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6 CONNECTING AMERICA: OVERSIGHT OF NTIA

7 WEDNESDAY, FEBRUARY 16, 2022

8 House of Representatives,

9 Subcommittee on Communications and Technology,

10 Committee on Energy and Commerce,

11 Washington, D.C.

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15 The subcommittee met, pursuant to notice, at 12:05 p.m.
16 via Webex, Hon. Jerry McNerney, [member of the subcommittee]
17 presiding.

18 Present: Representatives McNerney, Veasey, Soto, Eshoo,
19 Welch, Schrader, Cardenas, Kelly, Craig, Fletcher, Pallone
20 (ex officio); Latta, Guthrie, Bilirakis, Johnson, Hudson,
21 Mullin, Walberg, Carter, Duncan, Curtis, and Rodgers (ex
22 officio).

23 Also present: Representatives Barragan, Joyce, and
24 Tonko.

25 Staff Present: Jennifer Epperson, Senior Counsel;
26 Waverly Gordon, Deputy Staff Director and General Counsel;
27 Jessica Grandberry, Staff Assistant; Mackenzie Kuhl, Press

28 Assistant; Jerry Leverich, Chief Counsel, Communications and
29 Technology; Joe Orlando, Policy Analyst; Chloe Rodriguez,
30 Clerk; Johanna Thomas, Counsel; Kate Arey, Minority Content
31 Manager and Digital Assistant; Sarah Burke, Minority Deputy
32 Staff Director; Michael Cameron, Minority Policy Analyst,
33 CPC, Energy, Environment; William Clutterbuck, Minority Staff
34 Assistant/Policy Analyst; Theresa Gambo, Minority Financial
35 and Office Administrator; Jack Heretik, Minority Press
36 Secretary; Nate Hodson, Minority Staff Director; Sean Kelly,
37 Minority Press Secretary; Peter Kielty, Minority General
38 Counsel; Emily King, Minority Member Services Director; Bijan
39 Koohmaraie, Minority Chief Counsel, O&I Chief Counsel; Tim
40 Kurth, Minority Chief Counsel, CPC; Clare Paoletta, Minority
41 Policy Analyst, Health; Olivia Shields, Minority
42 Communications Director; Michael Taggart, Minority Policy
43 Director; Everett Winnick, Minority Director of Information
44 Technology; Evan Viau, Minority Professional Staff Member,
45 Communications and Technology; Kate O'Connor, Minority Chief
46 Counsel, Communications and Technology.

47

48 *Mr. McNerney. The Subcommittee on Communications and
49 Technology will now come to order.

50 Today is -- the Subcommittee on Communications and
51 Technology is holding a hearing entitled, "Connecting
52 America: Oversight of NTIA."

53 Due to the COVID-19 public health emergency, today's
54 hearing is being held remotely. All members and witnesses
55 will be participating via video conferencing.

56 As a part of our hearing, microphones will be set on
57 mute for the purpose of eliminating inadvertent background
58 noise. Members and witnesses, you will need to unmute your
59 microphone each time you wish to speak.

60 Documents for the record can be sent to Joe Orlando at
61 the email address we have provided to staff. All documents
62 will be entered into the record at the conclusion of the
63 hearing.

64 The chair now recognizes himself for five minutes for an
65 opening statement.

66 Today's hearing comes at a crucial time in our nation's
67 history for delivering high-speed, reliable, and affordable
68 broadband to all Americans. Never before has Congress and
69 the president made such a bold investment, \$65 billion, to
70 connect Americans to one of the most valuable resources of
71 the 21st century, the internet. And the pivotal agency that
72 is going to help us cross the finish line and reach this

73 important goal is the one that is before us today, the
74 National Telecommunications and Information Administration,
75 the NTIA.

76 NTIA plays a key role in developing and overseeing
77 telecommunications and technology policy for this country.
78 Indeed, Congress long ago designated NTIA as the president's
79 primary adviser on these critical policy issues. It is not
80 surprising that, in the bipartisan infrastructure law, we in
81 Congress designated the NTIA to administer this historic \$65
82 billion investment to connect Americans across the country to
83 reliable, high-speed, and affordable broadband.

84 This is certainly a big responsibility to place on one
85 agency. But the recent confirmation of Mr. Alan Davidson,
86 our witness today -- we have someone who is up to the task at
87 hand.

88 The bipartisan infrastructure law is poised to have a
89 massive impact on the roughly 30 million Americans who
90 currently cannot connect to the internet. As we have all
91 learned during the COVID-19 pandemic, broadband is the
92 foundation that allows so many Americans workers to support
93 their families, our children to expand the horizons and
94 complete their homework, and all of us to strengthen our
95 bonds with family and friends, even when we are thousands of
96 miles apart.

97 I am particularly pleased that the bipartisan

98 infrastructure law included my Digital Equity Act. There is
99 no doubt that the over 45 billion in the law to fund and
100 build out of new networks will help communities in my
101 district and across the country.

102 But universal connectivity does not stop at network
103 access. Families need to be able to afford this service.
104 The individual must have devices and technical skills to use
105 those services for their needs. The Digital Equity Act
106 provides funding to all 50 states, plus the District of
107 Columbia and Puerto Rico, to develop state digital equity
108 plans that identify barriers faced by their residents in
109 accessing broadband.

110 One of those state plans -- once those state plans are
111 completed, it will fund projects to address the barriers
112 identified in the plans to make sure that the goals of
113 universal connectivity is meaningful to everyone.

114 The bipartisan infrastructure law does not stop there.
115 Even for those who have physical access to those networks and
116 the skills to take advantage of them, a challenge remains for
117 many in finding plans that they can deliver high-speed
118 broadband services at affordable prices. In today's economy,
119 broadband is an absolute necessity. No family should have to
120 choose between the internet and other basic household needs.

121 So I am pleased that the bipartisan infrastructure law
122 makes tangible investments in broadband affordability, so

123 that we can ensure that economically vulnerable households
124 are not put in a position to make difficult decisions, such
125 as deciding what essential services to do without. These
126 investments include the affordable connectivity program at
127 the FCC, but also the low-cost option that recipients of the
128 development program administered by the NTIA are required to
129 provide. These are two separate and distinct ways to address
130 broadband affordability, and will, no doubt, separately
131 ensure broadband is affordable to people across the country.

132 Lastly, but certainly not least, we have all seen in
133 recent months, thanks to a trend that began in the last
134 Administration, what happens when NTIA and the FCC do not row
135 in the same direction. Thanks to the hard work at the NTIA
136 and the FCC and others in the last few weeks, we have finally
137 begun to see some progress in resolving the spectrum issues
138 left over by the Trump Administration.

139 Even better, we saw yesterday that the NTIA and the FCC
140 have announced a new spectrum coordination initiative to
141 ensure that our government once again speaks with one voice
142 on spectrum management matters.

143 And it doesn't stop there. The NTIA is working on
144 cutting-edge issues like artificial intelligence and
145 cybersecurity that will benefit all of us.

146 For all of these reasons, I am pleased to have Mr.
147 Davidson with us today. I look forward to the conversation.

148 [The prepared statement of Mr. McNerney follows:]

149

150 *****COMMITTEE INSERT*****

151

152 *Mr. McNerney. And with that, the chair yields back.
153 The chair now recognizes Mr. Latta, the ranking member of the
154 Subcommittee on Communications and Technologies [sic], for
155 five minutes for his opening statement.

156 *Mr. Latta. Well, I thank the chairman and my good
157 friend for conducting today's hearing. I greatly appreciate
158 it.

159 And good afternoon, and welcome to the first oversight
160 hearing held by the Communications and Technology
161 Subcommittee this Congress.

162 I would also like to start off again, Mr. Secretary --
163 Assistant Secretary Davidson, again congratulating you on
164 your confirmation to lead the National Telecommunications and
165 Information Administration. It is a very, very important
166 post.

167 The COVID-19 pandemic magnified the importance of
168 internet access, as so much of our daily lives moved online.
169 From telehealth to education, nearly every aspect of American
170 life was forced online overnight. And unlike our
171 international counterparts, our providers were well
172 positioned to step up and make sure their networks were
173 successful in handling the spike in traffic.

174 Fortunately, the Trump Administration's FCC made great
175 progress connecting Americans across the country. Americans
176 without access to broadband service fell by 14 percentage

177 points in 2018, and Americans living in rural areas with
178 access to broadband at 250 megabits per second increased by
179 85 percent since 2017.

180 Yet, despite the success, more work must be done to
181 close the digital divide in many of the hardest-to-reach
182 parts of our country, including in my district. By statute,
183 NTIA is the president's principal adviser on all
184 telecommunications and information policy, and is responsible
185 for representing the executive branch on both domestic and
186 international communications policies. And with the passage
187 of the Infrastructure Investment and Jobs Act, NTIA is now at
188 the forefront, expanding broadband connectivity across all of
189 the United States.

190 NTIA received an unprecedented \$43 billion of funding
191 for broadband deployment, and over 15 billion to promote
192 digital equality -- equity and broadband affordability. This
193 staggering investment must first prioritize hard-to-reach,
194 unserved areas. However, I am concerned that we are seeing
195 this Administration move the goal post by redefining what it
196 is -- what it means by -- considered "served.'" By moving
197 the goalpost, and not having proper safeguards in place, we
198 risk leaving Americans with no service further behind.

199 In addition to this funding, Republicans have outlined
200 comprehensive broadband permitting reform legislation that
201 would make it easier to deploy broadband on Federal lands in

202 hard-to-reach areas. As the assistant secretary, you have
203 the discretion over how these funds are spent, and I
204 encourage you to keep these concerns in mind as you draft the
205 rules.

206 NTIA is also manager of all Federal spectrum. Federal
207 agencies rely on spectrum for mission-critical systems, but
208 they must also be held accountable for efficiently using
209 their spectrum resources.

210 Additionally, as more Americans rely on wireless devices
211 and the growth of the Internet of Things, making spectrum
212 available for commercial use is necessary for America to lead
213 in future generations of technology.

214 NTIA has the distinct role of balancing both interests,
215 and representing the voices of all Federal agencies on
216 spectrum matters. This is not an easy task. We continue to
217 see Federal agencies circumvent NTIA in the spectrum
218 management process, or ignore changes in the spectrum
219 landscape. More frequently, we see these technical spectrum
220 disputes spilling out into the public.

221 The most recent example is the -- with the FCC's C-Band
222 order. Rather than engage with expert engineers at the NTIA
223 and FCC and participate in FCC's public and transparent
224 process, the aviation industry and the FAA engaged in
225 fearmongering tactics by going to the press and threatening
226 to ground planes.

227 As the commercial spectrum landscape continues to evolve
228 with advances in new technologies, NTIA is at the center of
229 preserving Federal missions, and ensuring Federal users are
230 prepared for new developments in the spectrum landscape. It
231 is our responsibility, as members of the Energy and Commerce
232 Committee, to oversee NTIA's implementation of these diverse
233 and important tasks, and provide necessary direction when
234 challenges arise.

235 Today's hearing is a great start to what I hope is the
236 first of many oversight hearings on these important topics.
237 And again, Mr. Secretary, it is great to have you with us
238 today.

239 [The prepared statement of Mr. Latta follows:]

240

241 *****COMMITTEE INSERT*****

242

243 *Mr. Latta. And Mr. Chairman, I yield back the balance
244 of my time.

245 *Mr. McNerney. Well, the gentleman from Ohio yields
246 back, and it is good to see your face, and not just hear your
247 voice, Bob.

248 *Mr. Latta. Well, thanks very much. Good seeing you.

249 *Mr. McNerney. The chairman now recognizes Mr. Pallone,
250 chairman of the full committee, for five minutes for his
251 opening statement.

252 *The Chairman. Thank you, Chairman McNerney. Good to
253 see you.

254 Today the committee is conducting important oversight of
255 the NTIA. And I would venture to guess that most Americans
256 have never heard of NTIA, but the agency plays a crucial role
257 in connecting Americans.

258 I am pleased President Biden has prioritized the
259 agency's role by appointing Alan Davidson as administrator.
260 It was unfortunate that, during the majority of the Trump
261 Administration, NTIA did not have a politically appointed
262 leader. And Administrator Davidson's leadership is going to
263 be critical, as NTIA is poised to deliver on one of the most
264 important economic and equity issues of the day, and that is
265 universal access to robust and affordable broadband service.

266 Our broadband internet is not a luxury. It is a
267 necessity. It is needed for Americans to do their jobs, run

268 their small businesses, study for school, meet with their
269 doctor for a telehealth visit, and connect with family and
270 friends. Unfortunately, studies estimate that as many as 30
271 million Americans are still without home broadband internet
272 access, and members of this committee on both sides of the
273 aisle have for years discussed ways to address this issue so
274 that everyone can take part in today's digital society.

275 In November Congress and President Biden delivered for
276 the American people with the bipartisan infrastructure law
277 that included a historic \$65 billion investment in broadband
278 programs, and this funding will support the cost of building
279 these networks into rural and under-served communities,
280 including tribal communities, so that they can finally
281 benefit from the economic and educational opportunities they
282 deserve. And this investment will ensure every American has
283 access to reliable, high-speed internet.

284 Affordability is also an issue when it comes to
285 broadband access, and the bipartisan infrastructure law
286 tackles it in different ways. Most notably, it created the
287 Affordable Connectivity Program at the Federal Communications
288 Commission. Under the ACP, one in four American households
289 are now eligible to receive a discount of \$30 every month on
290 their internet bill, or \$75 a month for people living on
291 tribal lands.

292 The law also requires providers that receive money from

293 the Broadband Equity Access and Deployment Program at NTIA to
294 offer a low-cost service plan for low-income Americans. And
295 through these efforts and others, we need to make sure that
296 affordability is not a barrier to universal connectivity,
297 because broadband is so essential.

298 And finally, the bipartisan infrastructure law also
299 includes digital equity funding to help ensure that people
300 have the skills and tools they need to connect when they have
301 access. So beyond the positive impacts to individuals and
302 communities, this investment is also critical to ensuring
303 that America's economy can successfully compete on the world
304 stage. You only need to look at the enormous investments
305 China has made in fiber, putting it on track to connect more
306 than a billion people to broadband. So we can't allow other
307 nations to get ahead of us in building the economy of the
308 future.

309 While NTIA's work of implementing the programs within
310 its purview is only just beginning, the agency also is
311 administering the programs we enacted on a bipartisan basis
312 in the Consolidated Appropriations Act in 2021. So I look
313 forward to getting an update on all of these investments
314 today, as NTIA continues its monumental work of connecting
315 America.

316 Congress has also tasked NTIA with the important
317 responsibility of managing Federal spectrum users, and

318 coordinating with the FCC to ensure that our airwaves are
319 effectively managed between Federal and commercial users.
320 Sadly, during the Trump Administration, that responsibility
321 was ignored, in my opinion, and resulted in unnecessary and
322 counterproductive public fights in multiple spectrum bands,
323 including the C-Band.

324 So I am hopeful that, with the new leadership at NTIA,
325 we will move past these public spectrum disputes, and instead
326 rely on the work of the expert agencies in coordination with
327 the Federal partners to reach decisions that serve the
328 public's interest. So I was pleased to see yesterday that
329 Administrator Davidson and FCC Chairwoman Rosenworcel moved
330 to update their spectrum memorandum of understanding,
331 consistent with legislation this committee unanimously
332 reported to the House back in November. And this is an
333 important step to get this country's management of its
334 airwaves back on track.

335 I also believe that rolling out a national spectrum
336 strategy will better position NTIA to ensure that the Federal
337 Government is coordinated with respect to our airwaves, and
338 that is going to help consumers, commercial carriers, and
339 Federal agencies with the spectrum resources they need and
340 for the -- you know, they need now, as well as for the
341 future.

342 So there is a lot for us to discuss today, as we

343 continue our important work on connecting America. I welcome
344 Administrator Davidson, and I look forward to hearing from
345 him.

346 [The prepared statement of The Chairman follows:]

347

348 *****COMMITTEE INSERT*****

349

350 *The Chairman. And I yield back, Mr. Chairman, Mr.
351 Chairman McNerney, for the balance of my time.

352 *Mr. McNerney. The chairman yields back. The chair now
353 recognizes Mrs. McMorris Rodgers, ranking member of the full
354 committee, for five minutes for her opening statement.

355 *Mrs. Rodgers. Good morning. Thank you, Mr. Chairman.

356 I would like to join in congratulating Assistant
357 Secretary Davidson on your confirmation to lead the National
358 Telecommunications and Information Administration.

359 NTIA is tasked with ensuring all Americans have a
360 reliable broadband connection. This is a massive
361 responsibility, requiring significant investment. And
362 because of this, it is imperative that the Energy and
363 Commerce Committee perform its duty and conduct regular
364 oversight of NTIA and other agencies under its jurisdiction.

365 Having the NTIA assistant secretary before us today is a
366 great start. I hope we can have leaders from the Federal
367 Communications Commission before us soon, which Ranking
368 Member Latta and I have requested.

369 By statute, NTIA is the president's principal adviser on
370 all telecommunications and information policy, and is
371 responsible for representing the executive branch on both
372 domestic and international communications policies. This
373 includes managing all Federal spectrum use, ensuring the
374 security of our communications networks and their supply

375 chain, overseeing FirstNet and the implementation of the
376 Nationwide Public Safety Network, coordinating broadband
377 funding activities across the government, and now
378 implementing the biggest investment in broadband
379 infrastructure in our nation's history.

380 Access to broadband has never been more important than
381 COVID-19: remote schools, telehealth, virtual meetings, and
382 business. Because of the light-touch regulatory policies in
383 place before the pandemic, broadband providers have invested
384 tens of billions in their networks over the past decade,
385 which is why, during the pandemic, American broadband
386 networks were so dependable, even as these networks faced an
387 unprecedented surge of individuals and businesses moving
388 online full-time.

389 Unfortunately, many Americans continue to live in areas
390 with no connectivity at all. The last major investment in
391 broadband was in 2009, when Congress passed the American
392 Recovery and Reinvestment Act. NTIA received 4.7 billion,
393 much of which turned into a missed opportunity when funds
394 were directed to overbuilding and failed projects. We cannot
395 afford to let this happen again.

