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6 CONNECTING AMERICA: OVERSIGHT OF THE FCC

7 THURSDAY, MARCH 31, 2022

8 House of Representatives,

9 Subcommittee on Communications and Technology,

10 Committee on Energy and Commerce,

11 Washington, D.C.

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15 The subcommittee met, pursuant to call, at 10:31 a.m. in  
16 the John D. Dingell Room, 2123 of the Rayburn House Office  
17 Building, Hon. Michael F. Doyle, [chairman of the  
18 subcommittee] presiding.

19

20 Present: Representatives Doyle, McNerney, Clarke,  
21 Veasey, Soto, O'Halleran, Rice, Eshoo, Butterfield, Matsui,  
22 Welch, Schrader, Cardenas, Kelly, Craig, Fletcher, Pallone  
23 (ex officio); Latta, Guthrie, Kinzinger, Bilirakis, Johnson,  
24 Long, Hudson, Walberg, Carter, Duncan, and Rodgers (ex  
25 officio).

26 Also present: Representatives Dingell, Trahan; Joyce,  
27 and Pence.

28

29           Staff Present: Parul Desai, FCC Detailee; Jennifer  
30 Epperson, Senior Counsel; Waverly Gordon, Deputy Staff  
31 Director and General Counsel; Tiffany Guarascio, Staff  
32 Director; Zach Kahan, Deputy Director Outreach and Member  
33 Service; Hank Kilgore, Policy Coordinator; Mackenzie Kuhl,  
34 Press Assistant; Jerry Leverich, Chief Counsel,  
35 Communications and Technology; Dan Miller, Professional Staff  
36 Member; Joe Orlando, Policy Analyst; Chloe Rodriguez, Clerk;  
37 Johanna Thomas, Counsel; Caroline Wood, Staff Assistant;  
38 Sarah Burke, Minority Deputy Staff Director; Michael Cameron,  
39 Minority Policy Analyst, CPC, Energy, Environment; William  
40 Clutterbuck, Minority Staff Assistant/Policy Analyst; Theresa  
41 Gambo, Minority Financial and Office Administrator; Jack  
42 Heretik, Minority Press Secretary; Nate Hodson, Minority  
43 Staff Director; Sean Kelly, Minority Press Secretary; Peter  
44 Kielty, Minority General Counsel; Emily King, Minority Member  
45 Services Director; Bijan Koochmaraie, Minority Chief Counsel,  
46 O&I Chief Counsel; Tim Kurth, Minority Chief Counsel, CPC;  
47 Clare Paoletta, Minority Policy Analyst, Health; Olivia  
48 Shields, Minority Communications Director; Michael Taggart,  
49 Minority Policy Director; Everett Winnick, Minority Director  
50 of Information Technology; Evan Viau, Minority Professional  
51 Staff Member, Communications and Technology; and Kate  
52 O'Connor, Minority Chief Counsel, Communications and

53 Technology.

54

55           \*Mr. Doyle. The Subcommittee on Communications and  
56 Technology will now come to order. Today the Subcommittee on  
57 Communications and Technology is holding a hearing entitled,  
58 "Connecting America: Oversight of the FCC."

59           Due to the COVID-19 public health emergency, members can  
60 participate in today's hearing either in person or remotely,  
61 via online video conferencing.

62           In accordance with the updated guidance issued by the  
63 attending physician, members, staff, and members of the press  
64 present in the hearing room are not required to wear a mask,  
65 although you can do so if you want to.

66           For members participating remotely, your microphones  
67 will be set on mute for the purpose of eliminating  
68 inadvertent background noise. Members participating remotely  
69 will need to unmute your microphone each time you wish to  
70 speak. Please note that, once you unmute your microphone,  
71 anything that is said in Webex will be heard over the  
72 loudspeakers in the committee room, and subject to be heard  
73 by the livestream and C-SPAN.

74           Since members are participating from different locations  
75 at today's hearing, all recognition of members, such as four  
76 questions, will be in the order of subcommittee seniority.

77           Documents for the record can be sent to Joe Orlando at  
78 the email address we have provided to staff. All documents  
79 will be entered into the record at the conclusion of the

80 hearing.

81 The chair will now recognize himself for five minutes  
82 for an opening statement.

83 Well, welcome to today's hearing to provide oversight of  
84 the Federal Communications Commission. I am glad to have  
85 Chairwoman Rosenworcel and Commissioners Carr, Starks, and  
86 Simington with us today.

87 It is great to have you all here, especially now that  
88 the President finally took my advice and made Ms. Rosenworcel  
89 the permanent chairwoman of the Commission. I am sure he had  
90 lots of other advice besides mine. It is an incredible  
91 deserved -- it is an incredibly deserved honor, and I think  
92 the bipartisan work of the Commission during this period is a  
93 testament to that.

94 I hope soon the Senate will confirm Gigi Sohn also to  
95 bring the Commission to full strength. Ms. Sohn's knowledge  
96 of communications policy and dedication to consumer  
97 protection are exemplary. The FCC and the American public  
98 will be well served with her nomination.

99 And I also want to commend all four of you for your  
100 outstanding bipartisan work to deliver for the American  
101 people as you await your fifth colleague.

102 The FCC has a broad mission: regulating communications  
103 by wire, radio, satellite, and cable with a mandate to  
104 promote competition, investment, diversity, and security in

105 our nation's communication networks. It is also the  
106 congressionally designated body to regulate commercial  
107 spectrum and make spectrum assignments. The FCC should be  
108 applauded for tackling such a wide array of duties with the  
109 limited budget and staff it is afforded.

110 Broadband is an essential, necessary service for  
111 Americans, for their jobs, for schooling, for health care,  
112 and for civic participation in our country. With this in  
113 mind, Congress made historic investments through the CARES  
114 Act, the 2020 omnibus, and the American Rescue Plan, and the  
115 Infrastructure Investment and Jobs Act to connect our  
116 schools, students, low-income households, tribal communities,  
117 and those in need of health care services. This makes the  
118 FCC's position as the national regulatory authority on  
119 broadband more important than ever.

120 Under the bipartisan work of this FCC, enormous strides  
121 have been made in the adoption of the Affordable Connectivity  
122 Program, as nearly 11 million households have signed up. The  
123 Emergency Connectivity Fund has already put over \$5 billion  
124 towards connectivity for our nation's schools, libraries, and  
125 students. And I commend the Commission for getting this  
126 money out quickly and efficiently.

127 And now that the FCC has successfully overcome a bid  
128 protest, the Commission can finally move forward with more of  
129 its broadband mapping activities, which will be crucial for

130 the NTIA to distribute the \$42 billion for broadband access  
131 in its BEAD program.

132 As with our nation's other communication technologies,  
133 it is critical that the FCC ensure that the core principles  
134 of the Communication Act run throughout broadband policy:  
135 consumer protection, competition, universal service, and  
136 public safety.

137 The FCC should use all of its tools to re-establish its  
138 consumer protection authorities over broadband, including by  
139 prohibiting unfair and unjust practices, and continuing to  
140 fight against robocalls and robo texts.

141 It should promote competition in the broadband  
142 marketplace. so consumers can benefit from choice and the  
143 expanded services and lower costs the competition brings.

144 It should pursue universal service by ensuring that all  
145 consumers have access to reliable, affordable broadband, and  
146 to prohibit practices that hinder broadband deployment.

147 And it should continue its support of the public safety  
148 and commitment to our first responders and law enforcement  
149 officials. and secure our networks from untrustworthy  
150 equipment.

151 Finally, I applaud your recent work with the NTIA on the  
152 Spectrum Coordination Initiative. Congress designed the FCC  
153 as the overseer of commercial spectrum, and tasked it with  
154 determining the highest and most efficient use of spectrum.

155 It has a long history of basing its decisions on the science  
156 and engineering facts brought before it, and we need to  
157 bolster its spectrum management processes that have made the  
158 United States the global leader in technology.

159 To that end, I hope we can revisit the lower 3 gigahertz  
160 band in a way to both protect the incumbent users and  
161 maximize commercial use as envisioned in the Spectrum  
162 Innovation Act. And Congress should re-authorize the FCC's  
163 authority to conduct auctions, particularly in light of the  
164 upcoming 2.5 gigahertz auction that is so important to 5G and  
165 the rural wireless community.

166 This committee has entrusted the Commission with a great  
167 deal of responsibility, and it is going to take all of us  
168 working together to successfully connect all of our  
169 communities, protect our constituents, and ensure the  
170 continued leadership of the United States.

171 Thank you to the commissioners for coming before us  
172 today. I look forward to hearing your testimony.

173 [The prepared statement of Mr. Doyle follows:]

174

175 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

176



177           \*Mr. Doyle. And now it gives me great pleasure to  
178 recognize my good friend, Ranking Member Latta.

179           \*Mr. Latta. Well, thank you, Mr. Chairman, and I really  
180 appreciate this hearing today. And also, thanks to our  
181 commissioners for being with us today.

182           And, you know, this is the first FCC oversight hearing  
183 held by the Communications and Technology Subcommittee this  
184 Congress. And again, I want to congratulate you, Madam  
185 Chair, for your confirmation; Commissioner Simington, for  
186 your first visit here with us; and also, I want to thank  
187 Commissioner Carr for coming out to the district again to see  
188 what is happening, especially during COVID. So I really  
189 appreciate it.

190           Well, it has been a year-and-a-half since the Commission  
191 last testified before. Much has happened in the  
192 communications industry, and we have many important topics to  
193 cover today. Since the onset of the COVID-19 pandemic,  
194 Congress appropriated billions of dollars to the FCC to  
195 establish programs to connect low-income Americans to the  
196 Internet for distance learning and telehealth. We also  
197 appropriated tens of billions of dollars across the Federal  
198 agencies to expand broadband infrastructure across the United  
199 States.

200           While these programs were necessary at the time to help  
201 Americans stay connected through the pandemic, it is

202 encouraging that broadband prices in the United States  
203 continue to become more affordable, thanks to the private  
204 sector offerings. Recent government and industry data  
205 confirm that, when adjusted for inflation, the cost of  
206 broadband is decreasing while speeds are increasing. In  
207 fact, the \$30 per month subsidy that will be available to  
208 Americans through the Affordable Connectivity Program is  
209 higher than the cost of plans being offered by certain  
210 broadband providers. That doesn't quite seem to add up.

211         What is clear is why adoption continues to be a problem.  
212 If cost is the primary driver of non-adoption, then,  
213 theoretically, every American who has broadband services  
214 offered in their community should have broadband. But that  
215 is not the case. And we need to seriously consider what  
216 role, if any, the government should play in encouraging  
217 adoption, giving the numerous private sector programs that  
218 are now in place.

219         We need to continue to focus on deploying broadband  
220 where it doesn't exist. As agencies implement programs  
221 authorized in the Infrastructure Investment and Jobs Act, it  
222 is imperative that we do not pick winners and losers. And  
223 let me say it again: We cannot pick winners and losers. And  
224 existing programs like the Rural Digital Opportunity Fund are  
225 not undermined. With the investment landscape changing, it  
226 is essential for Federal agencies to rely on the FCC's

227 forthcoming broadband maps to avoid overbuilding on  
228 federally-subsidized duplicate projects.

229         Given the incredible volume of work the FCC has  
230 completed in establishing new programs in a short period of  
231 time, it is critical that the FCC is transparent, responsible  
232 to this committee in a timely manner. The amount of money  
233 that is appropriated is ripe for waste, fraud, and abuse.  
234 Our diligent oversight is absolutely essential to ensure that  
235 that does not happen. We have already seen the FCC's Office  
236 of Inspector General publicly raise instances of fraud, risk  
237 in the emergency broadband benefit program. As the  
238 Affordable Connectivity Program and other programs are  
239 implemented, we will be following this work quite closely.

240         I appreciate this Commission has continued the work of  
241 the previous Administration by increasing transparency, and  
242 has already accomplished bipartisan work. I hope to see this  
243 bipartisanship continue if and when the Commission gets its  
244 fifth commissioner.

245         Apart from COVID response, the FCC has many important  
246 missions, from expanding rural broadband through the  
247 Universal Service Fund, and leading broadband mapping efforts  
248 to managing non-Federal spectrum, and combating unlawful  
249 robocalls. In addition to these ongoing responsibilities,  
250 the FCC has several immediate issues that it needs to  
251 address.

252           First, Congress enacted the Secure and Trusted  
253   Communication Networks Act in 2020 to prevent USF funds from  
254   being used for purchase of hardware or services for  
255   communication networks that pose an unacceptable risk to  
256   national security. It also established a reimbursement  
257   program to assist small providers with removal and  
258   replacement of this vulnerable equipment. Unfortunately, the  
259   demand for this -- for these reimbursements significantly  
260   outstripped the initial estimates. And the FCC should keep  
261   Congress apprised of any shortfall that remains once the  
262   applications are reviewed, as well as how these funds are  
263   intended to be spent.

264           Second, Congress enacted the TRACE Act in 2019 to combat  
265   the scourge of illegal robocalls. Congress, the FCC, and  
266   private industry have made this a top priority, and several  
267   advances have been made, both in the government's response  
268   and in action by voice providers to stop calls before they  
269   even get to your phone. Despite this progress, more must be  
270   done to ensure that illegal robocalls don't slip through the  
271   cracks, and they are blocked so that legitimate calls are  
272   able to get to the Americans who need them. As Congress  
273   looks to build on the tools that the TRACE Act provided, I  
274   encourage the FCC to work with my colleagues and me to ensure  
275   that the proper tools are available to both regulators and  
276   private industry.

277 I look forward to discussing these important issues  
278 before the Commission, and I want to thank the commissioners  
279 and the chairman for this hearing today. Thanks for being  
280 with us.

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

282

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

284

285           \*Mr. Doyle. The gentleman yields back. The chair  
286 recognizes Mr. Pallone, chairman of the full committee, for  
287 five minutes for his opening statement.

288           \*The Chairman. Thank you, Chairman Doyle. This is the  
289 first oversight hearing of the SEC since Chairwoman  
290 Rosenworcel has taken the agency's helm. And while it was my  
291 hope to have a full five-member Commission with us today, we  
292 are glad to have the four of you here.

293           And I want to begin by congratulating the chairwoman on  
294 becoming chair of the FCC, the first woman to be named to the  
295 position on a permanent basis, and it is much deserved. And  
296 the work the Commission has accomplished under your  
297 leadership has not gone unnoticed.

298           As the chief regulator of our communications networks,  
299 it is more important than ever that the FCC prioritize  
300 protecting consumers. Over the past two years, since the  
301 beginning of the COVID-19 pandemic, broadband and  
302 connectivity has proven essential to everyone's lives. And  
303 that is not going to change. Whether it is telework,  
304 telehealth, commerce, or video calls with friends and family,  
305 high-speed, reliable broadband service is fundamental, not  
306 just to our daily connections, but also economic opportunity  
307 and American global leadership.

308           Unfortunately, the pandemic has also highlighted the  
309 massive disparities faced by individuals and families without

310 reliable home Internet access. It is an issue that we on  
311 this committee, both Democrats and Republicans, have talked  
312 about for a long time. And that is why I am proud that we  
313 stood together to enact the Emergency Broadband Benefit  
314 Program, which is now a long-term program known as the  
315 Affordable Connectivity Program. And this new long-term  
316 program was created thanks to passage of the bipartisan  
317 infrastructure law. As of today, the Affordable Connectivity  
318 Program is helping more than 10 million households afford  
319 monthly internet service. And working together, I believe we  
320 can push that number even higher.

321 I am also proud that last year we invested in the  
322 educational opportunities of students by enacting the  
323 Emergency Connectivity Fund as part of the American Rescue  
324 Plan. In today's classroom, a home internet connection is  
325 just as essential as a textbook or a pencil, and we should no  
326 longer accept that millions of students must sit in a parking  
327 lot to access this fundamental educational tool.

328 If I could talk about my home state of New Jersey, over  
329 \$122 million in funding has distributed -- has been  
330 distributed to schools and libraries to ensure that students  
331 can connect to the internet at home, allowing them to take  
332 advantage of online learning and do their homework. And  
333 these funds are critical to helping fulfill the promise of --  
334 our nation's students have a quality education that can open

335 the door to opportunity and success.

336 And I have to say, Chairwoman, I think we put out, I  
337 don't know, you know, out of the district office in New  
338 Jersey, I think we put out, like, 10 or 12, you know, press  
339 things, or social media every time a new school, a new  
340 library, or whatever gets awarded, because people are just so  
341 into it, and you know, they -- it is so important to them.

342 Now, these broadband affordability programs have been  
343 implemented by the FCC on a bipartisan basis, as have other  
344 actions over the past year, actions that put the consumer  
345 first.

346 The FCC is increasing pricing transparency by requiring  
347 the so-called broadband nutrition label to allow consumers to  
348 quickly and easily compare service plans.

349 It also recently adopted rules to help the millions of  
350 Americans who live in apartments and condominium buildings by  
351 promoting broadband provider competition in those buildings,  
352 and opened an examination into how the outrageous practice of  
353 digital discrimination could be prevented. And these are all  
354 actions that will help consumers.

355 The FCC's work on behalf of the public also includes its  
356 vigilance in securing our communications networks under the  
357 Secure and Trusted Communications Networks Act and the Secure  
358 Equipment Act.

359 And we also charged the Commission with implementing the



360 Broadband Data Act, which will be critical to ensuring we  
361 have accurate maps when it comes to distributing the more  
362 than \$40 billion that Congress appropriated for broadband in  
363 the bipartisan infrastructure law.

364         So, again, I want to congratulate the entire Commission  
365 for your recent victory in the bid protest case that the GAO  
366 -- that put a hold on some progress with respect to these  
367 maps. And I also want to note the agency's good work  
368 increasing coordination and collaboration with the NTIA to  
369 ensure the Federal Government is competently managing our  
370 spectrum, and speaking with one voice on these important  
371 issues.

372         So the FCC has accomplished so much. I mean, I just --  
373 I know there has been a lot, but when I listed it today I was  
374 just even more impressed.

375         And of course, there is more to be done, and we do need  
376 the fifth commissioner. So I hope that seat is filled  
377 quickly, and it is past time that FCC assume its place as the  
378 agency with expertise to oversee broadband service providers,  
379 and with the authority to adopt rules to protect consumers.

380         So that is what you are doing, and I just want to  
381 commend you again, and thank the four commissioners for being  
382 here today.

383

384

385 [The prepared statement of The Chairman follows:]

386

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

388

389           \*The Chairman. I yield back, Mr. Chairman.

390           \*Mr. Doyle. The gentleman yields back. The chair  
391 recognizes Mrs. Rodgers, the ranking member of the full  
392 committee, for five minutes for her opening statement.

393           \*Mrs. Rodgers. Thank you, Mr. Chairman. Welcome,  
394 everyone.

395           I too want to congratulate the new Chairwoman  
396 Rosenworcel for your appointment and chairmanship, and to Mr.  
397 Simington on your first appearance as FCC Commissioner before  
398 the Energy and Commerce Committee.

399           The COVID-19 pandemic put an unprecedented demand on our  
400 communications network. Overnight, Americans' lives  
401 translined -- transitioned online for work, school, and to  
402 stay connected to family and friends. Thanks to the great  
403 work and private investment of U.S. communication providers,  
404 our networks withstood this stress test.

405           Since 2017, broadband providers invested more than \$300  
406 billion into upgrading and expanding our networks. Since  
407 2015, broadband speeds for the most popular service tier have  
408 more than doubled. And according to the most recent FCC  
409 data, the digital divide closed by 14 percent between the end  
410 of 2016 and the end of 2019. At the same time, the price of  
411 service decreased. Companies continue to offer discounted  
412 plans for low-income Americans at speeds fast enough to  
413 support streaming and working from home. And when the cost

414 of virtually everything is skyrocketing because of inflation,  
415 the inflation-adjusted cost of broadband service has  
416 decreased by 34 percent since 2015.

417 On top of this private sector response, Congress acted  
418 to help connect Americans. Congress provided the FCC \$450  
419 million to expand networks and provide devices to enable  
420 telehealth services, and established the \$3.2 billion  
421 emergency broadband benefit to keep low-income Americans  
422 struggling due to the pandemic connected.

423 The infrastructure bill then extended the duration of  
424 this program, known as the Affordable Connectivity Program,  
425 and provided the FCC with an additional \$14.2 billion to  
426 subsidize broadband service.

427 Combined with the reduced offerings by the private  
428 sector, broadband service is free for many low-income  
429 Americans. At a time when people have lost their jobs and  
430 were stuck at home, these bipartisan programs provided  
431 necessary relief to make sure they could stay connected  
432 during the pandemic. Now we must make sure these funds are  
433 not subject to waste, fraud, and abuse, and get Americans  
434 back to work and off of these temporary COVID-era government  
435 subsidy programs.

