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6 OVERSIGHT OF THE FEDERAL COMMUNICATIONS COMMISSION

7 WEDNESDAY, JUNE 21, 2023

8 House of Representatives,

9 Subcommittee on Communications and Technology,

10 Committee on Energy and Commerce,

11 Washington, D.C.

12

13 The subcommittee met, pursuant to call, at 10:30 a.m.,
14 in Room 2123 Rayburn House Office Building, Hon. Bob Latta
15 [chairman of the subcommittee] presiding.

16

17 Present: Representatives Latta, Bilirakis, Walberg,
18 Carter, Dunn, Curtis, Joyce, Weber, Allen, Balderson,
19 Fulcher, Pfluger, Harshbarger, Cammack, Obernolte, Rodgers
20 (ex officio); Matsui, Clarke, Veasey, Eshoo, Cardenas,
21 Craig, Fletcher, Dingell, Kuster, Kelly, and Pallone (ex
22 officio).

23

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24 Also present: Representatives Johnson and Lesko.

25

26 Staff present: Sarah Burke, Deputy Staff Director;
27 Slate Herman, Counsel; Sean Kelly, Press Secretary; Peter
28 Kielty, General Counsel; Emily King, Member Services
29 Director; Tim Kurth, Chief Counsel; Giulia Leganski,
30 Professional Staff Member; John Lin, Senior Counsel; Kate
31 O'Connor, Chief Counsel; Carla Rafael, Senior Staff
32 Assistant; Michael Taggart, Policy Director; Evan Viau,
33 Professional Staff Member; Hannah Anton, Minority Policy
34 Analyst; Jennifer Epperson, Minority Chief Counsel; Tiffany
35 Guarascio, Minority Staff Director; Dan Miller, Minority
36 Professional Staff Member; Michael Scurato, Minority FCC
37 Detailer; Johanna Thomas, Minority Counsel; and Keegan
38 Cardman, Minority Intern.

39

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40 *Mr. Latta. Good morning. The subcommittee will come
41 to order, and the chair recognizes himself for five minutes
42 for an opening statement.

43 And, again, good morning and welcome to today's
44 oversight hearing of the Federal Communications Commission.
45 I want to begin by welcoming the commissioners back to the
46 subcommittee. It has been over a year since the Commission
47 last testified before us, and to say we have a lot to cover
48 in today's hearing would be an understatement.

49 The FCC is an independent agency charged by Congress to
50 regulate interstate and international communications by
51 radio, television, wire, satellite, and cable. Its
52 responsibilities include administering the Universal
53 Service Fund, the USF, holding spectrum auctions, and
54 regulating broadcast licenses. During the COVID-19
55 pandemic, Congress added to the list by charging the FCC
56 with administering the Affordable Connectivity Program, the
57 ACP, the Energy Connectivity Fund, and the COVID-19
58 Telehealth Program totaling billions of dollars.

59 Closing the digital divide is a key priority for this
60 committee. Last month, the FCC released an updated version
61 of its National Broadband Map which showed that 8.3 million

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62 homes and businesses still lack access to highspeed
63 broadband. This map produced in accordance with the bill I
64 led, the Broadband DATA Act, is significantly better than
65 previous maps, but concerns with a preproduction draft that
66 overstated coverage in some areas and missed communities in
67 others, highlight the need for oversight of the effort.

68 This oversight is especially important because the
69 National Telecommunications Information Administration plans
70 to use this latest map to make allocations to states for 42
71 billion dollars in the BEAD Program on June 30. With a huge
72 amount of money at stake, we need confidence these maps are
73 accurate so states get the right allocation and connect all
74 their unserved and underserved residents.

75 As I mentioned, the FCC administers the USF, the ACP,
76 the ECF programs. Congress's significant investment in
77 broadband raises questions about the future of the USF. For
78 example, what, if any, should the USF fund once the
79 infrastructure money is spent? How should Congress address
80 duplicative programs like ACP and Lifeline, and who should
81 contribute to the USF? I hope today's discussion will
82 answer these questions.

83 Unfortunately, we also know these programs are ripe

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84 with waste, fraud, and abuse. The FCC Inspector General has
85 issued two advisories related to enrollment fraud in ACP and
86 its predecessor program, the Emergency Broadband Benefit;
87 two programs creating response to the COVID-19 pandemic.
88 And earlier this year, the Government Accountability Office
89 found the FCC did not have the adequate anti-fraud controls
90 for the program. It is my hope that the Commission takes
91 these findings seriously and implements the right oversight
92 and controls to prevent additional fraud from taking place.

93 Finally, we need to fully fund the supply chain
94 reimbursement, or the Rip and Replace Program, which
95 Congress created to help small providers remove unsecure
96 equipment from the networks. This committee unanimously
97 passed H.R. 3565, the Spectrum Auction Reauthorization Act,
98 to immediately address the shortfall and restore the FCC's
99 spectrum auction authority which expired on March the 9th.
100 Providers are required to begin the process of removing the
101 equipment by July the 15th, and they need the certainty they
102 can get reimbursed for their efforts. This is a serious
103 problem, especially for Rural America.

104 Without these funds, small carriers could be forced to
105 shut down their networks leaving their customers without a

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106 connection. We cannot let this happen and need the full

107 House and Senate to act on this legislation immediately.

108 I look forward to discussing the important issues

109 before the Commission and thank the commissioners for being

110 with us today.

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

112

113 *****COMMITTEE INSERT*****

114

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115 *Mr. Latta. And I now recognize the gentlelady from
116 California, the ranking member of the subcommittee, for five
117 minutes for her opening statement.

118 *Ms. Matsui. Thank you very much, Mr. Chairman, and I
119 want to welcome the commissioners who are here today.

120 On March 9th of this year, the Commission's auction
121 authority expired. The very next day, this subcommittee
122 held a hearing. Ironically, the title of that hearing was,
123 "Defending America's Wireless Leadership.'" As I said at
124 that hearing, allowing this authority to lapse was a
125 failure. To add insult to injury, it was a completely
126 avoidable failure.

127 I think I can speak for the members of this
128 subcommittee when I say allowing this rolling lapse to
129 continue is unacceptable. The stakes are simply too high.
130 In May, the Energy and Commerce Committee once again passed
131 a bill to reestablish FCC auction authority. We assert the
132 statutory role of civilian agencies and fund vital national
133 security initiatives. Until we pass that bill, economic and
134 national security imperatives remain in limbo.

135 One of the most pressing is our unfinished work ripping
136 and replacing vulnerable Chinese gear in our networks. I

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137 say that because without additional funding, the FCC will be
138 forced to prorate reimbursements on July 17th. As an
139 original cosponsor of the Secure and Trusted Networks Act, I
140 can say with confidence Congress didn't mandate the removal
141 of some of this gear, we mandated the removal of every last
142 piece. We did that because it is a clear and immediate
143 national security threat.

144 Passing the Spectrum Auction Reauthorization Act would
145 also remove any uncertainty about the FCC's ability to grant
146 2.5 gigahertz licenses that are sitting unused. Companies
147 with service footprints across the country are eager to put
148 this spectrum to use. T-Mobile alone is waiting for the FCC
149 to approve more than 7,000 licenses with a collective value
150 of more than 300 million dollars.

151 For these reasons and more, I am hopeful the House will
152 vote on the bipartisan Spectrum Auction Reauthorization Act
153 as soon as possible. It will then be up to the Senate to
154 join us in this effort. And I sincerely hope they do.

155 But there is much more we need to discuss today because
156 the FCC's authority is vast and there is a lot of important
157 work ahead of us. Most importantly, we need to stay
158 committed to keeping American families connected. The

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159 Bipartisan Infrastructure Law established the Affordable
160 Connectivity Program, or ACP, to help families afford a
161 broadband connection. Whether that is for the first time or
162 when you need a little extra help making ends meet, the ACP
163 program is working.

164 This program now helps more than 18 million households
165 pay for the internet service, and like the law that created
166 it, it remains steadfastly bipartisan.

167 Republican governors across the country are witnessing
168 this program in action and praising its effectiveness.
169 Governor Ivey of Alabama called the ACP a great resource for
170 Alabamians to get help paying for the internet. Governor
171 Lombardo of Nevada said we need to make sure all Nevadans
172 have a chance to connect, which is why we are committed to
173 helping families access highspeed internet through the ACP.
174 And just yesterday, Senator Wicker led a group of eight
175 Republican senators urging the White House to ensure the
176 continuity of funding for this program.

177 I ask unanimous consent that this letter be entered
178 into the record.

179 *Mr. Latta. Without objection, so ordered.

180 [The information follows:]

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181

182 *****COMMITTEE INSERT*****

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184 *Ms. Matsui. Thank you.

185 This bipartisan support reflects ACP's successes. It
186 keeps families connected, provides new customers for
187 broadband companies, and it grows the economy.

188 Now with that, I want to thank Chairwoman Rosenworcel
189 and the commissioners for being here today, and I look
190 forward to our discussion.

191 [The prepared statement of Ms. Matsui follows:]

192

193 *****COMMITTEE INSERT*****

194

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195 *Ms. Matsui. Thank you, and I yield back the balance
196 of my time.

197 *Mr. Latta. Well, thank you. The gentlelady yields
198 back, and the chair now recognizes the gentlelady from
199 Washington, the chair of the full committee, for five
200 minutes.

201 *The Chair. Good morning, everyone, and thank you,
202 Chairman Latta.

203 Welcome back to Chairwoman Rosenworcel and
204 Commissioners Carr, and Starks, and Simington. There is a
205 lot on the agenda today.

206 Since the last time you were before this committee in
207 March of 2022, the FCC spectrum auction authority has
208 expired for the first time ever. The FCC stood up its Space
209 Bureau and the Office of International Affairs, multiple
210 versions of new broadband maps have been released, FCC
211 Inspector General advisories have identified waste, fraud,
212 and abuse in multi-billion dollar programs that were created
213 to keep Americans connected during COVID, and a major merger
214 under review that cleared the Department of Justice
215 languished for more than 400 days at the FCC, a new record.
216 This merger review was denied by FCC bureau staff rather

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217 than considered at the full Commission level. This is an
218 unprecedented move by the Commission.

219 Your agency also plays a key role in managing our
220 Nation's airwaves, a vital task. In order for the U.S. to
221 lead in the next generation technologies, the commercial
222 industry must have access to spectrum. This committee has
223 prioritized providing the FCC with the tools it needs to
224 manage our Nation's airwaves effectively.

225 Unfortunately, a key tool used by the FCC, the
226 authority to issue spectrum licenses, expired earlier this
227 year for the first time ever. I have been working with my
228 colleagues in the House for over a year and with colleagues
229 in the Senate to extend this authority.

230 Earlier this year, the committee unanimously passed
231 H.R. 3565, the Spectrum Auction Reauthorization Act, to
232 extend the FCC's auction authority for three years. Fund
233 the shortfall in the Rip and Replace Program and support our
234 first responders through upgraded 911 networks. We are
235 continuing to work on advancing this legislation out of the
236 House, through the Senate, and onto the President's desk to
237 sign.

238 This committee is also prioritizing closing the digital

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239 divide, and the FCC has a key role to play in that effort.

240 I am pleased that the Commission has released two versions

241 of the broadband maps since our last oversight hearing.

242 These maps are significantly better than the previous FCC

243 maps, and we need to make sure that the FCC gets this right

244 in order to ensure every person can participate in today's

245 economy.

246 42 billion dollars has been allocated to this effort,

247 and we must be able to trust that these maps are correct and

248 that this money is going to unserved communities. This

249 money cannot be wasted, which were unfortunately seen in

250 some of the other FCC programs. Since 2021, the FCC

251 Inspector General has released two advisories warning of

252 fraud in the Affordable Connectivity Program, or ACP.

253 Congress provided over 17 billion for this program to help

254 low-income individuals afford broadband. This fraud

255 undermines confidence in the program and the FCC's ability

256 to administer it. This is especially concerning as Congress

257 considers the future of ACP.

258 The FCC also has been active in the media marketplace.

259 In March 2022, Standard General announced its proposed

260 acquisition of Tegna, which manages 64 television stations

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261 in 51 U.S. markets. The transition passed review
262 unchallenged by the Department of Justice.

263 Then in an unprecedented manner, the FCC delegated the
264 decision to the Media Bureau, which was directed to punt
265 this decision to an administrative law judge. It takes the
266 administrative law judge an average of 799 days to complete
267 the hearing process. Delegating this decision to an
268 administrative law judge hearing effectively kills this
269 deal.

270 You were all confirmed by the Senate to take votes on
271 these types of decisions. The chair's decision to delegate
272 this manner to -- matter to career officials is really of
273 question today. This hearing -- this oversight hearing of
274 the Commission reaffirms our commitment to ensuring agencies
275 under the jurisdiction of this committee are held
276 accountable, uses the resources allocated to them
277 responsibly, and stays on mission.

278 Chairwoman Rosenworcel, Commissioners Carr, Starks, and
279 Simington, I thank you for being here, and I look forward to
280 our discussion.

281 [The prepared statement of The Chair follows:]

282

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283 *****COMMITTEE INSERT*****

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285 *The Chair. I yield back.

286 *Mr. Latta. Thank you. The gentlelady yields back the
287 balance of her time, and the chair now recognizes the
288 gentleman from New Jersey, the ranking member of the full
289 committee, for five minutes for an opening statement.

290 *Mr. Pallone. Thank you, Chairman Latta.

291 This is the second oversight hearing of the FCC since
292 Chairwoman Rosenworcel has taken over. And, unfortunately,
293 it is also our second hearing with only four commissioners
294 before us, and we need an FCC that is at full capacity with
295 five commissioners, and I still hope that the Senate will
296 finally make this happen soon.

297 Fortunately, the lack of a full Commission has not
298 stopped the FCC from tackling important issues. The
299 impressive bipartisan work reflects positively on Chairwoman
300 Rosenworcel's leadership and on the ability of all four of
301 you to work together, compromise, and largely put the needs
302 of people over partisan politics.

303 And thanks to the Commission's bipartisan efforts to
304 rapidly stand up the emergency broadband benefit and its
305 success of the Affordable Connectivity Program, millions of
306 American families have seen their internet bills reduced by

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307 \$30 a month and 75 if they are on tribal lands. And these
308 are significant savings that are helping more than 18
309 million families afford the monthly cost associated with
310 broadband service.

311 It is not surprising that the Affordable Connectivity
312 Program has received bipartisan praise from governor's,
313 state officials, and experts nationwide. We must come
314 together to ensure that the program continues to receive the
315 funding that is necessary to make the internet more
316 affordable for millions of American families.

317 Now the program is also going to play an important role
318 in ensuring that our historic broadband deployment
319 investments don't end up building infrastructure that goes
320 unused because people at the other end can't afford it. So
321 last month the Commission released the latest version of the
322 National Broadband Map, a product of the bipartisan
323 Broadband DATA Act that we moved through this committee a
324 few years ago.

325 The map is critical to the implementation of the 42
326 billion dollar Broadband Equity Access and Deployment
327 Program in the Bipartisan Infrastructure Law. Accurately
328 mapping unserved and underserved communities is going to

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329 allow the Biden administration to use these historic
330 investments to expand highspeed internet access to
331 communities that have been left behind far too long.

332 For years, Democrats and Republicans have complained
333 about the lack of accurate broadband maps, and so I applaud
334 your -- you on advancing this effort. Although the maps
335 have taken center stage, as we get closer to the Broadband
336 Equity Access and Deployment state allocations, I want to
337 acknowledge the hard work of the agency to deliver and
338 continue to improve what is surely the most granular
339 broadband map we have ever had. The goal is to close the
340 digital divide in these communities so that they can grow
341 their economy for the future.

342 I would also like to commend the FCC for its work on
343 implementing the Martha Wright-Reed Act to end predatory
344 phone rates being charged to incarcerated people and their
345 families. The Commission also adopted rules promoting
346 broadband competition in condos and apartment buildings to
347 help lower costs and provide additional options, a first of
348 its kind broadband nutrition label giving consumers more
349 transparency into internet access plans. These are all pro-
350 consumer rules that provide consumers the tools they need to

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351 make the internet more affordable.

352 Of course, there is still more work to be done. For
353 instance, despite some significant steps forward with my
354 TRACED Act, robocalls remain not only annoying but
355 dangerous. Your request for additional authority have not
356 gone unheard, and I am determined to continue working to put
357 an end to this problem once and for all. So I will be
358 introducing legislation in the coming months to fix
359 loopholes that allow these calls to continue, update the
360 authorities of our expert agencies, and empower consumers.

361 Similarly, you have told us that we are facing a
362 shortfall in the Rip and Replace Program, removing Huawei,
363 and ZTE, and other suspect equipment is a critical national
364 security issue, and I assure you that we are working hard to
365 make sure that program doesn't come up short. And the
366 agency's lapsed spectrum authority that the chairwoman
367 mentioned not only deprives the Commission of a core agency
368 function but it impacts a massive sector of our economy and
369 jeopardizes our global wireless leadership. So I am proud
370 of the bipartisan action that this committee has taken to
371 rectify the situation, and we will not rest until we get
372 that process back on track, and we must restore the FCC's

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373 spectrum auction authority.

374 And, finally, I remain concerned about the last
375 administration's reversal of net neutrality authority. This
376 reversal leaves consumers without protection when it comes
377 to bad behavior by broadband providers. Broadband is the
378 central communications technology of our day, and yet we
379 don't have a broadband regulator, and that means consumer
380 protections are falling by the wayside, so we need to fix
381 that.

382 But, again, thank you, thank all four of you for
383 joining us today, and all the work that you have done
384 successfully and on a bipartisan basis.

385 [The prepared statement of Mr. Pallone follows:]

386

387 *****COMMITTEE INSERT*****

388

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389 *Mr. Pallone. And with that, Chairman Latta, I yield
390 back the balance of my time.

391 *Mr. Latta. Well, thank you. The gentleman yields
392 back, and that will end our opening statements from our
393 members.

394 Our witnesses today include the Honorable Jessica
395 Rosenworcel, the Chair of the FCC; the Honorable Brendan
396 Carr, the Commissioner; Honorable Geoffrey Starks,
397 Commissioner; and also Honorable Nathan Simington,
398 Commissioner of the FCC.

399 I would like to note for the witnesses that the timer
400 light will turn yellow when you have one minute remaining
401 and will turn red when your time has expired. I also just
402 want to make a quick point again that we do have another
403 subcommittee running upstairs, so we are going to have
404 members shuffling back and forth throughout the morning.
405 Health started at 10:00, and we, of course, started at
406 10:30.

407 I would also just like to take a point of personal
408 privilege to recognize our former chairman of the full
409 committee, the gentleman from Oregon, Mr. Walden, for being
410 with us today, who always is looking down from us.

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411 [Laughter.]

412 *Mr. Latta. So your presence is always felt. But
413 welcome back.

414 Chairman Rosenworcel, you are recognized for five
415 minutes for your opening statement.

416

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417 STATEMENT OF THE HON. JESSICA ROSENWORCEL, CHAIRWOMAN,
418 FEDERAL COMMUNICATIONS COMMISSION; THE HON. BRENDAN CARR,
419 COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION; THE HON.
420 GEOFFREY STARKS, COMMISSIONER, FEDERAL COMMUNICATIONS
421 COMMISSION; AND THE HON. NATHAN SIMINGTON, COMMISSIONER,
422 FEDERAL COMMUNICATIONS COMMISSION

423

424 STATEMENT OF THE HON. JESSICA ROSENWORCEL

425

426 *Ms. Rosenworcel. Good morning, Chair McMorris
427 Rodgers, Ranking Member Pallone, Chair Latta, and Ranking
428 Member Matsui, as well as members of the subcommittee.

429 Since I appeared before you last, a lot has happened at
430 the Federal Communications Commission. With the pandemic
431 behind us, it has become clear that broadband is no longer
432 just nice to have, it is need to have for everyone
433 everywhere. Network security is needed by everyone
434 everywhere. Effective public safety communications are
435 needed by everyone everywhere, and every consumer should be
436 the beneficiary of innovation from competitive markets with
437 services that are open, reliable, affordable, and fair.

438 We are meeting this moment at the Commission by turning

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439 down the noise and ramping up the work. Let me explain how.
440 First, we set up the Affordable Connectivity Program. It is
441 the largest broadband affordability program in our Nation's
442 history, and it now helps nearly 19 million households get
443 online and stay online. Second, we are fighting for
444 consumers by promoting competition. We develop broadband
445 labels that look just like the nutrition labels you see at
446 the grocery store. Every carrier will need to use them so
447 that every one of us can compare services plans.

448 And we proposed all-in pricing to stop junk fees on
449 cable and satellite bills. On top of that, we took action
450 to help those who live in apartment buildings by ending
451 sweetheart deals that landlords sometimes cut, making
452 residents stuck with one broadband provider and shutting
453 them off from competition.

454 Third, we built the National Broadband Map. It is the
455 most accurate broadband map in our Nation's history, and it
456 is designed to be iterative. That means it is always
457 improving.

458 Fourth, we are helping connect the most vulnerable. We
459 are using the Safe Connections Act to improve access to
460 communications for survivors of domestic violence. We are

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461 using the Martha Wright-Reed Act to finally address the sky-
462 high rates for communications for families of the
463 incarcerated. And this month we took action to make the
464 video conferencing platforms, that became so popular during
465 the pandemic, accessible to those with disabilities.

466 Fifth, we are doubling down on efforts to stop scam
467 robocalls and robotexts. That means we have required new
468 technologies in our networks, we are using new and creative
469 enforcement tools, and we have new allies. Under my watch,
470 we have developed partnerships with 44 state attorneys
471 general to fight robocalls and robotexts. And to the six
472 remaining, I am coming for you because nobody likes this
473 junk.

474 Sixth, we are helping connect people to emergency
475 services. Next month is the one-year anniversary of the
476 Commission setting up 988. That is the easy to remember
477 three-digit hotline to reach out to for suicide prevention
478 and mental health assistance. Under my watch, we have also
479 made it available for texting not just phone calls, and it
480 is making a difference. Last month, nearly twice as many
481 people used this number as the old ten-digit hotline number
482 from a year earlier.

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483 Seventh, we are doing a lot to keep our networks safe.
484 We have published the first ever list of communication
485 services that pose an unacceptable risk to national
486 security. We are working with carriers to remove insecure
487 Chinese equipment from their networks. And we are laser-
488 like focused on consumer security with the first ever
489 Privacy and Data Protection Task Force at the Commission.