396 Through the infrastructure bill, Congress provided NTIA
397 nearly 43 billion for broadband deployment, more than 10
398 times the amount administered in 2009. This funding must be
399 targeted to truly unserved areas. That is, areas currently

400 lacking broadband speeds the FCC considers served, which are
401 those areas that lack download speeds of 25 megabits per
402 second and upload speeds of 3 megabits per second.

403 Congress also designated NTIA to track and coordinate
404 how funds are being used for broadband access across the
405 government, the Federal Government, which ensures that funds
406 are going to unserved areas, and not being used to overbuild
407 in areas that already have reliable access.

408 The only way to connect all Americans is by reliably
409 tracking broadband funding, making sure agencies utilize the
410 FCC's updated maps, and prioritizing unserved areas first.
411 NTIA must get this right in order to close the digital divide
412 once and for all.

413 We also must make sure that our networks are secure.
414 The Department of Commerce is implementing rules to enhance
415 the security of our communications network supply chain.
416 NTIA is also administrating an information-sharing program
417 for small, rural providers, which is a key provision of this
418 committee's Secure and Trusted Communications Networks Act.
419 I look forward to hearing about NTIA's progress in this
420 space, and their growing mission to promote supply chain
421 security.

422 We also cannot forget about the importance of wireless
423 connectivity. Wireless technologies can offer connectivity
424 in areas unreachable by fiber. A critical role NTIA plays in

425 promoting economic growth is managing Federal airwaves
426 effectively to ensure America leads in next-generation
427 technologies. In this role, NTIA has a dual task of making
428 sure agencies have enough spectrum for their missions, while
429 also making sure they use their spectrum resources
430 efficiently, and working towards repurposing spectrum for
431 commercial use.

432 Spectrum is a valuable, finite resource, and as we have
433 seen in recent years, distributing this resource is only
434 going to become more challenging over time. During recent
435 high-profile disputes over spectrum allocations, we have seen
436 certain agencies, such as the Department of Transportation
437 and the Department of Defense, attempt to assert authority
438 over commercial spectrum bands, where those agencies do not
439 hold licenses. These costly interagency battles threaten our
440 ability to lead the world in next-gen communications, and
441 NTIA must assert its authority in the spectrum management
442 process to prevent that from happening.

443 If NTIA needs congressional support to execute its
444 duties, we stand ready to ensure it has the resources and the
445 authorities necessary to do so. We must have trust in the
446 expertise at the NTIA and the FCC, and confidence in NTIA's
447 leadership in this spectrum process, which requires regular
448 oversight like today's hearing.

449 Finally, I would like to add that NTIA's role in

450 overseeing FirstNet, and their implementation of the
451 country's Public Safety Network is critical to ensuring our
452 first responders can communicate at all times.

453 You have an important mission ahead, and I am happy to
454 have you before us today. I look forward to the discussion
455 on these important topics, and I hope that we can continue
456 working together.

457 [The prepared statement of Mrs. Rodgers follows:]

458

459 *****COMMITTEE INSERT*****

460

461 *Mrs. Rodgers. I yield back.

462 *Mr. McNerney. The gentlelady yields back.

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

466 I would like to introduce our witness for today's
467 hearing, the Honorable Alan Davidson, a second -- assistant
468 secretary for communications and information, administrator
469 of the National Telecommunications and Information
470 Administration, U.S. Department of Commerce. Administrator
471 Davidson was confirmed to his position on January 11th, 2022.

472 Congratulations, Administrator.

473 And he has previously served as the first director of
474 digital economy at the U.S. Chamber of Commerce -- at the
475 U.S. Department of Commerce. That was a little misstep
476 there.

477 We wish to thank Assistant Secretary Davidson for
478 joining us today.

479 We look forward to your testimony.

480 At this time the chair will recognize Administrator
481 Davidson for five minutes to provide his opening statements.

482 Administrator Davidson, you are recognized for five
483 minutes.

484

485 STATEMENT OF HON. ALAN DAVIDSON, ASSISTANT SECRETARY FOR
486 COMMUNICATIONS AND INFORMATION, ADMINISTRATOR OF THE NATIONAL
487 TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION, U.S.
488 DEPARTMENT OF COMMERCE

489

490 *Mr. Davidson. Thank you for that introduction. Thank
491 you, Representative McNerney, chairing this hearing, Ranking
492 Member Latta, Chairman Pallone, Ranking Member Rodgers, and
493 members of the Subcommittee, for the opportunity to speak
494 with you today.

495 By law, NTIA serves as the president's adviser on
496 telecommunications and information policy. Today NTIA's
497 programs focus largely on expanding broadband internet access
498 and adoption in America, expanding the use of spectrum by all
499 users, improving public safety communications, and ensuring
500 that the internet remains an engine for continued innovation
501 and economic growth.

502 We have been given a historic opportunity, thanks to
503 bipartisan support from Congress, to close the digital
504 divide, create good-paying jobs, promote equity, and enhance
505 American competitiveness.

506 I am excited to join you today, just a little over one
507 month into my new role. I have spent my career devoted to
508 the idea that technology must serve human progress. For the
509 last 25 years, as a computer scientist, a lawyer, a public

510 interest leader, and an executive, I have sought to build and
511 shape technologies that connect people and make their lives
512 better. I am honored and humbled to lead NTIA at this
513 pivotal moment.

514 As you of all noted, NTIA has many responsibilities.
515 But today I will highlight some of the top priorities for us
516 this year.

517 Our first priority is closing the digital divide.
518 People need good internet access to thrive in the modern
519 economy, to learn and work from home, to remotely visit
520 doctors, to stay connected with family and with friends.
521 Achieving an equitable future demands that American homes and
522 businesses have high-quality connections at affordable
523 prices, and the means to use them. And that will be our
524 work.

525 Thanks to the leadership and work of this subcommittee,
526 the bipartisan infrastructure law provided \$65 billion to
527 help deliver affordable, reliable, high-speed internet to
528 every American. Forty-eight billion dollars of that total
529 was allocated to NTIA to create and expand four different
530 programs.

531 The \$42 billion Broadband Equity Access and Deployment
532 program, the so-called BEAD program, or state program, as we
533 call it, will fund infrastructure build-outs needed to
534 connect every American through grants to states.

535 Nearly \$3 billion was allocated for a program to address
536 digital inclusion and equity.

537 A billion dollars for a program to expand middle mile
538 infrastructure.

539 And our active tribal broadband connectivity program
540 received an additional \$2 billion to help further our efforts
541 with tribal communities.

542 In addition to all these programs in the bipartisan
543 infrastructure law, NTIA is currently implementing \$1.5
544 billion in broadband grant funding included as part of the
545 Consolidated Appropriations Act last year.

546 Our second big priority is ensuring access to spectrum.
547 NTIA serves a critical role, ensuring most effective and
548 efficient use of this scarce Federal resource. That includes
549 meeting essential Federal missions, while also coordinating
550 with the FCC to support advanced wireless technologies.

551 As I stated during my confirmation hearing, I am
552 committed to working towards a coordinated national approach
553 to spectrum use and planning to meet the current and future
554 demands. As a tangible step in this direction, I was
555 delighted just yesterday to announce, with the FCC, NTIA's
556 new Joint Spectrum Coordination Initiative, and I look
557 forward to answering any questions, talking more about that
558 in the -- in our questions and answers.

559 The final thing is that, you know, NTIA is working to

560 bolster cybersecurity and public safety communications,
561 protect privacy, advance America's vision of free and open
562 communications around the world.

563 We are playing a leading role in the U.S. Government's
564 efforts to increase market competitiveness and enhance
565 supplier diversity for secure 5G infrastructure.

566 We are working to accelerate the adoption of OpenRAM
567 technologies in the U.S. and around the world.

568 NTIA is leading efforts to enhance public safety
569 communications, as was mentioned, and next generation 911,
570 supporting the FirstNet authority for our nation's first
571 responders.

572 And we are working to ensure that our global
573 communications systems remain a positive force, offering
574 people open access to information and economic opportunity
575 around the world. That includes support for the election of
576 Doreen Bogdan-Martin as secretary general of the ITU, a key
577 U.S. priority.

578 All of these are ambitious goals. Given technology's
579 growing role in our lives, these priorities are about far
580 more than communications policy. They are about creating new
581 jobs for Americans. They are about public safety and
582 national security. They are about competing globally and
583 improving equity here at home.

584 This is a exciting and historic time to be at NTIA. I

585 look forward to working with this subcommittee to execute our
586 mission, and to deliver on these promises for all Americans.

587 Thank you for your time, and I look forward to your
588 questions.

589 [The prepared statement of Mr. Davidson follows:]

590

591 *****COMMITTEE INSERT*****

592

593 *Mr. McNerney. Thank you.

594 We have now concluded openings, and we move to member
595 questions. Each member will have five minutes to ask
596 questions of our witness. I will start by recognizing myself
597 for five minutes.

598 Administrator Davidson, as you know, these past couple
599 of years have highlighted why it is so important to make sure
600 everyone who wants reliable broadband access at home is able
601 to get it. Reliable broadband access is needed so students
602 can do their homework, people can look for jobs, family and
603 friends can stay connected, and people can otherwise
604 participate in our society.

605 Making broadband available is not just an infrastructure
606 challenge. For many, it is an economic challenge. That is
607 why, again, I championed the Digital Equity Act, which
608 requires the NTIA to establish grant programs for promoting
609 digital equity, supporting digital inclusion activities, and
610 building capacity for state-led efforts to increase adoption
611 of broadband by the residents.

612 As the NTIA implements the Digital Equity Act, how will
613 it engage with all impacted stakeholders, including local
614 groups that are in tune with local needs, to ensure
615 successful implementation of the Act's objectives?

616 *Mr. Davidson. Well, thank you for that question, and
617 thank you for your leadership on these issues. I have

618 enjoyed talking about these when we had a chance to meet
619 earlier.

620 And I will say our view is that you are exactly right,
621 that this is about more than just making sure there is a wire
622 going past somebody's home. Affordability and adoption
623 require a lot more than just access. It doesn't do us any
624 good if somebody has access, but there is no -- they can't
625 afford to get online. It doesn't help if they can afford to
626 get online, but they don't have a device to use the online
627 connection, or they don't have -- you know, don't have the
628 means to actually make use of it.

629 So we are thinking very holistically about how to
630 address these adoption issues. And the digital equity grant
631 program that we are going to be implementing is a key part of
632 that. We have already begun outreach to affected
633 communities. We have created a digital economy -- sorry,
634 digital equity leaders network. I had a chance to speak with
635 it just a few weeks ago, a terrific group of people around
636 the country who are thinking about these issues.

637 And we are engaged with states, communities, and
638 particularly the communities impacted, to talk about how
639 people can most effectively use this, and use it in
640 conjunction with our other programs. And that is the key for
641 us, making sure that all these programs are working together
642 in lockstep, so that we are addressing these digital equity

643 issues, even as we address the broader set of issues, too.

644 *Mr. McNerney. Well, thank you. One of the things you
645 have stressed since being brought in at the NTIA is how
646 important it is that you and the agency's actions are
647 transparent to the public to build trust in your decisions.
648 Can you talk about why transparency is important to you, and
649 how this will inform your decision-making about the programs
650 you are charged with implementing?

651 *Mr. Davidson. Sure. Well, as a starting point, we
652 know that we need to be careful stewards of the resources and
653 responsibilities that we have been given. We won't meet our
654 mission if we don't use funds wisely. And we also need to
655 make sure we are bringing on -- bringing along the public,
656 and making sure that there is faith in how we use these
657 resources.

658 There is a saying, you know, sunlight is the best
659 disinfectant, and I strongly believe that. Transparency is a
660 huge element of our accountability. It is part of why I am
661 here today. It is part of what we will be trying to
662 implement -- what we will be implementing at NTIA and working
663 with the states. So you can expect more transparency about
664 what we are doing. And we are going to insist that states
665 are transparent, too, about how they are spending the money
666 that we grant them.

667 *Mr. McNerney. Okay, excellent. Administrator

668 Davidson, I am currently the co-chair of the Artificial
669 Intelligence Caucus, and I am particularly interested in AI-
670 related issues. What do you see as NTIA's role in efforts to
671 advance AI and machine learning in the United States and
672 abroad?

673 *Mr. Davidson. Well, it is a tremendously important
674 issue, in the sense that we know that there are a lot of
675 questions about the use of AI, huge benefits, huge
676 opportunities, huge challenges, too.

677 And I will say NTIA right now has a fairly limited
678 portfolio in this space at the moment, but we do serve as the
679 President's adviser on telecommunications and information
680 policy. There is very active work happening within the
681 Administration at the OSTP and the White House. Our
682 colleagues at NIST are working on artificial intelligence.
683 And I will say that we stand ready to assist those efforts as
684 needed.

685 Just as an observation, I will just say this is an area
686 where American leadership is quite important, as others start
687 to move into the space.

688 *Mr. McNerney. Well, how will the agency address the
689 ethics and security implications of those advanced
690 technologies?

691 *Mr. Davidson. I -- you -- the -- my observation from
692 -- coming from the private sector, particularly, is that

693 there is a hunger in industry for a sense of what good looks
694 like. There is lots of companies that want to do the right
695 thing. I think the government, you know, giving them some
696 sense of what that should look like could be quite helpful
697 for industry being able to move forward with these exciting
698 technologies.

699 *Mr. McNerney. Thank you. The chairman's time has
700 expired. The chair now recognizes my good friend, Mr. Latta,
701 ranking member for the subcommittee, for five minutes for his
702 questions.

703 *Mr. Latta. Well, I thank my good friend for
704 recognizing me. And again, Mr. Secretary, it is great to
705 have you before us today, and it was good to talk with you
706 the other day.

707 Mr. Davidson, as we mentioned in our opening statements,
708 NTIA has received an unprecedented amount of funding for
709 broadband deployment. This amount of funding is a historic
710 opportunity to close the digital divide once and for all.
711 But the last time NTIA received billions of dollars for
712 broadband funding for the BTOP program, much of that funding
713 resulted in a lot of failed projects.

714 The Senate infrastructure bill has certain requirements,
715 and it provides significant discretion to you, as the
716 assistant secretary, to determine how this funding is spent.
717 Mr. Davidson, one of those requirements is that \$42.5 billion

718 for broadband deployment must go to areas that are 80 percent
719 unserved. This means up to 20 percent of those areas could
720 be served.

721 How do you intend to track those areas, and ensure that
722 NTIA's grant program funds are not used to overbuild networks
723 in the 20 percent that are served?

724 *Mr. Davidson. Well, thank you for the question, and we
725 -- that is a -- it is a very important element of this
726 program.

727 The mission that we have been given, first and foremost,
728 in the -- in this -- what we call the BEAD program, is to
729 reach the unserved, to reach all the unserved in America.
730 And that has to be our focus. We are going to faithfully
731 follow the structure put forward in the statute, as you said.
732 And we know we need to do -- if we are going to succeed, we
733 need to focus on those areas first.

734 The key for us in doing that is going to be using good
735 maps, better maps than we have had before. I think a huge
736 challenge in this area has been that the maps that we have
737 used to understand where to deploy resources have been highly
738 flawed. I think people understand that now. Congress, in
739 its wisdom, put -- you know, made this very clear in the
740 statute, as well, that the maps are -- you know, maps are
741 going to be built by the FCC. That work is ongoing right
742 now, and we will use those maps, and states will use those

743 maps to ensure that the funding that we are putting out will
744 go to the unserved areas first, and then the under-served
745 areas, and so on through the -- as the statute describes.

746 So that is going to be a key piece of this, and
747 coordinating with other Federal agencies to make sure we are
748 doing that properly is the other piece for us.

749 *Mr. Latta. Well, you know, I have got a lot of work
750 with maps, and you are absolutely correct. You have got to
751 use the maps to make sure -- you got to send them the money,
752 but at the same time those maps have to be accurate. So it
753 is also important in your role to ensure that the other
754 departments and agencies are out there using your maps, and
755 the maps that the FCC create.

756 The Senate infrastructure bill leaves discretion for
757 NTIA to prioritize certain projects. To avoid overbuilding,
758 we commit to requiring grant recipients for prioritized areas
759 that are 100 percent unserved, meaning lacking speeds of 25,
760 3 megabits per second, the FCC's current definition of being
761 unserved.

762 *Mr. Davidson. It is laid out very clearly. In my
763 mind, it is laid out very clearly in the statute. There is a
764 framework that the statute lays out. That is the framework
765 we are going to follow. It basically has these definitions
766 about what an unserved project is, and what an unserved area
767 is, and that is what we are going to follow.

768 *Mr. Latta. All right, thank you. By statute, NTIA
769 plays an important role in reflecting the views and concerns
770 of Federal agencies' use of spectrum and FCC action that may
771 impact them. However, several Federal agencies have taken
772 their concerns about certain spectrum proceedings directly to
773 the FCC in certain years.

774 What steps are you taking to ensure that NTIA continues
775 to speak authoritatively on behalf of the Federal agencies
776 when it comes to those FCC actions?

777 I know we have discussed this in the past, but I would
778 like to hear your thoughts on that.

779 *Mr. Davidson. Yes. Well, I think this is a critical
780 responsibility for NTIA, as we have seen. And I think we
781 have seen also the cost of not being well coordinated.

782 We have to get spectrum out in a way that meets the
783 needs of commercial users, meets the needs of Federal
784 agencies. The American public demands it, because we want to
785 meet their needs, and they love using these wireless services
786 and technologies.

787 The best thing that we can be doing is what we have
788 started to do this week, is to strengthen our coordination
789 within the Federal Government. I spoke to the chairwoman of
790 the FCC on my second day in the job. We have been in
791 constant communication since then, and we have launched this
792 initiative just this week. There are five pieces to it. We

793 are going to be doing much more high-level meetings within --
794 between the FCC and the NTIA, not just the biannual meetings
795 that we have been required to do in the past. We are going
796 to update our MOU about how we work together. We are working
797 on a national spectrum strategy together, which I think will
798 be a key piece of this.

