal agencies in that timeframe. I think it is important to note that where we can streamline that, it is really helpful. For other Federal agencies like Department of Agriculture or Department of the Interior, while

broadband may not be their primary mission, I think all of their missions are enhanced by having access to broadband connectivity. So we should find ways to work together to get it done, and efforts to streamline that process are certainly welcome.

Mr. Walberg. I certainly agree. Thank you, and I yield back.

Mr. Doyle. The gentleman's time has expired. The gentleman yields back.

The chair now recognizes Mr. Soto for 5 minutes.

Mr. Soto. Thank you, Chairman. And I am excited. We are on the precipice of passing the largest investment in broadband infrastructure in our Nation's history. It was a bipartisan process. And as a problem-solver, I got to work with several of you who are on this committee and others across the aisle to help have some input. Although our House input wasn't quite what the Senators had, that is kind of the way it goes sometimes.

Today, you know, we need to stop the whining and just commit to extensive oversight to ensure that this funding gets where it needs to go. The process is never perfect around here, but the investments are something we all agree need to happen, and that unites all of us, Republicans and Democrats.

I have rural areas just like you all do, in Osceola and Polk Counties, and citrus and cattle country. I think of students who, throughout COVID, at my wife's elementary school were desperate to be able to try to learn from distanced learning and didn't have the internet they needed, particularly, in the rural areas. Persistent agriculture in our district, where they are using GPS for cattle, and they are using sensors to determine when to water the groves and when they are ripe and when to fertilize. That is all going to be done via WiFi. And rural small businesses, from your feed lots to your local general stores that want to take advantage of having better internet.

Even some urban areas and suburban areas in our district have fallen behind, even

though it is the fastest-growing district in the Congress. Issues like digital divide, access to the internet, and telecommunications, boosting 5G, even a spectrum sale to increase private sector opportunities and revenue to pay for this plan are all on the agenda.

I want to thank you first, Council Member Fogle, for your testimony. I saw that Loveland is a fairly rural area. And knowing that I have those two, I wanted to get an idea of how critical you think that the bipartisan infrastructure package broadband investment is to meeting our Nation's infrastructure needs, especially in rural areas?

Mr. Fogle. Excuse me, in Colorado, in our rural areas, we have also experienced the digital divide. It is not the digital divide of economic and social status, it is the economic divide that is caused by just simply distance.

In Colorado, the counties outside of our cities have to override the State -- you have to take advantage of the State preemptions so that they can start providing broadband to their customers.

The thing to keep in mind is that robust wireless simply doesn't exist without robust fiber. So as the communities up and down the front range add fiber connectivity to the home, and we have four communities working together, big communities, that will add fiber to the home within the next 2 years. We are also running to the edges of those communities unused fiber availability that can be used by the rural carriers and start stretching out into the parts that I call the donut, which is the unserved areas around our communities that have literally hundreds of thousands of people in them.

So I am hoping that as the Federal Government brings forward these funding sources, that the rural communities can take advantage of those sources as soon as possible, and tap into the fiber broadband that is already being put in place by the communities all around us.

Mr. Soto. Thank you so much, Council Member.

Mr. Donovan, thank you for being here. There are some great opportunities for additional spectrum coming out. We know the private sector plays a huge role in some of these rural areas. Obviously, having some government support to these private efforts is critical. How critical is passing the bipartisan infrastructure package to your clients, your members, to get to those last couple miles in rural America?

Mr. Donovan. Thank you for the question. And so while a lot of the deployment provisions in the Senate-passed bill are focused on fixed broadband connectivity, I would like to tie some specifically important aspects for mobile wireless connectivity as well. And fixed wireless is eligible for funding in several of those programs.

But, specifically, that bill also includes a billion dollars for middle-mile support, including for access for a bad call for 5G broadband connections and designates prep -- that special categorization for broadband deployment projects, as those that can support 5G technologies and successful wireless generations. So those efforts will add significant benefit to rural wireless carriers as they seek to expand coverage.

Mr. Soto. Thank you so much. For years, we have been fighting for national infrastructure upgrades. Now, we have the opportunity, and this committee will play a critical role. And I yield back.

Mr. Doyle. Okay. The gentleman yield back. The chair now recognizes Congressman Carter for 5 minutes.

Mr. Carter. Thank you, Mr. Chairman. And I thank all of the witnesses for being here today.

Mr. Donovan, I want to start with you. Mr. Donovan, for your information, I represent south Georgia. And as we always say in Georgia, there are two Georgias. There is Atlanta, and there is everywhere else. And south Georgia is very rural. I don't

have to tell you about the need for high-speed internet and broadband in our rural areas.

And we can make this easier, we have got two bills we are considering today that I think would actually help, H.R. 1046, by Representative Curtis, that essentially would integrate FCC broadband mapping data in a platform that shows which Federal properties can support communication facilities. And also, H.R. 1049 by Representative Duncan, that would prioritize reviews for requested employee broadband on Federal land. Both of those would help us in our goal of getting broadband to the rural areas.

In your view, Mr. Donovan, are the Federal Government departments and agencies who are charged with overseeing public lands diligent enough about processing applications for rights of ways to site towers?

Mr. Donovan. Thank you for the question. I agree that rural parts of States like yours that certainly do need further help. And a big part of that is that you can't have service in a lot of these rural areas without crossing Federal lands. And you need to have participation and support from Federal agencies to get that done.

To that end, both of the bills you mentioned, H.R. 1046 and H.R. 1049, they would help in terms of making sure we can both identify the areas where there are Federal lands that don't have sufficient coverage, so that we can then set up collaborative efforts between carriers and those Federal agencies, as well as make sure that there is oversight, that as applications come in and carriers step up that want to work with those Federal agencies to expand service, that they are able to do so with certainty in a timely manner, with confidence about the process that they are going into, the fees they are going to have to pay, and the timeframes that they are going to have to complete projects.

So we support those bill, and especially having an interagency strike force of working with the Departments like Interior and Agriculture, with NTIA to make sure that there is accountability is going to help. We have had a lot of good discussions here at

high levels within the agencies about how important broadband is. And then I hear a different story from my members on the ground working with some of their local offices. And sometimes they are cautious about even bringing those stories forward because they need to find a way to work together.

Mr. Carter. Well, Mr. Donovan, you are familiar with the Ray Baum's Act, and you are familiar with the shot clock that was established there for the Federal agencies. Do you feel like they are complying with that?

Mr. Donovan. I think it has helped. It certainly has helped to push pressure to make sure we get to decisions. If we can revisit some of the shot clocks for Federal lands, especially for places where there is previously disturbed land, other construction, or ways that we can really expedite their view process, we will certainly welcome that.