490 Eighth, we are working to make our networks more
491 resilient. We have seen snow in Texas, hurricanes on the
492 Gulf Coast, and wildfires out West, and every one of those
493 events puts communications at risk. In response, we have
494 developed a mandator disaster response initiative, for the
495 first time, requiring roaming and mutual aid from carriers
496 so that when the unthinkable occurs, our calls are all more
497 likely to go through.

498 Ninth, we have launched the Space Bureau. The space
499 economy is growing fast and also growing are the number of
500 satellite applications before the Commission. We are
501 reorganizing to support this growth and ensure that in the
502 new space age, the United States leads.

503 Tenth, but not last, we are building the wireless
504 future. We have held two midband spectrum auctions,

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505 identified more than a thousand megahertz of spectrum for
506 new use in the 12 and 13 gigahertz band, and are organizing
507 for our 6G future with networks that feature dynamic access
508 technologies, machine learning, and artificial intelligence.
509 But we need your help, because for the first time in three
510 decades, the agency's spectrum auction authority has
511 expired.

512 We need it back, because using this tool, the
513 Commission has distributed wireless licenses in 100 auctions
514 and raised more than 233 billion dollars for the United
515 States. This is the tool that has made us the worldwide
516 leader in wireless. We need this tool back because we do
517 not intend to cede that title to anyone else

518 I want to thank my colleagues who have been an integral
519 part of all of these efforts, and I look forward to
520 answering any questions you may have.

521 [The prepared statement of Ms. Rosenworcel follows:]

522

523 *****COMMITTEE INSERT*****

524

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525 *Mr. Latta. Thank you very much for your statement.

526 Commissioner Carr, you are recognized for five minutes.

527

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528 STATEMENT OF THE HON. BRENDAN CARR

529

530 *Mr. Carr. Thank you. Chairman Latta, Ranking Member
531 Matsui, distinguished members of the subcommittee, thank you
532 for the invitation to testify.

533 I want to start by commending this body for its
534 continued leadership on initiatives that will increase
535 American's access to affordable highspeed broadband. One
536 example is the Satellite and Telecommunications Streamlining
537 Act. So I want to applaud the bipartisan leadership that
538 Chair Rodgers and Ranking Member Pallone have demonstrated
539 in moving that bill forward. The legislation would
540 strengthen America's space-based leadership while promoting
541 competition in encouraging businesses to base their
542 operations here in the U.S.

543 I also want to applaud members for their work on the
544 American Broadband Deployment Act as well as the recently
545 passed bipartisan Federal Land Reforms bill that would
546 accelerate broadband infrastructure builds. Streamlining
547 infrastructure rules is vital to the Nation's effort to
548 close the digital divide, so I would encourage swift passage
549 of those smart bills.

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550 At the Commission, I have welcomed the chance to work
551 with many of you and my FCC colleagues to advance the public
552 interest. I would like to highlight a few of those areas
553 today.

554 First, extending U.S. leadership in wireless has been
555 one of my top priorities. My first few years in this job I
556 was pleased with the fast actions the FCC took on spectrum.
557 All told, those spectrum initiatives opened up more than 6
558 gigahertz of licensed spectrum for 5G in addition to
559 thousands of megahertz of unlicensed spectrum.

560 But there is more that we can and should be doing on
561 spectrum. For one, the FCC itself should formally identify
562 target bands that are underutilized. I set out some ideas
563 on this front in a spectrum calendar that I previously
564 released. For another, Congress should act to restore the
565 FCC spectrum auction authority which lapsed for the first
566 time ever. At bottom, a swift acceleration in FCC spectrum
567 action is vital as studies increasingly show that the U.S.
568 will soon face a significant spectrum shortfall.

569 Turning from spectrum to infrastructure, we need to
570 make even more progress on permitting reform. At the FCC,
571 we should bring fresh urgency to this effort, including by

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572 examining whether we should extend some of our decisions on
573 small cells and 5G builds to fiber and other highspeed
574 offerings. The government should also look at modernizing
575 our approach to broadband bills that cross federal lands.
576 Getting approval from all of the federal agencies that
577 manage those lands has long been an impediment, particularly
578 for reaching rural communities. In fact, we often hold
579 state and local governments to tighter timelines than the
580 Federal Government itself, and I think this needs to end.

581 And permitting reform is especially vital as we sit
582 here today because the Commerce Department is poised to
583 allocate about 42 billion dollars to states for the
584 expansion of highspeed internet. Without permitting reform,
585 those dollars simply will not go as far as Congress
586 intended.

587 Now the influx of those federal dollars also highlights
588 the ongoing shortage of broadband workers, the tower crews
589 and telecom techs needed to build out internet
590 infrastructure. Bolstering this workforce will not only
591 accelerate internet builds, it will create thousands of
592 good-paying jobs. And that is why I launched a jobs
593 initiative that looks to community colleges and technical

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594 schools as pathways into the industry.

595 And just recently I had the chance to join Commissioner
596 Starks at Virginia State University, an HBCU, for a
597 broadband and 5G workforce training event, and it was a good
598 example of the types of initiatives that can play a key role
599 in meeting our workforce challenge.

600 In addition to supporting the buildout of highspeed
601 networks, the FCC has also been busy working to safeguard
602 our networks from entities that threaten our national
603 security. We need to keep making progress here, too. To do
604 so, the Federal Government should take action on several
605 additional fronts. For one, the FCC should build on our
606 actions in the Section 214 context by opening a new
607 proceeding to examine whether we should prohibit regulated
608 carriers from directly interconnecting with entities that
609 have been deemed a national security risk.

610 For another, the FCC should publish a list of every
611 entity with an FCC license or authorization that has
612 sufficient ties back to a foreign adversary, including
613 Communist China. I would imagine that this is a fairly
614 lengthy list at this point. This action would help ensure
615 that a range of stakeholders can provide any relevant

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616 information about national security threats that those
617 entities may pose. One bill that would accomplish this is
618 the bipartisan FACT Act that Congresswoman Stefanik and
619 Congressman Khanna have introduced, so I support those
620 efforts.

621 In closing, I want to thank you again for the
622 opportunity to testify. I look forward to answering your
623 questions.

624 [The prepared statement of Mr. Carr follows:]

625

626 *****COMMITTEE INSERT*****

627

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628 *Mr. Latta. Well, thank you very much for your
629 statement.

630 Commissioner Starks, you are recognized for five
631 minutes.

632

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633 STATEMENT OF THE HON. GEOFFREY STARKS

634

635 *Mr. Starks. Thank you, Chairman Latta, Ranking Member
636 Matsui, Chairwoman McMorris Rodgers, and Ranking Member
637 Pallone, members of the committee. Thank you for the
638 opportunity to appear before you here today.

639 The last time that I appeared before this body I
640 remarked that we stood at an inflection point in our
641 communications history. I continue to believe that is the
642 case. Broadband has emerged as a lynchpin of opportunity in
643 our modern economy, creating a new sense of urgency to
644 connect all Americans everywhere. At the same time,
645 wireless networks continue to evolve to new and vastly more
646 capable technology generations, driving the need for
647 ubiquity and greater access to scarce -- to the scarce
648 commodity that we call spectrum.

649 Amidst our great interconnectedness, we also face new
650 threats from bad actors and foreign adversaries. Now more
651 than ever our network security is national security. In the
652 age of online job boards, telehealth, and the homework gap,
653 millions of Americans remain without a home broadband
654 connection. For far too many of them, affordability is the

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655 key reason why.

656 In response to the problem, Congress established the
657 Affordable Connectivity Program, the ACP, which we have
658 implemented. As of June 12th, 18.68 million households were
659 enrolled in ACP. That figure includes more than 100,000
660 households in 36 states, 10,000 households in all 50 states,
661 and at least a hundred households in several thousand rural
662 zip codes, including more than 80 percent of non-metro
663 counties.

664 Our wireless networks continue to transform the way we
665 live, work, learn, build, and communicate. At the end of
666 last year, U.S. mobile carriers launched 5G networks in more
667 than 500 American cities, surpassing China's count for the
668 very first time. To ensure that this pace of innovation in
669 wireless continues and that it benefits all Americans, our
670 networks need to grow in their capability, in their
671 coverage, and in the choice that they offer consumers.

672 As we expand access, increase our connective
673 capabilities, we have even more reason to ensure that our
674 networks remain secure. In 2019, I called for the United
675 States to find it, fix it, fund it. That is to identify
676 insecure equipment in our U.S. telecommunication networks,

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677 remove that equipment, replace it with equipment from
678 trusted resources.

679 Through your actions in the Secure and Trusted
680 Communications Act, we are now in the process of
681 implementing that Rip and Replace programming, and we must
682 continue to work together to address this ongoing threat and
683 finalize that remediation process.

684 I appreciate the opportunity to appear before you
685 today. I look forward to your questions. Thank you.

686 [The prepared statement of Mr. Starks follows:]

687

688 *****COMMITTEE INSERT*****

689

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690 *Mr. Latta. Thank you for your testimony.

691 Commissioner Simington, you are recognized for five

692 minutes.

693

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694 STATEMENT OF THE HON. NATHAN SIMINGTON

695

696 *Mr. Simington. Thank you. Chairman Latta, Vice Chair
697 Carter, Ranking Member Matsui, and distinguished members of
698 the subcommittee, it is a privilege to appear before you
699 today.

700 In my opening remarks at last year's oversight hearing,
701 I discussed my three policy making priorities within the
702 Commission: securing wireless devices against cyberattacks,
703 putting in place orbital debris rules that will ensure that
704 Earth orbit is a natural resource that is as available to
705 future generations as it is to us, and improving receiver
706 performance to make it faster and cheaper to newly
707 commercialized or repurposed spectrum.

708 Many have attempted to characterize the Commission as
709 deadlocked, at least until another confirmation can jolt us
710 back to life, but the facts reveal the opposite. A
711 Commission totally committed to the public interest and
712 faithful implementation of congressional mandates. I am
713 pleased to say, for example, that we have made great
714 progress in all three areas that I have listed.

715 One the security front, we have banned untrustworthy

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716 Chinese Communist Party controlled equipment from our
717 networks and continue to explore how to further incorporate
718 cybersecurity standards in our equipment authorization
719 rules.

720 Regarding orbital debris management, we instituted a
721 requirement that low Earth orbit satellite operators safely
722 de-orbit their satellites within five years of the end of
723 their mission. And I would like to thank committee Chair
724 McMorris Rodgers and Ranking Member Matsui for their work on
725 the proposed Satellite Streamlining and Spectrum Coexistence
726 Acts, respectfully, both of which I very much support.

727 Concerning receivers, the Commission issued a policy
728 statement detailing how receiver performance is essential
729 for making the best use of scarce and valuable spectrum and
730 how it can be integrated into future spectrum policy making.
731 This pushes back against the practice of forcing inefficient
732 lighter use of new licenses to protect old backward
733 receivers that ought to be replaced. And so I look forward
734 to modifying FCC processes to allow the Commission to put
735 these principles into action in future rulemakings.

736 In my remarks today, I want to focus on three other
737 important issues facing the FCC. First, I can't emphasize

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738 enough how vital it is that the FCC spectrum auction
739 authority is renewed. The auction system for
740 commercializing spectrum has been a resounding success and,
741 in fact, earned its Architect and Nobel Prize in economics.
742 It has ensured that valuable spectrum gets put to the
743 highest and best use and it is has kept the United States
744 the global leader in wireless communications. It has been
745 copied by countries around the world.

746 The private sector's thirst for spectrum to serve
747 public demand is unquenchable, and any amount of Greenfield
748 spectrum made available for new commercial use can represent
749 many millions of dollars' worth of innovation and
750 productivity gains for the American economy, not to mention
751 revenues for the U.S. Treasury. The FCC should also proceed
752 with its work on improving reception and coexistence to
753 retain Congress's confidence that our work on spectrum
754 commercialization is driving efficiency and modernization
755 not just uptake.

756 I know there are some contentious issues surrounding
757 the renewal of the FCC's authority, and I just want to thank
758 Congress for its diligent work on resolving them while
759 committing to get more out of spectrum that is already

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760 commercialized.

761 Second, the Commission should adopt rules allowing all
762 exercises of delegated authority to be timely reviewed by
763 the full Commission. The FCC chair has broad discretion in
764 delegating matters to career officials and political
765 appointees, which restricts those matters from the review,
766 comment, and voting of the full Commission. This weakens,
767 in my opinion, congressional oversight by removing
768 accountability from senate-confirmed officials.

769 In light of the questions raised in recent litigation
770 about the scope of administrative discretion, I still
771 believe that it is in Congress's interest for administrative
772 agencies to retain discretion on issues that are too
773 granular for Congress to effectively address. However, this
774 is likely to be challenged in the courts or by Congress
775 itself if we abuse this discretion by taking issues away
776 from the Commission and giving them without timely recourse
777 to the staff.

778 Third, funds for the Affordable Connectivity Program
779 are due to expire next year, and the question of whether and
780 in what form to reauthorize it is before you. Commission
781 staff did a diligent and praiseworthy job implementing the

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782 provisions of the Infrastructure Investment and Jobs Act,
783 and I want to thank them for that. Unfortunately,
784 considering our experience with the Universal Service Fund
785 Lifeline Program, I fear that waste, fraud, and abuse will
786 be a continuing issue with this program and, indeed, cases
787 have already been uncovered. It is crucial to implement
788 full proof procedures for verifying eligible individuals who
789 actually need the service at the receiving end of the
790 benefit.

791 I welcome ACP uptake to get Americans online and able
792 to access needed resources for modern life. However, if
793 Congress wants the program to endure, the FCC should look
794 into the factors going into adoption to ensure that ACP
795 dollars are indeed driving adoption and uptake not merely
796 acting as a subsidy for broadband service that consumers
797 would have purchased anyway. I look forward to engaging
798 with you and your colleagues in the Senate as you consider
799 whether and in what form to renew this program.

800 Chairman Latta, Vice Chair Carter, Ranking Member
801 Matsui, and distinguished members of the subcommittee, I
802 want to thank you again for holding this hearing and for the
803 opportunity to testify. I look forward to answering your

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804 questions.

805 [The prepared Mr. Simington follows:]

806

807 *****COMMITTEE INSERT*****

808

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809 *Mr. Latta. Well, thank you for your opening
810 statement, and we also want to thank the commissioners again
811 for being with us today.

812 And at this time, we will begin questions from the
813 members of the subcommittee, and I recognize myself for five
814 minutes.

815 Last month the FCC released a second version of the
816 Broadband DATA Act maps. The first version of this map,
817 while better than previous FCC maps, had significant issues.
818 Madam Chair, what has changed since Version 1 and how
819 confident are you in the accuracy of the most recent version
820 so that NTIA can use it to make the state allocations?

821 *Ms. Rosenworcel. Thank you for the question. We have
822 produced the most accurate broadband maps in our Nation's
823 history. The old maps we had were light years behind what
824 we have now today. We have got 114 million households we
825 have identified by latitude and longitude, and we have
826 recognized that there are 8.3 million households that have
827 no service.

828 But we are going to continue to work, not just with our
829 colleagues at NTIA, but also with state broadband
830 authorities across the country, get their input, get their

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831 facts, and make sure that that data keeps on getting better
832 all the time. And we would certainly be happy to share
833 those changes with you because it is our goal to produce
834 these maps twice a year under the law. And like I said in
835 my opening statement, they will always be improving.

836 *Mr. Latta. Well, thank you.

837 Commissioner Carr, what is your assessment of the
838 current map?

839 *Mr. Carr. Chairman Latta, first of all, thank you for
840 your leadership on the Broadband DATA Act. We had
841 bipartisan recognition for years that our old maps were not
842 fit for purpose for what we needed them to, and the
843 Broadband DATA Act you helped get across the finish line
844 ensured that we are where we are today, which is that the
845 first version of the map that came out six months ago or so,
846 there was a lot of concern with it, but I think all the
847 feedback that I am seeing and my own analysis of this map
848 shows that it is improved.

849 And as the chair said, it is going to be an iterative
850 process. We need to continue to work with state broadband
851 offices, including to make sure that they are using that
852 map, not just for the initial allocation decision that

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853 Commerce will make, but as they decide where the funding can
854 go, because this map can also play a key role in preventing
855 overbuilding and make sure we are targeting unserved areas.

856 *Mr. Latta. Well, thank you.

857 Madam Chair, since your elevation to the chair of the
858 Commission, the FCC has adopted most items by a four to zero
859 vote. As an independent agency responsible for technical
860 expertise in administering the Communications Act, it is
861 refreshing to see the Commission acting in a bipartisan way
862 without straying too far outside of your authorizing statute
863 or exerting regulatory overreach.

864 Tomorrow, the Senate is considering the nominees that
865 would restore the Commission to its full strength of five
866 commissioners. Should a fifth commissioner be confirmed, do
867 you commit to continuing to pursue an agenda that will
868 maintain the strong bipartisan agreement and practice
869 regulatory restraint similar to actions taken by the
870 Commission under a 2-2 split?

871 *Ms. Rosenworcel. Well, I am proud of the work we have
872 been able to accomplish as a four-member agency. Like I
873 said in my opening statement, we have turned down the noise
874 and we have ramped up the work. But I also recognize that

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875 Congress intended this body to have five members, so I look
876 forward to that day coming sooner rather than later, but
877 will continue to operate in a collegial way with every one
878 of my colleagues no matter who they are and no matter how
879 many we have.

880 *Mr. Latta. Thank you.

881 Commissioner Carr, since 2020, Congress has provided
882 significant funding for broadband deployment affordability,
883 distance learning, and telehealth. The USF also funds these
884 activities. How do you view the future of the USF and in
885 light of these new programs?

886 *Mr. Carr. Chairman, thanks for the question. For
887 years, maybe even decades, the FCC's Universal Service
888 Program was the lions share of all federal support for
889 broadband builds, for digital divide efforts. And now we
890 are seeing a lot of efforts across many other agencies as
891 well. There was a GAO report recently that said that we now
892 have something like 130 programs spread across 15 agencies.

893 So I think the time is ripe right now to make sure that
894 we have a coordinated approach to all these different
895 broadband programs, and I think that can start with a big
896 think about how does the USF fit within those other

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897 programs. There is some good legislation that would do
898 that, including from members here, Congressman Walberg,
899 Congressman Kuster, the PLAN Act, which would ensure better
900 coordination across all of that.

901 *Mr. Latta. Well, thank you. Let me follow-up,
902 Commissioner Carr. On July the 17th, participants in the
903 Rip and Replace Program would be required to submit their
904 first claims for reimbursement. This committee has acted
905 twice, but unless Congress acts before July the 17th, this
906 program will not be fully funded. What will happen if
907 Congress fails to act and what are the implications to
908 national security and also for Rural America?

909 *Mr. Carr. Yeah, if we don't fully fund Rip and
910 Replace quickly, there is going to be very serious real
911 world consequences. The insecure gear is going to come out,
912 but the challenge is having the funding for these small
913 providers to replace it. And so in some extreme
914 circumstances, we could even see small rural ISPs and other
915 sort of wireless providers, that might be the only option in
916 an area, could potentially go out of business. Otherwise,
917 entities could stay in business, but they would have holes
918 in coverage, which itself is a public safety challenge. So

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919 I do think we need to make good on our commitment to all of
920 these providers to fully fund Rip and Replace.

921 *Mr. Latta. Well, and it is definitely essential. And
922 I know we have had a lot of discussions, not only on this
923 subcommittee, and full committee, and also with you as the
924 commissioners, but we have got to get this thing done. And
925 I am looking forward to making sure that as we move things
926 out of the House and get it over to the Senate that they can
927 bring these things up.

928 My time has expired, and I will submit my extra
929 questions I had that I wasn't able to get to for the --
930 later to be answered. And I will now recognize the
931 gentlelady from California, the ranking member of the
932 subcommittee, for five minutes.

933 *Ms. Matsui. Thank you very much, Mr. Chairman.

934 The ACP is helping more than 18 million households
935 afford a broadband connection. Whether that is for the
936 first time or getting -- after getting laid off, the ACP is
937 working.

938 Madam Chair, can you briefly describe the relationship
939 between the ACP and broadband deployments through the BEAD
940 Program?

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941 *Ms. Rosenworcel. Thank you for the question. I think
942 that relationship is really important. After all, Congress
943 passed the Bipartisan Infrastructure Law with both of these
944 programs. They work hand in hand. The BEAD Program
945 supports deployment and the Affordable Connectivity Program
946 supports subscribership. These two programs need to go
947 together. That is how we make sure that we solve the
948 digital divide in this country.

949 *Ms. Matsui. Thank you.

950 Commissioner Starks, briefly, could you describe the
951 geographic footprint of the ACP and its effect on both rural
952 and urban communities?

953 *Mr. Starks. Yes. Thank you for the question,
954 Congresswoman. I think both of these programs, we see that
955 there are a significant number of ACP enrollees in BEAD
956 spaces and, in fact, BEAD and the buildout commitments that
957 folks are going to have to make, providers are going to have
958 to make, they have to offer an affordable option as well.
959 And so I also agree that the footprint that is going to be
960 expanded through BEAD is also going to be very important as
961 it has a synergy with ACP.

962 *Ms. Matsui. Okay, thank you.

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963 As an original cosponsor of the Rip and Replace bill, I
964 believe we must be unwavering in our commitment to get every
965 single piece of vulnerable Chinese gear out of our networks.
966 Madam Chair, could you describe the consequences if Congress
967 fails to address the 13 billion dollar shortfall in Rip and
968 Replace funding by July 17th?

969 *Ms. Rosenworcel. Thank you. Like my colleague
970 Commissioner Carr said, we need to get this equipment out of
971 our Nation's networks, and the small carriers that have it
972 are going to face a tough choice. They are either going to
973 file with us and request support to remove it but only get
974 paid about 40 cents on the dollar, or they will leave this
975 equipment in their networks. That is a really unacceptable
976 choice, and I think that we need to work with Congress to
977 make sure we fully fund this program and get this insecure
978 equipment out of our Nation's networks.

979 *Ms. Matsui. Okay, thank you. I am sure to many I
980 sound like a broken record, but I believe it is a national
981 security and economic imperative for the U.S. government to
982 speak with one voice on spectrum governance. Madam Chair,
983 in the runup to the WRC, do you believe a protracted lapse
984 in auction authority has implications for our standing in

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985 the international community?