799 And we are going to coordinate on the science. I think
800 this all needs to be evidence-based. That has being a big
801 part of the problem, not agreeing on where interference
802 happens. So we are going to be working on standards for
803 that, and doing technical exchange between our advisory
804 committees.

805 So it is a first step. I think it is an important step,
806 and I -- hopefully, it will show people that we are committed
807 to working in lockstep to make sure that these issues don't
808 come up again.

809 *Mr. Latta. Well, again, thank you very much for being
810 with us today.

811 And also, this -- you know, spectrum management proceeds
812 need to be evaluated, and I want to work with you, Mr.
813 Chairman and this subcommittee, to evaluate these issues in
814 depth with our appropriate stakeholders.

815 And with that, I yield back the balance of my time.

816 *Mr. McNerney. The gentleman yields back. The chair
817 recognizes now the chairman of the full committee, Mr.

818 Pallone, for his five minutes.

819 *The Chairman. Thank you, Chairman McNerney. Mr. Latta
820 said that broadband investments, both in the bipartisan
821 infrastructure law and the 2021 Consolidated Appropriations
822 Act, offer a historic opportunity to address the inequities
823 of the digital divide.

824 So what I wanted to ask you is, Mr. Davidson, can you
825 tell us briefly -- because I have a second question, too --
826 about how the NTIA plans to work with state, local, and
827 tribal governments to create the broadband and digital equity
828 plans, and how the agency can ensure that they are serving
829 all communities?

830 *Mr. Davidson. Thank you for the question. As you
831 said, I really liked it that broadband is not a luxury, it is
832 a necessity, and that is for -- and it goes for all the
833 communities you just mentioned.

834 A key part of what we are going to be building here at
835 NTIA, we have started building, is a real -- a muscular
836 outreach mechanism, where we are engaging with these
837 communities, whether it is the states, local communities,
838 tribal and minority communities. And what we are -- we are
839 hiring a team of program officers here.

840 There is going to be a person here for each state, so
841 that, if it is the State of New Jersey, we will know who to
842 call. They will have a name of a person here that they can

843 reach out to, and there will be a person here who wakes up
844 every morning thinking, "How do I make things work for the
845 State of New Jersey?" That goes also for these other
846 programs.

847 And the key thing for us is we are building out teams,
848 particularly in the tribal digital equity areas, teams of
849 people who come from those communities, and understand their
850 needs. So that is really our approach, is really staffing up
851 to do the outreach. I think it is a key, critical component
852 of our success.

853 *The Chairman. I would agree with that, because, you
854 know, I often meet with my mayors and local officials and,
855 you know, that is the first thing they say to me, is that
856 they say the bipartisan infrastructure -- but whether it is
857 broadband or drinking water or brownfields or whatever it is,
858 that, you know, they want to know how they can tap the money.

859 And of course, they could always call me. But if you
860 have a -- you know, contacts that we can contact, and that we
861 can give them, that really know how to deal with this, that
862 is very important. Because, you know, every week or every
863 month we get new roll-outs from the bipartisan bill on the
864 different topics. Some of them we haven't had yet, like the
865 sewer. And, you know, sometimes the guidelines are clear,
866 and other times it isn't. So it is good to have the staff.

867 My second question is that I wanted to say the FCC is

868 doing a good job helping Americans afford internet through
869 the Affordable Connectivity Program. But as you know, the
870 bipartisan infrastructure law clearly requires that
871 recipients of broadband equity access and deployment program
872 funds offer a low-cost broadband service option. And states
873 have a role in defining what that means. But as assistant
874 secretary, you have the ability to approve those or not.

875 So do you have -- can you share some thoughts about the
876 criteria the NTIA will use to evaluate proposals for the low-
877 cost service option?

878 *Mr. Davidson. Well, I will say this is an -- this is a
879 very important topic, and really active area of discussion
880 within our -- as we build out the program.

881 As you say, affordability is critical here, and we were
882 just talking about the fact that having access doesn't
883 necessarily mean that you can afford to get online. It is
884 not that useful. So -- for families.

885 We also -- as good as the ACP program, the \$30-a-month
886 benefit that Congress has put in place at the FCC, as
887 important as that is, we know it doesn't help if, you know,
888 it is \$30 off a \$100 plan, right? For -- if the plan still
889 costs a lot of money, it doesn't help -- it is not going to
890 be enough for a lot of families. So we are quite focused in
891 thinking about -- we are -- in thinking about the BEAD
892 program, the state grant program, in the requirement that

893 every recipient of Federal funding offer a low-cost option.
894 It is in -- it is built into the program.

895 What that exactly looks like, I will just say we don't
896 quite know yet. We have asked for and received comments on
897 this. We received over 550 comments in our recent request.
898 A lot of them have to do with the question of how to build
899 this.

900 We are going to be looking at it with an eye towards
901 some of the other Federal programs that are out there, like
902 the ACP at the FCC, you know, like the programs that are out
903 there, so that there may be an opportunity to help -- for
904 states to shape these things based on their knowing what
905 kinds of benefits may be available, and the standards. We
906 would like to make this as simple as possible.

907 I will say I think we expect states to do it --
908 different states will do it different ways.

909 *The Chairman. But I think that is important, you know,
910 that we have criteria --

911 *Mr. Davidson. Yes.

912 *The Chairman. -- that are meaningful, and that are
913 objective.

914 And then, as you said earlier, and then we have, you
915 know, a way of contacting someone in the agency to follow
916 through.

917 So I can't stress those two things enough. And it is

918 not only true with broadband, it is true with everything that
919 is rolled out from the BIF. So thank you --

920 *Mr. Davidson. Thank you. And the offer goes -- will
921 be for every state in the country, not just central Jersey,
922 so -- where I am from.

923 [Laughter.]

924 *The Chairman. Where are you from?

925 *Mr. Davidson. We are Frank Pallone fans, Chairman,
926 so --

927 *The Chairman. What town, Alan? Tell us. I don't even
928 know. I apologize.

929 *Mr. Davidson. Somerset, New Jersey, just next to the
930 chairman's district --

931 *The Chairman. Oh, right, we had that conversation.
932 Yes.

933 *Mr. Davidson. Yes.

934 *The Chairman. I don't represent Somerset any more.
935 Bonnie Watson Coleman does --

936 *Mr. Davidson. You did at one point.

937 *The Chairman. I did for a long time.

938 *Mr. Davidson. Yes.

939 *The Chairman. You told me that. I apologize.
940 Thank you, Jerry.

941 *Mr. Davidson. Thanks.

942 *Mr. McNerney. The gentleman yields back. The chair

943 now recognizes Mrs. Rodgers, full committee ranking member,
944 for five minutes.

945 *Mrs. Rodgers. Thank you. Thank you, Mr. Chairman.

946 And again, Mr. Davidson, I really appreciate you being
947 with us. I wanted to start out by just asking about the
948 recent dispute -- it was pretty public -- between the
949 wireless carriers and the aviation community, and it was
950 alarming, I think, to a lot of us.

951 Unfortunately, we saw the chairman of the FCC pretty
952 quiet. There wasn't a lot of direction or engagement by the
953 White House. And as a result of that, the FAA was pressuring
954 companies to impose certain conditions on spectrum licenses,
955 which is not their role. Congress granted the FCC with the
956 authority to make determinations of harmful interference, and
957 impose restrictions on spectrum licenses to avoid those
958 issues.

959 The C-Band order went through a thorough and transparent
960 process. It was vetted by the FCC's expert engineers. Yet
961 the FAA raised concerns on behalf of the aviation industry
962 about alleged interference at the last minute, without due
963 process.

964 As NTIA administrator, you are now responsible for
965 representing matters of the executive branch in front of the
966 FCC. And while this is a dispute among commercial spectrum
967 users rather than involving spectrum bands, the FAA

968 circumvented the statutory spectrum management process. And
969 I was pleased to see NTIA and the FCC's announcement
970 yesterday, outlining steps you plan to take to improve
971 communication and coordination between the agencies. It is a
972 great first step. But we still must address issues related
973 to other agencies circumventing the statutory spectrum
974 management process.

975 And I would just like to ask you to speak to your plan
976 to restore integrity to the spectrum management process and
977 -- so that this doesn't happen again.

978 *Mr. Davidson. Well, thank you for that question, and I
979 enjoyed our discussion about it, as well, previously. I --
980 and I know this is something you care a lot about.

981 As you say, this isn't -- this was not an acceptable
982 outcome. It wasn't fair to the parties, the commercial
983 parties involved. It wasn't -- it is not -- certainly not
984 good for aviation if we have real concerns there. It is not
985 good for the American public.

986 So, you know, my focus is on how do we avoid these kinds
987 of issues in the future. And I think what is critical is to
988 do the hard work of coordination. It is not always
989 glamorous, but it is, as we have seen today -- in recent
990 months, it is essential and important. So the work that we
991 announced, the initiative that we announced with the FCC just
992 this week, I think, is a key first step. It is only a first

993 step, but it is a key step.

994 And I will just highlight one piece that I think is very
995 relevant, which is the work that we are going to do around
996 common engineering standards. We need a real, evidence-based
997 approach to understanding where there might be interference,
998 or where there might be problems. And that is something we
999 -- our engineers are going to work closely with the FCC. We
1000 are going to be exchanging technical experts, and I think
1001 that is probably one of the most important things we can do,
1002 and then take that also and work with the other Federal
1003 agencies.

1004 So this is going to be a top priority for us, and we
1005 can't let these kinds of problems happen again.

1006 *Mrs. Rodgers. Thank you. Well, and I look forward to
1007 working with you on that.

1008 I also wanted to ask about the money, the big investment
1009 in -- through the Infrastructure Investment and Jobs Act for
1010 closing the digital divide, once and for all. I believe it
1011 is extremely important that we are using -- that we have
1012 accurate broadband maps. I represent a district in eastern
1013 Washington that has many areas that remain unserved, very
1014 rural, hard to reach. And what is the commitment to using
1015 the FCC's broadband maps when making these funding decisions,
1016 and also requiring the states to also do that?

1017 *Mr. Davidson. Yes. Well, as you said, the maps are

1018 critical, and we are committed to using the updated maps from
1019 the FCC for any of this money that goes out to the state
1020 grant programs. And it is really essential, because, exactly
1021 as you indicate, how do you know where the unserved are,
1022 unless we have good maps?

1023 So the way the statute is written, we rely on these maps
1024 before it -- using them, the updated maps, to make sure that
1025 -- to decide what the allocation is to each state. So under
1026 the state grant program, the money that goes to each state
1027 will depend on a formula that is largely focused on the
1028 unserved. And so the maps are going to be essential there.
1029 States are going to build their plans based on those maps.

1030 So those maps are absolutely critical, and I am
1031 confident we will get much improved maps when we get -- when
1032 the FCC finishes its process.

1033 *Mrs. Rodgers. Thank you. I also believe that, in
1034 order to connect all Americans, that we need a technology-
1035 neutral approach to funding broadband projects. And the
1036 focus on fiber will only get us so far. So how do you ensure
1037 that the states are going to take a technology-neutral
1038 approach?

1039 *Mr. Davidson. And I will just say quickly, you know,
1040 we are not adopting a one-size-fits-all approach here. We
1041 know that fiber is an extremely important technology. It is
1042 very resilient, future-proof. But we also know that there

1043 are going to be -- there may be situations where other
1044 technologies are important. So where states are going to
1045 craft their program, it is not one size fits all. And that
1046 is how we are going to approach it.

1047 *Mrs. Rodgers. Super. Thank you again.

1048 I yield back.

1049 *Mr. McNerney. The gentlelady yields back. The -- now
1050 the chair recognizes the gentleman from Texas, Mr. Veasey,
1051 for five minutes.

1052 *Mr. Veasey. Mr. Chairman, thank you very much.

1053 Administrator Davis, I appreciate you appearing before
1054 the committee today, and I wanted to talk with you about this
1055 historic funding to make real progress towards universal
1056 funding for broadband connectivity.

1057 I know today's hearing is a culmination of critical and
1058 bipartisan broadband investments that we have been working on
1059 for a long time on this committee, and I am very pleased that
1060 the bipartisan infrastructure law makes equitable investments
1061 across the country by expanding access to broadband access
1062 and addressing affordability concerns, which, in a district
1063 like mine, is very important.

1064 Among other things, the infrastructure bill puts our
1065 emergency broadband benefit program on a more permanent
1066 footing and is renamed the Affordable Connectivity Program,
1067 and it is funded at about \$14 billion. These investments

1068 make it possible for all Americans, regardless of income or
1069 zip code, to afford to participate in today's internet-driven
1070 economy. And in the district like the one that I represent
1071 in the Dallas-Fort Worth area, it is very important that we
1072 make sure that people aren't left behind, and that they can
1073 afford their internet service.

1074 As you mentioned in your written testimony,
1075 Administrator Davidson, we have been given a historic
1076 opportunity, and I couldn't agree with you more. We are
1077 truly in a unique position to deliver on our commitment to
1078 achieve universal broadband connectivity.

1079 And I wanted to ask you, the COVID-19 pandemic has laid
1080 bare the challenges around broadband connectivity,
1081 particularly in lower-income communities. What safeguards
1082 will NTIA implement to ensure projects funded through these
1083 programs are technology-neutral to allow communities the
1084 flexibility to meet their unique needs, while at the same
1085 time emphasizing future-proof solutions, so that this
1086 significant Federal investment is good for years to come?

1087 *Mr. Davidson. Thank you for that question, and let me
1088 start, actually, by thanking you for your leadership on the
1089 emergency broadband benefit and the American -- the
1090 Affordable Connectivity Program. Those are, actually, just
1091 simply game-changing programs for a lot of Americans. And
1092 even though they are not NTIA programs, we think about them

1093 quite a bit, and how they fit into the whole picture of
1094 adoption in the programs that we are implementing.

1095 To your question about safeguards, I will say -- and as
1096 I was just saying to the ranking member -- we are taking a --
1097 we are not taking a one-size-fits-all approach here. The way
1098 the statute is created, there is a lot of flexibility. And,
1099 in fact, each state will be presenting us with their own
1100 plans about how they intend to implement and to use the
1101 funding that they are given. For some of our other programs,
1102 there are going to be -- a lot of different communities will
1103 be proposing different things.

1104 We know that fiber is a -- you know, has unique
1105 properties. It has got unique levels of extensibility,
1106 upgradability, resilience, it is future-proof in ways that
1107 few other technologies are. So we expect that a lot of
1108 people will be putting that forward. We know it may not work
1109 everywhere. And, as I say, we are not imposing -- we will
1110 not be imposing a one-size-fits-all solution. But we will be
1111 putting forth requirements and, you know, they are put
1112 forward in the statute, actually, about the speeds and
1113 latency that is to be expected. And we will be making sure
1114 that programs that are proposed and grants that are proposed
1115 meet those requirements.

1116 *Mr. Veasey. And speaking of communities, another
1117 important program adopted in the infrastructure bill is the

1118 Digital Equity Act, which can help fill gaps and address
1119 different connectivity barriers people face that have
1120 broadband access. Can you talk about how communities will
1121 benefit from the digital equity grant program?

1122 *Mr. Davidson. I am glad you asked about it. It is a
1123 terrific program. In some ways, it is kind of the beating
1124 heart of the work that we do here, as I like to say it.

1125 We are establishing three different grant programs. We
1126 have been given \$3 billion to do it, and it -- really,
1127 designed to promote meaningful adoption and use of broadband
1128 and, you know, targeting a range of populations: low-income
1129 households, aging populations, incarcerated individuals. And
1130 so we will be really working with communities and
1131 individuals, particularly, to make sure that they are able to
1132 be part of these grant programs.

1133 We have a terrific start on this with the Digital Equity
1134 Leadership Network. I spoke to them a couple of weeks ago, a
1135 terrific group of people. Outreach is essential. And
1136 honestly, this is an area we would love to work with you on,
1137 which is making sure that we are reaching the right
1138 communities, and they know where to find us to be part of
1139 these programs.

1140 *Mr. Veasey. Thank you very much, Mr. Chairman.

1141 *Mr. McNerney. The gentleman yields back. The chair
1142 now recognizes the gentleman from Kentucky for his five

1143 minutes.

1144 *Mr. Guthrie. Thank you, Mr. Chair. I appreciate that
1145 very much, and good to talk with you.

1146 I just want to follow up on what Mr. Veasey was saying.
1147 We were on the phone the other day. We were talking about
1148 all the broadband money, and money coming forward. And I
1149 have been meeting the last couple of days. I think all of us
1150 have been all meeting with our county executives, mayors, and
1151 there is -- the funds that we talk about, the infrastructure
1152 bill that Mr. Veasey was talking about, and others, there is
1153 also, through the ARPA money, money that counties received as
1154 replacement for revenue lost during COVID.

1155 And one of the available uses for that, as we discussed,
1156 is broadband. And our county executives and mayors know the
1157 communities that are behind and need service and so forth,
1158 and things moving forward. However, I think all that is
1159 going to kind of get intermingled. There is a lot of money
1160 for broadband. There is a lot of need for broadband.

1161 And so, how can the county executives and mayors have
1162 support to move forward, because there is going to be a lot
1163 of people wanting to build broadband?

1164 And I think that we are going to reach capacity with the
1165 people who can supply it, people who can build it, but
1166 everybody wants it and needs it. And so what kind of
1167 thinking of an overall program strategy -- since we have an

1168 enormous amount of money available to, really -- somebody
1169 previous -- or an FCC commissioner said we have enough money
1170 now to put broadband everywhere we want to -- we need to put
1171 it, we just need to make sure it gets to the right -- map, so
1172 maps is another thing in that.

1173 So I will just turn that over to you, and let you kind
1174 of discuss what we discussed the other day in public, so
1175 people can hear what you are thinking.

1176 *Mr. Davidson. Well, I think there is a couple of
1177 different elements to it, and I think particularly getting
1178 out to communities. The key piece of it is outreach to the
1179 communities, right, so that we are helping people understand
1180 all the opportunities that are there.

