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6 OVERSIGHT OF PRESIDENT BIDEN'S BROADBAND TAKEOVER

7 THURSDAY, NOVEMBER 30, 2023

8 House of Representatives,

9 Subcommittee on Communications and Technology,

10 Committee on Energy and Commerce,

11 Washington, D.C.

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15 The Subcommittee met, pursuant to call, at 10:30 a.m. in  
16 Room 2123, Rayburn House Office Building, Hon. Bob Latta  
17 [Chairman of the Subcommittee] presiding.

18 Present: Representatives Latta, Bilirakis, Walberg,  
19 Carter, Dunn, Curtis, Joyce, Weber, Allen, Balderson,  
20 Fulcher, Pfluger, Harshbarger, Cammack, Obernolte, Rodgers  
21 (ex officio); Matsui, Clarke, Veasey, Soto, Eshoo, Cardenas,

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22 Craig, Fletcher, Dingell, Kuster, Kelly, and Pallone (ex  
23 officio).

24

25

26 Staff Present: Kate Arey, Digital Director; Slate  
27 Herman, Counsel, C&T; Nate Hodson, Staff Director; Tara  
28 Hupman, Chief Counsel; Noah Jackson, Clerk, C&T; Sean Kelly,  
29 Press Secretary; Alex Khlopin, Staff Assistant; Emily King,  
30 Member Services Director; Giulia Leganski, Professional Staff  
31 Member, C&T; John Lin, Senior Counsel, C&T; Kate O'Connor,  
32 Chief Counsel, C&T; Karli Plucker, Director of Operations  
33 (shared staff); Hannah Anton, Minority Policy Analyst; Keegan  
34 Cardman, Minority Staff Assistant; Jennifer Epperson,  
35 Minority Chief Counsel, C&T; Waverly Gordon, Minority Deputy  
36 Staff Director and General Counsel; Tiffany Guarascio,  
37 Minority Staff Director; Dan Miller, Minority Professional  
38 Staff Member; Michael Scurato, Minority FCC Detailee; and  
39 Johanna Thomas, Minority Counsel.

40

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

44           And again, welcome to today's oversight hearing of the  
45 Federal Communications Commission.

46           And Commissioner Gomez, congratulations. You said this  
47 marks two months, and so what a great way to start your  
48 beginning \_ end of your second month, being with us.

49           But we appreciate all of the commissioners for being  
50 with us today, and also, Commissioners Carr and Starks,  
51 congratulations on your reconfirmations.

52           Five months ago the FCC came before this committee, and  
53 much has changed since then. The Commission finally has a  
54 full slate of commissioners, and moved aggressively to  
55 advance partisan initiatives, despite calls from this  
56 committee to continue down a bipartisan path. Since  
57 September, Chair Rosenworcel has pursued a Federal Government  
58 takeover of the Internet.

59           First, the FCC plans to reclassify broadband as a common  
60 carrier under Title II of the Communications Act. This  
61 effort is unnecessary, and simply defies logic. The Obama

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62 Administration's FCC attempted to impose these same  
63 regulations and made false claims that, without them, the  
64 Internet would be ruined. However, all those statements were  
65 unsubstantiated, and broadband networks continued to thrive  
66 under the current light-touch regulatory framework.

67 In fact, our networks have performed remarkably well.  
68 They withstood the increased usage caused by the COVID-19  
69 pandemic. And unlike Europe, our regulators did not have to  
70 ask sites to throttle or degrade their service. Providers  
71 were able to respond quickly to demand. Turning away from  
72 this success and adding additional regulations will make  
73 deployment more difficult. This simply doesn't make sense.

74 Second, the FCC approved final rules on digital  
75 discrimination. Congress directed the FCC to adopt rules to  
76 facilitate equal access to broadband Internet service.  
77 However, the rules adopted by the FCC go far beyond  
78 congressional intent. Among those provisions, the rules  
79 adopt a disparate impact standard for determining violations,  
80 rather than focusing on intentional discrimination.

81 The FCC's new rules permit the FCC to micromanage the  
82 broadband industry to dictate to providers where to build,

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83 how much to charge, and what kind of services to offer.  
84 Burdensome and expansive regulations like these will only  
85 discourage broadband build-out at a time when Americans need  
86 it most. I urge the FCC to reconsider these rules and adopt  
87 more narrow rules that are consistent with congressional  
88 intent.

89         The FCC is most successful when it pursues bipartisan  
90 priorities. For example, the FCC recently voted to refresh  
91 the record on the 5G Fund, which will help support deployment  
92 of 5G in our rural areas. 5G is critical for connectivity  
93 and use cases like precision agriculture. We need to make  
94 sure every American has access to broadband at home and on  
95 the go. The broadband landscape has changed significantly  
96 since the FCC adopted rules for the 5G Fund in 2020, so I  
97 appreciate that the FCC is revisiting these rules in light of  
98 recent events.

99         I would also be remiss if I didn't mention that Congress  
100 needs to continue to work to restore the Spectrum Auction  
101 Authority. We have gone over \_ just about a year without it,  
102 and we have to have it.

103         And finally, I want to end on a note of caution. The

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104 recent partisan actions taken by this Commission give me  
105 grave concern. At a time when the government is preparing to  
106 provide over \$42 billion for broadband deployment, imposing  
107 burdensome Federal regulations risks this money going to  
108 waste. We should strive every single day to be good stewards  
109 of Americans' hard-earned tax dollars.

110 And again, I want to thank all the commissioners for  
111 being with us today. I look forward to the discussion that  
112 we are going to have, especially on these important issues  
113 that are before the Commission today.

114

115

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

117

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

119

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120           \*Mr. Latta. And I now yield to my colleague, the  
121 ranking member of the subcommittee, the gentlelady from  
122 California's 7th district, for her opening statement for five  
123 minutes.

124           \*Ms. Matsui. Thank you very much, Mr. Chairman. I am  
125 thrilled to be here for this hearing. It is an important  
126 one.

127           Today the FCC is appearing with a full complement of  
128 commissioners. With five commissioners I know Chairwoman  
129 Rosenworcel is ready to use the full authority of the  
130 Commission to increase connectivity and boost innovation.  
131 And it is the first appearance of Commissioner Gomez.

132           Commissioner Gomez, congratulations again. I know you  
133 are ready to bring your experience to bear supporting more  
134 dynamic and inclusive communications policy.

135           This fully functional FCC couldn't come at a more  
136 critical time. The opportunities and challenges the agency  
137 faces will have long-lasting implications for the digital  
138 economy. From expanding broadband connectivity, increasing  
139 cybersecurity, promoting digital equity, and more, the FCC  
140 must act with urgency.

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141           But this subcommittee in Congress also has a vital role  
142 to play. I can't think of a more pressing example than the  
143 Affordable Connectivity Program. The ACP has already helped  
144 more than 22 million families afford a broadband connection.  
145 Whether it is for the first time or when you need a little  
146 extra help making ends meet, the ACP is working. But you  
147 don't need to take my word for it. Earlier this month a  
148 bipartisan group of governors sent a letter to congressional  
149 leaders, urging them to fund this critical program. Signed  
150 by the leaders of Washington, Utah, and Michigan, among  
151 others, the governors of many states represented on this  
152 subcommittee are on record for sustaining the ACP. As they  
153 noted in the letter, "Preserving the ACP will allow us to  
154 build upon the progress we have made in expanding  
155 connectivity, rather than falling behind in a mission we  
156 cannot afford to lose." I couldn't agree more.

157           President Biden included \$6 billion for ACP in his  
158 supplemental request. The Republican governors who signed  
159 this letter urged us in Congress to work collaboratively with  
160 the Biden Administration to ensure the ACP receives  
161 additional funding. So I am asking my Republican colleagues,



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162 let's heed that call and get this done. Our constituents are  
163 counting on us.

164 I also want to take a moment to talk about another  
165 bipartisan priority in the Administration's supplemental  
166 funding request: addressing the shortfall and the Rip and  
167 Replace program. Back in December I wrote to President  
168 Biden, urging him to include full funding for the supply  
169 chain reimbursement program. As an original cosponsor for  
170 the bipartisan Rip and Replace bill, I believe it is a  
171 national security imperative that we immediately remove every  
172 last piece of vulnerable equipment from American networks.

173 Until this shortfall is addressed, the United States  
174 will continue to be exposed to an unacceptable national  
175 security risk. Both Democrats and Republicans understand the  
176 threat this Chinese gear poses, so let's work together on a  
177 bipartisan basis to get this done.

178 I am also eager to discuss the FCC's role in spectrum  
179 governance. The global race to 5G and 6G is still quite hot.  
180 Satellite broadband service is taking off, and Wi-Fi  
181 continues to create massive opportunities for Americans. To  
182 stay ahead of our peers, the Federal Government must be a

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183 driving force in maintaining a healthy spectrum pipeline.  
184 For that to happen, it needs to speak with one voice. That  
185 is why I was so glad to see the release of the National  
186 Spectrum Strategy and Presidential Memorandum. Taken  
187 together, they represent a roadmap for continuing U.S.  
188 leadership. The FCC will have a foundational role in  
189 implementation, and I am excited to discuss those documents  
190 here today.

191 But there is much more we will discuss at this hearing,  
192 like maintaining the open Internet and preventing digital  
193 discrimination. I want to thank the chairwoman and  
194 commissioners for appearing before us.

195

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

197

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

199

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200           \*Ms. Matsui. And with that I yield the remainder of my  
201 time.

202           \*Mr. Latta. Thank you very much. The gentlelady yields  
203 back, and the chair now recognizes the gentlelady from  
204 Washington, the chair of the full committee, for five  
205 minutes.

206           \*The Chair. Thank you. Thank you, Mr. Chairman. Good  
207 morning, everyone. Chairwoman, commissioners, welcome back  
208 to the Committee on Energy and Commerce. And I would like to  
209 echo my colleagues' congratulations to Commissioner Gomez on  
210 your confirmation, and also to Commissioners Carr and Starks  
211 on your reconfirmations. I look forward to working with all  
212 of you.

213           A top priority for Energy and Commerce is closing the  
214 digital divide, and the FCC plays a key role in that effort.  
215 In 2020 Congress passed the Broadband Data Act, which  
216 directed the FCC to update the agency's broadband maps to  
217 provide a more accurate perspective on what parts of the  
218 country are served and unserved. More than \$42 billion in  
219 Federal funding has been allocated to deploying broadband in  
220 unserved areas to ensure all Americans are connected. This

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221 is in addition to the funding already provided by the FCC  
222 through various programs.

223         This committee has also passed legislation to lift  
224 broadband permitting burdens to make sure every dollar  
225 provided by Congress goes towards serving Americans.  
226 However, recent actions by the FCC threaten the success of  
227 these Federal funding programs. The Biden FCC under  
228 Chairwoman Rosenworcel is once again attempting to regulate  
229 broadband as a public utility under Title II of the  
230 Communications Act of 1934. This heavy-handed regulatory  
231 approach was designed to regulate monopolies, but today's  
232 competitive broadband market is far from a monopoly. This is  
233 apparent, as the chair's order plans to forbear from 27  
234 provisions in Title II, and more than 700 regulations.

235         The last time we had this debate during the Trump  
236 Administration, Democrats claimed that the Internet, as we  
237 knew it, would end, that we would get the Internet one word  
238 at a time, and that repealing net neutrality would hasten the  
239 death of the Internet. Since the repeal of the Democrats'  
240 last broadband takeover effort in 2017, investment in  
241 broadband networks is up, speeds are up, and prices are down.

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242 Our broadband networks withstood the ultimate stress test  
243 during the COVID-19 pandemic, enduring increased usage  
244 without needing government intervention. We must maintain  
245 the current light-touch regulatory approach that has allowed  
246 our networks to adapt and thrive.

247 To further expand the Federal Government's role in this  
248 industry, earlier this month the FCC approved new rules on  
249 digital discrimination. These new rules will put burdensome  
250 requirements on our nation's broadband providers, leading to  
251 government bureaucrats micromanaging Americans' Internet  
252 access.

253 Rather than focusing on intentional discrimination  
254 against historically marginalized groups as Congress  
255 intended, the Biden Administration is once again unilaterally  
256 expanding the power of unelected bureaucrats under this \_ the  
257 guise of equity. The FCC's expansive standard for what  
258 constitutes discrimination will lead to over-enforcement and  
259 regulatory uncertainty for American businesses and job  
260 creators. Under President Biden's broadband takeover,  
261 ordinary business decisions like whether to deploy broadband  
262 infrastructure, what rates to charge customers, and even how

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263 to market services to communities could trigger FCC scrutiny.  
264 This is a significant power grab for Federal Government  
265 bureaucrats.

266 The reality is burdensome regulations like these will  
267 discourage deployment and innovation, harm our efforts to  
268 close the digital divide, and cede our leadership in next-  
269 generation technology to China. That is why we recently sent  
270 a letter to Chair Rosenworcel cautioning against refreshing  
271 the record to apply outdated, decades-old regulations to an  
272 evolving media marketplace. And since I haven't received a  
273 response, I will reiterate my concern and my firm view that  
274 changes to laws that govern the media marketplace need to be  
275 done by Congress, not by the FCC.

276 Since operating with a full Commission, the FCC has  
277 moved full speed ahead to expand its authority and ignore  
278 congressional intent or direction, and that needs to end.  
279 Instead of pursuing a partisan agenda that leads to more  
280 Federal control over Americans' broadband services, the  
281 chairwoman and other commissioners have a responsibility to  
282 work with this committee to carry out the many  
283 responsibilities that demand full attention, especially when

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284 so many critical issues remained unresolved.

285 For instance, the FCC has not completed its work to  
286 modernize and streamline the satellite licensing process.  
287 Illegal robocalls continue to defraud Americans. And while  
288 Congress works to reauthorize Spectrum Auction Authority, no  
289 spectrum has been identified to make available for commercial  
290 use. These should be demanding the Commission's full  
291 attention, and I look forward to discussing these matters  
292 further today.

293 [The prepared statement of The Chair follows:]

294

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

296

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297           \*The Chair. Mr. Chairman, I yield back.

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

301           \*Mr. Pallone. Thank you, Mr. Chairman. For the first  
302 time in too long, I would like to welcome all five  
303 commissioners of the Federal Communications Commission to  
304 this committee.

305           And welcome, for the first time in your new role,  
306 Commissioner Gomez. Good to see you.

307           While this is an FCC oversight hearing, committee  
308 Republicans want to focus on broadband, which is fine with me  
309 because, after all, President Biden and congressional  
310 Democrats delivered for the American people with the  
311 Bipartisan Infrastructure Law, and that is driving broadband  
312 access, adoption, and affordability across the United States.

313           The Bipartisan Infrastructure Law invests \$42 billion in  
314 bringing broadband to every corner of this country. It is  
315 lowering Internet bills for 22 million American families  
316 through the bipartisan Affordable Connectivity Program, and  
317 it is preventing digital discrimination so everyone gets a



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318 fair chance to connect to the Internet and participate in our  
319 economy.

320           And while this historic law garnered some Republican  
321 support, not one Republican on this committee today voted for  
322 it. If broadband affordability and accessibility are so  
323 important to my Republican colleagues, I would have thought  
324 they would have joined us in supporting this historic  
325 investment in all of our congressional districts.

326           Now, the FCC, under the leadership of Chairwoman  
327 Rosenworcel, has played an outsized role in making our  
328 broadband aspirations a reality. The FCC built a successful,  
329 affordable connectivity program that is making broadband more  
330 affordable for more than 22 million American families. It  
331 also recently released the third version of the National  
332 Broadband Map, which will help states identify the unserved  
333 and underserved areas eligible for the \$42 billion in  
334 broadband funding.

335           The chairwoman is also putting consumers first by  
336 examining junk fees and data caps, requiring rebates for  
337 consumers subjected to television blackouts, and increasing  
338 the minimum speed for broadband service.

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339           And the Commission is also putting consumers first by  
340 proposing a rule to restore net neutrality. As Internet  
341 connections are becoming more and more critical to our  
342 everyday lives, Americans are tired of spending hours  
343 attempting to resolve issues with their broadband service.  
344 They are tired of waiting endlessly for a broadband provider  
345 to serve their neighborhood. They would welcome a referee on  
346 the field. It is just common sense.

347           And the net neutrality rulemaking will correct an  
348 unpopular and misguided Trump Administration policy change  
349 that amounted to a dereliction of the FCC's nearly 100-year-  
350 old duty to oversee our communications networks. Since that  
351 change, the FCC's traditional oversight functions have been  
352 frustrated when it comes to broadband networks, limiting its  
353 ability to investigate network outages, protect consumers,  
354 and promote national security.

355           Indeed, since the previous Administration gave up  
356 authority over broadband, nearly 250,000 consumer complaints  
357 against broadband providers have piled up at the FCC. That  
358 is 250,000 complaints that have not been investigated or  
359 addressed. Restoring net neutrality protections would once

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360 again allow the FCC to resolve these complaints, and that  
361 would be a major win for consumers.

362 Of course, there is still more work to be done. While  
363 we have some success with my TRACED Act, we haven't yet  
364 solved robocalls and robotexts, and I will be introducing  
365 legislation soon to provide the FCC with more tools to stop  
366 the menace of robocalls.

367 Congress must also continue to fund critical programs  
368 within the FCC's portfolio. The Affordable Connectivity  
369 Program could run out of funding in the second quarter of  
370 next year, and we just can't allow that to happen.

371 The Secure and Trusted Communications Networks  
372 reimbursement program also faces a \$3 billion shortfall.  
373 Additional funding is necessary if we are going to be fully  
374 successful in removing hardware from our networks that  
375 compromises our national security, and I hope that Congress  
376 can come together and keep these important programs going.

377 And, of course, we must restore the FCC's Spectrum  
378 Auction Authority. I know that the Chairwoman Rodgers has  
379 been very concerned about that, as I am.

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

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

383

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384           \*Mr. Pallone. So again, I just welcome all five  
385 commissioners here, and I yield back the balance of my time,  
386 Mr. Chairman.

387           \*Mr. Latta. Well, thank you very much. The gentleman  
388 yields back the balance of his time. And at this time I do  
389 want to recognize and again thank our witnesses for being  
390 with us today.

391           First I want to recognize the Honorable Jessica  
392 Rosenworcel, who is the chair of the FCC; the Honorable  
393 Brendan Carr, commissioner; Geoffrey Starks, commissioner;  
394 Nathan Simington, commissioner; and also Anna Gomez,  
395 commissioner.

396           And again, congratulations on your first hearing. We  
397 are glad to have you.

398           I want to note for our witnesses that the timer light  
399 will go off. When it turns yellow you have one minute  
400 remaining, and it will turn red when your time is expired.

401           Also, just want to mention that, because the questions  
402 \_ I know that we will have a lot of questions today. So  
403 members, I might have to cut you off to be able to move on to  
404 their next question \_ to the next witness. So I am not being

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405 rude, it is just that we just have X amount of time to go  
406 with.

407 But at this time I do want to recognize the chair of the  
408 FCC, Chair Rosenworcel.

409 You are recognized for five minutes for your opening  
410 statement. Thanks again for being with us.

411

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412 STATEMENT OF THE HON. JESSICA ROSENWORCEL, CHAIRWOMAN,  
413 FEDERAL COMMUNICATIONS COMMISSION; THE HON. BRENDAN CARR,  
414 COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION; THE HON.  
415 GEOFFREY STARKS, COMMISSIONER, FEDERAL COMMUNICATIONS  
416 COMMISSION; THE HON. NATHAN SIMINGTON, COMMISSIONER, FEDERAL  
417 COMMUNICATIONS COMMISSION; AND THE HON. ANNA GOMEZ,  
418 COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION

419

420 STATEMENT OF JESSICA ROSENWORCEL

421

422 \*Ms. Rosenworcel. Chair McMorris Rodgers, Ranking  
423 Member Pallone, Chair Latta, Ranking Member Matsui, and  
424 members of the subcommittee, thank you for the opportunity to  
425 appear before you today.

426 It was actually one year ago on this day that ChatGPT  
427 was launched. Like nothing before, this text-based chatbot  
428 introduced the public to the power of artificial  
429 intelligence. It was also a healthy reminder that technology  
430 moves at lightning speed. So much of it depends on deepening  
431 our connections and strengthening our networks. And of  
432 course, this is at the core of what the FCC does. So I want

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433 to highlight for you a dozen things we have been doing during  
434 the past 12 months.

435         First, the FCC recently moved to restore oversight over  
436 broadband and reinstate a national standard for net  
437 neutrality. Bringing it back will enhance the agency's  
438 ability to oversee broadband consumer protection, public  
439 safety, and national security.

440         Second, earlier this month the FCC implemented the first  
441 bipartisan civil rights law of the digital age. We put in  
442 place policies to prevent and eliminate discrimination in  
443 broadband access.

444         Third, we are growing access to broadband with the  
445 Affordable Connectivity Program, the largest-ever effort in  
446 the United States to support broadband affordability.  
447 Twenty-two million households now rely on it for work, health  
448 care, education, and more, and we need Congress to keep  
449 funding this essential program.

450         Fourth, the FCC is fighting for consumers by shutting  
451 down television junk fees and increasing billing  
452 transparency. We proposed to cut early termination fees and  
453 have set up broadband nutrition labels to help consumers sign



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454 up for Internet service.

455 Fifth, the agency has created the most accurate  
456 broadband map in our nation's history. And because this map  
457 is iterative, it is improving all the time.

458 Sixth, the FCC is helping students learn without limits  
459 by making sure every one of them has the broadband connection  
460 they need to succeed in school. We are now supporting Wi-Fi  
461 connections on school busses, turning ride time into  
462 connected time for homework. This is especially valuable for  
463 students in rural America, who spend long hours going to and  
464 from school every day on these busses.

465 Seventh, we are working to connect the most vulnerable.  
466 For the first time in history, the FCC has rules to help  
467 survivors of domestic violence get safe connections and leave  
468 abuse behind. We are also working to remedy longstanding  
469 challenges with prison phone rates, and we are expanding  
470 access to new video communications platforms for those with  
471 disabilities.

472 Eighth, the FCC is working to make sure your private  
473 data stays private. This month we are going to vote on a  
474 proposal to update our data breach rules.

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475           Ninth, we are doubling down on efforts to stop junk  
476 robocalls and robotexts. We are developing new technologies,  
477 new enforcement, and new partnerships. In fact, attorneys  
478 general from 48 states have signed up to work with us on this  
479 initiative. Only Nebraska has said no. But the truth is, we  
480 need new tools from Congress to address this problem, because  
481 scam artists move fast, and we are going to have to update  
482 our laws fast, too.

483           Tenth, the FCC is improving access to emergency  
484 services. We updated wireless emergency alerts so that, for  
485 the first time ever, they are going to be available in 13  
486 different languages. We made 988 the new, easy-to-remember  
487 three-digit number to call or text for mental health support,  
488 and now we are working to improve it with new outage  
489 reporting and routing protocols.

490           Eleventh, the FCC has taken a series of actions to  
491 protect communications from national security threats. This  
492 includes our effort to rip out and replace insecure Chinese  
493 communications equipment. But this initiative has a  
494 shortfall, and we are going to need more funding from  
495 Congress for it to fully succeed.

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496 Twelfth, we are modernizing the use of spectrum for both  
497 space and terrestrial services. The FCC has created the  
498 first-ever Space Bureau. We have streamlined the process for  
499 satellites filed before us, and we have stepped up our  
500 policies to prevent orbital debris. And back on the ground  
501 we have expanded unlicensed access to the six gigahertz band,  
502 where we believe augmented reality and virtual reality is  
503 going to take hold. We also have identified the 12 gigahertz  
504 band for expanded licensed mobile use, but we badly need  
505 Congress to restore the agency's Spectrum Auction Authority  
506 because it is an essential tool for our wireless leadership  
507 and success.

508 Finally, I will end where I started. We are looking at  
509 artificial intelligence. We are exploring how it can be used  
510 to improve network resilience and identify junk traffic like  
511 robocalls and robotexts. The possibilities here are big, and  
512 I want the agency to explore them.

513 So that is a quick tour of a dozen things the FCC is  
514 doing. Thank you for having me. I look forward to answering  
515 any questions you may have.

516 [The prepared statement of Ms. Rosenworcel follows.]