986 *Ms. Rosenworcel. Yes, absolutely. We need to go to
987 the World Radio Conference this year with full spectrum
988 authority. We need to lead at that conference and lead the
989 world on these matters.

990 *Ms. Matsui. Okay, thank you.

991 Commissioner Simington, I want to thank you for your
992 work highlighting the role of receivers in promoting more
993 effective use of our limited spectrum. I also appreciate
994 your support for my Spectrum Coexistence Act which would
995 require the Federal Government to take a close look at its
996 existing receiver technology. Commissioner Simington,
997 briefly, what is the role of receivers in promoting more
998 efficient spectrum use, and do you think it is valuable for
999 the government to scrutinize its own technology?

1000 *Mr. Simington. Thank you, Congresswoman, and I
1001 greatly appreciate -- I'm sorry, Ranking Member Matsui, and
1002 I greatly appreciate your comments.

1003 So the roles of -- role of receivers in spectrum is --
1004 you know, is that there is a two-way transmission path, you
1005 transmit and you receive, and therefore the quality of
1006 receivers has a great bearing on what can be transmitted and

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1007 what can be transmitted adjacently. Therefore, in planning
1008 spectrum, everyone takes receiver -- anticipated receiver
1009 quality and performance into account implicitly.

1010 The danger is and the reasons that the FCC has been
1011 reluctant to touch this issue before is that the Federal
1012 Government could impose overly rigid standards or perhaps
1013 deviate from the harmful interference standard that is long-
1014 established as not only our law but also as the
1015 international approach in favor of an engineering standard
1016 that would then become precedential and inappropriate and
1017 would serve as a straight jacket to lock us into a
1018 particular developmental pathway.

1019 *Ms. Matsui. Okay, thank you.

1020 Today -- I want to talk about robocalls. Today
1021 Chairman Lujan and I introduced the FCC Legal Enforcement
1022 Act to give the FCC new authority to go after scammers.
1023 Consumers across the country are inundated with these calls,
1024 and I believe it is imperative we help enforce and keep up
1025 with these fly by night operations. Chair Rosenworcel, can
1026 you talk about the limitations of the existing process and
1027 how this bill would help the FCC crack down on scammers?

1028 *Ms. Rosenworcel. Thank you for your efforts. We have

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1029 been working to try to get rid of these junk calls and texts
1030 on overtime. In fact, like I mentioned, we have 44 state
1031 attorneys general now working with us on this. We have
1032 issued more than 700 million dollars in fines, but the FCC
1033 is not institutionally allowed to go collect those fines in
1034 court. I would like to have the power to do so. I
1035 recognize that some of these folks are fly by night
1036 companies, but I want to be able to hold them accountable in
1037 a court of law, so I appreciate your legislative efforts.

1038 *Ms. Matsui. Well, thank you very much, and I hope we
1039 get rid of those robocalls.

1040 And I yield back.

1041 *Mr. Latta. The gentlelady yields back, and the chair
1042 now recognizes the gentlelady from Washington, the chair of
1043 the full committee, for five minutes.

1044 *The Chair. Thank you, Mr. Chairman.

1045 First, a question to each of you, I will start with the
1046 chair. H.R. 3565, the Spectrum Auction Reauthorization Act
1047 of 2023, would restore FCC's general auction authority, fund
1048 the shortfall in the Rip and Replace Program, and lead to
1049 improved processes for making spectrum available for
1050 commercial use. Do you support the legislation?

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1051 *Ms. Rosenworcel. Absolutely.

1052 *The Chair. Commissioner?

1053 *Mr. Carr. Yes, it is vital that we restore auction
1054 authority. The legislation does that, and I want to thank
1055 you for the leadership in doing that.

1056 *Mr. Starks. Yes, thank you for the leadership as
1057 well. I strongly support the restoration of the FCC's
1058 auction authority development of a spectrum pipeline. I
1059 think it is vital for security.

1060 *The Chair. Thank you.

1061 *Mr. Simington. Thank you. I am very pleased the
1062 House has prioritized the reauthorization of the FCC's
1063 auction authority and I hope a comprehensive bill moves
1064 forward quickly through both houses of Congress. I believe
1065 nothing is more important than ensuring the FCC's auction
1066 authority is reinstated expeditiously and that a robust
1067 spectrum pipeline plan is secured in order to preserve U.S.
1068 technology leadership.

1069 *The Chair. Thank you.

1070 To the chair, just a few months ago the Commission
1071 officially stood up the Space Bureau and voted its first
1072 item on the satellite communications licensing. While I was

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1073 disappointed that the announcement came as a surprise, I am
1074 glad that we have a shared goal of ensuring that the FCC
1075 processes satellite licenses effectively and efficiently. I
1076 appreciate your support of our legislation, the SAT
1077 Streamlining Act, which would provide direction to the FCC's
1078 Space Bureau to establish a streamline statutory framework
1079 for the FCC to license satellite communications.

1080 How does the new Space Bureau advance the goal of
1081 making the United States an international leader on
1082 satellite spectrum policy?

1083 *Ms. Rosenworcel. Well, I appreciate the priority you
1084 have brought to this issue here at the committee, and I want
1085 to make clear that we share it at the agency. We
1086 reorganized to set up a Space Bureau because we have so many
1087 more satellite applications before us, and the United States
1088 is in a position to lead, but we are going to have to
1089 process them more rapidly and more thoughtfully.

1090 We have already done work on orbital debris, we have
1091 done work to change the processing rounds for satellites and
1092 low Earth orbit, and we are the first country in the world
1093 to start to contemplate the combination of terrestrial and
1094 satellite systems in a single network future. So I think we

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1095 have launched with a lot of activity and energy and we will
1096 be happy to keep you apprised of our progress.

1097 *The Chair. Thank you. Senator Cruz and I sent you a
1098 letter, Madam Chair, in April requesting information related
1099 to the Standard General application to acquire Tegna. In
1100 your response, you declined to answer most of our questions.
1101 Since the transition is no longer before the FCC to be
1102 litigated, I hope you can answer our questions today.

1103 This merger would have created the Nation's largest
1104 minority-owned and woman-led broadcast company in the United
1105 States history. There were reports that you knew by
1106 delegating this to be -- to an administrative law judge that
1107 it was destined to fall apart. As the chair of the FCC, the
1108 Commission has control over the transfer of broadcast
1109 licenses. So why was the hearing designation order issued
1110 by the Media Bureau under delegated authority rather than
1111 through a full Commission vote?

1112 *Ms. Rosenworcel. To be clear, this is still a
1113 restricted proceeding, so there are some limitations, but I
1114 will try to answer your questions. The Commission has lots
1115 of precedent for doing this at the bureau letter -- level.
1116 Be happy to share those cases with you.

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1117 In addition, the parties to this transaction took the
1118 agency to court not once but twice and alleged that we were
1119 not following the law, but the D.C. Circuit in both cases
1120 found that the FCC's efforts to send this to an
1121 administrative law judge fully complied with the
1122 Communications Act. This is a provision that has been in
1123 the law since the 1930s and if, of course, this committee
1124 has difficulties with it, we would work with you to change
1125 it and adjust it. But to be clear, our efforts and our
1126 process was held up in court on two separate occasions.

1127 *The Chair. I would like to ask the other
1128 commissioners if you believe this acquisition should have
1129 received a full Commission vote, beginning with Commissioner
1130 Carr.

1131 *Mr. Carr. Yes, Chair Rodgers, I mean, look, as you
1132 noted, this would have created the largest minority-owned
1133 female-led broadcasting group. We have tried at the FCC
1134 through lots of administrations to bolster minority
1135 ownership in media, and here we would have gone from the
1136 single digits in terms of ownership by minorities of full
1137 power stations to into the teens for the first time ever. I
1138 think we deserve to give these parties an up or down vote on

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1139 the merits after a year plus long review.

1140 It is a problem here, but also more broadly, I think it
1141 is a troubling signal to anybody looking to invest in local
1142 journalism, which we need as a country, that at any point in
1143 time, a trap door could open up and they can't get to a
1144 decision on the merits.

1145 *The Chair. Thank you.

1146 *Mr. Starks. Yes, thank you for the question. From my
1147 perspective, the transaction in full never came before me as
1148 a commissioner. I didn't have the opportunity to view the
1149 full record. But, you know, as the chairwoman said, twice
1150 this came before on the question of process, and the law,
1151 and our -- how we handled the transaction was upheld by the
1152 D.C. Circuit.

1153 *The Chair. Okay. Commissioner Simington?

1154 *Mr. Simington. I am not going to disagree with the
1155 characterization of the process as following the law as
1156 currently written. On the other hand, I don't know that
1157 this addresses the concerns that you have raised with the
1158 adequacy of that process and with the confidence that we can
1159 have that this process will result in full Commission review
1160 going forward.

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1161 So as I stated in my opening remarks, I think it would
1162 be useful for the FCC to adopt or for Congress to propose to
1163 the FCC means of ensuring that every such transaction is
1164 able to receive timely review at the Commission level.

1165 *The Chair. Thank you. Thank you.

1166 And my time is expired. I think bottom line, I want to
1167 reinforce the importance of the full Commission doing --
1168 fulfilling your responsibilities versus being delegated to
1169 the Media Bureau. But more to come.

1170 I'll yield back.

1171 *Mr. Latta. Thank you. The gentlelady yields back,
1172 and the chair now recognizes the gentleman from New Jersey,
1173 the ranking member of the full committee, for five minutes.

1174 *Mr. Pallone. Thank you, Chairman Latta.

1175 I think we would all agree that robocalls are pervasive
1176 and can be dangerous, and I authored the TRACED Act to
1177 impose commonsense restrictions on these calls, and I
1178 recently announced that I will be introducing legislation to
1179 -- in part to fix loopholes caused by the Supreme Court that
1180 allowed these calls to continue, unfortunately.

1181 So let me ask Chairwoman Rosenworcel about, you know,
1182 what we can do about robocalls. What additional tools can

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1183 Congress give the FCC to combat abusive robocalls?

1184 *Ms. Rosenworcel. Thank you for your work on this.

1185 Unfortunately, the scam artists behind these calls are
1186 nimble, so we are going to have to change our practices and
1187 change our approach fairly regularly.

1188 Two things I think would make a difference. The first,
1189 as I mentioned to Congresswoman Matsui, is making sure we
1190 have the authority to go to court and collect these fines.
1191 And the second thing is something I know that you have
1192 talked about which is correcting a loophole that was created
1193 by the Supreme Court in the year before last where they
1194 froze the definition of auto-dialer in 1991 so that many of
1195 the scam artists can use equipment that get outside of the
1196 purview of the Telephone Consumer Protection Act

1197 I would like to fix that so we can go after more of
1198 these bad actors, and it is my understanding you are willing
1199 to introduce legislation to do so, so we would be happy to
1200 help.

1201 *Mr. Pallone. Thank you. Now I welcome recent actions
1202 to refocus the agency on consumer privacy and data security.
1203 This committee has on a bipartisan basis been working
1204 aggressively to enact a privacy bill, but in the absence of

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1205 a national standard, it is important that agencies like the
1206 FCC are stepping up to protect consumer's data. The
1207 committee is also currently investigating the shady world of
1208 data brokers, and I repeatedly pushed then Chairman Pai to
1209 act in 2019 after reports exposed the sale of extremely
1210 sensitive wireless location data to bad actors like bounty
1211 hunters.

1212 The FCC existing rules prevent the sale of this data in
1213 most situations, and I was encouraged when the Commission
1214 finally took bipartisan action, yet I am troubled that
1215 efforts to finalize these enforcement actions have remained
1216 pending for nearly a year.

1217 So can I ask each of you, beginning with the
1218 chairwoman, and just say yes or no, have you voted to
1219 approve the pending forfeiture orders?

1220 *Ms. Rosenworcel. Yes.

1221 *Mr. Pallone. Commissioner Carr?

1222 *Mr. Carr. I have been discussing with my colleagues
1223 some ideas for paths forward in those. So, for instance,
1224 the sale of the sensitive data continues. It has shifted
1225 from the carriers over to sort of other third parties. And
1226 my focus is how do we use this enforcement proceeding to

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1227 potentially get at that ongoing conduct. And so that is
1228 what I have sort of put forward and I would welcome the
1229 chance to do that in these enforcement items, and I would be
1230 happy to move quickly on it.

1231 *Mr. Pallone. So then you haven't voted to approve the
1232 pending forfeiture orders?

1233 *Mr. Carr. Right. I am hoping we can move forward in
1234 a way --

1235 *Mr. Pallone. Okay.

1236 *Mr. Carr. -- that addresses a broader problem --

1237 *Mr. Pallone. All right. No, I am just trying to get
1238 through this.

1239 So let me go to Commissioner Starks.

1240 *Mr. Starks. Yes, I have voted the items.

1241 *Mr. Pallone. And Commissioner -- I can't even read.
1242 Oh, Simington, I'm sorry.

1243 *Mr. Simington. That is fine. Like Commissioner Carr,
1244 I remain troubled by the movement of the data brokers into
1245 GPS pings instead of CPMI, and I have not yet voted on these
1246 items.

1247 *Mr. Pallone. Okay, thank you.

1248 Now let me go back to the chairwoman. Can you talk

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1249 more about this sensitivity of precise location data and why
1250 it is so important for the Commission to confirm these
1251 orders as soon as possible?

1252 *Ms. Rosenworcel. Yeah. Our geolocation data is a
1253 record of who we are, it is where we go and everything we
1254 do. And at the FCC, we have the gold standard. We tell
1255 carriers they cannot sell that data to anyone. That was a
1256 policy adopted during the last administration. And to the
1257 carriers who violated it, I just want to be able to hold
1258 them to account, that is why I would appreciate my
1259 colleagues voting on the enforcement action that I have put
1260 before them.

1261 *Mr. Pallone. All right. Last question. During
1262 Superstorm Sandy, I saw the consequences of a total
1263 breakdown of communication networks and I have worked to
1264 make sure people can stay connected when it matters the
1265 most. So the FCC recently mandated the wireless resiliency
1266 framework that I helped create, and this is going to make a
1267 difference and save lives.

1268 So let me just ask the chairwoman, can you provide me
1269 with a status update on that effort?

1270 *Ms. Rosenworcel. Yes. Appreciate the work you did

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1271 following Superstorm Sandy. You set up a template for the
1272 Commission and carriers to develop a voluntary framework to
1273 help restore communications after a disaster.

1274 Following Hurricane Ida, Commissioner Carr and I went
1275 down to Louisiana, spent time with public safety there, and
1276 concluded that that framework could no longer be voluntary,
1277 it needed to be mandatory. It is now in place, and we are
1278 going to keep tabs on it to make sure it works. We will
1279 have no shortage of hurricanes, and storms, and wildfires,
1280 and which we do so, but it is really important that we keep
1281 up to date with these policies and make sure that every
1282 carrier works together to sustain communications in a
1283 disaster.

1284 *Mr. Pallone. Thank you. I was going to ask
1285 Commissioner Carr to comment, but my time is out, so thank
1286 you, Chairman.

1287 *Mr. Walberg. [Presiding] Thank the gentleman, and
1288 now I recognize the gentleman from Florida, Mr. Bilirakis.

1289 *Mr. Bilirakis. Thank you, Mr. Chairman, I appreciate
1290 it, and I appreciate all your testimony here.

1291 Chairwoman, just like with the FTC oversight hearing, I
1292 have been anxiously waiting for the FCC's return to the Hill

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1293 for its due oversight hearing. And right before the agency
1294 is set to testify, it magically starts to respond to
1295 congressional letters, imagine that, announce grant awards,
1296 and in this case, break news on the establishment of a new
1297 privacy task force.

1298 Over the past few years, considerable time and effort
1299 on the Innovation, Data, and Commerce Subcommittee, which I
1300 chair, has been occurring on a bipartisan data privacy bill,
1301 so we are working on that. I expect you are familiar with
1302 previous versions, of course, of the efforts, which include
1303 having the FTC regulate common characters collection, use,
1304 and transfer of consumer information as opposed to the FCC.

1305 So the question is, Madam Chairwoman, should our
1306 takeaway on your privacy task force be that the FCC wants to
1307 regulate on top of what the FTC regulates on data privacy
1308 protections?

1309 *Ms. Rosenworcel. Consumers care deeply about
1310 communications privacy, that is why Congress provided the
1311 FCC with authority to address communications privacy in
1312 Section 222 of the law, Section 631 of the law, and Section
1313 337 of the law. We are using those provisions to help
1314 protect consumer privacy right now. We are not waiting for

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1315 new laws, we are going to use them as much as we can to
1316 protect consumers as much as we can.

1317 The bottom line is that we have data breach laws that
1318 need to be updated in the communications sector, we have SIM
1319 swapping fraud we need to get on top of, and we have the
1320 enforcement of geolocation fines that needs to take place.
1321 I don't think we should apologize for using the law as we
1322 have it before us and protecting consumer's privacy.

1323 *Mr. Bilirakis. Well, you know, I know you just stated
1324 and you cited some sections of statutes. Again, elaborate a
1325 little. Can you -- which sections of the statutes you rely
1326 on to provide with the authority to regulate data privacy?
1327 I know you just stated that but --

1328 *Ms. Rosenworcel. Customer proprietary network
1329 information and customer network information is regulated
1330 under Section 222 of the law. There are comparable
1331 provisions for cable services and satellite services in
1332 other sections of the law. These have been in place for
1333 decades.

1334 *Mr. Bilirakis. Okay.

1335 *Ms. Rosenworcel. And I think it is incumbent on the
1336 agency to use them in a modern way, and that is what we are

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1337 doing.

1338 *Mr. Bilirakis. All right. Next question. As you
1339 know, spectrum auction authority has expired. Leading up to
1340 that end date, no one truly knew how that expiration would
1341 impact the process of auctions that were completed and
1342 winners were simply waiting for the issuance of licenses.
1343 Now we know the Commission has taken a limited view on these
1344 license issuing authorities.

1345 Given that the hurricane season has begun, I am most
1346 concerned about the -- ensuring that we can have resilient
1347 connections and have the ability to get networks back online
1348 as quickly as possible if they go down during a natural
1349 disaster. And as you know, the hurricanes affect my State
1350 of Florida, and we have a lot of rural areas in my district.

1351 With auction authority having expired, why haven't you
1352 utilized temporary basis authorities for the use of the 2.5
1353 gigahertz spectrum which would better allow for spectrum
1354 utilizations in the aftermath of a hurricane or other
1355 natural disaster? If you could answer that.

1356 *Ms. Rosenworcel. Well, first, I appreciate what you
1357 are saying about Florida. Following Hurricanes Ian and
1358 Fiona, I went and spent time with public safety authorities

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1359 in Florida in Lee County and talked to them about some of
1360 these issues, so I realize how important it is for
1361 restoration.

1362 But the FCC's authority to grant spectrum licenses
1363 expired. The law is super clear. It says, you shall have
1364 the authority to grant licenses and it expires on March 9th.
1365 Any special temporary authority is subject to that broader
1366 authority, and so we are right now tying ourselves in knots
1367 trying to figure out how to get these licenses out. And the
1368 precedent we have here is complicated because issuing these
1369 licenses now could violate the Antideficiency Act which is a
1370 criminal statute.

1371 And just so you know, the last time that the FCC was
1372 alleged to have violated the Antideficiency Act involving
1373 spectrum policy, we had all sorts of staff in the agency get
1374 investigated by the GAO. They had to hire their own
1375 counsel. I don't want to have any of that nonsense
1376 happening again.

1377 But I would happily work with you and everyone else on
1378 this committee to do whatever we can to make sure we get
1379 that spectrum auction authority back and definitely make
1380 sure we get it back before hurricane season gets fully

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1381 underway.

1382 *Mr. Bilirakis. Well, I look forward to working with
1383 you. Please follow up.

1384 I will yield back, Mr. Chairman. Thank you.

1385 *Mr. Walberg. I thank the gentleman. Now I recognize
1386 the gentlelady from New York, Ms. Clarke.

1387 *Ms. Clarke. I thank the chairman and ranking member
1388 for holding this important oversight hearing, and to our
1389 esteemed chairwoman and commissioners for participating
1390 today.

1391 The Federal Commissions -- excuse me, the Federal
1392 Communications Commission's mission of promoting
1393 connectivity and ensuring a robust and competitive market is
1394 often challenged by the breakneck pace of technological
1395 innovation. That task is further complicated under a split
1396 Commission by the rise of hyper-partisanship infecting our
1397 national discourse on topics once thought too mundane to
1398 draw the attention of politically-motivated idealogues.

1399 In light of these challenges, I want to commend
1400 Chairwoman Rosenworcel and the entire Commission for your
1401 hard work and success in these difficult times. It has not
1402 gone unnoticed.

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1403 In addition to being a crucial component of unlocking
1404 much of the historic broadband investments from the
1405 Bipartisan Infrastructure Law, the FCC's work to release its
1406 latest update to the National Broadband Map represents yet
1407 another significant step towards closing the digital divide
1408 and moving our Nation towards a more equitable future. The
1409 upcoming disbursement of the Broadband Equity Adoption and
1410 Deployment, BEAD Program, funds will undoubtedly serve to
1411 bring more Americans online and unleash innovation across
1412 the country.

1413 When we last hosted the Commission for a hearing in
1414 March of last year, the Affordable Connectivity Program had
1415 already provided 10 million households assistance to afford
1416 broadband. And today I am proud to see that the ACP now
1417 supports over 18 million households, including nearly 1.4
1418 million in New York City -- in New York State.

1419 Beyond actions to keep us connected, the Commission has
1420 also done important work to keep Americans safe. From
1421 standing up the 988 Suicide and Crisis Lifeline, examining
1422 internet routing vulnerabilities, administering Rip and
1423 Replace efforts, and adopting a first of its kind broadband
1424 consumer label, the work done by the FCC makes clear its

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1425 commitment to public safety and national security.

1426 The Commission has also been hard at work implementing
1427 critical legislation passed out of this committee last
1428 Congress, including the Martha Wright-Reed Just and
1429 Reasonable Communications Act, which will be the focus of my
1430 first question. The Martha Reed -- excuse me, the Martha
1431 Wright-Reed Just and Reasonable Communications Act directs
1432 the FCC to ensure that charges for communications services
1433 at correctional facilities are just and reasonable. For
1434 incarcerated people and their families, this is a civil
1435 rights issue, and studies show that connectivity is so
1436 important for reducing recidivism rates and creating better
1437 post-release outcomes.