1181 And as I have said -- and I think I said to you -- that
1182 we are building capacity here to do that outreach to states
1183 and to communities, that we are going to have a team of
1184 people here who are kind of a one-stop-shop, you know?
1185 "Operators are standing by, call us.'" And so they will be
1186 sitting and thinking about how to make Kentucky succeed in
1187 this. And that is going to be critical. And that includes
1188 not just at the state level, but the communities that are
1189 impacted.

1190 I will say also of my first speech as -- my first public
1191 appearance was at the U.S. Conference of Mayors just last
1192 month, a couple of weeks ago. And I do think that community

1193 is incredibly important for us to reach.

1194 The second thing is that we can be better coordinated on
1195 the Federal side. You know, I think we discussed, you know,
1196 people outside Washington have no idea whether the money is
1197 coming from NTIA or FCC or USDA. It just doesn't make a
1198 difference. So what we can do here at the Federal level is
1199 make sure we are well coordinated, it is easy for states and
1200 communities to apply for these grant programs.

1201 We are hopeful that, at NTIA, since you have been -- we
1202 have been given the resources, we are going to build some of
1203 that capacity for communities to --

1204 *Mr. Guthrie. Okay, I want to get another question in.
1205 But just be mindful that there is going to be a lot of money
1206 spent that is not going through the grant programs, not going
1207 through the state --

1208 *Mr. Davidson. Right.

1209 *Mr. Guthrie. It is going to counties and cities, and
1210 that is where they are going to spend money, and it just
1211 needs to be coordinated, so we do it correctly and get it to
1212 the right place.

1213 So the other one is spectrum. We talked about Federal
1214 spectrum, agency spectrum. We need to get more spectrum into
1215 the marketplace, as -- particularly as we race for 5G. It
1216 seems like agencies can wait people out when they know they
1217 are moving forward, and they have their defenders in Congress

1218 -- me being one, and the Department of Defense -- "Well, we
1219 need to hold on to this spectrum."

1220 So how -- what kind of plans do you have to really dig
1221 into these agencies, and get spectrum that they -- if it is
1222 available, and they don't need it -- if they need it, well
1223 then, we want them to have it. I mean, we just had tornadoes
1224 through my town, so we know that we have a need for spectrum
1225 at the government level. There is also, we think, excess
1226 spectrum. But agencies don't give it away freely.

1227 So how -- what is the plan to kind of dig in and get
1228 this into the marketplace?

1229 *Mr. Davidson. Well, you are 100 percent right. We
1230 need to be using our scarce spectrum resources efficiently
1231 and effectively at the Federal level. That is a key part of
1232 what we need to do. And we are the manager of the Federal
1233 spectrum, but also we have -- we understand that -- the other
1234 imperative here, which is to make sure that we are making
1235 enough spectrum commercially available.

1236 And I do think that a lot of the other agencies
1237 understand that, but it is understandable also that they want
1238 to make sure that they can meet their Federal missions. So a
1239 big piece of what we need to be doing is what we have started
1240 with this announcement this week, our Spectrum Coordination
1241 Initiative. And particularly, I would highlight building
1242 this national spectrum strategy. And this is something that

1243 we need to do, not just with the FCC, but with other Federal
1244 agencies too, so that everybody is on board and understands
1245 where we are going.

1246 I do think there are big opportunities out there.
1247 Congress has indicated some of them. For example, the --
1248 this lower three gigahertz, there is a big band of spectrum.
1249 It is Department of Defense spectrum right now, but I am
1250 cautiously optimistic about our ability to find ways to make
1251 those kinds of transitions work. And part of it is also
1252 going to be about building better tools and working together.

1253 But Congress can play a big role here in helping us
1254 enforce --

1255 *Mr. Guthrie. Thanks. My time is expiring, but there
1256 is a big -- it takes a lot of effort to get the agencies to
1257 release the spectrum moving forward.

1258 I appreciate your time, and I appreciate the question --
1259 I mean the opportunity to ask questions, and I yield back.

1260 *Mr. McNerney. The gentleman yields back. The chair
1261 now recognizes the gentleman from Florida, Mr. Soto, for his
1262 five minutes.

1263 *Mr. Soto. Thank you, Mr. Chair. What an exciting time
1264 to get internet access for all Americans. Much like the
1265 1960s, under President Johnson, we have the opportunity to do
1266 something big for all Americans, particularly in our rural
1267 areas.

1268 The Build Back Better infrastructure law has 65 billion
1269 to help us with this. And like my colleagues, I have been
1270 meeting with local officials in Orange, Osceola, and Polk
1271 Counties, local governments, including our Farm Bureau
1272 president in Orange County, Bobby Beagles, who -- out there
1273 in one of the few areas of Orange County that doesn't have
1274 high-speed internet, and it is affecting our local
1275 agriculture.

1276 I also believe the 5G rollout was a huge accomplishment,
1277 years in the making. Obviously, we have to balance it out
1278 with airport safety, and upgrading altimeters, and 10 percent
1279 of the commercial fleet of airplanes -- and you have
1280 outlined, Secretary Davidson, the plan forward.

1281 Thirdly, central Florida has -- we just saw a recent
1282 Space X launch of additional Starlink satellites, over 2,000
1283 up there now. We see those launches from our backyard in
1284 Kissimmee. Amazon is hot on their trail, as is Europe.

1285 And finally, the American COMPETES Act, where we are
1286 finally going to bring those microchip manufacturing, that
1287 telecom manufacturing back to the United States. We make
1288 microchips in central Florida and Kissimmee, a key area.

1289 But to our goal of getting internet to all Americans,
1290 Secretary Davidson, the infrastructure law included language
1291 prioritizing broadband funding for grantees that have
1292 "demonstrated record of and plans to be in compliance with

1293 Federal labor and employment laws.'

1294 One problem we often see in broadband is the fissured
1295 workplace, where some of the work is passed down to
1296 subcontractors with poor labor records, who often do rush,
1297 low-quality work that jeopardizes service. Do you have plans
1298 in place to avoid that problem, ensure that the funding that
1299 you oversee will, in fact, support good jobs, high-quality
1300 work, and ensures all Americans have reliable, high-speed
1301 internet access?

1302 *Mr. Davidson. We -- that -- great question. We, you
1303 know, I think have been talking about this infrastructure law
1304 both as a opportunity to deploy broadband, but it is also an
1305 opportunity to create good jobs, and that is a high priority
1306 for us as we think about implementation.

1307 When we manufacture equipment, or dig trenches, or lay
1308 fiber or other infrastructure, you know, we are creating --
1309 we will be creating good jobs, good-paying jobs, in every
1310 state. We know many of those jobs will be, you know, jobs
1311 that are going to be available to new entrants, new people
1312 who haven't done them before.

1313 I think one of the big opportunities here, and one we
1314 would love to work with you on, and the members of the
1315 subcommittee, are thinking about that workplace opportunity,
1316 right? How to train up.

1317 We don't have enough of a workforce to build out the --

1318 to do the deployments that we have -- we are contemplating.
1319 So there will be a giant job opportunity ahead of us, making
1320 sure that there is -- those jobs go out to local communities,
1321 that there is equity and diversity in how those jobs get
1322 filled. That is a massive opportunity for community
1323 colleges, for vocational programs, and I hope we can work
1324 with you all on that.

1325 *Mr. Soto. Thank you, Secretary Davidson.

1326 We also have an issue with access to poles in a timely
1327 fashion, rights of way in project areas. What -- and this is
1328 a barrier in Florida -- what requirements will NTIA
1329 incorporate into the Broadband Equity Access and Deployment
1330 Program to ensure all pole owners provide the timely and non-
1331 discriminatory access to poles to project areas necessary for
1332 broadband providers to complete these BEAD projects on time?

1333 *Mr. Davidson. Well, it is a great question. It is
1334 something we are looking at. I don't have an answer for you
1335 right now, I don't know the answer. It is an area we have
1336 been asking stakeholders about. We just did this request for
1337 comments. We got over 550 comments. We are reading the
1338 comments right now. I know some of them, for sure, have
1339 touched on this issue.

1340 Another related issue is about permitting. We have
1341 talked to stakeholders. We know that there is a lot of
1342 concerns about permitting, and how we could speed the

1343 permitting process. All of these things are going to be
1344 important if we are able to get the -- if we are going to get
1345 these program dollars out and do -- and build the
1346 infrastructure quickly. But poles -- pole attachment is a
1347 big issue we know about, and I am sure we will be addressing
1348 it.

1349 *Mr. Soto. Thank you, Mr. Secretary. And because my
1350 time is limited, I also want to just remind you of NTIA's
1351 commitment to distribute broadband funding consistent with
1352 our congressional intent, which is a tech-neutral manner to
1353 under-served and unserved communities. And this is going to
1354 be key, going forward.

1355 And with that, my time is expired. I yield back.

1356 *Mr. McNerney. The gentleman yields back, and has set a
1357 good example for yielding within his five minutes.

1358 Next, the chair recognizes the other gentleman from
1359 Florida, Mr. Bilirakis, for his five minutes.

1360 *Mr. Bilirakis. Thank you. Hey, how long have I been
1361 on this committee? You mispronounced my name.

1362 What is that background that you have over there?

1363 *Mr. McNerney. Some pictures --

1364 *Mr. Bilirakis. What is that? I am taking too much
1365 time, taking too much time. You look good, Mr. Chairman.

1366 NTIA clearly shares authority over spectrum management
1367 with the FCC. Based on recent headlines in the

1368 telecommunications world, we can see what happens when
1369 Federal agencies fail to communicate honestly, effectively,
1370 and timely on spectrum policy. Simply put, the result is
1371 that everybody loses.

1372 The last time NTIA and the FCC updated their memorandum
1373 of understanding on spectrum coordination was in 2003. Last
1374 Congress I introduced for the first time the Spectrum
1375 Coordination Act, which will require the agencies to update
1376 their memorandum of understanding on spectrum policy.
1377 Shortly after, I got word that NTIA and FCC were being
1378 proactive and starting the process on their own. Again, fast
1379 forward two years, and the new Congress. I reintroduced the
1380 Spectrum Coordination Act, and I believe that the chairman of
1381 the full committee referred to it. And I am pleased to say
1382 that the legislation passed the committee unanimously. We
1383 have got to get it on the floor as soon as possible.

1384 I was going to ask you, Mr. Davidson, why Congress is
1385 moving faster than the agencies on getting this done. But
1386 yesterday -- this is great news -- I saw a Washington Post
1387 article that updates are forthcoming.

1388 So Mr. Davidson, can you give us a status report on the
1389 negotiations for updating the memorandum of understanding
1390 between your agency and FCC for spectrum coordination?

1391 And what areas of the MOU do you think are specifically
1392 crucial to update -- to make the progress more effective,

1393 please?

1394 Thank you.

1395 *Mr. Davidson. Well, first of all, thank you for your
1396 leadership on this issue and on this legislation.

1397 We, as you rightly noted, have been taking this on as a
1398 top priority, for me, in my new role, even in this last --
1399 just one month in. I spoke to the chairwoman of the FCC on
1400 my second day on the job. This was one of the things we
1401 talked about. We put it on the list as a high priority.

1402 We have talked regularly since then, and the result is
1403 the announcement that you saw yesterday, and we are going to
1404 be working expeditiously toward it. It has got a couple of
1405 key pieces. You know, we are going to be doing regular
1406 meetings, probably monthly to start with, definitely much
1407 more frequently than the biannual meetings. And the updated
1408 MOU is a key deliverable here.

1409 We are also working on a national spectrum strategy
1410 technical exchange, but the MOU is a key piece of it, and
1411 that is going to be our --

1412 *Mr. Bilirakis. Yes, regarding the MOU, do you think we
1413 can get it done before the end of the year, the update?

1414 *Mr. Davidson. You know, I would be very surprised if
1415 we couldn't. This is going to be the new guy talking here,
1416 and I hope -- but I -- it is definitely something we are
1417 going to work -- we are working on right now, and I am

1418 optimistic that we can do it, certainly, before the end of
1419 the year. That is our belief.

1420 *Mr. Bilirakis. I really appreciate that very much.

1421 Moving on, I do have a couple of minutes here. So Mr.
1422 Davidson, whenever it is time to talk about Federal
1423 telecommunications programs, I always have to point out that
1424 Florida, my great state of Florida -- and you know, this is a
1425 bipartisan issue, obviously -- we are the payers into the
1426 vast majority of these programs. Simply put, we are not
1427 getting back in services.

1428 I know you are new to this, so I am not criticizing you,
1429 and I appreciate you getting on this -- these issues.

1430 So now this would not be a big problem for us, but --
1431 except that, historically, a lot of funding has been wasted
1432 on poor coordination and outdated information, which led to
1433 the overbuilding and under-performing expected outcomes.

1434 Now, through the Infrastructure Investment and Jobs Act
1435 and the Consolidated Appropriations Act, your agency is in
1436 charge of tens of billions of dollars in new taxpayer funding
1437 to continue broadband development, and to create and operate
1438 new programs.

1439 What is your agency going to do differently to ensure
1440 that we do not continue again the mistakes of the past, and
1441 instead use this funding appropriately?

1442 And is NTIA going to ensure broadband maps -- I think

1443 you answered this question, but again, are they going to --
1444 NTIA, are you going to issue broadband maps, and make sure
1445 that they are updated before allocating large sums of money
1446 to get geographic areas?

1447 *Mr. Davidson. I will just say very quickly FCC is
1448 going to build the maps, we are going to use them. They are
1449 going to be much better than any of the maps we have used
1450 before. And we are going to be in careful coordination with
1451 the other Federal agencies to make sure we are spending
1452 taxpayer money wisely.

1453 *Mr. Bilirakis. Well, I appreciate it very much.
1454 I yield back, Mr. Chairman. Thank you very much.

1455 *Mr. McNerney. The gentleman yields back. The chair
1456 now recognizes my colleague from California, the gentlelady,
1457 Anna Eshoo.

1458 *Ms. Eshoo. Thank you, Mr. Chairman. Nice to see you
1459 in the chair.

1460 Alan, it is wonderful to see you as the administrator of
1461 the NTIA. I -- we all wish you all of our best, because what
1462 you oversee is really the -- it is the spine of
1463 communications throughout our nation. So it is essential.
1464 It is absolutely essential. I have three questions.

1465 The first relates to what your view is of community
1466 broadband, and closing the digital divide. There has been
1467 research done by New America that shows that community

1468 broadband networks have a higher quality, they are more
1469 affordable. But despite this, the emergency brake has been
1470 pulled up in 22 states because they have, as you know,
1471 protectionist laws that prohibit community broadband.

1472 So my first question is -- and we have over 900 in the
1473 country. To the ranking member of the full committee, the
1474 Pacific Northwest really leads in this effort. There are 900
1475 of them across the country.

1476 My other question is to what degree is NTIA considering
1477 wholesale and open access network requirements to encourage
1478 competition and making the funding go further?

1479 And lastly, you know, building on some of the things
1480 that members have said, you know, frankly, much of the
1481 problem relative to spectrum has really not been with the FCC
1482 and -- but, in fact, with other agencies, who are not working
1483 through NTIA. So maybe you can tell us how you are going to
1484 fix that.

1485 So those are my -- the three points that I want to raise
1486 with you.

1487 And really, Alan, to the extent that you succeed in your
1488 leadership, America is going to succeed. We are on the
1489 threshold of something big, and this opportunity cannot be
1490 blown. And I am sure you carry that with you every day.

1491 So what do you have to say about my three points, or
1492 questions?

1493 *Mr. Davidson. No pressure, no pressure. Well, no, it
1494 is an amazing moment, and we are on the threshold of
1495 something big. And I want to, first of all, just start by
1496 saying thank you for your leadership over these many years in
1497 the technology space, in the internet access space. It has
1498 really been appreciated. I have had a chance to see it close
1499 up. And also, thank you for your leadership on the -- on so
1500 many issues related to broadband deployment and so many other
1501 things. So thank you for that.

1502 *Ms. Eshoo. Thank you. Thank you, Alan.

1503 *Mr. Davidson. On the community broadband, I will just
1504 say the data shows that these are very valuable, can be very
1505 valuable approaches, and the statute is quite clear. The law
1506 that we are implementing says that municipal broadband
1507 co-ops, non-profits, other types of non-traditional providers
1508 can participate. And so we are expecting that that will
1509 happen. We are going to construct it so that it is possible.
1510 We are going to provide technical assistance to make sure
1511 that people who want to do those things will be able to.

1512 And we expect a broad array of participation. We expect
1513 it will vary. Different states are going to take different
1514 approaches, for sure. But we know that this could be -- will
1515 be, for some, a valuable part of it. So I am excited to see
1516 what happens there.

1517 On wholesale and open access, we are thinking through

1518 those issues very carefully. There is a lot of opportunity
1519 there. It has come up -- we asked for comments on this, and
1520 in our requests for comments we received a huge number of
1521 comments that we are reviewing. This was an issue. And so
1522 we are thinking carefully about how we can best incorporate
1523 that in the program. So I don't have an answer for you, but
1524 it is very much front of mind, and I have been in meetings,
1525 conversations with this -- about this already.

1526 And then the last thing on the -- on spectrum, well, you
1527 are certainly -- you are 100 percent right. This is not just
1528 a -- you know, this is not just a one-agency issue. This is
1529 going to be a whole-of-government issue that we need to be
1530 working on. And so the spectrum coordination initiative that
1531 we announced with the chairwoman of the FCC just yesterday is
1532 a key first step in this. It is not the only step that we
1533 need, but I do think it is a key marker to show that we are
1534 committed to working with the FCC, put regular order in
1535 place. And to -- then we will expand out, and we will be
1536 working -- we are already beginning the conversations with
1537 other agencies.

1538 So I look forward to working with you, and thank you for
1539 your support. We are going to need Congress's support in all
1540 of these areas to be a success.

1541 *Ms. Eshoo. Thank you, Alan.

1542 I yield back, Mr. Chairman, a few seconds.

1543 *Mr. McNerney. Thank you. The gentlelady yields back.
1544 And now the chair recognizes the gentleman from Ohio, Mr.
1545 Johnson, for five minutes.

1546 *Mr. Johnson. Well, thank you, Mr. Chairman. And Mr.
1547 Davidson, thank you for being with us today.