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517

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

519

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520           \*Mr. Latta. Well, thank you for your testimony.

521           And Commissioner Carr, you are recognized for five

522 minutes for your opening statement.

523

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524 STATEMENT OF BRENDAN CARR

525

526 \*Mr. Carr. Thank you. Chair Latta, Ranking Member  
527 Matsui, Chair Rodgers, distinguished members of the  
528 subcommittee, thank you for the invitation to testify.

529 In June, at the last FCC oversight hearing, I testified  
530 about the important bipartisan work the FCC was  
531 accomplishing. Indeed, in the two-and-a-half years prior to  
532 that hearing, the FCC delivered a series of common-sense wins  
533 on matters ranging from competition and universal service to  
534 consumer protection. Those decisions tracked the bipartisan  
535 policies this committee included in its bills, including the  
536 SAT Act spearheaded by Chair Rodgers and Ranking Member  
537 Pallone.

538 There is much more progress we can continue to make by  
539 working together. But in the five months since that last  
540 hearing, the Biden Administration has pressed the FCC to  
541 brake hard left. And it has. The Biden Administration has  
542 put ideology over smart policy.

543 Indeed, almost three years into this Administration, a  
544 clear pattern has emerged. The Biden Administration's entire

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545 approach to the Internet \_ its broadband agenda, if you will  
546 \_ can be boiled down to one word: control. You can see it  
547 in the Administration's call for Title II Internet  
548 regulation. You can see it in the Administration's campaign  
549 to pressure social media companies to censor political  
550 speech. You can see it in the Administration's decision to  
551 use BEAD to preference government-run networks. And you can  
552 see it in the Administration's demand that the FCC adopt  
553 digital equity rules for the Internet. None of these  
554 decisions are isolated ones; they all share and advance the  
555 same goal of increasing government control.

556 I will focus today on Title II and its fraternal twin,  
557 digital equity.

558 Six years ago Americans lived through one of the  
559 greatest hoaxes in regulatory history. They were told the  
560 FCC's 2017 decision to reverse Title II would literally break  
561 the Internet. It was a viral disinformation campaign replete  
562 with requisite doses of Orwellian wordplay. CNN proclaimed  
563 the end of the Internet as we know it. Others predicted that  
564 you will get the Internet one word at a time. Activists said  
565 that prices would spike, you would be charged per website you

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566 visited, and the Internet itself would slow down.

567 Did any of those predictions come to pass? Of course  
568 not. Since 2017 broadband speeds in the U.S. are up sixfold,  
569 prices are down, competition has intensified, and record-  
570 breaking new broadband builds have brought millions across  
571 the digital divide.

572 In other words, Title II was never about improving your  
573 online experience. That was just the sheep's clothing. It  
574 was always about control. And the Biden Administration has  
575 made clear that it wants that control back.

576 Just last month the Administration built on its Title II  
577 dictate by urging the FCC to adopt a sweeping new digital  
578 equity plan. The FCC complied. President Biden's plan gives  
579 the Federal Government a roving mandate to micromanage nearly  
580 every aspect of how the Internet functions. It hands the  
581 administrative state veto power over every decision about the  
582 provision of Internet service, and it sweeps entire  
583 industries within the FCC's jurisdiction for the first time.

584 Congress never authorized any of this. Indeed, Senator  
585 Collins, the lead Republican negotiator on the underlying  
586 bill, described it as a "regulatory overreach.'" She said,



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587 "It clearly goes well beyond the authority Congress  
588 provided.'" And while the Administration focuses on these  
589 unlawful policies, it is failing to advance important  
590 bipartisan priorities.

591 One example is the Administration's spectrum strategy.  
592 After years of study, the spectrum plan frees up exactly zero  
593 megahertz of spectrum. Instead of moving megahertz, the  
594 Administration's plan is to keep on studying. This is a  
595 complete 180. From 2017 through 2020 the FCC freed up about  
596 6,000 megahertz of licensed spectrum, in addition to  
597 thousands of additional megahertz of unlicensed. Now the  
598 government will study less than 2,800.

599 In other words, the FCC put more spectrum into the  
600 marketplace during the last administration than the Biden  
601 Administration even plans to study. And it is not even  
602 close.

603 But I remain confident that we can get things back on  
604 track. My FCC colleagues and I have worked well together and  
605 found bipartisan consensus on really tough issues. We can do  
606 it again.

607 One step that would help us would be for Congress to

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608 restore our Auction Authority. This committee has  
609 prioritized that effort, and I want to applaud the progress  
610 that is being made on it.

611 In closing, I want to thank you again for the  
612 opportunity to testify, and I look forward to your questions.

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

614

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

616

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617           \*Mr. Latta. Well, thank you very much for your  
618 testimony.

619           And Commissioner Starks, you are recognized for five  
620 minutes for your statement.

621

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622 STATEMENT OF GEOFFREY STARKS

623

624 \*Mr. Starks. Thank you, Chairman Latta, Member Matsui  
625 \_ Ranking Member Matsui, Chairwoman McMorris Rodgers, Ranking  
626 Member Pallone, members of the committee. Thank you for the  
627 opportunity to appear before you here today.

628 As a commissioner, I am deeply committed to ensuring  
629 that every American, no matter who they are or where they  
630 live, shares in the benefits of connectivity. I am proud of  
631 the FCC's leadership in working to make broadband universally  
632 accessible and affordable \_ aligning, of course, with  
633 congressional goals.

634 The Affordable Connectivity Program and its success is  
635 evident with substantial enrollment nationwide. Over 22  
636 million households in rural, urban, and tribal communities  
637 have access to connectivity that supports employment,  
638 education, telehealth, and more. This includes more than  
639 100,000 households enrolled in 40 states; 15,000 in all 50  
640 states; and at least \_ almost 6,000 zip codes with more than  
641 100,000 \_ more than 1,000 households enrolled. The point is  
642 that this is helping get households connected everywhere.

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643           One place I have prioritized my efforts is in helping to  
644 increase awareness and enrollment among those who live in  
645 public housing. In particular, I met one woman, Queen Bea,  
646 from the Yesler Terrace in Seattle, Washington, who told me  
647 it was "a blessing to have the Internet.'" I agree. ACP's  
648 funding is running out. It is vital that we work together to  
649 keep these households connected so that the benefits of  
650 broadband continue to flow to all.

651           In recent months we have also taken historic steps  
652 towards ensuring that fundamental fairness reigns on the  
653 Internet. We commenced a proceeding to revive longstanding  
654 principles against blocking and throttling of legal content  
655 paid prioritization that can compromise innovation. These  
656 efforts can protect consumers in their access to broadband  
657 and essential service, while also enhancing our security and  
658 aligning broadband policy with national consensus.

659           We have also implemented the bipartisan Infrastructure  
660 Investment and Jobs Act's directive that we set forth rules  
661 to prevent and eliminate digital discrimination everywhere.  
662 Stopping digital discrimination anywhere will empower  
663 individuals everywhere.

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664           Finally, at the ongoing ITU World Radiocommunication  
665 Conference in Dubai, our discussions are shaping the future  
666 of global spectrum management. I am confident, deeply  
667 confident, that the American workers and innovators will  
668 build a bright future for wireless and satellite networks,  
669 and note that our ability to lead, as we have heard here  
670 today, both abroad and here at home, is premised on an  
671 extension of the FCC's Spectrum Auction Authority.

672           Securing our networks against threats remains a top  
673 priority for me, in particular. While we work closely with  
674 our sister agencies and ISPs, reliance on self-regulation  
675 alone is insufficient. Our networks are simply too vital.

676           One priority is to complete the rip-and-replace process.  
677 We have made great progress implementing the Secure and  
678 Trusted Communications Networks Act of 2019, but additional  
679 funding is needed to complete the removal, replacement, and  
680 destruction of insecure equipment and services from our  
681 communication networks.

682           Another is to complete the Cyber Trust Mark rulemaking,  
683 which would raise the bar for cybersecurity across our smart  
684 devices.

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685 Thank you for this opportunity to discuss these vital  
686 issues. I look forward to your questions. Thank you.

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

688

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

690

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691           \*Mr. Latta. Well, thank you for your testimony.

692           And Commissioner Simington, you are recognized for five

693 minutes for your statement.

694



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695 STATEMENT OF NATHAN SIMINGTON

696

697 \*Mr. Simington. Thank you. Chairman Latta, Vice Chair  
698 Carter, Ranking Member Matsui, and Chair Rodgers, and Ranking  
699 Member Pallone, and distinguished members of the  
700 subcommittee, it is truly a pleasure to appear before you  
701 today.

702 This is my first hearing before the subcommittee where  
703 the Commission has had a full complement of commissioners.  
704 It remains my hope that the bipartisan camaraderie that  
705 existed when the Commission was in a two-two balance will  
706 endure. It is only through common-sense, bipartisan policy-  
707 making that we can ensure that the needs of all consumers of  
708 broadband and the larger public interest are served.

709 Unfortunately, in the short time that we have had a full  
710 Commission, there has been an expected, though no less  
711 disappointing, shift in focus to implementation of partisan,  
712 unnecessary, and burdensome policy frameworks like the 2015  
713 Title II broadband and digital discrimination regulatory  
714 regimes. I implore Congress to pass legislation to create an  
715 updated legislative framework for the modern Internet

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716 ecosystem that would end the continued whipsawing of industry  
717 over the Title II fight, and create clear rules of the road  
718 for all companies in the Internet ecosystem, from e-commerce  
719 and social media platforms to network operators alike.

720 The FCC has also recently engaged in the wasteful  
721 extension of the FCC's currently overstrained USF programs to  
722 provide redundant service subsidies like Wi-Fi on school  
723 busses and hotspots for every student, and it has done so  
724 without taking any steps to ensure that USF funding  
725 mechanisms are reformed in a way to support these extensions.

726 I applaud Senators Mullin, Kelly, and Crapo for  
727 introducing the bipartisan Lowering Broadband Costs for  
728 Consumers Act, which requires contributions to the Universal  
729 Service Fund from edge providers and broadband providers. I  
730 sincerely hope this legislation is passed expeditiously.

731 In the meantime, however, while the FCC remains  
732 distracted by wrongheaded priorities, it neglects necessary  
733 reforms that will better serve and protect consumers of  
734 broadband services. I will address today what I view as the  
735 two most urgent priorities: renewal of the FCC's Spectrum  
736 Auction Authority and ensuring that consumers are fully

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737 informed about the security of their wireless devices.

738         As I stated in my testimony in June of this year, it is  
739 vital that the FCC's Spectrum Auction Authority is renewed.  
740 Nearly five months later, this request is even more urgent to  
741 prevent the United States from falling behind as the world's  
742 technology leader.

743         The United States' system for commercializing spectrum  
744 has ensured that valuable airwaves get put to the highest and  
745 best use, and it has made the United States the global leader  
746 in wireless communications. Industry continually needs a  
747 steady stream of commercial spectrum in the pipeline to stay  
748 ahead and continue providing services, and any amount of  
749 greenfield spectrum made available for commercial auction can  
750 represent many millions or billions of dollars' worth of  
751 innovation and productivity gains for the American economy.  
752 The FCC's authority to put new spectrum to use must be  
753 restored without further delay.

754         Lastly, I would like to address what I view as a serious  
755 problem that is putting our wireless networks, not to mention  
756 consumers' precious financial and personal data, at risk. It  
757 is a problem which I believe the FCC can and should do more

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758 to address. Hundreds of millions, if not billions, of  
759 devices in active use in this country \_ more every day, and  
760 in more applications \_ are susceptible to known security  
761 vulnerabilities, exposing Americans to theft of private data  
762 and to attacks on the integrity of our public and private  
763 networks.

764       Moreover, these vulnerabilities leave American  
765 entrepreneurs in a precarious position. If they modernize  
766 their equipment, they risk creating vast attack surfaces that  
767 may be simply impractical at an individual company level to  
768 protect. I believe that device manufacturers should have the  
769 obligation to put out security updates that patch these  
770 vulnerabilities or, at minimum, to clearly disclose these  
771 vulnerabilities to consumers and enterprise users so that all  
772 Americans can make informed decisions about which devices to  
773 rely upon and invest in.

774       Attacks on unpatched devices are becoming more frequent  
775 and more dangerous. A recent FBI advisory warned of  
776 increased cyber attacks against unpatched medical devices.  
777 Unpatched industrial control systems threaten the  
778 availability of critical infrastructure. And we have not yet

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779 seen the worst. An attacker could use unpatched  
780 vulnerabilities to take control of large numbers of mobile  
781 phones, turn their radios into signal jammers, and take down  
782 mobile networks. Botnets have commandeered high wattage  
783 devices like air conditioners, water heaters, and ovens \_  
784 could be used to disrupt the power grid and even cause large-  
785 scale blackouts. And attacks on automated cars or on medical  
786 devices could obviously directly cause widespread property  
787 destruction, human injury, and death.

788         The early days of the connected device industry are now  
789 behind us, and the laissez faire attitude that came with  
790 rapid innovation now threatens to thwart the industry's  
791 progress into more serious domains where the stakes are  
792 higher. As we entrust technology with greater responsibility  
793 for our money, privacy, personal safety, and public order, we  
794 need to have greater confidence in its security. This is why  
795 I have advocated that the FCC, through its proceeding on  
796 cybersecurity labels, adopt rules requiring disclosure of the  
797 time period during which a device's manufacturer commits to  
798 diligently issue security updates.

799         Device security is just one of many other policy

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800 priorities that the FCC should instead focus on, in lieu of  
801 partisan goals that do not further the public interest. I am  
802 hopeful that my colleagues will embrace more bipartisan,  
803 common-sense policies going forward.

804 [The prepared statement of Mr. Simington follows:]

805

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

807

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808           \*Mr. Latta. Well, thank you for your opening statement.

809           And Commissioner Gomez, you are recognized for five

810 minutes.

811

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812 STATEMENT OF ANNA GOMEZ

813

814 \*Ms. Gomez. Thank you. Good morning, Chairman Latta,  
815 Ranking Member Matsui, Chairwoman McMorris Rodgers, Ranking  
816 Member Pallone, and members of the committee. It is an honor  
817 to appear before you today.

818 I would also like to thank Chairwoman Rosenworcel and  
819 Commissioners Carr, Starks, and Simington, as well as the FCC  
820 staff for their warm and generous welcome I received when I  
821 was sworn in to office just two months ago. It has been a  
822 pleasure to get to know the commissioners and the staff, and  
823 to learn about the important work they do for the agency.

824 I have been working in telecommunications for close to  
825 30 years, more than half of that time serving in government  
826 in various capacities at the FCC, the NTIA, briefly the  
827 Senate Commerce Committee, the Department of State, and the  
828 White House.

829 Public service is a special calling. A desire to give  
830 back and serve my community was instilled in me at a young  
831 age. My father was an immigrant. My mother, who passed away  
832 over 20 years ago, was a dentist. My brother is a computer



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833 programmer. Growing up, we moved frequently for my dad's  
834 job. But after he was laid off and tried to start something  
835 on his own, we lost everything. We struggled like so many  
836 families to stretch the dollar and cut where we could. We  
837 did not have money to afford my college tuition, so I worked,  
838 borrowed, and paid my way through both college and law  
839 school. After working briefly at a law firm, when the  
840 opportunity arose to serve as an attorney advisor at the FCC,  
841 I jumped at the chance. Little did I know that three decades  
842 of experience that followed would lead me here, testifying  
843 before Congress as an FCC commissioner.

844 I understand the importance of policy that protects the  
845 public interest and promotes competition and innovation. I  
846 worked on transformational rulemakings at the Commission,  
847 stood up FirstNet, represented the interests of some of our  
848 country's largest and most innovative corporations before  
849 government regulators, and represented the United States in  
850 international spectrum negotiations. As Commissioner, I am  
851 committed to ensuring we have a vibrant, strong, competitive  
852 communications marketplace that promotes U.S. economic  
853 prosperity and security while also meeting the needs of all

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854 consumers.

855 I believe the FCC does best when its work honors the  
856 needs of the people it serves. That means connecting  
857 everyone everywhere to affordable, reliable, high-speed  
858 broadband. The path to success for the next generation  
859 without access to reliable broadband is a treacherous road as  
860 compared to those with access. I saw this clearly when I  
861 visited several grade school classes and met with an  
862 Affordable Connectivity Program Outreach grantee. They  
863 stressed the importance of the FCC's pandemic connectivity  
864 programs to help students and families get connected and  
865 continue to learn and to work during the pandemic, and the  
866 role the Affordable Connectivity Program has played in  
867 supporting and expanding access for those who cannot afford  
868 it.

869 The Commission has helped ensure that people across the  
870 country have access to affordable, reliable broadband  
871 Internet access. Ensuring that everyone in rural, tribal,  
872 suburban, and urban communities can get and stay connected is  
873 critical to success for us all.

874 This also means ensuring our first responders can

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875 communicate in times of crisis. My years of working with  
876 public safety have given me an appreciation of their unique  
877 and vital communications needs.

878         It also means ensuring our connections are secure and  
879 resilient. As we build out new networks and deploy a once-  
880 in-a-generation level of broadband support to states, it is  
881 critical that we shore up our networks so that governments,  
882 public safety officials, institutions, and consumers can  
883 trust that the information we send and receive is protected.

884         We must be vigilant about protecting consumers from spam  
885 calls and scam texts, to protecting victims of domestic  
886 violence, to ensuring the Internet remains open. Consumers'  
887 interests must lead our policymaking.

888         And we must continue to foster innovation by ensuring  
889 our spectrum policies meet the needs of today and tomorrow,  
890 beginning with the reauthorization of Spectrum Authority \_  
891 Spectrum Auction Authority. This will ensure our  
892 technological leadership continues on a global stage.

893         Managing the nation's airwaves is always complex, given  
894 how intertwined they are with innovation and economic growth  
895 in the global economy. Over the last two weeks I attended

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896 AfricaCom and the World Radiocommunication Conference, where  
897 I engaged with stakeholders in the international community in  
898 support of the U.S. effort to cement our leadership in the  
899 next generation of space-based and mobile broadband services,  
900 as well as innovation in unlicensed technologies.

901 My first two months on the job have been very  
902 productive, but I know that there are more people to meet,  
903 places to visit, organizations to engage, and issues to  
904 address. And I welcome the opportunity to work with each of  
905 the members of this subcommittee on the issues that are  
906 important to your constituents.

907 Thank you again for the invitation to testify today. I  
908 am happy to answer any questions that you have.

909

910

911

912 [The prepared statement of Ms. Gomez follows:]

913

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

915

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916           \*Mr. Latta. Well, thank you very much for your  
917 testimony. And again, welcome, and welcome to the  
918 Commission. So great to have you here.

919           And as I mentioned before, we might \_ as members are  
920 asking questions, I might have to cut you all off so they can  
921 continue on to the next question, because I know we are going  
922 to have a lot of questions today. And so at this time I will  
923 recognize myself for five minutes.

924           When the Republican-led FCC restored broadband as a  
925 Title I service under the Communications Act, Democrats told  
926 Americans that we would get the Internet one word at a time.  
927 Chair Rosenworcel, yes or no, is that how we get the Internet  
928 today?

929           \*Ms. Rosenworcel. I am sorry, could you repeat the  
930 question?

931           \*Mr. Latta. As I said, when the Republican-led FCC  
932 restored broadband as a Title I service under the  
933 Communications Act, Democrats told Americans that we would  
934 get the Internet one word at a time. In a yes or no, is that  
935 how we get the Internet today?

936           \*Ms. Rosenworcel. No, but that is a result of more than

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937 about a dozen states stepping in and developing their own net  
938 neutrality laws.

939 \*Mr. Latta. But let me ask this. When the so-called  
940 net neutrality rules were repealed, did it end the Internet  
941 as we know it today, yes or no?

942 \*Ms. Rosenworcel. No. But again, we had states step in  
943 and develop their own net neutrality laws when Congress and  
944 the FCC \_

945 \*Mr. Latta. Thank you, because \_

946 \*Ms. Rosenworcel. \_ stepped out.

947 \*Mr. Latta. I think it is important because I know I  
948 asked my staff \_ the night before the rule was rescinded, I  
949 asked the D.C. and the district staff to do one thing for me.  
950 I wanted to know every call that we got the next day into the  
951 office for people that didn't have Internet service anymore,  
952 and everyone \_ and we received no calls.

953 Since \_ you know, the answers to the questions are both  
954 no, because despite the fearmongering tactics by the left,  
955 the Internet continued to operate as it did before. In fact,  
956 it withstood the greatest stress test of all time.

957 Commissioner Carr, during the COVID-19 pandemic, when

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958 Americans moved their entire lives online overnight, how did  
959 the Internet handle the increased traffic under a light-touch  
960 regulatory approach?

961 \*Mr. Carr. We saw around the world, basically, a year's  
962 worth of traffic growth get loaded onto the network virtually  
963 overnight with COVID-19. And U.S. networks outperformed  
964 those in other parts of the world, including in Europe, where  
965 our networks were 83 percent faster in terms of the relative  
966 change that they were seeing. And so our networks were able  
967 to withstand this traffic.

968 In Europe, their regulators called streamers and asked  
969 them to throttle, to degrade the quality of their streams,  
970 because they were afraid that Europe's networks were going to  
971 break. And for good reason. Our regulatory framework  
972 resulted in providers investing twice as much in their  
973 networks here than in Europe.

974 So now is not the time to make our networks look more  
975 like the fragile, slow ones in Europe.

976 \*Mr. Latta. Well, let me follow up. Is opposing Title  
977 II regulation of the Internet, as being proposed, is  
978 attempting to do a mistake? Is it a mistake to reimpose?

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979           \*Mr. Carr. Well, it is unlawful, and it is a policy  
980 mistake, as well.

981           President Obama's former solicitor generals [sic] filed  
982 a paper saying that it would be folly to think that the  
983 Supreme Court would uphold, under major questions doctrines,  
984 the FCC's decision. And what we saw when the FCC imposed  
985 Title II was a significant reduction in investment in this  
986 space, and not just a big macro number. We had very small,  
987 wireless ISPs that said we are going to be able to have to  
988 pull back on builds, pull back on expanding service because  
989 our cost of capital has increased.

990           We saw municipal, government-run networks submit filings  
991 and say they are having to divert resources into lawyers and  
992 compliance costs, and therefore they were having to abandon  
993 or throttle back on build. So Title II is the wrong  
994 direction if the goal is to make sure we have investment in  
995 further bridging of the digital divide.

996           \*Mr. Latta. Well, thank you.

997           Chair Rosenworcel, the most recent net neutrality order  
998 raised the issue of national security. Did anyone or you  
999 come to this committee requesting additional authorities to



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1000 protect our national security?

1001 \*Ms. Rosenworcel. I would be happy to have a discussion  
1002 with you about any national \_

1003 \*Mr. Latta. But has \_

1004 \*Ms. Rosenworcel. \_ security issues.

1005 \*Mr. Latta. But no one from the FCC \_

1006 \*Ms. Rosenworcel. Well, you and I spoke about this  
1007 already. I mean, the reality is since I became chair I am in  
1008 a lot of meetings I wasn't in as commissioner. And over and  
1009 over again, our national security authorities come to us with  
1010 problems with broadband traffic and ask the FCC to take  
1011 action. But I have to repeatedly say, "No, the last  
1012 administration took away the FCC's oversight over broadband.  
1013 We only have oversight over voice communications," and we  
1014 can't act \_

1015 \*Mr. Latta. But the important thing is \_

1016 \*Ms. Rosenworcel. \_ to prevent malicious state actors  
1017 who \_

1018 \*Mr. Latta. \_ is that we need to have the committee be  
1019 involved in this.

1020 \*Ms. Rosenworcel. \_ are hijacking traffic. We can't

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1021 act \_

1022 \*Mr. Latta. So that \_ it is important \_

1023 \*Ms. Rosenworcel. \_ to deal with interconnection with  
1024 data centers. We can't act to restrict Chinese nationals  
1025 from \_

1026 \*Mr. Latta. Let me \_

1027 \*Ms. Rosenworcel. \_ kinds of broadband traffic.

1028 \*Mr. Latta. Let me follow up with \_ because \_  
1029 reclaiming the time here, because we don't have much,  
1030 Commissioner Carr, at any time in the year since the last net  
1031 neutrality order was rescinded, did you receive any briefings  
1032 or any meetings related to Chair Rosenworcel's national  
1033 security concerns?

