



January 26, 2018

TO: Members, Subcommittee on Communications and Technology

FROM: Committee Majority Staff

RE: Hearing entitled “Closing the Digital Divide: Broadband Infrastructure Solutions.”

I. INTRODUCTION

The Subcommittee on Communications and Technology will hold a hearing on Tuesday, January 30, 2018, at 10:00 a.m. in 2322 Rayburn House Office Building. The hearing is entitled “Closing the Digital Divide: Broadband Infrastructure Solutions.”

II. WITNESSES

- Jonathan Spalter, President and CEO, USTelecom;
- Brad Gillen, Executive Vice President, CTIA;
- Matthew Polka, President and CEO, American Cable Association;
- Shirley Bloomfield, CEO, NTCA—The Rural Broadband Association;
- Scott Slesinger, Legislative Director, National Resources Defense Council;
- Joanne S. Hovis, President, CTC Technology and Energy; and
- Elin Swanson Katz, Connecticut Consumer Counsel.

III. BACKGROUND

The importance of broadband in modern American life and the economy cannot be overstated. Broadband has enabled near-instantaneous exchange of information across the country, revolutionizing how Americans communicate, conduct commerce, and participate in government. Rapid technological innovation has presented consumers with thousands of new applications that can provide everything from casual entertainment to essential services that improve quality of life.

Broadband also provides American businesses with a platform to succeed in the increasingly digital economy. A small, rural business can now offer its products and services beyond the local community and compete with companies around the world. All of these opportunities bring jobs, economic growth, and investment to our nation’s economy.

Unfortunately, the rollout of broadband networks has been disproportionate, and consumers in rural areas of the country are falling behind their urban counterparts in what has been described as the “digital divide.” Notwithstanding other contributing factors, there is general agreement among the federal government, private industry, and public stakeholders that the framework of federal permitting, siting, and permissions to access rights-of-way present a barrier to investment and are slowing broadband deployment. During this hearing, the subcommittee will examine legislation that seeks to address these barriers to broadband deployment.

IV. SUMMARY OF LEGISLATION

A. H.Res. 687, Expressing the sense of the House of Representatives that Federal, State, and local taxes, fees, regulations, and permitting policies should be coordinated and reconciled to maximize the benefits of broadband investment

H.Res. 687 was introduced by Rep. Gus Bilirakis (FL) on January 11, 2018. The resolution expresses the sense of the House that federal, state, and local taxes, fees, regulations and permitting policies should be reconciled to maximize broadband investment.

B. H.Res. 689, Expressing the sense of the House of Representatives that any infrastructure legislation that provides Federal funds to wireless broadband providers to promote wireless broadband deployment should prioritize funds for wireless broadband providers in States that have enacted streamlined siting requirements for small cells

H.Res. 689 was introduced by Rep. Richard Hudson (NC) on January 11, 2018. The resolution expresses the sense of the House that any funding for wireless infrastructure deployment should be prioritized to states that have enacted streamlined siting for small cells.

C. H.Res. 690, Expressing the sense of the House of Representatives that no Federal funds granted, awarded, or loaned pursuant to any legislation, infrastructure-specific or otherwise, should be used to fund the construction, improvement, or acquisition of broadband facilities or service in areas where there is an existing broadband provider that meets certain minimum standards

H.Res. 690 was introduced by Rep. Leonard Lance (NJ) on January 11, 2018. The resolution expresses the sense of the House that broadband funds may not be used where there is an existing broadband provider.

D. H.Res. 691, Expressing the sense of the House of Representatives that any infrastructure legislation to promote broadband internet access or communications facilities deployment should treat all broadband and communications facilities in a competitively and technologically neutral manner

H.Res. 691 was introduced by Rep. Robert Latta (OH) on January 11, 2018. The resolution expresses the sense of the House that broadband deployment should be competitively and technologically neutral.

E. H.Res. 701, Expressing the sense of the House of Representatives that with respect to any study required to be conducted by the Federal Communications Commission, or any entity regulated by the Commission under the Federal Communications Act of 1934, under the National Environmental Policy Act of 1969 or division A of subtitle III of title 54, United States Code (formerly known as the National Historic Preservation Act), for the provision of broadband infrastructure, the area to be studied should be limited to the area of impact

H.Res. 701 was introduced by Rep. Bill Flores (TX) on January 18, 2018. The resolution expresses the sense of the House that any National Environmental Policy Act or National Historic Preservation Act study to be conducted by the Federal Communications Commission (FCC), or any entity regulated by the FCC, should be limited to the area of impact.