1548 We have talked a little bit about the infrastructure
1549 bill several times. You know that new law now includes
1550 language that prohibits sub-grantees from using funding to
1551 purchase fiber optic cable and optical transmission equipment
1552 manufactured in the People's Republic of China. However, if
1553 the eligible entity, the sub-grantee, shows that this
1554 prohibition would "unreasonably increase the cost of the
1555 project," the assistant secretary is empowered to waive it.

1556 Given the efforts by this committee, Congress, and the
1557 previous Administration to ban untrusted equipment from our
1558 communications networks that present a national security
1559 concern, several of which are manufactured in China, I am
1560 extremely concerned at the idea that this prohibition may be
1561 waived at such a low bar. So, Mr. Davidson, do you intend to
1562 utilize that waiver authority?

1563 *Mr. Davidson. So let me start by saying we take the --
1564 understand the reasons behind it, and believe that
1565 cybersecurity and security in our infrastructure is an
1566 essential part of what we are putting together about -- of
1567 our rollout here, and that we are going to be putting in

1568 place clear requirements and understanding about how states
1569 and grantees will use the money to make sure that security
1570 concerns are met.

1571 We are --

1572 *Mr. Johnson. But are you planning to use that waiver
1573 to waive that?

1574 *Mr. Davidson. As far as China goes, I -- it is hard to
1575 see what that would look like, to be honest. I -- you know,
1576 I --

1577 *Mr. Johnson. Well, let me ask you, then --

1578 *Mr. Davidson. Yes.

1579 *Mr. Johnson. -- if you were to use that waiver, how
1580 would you go about determining what constitutes an
1581 unreasonable increase of cost?

1582 *Mr. Davidson. Right.

1583 *Mr. Johnson. How would you ensure China doesn't
1584 continue its attempt to abuse its cyber capability to
1585 disadvantage the United States?

1586 And how would you balance all of that with the threat to
1587 national security?

1588 *Mr. Davidson. Very carefully. I mean, I just want to
1589 say to you we take those concerns incredibly seriously. In
1590 my mind, it is a very high bar for us to use that equipment.
1591 We have -- we see the requirements in the statute. We also
1592 know that there are real Buy America requirements in there.

1593 Our objective is to have the -- as much of this material as
1594 possible, the vast majority of it -- the whole point of this
1595 is to build -- create jobs, spur our manufacturing
1596 capability.

1597 We know that there are unique issues in the telecom
1598 sector. We want to make sure that we are able to build out
1599 the program. We think there is huge opportunity,
1600 domestically. That is going to be our absolute focus. The
1601 bar is high, in my mind --

1602 *Mr. Johnson. Okay.

1603 *Mr. Davidson. -- for us to have any kind of waivers.

1604 *Mr. Johnson. All right. Well, good. Well, also, NTIA
1605 has a dual task to manage all Federal spectrum users, while
1606 also making spectrum available for commercial use. This is
1607 an important task, as we are trying to have the U.S. be a
1608 leader in 5G. We have talked about that a little bit. What
1609 are your top priorities in the spectrum space during the
1610 remaining three years of this Administration?

1611 Do you have plans to make more spectrum available for
1612 commercial use?

1613 Will you be presenting a plan to Congress? And if so,
1614 when can we expect that plan?

1615 *Mr. Davidson. So we have plans, we have hopes, and I
1616 think we are -- we understand that there is this twin
1617 imperative here, both to make sure that we are managing the

1618 Federal use efficiently, effectively, but with an eye towards
1619 the fact that there is commercial use that we know is needed.
1620 And my hope is that we will make progress on that. There is
1621 three big things we are going to be focused on.

1622 Stronger coordination on the Federal level, so that we
1623 can, you know, have regular order here, and be buttoned up so
1624 we don't face some of the problems we have had in the past.

1625 The second is real, science-based, data-based
1626 understanding. This gets to your point about how do we free
1627 up more spectrum. It is by having a clear, common
1628 understanding of where interference happens, and how we can
1629 free up some of these bands.

1630 And the last point is leaning into new technology. I
1631 have to say the low-hanging fruit, unfortunately, is gone.
1632 You know, the notion that it is really easy to just find an
1633 unused band of spectrum and just repurpose it, that is not --
1634 that is much harder to do today. We have done that work.

1635 We are going to have to be really smart, really clever,
1636 use new technology, including sharing technologies to help
1637 people free up more spectrum. I am optimistic we can do it,
1638 particularly in the lower three gigahertz, which I mentioned
1639 before.

1640 *Mr. Johnson. Okay. Well, I had another question
1641 regarding pole attachments, but my time has run out.

1642 So Mr. Chairman, I will yield back.

1643 *Mr. McNerney. The gentleman yields, and thank you for
1644 being conservative with your time.

1645 And the chair now recognizes the gentleman from Vermont,
1646 Mr. Welch, for five minutes.

1647 *Mr. Welch. Thank you very much, Mr. Chairman. Thank
1648 you so much for calling this hearing. We are going to miss
1649 you next year.

1650 Mr. Davidson, thank you also for the work you are doing.
1651 And you and I have had a chance to talk a bit about Vermont,
1652 where we have created these community union districts.

1653 And also, the State of Vermont -- and this is probably
1654 true in some other states, as well -- has done a lot of their
1655 own mapping. And there was real frustration for many of us
1656 with the mapping that had been done years ago.

1657 And the question I have is, where there is a conflict in
1658 the mapping from the state versus FCC, can you describe what
1659 the challenge process will be when the state data conflicts
1660 with FCC data?

1661 And will the FCC consider using a state map, especially
1662 in those circumstances when, for no one's fault, the FCC map
1663 is delayed?

1664 *Mr. Davidson. Well, that is a terrific question, and I
1665 know -- we know that some states actually have very good
1666 data. Vermont may be one of them, actually. And that should
1667 be an input into this process.

1668 We need to use the FCC maps. That is the way the
1669 statute is built for the bulk of it. And our hope is that
1670 that becomes the one source of truth. The question is how --
1671 about where the unserved are. The question is how to best
1672 make sure that it is that accurate source of information that
1673 we all want.

1674 There is a challenge process. It is actually, I think,
1675 a two-stage process. The first will be when we first have
1676 that kind of first draft FCC map. This year, there will be
1677 an opportunity for states and communities to go to the FCC
1678 and say, "Oh, that is not actually an unserved area," or,
1679 "That is a served area."

1680 There will also be a possibility -- when states submit
1681 their plans to us, we will be checking on that and getting
1682 input on whether they have hit the right unserved areas.

1683 So I think there is two bites at the apple, and we are
1684 building that process out now.

1685 *Mr. Welch. Thank you. There are a few communities in
1686 Vermont where we have municipal broadband. And, of course,
1687 there has always been tension between the private sector and
1688 municipalities. But where we have had municipal broadband,
1689 it actually has resulted in cheaper and faster service to the
1690 citizens.

1691 How will you ensure that the municipalities can stay in
1692 the game?

1693 *Mr. Davidson. Well, as you said -- and I --
1694 Congresswoman Eshoo asked something similar -- you know, the
1695 truth is that the statute is quite clear on this, which is
1696 that municipal broadband networks, as well as co-ops,
1697 non-profits, other types of newer or non-traditional
1698 providers, they are -- they can participate. We are going to
1699 make sure the door is open for them to participate. We are
1700 going to offer technical assistance to make sure communities
1701 that want to use those models can participate. The statute
1702 is pretty clear on that. We know there is value there.

1703 It won't be a one-size-fits-all solution. Some states
1704 may take very different approaches, and we are going to have
1705 room for that.

1706 *Mr. Welch. Thank you very much. I really appreciate
1707 the work you are doing, and we are all quite excited to make
1708 the progress that is right out there for us to make.

1709 I yield back.

1710 *Mr. Davidson. Thank you.

1711 *Mr. McNerney. The gentleman yields back. Thank you
1712 for yielding your time, Peter. The gentleman -- the chair
1713 now recognizes the gentleman from Oklahoma, Mr. Mullin, for
1714 five minutes.

1715 *Mr. Mullin. Man, I feel special. I have been on this
1716 lot less than Gus, and you got my name right. So I know who
1717 is liked the best.

1718 Anyways, Mr. Davidson, it seems there is not really a
1719 good understanding of what middle mile infrastructure exists
1720 in the U.S., and how you can assure that those funds from the
1721 IIA Middle Mile Grant Program aren't duplicating the
1722 broadband funding. So how do we keep that from happening?

1723 *Mr. Davidson. Well, we -- I think we are very keen on
1724 making sure these programs are additive, not, you know, kind
1725 of conflicting or duplicative.

1726 There is -- I mean, I know, on some level, \$42 billion
1727 is a lot of money. On another level, given the mission, it
1728 is not enough if we are going -- if we are not careful about
1729 how we use it. Middle mile programs only -- only -- is \$1
1730 billion. We are going to be very careful. We have gotten a
1731 lot of input already about how we would best use it. We are
1732 being very thoughtful about -- it is not going to be a last-
1733 mile program like the BEAD state grant program.

1734 *Mr. Mullin. Sure.

1735 *Mr. Davidson. It is going to be about something that
1736 we use that is going to -- the hope is that it is additive,
1737 and it helps make things more affordable, it helps fuel
1738 deployments in rural areas by providing that backbone that
1739 then other providers can piggyback on.

1740 *Mr. Mullin. Well, and we -- that is what we are
1741 wanting to happen. What we are afraid is, though, the
1742 duplication of it. I mean, my district in Oklahoma is the

1743 least connected district in the country. Less than 50
1744 percent of district 2 of Oklahoma is connected to reliable
1745 internet service. And it is very expensive and hard to get
1746 the middle mile, much less the last mile put in place.

1747 And so we just want to make sure it is used
1748 appropriately.

1749 *Mr. Davidson. Yes.

1750 *Mr. Mullin. It is --

1751 *Mr. Davidson. I would say your connection looks pretty
1752 good right now, actually, so --

1753 *Mr. Mullin. Well, that is because I am sitting in
1754 Tulsa, in the middle of my truck, and I am using Ford Wi-Fi.
1755 That is a true story.

1756 *Mr. Davidson. Okay.

1757 *Mr. Mullin. So I am -- but I mean -- but we do have --
1758 our electric co-ops are the ones that is providing a lot of
1759 service, plus our telecoms are providing a lot of broadband
1760 for our last mile, to get to it.

1761 But you know, it has now been over a year since we
1762 appropriated the \$300 million to the NTIA for the broadband
1763 infrastructure program. When do you think they are going to
1764 start awarding those grants?

1765 *Mr. Davidson. I think it will be very soon. We --
1766 there were two conflicting things in the statute. One said,
1767 "Here is the shot clock." Another said, "Make sure you give

1768 people a chance to cure their applications.'" And we just
1769 basically had to choose, and we chose to delay the program in
1770 order to give people the chance to be able to make sure that
1771 their applications were good.

1772 And we are very glad we did that, because we have some
1773 great applications, people who just -- you know,
1774 administrative stuff, they just needed to fix their
1775 application. We just needed to go ask them to do it. And I
1776 think you will see, you know, in the matter -- in the near
1777 future, those grants will be coming out.

1778 *Mr. Mullin. Right. My last question is the IIJA
1779 allows for 25 percent matching fund requirements to be met by
1780 other Federal funding. How are we assuring that the first-
1781 time applicants are financially viable to receive these
1782 awards?

1783 *Mr. Davidson. So really, it is an important question.
1784 We have been talking about it. I think it needs to be done
1785 carefully, to make sure that we are, you know, being prudent
1786 with our money, and make sure that the people who get it have
1787 viability.

1788 I think, you know, the match is an important piece of
1789 that. We are looking at lots of different creative ways.
1790 You know, it may be that the match, in some cases anyway, may
1791 be too low. You know, and maybe that becomes a piece of it,
1792 too.

1793 But I would say the key thing here is that we know the
1794 match is important. We know financial viability of sub-
1795 grantees is important. Ultimately, the states will decide
1796 how they are going to build their programs, but we are going
1797 to put some baseline rules in there, and particularly around
1798 oversight, to make sure that we have viable programs, and
1799 that people don't just disappear on us. We don't want that
1800 to happen. That is not going to serve anybody well.

1801 *Mr. Mullin. Thank you. Mr. Davidson, thank you so
1802 much for your time.

1803 And Chairman, I yield back.

1804 *Mr. McNerney. Well, the gentleman yields. And now the
1805 chair recognizes the gentleman from Oregon, Mr. Schrader, for
1806 five minutes.

1807 *Mr. Schrader. Thank you so much, Mr. Chair.

1808 And thank you, Mr. Assistant Secretary, for being here.
1809 We are all excited about the prospects out there.

1810 And I guess I will just take a quick moment to give
1811 ourselves a pat on the back, as the United States Congress
1812 approving a bipartisan infrastructure bill. I mean, this is
1813 a big deal. We agree to disagree on a lot of things, but,
1814 frankly, when it comes to bread-and-butter issues, country
1815 comes together, Congress comes together, and we do this. A
1816 little bit of a shout-out for, you know, a dozen Democrats, a
1817 dozen Republicans who made sure it got all the way to the

1818 finish line on the House side, but that is just the nature of
1819 legislation. And this is -- the broadband deployment here is
1820 just going to be absolutely transformational for everyone on
1821 this panel, and everyone in this country, where we are
1822 finally, hopefully, all connected.

1823 We got one 137,000 Oregonians without broadband access.
1824 That is totally unacceptable. Congress has made this
1825 historic investment, and hoping that it actually gets
1826 disbursed in the timely manner. I think Markwayne's comments
1827 are very spot on, as have others.

1828 And I just want to make sure folks know, you know, what
1829 are going to be the impediments. You have alluded to a
1830 couple of them. You know, the shot clock versus getting it
1831 out the door. We also have the mapping issue. And what is a
1832 -- you know, the realistic timeline to make sure we get it
1833 out over -- I want to give folks back home a realistic
1834 timeline, so no one is disappointed, they can get their ducks
1835 in a row, and know how to go about getting that -- the grants
1836 out there.

1837 *Mr. Davidson. Well, we are -- it is a great question,
1838 Congressman, and I appreciated talking to you about some of
1839 these issues.

1840 The timeline -- you know, we are going to be moving
1841 forward aggressively against the timeline that is put forward
1842 in the statute. The key first date for us is in less than 90

1843 days. And on -- by May 16th we will be putting out our
1844 notice -- or we call it our notice of funding opportunity,
1845 our NOFO -- and that will be when the shot clock starts, or
1846 the -- I guess the starting gun goes off is a better way to
1847 say it.

1848 And right after that, states will be immediately able to
1849 apply for planning grants. Very simple, \$5 million planning
1850 grants to every state and territory that wants them. We are
1851 going to make it really easy for them to get them. Planning
1852 is a key part of this. And so I am really glad that Congress
1853 wisely included planning money for states. That will start
1854 things off right away.

1855 The key next thing is we are going to be waiting for the
1856 -- looking for the maps. And the FCC is working on that.
1857 That is probably going to take until later in the year, from
1858 what they have said. I think this summer, the FCC chairwoman
1859 has said, the maps will start to be available. There will be
1860 a challenge process. And then it will be later in the year
1861 when states can really use those maps to get their
1862 allocations, and start putting their plans in.

1863 So it is -- you know, the statute and the law that
1864 Congress put in was very careful. States have to put
1865 together plans. We are going to be approving those plans.
1866 It takes a little while before money will get -- you know,
1867 dirt will get shoveled. But we are going to work through it

1868 very, very -- as quickly as we can, given the process that
1869 Congress set forward.

1870 *Mr. Schrader. So where are the communities -- who
1871 should the communities go to to get the support?

1872 I mean, there is a lot of small, rural counties --

1873 *Mr. Davidson. Yes.

1874 *Mr. Schrader. -- and towns and communities that don't
1875 really have big grant-writing operations.

1876 *Mr. Davidson. Yes.

1877 *Mr. Schrader. You know, the -- understanding the
1878 myriad complexities of this legislation may be a little bit
1879 beyond them.

1880 And certainly they can call my office and everyone on
1881 the Zoom here, but you know, who should they contact in your
1882 office?

1883 And when do you anticipate being staffed up enough that
1884 they can get a call back? I don't want to ask them --

1885 *Mr. Davidson. That is --

1886 *Mr. Schrader. -- call you, when you don't have anybody
1887 there, so --

1888 *Mr. Davidson. That is --

1889 *Mr. Schrader. -- give it some time.

1890 *Mr. Davidson. Probably the most important thing that
1891 we are doing right now is building out a bigger team, a big
1892 team of people who will be there to work with states and

1893 communities on their -- on getting access to these funds.

1894 And so we are going to have here a team of folks, where
1895 there is a person dedicated to the State of Oregon. They are
1896 going to wake up every morning and think, "How do I make
1897 Oregon succeed in this -- in these grant programs?" There
1898 will be a person that you and the state government will know
1899 they can reach out to at NTIA, who will be their point person
1900 for these programs.

1901 And our hope is that, you know, that you all will help
1902 us be an emissary to the states and communities. We will
1903 make sure you know who those people are here, and we will
1904 make sure that you can help get -- anybody who has got
1905 questions, this will be an "Operators are standing by" kind
1906 of thing. That is the most important thing that we can do --

1907 *Mr. Schrader. Well, when will that occur?

1908 *Mr. Davidson. It is --

1909 *Mr. Schrader. When is it realistic for us --

1910 *Mr. Davidson. It is happening now. We already have a
1911 state broadband leaders network that has been around for a
1912 while. We are building out. And by the 16th, by May 16th,
1913 we will have a lot of that capacity in place so that, when
1914 the starting gun goes off, people will know who to call.

1915 *Mr. Schrader. Excellent. Excellent. Good luck.
1916 Thank you so very much.

1917 *Mr. Davidson. Thank you.

1918 *Mr. Schrader. I yield back, thank you.

1919 *Mr. McNerney. The gentleman yields back. The chair
1920 now recognizes the gentleman from Michigan, Mr. Walberg, for
1921 five minutes.

1922 *Mr. Walberg. Thank you, Mr. Chairman.