1034 \*Mr. Carr. I have been a commissioner for six years in  
1035 the majority and the minority. The SCIF is right down the  
1036 hallway from my office. There has been one briefing in the  
1037 past six years that says here is a known problem in our  
1038 broadband networks, that there is a foreign actor hijacking  
1039 traffic, and but for Title II the U.S. Government is  
1040 powerless to address it.

1041 \*Ms. Rosenworcel. It is actually on the record from the

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1042 Department of Justice \_

1043 \*Mr. Latta. It is \_

1044 \*Mr. Carr. The idea that \_

1045 \*Mr. Latta. Commissioner Carr is \_

1046 \*Mr. Carr. \_ the Federal Government is \_

1047 \*Mr. Latta. \_ has got the mike right now.

1048 \*Mr. Carr. \_ sitting here looking at a threat in our  
1049 network and is doing nothing other than proposing a 1930 law  
1050 does not pass the laugh test.

1051 If there is an issue in our network of which I have not  
1052 been briefed, then we should come to Congress and get law  
1053 that would solve it. But what I think is going on here is  
1054 the same thing that we saw in 2017: the goalposts have  
1055 moved, but the goal is the same. Title II is greater  
1056 government control of the Internet.

1057 When we have had a problem like we did when we were  
1058 trying to take additional action on Huawei and ZTE \_ some  
1059 people said we don't have enough authority, I disagreed \_ we  
1060 came to Congress, we got the Secure Equipment Act. It passed  
1061 very quickly. We have now implemented. We cannot \_ if there  
1062 is a threat, we can't sit on our hands and wait for months

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1063 until Title II passes and then Title II goes into effect. If  
1064 there is a problem, let's get authority from Congress.

1065 \*Mr. Latta. Well, thank you very much. My time is  
1066 expired, and at this time I will also ask to have my other  
1067 questions forwarded on to the Commission at \_ for them to be  
1068 answered in writing.

1069 [The information follows:]

1070

1071 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1072

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1073           \*Mr. Latta. And I now recognize the ranking member of  
1074 the subcommittee, the gentlelady from California, for five  
1075 minutes.

1076           \*Ms. Matsui. Thank you, Mr. Chairman.

1077           The ACP has successfully helped more than 22 million  
1078 families afford an Internet connection. But without  
1079 additional funding, this vital program could expire, cutting  
1080 off connectivity across the country. We also know that,  
1081 despite the program's success, there are many communities  
1082 that remain unaware of the program or are concerned about  
1083 signing up.

1084           Commissioner Starks, quickly, in your experience what  
1085 can we be doing to expand the footprint of ACP, especially in  
1086 hard-to-reach communities? I know you have been working on  
1087 this.

1088           \*Mr. Starks. Yes, thank you so much for the question.  
1089 You know, I think, first of all, we have to expand our  
1090 outreach, making sure that we are deeply engaged with  
1091 communities, whether that is outreach with everywhere from  
1092 churches to community organizers to local leaders. Making  
1093 sure that we are doing that; developing trust, as well, with

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1094 our communities, make sure that they know how to execute on  
1095 the program; and then following through and actually getting  
1096 folks signed up is the path to getting greater ACP.

1097 \*Ms. Matsui. Okay, thank you.

1098 As an original cosponsor of the bipartisan Rip and  
1099 Replace bill, I fully appreciate the severity of the threat  
1100 posed by network equipment manufactured by companies like  
1101 Huawei and ZTE. While Congress and the FCC have made  
1102 important progress toward removing all of it, until we fully  
1103 fund the reimbursement program our work will not be done.

1104 Chairwoman Rosenworcel, can you briefly describe the  
1105 threat posed by vulnerable research gear, and what could  
1106 happen if Congress failed to fund the shortfall?

1107 \*Ms. Rosenworcel. Sure, we have insecure Chinese  
1108 equipment in many of our networks around the country. We  
1109 have asked them to rip it out and replace it with secure  
1110 equipment. Congress provided us with funds for the carriers  
1111 to do this, but we have a shortfall of over \$3 billion. That  
1112 means we are providing \$0.40 on the dollar to a lot of small  
1113 and rural carriers to rip this equipment out and replace it.  
1114 They need more funds to get the job done and for our networks

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1115 to be fully secure.

1116 \*Ms. Matsui. Thank you, and I know that I have talked  
1117 with many of the rural areas, and that has come up to me many  
1118 times. They do the right thing, and yet they are facing this  
1119 challenge here.

1120 \*Ms. Rosenworcel. Exactly.

1121 \*Ms. Matsui. Chairman Latta and I introduced the  
1122 bipartisan NTIA Reauthorization Act. This bill includes a  
1123 provision based on my Spectrum Coexistence Act to establish  
1124 performance criteria for Federal receivers. Commissioner  
1125 Simington, quickly, as demand for spectrum increases, do you  
1126 believe improving receiver performance can create new  
1127 opportunities for commercial use?

1128 \*Mr. Simington. Thank you, Ranking Member Matsui, I  
1129 appreciate your interest and expertise on this topic.

1130 I absolutely believe that receiver reform can help free  
1131 up spectrum, and I hope Congress can coalesce around the kind  
1132 of common-sense reforms proposed in your recent legislation  
1133 regarding Federal users. In the meantime, I am anxious for  
1134 Chairwoman Rosenworcel to take up a notice of proposed  
1135 rulemaking in the FCC's receiver reform proceedings so that

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1136 we can start putting the policy statement principles to good  
1137 use.

1138 \*Ms. Matsui. Okay, thank you.

1139 I introduced the FCC Legal Enforcement Act to help crack  
1140 down on the dangerous and annoying surge of robocalls  
1141 plaguing American consumers. While we have made important  
1142 progress combating robocalls, it is clear more must be done.

1143 Chairwoman Rosenworcel, do you believe that the new  
1144 authorities provided to the FCC in my bill could help reduce  
1145 the amount of robocalls consumers receive?

1146 \*Ms. Rosenworcel. Yes, I would be happy to talk to  
1147 anyone on this committee about some ideas we have to \_  
1148 stemming the tide of robocalls and robotexts. We definitely  
1149 need some new authorities, and your bill is very helpful.

1150 \*Ms. Matsui. Can you give me an example?

1151 \*Ms. Rosenworcel. I can give you three examples.

1152 First, in the year before last the Supreme Court defined  
1153 "autodialer" in a way that leaves the technology stuck in  
1154 the 1990s. As a result, lots of scam artists are using  
1155 technology that are no longer covered by the Telephone  
1156 Consumer Protection Act. We can't go after them.



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1157           On top of that, we have in the last year issued about  
1158 \$600 million in fines against these bad actors who have been  
1159 putting this annoying stuff on the line. But every time we  
1160 issue them I have to hand it to the Department of Justice to  
1161 go collect. I want the FCC to be able to take every one of  
1162 those bad actors to court.

1163           And finally, we have noticed that a lot of these scam  
1164 artists, they shut down one company, they set up another one.  
1165 If we have access to Bank Secrecy Act information, we can  
1166 shut them down once and for all, and kick them out of this  
1167 business and off our networks.

1168           \*Ms. Matsui. Okay, thank you.

1169           I have been focused on the growing cyber threat over our  
1170 K-12 schools \_ that our K-12 schools face. Attacks targeting  
1171 the sensitive information of students and their families are  
1172 growing more frequent and severe. According to K-12 \_ there  
1173 have been more than 1,000 cyber incidents between 2016 and  
1174 2022. That is why I introduced the bipartisan, bicameral  
1175 Enhancing K-12 Cybersecurity Act to provide new cybersecurity  
1176 resources and promote better access to information. I also  
1177 encourage the FCC to continue modernizing the cyber resources

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1178 it offers schools.

1179 I ran out of time, but let me try to figure out with you  
1180 how we might proceed on this. Thank you very much.

1181 And I yield back.

1182 \*Mr. Latta. Thank you. The gentlelady yields back, and  
1183 the chair now recognizes the chair of the full committee, the  
1184 gentlelady from Washington, for five minutes.

1185 \*The Chair. Chair Rosenworcel, the Biden's FCC  
1186 broadband takeover is an extraordinary Federal reach.  
1187 Clearly, we are going to have to have you all come up here a  
1188 lot more.

1189 The move to regulate broadband as a utility under Title  
1190 II of the Communications Act is one example. I am equally  
1191 concerned about the FCC's new so-called digital  
1192 discrimination rules. The FCC went far beyond its  
1193 congressional mandate by adopting far-reaching rules that  
1194 could result in the agency micromanaging basic business  
1195 decisions made by providers like prices, contract terms, even  
1196 marketing campaigns, and regulating industries outside of its  
1197 jurisdiction, including landlords and banks.

1198 To the chair, the IIJA does not give the FCC authority

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1199 to regulate these practices or industries. Where did the FCC  
1200 find this authority, and what expertise does the FCC even  
1201 have to regulate these practices?

1202 \*Ms. Rosenworcel. Sure, the Congress gave us a very  
1203 broad mandate in section 6506 of the Bipartisan  
1204 Infrastructure Law. It told us conclusively to prevent and  
1205 eliminate digital discrimination. You did not limit it to  
1206 only to Internet service providers. You didn't limit it to  
1207 only some terms and conditions. The language in this statute  
1208 is exceptionally \_

1209 \*The Chair. Okay, thank you.

1210 \*Ms. Rosenworcel. \_ broad, so we implemented it just as  
1211 \_

1212 \*The Chair. Thank you. Reclaiming my time \_

1213 \*Ms. Rosenworcel. \_ it was written.

1214 \*The Chair. Reclaiming my time. I have some more  
1215 questions.

1216 Commissioner Carr, do you agree?

1217 \*Mr. Carr. No, I don't agree. It is very clear to me  
1218 that the FCC went far beyond the one-page bill that was  
1219 included in the Infrastructure Act. Senator Collins has made

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1220 this point. She says she was the lead Republican drafter in  
1221 the Senate, and that this is a regulatory over-reach, in her  
1222 view, and I agree.

1223 \*The Chair. Thank you. Back to the chair.

1224 You said many times you oppose rate regulation, but the  
1225 digital discrimination rules you adopted include pricing as  
1226 an indicator of discrimination.

1227 \*Ms. Rosenworcel. Actually \_ yes.

1228 \*The Chair. Will the FCC use these rules to regulate  
1229 rates?

1230 \*Ms. Rosenworcel. No. Actually, in the text of it we  
1231 made clear there will be no rate regulation.

1232 \*The Chair. Thank you. Earlier this year Chairman  
1233 Latta and I sent you a letter urging you not to reopen the  
1234 2014 proceedings on vMVPDs. At the last oversight hearing  
1235 you stated, and I quote, "The Commission's authority extends  
1236 only to what Congress provided in the 1984 Cable Act and the  
1237 1992 Cable Act. And it is fair to assume that none of us in  
1238 the room were contemplating the type \_ the kind of streaming  
1239 services that we have today when Congress passed those  
1240 laws.''

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1241           Because you acknowledged that the FCC does not have the  
1242 legal authority to regulate vMVPDs, do you commit to not  
1243 taking any action on this issue?

1244           \*Ms. Rosenworcel. So, just as I said before, I think  
1245 that our duties and authority in this area are constrained by  
1246 the 1984 Cable Act and the 1992 Cable Act, which contemplated  
1247 a physical facility for the delivery of video communications.  
1248 That is why I think the request to incorporate virtual  
1249 service providers is complex, doesn't fit neatly in the law.

1250           We are combing over the record and trying to understand  
1251 adjacent copyright issues to figure out a way forward. But I  
1252 think fundamentally, this is an issue where those who want us  
1253 to act are going to have to come to Congress. But I  
1254 acknowledge some of my colleagues may not feel the same way.

1255           \*The Chair. Thank you. The FCC adopted a disparate  
1256 impact \_ oh, this is for Commissioner Carr.

1257           So the FCC adopted a disparate impact standard for  
1258 digital discrimination, meaning that even ordinary business  
1259 decisions about where to deploy broadband could make a  
1260 company liable. Do you believe that Congress authorized the  
1261 FCC to adopt a disparate impact standard?

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1262           \*Mr. Carr. No for two reasons. One, Congress does not  
1263 include in the statute the term "disparate impact," nor did  
1264 Congress include in the statute the language that the Supreme  
1265 Court has said allows an agency to read disparate impact into  
1266 the statute. So for those two reasons, I think no.

1267           In addition, that decision introduced a lot of anomalous  
1268 results in the agency's rulemaking. So at least for those  
1269 three reasons, I don't think so.

1270           \*The Chair. Okay. Thank you very much.  
1271 I yield back.

1272           \*Mr. Latta. The gentlelady yields back. And also, just  
1273 to remind, witnesses are reminded that questioning time  
1274 belongs to each member to yield as they choose. Please  
1275 respond only when you are asked a question.

1276           And at this time the chair recognizes the ranking member  
1277 of the full committee, the gentleman from New Jersey, for  
1278 five minutes.

1279           \*Mr. Pallone. Thank you, Mr. Chairman.

1280           The Trump FCC abdicated its authority over the premier  
1281 communication network of modern times. That is broadband.  
1282 This action left consumers without any protections. That

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1283 forced the agency to do legal gymnastics, with a wink and a  
1284 nod to support broadband deployment. It is time to put this  
1285 behind us and reestablish the FCC's authority over the  
1286 service that 78 percent of Americans say is as important as  
1287 water or electricity. So let me ask.

1288 Chairman Rosenworcel, can you talk about how your open  
1289 Internet proposal complements our shared goals to ensure  
1290 everyone has access to high-speed, reliable broadband?

1291 \*Ms. Rosenworcel. Yes, I mean, the pandemic changed us.  
1292 Broadband is no longer nice to have; it is need to have for  
1293 everyone everywhere in this country. This is a service that  
1294 no one in this room would move to a new household and not  
1295 secure. That is how fundamental and essential it is.

1296 And it is also essential that we have some oversight to  
1297 make sure that for everyone in this country that service is  
1298 fast, open, and fair. And as the premier communications  
1299 regulator in the United States, it is crazy for us only to  
1300 oversee long distance voice service in a modern economy that  
1301 depends on broadband. We are just restoring that authority  
1302 consistent with judicial opinions that have come before.  
1303 That is all we are trying to do here. It is good for

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1304 consumers, public safety, and national security, as well.

1305           \*Mr. Pallone. Well, thank you, Chairwoman. Let me ask  
1306 Commissioner Gomez.

1307           Why is it important that consumers have a Federal agency  
1308 looking out for them, particularly when it comes to resolving  
1309 some of those 250,000 broadband complaints that I mentioned  
1310 in my opening statement?

1311           \*Ms. Gomez. Thank you. I agree with the chairwoman,  
1312 broadband is central to our lives, it is central to our  
1313 ability to get a good education, for rural health care, for  
1314 our jobs. If you don't have access to broadband, you really  
1315 can't participate in today's economy. It is so important  
1316 that \_ I agree, we need to have authority and a framework  
1317 that allows us to provide guardrails, where necessary, to  
1318 make sure that all consumers can have access to this  
1319 important service.

1320           \*Mr. Pallone. Well, thank you. Another important issue  
1321 that this FCC is taking on is junk fees. You know, Americans  
1322 throw away billions of dollars each year on junk and surprise  
1323 fees. So it is no wonder that New Jerseyans and consumers  
1324 across the country hate these fees. So let me go back to



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1325 Chairwoman Rosenworcel.

1326 Can you describe your proposal on this in more detail,  
1327 including how these efforts will lower consumer bills?

1328 \*Ms. Rosenworcel. Yes, we get a lot of complaints about  
1329 junk fees, people not understanding their bills. So we have  
1330 decided that those who provide subscription television  
1331 services should have an all-in fee, so you know the actual  
1332 number you are going to pay, not all these special fees for  
1333 broadcasting and sports and all these things they put on top  
1334 of it.

1335 We have also decided that we should get rid of, if we  
1336 can, early termination fees, because we have many more  
1337 choices in a competitive market than ever before that locks  
1338 you into service, you can't move on to a competitor.

1339 And we have also decided that, if you shut off your  
1340 service on the 2nd of the month, you shouldn't be billed  
1341 through the 30th.

1342 So we are working to try to get rid of these junk fees  
1343 and these irritations for consumers everywhere.

1344 \*Mr. Pallone. Well, thank you again.

1345 And finally, I wanted to turn to another area where the

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1346 Trump FCC failed the public, and that is ensuring localism  
1347 and diversity in broadcasting. Studies indicate that in more  
1348 than 100 markets across this country a single entity owns or  
1349 controls two, three, or even four of the major TV network  
1350 affiliates, and this has increased the costs on consumers by  
1351 raising pay TV bills, and created the possibility of more  
1352 devastating blackouts in which a community could lose nearly  
1353 all of its local programming.

1354 So, Chairwoman, again, do you agree with me that these  
1355 combinations are bad for consumers?

1356 And do you have plans to address this in your upcoming  
1357 reviews of the agency's media ownership rules?

1358 \*Ms. Rosenworcel. Yes. I mean, listen, we need  
1359 localism in this country. We all need local journalism to  
1360 make decisions about ourselves, our lives, and our  
1361 communities. And the more voices we can get in the  
1362 marketplace, the better off we are.

1363 One thing I am very proud that I have put before my  
1364 colleagues is a local journalism initiative whereby, if a  
1365 station that comes before us for a license renewal has the  
1366 capacity for the local origination of content \_ in other

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1367 words, to produce local content and local journalism \_ we  
1368 will put them at the head of the line in all kinds of FCC  
1369 license renewal processes.

1370 I think we have got to find ways to prioritize the  
1371 production of that local news and information and content,  
1372 and that is one way that I am hoping my colleagues will agree  
1373 to proceed with so we can do so.

1374 \*Mr. Pallone. Well, I appreciate that. You know, in  
1375 New Jersey in particular, if you are in north Jersey all you  
1376 hear about is New York TV, and that \_ no offense to my New  
1377 York neighbor here \_ but also, if you are in, you know, south  
1378 Jersey, you only hear about Philadelphia. And so nobody  
1379 hears the local news, you know, where we are. It is just  
1380 very difficult. So I appreciate that.

1381 Thank you, Mr. Chairman.

1382 \*Mr. Latta. Thank you. The gentleman yields back, and  
1383 the chair now recognizes the gentleman from Florida's 12th  
1384 district for five minutes.

1385 \*Mr. Bilirakis. Thank you, Mr. Chairman, I appreciate  
1386 it.

1387 Commissioner Carr, in the past you have expressed

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1388 concern about pole attachment delays during broadband  
1389 deployment. And now that we have a historic amount of  
1390 taxpayer dollars going out through the BEAD program, I want  
1391 to make sure it is timely spent, as intended, and not  
1392 frivolously wasted.

1393 As you know, I have been working on draft legislation  
1394 that would create fair and defined make-ready timelines where  
1395 they don't already exist. At the same time, I seek to omit  
1396 any FCC rate regulation so that any concerns on additional  
1397 costs can be placed on the applicant provider, as opposed to  
1398 the rate payers.

1399 Additionally, if a state believes that their geography  
1400 or constituency are better suited with different timelines, I  
1401 provide a carve-out to allow conflicting state law to  
1402 prevail. I think balancing all of these interests is key to  
1403 creating a realistic path forward. We worked pretty hard on  
1404 this.

1405 What do you think of this approach and the goal of  
1406 streamlining access to poles for broadband deployment,  
1407 generally?

1408 \*Mr. Carr. Well, thanks, Congressman, for your work on

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1409 this and the leadership. The ideas that you have in your  
1410 bill, I think, would go a long way towards accelerating  
1411 Internet builds in this country.

1412 When you look at fiber in particular, sometimes it is  
1413 buried but a lot of times it is aerial and attached to  
1414 utility poles, as you noted. There was a study out looking  
1415 at 2022, and it showed that fiber builders fell 1 million  
1416 homes short of their goal in terms of reaching new fiber.  
1417 And one of the reasons cited early on was the lack of  
1418 permitting reform.

1419 So we can make it easier and fairer for everybody in the  
1420 process, this pole attachment process. I think it would go a  
1421 long way to helping bridge the digital divide, so thanks for  
1422 your work on it.

1423 \*Mr. Bilirakis. Thank you so much.

1424 Again for Commissioner Carr, as we know from many  
1425 contexts, workforce shortages, supply chain snags, and  
1426 permitting barriers can all lead to unwanted, unforeseen  
1427 delays in various industries. As it relates to pole owners  
1428 already covered under FCC timelines, have there been issues  
1429 related to the ability of companies to meet the make-ready

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1430 timelines, especially smaller companies?

1431           And is there any recourse from the strictness of the  
1432 make-ready timelines if a pole owner cannot meet the timeline  
1433 due to no fault of their own, such as supply chain issue,  
1434 again, lack of workforce, or even natural disasters? And can  
1435 you please answer \_

1436           \*Mr. Carr. Thank you, Congressman. I am certainly  
1437 sensitive to a lot of those issues. I have worked to try to  
1438 help bolster the workforce issue, in particular. And we do  
1439 have to find the right balance here between putting too much  
1440 demands on pole owners, but on the other hand making sure we  
1441 are not slowing down broadband build. So I am happy to  
1442 continue to work with you and your office to make sure that  
1443 we have struck the right balance at the end of the day.

1444           \*Mr. Bilirakis. Thank you so much. I think it makes a  
1445 lot of sense.

1446           On a very different topic, Commissioner Simington, do  
1447 you anticipate public safety concerns from the removal of AM  
1448 radio from vehicles, as expected in the coming years?

1449           \*Mr. Simington. Thank you very much, Congressman.

1450           \*Mr. Bilirakis. Sure.

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1451           \*Mr. Simington. I am \_ I would say that there is no  
1452 backup. Right now there is no alternative to AM radio for  
1453 many important types of emergency communication. And until  
1454 there is, it makes sense to leave it in cars.

1455           \*Mr. Bilirakis. Okay, thank you. Thank you very much.  
1456           And, Mr. Chair, I will yield back the balance of my  
1457 time.

1458           \*Mr. Latta. Thank you. The gentleman yields back, and  
1459 the chair now recognizes the gentlelady from New York's 9th  
1460 district for five minutes.

1461           \*Ms. Clarke. Well, thank you very much, Mr. Chairman,  
1462 and I thank our Ranking Member Matsui for convening this  
1463 hearing, and let me also thank our esteemed panelists for  
1464 joining us today. In particular, I want to welcome our  
1465 newest commissioner, Anna Gomez, to the dais.

1466           We are thrilled to have you aboard, and it is great to  
1467 see a full Commission here with us today.

1468           I would like to start by commending Commissioner \_  
1469 excuse me \_ Chairwoman Rosenworcel and the entire Commission  
1470 for their leadership and for all your hard work in these  
1471 difficult times. Even while down a commissioner, this FCC

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1472 has done such fantastic work implementing critical rules that  
1473 promote connectivity, competition, and innovation.

1474 I am also proud of the work this committee has done and  
1475 is continuing to do to facilitate enhanced access to  
1476 broadband services and ensure all Americans have reliable  
1477 access to the Internet.

1478 Coming off the two-year anniversary of the passage of  
1479 the Bipartisan Infrastructure Law, the FCC has recently  
1480 finalized rules to eliminate and prevent digital  
1481 discrimination based off my own digital \_ anti-digital  
1482 redlining legislation first introduced in 2019. Last month's  
1483 announcement of proposed rules to reestablish the  
1484 Commission's oversight of broadband under Title II represents  
1485 yet another critical step by the FCC towards protecting our  
1486 national security, addressing consumer complaints, and hold  
1487 providers accountable for anti-consumer, anti-competitiveness  
1488 actions.

1489 Chairwoman Rosenworcel, under your leadership the FCC  
1490 also has done a tremendous job implementing the Affordable  
1491 Connectivity Program. When we met this past summer, the ACP  
1492 served 18 million households, and today that number has grown



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1493 to nearly 22 million homes currently enrolled in the program.  
1494 The success of this program is undeniable, and with funding  
1495 expected to run out early next year I plan to fight hard to  
1496 make sure Congress provides the Commission with the  
1497 Administration's full funding request for the ACP. And to  
1498 that end, I look forward to introducing legislation on that  
1499 very subject before Congress concludes its work for the year.

