Opening Remarks
Chair Cathy McMorris Rodgers
Subcommittee on Communications and Technology Hearing:
"Oversight of the National Telecommunications and Information Administration"
May 15, 2024

Thank you, Chairman Latta, and welcome back, Assistant Secretary Davidson.

The National Telecommunications and Information Administration (NTIA) is responsible for managing federal spectrum use and awarding funds to deploy broadband.

RATE REGULATION LETTER

In December, following the last NTIA oversight hearing, Chair Latta and I sent a letter regarding your prior testimony suggesting that NTIA was allowing…

…and even encouraging - rate regulation by States participating in the
Broadband Equity Access and Deployment, or BEAD, program.

In your response, you stated that NTIA will consider any definition proposed by an "eligible entity," provided that it meets the standards laid out in the BEAD statute.

We agree that NTIA is bound to that statute when implementing the BEAD program.

And the Infrastructure Investment and Jobs Act
explicitly states that NTIA is not authorized to regulate rates charged for broadband services.

Yet we continue to hear from states that NTIA is pushing them to include rate regulated options in their initial proposals for BEAD funding, which completely violates the intent of the law.

Because of NTIA's decisions, some states have said that additional federal funding will be needed…

…they've veered away from the technology-neutral principles mandated by law…

…and even sought to engage in rate regulation of broadband service, despite them knowing that this will fail to connect all Americans.

Many of these proposals jeopardize the success of the BEAD program and hinder the program's mission, to connect as many Americans as possible.

While this program is distributed by the federal government and state broadband offices, it will be the participating providers, both big and small, that will ultimately determine the BEAD program's success.

It's vital that NTIA follows Congressional direction, administers this program to the letter of the law…

…and rejects state plans that stray from these goals, regardless of political leaning and leadership.

CATEGORICAL EXCLUSIONS

I **am** encouraged that NTIA is working with agencies to streamline the permitting process for BEAD recipients.

With billions of dollars made available for broadband deployment, interagency coordination on all levels is key to ensuring this money is not wasted and efforts are not duplicated.

But I caution the agency against creating a permitting regime that only benefits government funded projects, which will further discourage investment and widen the digital divide.

This Committee has taken decisive action to rollback similar permitting requirements for all broadband projects.

H.R. 3557, the American Broadband Deployment Act, would allow all broadband infrastructure to benefit from the same categorical exclusions that BEAD recipients will enjoy…

I hope NTIA and the Biden administration will support that bill and work with us to get it signed into law.

SPECTRUM IMPLEMENTATION PLAN

Another shared priority is making spectrum available for commercial use, which is essential to maintain American leadership in next-generation wireless technology.

In March, the NTIA released its National Spectrum Strategy Implementation Plan.

This plan provides a roadmap for ensuring America is leading in spectrum, including timelines for spectrum studies, and I commend NTIA for its transparency in this process thus far.

As the manager of federal government spectrum, I hope NTIA is collaborating with other relevant agencies to push for the most efficient use of spectrum and to identify spectrum that can be made available for commercial use.

CONCLUSION

Finally, I'm sure we will be hearing about the Affordability Connectivity Program today. There seems to be a lot of finger-pointing from the White House and Democrats on who is to blame.

The Senate, which is controlled by the President's own party, has not yet acted to fund this program, or reached out to House Republicans to find a solution.

I will also note that as the funding cliff for this program approaches, we've seen a remarkable response from industry...

…offering low-cost options for broadband internet as low as $10 dollars per month, well below ACP's $30 dollar floor.

We all share the goal of making sure Americans are connected. Hopefully we can move beyond trying to score political points and work together to find a viable, long-term, fiscally responsible way to make it happen.

Thank you, Assistant Secretary Davidson for being here.

I yield back.