1923 And Administrator, thank you for being with us today,
1924 and it is good to let you see that my technology actually
1925 works this time. I missed that the other day, when you
1926 kindly called me. So --

1927 *Mr. Davidson. It wasn't that bad, but yes.

1928 *Mr. Walberg. There has been a lot of talk about
1929 preventing overbuilding, and I share those concerns,
1930 especially as we are facing serious workforce and supply
1931 shortages. If we don't have the workers to get the job done,
1932 this massive taxpayer investment we made for broadband
1933 deployment will mean nothing. To address this, NTIA was
1934 included as a member of the Interagency Telecommunications
1935 Workforce Working Group, which was created as a result of my
1936 legislation, the Telecommunications Skilled Workforce Act.

1937 Mr. Davidson, the working group is tasked with
1938 developing recommendations to address the significant
1939 workforce needs we have in the telecommunications industry.
1940 Can you please provide an update on the working group's
1941 progress? I hope you have some.

1942 *Mr. Davidson. I can say that this is a huge issue, and

1943 a huge opportunity, and we see the opportunity -- the
1944 potential here. As you have rightly pointed out, we have a
1945 giant need, and we are not going to be able to implement
1946 these programs and spend these billions of dollars without
1947 workers to do it.

1948 Ideally, you would want those workers coming from the
1949 communities where the building is happening. So we see a
1950 giant opportunity for more vocational training, more
1951 community college programs, all of those things. We are
1952 working with the White House on these issues, and working to
1953 coordinate.

1954 I have to say I don't actually have an update for you
1955 today on that working group. I will be sure to get one for
1956 you right away, and get back to your staff.

1957 *Mr. Walberg. Well, I appreciate that. I understand it
1958 is early into your tenure.

1959 *Mr. Davidson. Yes.

1960 *Mr. Walberg. So a lot to find out. But I am
1961 concerned, in all honesty, that the Biden Administration's
1962 rollback of industry-recognized apprenticeship programs is a
1963 step, I think, in the wrong direction in a growing -- in
1964 growing the skilled workforce that we need.

1965 Given the immediate need, do you believe that all types
1966 of qualified training programs should be on the table to
1967 address the workforce shortage?

1968 *Mr. Davidson. I think we -- I know that we need a lot
1969 of the workers, and I think we want to make sure these are
1970 good-paying jobs for all Americans. We need the partnership.

1971 And I am not familiar enough with the details of those
1972 particular programs to be able to tell you, but I know this
1973 is going to be an all-hands-on-deck approach. I can tell you
1974 that is how we are looking at it. And we will just look
1975 forward to leaning into the opportunity, and I can get you an
1976 update on that, too, as I learn more about it.

1977 *Mr. Walberg. Well, we hope. You know, I would lobby
1978 for the fact that we ought to be open to all qualified
1979 training programs, that media industry standards, whether
1980 registered programs or not -- we need the workers.

1981 Let me move on. My staff recently had a call with the
1982 Michigan High-Speed Internet Office, which will be the entity
1983 in charge of managing and doling out the NTIA grant funds in
1984 my home state. The office was only established in June of
1985 2021. And though they have made some progress in a short
1986 amount of time, the office is behind other states in terms of
1987 planning and staffing. So, Mr. Davidson, what assistance is
1988 NTIA offering the states to ensure that they are deployment-
1989 ready, especially those like Michigan, whose broadband
1990 offices are playing catch-up?

1991 *Mr. Davidson. So you rightly kind of point to a key
1992 piece of this, which is that, especially for the state grant

1993 programs, the states are our critical partners. And we know
1994 this. Like, we are not going to succeed unless we are
1995 supporting the states. It is our -- honestly, I think the
1996 most important thing that we are going to build here, that we
1997 are building here now, is that state support system.

1998 So we are going to have Federal program officers. We
1999 are hiring right now a whole bunch of new ones who are going
2000 to be tasked with working with each state, and so that there
2001 is somebody here who the State of Michigan knows they can
2002 reach out to for any of their technical questions. We will
2003 have a -- it is sort of like an operators-are-standing-by
2004 kind of thing. They will know that name. They will know who
2005 to reach out to here.

2006 There will be somebody here who wakes up every day and
2007 thinks, "How do I make Michigan succeed?" You will know who
2008 that person is, and we are hoping that we can use you and the
2009 rest of the members of the subcommittee and Congress in a
2010 kind of whole-of-government approach to reach out to the
2011 communities in need. It is the most important thing we can
2012 build, because we know different states are in different
2013 places on this.

2014 And Michigan, I know, has just created this office. I
2015 am not even sure it has been funded yet, but it is going to
2016 be really important for success.

2017 *Mr. Walberg. Thank you, and I yield back.

2018 *Mr. McNerney. The gentleman yields back, and now it is
2019 my privilege to recognize the gentleman from southern
2020 California, home of the Super Bowl champions, Mr. Cardenas.

2021 *Mr. Cardenas. Thank you very much, Chairman McNerney.
2022 And like my colleagues have echoed, we are going to miss you
2023 on this committee, especially when it comes to this very,
2024 very important issue. You have been, certainly, a leader in
2025 many respects on this. So thank you so much for your
2026 service, and for chairing the committee today.

2027 It is wonderful, as my colleagues have also mentioned,
2028 we are working in a bipartisan manner. We do that quite
2029 often. It is not covered in the news very much, because I
2030 guess that is kind of boring. But we do a lot of boring,
2031 good, amazing work in this committee. For example, the BEAD
2032 program and the ACP being by -- run by the NTIA and the ACP
2033 program being run by the FCC. That leads me to my first
2034 question about how we are going to create that seamless
2035 ability to create not only infrastructure, but access.

2036 Administrator Davidson, can you tell us briefly how your
2037 -- what your expectations are to make sure that we pull these
2038 two programs together and coordinate with those two, your two
2039 organizations?

2040 *Mr. Davidson. I am happy to talk about it, thank you
2041 for the question. You know, the ACP is that \$30-a-month
2042 benefit for broadband service, really transformative for many

2043 communities, incredibly important, administered by the FCC,
2044 as you say.

2045 We are going to be focused -- our part of it, really, is
2046 on -- well, first of all, I would just say we know that
2047 affordability is a key issue here. It doesn't make -- it
2048 doesn't help a family if they have a wire running to their
2049 home if they can't afford the service on it. So it is
2050 essential that we think about affordability in the program.

2051 Fortunately, the law, the bipartisan infrastructure law,
2052 as it was created, requires that those who receive grants
2053 from us have to include a low-cost option, and I think that
2054 will be a major driver of affordability in this grant
2055 program. We are working with, talking to, thinking about how
2056 those FCC programs will fit into the program.

2057 And so we are very aware of it, I will say, and -- as we
2058 construct how we -- what a low-cost plan might look like. It
2059 is going to vary from place to place and states to state.
2060 Different communities are going to know -- they know that
2061 affordability means different things in different places. So
2062 we expect some variation, but we also are very aware of the
2063 programs that are out there, and want to work closely
2064 together. And it is something I have talked to the
2065 chairwoman about, as well, how we can mutually reinforce the
2066 work that we are doing.

2067 I think ACP is going to be a key piece of making sure

2068 that people have that on-ramp onto the internet.

2069 *Mr. Cardenas. And it is very important that we make
2070 sure that, when it comes to times of emergency, especially in
2071 California, when it comes to wildfires -- and we see floods
2072 and other natural disasters around the country -- and one of
2073 the requirements is to make sure that it is reliable, and we
2074 have a reliable and resilient network out there.

2075 What are we -- what do you say about that resiliency,
2076 and how we plan on making sure that that is the final -- that
2077 is the result that we are receiving across the country?

2078 *Mr. Davidson. Another -- it is a very important piece
2079 of this. Our hope and our plan is to build out a broadband
2080 infrastructure that is not only fast and affordable, but also
2081 reliable and resilient. And as you say, that has become a
2082 huge issue for infrastructure, as we have seen in recent
2083 months and years.

2084 So we need an infrastructure that is designed for those
2085 challenges. And not just today, but in the future. We are
2086 -- so that is going to be -- that is a -- going to be a key
2087 element of this. We are thinking about speed and capacity,
2088 but we are also thinking about how we can include in our
2089 requirements the ability to handle and have resilience in the
2090 future. So it has been something we have been talking to
2091 stakeholders about, and we have gotten some input on, and I
2092 expect we will include it.

2093 That is something I am sure the people of California
2094 know quite well about how to think about, too. So we welcome
2095 your input, and would love to work with you on it.

2096 *Mr. Cardenas. Yes, I look forward to working with you
2097 on it, as well. And in the spirit of bipartisanship, my
2098 colleague, Rodgers, and also my colleague, Soto, touched on,
2099 when it comes to technology and implementation, and making
2100 sure that what is ready and accessible should be considered,
2101 and being technology agnostic, to make sure that it is
2102 implemented -- we get implementation as quickly as possible,
2103 so that we can get as many Americans connected as efficiently
2104 and quickly as possible, and with long-term benefits, as
2105 well.

2106 Also, I just -- I would be remiss if I didn't mention
2107 the fact that, in Indian country, as it is called, in our
2108 sovereign tribal nations, there is a lot of issues that they
2109 are concerned about, and we want to make sure that you give
2110 some feedback to this committee when it comes to how it has
2111 been going, and how to help those sovereign nations access
2112 and be able to apply for these grants, et cetera. Because,
2113 as one of my colleagues mentioned earlier, some communities
2114 just don't have the technical infrastructure to compete with
2115 other, more fortified communities that are competing for
2116 those grants, as well.

2117 So with that, my time has expired. I apologize, Chair

2118 McNerney, and I yield back.

2119 *Mr. McNerney. The gentleman yields. The chair now
2120 recognizes the gentleman from Georgia, Mr. Carter, for five
2121 minutes.

2122 *Mr. Carter. Thank you, Mr. Chairman, and thank you,
2123 Mr. Davidson, for being here. It is a pleasure to have you.

2124 I wanted to talk about NTIA's lab, the Institute for
2125 Telecommunication Sciences -- ITS, as I think you call it. I
2126 know that it conducts important tests and research to solve
2127 challenging technical issues, and to use spectrum more
2128 efficiently. It is also one of the key drivers, I believe,
2129 in freeing up Federal spectrum for commercial use.

2130 Can you please speak to the importance of ITS, and what
2131 you envision it doing for the -- over the next three years?

2132 *Mr. Davidson. Well, I am glad you raised it. It is a
2133 -- it is not necessarily always a well-known part of NTIA,
2134 and I have been learning a lot about it. It is really a
2135 national treasure.

2136 We have this lab that is based out of -- near Boulder
2137 that has capabilities -- engineers, computer scientists,
2138 people who model spectrum interference and understand it,
2139 people who can do testing around spectrum, and real research.
2140 And I will say we have -- it has never been more important.

2141 I think the recent months and the kinds of conflicts we
2142 have had over spectrum have made it clear how important it is

2143 for us to have real resources to come up with a common source
2144 of truth about where there is, you know, kind of data that
2145 shows there are problems and where there isn't.

2146 And so my hope is that we can really build up those
2147 capabilities, both within, you know, the spectrum team here
2148 in D.C., and also our lab out in Colorado to do that work.
2149 And just as a great example, we have -- are now embarking on
2150 a project with the Department of Defense, a 5G challenge, to
2151 look at how 5G deployment might affect their equipment.

2152 So just like the commercial aviation industry is
2153 interested, as you can imagine, the Defense Department is
2154 quite interested, too. And we will have to send you some
2155 pictures. We just did a great test, where we had some of the
2156 military helicopters and equipment out at our testing
2157 facility, kind of seeing what the interference looks like
2158 with 5G. That is the kind of cutting edge work that we want
2159 to do, and I hope we will continue to do in the year to come.

2160 *Mr. Carter. Well, good. I understand there is some
2161 legislation out there that would take care of ITS. And, in
2162 fact, I think it is my legislation, so I hope that you will
2163 be looking for it.

2164 Anyway, you just alluded to the fact that you are
2165 working with the Department of Defense, you are working with
2166 the FAA and others about the problem that 5G may have in the
2167 C-Band. Can you describe the working relationships that NTIA

2168 has with the FAA, Department of Transportation, and
2169 Department of Defense, along with any other interagency
2170 communication problems that need to be addressed?

2171 *Mr. Davidson. Well, I think we do meet regularly with
2172 these other Federal agencies, and there are good mechanisms
2173 at the -- I call it sort of at the staff level -- for, you
2174 know, kind of technologists to meet with technologists,
2175 engineers to meet with engineers. We have the two
2176 committees, the IRAC, one of them, which has now been going
2177 on for quite a while. We have a group called PPSG -- and I
2178 am going to get the acronym wrong, but we have these working
2179 groups to discuss the technical and policy challenges.

2180 We know we need to strengthen those, and I think my
2181 sense is that we need to strengthen the political layer, as
2182 well, and make sure that coordination is happening, you know,
2183 at the highest levels of our agencies. And so that is really
2184 why we need a national spectrum strategy. That is why I was
2185 glad to launch this initiative with the FCC chairwoman this
2186 week.

2187 And I would just say, stay tuned for more. This is a
2188 high priority for us, to make sure we are communicating
2189 well --

2190 *Mr. Carter. Good.

2191 *Mr. Davidson. -- with the Federal users.

2192 *Mr. Carter. Mr. Davidson, you and I have talked

2193 before, and I have explained to you, as I think a lot of
2194 people know, there are two Georgias. There is Atlanta and
2195 there is everywhere else. And I represent everywhere else.
2196 And, you know, we need broadband in south Georgia. And I get
2197 it. I know there are urban deserts, but at the same time we
2198 are really struggling down here.

2199 And what I wanted to just say real quickly is that, you
2200 know -- and we have got the funds coming in in the BIF, and
2201 they have been authorized, and now we are seeing what is
2202 going to happen. But I just want to make sure that we are
2203 not going to have any kind of undue regulatory obligations,
2204 such as product and service mandates or open access
2205 requirements, so that this would interfere with the
2206 deployment of broadband in the rural areas, in particular.

2207 *Mr. Davidson. Well, as we discussed, you represent a
2208 very beautiful part of Georgia, as I know.

2209 And so -- and we are -- we want to work with you, and we
2210 want to make sure we are -- I will just say we are laser-
2211 focused on fast, accountable deployment. That is our focus.
2212 That is what we are going to be trying -- what we are working
2213 on. And those are the issues that we are going to be
2214 thinking about, how to do that quickly, and how to do it
2215 accountably. And I will just say that is my focus.

2216 *Mr. Carter. Okay. Well, thank you very much.

2217 And thank you, Mr. Chairman. I yield back.

2218 *Mr. McNerney. The gentleman yields back. The chair
2219 now recognizes the gentlelady from Illinois, Ms. Kelly, for
2220 five minutes.

2221 *Ms. Kelly. Thank you, Mr. Chair.

2222 And thank you for testifying today, Administrator
2223 Davidson. I know NTIA has been waiting a long time for a
2224 permanent leader in this position, and you have a lot on your
2225 plate.

2226 Last year Congress made a once-in-a-generation
2227 investment in our nation's broadband infrastructure, and this
2228 is our chance, frankly, to build the digital divide -- or to
2229 bridge the digital divide, and lay the foundation for our
2230 nation's future.

2231 One of the bipartisan infrastructure laws was a
2232 provision on requiring a low-cost broadband service option,
2233 and every state will be required to submit its definition for
2234 their low-cost option, and NTIA will have to approve their
2235 plan. This could mean we wind up with 50 different plans for
2236 what is considered low-cost.

2237 At the same time, the FCC has been overseeing the
2238 Affordable Connectivity Program, which, by statute, defines
2239 affordable connectivity -- defines the affordable
2240 connectivity benefit as a monthly discount for an eligible
2241 household applied to the actual amount charged to such
2242 household in an amount equal to such amount charged, but not

2243 more than \$30. Or if an internet service offering is
2244 provided to an eligible household on tribal land, not more
2245 than \$75.

2246 So how do you plan to approach the low-cost approval
2247 process?

2248 Also, the FCC program eligibility is based on income.
2249 Will all individuals be eligible to select the low-cost
2250 option for BEAD?

2251 *Mr. Davidson. Well, thank you for those questions.
2252 And I will just start by saying we know that affordability
2253 must be a critical piece of this. That is, just because
2254 there is a cable running to somebody's home doesn't
2255 necessarily mean that they can -- a family can afford to get
2256 online. So we know we need to be looking at the full range
2257 of things that people need to be able to get adoption, and
2258 affordability is a piece of it.

2259 As you rightly say, our program required -- the beauty
2260 of what -- the bill that Congress wrote, the law that
2261 Congress passed, is that we are requiring -- we will be
2262 requiring a low-cost option be available for any recipient of
2263 our Federal grant money. And so states will have to include
2264 a low-cost option, and that low-cost option, our expectation
2265 is, it will be available to those who meet the requirements,
2266 anybody who is the recipient -- works for one of those
2267 grantees, for one of those programs.

2268 We are working on the specifics of that, and we are very
2269 aware of the ACP program. I don't think it is going to be a
2270 one-size-fits-all solution, the way that the program is
2271 written. In fact, the virtue of it is that different states
2272 can do different things. What Illinois needs for low-cost
2273 options probably could be quite different from what Georgia
2274 or Florida or Montana need. Right?

2275 So there is going to -- we expect flexibility, but this
2276 is going to be a critical component. We are going to make
2277 sure states have good, low-cost options available.

2278 *Ms. Kelly. Okay. In addition to affordability, access
2279 to high speed internet and digital redlining have been issues
2280 that have held back many minority communities from fully
2281 engaging in the modern economy. The bipartisan
2282 infrastructure law creates a process to address digital
2283 discrimination and prohibit deployment discrimination.

2284 I know this is something important to you. Can you
2285 explain how BEAD funds will help address the issues that we
2286 have so frequently seen when it comes to digital redlining?

2287 *Mr. Davidson. It is an extremely important issue, and
2288 I -- and digital redlining is something we can't tolerate in
2289 this program.

2290 I will note that the FCC -- I believe the FCC was
2291 actually tasked at looking at this in the -- at this very
2292 issue in the bipartisan infrastructure law. We are working

2293 with them, as we move forward in our programs, to get their
2294 -- benefit of their thinking and their work, as well.