F. H.R. 4795, Communications Facilities Deployment on Federal Property Act

H.R. 4795, Communications Facilities Deployment on Federal Property Act, was introduced by Rep. Mimi Walters (CA) on January 16, 2018. The legislation would require executive agencies to use common application forms and cost-based application fees for easements, rights-of-way, and lease requests, and master contracts for placement of communications facility installations on Federal property.

G. H.R. 4798, Inventory of Assets for Communications Facilities Act

H.R. 4798 was introduced by Rep. Chris Collins (NY) on January 16, 2018. The legislation would require the General Services Administration to coordinate with the National Telecommunications and Information Administration (NTIA) to ensure federal agencies include an inventory of assets that can be used to attach or install broadband infrastructure. This inventory would be available to communications providers, and include a description of assets, their locations, and a point of contact from each agency for more information on a given asset.

H. H.R. 4802, Streamlining and Expediting Approval for Communications Technologies Act

H.R. 4802 was introduced by Rep. Adam Kinzinger (IL) on January 16, 2018. The legislation would require the senior real property officer of covered agencies to track, record, and report on specified data on the applications to locate or modify communications facilities on covered, federal assets. This data would include the number of applications submitted, the number of applications approved or denied (including the reason for any denial), and the amount of time and money spent by an agency reviewing applications. Each agency's senior real property officer would be required to report annually to NTIA on its progress, and NTIA would report to Congress.

I. H.R. 4810, Making Available Plans to Promote Investment in Next Generation Networks without Overbuilding and Waste (MAPPING NOW) Act

H.R. 4810 was introduced by Rep. Bill Johnson (OH) on December 11, 2017. The legislation directs the Assistant Secretary of Commerce for Communications and Information to conduct a national broadband map. Section 2(a) reasserts NTIA's authority to conduct the national broadband map, which was established in the American Recovery and Reinvestment Act of 2009.

J. H.R. 4813, Wireless Internet Focus on Innovation in Spectrum Technology for Unlicensed Deployment (WIFI STUDY) Act

H.R. 4813 was introduced by Rep. Ryan Costello (PA) on January 17, 2018. The legislation would direct the Comptroller General of the United States (GAO) to conduct a study on the complementary role of unlicensed spectrum in assisting with Internet traffic management, and the potential for Gigabit Wi-Fi service in spectrum bands below 6 GHz.

K. H.R. 4817, Promoting Exchanges for Enhanced Routing of Information so Networks are Great (PEERING) Act

H.R. 4817 was introduced by Rep. Billy Long (MO) on January 17, 2018. The legislation would authorize a matching grant program through the NTIA to promote peering centers where none exist, or to help an existing one expand if it is the only such facility in a core-based statistical area. The legislation would also authorize eligible recipients under the Universal Service Fund's E-Rate program and Telehealth program to use such funds to contract with a broadband provider to obtain a connection to a peering facility, or to pay costs of maintaining a point of presence at a peering facility.

L. H.R. 4832, Restoring Economic Strength and Telecommunications Operations by Releasing Expected Dollars (RESTORED) Act

H.R. 4832 was introduced by Rep. Kevin Cramer (ND) on January 18, 2018. The legislation would permit companies eligible for funds under the Universal Service Fund's High-Cost program to elect up to a 7-month advance payment of such funds to aid in the restoration of services in Presidentially-declared disaster areas.

M. H.R. 4842, Streamlining Permitting to Enable Efficient Deployment (SPEED) of Broadband Infrastructure Act

H.R. 4842 was introduced by Rep. John Shimkus (IL) on January 18, 2018. The legislation would exempt broadband facilities from environmental and historic preservation reviews on federal property that have already granted another communications facility on the same property. The legislation would also exempt broadband facilities that meet certain parameters, under section 13, from environmental and historic preservation reviews in existing rights-of-way. The legislation would further exempt expansion of broadband facilities from environmental and historic preservation reviews if the expansion of the broadband facility is no more than 30 feet in any direction.

N. H.R. 4845, Connecting Communities Post Disasters Act

H.R. 4845 was introduced by Rep. Pete Olson (TX) on January 19, 2018. The legislation would provide a 5-year categorical exclusion from environmental and historical reviews for communications facilities in Presidentially-declared disaster areas to aid the replacement and improvements to such facilities.

O. H.R. 4847, Broadband Deployment Streamlining Act

H.R. 4847 was introduced by Rep. Susan Brooks (IN) on January 19, 2018. The legislation would direct the Secretaries of Interior and Agriculture to issue regulations within one year to streamline applications processes to locate or modify communications facilities on public lands. The legislation would also amend section 6409 of the Middle Class Tax Relief and Job Creation Act (47 U.S.C. 1455) to institute a shot clock by which applications must be granted or denied. An application is deemed granted if the agency fails to grant or deny within the allotted time. Additionally, the legislation would require a GAO report evaluating accuracy and reliability data collected for the national broadband map.