1438 Chairwoman, can you provide us an update on the
1439 implementation of the Martha Wright-Reed Act and tell us how
1440 this legislation can allow the Commission to more fully
1441 address the predatory rates and other challenges faced by
1442 incarcerated people and their loved ones?

1443 *Ms. Rosenworcel. Thank you for the question and thank
1444 you for your work on this. For far too long, the rates that
1445 have been charged for phone calls from our prisons and jails
1446 have just been usurious, and the families that are forced to

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1447 pay them, it is totally unfair, and it means that they can't
1448 stay in touch with their loved ones, and as you suggested,
1449 that increases the risk of recidivism.

1450 The FCC for over a very long, starting with the work of
1451 my former colleague, Mignon Clyburn, tried to address these
1452 rates, and we kept on getting our handiwork sent back to us
1453 by the courts. That is why the work in the Martha Wright-
1454 Reed Act is so important. It gives us authority to oversee
1455 intrastate rates for the first time and advance
1456 communications.

1457 We started a rulemaking to do that, and it is my goal
1458 to be able to address this and fix this wrong by next
1459 summer, and we are working hard to do just that.

1460 *Ms. Clarke. Outstanding. As has been noted, programs
1461 such as the ACP and the Emergency Connectivity Fund, which
1462 covers the cost of connected devices for students and school
1463 staff and have rightly been seen by many as a rousing
1464 success, bringing highspeed broadband access to millions,
1465 the ACP, in particular, has been a significant progress in
1466 closing the digital divide and garnered bipartisan praise.
1467 Just yesterday, eight Senate Republicans wrote to the -- to
1468 President Biden to express support for keeping ACP funded.

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1469 Chairwoman, as a vocal proponent of the ACP, can you
1470 please explain for this committee why continued sustainable
1471 support for the ACP should remain a priority for Congress
1472 and what is the risk if we allow funding for the ACP to run
1473 out? And other Commissioners, you can feel free to respond
1474 as well.

1475 *Ms. Rosenworcel. It is really clear that you don't
1476 have a fair shot in the 21st century if you don't have
1477 access to broadband at home. And as a result of the
1478 Bipartisan Infrastructure Law, we have got lots of funds to
1479 help with the deployment in largely rural areas, but we are
1480 also going to need funds and efforts to address
1481 affordability. The ACP is the best program we have ever
1482 developed to do that, and we got to make sure it continues.

1483 *Ms. Clarke. Mr. Chairman, I will yield back and ask
1484 the other commissioners, if you have any comments, please
1485 respond to us in writing.

1486 *Mr. Walberg. I thank the gentlelady. Now I recognize
1487 myself for questioning.

1488 I also want to thank the FCC for having the
1489 commissioners here together. I thank you for your help
1490 recently with Michigan with our broadband maps. The

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1491 agency's prompt response, and it was prompt, helped the
1492 state uncover and fix some discrepancies that could have
1493 lost us hundreds of millions of dollars for broadband
1494 deployment, so thank you. The maps still have a ways to go,
1495 as you have said, always improving, Madam Chair, but I am
1496 confident that with improved coordination and planning we
1497 can get rural Michigan and other places connected.

1498 Commissioner Carr, good to see you here. I hope you
1499 have just gotten down from a 2,000-foot tower or something
1500 that you are known to climb. I am not certain why, but glad
1501 you take your job seriously.

1502 On the note of Michigan being connected and other's
1503 rural connections, how would a national broadband strategy,
1504 like the one created by my PLAN for Broadband Act, improve
1505 outcomes for rural deployment?

1506 *Mr. Carr. Yeah, I think your legislation is
1507 incredibly important. It is good to see you. I enjoyed the
1508 visit we did a year or so ago in your district. And I think
1509 what your legislation tackles is this current challenge of
1510 for the first time in a lot of ways we have enough funding
1511 to end the digital divide. The question is, do we have the
1512 right policies and are we coordinated correctly to actually

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1513 get it done. And with this GAO report that showed that we
1514 have, you know, broadband spending over 130 different
1515 initiatives, 15 different agencies, we need a national
1516 coordinating strategy, and that is the exact piece that your
1517 bill would put in place. I think it is vital that we get
1518 that done.

1519 *Mr. Walberg. Well, we will work at it. From your
1520 lips to our chairman's ears. Commissioner Carr, this
1521 committee has been working diligently to address the
1522 pervasive threat of TikTok, especially after discovering
1523 that their CEO lied throughout his testimony here in March.
1524 I have heard some people make First Amendment arguments for
1525 why we shouldn't ban TikTok in the United States. Can you
1526 give us your perspective on the issue?

1527 *Mr. Carr. I have heard that argument as well, and I
1528 don't think that it is particularly strong. If you look at
1529 the Supreme Court precedent, they have drawn a very clear
1530 distinction between regulatory action based on the content
1531 of speech as opposed to the conduct of an actor. There is a
1532 famous Supreme Court case, Arcara Books, that had to do with
1533 a bookstore that was engaged in criminal conduct out of the
1534 bookstore. The government shut down the bookstore because

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1535 of that. The proprietor said, you can't shut down my
1536 bookstore, that is First Amendment-protected activity. And
1537 the court was clear that the action had nothing to do with
1538 speech or content, it was based on conduct.

1539 So too here with TikTok. The action would not be based
1540 on the content of TikTok's speech or, for that matter,
1541 anybody's speech. It would be based on the conduct that
1542 represents a clear national security threat. And for that
1543 reason, I think the First Amendment argument against taking
1544 action on TikTok is not particularly strong.

1545 *Mr. Walberg. I appreciate the perspective.

1546 Madam Chair, turning to spectrum, the FCC recently
1547 sought to comment on expanding the commercial use of the
1548 upper 12 gigahertz band. What steps is the FCC taking to
1549 coordinate with NTIA to ensure that any federal agencies
1550 that may have concerns register those concerns in a timely
1551 manner versus after any potential future auction takes
1552 place?

1553 *Ms. Rosenworcel. We are working very closely with
1554 NTIA on this issue right now. As you know, we have a
1555 spectrum coordination initiative with them and it is
1556 designed to prevent there from being any late-breaking

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1557 difficulties with existing federal incumbents. And as a
1558 result, I think we are in the clear for this, but I am
1559 looking forward to the record that develops. We just
1560 started a rulemaking on this subject.

1561 *Mr. Walberg. I look forward to it as well in as
1562 timely a way as all of you are addressing our questions
1563 today. Thank you.

1564 Madam Chair and Commissioner Carr, how is the FCC
1565 approaching AI and how can it be used in the
1566 telecommunications networks? Simple, simple subject.

1567 *Ms. Rosenworcel. Thank you. Yeah, thank you for the
1568 question, and I will try to give you my 30-second response.
1569 If I can for a minute, I want to be an AI contrarian because
1570 I think it can do tremendous things for communications.
1571 That if we introduce machine learning and pattern
1572 recognition on our wired and wireless networks, we are going
1573 to be able to radically increase our efficiency. We will
1574 take what feels scarce and make it abundant.

1575 And I just announced yesterday that we will be working
1576 with the National Science Foundation to hold a forum to
1577 discuss just that. So I am not discussing AI writ large, I
1578 realize that is before a lot of other actors, but with

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1579 respect to communications, I think it is full of potential,
1580 and I want to start to understand its use and start to
1581 incorporate it into our thinking about 5G and 6G networks
1582 and fiber facilities.

1583 *Mr. Walberg. That is the creative tension, isn't it?
1584 Commissioner Carr?

1585 *Mr. Carr. I would say if you look back at the last
1586 few decades, there has been really two technology
1587 developments that have stood out: the internet and mobile.
1588 And I think AI is poised to be the third. That is how
1589 significant it is going to be. We want to encourage it,
1590 promote it. We don't want to smother it in the cradle, but
1591 we need to make sure that going forward it advances in a way
1592 that is consistent and promotes our values.

1593 *Mr. Walberg. Thank you.

1594 My time is expired. I yield back.

1595 I now recognize Representative Fletcher for her time of
1596 questioning.

1597 *Mrs. Fletcher. Thank you very much, and thanks to
1598 Chairman Latta and Ranking Member Matsui for convening
1599 today's hearing to discuss the many important topics under
1600 the FCC's jurisdiction, and thank you to Chairwoman

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1601 Rosenworcel and the commissioners for being here and
1602 answering these questions today. This has been a very
1603 useful hearing so far, and I really want to continue on some
1604 of the topics that we have touched on and that we have
1605 touched in our prior hearings.

1606 In the last committee hearing we had last week I talked
1607 about the importance of reliable emergency communications
1608 for all of the diverse communities in my district, and I
1609 really want to continue that conversation with you all today
1610 because I think it is critically important. There are more
1611 than 140 languages spoken in my district and in the Houston
1612 area in Harris and Fort Bend Counties. In one neighborhood
1613 in my district alone, the Gulfton neighborhood, there are
1614 more than 50 languages spoken.

1615 And, unfortunately, last month, there was a critical
1616 incident, there was a shelter in place issued in our
1617 district and, unfortunately, many of the members of the
1618 community couldn't -- didn't get the emergency alerts,
1619 didn't get -- didn't even know about this chemical fire in
1620 the area or know to shelter in place because the wireless
1621 emergency alerts in the City of Houston's subscription-based
1622 alert system are available only in English and Spanish.

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1623 I know and was very pleased to see that the FCC has
1624 adopted a notice of proposed rulemaking in April and is
1625 engaged in that process to require wireless providers to
1626 translate alerts into the 13 most commonly spoken languages
1627 in the United States. And, Chairman Rosenworcel, I know and
1628 understand that as part of this notice that you sent letters
1629 to the nine largest providers of WEAs requesting information
1630 on how alerts can offer more multilingual access and, of
1631 course, we have visited about how you are looking to those
1632 who have done it successfully to figure out how we can
1633 implement effective programs.

1634 So can you share some of the information you have
1635 learned, some of the challenges that you see that are out
1636 there, and some of the ways that we on this committee and in
1637 the Congress can help give you the tools you need to address
1638 this critical issue?

1639 *Ms. Rosenworcel. Sure. Wireless emergency alerts
1640 have extraordinary potential. All of us have those devices
1641 in our palm, our pocket, or purse at any time, so when they
1642 buzz with emergency information, we can act on it. Right
1643 now, they are sent out in English and Spanish, but as you
1644 mentioned, there are a lot of people who might not get the

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1645 information they need because it is not in the language they
1646 understand.

1647 So we have done a few things. As you mentioned, I have
1648 written to the largest wireless providers and asked about
1649 this technology and what changes might need to be made. I
1650 reached out to the New York Attorney General who has been
1651 working with us because the New York Emergency Management
1652 Department actually has some protocols to get it out in 13
1653 languages. And then we started a rulemaking.

1654 So my hope is we are going to get a robust record and
1655 we are going to figure out how to move forward and make
1656 these available to more people in more languages, but over
1657 time, we might also need assistance from you because FEMA
1658 runs the integrated system that helps send out these
1659 messages, and I want to make sure we are all working and
1660 rowing in the same direction.

1661 *Mrs. Fletcher. Thank you. You know, in -- one of the
1662 issues that that raises, you mentioned FEMA, and I know that
1663 one of the challenges that you noted in response to the
1664 letter we sent back in February is that there are more than
1665 1600 federal, state, local, tribal, and territorial
1666 governments that are responsible for these alerts as well in

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1667 coordination with and at times working with FEMA, at times
1668 obviously working on their own, and that these generally are
1669 usually just in English and Spanish.

1670 I know that you have provided guidance to these
1671 entities in sending non-English and non-Spanish alerts, but
1672 I am wondering, again, sort of what we can do that is
1673 helpful and whether the FCC has the authority it needs to
1674 address the alerts through the rulemaking, whether there are
1675 additional authorities that you need, or what the things --
1676 what things Congress can do really to help also support
1677 these entities and ensure that they have the resources to
1678 send out the alerts in languages other than English and
1679 Spanish to those who need it.

1680 *Ms. Rosenworcel. Those are all the right questions,
1681 they are the ones that we have asked in our rulemaking, and
1682 as soon as we get comments in, I would be happy to make sure
1683 that my staff sits down with yours and identifies pathways
1684 forward and what might take additional congressional action.

1685 *Mrs. Fletcher. Terrific. Well, thank you so much for
1686 that. I appreciate your work on this issue. And I just
1687 want to stress that it is of great importance to me and my
1688 communities I know as it is to my colleagues here on this

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1689 committee.

1690 So because I typically run overtime, I am going to
1691 yield back with some time left. I thank you. You all have
1692 covered my other questions I had prepared.

1693 So I thank you, Mr. Chairman, and I yield back.

1694 *Mr. Latta. [Presiding] Thank you. The gentlelady
1695 yields back, and the chair now recognizes the vice chair of
1696 the subcommittee, the gentleman from Georgia, for five
1697 minutes.

1698 *Mr. Carter. Well, thank you, Mr. Chairman, and thank
1699 you for hosting this committee, Mr. Chairman, this is
1700 extremely -- this hearing, this is extremely important, and
1701 thank all of you commissioners for being there -- for being
1702 here today.

1703 Commissioner Carr, I would be remiss if I did not
1704 thank you again for coming to my district a couple of years
1705 ago and seeing firsthand the struggles that we have in South
1706 Georgia in rural areas and the need for more broadband and
1707 highspeed internet in our district and in South Georgia in
1708 general, so thank you again.

1709 Since I have been on this committee, one of my top
1710 priorities has been closing the digital divide, particularly

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1711 in the rural areas. I know I have said it numerous times
1712 before, and you have probably heard it, but there are two
1713 Georgias, there is Atlanta and everywhere else, and I
1714 represent everywhere else, and that is a struggle sometimes
1715 for us, particularly when it comes to broadband.

1716 Chairwoman Rosenworcel, I wanted to ask you, last May
1717 the FCC proposed rules for an enhanced A-CAM Program that
1718 would have increased speed requirements for participants,
1719 and I actually wrote a letter to you asking you to take
1720 action, and I am very pleased that -- to see the
1721 announcement last Friday that you are moving forward with
1722 this proposal on circulation. Can you describe the proposal
1723 for me, please?

1724 *Ms. Rosenworcel. Sure. The rural carriers in this
1725 country who serve communities like those in South Georgia
1726 have long depended on the FCC's Universal Service Fund.
1727 Some of those carriers depend on a model to get financial
1728 support, others depend on a legacy system. But those
1729 systems were going to be coming to an end in a few years and
1730 they had less than robust standards for the speeds that
1731 needed to be delivered.

1732 So what we have done is we have updated the speeds and

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1733 we have extended the time period for support. I have put
1734 that before my colleagues, and it is complex, but I think it
1735 is a good model and a good way forward to continue to
1736 support rural carriers providing broadband.

1737 *Mr. Carter. Well, thank you, and thank you for
1738 addressing the issue of rural carriers and the issue of the
1739 rural areas. I really do appreciate that.

1740 Let me ask you, last year when you testified before
1741 this subcommittee you stated that, and I quote, "We should
1742 make sure that when we are developing programs from federal
1743 funds we condition those funds on having a reasonable and
1744 streamlined process for things like permitting and right-of-
1745 ways.'" Do you still agree with that statement?

1746 *Ms. Rosenworcel. Yes.

1747 *Mr. Carter. Okay. Are you familiar with the American
1748 Broadband Development Act that I proposed and that
1749 streamlines the permitting process at the federal, state,
1750 and the local levels, and just wondering if you are in
1751 support of that?

1752 *Ms. Rosenworcel. A little bit. If I look at what has
1753 come before the agency, I will tell you this, that I think
1754 our biggest permitting problem now is on federal lands.

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1755 Uncle Sam owns about one-third of the real estate of this
1756 country, and the standards for response back to those who
1757 want to build on those lands, we allow federal actors to
1758 take a lot more time before they get back to someone who
1759 wants to build than we do state and local entities.

1760 *Mr. Carter. Mm-hmm.

1761 *Ms. Rosenworcel. At this point, I think we got to
1762 focus on that because I think that is a huge gap in our
1763 system and it is where I would focus efforts were I to sit
1764 in your shoes.

1765 *Mr. Carter. Right, right. And we certainly have
1766 federal lands in South Georgia as well, so that is of
1767 concern to us.

1768 One last thing. Chairwoman, on April 24th, the FCC
1769 granted several waivers sought by auto manufacturers to use
1770 the 5.9 gigahertz band for Cellular Vehicle-to-Everything, I
1771 believe it is called C-V2X technology, so that they can
1772 immediately deploy the technology. However, some parties
1773 like Georgia didn't receive a waiver to begin this
1774 deployment. What -- when can we expect the FCC to take
1775 action on the remaining waiver request to ensure that the
1776 spectrum can be used by entities like Georgia who have

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1777 requested a waiver?

1778 *Ms. Rosenworcel. Sure. This makes clear that new
1779 cellular technologies can be used by auto manufacturers in
1780 the upper 30 megahertz of the 5.9 gigahertz band. We have
1781 given a waiver to some actors. We are adjusting that waiver
1782 because there has been some technical concerns about power
1783 levels. Once we get that just right, we are going to be
1784 able to move on to the rest of them. We are working with
1785 our colleagues at NTIA to do so.

1786 *Mr. Carter. Great, great.

1787 Mr. Chairman, that is all I have. Thank you, and I
1788 yield back.

1789 Thank you all.

1790 *Mr. Latta. Well, I appreciate it. The gentleman
1791 yields back the balance of his time. The chair now
1792 recognizes the gentleman from California's 29th District for
1793 five minutes.

1794 *Mr. Cardenas. Thank you very much, Mr. Chairman and
1795 Ranking Member for having this important committee hearing
1796 and also to Chairwoman and FCC Commissioners as well, thank
1797 you so much for your time and your expertise today.

1798 One of Congress's core responsibilities is oversight.

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1799 Hearings like the one today allows us to monitor the
1800 progress being made to address the challenges America is
1801 facing in the broadband access media ownership spectrum
1802 allocation, the time it takes to participate in spectrum
1803 auction and the actual assignment of those -- that spectrum,
1804 and many, many other matters. One issue of particular
1805 interest to me is the implementation and expansion of the
1806 988 Suicide and Crisis Lifeline. Since it was launched in
1807 July of last year, millions of Americans have been connected
1808 to trained counselors in a time of crisis. Last month
1809 alone, more than 400,000 contacts were routed to trained
1810 professionals with an average answer time of 35 seconds.

1811 There is no doubt in my mind this program has saved
1812 lives, but we must continue to work systematically to build
1813 out and improve this lifesaving program. For example, right
1814 now, calls, texts, and chats sent to 988 are connected to
1815 crisis centers based on the area code of the caller. This
1816 sometimes routes people in crisis to centers thousands of
1817 miles from their physical current location and potentially
1818 jeopardizes their ability to access the nearest and best
1819 care.

1820 Chairwoman, in your opinion, what obstacles remain

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1821 before the FCC can guarantee phone calls, text messages, and
1822 chats sent to 988 are routed to the participating crisis
1823 center closest to the geographic area from where the call,
1824 the message, or the chat is originated from?

1825 *Ms. Rosenworcel. Thank you for the question. And as
1826 you mentioned, in the nearly year since 988 has been
1827 available, it has become a tremendous resource for anybody
1828 who is contemplating suicide or suffering from mental health
1829 crisis. We got it up and running using the area code, so an
1830 area code from Washington, D.C. will go to someone who can
1831 respond in Washington, D.C., without regard to where the
1832 person is.

1833 Now over time we want to be able to make those
1834 connections more local and more effective, but we want to be
1835 very careful when we do this because there are privacy and
1836 confidentiality reasons to be careful here. And so what we
1837 did is we held a forum with carriers to try to discuss
1838 geolocation last year, and we are now working with the
1839 Substance Abuse and Mental Health Administration to try to
1840 make sure that they are talking to the carriers as well. It
1841 is my hope we are going to have an announcement or a pilot,
1842 try to find a way forward, so that wherever you are when you

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1843 reach out for help, we can send resources to you because who
1844 you will be talking will be somebody who is nearby.

1845 *Mr. Cardenas. So to clarify to people listening, the
1846 technical answer to that is within reach.

1847 *Ms. Rosenworcel. I think --

1848 *Mr. Cardenas. So it is not like we have a problem
1849 with the technical aspect, we just have to make sure we do
1850 it in a way that respects all the tangibles that -- in order
1851 to do it right, safely, and protecting people's privacy.

1852 *Ms. Rosenworcel. Exactly. I don't want us to just
1853 solve this as a technical matter, I want the mental health
1854 authorities to sit with us and help us manage privacy and
1855 safety and security every step of the way.

1856 *Mr. Cardenas. As it should be. Thank you very much,
1857 Chairwoman.

1858 An area of importance to me and my constituents is the
1859 continuity Affordable Connectivity Program. I want to
1860 address some of the comments that have been made here today
1861 because I think there is some misunderstanding about the
1862 purpose of the program.

1863 Commissioner Simington, you wrote in your testimony
1864 that we should consider "more precise targeting of the

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1865 program to those who it was designated to serve.'' This
1866 seems like a strange suggestion to me because Congress, on a
1867 bipartisan basis, set out clear eligibility criteria in the
1868 law, that is who the program was designed to serve. The
1869 suggestion that this program should be narrowed to only
1870 those who would not otherwise have broadband seems to me to
1871 ignore the reality of family budgets and the sacrifices many
1872 families often need to make to afford necessities that so
1873 many of us take for granted.

1874 The fact remains that for far too American households,
1875 in both Democratic and Republican districts, the monthly
1876 cost of an internet connection is not affordable enough to
1877 them.

1878 So my question to you, Chairwoman Rosenworcel, is it in
1879 your advanced raising awareness of this program I am sure
1880 you have met many families in rural, urban, and suburban
1881 areas, and on tribal lands benefitting from ACP. Can you
1882 describe for us how this program serves those families and
1883 their communities and why it would be so shortsighted to
1884 help only people who have never been online?

1885 *Ms. Rosenworcel. I agree. There is a study out there
1886 that shows that households that earn \$50,000 or less, half

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1887 of them are regular risk, month to month risk of being
1888 disconnected from the internet.

1889 *Mr. Cardenas. Wow.

1890 *Ms. Rosenworcel. That means they won't have a shot at
1891 success in modern life. We need to make sure the Affordable
1892 Connectivity Program speaks to those families as well as
1893 those who have never been online.

1894 *Mr. Cardenas. Okay, thank you very much.

1895 My time having expired, I yield back.

1896 *Mr. Latta. The gentleman's time has expired and he
1897 yields back. The chair now recognizes the gentleman from
1898 Florida's 2nd District for five minutes.