2295 I know that, as we have talked to mayors and community
2296 leaders -- I have spoken to a group of mayors -- we know that
2297 there are locations that lack physical access to broadband,
2298 and that are truly unserved. And so it is going to be -- I
2299 think our belief is that we should be, you know, BEADS -- the
2300 state grant program, the BEAD funding, is for all unserved
2301 locations. And we do believe that there are -- and we will
2302 be watching to see if there are, in fact -- I think we truly
2303 believe there are, as you know -- unserved locations in many
2304 different places in America, including in urban areas. And
2305 so we are going to make sure that our BEAD funding is
2306 available there.

2307 *Ms. Kelly. Thank you so much, and I wish you the best
2308 of luck.

2309 *Mr. Davidson. Thank you.

2310 *Ms. Kelly. I yield back.

2311 *Mr. McNerney. The gentlelady yields back.

2312 I request unanimous consent to enter the following into
2313 the record: a letter from WISPA to Chairman Doyle and
2314 Ranking Member Latta; a letter from the U.S. Chamber of
2315 Commerce to Chairman Doyle and Ranking Member Latta in
2316 support of NTIA's new broadband programs under the
2317 Infrastructure Investment and Jobs Act; a letter from Connect

2318 Americans Now, CAN, to Administrator Davidson; a letter from
2319 Nextlink to Chairman Pallone, Ranking Member Rodgers,
2320 Subcommittee Chair Doyle, Ranking Member Latta; a letter from
2321 Ranking Members Rodgers, Comer, Granger, and Foxx to the U.S.
2322 Department of Education Secretary Cardona; a letter from
2323 Ranking Members Rodgers, Comer, Granger to Federal
2324 Communication Chair Rosenworcel; a letter from Ranking
2325 Members Rodgers, Comer, and Granger to National
2326 Telecommunications and Information Agency Acting Secretary
2327 Remaley; a letter from Ranking Members Rodgers, Comer, and
2328 Granger to the Department of Treasury Secretary Yellen; a
2329 letter from Ranking Members Rodgers, Comer, Granger, and
2330 Thompson to the U.S. Department of Agriculture Secretary
2331 Vilsack and Under Secretary of Agriculture for Rural
2332 Development Torres Small.

2333 Without objection, so ordered.

2334 [The information follows:]

2335

2336 *****COMMITTEE INSERT*****

2337

2338 *Mr. McNerney. The chair now recognizes the gentleman
2339 from South Carolina, Mr. Duncan, for five minutes.

2340 *Mr. Duncan. Mr. Chairman, thank you, and I concur with
2341 a lot of others: you will be missed on the committee. I
2342 have enjoyed working with you during my short time here.

2343 Administrator Davidson, I represent a very rural area,
2344 as many of the congressmen that have come before me have
2345 said. I am concerned about the aspect of overbuilding in
2346 urban areas to the extent of not building out the much-needed
2347 infrastructure in rural areas. Industry has available
2348 matching funds, and investing in rural areas is a great
2349 leverage of these private-sector funds.

2350 What can you say about NTIA's commitment to ensure these
2351 rural areas across the nation aren't left out, as money is
2352 spent in urban areas, where the need isn't as great due to
2353 existing systems?

2354 *Mr. Davidson. Well, thank you for the question, sir,
2355 and I would say that the statute is quite clear on this to
2356 us: unserved first. And that is how we are going to be
2357 approaching it.

2358 The statute lays out a clear framework for us to define
2359 "unserved," right, people who don't have the speeds that are
2360 defined in the statute. It lays out a framework for how we
2361 are supposed to approach it -- again, with the unserved
2362 first. And that is going to be our approach. And I do

2363 believe we believe that a lot -- most, perhaps, of, probably
2364 -- of the unserved are going to be in those rural areas,
2365 where there hasn't been access.

2366 You heard me just -- if you were listening -- you know,
2367 I don't know if you were listening, but I just spoke with
2368 Representative Kelly about it. Of course, you know, we will
2369 find the unserved wherever they are. But it is going -- that
2370 is going to be our focus. And so I will just say that the --
2371 in our view, my view, the statute is very clear, and the
2372 unserved will be the people we look to, to make sure states
2373 are --

2374 *Mr. Duncan. Thank you for that answer. The IIJA
2375 states very clearly that NTIA shall not engage in rate
2376 regulation related to the broadband grant program, generally,
2377 and the low-cost option, in particular.

2378 We talked a lot about the under-served and those that
2379 can't afford it, and the affordable option. Will you confirm
2380 for us here today, as other administrators have done, that
2381 you will abide by the statute, and not regulate broadband
2382 rates directly or indirectly as part of your work on the
2383 broadband grant program?

2384 *Mr. Davidson. I can confirm that the statute says --
2385 is clear that we are not going to be engaged in rate
2386 regulation, and we will follow the statute.

2387 *Mr. Duncan. Thank you. We are served by both the big

2388 Verizons, AT&Ts but we also have electric cooperatives and
2389 telephone cooperatives. How do you envision working with the
2390 cooperatives to assist in this buildout, and meeting the
2391 under-served across the nation?

2392 *Mr. Davidson. So, I -- you know, we see a -- an all-
2393 of-the-above approach to making sure we can meet the mission
2394 here. If we are really going to serve all Americans, if we
2395 are going to make sure that all the unserved are reached, it
2396 is going to take a lot of different actors to build -- to do
2397 those build-outs.

2398 The statute is very clear, that all are welcome, and
2399 that -- we see a role for co-ops. I expect -- you know, we
2400 are hopeful that we will have a lot of new entrants, non-
2401 traditional players. We will put careful standards in place
2402 to make sure that everybody is held accountable for the money
2403 they receive. But our hope is that we will be building these
2404 plans, and states will build these plans. The states are
2405 going to actually be building out the -- doing the granting
2406 that welcome an all-of-the-above approach to how we tackle
2407 the problem.

2408 *Mr. Duncan. You mentioned a lot about training and
2409 education for folks in the technology sector, but also in the
2410 construction and buildout.

2411 *Mr. Davidson. Yes.

2412 *Mr. Duncan. Are any of those grants slated for

2413 technical colleges across the country?

2414 *Mr. Davidson. I don't think there is anything that is
2415 earmarked. I could be wrong, but I think that we expect
2416 that, in some settings, they could well be used.

2417 And I would also note we were administering several
2418 different programs here, but particularly the -- for example,
2419 a digital equity program, funds could certainly be used for
2420 workforce development.

2421 We are taking comments through this request for comments
2422 that we have asked for to think about how workforce
2423 development could be funded through the programs. I don't
2424 have a direct answer. We haven't made those decisions yet.

2425 But I will just say you have hit on it. Workforce is a
2426 giant opportunity, and also a problem if we don't address it.
2427 But it is a big opportunity. We want to make sure we get to
2428 it in the programs.

2429 *Mr. Duncan. Can I ask your office to keep my office
2430 informed as to that aspect?

2431 *Mr. Davidson. Absolutely.

2432 *Mr. Duncan. And that is the technical training and
2433 workforce development.

2434 *Mr. Davidson. We would welcome a chance to work with
2435 you on it, get your ideas on it. We will absolutely keep you
2436 up to speed, as we think about it.

2437 *Mr. Duncan. Awesome. With that, Mr. Chairman, I yield

2438 back.

2439 *Mr. McNerney. The gentleman yields back. The chair
2440 now recognizes the gentlelady from Texas, Mrs. Fletcher, for
2441 five minutes.

2442 *Mrs. Fletcher. Thank you, Mr. Chairman, and thank you,
2443 Ranking Member Latta, for convening today's hearing on the
2444 NTIA and its role in administering significant broadband
2445 funding to expand access, and affordability, and bridge
2446 digital divide, as we have been discussing this morning.

2447 Administrator Davidson, thank you so much for joining us
2448 today, and sharing your insights with us. This has been a
2449 very helpful hearing, I think, for us all.

2450 As many of my colleagues have noted, the Infrastructure
2451 Investment and Jobs Act provides \$65 billion for broadband
2452 programs, including more than 40 billion for broadband
2453 equity, access, and deployment program, sending the money to
2454 states to close the availability gap in their communities.

2455 And as you have already noted a couple of times, and
2456 several of my colleagues have pointed out, different states
2457 will approach things differently. And you have talked a
2458 little bit about the planning money provided for states, but
2459 I think we can reasonably assume that with this funding will
2460 come a flood of applications to deploy the infrastructure
2461 needed to provide these connections, and that that flood of
2462 applications will strain local offices that are tasked with

2463 reviewing applications.

2464 Anticipating this issue, I introduced a bill, the
2465 Broadband Incentives for Communities Act, to support local
2466 governments as they process applications for broadband
2467 deployment by providing grants for hiring and training staff,
2468 purchasing and updating software, and updating their
2469 processes. It also brings all the stakeholders together
2470 under NTIA in a local broadband advisory council to promote
2471 collaboration and problem-solving.

2472 So with that in mind, Administrator Davidson, I would
2473 love to hear your thoughts on the crucial role that state and
2474 local governments will play in effective administration of
2475 these funds, and a little bit about how you see state and
2476 local government as partners in the NTIA's goals with
2477 distributing the funds.

2478 *Mr. Davidson. Well, to start with, it is a -- thank
2479 you for that, and thank you for your leadership on this
2480 issue.

2481 It is really essential that the communities, local
2482 governments have the resources to be able to participate in
2483 this, to be working with states on the plans, also to be
2484 doing the permitting they will need to -- you know, there is
2485 lots of different elements of this, where we need more
2486 strength and capacity at the local level.

2487 In our view, states are -- first of all, the statute is

2488 clear. States are required to consult with local communities
2489 as they develop their plans. And we are going to be making
2490 sure that is true as we review the state grant programs.

2491 We are thinking a lot about how we can support states
2492 and local communities. I think the most important thing we
2493 are building here is this kind of team of Federal program
2494 officers who are going to be assigned to each state. And
2495 that is not just to the governor's office. That is about
2496 working with communities, too. And so we might have to have
2497 two for Texas, I hear it is a big place. But you know, that
2498 is the kind of thing that we are working on. We want to
2499 partner with -- you know, I know there is some terrific
2500 private-sector networks that are also coming on, and I think
2501 tapping into that will be very important.

2502 I would just say we would love to work with you on this
2503 issue as you develop your legislation, as we think about
2504 this.

2505 You are 100 percent right, we really need to be
2506 supporting these local leaders who -- and giving them the
2507 technical assistance they need to participate.

2508 *Mrs. Fletcher. Well, thanks for that. Your answer
2509 anticipated my next question, but I think so much of this
2510 legislation emerged from the experience that we have had here
2511 in Houston, where I live, where we have had a very successful
2512 rollout of 5G, and have local leaders really committed to

2513 making it accessible throughout our community.

2514 But we have also learned a lot of lessons about sort of
2515 the various permitting requirements, the various agencies
2516 involved, the importance of coordinating. And so a lot of
2517 the idea for the bill really came out of our experience here.
2518 And of course, we would love to share that across the
2519 country, and really address some of those issues on the front
2520 end.

2521 It is my understanding, with maybe the minute I have
2522 left, that a small portion of the eligible costs and
2523 activities for the BEAD program can be used for
2524 pre-deployment and planning costs, like technical assistance,
2525 and employee training, and establishing capacity at eligible
2526 entities.

2527 So in your opinion, would additional assistance like
2528 this grant program that I have introduced for state and local
2529 governments to hire and train employees, purchase software
2530 upgrade capabilities, facilitate these upgrades at the local
2531 level be helpful to ensure the effective use of the funds, as
2532 well as some of the other programs you described at the
2533 statewide level?

2534 We have got about 30 seconds left, but --

2535 *Mr. Davidson. So I would just say something like what
2536 you described would be enormously helpful, and we would want
2537 to work with you on the details and dig into it.

2538 But, you know, we are doing planning grants to states.
2539 That is just the tip of the iceberg. A \$5 million planning
2540 grant to states is meaningful, but it doesn't reach all the
2541 communities that need it. We would love to think with you
2542 about how we could do that better, and take advantage of the
2543 resources that are out there. It is critical to give the
2544 people the technical assistance they need.

2545 *Mrs. Fletcher. Well, thank you so much for your
2546 partnership. I very much look forward to working with you,
2547 and thank you for your leadership of this hugely important
2548 process for our entire country.

2549 So with that, I will yield back, Mr. Chairman.

2550 *Mr. McNerney. The gentlelady yields back. The chair
2551 now recognizes the gentleman from Utah, Mr. Curtis, for five
2552 minutes.

2553 *Mr. Curtis. Thank you, Mr. Chairman. This has been a
2554 great hearing. I am appreciative of my fellow members and
2555 their questions.

2556 And Mr. Davidson, thank you. I think everybody is
2557 looking forward to your service with optimism with what can
2558 be accomplished. I would like to make three points, and then
2559 ask a couple of questions. And these points come from the
2560 perspective of being a former mayor in a city that did
2561 municipal broadband that was actually unsuccessful.

2562 And I would love to have a thoughtful conversation with

2563 my colleagues about municipal broadband. Having been -- gone
2564 through that experience myself, I think I see certain things
2565 that not everybody sees. It is frequently referred to as
2566 another utility.

2567 One of the big differences between broadband and power
2568 or sewer and water is that the cities hold a monopoly on
2569 those things. And let me tell you, I loved having a
2570 monopoly. It is a great way, you can't fail. And, of
2571 course, municipal broadband isn't that way.

2572 It is also something that goes so quickly. For
2573 instance, we installed our fiber network, and tried to sell
2574 it nine years later, and we were told it was worthless,
2575 because the technology is outdated and it would have required
2576 another massive investment from our city.

2577 The second point I would like to make is this money is
2578 fantastic, and it is going to do a lot of good things. But
2579 in my district we see that money is not the only impediment,
2580 and permitting is a large problem, as well. Ninety percent
2581 of some of my district is owned by the Federal Government,
2582 and permitting across these Federal lands is a huge problem.

2583 The third point is that I am not sure we fully thought
2584 through a one-size-fits-all answer for speed. And when we
2585 are mandating speeds of 100 down, I -- just for the fun of
2586 it, I am here in my district office. I am on my cell phone
2587 now. But a little earlier I tested the speeds in my district

2588 office, and we were working on 18 megs down, and less than 2
2589 megs up. Now, that is a fifth of what we are requiring from
2590 providers.

2591 And so, Mr. Davidson, you and I had the chance to talk
2592 about this. I represent part of the Navajo Indian
2593 reservation. We spoke yesterday after you and I talked.
2594 They asked me to bring this up with you. They have parts of
2595 their reservation that don't have running water or
2596 electricity. And it is -- we are just not going to get fiber
2597 in there. And they want to do fixed wireless, but are
2598 prohibited from this.

2599 And so I guess my question for you is am I missing
2600 something? Are there technologies that could get this 100
2601 megs in, or have we missed something in the legislation,
2602 where we are not taking into account certain geographic areas
2603 of our country?

2604 *Mr. Davidson. First of all, thank you. Thank you for
2605 the questions, and thank you for the conversation the other
2606 day. I really appreciated your insights, and particularly
2607 the work that you have done when you were a mayor in Provo.
2608 It was very insightful, so thank you.

2609 And by the way, I hope your puppy is doing well. I got
2610 a chance to see that adorable 10-week-old. That is amazing.
2611 And hopefully not chewing the cables anymore.

2612 So this is an important question. And I do -- you know,

2613 the statute is clear, right, that what is contemplated is
2614 building out -- you know, if -- when we are funding, we are
2615 going to be funding things that meet these requirements for
2616 speed and latency. And I -- you know, our sense is that
2617 there was a strong reason behind it, which is that we wanted
2618 to make sure that we are investing in infrastructure that is
2619 going to stand the test of time, so that we are not coming
2620 back here in 10 years and then saying to Congress, "Well, you
2621 gave us all this money, but the networks are now too slow for
2622 what we need 5, 10 years from now.'" So --

2623 *Mr. Curtis. I don't mean to jump in on top of you, but
2624 you --

2625 *Mr. Davidson. Yes, please, please.

2626 *Mr. Curtis. We only have five minutes. And you and I
2627 can have a longer conversation, in other words.

2628 I worry that, like -- remember flip phones?

2629 *Mr. Davidson. Yes.

2630 *Mr. Curtis. If we would have tried to future-proof
2631 flip phones, we would have said, "They have to open
2632 quicker," right? And there is just so much [inaudible].
2633 And I worry a little bit about that. And I think, really --

2634 *Mr. Davidson. Yes.

2635 *Mr. Curtis. -- Mr. Davidson, I think what I would ask
2636 of you in this hearing is that you would engage with us and
2637 the Navajo Nation about what answers are out there for them,

2638 and are there other grants that fit outside of this, if these
2639 won't work, and maybe kind of take this as a special project.

2640 *Mr. Davidson. Well, I would welcome the chance to do
2641 that, sir, and to engage with them particularly. And this --
2642 you know, we are not taking a one-size-fits-all approach. I
2643 do think there are other solutions, some of which may meet
2644 it, but we need to learn from the examples you have for us.
2645 And so we would be very open to doing that. So thank you.

2646 *Mr. Curtis. I appreciate that. By the way, they told
2647 me yesterday they have 88 requests into your office, so I am
2648 sure --

2649 *Mr. Davidson. Excellent.

2650 *Mr. Curtis. -- there is lots to do there.

2651 Just quickly in the last few seconds that we have,
2652 permitting. I would just request of you to work with your
2653 other Federal agencies. I know that you -- you know, like, I
2654 am talking BLM, and Forest Service, and all of these
2655 agencies. But we had a case where a grant was given, and
2656 they couldn't get the permit before the grant expired. And
2657 of course, that is a terrible thing to have happen. So I
2658 just would hope we can work with you on permitting, and
2659 getting some speeds there.

2660 *Mr. Davidson. I will just say, absolutely, we would
2661 welcome that. We know that permitting is an issue. You gave
2662 that very good example to me the other day, and it stuck with

2663 me, and we would love to talk to you more about it and
2664 working with other Federal agencies to streamline, dig once,
2665 all of those things.