Mr. Carter. Okay. Also, Mr. Donovan, I introduced a bill earlier this year, H.R. 1043, the Proportional Reviews for Broadband Development Act. Essentially, what my bill said was that if there are minor changes that are made to the structure, to cabinets or to file cabinets or anything within the physical structure, that you wouldn't have to go through the whole review. And I am disappointed that my legislation is not being considered today. And are you familiar with that legislation? And if you are, do you think it would help?

Mr. Donovan. Yes, sir. We are familiar with that. And we agree that minor changes to structures should not require going through the permitting process again. That is going to have an impact. As carriers upgrade facilities to 5G, that is going to have an impact for carriers that have equipment that has been deemed to pose a national security risk is removed and replaced from their network, especially in those scenarios, you need to put up a new network before you can take down the old one.

So there will be modifications made to towers and facilities in order to do that.

But having to go through the whole permitting process is going to frustrate that effort, make it take longer, and make it cost more. Lastly, as we face --

Mr. Carter. Well, that is important. And that is why I am disappointed it is not being considered today. And I just want to make sure I get that in.

Just one last thing very quickly, the Senate infrastructure bill that requires that \$42.5 billion broadband developed -- deployment dollars go to areas that are 80 percent unserved, that means that up to 20 percent of those areas could be served. Do you think that is an efficient use of taxpayer's money? And I know we should have oversight on this, but we haven't even had any oversight hearings. And what good is that going to do?

Mr. Donovan. You know, that is going to come down to the maps. That is going to ultimately show where money both -- what States get, what piece of that overall funding bucket, as well as where the funds are going to be ultimately be distributed. There is always going to be some overlap, and I believe to the Congress to determine what is acceptable.

Mr. Carter. Okay. Thank you very much. And I yield back, Mr. Chairman.

Mr. Doyle. I thank the gentleman. The chair now recognizes Mr. Veasey.

And, Marc, I know we have heard there is been a shooting in your district at a school in Arlington, and all of us here hope that nobody, nobody is hurt. I don't think if you have any update on that or not. But the floor is yours for your questions, and if you want to add anything to that.

Mr. Veasey. Yeah, thank you, Mr. Chairman. I appreciate that. Yeah, there was a shooting at a high school just outside of my district. And it looks like that everyone is going to be okay. They are still looking for the gunman. But it appears that the people that have been hospitalized that they should be okay is what the

Arlington Police are saying right now. And thank you for giving me the time to address that. You know, it is sad that we are having to go through this yet again, but it shows that we have a lot of work that we have to do in that area as well. So thank you very much.

Mr. Doyle. Sure. You have your full 5 minutes for questions.

Mr. Veasey. Thank you, Mr. Chairman. I appreciate you holding this legislative hearing. I think that this is very important, and I am glad to see that we are putting consumers first by holding this hearing. And I know that some of my colleagues have already touched on this, but I wanted to tell you about the reason why I introduced H.R. 5400, along with my good friend, Representative Hayes of Connecticut, to make sure that the Antideficiency Act doesn't hurt low-income Americans, schools, libraries, or other USF beneficiaries by stopping the normal flow of those funds.

This isn't a new idea. We have been exempting Universal Service Fund from the ADA for years. All this would do is bring more certainty to these recipients so they don't have to worry. We are in a very different time moving past COVID-19, and Americans don't need any more roadblocks that will keep them from living and thriving in our communities.

Ms. Leanza, do you favor a multiyear exemption over our current year-by-year approach? And if you do, please explain why.

Ms. Leanza. Thank you very much, Congressman. And thank for you your leadership in getting broadband to low-income families. Yes, I think that the Antideficiency Act really should be extended for a longer period of time. Year by year doesn't really seem to be a wise use of congressional resources. Right now, you know, the FCC is actually led equally by both Republicans and Democrats. It is a two-two split. So I think the oversight is happening within the agency itself. And the Antideficiency Act

exemption really just causes less red tape for the communities that the program is serving.

Mr. Veasey. Thank you very much. And I want to move on to spectrum coordination. The last administration set a great example of what not to do here. We shouldn't let that become the norm because it is imperative that we have a unified approach.

Mr. Donovan, like you, I was disappointed with the FCC and NTIA's lack of coordination of the Trump administration. In your written testimony, you suggest that having these two agencies embrace a unified approach is crucial for the advancement of effective spectrum management policies. In addition to improving the process for resolving spectrum disputes and ensuring the efficient use of spectrum, what other improvements could be made to the MOU to maintain a unified approach between the FCC and NTIA?

Mr. Donovan. Thank you. A unified approach is really so important that commercial users know how they are going to be able to use spectrum that is being reallocated from previous users, by Federal users or being shared with Federal users. So we need increase in coordination, increase in information sharing, timely action on that.

And previously, we have seen agencies go around that typical NTIA process which express concerns after there has already been service rules established, after there has been agreement by the FCC as process is moving forward, sometimes even as we are approaching auctions, and that risks undermining the faith in the auction.

In addition to updating the memorandum of understanding, we should also look to make sure that that has a way to provide information for a potential commercial users as early as possible, and as complete as possible with flexible access to make sure that we can get that information into the right hands, as well as to make sure that there is a

process in place so that if agencies do go around or after the IRAC, Interdepartment Radio Advisory Council made some determination on how these bands should be used, that there is remediation efforts so that the FCC and NTIA can make sure when the Federal Government speaks on these spectrum issues, that they speak with one voice voices so industry can have confidence in what they say and move forward accordingly.

Mr. Veasey. Thank you. And given the importance of maintaining a spectrum pipeline and is still in confidence in the spectrum reallocation and coordination process, do you agree that the FCC and NTIA should move quickly to finalize their update of the MOU?

Mr. Donovan. Yes, I do. We need to make sure that there is an auction pipe -- a spectrum pipeline going on to make sure that we can continue to strengthen our networks, expand them to make sure everyone has connectivity, and continue to keep up with ever-growing demand from consumers, and in a 5G world from the greater broadband Internet of Things as more and more devices and functions are connected back to their wireless networks.

Mr. Veasey. But what is the appropriate time that you recommend for the agencies to complete this work?

Mr. Donovan. Going off of current experience, as soon as possible. We need to continue to work to identify additional spectrum bands and reallocate them as quickly as we can to make sure that we do have as industry know what bands are going to be coming online and when they will become available.

Mr. Veasey. Okay. Thank you. Mr. Chairman, I yield back. Thank you.

Mr. Doyle. The gentleman yields back. The chair recognizes Mr. Curtis for 5 minutes.

Mr. Curtis. Thank you, Mr. Chairman. I would first like to thank the

subcommittee leadership for including my legislation, H.R. 1046, the Federal Broadband Deployment in Unserved Areas Act. The legislation introduces needed coordination requirements to efficiently deploy broadband infrastructure on Federal lands and reach unserved communities like those I represent. I have shared with the committee before, that about 80 percent of my geography in my district makes -- is made up of 90 percent Federal land ownership, if you can imagine.