1500 Staying with the ACP for a moment, my first question \_  
1501 and really, a series of questions \_ is for you, Chairwoman  
1502 Rosenworcel. Chairwoman, what problems could consumers face  
1503 if there was a pause or a lapse in funding for the program?

1504 When could the 22 million vulnerable families enrolled  
1505 in this program expect to receive notices that they are being  
1506 cut off if the supplemental funding is late or less than what  
1507 the program needs?

1508 And what consumer safeguards can the FCC employ to  
1509 protect them?

1510 \*Ms. Rosenworcel. Thank you so much for your work on  
1511 the digital discrimination proceeding, but also your  
1512 championing the Affordable Connectivity Program.

1513 We have built the largest broadband affordability effort

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1514 in United States history. I have talked about it with  
1515 international regulators before the UN Broadband Commission.  
1516 It is now a model for the world. We have 22 million  
1517 households that rely on this program to get online, stay  
1518 online, as Commissioner Gomez said, for work, for education,  
1519 for health care, for more. We have come so far. We can't go  
1520 back.

1521 We need Congress to continue to fund this program. If  
1522 Congress does not, in April of next year we will have to  
1523 unplug households. And based on current projections, it will  
1524 be about 25 million households we will unplug from the  
1525 Internet in April. And if we do that, early in the year we  
1526 will have to let the providers know that they are going to  
1527 have to give notice to every one of those households, every  
1528 one of those consumers who counts on this program. We will  
1529 also have to indicate to the providers that they can no  
1530 longer enroll new households, and we will have to work with  
1531 our outreach coordinators to bring their efforts to an end.

1532 The best case scenario, though, is we don't do any of  
1533 those things because Congress continues to support this  
1534 program like you described.

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1535           \*Ms. Clarke. And finally, what can you share with this  
1536 committee, if anything, that you are hearing from industry as  
1537 to their needs to prepare for this scenario?

1538           \*Ms. Rosenworcel. We are having conversations with them  
1539 right now. But across the board I think industry would like  
1540 Congress to continue this program. They realize that this is  
1541 key to solving the digital divide. It is not just about  
1542 deployment, it is also about access and affordability.

1543           \*Ms. Clarke. Very well. Commissioner Starks, I want to  
1544 ask you what steps can the FCC take to promote transparency  
1545 in ownership and workforce demographic data to move us  
1546 towards a more diverse media landscape?

1547           I have 28 seconds, so I wanted to get that in.

1548           \*Mr. Starks. Well, perhaps most importantly, thank you  
1549 for your longstanding partnership on this. I know it has  
1550 been an issue as long as I have been a commissioner that you  
1551 have been focused on.

1552           With regard to media ownership numbers, we published  
1553 those in January earlier this year. There continues to need  
1554 \_ work to be done there, both for women ownership as well as  
1555 diverse ownership.

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1556           With regard to employment, though, that you focused on  
1557 briefly, that is an issue where we have fallen down on our  
1558 statutory obligation to collect that information for over 20  
1559 years now. It is something that I know the FCC is working  
1560 on, and I look forward to working with my colleagues here to  
1561 see if we can get that to ground.

1562           \*Ms. Clarke. Very well. Thank you very much, Mr.  
1563 Chairman, I yield back.

1564           \*Mr. Latta. Thank you very much. The gentlelady's time  
1565 has expired, and the chair now recognizes the gentleman from  
1566 Michigan's 5th district for five minutes.

1567           \*Mr. Walberg. Thank you, Mr. Chairman, and thanks to  
1568 the panel for being here today. We appreciate it.

1569           I was grateful to hear the chairman, in your  
1570 conversation with our chairman of the full committee, your  
1571 commitment on the issue of ex-ante, ex-post rate regulation,  
1572 and I appreciate the letter that you responded to me with  
1573 reaffirming that. So I am glad that we can affirm together  
1574 today that that isn't in the plans, and both the Title II  
1575 rules and your new digital discrimination rules will make  
1576 sure that doesn't take place.

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1577           So let me move on, Chairman Rosenworcel. When the FCC  
1578 appeared before the subcommittee in March of 2022, you and I  
1579 discussed the importance of having a spectrum pipeline. At  
1580 that time you suggested that Congress could help by ensuring  
1581 NTIA meet its statutory requirements under the Spectrum  
1582 Pipeline Act of 2015 of identifying 30 megahertz of spectrum  
1583 below three gigahertz for auction. Congress directed NTIA to  
1584 complete this study and deliver a report by January of 2022.

1585           The statute also requires FCC to auction the spectrum  
1586 NTIA identified by summer of 2024. And so the question  
1587 comes: Has NTIA delivered its report to the FCC?

1588           In other words, I am wondering if NTIA has met their  
1589 statutory requirement.

1590           \*Ms. Rosenworcel. No, they have not. Under the law, as  
1591 you know, we have an obligation to start an auction by July  
1592 of 2024, so we won't be able to do so unless we have an  
1593 indication of what spectrum they would like us to work with.

1594           \*Mr. Walberg. Okay, so I guess I will have to follow up  
1595 that question and ask the question anyway. Is the FCC on  
1596 track to auction the spectrum next year, as the statute  
1597 requires?

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1598           \*Ms. Rosenworcel. No, because we are going to need them  
1599 to identify that 30 megahertz of spectrum, as you and I just  
1600 discussed.

1601           \*Mr. Walberg. Okay, I just wanted to make sure I  
1602 understood it and, more importantly, everybody else heard it,  
1603 including the NTIA.

1604           Commissioner Gomez, welcome. Your story is important to  
1605 have heard this morning. I appreciate hearing that. I  
1606 understand that you have recused herself from certain matters  
1607 pursuant to the Biden ethics pledge. Can you explain what  
1608 the pledge requires of you, and if you plan to seek a waiver  
1609 for any matters before the Commission?

1610           \*Ms. Gomez. Yes, Congressman. So I am subject to both  
1611 the general ethics requirements under the rules, as well as  
1612 the Biden ethics pledge. The ethics pledge impacts my work  
1613 in a couple of ways that is a little more expansive than the  
1614 regular ethics rules.

1615           The first is it restricts me from participating in any  
1616 particular matter involving specific parties that is directly  
1617 and substantially related to my former employer. I was \_ I  
1618 worked at a law firm before \_ well, actually, right before

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1619 this I worked at the State Department, but before that I  
1620 worked at a law firm, and it was within the last two years.  
1621 So my former employer or my former clients.

1622 The pledge also does allow me to participate in matters  
1623 of general applicability, where the participation is open to  
1624 all parties. So you think general rulemakings, whereas the  
1625 more \_ the more restrictive policy is \_ think enforcement  
1626 proceedings, mergers, adjudicatory proceedings, things like  
1627 that.

1628 I can review written filings from all parties without  
1629 restriction, and I can meet with my former employers and  
1630 former clients within certain limitations. I can meet with  
1631 former employers about matters of general applicability when  
1632 non-former employers and/or clients participate in such a  
1633 meeting. My staff can meet with former employers or my  
1634 former clients on \_

1635 \*Mr. Walberg. Okay.

1636 \*Ms. Gomez. \_ matters on which I am not \_ I don't have  
1637 to recuse myself.

1638 \*Mr. Walberg. I appreciate that. It is a complex  
1639 answer.

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1640 \*Ms. Gomez. It is.

1641 \*Mr. Walberg. And thanks for answering that. Probably  
1642 my staff should follow up, just to get a more complete \_  
1643 without seeing what your memory is on this. So thank you.

1644 \*Ms. Gomez. You are welcome.

1645 \*Mr. Walberg. I see I only have 12 seconds left. I  
1646 wanted to ask Commissioner Carr something, but I guess we  
1647 will check that later.

1648 So Mr. Chairman, I yield back.

1649 \*Mr. Latta. The gentleman yields back, and the chair  
1650 now recognizes the gentleman from Texas's 33rd district for  
1651 five minutes for questions.

1652 \*Mr. Veasey. Mr. chairman, thank you very much, and I  
1653 want to thank the panel for being here. I welcome  
1654 Commissioner Gomez on her first hearing.

1655 And at the time of our oversight hearing of the FCC in  
1656 June, there were more than 18 million Americans that were  
1657 participating in the ACP, or the Affordable Connectivity  
1658 Program. And now, thanks in part to FCC-led programs like  
1659 Your Home, your Internet pilot program, and the ACP navigator  
1660 pilot program, there are more than 22 million Americans that



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1661 are enrolled in the program, which I think is really awesome.

1662 And Commissioner Starks pointed out something in his  
1663 testimony that I think is hugely important. He talked about  
1664 there being over 5,900 zip codes in America that have  
1665 participated in this program, and that is interesting because  
1666 that tells you that this program is bigger than it being a  
1667 blue deal or being a red deal, that this is something that  
1668 all Americans, regardless of what part of the country or what  
1669 sort of congressional district they live in, really like this  
1670 program and think that it is a good idea and that it is  
1671 helping Americans.

1672 Commissioner Gomez, at the current enrollment rate,  
1673 appropriated funds are going to run out probably by April of  
1674 next year. If we do not find a path forward to fund this  
1675 program before then, then 22 million households will lose  
1676 this vital benefit. What does the potential disruption of  
1677 ACP mean for future community outreach efforts related to  
1678 digital connectivity?

1679 \*Ms. Gomez. Thank you Congressman. You say exactly  
1680 right. We are about to run out of the funds in just a few  
1681 short months to fund ACP, and losing that funding will mean

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1682 millions of households will lose connectivity. And the  
1683 outreach efforts that we do will have to stop, because we  
1684 can't continue to provide outreach on a program that doesn't  
1685 have funding. That will make the consumers lose the trust in  
1686 the government, and some of these low-income households  
1687 already have a low trust of government, and we want them to  
1688 be able to use these programs so that they can become a part  
1689 of the Internet community.

1690 So it is very serious, and I am glad that you are  
1691 focusing attention on getting this program refunded.

1692 \*Mr. Veasey. Yes. No, absolutely. Roughly a quarter  
1693 of the 22 million households enrolled in ACP had no Internet  
1694 access at all before ACP. And the recent HUD-FCC partnership  
1695 has played a very critical role in connecting Federal housing  
1696 assistance recipients to broadband subscriptions through ACP.

1697 Commissioner Starks, I want to go back to your testimony  
1698 a little bit and ask you what steps can Congress or the FCC  
1699 take to ensure that these families that are both, again, from  
1700 very blue districts and very red districts, obviously, by the  
1701 multitude of zip codes that you talked about, what can  
1702 Congress or FCC do to make sure that these families continue

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1703 to build their foundational digital competency, even if the  
1704 ACP runs out?

1705 \*Mr. Starks. Absolutely. You know, one of the things  
1706 that I have found is, especially on the issue of public  
1707 housing, you know, lots of times as policymakers we pull  
1708 different levers to try to get the result that we are trying  
1709 to bring about. But in particular with housing, for folks  
1710 that are on low-income housing, vulnerable housing, it is  
1711 very, very clear we are helping you to get housed. And so  
1712 let's just make sure we can connect you on that housing.

1713 But again, the same issues that very much are wrapped up  
1714 with these vulnerable households, these are not households  
1715 where you can just knock once and hope that they sign up for  
1716 the program. You have to repeatedly engage the community,  
1717 engage trust. There are language barriers. All of this has  
1718 really made sure that this opportunity for folks that do say  
1719 yes, it is essential that we keep them connected.

1720 \*Mr. Veasey. Yes, yes. No, absolutely.

1721 Chairwoman Rosenworcel, the FCC has made it clear in its  
1722 report on the future of the USF that the Commission and  
1723 Congress should continue to build upon the investments under

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1724 the Bipartisan Infrastructure Law to help the country reach  
1725 universal deployment, affordability, adoption, availability,  
1726 and equitable access to broadband. Today the USF relies on  
1727 its funding \_ relies for its funding of contributions from an  
1728 ever-shrinking base of services.

1729 And I wanted to ask you, as the conversation takes place  
1730 in Congress regarding the future of the Universal Service  
1731 Funds, what are some things that you would hope we would keep  
1732 in mind to make sure that we are making positive efforts to  
1733 modernize this hugely important program?

1734 \*Ms. Rosenworcel. Yes, I appreciate it. This is a  
1735 complex question, I have got about 20 seconds to answer, so  
1736 what I want to do is follow up with you and your staff and  
1737 make sure you see a copy of the report that we all worked on  
1738 for the future of universal service, which Congress required  
1739 in the Bipartisan Infrastructure Law. It has got some ideas  
1740 in there about assessing on different actors under different  
1741 circumstances. And I would love to follow up with you so we  
1742 can discuss it so that this Fund can continue in a stable and  
1743 consistent way.

1744 \*Mr. Veasey. Mr. Chairman, thank you.

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1745           \*Mr. Latta. Thank you very much. The gentleman's time  
1746 has expired, and the chair now recognizes the vice chair of  
1747 the subcommittee, the gentleman from Georgia, for five  
1748 minutes.

1749           \*Mr. Carter. Thank you, Mr. Chairman, and thank all of  
1750 you for being here.

1751           And you all, please keep in mind that one of the main  
1752 functions of Congress is oversight. And this is what we are  
1753 here for, not to be confrontational, but just for oversight  
1754 because we need to be educated. We are going to differ on  
1755 policy issues. I differ on digital discrimination, and I am  
1756 \_ it is not going to change, probably. But I want to be  
1757 educated. I want \_ I don't want to be confrontational. I  
1758 just want answers to some questions.

1759           I want to start out by saying that we have got a lot of  
1760 ground to cover, and I want to associate myself with Chair  
1761 Cathy McMorris Rodgers's comments on the vMVPDs and on the  
1762 Title II rule, as well.

1763           Chairwoman, I want to ask you. The digital  
1764 discrimination rule that has been issued by the FCC, it seems  
1765 to me to be extremely broad, and I think it is extremely

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1766 broad. I think the average person reading it would agree  
1767 with that.

1768 How will the FCC know whether a provider is in violation  
1769 of these rules?

1770 Will providers be asked to or be required to ask  
1771 customers about their race, their income, other  
1772 characteristics like this?

1773 How are you going to implement this?

1774 \*Ms. Rosenworcel. Well, thank you for the question, and  
1775 I appreciate that you and I have talked about these issues  
1776 before and can keep on talking \_

1777 \*Mr. Carter. Yes, okay.

1778 \*Ms. Rosenworcel. \_ about them. But I would say that  
1779 the law that Congress passed is very broad, but it is  
1780 structured around a complaint process.

1781 The FCC chose to not have formal complaints, only  
1782 informal complaints, to try to facilitate an understanding if  
1783 there are problems. We also made clear that there can be no  
1784 third-party rights of action. So we are inviting a  
1785 conversation with the agency about where any \_

1786 \*Mr. Carter. Well, let me ask you this, then.

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1787           \*Ms. Rosenworcel.   \_ complaints about disparities \_

1788           \*Mr. Carter.   Let me ask you this, because I get this so  
1789 often, being a Member of Congress, is that the law that you  
1790 passed was extremely broad. And the way that you interpret  
1791 it, or the way agencies interpret it \_ not just FCC, but many  
1792 agencies \_ how can we make it better for you? How can we  
1793 make it to where it is not as broad as it is?

1794           \*Ms. Rosenworcel.   Okay. Well, I think that we should  
1795 assess this law at the one-year mark. I think we should all  
1796 come back and say, "Did we do what we intended to do? Is it  
1797 preventing and eliminating digital discrimination? Is it  
1798 challenging for people to find complaints? Are we resolving  
1799 problems, yes or no?" I actually think, on a bipartisan  
1800 basis \_

1801           \*Mr. Carter.   Okay, all right. Well, let me ask you  
1802 this, and part of my question was this: Will providers be  
1803 required to ask customers about their race, their income, and  
1804 other characteristics like this? Yes or no.

1805           \*Ms. Rosenworcel.   Providers are \_ have to abide by the  
1806 law. They can also seek advisory opinions \_

1807           \*Mr. Carter.   Is that a yes or no? Yes, they will have

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1808 to ask about their race and their income?

1809 \*Ms. Rosenworcel. The answer is no, but they can seek  
1810 advisory opinions from us if they have any concerns \_

1811 \*Mr. Carter. Okay, let me ask you this. The digital  
1812 discrimination rules apply to local governments. As you  
1813 know, having been a mayor at one point in another life, I am  
1814 very sensitive to this. If a local government doesn't  
1815 approve a permit to deploy broadband to a particular area,  
1816 would that be a violation of FCC's digital discrimination  
1817 rules?

1818 \*Ms. Rosenworcel. I think that that would be a  
1819 violation of section 253 of the Communications Act, which  
1820 puts restrictions on local governments from having more \_

1821 \*Mr. Carter. Okay, how will you make that  
1822 determination? You say, "I think it would be."

1823 \*Ms. Rosenworcel. Well, I would like to go back and  
1824 double check with the statute, but I think the primary law  
1825 that governs the situation you are describing is section 253  
1826 to the extent it is a telecommunications service. And to the  
1827 extent that it is a wireless facility, it would be section  
1828 332 of the law.



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1829 \*Mr. Carter. Okay, fine, fine, fine.

1830 \*Ms. Rosenworcel. There are provisions \_

1831 \*Mr. Carter. Okay.

1832 \*Ms. Rosenworcel. \_ that are already in the law on that  
1833 fact.

1834 \*Mr. Carter. All right, thank you.

1835 Commissioner Carr, you have visited my district before,  
1836 I appreciate you very much and your attention. The FCC  
1837 inspector general has issued a number of alerts of fraud  
1838 within ACP. These cases have involved agents of companies  
1839 fraudulently enrolling people in the program. I understand  
1840 that the individual sales agents have been kicked out of the  
1841 program, but what consequences do providers face? Do they  
1842 face any consequences at all for fraudulent enrollments?

1843 \*Mr. Carr. Yes, one reform that I pushed for was  
1844 debarment. If we see, you know, a sufficient pattern or  
1845 level of violation, we shouldn't just fine entities, we  
1846 should be kicking them out of these programs \_

1847 \*Mr. Carter. Absolutely.

1848 \*Mr. Carr. \_ all together.

1849 \*Mr. Carter. Thank you for that. What other reforms?

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1850 Anything else that you would have us consider that would  
1851 protect against waste, fraud, and abuse?

1852 \*Mr. Carr. One idea I put forward is having the FCC  
1853 formally \_ we do this sometimes informally, but formally in  
1854 every time consult with the inspector general, and get their  
1855 list of reforms that they want, put them in our document. If  
1856 we disagree for some reason, we can say it, but we should  
1857 formalize the process of getting the inspector general's  
1858 views on the front end.

1859 \*Mr. Carter. You know, it is interesting, and  
1860 Chairwoman, I heard you mention earlier that you have to send  
1861 it to the DoJ. I dealt with an agency yesterday, a separate  
1862 issue, but the same thing. They have to send it to the DoJ.  
1863 You know, I want to give you authority that you need. But at  
1864 the same time \_

1865 \*Ms. Rosenworcel. Sure.

1866 \*Mr. Carter. \_ I don't want to be calling these  
1867 agencies and hearing them say, "Well, we sent it to DoJ."

1868 \*Ms. Rosenworcel. Sure.

1869 \*Mr. Carter. And \_

1870 \*Ms. Rosenworcel. No, I understand. I actually agree

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1871 with Commissioner Carr. We have informally sought the advice  
1872 of the Office of the Inspector General to make sure the  
1873 integrity of this program is secure.

1874 And I also think we have got bad actors. We have got to  
1875 kick them out of the program.

1876 \*Mr. Carter. Absolutely.

1877 \*Ms. Rosenworcel. Throw the book at them.

1878 \*Mr. Carter. Absolutely. Commissioner Carr, anything?

1879 \*Mr. Carr. Thank you for your work. I enjoyed visiting  
1880 with you in Bulloch and Guyton.

1881 \*Mr. Carter. Sure.

1882 \*Mr. Carr. And I can tell you a lot of people haven't  
1883 had a chance to actually splice fiber before. You have \_

1884 \*Mr. Carter. I have.

1885 \*Mr. Carr. \_ out there, and there is a DB loss that you  
1886 get when you splice fiber. And usually, you know, a little  
1887 bit of DB loss is okay. But in your case, if I remember  
1888 right, it was 0.00. So it \_

1889 \*Mr. Carter. It was.

1890 \*Mr. Carr. \_ that you helped make.

1891 \*Mr. Carter. So don't think that I can't go do

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1892 something else.

1893 [Laughter.]

1894 \*Mr. Carter. Thank you, and I yield back, Mr. Chairman.

1895 \*Mr. Latta. The gentleman's time has expired. The  
1896 chair now recognizes the gentleman from Florida's 9th  
1897 district for five minutes for questions.

1898 \*Mr. Soto. Thank you, Chairman.

1899 This Friday we will see the 67th launch, a record number  
1900 of launches in central Florida at Cape Canaveral as SpaceX  
1901 launches another Falcon 9 rocket filled with Starlink  
1902 satellites. We could see 80 launches by the end of this  
1903 year, and 100 going into 2024. Add in major weather events  
1904 like hurricanes, which we sometimes get in central Florida,  
1905 efficiency is critical. Otherwise, these launch dates could  
1906 start piling up. And as you all know all too well, FCC  
1907 applications are required for each of these launches and \_ to  
1908 allow these companies and NASA to communicate with their  
1909 rockets.

1910 So I was proud to introduce the Launch Communications  
1911 Act, which, thanks to the support of the chairman and others  
1912 in a bipartisan fashion, passed the House. The Senate passed

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1913 another version to streamline the FCC permit process and set  
1914 aside spectrum for this purpose. I appreciate the FCC  
1915 starting the rulemaking efforts and working with us on  
1916 technical assistance.

1917 Chairwoman Rosenworcel, how important is streamlining  
1918 this process to protect American space leadership?

1919 And, should the law pass, are you prepared to implement?

1920 \*Ms. Rosenworcel. Absolutely. I appreciate you  
1921 championing this issue.

1922 The space economy is growing, and the United States is  
1923 in the lead. I have seen it myself with the NASA  
1924 administrator down at Kennedy Space Center. We are launching  
1925 into our skies. It is exciting, but every one of those  
1926 launches is a nail-biting experience. They should have  
1927 regular and routine access to spectrum.

1928 We did pass \_ adopt a rule for some access in the two  
1929 gigahertz band, but any further statutory authority you can  
1930 provide us with is welcome.

1931 \*Mr. Soto. Well, we appreciate those efforts, which I  
1932 wanted to recognize.

1933 The Congressional Hispanic Caucus strongly supported the

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1934 nomination of Anna Gomez to the FCC, and we are proud that  
1935 you became the first Latina to serve on the FCC. And the  
1936 fact that you were born in Orlando and a GW Law graduate like  
1937 me gives us a strong kinship. So I got your back, hermana.

1938         We have issues of disinformation in voting rights,  
1939 public health, government programs that run rampant in  
1940 Spanish in radio, text messages, TV, and the Internet in  
1941 Spanish. Commissioner Gomez, what do you think the FCC's  
1942 role is to combat disinformation, the importance of this  
1943 work, and the importance of resources, and what we need to do  
1944 to continue to make sure that people get reliable information  
1945 on key government programs, voting rights, and public health,  
1946 things like that?

1947         \*Ms. Gomez. Thank you very much, and I really do  
1948 appreciate the support. I am a proud Floridian and GW grad,  
1949 as well.

1950         Disinformation is a significant problem, particularly  
1951 for the Latin communities, and I am listening, I am open to  
1952 ideas of ways to combat this problem, in particular how to  
1953 promote media and digital literacy among Spanish-speaking  
1954 communities. My interest in supporting media and digital

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1955 literacy is grounded in the FCC's responsibility to the  
1956 Constitution and First Amendment law, and so I would love to  
1957 work with your office to figure out ways to address this  
1958 issue.

1959       \*Mr. Soto. It is a careful balance, but it is one that  
1960 the FCC definitely has a role in.