436 The success of our broadband performance, deployment,  
437 and affordability is largely due to the actions taken by the  
438 Trump Administration and Republican FCC to roll back

439 regulations. In 2017, then-FCC Chairman Pai rescinded the  
440 strict net neutrality regulations that were enacted during  
441 the Obama Administration, which promoted investment in our  
442 broadband networks. It allowed our networks in the United  
443 States to withstand the COVID-19 stress test, while our  
444 allies in Europe struggled to keep up, due to their  
445 burdensome net neutrality regulations, which some Democrats  
446 continue to advocate for here.

447         Rather than expanding government command and control  
448 into the broadband marketplace, let's learn from this  
449 pandemic, and continue on the path of deregulation. We  
450 should not ignore the success that private sector innovation  
451 yielded, and revert to heavy handed regulations.

452         We have the opportunity to work together on ways to  
453 promote innovation and U.S. leadership in technology. I am  
454 excited to be working with Chairman Pallone on my legislative  
455 discussion draft, the Satellite and Telecommunications  
456 Streamlining Act. It updates and streamlines the FCC's  
457 satellite licensing rules to encourage satellite investment  
458 in the United States.

459         Satellite technology is a viable solution to providing  
460 connectivity in hard-to-reach areas with speeds Americans  
461 need. Let's encourage this and more innovation, and make  
462 sure our policies and regulations keep pace.

463         The FCC is at the forefront of making sure all Americans

464 are connected. Congress tasked the FCC with updating its  
465 broadband maps to accurately reflect where broadband exists  
466 in the United States and where it does not. Without these  
467 maps, and without removing regulatory and other barriers to  
468 deployment, the \$45 billion that Congress appropriated for  
469 the broadband deployment may be wasted. We cannot let that  
470 happen.

471 It is crucial that the FCC complete the maps as soon as  
472 possible, and share the data with agencies that were awarded  
473 broadband funds. We need to make sure that the money gets to  
474 where it is needed. We need to make sure recipients can  
475 deploy quickly and efficiently. All agencies awarded  
476 broadband funding should use these maps to get it right.

477 I look forward to today's discussion on these important  
478 topics, and look forward to working together with the members  
479 of this committee.

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

481

482 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

483

484           \*Mrs. Rodgers. I yield back, thank you.

485           \*Mr. Doyle. The gentlelady yields back. The chair  
486 would like to remind members that, pursuant to committee  
487 rules, all members' written opening statements shall be made  
488 part of the record.

489           So I would now like to introduce our witnesses for  
490 today's hearing.

491           First we have the Honorable Jessica Rosenworcel,  
492 chairwoman of the Federal Communications Commission, joined  
493 by Commissioner Brendan Carr -- welcome -- and Commissioner  
494 Simington. And joining us virtually is the Commissioner  
495 Geoffrey Starks.

496           At this time the chair will recognize each witness for  
497 five minutes to provide their opening statement.

498           Before we begin, I would like to explain the lighting  
499 system, since it has been a while since we have all been here  
500 together. There is a series of lights. It will initially be  
501 green. The light will turn yellow when you have a minute  
502 remaining. After that we ask you to start to wrap up your  
503 testimony. The light will turn red when your time expires.  
504 And if you continue speaking, there are trap doors under your  
505 seats that will take you down to the Rayburn subway, and  
506 whisk you out of here.

507           So I would ask my colleagues also on the panel here to  
508 try to observe the five-minute rule, also.

509           So we have witnesses appearing virtually. So I need to  
510 ask my colleagues in the hearing room to mute themselves  
511 whenever they are not directly speaking during their  
512 question-and-answer portion so we can clearly hear all the  
513 witnesses' response.

514           So we will start with our chairwoman. You are now  
515 recognized for five minutes.

516



517 STATEMENT OF HON. JESSICA ROSENWORCEL, CHAIRWOMAN, FEDERAL  
518 COMMUNICATIONS COMMISSION; HON. BRENDAN CARR, COMMISSIONER,  
519 FEDERAL COMMUNICATIONS COMMISSION; HON. GEOFFREY STARKS,  
520 COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION; AND HON.  
521 NATHAN SIMINGTON, COMMISSIONER, FEDERAL COMMUNICATIONS  
522 COMMISSION

523

524 STATEMENT OF JESSICA ROSENWORCEL

525

526 \*Ms. Rosenworcel. Good morning, Chairman Pallone,  
527 Ranking Member Rodgers, Chairman Doyle, Ranking Member Latta,  
528 and members of the subcommittee. Thank you for the  
529 opportunity to appear before you today. And it is a treat to  
530 be here in person.

531 While I have been at this table many times, this is my  
532 first time as chairwoman of the FCC, and it is an honor to  
533 serve in this role at a time when the connections that unite  
534 us all, physical and digital, have never been more important.

535 I believe that there are four essential values in  
536 communications: universal access, public safety,  
537 competition, and consumer protection. Today I want to tell  
538 you what we have done to advance these principles at the FCC.

539 First, universal access. The pandemic has proven with  
540 total clarity that broadband is no longer just nice to have.  
541 It is need to have for everyone everywhere. In response to

542 this crisis, and with the help of Congress, the FCC did  
543 something historic. We set up the nation's largest-ever  
544 broadband affordability program. What is now known as the  
545 Affordable Connectivity Program is helping 11 million  
546 households get online and stay online.

547         We also made history addressing a problem I call the  
548 homework gap, the especially cruel digital divide between  
549 students who have access to the internet at home and those  
550 who do not. You know who these children are, because you see  
551 them lingering in the library parking lot to catch the free  
552 Wi-Fi signal, and you see them sliding into the booths of  
553 fast food restaurants to do their homework with a side of  
554 fries. During the pandemic the homework gap became an  
555 educational chasm. But with the help of Congress, we set up  
556 the Emergency Connectivity Fund to get these kids services  
557 and devices. And so far it has helped more than 12 million  
558 students.

559         In addition, with help from Congress, we have supported  
560 universal access to telehealth technologies, expanding remote  
561 diagnosing and monitoring of patients in every state across  
562 the country.

563         Second, public safety. In the aftermath of Hurricane  
564 Ida, we proposed new rules for network resiliency. We  
565 recommitted to spectrum for public safety in the 4.9  
566 gigahertz band. And I have also proposed, with the support

567 of first responders, that when Congress re-authorizes the  
568 agency spectrum auction authority, it commit the funds raised  
569 from our public airwaves to public safety, with a nationwide  
570 upgrade to next generation 911.

571 We also have made strides when it comes to national  
572 security. We kicked off the nation's first inquiry into Open  
573 RAN systems. We launched a first-of-its-kind program to  
574 remove insecure equipment from two Chinese vendors from our  
575 domestic networks. We revoked the authorizations of four  
576 companies because our national security agencies determined  
577 that they could be subject to exploitation, influence, and  
578 control by a foreign government.

579 We rechartered the Communications Security, Reliability,  
580 and Interoperability Council, and gave it a 5G focus. And  
581 for the first time, this group is being co-chaired by the  
582 Cybersecurity and Infrastructure Security Agency. And last  
583 week we updated our covered list of communications equipment  
584 and services that pose an unacceptable risk to national  
585 security and may not be used in our universal service  
586 programs. And for the first time, we included a Russian  
587 software company.

588 Third, competition. To advance competition in our  
589 wireless economy we have moved aggressively to free up  
590 spectrum for new 5G services. Earlier this year we concluded  
591 a successful auction of 100 prime mid-band span -- mid-band

592 spectrum in the 3.45 gigahertz band. And just last week I  
593 announced we are going to hold another mid-band auction in  
594 the 2.5 gigahertz band. We also identified spectrum for the  
595 first time to support increased competition for commercial  
596 space launch in order to support innovation in our new space  
597 age.

598 But I recognize that we are not going to be able to do  
599 all this wireless work alone. We need a whole-of-government  
600 approach. That is why, last month, the FCC and NTIA  
601 announced a new and, frankly, much needed spectrum  
602 coordination initiative.

603 Fourth, consumer protection. We are creating a  
604 broadband nutrition label that is going to make it easy for  
605 consumers to compare and purchase services for themselves and  
606 their families. We have updated our rules to support  
607 broadband competition for the one-third of us that live in  
608 multi-tenant units like apartment buildings. And we are  
609 putting an end to exclusive sweetheart deals that are  
610 sometimes cut by landlords that deny consumers their choice  
611 of broadband provider.

612 Finally, we have prioritized fundamental issues of  
613 communications equity, and started an agency-wide proceeding  
614 to address digital discrimination, aided by our  
615 Communications Equity and Diversity Council.

616 So over the course of the year, we have made real

617 progress. The four of us have turned down the volume and  
618 ramped up the work. Still, I know there is a lot left to do  
619 and a full Commission of five is an important part of  
620 achieving those results.

621 So thank you for the opportunity to appear before you  
622 today. I look forward to any questions that you might have.

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

624

625 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

626

627           \*Mr. Doyle. The chairwoman yields back. Thank you very  
628 much.

629           The chair now recognizes Commissioner Carr for five  
630 minutes.

631

632 STATEMENT OF BRENDAN CARR

633

634 \*Mr. Carr. Thank you, Chairman Doyle, Ranking Member  
635 Latta, Chairman Pallone, Republican Leader Rodgers,  
636 distinguished members of the subcommittee. Thank you for the  
637 chance to testify.

638 And I want to start by offering my congratulations, as  
639 well, to the chair on her first time to testify as chair  
640 before the committee.

641 Since we all last testified, my FCC colleagues and I  
642 have been busy delivering on priorities that you and Congress  
643 have identified. We have promoted competition in the  
644 broadband market, including by giving Americans that live in  
645 apartments, in public housing more choice for high speed  
646 service.

647 On spectrum we have worked together on a successful  
648 auction of mid-band airwaves earlier this year, and have  
649 another one set for this summer.

650 On telehealth, we have extended the lifesaving benefits  
651 of this technology by awarding \$550 million to  
652 telehealth/telecare providers. We have taken bipartisan  
653 action, as well, to close the affordability portion of the  
654 digital divide, standing up a record setting \$24 billion in  
655 new, low-income initiatives.

656 And we have come together to advance our national

657 security, as well. Over the last five months alone, we  
658 revoked the operating authority of four different carriers  
659 that posed threats.

660 Of course, there is more we can do to extend America's  
661 leadership. That is why I included a series of ideas in my  
662 testimony on spectrum, infrastructure, and national security  
663 that are ripe for action.

664 Outside the FCC there are some emerging trends that  
665 concern me. I will start with the effort by agencies to  
666 deviate from the clear statutory process that Congress  
667 established for regulating our nation's airwaves. Congress  
668 long ago determined that an independent expert agency, the  
669 FCC, makes the final call on these rules. Yet on C-Band,  
670 executive branch agencies turned Congress's decision aside,  
671 and broke from this tried-and-true process at the last  
672 minute. They replaced the FCC's rules with ones dictated  
673 behind closed doors.

674 It is no surprise, then, that this chaotic approach  
675 resulted in 5G infrastructure laying fallow, and canceled  
676 flights. And it is part of a dysfunctional trend, frankly,  
677 among agencies that disagree with the process that Congress  
678 established for reaching sound spectrum decisions.

679 As Chairman Doyle and Ranking Member Latta recently  
680 indicated in an op ed, we should all stand up for the  
681 statutory process. Otherwise, we are only inviting agencies



682 to engage in additional actions that can derail U.S. 5G  
683 leadership.

684 Turning from spectrum to the executive branch's  
685 infrastructure efforts, I am concerned that Federal  
686 Government is failing to put appropriate guardrails in place.  
687 By my count, we now have over \$800 billion that could be used  
688 for broadband efforts, and those funds are spread across a  
689 range of different agencies. I see several problems.

690 First, there is little coordination across agencies.

691 Second, there is an absence of adequate controls in  
692 place. Indeed, one executive branch department told me that  
693 they weren't even tracking how much money had gone towards  
694 broadband.

695 Third, many of the policies are poised to leave rural  
696 communities behind. And this is because the Administration  
697 gave the green light to overbuild existing high-speed  
698 networks in communities that already have multiple broadband  
699 providers.

700 Fourth, I am concerned that we are going to see record-  
701 setting levels of waste, fraud, and abuse. The FCC's  
702 inspector general already issued a troubling report about one  
703 of our new programs. And we can't waste resources here,  
704 particularly because of the supply chain and workforce  
705 shortages that are yet to be solved.

706 Finally, I want to commend the committee members that

707 are working to hold Big Tech accountable. Leader McMorris  
708 Rodgers and her colleagues have a smart set of bills that  
709 would end Big Tech's abusive practices, while promoting more  
710 speech on the internet.

711 Reining in Big Tech is key, because we now have a  
712 handful of corporations with state-like influence that shape  
713 everything from the information we consume to the places we  
714 shop. These corporate behemoths are not merely exercising  
715 market power; they are abusing dominant positions. They are  
716 not simply prevailing in the free market; they are taking  
717 advantage of a landscape that has been skewed by the  
718 government to favor their business models.

719 Indeed, it is hard to imagine another industry where a  
720 greater gap exists between power and accountability. And  
721 that is why Congress needs to act, from 230 reform to  
722 transparency to non-discrimination rules, to empowering  
723 consumers to make their own decisions about content  
724 moderation by letting them choose their own content filters  
725 or none at all. These steps will go a long way in bringing  
726 long-overdue accountability to Big Tech.

727 So in closing, I want to thank you for the opportunity  
728 to testify, and I look forward to your questions.

729

730

731

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

733

734 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

735

736           \*Mr. Doyle. The gentleman yields back. The chair will  
737 now recognize, virtually, Commissioner Starks.  
738           You are recognized for five minutes.  
739

740 STATEMENT OF GEOFFREY STARKS

741

742 \*Mr. Starks. Thank you, Chairman Doyle, Ranking Member  
743 Latta, Chairman Pallone, Ranking Member McMorris Rodgers, and  
744 members of the Committee. Thank you for the opportunity to  
745 appear before you here today.

746 Congratulations, as well, to Chairwoman Rosenworcel on  
747 your first oversight hearing.

748 We stand, truly, at an inflection point in history:  
749 first, the COVID-19 pandemic has transformed the way we work,  
750 learn, and connect with each other; second, the challenges of  
751 our day make clear that network security has never been more  
752 important; and finally, the consequences of climate change  
753 are becoming alarmingly clear. The FCC has an indispensable  
754 role to play on each of these fronts. And for my part, I am  
755 proud to say that we are helping make America more equitable,  
756 more secure, and more sustainable.

757 Our longstanding [inaudible] has morphed into a  
758 monstrous COVID-19 divide. And like so many other aspects of  
759 the pandemic, the lack of access to and adoption of home  
760 broadband has reinforced existing inequities. In particular,  
761 low-income and Americans of color remain, by a wide margin,  
762 less likely to have a home broadband connection than their  
763 counterparts. The 14.2 billion Affordable Connectivity  
764 Program is changing that, converting EBB to a pandemic-

765 focused long-term part of the FCC's work.

766         And the chairwoman, along with my colleagues, supported  
767 my proposal to start work on an ACP pilot program to expand  
768 participation by households that benefit from Federal public  
769 housing assistance. That is more than 5 million households  
770 that benefit from Federal rental assistance, and that  
771 includes public housing and section 8, the Housing Choice  
772 Voucher program. And I plan to focus my efforts here where  
773 there, I believe, is a clear synergy between housing and  
774 connectivity. If we are helping a family secure housing, we  
775 should be able to help them secure an online connection in  
776 that home.

777         As we increase access to our broadband networks, we must  
778 also ensure that those networks are secure. I am  
779 particularly proud of the work we have done to remove  
780 untrustworthy equipment from our networks, and deny or revoke  
781 telecom operating authority for every carrier identified by  
782 Team Telecom.

783         But our work is not complete. I have called for the  
784 Commission to work with Congress and the Administration to  
785 examine how to tackle network security threats like foreign-  
786 owned data centers. In cooperation with the relevant  
787 executive branch agencies, the Commission should commence an  
788 inquiry to identify all U.S.-based data centers owned and  
789 operated by companies subject to the laws and jurisdiction of

790 adversary states; identify on a confidential basis the  
791 services provided by these data centers and their customers;  
792 third, ascertain whether the data centers present a risk of  
793 interception, tampering, or blocking of U.S. communications  
794 and information; and last, identify any legal authority of  
795 the FCC or any other regulatory body to protect the U.S.  
796 communications stored within or transit these data centers.

797         For example, executive order 13873 delegates authority  
798 to Commerce over transactions involving information in the  
799 ICT that pose national security risks. The Commission itself  
800 also might have oversight through its licensing authority for  
801 undersea cable landing sites, given that data centers, as  
802 well as those overseas, rely on such cables to transmit  
803 information between the U.S. and the rest of the world.

804         Finally, I have to address another issue that will  
805 define our shared and collective future, and that is the  
806 environment, and the important role that I see the  
807 telecommunications and technology sector playing. Here there  
808 are at least, I think, four ways that we can drive impact.

809         First, we continue to optimize the efficient use of  
810 spectrum, a finite resource, while at the same time enabling  
811 devices that draw less power. Spectral efficiency and saving  
812 energy are a must have here, doing more while using less.

813         Second, 5G and the use cases we envision are in  
814 manufacturing. Precision agriculture and energy could

815 contribute 20 percent towards U.S. emissions reductions by  
816 2025.

817         Third, public-private partnerships are already hard at  
818 work, including the infrastructure legislation's 500 million  
819 in DoT awards to support the ongoing efforts by smart cities  
820 to use wireless IoT sensors to reduce traffic congestion and  
821 energy usage.

822         Fourth, industry-led initiatives will continue to play a  
823 significant role, from reducing or eliminating carbon  
824 emissions associated with their operations to increasing the  
825 use of renewable energy and minimizing electronic waste.

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

827

828         \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

829



830           \*Mr. Starks. Thank you so much for inviting me today.  
831 I was looking forward to joining the committee in person,  
832 but, unfortunately, like many, I have a sick child here at  
833 home, and so it necessitates that I join virtually. But  
834 thank you, and I look forward to your questions.

835           \*Mr. Doyle. Thank you, Commissioner, and I hope your  
836 little one is feeling better.

837           We will now recognize Commissioner Simington for five  
838 minutes.

839

840 STATEMENT OF NATHAN SIMINGTON

841

842           \*Mr. Simington. Thank you, Chairman Pallone, Ranking  
843 Member Rodgers, Chairman Doyle, Ranking Member Latta, and  
844 distinguished members of the subcommittee. It is a privilege  
845 to appear before you today. I would like to join you and the  
846 rest of my colleagues in congratulating the chairwoman in her  
847 first appearance here as permanent chairwoman. And, of  
848 course, it is a particular honor for me, because this is my  
849 first opportunity to testify before the subcommittee at all,  
850 and I will watch out for the Rayburn subway.

851           Serving on a divided Commission has been an education  
852 for me in the fundamentally non-partisan nature of the work  
853 of an expert agency. Working on fair allocation of  
854 regulatory fees or construction of spectrum auction rules is  
855 simply outside of partisan consideration. And while at the  
856 FCC I have tried to base my own approach on the  
857 professionalism of our great agency staff, today I am going  
858 to focus on three forward-looking issues: efficient use of  
859 spectrum, device security, and the space economy. The  
860 opportunities they present must be captured, and their  
861 challenges must be met. And the FCC has a unique mission and  
862 mandate for all three.

863           First, access to and efficient use of spectrum. The FCC  
864 and NTIA must balance the interests of commercial spectrum

865 users and Federal spectrum incumbents. Generally, licensed  
866 commercial users prefer and get the most value from full  
867 power, exclusive use licenses. Generally, when coordinating  
868 with the commercial sector, Federal incumbents prefer and  
869 feel best able to fulfill their obligations with spectrum  
870 sharing, and look towards dynamic spectrum allocation.

871 Both types of users, however, benefit from clearer rules  
872 and certainty for their operations, and the FCC can improve  
873 things for all spectrum users by creating a clearer  
874 protection rights regime. The FCC should examine how and  
875 when receivers are protected from interference, while  
876 specifically defining what interference constitutes, so that  
877 safe harbors can be created.

878 An interference limit policy would provide certainty to  
879 radio systems operators and receiver manufacturers and,  
880 therefore, benefit the end users, which today means every  
881 American.

882 Increased signal strength from transmitters can provide  
883 improved reception, but increasing power levels requires  
884 receivers in adjacent bands to be able to reject unwanted  
885 signals outside their frequencies. We can look for  
886 efficiencies at the Commission in a band by band fashion,  
887 where spectrum is densest, or where protection of high-value  
888 services is of greatest importance. My office has been  
889 examining this issue for over a year, and we want to

890 sincerely thank Chairwoman Rosenworcel for the forthcoming  
891 introduction of a notice of inquiry.