1899 *Mr. Dunn. Thank you very much, Mr. Chairman.

1900 The FCC has certainly become well known to Americans
1901 due to its roles in TV, radio, and cable, now space as well.
1902 Commercial, academic, and military use of space-based
1903 architecture has seen unprecedented growth in the last
1904 couple of decades, and therefore it is essential that the
1905 FCC also move at the speed of business.

1906 I was very pleased to see the creation of the Space
1907 Bureau of the FCC this April. This is designed to handle
1908 all matters relating to satellite and spectrum approval,

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1909 orbital launch, communications, and preventing debris --
1910 space debris, and that is a great start. It is exciting to
1911 see the Commission focus on improving the processes for
1912 using space.

1913 Unleashing American commercial space innovation is
1914 critical to our global competitiveness, including our
1915 competition with China. When it comes to winning the race
1916 to 5G and the benefits of next generation networks, I fear
1917 we are falling behind on securing the licensed spectrum
1918 pipeline to compete on the global stage, particularly
1919 against China.

1920 Chinese operators already have more access to midband
1921 spectrum than U.S. operators and the CCP is expanding
1922 aggressively. It has been estimated that may soon have four
1923 times as much commercial license midband as U.S. It is
1924 concerning if China can efficiently deploy their 5G
1925 architecture and develop software that rides on top of these
1926 next gen networks, and I worry that our rivals will leverage
1927 that innovation against us in all sectors.

1928 In December of 2021, the FCC acknowledged the growth of
1929 the space economy and noted a swath of new satellite
1930 applications, they committed to improving their satellite

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1931 review processes. And while the creation of Space Bureau
1932 and an MOU between it and the NTIA looked to be very
1933 positive, I see some challenges remain. I think you noted
1934 actually, Madam Chair, at the end of 2022, roughly 64,000
1935 satellite applications were pending FCC approval.

1936 Madam Chair, by the end of this calendar year 2023, how
1937 do you think that will look and what are we going to do to
1938 expedite the review of these applications?

1939 *Ms. Rosenworcel. Well, when I got to the agency the
1940 first thing I did was take a look and say, where do we have
1941 a volume of work and we don't have the people to address is.
1942 And what became apparent to me is that when it comes to
1943 satellites, the United States is in a position of
1944 leadership. We are launching more into our skies than any
1945 other country. But at the same time, we are going to have
1946 to update our practices for reviewing those satellites and
1947 reviewing those constellations.

1948 That is why we started the Space Bureau, that is
1949 exactly what is going on now. That is why we started a
1950 proceeding to streamline our assessment of those
1951 applications, and it is why we are looking into the far
1952 future and thinking about how terrestrial and satellite

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1953 networks will combine so that we can get rid of mobile dead
1954 zones and we can do new and creative things with combined
1955 access to satellite and ground-based systems.

1956 *Mr. Dunn. Well, thank you for that. Additionally,
1957 the FCC's December press release mentioned the Commission
1958 would consider quickly issuing public notices on
1959 applications from U.S. companies when filing at the FCC.
1960 However, these companies are telling me they still have
1961 applications that sit with the Commission for extended
1962 periods of time before action is taken. In fact, some have
1963 noted that their applications were filed months ago but they
1964 haven't been published for even -- even for as much as a
1965 public comment at this point.

1966 Can you identify the current FCC process that is a
1967 bottleneck contributing to this delay?

1968 *Ms. Rosenworcel. Yeah, I think historically the
1969 agency has had this practice of making sure every duck is in
1970 a row, every piece of paper is filed, everything is before
1971 us before we put these applications on public notice. When
1972 I came in, I decided that that process takes too long and is
1973 insufficiently transparent. So we started a rulemaking to
1974 identify how to say exactly what needs to be filed so that

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1975 we can put all of those applications on public notice more
1976 expeditiously and then resolve the application faster. So
1977 we have an outstanding rulemaking on just what you are
1978 describing, and I think we are going to be able to make
1979 progress.

1980 *Mr. Dunn. I have to believe that these companies are
1981 pretty talented and if you give them clear instructions that
1982 they can follow clear instructions. And please work with us
1983 here to help you in any way that we can. We want that
1984 process to speed up. We want it to be good, but we want it
1985 to speed up.

1986 Commissioner Carr, in the remaining few seconds, do you
1987 agree that the United States needs to secure meaningful
1988 pipeline of licensed spectrum for 5G to keep pace with
1989 consumer data usage and importantly to compete with the CCP?

1990 *Mr. Carr. Yeah, thank you, Congressman. I agree, it
1991 is vital both for efforts to bridge the digital divide here
1992 but moving spectrum forward, getting action on that is vital
1993 to our geopolitical interest. For one example, we talked
1994 about this World Radio Conference that is coming up.
1995 Communist China and other unallied nations are engaged in
1996 constant mini battles in that setting to develop services in

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1997 particular spectrum bands that are consistent with their
1998 interest and their values and we are trying to push back.

1999 When we have a big pipeline of spectrum and we have
2000 auction authority, it puts the wind at the back of those
2001 that are negotiating for U.S. and our interest. So spectrum
2002 authority and spectrum action is vital to our geopolitical
2003 interest and security.

2004 *Mr. Dunn. Well, Congress will help you in any way we
2005 can with that, it is a very important effort. Thank you.

2006 Mr. Chairman, I yield back.

2007 *Mr. Latta. Thank you. The gentleman yields back, and
2008 the chair now recognizes the gentlelady from New Hampshire
2009 for five minutes.

2010 *Ms. Kuster. Thank you.

2011 I would like to start today by recognizing the
2012 chairwoman for her attention and urgency to implement the
2013 Safe Connections Act. Last Congress, I led this legislation
2014 with my colleagues, Representative Eshoo and Walberg, to
2015 require phone companies to allow survivors of domestic
2016 violence to quickly separate their phone lines from shared
2017 plans with an abuser. A cellphone is a critical lifeline
2018 enabling survivors to stay connected to support networks and

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2019 to access assistance from hotlines or emergency services.

2020 As the founder and cochair of the bipartisan Task Force to
2021 End Sexual Violence, I was proud to see this legislation
2022 signed into law to protect this lifeline for survivors.

2023 Chair Rosenworcel, can you share any updates on your
2024 agency's work to implement this law?

2025 *Ms. Rosenworcel. Thank you so much for your work on
2026 this law along with Congresswoman Eshoo and Congressman
2027 Walberg. It is really important. One in four women in this
2028 country will face domestic violence. One in nine men. And
2029 so before we even put pen to paper, what I did at the FCC
2030 was talk to experts in domestic violence.

2031 *Ms. Kuster. Mm-hmm.

2032 *Ms. Rosenworcel. Because what I learned was the
2033 minute that somebody decides to get a new phone is the
2034 minute they decide to leave their abuser. It is really
2035 important. And that means the FCC has a really valuable
2036 role to play, and you gave us tools to do that in the Safe
2037 Connections Act.

2038 So we are working right now to identify what policies
2039 need to be put in place to make sure that someone can get
2040 out of their family plan fast, securely, and privately, also

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2041 putting policies in place to make sure that that individual
2042 can sign up for Lifeline or the Affordable Connectivity
2043 Program, and making sure that call logs do not reference
2044 domestic violence support systems so that people can call
2045 them safely and securely.

2046 Along the way we have worked with the carriers that
2047 take all those calls and made sure that they are working
2048 with the National Domestic Violence Hotline, because if
2049 somebody calls and wants to get off their family plan
2050 because they are leaving a domestic abuse situation, we want
2051 to make sure they don't get any old person who is answering
2052 the phone at the call center. We are going to make sure
2053 those individuals are actually trained to deal with this
2054 situation and can provide additional help and support.

2055 So you have put in place a very good thing, and I am
2056 confident that by next summer we are going to be able to act
2057 on it and have rules in place.

2058 *Ms. Kuster. Great, thank you. This program will take
2059 needed steps to eliminate barriers for survivors and provide
2060 support as they rebuild their lives.

2061 Now the Safe Connections Act also includes a provision
2062 to assist survivors who may be facing financial hardship and

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2063 are unable to afford their phone plan, as you referenced. I
2064 understand the FCC is currently considering whether to
2065 dedicate the Affordable Connectivity Program to provide
2066 emergency communications support to survivors who have
2067 separated their phone plans. Unfortunately, as you know,
2068 the ACP is expected to exhaust its funding sometime next
2069 year.

2070 Chair Rosenworcel, if Congress were to fail to
2071 authorize renewed funding for the Affordable Connectivity
2072 Program, how could this affect survivors under the Safe
2073 Connections Act?

2074 *Ms. Rosenworcel. If Congress were to fail to
2075 appropriate new funds for the Affordable Connectivity
2076 Program, we would undermine the biggest broadband
2077 affordability program this Nation has ever created, we would
2078 cut families off, and we would also cut off survivors who
2079 rely on this program to stay connected and rebuild their
2080 lives.

2081 *Ms. Kuster. Great, thank you very much. The ACP is
2082 already serving as a lifeline to the more than 18 million
2083 households that currently rely on this program to remain
2084 connected. In New Hampshire, over 30,000 households,

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2085 including nearly 17,000 in my district, have signed up for
2086 the ACP and more households are signing up every day.

2087 As cochair of the Rural Broadband Caucus, I understand
2088 that addressing affordability is a crucial step toward
2089 closing the digital divide for rural households. Congress
2090 has already invested over 42 billion dollars through the
2091 BEAD Program to build broadband infrastructure in unserved
2092 and underserved communities. This is a once in a generation
2093 investment in our Nation's broadband infrastructure, but
2094 this investment will be wasted if Americans can't afford to
2095 pay for broadband services. The ACP helps to bridge this
2096 affordability gap.

2097 Now I have also seen studies that estimate that the ACP
2098 can reduce the cost of broadband infrastructure in rural
2099 areas by up to 25 percent per household. That is not an
2100 insignificant cost savings. If we want federal dollars to
2101 go further in reaching our shared goal of closing the
2102 digital divide, we cannot let the ACP lapse just as the BEAD
2103 Program is set to begin.

2104 Chairman Rosenworcel, would you agree?

2105 *Ms. Rosenworcel. I agree. I think the ACP Program
2106 and the BEAD Program work hand in glove. They work

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2107 together. One a tax deployment, the other a tax
2108 subscribership. By working together, we are going to solve
2109 our digital divide.

2110 *Ms. Kuster. Great, thank you so much. I appreciate
2111 your leadership at the agency.

2112 And I yield back.

2113 *Mr. Latta. The gentlelady yields back. The chair now
2114 recognizes the gentleman from Pennsylvania for five minutes.

2115 *Mr. Joyce. Thank you, Chairman Latta and Ranking
2116 Member Matsui, for bringing together this hearing, and to
2117 our FCC commissioners for giving your time to be here today.

2118 As we all know, access to broadband has become a
2119 critical need, not just a want. The lack of broadband
2120 access has hit hard, particularly in my district in
2121 Pennsylvania 13. As our rural residents and farmers face an
2122 increasingly unmanageable digital divide, we need to ensure
2123 that all Americans are able to connect to the internet,
2124 regardless of what town, or what community, or what
2125 geographic divides are presented to them.

2126 Chairwoman Rosenworcel, NTIA was given 42.45 billion
2127 dollars for broadband equity access and development, the
2128 BEAD Program, which is aimed to give grants to communities

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2129 to build broadband networks, specifically in unserved areas.
2130 Would you please discuss how your agency is working with
2131 NTIA to ensure that this program is successful in the rural
2132 areas that I serve?

2133 *Ms. Rosenworcel. Absolutely. Like you mentioned, we
2134 are making a historic commitment to closing the digital
2135 divide in this country. 42 billion dollars to make sure
2136 networks reach rural communities is a big deal. We got to
2137 make sure it is spent in the right places. That is why we
2138 have developed our Nation's broadband map which is the most
2139 granular accounting of where service is and is not in our
2140 Nation's history, and quite literally, every day we are on
2141 the phone and working with NTIA to make sure they understand
2142 that map, understand its nuances, understand the trends we
2143 are seeing, because we want all of our data to inform their
2144 allocation in the BEAD Program.

2145 *Mr. Joyce. And to that point, the allocation date for
2146 BEAD funding is June 30th, it is right around the corner.
2147 Currently, my State of Pennsylvania still has around 5,000
2148 challenges that were submitted by the initial January
2149 deadline that have yet to be adjudicated. Would you please
2150 describe how the FCC adjudicated these challenges submitted

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2151 during the challenge process, and will you be able to
2152 adjudicate those remaining 5,000 Pennsylvania challenges
2153 prior to this upcoming June 30th deadline?

2154 *Ms. Rosenworcel. So the most important thing to know
2155 is that we take in challenges every day, every month, every
2156 year, and then under the law, there are certain time periods
2157 in which we can resolve them. FCC rules give 60 days for a
2158 carrier to look at those challenges, 60 days to resolve them
2159 with the customer, and then Congress threw another 90 days
2160 on top of that in the Bipartisan Infrastructure Law. So
2161 this is the timeframe in which we resolve availability
2162 challenges.

2163 Now that being said, every time we can resolve them
2164 earlier, we do so; and every time we resolve challenges, we
2165 update our map very, very shortly thereafter, and we call
2166 our colleagues at NTIA.

2167 With respect to what you are talking about in
2168 Pennsylvania, I would be happy to have my team follow up
2169 with you offline so you know just where everything stands in
2170 the process.

2171 *Mr. Joyce. Thank you. That June 30th deadline with
2172 those 5,000 continued unadjudicated issues to be resolved, I

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2173 thank you for that follow-up.

2174 We know that the FCC's campaign to advertise the ACP
2175 has begun. We also know that the program will run out of
2176 funding early next year. Chairwoman Rosenworcel, is it
2177 responsible to do this before Congress decides the future of
2178 the program?

2179 *Ms. Rosenworcel. Working with my colleagues on a
2180 bipartisan basis, we committed to doing more outreach with
2181 this program. That was also a recommendation from the GAO.
2182 So we set aside a small amount of money to do it, and then
2183 we followed federal contracting procedures and grant
2184 procedures to get those dollars out. We are putting a
2185 premium on everyone who has received funds using them as
2186 soon as possible to make sure that there is no conflict with
2187 an appropriation or a coming appropriation from Congress.

2188 *Mr. Joyce. Commissioner Carr, I congratulate you for
2189 your boots on the ground approach as we look to roll out
2190 additional rural broadband. You are acutely aware of how
2191 the lack of internet access negatively affects rural
2192 Americans. Students and their learning have been left
2193 behind, businesses suffer without access to expanding
2194 Ecommerce, farmers are unable to utilize precision

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2195 agriculture to more effectively produce food for America,
2196 and patients and doctors cannot access the ability to heal
2197 from home with telemedicine.

2198 Commissioner Carr, do you feel that the FCC recognizes
2199 the impact of the digital divide on Rural America, and are
2200 all steps being taken to address this from the FCC perch?

2201 *Mr. Carr. I do think so. I think we fundamentally
2202 agree that we have to do more to end the digital divide and
2203 -- we have done a lot, but there is more to be done on
2204 infrastructure, as I mentioned, I think there is a lot more
2205 we can do on sort of meat and potato infrastructure reforms.
2206 Again, we have all of these BEAD dollars coming out the
2207 door, 42 billion dollars. If we don't streamline permitting
2208 and we are just spending this additional money, we are
2209 effectively jumping on the gas and the brakes at the same
2210 time.

2211 So we need to address federal lands. That probably
2212 requires some congressional action. We need to take a look
2213 at railroad crossings which continue to be a big barrier to
2214 broadband builds. There is some legislation here that could
2215 do that. And I think we should take some of the shot clocks
2216 and fee reforms that we apply to small cells and look at

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2217 applying those to wired infrastructure. If we can do that
2218 at the FCC, which I think we can, we could accelerate these
2219 rural builds even faster.

2220 *Mr. Joyce. I see my time is expiring. Thank you, Mr.
2221 Chairman, and again, thanks to all the witnesses for being
2222 here today, and I yield.

2223 *Mr. Latta. Thank you. The gentleman yields back, and
2224 the chair now recognizes the gentlelady from California's
2225 16th District for five minutes.

2226 *Ms. Eshoo. Thank you, Mr. Chairman, and to our
2227 ranking member, Congresswoman Matsui.

2228 Welcome, Chairwoman Rosenworcel and the Commissioners
2229 of the FCC. It is always great to see you and have you here
2230 in this hearing room. I was -- as I was listening to
2231 others, I was reminiscing over all of the FCCs that have
2232 come here during my tenure, and it is a long and important
2233 effort. Chairwoman Rosenworcel, for as long as I can
2234 remember, you have been in my view the leading voice about
2235 the need to close the digital divide and the homework gap,
2236 and I would argue that the availability of midband spectrum
2237 is an important tool to achieve these goals.

2238 Now this last Sunday marked a hundred days since the

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2239 FCC spectrum auction authority expired. We all know that
2240 spectrum is the gold -- 18-karat gold not 12 or 14, 18-karat
2241 gold of the 21st century. Nothing moves without it. Yet
2242 the Commission is sitting on a vast amount of midband
2243 spectrum in the 2.5 gigahertz band spectrum that was won at
2244 auction, a carrier paid over 300 million dollars for that
2245 last August.

2246 That is going to come up to a year pretty soon, and I
2247 don't know if that money is earning interest, where it is.
2248 It is stunning to me that someone pays for something, they
2249 don't get it, but the person or the entity they paid it to
2250 still gets to keep it.

2251 These licenses that haven't been issued, and more
2252 importantly the real point is is they are not being put to
2253 use. We know that four FCC general counsels wrote to the
2254 FCC in March about this, Public Knowledge wrote to the
2255 Commission in January to express their concerns over the
2256 licenses. In fact, Public Knowledge as a part of Harold
2257 Feld's letter said, I'll quote, "As always, when licenses
2258 are at issue, this is not simply a matter that impacts a
2259 single company. Licenses are issued to serve the community
2260 of license, and the delay in issuing these licenses denies

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2261 those communities all the important services that come with
2262 them.''

2263 Public Knowledge also went on to ask the Commission to
2264 issue a public notice to publicly state whether it has, in
2265 fact, concluded that it does not have the authority to issue
2266 the licenses at issue. They also went on to request the
2267 Commission to consider alternatives, the STAs, the special
2268 temporary authority.

2269 I wrote to the Commission, wrote to you and the
2270 Commission, I believe it was May 15th, stating essentially
2271 the same case. I know that I wrote with Congressman Soto on
2272 I believe it was June 16th, that is very recent so you
2273 wouldn't have, I don't think, had a chance to answer. T-
2274 Mobile has written. Public Knowledge has written. But
2275 there is no response on STAs and no official statement,
2276 requiring the public to rely on reports, you know, in press,
2277 and public statements, and all of that.

2278 So I am -- you know that this has been a source of not
2279 only aggravation to me but real worry, and I think writ
2280 large that it sets a chill in many ways on auctions that
2281 have been so extraordinarily successful over the last two
2282 years. So I want to ask you, Chairwoman, if you will give

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2283 consideration to the STAs?

2284 *Ms. Rosenworcel. So I want to make clear that this
2285 situation is totally unfair. I have said that to the CEO of
2286 the company involved. It is also unprecedented, because for
2287 30 years we have had this authority. Congress has always
2288 renewed it.

2289 *Ms. Eshoo. I know it is unprecedented.

2290 *Ms. Rosenworcel. Yeah.

2291 *Ms. Eshoo. So are the Commission's actions or
2292 inactions.

2293 *Ms. Rosenworcel. Let me also explain this. This is
2294 an area where the law is extremely clear. It says, our
2295 authority to issue licenses shall expire on March 9th. This
2296 is not ambiguous language.

2297 *Ms. Eshoo. I only have 17 seconds left.

2298 *Ms. Rosenworcel. Listen, a special temporary
2299 authority --

2300 *Ms. Eshoo. I want to ask you --

2301 *Ms. Rosenworcel. -- only exists to the extent that
2302 that underlying authority is there.

2303 *Ms. Eshoo. I want to ask you if you will consider
2304 STAs and if you will commit to providing the public

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2305 transparency that is really due because this is a huge
2306 issue?

2307 *Ms. Rosenworcel. We are going to continue to look at
2308 every law that we can to see if there is a way forward here.
2309 My other concern is violation of the Antideficiency Act.

2310 *Ms. Eshoo. But I don't hear you saying yes.

2311 *Ms. Rosenworcel. Well, what we are doing right now is
2312 studying the laws to make sure we don't violate the
2313 Antideficiency Act, which is a criminal law. And as I
2314 mentioned earlier today, the last time it was alleged that
2315 the FCC violated the Antideficiency Act in a situation
2316 involving our spectrum authority, the GAO investigated and
2317 the staff of the agency had to hire their own counsel to
2318 defend themselves. Like I said before, I don't want any of
2319 that nonsense.

2320 *Ms. Eshoo. Well, my time is expired.

2321 *Ms. Rosenworcel. That is why we are going to be
2322 exceptionally careful.

2323 *Ms. Eshoo. My time is expired. Thank you, Mr.
2324 Chairman.

2325 *Mr. Latta. Thank you very much. The gentlelady's
2326 time is expired. The chair now recognizes the gentleman

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2327 from Texas's 4th District for five minutes.

2328 *Mr. Weber. Thank you, Mr. Chairman. 14th District.

2329 You kind of shorted me there. It is a --

2330 *Mr. Latta. I apologize.

2331 *Mr. Weber. It is all good. Thank you.

2332 *Mr. Latta. 14.

2333 *Mr. Weber. In April, the World Radio Communications
2334 Conference, WRC, Advisory Committee submitted its
2335 recommendations to the FCC which it had put out for public
2336 comment, but it is kind of unclear what has happened since.
2337 As the FCC prepares to work with the Department of State in
2338 preparation for the WRC, transparency is going to be the key
2339 to our private sector partners.

2340 So, Chairwoman Rosenworcel, in 30 seconds or less, does
2341 the FCC adopt a view for each item, and is that something
2342 the chair decides or does the Commission vote on it?

2343 *Ms. Rosenworcel. On our World Radio Conference
2344 recommendations?

2345 *Mr. Weber. Mm-hmm.

2346 *Ms. Rosenworcel. It has generally been the practice
2347 that we work with the industry to develop them through the
2348 World Radio Conference Advisory Committee and then we work

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2349 with other countries in our region to develop consensus --

2350 *Mr. Weber. Do you vote on whether to use -- to submit
2351 those as the Commission or is that something you just
2352 decide?