The bill requires the Federal Communications Commission to share broadband mapping data with other Federal partners. H.R. 1046 will enable providers to make smarter investments and employ internet services in currently unserved communities while avoiding overbuilding.

I recently heard from a local telecommunications cooperative, operating in my district, about the experience they had dealing with the Bureau of Land Management. I have put an asterisk by this. We love our local BLM and agents, but sometimes they don't have the right resources to do their job.

The telecommunications cooperative attempted to build a highway spanning multiple counties in my district. But the BLM offices in different counties bounced the project accruals back and forth for 6 months. This scheme of hot potato cost companies resources and consumers reliable access to the internet, which can save lives and keeps kids connected to school. I know that my colleague, Mr. Duncan, has legislation to address this very issue, and I thank him for his leadership on this.

My Bipartisan Accelerating Rural Broadband Deployment Act that I have introduced with a fellow member of this committee, Mr. O'Halleran, will also help providers look to build on Federal lands know how much they should expect to spend, and when they will have answers on their permit application. This will be especially helpful to communities in Utah that wait too long for responses from Federal agencies,

like I have just described, or heard stories of waiting up to 9 years for permitting on Federal lands.

Once again, I thank the committee for holding this hearing, and I urge my colleagues to consider supporting these important fiscally responsible permitting reform bills that can solve real-world problems.

Now, a question or two. Mr. Brandenburg, before I ask you a question, I would like to acknowledge your comments that you made in your testimony about the frustrations you might feel competing with local government on services. Just to note, I served as a mayor of a community that had a fiber network -- a failed fiber network that I inherited. And in addition to the frustrations you expressed, I can speak firsthand to the difficulties of municipality running these networks. And I think, oftentimes, they overlook things and assume it is running. It is not too different than running the power department or a sewer department. Then I can tell you firsthand that they are very, very different.

A quick question, and Mr. Donovan, hopefully we will have time for you to respond as well. As we seek to close the digital divide and undertake sensible, good government reforms, such as H.R. 1046, what should our expectations be if this becomes law? And just as a quick example, should success be defined by the number of permitting applications that are currently unserved, or defined by how many permits are approved and networks that are deployed? Do we have the necessary accountability measures? And which Federal agency should be responsible? Mr. Brandenburg, first.

Mr. Brandenburg. Thank you, Representative Curtis. I want to just touch on this, maybe, just to kind of reciprocate some of the challenges we have even tried to, you know, that your bill would introduce. We have tried to put towers on DNR land. And, basically, that was years ago, and we actually gave up in the process because it was just

too difficult. We couldn't get anything passed because we were getting vague answers and vague responses. And so, there need to be some coordination and research. I don't know what is the right method to do that.

When you were talking about -- and, by the way, I just want to add real quickly that broadband should not be a partisan issue. We are all in this business to serve our customers, to serve Americans that desperately needing this service at this time.

So what agency should be involved? You know, I think, perhaps, you know, that the FCC is probably the best equipped, given that we have, you know, accurate data mapping, and not just let service providers say what they have to service. And that is how we got into this mess in the beginning. And we, for one, you know, submitted accurate data. I will yield back so Mr. Donovan can --

Mr. Curtis. Yes, Mr. Donovan, we have just a few seconds if you want to weigh in quickly.

Mr. Donovan. Yes, so quickly, success should be on projects deployed. And I agree, the FCC is the right source for that. I appreciate and commend in your bill of having the FCC map be the gold standard and providing that data to other agencies to move forward.

Mr. Curtis. Thank you for your quick and precise answers. Mr. Chairman, I yield back.

Mr. Doyle. The gentleman yields back.

The chair recognizes Mr. O'Halleran for 5 minutes.

Mr. O'Halleran. Thank you, Chairman Doyle and Ranking Member Latta, for holding this hearing today. I am pleased to see the committee working in a bipartisan fashion on these 12 bills. Expanding our network capabilities is priority on both sides. Both parties agree that broadband access is essential for America's economic growth.

We all know that when it comes expanding our networks, we have a lot of work to do, especially in rural and Tribal areas. In my district, many households have no at-home internet access, no broadband means that children can't do their schoolwork, parents can't talk to their doctors, and new businesses can't open. The result is in worsening education and healthcare economic outcomes for these communities. This is why it is so important for the House to pass the bipartisan infrastructure bill as soon as possible. This bill will provide \$65 billion to build out broadband networks and bring down the cost of high-speed internet access. It would focus our investments in communities with no broadband.

Once this bill is passed, we will need strong oversight to ensure these investments are going to the right places. We also need to make sure this money is spent in a timely fashion. That means using high-quality data and minimizing project delays. Every day a community has no broadband access is a day its people are left behind.

Mr. Fogle, Infrastructure Investment Jobs Act will be signed into law soon. As the broadband grants our rollout, how can we make sure the money is used effectively and wisely by State and local governments?

Mr. Fogle. When it comes to Federal moneys, I would encourage Congress to directly allocate those funds rather than go through the State governments, because the State government, at least in our State, adds another layer of delay to rural broadband and to regular city broadband. If there is direct access, we are proving that even through the Recovery Act funds that communities throughout the country are able to directly use the funds that have been sent to them, and they are doing it much more effectively than going through the State levels. I am fortunate to be in a community that received directed funds from the recovery acts. And we have already put those where the dollars were sent to us, and we put those dollars to work. By sending the

broadband funding directly to communities or community organizations, for instance, the organization for large communities in northern Colorado serving 400,000 people that are currently deploying fiber, that money can be put to work right away. Thank you.

Mr. O'Halleran. Thank you very much. I agree with most of what you have said. And I would hope that we have learned from the pandemic funding that the State holds up the process for much of the funding that went forward during the pandemic.

I hear a lot of talk about -- Mr. Donovan, I hear a lot of talk about the future of 5G. But right now, much my district is stuck with zero G. What is being done to expand wireless access in rural and Tribal areas right now, and how can Congress help to get that done?

Mr. Donovan. Thank you. And I agree, we have experienced this morning during the hearing that in Mr. Long's district that there is indeed maybe a signal, but not enough to complete a call. I just read this morning that the President of the United States, while traveling across Michigan, is dropping calls. There is certainly a need for wireless service to be expanded. And I really appreciate your leadership on calling attention to that in rural and Tribal areas.

One of the things could help immediately, since funding through the Infrastructure Investment and Jobs Act is going to flow through the States, the ideas contained in Congressman Fletcher's bill in the Broadband Incentives for Communities Act, to make sure that there is resources in place to process applications, especially if there is an influx of them coming in. It would be extremely helpful to clarify now that funding already provided and already gone out under the American Rescue Plan Act can be used for those purposes to make that sure as additional funds come online, that municipalities and localities are ready to work in collaboration with carriers to make sure that service is expanded, including wireless service as soon as possible. And building on that, we

should make sure that there is still a role for the FCC and others to push to expand mobile connectivity as well as to fix connectivity targeted in the Infrastructure Investment and Jobs Act.