892         We must boldly re-examine the status quo in interference  
893 protection. Today we have dense co-location of wireless edge  
894 devices, and it is getting denser fast. The 5G revolution  
895 isn't just about an improved consumer experience on the cell  
896 phone. To get technological advances that we want in public  
897 safety, medicine, and industry, we need to put those services  
898 on 5G. We are going to switch on billions of new wireless  
899 devices over the next decade. Those devices are going to be  
900 operating in dense spectrum neighborhoods. So the rules of  
901 the road on interference protection have to be crystal clear.

902         But we also have to be clear about the security  
903 challenges of using wireless devices at greater scale, which  
904 leads me to my second issue: device security. The FCC is  
905 not a cybersecurity agency, but our mission includes  
906 protecting the availability of wireless spectrum, a scarce  
907 and fragile resource, for the use of the government and the  
908 public. Traditionally, we have fulfilled this role by  
909 requiring that wireless transmitters pass a battery of FCC  
910 tests, and operate within narrowly confined parameters.

911         Creating scientific standards for what constitutes  
912 harmful interference will further protect users of spectrum  
913 from harmful interference. But even if every transmitter and  
914 receiver in America is designed to meet stringent performance

915 standards, another problem still remains: these devices are  
916 increasingly not static circuits, which could be expected to  
917 behave consistently for the life of the device.

918 As more and more static devices are retired, they are  
919 being replaced or upgraded with software-controlled devices,  
920 often running multiple operating systems from different  
921 providers. These systems are inherently more vulnerable than  
922 a wired system, or a single-purpose system to a cyber attack.  
923 And those attacks can turn a device that performed perfectly  
924 well on our workbench into a signal jammer.

925 I worry especially about the ability of any attacker to  
926 hijack multiple wireless devices at once, thereby crafting a  
927 remote denial of service attack by a mass signal jamming.  
928 Addressing wireless security for the new wireless era will  
929 protect Americans against domestic and foreign threats as we  
930 use more and more wireless services.

931 Lastly, I would like to touch briefly on the space  
932 economy. The FCC can help with the robust growth of the  
933 launch and satellite service sectors by requiring  
934 thoroughgoing orbital debris mitigation standards. As you  
935 all know, the FCC has an open procedure -- proceeding here.  
936 But I was pleased to see the bipartisan legislation shared by  
937 Chairman Pallone and Ranking Member Rodgers that clarifies  
938 the FCC's authority to craft and implement such rules.

939 Because the FCC licenses and grants U.S. market access

940 to satellite operators, thus representing something like 50  
941 percent of the present economic opportunity for the worldwide  
942 space economy, we have a unique opportunity to lead the world  
943 here at a time when other nations have not been carrying the  
944 ball. We should capitalize on this to lead a new  
945 international consensus, in my view, for safe commercial  
946 satellite operation in space.

947 Chairman Doyle, Ranking Member Latta, Chairman Pallone,  
948 Ranking Member Rodgers and members of the subcommittee, I  
949 want to thank you again for holding this hearing, and for the  
950 opportunity to testify, and I look forward very much to  
951 answering your questions.

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

953

954 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

955

956           \*Mr. Doyle. Thank you very much. The gentleman yields  
957 back.

958           We have now concluded openings. We are going to move to  
959 member questions. Each member will have five minutes to ask  
960 questions of our witnesses. I would ask all my colleagues  
961 that -- let's do our best to adhere to that five-minute rule.  
962 And I will start by recognizing myself for five minutes.

963           Commissioner Rosenworcel, especially in this economy,  
964 people are struggling to make ends meet. And I think it is  
965 important that we have a strong advocate for consumers in the  
966 FCC, which is why I am so glad that you are the chair. As we  
967 have heard from today's testimony, broadband connections are  
968 essential, and it is also essential broadband consumers are  
969 able to understand and receive the benefits that they are  
970 paying for.

971           Chairwoman, I introduced an important bill that I  
972 sponsored last Congress, the Television Viewer Protection  
973 Act, which, among other things, requires more transparency  
974 around consumers' TV, phone, and internet bills. Can you  
975 tell me how the implementation is going, from your  
976 perspective? Are the companies complying with the provisions  
977 related to equipment surcharges? Is the FCC still getting  
978 complaints about these issues?

979           Give us an update on where you see this.

980           \*Ms. Rosenworcel. Thank you for your -- the question,

981 and your work on the Television Viewer Protection Act.

982           When we went back and we looked on the record on this  
983 subject, what we found is the agency had done a lot of work  
984 to make sure that small providers of video services could  
985 develop buying collectives to negotiate for the carriage of  
986 channels. But we hadn't done a lot of work when it came to  
987 the consumer-focused provisions you are describing about  
988 transparency, and also making sure that, if you order a  
989 service, the company shouldn't make you get some equipment  
990 you don't intend to use.

991           We have certainly seen press reports suggesting that is  
992 still going on. So in December of this year, we sought  
993 comment on these issues, because we want to develop an up-to-  
994 date record. If that is happening, we want to fix it, and we  
995 want to use the Television Viewer Protection Act to do so.

996           \*Mr. Doyle. Great, thank you.

997           Commissioner Starks, we have signed around 11 million  
998 households for the -- up for the Affordable Connectivity  
999 Program. And I want to say I am very encouraged by the pilot  
1000 program you are standing up to help families in low-income  
1001 housing receive the benefits of the ACP. Can you tell us a  
1002 little bit more about your expectations for the program and  
1003 its ability to reduce the digital divide for these families?

1004           \*Mr. Starks. Well, thank you so much for the question,  
1005 Mr. Chairman.



1006 I have long said it is clear that we need to meet this  
1007 -- the disconnected where they are. And there are a lot of  
1008 great things happening around the FCC on ACP, but I am glad  
1009 to join with you in highlighting the focus on beneficiaries  
1010 of Federal housing programs, including residents, as I  
1011 mentioned, that are in public housing on section 8.

1012 You know, Congress made public housing beneficiaries  
1013 eligible, but we have seen a very small share of them  
1014 enrolled. And so there is a particular nexus between housing  
1015 and connectivity. I have seen it myself. I will never  
1016 forget when I met with a mother of three who lived in the  
1017 George Washington Carver Homes in Selma, Alabama. She told  
1018 me how she was able to complete an online degree program,  
1019 keep her kids safe and off the streets while they finish  
1020 their homework. And so we need to bring that transformative  
1021 experience to millions of families. And I am hopeful that we  
1022 can focus some efforts here on the five million families that  
1023 are in public housing.

1024 \*Mr. Doyle. Great, thank you very much. And I agree,  
1025 we have got to do more to get the word out. I hear that in  
1026 Pittsburgh, too, that a lot of people just simply don't know  
1027 about the program. So we have got to give some thought to  
1028 how we can get more information out.

1029 You know, I was really glad to see the Spectrum  
1030 Coordination Initiative with NTIA Administrator Davidson in

1031 your announcement yesterday regarding updating the 2003  
1032 memorandum of understanding. I think we have to do  
1033 everything we can to bring back normalcy to our spectrum  
1034 management processes, and avoid fights like we have been  
1035 seeing.

1036 So, Chairwoman, what are your expectations for the  
1037 initiative, and what other steps do you think need to be  
1038 taken? And what, if anything, do you need from Congress?

1039 \*Ms. Rosenworcel. Thank you for raising this issue. We  
1040 have got to do better when it comes to spectrum coordination.  
1041 We truly need a whole-of-government approach. So very  
1042 shortly after Alan Davidson was appointed to his role at the  
1043 NTIA, I reached out and we set up this initiative to make  
1044 clear that we have goals, and those goals include working  
1045 closely together.

1046 With respect to Congress, I want to make sure that you  
1047 pay attention to our work and if you see areas for  
1048 improvement, you let us know what they are. But I would also  
1049 like you to reinforce the NTIA Act. That is the law you  
1050 passed to set up NTIA, to make them the overseer and advisor  
1051 of Federal spectrum interests. I want NTIA to continue to be  
1052 able to speak for Federal spectrum interests, and not just  
1053 the agencies themselves. So elevating NTIA and its authority  
1054 in the discussion, just as Congress intended, is really  
1055 important going forward.

1056           \*Mr. Doyle. Thank you very much. And to set a good  
1057 example for my colleagues, I am yielding back 10 seconds.

1058           The chair now recognizes -- I am sorry, the chair now  
1059 recognizes Mr. Latta.

1060           \*Mr. Latta. Well, thank you, Mr. Chairman. Thanks  
1061 again to our witnesses for being with us today.

1062           Chairman Rosenworcel, according to the publicly-  
1063 available data from the Bureau of Labor Statistics,  
1064 inflation-adjusted broadband prices have dropped  
1065 approximately 15 percent since 2010. In fact, according to  
1066 the FCC's own data from the Urban Rates Survey, the  
1067 inflation-adjusted change in the most popular broadband tiers  
1068 has decreased 34 percent since 2015. Our Americans are  
1069 getting more broadband for their buck.

1070           Chairwoman, do you agree with the FCC's data that  
1071 consumers are getting better broadband service offerings for  
1072 comparably lower and affordable prices?

1073           \*Ms. Rosenworcel. Well, what I would like to do is take  
1074 advantage of the new legislation that you have offered us in  
1075 the Infrastructure Investment and Jobs Act, which expressly  
1076 tasks us with doing a study on what prices are for the plans  
1077 that are being ordered by anyone who is on the Affordable  
1078 Connectivity Program. And I think that that is going to  
1079 provide an opportunity to provide updated data. I truly hope  
1080 that it reflects exactly the kind of data you just shared

1081 with me.

1082           \*Mr. Latta. Well, thank you. I would like to  
1083 acknowledge and also thank the industry for their efforts to  
1084 provide broadband service at affordable prices, while  
1085 continuing to upgrade and expand their service offerings  
1086 prior to the Federal subsidies being enacted.

1087           I was disappointed to see a letter sent by my Democratic  
1088 colleagues on this committee to NTIA Assistant Secretary  
1089 Davidson urging him to expand the scope of the BEAD program,  
1090 impose burdensome requirements like open access, rather than  
1091 focusing on the task at hand, and incentivize private  
1092 investment to make sure all Americans are connected.

1093           The FCC's broadband maps will be crucial for agencies  
1094 distributing broadband funds, especially with respect to the  
1095 \$42.5 billion that the NTIA will be distributing to the  
1096 states through its BEAD program. The FCC is also actively  
1097 awarding funds for the Rural Digital Opportunity Fund.

1098           Chairwoman, in March 2020 you testified before the  
1099 Senate that the FCC could radically improve its broadband  
1100 maps within three to six months. Congress provided \$98  
1101 million to the FCC to implement its mapping activities in  
1102 December of 2020. And since you have been leading the FCC,  
1103 it has been about two years since you have made the statement  
1104 to the Senate, and yet we still, unfortunately, don't have  
1105 maps.

1106           The FCC recently announced the deadline for providers to  
1107 submit mapping data to the FCC is September 1st. How long  
1108 after that date do you contemplate that we are going to have  
1109 complete maps? And, you know, do you commit to getting these  
1110 maps done before the end of the year?

1111           \*Ms. Rosenworcel. Well, the answer to your final  
1112 question is absolutely yes. We will have maps in the fall.

1113           I want to unpack a few of the other things that you  
1114 mentioned there. You mentioned comments that I made in March  
1115 of, oh, pre-pandemic days. That was a reference to the maps  
1116 that we used to inform our Rural Digital Opportunity Fund.  
1117 As you may know, we have had a lot of problems with the  
1118 preliminary awards in that program because the last  
1119 Administration awarded rural broadband funding to the  
1120 Pentagon parking lots, the parking lot at LA International  
1121 Airport, and a whole bunch of traffic medians.

1122           The bottom line is that we have got to do better than  
1123 that. And so we have taken advantage of the law that this  
1124 committee worked on, the Broadband Data Act, which requires  
1125 us to build better maps. And I think you and I can agree the  
1126 best time to do that would have been five years ago. But the  
1127 second best time is right now, and my goal is to build the  
1128 kind of maps that are not just good for the moment we are in,  
1129 but provide a framework and a structure that people can use 5  
1130 to 10 years from now, when they sit in this same seat.

1131           So we are following that law to a tee. We are dotting  
1132 every I. We are making sure that we do everything that you  
1133 requested. We have brought in a broadband and data  
1134 architect. We have acquired systems for -- to make sure we  
1135 have the capacity to manipulate this data. We have beta-  
1136 tested those systems with wireless broadband maps and new  
1137 propagation models. And we also acquired -- we set up a  
1138 contract for a broadband location fabric, which is required  
1139 under the law.

1140           As Chairman Doyle mentioned, we got slowed up in that  
1141 process, because Federal contracting rules required us to put  
1142 our pencils down for 100 days. But we were victorious  
1143 earlier this month, and now it is all systems go. The  
1144 broadband data location fabric is being built. And in June  
1145 of this year carriers will start filing their data with us,  
1146 and we will convert that data into maps in the fall.

1147           \*Mr. Latta. Well, thank you very much.

1148           Commissioner Carr, just real briefly, you know, as we  
1149 look, are there any other things that we could do to help in  
1150 making sure that we don't have an over -- federally-  
1151 subsidized overbuilding by our agencies?

1152           I don't feel like we have had in the past -- we don't  
1153 want that competition out there.

1154           And I am sorry, I have got about 12 seconds.

1155           \*Mr. Carr. I am concerned about it, because Treasury

1156 recently laid out rules for hundreds of billion dollars of  
1157 ARPA funds that green light the use of them for overbuilding.  
1158 We still have too many communities in this country with zero  
1159 megabits per second, so we need to prioritize there. Some of  
1160 that can be corrected at the state level, when they receive  
1161 the funds, but I would also encourage Congress potentially to  
1162 look at passing legislation similar to the Infrastructure  
1163 Act, which included a prioritization scheme that is not  
1164 present in the ARPA funds.

1165 \*Mr. Latta. Well, thank you very much.

1166 Sorry about going over, Mr. Chairman. I yield back the  
1167 balance of my time.

1168 \*Mr. Doyle. The gentleman yields back. The chair  
1169 recognizes the chairman of the full committee, Mr. Pallone,  
1170 for five minutes.

1171 \*The Chairman. Thank you, Chairman Doyle. I wanted to  
1172 ask the Chairwoman Rosenworcel.

1173 I know you have been meeting with students and teachers  
1174 across the country as the FCC has implemented the Emergency  
1175 Connectivity Fund from the American Rescue Plan. But could  
1176 you just give us a little more description of how this  
1177 program has made a meaningful difference for students who  
1178 previously lacked home internet?

1179 I know you have talked about it, but I would like to  
1180 hear a little more.

1181           \*Ms. Rosenworcel. Thank you. You know, in pre-pandemic  
1182 days, we called it the homework gap, because there were these  
1183 kids who had internet access at school, but they went home  
1184 and they couldn't do the schoolwork they had been assigned  
1185 because they had no broadband. And during the pandemic, that  
1186 gap really became a huge crisis, because we had students in  
1187 every state across the country locked out of the virtual  
1188 classroom.

1189           And so, with the help of Congress, we have committed to  
1190 fixing that. As a result of the Emergency Connectivity Fund,  
1191 we have made a meaningful dent in the homework gap. We have  
1192 helped more than 12 million students get devices and  
1193 connections at home. And we have been able to do that by  
1194 supporting libraries and schools in every state across the  
1195 country.

1196           I think, when we look back, we will look at that law and  
1197 this moment as the one where we decided that, just like every  
1198 student should be able to have paper and a pencil to do their  
1199 schoolwork, they also need internet access.

1200           \*The Chairman. Thank you. Let me ask Commissioner  
1201 Stark.

1202           We know that the cost of monthly internet services is  
1203 too much for a lot of people to afford. And that is why,  
1204 again, on a bipartisan basis, we created this emergency  
1205 broadband benefit, which was turned into a long-term



1206 Affordable Connectivity Program in the bipartisan  
1207 infrastructure.

1208           So, Commissioner Stark, can you describe why it is so  
1209 important that economically vulnerable households can access  
1210 reliable internet service, and how this ACP helps with that,  
1211 if you would?

1212           \*Mr. Starks. Yes. Thank you for the question, Mr.  
1213 Chairman.

1214           You know, all the advanced infrastructure in the world  
1215 won't help if ordinary Americans cannot afford to buy  
1216 broadband service it supports. For tens of millions of  
1217 Americans, we know -- the data shows -- that the price is  
1218 just too high. Almost 47 million Americans, 18 million  
1219 households remain offline just because they can't afford  
1220 their internet connections. And millions more have had to  
1221 make a difficult sacrifice in order to keep their broadband  
1222 on.

1223           And, you know, I have said no family should have to  
1224 choose between keeping the lights on and a broadband  
1225 connection, but we know that they do. The fact of the matter  
1226 is that you have so many folks, especially through the  
1227 pandemic, who need their kids educated, who have lost their  
1228 jobs, are looking to get job -- additional job training. And  
1229 making sure that they have something that can power their  
1230 household is absolutely essential. And the once-in-a-

1231 generation investment that you all have made is critical.

1232           \*The Chairman. Thank you. Let me just -- I want to  
1233 commend -- I guess all I am doing today is commending the  
1234 FCC, which is kind of unusual for -- I don't always do that  
1235 with all the agencies that come in here.

1236           But I wanted to commend you on the swift action it took  
1237 to address the instances of fraud by providers in the program  
1238 that was uncovered by the inspector general, and exactly how  
1239 that system is supposed to work. But I will go back to  
1240 Chairwoman Rosenworcel.

1241           Can you say a few words about why the inspector general  
1242 alerting system and corresponding FCC action is important to  
1243 maintain program integrity in a program like the ACP?

1244           \*Ms. Rosenworcel. Sure. Congress gave us 60 days to  
1245 set up the nation's largest-ever broadband affordability  
1246 program, and also asked the inspector general to take a close  
1247 look. So this is working exactly as intended.

1248           The inspector general saw that we had set up a  
1249 streamlined process for community-eligible participation  
1250 schools, which are schools with very high percentages of  
1251 students on the free and reduced lunch program. And they  
1252 suggested to us that the process we had set up created a  
1253 loophole, and that we were seeing spikes in demand in those  
1254 locations that looked out of the ordinary.

1255           And so, upon learning on that, we immediately shut that

1256 portal down, required more documentation, referred any bad  
1257 actors to our enforcement unit, and we also reached out to  
1258 every single subscriber who had signed up for the program  
1259 through that portal to re-certify and re-verify them. And in  
1260 that process we have identified some companies and some  
1261 agents who have been problematic, and we will hold them to  
1262 account.

1263 \*The Chairman. Thank you so much.

1264 Thank you, Chairman.

1265 \*Mr. Doyle. The gentleman yields back. The chair now  
1266 recognizes Mrs. Rodgers, the full committee ranking member,  
1267 for five minutes to ask questions.

1268 \*Mrs. Rodgers. Thank you, Mr. Chairman.

1269 Chairwoman Rosenworcel, I thank you for your support of  
1270 the draft legislation we are working on to modernize the  
1271 satellite communications licensing process.

1272 In 2020, approximately two-thirds of the investment in  
1273 space startups took place in the United States, and we want  
1274 to encourage that innovation. What challenges is the FCC  
1275 facing with the current satellite licensing process, and how  
1276 can Congress help?

1277 \*Ms. Rosenworcel. This is a really exciting time for  
1278 space technology. We had \$10 billion of investment in the  
1279 United States in the space sector last year. We launched  
1280 more than 1,700 satellites, which is more than we ever have

1281 in human history.

1282 Now, the challenge we face with all this activity is to  
1283 make sure our regulatory structures keep up. And I think, on  
1284 that score, we do have work to do, because they were built  
1285 for an era when satellites were sent up only occasionally.  
1286 We didn't have large systems with constellations, with  
1287 thousands of satellites. We just had a handful.

1288 So what we are going to have to do is come up with more  
1289 people who can work in our agency on satellite policy, faster  
1290 turnaround times with shorter deadlines, and more thoughtful  
1291 approaches to some hard issues like orbital debris. And that  
1292 is certainly something that I hope that we can work together  
1293 with this committee on, and do some work on on a bipartisan  
1294 basis at the agency.

1295 \*Mrs. Rodgers. I look forward to it, too, also, thank  
1296 you.

1297 To all the commissioners, starting with the chair, at  
1298 her second confirmation hearing, FCC commissioner nominee  
1299 Gigi Sohn responded to a question from Senator Moran stating,  
1300 "At the last hearing I expressly disavowed any support for  
1301 the FCC implementing rate regulation," and then went on to  
1302 say they, the FCC, tried to do it in cable in the 1990s, it  
1303 didn't work out well.