1961       Commissioner Starks, I appreciate your championship of  
1962 the ACP. We have 76,000 households in Florida's 9th  
1963 congressional district. A lot of my colleagues have already  
1964 talked about this today, so I did want to pivot to your  
1965 interest in securing our networks, which, when you look at  
1966 SolarWinds back in the day, where the Federal Government got  
1967 hacked under the Trump Administration, and we had the solar  
1968 \_ the Colonial Pipeline incident more recently, securing our  
1969 nation's networks are absolutely critical.

1970       And I know the chairwoman mentioned a \$3 billion  
1971 shortfall. It would be great to hear your concerns about  
1972 that, elaborate on rip and replace to make sure we have  
1973 trustworthy equipment, and the Cyber Trust Mark rulemaking  
1974 that you are undertaking.

1975       \*Mr. Starks. Well, absolutely. Thank you so much for

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1976 the question.

1977           You know, on this in particular, there is such a  
1978 shortfall. We need to make sure that we are funding these  
1979 folks. A lot of these rural networks are already operating  
1980 on a very thin budget, and for them to take \$0.40 on the  
1981 dollar is very problematic.

1982           Even more problematic would be if they don't actually  
1983 execute on the rip and replace that we are requiring them to  
1984 do. This is national security at issue. And this is \_ a  
1985 number of these we have also seen around military bases.

1986           There are myriad numbers of issues here \_ why this is  
1987 absolutely mission critical.

1988           \*Mr. Soto. Well, we need to help dig deep to get you  
1989 that funding so that you all can do this amazing bipartisan  
1990 work.

1991           The last thing I will say is AM radio, very important  
1992 during hurricanes in Florida. It is the \_ I have literally  
1993 gotten in my car to get information because everything else  
1994 went down, so very important to keep access to AM radio for  
1995 Floridians and across the nation.

1996           And with that, I yield back.



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1997           \*Mr. Latta. The gentleman's time is expired, and the  
1998 chair now recognizes the gentleman from Pennsylvania's 13th  
1999 district for five minutes for questions.

2000           \*Mr. Joyce. Thank you, Chairman Latta and Ranking  
2001 Member Matsui, for bringing together this hearing, and to our  
2002 FCC commissioners for giving time to be here.

2003           We must ensure the FCC is working hand in hand with  
2004 Congress to prioritize the right policies that will continue  
2005 to spur innovation in the telecommunications industry, not  
2006 ones that could prove to be detrimental.

2007           Chairwoman Rosenworcel, as you might know, I have  
2008 introduced the 5G SALE Act, which would give the FCC  
2009 authority to process the applications that have been pending  
2010 for over a year that were submitted after the 2.5 gigahertz  
2011 auction. An identical bill has already passed the Senate. I  
2012 was pleased to see that you, Chairwoman, recently wrote to  
2013 several of my colleagues that these bills will give the FCC  
2014 the authority to issue the remaining 2.5 gigahertz licenses.  
2015 I am hopeful that the 5G SALE Act will pass the House and  
2016 become law very shortly.

2017           When it does, can you commit to devoting the resources

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2018 and time necessary to process the applications expeditiously?

2019 \*Ms. Rosenworcel. Absolutely. I want to thank you for  
2020 your work on this bill. The licensees deserve to get access  
2021 to that spectrum. You are going to hopefully expedite the  
2022 day when they do have it.

2023 \*Mr. Joyce. And thank you. My hope is that we can work  
2024 with our colleagues in the Senate to restore the FCC's  
2025 General Spectrum Auction Authority to maintain the U.S.  
2026 wireless leadership.

2027 The NTIA recently released a National Spectrum Strategy,  
2028 directing the study of 2,700 megahertz of spectrum for  
2029 potential repurposing.

2030 Chairwoman, you have said that over 20 million  
2031 households will lose access to broadband if we do not fund  
2032 ACP. Do you know how many of these households paid for  
2033 broadband prior to the ACP program?

2034 \*Ms. Rosenworcel. I want to be clear that the ACP  
2035 program, as written by Congress, does not ask providers to  
2036 ask that question of them. So \_

2037 \*Mr. Joyce. Don't you think that is \_

2038 \*Ms. Rosenworcel. \_ speculate \_

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2039           \*Mr. Joyce.   \_ an important piece of information before  
2040 we assume that 20 \_

2041           \*Ms. Rosenworcel.   Sure.

2042           \*Mr. Joyce.   \_ million households will lose that?

2043           \*Ms. Rosenworcel.   Sure.

2044           \*Mr. Joyce.   Don't you think that we have an obligation  
2045 to assess how many individual households \_

2046           \*Ms. Rosenworcel.   So \_

2047           \*Mr. Joyce.   \_ will be assessed before we use those  
2048 numbers?

2049           \*Ms. Rosenworcel.   Let me follow up and say that we have  
2050 asked the Universal Service Administrative Company to do some  
2051 surveys on it. It is about 20 or 22 percent didn't  
2052 previously have it.

2053           But we do have some problems identifying how to  
2054 determine that with carriers. And also, we have people who  
2055 set up new households who are eligible for this program, like  
2056 with Pell grants, so that the numbers in this environment  
2057 fluctuate a lot.

2058           \*Mr. Joyce.   But those numbers are incredibly important.  
2059 I think \_

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2060 \*Ms. Rosenworcel. Sure.

2061 \*Mr. Joyce. \_ if we are using that 20 million number  
2062 \_ and you have just elicited that it might be 20 or 22  
2063 percent less \_ I think it is important that we have the  
2064 capability to understand the impact, the impact of how that  
2065 process will continue, the financial impact, and the personal  
2066 impact. I thank you for bringing that, and I look forward  
2067 for the clarification so that we can assess more clearly how  
2068 many actual households will be impacted by this.

2069 Additionally, I would like to ask what role the FCC  
2070 played in the development of NTIA's National Spectrum  
2071 Strategy.

2072 \*Ms. Rosenworcel. I am in regular contact with NTIA.  
2073 As you might know, we signed a new memorandum of  
2074 understanding with NTIA. The FCC had not updated that in 20  
2075 years. And as a result, we have been brought into those  
2076 discussions repeatedly.

2077 \*Mr. Joyce. Did they follow your recommendations?

2078 \*Ms. Rosenworcel. A lot of these conversations were  
2079 back and forth. I would like everyone to move faster, have a  
2080 bigger pipeline in general, because I think that our

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2081 commercial spectrum activity has \_ plays a really big role in  
2082 our wireless leadership.

2083 But we do have identified bands now that we want to  
2084 study for future commercial activity. That is a start. We  
2085 could definitely use the return of our spectrum authority and  
2086 pressure from this Congress to keep at it as we study those  
2087 bands.

2088 \*Mr. Joyce. Commissioner Carr, were you part of this  
2089 coordination? And if not, what changes would you have  
2090 proposed to be included in these strategies?

2091 \*Mr. Carr. I was not part of it, and I think there is  
2092 one fundamental change I would have made, which \_ I would  
2093 have had the spectrum plan actually free up more than zero  
2094 megahertz of spectrum.

2095 For my part, I put out an actual spectrum plan in March  
2096 of 2021 that identified specific frequency bands, an amount  
2097 of megahertz within those bands, and dates certain by which  
2098 the FCC should auction it or otherwise make it available.  
2099 That is a spectrum plan, and that is what is entirely missing  
2100 from the Administration's National Spectrum Strategy.

2101 \*Mr. Joyce. Thank you.

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2102           Chairwoman, the FCC has proposed opening the upper 12  
2103 gigahertz band for commercial wireless use. However, that  
2104 band was not included in the National Spectrum Strategy that  
2105 was rolled out a few weeks ago. What is the status of that  
2106 proceeding?

2107           \*Ms. Rosenworcel. No problem. We made sure it was not  
2108 included in the strategy so that no one would continue to  
2109 study it, and so if Congress restored our Auction Authority,  
2110 we would be able to proceed to auction on that reasonably  
2111 quickly.

2112           \*Mr. Joyce. Thank you all, commissioners and  
2113 Chairwoman, for being present here today.

2114           Mr. Chairman, I yield.

2115           \*Mr. Latta. Thank you. The gentleman's time has  
2116 expired, and the chair, before he recognizes the gentlelady  
2117 from California's 16th district, I just want to say publicly  
2118 here at the subcommittee that, with your announcement of your  
2119 pending retirement \_ but we are going to have you still for  
2120 13 more months \_ we are going to miss you, and you have been  
2121 a joy to work with through all these years that I have been  
2122 on this committee. So thank you very much for your service

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2123 to this subcommittee, and I recognize you for five minutes.

2124 \*Ms. Eshoo. Well, thank you, Mr. Chairman. It is very  
2125 generous of you, and I feel the same way. I have been on  
2126 this committee since my second term in Congress. So when I  
2127 exit at the end of next year, I will have served 30 years on  
2128 this subcommittee, and it is been a joy. And the reason I  
2129 say that is because I have seen such progress that the United  
2130 States of America has made in the area of telecommunications,  
2131 the Internet, so much. And now we are at the advent of AI.

2132 To the commissioners, it is wonderful to see you. It is  
2133 always special when the full Commission comes to testify, so  
2134 welcome.

2135 And to the newest commissioner, she is the first and  
2136 only Armenian Latina to serve as a commissioner.

2137 [Laughter.]

2138 \*Ms. Eshoo. So we are very proud that you have joined  
2139 the Commission, and grateful for the experience that you have  
2140 had and that you are going to apply.

2141 To the chairwoman, when you made your opening statement  
2142 you listed 12 issues that the Commission is working on.  
2143 Bravo to you and the entire Commission. It really is a

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2144 spectacular honor roll of issues that need to be addressed.  
2145 It is going to strengthen our systems and continue, I  
2146 believe, America's leadership when it comes to  
2147 telecommunications.

2148 I have been a net neutrality champion for over 15 years.  
2149 I think something that was left out when it is being  
2150 discussed here is that, yes, states stepped in, and  
2151 California did it in a major way. And I think, for those  
2152 that are detractors of this policy which I think is an  
2153 excellent one, spend a few minutes examining that leadership.  
2154 It didn't damage anything. In fact, it protected the  
2155 consumers and the people of a nation state, the largest state  
2156 in our country. So there is a lot to be appreciated about  
2157 the policy. Obviously, I could go on and on.

2158 I want to go back to rip and replace. I wasn't  
2159 intending to, but I am going to for the following reason.  
2160 When we take our oath of office, our top responsibility is  
2161 our national security, and that is what that policy is all  
2162 about. I don't take a back seat to anyone on this issue. I  
2163 spent almost a decade on the House Intelligence Committee,  
2164 and I know firsthand why we need rip and replace. I authored



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2165 legislation with the gentleman from Louisiana, now the  
2166 majority leader of the House, Mr. Scalise, on this very  
2167 issue. And I pled with the FCC under the last administration  
2168 over and over and over again for the Commission to take this  
2169 issue up. We cannot afford to have any kind of foothold by  
2170 the likes of Huawei and ZTE. This should be a totally  
2171 bipartisan issue, in my view.

2172 So Commissioner \_ Chairwoman Rosenworcel, you started to  
2173 say \_ well, you didn't get to finish saying what you \_ in  
2174 your exchange with the chairman. Do you want to finish that?

2175 \*Ms. Rosenworcel. You can go on to other \_

2176 [Laughter.]

2177 \*Ms. Rosenworcel. You have got two minutes, I don't  
2178 want to take your time.

2179 \*Ms. Eshoo. Okay.

2180 \*Ms. Rosenworcel. All right.

2181 \*Ms. Eshoo. Well, thank you. Let me go to the whole  
2182 issue of domestic violence and the legislation that  
2183 Congresswoman Kuster and myself \_ the Safe Connections Act.  
2184 I want to thank the Commission for the work that you have  
2185 done on that. I think everyone knows what this represents.

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2186 No longer will those that have been abused be stuck in shared  
2187 phone plans that abusers can use to monitor, harass, or  
2188 control them.

2189 On robocalls, Commissioners Carr and Simington, do you  
2190 support providing the FCC the authority to recover unpaid  
2191 penalties for robocall violations?

2192 \*Mr. Carr. Well, thank you, Congresswoman, for your  
2193 leadership on this. Both on robocalls generally \_ and I like  
2194 a lot of the ideas you have put forward about how we can  
2195 increase the effectiveness of the FCC's enforcement efforts.  
2196 And so thank you for your work.

2197 \*Mr. Simington. Congresswoman, I would also like to  
2198 thank you for your work on this. And robocalls are a  
2199 scourge, and the more expeditiously we can respond against  
2200 them and punish providers of them, the better.

2201 \*Ms. Eshoo. I think the FCC would become the singularly  
2202 most popular Federal agency if we can rid the scourge of  
2203 robocalls in our country. We hear from our constituents all  
2204 the time.

2205 America's spectrum is the gold of the 21st century.  
2206 What have been the impacts of the expiration of the auction

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2207 authority, and do they worsen the longer this goes on?

2208 And does anyone want \_ Chairwoman?

2209 \*Ms. Rosenworcel. The FCC and the United States has led  
2210 the world in wireless policy. We have put more airwaves out  
2211 there for innovators to build and make services accessible.  
2212 We have had this authority for 30 years. We have raised \$233  
2213 billion for the U.S. Government doing it. It is a tremendous  
2214 tool. It is expired as of March 9 of this year. We  
2215 shouldn't go a day longer without having this tool. It is  
2216 something we use for our wireless leadership domestically and  
2217 globally.

2218 \*Ms. Eshoo. Well, I have exceeded my time, and I will  
2219 submit more questions to each one of you.

2220

2221

2222

2223 [The information follows:]

2224

2225 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

2226

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2227           \*Ms. Eshoo. But thank you for your really important  
2228 service and work. I hope the next time you come, that 12 out  
2229 of 12 are done.

2230           With that, I will yield back, Mr. Chairman.

2231           \*Mr. Latta. Thank you.

2232           \*Ms. Eshoo. Thank you.

2233           \*Mr. Latta. The gentlelady's time has expired, and the  
2234 chair now recognizes the gentleman from Florida's 2nd  
2235 district for five minutes for questions.

2236           \*Mr. Dunn. Thank you very much, Mr. Chairman.

2237           I said earlier this year before this subcommittee that  
2238 we need a path forward for American commercial enterprises to  
2239 compete with China's rapid technological development. As we  
2240 all know, China's Digital Silk Road and Huawei are quickly  
2241 acquiring the building blocks for 5G and digital dominance.  
2242 And if China wins the 5G competition, develops software that  
2243 rides on top of the next-generation networks, I worry that  
2244 the Chinese Communist Party will use that technology against  
2245 us in all sectors: energy, health, transportation,  
2246 everything.

2247           This is the risk we take if we don't make more spectrum

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2248 resources available for commercial use in the United States,  
2249 and immediately. Every person in this room should be  
2250 concerned about what that means for our national security and  
2251 economic success of generations of Americans to come.

2252 Commissioner Carr, a number of countries, both allies  
2253 and adversaries, are making substantially more mid-band  
2254 spectrum available for commercial licensed use than the  
2255 United States. Is it even possible for the United States to  
2256 achieve global 5G leadership if we lack hundreds of megahertz  
2257 of mid-band spectrum compared to other countries?

2258 \*Mr. Carr. It is not. Our spectrum leadership is part  
2259 and parcel of our geopolitical leadership, and right now we  
2260 rank 13 out of 15 leading markets when it comes to licensed  
2261 mid-band. And you look at China in particular, we are over  
2262 700 megahertz behind. And this is why I was so disappointed  
2263 by the Administration's spectrum strategy, because it  
2264 provides no path to closing that gap, and that is a big  
2265 problem.

2266 \*Mr. Dunn. Thank you very much.

2267 Commissioner Simington, I share your concern about the  
2268 sweeping and unprecedented nature of the new digital

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2269 discrimination rules. In particular, they incorporate and  
2270 include entities that aren't even engaged in the provision of  
2271 broadband services, like tower companies and contractors.  
2272 Rather than helping close the digital divide, I fear that  
2273 these efforts will encourage litigation over deployment. And  
2274 while American lawyers sit in court litigating over fairness  
2275 doctrine, China will continue to deploy rapidly.

2276 Commissioner Simington, do you agree with my dismal  
2277 assessment?

2278 \*Mr. Simington. I do, Congressman, absolutely. I would  
2279 note that China is a country that is famously known for  
2280 having no net neutrality, and that practices all kinds of  
2281 digital discrimination, and yet that doesn't seem to be  
2282 inhibiting their economic growth.

2283 Obviously, we don't want any sort of negative policies  
2284 towards the American population. On the other hand, it is  
2285 not clear to me what the path is from our regulatory  
2286 direction right now to the kind of economic growth that China  
2287 is realizing based on its advanced 5G.

2288 \*Mr. Dunn. Thank you very much. Instead of applying  
2289 DEI politics, I think our American companies could be better

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2290 served by using a market-based approach.

2291 As I wrote in my recent op ed regarding net neutrality,  
2292 the U.S. broadband networks have been thriving, with record-  
2293 high investments from the private sector, more competition,  
2294 lower prices for consumers, and strong performance, despite  
2295 the increased use. We have talked about that already in this  
2296 meeting.

2297 Importantly, during this time great strides have also  
2298 been made in closing the digital divide to ensure that  
2299 everyone across the United States has access to reliable,  
2300 high-speed Internet. This is all thanks to a light-touch  
2301 regulatory framework that was put in place during our last  
2302 administration.

2303 Commissioner Carr, what do you say to the premise that  
2304 is made by some that the current status of the Internet is  
2305 just inherently unfair, and needs more government regulation?

2306 \*Mr. Carr. Again, when we repealed the Title II  
2307 approach in 2017, there were all sorts of predictions about  
2308 the end of the Internet, a slowdown of the Internet. And  
2309 what happened is quite the opposite. On the mobile side,  
2310 speeds are up sixfold. On the fixed side, it is three and a

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2311 half. Broadband builders put in 400,000 miles of fiber in  
2312 2022 alone. That is a 50 percent increase in 2016.

2313 I want to make one important point. People say the  
2314 Internet is so valuable we need to regulate it like a  
2315 utility, and there is just a little problem with that. I  
2316 understand the argument of how valuable the Internet is, that  
2317 is why I am in this job. But look at the regulations that  
2318 have applied to utility infrastructure and the results that  
2319 it has produced.

2320 The American Society of Civil Engineers gives the U.S. a  
2321 report card for all of our utility infrastructure. And it is  
2322 not very good. If you look at drinking water, it gets a C-,  
2323 and they say a water main breaks in this country every two  
2324 minutes. Bridges, over 46,000 of them are structurally  
2325 deficient. Pricing? Pricing has increased twofold for  
2326 utility-regulated services compared to Internet.

2327 Is there anybody in this room that can look at America's  
2328 crumbling roads and bridges and say, "That is the future that  
2329 we need for America's broadband infrastructure?" I don't  
2330 think so.

2331 \*Mr. Dunn. Well, thank you very much for that insight.



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2332 I agree. I just had to spend \$6,000 putting a water system  
2333 in my private home, so I wish you had been there earlier.

2334 Mr. Chairman, thank you, and I yield back.

2335 \*Mr. Latta. The gentleman yields back his one second,  
2336 and the chair now recognizes the gentlelady from Michigan's  
2337 6th district for five minutes for questions.

2338 \*Mrs. Dingell. Thank you, Mr. Chair. Thank you,  
2339 everybody, for being here today.

2340 I am grateful for this opportunity to highlight the  
2341 important work that the Commission is continuing to do in  
2342 implementing core legislation that has come out of this  
2343 committee. Under the leadership of the chairwoman, the  
2344 Commission has demonstrated a commitment to safeguarding the  
2345 open Internet, investing in accessible and affordable  
2346 connectivity through the Affordable Connectivity Program,  
2347 addressing digital discrimination, and working to protect  
2348 seniors from the harms of robocall scams.

2349 Broadband access remains essential for every American.  
2350 It is critical that the Commission prioritizes equity,  
2351 accessibility, and fairness so everyone can participate in  
2352 the digital age.

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2353 I am going to first talk about broadband mapping. In  
2354 2019 Congress worked together on a bipartisan basis to  
2355 improve the broadband mapping process. The process was  
2356 entirely new, and then the maps were made the basis of the  
2357 broadband infrastructure allocations. The Commission just  
2358 released its third version of the National Broadband Map, and  
2359 the progress is notable.

2360 Chair Rosenworcel, can you elaborate on why continued  
2361 funding for the maps is important?

2362 And can you also discuss how coordinating with other  
2363 Federal agencies to ensure these maps are accurately  
2364 identifying areas where broadband services are lacking is  
2365 important?

2366 And maybe, because I am having some problems in my own  
2367 people \_ I live in Ann Arbor and don't have good Internet \_  
2368 can you talk about how we have got to get the other agencies  
2369 to cooperate, as well?

2370 \*Ms. Rosenworcel. Yes, I mean, it is a truism. You  
2371 can't manage a problem you don't measure. And for a long  
2372 time we had really crummy broadband maps.

2373 So using the Broadband Data Act from this committee, we

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2374 took over and we decided we would identify, house by house,  
2375 where we could build in this country and, provider by  
2376 provider, where they serve. Every six months we update those  
2377 maps; every six months they are getting better.

2378 In the meantime, we are running another map that you  
2379 just alluded to, which is called the Broadband Funding Map,  
2380 and it is really important for members of this committee  
2381 because we are \_ have a map that is designed to have all the  
2382 information about every COVID-era broadband deployment  
2383 program in it. And if we update that map regularly and  
2384 correctly, you will all have the ability to oversee where  
2385 service is and is not, and how the programs you authorized  
2386 are working.

2387 So on a going-forward basis, I would love to continue to  
2388 talk to you and this committee about how you can make sure  
2389 all the other parts of the government with broadband  
2390 programs, from the Treasury Department to the Agriculture  
2391 Department to the Commerce Department, report back to us so  
2392 that Broadband Funding Map is kept fully up to date.

2393 \*Mrs. Dingell. Thank you. We are going to run out of  
2394 time, so I am going to \_ I want to talk about the ACP for a

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2395 minute because I am worried about it, because it really  
2396 matters if we are going to have equality and that. I am  
2397 going to go to Commissioner Starks.

2398 How dire is it that we extend the ACP?

2399 What will either an extension or not extending it,  
2400 elapsing it, mean for families across the country?

2401 \*Mr. Starks. Yes, I think it is extremely vital, you  
2402 know, in particular, Congresswoman, and thank you for your,  
2403 you know, passion here and your work here.

2404 You know, I was at a town hall in the Denver Housing  
2405 Authority there, where I literally was talking to probably  
2406 200 folks that lived there in that Denver housing, and they  
2407 consistently were asking and pressing me. This was right  
2408 when we were converting EBB, which is a \$3 billion program,  
2409 to ACP, which is a \$14 billion program. And what I was able  
2410 to tell them was that it is a much more permanent program, a  
2411 longer, bigger fund that we are going to be able to sustain  
2412 with.

2413 And so I do very much worry about the 22 million  
2414 households that we have if we are going to have to figure out  
2415 a way to sunset this program.

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2416            \*Mrs. Dingell. We are not living in an equitable world  
2417 when they don't have it.

2418            I have so many questions, but I am going to go to one  
2419 that is really bothering me right now, which is robocalls. I  
2420 have been doing \_ working with my attorney general on a lot  
2421 of fraud that seniors are having. Chairwoman Rosenworcel,  
2422 can you discuss how the Commission plans to address the  
2423 robocalls and robotexts, and help hold these scammers  
2424 accountable?

2425            And what should we be doing, legislatively? I would  
2426 like to work with you \_

2427            \*Ms. Rosenworcel. Sure.

2428            \*Mrs. Dingell. \_ legislatively to \_

2429            \*Ms. Rosenworcel. Okay, I am going to try to go really  
2430 quickly.

2431            \*Mrs. Dingell. I know.

2432            \*Ms. Rosenworcel. Technology, we are putting new  
2433 technology in. STIR/SHAKEN authentication, that is when you  
2434 get a phone call and it says "Spam Risk." That is work we  
2435 are doing.

2436            Second, we are enforcing like never before. We send

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2437 cease and desist letters to providers, and basically say  
2438 nobody else should take their calls. We are blocking traffic  
2439 like we never have before. I have got 40 states attorneys  
2440 general working with us on this. We have never had those  
2441 partnerships before.