Mr. O'Halleran. Thank you very much. And, Mr. Chairman, I yield.

Mr. Doyle. The gentleman yields back.

I see Congressman Mullin is here. Markwayne, you are recognized for 5 minutes.

Mr. Mullin. Thank you. Thank you, Chairman. I am sorry. I had -- I had some phone issues a while ago, and I had to run out and get a new phone real quick, ironically. The irony of that, right?

Mr. Donovan, you mentioned in your testimony that policymakers should consider ways to make sure that contributors or contribution sources that provide resources for the USF are equitable and sustainable. Have you considered the edge providers that do not contribute to the Universal Service Fund, despite the fact that their high bandwidth content or content is driving up costs for rural providers?

Mr. Donovan. Thank you. That is an issue that we are looking at. The contribution space right now is not sustainable, and should be looked at to make sure it is set up for the mission that USF has put forward to expand -- likely to expand the contribution-based edge providers would require production from Congress, an act of Congress, but is an issue that we suggest continue to explore. I do know there is Senate legislation currently pending that would require the FCC to study the implications of moving policy in that direction. And we certainly think that is worth taking a look at.

Mr. Mullin. Well, I can tell you from all my rural providers is what they talk about and complain about constantly, and what is jamming up the network, slowing them down obviously. So what role do you think the edge providers should play in ensuring the sustainability moving forward in the USF fund?

Mr. Donovan. I think it is appropriate to look at the companies that derive the greatest benefit from having that connectivity, have a stake in making sure that carriers are able to build out and strengthen those networks to make sure that all consumers are able to access the content that they demand in the ongoing increasing use of applications as network use continues to explode.

Mr. Mullin. So just, kind of -- you said the Senate was moving forward with legislation, which I am vaguely familiar with. What do you think Congress should be looking at if we are going to include the edge providers?

Mr. Donovan. Congress should look at what the future of Universal Service Fund should be overall. What is the role of both? What needs to be built to meet the mandate of reasonably comparable services in urban and rural areas? That should include mobile and 5G in today's mobile world. And then, you know, once -- after establishing what the Universal Service Fund should be used to pay for, then look at the contributions factor and see who it is that benefits from those services and who should contribute to make sure that it is an equitable and sustainable base to make sure that the goals of the Universal Service Fund are met.

Mr. Mullin. Well, I appreciate that, and I don't have any further questions. I yield back.

Mr. Doyle. The gentleman yields back. The chair now recognizes my good friend from California, Ms. Eshoo, you are recognized for 5 minutes.

Ms. Eshoo. Thank you, Mr. Chairman, for holding this important hearing, and thank you to the witnesses for your testimony.

First, Mr. Hudson raised the issue of not having a chair of the -- we have an Acting Chair of the FCC, but the administration has not named a permanent Chair. I agree with him. I think it is troubling, and I have publicly and repeatedly called on the

administration to name a chair. I have and continue to support the Acting Chairwoman, and I think she would be absolutely superb. It is a very important position. The FCC should not be left without a permanent chair being named.

Again, thank you to the witnesses. I want to say to Mr. Fogle that I served for 10 years in county government, on the San Mateo County Board of Supervisors. I have such a deep appreciation for local government. Telecommunications has always been a Federal-local, partnership. And I am really pleased that you are with us today to represent the needs of municipalities. I also want to add my thanks for your leadership on municipal broadband and your support of the Community Broadband Act, which I am the author of.

I would like to ask you, and just have you answer briefly, your view on the two bills that are before us that directly impact municipalities: 50, 58 and 1058. Will these, in your view, these bills help municipalities? And if so, do you have any suggestions on how those bills to be strengthened? Are they good as they are written? Can you just comment on that briefly?

Mr. Fogle. Thank you, Congresswoman. As far as 1058, that is the Wireless Resiliency and Flexible Investment Act.

Ms. Eshoo. Right.

Mr. Fogle. I am assuming I have the right one there.

Ms. Eshoo. You do.

Mr. Fogle. NLC always has problems with shot clocks, the 60-day timeframe for State and local governments to receive a complete eligible facilities request will cause problems at a local level. And --

Ms. Eshoo. Why?

Mr. Fogle. -- what I would like to see --

Ms. Eshoo. Why --

Mr. Fogle. -- because --

Ms. Eshoo. -- can't the municipalities respond or act in 60 days? That is 2 months.

Mr. Fogle. I think they can.

Ms. Eshoo. Okay.

Mr. Fogle. I think what happens is it sets up an automatic antagonistic attitude by forcing them to do it. I haven't seen anything in our community or communities around us where the 60-day shot clock would have even made a difference. But if somebody comes into an area with historic preservation issues, things like that, the 60-day shot clock might get in the way.

Ms. Eshoo. Okay.

Mr. Fogle. Other than that, NLC stands in support of this bill.

Ms. Eshoo. Okay.

Mr. Fogle. The 60-day shot clock is the only thing that we would take exception with.

Ms. Eshoo. Okay. That is wonderful.

To Ms. Leanza, thank you for your advocacy, for the reform in prisons and jails. It is -- I would just say to colleagues that many of us know that the mother of this issue was Commissioner Clyburn. And she raised it. And I sure hope we can get this through, because in the words of my father, it is a racket.

To Mr. Brandenburg, as all members did, we read the testimonies. I am not so sure what your top line is. Can you state in one sentence what you think is the most important issue that you have come to testify on?

Mr. Brandenburg. I think in one sentence I will try. I think the top concern is

access to spectrum, you know, and also, the role that government plays with public, private partnerships. With private providers, I think it is right up their end, because there is nobody that is in line with what that means. And I think we could benefit greatly from that.

Ms. Eshoo. And to Mr. Donovan, is H.R. 5058 a bill that you support?

Mr. Donovan. Yes, it is. And as well as in addition that 1058, I appreciate your support for the concept of having some backstop for a shot clock. That is helpful. If there is an issue that arises, there is a process to move forward, but carriers do need to have an answer so they can know which way to go.

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

Mr. Doyle. The gentlelady yields back.

The chair now recognizes Mr. Butterfield for 5 minutes.

Mr. Butterfield. Thank you very much, Mr. Chairman, for convening this very, very important hearing. And thank you as well to the witnesses for your testimony today.

I think I am going to spend my time, Mr. Chairman, with Ms. Leanza, policy advisor for the United Church of Christ. I have listened to most of your testimony today. And let me tell you, I can feel your passion. And I just want to thank you very much for all that you do for the underserved communities all across the country.