1304 I would like to ask, do you support rate regulation?

1305 \*Ms. Rosenworcel. I support consumer protection, but

1306 don't believe that that is the place that we should go in  
1307 order to manage the broadband industry on a going-forward  
1308 basis.

1309 \*Mrs. Rodgers. Thank you.

1310 Mr. Carr?

1311 \*Mr. Carr. No, I don't. I think here it is important,  
1312 too, to be clear that there is two forms of rate regulation.  
1313 There is rate regulation we call ex-post, meaning tariffing  
1314 on the front end, and then there is application of just and  
1315 reasonable standards on the back end. And I think, when we  
1316 talk rate regulation, we should be clear. I am against both  
1317 forms of rate regulation as to broadband internet access  
1318 service.

1319 \*Mrs. Rodgers. Thank you.

1320 Mr. Simington?

1321 \*Mr. Simington. I am -- I would like to echo my  
1322 colleagues' sentiments. I am opposed to all forms of rate  
1323 regulation.

1324 And in particular, I would like to ask the question what  
1325 exactly it would even mean to tariff a broadband connection.  
1326 I don't think there is any analogy from telephone service.

1327 \*Mrs. Rodgers. Okay, Mr. Starks?

1328 \*Mr. Starks. Yes, yes. For my part, going forward, I  
1329 have not envisioned rate regulation as part of our broadband  
1330 regulatory scheme.

1331           \*Mrs. Rodgers. Thank you.

1332           Commissioner Carr, you have been a vocal proponent of  
1333 using the FCC to advance the deployment of next gen  
1334 technologies. One of my biggest concerns with the FCC using  
1335 title II of the Communications Act to regulate is that it  
1336 unnecessarily restricts innovation.

1337           In the past, Republicans on this committee have put  
1338 forth a menu of legislative options that protect consumers  
1339 while enabling innovation in network performance such as  
1340 virtualization, network slicing, or faster speeds. What  
1341 would the impact of title II regulations have on these  
1342 emerging technologies, and do they run the risk of ceding  
1343 leadership to China if we restrict innovation by over-  
1344 regulating the broadband market?

1345           \*Mr. Carr. Yes, they do. I think it is important to  
1346 distinguish, on the one hand, consumer protection, net  
1347 neutrality rules, where there is a lot of common ground, and  
1348 title II as a legal framework.

1349           We need to look no further, as you indicated in your  
1350 opening, to Europe. When COVID-19 hit, it was a global  
1351 stress test of our internet ecosystem. Traffic surged around  
1352 the world. In Europe, regulators there had to ask streamers  
1353 like Netflix to degrade the quality of the service because  
1354 they thought that the networks, the continent's networks,  
1355 would break.

1356           We didn't see that here in the U.S., because we had the  
1357 right regulatory framework in place that incentivized  
1358 investments before, but also, to your point, actively. There  
1359 was node splitting going on. There was adding of capacity,  
1360 there was managing of the network to ensure that it worked.

1361           And to your point, we need innovation in the network  
1362 going forward, so we don't want to put a straitjacket of  
1363 title II in that situation.

1364           \*Mrs. Rodgers. Thank you.

1365           Mr. Chairman, I would like to enter a letter you sent to  
1366 the FCC Chairman Genachowski, where you expressed concern  
1367 with the FCC using title II of the Communications Act to  
1368 reclassify broadband as a telecommunications service, saying  
1369 that any action that needs to be taken in this space "is a  
1370 job for Congress.'" I would agree, and hope that we can work  
1371 together on that, going forward.

1372           \*Mr. Doyle. Without objection, so ordered.

1373           [The information follows:]

1374

1375           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1376

1377            \*Mrs. Rodgers. The Infrastructure Investment and Jobs  
1378 Act extended FCC auction authority for seven years for  
1379 purposes of auctioning spectrum in the lower 3 gigahertz  
1380 band. Notwithstanding the 2.5 and 3.45 auctions, what would  
1381 the impact to the FCC's ongoing operations be if this is not  
1382 -- it expires?

1383            And I think my time has actually expired, so hopefully  
1384 someone else will ask this question. Thank you, Mr.  
1385 Chairman. I will yield back.

1386            [Laughter.]

1387            \*Mr. Doyle. I thank the ranking member. The chair now  
1388 recognizes Mr. McNerney for five minutes.

1389            \*Mr. McNerney. I thank the chair, and I thank the  
1390 Commission for your work, and congratulate the chairwoman.

1391            These past couple of years have highlighted why it is so  
1392 important to make sure that everyone who wants reliable  
1393 broadband access at home is able to get it.

1394            However, for too many people in my district, the cost of  
1395 monthly service is really just too high. I am proud that  
1396 Congress has made our historic investment to help low-income  
1397 Americans afford broadband through the Affordable  
1398 Connectivity Fund, which is helping over 1.2 million  
1399 Californians.

1400            It is also very important for students to have reliable  
1401 broadband access in their homes. The Emergency Connectivity



1402 Fund has brought over \$10 million to schools and libraries in  
1403 my own district, and I commend the Commission for your  
1404 efforts on this program.

1405 I also want to voice my support for a meaningful FCC  
1406 authority over broadband internet service providers. We need  
1407 a Federal agency to ensure that consumers are protected and  
1408 communities aren't left behind.

1409 Chairwoman Rosenworcel, in your testimony you discuss  
1410 the importance of Wi-Fi in closing the homework gap. As  
1411 co-chair of the Wi-Fi Caucus, along with Ranking Member  
1412 Latta, I have long advocated for spectrum to help such  
1413 concerns. But spectrum is a finite resource, and there is  
1414 hardly any, if any, greenfield spectrum bands left. Given  
1415 that most spectrum bands have existing users and operations,  
1416 how can the Commission and Congress make more spectrum  
1417 available, including low band spectrum for commercial use?

1418 \*Ms. Rosenworcel. Well, thank you for the question.  
1419 The future of our wireless economy depends on a lot of people  
1420 in this room getting together and identifying spectrum bands  
1421 that we can commit to new commercial uses, both licensed and  
1422 unlicensed. That is going to create -- that is going to take  
1423 creating incentives for Federal actors that have existing  
1424 allocations and need to be pushed to use less of their  
1425 airwaves than they do at present. And it is also going to  
1426 take some creative activity, thinking about hierarchies of

1427 spectrum rights, as the agency did in the CBRS and 3.5  
1428 gigahertz band, as well as new technologies that allow for  
1429 real-time and dynamic access.

1430           These are really exciting things, but it is going to  
1431 require a lot of policy, regulatory, and legislative work to  
1432 make them happen.

1433           \*Mr. McNerney. So how do you know so much stuff?

1434           But Chairwoman Rosenworcel, the FCC's general auction  
1435 authority expires at the end of September. And I am going to  
1436 ask the question that the ranking member was asking. At our  
1437 recent hearing, all witnesses expressed how important it is  
1438 for Congress to extend its authority. I agree. What would  
1439 be the impact if Congress fails to extend FCC's general  
1440 auction authority in advance of the expiration date?

1441           \*Ms. Rosenworcel. Well, over the course of our history,  
1442 the FCC has raised more than \$233 billion from its spectrum  
1443 auctions. We have led the world when it comes to  
1444 reallocating airwaves and doing creative things with them. I  
1445 want that to continue.

1446           I would recommend to this committee, however, that when  
1447 you re-authorize our spectrum authority, that you consider  
1448 this: you might take that spectrum authority and take the  
1449 dollars that are raised from the first set of auctions from  
1450 those public airwaves, and commit them to public safety so we  
1451 could have a nationwide program to upgrade 911 in every state

1452 in the country. First responders support that. And I think  
1453 you have an opportunity to make a meaningful difference when  
1454 it comes to emergency calls.

1455 \*Mr. McNerney. I thought you were going to say that.

1456 \*Ms. Rosenworcel. Yes.

1457 [Laughter.]

1458 \*Mr. McNerney. Last month the Commission published the  
1459 notice of inquiry, as identified by Commissioner Simington,  
1460 seeking comments on securing the internet's global routing  
1461 system, known as the Border Gateway Protocol Against  
1462 Vulnerabilities.

1463 More recently, the Commission took further action to  
1464 secure American networks from bad actors by including three  
1465 additional equipment and service providers to the list of  
1466 untrusted communication equipment services under the Secure  
1467 Trusted Communications Network Act. This has been discussed  
1468 already a few times this morning. This is an important  
1469 development for network security.

1470 Chairwoman Rosenworcel, do you anticipate further action  
1471 from the Commission in either of these areas? And is there a  
1472 bigger role for Congress to play here?

1473 \*Ms. Rosenworcel. The answer is yes. I think that our  
1474 security threats are constantly evolving, so we will have to  
1475 stay on top of them. And to the extent that existing  
1476 legislation, which requires our coordination with national

1477 security authorities, causes any problem, this will be the  
1478 committee we come to first to talk to about that.

1479 \*Mr. McNerney. Thank you. In my remaining time I want  
1480 to discuss the Lifeline that has been so critical for my  
1481 constituents.

1482 Commissioner Starks, can you talk about the importance  
1483 of the Lifeline Program, even with the Affordable  
1484 Connectivity Program, especially for vulnerable populations?

1485 You only have about 10 seconds before Chairman Doyle  
1486 hits the gavel.

1487 \*Mr. Starks. Yes. Well, you and I see eye to eye.  
1488 There are, you know, over six-and-a-half million Americans on  
1489 Lifeline right now. It is a critical program to make sure  
1490 that folks stay in touch with family, with jobs, with health.

1491 And the other thing that I would add is that Lifeline  
1492 can be in addition to an ACP benefit. So we can have  
1493 somebody who gets a Lifeline phone in addition to a, for  
1494 example, a home ACP connection.

1495 \*Mr. McNerney. Thank you, Mr. Chairman.

1496 \*Mr. Doyle. The gentleman yields back. The chair  
1497 recognizes Mr. Guthrie for five minutes.

1498 \*Mr. Guthrie. Thank you, Mr. Chair. Thanks for that,  
1499 and thanks for everybody being here today, and Chair  
1500 Rosenworcel, for your first as chair of the committee -- of  
1501 the Commission.

1502           Rip and replace -- I want to ask you this question,  
1503 Chair Rosenworcel, on rip and replace. There is 181  
1504 applications for 5.6 billion. Congress estimated the need at  
1505 1.9 billion, and appropriated that much. So a 3.7 billion  
1506 shortfall. Is there a review of -- when will you complete  
1507 your review, and know if that is a real shortfall?

1508           \*Ms. Rosenworcel. Yes, thank you for this question. It  
1509 is important that we have the funds necessary to take this  
1510 insecure equipment out of our networks and replace it with  
1511 secure equipment.

1512           On June 15th, under the law, we will have an assessment  
1513 of those 181 applications that have been filed with us. So I  
1514 can't offer you preliminary information before then, but I  
1515 can tell you this. I have been studying why we have this  
1516 shortfall. Congress appropriated \$1.9 billion. We have  
1517 demand of \$5.6 billion. And here is what I have learned.  
1518 There are three reasons.

1519           The first reason is that the \$1.9 billion program that  
1520 Congress set up was based on a voluntary data collection done  
1521 by my predecessor. And many of the companies that filed in  
1522 that voluntary data collection also sought funding. We got a  
1523 lot of other companies that sought funding who never filed  
1524 with us before.

1525           Second, Congress expanded the universe of eligible  
1526 companies. The FCC was assuming only carriers with less than

1527 two million subscribers. Congress expanded it to carriers  
1528 with 10 million or less, and added educational institutions.

1529 And finally, when we say we have a fund, and we suggest  
1530 that they should apply in order for us to support whatever  
1531 technologies or equipment they want, it is not uncommon for -  
1532 - to have applicants ask for funding for things that the law  
1533 does not allow.

1534 So those three reasons contributed to the \$5.6 billion  
1535 you are referencing. And by June 15th, we will be able to  
1536 speak with authority on how much the demand truly is.

1537 \*Mr. Guthrie. Good. Does the law allow recovery for,  
1538 like, legal fees, permitting processes? Is that part of the  
1539 services in the law?

1540 \*Ms. Rosenworcel. I believe there is some of that, but  
1541 it is more limited, and I would like to go back and actually  
1542 get back to you on that so I am more precise.

1543 \*Mr. Guthrie. Thanks. My understanding is some -- and  
1544 maybe Commissioner Carr will also kind of move this around a  
1545 little bit -- my understanding is that some of the permitting  
1546 process costs could have been part of the 5.6 billion. And  
1547 thanks for your answer, because that was helpful, Chair.

1548 But also -- so I have introduced the TRUSTED Broadband  
1549 Act, which would exempt carriers from the burdensome  
1550 permitting requirements of NEPA and NHPA solely for removing  
1551 dangerous equipment and replacing it. How would that be

1552 helpful? Would that be helpful in this cause, in moving  
1553 forward, Commissioner Carr?

1554 \*Mr. Carr. Very much so. Thank you, Congressman, for  
1555 that legislation.

1556 I agree with the chair that the first step has to be to  
1557 define how much fat is in that request. And then, once we do  
1558 that, we obviously need to make good on our commitment to  
1559 providers.

1560 And to your point, if we can streamline the process of  
1561 regulations and other red tape that is unnecessarily driving  
1562 up the cost, we should do that. And so I commend you for  
1563 that legislation.

1564 In fact, more broadly, when you look at all the money we  
1565 are spending on infrastructure right now, there is sort of an  
1566 absence of rationalizing NEPA and NHPA regulations. And if  
1567 you are doing that, you have basically stepped on the gas and  
1568 the brakes at the same time, if you are not streamlining the  
1569 infrastructure rules, and just putting money into the  
1570 process.

1571 \*Mr. Guthrie. Thanks. That -- so, Chair Rosenworcel,  
1572 back to you.

1573 I have -- one of the biggest issues that I hear,  
1574 actually, in my district -- maybe not the biggest in the  
1575 nation, but I hear -- is the robocalls. And I know we passed  
1576 the robocall bill, and one of my frequent persons who has

1577 brought this up to me says, "Well, you said you passed a law,  
1578 and I am still getting robocalls.'" He just got elected to  
1579 the state senate. So he is going to have to answer some of  
1580 these when he gets -- when he deals with some of this, as  
1581 well. But, you know, it is a top concern.

1582 And so one of the requirements of the TRACED Act was for  
1583 the FCC and Department of Justice to establish a working  
1584 group to identify barriers to the enforcement of robocall  
1585 violations. However, the most recent FCC -- annual FCC  
1586 TRACED Act report reported that the FCC lacks knowledge about  
1587 the Justice Department's collections beyond two major  
1588 referrals by FCC.

1589 So the question would be, how do you view the success of  
1590 the FCC and DoJ enforcing criminal violations on robocalls,  
1591 and kind of what would we expect in the future?

1592 \*Ms. Rosenworcel. Sure. Look, robocalls are annoying,  
1593 and it is a non-stop effort to try to prevent them, stop  
1594 them, and hold those who make them to account.

1595 If I could point something out, I feel like this  
1596 committee did a lot of really great work on the TRACED Act,  
1597 but it is time for the next version of that law. And if I  
1598 had some requests, I would say there are two of them.

1599 The first is that the Supreme Court recently reached a  
1600 decision on the definition of autodialer. And while it  
1601 wasn't a robocalling case, it had the effect of reducing the



1602 FCC's authority over autodialers, generally, which reduces  
1603 our authority to go after robocallers.

1604         The second thing -- and this goes straight to what you  
1605 mentioned about the Department of Justice, and I noticed that  
1606 this was true with my predecessor, and it is true with me, as  
1607 well -- we continue to enforce against bad actors, and you  
1608 keep on telling us to ratchet up the fines, which we do. In  
1609 fact, under my leadership we issued a \$225 million fine  
1610 against a robocaller, the largest in our history. But then  
1611 we take those fines, and we hand them over to our colleagues  
1612 at the Department of Justice. And I think the best I can say  
1613 is that we hope and pray that they take them to court.

1614         I think that, instead of just continuing this process,  
1615 which pre-dates my arrival, I think that this committee  
1616 should consider giving us the authority to take those bad  
1617 actors to court. I would like to hold them to account, and I  
1618 bet that every one of my colleagues would agree with the  
1619 expansion of our authority like that, and I think it would  
1620 have meaningful impact, were we able to do more of that, on  
1621 the number of robocalls consumers actually receive.

1622         \*Mr. Guthrie. Well, thank you for that, and I am --

1623         \*Mr. Doyle. The gentleman's time has expired. The  
1624 chair now recognizes Ms. Clarke for five minutes.

1625         \*Ms. Clarke. And thank you so very much, Chairman Doyle  
1626 and Ranking Member Latta, for holding this important

1627 oversight hearing, and to our esteemed panel of witnesses for  
1628 participating.

1629         Technology has revolutionized the way consumers view  
1630 television programming by enabling access to linear and on-  
1631 demand programming through multiple distribution platforms.  
1632 This transformation can be beneficial to small, independent  
1633 programmers attempting to break into the marketplace.

1634         However, independent programmers contend that multi-  
1635 channel video programming distributors, or MVPDs, create  
1636 barriers to entry by imposing certain unconditional and  
1637 unreasonable contractual provisions that restrict competition  
1638 and innovation, which effectively reduces consumers' access  
1639 to diverse content. In 2016 the FCC proposed rulemaking that  
1640 would prohibit certain types of contract provisions, but that  
1641 proceeding was stalled under the previous Administration.

1642         So my first question is for our chairwoman, and let me  
1643 just add my voice to all of those who have congratulated you  
1644 on assuming the chair of the FCC.

1645         Good morning, Chairwoman. Can you tell us, does the FCC  
1646 plan to continue with proceedings to remove marketplace  
1647 obstacles that could keep diverse and small independent  
1648 programmers from reaching consumers?

1649         \*Ms. Rosenworcel. Yes. Well, thank you for that. We  
1650 need to find ways to get independent voices on the screen.  
1651 And a lot of independent creators have a difficult time

1652 getting carried on our major video systems right now. And I  
1653 know the FCC had a proceeding on this in 2014.

1654 And I think the thing we are going to have to do is  
1655 start a new proceeding so it is up to date and actually  
1656 reflects the way that people watch right now, because that  
1657 has certainly changed in the last few years, as we seek to  
1658 find content on any screen handy.

1659 But we also need to find pathways for independent  
1660 creators to be able to reach us.

1661 \*Ms. Clarke. Well, thank you, Chairwoman. I also thank  
1662 the entire Commission for its work establishing the Emergency  
1663 Connectivity Fund and the Affordable Connectivity Program,  
1664 critical programs that keep Americans connected. Your  
1665 efforts in this space have not gone unnoticed. Nearly 11  
1666 million households, including over 730,000 New Yorkers, have  
1667 enrolled in the ACP, and in addition to help -- getting help  
1668 with their monthly internet bills, also now have access to  
1669 strengthened consumer protections under the new program  
1670 rules.

1671 Additionally, the Comprehensive ACP Consumer Outreach  
1672 Toolkit has helped partners and local communities increase  
1673 awareness of the program to reach all eligible families. So,  
1674 Commissioner Sparks -- Starks, can you expand on your  
1675 testimony, and share how the FCC plans to broaden its  
1676 outreach efforts to increase participation in the programs

1677 like the ACP and ECF, as well as ensure funds continue to be  
1678 available, especially for those who remain unconnected?

1679 \*Mr. Starks. Yes, thank you, Congresswoman. This has  
1680 long been a priority of mine.

1681 In particular, one of my very first trips actually was  
1682 to visit public housing in New York. And I saw the myriad  
1683 challenges at the time, from the provider side to, of course,  
1684 the household side, as well. And so a lack of access to and  
1685 adoption of broadband has reinforced existing inequities.

1686 We know that nearly 29 percent of Black households, 35  
1687 percent of Latinx households are disconnected. And, you  
1688 know, Congress, very clearly -- one of my efforts is on the  
1689 public housing side. And Congress made clear that public  
1690 housing folks are eligible. The Commission said that  
1691 innovative approaches are needed here, including expanding  
1692 awareness to beneficiaries, offering assistance to digital  
1693 navigators.

1694 And so I am in contact with housing authorities there in  
1695 New York, and would love and, of course, always eager to  
1696 continue to work with you on public housing and connectivity  
1697 needs there in your district.

1698 \*Ms. Clarke. Well, thank you so much, Commissioner.  
1699 Well, you know, it is so apparent that, particularly during  
1700 this time where everyone has had to get online, just the  
1701 inequities that exist. So it is important that we drill down

1702 and get this work done.

1703 I have introduced several bills that tackle the issue of  
1704 diversity in media, including H.R. 5836, the Enhancing  
1705 Diversity Data Act, and so that the FCC would once again  
1706 collect EEO workforce diversity data; as well as H.R. 5056,  
1707 legislation to establish tax credits to incentivize carriage  
1708 of diverse and independent programming.