2353 *Ms. Rosenworcel. I have to go back and check, but I
2354 don't believe that has been the practice of the agency, but
2355 I make clear to my colleagues where we are going before we
2356 head to the World Radio Conference --

2357 *Mr. Weber. Do they make clear to you whether they
2358 agree?

2359 *Ms. Rosenworcel. Well, I think we have a good
2360 relationship, and I expect them to provide me feedback --

2361 *Mr. Weber. Okay.

2362 *Ms. Rosenworcel. -- whenever they feel like --

2363 *Mr. Weber. I'm just checking.

2364 Commissioner Carr, I am going to go to you. The United
2365 States is currently in the process of defining our wireless
2366 future by working to advance our spectrum policy interest at
2367 the WRC. Unfortunately, at the same time we are advocating
2368 for certain spectrum bands to be made available, the FCC
2369 lacks the authority to conduct auctions, as we all are
2370 painfully aware, or what was it the chair -- the woman from

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2371 California said, aggravated and worried.

2372 So, Commissioner Carr, do you think this undermines our
2373 credibility?

2374 *Mr. Carr. I think having auction authority going into
2375 WRC is of vital importance. Again, we are having lots of
2376 little mini debates in that context. The CCP allied
2377 entities want certain spectrum bands to be used for certain
2378 purposes. Our allied nations want to go a different way.
2379 When we have auction authority and can sit at that table, it
2380 is a wind at the back of our negotiator. So it isn't the
2381 U.S.'s geopolitical interests to have spection (sic)
2382 authority and to be -- spection (sic) auction authority and
2383 be moving forward, moving spectrum bands out.

2384 *Mr. Weber. You are going to help us place that
2385 through the Senate?

2386 *Mr. Carr. Happy to do it.

2387 *Mr. Weber. Okay. I thought so. Let me do a follow-
2388 up. You mentioned earlier that we need to reinstate auction
2389 authority and pass H.R. 3565 to ensure that China doesn't
2390 write our wireless future. It is almost as if they are not
2391 our friends. How involved is the FCC in security
2392 assessments of foreign actor's motivations when engaging in

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2393 global institutions such as the ITU for the U.S. and its
2394 allies to vacate or make certain bands available that
2395 countries like China will not permit at home? Did you catch
2396 all that?

2397 How involved is the FCC in security assessments, in
2398 security assessments of foreign actor's involvements when
2399 you are engaging with those global institutions such as the
2400 ITU? Chairwoman, maybe we will come to you.

2401 *Ms. Rosenworcel. Okay.

2402 *Mr. Weber. I see you writing. Go ahead.

2403 *Ms. Rosenworcel. Well, as a result of Congress
2404 passing laws like the Secure and Trusted Communications
2405 Networks Act and the Secure Equipment Act, we are now
2406 working with our national security authorities on these
2407 matters like never before. We have established
2408 relationships with them. We keep them abreast of how we are
2409 developing our recommendations and progress with the World
2410 Radio Conference.

2411 *Mr. Weber. So you are confident those will be in
2412 place and America will get the best deal possible, the
2413 safest and the best?

2414 *Ms. Rosenworcel. Yes, I am.

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2415 *Mr. Weber. Okay. Commissioner Carr, I will come back
2416 to you. When the Commission makes a spectrum decision,
2417 literally billions of dollars are spent by private industry,
2418 I think we have touched on this, to make the equipment and
2419 deploy the networks that bring the value of that decision to
2420 Americans in their homes and also on the move. But lately,
2421 some have been calling for the FCC to reverse its allocation
2422 decisions.

2423 So I am concerned about the impact on investment if the
2424 FCC were to do an about face after they have already made up
2425 their mind. I am concerned about the investment and what
2426 that will do to investors. Do you share that concern?

2427 *Mr. Carr. Yeah, we certainly need to, you know,
2428 provide certainty, and once we authorize and allocate
2429 spectrum, we have billions of dollars of investment, we
2430 should not be coming in behind after the fact and pulling
2431 the rug out from under us. It is bad in that instance and
2432 it is bad to attract the investment that we need to U.S.
2433 shores to continue to bridge the digital divide.

2434 *Mr. Weber. Is there a timeframe in there? In other
2435 words, you know, if you did it immediately, maybe not too
2436 bad, but if you did it a year or two later -- is it the

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2437 longer the time is the worst retraction, so to speak, or
2438 reversal would be?

2439 *Mr. Carr. Right, exactly. There is longer sort of
2440 reasonable investment backed expectations the longer the FCC
2441 would wait before taking such an action.

2442 *Mr. Weber. All right. Well, I am going to -- time is
2443 up. I am going to yield back, Mr. Chair.

2444 *Mr. Latta. Thank you. The gentleman yields back, and
2445 the chair now will recognize the gentlelady from Illinois
2446 for five minutes.

2447 *Ms. Kelly. Thank you, Chair Latta and Ranking Member
2448 Matsui, for holding this important hearing, and I have been
2449 in another committee, so excuse me for not being here for
2450 very long.

2451 I want to thank the commissioners for their testimony
2452 and all the work the FCC is doing to expand access to
2453 broadband infrastructure and lowering internet costs for
2454 Americans.

2455 For my constituents back home in Illinois, there is no
2456 dispute that expanding access to affordable highspeed
2457 internet services is one of the most beneficial things that
2458 can happen in a community. The impact of broadband

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2459 expansion on economic outcomes is significant resulting in
2460 improved life outcomes stemming from higher property values,
2461 increased job and population growth, and lowering
2462 unemployment rates. And my district is, as you know, urban,
2463 suburban, and rural.

2464 One such program helping to accomplish this is the
2465 Affordable Connectivity Program, or ACP. In Illinois, it is
2466 estimated that over 550,000 households are enrolled in this
2467 program which saved Illinoisans 16.6 million on their
2468 internet service. In my district, the 2nd Congressional
2469 District, it is estimated there are about 61,000 enrollees
2470 in the program, saving my constituents about 1.8 million on
2471 their internet bills. These are real savings for real
2472 people.

2473 Chair Rosenworcel, I have seen studies that estimate
2474 the existence of ACP can reduce by 25 percent the per
2475 household subsidy needed to build in rural areas. In fact,
2476 multiple Republican senators wrote to President Biden just
2477 yesterday in support of additional ACP funding. If we want
2478 government to go further in reaching our shared goal of
2479 closing the digital divide, why is it important that
2480 Congress end this committee work to maintain funding for

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2481 ACP, and when must the FCC begin preparing for the
2482 possibility that program will run out of money or will need
2483 funds?

2484 *Ms. Rosenworcel. The Affordable Connectivity Program
2485 is a big deal. It is the largest broadband affordability
2486 program in our Nation's history, and the thing is, if we are
2487 going to give out funds like we are in the BEAD Program to
2488 help deployment in rural areas, we got to make sure that
2489 people are going to show up and subscribe. So these
2490 programs work hand in glove, the BEAD Program and the ACP
2491 Program. We need to make sure the ACP Program continues so
2492 that the BEAD Program can also thrive.

2493 We anticipate that the funds could end for this program
2494 as they have been appropriated so far by as early as April
2495 of next year, so we got to start planning now and working
2496 with Congress now to make sure that this big, historic
2497 program to help close the digital divide and keep everyone
2498 online, and all the good it is doing can continue.

2499 *Ms. Kelly. Thank you for your response. I am chair
2500 of the Congressional Black Caucus Health Braintrust and have
2501 done a lot of work around maternal mortality and morbidity,
2502 so yesterday's announcement from the FCC on how the agency

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2503 is exploring the role of broadband connectivity and maternal
2504 health outcomes could not have come at a better time. As we
2505 know, broadband connectivity also leads to improved health
2506 outcomes.

2507 Can you talk about the importance of this data to help
2508 this country take strides to improve maternal mortality
2509 rates?

2510 *Ms. Rosenworcel. The U.S. is the only industrialized
2511 country with a rising level of maternal mortality. And for
2512 women who live in rural areas and black and Latino women,
2513 the numbers are even higher. It is unfair, it is not right,
2514 and we have got to fix it.

2515 So we are doing our part to contribute by looking at
2516 the data for broadband deployment and overlaying it with
2517 facts about maternal mortality. We know there are
2518 telemedicine and telemonitoring solutions for women in
2519 pregnancy and we want to make sure that they are available,
2520 and so our hope is that by pushing this data out, which is a
2521 combination of FCC data and data from the CDC and other
2522 places, we are going to get people to study it to tell us
2523 what patterns there are out there and what kind of
2524 telemedicine programs can help us address this crisis.

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2525 *Ms. Kelly. Thank you. I am one of the cochairs of
2526 the Data Mapping to Save Moms' Lives Act. Now quickly
2527 turning to spectrum, can you -- by letting auction authority
2528 lapse, is the U.S. at risk of losing our global leadership
2529 position with respect to technology and innovation?

2530 *Ms. Rosenworcel. Unfortunately, yes. We are going to
2531 have to get that authority back because when we have
2532 spectrum in the pipeline and we have auction authority,
2533 nobody innovates or creates like the U.S. when it comes to
2534 wireless services.

2535 *Ms. Kelly. And even with the current lack of auction
2536 authority, are the FCC and NTIA continuing to work with
2537 government users like DoD to identify new spectrum for
2538 deployment to ensure commercial access for 5G, IOT, and
2539 other technologies? Quickly.

2540 *Ms. Rosenworcel. We continue to talk to NTIA about
2541 those matters on an almost daily basis.

2542 *Ms. Kelly. Thank you.

2543 I yield back.

2544 *Mr. Latta. Thank you. The gentlelady yields back,
2545 and the chair now recognizes the gentlemen from Georgia's
2546 12th District for five minutes.

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2547 *Mr. Allen. Thank you, Mr. Chairman, for holding this
2548 hearing today, and I want to thank you committee --
2549 witnesses for being here. It has been 15 months since this
2550 subcommittee last held an FCC oversight hearing, so we have
2551 lots to go over today, and I know lots has been said so far.
2552 Commissioner Carr, it has been over three months since
2553 the FCC spectrum auction authority expired. I have a lot of
2554 constituents waiting to be provided 5G service with that 2.5
2555 gigahertz spectrum band that you mentioned in your
2556 testimony. Can you explain what is going on with the
2557 licensing of the spectrum band?

2558 *Mr. Carr. Yeah, actually I think the FCC's authority
2559 to issue those 2.5 gigahertz licenses is clear, and I think
2560 the statutory analysis is very straightforward. Our Section
2561 309(j) authority to conduct new auctions has expired. Our
2562 Section 309(a) authority to issue licenses, including
2563 licenses won at previous auctions has not expired. In fact,
2564 if you look at the FCC decision to issue licenses won at
2565 auctions, we cite our 309(a) authority, which again is
2566 continuing, not our 309(j) authority.

2567 In fact, there was a very similar case basically
2568 directly on point, a 2003 case, Ranger Cellular, where our

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2569 then lottery authority expired, including language that
2570 said, shall issue, but our 309(a) authority continued and
2571 the FCC issued those licenses. Our general counsel went to
2572 the D.C. Circuit and said, effectively, it doesn't make any
2573 sense to read that the statute having to do with our then
2574 lottery authority having expired prevented us from issuing
2575 licenses.

2576 And so this is why I think you say four FCC general
2577 counsels write a letter from various administrations saying
2578 that we can move forward with our licensing of that
2579 spectrum. I am a former general counsel, so maybe there is
2580 five now that agree with that view. And if we did so, it
2581 would effectively light up spectrum for 50 million
2582 Americans, and in many cases, this is spectrum that the
2583 radios, the antennas are already up there. So with the flip
2584 of switch we can bring 50 million Americans across the
2585 digital divide, or get them better service, I think that is
2586 something that we should take right now.

2587 *Mr. Allen. So let me understand. How do we get that
2588 done and how do we have a sense of urgency about getting
2589 this done? How do we fix this?

2590 *Mr. Carr. Well, it would require an action by the

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2591 Commission. It is one that I support, but I let my
2592 colleagues sort of speak for their views.

2593 *Mr. Allen. Okay. Is it possible for the United
2594 States to lead the world in 5G and 6G if we do not have a
2595 robust midband spectrum pipeline like the major economies
2596 that we compete with?

2597 *Mr. Carr. We have to make more progress on midband.
2598 When I first started at the Commission, the first four
2599 years, we moved a lot of midband spectrum out the door. We
2600 need to sort of double down and get back on moving midband
2601 spectrum at the same pace that we did there. I put forward
2602 some ideas on how we could do that. I have a spectrum
2603 calendar out there, including some midbands. We need to
2604 move a little faster on that.

2605 *Mr. Allen. In 2021, Democrats created a 7.1 billion
2606 Emergency Connectivity Fund to support distance learning.
2607 Is there still a need for this fund given schools have
2608 returned to in-person instruction and the E-rate program is
2609 already in place?

2610 *Mr. Carr. Well, most directly, we still have a lot of
2611 funding left over, my understanding, in ECF at the moment.

2612 *Mr. Allen. So is that funding still needed or should

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2613 it be clawed back?

2614 *Mr. Carr. Well, fundamentally, we should take a
2615 broader relook at all of these programs including, to your
2616 point, the Move Back to School, and see what continues to be
2617 necessary. But ECF right now is ongoing because the funding
2618 remains.

2619 *Mr. Allen. Chair Rosenworcel, why hasn't the FCC
2620 implemented the Inspector General's recommendation to
2621 request the last four digits of an applicant's Social
2622 Security Number as a fraud prevention tool?

2623 *Ms. Rosenworcel. Well, we invite any applicant for
2624 the ACP to put in their Social Security Number information,
2625 but as you might know, when Congress passed the Bipartisan
2626 Infrastructure Law, it also made eligible for the ACP
2627 households with a student on the Free and Reduced Lunch
2628 Program and the Women, Infants, and Children Program. Both
2629 of the programs do not require a Social Security Number, so
2630 what we have done in the alternative is say, well, you have
2631 got to prove that you are who you say you are, so you can
2632 submit, for instance, a military ID, or a passport, or
2633 something like that in the alternative.

2634 *Mr. Allen. So the ACP applicants should provide the

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2635 last four digits of their Social Security Number?

2636 *Ms. Rosenworcel. There -- you have to prove you are
2637 who you say you are. So you can provide a Social Security
2638 Number, but you could also provide a taxpayer identification
2639 number or a military ID, like I just described.

2640 *Mr. Allen. Okay. Well, good. I have got a couple
2641 more questions, I will submit those, but I am out of time,
2642 so I yield back, Mr. Chairman.

2643 *Mr. Latta. I thank the gentleman. He yields back.
2644 The chair now will recognizes the gentlelady from Michigan
2645 for five minutes.

2646 *Mrs. Dingell. Thank you, Chairman Latta and Ranking
2647 Member Matsui, for holding this important hearing, and to
2648 all of you for, I know your favorite thing, to come before
2649 the Energy and Commerce Committee.

2650 As COVID-19 pandemic highlighted, the work that you all
2651 do is vital to our economy, our emergency services and
2652 communications networks, and national security. Broadband
2653 and spectrum access remains essential for every American to
2654 participate in rapidly innovating medical services,
2655 educational opportunities, crucial protections, the digital
2656 economy.

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2657 So I want to focus on a number of important issues. I
2658 know you have talked about some others, but I am always
2659 worried about emergencies, domestic abuse, and things like
2660 that. Many of my colleagues today have mentioned the
2661 expiration of the FCC spectrum auction authority. Tied to
2662 the lapse in the FCC spectrum auction authority are critical
2663 investments in the Next Generation 911. These delays are
2664 having a significant impact on our ability to upgrade 911
2665 capabilities and modernize our emergency services
2666 infrastructure, including innovations that could have a
2667 profound impact on vulnerable individuals.

2668 Chairman Rosenworcel, how would advancements made
2669 through investments in NG 911, such as texts to 911, assist
2670 in protecting survivors of domestic violence and strengthen
2671 steps the FCC is taking to implement the Safe Connections
2672 Act?

2673 *Ms. Rosenworcel. I really appreciate you asking this
2674 question. It is vital that we upgrade 911 in this country.
2675 The 6,000 public safety answering points that are out there
2676 that take our 911 calls, many of them are still operating in
2677 the analog era. We want to make sure that they have all the
2678 technologies that we would expect them to have in the

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2679 digital age. So if you call, you should be able to reach
2680 out and have a discussion, you should be able to text, you
2681 should be able to send pictures and information, your
2682 healthcare records should be available.

2683 All of those things are possible with Next Generation
2684 911. They are going to make it easier for more people to
2685 safely reach out for help in crisis. So that is why I think
2686 the Spectrum Reauthorization Act, spending on a nationwide
2687 upgrade for 911, is so important.

2688 *Mrs. Dingell. Thank you. Recent reporting has
2689 indicated that a number of websites offering mental health
2690 crisis resources across the country that are tied to the
2691 National 988 Suicide and Crisis Lifeline have shared data
2692 with Meta due to information collected by pixels on their
2693 web pages. In many cases, users tap on a dedicated call
2694 button on these websites that will immediately reach 988 or
2695 a local line for mental health services. But the use of
2696 this site or button also triggers these pixels which then
2697 transfers data to Facebook sharing intimately personal
2698 information about the user during this time of need.

2699 These pixels and other external ID factors can then be
2700 used to match web users to their Facebook accounts or other

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2701 profiles for advertising. I think we can all agree that
2702 anyone reaching out to these services for help wants to
2703 remain anonymous and should be able to remain anonymous.

2704 Madam Chairwoman, how is the FCC working with the
2705 Substance Abuse and Mental Health Services Administration
2706 and other organizations associated with the National 988
2707 Suicide and Crisis Lifeline to ensure that personal
2708 information of Americans utilizing this service remains
2709 anonymous and protected through whatever medium they use to
2710 seek aid?

2711 *Ms. Rosenworcel. We have developed a very close
2712 relationship with the Substance Abuse and Mental Health
2713 Services Administration because I want to make sure that
2714 privacy and confidentiality are part of all of our policies.
2715 But the situation you described is totally unacceptable. I
2716 am not clear that it violates the Communications Act, but I
2717 am fairly confident it violates some law maybe involving
2718 healthcare, and so we will go back to our enforcement bureau
2719 --

2720 *Mrs. Dingell. You really do need --

2721 *Ms. Rosenworcel. -- and identify what is going on and
2722 see what we can do to help you fix that. And if it is not

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2723 us, we want to be able to direct you to the right people to
2724 do it.

2725 *Mrs. Dingell. It is a major issue. I had a suicidal
2726 young person who then got public and it became worse.

2727 Lastly, I am cochair of the 5G and Beyond Caucus and
2728 the AV Caucus so I would like to focus a few questions on
2729 promoting the new technologies of the future and help close
2730 the digital divide. Chairwoman Rosenworcel, do you see the
2731 advent of fixed and mobile 5G as a tool for connecting
2732 communities and promoting developing technologies, like
2733 autonomous vehicles, is this a good development for
2734 consumers?

2735 *Ms. Rosenworcel. Yes.

2736 *Mrs. Dingell. Okay. The rest of the commissioners,
2737 because you should have a chance to talk, do you agree with
2738 the chairwoman, is this a good development for consumers,
2739 yes or no, and why?

2740 *Mr. Carr. Yes, I do. Yes.

2741 *Mr. Starks. Yes, I agree as well.

2742 *Mr. Simington. Yes, I agree, and it will also help
2743 them in their working lives as we expand the ability of 5G
2744 to enhance industrial production and keep us competitive.

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2745 *Mrs. Dingell. Thanks again to all of you for being
2746 here today and for your service to the American people.

2747 And while we are talking about the FCC, Congress needs
2748 to do its job and fund the Affordable Connectivity Program
2749 that continues to be a critical lifeline for families, and
2750 we need to ensure it remains funded.

2751 Thank you, Mr. Chair, and I yield back.

2752 *Mr. Latta. Thank you. The gentlelady yields back,
2753 and the chair recognizes the gentleman from Ohio's 12th
2754 District for five minutes.

2755 *Mr. Balderson. Thank you, Mr. Chairman, and thank you
2756 all for being here today.

2757 My first question is for Commissioner Carr. The FCC is
2758 an immensely important agency regulating media, auction, and
2759 relocate spectrum and helping get Americans connected
2760 amongst many other things within their purview. During a
2761 recent markup, this committee passed Mr. Carter's H.R. 3557,
2762 the American Broadband Deployment Act. I included an
2763 amendment in that bill that would help streamline the
2764 permitting process for deployments over or under rail
2765 crossings.

2766 Commissioner Carr, outside of congressional action,

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2767 what can the FCC do to streamline the permitting process for
2768 deployments across rail crossings?

2769 *Mr. Carr. Well, thank you, Congressman, for your
2770 leadership. I think the legislation that you have
2771 introduced has identified a real serious problem. I have
2772 tried to spend a lot of time in this job on the road meeting
2773 with the telecom crews that build out fiber and other
2774 connections, and right from the get-go they said that
2775 railroad crossings is just a really difficult issue in terms
2776 of the timelines of getting approval and the cost. And I
2777 think our jurisdiction to do something about that is --
2778 would be very stretched, so I think that we really need
2779 something like your legislation to pass.

2780 *Mr. Balderson. Okay, thank you very much for that
2781 answer.

2782 Madam Chairwoman, the FCC under the Trump
2783 administration, took a number of steps to streamline the
2784 permitting process with their rulemakings, specifically when
2785 it comes to wireless deployment. Do you plan on retaining
2786 these rules and interpretations once the FCC returns to its
2787 full complement of commissioners?

2788 *Ms. Rosenworcel. To the extent that they have been

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2789 upheld in court, yes. But I do want to also acknowledge
2790 this, that we have got to streamline permitting procedures,
2791 but we got to be mindful that most people don't like
2792 Washington telling them what they can and can't do in their
2793 own backyards. And we are going to have to figure out a way
2794 to cooperatively work with communities to get this network
2795 infrastructure deployed, and I don't want those
2796 relationships to be hostile, friction-filled, or aggressive.
2797 We are going to have to work with local municipalities to
2798 make sure next generation network infrastructure gets out
2799 there.

2800 *Mr. Balderson. Okay. I look forward to that, thank
2801 you.

2802 Back to you, Commissioner Carr. I wanted to follow up
2803 with you on the permitting process. What lasting impact has
2804 the Pai Commission's action on broadband deployment?