You know, I have said time and time again, we are the only industrialized nation with a maternal mortality rate that is on the rise. Most countries are moving in the right direction, but in the U.S., it is on the rise. Even more concerning to me are the stark racial and the ethnic inequities in these outcomes. African-American women are three times more likely, and indigenous women are more than twice as likely to die from a pregnancy-related complication as their peers. Congresswoman Robin Kelly talks about

this all of the time.

In addition, a recent study confirmed by the Urban Rural Disparity and Maternal Mortality finding that maternal mortality increased with rurality, in rural communities. COVID-19 pandemic revealed already existing correlations between broadband accessibility and access to proper healthcare services. Healthcare providers rapidly scaled up their use of telemedicine. We have been talking telemedicine ever since I have been on this committee for 14 years. But healthcare providers rapidly scaled up their use of telemedicine in an effort to minimize patients' exposure while continuing to provide needed care, including OB/GYN. However, patients without access to high speed, reliable, and affordable broadband may face barriers to accessing care through telemedicine.

And, so, that is why I introduced the Data Mapping to Save Moms' Lives Act, which will require the FCC to include maternal mortality as part of its broadband health mapping tool. Now, I know that took a long time to say, but I had to get it in the record.

My question is, Ms. Leanza, how will advancing legislation, such as the data mapping legislation that I have, expand access to broadband activity and close the gap for populations that already suffer a disparity in maternal health rates?

RPTR ZAMORA

EDTR HOFSTAD

[2:01 p.m.]

Ms. Leanza. Thank you very much, Congressman.

As we know, in addition to the terrible disparities in maternal health, we also have disparities in the access to broadband. So, unfortunately, those two problems overlap one another. And they also are common to communities in rural America and also in more urban settings where people cannot afford broadband.

But, as you said, telemedicine, the ease of access to healthcare, is a great way that we can bring down maternal mortality and severe side effects of childbirth. In fact, I think the CDC says that two out of three childbirth deaths are preventable. So it is not that we lack the medical knowledge to save these women; it is just, they lack the access to care.

So, if we can see how technology can make that care easily accessible to them, then we can hopefully take one more step to actually getting scientific knowledge we have to them.

Mr. Butterfield. I completely agree. By utilizing maternal mortality data and broadband access data, we can better understand the intersection -- I think that is what you said -- the intersection between health and broadband and better develop policy responses.

My final question, if I have time: The Emergency Broadband Benefit Program has helped over 6 million households since it started earlier this year.

The program is a temporary one, designed to provide assistance during the pandemic. However, we know that many families will continue to need a program like

EBB to subscribe to broadband and remain online even after the pandemic ends.

Do you feel that Congress should update the program and provide additional funding to set it up for long-term success?

Ms. Leanza. Absolutely, sir. People will still need to pay for that broadband even next year, even when the great work that Congress did to establish the Emergency Broadband Fund is over. And, you know, I strongly support and a number of the civil-rights community strongly supports continuing that funding and hopefully keeping the funding at the level that it is right now.

Mr. Butterfield. Thank you for that answer.

And, Mr. Doyle, you admonished us at the beginning of the hearing to keep it within 5, and I therefore give you back 10 seconds. Thank you very much.

Mr. Doyle. I will thank the gentleman for that courtesy.

And the chair now yields to Congresswoman Fletcher for 5 minutes.

Mrs. Fletcher. Thank you so much, Chairman Doyle. And thanks to you and Ranking Member Latta for convening today's hearing to discuss this important slate of bills.

I have appreciated hearing so many of the witnesses and my colleagues speaking out in support of my bill that I mentioned earlier today, and really appreciate the robust conversation about these bipartisan bills, and especially want to concur with the comments of Mr. Butterfield just now about the importance of having this data for maternal mortality efforts.

You know, what Mr. Butterfield was just saying, something that we have noted over the last year and a half, we have seen so much in this COVID-19 pandemic that has highlighted the disparities and challenges that we face. And there is nothing that is more clear than the highlight for the need for high-speed broadband to connect people to

their jobs, students to their schools and their teachers and their classmates and online resources just in every community across the country.

And Congress really has answered that call by providing significant broadband funding in the recent relief packages. And the Infrastructure Investment and Jobs Act would provide an additional \$40 billion to States to expand their broadband connections, as we have discussed today.

My home State of Texas is estimated to receive at least \$100 million to connect Texans to broadband. And there are approximately a million Texans right now who don't have access to broadband. So I really support these provisions.

But part of the reason that I introduced this bill and that it is important that we are talking about it today is that I am concerned that with this incredible level of funding will come a lot of applications to deploy the infrastructure -- the towers, fibers, small cells that are needed to provide these connections -- and that this will strain local offices tasked with reviewing the applications.

And that is why I believe that my bill is so essential for the effective deployment of these funds that we are investing in.

And so I want to direct a couple questions, with the time I have, to Mr. Donovan.

Can you explain or just describe some of the challenges that your members have faced in obtaining the authorizations necessary to deploy their networks in communities that they serve and describe maybe a little bit about how legislation like mine, H.R. 5058, would help address those challenges and kind of prevent this bottleneck in delay at the local level?

Mr. Donovan. Sure. Thank you for the question, and thank you for your leadership on this important issue.

Our members have faced issues of uncertain timeframes for receiving answers,

which challenges how they plan their networks for network deployment moving forward, even before things shifted to remote.

And so some of the new ways that we have experienced challenges in going through the permitting process is, some systems that require, you know, wet-ink signatures or notarized signatures in order to move forward or only in-person submissions of applications or wet-stamp review of construction plans -- all things that we should look at how we can update to make sure that it is a sustainable process and a collaborative process.

As Council Member Fogle mentioned earlier, when industry and localities can work together, it is a win-win for all of us.

Mrs. Fletcher. Well, thank you for that. And, actually, you took the words right out of my mouth, because this bill really has emerged from a collaboration process that we have here in Houston. It is modeled after what we have been doing here in Houston, which really has been a leader in our State in terms of 5G broadband deployment. And a key factor to that success has been the close working relationship between city leaders and the private sector in identifying the needs and facilitating this deployment.

So, you know, our city's technology investments will be a huge economic driver for our region for the years to come. And I would be interested, Mr. Donovan or anyone on the panel, if you can discuss the importance of these public-private collaborative efforts to reach the goal of rapid 5G broadband deployment in all communities, rural and urban.

Mr. Donovan. It comes down to resources. It is the resources to process the applications, both in terms of the individuals that are needed to process it as well as equipment and services to process applications.

And that should be both in a conventional work environment as well as in a remote work environment, so that processes can continue to move forward even if there

are additional shifts to remote work, that that doesn't become a block to approving the applications that we need to build out the broadband services that, as you mentioned, are so critically needed.

Mrs. Fletcher. Terrific.

I have 30 seconds if anyone else wants to weigh in on that question.

Mr. Fogle. I will add something, if I could, Congresswoman.