1709 Chairman Rosenworcel, can you provide any updates on the  
1710 FCC's EEO proceeding?

1711 \*Ms. Rosenworcel. Yes. We have an obligation under the  
1712 law, under section 334 of the Communications Act, to collect  
1713 information about the diversity of broadcast companies  
1714 employment. And that is an obligation has been largely  
1715 ignored by the agency since 2004. But last year we started a  
1716 proceeding to get it going again. And I have been surveying  
1717 the record and talking about it with Commissioner Starks, and  
1718 expect to talk to my other colleagues about it soon.

1719 I hope that we can correct the fact that for 15 years we  
1720 have not done anything on this matter, and we have a duty to  
1721 do so under the law.

1722 \*Ms. Clarke. Thank you, I yield back --

1723 \*Mr. Doyle. The gentlelady's time has expired.

1724 \*Ms. Clarke. -- Mr. Chairman.

1725 \*Mr. Doyle. The chair now recognizes, virtually, Mr.  
1726 Kinzinger.

1727           You are recognized for five minutes.

1728           \*Mr. Kinzinger. Thank you, Mr. Chairman. And to the  
1729 chairwoman and commissioners, thanks for being with us today.

1730           Chairwoman Rosenworcel, I was pleased to see that last  
1731 week the FCC announced it would conduct an auction of 2.5  
1732 gigahertz spectrum, critical mid-band spectrum that can be  
1733 used to provide much-needed broadband capacity, particularly  
1734 in rural areas, beginning on July 29th. The FCC's authority  
1735 to conduct auctions expires about two months after that.

1736           So the question is, given the need for Congress to act  
1737 quickly to extend auction authority to provide certainty to  
1738 the FCC and to the potential bidders in the 2.5 gigahertz  
1739 auction, do you support a clean, short-term extension of the  
1740 FCC's spectrum authority -- spectrum auction authority, so  
1741 that the FCC can complete its ongoing spectrum auction  
1742 activities?

1743           \*Ms. Rosenworcel. I support an extension, but would,  
1744 under all circumstances, prefer a long-term extension. I  
1745 think that is better for the wireless economy and our  
1746 consistent ability to be able to make these airwaves  
1747 available for commercial purposes.

1748           \*Mr. Kinzinger. Okay. Commissioner Carr, let me ask  
1749 you. The FCC has been working with NTIA and Federal partners  
1750 for years to make the lower 3 gigahertz spectrum available  
1751 for commercial use. What is the status of identifying

1752 spectrum within the 3 gigahertz band for commercial use, and  
1753 what work remains?

1754 \*Mr. Carr. Well, thank you, Congressman. The lower 3  
1755 gigahertz is really our next best slug of mid-band spectrum.  
1756 I think it is going to be a key boost to America's 5G  
1757 leadership. That is why a year ago I put that on my spectrum  
1758 calendar as one of the prime bands we should be looking to  
1759 move on this year and next year.

1760 The challenge now is, with one of the infrastructure  
1761 laws that was passed, DoD has a provision that stops us from  
1762 moving forward on that until at least 2024. And then, after  
1763 that, they have maintained, effectively, a veto on our  
1764 ability to do that. So one thing we need to do is address  
1765 that, so we can continue to work towards freeing up the lower  
1766 3 gigahertz.

1767 And while we are doing that, I think we need to sort of  
1768 continue to fill in with our spectrum pipeline, given the  
1769 challenges that may exist with lower 3. And that is why I  
1770 have identified a number of additional bands, from 3.5 to 6  
1771 gigahertz to UNII2c that we should be sticking in the  
1772 pipeline as, you know, backups or additions to lower 3.

1773 \*Mr. Kinzinger. Okay. Let me stick with you on another  
1774 one.

1775 As part of the RAY BAUM'S Act, Congress passed my Rural  
1776 Wireless Act, which directed the FCC to consider whether to

1777 establish a process for carriers to disaggregate or partition  
1778 portions of their license that they may not use. The idea  
1779 was to consider the benefits of providing smaller carriers  
1780 with an opportunity to work with larger carriers to put that  
1781 spectrum to good use.

1782           The FCC has proposed the Enhanced Competition Incentive  
1783 Program to achieve this, but it has not yet been implemented.  
1784 So how do you envision this program benefiting smaller  
1785 companies?

1786           And more importantly, how do you see it benefiting rural  
1787 and tribal customers?

1788           \*Mr. Carr. Yes, this is a frustrating issue. We  
1789 license spectrums over -- spectrum over broad geographic  
1790 areas, and we expect carriers to build out. And sometimes  
1791 they can meet their buildout obligations by not reaching  
1792 rural or less densely populated parts. So any idea that  
1793 would create incentives for that spectrum to do something  
1794 other than sit fallow, instead of connect families, is a  
1795 great idea. And I think that is part of what your  
1796 legislation goes to, which is how do we disaggregate that  
1797 spectrum and give another provider that is willing to invest  
1798 money and put it to use the chance to do so.

1799           So I think that is a very good idea that we need to keep  
1800 pushing forward on.

1801           \*Mr. Kinzinger. Okay. And my last question, back to



1802 Chairwoman Rosenworcel, the Alternative Connect America  
1803 Model, or ACAM Program, was established in a bipartisan basis  
1804 in 2016. And while there has been some significant program  
1805 successes, technological standards continue to increase. And  
1806 therefore, we have to ask ourselves if the policies are  
1807 keeping up.

1808 A petition was filed at the Commission in October of  
1809 2020 requesting that the FCC re-evaluate the program  
1810 standards, and if a decision was made to make updates to then  
1811 initiate a new notice of proposed rulemaking.

1812 What are your thoughts on the success of that program,  
1813 and what do you see as the future of the program?

1814 \*Ms. Rosenworcel. Thank you for the question. We need  
1815 to update it, we need to modernize it, and we need to develop  
1816 a rulemaking based on the petition you described.

1817 And if I could go back for one second to what you were  
1818 asking Commissioner Carr, I just want to point out that in  
1819 late November we issued a rulemaking on the Enhanced  
1820 Competition Incentive Program, and received our final  
1821 comments on it this month. My hope is that we will be able  
1822 to move ahead with that effort to partition and disaggregate  
1823 spectrum licenses to serve more rural and tribal communities.  
1824 So that is underway.

1825 \*Mr. Kinzinger. Okay, great. I thank everybody.

1826 And, Mr. Chairman, I will yield back my 23 seconds.

1827           \*Mr. Doyle. The gentleman yields back. The chair  
1828 recognizes Mr. Veasey for five minutes.

1829           \*Mr. Veasey. Mr. Chairman, thank you. And I am happy  
1830 that we are here talking about this today. I mean, it is  
1831 something that we honestly can't talk about enough, and glad  
1832 that we have commissioners from the FCC here to talk about  
1833 this important program.

1834           I think that all of us realize that, with COVID-19  
1835 especially, it made us understand just how much we needed to  
1836 make sure that all parts of America are connected, because  
1837 being connected is just, in reality, just a part of modern  
1838 life. Again, this is something that we really recognized in  
1839 the early stages of the pandemic.

1840           I was happy to work on the Emergency Broadband Benefit  
1841 Program, which has now been renamed the Affordable  
1842 Connectivity Program under the bipartisan infrastructure law  
1843 that was passed, and I am glad that we were, again, just able  
1844 to connect so many people to our new digital economy that we  
1845 all really function in.

1846           And I wanted to ask Chairwoman Rosenworcel. Today we  
1847 have over 10 million households enrolled in the ACP, and more  
1848 than a quarter of a million of those live in Texas. Schools  
1849 and libraries in the district that I represent have received  
1850 over half-a-million dollars through the Emergency  
1851 Connectivity Fund. And I have heard from constituents and

1852 even people from outside of the district that live in other  
1853 parts of Dallas and Fort Worth that this is really making a  
1854 difference in their lives.

1855           And the one thing that I am worried about is, as we try  
1856 to bridge the digital divide, and try to bring more of these  
1857 services into people's home, that there was a GAO report last  
1858 year finding that the Lifeline-eligible consumers are often  
1859 discouraged when signing up because it can be a difficult and  
1860 challenging process.

1861           How can we mitigate these challenges as we work to  
1862 connect the next 10 million Americans in the ACP?

1863           \*Ms. Rosenworcel. Thank you for the question. And more  
1864 importantly, thank you for the work that you did to develop  
1865 this program in its early days.

1866           As you can see, there is huge demand. We now have 11  
1867 million households that are relying on it. The challenge for  
1868 the FCC is twofold right now.

1869           First, we have to make it easy and simple for those who  
1870 need the support to sign up, while at the same time having  
1871 appropriate guardrails for waste, fraud, and abuse. And we  
1872 are going to be constantly iterative, trying to make sure  
1873 that we find the way to do this properly.

1874           And the second thing that is really important is making  
1875 sure that we have outreach partners at the local level. We  
1876 can preach about this program at the agency or from

1877 Washington, but what matters most is when people hear about  
1878 it in their communities from people they trust. So  
1879 developing partnerships with state and local actors and  
1880 institutions is really, really important.

1881 \*Mr. Veasey. Thank you very much.

1882 And Commissioner Starks, I know that one of your key  
1883 priorities is increasing participation in the ACP by  
1884 households that benefit from Federal public housing  
1885 assistance, or FPHA. We know that FPHA beneficiaries were  
1886 eligible for the EBB, but unfortunately, only a small  
1887 fraction of those actually enrolled in the program.

1888 Can you talk a little bit about both the short-term and  
1889 long-term benefits of connecting FPA beneficiaries to  
1890 broadband?

1891 \*Mr. Starks. Yes, sir. Thank you for the question,  
1892 Congressman.

1893 You know, to your point, how are we going to get more  
1894 folks connected, how are we going to push past that 11  
1895 million households that are already enrolled, I think the  
1896 pilot -- the public housing pilot program that I am leading  
1897 is essential. I am working with the chairwoman and my  
1898 colleagues who have all endorsed this as a place for us to  
1899 continue to look.

1900 In particular, you know, I would offer up that we are  
1901 fortunate that HUD has a great leader in Secretary Fudge, who

1902 understands the importance of these issues. I have  
1903 partnered, in particular, with Secretary Fudge back when she  
1904 was a congresswoman. Our offices are working together even  
1905 as we speak.

1906           And so we are fortunate that HUD also has an existing  
1907 programmatic effort to build on their Connect Home Program  
1908 there in HUD. It has provided a platform for public-private  
1909 partnerships to have access, and, you know, they are working  
1910 now with over 100 cities.

1911           So I see a lot of great potential for collaboration. We  
1912 are working hard, and we do need to keep pushing to get more  
1913 and more households connected to this essential program.

1914           \*Mr. Veasey. Thank you very much.

1915           And, Mr. Chairman, I yield back my 20 seconds. Thank  
1916 you.

1917           \*Mr. Doyle. I thank the gentleman, he yields back. The  
1918 chair recognizes, oh, my suffering Pittsburgh Pirate buddy,  
1919 Gus Bilirakis.

1920           You have five minutes.

1921           \*Mr. Bilirakis. Help is on the way, Mr. Chairman, help  
1922 is on the way.

1923           This question is for the commissioner. I am not sure  
1924 exactly which one, but anyway, during the Trump  
1925 Administration the FCC began the Rural Digital Opportunity  
1926 Fund to provide support for broadband in areas that were

1927 completely unserved, and define unserved -- lacking access to  
1928 speeds less than [inaudible] megabits per second.

1929 I believe this is for Commissioner Carr. Since then, an  
1930 additional \$50 billion has been [inaudible] several agencies  
1931 [inaudible] broadband deployment. So, Commissioner, again,  
1932 however, not all agencies are using the metrics. For  
1933 example, the USDA Reconnect Program provides Federal funds to  
1934 serve areas lacking 100 up and 20 down megabits per second.

1935 Again, for Commissioner Carr, what are the risks we have  
1936 with having different agencies making funding awards based  
1937 off different criteria?

1938 \*Mr. Carr. Well, thank you, Congressman, for the  
1939 question. This is a challenge. This is like going to the  
1940 scarecrow in The Wizard of Oz and asking for directions, and  
1941 it ends up pointing in all sorts of directions. We have got  
1942 various agencies with divergent standards that they are  
1943 applying, and it is a problem.

1944 One thing we can do is, obviously, complete the process  
1945 of the FCC's broadband maps. We can drive everybody, every  
1946 funding decision through an accurate, complete map that will  
1947 help to make sure we avoid at least subsidized overbuilding.

1948 We need to make sure we have a prioritization scheme, so  
1949 that unserved areas go first. And where we have made a  
1950 commitment to people to build out pursuant to RDOF, we  
1951 shouldn't be having other funds come in over top and

1952     undermine the business case for those RDOF-supported builds,  
1953     again, particularly where we have too many parts of the  
1954     country that still have zero megabits per second.

1955             So there is a lot that we need to do right now to  
1956     improve coordination, I think.

1957             \*Mr. Bilirakis. Thank you. We are already hearing  
1958     examples of agencies awarding Federal funds for broadband  
1959     deployment projects in areas that have received RDOF funds,  
1960     making it uneconomical for companies that receive RDOF funds  
1961     to build out and serve that area.

1962             Commissioner Carr, again, what is the FCC doing, or what  
1963     should it do to ensure that the RDOF auction is not overbuilt  
1964     by other sources of Federal funding?

1965             \*Mr. Carr. Well, in my view, we should make it  
1966     ineligible for other providers with other Federal subsidies  
1967     to come in over the top of RDOF winners.

1968             One thing we could do, though, is we could look at, for  
1969     instance, what I call top-off funds, which is if you are  
1970     given RDOF dollars to bring speeds of X to this community, if  
1971     you want to go get other dollars to bring speeds of X times  
1972     two to that same community, then the RDOF winner could be  
1973     well positioned to do that.

1974             But again, fundamentally, we can't have subsidized  
1975     providers from other buckets of money coming in over top of  
1976     RDOF recipients.

1977           \*Mr. Bilirakis. Thank you. The next question is for  
1978 Chairwoman Rosenworcel.

1979           The Industry Traceback Group was recognized under the  
1980 TRACED Act for leading private-sector efforts to crack down  
1981 on illegal robocalls. ITG has helped identify gateway  
1982 providers that bring illegal robocalls into the U.S. from  
1983 abroad and get a handle on these fraudsters.

1984           However, has the ITG been to these efforts -- how  
1985 important has it been?

1986           I mean, this is a big problem, that breakup you  
1987 mentioned earlier. But this is -- our constituents ask us  
1988 questions all the time. I know we have passed previous  
1989 legislation with regard to the robocalls, but they don't seem  
1990 to think it has worked.

1991           So if you could address that, and then I have a follow-  
1992 up for Commissioner Carr, please. Thank you.

1993           \*Ms. Rosenworcel. Sure. Working with the Industry  
1994 Traceback Group, we have been able to identify that more and  
1995 more of these calls are coming from overseas. We don't have  
1996 clean data on that yet, but it is enough to suggest to us  
1997 that we have got to make sure that gateway providers that  
1998 take in junk calls from overseas register in our robocall  
1999 mitigation database. We are working on updating our rules to  
2000 make that happen right now, and that is a direct byproduct of  
2001 us working with the TRACED Act, which -- and the Traceback



2002 Group that was created by it.

2003 \*Mr. Bilirakis. Yes, and I will tell you. I mean, I  
2004 get them all the time from overseas. So, in any case, it is  
2005 a big problem.

2006 Commissioner Carr, do you have any recommendations on  
2007 how we can build on this momentum to find new ways to  
2008 [inaudible] robocalls? [Inaudible.]

2009 \*Mr. Carr. I thank you. I want to reiterate what the  
2010 chair said. I mean, one, we have accelerated the deadline  
2011 with which smaller providers need to comply with STIR/SHAKEN.  
2012 We have started a proceeding to look at the gateway providers  
2013 because, as we have talked about, a lot of these calls are  
2014 coming from overseas boiler rooms.

2015 So there is more that we need to do after completing  
2016 that to get at those calls jurisdictionally. Then I am sure  
2017 we will be back to see what we can do.

2018 \*Mr. Bilirakis. Thanks --

2019 \*Mr. Doyle. The gentleman's time has expired.

2020 \*Mr. Bilirakis. -- appreciate it very much. Thank you.

2021 \*Mr. Doyle. Okay. The chair recognizes Mr. O'Halleran  
2022 for five minutes.

2023 \*Mr. O'Halleran. Thank you, Chairman Doyle and Ranking  
2024 Member Latta, for holding this meeting today.

2025 First of all, I want to thank the chairwoman, or -- the  
2026 chairwoman for the hard work that she and the Commission and

2027 the leadership put into two funds, the Emergency Connectivity  
2028 Fund -- you know, in Arizona the schools and libraries have  
2029 been awarded \$150 million, including more than \$20 million in  
2030 Arizona's 1st congressional district to close that homework  
2031 gap. But also, it is the knowledge gap, the resources gap,  
2032 research, imagination gap. It is much more than just a  
2033 homework gap.

2034 And second, the Emergency Broadband Benefit Program,  
2035 which recently transitioned into the Affordable Connectivity  
2036 Program. Arizona has nearly 240,000 households enrolled in  
2037 the ACP. I appreciate the outreach the FCC has done to  
2038 tribal communities on the program. Tribal communities have  
2039 had some of the highest uptake rates for EBB and ACP, and we  
2040 should be doing all we can to reach out to these households,  
2041 who are among the most left behind in broadband access in our  
2042 entire country, and in the adoption rate.

2043 We have been talking about broadband maps for years.  
2044 The FCC and we have talked about it just recently. The FCC  
2045 starting [sic] proceedings on broadband maps five years ago,  
2046 and we still haven't had one yet. Chairman Rosenworcel, I  
2047 know you have made this a priority, and have worked hard to  
2048 try to get around some of the issues involved, and that the  
2049 agency recently got the green light to move forward after  
2050 there was a protest on the selection of a vendor to help  
2051 create these maps.

2052           We are all anxious for the maps to be completed, but we  
2053           need to ensure they are accurate. With that in mind, can you  
2054           give us an idea of the next steps the agency is taking to  
2055           deliver these maps quickly?

2056           And can you describe how you are working with the NTIA,  
2057           as the maps will be critical to the implementation of the  
2058           broadband funding from the bipartisan infrastructure law, and  
2059           the fairness throughout the process?

2060           \*Ms. Rosenworcel. Absolutely. As a result of the GAO  
2061           giving us the green light finally, we have a vendor that is  
2062           building our broadband location fabric, which is a geo-coded  
2063           set of every buildable location in the country. Once we get  
2064           that fabric, we are going to allow our carriers to beta-test  
2065           it, get used to it, to play around with it, because we are  
2066           going to need them to start filing data with us starting in  
2067           June of this year.

2068           By the way, that is 2,500 carriers, nationwide. So we  
2069           need to make sure that they know how to use the system so we  
2070           get good information.

2071           Once we collect all that data, we are going to build  
2072           maps in the fall, and then we are going to start a challenge  
2073           process to let states, localities, tribes, and consumers take  
2074           a look at our maps and tell us if -- what they think we got  
2075           wrong, and then make the carriers respond to that. So there  
2076           is crowdsourcing that will figure into this effort, too.

2077           And then, finally, I want you to know we are making  
2078 every effort to work with our colleagues across government.  
2079 As you know, we have more broadband programs than ever  
2080 before, so we got more coordination challenges than ever  
2081 before. We have a memorandum of understanding with our  
2082 colleagues at the Rural Utility Service. We have one with  
2083 the Department of Commerce. And I am working right now to  
2084 see if we can also set one up with the Department of  
2085 Treasury, because I want everyone to have all of the data and  
2086 information that we are collecting, because that will -- I  
2087 believe it will be the best in the Federal Government.

2088           \*Mr. O'Halleran. Chairwoman, I -- and thank you, first  
2089 of all. Thank you.

2090           You know, my frustration -- and it was mentioned the  
2091 other day to you -- about agencies in general, not your  
2092 agency, but agencies in general, and the -- how the public  
2093 can look at us and say, "Why isn't government working?"  
2094 Because it takes so long for this stuff to get addressed.  
2095 And we have to find a way to get around that, and I know you  
2096 are trying.

2097           I also wanted to commend the work of the Commission on  
2098 robocall scams. And the TRACED Act of 2019 and -- stop  
2099 unwarranted and illegal robocalls. But I am -- I just want  
2100 to get this off -- I am in full agreement with your thought  
2101 process that we need -- you need the ability to collect these

2102 fines. I know the Justice Department is a busy place, but  
2103 they need to get their job done, too, and they can't do it  
2104 with their workload that they have going on, also.