2442 But we need three things from you.

2443 We need to update the definition of "auto dialer.'" The  
2444 Supreme Court issued a decision the year before last that  
2445 narrowed it. Lots of scam artists can get around our laws as  
2446 a result.

2447 We need to be able to go to court so we take all these  
2448 fines, and we actually start collecting them.

2449 And then we need to get access to Bank Secrecy Act  
2450 information, because these scam artists set up one company,  
2451 we shut them down, they go up and set another one up, and we  
2452 have got to figure out how to stop that.

2453 \*Mrs. Dingell. Thank you, Madam Chairwoman.

2454 And, Mr. Chairman, I would like to work with you on  
2455 that, and I will yield back.

2456 \*Mr. Latta. Thank you. The gentlelady's time has  
2457 expired, and the chair now recognizes the gentleman from

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2458 Texas's 14th district for five minutes.

2459 \*Mr. Weber. Thank you, Mr. Chairman, and I am glad to  
2460 hear her say Spam Risk is a company. I thought that was some  
2461 guy who just kept calling me over and over again. Man.

2462 [Laughter.]

2463 \*Mr. Weber. Commissioner Carr, the last \_ the FCC did a  
2464 lot to streamline the broadband permitting process.  
2465 Fortunately, this FCC has not been quite so active. I know  
2466 it can do more. In your opinion, what are the other  
2467 initiatives the FCC should take to further streamline the  
2468 permitting process itself?

2469 \*Mr. Carr. There is always \_ two things we have to do,  
2470 which is get more spectrum out there and modernize  
2471 permitting, infrastructure reform. And that is what you are  
2472 asking about.

2473 One, we need to take the reforms that we did in the last  
2474 administration, which applied mainly to small cells, and we  
2475 need to carry them over to wired infrastructure. We can and  
2476 should be doing that.

2477 Federal lands continues to be an impediment. That is a  
2478 little bit less of what we do directly, and to some extent

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2479 what Congress and other agencies do. But one idea I have put  
2480 out there is that we should stand up a Federal lands desk at  
2481 the FCC to help coordinate and help solve issues when  
2482 broadband builders are getting stuck in red tape in other  
2483 agencies.

2484 There is pole attachment reforms that we can do. And  
2485 probably most importantly, there is the American Broadband  
2486 Deployment Act that this committee has been working on \_ that  
2487 Congressman Carter has \_ that passing that bill, which  
2488 includes about 26 or 27 separate ideas, would go a long way  
2489 to start streamlining infrastructure builds in this country.

2490 \*Mr. Weber. If you were king for a day, which one of  
2491 those would you attack first?

2492 \*Mr. Carr. Well, I think the single most important  
2493 thing would be passing the American Broadband Deployment Act,  
2494 because in that contains a lot of these other reform ideas.

2495 \*Mr. Weber. Okay. Chairwoman, pronounce your last name  
2496 for me.

2497 \*Ms. Rosenworcel. It is Rosenworcel.

2498 \*Mr. Weber. Rosenworcel. I figured that, but it looked  
2499 too easy.



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2500           \*Ms. Rosenworcel. I know. It is long. It can  
2501 intimidate a little, right?

2502           \*Mr. Weber. So have you had that name long? We won't  
2503 go there.

2504           So why do you think these steps haven't been taken that  
2505 he is describing?

2506           \*Ms. Rosenworcel. Well, he just had a lot there.

2507           We actually have reached out to the Bureau of Land  
2508 Management and tried to have discussions about our enhanced  
2509 A-CAM Program for rural carriers to make sure that they don't  
2510 face impediments when they try to build on or through Federal  
2511 lands. I think those are conversations we should continue.

2512           But I do think the biggest problem that I hear about is  
2513 on Federal lands. Look, at the FCC we have all kinds of  
2514 deadlines for municipalities and states to get back to you in  
2515 60 days, 90 days, and 150 days. But on Federal lands, those  
2516 deadlines are 270 days. And I would just say that I don't  
2517 think we should be asking states and municipalities to get  
2518 back faster to us than the Federal Government. There is a  
2519 mismatch there that we should be addressing.

2520           And I also think in the 2012 law known as the Middle

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2521 Class Tax Relief and Job Creation Act, Congress and probably  
2522 this committee helped set up a form called Form 299. So  
2523 every Federal actor who might be the subject of some  
2524 deployment interest by a communications carrier, they have  
2525 got to go file that form.

2526 \*Mr. Weber. So let me \_

2527 \*Ms. Rosenworcel. Here is the thing. They are not  
2528 always using it, to the best of my knowledge \_

2529 \*Mr. Weber. Let me understand real quick what you are  
2530 saying. In the BLM there is bureaucrats, and that can  
2531 present a problem.

2532 \*Ms. Rosenworcel. So \_

2533 \*Mr. Weber. But there is no bureaucrats in the FCC?

2534 \*Ms. Rosenworcel. Look, I read 12 different things we  
2535 are doing right at the start. We are moving it \_

2536 \*Mr. Weber. I am just asking the questions.

2537 \*Ms. Rosenworcel. Yes, no.

2538 \*Mr. Weber. Yes.

2539 \*Ms. Rosenworcel. But what I think is important is that  
2540 we figure out a way that that Form 299 gets used by everyone,  
2541 everywhere, and we streamline access to Federal lands.

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2542           \*Mr. Weber. Well, let me go back to some of these  
2543 acronyms.

2544           One of my questions was there is a lot of money spent on  
2545 rural broadband. We have been talking about we have the BEAD  
2546 program, the COVID broadband programs, the reconnect, RDOF,  
2547 A-CAM, and the upcoming 5G Fund, just to name a few.

2548           \*Ms. Rosenworcel. Yes.

2549           \*Mr. Weber. By the time all of these are done, are you  
2550 thinking that we are going to be \_ everything is going to be  
2551 hunky dory, peachy keen, no more problems?

2552           \*Ms. Rosenworcel. Well, I am \_

2553           \*Mr. Weber. Those are Texas terms, by the way.

2554           \*Ms. Rosenworcel. I am an optimist, so I am going to  
2555 say yes.

2556           But what I was talking to Congresswoman Dingell about a  
2557 moment ago is really important. We have to build this  
2558 Broadband Funding Map that shows every single program and  
2559 what they are doing. And if you could help us make sure  
2560 those other agencies respond to us with data, you will see  
2561 where there is problems, duplication, areas we haven't  
2562 reached. And I think that is the kind of oversight this

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2563 committee \_

2564 \*Mr. Weber. Well, I think some of the things too that  
2565 you talked about was that we should all, obviously, know how  
2566 many households had that service before we got started,  
2567 because that is a very valuable piece of information to  
2568 identify how, you know, accurate the program is, and how well  
2569 funded, and was the money well spent.

2570 \*Ms. Rosenworcel. Sure.

2571 \*Mr. Weber. So \_

2572 \*Ms. Rosenworcel. You know, Congress did not require  
2573 that when it set up the EBB or ACP programs.

2574 \*Mr. Weber. Congress has a habit of missing a few of  
2575 those things from time to time.

2576 [Laughter.]

2577 \*Mr. Weber. So with that, Mr. Chairman, I will yield  
2578 back.

2579 \*Mr. Latta. Thank you. The gentleman yields back the  
2580 balance of his time, and the chair now recognizes the lady  
2581 from Illinois's 2nd district for five minutes for questions.

2582 \*Ms. Kelly. Thank you, Chair Latta and Ranking Member  
2583 Matsui, for holding this important hearing. I also want to

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2584 thank the commissioners for their testimony and welcome  
2585 Commissioner Gomez.

2586       Having access, as we have talked about, to the Internet  
2587 is not a luxury, but rather a necessity in today's modern  
2588 world, which is why closing the digital divide in minority,  
2589 underserved, and rural communities has been one of my top  
2590 priorities since coming to Congress. And we know, regardless  
2591 if you live in a district that is represented by a Democrat  
2592 or a Republican, the ACP has helped more than 17 million  
2593 households afford their broadband connection.

2594       Chair, in my district there are about 51,000 households  
2595 that are enrollees in the ACP, which is almost a fifth of my  
2596 households in my district. However, it is estimated that  
2597 roughly 60,000 additional households in my district are  
2598 eligible, but have not yet enrolled. To ensure everyone  
2599 eligible for the ACP is aware of the program, I introduced  
2600 the Promoting Access to Broadband Act, which would make  
2601 grants available to states to inform Medicaid enrollees, SNAP  
2602 participants, low-income residents of their potential  
2603 eligibility for the Lifeline program and the ACP.

2604       Do you have lessons learned yet from the FCC's outreach

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2605 grant program and, in your opinion, would providing funding  
2606 to states to engage in additional community outreach for the  
2607 Lifeline program and the ACP be helpful in furthering the  
2608 objectives of those two programs?

2609 \*Ms. Rosenworcel. Thank you for your work championing  
2610 this program and understanding how important outreach is.

2611 The FCC itself has run something like 800 or 900  
2612 different events to promote this program. And as charming as  
2613 we are, what I have learned is that if you get local people  
2614 in the community that people trust and they hear about this  
2615 program from them, they are more likely to sign up. And so  
2616 the more we can push outreach out to local, trusted  
2617 authorities, non-profits, and institutions, the better off we  
2618 are going to be and the more people we are going to get  
2619 connected.

2620 \*Ms. Kelly. Thank you. Commissioner Starks, would you  
2621 like to add anything?

2622 \*Mr. Starks. Yes, thank you for your hard work and  
2623 championing here.

2624 I think the chair has it exactly right. You know, the  
2625 more you can target and specifically go after the households

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2626 that you are looking for, push that messaging there,  
2627 penetrate deeply into those communities, the better your  
2628 results are going to be. And so I strongly support the work  
2629 that you are doing here.

2630 \*Ms. Kelly. Thank you. Now I would like to go back to  
2631 the importance of local origination programing. This is  
2632 especially relevant, as studies show that emotional trust in  
2633 news is driven by the belief that news organizations care,  
2634 report with honest intentions, and are reliable. Yet more  
2635 than twice as many Americans report high emotional trust in  
2636 local news, rather than in national news. So I was  
2637 encouraged to see that the FCC announced a proposal that, if  
2638 adopted, would begin a proceeding to advance the FCC's policy  
2639 goal of supporting local journalism and broadcasters'  
2640 commitment to meet the needs and interests of local  
2641 communities.

2642 Chair Rosenworcel, may you explain why local origination  
2643 program is so important to communities across the country?

2644 And how are consumers harmed if newspapers, as well as  
2645 radio and TV broadcasters, do not receive the proper support  
2646 to meet the needs and interests of local communities?

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2647           \*Ms. Rosenworcel. Yes, you know this as well as anyone.  
2648 The news business is changing. We have lost a lot of  
2649 newspapers, and local broadcasters are now the voice that  
2650 most people trust, and we all need local news to make  
2651 decisions about our lives, our communities, and our country,  
2652 so we should find ways to support the production of local  
2653 news, you know, shoe leather journalism, where we live.

2654           And so what I decided was that we should make sure that  
2655 broadcasters that have the capacity to locally originate  
2656 content, produce their own local content, they get to speed  
2657 through our license renewal process. This is modeled off of  
2658 something we did in the Children's Television Act, and I  
2659 think it is a viable way forward, and it is important that we  
2660 find creative ways to support local news.

2661           \*Ms. Kelly. I am going to sneak in a quick question.  
2662 Recognizing the importance of a good steward of government  
2663 resources, how will you ensure that 5G Fund will stretch as  
2664 far as possible to reach areas where 5G is not deployed?

2665           \*Ms. Rosenworcel. The 5G Fund was designed to provide  
2666 support to wireless carriers serving rural communities, where  
2667 it is really costly to get a tower out and actually serve



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2668 people, and it was introduced in 2020.

2669           So when I took over, what I thought was really important  
2670 is that we use the wireless data from the Broadband Data Act  
2671 to inform where we distribute those funds. So a few months  
2672 ago, with my colleagues, we just decided to have a rulemaking  
2673 to identify how to incorporate all that new data we have  
2674 developed about where wireless is deployed and is not, and  
2675 make sure that the 5G Fund uses it when it makes decisions  
2676 about who gets funding for where.

2677           \*Ms. Kelly. Thank you so much.

2678           And Mr. Chair, I yield back.

2679           \*Mr. Latta. Thank you very much. The gentlelady yields  
2680 back, and the chair now recognizes the gentleman from  
2681 Georgia's 12th district for five minutes for questions.

2682           \*Mr. Allen. Thank you, Chair Latta, for convening this  
2683 hearing, and thank you to our Commission for being here  
2684 today.

2685           Earlier this year, along with more than 100 colleagues,  
2686 I sent letters to automakers raising concerns about the  
2687 removal of AM radios from certain models. Virtually every  
2688 public safety expert has attested AM radio is critical to our

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2689 emergency warning infrastructure, and removing AM receivers  
2690 from cars could put millions at risk. I hope the Commission  
2691 will seek ways to ensure that Americans maintain access to AM  
2692 radio reception in vehicles.

2693 As already mentioned, I want to stress the real need for  
2694 our country to execute on a licensed spectrum pipeline to  
2695 advance our economic and national security. Everyone in this  
2696 room knows that commercial innovation needs to happen, and I  
2697 expect the Administration and Congress will elevate this  
2698 issue, moving forward.

2699 I am pleased that the FCC is refreshing the record on 5G  
2700 Fund, but I am concerned that the FCC is prioritizing areas  
2701 that already have access to next-generation technologies like  
2702 4G, instead of areas that have no advanced services  
2703 whatsoever. In my district there are still many areas that  
2704 don't have consistent cell service.

2705 Chair Rosenworcel, why have you decided on this  
2706 prioritization?

2707 \*Ms. Rosenworcel. To be clear, we started a rulemaking,  
2708 we haven't decided on that prioritization. And I appreciate  
2709 your point of view. I know that Commissioner Simington, for

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2710 instance, has voiced some of the same concerns. So we are  
2711 going to look at the record we have, and figure out how to  
2712 proceed.

2713 \*Mr. Allen. Okay. Commissioner Simington, would you  
2714 comment? Simington.

2715 \*Mr. Simington. Yes, thank you very much, Congressman.  
2716 So with the 5G Fund, there is the possibility that this  
2717 could pay for over-building at times when parts of America,  
2718 such as the parts of your district that you identified, do  
2719 not yet have reliable cell phone service.

2720 It is important to point out that, if an area is already  
2721 served by high-speed 4G service, there is little further  
2722 advantage to the consumer to over-build with 5G, relative to  
2723 spending the money on opening up coverage to all Americans.

2724 \*Mr. Allen. Okay.

2725 \*Mr. Simington. So we don't want to \_ so in my opinion,  
2726 we shouldn't be doing that.

2727 \*Mr. Allen. Yes, absolutely, and I thank you for your  
2728 work on that on our behalf.

2729 I understand that the BEAD program could affect the  
2730 future of the 5G Fund, as some BEAD deployments could help

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2731 lay the fiber backbone and towers needed for 5G. Chairwoman  
2732 Rosenworcel and Commissioner Carr, should we wait for 5B \_  
2733 for BEAD to progress or even deploy before moving forward  
2734 with the 5G Fund?

2735 \*Ms. Rosenworcel. You make a very good point that wired  
2736 deployments affect wireless, because those fiber facilities  
2737 are really important for wireless in rural areas. I think  
2738 that we asked questions about this in our rulemaking, and we  
2739 would be happy to update you when we get our comments in so  
2740 we can figure out how to move forward.

2741 \*Mr. Carr. Thank you for the question.

2742 I think what is needed here is a national coordinating  
2743 strategy. And there is legislation in the PLAN for Broadband  
2744 Act from Congressmen Walberg and Kuster. And I think that is  
2745 what is necessary. We have all these fundings coming from  
2746 all these different areas. By my count, we have \$800 billion  
2747 that has been made available since COVID, either appropriated  
2748 by Congress or budgeted by agencies, on broadband efforts.

2749 But the GAO did a report and said there is something  
2750 like 133 programs right now spread over 15 agencies \_

2751 \*Mr. Allen. Yes.

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2752           \*Mr. Carr.   \_ and we have a real lack of coordination  
2753 right now, and that is a problem.

2754           \*Mr. Allen.  Yes, and I think there needs to be some  
2755 accountability, as \_ you know, how much are we actually  
2756 spending to deploy, you know, broadband in rural areas, and  
2757 why do we have so many of these overlapping costs?

2758           Yes \_

2759           \*Ms. Rosenworcel.  Yes.  If I could just make a pitch  
2760 one more time for the help of this committee to work with us  
2761 on that Broadband Funding Map, it is a map designed to do  
2762 exactly what you describe, identify which programs \_

2763           \*Mr. Allen.  That is my next question, yes.

2764           \*Ms. Rosenworcel.  Great minds think alike.

2765           \*Mr. Allen.  Yes.  You recently released the third  
2766 iteration of the new National Broadband Map, which was  
2767 required by the Broadband Data Act.  In your blog announcing  
2768 the new map you note that the number of unserved homes and  
2769 businesses fell by 1.1 million.  Do you know whether this  
2770 decline is due to build-out versus corrections to the map,  
2771 like corrections to the number of overall locations?

2772           \*Ms. Rosenworcel.  That is a very good question.  It is

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2773 a mix of different things: increases the number of  
2774 locations, increases in build-out. But if we get more  
2775 information from our colleagues on their broadband programs  
2776 on that Broadband Funding Map, we will be able to answer that  
2777 with more detail over time.

2778 \*Mr. Allen. Can you talk about what you are doing to  
2779 verify mobile coverage in these maps?

2780 \*Ms. Rosenworcel. Yes. You know, we now have a system  
2781 where we collect, based on the same data, information from  
2782 all wireless carriers about where they serve. It is really  
2783 important. They used to file with different models, all of  
2784 them.

2785 And on top of that, we have an FCC mobile app that every  
2786 one of us can download. And when you go and you test your  
2787 speed on it, it reports back to my agency in a privacy-  
2788 protected way, telling us if you really get the service that  
2789 the carriers say they are providing.

2790 So I think we are going to be able to develop really  
2791 quality maps over time using that.

2792 \*Mr. Allen. In our state of Georgia, we are ahead of a  
2793 lot of states trying to get that done.

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2794 I have a few more questions. I will submit those for

2795 the record, Mr. Chairman.

2796 [The information follows:]

2797

2798 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

2799

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2800           \*Mr. Allen. And thank you so much for your time and  
2801 your expertise and your service.

2802           \*Mr. Latta. Well, thank you very much. The gentleman's  
2803 time has expired, and the chair now recognizes the gentlelady  
2804 from Texas's 7th district for five minutes.

2805           \*Mrs. Fletcher. Well, thank you, Chairman Latta, and  
2806 thanks to you and Ranking Member Matsui for convening today's  
2807 hearing to discuss the many important topics that we have  
2808 been covering today. And I really want to thank everyone,  
2809 all the witnesses who are testifying.

2810           Chairwoman Rosenworcel and Commissioners Carr, Starks,  
2811 Simington, and Gomez, welcome to your first Energy and  
2812 Commerce Oversight hearing. I am grateful to all of you for  
2813 your participation and your insights today, and very glad to  
2814 see the full Commission here.

2815           Many have already touched on the FCC's recently adopted  
2816 notice of proposed rulemaking that proposes to reclassify  
2817 broadband Internet as Title II common carrier, and I know  
2818 there have been several questions around that, mostly focused  
2819 on net neutrality. And I just want to shift the focus a  
2820 little bit to some other contexts where this reclassification



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2821 may improve broadband service for consumers.

2822           And so Chairwoman Rosenworcel, can you explain how a  
2823 Title II reclassification might protect and strengthen public  
2824 safety communications and network resiliency? This is a big  
2825 issue for us along the Gulf Coast in Texas, as it is for my  
2826 colleagues across the country.

2827           But in thinking about how it might affect the  
2828 Commission's network outage reporting system, the  
2829 Commission's ability to track data after natural disasters, I  
2830 think that is an important component of what we are talking  
2831 about here.

2832           \*Ms. Rosenworcel. Thank you, I appreciate the question.

2833           Our network outage reporting system is our only  
2834 mandatory data collection when there are outages around the  
2835 country. And when the agency stepped out of oversight of  
2836 broadband, it means we only collect outage information  
2837 associated with long distance voice service.

2838           Let me submit to you, in a modern digital age economy,  
2839 we should not be collecting information about long distance  
2840 voice outages. Every one of us knows that when the broadband  
2841 goes out, we have a problem. We should be collecting data

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2842 like that, as well. And in fact, during the pandemic we  
2843 collected no data on where broadband is and is not. We were  
2844 relying strictly on anecdotal evidence.

2845         And in fact, there is evidence \_ there is one community  
2846 on the outside of Detroit that had a 45-day outage during the  
2847 pandemic, when we were all asked to go online and be online  
2848 for everything. But we didn't collect data because we were  
2849 focused on long distance voice service outages. There is  
2850 nothing modern about that at all.

2851         We have got to fix it because it is not just a threat to  
2852 the modern economy, it is a threat to our public safety.

2853         \*Mrs. Fletcher. Well, thank you so much for that, and I  
2854 want to follow up on another question kind of in that same  
2855 vein.

2856         But the last time that you were in front of the  
2857 subcommittee, Chairwoman Rosenworcel, last June, we talked a  
2858 little bit about the ongoing notice of proposed rulemaking on  
2859 improving language access to the wireless emergency alerts.  
2860 And as I mentioned back then, there are more than 140  
2861 languages spoken in my district, in Houston, and ensuring  
2862 access to emergency communications, especially given the

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2863 emergencies that have had national attention across our  
2864 community in recent years, you know, we are very concerned  
2865 about this. This is a top priority.

2866 And so I would just love if you could share with the \_

2867 \*Ms. Rosenworcel. Sure.

2868 \*Mrs. Fletcher. \_ subcommittee an update on the result  
2869 of the rulemaking and any further action that the Commission  
2870 is considering.

2871 \*Ms. Rosenworcel. I appreciate that, 140 languages is a  
2872 lot.

2873 All right, so those wireless emergency alerts are  
2874 critical, right?

2875 \*Mrs. Fletcher. Absolutely.

2876 \*Ms. Rosenworcel. When that beep goes off in our  
2877 pocket, it tells us if there is disastrous weather, an Amber  
2878 alert. They are a really big part of how we make sure we  
2879 stay safe day to day. But people who don't speak English or  
2880 Spanish have not been able to respond to those messages. And  
2881 we had some incidents with flooding in New York, where Asian  
2882 communities didn't get the information they needed.

2883 So my colleagues and I decided, for the first time ever,

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2884 we are going to now require those alerts to go out in 13  
2885 different languages. We are basing this off a template that  
2886 has been used in New York. I am confident we can make it  
2887 work. We are working with the carriers to make that happen,  
2888 and I think it is going to lead to a broader understanding of  
2889 vulnerabilities, and make sure more people can be safe when  
2890 the unthinkable occurs.

2891 \*Mrs. Fletcher. Well, thank you so much for that  
2892 update, I appreciate it. And of course, 13 languages is a  
2893 great start, and I hope it will cover a lot more people, and  
2894 hopefully we will be able to work with you and identify  
2895 additional modes of communication to make sure that everyone  
2896 can get those alerts. It is critically important.

2897 And the work that you all do is critically important, so  
2898 I want to thank you for your time today, I want to thank you  
2899 for the work that you are doing.

2900 And with that, Mr. Chairman, I will yield back.

2901 \*Mr. Latta. Thank you. The gentlelady yields back the  
2902 balance of her time. The chair now recognizes the gentleman  
2903 from Ohio's 12th district for five minutes.

2904 \*Mr. Balderson. Thank you, Mr. Chairman, and thank you

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2905 all. It is good to see a full panel here this morning, this  
2906 afternoon. My first question is for Commissioner Carr.

2907 Under the leadership of Lieutenant Governor Husted and  
2908 the chief of BroadbandOhio, Peter Voderberg, Ohio is becoming  
2909 a leader in workforce development for telecommunications  
2910 infrastructure. One of the ways Ohio has accomplished this  
2911 is a unique collaboration with the Wireless Infrastructure  
2912 Association to create Ohio's broadband and 5G sector  
2913 partnership, which leverages four-year universities,  
2914 community colleges, and career centers throughout Ohio to  
2915 provide training to aspire [sic] broadband technicians.