P. H.R. 2479, Leading Infrastructure for Tomorrow's (LIFT) America Act

H.R. 2479 was introduced by Rep. Frank Pallone, Jr. (NJ) on May 17, 2017. Title I of the legislation relates to the expansion of broadband access. The legislation would establish a program at NTIA to expand access to broadband for communities throughout the United States that protects consumer privacy and promotes network security. The legislation authorizes \$40

billion dollars for broadband deployment; of which 75 percent would be distributed to private entities to deploy broadband in unserved areas through a reverse auction mechanism. The remaining 25 percent would be distributed to states for distribution to private entities through a statewide reverse auction for broadband deployment in unserved and underserved areas and for the deployment of Next Generation 911.

Q. H.R. 3994, Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Assessed Need and Demand (ACCESS BROADBAND) Act

H.R. 3994 was introduced by Rep. Paul Tonko (NY) on October 6, 2017. The legislation would establish an office of Internet Connectivity and Growth at NTIA to coordinate and track federal funding for broadband across all agencies. This office would streamline the process of applying for federal funding for projects that expand broadband access.

R. H.R. 4287, Broadband Infrastructure Finance and Innovation Act

H.R. 4287 was introduced by Rep. Ben Ray Lujan (NM) on November 7, 2017. The legislation would create a Broadband Infrastructure Finance and Innovation (BIFIA) program at NTIA with \$5 billion to provide loans to state and local entities for broadband infrastructure projects. Every two years, the NTIA Administrator would report to Congress a summary of the financial performance of projects receiving funding under the program.

S. H.R. 4814, Community Broadband Act of 2018

H.R. 4814 was introduced by Rep. Anna Eshoo (CA) on January 17, 2018. The legislation would affirmatively state that no state statute, regulation, or legal requirement can preclude a local government from being a public provider of advanced telecommunications services. To the extent that public provider regulates competing private providers of advanced telecommunications services, they should do so without discrimination.

T. H.R. 4858, Clearing Local Impediments Makes Broadband Open to New Competition and Enhancements (CLIMB ONCE) Act

H.R. 4858 was introduced by Rep. Anna Eshoo (CA) on January 19, 2018. The legislation would clarify that neither section 224 of the Communications Act nor rules promulgated by the FCC limit the ability of a state to adopt a one-touch-make-ready policy with respect to pole attachments. Within 6 months of enactment, the legislation requires the FCC to publish model language and recommended best practices.

U. H.R. 4876, Connecting Broadband Deserts Act of 2018

H.R. 4876 was introduced by Rep. Bobby Rush (IL) on January 22, 2018. The legislation would amend the Communications Act of 1934 to direct the FCC to conduct, within one year, an annual inquiry on the availability of advanced telecommunications capability

in broadband deserts. The term “broadband desert” means a census block that is located in an urban area and in which fewer than 33 percent of end-user premises do not have access to advanced telecommunications capability.

V. H.R. 4881, Precision Agriculture Connectivity Act of 2018

H.R. 4881 was introduced by Rep. Robert E. Latta (OH) on January 25, 2018. The legislation would require the FCC, in cooperation with the U.S. Department of Agriculture, to form a task force to evaluate the best ways to meet the broadband needs of precision agriculture in the United States. The task force would focus on identifying and measuring gaps in broadband coverage, and developing policy recommendations to promote rapid, expanded deployment of broadband in agricultural areas.

W. H.R. 2903, Rural Reasonable and Comparable Wireless Access Act

H.R. 2903 was introduced by Rep. David B. McKinley (WV) and Rep. Peter Welch (VT) on June 15, 2017. The legislation would direct the Federal Communications Commission (FCC) to create regulations that establish a national standard for determining whether commercial mobile service, commercial mobile data service, and broadband internet access service available in rural areas are reasonably comparable to those services provided in urban areas.

X. H.R. 1581, Tribal Digital Access Act

H.R. 1581 was introduced by Rep. Raul Ruiz (CA) on March 16, 2017. The legislation amends section 254 of the Communications Act of 1934 to extend to Indian country and areas with high populations of Indian people.

Y. H.R. 1546, Rural Wireless Access Act

H.R. 1546 was introduced by Rep. David Loebsack (IA) on March 15, 2017. The legislation would require the Federal Communications Commission to promulgate regulations to establish a methodology that improves data collection of coverage maps.

V. STAFF CONTACTS

If you have any questions regarding this hearing, please contact Sean Farrell, Tim Kurth, or Robin Colwell of the Majority Committee staff at (202) 225-2927.