2105 Chairwoman, what barriers are you seeing with  
2106 enforcement of the Act, and particularly considering the  
2107 recent Supreme Court ruling, and what -- will the -- how will  
2108 that hinder you, actually? You mentioned that earlier.

2109 \*Ms. Rosenworcel. I appreciate that. Scam artists move  
2110 really fast. We are going to have to, as regulators and  
2111 legislators, find ways to keep up with them and their  
2112 robocalling ways. Two things we could use help on from this  
2113 committee.

2114 First is making sure the definition of autodialer  
2115 reflects technology today. The Supreme Court decision was a  
2116 decision that resulted in them defining autodialer like it  
2117 existed when the Telephone Consumer Protection Act of 1991  
2118 was passed. We have got to fix that.

2119 \*Mr. O'Halleran. Thank you, Mr. Chairman. I yield, and  
2120 I hope we work faster.

2121 \*Mr. Doyle. I thank the gentleman. The chair now  
2122 recognizes Mr. Johnson for five minutes.

2123 \*Mr. Johnson. Thank you, Mr. Chairman.

2124 And Chairwoman Rosenworcel, congratulations on your new  
2125 role. I haven't talked to you since you became chairwoman.  
2126 Congratulations.

2127           You know, we are we are seeing great progress with low  
2128 Earth orbit satellite systems helping to expand connectivity  
2129 across the nation, as well as significant improvement,  
2130 innovation, and leadership by U.S. companies in this space.  
2131 There is a lot of interest in deploying new systems in  
2132 addition to those that are already deployed. Congress is  
2133 focused on updating the FCC's tools and authorities to  
2134 streamline the process for this innovation and investment to  
2135 ensure robust competition in that marketplace.

2136           Does the FCC share our goal of supporting a streamlined  
2137 process for encouraging that needed robust competition and  
2138 innovation going forward?

2139           \*Ms. Rosenworcel. Yes, we have to update our policies.  
2140 I agree.

2141           \*Mr. Johnson. Okay, great. What should the -- for  
2142 Commissioner Simington, what should the law and the  
2143 regulations regarding space safety and spectrum coordination  
2144 look like in order to promote a competitive operating  
2145 environment for these low Earth orbit satellite systems?

2146           \*Mr. Simington. This is a complicated question, because  
2147 our satellite spectrum allocation regime looks back to  
2148 earlier days, and is thus a sort of an unlicensed regime  
2149 where there is an incentive to get your proposals out there  
2150 as early as possible, and then to amend them repeatedly,  
2151 which leads to a process that can be very opaque to

2152 outsiders, and a little bit unpredictable, and leads to  
2153 extensive, extensive commentary on the record.

2154         So, for example, with the SpaceX third modification last  
2155 year, we had more than 200 ex-parte filings. Probably the  
2156 chair could give you the exact number. The -- just the list  
2157 of filings took up a whole page of the order.

2158         So, as far as improving this, we need an improved system  
2159 for allocating spectrum to the satellite world. And I think  
2160 it is not just as simple as saying auction it, but we should  
2161 probably think about some sort of transferable rights regime,  
2162 or develop some sort of alternative to ensure that the space  
2163 spectrum is fully used.

2164         As far as space safety, the United States is in a unique  
2165 position to use our dominant market size, as a gigantic  
2166 consumer of satellite services, to require that space safety  
2167 laws and compliance with American space safety ideas should  
2168 be mandatory for companies seeking to do business here,  
2169 regardless of where they launch and retrieve satellites. And  
2170 that is a unique opportunity for the FCC to step in and take  
2171 a role there.

2172         One way to make this a contributor to the U.S. economy,  
2173 instead of just a regulatory drag, would be to determine  
2174 where the real costs lie and where the real risks of  
2175 satellite lie. So, for example, orbital debris is much more  
2176 persistent and dangerous at high altitudes with large

2177 satellites than with the slow -- I am sorry, with the low and  
2178 small satellites that you see in constellations operating in  
2179 LEO. Likewise, the possibilities for advanced coordination  
2180 technologies to be used to make LEO satellite constellations  
2181 extremely safe remains unexplored and regulatory  
2182 incentivized.

2183           So there are a number of things we could do along those  
2184 lines.

2185           \*Mr. Johnson. Okay. Well, thank you.

2186           Chairwoman Rosenworcel, with the tens of billions of  
2187 dollars now going forward toward broadband deployment, we  
2188 must make sure that regulatory barriers do not stand in the  
2189 way of closing the digital divide once and for all. We have  
2190 already heard concerns from some providers that access to  
2191 existing infrastructure, such as poles, may impact RDOF  
2192 awardees seeking to deploy in under-served and unserved  
2193 areas.

2194           What is the FCC doing to ensure that there are no  
2195 barriers to the success of the RDOF program?

2196           What action has the FCC taken to address these barriers  
2197 to access?

2198           \*Ms. Rosenworcel. Sure. You know, we have soaring  
2199 rhetoric about connecting all. We are rarely talking about  
2200 utility poles, but they might be the most important part on  
2201 the ground. You need access to them if you want to deploy to



2202 unserved and under-served areas. And we have learned from  
2203 some of the providers that the cost of securing that access  
2204 can be as much as one-third of their deployment costs. That  
2205 just sounds too high. A lot of that is in the bureaucracy of  
2206 cooperating and getting approvals.

2207         So this month we started a proceeding to identify how we  
2208 can bring those costs down and have better policies when it  
2209 comes to pole attachment and pole replacement, and how those  
2210 costs will be shared among providers. So we are looking at  
2211 that closely right now.

2212         \*Mr. Johnson. Okay. I am also concerned with supply  
2213 chain and labor shortages, ma'am, that spans a -- to coin a  
2214 word, the spectrum of industries in America, we got issues  
2215 there.

2216         From your discussions with the NTIA, do you believe the  
2217 states will be able to successfully roll out broadband  
2218 deployment in the current supply chain situation?

2219         \*Ms. Rosenworcel. It is something we have to monitor  
2220 closely.

2221         \*Mr. Johnson. Okay, all right.

2222         Mr. Chairman, I have more questions. I will submit  
2223 those for the record.

2224

2225

2226

2227 [The information follows:]

2228

2229 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

2230

2231 \*Mr. Johnson. And I will yield back.

2232 \*Mr. Doyle. I thank the gentleman. The gentleman  
2233 yields back. The chair recognizes Miss Rice for five  
2234 minutes.

2235 [Pause.]

2236 \*Mr. Doyle. You need to unmute, I believe, Miss Rice.

2237 [Pause.]

2238 \*Mr. Doyle. Miss Rice, we can't hear you. If you can  
2239 hear us, please unmute.

2240 What do you think?

2241 [Pause.]

2242 \*Mr. Doyle. We will come back to her. The chair  
2243 recognizes Ms. Eshoo for five minutes.

2244 \*Ms. Eshoo. Thank you, Mr. Chairman, for this all-  
2245 important hearing.

2246 To the chairwoman, bravo and congratulations. It is  
2247 really wonderful to see you in action.

2248 And to each of the commissioners, thank you to all of  
2249 you, because I think you are working very well together, and  
2250 there are so many important policies that you are making  
2251 headway on. So bravo, and thank you.

2252 I want to start out with an issue that most people don't  
2253 think of that the FCC deals with, and that is national  
2254 security. We know what Mr. Putin is doing, the tragedy of  
2255 Ukraine. I think each one of you knows that, in response to

2256 eight letters that I sent over to the FCC over, what, some  
2257 four years, the result of that is that the FCC has updated  
2258 its regulations last year so that the American people will  
2259 know when Russia is paying for propaganda broadcasts on  
2260 airwaves owned by the American people.

2261 I can't underscore how really deeply disappointed I am  
2262 that American broadcasters are now suing the FCC. They are  
2263 arguing -- get a hold of this -- they are arguing that these  
2264 bare minimum transparency requirements are too onerous.  
2265 Ultimately, they are delaying implementation of the rules.  
2266 Now, what is so onerous about the following? All they have  
2267 to do is say that their content is paid for by a foreign  
2268 government when it is, period. So I don't know if any of the  
2269 broadcasters are listening in today. Come on.

2270 We have a collective responsibility here, as Americans.  
2271 And right now Americans are listening to Radio Sputnik, and  
2272 they may not know that it is propaganda, is paid for by the  
2273 Kremlin. So this is unacceptable, and everyone should be  
2274 behind these really simple, easy rules.

2275 Thank you for what you have said, Madam Chairwoman,  
2276 about robocalls. We will work with you to draw up  
2277 legislation on the authorities that you need, and also that  
2278 the FCC should be able to collect these fines that are placed  
2279 on these bad actors.

2280 Now, we know that Russia is known to couple kinetic war

2281 with cyber attacks, including exploiting various hardware,  
2282 software, protocol-level vulnerabilities. I am really  
2283 pleased to see the FCC launch an inquiry about strengthening  
2284 the security of BGP. It is a critical internet traffic  
2285 routing protocol, and I think it is really very important,  
2286 but it is an under-appreciated issue.

2287 So, Madam Chairwoman, can you just briefly tell us about  
2288 the issue, and what the FCC is doing on BGP security?

2289 \*Ms. Rosenworcel. Well, thank you, I appreciate the  
2290 question.

2291 Our effort to look at Border Gateway Protocol came out  
2292 of conversations we had with the Cybersecurity and  
2293 Infrastructure Security Agency. We are coordinating more  
2294 closely than ever, and they identified it, and we confirmed  
2295 that it is an essential part of the internet's global routing  
2296 system, but there are significant vulnerabilities when  
2297 traffic is exchanged between networks. So we started an  
2298 inquiry to try to understand that better, ask questions about  
2299 it, because we do not want to create opportunities for theft  
2300 or espionage at those connection points.

2301 And I do want to thank my colleagues. When I called  
2302 them and discussed these issues with them, and told them that  
2303 it was serious and we needed to move in a fast manner, all  
2304 four of them did.

2305 \*Ms. Eshoo. Great. I just want to squeeze something

2306 else in.

2307 To all of my colleagues, both sides of the aisle, we  
2308 have an opportunity to address, once and for all, the NextGen  
2309 911. There are over 6,000 PSAPs in the country, in every  
2310 community. This is an arm for law enforcement, as well as  
2311 health emergencies in all of our communities.

2312 So with the auctions, there will be money. And I think  
2313 that we need to all do this together to make sure that, once  
2314 and for all, that our PSAPs are funded appropriately so that  
2315 the emergencies in every single one of our communities  
2316 [inaudible] be addressed by NextGen 911.

2317 And with that I yield back, Mr. Chairman.

2318 \*Mr. Doyle. The gentlelady yields back. The chair  
2319 recognizes Mr. Long for five minutes.

2320 \*Mr. Long. Thank you, Mr. Chairman.

2321 And Chairwoman Rosenworcel, there is a petition the FCC  
2322 is considering that would allow a bureau to reinterpret the  
2323 word "classroom" to mean households, expanding the E-Rate  
2324 program dramatically.

2325 The FCC also did not seek comment on the actual rules  
2326 making the Affordable Connectivity Program permanent, but  
2327 rather sought comment on questions about how those rules  
2328 should look.

2329 As the stewards of America's tax dollars, my colleagues  
2330 and I always -- are always concerned that the funds we

2331 appropriate will be used efficiently. However, far too often  
2332 we see government squandered away money through waste, fraud,  
2333 and abuse. While we can disagree on the structure and size  
2334 of various programs, I know you understand that every dollar  
2335 misspent is another dollar that never goes to the intended  
2336 purpose.

2337         While I am pleased that you have continued the tradition  
2338 of Chairman Pai that he started to make the items in the open  
2339 meetings agenda available 21 days in advance of a vote, I am  
2340 concerned that a number of significant FCC actions are being  
2341 considered without the opportunity for the public to comment  
2342 on specific rules. Rather, the FCC seeks comment on public  
2343 notice, instead of the actual proposed language of the  
2344 regulation.

2345         Even worse, some proposals ask for the FCC bureaus to  
2346 dramatically expand programs by reinterpreting terms, as I  
2347 mentioned earlier, to delegated authority.

2348         Will you commit to allowing the public to review  
2349 proposed rules? And will you commit to not abusing the  
2350 delegated authority process to expand the existing programs?

2351         \*Ms. Rosenworcel. Any substantial expansion would  
2352 require that my colleagues all vote on it and we complete it  
2353 at the Commission level.

2354         \*Mr. Long. Can you repeat that? I didn't --

2355         \*Ms. Rosenworcel. Any substantial expansion of any

2356 program would require that my colleagues and I agree on it,  
2357 and vote on it at the full Commission level.

2358 \*Mr. Long. Okay. Thank you. I have been fighting a  
2359 cough and cold for 10 days now. I am about over it, but I am  
2360 having a hard time a little bit.

2361 Commissioner Carr, while all funding programs must be  
2362 administered carefully, the enormous scale and rapid rollout  
2363 of the COVID relief programs created prime opportunities for  
2364 the bad actors to exploit government funding. Unfortunately,  
2365 we are already seeing this happen. The FCC inspector general  
2366 recently detected fraud in the Emergency Broadband Benefit  
2367 program.

2368 Commissioner Carr, I would like to thank you for your  
2369 work to ensure that the funds going through the FCC are  
2370 actually reaching their intended recipients: American  
2371 families who are truly in need. Last fall you expressed  
2372 serious concern that the massive levels of broadband dollars  
2373 being appropriated by Congress could result in headline  
2374 levels of waste, fraud, and abuse. Can you explain for us  
2375 the steps that you would like to see taken to ensure  
2376 substantive oversight of these programs?

2377 \*Mr. Carr. Well, thank you, Congressman, great to see  
2378 you again.

2379 I think everybody here probably remembers 2008, the last  
2380 time we had a massive infusion of broadband stimulus dollars



2381 of around then an unprecedented 7 billion. Well, now, by my  
2382 count, we have over \$800 billion. What we saw after the 7  
2383 billion was just story after story of waste, fraud, and  
2384 abuse. And the time to act is now to make sure that we don't  
2385 sit here 3 years from now and say, where did the \$800 billion  
2386 go, because my committees are still unconnected?

2387 So we do a couple of things. One, require everybody to  
2388 go through the FCC's map. That is going to help. Two, make  
2389 sure we prioritize unserved areas first, make sure we close  
2390 that digital divide before we add additional providers.  
2391 Three, we need better tracking and measurements. I wrote  
2392 letters to all the executive branch agencies that have funds.  
2393 I said, "Where are your broadband dollars going?" The ones  
2394 that responded, one of them just said, "We aren't even  
2395 tracking how much of this money is going towards broadband  
2396 initiatives."

2397 So we aren't in a good spot right now in terms of  
2398 controls in place, and the window is quickly closing to fix  
2399 that.

2400 \*Mr. Long. Okay. And I would like to thank all three  
2401 of you for coming in today.

2402 And you are going to miss me next year on this committee  
2403 because, you know, having an auctioneer on here, I talk fast.  
2404 I want to yield back 54 seconds.

2405 \*Mr. Doyle. Well, I will tell you what, Billy, that

2406 wins the prize today.

2407           Okay, now we are going to try Miss Rice again, and  
2408 hopefully her -- she is able to come through.

2409           \*Miss Rice. Thank you. Thank you, Mr. Chairman --

2410           \*Mr. Doyle. So, Miss Rice, you are recognized for five  
2411 minutes.

2412           \*Miss Rice. Thank you so much, Mr. Chairman. I am  
2413 sorry for my technical difficulties. Thank you all so much  
2414 for coming today.

2415           You know, in just less than a year, just under 11  
2416 million households have enrolled in the ACP, including nearly  
2417 three quarters of a million households across New York, and  
2418 thousands in my district. Americans are desperate for  
2419 affordable broadband, and the FCC has stepped up to make this  
2420 program a success. All of us on this committee, I know, want  
2421 to make sure it continues to grow and reaches the tens of  
2422 millions of eligible households that have yet to enroll.

2423           My congratulations to you, Chairwoman Rosenworcel, and I  
2424 would like to ask you -- I am aware that the FCC has already  
2425 had 400 virtual events to promote ACP awareness and  
2426 enrollment. Have you noticed any enrollment trends you can  
2427 share with us?

2428           Are there types of communities or consumers where we  
2429 have been especially successful, or where uptake is lagging?

2430           \*Ms. Rosenworcel. Thank you. We have reached 11

2431 million households, and it has been a lot of work. We have  
2432 held more than 400 different sessions. We have worked with  
2433 boys and girls clubs, with faith institutions, with the NFL  
2434 players, the Miami Dolphins Foundation. We have worked with  
2435 the Navajo Nation. Anyone who comes to us with a good idea,  
2436 we will develop a program to get the word out.

2437         So the one thing that has become apparent is that people  
2438 need to hear from trusted actors in their local communities.  
2439 And so if anyone on this committee has ideas about how to  
2440 reach people where they are, we are open to them. We are  
2441 iterative. We want to reach people and make sure they hear  
2442 about it from people they trust.

2443         \*Miss Rice. So the Commission's proposed rulemaking for  
2444 ACP bookmarked about \$100 million for promoting the program  
2445 and encouraging enrollment, and that includes paid media  
2446 campaigns, grants to community, outreach partners.

2447         Commissioner Starks, you have emphasized the importance  
2448 of outreach to and partnerships with communities of color,  
2449 individuals with disabilities, and the poor, all groups that  
2450 are less likely to have quality broadband connections than  
2451 the general population. How can we make sure that these  
2452 grants to -- that these grants actually get to community  
2453 organizations that are best situated to reach those  
2454 households?

2455         And why are these grants so [inaudible] to community-

2456 based organizations in this effort --

2457 \*Mr. Starks. It is --

2458 \*Miss Rice. -- to increase, you know, the enrollment?

2459 \*Mr. Starks. It is a great question, Congresswoman, and  
2460 thank you so much for raising it.

2461 You know, increasing participation in any government  
2462 program, especially a new one, is truly a complex problem.  
2463 And so, you know, as mentioned by Chairwoman Rosenworcel, you  
2464 know, increasing awareness of ACP is assuredly a first step,  
2465 as you mentioned. In setting up ACP, we affirmed, you know,  
2466 \$100 million set aside to advance these digital equity goals.

2467 So here is what I am looking for, you know. I want to  
2468 make sure we follow through with that. And so when we are  
2469 making grants, we do need to identify those organizations,  
2470 community-based organizations with a proven track record of  
2471 working with low-income people, communities of color.

2472 When we are contracting with experts to conduct focus  
2473 groups, for example, develop advertising campaigns, I think  
2474 we should ensure that they have expertise with, again,  
2475 diverse communities, low-income communities, you know.

2476 And when we buy advertisements, another part that is  
2477 going to be part of our programmatic foray here, we should  
2478 make sure we are spending -- that flows to diverse ownership  
2479 workforces consistent with our media diversity goals.

2480 And so there really are a lot of ways where we can meet

2481 the moment here with digital equity, as well as making sure  
2482 we are focusing and getting the most number of people so that  
2483 we can increase that 11 million number.

2484 \*Miss Rice. So I would encourage you all to work with  
2485 state and Federal -- other Federal agencies and state  
2486 agencies, as well, because, as my colleague, Mr. Veasey,  
2487 pointed out, many of the ACP-eligible individuals or  
2488 households qualify for the program automatically because they  
2489 already participate in a program like WIC, SNAP, Medicaid, et  
2490 cetera. But they don't know they qualify, or they -- for  
2491 this program, or they run into trouble when they try to prove  
2492 their eligibility. So I would just encourage the Commission  
2493 to focus on that, and partnering with as many Federal and  
2494 state agencies as we can to kind of fill in that gap there  
2495 that may exist with people we already know or identify to  
2496 other agencies.

2497 And thank you all so much for coming. We wish for your  
2498 success. Your success is America's success.

2499 And Mr. Chairman, I yield back. Thank you very much.

2500 \*Mr. Doyle. The chair now recognizes Mr. Hudson, five  
2501 minutes.

2502 \*Mr. Hudson. Thank you, Mr. Chairman.

2503 Commissioners, it is good to see you here today.

2504 One of the things I hear all the time from my  
2505 constituents back home in North Carolina is the lack of

2506 adequate access to broadband. This hearing is important to  
2507 my constituents and to all of our constituents.

2508         You, the FCC, are on the precipice of making decades-  
2509 long decisions which can propel our nation into the next  
2510 century by giving our children the ability to learn from  
2511 anywhere; disrupting telecommunications strongholds by China;  
2512 providing lifesaving treatments through telehealth,  
2513 telemedicine; and making places like Carthage, Sanford, and,  
2514 yes, Barbecue, North Carolina the epicenter of global  
2515 commerce.

2516         In order to achieve this vision we must win the global  
2517 race to 5G. With auction authority set to expire in  
2518 September, I ask you, Mr. Chairman, to continue working with  
2519 members on this side of the aisle to produce a bill extending  
2520 the FCC's authority.