2916 Commissioner Carr, I know you have had many  
2917 opportunities to climb towers, and have developed an  
2918 appreciation for the challenges employers face in finding  
2919 qualified broadband professionals. Can you speak about the  
2920 importance of investing in our broadband workforce, and how  
2921 Congress can work to promote partnerships like the one we are  
2922 seeing in Ohio?

2923 \*Mr. Carr. Yes, thank you, Congressman, for the  
2924 question.

2925 The work that we are seeing take place in Ohio on

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2926 workplace development \_ workforce development is really a  
2927 model for the country, and it is the same type of ideas that  
2928 I have been working on with various organizations over the  
2929 last couple of years, that you can take a community college,  
2930 and you can stand up a 9 to 12-week course, and take someone  
2931 with no skills, and teach them the mix of climbing and  
2932 classroom skills needed to land a good-paying job in the  
2933 tower industry just in those 9 to 12 weeks.

2934           And so I do think we need to use that as a model. I  
2935 have seen it work across the country, and I think that is  
2936 what we need to continue to invest in, because we need  
2937 spectrum, we need infrastructure, but that third leg of the  
2938 stool is workforce.

2939           \*Mr. Balderson. Thank you very much. My next question  
2940 is for Madam Chair Rosenworcel \_ I got to do it, force myself  
2941 to do it so I can say I at least tried.

2942           I would like to discuss utility pools. We have heard  
2943 pole attachments mentioned, and I didn't even know what a  
2944 pole attachment was in 2012 when I got in the state  
2945 legislature, and I fastly found out what they were and what  
2946 it meant.

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2947           Throughout Ohio and the nation, broadband deployment is  
2948 grinding to a halt because of disputes over these utility  
2949 poles. We have heard from stakeholders across industries.  
2950 It is clear some believe it is not the business of the FCC to  
2951 weigh in on this issue, while others believe that it is.  
2952 While these disputes are occurring, many of my constituents  
2953 continue to have no access to broadband. Quite frankly, I  
2954 think we need to find solutions to this issue, rather than  
2955 continue to go back and forth.

2956           Chairwoman, just last week you noticed that the  
2957 Commission will be considering rules regarding poles during  
2958 the December open meeting. Can you explain to me how these  
2959 new rules are different than the further notice of proposed  
2960 rulemaking \_ I like your smile \_ that the FCC considered  
2961 during the summer of 2022?

2962           \*Ms. Rosenworcel. I appreciate your affection for  
2963 talking about poles. It really matters, because if we want  
2964 to build broadband in this country a lot of different  
2965 providers need access to those poles.

2966           We have in place one-touch make-ready rules. What we  
2967 have proposed putting in place, if my colleagues vote on it

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2968 in December, is an accelerated docket to resolve any disputes  
2969 between utilities and pole \_ new pole attachers.

2970 And we have also decided that we need to start  
2971 understanding which poles are in position to be replaced  
2972 anyway by the utilities, so that when a new broadband  
2973 provider tries to approach them, they don't get sacked with  
2974 the full cost of replacement.

2975 That being said, I want you to be aware that section 224  
2976 of the Communications Act is the provision that governs  
2977 poles, and either 23 or 24 of our states have opted out of  
2978 those rules. So even if we create national policies here at  
2979 the FCC, a good half of our states might be doing their own  
2980 thing. We have got to figure out a way to harmonize these  
2981 policies across the country a little more, because I think by  
2982 harmonizing them will streamline them and we will lower the  
2983 cost of access.

2984 \*Mr. Balderson. Okay, thank you.

2985 Mr. Carr, Commissioner Carr, would you like to comment?

2986 \*Mr. Carr. Well, I want to thank the chair for moving  
2987 forward on that item. I will take a good look at it.

2988 I am open to doing potentially even more. So, for



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2989 instance, if there is work that we can do now to take a look  
2990 at putting some type of framework around large-scale  
2991 requests, that is the type of effort that we need to really  
2992 build broadband out in this country. So a massive number of  
2993 requests to gain access to poles, so if there is something we  
2994 can do there, in the short term, that would be great.

2995         And I also think, as we talked about, if a pole is  
2996 getting replaced, there is probably a role for the FCC to say  
2997 that the pole owner should bear, you know, somewhere north of  
2998 the cost of \$0 for that. If we can decide that now, maybe we  
2999 can make even more progress in the short run.

3000         \*Mr. Balderson. Okay, I am going to run out of time, so  
3001 I will submit my last question.

3002         [The information follows:]

3003

3004         \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3005

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3006           \*Mr. Balderson. Thank you all for being here today and  
3007 congratulations, Ms. Gomez.

3008           \*Mr. Latta. Well, thank you very much. The gentleman's  
3009 time has \_ or, I am sorry, he yields back the balance of his  
3010 time.

3011           You are one of the very few that yielded back, my friend  
3012 from Ohio. So at this time the chair recognizes the  
3013 gentleman from Idaho for five minutes for his questions.

3014           \*Mr. Fulcher. Thank you, Mr. Chairman. And to the  
3015 panel, thank you for being here today and speaking with us.  
3016 A question for Chairman Rosenworcel.

3017           Along with the Order on Digital Discrimination, which  
3018 was approved by the Commission in November, there is a notice  
3019 of proposed rulemaking that proposes to add reporting and  
3020 administrative burdens on all ISPs, regardless of size or  
3021 location. And that is what I want to focus on this morning.

3022           Idaho is home to many small broadband providers in rural  
3023 areas. We are talking about small businesses with 20  
3024 employees or less in many cases. Now, these rural areas are  
3025 hard and costly to serve, and small providers already have to  
3026 file reports on their build-out to the FCC on the BDC

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3027 process. And if they receive Universal Service Fees, they  
3028 file reports to USAC.

3029 Have you considered exempting small broadband providers  
3030 from this proposed set of requirements?

3031 \*Ms. Rosenworcel. I appreciate the question. Yes, we  
3032 are running a rulemaking. That is exactly the kind of thing  
3033 we want to learn about in our record.

3034 I want to be clear, though, the obligation to file  
3035 reports was something that was intended to help the providers  
3036 have a safe harbor from enforcement and action. How that  
3037 applies in \_ for a small carrier versus a very big one is a  
3038 complex question, and I think we ought to take a look at the  
3039 record \_

3040 \*Mr. Fulcher. Sure.

3041 \*Ms. Rosenworcel. \_ because I appreciate what you are  
3042 saying, that it is a greater burden \_

3043 \*Mr. Fulcher. Please \_

3044 \*Ms. Rosenworcel. \_ on a less resourced area.

3045 \*Mr. Fulcher. So just please consider that not all  
3046 providers are created equal in that sense.

3047 \*Ms. Rosenworcel. Yes.

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3048           \*Mr. Fulcher. So please consider that.

3049           \*Ms. Rosenworcel. Understood.

3050           \*Mr. Fulcher. Commissioner Carr, still on the topic of  
3051 small rural broadband providers, they worry about being able  
3052 to compete against the larger firms. Just the economies of  
3053 scale is a big factor in this business. This includes  
3054 getting hit with the requirements for Davis-Bacon minimum  
3055 wage costs, and those requirements are in the BEAD program,  
3056 by the way.

3057           Mr. Carr, do the FCC's Universal Service Fee programs  
3058 have these requirements in them?

3059           \*Mr. Carr. Thank you, Congressman, for the question. I  
3060 have spent time in north Idaho, actually up a tower, and  
3061 talked firsthand to some of these smaller providers that are  
3062 doing the hard work to actually bridge the digital divide.

3063           And to your point, they are facing a regulatory  
3064 onslaught right now from Washington, whether it is Title II  
3065 or digital equity, and universal service as well. We need to  
3066 look at a way to make sure that we are not imposing an undue  
3067 burden on them.

3068           \*Mr. Fulcher. So currently, do the USF programs have

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3069 those requirements in them now?

3070 \*Mr. Carr. Sorry, requirements that recognize that \_

3071 \*Mr. Fulcher. Davis-Bacon, for example.

3072 \*Mr. Carr. There is going to be a departure from that  
3073 under BEAD. So the BEAD rules that the Commerce Department  
3074 is imposing have these types of labor-related regulations  
3075 that do not apply in the FCC's universal service context.  
3076 And so I think that is going to be a disincentive to smaller  
3077 providers to participate in BEAD, because it has those  
3078 requirements \_

3079 \*Mr. Fulcher. Okay.

3080 \*Mr. Carr. \_ that don't currently exist in USF.

3081 \*Mr. Fulcher. Okay. So both the Title II proposal and  
3082 the digital discrimination rules could open up the broadband  
3083 industry to price controls that would undermine what I  
3084 believe is fair competition, and also hurt private  
3085 investment. That is favorable to the larger broadband  
3086 providers.

3087 Back to Mr. Carr, could you just share your take on  
3088 that? Discuss the impacts of these rules from your vantage  
3089 point, and how these rules impact smaller providers.

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3090           \*Mr. Carr. Yes, there is a lot of talk in D.C. on \_  
3091 about the biggest cable providers, and I get it. But the  
3092 reality is there is thousands and thousands of small \_ in  
3093 many cases, mom and pop \_ broadband providers that are out  
3094 there, and they are facing this regulatory onslaught.

3095           And it is not something that we have to predict; we have  
3096 seen it. When the FCC imposed Title II regulations the last  
3097 time around, we had dozens and dozens of small, wireless ISP  
3098 come to us and say, among other things, their cost of capital  
3099 goes up, the expenses that they have to have on lawyers and  
3100 consultants go up. They pull back on Internet bills as a  
3101 result. They don't introduce new, innovative services as a  
3102 result.

3103           Again, I think COVID-19 was the ultimate stress test.  
3104 If you look at how European networks performed with the  
3105 levels of investment they have had because of the heavier-  
3106 handed regulatory framework as compared to America's Internet  
3107 infrastructure, that should have settled the case right then  
3108 and there.

3109           \*Mr. Fulcher. So I am going to try to get one more in  
3110 really quick, if I may. And then this goes back to our \_ the

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3111 last time you testified in June. If I recall correctly, you  
3112 noted that the potential opening of price controls, similar  
3113 to what were adopted to deal with telephone monopolies,  
3114 undermine a more open and competitive market. Would these  
3115 rules lead to an excessively concentrated market, giving the  
3116 FCC, potentially, the argument for more power?

3117 \*Mr. Carr. There is rate regulation in both our Title  
3118 II proposal and, importantly, in the digital equity order  
3119 that we just adopted. The FCC expressly says that prices are  
3120 covered. So if you go into the market and you charge a price  
3121 of \$50, the FCC can come in and say, "That is too high."  
3122 That is rate regulation. There is two forms of rate  
3123 regulation, ex-ante, ex-post. That is rate regulation. It  
3124 is in the order we just adopted.

3125 \*Mr. Fulcher. Thank you, Mr. Carr.

3126 Mr. Chairman, my time is expired, I yield back.

3127 \*Mr. Latta. Well, thank you very much. The gentleman's  
3128 time has expired, and the chair now recognizes the gentlelady  
3129 from Tennessee for five minutes for questions.

3130 \*Mrs. Harshbarger. Thank you, Mr. Chairman. Thank you  
3131 to the witnesses for being here today.

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3132 I want to start with you, Commissioner Carr. On page  
3133 nine of your testimony you point out that the Biden-Harris  
3134 Administration's National Spectrum Strategy has yielded a  
3135 commitment of zero spectrum being made available for  
3136 commercial use, and that is after three years of study. You  
3137 called it a spectrumless spectrum plan, and I agree that  
3138 making spectrum available for commercial use, especially  
3139 mid-band spectrum, is crucial for economic and national  
3140 security.

3141 Yet despite the demand for more spectrum, Biden's  
3142 spectrum strategy requires no spectrum to be identified for  
3143 auction, only more studies. And in your testimony you say  
3144 maybe many more years of study. So how do we ensure that  
3145 these studies actually tee up future auctions, rather than  
3146 lead to nowhere?

3147 \*Mr. Carr. Well, the country needs a real spectrum  
3148 strategy. I put out an idea in March of 2021, identified  
3149 specific frequency bands, amount of megahertz, and years by  
3150 which we need to take action. That is a spectrum strategy.

3151 What happened most recently with the Biden  
3152 Administration is sort of a classic Washington move. Rather



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3153 than making the hard decisions and deciding it now, we just  
3154 stand up a commission or further study, and kick the can down  
3155 the road. So we need to turn things around.

3156 On average, we are almost 400 megahertz behind 15 other,  
3157 you know, countries right now. When you look at the average  
3158 across of it, we rank 13 out of 15.

3159 \*Mrs. Harshbarger. I read that.

3160 \*Mr. Carr. We are over 700 megahertz behind China right  
3161 now. So we have got to turn things around.

3162 \*Mrs. Harshbarger. Yes.

3163 \*Mr. Carr. And frankly, we can do a little bit of that  
3164 at the FCC ourselves. We don't need to wait for the Biden  
3165 Administration to tell us what spectrum bands to move on. We  
3166 have authority that Congress has given us to identify  
3167 spectrum bands, and we should be moving on it.

3168 \*Mrs. Harshbarger. Why are we not moving on it? Why?  
3169 Why are we not moving where we need to move?

3170 Okay, the digital discrimination rulemaking is so broad  
3171 in terms of what the FCC might consider discriminatory, that  
3172 rural broadband providers are concerned that if they do not  
3173 provide these services in all unserved locations, which is

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3174 really an impossible task if you live in a rural, mountainous  
3175 region like I have, they will be falsely characterized as  
3176 discriminatory.

3177           And you are right, they don't have the large funds, they  
3178 are not large Internet providers. And I guess my question to  
3179 you is what can the FCC do to ensure that small and rural  
3180 providers have the necessary clarity around these rules to  
3181 continue and invest in expansion? They just need clarity.

3182           \*Mr. Carr. Yes. I mean, fundamentally, we need to  
3183 reverse course at the FCC on that decision. I, frankly,  
3184 think it is going to come at the courts. And I do believe  
3185 the courts \_

3186           \*Mrs. Harshbarger. Yes.

3187           \*Mr. Carr. \_ are going to reverse the FCC's recent  
3188 decision.

3189           You are right. If you decide to build anywhere, you may  
3190 be liable because you didn't build everywhere. I mean, it  
3191 is \_

3192           \*Mrs. Harshbarger. Well, it is up to, you know, how  
3193 they determine that when you walk in. It is like any other  
3194 bureaucratic agency.

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3195           \*Mr. Carr. And look, the FCC introduced an advisory  
3196 opinion process, but they also were very clear to say we  
3197 could reverse course on the advisory opinion at any point in  
3198 time. So even if you get one, you can't rely on that.

3199           \*Mrs. Harshbarger. Yes, exactly. Can you speak about  
3200 the importance of permitting reform in both broadband and 5G  
3201 build-out?

3202           \*Mr. Carr. Yes, this is critical. You know, we just  
3203 talked about a study that showed that large-scale fiber  
3204 builders were aiming to cover many millions of homes in 2022,  
3205 and they fell 1 million homes short. And the study cited  
3206 permitting reform as the number-one reason.

3207           \*Mrs. Harshbarger. Yes.

3208           \*Mr. Carr. I was in Casper, Wyoming, I was in a lay-  
3209 down yard outside of a wireless provider's facilities, and  
3210 they had 90 antennas just sitting there, you know, miles of  
3211 conduits sitting there, ready to go, but they couldn't get  
3212 the permits. So we are spending all of this money in this  
3213 country on broadband infrastructure, and we are not  
3214 streamlining permitting. And that is like stepping on the  
3215 gas and the brakes at the same time. We are not going to get

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3216 where we need to go.

3217 \*Mrs. Harshbarger. So what do we do to fix that?

3218 \*Mr. Carr. Fundamentally, we need to start moving on  
3219 permitting, and the FCC can do that. We can immediately take  
3220 the reforms that we did on small cells, which interpreted 253  
3221 and 332, and we could adopt new rulings that extend those  
3222 even more clearly into the context of wired infrastructure,  
3223 and that would help.

3224 \*Mrs. Harshbarger. Okay, very good. Mr. Carr, the  
3225 chair's net neutrality proposal highlights national security  
3226 as a reason for Title II reclassification. This is something  
3227 we have never heard of before in the decades of net  
3228 neutrality debate. The market has shown absolutely no  
3229 justification for broadband reclassification, and the  
3230 committee is reaching to try to find any justification, I  
3231 would say, for regulating the Internet. Where did it come  
3232 from?

3233 Help me understand any connection between an open  
3234 Internet and national security.

3235 \*Mr. Carr. Yes, I don't see it, and I think this is \_  
3236 what this goes back to, again, is 2017. We were told all

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3237 sorts of stories. We need Title II because the Internet will  
3238 slow down. We need Title II, otherwise you will be charged  
3239 per website. And none of that came to pass.

3240 \*Mrs. Harshbarger. Yes.

3241 \*Mr. Carr. But restoring Title II is sort of religion  
3242 among some in the D.C. corridors, and so you have to come up  
3243 with some reason for doing it again. And so we invoke  
3244 national security. But there is nothing that I have seen at  
3245 all that suggests that there is some gaping gap in our  
3246 national security that can only be solved by Title II. But  
3247 if there is something that exists, then let's come to  
3248 Congress and get a rifle shot legislation that deals with it.  
3249 We shouldn't be imposing Title II on the entire Internet  
3250 ecosystem.

3251 But again, there is nothing that I have been briefed on  
3252 or made aware of that Title II would solve. DHS, CSIS, all  
3253 these agencies have lots of authorities.

3254 \*Mrs. Harshbarger. Yes.

3255 \*Mr. Carr. It can't be that we are completely exposed  
3256 to a foreign government, but for the fact that a 1930 law  
3257 happens to exist.

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3258 \*Mrs. Harshbarger. Well, we are in the 21st century.

3259 So with that, Mr. Chairman, I yield back.

3260 \*Mr. Latta. The gentlelady's time has expired, and the  
3261 chair now recognizes the gentleman from California's 23rd  
3262 district for five minutes for questions.

3263 \*Mr. Obernolte. Thank you, Mr. Chairman. I would like  
3264 to thank all the commissioners for being here today. Doing  
3265 all of our jobs in regulating the telecommunications industry  
3266 requires a partnership between the Administration, as  
3267 represented by the FCC and Congress. Your presence here  
3268 today is furthering that relationship, and we deeply  
3269 appreciate it.

3270 Chair Rosenworcel, you, in your opening testimony,  
3271 mentioned the need for all of us to do a better job in  
3272 policing fraudulent activity via unwanted calls and text  
3273 messages. And I know that that is the most frequent  
3274 complaint that the FCC receives. Until recently,  
3275 telecommunications companies would refer potentially  
3276 fraudulent texts to financial institutions like banks that  
3277 were being impersonated by those texts so that those  
3278 institutions could share that information with their

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3279 customers and alert them to the potential for this fraudulent  
3280 activity.

3281           However, the Telephone Communication Privacy Protection  
3282 Act of 1991 put some restrictions on the telecoms' ability to  
3283 share that information. Notably, there is an exception for  
3284 sharing potentially fraudulent information or potentially  
3285 unlawful activity. However, recently some of the  
3286 telecommunications companies have ceased the sharing of that  
3287 information because of a concern that doing so would put them  
3288 in violation of that Act.

3289           Do you believe that telecoms have the ability to share  
3290 this information in cases when the consumer has clearly  
3291 identified a text as being fraudulent?

3292           \*Ms. Rosenworcel. First of all, we want to protect  
3293 consumers from fraudulent bank activity. So we have got to  
3294 figure out what is going on, and I would be very happy to  
3295 follow up with you to learn in a little more detail about  
3296 what you are hearing.

3297           But I think the problem is actually more fundamental,  
3298 which is that our primary law governing our ability to go  
3299 after bad robotexts, bad robocalls is the Telephone Consumer

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3300 Protection Act of 1991; 1991 was an awfully long time ago. A  
3301 lot of the assumptions in that law simply don't apply to the  
3302 way we use communications today or the way that scam artists  
3303 have evolved their scams.

3304 \*Mr. Obernolte. Yes, I think we are all in furious  
3305 agreement on that issue.

3306 However, if there is some ambiguity in that Act that is  
3307 causing carriers to have angst about sharing that  
3308 information \_

3309 \*Ms. Rosenworcel. Yes.

3310 \*Mr. Obernolte. \_ I think we are all on the same team  
3311 here, and I am hoping that you can commit to \_

3312 \*Ms. Rosenworcel. Absolutely.

3313 \*Mr. Obernolte. \_ providing some regulatory clarity  
3314 there, because \_

3315 \*Ms. Rosenworcel. Let's follow up, because I do not  
3316 believe we have a petition or action before us right now  
3317 raising the issues you describe, and let's figure out how we  
3318 can solve them.

3319 \*Mr. Obernolte. Sure. Yes, well, I know that we have  
3320 heard about cases where telecoms are not sharing that



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3321 information with financial institutions out of a fear of  
3322 regulatory action or penalties under that Act, and I hope we  
3323 can all agree that that shouldn't be the case.

3324 \*Ms. Rosenworcel. We are going to get to the bottom of  
3325 this. I am happy to work with you on it.

3326 \*Mr. Obernolte. All right, I appreciate that. A number  
3327 of the commissioners mentioned the U.S. Cyber Trust Mark  
3328 program, and I think that this is a really noteworthy and  
3329 laudable effort to improve security in the Internet of  
3330 Things. People that have heard me talk on this issue know  
3331 how deeply concerned I am about potential cybersecurity  
3332 threats, when so many of our day-to-day activities are being  
3333 monitored by these devices.

3334 As you know, the notice of proposed rulemaking for that  
3335 program is currently open. And I wanted to ask you about a  
3336 section in that NPR. It is entitled, "Investigation,  
3337 Disqualification, and Enforcement," and it says, "For any  
3338 non-compliance, we could rely on a combination of enforcement  
3339 procedures such as show-cause orders, revocation proceedings,  
3340 forfeitures, consent decrees, cease-and-desist orders, and  
3341 penalties."

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3342           So that \_ I want to clarify what your intention is with  
3343 that \_

3344           \*Ms. Rosenworcel. Sure.

3345           \*Mr. Obernolte. \_ because that is sounding an awful lot  
3346 like a mandatory program, and I think the intention is for it  
3347 to be a voluntary program and an optional program, like the  
3348 Energy Star program. Is that right?

3349           \*Ms. Rosenworcel. You are right, absolutely. We went  
3350 and we registered a mark. We want it to be like Energy Star.  
3351 Any time you pick up a device or order a service, if you see  
3352 that mark on a baby monitor or a fitness tracker, you know  
3353 you can trust it.

3354           Now, what we are trying to figure out is, even as we  
3355 create a voluntary program and incentives to participate,  
3356 what it means if someone chooses to participate, use that  
3357 mark, but then fraudulently doesn't abide by those policies.

3358           \*Mr. Obernolte. Okay.

3359           \*Ms. Rosenworcel. I think we threw out there a bunch of  
3360 different proposals, only because we want to make sure that  
3361 there are consequences for you being a bad actor.

3362           \*Mr. Obernolte. Right, okay. Well, I think we could

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3363 agree on that, I just want to make sure that that does not  
3364 become a de facto FCC stamp of approval necessary for market  
3365 entrants.

3366       \*Ms. Rosenworcel. Oh, absolutely not. What we are  
3367 trying to do is say, if you are a bad actor and you  
3368 fraudulently put that on your device or your service, we want  
3369 to make sure you have some consequences.

3370       \*Mr. Obernolte. All right. Well, thank you. I was  
3371 going to ask you about your notice of inquiry about  
3372 artificial intelligence, but I am out of time, so I will  
3373 submit that for the record.

3374       [The information follows:]

3375

3376       \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3377

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3378 \*Mr. Obernolte. But thank you again for your testimony.

3379 I yield back, Mr. Chairman.

3380 \*Mr. Latta. Thank you. The gentleman's time has  
3381 expired.

3382 And before the chair recognizes the gentleman from  
3383 California's 29th district, I just want to say that we are  
3384 going to miss you on this subcommittee. You have been a  
3385 great member, and it has been great working with you. And we  
3386 have had several on this committee that are leaving the  
3387 committee on \_ in general, but it is always tough to say  
3388 goodbye. But we still have you for 13 months.