Well, many of the things that I talk about revolve around municipal broadband. Municipal broadband is not the end-all-be-all response on how to provide broadband to our communities. Partnerships with the private sector are just absolutely critical for ongoing roll-out of the broadband infrastructure throughout our country. Both should be treated with equal importance going forward.

And I thank you.

Mrs. Fletcher. Yeah. Thank you for that.

I have gone over my time, so, Mr. Doyle, thank you very much for indulging me on that. And I would also like to enter some statements in the record that we will email, as instructed at the beginning of the hearing.

Thank you so much. I yield back, Chairman Doyle.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Cardenas. Chairman, you are muted again.

Mr. Doyle. I am sorry, Tony. The chair recognizes you for 5 minutes.

Mr. Cardenas. Thank you very much, Mr. Chairman. That was interesting. Anyway. But we are on.

I want to spend some of my time talking about the Martha Wright Prison Phone Justice Act. And one of the things -- and I apologize; I mean this in the best spirit possible, Ms. Leanza. Some people might assume that your expertise or your approach is completely emotional.

Although this is a very, very emotional issue, can you just spend a little bit of time explaining the intricacies of why this is so important and what it has to do with the technical, not just the adverse effects when we don't allow people who are pre-adjudicated or incarcerated to be able to communicate with especially the next generation of their family?

Ms. Leanza. Absolutely. Thank you so much, Congressman.

So I think there are two important things to understand here. First of all, folks from across the ideological spectrum recognize and agree that the marketplace is broken. This is not a marketplace that functions. This is not a marketplace that brings prices down and improves technology for people, like the marketplaces that most of us benefit from today.

And, in fact, for that reason, we have seen last year's Chairman under the Trump administration, Chairman Pai, advocated, said he wanted to work with Congress to fill the gap in regulatory authority of the Federal Communications Commission. We saw, last year, Americans for Prosperity, the American Conservative Union, Right on Crime all supporting Mr. Rush's legislation, which is unchanged from that time.

So it is very important that, when a jail or prison negotiates for service for their facility, they right now are able to offset the cost of the facility on to the backs of people like Mrs. Martha Wright, a grandmother trying to keep touch with her grandson. The provider will offer a bid in an RFP to say, we will maximize the amount of money that we will pay back to the prison to cover the cost of that prison. And then the rate goes on the backs of the people who are paying on the outside -- the community members, the clergy people who are on the outside who are paying for those bills.

So we have a marketplace problem that we need solved, in this case with regulation. We all might prefer competition, but competition does not solve this problem. We have seen this RFP process actually work to the detriment of consumers.

Mr. Cardenas. The providers of this service, it sounds to me as though they are gouging and they are actually welcoming a Wild Wild West scenario, where there is no standard to which they should comply. And, with all due respect, I call it a standard of decency, for God's sake.

To be able to charge what they charge just so that a child can speak to their parent, already in a very difficult situation, with a child having the stigma of their parent being in jail or what have you, and then to have to not be able to connect, and then create, in my opinion -- and I think studies have shown, when young people are able to communicate with somebody who is either pre-adjudicated or incarcerated and convicted, they are able to deal with it much, much better, and so, less acting out, better attention in school, et cetera, which is what I think everybody on this committee and everybody in America wants for every child, is to not create extra burdens, whether it be accidentally or for the lack of regulation that should be and could be corrected, just like Mr. Rush's legislation will do.

Ms. Leanza, the Emergency Broadband Benefit Program, which is very recent, has

helped over 6 million households since it was started earlier this year. The program is temporary, one designed to provide assistance during the pandemic, but we know that many families will continue to need a program like EBB to subscribe to the broadband and remain online ever after the pandemic ends.

Do you agree that Congress should update the program and provide additional funding to set it up for long-term success? And can you just speak frank and say, is the program currently perfect and can we make fixes and make sure that we make it better as we go along?

Ms. Leanza. Thanks, Congressman.

Yes, the EBB is very important. It is very important for the EBB to continue. And, in fact, one of the key ways that you can make the program better, that Congress can make it better, is to make sure that it lasts a long time.

It certainly takes some level of application. People need to apply for the program. And, for them to do that, they want to know that the program will be there for them over the longer term. They don't want to go through the trouble of applying and, you know, a fair amount of work and then discover that, you know, their benefit is over.

So I think a benefit that continues at the level that Congress already provided for and a benefit that is lasting a long term. And a number of the modifications that Congress has proposed in the infrastructure bill are quite beneficial and will improve the smoothness of operations for the program so that people have those connections that can do all these other things.

Mr. Cardenas. Thank you very much, Ms. Leanza.

Thank you, Mr. Chairman. I yield back.

Mr. Doyle. The gentleman yields back.

I understand we have some colleagues that are waving on today, and I believe the first person to wave on is Mr. Griffith.

So, Mr. Griffith, you are recognized for 5 minutes.

Mr. Griffith. Thank you very much, Mr. Chairman. I appreciate that.

And let me say, I have been very pleased to hear lots of folks talk about robust oversight and that we have to do a lot of oversight. As ranking member on the Oversight and Investigations Subcommittee -- I think Chairwoman DeGette would agree with me -- that, in order to do a lot of robust oversight on this and other important projects that we oversee on the Energy and Commerce Committee, because what we oversee and what we have as jurisdiction is so broad, we might need some additional staff and some additional committee slot times to get all that in. But I am up for it, and I am pretty sure that Chairwoman DeGette would be up for it too.

That being said, I do want to thank you, Chairman Doyle and Ranking Member Latta, for allowing me the opportunity to wave on today and be a participant in this hearing. I believe that some of our most valuable bipartisan work that we can do is on broadband and broadband expansion.

I was disappointed that my bill didn't make the list today. Hopefully it will make the list at some point. But I have a bill, H.R. 1051, that I introduced back in February called the Broadband Leadership Act. My bill would make telecommunications infrastructure investment more efficient by expediting local permitting decisions in either 90 or 150 days, depending on the type of site.

If no decision is made or an extension waiver is not obtained, the provider would be granted a permit by default. Additionally, it would ensure that permitting fees are tied to actual processing and equipment maintenance costs.

Now, I heard somebody talk about a 60-day time limit earlier. And if we need to

put some protective language in there for historic sites or something like that, I am more than happy to work with people on that language.

Mr. Brandenburg, I know that any delay when burying fiber or constructing fixed wireless can force a company to shift its investment to a different area at the expense of the consumer, particularly the rural consumer.

And so you all know, most of my district would be considered rural. I respect 29 different geopolitical subdivisions across about a 4-1/2- to 6-hour-wide, depending on how you measure it, district.

Do you believe, Mr. Brandenburg, that delays in permitting are sometimes used to favor certain providers over others, or is site permitting just not a priority for those who are making those decisions?

Mr. Brandenburg. Thank you, Representative Griffith.