2521         The upcoming 2.5 auction has ample mid-band spectrum,  
2522 which will vastly expand mobile connectivity in rural North  
2523 Carolina.

2524         My first question is for Commissioner Carr. We have  
2525 discussed my concerns about the potential for waste if  
2526 governments don't prioritize funding to connect unserved  
2527 communities that lack access to broadband, and my concern  
2528 that guardrails on recent funding bills could have been a lot  
2529 stronger. In my view, government-subsidized overbuilding  
2530 will create distortions in the marketplace, and allow the

2531 government to pick winners and losers, with unserved and  
2532 difficult-to-reach communities getting the short end of the  
2533 stick.

2534           How do we ensure coordination between the various  
2535 agencies and governments who have an unprecedented level of  
2536 funding? Does this come down to a single map?

2537           What else can Federal, state, and local officials do to  
2538 ensure this doesn't happen, and we do not overbuild programs  
2539 like RDOF that are already being deployed?

2540           \*Mr. Carr. Well, thank you, Congressman, for the  
2541 question and your work leading on this.

2542           The single most important thing we can do right now is  
2543 to make sure that there is no overbuilding with these Federal  
2544 dollars. It has been a lot of work to make sure that we have  
2545 enough Federal funds allocated to end the digital divide in  
2546 this country. And the good news is that I think we are there  
2547 with the amount that has been appropriated, if we put it into  
2548 the communities that are still unserved.

2549           We cannot afford overbuilding and waste this potentially  
2550 generational opportunity to eliminate the digital divide. So  
2551 we have got to get our maps done. We have got to drive  
2552 everything through that. We need greater coordination across  
2553 agencies. We do have some agreements right now, but they  
2554 don't cover all agencies or all funds within the agencies  
2555 that it covers.

2556           And so these are some of the steps that we need to take,  
2557 because we can't sit here three years from now and not have  
2558 gotten billions of dollars' worth of bridging the digital  
2559 divide.

2560           \*Mr. Hudson. Absolutely, I agree.

2561           Chairwoman Rosenworcel, congratulations on your  
2562 position, and it is a real pleasure to have you here today.

2563           The FCC has taken significant steps in recent years to  
2564 identify and make available spectrum for commercial use,  
2565 including for 5G deployment, and that is critical to ensuring  
2566 the U.S. leads over China. I understand the FCC is currently  
2567 examining the potential of 5G in the 12 gigahertz band  
2568 through extensive engineering reviews, and some want to use  
2569 the 12 gigahertz band for terrestrial use, but there is  
2570 disagreement over whether this will cause harmful  
2571 interference to existing satellite systems.

2572           What is the status of the FCC's technical review?

2573           Will you commit to complete your review in a timely  
2574 manner, especially if we find that coexistence is possible  
2575 between satellite and terrestrial use in this case?

2576           \*Ms. Rosenworcel. Sure. One of the most complex  
2577 dockets we have involves the 12 gigahertz band. So you went  
2578 right there.

2579           The 12 gigahertz band historically has had fixed  
2580 satellite systems in it. It has had direct broadcast



2581 satellite, and it has had multichannel video data  
2582 distribution systems. And now we might want to add mobile  
2583 broadband to the mix. As you might imagine, that is going to  
2584 take a lot of technical work to make sure that the airwaves  
2585 can accommodate all those different uses without harmful  
2586 interference.

2587         And some of the data we have on our record points to  
2588 different interference-to-noise ratios that are copied from  
2589 the International Telecommunications Union, but are 30 years  
2590 old. We have satellite policies we are going to have to  
2591 update. And once we identify harmful interference, we will  
2592 have to model what it looks like, and try to come up with  
2593 standards for where satellite terminals can be compared to 5G  
2594 systems.

2595         These issues, to be candid, will take time, but they  
2596 take time because they are really important, and we need to  
2597 do them well.

2598         \*Mr. Hudson. Right. Well, I appreciate that. And the  
2599 last question, in North Carolina and across the nation, small  
2600 rural broadband providers are, in some instances, alone in  
2601 servicing their communities. They don't have large staffs to  
2602 work on grant applications, other paperwork requirements.  
2603 What steps does the FCC take to ensure that its regulations  
2604 do not impose disproportionate burdens on smaller broadband  
2605 providers?

2606           \*Ms. Rosenworcel. We always take steps to consider  
2607 small providers in all of our proceedings. We recognize they  
2608 may not have the resources needed to fully participate. And,  
2609 as you acknowledge, when it comes to broadband they may be  
2610 the companies and individuals we most need to deploy in some  
2611 of our most remote locales. So we have got to be mindful of  
2612 that in everything we do.

2613           \*Mr. Hudson. Well, thank you very much.

2614           Mr. Chairman, I am not as good as Billy, but I will  
2615 yield back 12 seconds.

2616           \*Mr. Doyle. I thank the gentleman. The gentleman  
2617 yields back. The chair recognizes Mr. Soto for five minutes.

2618           \*Mr. Soto. Thank you, Chairman, and thank you to our  
2619 FCC commissioners for being here.

2620           We just had Secretary Cardona from the U.S. Department  
2621 of Education in central Florida today. We know that our kids  
2622 have been through so much, our teachers have been through so  
2623 much, and connectivity has helped us through it, through  
2624 distance learning. But we also saw gaps in connectivity,  
2625 especially in our rural areas. And while we work with NTIA  
2626 on rural broadband infrastructure, it also will be critical  
2627 for cell phone service that we work with the FCC to improve  
2628 this connectivity.

2629           So I want to thank you all for the great work you have  
2630 done on the Emergency Connectivity Fund and the Affordable

2631 Connectivity Program. Places in rural areas like Frostproof,  
2632 Florida, Saint Cloud, Lake Wales, and in Kissimmee benefit  
2633 greatly by this access to cell phone service.

2634 I wanted to also talk about the digital divide directly.  
2635 I got to speak early on with you, Commissioner Starks, about  
2636 the amazing work that you all have been doing in the FCC. So  
2637 it would be great to get an update for my constituents,  
2638 including my wife, who is an assistant principal here in  
2639 Osceola County, on the work that you all are doing to help  
2640 with that digital divide and homework gap.

2641 \*Mr. Starks. It is a great question. Thank you,  
2642 Congressman. And for your wife's efforts for your continued  
2643 efforts, you know, equitable education requires internet  
2644 access, and many schools, organizations have worked hard to  
2645 close the gap. But despite that, you know, reports have  
2646 said, you know, going into the pandemic, nearly a year there,  
2647 that you still had over 12 million students who remain  
2648 digitally disconnected, under-served.

2649 And so last year, even I made it a point to hear from  
2650 students myself. I met with students in Detroit, Michigan at  
2651 Brenda Scott Academy, a disproportionately high reduced-lunch  
2652 folks and students. And they talked about, you know, how  
2653 they were trying to learn on their devices, on a cell phone.  
2654 The most striking moment was a student who told me that she  
2655 needed a better internet, and that was plain and simple.

2656           The ECF has done an enormous amount of work, and is  
2657 continuing, and so the commission staff who stood up this  
2658 program deserve a lot of praise, as well.

2659           \*Mr. Soto. Well, thank you, Commissioner.

2660           Chair Rosenworcel, thank you for your leadership, and  
2661 congrats on your chairwomanship.

2662           In central Florida we have Cape Canaveral, where there  
2663 is NASA, SpaceX, Blue Origin, and satellite internet has  
2664 become a major part of connectivity. We see that with  
2665 StarLink across the United States, and also with the crisis  
2666 in Ukraine. Unfortunately, sometimes we see speculators that  
2667 are proposing to repurpose the 12 gigahertz spectrum that  
2668 these satellite operators use. It would be great to hear of  
2669 your continued support for this critical spectrum use by  
2670 satellite systems to help with the very isolated areas in  
2671 both Florida and in areas across the world.

2672           \*Ms. Rosenworcel. Thank you. You really do have this  
2673 space age happening in your backyard in Florida. We want to  
2674 make sure at the FCC that it continues to be viable, too. We  
2675 have a proceeding on the 12 gigahertz band that involves a  
2676 lot of satellite systems, and now possibly the introduction  
2677 of mobile terrestrial use.

2678           This is a complex proceeding, as complex as any  
2679 proceeding before the agency. We are combing through  
2680 engineering documents. We are trying to identify if the --

2681 having these services coexist is viable, what interference  
2682 might be harmful, how we should model it. That work is all  
2683 underway. I can assure you that we have our best engineers  
2684 assessing this right now, and we can continue to keep you  
2685 updated as we proceed.

2686 \*Mr. Soto. Thank you, Chairwoman.

2687 And I want to end just by stressing the importance of  
2688 the Rural Digital Opportunity Fund program. This is critical  
2689 for areas like South Osceola and Polk County in my district.  
2690 And together we will close this digital divide, this homework  
2691 gap, and the need to improve access for rural businesses in  
2692 Florida's 9th congressional district, in central Florida and  
2693 across the nation.

2694 And with that, Chair, I yield back.

2695 \*Mr. Doyle. The gentleman yields back. The chair  
2696 recognizes Mr. Walberg for five minutes.

2697 \*Mr. Walberg. Thank you, Mr. Chairman, and thank you to  
2698 the commissioners for being with us today.

2699 Getting spectrum into the marketplace quickly is  
2700 essential for connecting Americans across the country. We  
2701 remember back during the Trump Administration, the FCC freed  
2702 up an unprecedented amount of spectrum by taking an all-of-  
2703 the-above approach, including for both licensed and  
2704 unlicensed operations in low, mid, and high-band frequencies.

2705 Chairman Rosenworcel -- and again, congratulations for

2706 your chairship -- in 2018 you called for the FCC to maintain  
2707 a spectrum calendar to increase transparency about how and  
2708 when the new resources will be made available to the public.  
2709 I agreed with the merits of this idea, but I haven't seen a  
2710 follow-through on that call yet.

2711 Are you still committed to putting out a spectrum  
2712 calendar?

2713 And if so, what bands, beyond the already scheduled 2.5  
2714 gigahertz auction, would you place on the calendar either for  
2715 auction or making available for the unlicensed?

2716 \*Ms. Rosenworcel. Sure. To be clear, in 2018, in the  
2717 Mobile Now Act, this committee and Congress required us to  
2718 publish an annualized calendar, which we did in September of  
2719 last year.

2720 As you have acknowledged, we have already auctioned the  
2721 3.45 gigahertz band, and we now have the 2.5 gigahertz band  
2722 in our sights for July.

2723 Going forward, I would ask this committee's help on two  
2724 fronts.

2725 First, the Spectrum Pipeline Act from 2015 requires NTIA  
2726 to identify 30 megahertz of spectrum below 3 gigahertz for  
2727 auction. I would like you to make sure that that actually  
2728 comes to fruition.

2729 And then I know you are working hard to try to identify  
2730 how we might be able to have access to 200 megahertz of

2731 spectrum in the 3.1 to 3.45 gigahertz band, which -- the  
2732 auction of those airwaves was delayed by the Infrastructure  
2733 Investment and Jobs Act.

2734 So those would be two of the bands that I have in my  
2735 sights, but two of the bands that I also need this  
2736 committee's help to bring to commercial market.

2737 \*Mr. Walberg. We hope we can do that.

2738 Chairperson Rosenworcel, turning to oversight, Congress  
2739 created a \$7 billion Emergency Connectivity Fund, as we have  
2740 talked about, to help schools and libraries stay connected to  
2741 their students during the COVID-19 pandemic. The FCC has  
2742 distributed over five million connected devices through the  
2743 ECF.

2744 My concern is that -- does the FCC have a system in  
2745 place that has kept track of where these devices went after  
2746 they were sent to the schools and libraries?

2747 And what safeguards are currently in place to make sure  
2748 that the devices purchased through the Emergency Connectivity  
2749 Fund are not duplicated across other programs?

2750 \*Ms. Rosenworcel. It is absolutely imperative that we  
2751 prevent waste, fraud, and abuse in this program and any other  
2752 program. But I would love to follow up with you with more  
2753 specifics to make sure that I give you precisely the rules  
2754 that apply to this program, and not one of the other ones  
2755 that I have in my head at this moment right now. So we will

2756 follow up with you on that.

2757 \*Mr. Walberg. We will look forward to that.

2758 \*Ms. Rosenworcel. Okay.

2759 \*Mr. Walberg. Because I think we agree, we have too few  
2760 resources to waste, and that includes our kids. I am glad  
2761 most of them are back in school in the classroom now.

2762 Chairwoman Rosenworcel, my final question is I want to  
2763 follow up on an answer you gave to Leader Rodgers's question  
2764 earlier about rate regulation. I just want to make sure that  
2765 there aren't any hidden asterisks in your statement when you  
2766 say, "no rate regulation.'" Are you including within that a  
2767 commitment not to apply section 201 and 202's just and  
2768 reasonable provisions to broadband rates, either before or  
2769 after the fact?

2770 \*Ms. Rosenworcel. There is no asterisks.

2771 \*Mr. Walberg. No asterisks. I am glad to hear that.

2772 And, Mr. Chairman, I am going to return 56 seconds.

2773 \*Mr. Doyle. Wow. I will tell you, you guys are making  
2774 our side look bad. I thank the gentleman for yielding back.

2775 The chair recognizes Mr. Butterfield for five minutes.

2776 \*Mr. Butterfield. Thank you very much, Mr. Chairman.

2777 Can I add his 56 seconds to my time?

2778 Okay --

2779 \*Mr. Doyle. No, you may not.

2780 [Laughter.]



2781           \*Mr. Butterfield. My request is denied. But thank you,  
2782 Mr. Chairman, for convening this very important hearing  
2783 today. And thank you to our guests today. And thank you for  
2784 the incredible work that you do at the Commission.

2785           And let me also say good afternoon to my colleagues. I  
2786 am not in the committee room. I wish I could see all of you.  
2787 But hopefully, we will be back to normal very, very soon.

2788           Chair Rosenworcel, we chatted a few days ago, and let me  
2789 just congratulate you and thank you on your incredible  
2790 service, not just since you have been on the Commission, but  
2791 your service before you joined the Commission. I know your  
2792 resume, and I know you have been very dedicated and committed  
2793 down through the years. And I just thank you so very much.  
2794 I am confident that you are going to really make a  
2795 significant mark on the work of the Commission.

2796           And to the other commissioners, Commissioner Starks, you  
2797 and I are friends and have been for years, and Commissioners  
2798 Carr and Simington, it is just good to see all of you. But  
2799 let me just get right to the point.

2800           Like Congresswoman Rice said a few moments ago, this is  
2801 very important. The Affordable Connectivity Program, ACP, is  
2802 incredibly important. And I just thank you for your  
2803 leadership to ensure the success of the Affordable  
2804 Connectivity Program and the Emergency Connectivity Fund.  
2805 These are two very important initiatives in my state.

2806           In North Carolina, over 400,000 households are enrolled  
2807 in the ACP, and schools and libraries in the state have been  
2808 awarded some \$150 million in funding, with over \$17 million  
2809 of that in my congressional district. That is a big deal.  
2810 These are real, meaningful benefits for my constituents. And  
2811 I hope that all of you will continue to work together in  
2812 ensuring the success of these important programs.

2813           I want to commend the Commission's work on pole  
2814 replacements and dispute resolution. I wrote to the FCC last  
2815 year urging you to act on this important issue. So I  
2816 appreciate the Commission taking steps like this so that  
2817 unserved households, like those in my district, can get  
2818 online much faster.

2819           So let's start with question number one, and I will  
2820 start with the chair. I would like to move on to my bill,  
2821 the Expanding Broadcast Ownership Opportunities Act, which  
2822 focuses on bringing back the FCC's minority tax certificate  
2823 program. And you and I have talked about it over the years.  
2824 It is designed to incentivize diversity of ownership in the  
2825 broadcasting industry.

2826           Let me ask you, Madam Chair and Commissioner Starks.  
2827 Both of you have been outspoken about the positive impacts of  
2828 this program. I would like to offer the opportunity for all  
2829 the FCC commissioners to eventually embrace this idea, and to  
2830 understand the potential benefits of reinstating the tax

2831 certificate program.

2832 Madam Chair, if you would, speak very briefly to this.

2833 \*Ms. Rosenworcel. Sure. I embrace it fully, wholly,  
2834 and completely. History demonstrates it was the single most  
2835 effective tool we had to increase the diversity of ownership  
2836 of media properties in the United States.

2837 \*Mr. Butterfield. And Commissioner Starks, can you add  
2838 to that, please?

2839 \*Mr. Starks. Yes.

2840 \*Mr. Butterfield. Go ahead.

2841 \*Mr. Starks. I emphatically and foot-stomp it, as well.  
2842 Fourteen hundred full-power commercial broadcast television  
2843 stations, less than six percent owned by women, less than  
2844 three percent are minority-owned. And the minority tax  
2845 certificate program speaks for itself with the great results  
2846 that it achieved.

2847 \*Mr. Butterfield. Thank you.

2848 And back to our chair, Madam Chair, my bill, the Data  
2849 Mapping to Save Moms' Lives Act -- that is a mouthful, but we  
2850 have talked about it before -- it directs the FCC to use its  
2851 data mapping tool to track maternal mortality and severe  
2852 morbidity rates. Making the connection between maternal  
2853 mortality rate and broadband access is crucial to identifying  
2854 areas that lack support, especially in African American  
2855 communities, where the maternal mortality rate is

2856 unacceptably high.

2857 Can you discuss this with us in the few seconds that we  
2858 have left?

2859 \*Ms. Rosenworcel. Sure. The United States is the only  
2860 industrialized economy with an increasing level of maternal  
2861 mortality. It is a quiet crisis. There are new telehealth  
2862 technologies that can help women during their pregnancies and  
2863 produce better outcomes for them and their children. We have  
2864 got to figure out how to use broadband connections to make  
2865 those better outcomes happen, and I think your bill and the  
2866 data we collect pursuant to it would help with just that.

2867 \*Mr. Butterfield. And Commissioner Starks, can you use  
2868 the last 20 seconds to talk to us about modifying the  
2869 commission's FM booster rules?

2870 \*Mr. Starks. Yes. Thank you for the question,  
2871 Congressman.

2872 This proposal garnered 21 civil rights organizations'  
2873 support. You know, small radio station operators frequently  
2874 are also small business owners. I heard from them how hard  
2875 it was for them to weather the pandemic, as well. So I see  
2876 great potential in this geobroadcast technology improving  
2877 local radio experience, news, weather, emergency, as well as  
2878 positioning small broadcasters and broadcasters of color to  
2879 compete for listeners and advertising dollars.

2880 And very lastly, I would like to say, Congressman

2881 Butterfield, thank you for your long dedication to public  
2882 service. Your legacy of excellence is something that I  
2883 follow, and particularly in the media and telecom space.

2884 \*Mr. Butterfield. I am grateful. Thank you. I yield  
2885 back.

2886 \*Mr. Doyle. The gentleman's time has expired. The  
2887 chair recognizes Mr. Duncan for five minutes.

2888 \*Mr. Duncan. Thank you. And Mr. Chairman, I don't know  
2889 if the Democrats are practicing baseball yet, but you look  
2890 awful alert to have gotten up so early, if you all are.

2891 I want to thank the commissioners for being here. After  
2892 over 500 days of not having an oversight hearing, I am glad  
2893 we are finally doing that.

2894 We have talked a lot today about the need for expanding  
2895 rural broadband connectivity, accurate mapping, and  
2896 interagency cooperation to ensure we aren't double-building  
2897 in the process. So I want to echo these concerns, and the  
2898 need to build out the rural networks, rural broadband, rural  
2899 networks. I think there needs to be a huge percentage going  
2900 to rural America, instead of inner cities, where there may  
2901 already be existing networks, and not just keep spending  
2902 billions of tax dollars repeatedly on the same inner-city  
2903 neighborhoods.

2904 We have also talked a lot today about spectrum, and the  
2905 scarcity of spectrum, and the need for continuing and

2906 expanding auction authority to make more spectrum available,  
2907 and ensuring that the spectrum we make available is usable  
2908 for industry. I also want to echo those concerns, but this  
2909 ground has pretty much been covered by the time you get to  
2910 me.

2911         So, Commissioner Carr, I want to ask you, in your  
2912 testimony you mentioned the need to push back against the  
2913 abuses of Big Tech. And I especially want to focus on  
2914 anti-discrimination provisions that you mentioned. What do  
2915 you think we in Congress need to do to protect First  
2916 Amendment rights of conservative content creators, local  
2917 businesses, local broadcasters, and others who feel they have  
2918 been trampled on by Big Tech, keeping the importance of that  
2919 and multiplicity of information sources that you mentioned in  
2920 your testimony in mind?