2805 *Mr. Carr. I think it has been incredibly successful.
2806 I you just look at small cells, for instance, back in 2016
2807 new small cell builds in this country had effectively
2808 flatlined, we had something like 708 new cell sites go up.
2809 I think some of the data I saw from 2019, for instance, show
2810 that we had 64,000 new cell sites go up.

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2811 So infrastructure reform really matters, and it paid
2812 off during COVID-19. We had robust resilient networks
2813 because of those infrastructure reforms. Flash forward to
2814 Europe, their top regulators were asking their streamers to
2815 degrade the quality of their video content because they were
2816 afraid that the continent's networks were going to break.

2817 Our networks perform very, very well, and I think at
2818 least part of that is due to the infrastructure reforms that
2819 were -- that led from 2017 forward.

2820 *Mr. Balderson. Okay, thank you very much. My next
2821 question is for Commissioner Carr and Commission Simington.
2822 You have been sitting there pretty quiet. Shifting gears to
2823 spectrum. Coordination between the FCC and the NTIA is
2824 crucial when the FCC is deciding on spectrum action.
2825 Congress has made several efforts at increasing coordination
2826 between the FCC and the NTIA, be it through my bill, the
2827 Spectrum Coordination Act, or through the recent spectrum
2828 auction reauthorization bill approved by this committee.

2829 Commissioners Carr and Simington, can you tell me how
2830 coordination with the NTIA has improved throughout your time
2831 serving on the Commission?

2832 *Mr. Carr. Well, it is always a challenge. At the end

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2833 of the day, NTIA is intended to represent a lot of federal
2834 users, and the entire spectrum process in this country works
2835 better when federal users filter their views into NTIA and
2836 then NTIA, with authority, can represent the views of
2837 federal users to the FCC, and then we do what Congress
2838 intended, which was we make the final decision on whether
2839 this spectrum band can work here or what power level.

2840 The challenge we have seen, this isn't unique to this
2841 administration, we saw in the last administration, is once
2842 the FCC's experts call the ball, we see a lot of collateral
2843 attacks on that decision from federal agencies. So I think
2844 what would be good through legislation or otherwise is
2845 reinforcing Congress's decision that the FCC is the central
2846 authority for making spectrum allocation decisions and that
2847 NTIA needs to be empowered to really speak for the federal
2848 agencies with one voice.

2849 *Mr. Balderson. Okay. Mr. Simington, you have 20
2850 seconds.

2851 *Mr. Simington. Thank you. I used to serve at the
2852 NTIA. The NTIA is a very sophisticated organization
2853 scientifically but it is a small organization. It has much
2854 -- it has 200 people as opposed to tens of thousands at some

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2855 other agencies. If other agencies freelance, and don't
2856 operate through the NTIA, and don't treat the NTIA as a
2857 convening center for their views, then the FCC will then be
2858 unable to coordinate with anyone.

2859 *Mr. Balderson. Okay, thank you both very much.

2860 Mr. Chairman, I yield back.

2861 *Mr. Latta. Thank you. The gentleman yields back, and
2862 the chair now recognizes the gentleman from Utah for five
2863 minutes.

2864 *Mr. Curtis. Thank you, Mr. Chairman and the Ranking
2865 Member.

2866 I have listened to my colleagues comments and
2867 questions. I have some that were originally questions and I
2868 would just like to now comment on your responses and re-
2869 emphasize that they are important to me as well.

2870 The first is the 988 number and the issue with
2871 responding to the area code versus the actual location, so
2872 let me just weigh in on that also being important.

2873 The second is this issue of 2.5 gigahertz spectrum and
2874 the industry not feeling like the FCC has been responsive in
2875 answering the questions. I know you have answered that, so
2876 I am not going to ask you to answer that again, but I just

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2877 want to weigh in on the importance of also communicating
2878 with industry and helping them understand your position.

2879 The third, Chairwoman, I noted your recent letter to
2880 Senator Grassley recognizing the agency's lack of
2881 jurisdiction in the online video marketplace and rightly
2882 demonstrating regulatory restraint. I just want to echo
2883 those sentiments and caution the Commission from taking
2884 action that would attempt to shoehorn an old TV regulation
2885 into the growing MVPD marketplace.

2886 Now to a question or two. Madam Chair, the FCC
2887 Inspector General and Government Accountability Office has
2888 issued reports about fraud and the lack of antifraud
2889 controls in the Affordable Connectivity Program. The
2890 Inspector General has made some recommendations for
2891 improving the program's oversight. What steps has the FCC
2892 taken in response to those reports and safeguards program --
2893 and safeguarding the program from waste, fraud, and abuse?

2894 *Ms. Rosenworcel. Thank you. We are doing everything
2895 we can to make sure that this program runs with -- that it
2896 is strong and it is run with structural integrity.
2897 Remember, Congress asked us to set up the Affordable
2898 Connectivity Program in 60 days. In 60 days the people

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2899 sitting before you built the biggest broadband affordability
2900 program ever. And so when the Inspector General makes
2901 recommendations, we take a look at them and we identify what
2902 we can implement and how fast we can implement.

2903 We have put new fraud controls in, we have changed our
2904 vendors for different language and translation services, we
2905 have also made adjustments to make sure that all of the --
2906 that there are no commissions for those who reach out and
2907 try to sign people up for these services. We have taken a
2908 lot of their recommendations and put them to work.

2909 *Mr. Curtis. Thank you.

2910 Commissioner Carr, did you have any response on that?

2911 *Mr. Carr. Yeah, look, we have to obviously stay very
2912 vigilant on this. One idea that I have thought about is
2913 attempting to formalize the process of the FCC Commission's
2914 consultation with the Inspector General. I have spoken to
2915 the Inspector General before we have moved forward, and the
2916 chair and her team have as well, but that is not formalized.

2917 I think one idea maybe going forward is to when we have
2918 big spending initiatives above some threshold, or maybe all
2919 of them, we consult with the Inspector General and we put
2920 their recommendations in the FCC order and we can respond to

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2921 it. Hopefully we are agreeing with them, but we can at
2922 least respond to what the IG said.

2923 If we formalize that process, I think maybe that could
2924 help us catch a little bit more of this on the front end.

2925 *Mr. Curtis. Thank you.

2926 *Ms. Rosenworcel. I do want to acknowledge that in our
2927 draft Affordable Connectivity Program order, we shared it
2928 with the Inspector General to take in those kind of
2929 recommendations.

2930 *Mr. Curtis. Thank you, thank you.

2931 Let me switch gears a little bit. I represent a large
2932 rural district. They are very concerned about Rip and
2933 Replace, as all of us are. The funds are not there for them
2934 to complete their work. I am just curious, to all of the
2935 commissioners, have you heard from providers that will be
2936 shutting down their networks if they don't receive the full
2937 reimbursement, and what are you hearing, and what solutions
2938 do you have? Madam Chair?

2939 *Ms. Rosenworcel. We are going to need help from
2940 Congress to make sure we fully fund this program so that we
2941 can take this insecure Chinese equipment out of our Nation's
2942 networks. Right now those small carriers that rely on this

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2943 program have a really hard choice. They can rip that
2944 equipment out of their networks but be paid a limited amount
2945 of money to do so, or they could leave it in and make sure
2946 that those networks are not secure, and it is not something
2947 that we are going to be able to tolerate in the United
2948 States.

2949 *Mr. Curtis. Not a good choice.

2950 *Ms. Rosenworcel. We are going to need your help on
2951 this.

2952 *Mr. Curtis. Yeah. Anybody else want to weigh in on
2953 that? Good.

2954 All right, thank you, Mr. Chairman, I yield.

2955 *Mr. Latta. Thank you. The gentleman yields back, and
2956 the chair recognizes the gentleman from Texas's 33rd
2957 District for five minutes.

2958 *Mr. Veasey. Thank you, Mr. Chairman.

2959 I wanted to first of all really thank the panel for
2960 coming in and talking about their vision for connectivity,
2961 for digital connectivity, particularly here in the United
2962 States, and the Affordable Connectivity Program is what I
2963 really wanted to focus on today. One of the reasons why is
2964 because it is such a great example of a program that is

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2965 working, whether it is an urban district like the one that I
2966 represent, or in a rural district like many of our
2967 Republican colleagues represent, it is tremendous what it is
2968 doing to change family's lives and what a positive impact
2969 that is has made in 18 million households across this
2970 country.

2971 People that weren't connected before finally have an
2972 opportunity to do that, and being able to do it affordably
2973 and not have to make the choice between whether or not they
2974 should be connected with the rest of the world or whether or
2975 not they, you know, have to, you know, pay other bills. And
2976 so it has just been a great program.

2977 And, Chairwoman Rosenworcel, I want to commend you and
2978 the Commission on setting up ACP and its predecessor, EBB,
2979 so quickly and particularly under challenging circumstances
2980 that we faced. But it wasn't a set it and forget it
2981 situation, and I know that lots of improvements have been
2982 made to the program and, unfortunately, the media always
2983 talks about the waste, and the fraud, and that is what gets
2984 the headlines. And so the 18 million people that I talked
2985 about earlier whose lives have been positively changed
2986 because of this program, to me the system is working as it

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2987 is supposed to be working and people are connected that
2988 weren't before, and that is what we have to keep in mind.

2989 Can you talk to us, Chairwoman, about the improvements
2990 and integrity measures that you have made and implemented to
2991 ensure that ACP is on firm footing?

2992 *Ms. Rosenworcel. Well, first of all, thank you, I
2993 know that you played a big role in getting the predecessor
2994 to this program, the Emergency Broadband Benefit, set up,
2995 and then Congress took a look at that work and decided to
2996 continue it, and that is why we have the Affordable
2997 Connectivity Program today.

2998 Like I mentioned a second ago, we had to set it up in
2999 60 days. Congress gave us 60 days. That is a little bit
3000 like building a plane when it is in the air. But we did it,
3001 and we have 18 million, 19 million households that rely on
3002 it now.

3003 So every time we identify a problem, we are swift to
3004 make change. For instance, the Inspector General identified
3005 a problem with subscribers in community eligible
3006 participation schools. Over the course of two to three
3007 days, we shut down that pathway, required additional
3008 documentation, did a reverification of everyone who had

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3009 previously applied under that requirement, I mean -- and we
3010 sent any problematic findings off for enforcement and
3011 investigation. I think that is exactly what you want.

3012 *Mr. Veasey. Yeah.

3013 *Ms. Rosenworcel. You run a problem, you make sure it
3014 has structural success and integrity, and you do that by
3015 taking in any criticisms and acting on them in a fast and
3016 expeditious way.

3017 *Mr. Veasey. Yeah. No, no, I think that is absolutely
3018 right. And you mentioned also in your testimony that
3019 current projections suggest that ACP funds could run out
3020 within a year, and there are currently, again, 18 million
3021 Americans enrolled. If that happens and this program does
3022 wind down, what processes are in place to prevent consumers
3023 from certainly losing the discount and facing unexpected
3024 bills, and when would providers need to start informing
3025 customers in our districts that this benefit is no longer
3026 available?

3027 *Ms. Rosenworcel. These are very good questions, and
3028 we are taking a look at all of them right now. First things
3029 first, we want to make sure that Congress continues to fund
3030 this program. We built the biggest broadband affordability

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3031 program in our Nation's history, so let's keep the good
3032 stuff going, and we would like to work with you to do that.

3033 But come this fall, we will have to make hard decisions
3034 about what kind of choices will need to be made to wind this
3035 program down if Congress does not provide an additional
3036 appropriation, and we are taking a look at all of those
3037 issues right now.

3038 *Mr. Veasey. Yeah. Well, thank you very much. Well,
3039 I -- it is -- like I said earlier, it has made a big
3040 difference, from kids being able to do their homework in a
3041 more efficient manner, people being able to explore
3042 starting, you know, a new business one day. And as this
3043 digital economy continues to grow, we want to make sure that
3044 lower income communities can participate because it can
3045 change lives. I appreciate your testimony today.

3046 And, Mr. Chairman, I yield back.

3047 *Mr. Latta. The gentleman yields back. Just to remind
3048 members, votes will be called at 1:15. And the chair now
3049 recognizes, let's see, who do we have, okay, the gentlelady
3050 from Tennessee for five minutes.

3051 *Mrs. Harshbarger. Thank you, Mr. Chairman. Thank you
3052 all for being here today.

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3053 And I guess my first question is to Commissioner Carr.
3054 You know, I am excited about the potential benefits and
3055 economic development that can happen in my district with 5G.
3056 For example, the fixed wireless broadband is quickly
3057 growing, and I have a mountainous region in East Tennessee,
3058 and that has incredible potential for unlocking smart
3059 manufacturing, precision agriculture, and a whole lot more.

3060 So how can the FCC ensure that wireless carriers have
3061 the right type of spectrum and other tools they need to get
3062 the 5G services to the people I serve?

3063 *Mr. Carr. We need to -- thank you for the question.
3064 You know, we need to obviously continue to push spectrum out
3065 there. I think obviously the 2.5 gigahertz is one band that
3066 we could allow carriers to light up immediately. We also
3067 have to be sensitive, not just the FCC but Commerce
3068 Department, on the BEAD Program, that we allow a range of
3069 technologies to compete. At the end of the day when
3070 Congress passed IIJA, the infrastructure act, they did so
3071 making clear that they wanted to be technology neutral.

3072 So we want a ton of fiber in this country, but there
3073 are pockets where fixed wireless could bridge the digital
3074 divide almost overnight, and so we need to leave room for

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3075 those technologies to compete as well.

3076 *Mrs. Harshbarger. I know there was, you know, some
3077 legislation. I talked to our senators, you know, fiber is
3078 probably what people would prefer but if you can't get it
3079 and you need to get up and going because there is many rural
3080 areas where -- I have two distressed counties where they
3081 have to, you know, drive to Walmart or McDonald's to
3082 download their lessons. We need something.

3083 So -- and this goes to Chairwoman. As the FCC handles
3084 more space related applications and actions at the staff
3085 level it is important that there is a process in place for
3086 the elevation of certain decisions to the commissioner
3087 level. Some of the decisions are on controversial matters
3088 that arguably should be made by the commissioners who can be
3089 held accountable. And I guess my question to you is, can
3090 you please explain what the current practice is for
3091 elevating decisions for commissioner level review?

3092 *Ms. Rosenworcel. There is a mix of different
3093 precedential authorities here. For instance, if the
3094 Commission has previously acted on these issues or
3095 comparable issues, we can assign them to bureau authorities.
3096 There are other times where the Commission actually

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3097 delegates certain tasks to the bureaus.

3098 *Mrs. Harshbarger. Mm-hmm.

3099 *Ms. Rosenworcel. There is a lot of stuff that comes
3100 before the FCC on any given day.

3101 *Mrs. Harshbarger. Yeah.

3102 *Ms. Rosenworcel. And we have to figure out how to
3103 process it expeditiously, so that takes a mix of Commission
3104 and bureau level action to do so.

3105 *Mrs. Harshbarger. Okay, thank you for that answer.
3106 And with that, Mr. Chairman, I yield back.

3107 *Mr. Latta. Thank you. The gentlelady yields back,
3108 and the chair will now recognize the gentleman from Idaho
3109 for five minutes.

3110 *Mr. Fulcher. Thank you, Mr. Chairman and
3111 Commissioners, for being here today.

3112 I would like to speak about spectrum just a little bit,
3113 in particular shared licenses. And with less and less
3114 Greenfield and clear spectrum available, where is the
3115 Commission when it comes to pursuing shared license options
3116 to ensure federal users like DoD, private users can utilize
3117 these bands at even faster speeds? And I would like to get
3118 everybody's input, if I may so, Chairwoman Rosenworcel, if

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3119 you could begin, please.

3120 *Ms. Rosenworcel. I think that is a really smart
3121 question because we are not making more airwaves, we got to
3122 get creative about how we use them. And I think one of the
3123 best exercises of that creativity has been our work in the
3124 3.5 gigahertz band where we have created a hierarchy of
3125 rights where there is a military right that they can preempt
3126 at any time, but we created secondary rights and sold off
3127 licenses, and beneath that, we made the spectrum more
3128 broadly available for unlicensed and Wi-Fi purposes. I
3129 think that's a model of creativity and we have got to study
3130 models like that and see if we can export them into the
3131 future because identifying Greenfield spectrum, just like
3132 you mentioned, is going to get harder and more difficult.

3133 *Mr. Fulcher. Chairman Carr?

3134 *Mr. Carr. Yeah, I agree with the chair. At the end
3135 of the day, we need to provide a mix of different spectrum
3136 bands, not just, you know, where it is, low, mid, high, but
3137 exclusive use, shared, unlicensed. We have to strike the
3138 right balance there.

3139 *Mr. Fulcher. Okay. Chairman Starks -- or
3140 Commissioner Starks.

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3141 *Mr. Starks. Yes, thank you for the question. I
3142 completely agree with my colleagues. You know, the
3143 additional thing that I would say, obviously, the physics of
3144 it matters, where you are in particular bands. The FCC has
3145 outstanding engineerings -- engineers that we work with, and
3146 they certainly keep us well-informed.

3147 *Mr. Fulcher. Commissioner Simington?

3148 *Mr. Simington. Thank you. My colleagues have already
3149 said a number of very, very smart things, and I am going to
3150 more or less agree with all of them. I would note also that
3151 in Chinese deployments of 5G, they often operate in private
3152 networks, of which China has a very high density compared to
3153 the United States indoors and at relatively low power
3154 levels, thus providing support for manufacturing and other
3155 industrial facilities, so that is something we should
3156 explore as well.

3157 *Mr. Fulcher. Okay, thank you for that. And that is
3158 kind of a lead in for where I wanted to go next, and we will
3159 just go in reverse order, if we may, because I would like to
3160 get all of your input on this as well, and it has to do with
3161 the mix of licenses, if you will.

3162 So as Congress seeks to support FCC's spectrum auction

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3163 authority, where do you see the value to Americans when it
3164 comes to this mix, shared license, unlicensed, and exclusive
3165 licensed spectrum? What is the value to Americans in that
3166 mix? So Commissioner Simington can start, please.

3167 *Mr. Simington. Absolutely. So full power exclusive
3168 use licenses allow for the most detailed network
3169 engineering, and companies that are going to try to cover
3170 large amounts of terrain with sophisticated network
3171 engineering need the certainty that they have control of
3172 that band in order to deploy the huge capital costs of
3173 covering an entire country with, for example, wireless
3174 telephony.

3175 On the other hand, unlicensed spectrum has -- is where
3176 the Wi-Fi industry came from. It allows anyone to get in
3177 and start innovating and having a mix of unlicensed spectrum
3178 available allows for an explosion in diversity of services,
3179 sometimes ones that start with very low investment but can
3180 grow.

3181 And, finally, as far as shared spectrum, shared
3182 spectrum is often the model that we are looking at when
3183 there are a number of services that have different
3184 operational characteristics and can share the same band or

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3185 that are operated at different times and can be synchronized
3186 -- can be offset in time so that their heavy traffic in one
3187 direction when that is what is needed and then at other
3188 times they turn off. So, for example, the radar comp rate.

3189 *Mr. Fulcher. Okay.

3190 *Mr. Simington. We need them all.

3191 *Mr. Fulcher. Great, thank you. Commissioner Starks?

3192 *Mr. Starks. I agree with my colleague there,
3193 Commissioner Simington. The two things that I would
3194 additionally add is we are also advised by the Technical
3195 Advisory Council, which frequently gives us great ideas, but
3196 in particular, the thing that I would foot stomp is Wi-Fi
3197 has produced billions and billions if not trillions --

3198 *Mr. Fulcher. Right.

3199 *Mr. Starks. -- of additional dollars of economic
3200 impact to the United States and to Americans everywhere.

3201 *Mr. Fulcher. Right, got it. Commissioner Carr, once
3202 again it is the -- regarding the mix of licenses, the value
3203 to Americans.

3204 *Mr. Carr. Yeah, I agree with the comments that my
3205 colleagues made. Mr. Simington put it very well. You know,
3206 we made -- in the near term, we have made a lot of progress

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3207 on unlicensed. For instance, we opened up about 1200
3208 megahertz of spectrum and six gigahertz. Obviously we can
3209 always open up more, but we need to continue to put emphasis
3210 on some of the licensed spectrum as well, given some of the
3211 recent unlicensed progress we have made, and I think that
3212 will get us back to a more balanced approach.

3213 *Mr. Fulcher. Thank you.

3214 Chairwoman Rosenworcel?

3215 *Ms. Rosenworcel. I think my colleagues have all made
3216 good points. The bottom line is that good spectrum policy
3217 requires a mix of licensed and unlicensed services and
3218 exclusive and shared use propositions.

3219 *Mr. Fulcher. Great.

3220 *Ms. Rosenworcel. And we constantly have to be
3221 recalibrating to make sure we are making the right balance
3222 in our skies.

3223 *Mr. Fulcher. Thank you. Commissioners and Mr.
3224 Chairman, I do have more questions, but I am out of time, so
3225 I am going to send those to you in writing. Mr. Chairman, I
3226 yield back.

3227 *Mr. Latta. Well, thank you. The gentleman yields
3228 back. The chair now recognizes the gentlelady from Florida

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3229 for five minutes.

3230 *Mrs. Cammack. Thank you, Mr. Chairman, and thank you
3231 to all our witnesses for being here today.

3232 With regard to all of the commentary surrounding
3233 spectrum, I just want to say ditto. I know that so many of
3234 my colleagues up here today have touched on this issue, so
3235 it -- there is no need for me to go into that. But I just
3236 want to open up with saying I think very few Americans
3237 really understand how much their everyday life is impacted
3238 by the work of the FCC, and so thank you to you all for
3239 everything that you have done and will continue to do.

3240 And I am just going to jump right into the Cable Act.
3241 So, as you all know, in 1992 Congress passed the Cable Act
3242 to promote competition and provide consumers with expanded
3243 video choices. Today, the robust media marketplace has
3244 expanded far beyond cable TV, providing consumers for many
3245 options to watch videos and beyond. Now with the
3246 possibility of a fifth commissioner joining your team, I
3247 would caution the FCC in taking any action that would apply
3248 outdated, burdensome regulations to a flourishing
3249 marketplace.

3250 So, Chairwoman, and correct me if I am saying this

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3251 wrong, Rosenworcel?

3252 *Ms. Rosenworcel. Nice.