I would say that, you know, from our experience, I do not see any preference, you know, in the local authorities. By the way, these guys are doing a great job, especially during the pandemic. There was some comments made about being able to do that remotely as well. I think those all need to be considered. I just think that they are overwhelmed and understaffed.

And, in many cases, you know, if broadband is meant to be a priority -- and it needs to be -- in this country, we need to, yes, have those, you know, discussions with them about what we intend to do in an inviting way, but we also, I think, do need some kind of provisions for a shot clock so that we can move on with the work that needs to be done.

Mr. Griffith. Yeah. I appreciate that. Do you think that my bill would help, then? It sounds like you do.

Mr. Brandenburg. I do, yeah. I believe that we need some kind of, you know, a

mechanism to -- and a single point of contact, I might add, as well, so that we can not have to deal with multiple agencies. Sometimes we are dealing with Federal, State, and local, and sometimes there are cascading events that happen in series, and I think a lot of those things could happen in parallel.

Mr. Griffith. All right. I appreciate that.

In dealing with a variety of municipalities at your company, how have permitting processes impacted your expansion decisions?

Mr. Brandenburg. So it is a great area of concern. Sometimes we get capital authorized for, you know, for specific projects, and if we cannot execute -- and we have to build a business plan, right, to be able to serve those customers. And if we are waiting a year-plus for those projects to actually be ready for construction, the business dynamics, just like a grant application to the Federal Government, those dynamics have changed. And nothing stands still for that period of time, so it greatly affects our ability.

So timely investments require timely permitting.

Mr. Griffith. Yeah. Well, I appreciate that greatly.

I see my time is just about up, and so, Mr. Chairman, thank you for letting me participate, and I yield back.

Mr. Doyle. The gentleman yields back.

I see one of our subcommittee members has returned.

So, Ms. Clarke, you are recognized for 5 minutes.

You are muted. I think you are still on mute.

Ms. Clarke. Can you hear me now?

Mr. Doyle. We can hear you.

Ms. Clarke. Thank you, Mr. Chairman. I thank our ranking member and our very distinguished panelists for being here today and for providing this venue in which we

can discuss these matters that are critical to my district.

As more goods and services and opportunities shift from the real world to cyberspace, broadband access and deployment is one of the defining policy issues of our time. While this shift to the digital realm has provided numerous societal benefits and allowed us to remain more connected than ever before, it is critical that we do not allow historically underserved and underrepresented groups to be left behind.

Our efforts in Congress will determine if the continued build-out of our wireless networks serve as the tide to lift all ships towards a more equitable and inclusive society or further entrench the inequities of the past.

One such inequity we have an opportunity to address today are those related to maternal health outcomes. Currently, the U.S. ranks as the worst place in the developed world on maternal mortality, and Black women are 2.5 times more likely to die due to childbirth complications than White women.

And that is why I am so encouraged to see this committee look to better understand this issue and the role broadband access may play in addressing this through legislation such as H.R. 1218, the Data Mapping to Save Moms' Lives Act, introduced by my distinguished colleagues on the committee, Mr. Butterfield, Ms. Blunt Rochester, and Mr. Bilirakis.

This bill would allow for a better understanding of the nexus between internet connectivity and maternal morbidity rates by integrating related maternal health outcome data into the agency's broadband data maps. To me, this legislation seems like a commonsense approach to providing policymakers with information critical to addressing the maternal health disparities.

So my first question is, Mr. Donovan, is this proposal something the Competitive Carriers Association would support, and if not, why or why not -- if so, why or why not?

Mr. Donovan. Yes, Congresswoman. So thank you for that and for your leadership on this issue.

This is something that we would support. We want to see the most reliable broadband maps available, especially for wireless coverage. And then they can be used for a range of purposes, including supporting positive health outcomes on the issues that are so important like this.

Ms. Clarke. And, Council Member Fogle, would the data collected under H.R. 1218 provide information relevant to policymakers at the local level seeking to better understand health outcomes?

Mr. Fogle. Absolutely. The data mapping from the FCC has been very limited up to now, so we definitely support and NLC supports a more robust data-mapping system that can tell us where the holes in the broadband infrastructure of the country are. Because we can't fix what we cannot see.

Ms. Clarke. Absolutely.

And, Ms. Leanza, I want to follow up on a question or a point raised by Rep. Cardenas, the question about the EBB program.

I would like to raise a concern received by my office about the lagging participation in the program due to a lack of maintenance of effort by internet providers in keeping the cost of their internet service within the affordable realm that the EBB program was intended to provide.

They have found that many of our carriers are anticipating a hike in the cost of the internet service beyond the program that has been provided by the FCC.

Can you give us any insight to how we can mitigate that? Is it ultimately making the program permanent, or are there other means by which we should be discussing this with our carriers?

Ms. Leanza. Thanks so much.

So I do think that we should make the program permanent. I think we should maintain the current funding levels in the EBB in the new proposal.

In addition, the infrastructure proposal has provisions that enable the FCC to protect consumers, to look at whether there is upselling or other kinds of anti-consumer practices in the broadband industry. And I think it is really important that we have the so-called cop on the beat to be sure that, when consumers are using these Federal dollars to make sure that a broadband is affordable, that the carriers on the other side are putting good use to that money and it is not being wasted on price hikes or things that are not justified in the circumstances.

Ms. Clarke. Very well. Thank you.

And, Mr. Chairman, I yield back 7 seconds.

Mr. Doyle. I thank the gentlelady.

The gentlelady yields back.

The chair now recognizes Mr. Rush for 5 minutes.

Bobby?

I think you need to unmute.

Mr. Rush. Thank you, Mr. Chairman. And I really appreciate your allowing me to wave on to the subcommittee. I want to thank the ranking member also. And I certainly want to thank all of our fine witnesses today.

Mr. Chairman, I have a question for Ms. Leanza.

Ms. Leanza, as you know, I have been working on the prison phone issue for a while. And, in April, I introduced the latest version of my one, which is H.R. 2489, which you have already commented on, you and others have commented on. But I have a question that I want to address to you.

The question on the proper regulation of phone calls to incarcerated people has been addressed before, as I said, at least a decade earlier. Congress originally adopted section 276 of the Communications Act, which covers this issue, in 1996. But even though Congress gave the FCC the authority to address intra-State calls to prison and jail, the FCC has not been able to address this issue fully.

What has been the impact of the *GTL v. Federal Communications Commission* ruling by the D.C. Circuit Court of Appeals? What does Congress need to do to improve this situation?

Ms. Leanza. Thanks so much, Congressman. Thank you for your bill and your leadership on this.

As you said, section 276 of the Communications Act addresses this issue. It says that the FCC has authority over inter- and intra-State pay phones, and pay phones includes calls to incarcerating facilities.