2666 *Mr. Curtis. Good. I am sorry, we are out of time, Mr.
2667 Chairman. I yield back. Thank you.

2668 *Mr. McNerney. The gentleman yields. We are now moving
2669 on to the members who have waived on, and I appreciate your
2670 patience in waiting your turn. The first will be the
2671 gentleman from New York, Mr. Tonko.

2672 You are recognized for five minutes.

2673 *Mr. Tonko. Thank you, Mr. Chair. Thank you, Chairman
2674 McNerney, for the great professionalism and intellect that
2675 you bring to the committee. We are going to miss that.

2676 And I thank Chairman Doyle, Chairman Pallone, Ranking
2677 Member Latta, and Ranking Member Rodgers for allowing me to
2678 waive on to this subcommittee hearing today.

2679 And of course, a huge thank you and congratulations to
2680 Secretary Davidson for being here with us. I am so excited
2681 to hear about all of the great work going on at NTIA.

2682 I know we both agree that broadband access is essential
2683 in the 21st century, and the pandemic has only highlighted
2684 how many Americans are still not able to access this vital
2685 way to communicate, to learn, conduct business, and to engage
2686 in the democratic process. For years I have heard from my
2687 constituents in the capital region of New York about their

2688 worries from lack of access to telemedicine, to concerns
2689 about isolated seniors, to small businesses unable to process
2690 electronic payments online, to students and teachers unable
2691 to connect.

2692 The major limitations that come from a lack of quality
2693 internet access is one of my many reasons I wanted to join
2694 the Energy and Commerce Committee and to work on broadband
2695 legislation. Last year my Access Broadband Act was signed
2696 into law, creating the Office of Connectivity and Growth,
2697 which now tracks and coordinates Federal broadband
2698 investments. And the Infrastructure Investment and Jobs Act
2699 devoted a whopping 65 billion, as we all know, to expanding
2700 quality internet access.

2701 We are off to a great start, and I am excited about the
2702 progress we have made, but I am still hearing from
2703 constituents, including those in Rensselaerville, where 16
2704 percent of residents lack internet access, who are reminding
2705 us that the work isn't done. I look forward to continue a
2706 productive partnership with NTIA, and to make certain we get
2707 this done, and we get it done right.

2708 So Secretary Davidson, I was very pleased to see the
2709 first access broadband report come out in December. Can you
2710 provide an update for us on how the setup of the Office of
2711 Internet Connectivity and Growth is proceeding?

2712 *Mr. Davidson. Well, thank you, Congressman, thank you

2713 for being here, and thank you for your leadership, truly, on
2714 the Access Broadband Act. Creating the OICG, as we call it,
2715 the Office of Internet Connectivity and Growth, you know,
2716 really set NTIA up for success in many ways, in terms of
2717 coordinating Federal investments on broadband. Hugely
2718 important.

2719 I will say the organization is wonderful, and I would
2720 say that, actually, about a lot of parts of NTIA. But part
2721 of what I have been really struck by is, just in arriving
2722 here, how dedicated the team is. We have a very smart and
2723 experienced group of people. We have been hiring more, and
2724 are going to be hiring a lot more. That office is going to
2725 grow quite a bit. But the team that is here is expert. They
2726 have invested in relationships around the country that are
2727 going to be important. They have created things like the
2728 Digital Equity Leadership Network and the Broadband Leaders
2729 Network, and those are hugely important things.

2730 And I will say there is a spring in people's step around
2731 here. The opportunity is historic. Everybody knows it.
2732 This is going to be like rural electrification, or building
2733 the highway system. We are excited to be part of it, and I
2734 would just say the -- thank you for your leadership in
2735 setting up that group. They are doing very well.

2736 *Mr. Tonko. My pleasure. And what is the impact of the
2737 new office on the implementation of the \$48.2 billion piece

2738 allocated to the NTIA for broadband investment programs in
2739 the IIJ Act?

2740 *Mr. Davidson. They will be leading it. This office is
2741 the structure we are going to be using to building out -- to
2742 build out all of this work. The grant programs are going to
2743 be administered there. The Federal program offices are going
2744 to be housed there. We are going to be taking advantage and
2745 leveraging the work they have done, the expertise they have.
2746 The Minority Community Network that is -- that we are
2747 building, it is all housed in this office, and that is going
2748 to be the structure that we are growing.

2749 There will be a lot of other parts of NTIA that help
2750 along the way, because there is a lot of work to be done.
2751 But that is going to be our set of leaders. And, like I
2752 said, I think they -- we know this is a once-in-a-generation
2753 -- maybe once-in-a-lifetime -- opportunity for those who have
2754 been working in this space. So it is a great office, and we
2755 are going to be -- it is going to grow quite a bit.

2756 *Mr. Tonko. And I am committed to continuing to support
2757 it, and push for increased broadband access. What additional
2758 resources would be helpful to your efforts at NTIA to get all
2759 Americans connected to high-quality internet as urgently and
2760 efficiently as possible?

2761 *Mr. Davidson. I think there is both resources and
2762 there is different kinds of resources. I would say, first of

2763 all, you know, the -- even aside from the state grant
2764 program, the existing grant programs we have, for example,
2765 around tribal connectivity or broadband infrastructure, they
2766 have all been oversubscribed. We get 5 times, 10 -- you
2767 know, much more people asking for money than the funds we
2768 have to give.

2769 It will be interesting to see how digital equity rolls
2770 out. I think that, you know, it may be that we -- that the
2771 market shows us that there is a lot of appetite out there
2772 that we can't even reach.

2773 And then the last thing I will say is your partnership
2774 -- and I say that collectively to the subcommittee -- is
2775 critical. Like, this is a whole-of-government approach. We
2776 are going to need to offer a lot of assistance to states and
2777 communities to be able to -- for them to participate. You
2778 folks are a key partner for us in doing that.

2779 *Mr. Tonko. Well, thank you. I have a few other
2780 questions that I will get to the committee to get to you, but
2781 I appreciate your responses.

2782 And Mr. Chair, I yield back.

2783 *Mr. McNerney. The gentleman yields back. The chair
2784 now recognizes the gentleman from Pennsylvania, Mr. Joyce --

2785 *Mr. Joyce. Thank you --

2786 *Mr. McNerney. -- for five minutes.

2787 *Mr. Joyce. -- Chair McNerney and Ranking Member Latta,

2788 for allowing me to waive on to today's Communication and
2789 Technology Subcommittee hearing.

2790 And thank you, Administrator Davidson, for testifying.

2791 Connectivity continues to be a serious issue in my
2792 district and the Commonwealth of Pennsylvania as a whole.
2793 Nearly 800,000 Pennsylvanians go without fast, reliable
2794 broadband, including a half a million of them, more than
2795 500,000 of them, living in rural communities throughout
2796 Pennsylvania. Now, more than ever, we must work together to
2797 bridge that digital divide. This is why it is so important
2798 that we steer funding to areas, areas that are in most need
2799 of that digital -- of bridging that digital divide.

2800 Mr. Davidson, we have heard a lot of concerns from our
2801 side of the aisle about using these Federal funds to
2802 overbuild broadband in areas of the United States that
2803 already have access. But the only way to avoid this waste of
2804 taxpayer funds is by using accurate broadband maps.

2805 The law is clear that NTIA may not distribute the vast
2806 majority of broadband money until the FCC's new broadband
2807 maps are available. However, I am concerned that states
2808 might try to sidestep the FCC's maps, and rely on their own
2809 inadequate data in addition to the FCC maps, which could lead
2810 to duplication with other Federal programs, if not done
2811 correctly.

2812 What steps are you taking to ensure that states use the

2813 FCC's broadband maps when making awards to sub-grantees?

2814 *Mr. Davidson. Well, thank you for the question, and I
2815 will say I, first of all, strongly -- we strongly believe
2816 that the maps are critical here to make sure -- good maps are
2817 critical here to make sure that we are following the purpose
2818 of the statute, to serve the unserved first, and then follow
2819 the rest of it.

2820 We will be using the FCC maps. It is clear from the --
2821 you know, we are going to follow the framework of the
2822 statute. The FCC maps are going to be the source of
2823 information for how we allocate funds, how states build out
2824 their plans. And we are going to -- like I say, we are just
2825 going to follow what the statute says, follow the framework
2826 in the statute to do that.

2827 And I think -- you know, and to work with different
2828 states and commonwealths, like the Commonwealth of
2829 Pennsylvania, to build out their broadband offices and be
2830 able to follow what the maps tell us.

2831 *Mr. Joyce. And thank you for addressing that, because
2832 the accountability of following the FCC maps, I think, is so
2833 important in rolling this out in an equitable fashion.

2834 Several commenters for the BEAD program raised concerns
2835 about how to practically implement "Buy American"
2836 provisions, given the complexity of sourcing of broadband
2837 components. Mr. Davidson, do you intend for NTIA to seek a

2838 waiver from the Office of Management and Budget for this
2839 requirement to ensure that broadband funding can actually be
2840 deployed in a timely fashion?

2841 *Mr. Davidson. I don't know the answer. We are looking
2842 at that -- those issues very carefully.

2843 I will say that it is quite clear, you know, that we
2844 have a strong desire within the Administration, that I think
2845 all of us do, there is a clear reason we had those Buy
2846 American provisions, which is that we want the vast majority
2847 of this -- these monies to be spent with American companies
2848 on American workers. We want to promote the workforce, we
2849 want to create jobs, we want to build up our manufacturing
2850 center. So that is -- capability. So that is absolutely the
2851 goal here.

2852 We also do know that there are real challenges in the
2853 telecommunications sector. We are trying to understand those
2854 better. We have -- you know, we have gotten comments in our
2855 outreach and our requests for comments on this topic, and we
2856 are going to be looking at it. There has to be a high bar,
2857 and we have to be very smart about and very tailored about
2858 any waivers that we give.

2859 But, you know, we appreciate the overall goal of this,
2860 which is to make sure we are building the American economy
2861 first. But we also do need to be able to do these
2862 deployments. So we will be looking at it carefully.

2863 *Mr. Joyce. And I appreciate your understanding,
2864 because I also am concerned that we need to keep that Buy
2865 American clause.

2866 But you stated earlier that we need fast, timely, and
2867 accountable implementation of this, and I think that those
2868 waivers need to be considered and discussed in advance. Do
2869 you agree with that?

2870 *Mr. Davidson. I do agree with -- that we need to be
2871 fast, timely, and very careful here. Agreed. And like I
2872 said, there will be a very high bar for any waivers.

2873 *Mr. Joyce. Thank you, Mr. Chairman, for allowing me to
2874 waive on, and thank you for holding this hearing today.

2875 *Mr. McNerney. The gentleman yields. It is now my
2876 privilege to introduce another member from the home of the
2877 Rams, Ms. Barragan, for five minutes.

2878 *Ms. Barragan. Thank you, Mr. Chairman. Thank you for
2879 that recognition. We are still celebrating here, in Los
2880 Angeles, the Super Bowl win. And thank you for the
2881 opportunity to join this hearing today. I wanted to be on
2882 because the issue of broadband is such a critical issue.

2883 A broadband connection is fundamental to access
2884 essential services, job applications, medical support,
2885 telehealth and education, among others. And the
2886 infrastructure bill Democrats fought for will make the
2887 transformational investment, as people have mentioned today:

2888 \$65 billion in broadband access, affordability, and adoption
2889 to bridge the digital divide.

2890 In Los Angeles County alone, where my congressional
2891 district exists, over 365,000 houses remain unconnected.
2892 Furthermore, the areas where more than 20 percent of
2893 households lack broadband service are largely communities of
2894 color, where both the household income is less than \$50,000
2895 per year.

2896 And Administrator, it is great to hear you today talk
2897 about affordability issues, as some of the other members have
2898 spoken about. I want to ask about broadband for the
2899 homeless. So, Mr. Administrator, in my district and across
2900 the nation we need to ensure that everyone, regardless of
2901 income, can participate in our digital society. That
2902 includes the more than 580,000 people experiencing
2903 homelessness in our country. Does the NTIA have any plans to
2904 direct broadband infrastructure funds to people without
2905 homes, or that reside in interim and permanent housing sites?

2906 *Mr. Davidson. Thank you for that question, and I will
2907 say, you know, we have been thinking quite a bit about how we
2908 can use these programs, again, beyond access alone.

2909 You know, we have the big state grant program that is
2910 highly focused on access, or has major affordability elements
2911 to it. We are administering these other programs that I
2912 think are going to be extremely important in addressing the

2913 issues that you have spoken about.

2914 We know that, again, access alone is not enough. If
2915 there is a wire, but a family can't or a person can't afford
2916 to get online, that doesn't help. If they can afford to get
2917 online, but they don't have a device, as you just indicated,
2918 then the connection doesn't do them any good. If they have a
2919 device and they don't know what to do when they get online,
2920 that is a problem. So there are real issues around literacy
2921 and education.

2922 So we are thinking about all of that. And particularly,
2923 as we think -- as we are structuring this digital equity
2924 grant program, I think there will be real opportunities for
2925 states and communities to use that, and access those funds
2926 for the kinds of things that you are talking about.

2927 We also really believe that this is -- you know, it is
2928 an essential piece of work for people to -- I mean, adoption
2929 and being able to get online is essential to access to
2930 telehealth, mental health resources. It is a way to reach a
2931 tough population.

2932 So I would just say we are committed to thinking about
2933 these issues. You know, we have asked for comments, and we
2934 have gotten some comments that touch on this. I don't have
2935 an answer for you about the homeless population specifically,
2936 but we would love to continue the conversation with you, get
2937 your -- understand your experiences with it, and work with

2938 your office on it.

2939 *Ms. Barragan. Great. Thank you. Administrator
2940 Davidson, the infrastructure law addresses the practice of
2941 digital redlining, something one of my colleagues touched
2942 upon. The redlining is where broadband providers choose not
2943 to deliver high-speed internet services to certain parts of
2944 their service area, usually low-income, minority areas.

2945 The bill requires the FCC to develop rules that prohibit
2946 digital discrimination. How will the NTIA coordinate with
2947 the FCC to share data and information about providers engaged
2948 in digital redlining?

2949 *Mr. Davidson. Well, as you rightly note, the FCC has
2950 the lead here under the broadband infrastructure law to look
2951 at this very issue. We are in conversation with them about a
2952 lot of different aspects of the -- of how we are going to
2953 implement these programs, including this. We are going to
2954 work with them as we move forward to make sure we get the
2955 benefit of their thinking on this.

2956 I would just say it is really critical that we can use
2957 the state grant funding to connect these locations, the
2958 unserved, the people who have been left out or been the
2959 subject of redlining. Those folks, wherever they are, not
2960 just -- you know, in rural areas, in urban areas, in suburban
2961 areas, we will be looking to serve them all, and to benefit
2962 from the -- you know, from what the FCC finds in their work.

2963 *Ms. Barragan. Right, and, you know, with respect to
2964 that -- just a quick follow-up in my last 10 seconds here --
2965 how will the NTIA address funding to a provider that has been
2966 found to have engaged in digital redlining?

2967 *Mr. Davidson. That is something we really need to
2968 investigate. I don't have an answer for you today. I will
2969 say it is a great question, and I will be interested in what
2970 the FCC comes up with. We are working with them really
2971 closely, sharing data, sharing information. This could
2972 easily be something else that we share with them. So thank
2973 you for raising it.

2974 *Ms. Barragan. Great.

2975 *Mr. Davidson. And I would be happy to get back to you
2976 on that.

2977 *Ms. Barragan. Thank you, Mr. Administrator.

2978 And with that, thank you, Mr. Chairman. I yield back.

2979 *Mr. McNerney. The gentlelady yields.

2980 I would like to thank you, Administrator Davidson, for
2981 your participation today. You are clearly committed, and you
2982 have the enthusiasm and the capability. So we really look
2983 forward to seeing the results of this investment.

2984 And I want to say, as a matter of personal privilege,
2985 this has been an honor to chair the committee tonight -- or
2986 this afternoon -- and it is exactly what we should be doing
2987 in Congress. We are working together. My colleague from

2988 Oregon mentioned that. This is what it is supposed to be.
2989 We are supposed to be working together. And every question
2990 today was productive. I think we have got a lot of answers,
2991 and we are going to look forward to continuing oversight.

2992 I want to remind members --

2993 *Mr. Latta. Mr. Chairman?

2994 *Mr. McNerney. -- that, pursuant to committee rules,
2995 they have 10 business days to submit additional questions for
2996 the record to be answered by the witness who has appeared.

2997 I ask the witness to respond promptly to any questions
2998 you may receive.

2999 At this time --

3000 *Mr. Latta. Mr. Chairman?

3001 *Mr. McNerney. Yes?

3002 *Mr. Latta. Hey, it is Bob Latta. Hey, I just want to
3003 thank you very much for today's hearing on this. I thank the
3004 administrator for being with us today. I also thank him for
3005 reaching out to talk to the members prior to the hearing. I
3006 think it is very, very productive.

3007 I look forward to working with you.

3008 And as always, for my good friend from California, it is
3009 always great working with you. So we are going to miss you
3010 in the future, but we still got you to the end of the year.
3011 So thank you very much, Mr. Chairman, and I yield back.

3012 *Mr. McNerney. Thank you, Bob.

3013 Administrator, do you have any final words?

3014 *Mr. Davidson. I would just say thank you. My first
3015 oversight hearing. I am sure it will not be my last.

3016 And I will say it is -- I know it is a critical part of
3017 our system. I am glad to be here today. I look forward to
3018 your -- and I have really appreciated the conversation. And
3019 we have got some homework assignments here. I have got some
3020 questions I know we need to follow up on, but I have really
3021 appreciated the thought.

3022 And I would just say, I really mean it, we want to
3023 partner with you all. This is a huge, historic opportunity,
3024 and we are going to -- it is going to require all of us
3025 working together to get it done. So thank you.

3026 *Mr. McNerney. Thank you. At this time the committee
3027 is adjourned.

3028 [Whereupon, at 2:37 p.m., the subcommittee was
3029 adjourned.]