3253 *Mrs. Cammack. All right. Under former Chairman Pai,
3254 the FCC eliminated many unnecessary rules on the media
3255 industries. Do you commit to not reinstate any of the rules
3256 eliminated in the media modernization order?

3257 *Ms. Rosenworcel. I think there were more than 30
3258 rules that were eliminated or at least 30 proceedings on it.
3259 To be candid with you, I would rather go back and look at
3260 them than give you a uniform answer now. But many of them
3261 were outdated and it was an effort to adjust them and
3262 modernize them for the times. As you acknowledged, the ways
3263 we watch have changed, and I think that is a fair thing to
3264 recognize.

3265 *Mrs. Cammack. So just to go back to that, so you have
3266 no plans to institute new rules or regulations in this
3267 space?

3268 *Ms. Rosenworcel. We don't have anything before us at
3269 the agency involving those issues right now. And I am not
3270 certain if you are referring to something specifically.

3271 *Mrs. Cammack. Nope.

3272 *Ms. Rosenworcel. Okay.

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3273 *Mrs. Cammack. I appreciate that. And also while I
3274 have got you, the FCC is required to conduct its quadrennial
3275 review of media ownership rules every four years, and I
3276 believe that the most recent review is overdue. When can we
3277 expect to see that review from you?

3278 *Ms. Rosenworcel. We are working on it. We also
3279 started the -- last year's quadrennial review in December,
3280 and I know that this issue is also before the court in a
3281 mandamus petition, though the court has not actually asked
3282 us to respond to it yet.

3283 *Mrs. Cammack. Thank you.

3284 Commissioner Carr, anything to add?

3285 *Mr. Carr. Yeah, I do think we need to get going on a
3286 lot of those proceedings, including the quadrennial review.
3287 There is a lot of, you know, progress you can make. At the
3288 end of the day, you know, our guide star here has to be
3289 continuing to create an environment that is going to lead to
3290 investment in local journalism, local TV, local radio. When
3291 you look at newspapers across this country, something like
3292 2200 closed down over the past 15 years, and I am worried
3293 that newspaper could be the future for local radio, local
3294 broadcast.

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3295 It doesn't have to be that way, but we can't impose
3296 regulations that are going to make it more difficult for
3297 local broadcasters to thrive. They have an incredibly
3298 important business model, a lot of upside. We just can't
3299 saddle them with too much regulation.

3300 *Mrs. Cammack. I agree. I am very much a proponent of
3301 less government is better government, so I appreciate that.

3302 And I know that this issue has also been hit on a few
3303 times today, robocalls. I, like every American, despise the
3304 robocalls, the scammers, but scammer text messages, in
3305 particular. I know, Chairwoman, you and I have discussed a
3306 couple of ways we can address some of the robocall issues,
3307 but can you tell me one specific thing that you need from us
3308 in Congress to stop the scammer text messages?

3309 *Ms. Rosenworcel. Sure. As we all know, the scam
3310 artists are moving from calling us to texting us.

3311 *Mrs. Cammack. Yes.

3312 *Ms. Rosenworcel. And it is extraordinarily annoying
3313 and really dangerous because people click on that junk
3314 really easily and find that some bad actor can then go, you
3315 know, drain their bank accounts or cause them real harm.
3316 One of the things that I would like us to be able to do is

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3317 to take the TRACED back consortium that this committee made
3318 available in the TRACED Act, which is a group of carriers
3319 that actually identify junk calls on the line. I would like
3320 to take that technology and apply it to texting.

3321 *Mrs. Cammack. Wonderful.

3322 *Ms. Rosenworcel. We might need your help to do that.
3323 I am not clear whether or not we can make that happen under
3324 the TRACED Act, but it is absolutely something that has been
3325 successful for scam calls. I would like to now apply the
3326 same approach in the texting context.

3327 *Mrs. Cammack. Wonderful, thank you for that, and we
3328 will definitely follow up on that.

3329 And, finally, I know we are going to make a wild jump
3330 here into prisons, so stay with me. The contraband
3331 cellphone issue in our prison system is a very serious
3332 issue. I represent several of these prisons, both state and
3333 federal, in my district, and all of the major crimes
3334 committed have begun with a conversation, and nine times out
3335 of ten it is facilitated with a cellphone.

3336 So what can the FCC do specifically to encourage the
3337 adoption of technologies like managed access systems to
3338 prevent the illegal phones in our prison systems?

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3339 *Mr. Latta. If you could answer that in about 10 seconds.

3340 *Ms. Rosenworcel. Last year we adopted --

3341 *Mrs. Cammack. Sorry. Sorry, Mr. Chairman.

3342 *Ms. Rosenworcel. -- updated rules for managed access
3343 systems that were intended to streamline the process so that
3344 more correctional authorities can avail themselves of those
3345 systems.

3346 *Mrs. Cammack. Thank you.

3347 Mr. Chairman, I yield back.

3348 *Mr. Latta. Yep, thank you very much. The gentlelady
3349 yields back. The chair now recognizes the gentleman from
3350 Texas's 11th District for five minutes. And, again, we will
3351 probably be called here in about three minutes.

3352 *Mr. Pfluger. Thank you, Mr. Chair, and thank you all
3353 for being here. Chairwoman, it was nice to speak with you
3354 as well. It is good to see everybody here today.

3355 I represent the fourth most underserved district in the
3356 country, and the other districts that are, you know, one,
3357 two, and three are adjacent to me, so I would really like to
3358 speak on behalf of not just my own district, Midland and
3359 Odessa, San Angelo, the rural areas, the national security
3360 area that we talked about energy production, agriculture,

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3361 but also places like Lubbock, places like Amarillo, and a
3362 lot of West Texas throughout the Permian Basin.

3363 I have -- you know, just kind of looking back at the
3364 funds that have been distributed, and I just ran into my
3365 predecessor, Mike Conaway, in the halls walking here, and he
3366 brings me back to 2009, you know, and the conversations when
3367 he was chairman of the Agriculture Committee a couple of
3368 years later with the amount of funds that have been put
3369 towards getting access in Rural America. And, you know, it
3370 is hard to think about 6G when we are still, you know,
3371 waiting for 25/3 service in my own district.

3372 And, you know, I think that one of the things we have
3373 to focus on is the competition, commercialization and the
3374 competition with China, it is very important, so obviously
3375 6G is important. But when it comes to the maps and when it
3376 comes to prioritizing rural needs, whether it be precision
3377 agriculture or the production of energy, Chairwoman, can you
3378 maybe give us some assurance that, you know, before doing 6G
3379 that we are going to have, you know, actual service, just
3380 broadband service just in general in places like my
3381 district?

3382 *Ms. Rosenworcel. So with respect to wireless, we have

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3383 talked a lot about maps for wired but not wireless. And, in
3384 fact, we are actually developing the Nation's most accurate
3385 wireless maps right now, too. For the first time ever, we
3386 are getting all of our carriers to give us data based on the
3387 same metrics and same systems and the same assumptions.

3388 So what we are trying to do is identify where there is
3389 service, where you will get bars today, and where you won't.
3390 And once we get that down, we will be able to also identify
3391 what areas are going to need support for wireless service
3392 everywhere.

3393 One of the cool new tools we have is the FCC's Speed
3394 Test App. If you put it on your phone in an anonymized way,
3395 you can check the speed you are getting on your phone, but
3396 it will report right back to us and tell us where you are
3397 standing and what kind of speeds you get. So we are
3398 actually taking advantage of some crowdsourced information
3399 to make sure our inhouse mapping initiative for wireless is
3400 even more correct and even more accurate.

3401 *Mr. Pfluger. Is that mapping process taking into
3402 account community interaction and commercial partners as
3403 well?

3404 *Ms. Rosenworcel. Well, on the wired side, we have

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3405 done a lot of community outreach because a lot of states
3406 have -- and even localities and municipalities have
3407 broadband task force and broadband offices. So we are
3408 developing those ties right now because I don't think we are
3409 going to be able to produce all this data in Washington
3410 without asking people to check and tell us what is happening
3411 in the communities where they live.

3412 *Mr. Pfluger. Okay, great.

3413 Commissioner Carr, anything to add to that?

3414 *Mr. Carr. No, I think as we have discussed, you know,
3415 we have really an unprecedented influx of federal dollars
3416 designed to end the digital divide, and so it is not a
3417 funding challenge at the problem in terms of the buildout of
3418 infrastructure, it is a policy implementation. We have got
3419 to focus on the places of this country that have zero
3420 megabit over zero megabit. I want everybody to get the
3421 latest and the greatest, whether it is 6G, whether it is a
3422 hundred megabit service, but have to focus first and
3423 foremost on the places that are still on dial-up, still on,
3424 you know, almost nothing, because if we focus there, we can
3425 make a big difference with the funding that we have right
3426 now.

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3427 *Mr. Pfluger. Yeah. The chairwoman?

3428 *Ms. Rosenworcel. Yeah, I just want to make a plug for
3429 another map that we have which is called the Broadband
3430 Funding Map. Congress asked us to create it, and most
3431 people don't even know that it exists, but it is a map of
3432 all these programs that we are now presently funding, not
3433 just at the FCC, but at the Department of Commerce, the
3434 Rural Utilities Service, the Department of Treasury. We are
3435 trying to take in every single program and produce data on a
3436 single map so you can see what the government has funded,
3437 and you can go check and see what is happening in those
3438 areas, and you can also identify areas that we might have
3439 missed.

3440 I think that that map is just as important as our
3441 National Broadband Map, and it is one that I would certainly
3442 want this committee to be aware of as you look at our
3443 progress.

3444 *Mr. Pfluger. Well, thank you. And when we look at
3445 those maps, you know, again, I am going to highlight the
3446 national security issue of providing food for this country
3447 and providing energy, and I want to make sure that as we
3448 spoke about on the phone that there is no bias that is

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3449 inflicted by this agency, by the FCC when it comes to
3450 climate agendas and things that we have seen that -- there
3451 are biases that are out there, but providing broadband,
3452 providing coverage to the Permian Basin and the surrounding
3453 areas is very important.

3454 Mr. Chairman, my time is expired. I yield back.

3455 *Mr. Latta. Yeah, the votes have now been called. The
3456 gentleman from California is recognized for five minutes.

3457 *Mr. Obernolte. Well, thank you very much, Mr.
3458 Chairman, and thank you to the commissioners for a very
3459 interesting hearing.

3460 Chairwoman Rosenworcel, you said some things that I
3461 thought were really spot on in your testimony. You said
3462 that broadband isn't nice to have it is need to have. You
3463 also said you don't have a fair shot in the 21st century
3464 unless you have broadband at home, which I completely agree
3465 with, and that is why I think it is so important that you
3466 have created the broadband availability map to really
3467 highlight the need to extend infrastructure in parts of the
3468 country that don't have it.

3469 In perusing that map, I couldn't help but noticing that
3470 there is a huge hole in coverage right over my district,

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3471 both in fixed and in mobile broadband. And I know that a
3472 lot of our conversation at the hearing today has centered
3473 around affordability of broadband, but my point would be it
3474 doesn't matter how affordable broadband is if you don't have
3475 access to it, and many of my constituents don't.

3476 My constituents have kind of a unique problem in that
3477 so much of my district is in public ownership, either
3478 National Forest or Bureau of Land Management land. Many of
3479 my communities are completely landlocked. I have got one
3480 city that is completely surrounded by BLM; I have got
3481 another city that is completely surrounded by National
3482 Forest. And problems arise when we try to permit the
3483 extension of broadband infrastructure through public lands.

3484 And, Commissioner Carr, I know that you, in answering
3485 Congressman Joyce's question on this, you got into this a
3486 little bit. So we are supposed to have a shot clock of 270
3487 days on the permitting of broadband infrastructure through
3488 federal land, but our agencies right now commonly ignore
3489 that shot clock. So the question then -- I'll start with
3490 you, Commissioner Carr. The question is, what can be done
3491 about that?

3492 *Mr. Carr. It is a challenge. We have tackled this --

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3493 you have tackled this through legislation multiple times,
3494 Congress has, and we have a shot clock right now on these
3495 entities, and it is not being abided by. I think it kind of
3496 has to go maybe to the top of these agencies and really
3497 bring it to the leadership's attention that Congress is
3498 serious about these deadlines, imposing some consequences
3499 for missing the deadlines, because right now there isn't
3500 one.

3501 *Mr. Obernolte. Consequences like what?

3502 *Mr. Carr. You know, it could be sort of consequences
3503 for funding, perhaps, something that would be enough to get
3504 the attention of leadership, because these are -- you know,
3505 they are good meaning public servants but their missions are
3506 directed on totally other issues and their career isn't
3507 advanced by moving quickly on broadband permitting, so we
3508 have to find some way of aligning the incentives, whether it
3509 is carrots or sticks, as my colleague says, to make sure
3510 that they are abiding by those shot clocks.

3511 *Mr. Obernolte. I completely agree. I have introduced
3512 a bill, H.R. 3340, the GRANTED Act, that would simply say if
3513 you have a permit that has met all of the other requirements
3514 but the shot clock has expired through the inaction of a

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3515 federal agency for the permitting of infrastructure across
3516 public land, then the approval is deemed granted.

3517 *Mr. Carr. Yeah.

3518 *Mr. Obernolte. And I think that would incentivize
3519 federal agencies to not ignore the shot clock. And I know
3520 it is a heavy-handed approach, but I don't know how else to
3521 get their attention. Maybe we will look at also tying it to
3522 maybe some funding but, you know, something needs to be
3523 done. I completely agree with you.

3524 Chairwoman Rosenworcel, which, in your defense, is not
3525 worse than Obernolte, one of the things that has really
3526 changed about the way that consumers get information,
3527 particularly video services over the last few years, is the
3528 advent of streaming services, and I know you are very aware
3529 of the -- how the industry has transitioned there. So
3530 questions have arisen recently about whether or not the FCC
3531 has the jurisdiction to regulate these new online video
3532 marketplace distributors as -- in the same manner that you
3533 have regulated them that -- in non-streaming formats in the
3534 past. So do you believe that the FCC has that jurisdiction,
3535 and do you intend to regulate streaming services the same
3536 way that you do other MVPDs?

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3537 *Ms. Rosenworcel. I think the answer is that our
3538 authority extends only to what Congress provided us in the
3539 1984 Cable Act and the 1992 Cable Act, and I think it is
3540 fair to assume that none of us in this room were
3541 contemplating the kind of streaming services we have today
3542 when Congress passed those laws.

3543 *Mr. Obernolte. Right. Thank you, that is a pretty
3544 clear answer. I know we have some people waiting to go on,
3545 and we have votes, so I want to thank you all for your
3546 dedication to extending broadband into rural districts like
3547 mine, and it is very much appreciated.

3548 I yield back, Mr. Chairman.

3549 *Mr. Pfluger. [Presiding] The gentleman yields. The
3550 chair now recognizes the gentleman from Ohio, Mr. Johnson.

3551 *Mr. Johnson. Well, thank you, Mr. Chairman, and I
3552 appreciate our panelists being with us today. Chairman
3553 Rosenworcel and the rest of the Commission, good to see all
3554 of you.

3555 The committee has passed my legislation, the ALERT
3556 Parity Act, to formalize the way the FCC licenses
3557 supplemental coverage from space when providing emergency
3558 alerts and 911 service. While there have been several

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3559 partnerships announced that seek waivers of the FCC's rules
3560 for more advanced services, this burgeoning topic also
3561 raises several interesting questions about spectrum use.

3562 One such question pertains to the geographic areas
3563 required to offer supplemental coverage from space. I want
3564 to make sure that whatever the FCC does, my constituents in
3565 rural, eastern Ohio are not left out because rural carriers
3566 don't have the spectrum over the entire U.S. So first
3567 question, Chairwoman, would the FCC's proposed supplemental
3568 coverage from space rules exclude smaller carriers from
3569 bringing these services to the rural communities they serve?

3570 *Ms. Rosenworcel. The short answer is no, but the
3571 longer answer is this. As we try to combine terrestrial
3572 services and satellite services, we are going to have to
3573 deal with a lot of potential interference issues. That is
3574 why our lead proposal in our rulemaking on the single
3575 network future focuses on spectrum where a single carrier
3576 holds all co-channel licenses in an area.

3577 *Mr. Johnson. Okay. I --

3578 *Ms. Rosenworcel. But we also proposed ideas for how
3579 other carriers could work together to help avoid that
3580 interference and participate in this growing area of

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3581 spectrum.

3582 *Mr. Johnson. Okay. All right, so will you commit to
3583 working with our committee to ensure that the FCC's actions
3584 in this space are not unnecessarily rushed and that they
3585 strike the appropriate balance of encouraging innovation
3586 while also providing certainty?

3587 *Ms. Rosenworcel. Yes.

3588 *Mr. Johnson. Okay, great. Chairwoman Rosenworcel,
3589 again, one area of geopolitical competition with China is in
3590 the space sector. Similar to how China has sought to
3591 leverage their terrestrial telecommunications
3592 infrastructure, they are also working to build out satellite
3593 broadband to directly compete with the United States.
3594 Regulatory certainty is something that would help to ensure
3595 that U.S. maintains its lead in this critical sector. For
3596 instance, right now there are applications that sit for
3597 months at the FCC before any action is taken.

3598 If we want to continue to be the global leader on
3599 technologies like satellite internet, I strongly believe we
3600 need to move much faster. Can you explain to us why the FCC
3601 has not been putting out applications for comment on a more
3602 timely basis?

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3603 *Ms. Rosenworcel. I agree, when I came to the agency,
3604 I noticed that we had a tremendous amount of satellite
3605 applications before us. I reorganized the agency, created a
3606 Space Bureau. I increased those who review those
3607 applications by 50 percent, and we set up a rulemaking to
3608 try to identify what criteria are necessary so that we could
3609 put them all out on public notice faster. So we are in the
3610 process of streamlining this, and I think we are on the way
3611 to being successful at just that.

3612 *Mr. Johnson. Okay. Well, you have answered my other
3613 question.

3614 So, I think with that, I am going to yield back an
3615 entire one minute, 27 seconds.

3616 *Mr. Pfluger. The gentleman yields. The chair now
3617 recognizes the gentlelady from Arizona, Mrs. Lesko.

3618 *Mrs. Lesko. Yes, thank you, Mr. Chairman, and thank
3619 you for being here today. Radio amateurs voluntarily and
3620 without compensation regularly provide important public
3621 services, especially emergency and disaster-related support
3622 communications when commercial infrastructure has been
3623 destroyed by a hurricane, forest fire, or similar disaster.
3624 In 2013, radio amateurs petitioned the FCC to delete an

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3625 obsolete rule that limits the speed with which they can
3626 transmit digital messages.

3627 Although the Commission agreed in 2016 -- in a 2016
3628 notice that the obsolete rule should be deleted, and
3629 although it also waives the rule when hurricanes or other
3630 disasters threaten, the rule still exists. We are the only
3631 country in the world that has a data limit of this type. As
3632 you may know, I have twice introduced a bill that directs
3633 the Commission to replace the data limit with a bandwidth
3634 limit. This would allow radio amateurs to engage in modern
3635 data communications and increase efficient use of their
3636 spectrum.

3637 Chairwoman and any other members that want to answer,
3638 when can we expect the Commission to act on this matter, or
3639 will it be necessary for me to pass my legislation to get
3640 the Commission to act on this, what I think is a simple
3641 matter?

3642 *Ms. Rosenworcel. Well, I appreciate you giving voice
3643 to amateur radio. It is important for hobbyist use, but as
3644 you mentioned, it can be also used in emergencies, and we
3645 have seen lots of demonstrations of people doing just that
3646 and really helping out.

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3647 So we had this petition a while ago, and it is about
3648 amateur radio rule and how it is a shared use so that we
3649 have some restrictions on how amateur radio hobbyists can
3650 use it. Some of those involve [indiscernible], some involve
3651 a bandwidth restriction, and there is a lot of conflict in
3652 our record about how we should update those. But as you
3653 mentioned, we last did a rulemaking on this, and I think it
3654 was 2016 or 2017, and I think we should refresh that record
3655 so that we can move ahead and maybe get to this issue before
3656 you have to introduce some additional legislation.

3657 *Mrs. Lesko. Do you have a estimated timeline on that
3658 because I have hundreds of amateur radio people that would
3659 be ecstatic --

3660 *Mr. Pfluger. Microphone.

3661 *Mrs. Lesko. Oh, sorry. Do you have any estimated
3662 timeline on this because, as you know, there are hundreds in
3663 my district alone of amateur radio operators, and I have
3664 gone to some of these emergency training events where they
3665 help hospitals, and I think they are very vital. And this
3666 seems, from what they described to me, to be a simple and
3667 logical change, and I was wondering what your estimated
3668 timeline is on this.

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3669 *Ms. Rosenworcel. Well, the thing is that the record
3670 that we have on it is stale and the old record -- there was
3671 a lot of divide about exactly what changes should be made to
3672 the bandwidth restrictions here. So I think we are going to
3673 have to update that and then get back to you. I wish I
3674 could give you an estimate without updating it, but I think
3675 the right thing to do is to update that record.

3676 *Mrs. Lesko. And do any of the other commissioners
3677 have a comment on if we should do this?

3678 *Mr. Simington. Yes, Congresswoman, I had a number of
3679 friends in the Amateur Radio Relay League who sent me copies
3680 of your introduced legislation with, you know, big smiley
3681 faces on them and such. It is -- you know, I think this is
3682 a very -- been very well received by the community.

3683 Obviously, the whole concept of a bowed rate is a
3684 little bit outdated. I don't want to be precipitated on how
3685 best to reflect the -- how best to update the record, and I
3686 think the chairwoman is proposing the right approach, but
3687 this is certainly something we should take seriously.

3688 *Mrs. Lesko. Well, if you did, what is complementary
3689 to my legislation you would have thousands of people that
3690 would be very happy.

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3691 And with that, I yield back.

3692 *Mr. Pfluger. The gentlelady yields back.

3693 I ask unanimous consent to insert in the record the
3694 documents included on the staff hearing documents list.

3695 Without objection, that will be an order.

3696 [The information follows:]

3697

3698 *****COMMITTEE INSERT*****

3699

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3700 *Mr. Pfluger. I remind members that they have 10
3701 business days to submit questions for the record, and I ask
3702 the witnesses to respond to the questions promptly. Members
3703 should submit their questions by the close of business on
3704 July 5th.

3705 Without objection, the subcommittee is adjourned.

3706 [Whereupon, at 1:31 p.m., the subcommittee was
3707 adjourned.]