But, unfortunately, a Federal court decision said that, even though Congress gave the FCC authority over intra-State calls in 1996, it concluded that Congress actually had to amend the law in two places, not just one place, in order to effectuate that change. So your bill amends section 2 of the Communications Act, which makes clear that the FCC would have authority.

And the reason that this is necessary is because, you know, the Federal Government is often a really important player to preserve the rights and needs of consumers and citizens across the country. Everybody should be treated fairly, and everybody should receive the same consumer protection against unjust and unreasonable rates that all the other consumers in this country receive under the Communications Act.

Mr. Rush. I totally concur.

Several studies, Ms. Leanza, going as far back as the 1970s, have shown that

prisoners who were able to maintain close contact with loved ones experienced better post-release outcomes and had lower recidivism rates. This is an important aspect of rehabilitation, not only for those that are incarcerated and for their loved ones but also for the community where they will return to and where they reside in.

Can you please discuss how the current prison phone model discourages this very close, extremely close, contact relationship?

Ms. Leanza. Yes. There is no more effective way to improve -- and more cost-effective way to improve the outcomes than to give people who are incarcerated close ties to the community outside so that, when they get outside and they are finished with their term, they can find a job, find a place to live, their family relationships with their children, their spouses, will continue to be strong and vibrant, and they will be able to reenter society fully and successfully.

So it is a part of Safe Communities to allow people to successfully reintegrate in society if they can keep those communications vibrant while they are inside.

Mr. Rush. Thank you, Mr. Chairman. Thank you so much. I yield back.

Mr. Doyle. I thank the gentleman.

Let's see. Last but certainly not least, my good friend, Congresswoman Dingell, you are recognized for 5 minutes to close this hearing.

Mrs. Dingell. Thank you, Mr. Chairman. Thanks for holding the hearing, letting me wave on, and to all the witnesses that testified today.

You know, it is essential that our communication networks serve the unique needs of all of our communities, and I am pleased that I have the opportunity to discuss the ISAAC Alerting Act at today's hearing.

I have partnered with Ranking Member Rodgers on this effort, because ensuring people with disabilities have access to services they need has long been a priority of not

only mine and hers but this entire committee.

It is especially important when we consider emergency response services and how some of our neighbors with disabilities might be best served if first responders are aware of the special circumstances before arriving on the scene.

Ms. Leanza, how is accessibility for people with disabilities a civil-rights issue, particularly as it relates to 911 and emergency response services?

Ms. Leanza. Well, clearly, people with disabilities have the same civil rights as everyone else in our country, and, you know, the ADA, the Americans with Disabilities Act, among others, prohibits discrimination against them. And if a person cannot get access to emergency communications and emergency services, they might pay the ultimate price for not being able to call an ambulance.

So there could be no greater deprivation of your civil rights than to die because you couldn't get the same access to services as everyone else.

Mrs. Dingell. Thank you for that.

So, building on that, what should the committee keep in mind as it considers ways to improve 911 and emergency services responses to requests for assistance from people with disabilities?

Ms. Leanza. Thanks.

First of all, you should absolutely work closely, as I am sure you have, with the people with disabilities. There is such a wide range of different kinds of disabilities. The needs of somebody who is deaf, versus somebody who is blind, versus somebody who is deafblind, versus somebody who has a cognitive disability -- all of those require different kinds of responses, and all of those communities are the experts themselves about what needs best serve them.

I do have a little bit of experience with this, in particular, in working with,

unfortunately, incarcerated people who have disabilities. And the tragedy of somebody not being able to communicate while they are inside, you know, turns a prison term into a solitary confinement for multiple years.

So not being able to communicate with your loved ones, whether that is because of a disability or some other way, is a really significant issue.

Mrs. Dingell. Thank you.

So I am going to ask all of the panel, please, to answer this with "yes" or "no."

Do you consider connectivity and accessibility to public safety networks and emergency 911 services a public health issue?

We can go down the panel, whoever wants to answer first.

Ms. Leanza. Yes, I do.

Mr. Brandenburg. Yes, I do as well.

Mr. Donovan. With 80 percent of an estimated 240 million 911 calls coming from wireless devices, absolutely, yes.

Mr. Fogle. Absolutely.

Mrs. Dingell. And, having time, I am going to ask Mr. Fogle, is it correct to assume that disparities or gaps in broadband access could lead to gaps in access to these emergency services?

Mr. Fogle. Oh, I think you are absolutely correct that areas that do not have worthwhile broadband services could not only cause disparities in response times for emergency services, it could cause disparities in reporting of emergencies.

The areas outside of our communities, for instance, that are in the semi-rural areas, there are gaps that are literally 150 yards away from good fiber connectivity but, because of the transition between city and rural, the broadband connectivity stops.

And as we move forward with broadband deployment across our country, I think

we need to especially concentrate on those semi-rural areas where the facilities exist; it is just a confluence of laws and confusion that cause those areas to not be equally served even though they are so close to connectivity.

So we can't have people's homes having issues and not having great broadband service just because they are, you know, a few hundred yards outside of a given area.

Mrs. Dingell. Thank you.

And, Ms. Leanza, in the 16 seconds left, do you agree with that?

Ms. Leanza. Absolutely.

Mrs. Dingell. Thank you to all of you for being here today.

Mr. Chairman, I will yield back my 6 seconds and look forward to working on this subject with you.

Mr. Doyle. Okay.

The gentlelady yields back. I thank her.

So I think that is everyone. I want to thank all the witnesses for their participation in today's hearing.

I want to request unanimous consent to enter the following records, testimony, or other information into the record: a letter from the Credit Union National Association; a statement from Congressman Bill Pascrell; statement from Rick Roderick, president of the National Association of Amateur Radio; a letter from NATE: The Communications Infrastructure Contractors Association to Rep. Fletcher in support of H.R. 5058; another letter from NATE to myself and Ranking Member Latta in support of H.R. 5058; statements from CCA, Encompass (ph), WIA in support of H.R. 5028; a letter from the March of Dimes in support of H.R. 1218; a letter from grassroots advocates, civil rights, consumers' rights, and faith-based organizations in support of H.R. 2489; a letter from the Leadership Conference on Civil and Human Rights in support of H.R. 2489; a letter from

the American Medical Association in support of H.R. 1218; a statement from the American College of Obstetricians and Gynecologists in support of H.R. 1218; a letter from GPS Innovation Alliance in support of H.R. 2501; a letter from USTelecom in support of H.R. 5400; an op-ed in the New York Daily News entitled, "New York News: New Jersey, Media Desert," by Congressman Bill Pascrell and Senator Robert Menendez.

Without objection, this is so ordered.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Doyle. I remind members that, pursuant to committee rules, they have 10 business days to submit additional questions for the record to be answered by the witnesses who have appeared.

I would ask each witness to respond promptly to any such questions you may receive.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Doyle. At this time, the committee is adjourned.

[Whereupon, at 2:38 p.m., the subcommittee was adjourned.]