3389 \*Mr. Cardenas. Thank you.

3390 \*Mr. Latta. So at this time the chair recognizes the  
3391 gentleman from California's 29th district for five minutes.

3392 \*Mr. Cardenas. Thank you, Mr. Chairman, and just so  
3393 everybody out there understands, this chairman is a good  
3394 gentleman. He is a great public servant, and I am a Democrat  
3395 and he is a Republican.

3396 I really appreciate your words, and I am flattered by  
3397 you sharing that with me and for all of our listeners. And  
3398 thank you for holding this hearing today, this important

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3399 hearing.

3400 Also, Ranking Member Matsui, I love working with you, as  
3401 well, and I appreciate all the time that we have been able to  
3402 do good work together.

3403 First of all, I would like to communicate the FCC on \_  
3404 excuse me, first I would like to congratulate the FCC on  
3405 returning to a full Commission with the addition of  
3406 Commissioner Anna Gomez.

3407 You are my favorite Commission. Yes, I am an engineer,  
3408 and I am a little bit of a geek sometimes, but the FCC  
3409 Commission is amazing, and I want to point out that I am  
3410 proud, and respect every single one of you, regardless if you  
3411 were appointed as \_ from whatever side of the aisle or what  
3412 have you. I really respect your service, and appreciate you  
3413 all very, very much.

3414 Commissioner Gomez is the first Latina to serve as an  
3415 FCC commissioner in over two decades, and the Commission will  
3416 be well served by your experience.

3417 Ms. Gomez, just like I mentioned with all of you, you  
3418 are not there based on affirmative action, you are there  
3419 because you have earned it, every single one of you. So

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3420 thank you for your service.

3421 I am going to start with a topic that I have given a lot  
3422 of attention this year, because it is a program that has a  
3423 large impact on my constituents, the Affordable Connectivity  
3424 Program, which may run out of funds as early as the coming  
3425 spring.

3426 Twenty-one million households across the country depend  
3427 on this program to access affordable, essential broadband.  
3428 That includes nearly 70,000 families in my district alone.  
3429 It is on us here in Congress to ensure that funding for the  
3430 ACP does not lapse.

3431 Chairwoman Rosenworcel, individuals in Black and Brown  
3432 communities are far less likely to be connected to the  
3433 Internet, and this can lead to reduced opportunities for  
3434 work, learning, political engagement, and social engagement.  
3435 How could the Commission's recent effort to combat digital  
3436 discrimination, paired with a fully-funded ACP and some of  
3437 our other deployment efforts, mitigate some of these social  
3438 inequities and these problems?

3439 \*Ms. Rosenworcel. Thank you so much, Congressman.  
3440 Thank you also for your kind words about me and my colleague,

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3441 and right back at you.

3442 I think Congress was really smart in the Bipartisan  
3443 Infrastructure Law. It was a committed decision to say we  
3444 are going to end the digital divide in this country. And  
3445 that took three things, it is like a three legged stool.

3446 First you said you are going to fund deployment in  
3447 communities that don't have it, often rural, through programs  
3448 like BEAD.

3449 Second, you said the digital divide has an affordability  
3450 component, so we are going to build the biggest broadband  
3451 affordability program ever. It is now serving 22 million  
3452 households. They rely on it to get online, go online for  
3453 everything.

3454 And then the third thing you said is, even if we solve  
3455 affordability and deployment, we need to make sure there  
3456 is no discriminatory behavior in service. And that is what  
3457 the digital discrimination rules you asked us to put in place  
3458 do.

3459 And I think all three things are a really powerful  
3460 commitment from Congress and the FCC to help close the  
3461 digital divide. We have got to make sure we continue with

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3462 all three of them.

3463 \*Mr. Cardenas. Thank you. And also to clarify, this  
3464 just doesn't affect Black and Brown communities, but it does  
3465 affect communities across America, including poor White  
3466 communities, as well.

3467 \*Ms. Rosenworcel. You know, I think a really stunning  
3468 statistic that I saw is that people sign up for this program  
3469 at a higher percentage rate in rural communities than they do  
3470 in urban communities.

3471 \*Mr. Cardenas. Yes, thank you for \_

3472 \*Ms. Rosenworcel. It is really important to show that  
3473 we serve everyone with this program.

3474 \*Mr. Cardenas. Everyone, thank you.

3475 Commissioner Starks, can you discuss how ACP provides  
3476 benefits beyond those to the individual households it helps,  
3477 and how it benefits communities and the country when more  
3478 people are connected?

3479 \*Mr. Starks. Yes, thank you for your service, thank you  
3480 for championing this ACP issue in particular.

3481 You know, I sat down with Ms. Chicka in the Nickerson  
3482 Gardens there in Watts in LA. It is the largest public



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3483 housing west of the Mississippi. And she was a real \_ a tour  
3484 de force for her community there.

3485 And you asked about community in particular. You know,  
3486 it is providing telehealth, it is providing education  
3487 opportunities. But I would also focus \_ you know, the  
3488 pandemic had a disproportionate effect on small businesses.  
3489 Small businesses got crushed over the pandemic. The ability  
3490 for our small businesses to revive, to come back, also is  
3491 very much necessitated here on connectivity.

3492 \*Mr. Cardenas. Thank you. Thank you so much. And also  
3493 the 988 Suicide and Crisis Lifeline, which is new and now is  
3494 available across the country, and the Commission has been  
3495 very focused on making sure that we move to a system that \_  
3496 where it is routed to the nearest call center, rather than  
3497 the area code that the person is calling from.

3498 Chairwoman Rosenworcel, I was glad to see your statement  
3499 in September about the importance of georouting 988 calls to  
3500 the nearest call center. Moving forward, how does the agency  
3501 plan to ensure wireless callers to the 988 Lifeline are able  
3502 to reach the geographically appropriate crisis center in a  
3503 standardized way, no matter what the carrier?

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3504           \*Ms. Rosenworcel. You are absolutely right. We \_ now  
3505 that we have put stood up 988, this crisis lifeline, we have  
3506 got to make sure that people actually get help from someone  
3507 nearby. So we are working with the Substance Abuse and  
3508 Mental Health Services Administration at the Department of  
3509 Health and Human Services to make sure their contract can  
3510 account for this, so that if you, for instance, text for  
3511 help, we identify what cell tower you are getting service  
3512 from, and then use that information to make sure that you get  
3513 mental health that comes from a nearby location.

3514           We are working on it right now. You have got to keep  
3515 the pressure on us to get it done.

3516           \*Mr. Cardenas. We will.

3517           Thank you very much, Mr. Chairman. I yield back.

3518           \*Mr. Latta. Well, thank you very much. The gentleman's  
3519 time has expired, and the chair now recognizes the gentleman  
3520 from Texas's 11th district for five minutes.

3521           \*Mr. Pfluger. Thank you, Mr. Chairman.

3522           The last time you guys were here \_ and I appreciate you  
3523 being here \_ we highlighted the need for rural Americans to  
3524 have \_ and in fact, Chairwoman, you said, I think, if I am

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3525 right on this quote, "Everyone everywhere.'" So \_ and I  
3526 couldn't agree with that more.

3527           However, when looking at the proposed and final rules,  
3528 we do have serious concerns about those, and the heavy-handed  
3529 approach, the control over the Internet service providers.

3530           Recently, when the FCC finalized its new digital equity  
3531 rules, rather than taking a narrow approach, I think you guys  
3532 have taken a more expansive approach and invasive approach  
3533 that would micromanage nearly every aspect of how Internet  
3534 service providers function.

3535           And so what I would like to ask, first off, is,  
3536 Chairwoman, you exempt the Biden Administration's Broadband  
3537 Equity and Access Deployment, the BEAD program, as well as  
3538 Universal Service Fund program from your digital  
3539 discrimination rules. And it appears to be a two-tiered  
3540 system. Why is that?

3541           \*Ms. Rosenworcel. Yes. You know, on the contrary, we  
3542 just made sure that there was a legal presumption that if  
3543 they are following the universal service policies, they are  
3544 following the BEAD rules, that they can \_ we assume that they  
3545 are complying with the digital discrimination rules. We just

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3546 flipped a legal presumption because we thought, at the behest  
3547 of carriers, that we would make it easier for them to  
3548 continue to \_

3549 \*Mr. Pfluger. Would the carriers agree with you on  
3550 this?

3551 \*Ms. Rosenworcel. Absolutely.

3552 \*Mr. Pfluger. They would?

3553 \*Ms. Rosenworcel. They absolutely supported it. My  
3554 colleagues all supported it, too.

3555 \*Mr. Pfluger. Mr. Carr, anything on that?

3556 \*Mr. Carr. No. Look, I think it is really telling that  
3557 at the last minute the Biden Administration secured  
3558 effectively an exemption from the very same digital equity  
3559 rules that they encouraged the FCC to adopt. And why is  
3560 that? Is that because the Biden Administration wants to  
3561 engage in digital discrimination? Does it not believe in  
3562 digital equity? Of course not.

3563 Really, what is going on here is the Biden  
3564 Administration is giving away the game. It knows that these  
3565 are heavy-handed rules. It knows these are going to depress  
3566 investment in innovation. And they have a signature

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3567 initiative, BEAD, Internet for all, that they can't afford to  
3568 fail. And so they are trying to maximize the odds of its  
3569 success by excluding themselves from the rules. Meanwhile,  
3570 all of the providers and all of the programs are stuck  
3571 complying with them.

3572 I think we should have a level playing field. If the  
3573 Biden Administration doesn't want those rules to apply to its  
3574 own program, it shouldn't apply to any program.

3575 \*Mr. Pfluger. Let's talk \_

3576 \*Mr. Starks. If I could say really quickly,  
3577 Congressman, on this \_

3578 \*Mr. Pfluger. I am going to \_ I have got to move on.

3579 \*Mr. Starks. Yes.

3580 \*Mr. Pfluger. Let's talk national \_ sorry about that.  
3581 You guys, thank you for your service.

3582 Let's talk national security and Title II. This  
3583 committee, Congress will act in the nature of protecting our  
3584 national security. So I am interested in the national  
3585 proposed rulemaking, and what you think about, you know, how  
3586 \_ is it needed for national security purposes?

3587 You mentioned this a little bit, but I am going to give

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3588 you a minute to expand that, and then I have one final  
3589 question for the chairwoman.

3590 \*Mr. Carr. Yes, thank you, Congressman, for your work  
3591 on this. Thanks for your public service here and previously.  
3592 I think you know these issues of national security very well.

3593 Look, there is no gap in national security that Title II  
3594 would fill. In fact, DHS is the sector-specific lead when it  
3595 comes to security issues in the communications space. They  
3596 have a lot of authorities. CISA has a lot of authorities.  
3597 If there happen to be an issue in our networks, then we  
3598 should come to Congress today, and Congress should fast track  
3599 today a bill.

3600 The idea that we are going to sit here and look at some  
3601 foreign actor hijacking things in our broadband network and  
3602 let it to continue until we get around to doing Title II, and  
3603 that we haven't done anything about it in three years, it  
3604 would be incredible if that was true.

3605 \*Mr. Pfluger. Yes.

3606 \*Mr. Carr. In fact, it is not credible. I think what  
3607 is going on here, again, is we are just sort of grasping at  
3608 straws at new justifications to support Title II itself.

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3609           \*Mr. Pfluger. It is not just this industry, it is every  
3610 industry. Every committee hearing we have here, we are  
3611 talking about over-reach, we are talking about over-  
3612 regulation, we are talking about a heavy-handed approach.

3613           I will change gears and focus on something that \_  
3614 Chairwoman, thank you for your comments about five years ago,  
3615 when you \_ and I know we don't always remember what we say,  
3616 but \_

3617           \*Ms. Rosenworcel. You are keeping tabs. Five years  
3618 ago? My gosh.

3619           [Laughter.]

3620           \*Mr. Pfluger. I think you will remember this one \_

3621           \*Ms. Rosenworcel. Okay.

3622           \*Mr. Pfluger. \_ because you tweeted out in 2018, under  
3623 the Trump Administration, you said, "It is time for  
3624 transparency. The FCC needs to publish a calendar that lets  
3625 our wireless economy plan for the future by describing just  
3626 what spectrum bands will be auctioned \_ "'

3627           \*Ms. Rosenworcel. Sure.

3628           \*Mr. Pfluger. \_ "and when. This is simple. There is  
3629 no good reason to do it.''

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3630           Has there been \_ since you have been commissioner, has  
3631 there been a calendar proposed by any of the commissioners to  
3632 you?

3633           \*Ms. Rosenworcel. Well, I think you know that this  
3634 committee passed the Ray Baum's Act a while ago, which  
3635 requires us, on an annualized basis, to produce a calendar,  
3636 which \_

3637           \*Mr. Pfluger. Do you have \_

3638           \*Ms. Rosenworcel. \_ we do.

3639           \*Mr. Pfluger. Do you currently have a calendar?

3640           \*Ms. Rosenworcel. Yes, on an annualized basis we  
3641 produce a calendar.

3642           But to be very clear, this agency no longer has Spectrum  
3643 Auction Authority, so we can't actually act and produce an  
3644 auction, plan for an auction \_

3645           \*Mr. Pfluger. But you can certainly \_

3646           \*Ms. Rosenworcel. \_ or make it happen.

3647           \*Mr. Pfluger. You can certainly provide \_ so I know  
3648 Commissioner Carr provided a calendar \_

3649           \*Ms. Rosenworcel. Yes.

3650           \*Mr. Pfluger. \_ 2021, 2022, 2023.



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3651 \*Ms. Rosenworcel. So how about this?

3652 \*Mr. Pfluger. Do you have \_

3653 \*Ms. Rosenworcel. We will sit here right now, and I  
3654 will tell you what I would like to do \_

3655 \*Mr. Pfluger. Madam \_

3656 \*Ms. Rosenworcel. \_ if you give the Auction Authority  
3657 back.

3658 \*Mr. Pfluger. Madam Chair, do you have a calendar, and  
3659 can you share that with us?

3660 \*Ms. Rosenworcel. Yes, we will show you the calendar we  
3661 produced \_

3662 \*Mr. Pfluger. Does it have auction \_

3663 \*Ms. Rosenworcel. \_ under the Ray Baum's Act.

3664 \*Mr. Pfluger. Does it have the auction bands that will  
3665 be auctioned off?

3666 \*Ms. Rosenworcel. See, under the Ray Baum's Act we  
3667 produce an annual calendar at the request of this committee.  
3668 But because we don't have Auction Authority, I can't plan for  
3669 auctions. It would be using appropriated funds for things  
3670 for which we are not authorized.

3671 \*Mr. Pfluger. If we are going to compete with China, we

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3672 need to know what the plan is \_

3673 \*Ms. Rosenworcel. Sure, I totally \_

3674 \*Mr. Pfluger. \_ we need to see a calendar, and we need  
3675 to see \_

3676 \*Ms. Rosenworcel. I totally agree with you.

3677 \*Mr. Pfluger. \_ which bands and which timeframes. That  
3678 is the important thing \_

3679 \*Ms. Rosenworcel. So how about this? If I could make  
3680 it up right now, I would tell you this. You give me my  
3681 Authority back, I have a bunch of bands that are sitting in  
3682 the closet in the FCC, in the AWS 3 bands, the 600 megahertz  
3683 bands \_

3684 \*Mr. Pfluger. I don't \_

3685 \*Ms. Rosenworcel. \_ the 700 megahertz bands, the 800  
3686 megahertz bands, and I have got a proceeding in the upper  
3687 portion of the 12 gigahertz band.

3688 \*Mr. Pfluger. You can help us by talking to the \_

3689 \*Mr. Latta. The gentleman's time has expired.

3690 \*Mr. Pfluger. My time has expired, thank you.

3691 \*Mr. Latta. The chair now recognizes the gentlelady  
3692 from Florida's 3rd district for five minutes.

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3693           \*Mrs. Cammack. Thank you, Mr. Chairman. Let's keep the  
3694 fun going, because Representative Pfluger actually hit on the  
3695 question I was going to ask, so that is okay.

3696           Commissioner Carr, I know that you have been on this, as  
3697 well, so if you want to follow up to Representative Pfluger's  
3698 comments regarding the spectrum calendar and just give us  
3699 your take on that real quick, that would be \_

3700           \*Mr. Carr. I think it can be pretty simple, and I think  
3701 we should all put forward our own plans. I put my plan  
3702 forward. Let's just put forward the specific megahertz that  
3703 we want to move by particular years, and let's just publish  
3704 that. I think that would be a very important step.

3705           And look, if we did that, I think that would actually  
3706 help Congress understand the need to pass our Auction  
3707 Authority, rather than the other way around.

3708           \*Mrs. Cammack. Right, and I appreciate that.

3709           Chairwoman \_ and I am going to butcher your last name,  
3710 so I am not even going to try it \_

3711           \*Ms. Rosenworcel. Okay.

3712           \*Mrs. Cammack. \_ just out of respect. So, Chairwoman,  
3713 at the end of September the Secretary of Defense submitted

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3714 its paths report on the lower three gigahertz band to the  
3715 Secretary of Commerce, which was required by the  
3716 infrastructure law. Now, of course, it is up to the  
3717 Secretary of Commerce and NTIA to identify spectrum in the  
3718 band for auction.

3719 Now, the Secretary of Commerce is required to coordinate  
3720 with FCC in the process. So to what extent are you involved  
3721 with the Secretary's process for identifying frequencies in  
3722 the lower three gig band for commercial use?

3723 And have you seen the DoD report?

3724 \*Ms. Rosenworcel. Yes, that is the real question, isn't  
3725 it? I have asked to see it, so I have asked for a briefing.  
3726 I would certainly encourage everyone \_

3727 \*Mrs. Cammack. So you haven't seen it.

3728 \*Ms. Rosenworcel. Not yet, but I have asked for one.

3729 \*Mrs. Cammack. Okay.

3730 \*Ms. Rosenworcel. I would encourage every single person  
3731 on this committee to ask for a copy of it, because the  
3732 Bipartisan Infrastructure Law tells us that we are supposed  
3733 to auction spectrum in the lower portion of the 3 gigahertz  
3734 band, and I have got to prepare for an auction by November of

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3735 2024, and we collectively have to come together and figure  
3736 out what we are going to do about that obligation and the  
3737 paths report at the same time.

3738 \*Mrs. Cammack. Well, Chairwoman, you might have better  
3739 luck asking the White House and the DoD for that report than  
3740 Congress, given the environment we find ourselves in.

3741 But have you provided any sort of input \_ as just a  
3742 follow-up to this \_ on the timing of the auction? I know you  
3743 mentioned 2024 \_ potential auction design that could maximize  
3744 feasibility of meeting the 110 percent?

3745 \*Ms. Rosenworcel. It is really contingent on that  
3746 report, as you can imagine. I can't ask my staff to plan for  
3747 something if we don't know the details.

3748 \*Mrs. Cammack. We should all just march right on over  
3749 to the Pentagon right now.

3750 It is a joke.

3751 [Laughter.]

3752 \*Mrs. Cammack. I know we are not allowed to have a  
3753 sense of humor in Congress anymore. It is a joke. Okay.

3754 Following up on that, I know broadband maps have been  
3755 mentioned multiple times here today, but I wanted to follow

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3756 up on that issue, specifically the FCC's National Broadband  
3757 Map. Should that be the map used for all Federal broadband  
3758 programs?

3759 \*Ms. Rosenworcel. Okay, so we are using that map to  
3760 identify where service is and is not for both wired and  
3761 wireless broadband in every theoretically buildable location  
3762 in the country.

3763 \*Mrs. Cammack. Right.

3764 \*Ms. Rosenworcel. And we are taking that data, and we  
3765 are putting it on a separate map called the Broadband Funding  
3766 Map.

3767 \*Mrs. Cammack. Yes.

3768 \*Ms. Rosenworcel. And that map is really important  
3769 because everyone on this committee should care about it. We  
3770 got lots of entities with a lot of broadband money as a  
3771 result of COVID-era legislation, and every one of them needs  
3772 to report to me in the same data format so I can come back to  
3773 you and say, "We covered this area, we didn't cover this  
3774 area''; "It looks like we have duplication, what do you want  
3775 to do about it?''

3776 If I could get your help with making sure that every

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3777 entity with broadband funds reports to us for that accurate  
3778 broadband funding map, you would all be doing a lot of good  
3779 for oversight.

3780 \*Mrs. Cammack. I had a feeling you were going there, so  
3781 I am going to keep the softball going. I also serve on the  
3782 House Agriculture Committee. Do you believe that we need  
3783 some \_

3784 \*Ms. Rosenworcel. This is like a bonus \_

3785 \*Mrs. Cammack. \_ cooperation from USDA with the funding  
3786 of the broadband?

3787 \*Ms. Rosenworcel. So let me be clear. I had set up \_  
3788 because I noticed we had a lot of different programs, and not  
3789 a lot of people had the mapping data we did, I went and set  
3790 up a memorandum of understanding with the Department of  
3791 Agriculture, the Department of Treasury, and the Department  
3792 of Commerce. They have the biggest broadband funding  
3793 programs. There is a lot of other little ones. So we now  
3794 put it on paper we are working together. But making sure  
3795 they continue to report to us so that Broadband Funding Map  
3796 is accurate is really important.

3797 And now that you told me you sit on the Agriculture

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3798 Committee, we are going to follow up with you just on that  
3799 point.

3800 \*Mrs. Cammack. I look forward to it.

3801 Commissioner Carr, in 2017 Congress voted to nullify the  
3802 FCC's 2016 privacy and data security requirements. In your  
3803 view, does the Commission have legal authority whatsoever to  
3804 reimpose just a portion of those requirements instead of the  
3805 whole order?

3806 \*Mr. Carr. No, it does not. We need to respect the  
3807 decision of Congress. The 2017 CRA was the decision that  
3808 ensured that we would have a level playing field across all  
3809 industry sectors when it came to privacy. The FCC should not  
3810 be working unlawfully to disrupt that.

3811 \*Mrs. Cammack. Thank you.

3812 And to bring us into the home stretch, Chairwoman, I am  
3813 going to just end on something that I think everyone is  
3814 concerned about, and that is AI. So talking about the  
3815 comment period for the notice of inquiry on Advancing  
3816 Understanding of Non-Federal Spectrum Usage, it closed  
3817 recently. And the inquiry focused in part on the machine  
3818 learning and AI, and leveraging those tools at the FCC for



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3819 spectrum management.

3820           How do you plan to use the information gathered through  
3821 the NOI, specifically as it relates to artificial  
3822 intelligence, and what are the next steps for the FCC in this  
3823 space, and how can we coordinate?

3824           \*Ms. Rosenworcel. Okay, the \_

3825           \*Mrs. Cammack. And I know I am over time, but \_

3826           \*Ms. Rosenworcel. Yes.

3827           \*Mrs. Cammack. Thank you.

3828           \*Ms. Rosenworcel. The next step is to read the \_ what  
3829 was \_ been filed with us.

3830           But look, artificial intelligence, if we can have  
3831 pattern identification on a large scale, we can take scarce  
3832 resources like our airwaves and figure out more efficient  
3833 ways to use them. DARPA has already done a lot of work on  
3834 introducing artificial intelligence and machine learning to  
3835 networks. I want to see what we can do on the commercial  
3836 side to optimize our airwaves and our networks.

3837           So it is an exciting proceeding. I look forward to  
3838 reading the record.

3839           \*Mrs. Cammack. Thank you.

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3840 I yield.

3841 \*Mr. Latta. The gentlelady's time has expired, and  
3842 seeing no other members here wishing to ask questions to our  
3843 panel today, I ask unanimous consent to insert in the record  
3844 the documents included on the staff hearing documents list.

3845 Without objection, so ordered.

3846 [The information follows:]

3847

3848 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3849

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3850           \*Mr. Latta. I remind members that they have 10 business  
3851 days to submit questions for the record, and I ask the  
3852 witnesses to promptly respond to the members' questions.  
3853 Members should submit their questions by the close of  
3854 business on December the 14th.

3855           And again, I want to thank all of the FCC commissioners  
3856 for being with us today. We greatly appreciate your  
3857 participation at today's subcommittee hearing.

3858           And without objection, the subcommittee is adjourned.

3859           [Whereupon, at 1:28 p.m., the subcommittee was  
3860 adjourned.]