2921         \*Mr. Carr. Thank you, Congressman. Thanks to you for  
2922 your work on this issue of reining in Big Tech. I think,  
2923 first and foremost, we have to fundamentally overhaul section  
2924 230. There are portions of section 230 that are pro-speech,  
2925 that create incentives to leave speech up, particularly  
2926 political speech. And there is portions of section 230 that  
2927 today have been misread by courts, as Justice Thomas have  
2928 walked through, to give them, internet companies, carte  
2929 blanche to remove any speech that they want. That is not the  
2930 intent of Congress in section 230. And I think Congress

2931 needs to amend section 230 in a way that is going to promote  
2932 more speech.

2933 But 230 reform alone isn't going to be enough. That is  
2934 why we need to impose some basic transparency obligations on  
2935 Big Tech. Right now it is a total black box. Some speech is  
2936 left up, some is taken down. There is no consistency at all.  
2937 I think we need some basic non-discrimination that could take  
2938 a lot of different forms, whether it is treating like cases  
2939 alike, or looking at legislation in the Senate that Senator  
2940 Wicker has that talks about trying to protect speech that is  
2941 political in nature from discriminate takedowns.

2942 And I think there is steps we can do in terms of user  
2943 empowerment. Right now, the whole point of section 230 was  
2944 to give a little bit of balance between content moderation  
2945 that websites do and empowering -- giving users tools to  
2946 engage. And right now, that balance has shifted too far.

2947 And I think one step that we could do would be to  
2948 empower users to make their own content moderation decisions.  
2949 If you want Fox News to filter your feed before you see it,  
2950 maybe plug that in. If you want MSNBC's to do it, plug that  
2951 in. There can be third parties that offer ways to do content  
2952 filtering, or someone can just choose the Wild West version.

2953 But if we give people more power to make those  
2954 decisions, I think that is a pro-speech reform that we would  
2955 be better off, because then we can have, you know, robust,

2956 wide open political debates, which we are better for, because  
2957 that is how we solve problems in this country. It is not by  
2958 keeping ideas off the table, but by having robust discussions  
2959 about them.

2960           \*Mr. Duncan. I would love to see this committee or the  
2961 full committee deal with 230 protections, and have Big Tech  
2962 come back in, where we could delve into that.

2963           I will move on. Mr. -- Commissioner Simington, I know  
2964 you are a big proponent of looking at regulation of receivers  
2965 as a way to increase efficiency of how we use spectrum, based  
2966 on its scarce resource. How would you address the concerns  
2967 of industry about the potential burdens of such regulations?  
2968 And what are the benefits of ensuring that government users  
2969 of spectrum have to upgrade their standards to be more  
2970 efficient?

2971           \*Mr. Simington. This is a great question, because the  
2972 difficulty of taking receiver standards up in the past has  
2973 always been that it is a much, much, much more difficult  
2974 question than physical assessment of transmission.

2975           You can put a transmitter in a box and test if it is  
2976 emitting according to spec. For a receiver, you have to  
2977 field test it, and you have to field test it under a wide  
2978 variety of interference conditions. It is an exponentially  
2979 more complicated problem, much more like a large research  
2980 lab's R&D function than something that the Commission is



2981 capable of doing. And that is exactly what we don't want to  
2982 do here.

2983           So hopefully, industry is being assured right here,  
2984 right now that we are not going to cram burdensome  
2985 regulations down on them. Instead, the idea is going to be  
2986 to assess what constitutes an acceptable threshold of  
2987 interference between every band and service right here, right  
2988 now, and then to be able to compare and contrast them to  
2989 understand where it is that receivers' improvements could  
2990 lead to the availability of bands for commercialization, or  
2991 to otherwise greater spectral efficiency.

2992           I think that is the last free real estate we are likely  
2993 to find in the spectrum, but it is very valuable. So  
2994 hopefully, that is how we will get there.

2995           \*Mr. Duncan. Yes --

2996           \*Mr. Doyle. The gentleman's time --

2997           \*Mr. Duncan. -- thank you.

2998           \*Mr. Doyle. -- has expired.

2999           \*Mr. Duncan. Thank you, I yield back.

3000           \*Mr. Doyle. The chair recognizes Ms. Matsui for five  
3001 minutes.

3002           \*Ms. Matsui. Thank you very much, Mr. Chairman, for  
3003 having this hearing today. And I want to welcome the  
3004 commissioners, and especially congratulate Chairwoman  
3005 Rosenworcel.

3006           And I also want to say it sounds like we are having a  
3007 productive -- you know, before it even got to this point now  
3008 today, so you have already done productive work already.

3009           I have a question regarding receiver standards. While  
3010 recent disputes have highlighted the importance of spectrum  
3011 governance and coordination, it also reinforces the need to  
3012 take a meaningful look at the role receivers play in  
3013 supporting or hindering more intensive use of airwaves. I  
3014 know the FCC will be examining this important issue soon.

3015           I am also working on draft legislation that I believe  
3016 can complement this effort by assuring the Federal Government  
3017 isn't buying outdated or inefficient technology.

3018           Chairwoman Rosenworcel and Commissioner Simington, can  
3019 you describe the relationship between Federal receivers and  
3020 the spectrum pipeline, and do you think legislation  
3021 addressing Federal receiver supply could complement the FCC's  
3022 work?

3023           \*Ms. Rosenworcel. Thank you for the question and your  
3024 interest in spectrum policy, generally.

3025           Traditionally, we have had discussions about just  
3026 transition when it comes to spectrum. But if we want to be  
3027 efficient, we also have to think about the other end. We  
3028 have to think about receiving. For that reason, working with  
3029 Commissioner Simington, we have a notice of inquiry we will  
3030 consider next month on this subject.

3031           But I think what you are raising in legislation is  
3032 really important. Making spectrum receiver efficiency part  
3033 of government purchasing will change the market for receiver  
3034 equipment because government purchases at a greater scale  
3035 than anyone else.

3036           I think that that was a subject of an old executive  
3037 order, and it is an idea we need to revisit right now.

3038           \*Ms. Matsui. Okay, thank you. Mr. Simington, do you  
3039 have a comment?

3040           \*Mr. Simington. Yes. I just wanted to express my  
3041 appreciation for your work on the proposed Spectrum  
3042 Coexistence Act. I have, frankly, I have heard it quietly  
3043 said by people at major executive branch agencies that focus  
3044 on spectral efficiency, in terms of agency and government  
3045 procurement, is exactly how to improve relationships with the  
3046 FCC.

3047           \*Ms. Matsui. Okay, thank you.

3048           A reliable pipeline of valuable mid-band spectrum is a  
3049 fundamental part of keeping the U.S. ahead in the race to the  
3050 next generation wireless technology. To help keep our  
3051 pipeline robust and predictable, I recently called on NTIA  
3052 Administrator Davidson to finish the 2019 study on the 7  
3053 gigahertz band.

3054           Chairwoman Rosenworcel, you recently highlighted the  
3055 importance of spectrum in the 7 to 15 gigahertz range for 6G.

3056 How would completion of the study help industry prepare for  
3057 the future?

3058 And can you describe its potential for commercial use?

3059 \*Ms. Rosenworcel. Yes, thank you. So we are already  
3060 going there. We are talking about 6G. And it feels early,  
3061 but there are other nations that are already doing this, so I  
3062 think we should start targeting some airwaves.

3063 At Mobile World Congress I mentioned, as you suggested,  
3064 that spectrum between the 7 and 15 gigahertz bands should be  
3065 our target. So that NTIA study you mentioned that I believe  
3066 is ongoing is really important.

3067 \*Ms. Matsui. Okay. Thank you very much.

3068 In California wildfire season has grown from a seasonal  
3069 concern to almost a year-round threat. In the face of more  
3070 frequent and severe wildfires, hurricanes, and tornadoes, I  
3071 introduced the bipartisan Emergency Reporting Act, which  
3072 passed the House earlier this Congress. I am glad to see the  
3073 Commission taking action to improve network outage reporting  
3074 to help us prepare for and respond to emergencies.

3075 Chairwoman Rosenworcel, what steps is the FCC taking to  
3076 strengthen the resiliency of communications networks during  
3077 emergencies?

3078 \*Ms. Rosenworcel. Thank you. You know, whether it is  
3079 snowstorms in Texas or wildfires out West, we have got once-  
3080 in-a-lifetime weather events happening with increasing

3081 frequency.

3082           After Hurricane Ida hit land in Louisiana, Commissioner  
3083 Carr and I went and studied the communications damage and we  
3084 came back and immediately started a proceeding to consider  
3085 how we should, you know, update our wireless cooperative  
3086 resiliency framework that helps keep wireless service running  
3087 after disaster, what kind of notification is necessary for  
3088 911 and first responders in a disaster, and what reforms we  
3089 can make so that our power companies work better with our  
3090 communications companies.

3091           That is a discussion that is still ongoing, but I really  
3092 do appreciate that Commissioner Carr decided to participate  
3093 in that, and has been really thoughtful in trying to find  
3094 ways to advance it, consistent with the kind of concerns you  
3095 just described.

3096           \*Ms. Matsui. Okay. Well, thank you very much.

3097           And Mr. Chairman, I will yield back -- well, I guess --  
3098 I was going to yield back one second.

3099           [Laughter.]

3100           \*Mr. Doyle. You are right on time, Doris, thank you.  
3101 The chair recognizes Mr. Cardenas for five minutes.

3102           [Pause.]

3103           \*Mr. Doyle. Mr. Cardenas, you are -- you have five  
3104 minutes.

3105           \*Mr. Cardenas. Hello, this is Cardenas. I have five

3106 minutes?

3107 \*Mr. Doyle. Yes, you are up.

3108 \*Mr. Cardenas. Okay, thank you so much. I was having  
3109 problems with my iPad. Thank you very much. I appreciate  
3110 this opportunity, Mr. Chairman, Ranking Member, so that we  
3111 can have this opportunity to work with and speak to the FCC  
3112 commissioners, and all the wonderful work that is going on  
3113 around the country, and implementing legislation that we have  
3114 all passed and are very excited about.

3115 I would like to highlight, first of all, the  
3116 accomplishments of the Emergency Broadband Benefit Program,  
3117 the Affordable Connectivity Program, as well. EBB and ACP  
3118 are great examples that demonstrates what a partnership  
3119 between Congress, the FCC, and the internet service  
3120 providers, the private providers that can lead to including  
3121 making this program a reality for so many consumers. Public-  
3122 private partnerships can and do work. The FCC successfully  
3123 implemented this program, and the private sector stepped up  
3124 to participate and help consumers by offering free and low-  
3125 cost broadband to ensure that every family has access to  
3126 reliable, affordable, high-speed internet to stay connected  
3127 and to close the digital divide.

3128 For example, this morning I just found out that Charter  
3129 announced 100 megabit speed for under \$30 a month. That  
3130 means -- and also with no equipment, no installation charges,

3131 et cetera. That means that, with \$30 a month ACP credit, we  
3132 will be able to see families across America be able to afford  
3133 to have access to the internet at a speed that is -- so that  
3134 people can do their homework and then get their work done.

3135 Chairwoman Rosenworcel, it is good to see you. I love  
3136 working with you. And thank you so much for making yourself  
3137 so accessible to so many communities around the country,  
3138 especially in my district. How do you think the FCC can  
3139 build on this success, so that all households and communities  
3140 can benefit from the personal and economic benefits of high-  
3141 speed broadband internet?

3142 \*Ms. Rosenworcel. Thank you for the question, and thank  
3143 you for the work you are doing to get out the word about the  
3144 Affordable Connectivity Program in your own district.

3145 We are partnering with anyone and everyone who has a  
3146 good idea. We have worked with the Department of Education  
3147 to send out emails to everyone with a Pell Grant in this  
3148 country. We have worked with the Department of Labor to make  
3149 sure that in state unemployment centers there is information  
3150 about these materials. And my colleague, Commissioner  
3151 Starks, is spearheading an effort to work with Federal  
3152 housing authorities to make sure that they too learn about  
3153 it.

3154 The bottom line is that our program is up for iteration  
3155 at any moment in time when people on this committee or anyone

3156 else has a good idea about how we effectively get the word  
3157 out so people hear about it from people they trust. So keep  
3158 us posted. We would love to have your ideas. Keep them  
3159 coming.

3160       \*Mr. Cardenas. Thank you. And thank you for all the  
3161 work that you are doing across departments. I know people  
3162 accuse government of being too siloed, so thank you for  
3163 demonstrating that it can be done. And thank you for the  
3164 success that the FCC has had working across different  
3165 agencies and departments.

3166       When it comes to spectrum, two issues are very clear:  
3167 first, we need more spectrum available for commercial use;  
3168 and second, with little greenfield spectrum left, we need to  
3169 use all available tools to determine the most efficient use  
3170 of spectrum in every band.

3171       Chairwoman Rosenworcel, you and the FCC have really  
3172 showcased this ingenuity working with DoD, NTIA, and the  
3173 wireless industry to develop a successful sharing framework  
3174 in the CBRS, otherwise known as Citizens Broadband Radio  
3175 Service, thereby allowing commercial operators access to  
3176 critical mid-band spectrum, while protecting DoD operations  
3177 in the band. We should consider how sharing regimes like  
3178 this one can be used in other bands, including 3.1 to 3.4  
3179 gigahertz, and band that -- lower portions of the 37  
3180 gigahertz band.



3181           With spectrum being scarce, a scarce resource, what  
3182 other types of innovative sharing regimes are you considering  
3183 to help ensure we are getting the most efficient use out of  
3184 every megahertz of spectrum?

3185           \*Ms. Rosenworcel. Going forward, it is not going to be  
3186 easy. We are going to need creative spectrum policies like  
3187 what you just mentioned in the CBRS band. And we are also  
3188 going to need new technologies, continued use of automatic  
3189 frequency coordination, so that we have dynamic, real-time  
3190 information about when airwaves are available and when they  
3191 are not.

3192           The United States has always led on these issues. And  
3193 going forward it is something that I think we should continue  
3194 to pursue, and it is going to be a feature of our spectrum  
3195 policy for the foreseeable future.

3196           \*Mr. Cardenas. Leading is a source of pride, but, more  
3197 importantly, it is about economics and leading the world like  
3198 we have in the past.

3199           I would love to ask Mr. Starks a question to expand on  
3200 housing and access to -- when it comes to public housing, et  
3201 cetera, but I apologize. Hopefully you have an opportunity  
3202 to expand on that.

3203           Mr. Chairman, I yield back.

3204           \*Mr. Doyle. Okay, I thank the gentleman. The chair now  
3205 recognizes Ms. Kelly for five minutes.

3206           \*Ms. Kelly. Thank you, Mr. Chairman. I was a proud  
3207 supporter of the American Rescue Plan Act and its creation of  
3208 the Emergency Connectivity Fund. This legislation was  
3209 targeted at helping us close the homework gap that has been  
3210 talked about. The ECF is helping students and teachers  
3211 across the country access what is now a basic educational  
3212 tool: the Internet. Already, schools and libraries in  
3213 Illinois have been awarded over \$200 million from ECF, of  
3214 which over \$7 million has been awarded to my district, which  
3215 is urban, suburban, and rural.

3216           The Affordable Connectivity Program is another important  
3217 program enacted on a bipartisan basis that is helping to  
3218 connect the unconnected. Over 10 million consumers have  
3219 signed up for the program, and it is helping over 335,000  
3220 Illinoisans pay for broadband service each month.

3221           However, we know that nationwide there are over 38  
3222 million households eligible for ACP that aren't signed up  
3223 yet. Marginalized communities, including people of color,  
3224 immigrant populations, and non-English-speaking communities  
3225 are disproportionately disconnected, and are less likely to  
3226 be aware of ACP.

3227           Chairwoman, how does the FCC plan to engage with hard-  
3228 to-reach communities to ensure they are aware of the programs  
3229 and ultimately enrolled?

3230           And let me give my congratulations to you.

3231           \*Ms. Rosenworcel. Thank you. I have said it before, I  
3232 will say it again: We need trusted actors in communities  
3233 getting the word out.

3234           One of the things that we are doing right now is running  
3235 a proceeding to identify how to spend the outreach dollars we  
3236 have with local institutions to make sure that they have the  
3237 resources they need to amplify this program and reach people  
3238 where they are.

3239           I will also add that, as an act of transparency, on a  
3240 monthly basis we publish statistics for this program on a zip  
3241 code basis. So every office that serves on this committee  
3242 can look at that data, and try to understand if there is an  
3243 area within their district where they feel that more progress  
3244 can be made, you should let us know. We will study that data  
3245 with you, and try to identify a way forward.

3246           \*Ms. Kelly. Thank you so much, I appreciate it.

3247           Commissioner Starks, do you have any additional thoughts  
3248 on how the FCC can engage with hard-to-reach communities?

3249           \*Mr. Starks. It is a great question, Congresswoman. As  
3250 I have mentioned, the pilot program, particularly with public  
3251 housing -- I agree with Chairwoman Rosenworcel, making sure  
3252 that our community-based organizations -- advertising is  
3253 going to be important.

3254           One additional thing that I would offer up to you,  
3255 Congresswoman Kelly. You know, seniors are, in particular, a

3256 group that I think would benefit also from additional focus  
3257 on ACP. Just one out of three seniors, you know, one out of  
3258 three seniors lacks a home broadband connection. Nearly 13  
3259 percent of seniors live at or below the poverty line. And so  
3260 there is a way that they need to be part of our targeted  
3261 reach out.

3262           You know, I would also say, based upon the numbers thus  
3263 far for ACP, seniors only account for, you know, maybe about  
3264 10, 12, 15 percent of folks that are currently enrolling.  
3265 And so the last thing that I would say here, obviously, when  
3266 you are talking about digital divide with seniors  
3267 particularly, issues of digital literacy come into play.  
3268 Making sure that seniors have the confidence in both setting  
3269 up and using their internet connections is going to be a big  
3270 part of that reach-out, as well.

3271           \*Ms. Kelly. Thank you so much. Through the  
3272 Infrastructure Investment and Jobs Act, we are investing \$65  
3273 billion to help ensure that everyone has access to reliable,  
3274 affordable, high-speed internet. We know everyone is waiting  
3275 on the FCC's broadband maps so this important work can get  
3276 underway. But we have seen problems in the past when we  
3277 spent limited Federal dollars to build out our broadband  
3278 networks without first having accurate service maps.

3279           Chairwoman Rosenworcel, congratulations on recently  
3280 winning the bid process you all faced getting the maps

3281 underway. But with that, can you tell us why it is important  
3282 that the Commission not sacrifice accuracy for speed in  
3283 developing these maps, especially when this historic  
3284 investment is at stake?

3285 \*Ms. Rosenworcel. For too long at the FCC we have had  
3286 maps that don't work, that overstate service. And as a  
3287 result, when we have Federal dollars, we don't always send  
3288 them to the right places. So we have got to put a premium  
3289 right now on getting it right, because we are spending more  
3290 money on broadband deployment than ever before. And we are  
3291 going to also put a premium on sharing our data with every  
3292 single part of the Federal Government that is giving out  
3293 funds for broadband. We want to make sure that we are  
3294 coordinating like never before, as well.

3295 \*Ms. Kelly. Thank you. I just want to close by saying  
3296 I am eager for the fifth commissioner to be seated, so you  
3297 will be at full capacity.

3298 And I want to express my support for the agency acting  
3299 to re-establish its authority.

3300 I yield back two seconds -- or one now.

3301 \*Mr. Doyle. The gentlelady yields back. The chair  
3302 recognizes Mrs. Fletcher for five minutes.

3303 \*Mrs. Fletcher. Thank you, Chairman Doyle. And thanks  
3304 to you and Ranking Member Latta for convening today's hearing  
3305 on the Federal Communications Commission and its role

3306 regulating communications across the country.

3307           And thank you to Chairwoman Rosenworcel, and  
3308 congratulations, as well. Thank you to Commissioners Carr,  
3309 Starks, and Simington for joining us today, and for your  
3310 testimony. It has been very helpful, I think, for all of us  
3311 to hear these perspectives and cover these range of issues.

3312           And I join all of my colleagues who have expressed their  
3313 appreciation for your efforts to expand broadband deployment  
3314 to all communities, rural and urban. That includes your  
3315 leadership, in addition to all of your work in administering  
3316 the two historic affordability programs that we have  
3317 discussed today, the Affordable Connectivity Program and the  
3318 Emergency Connectivity Fund.

3319           In particular, schools and libraries in Texas's 7th  
3320 congressional district that I represent have been awarded  
3321 more than \$4 million through the ECF, and I know this will  
3322 open doors and opportunity for so many young people in my  
3323 district. So we are very appreciative of those efforts.

3324           And Chairman Rosenworcel, I wanted to take a minute to  
3325 touch on this. I really support your approach to  
3326 incentivizing communities and providers to work together  
3327 toward the shared goal of broadband deployment everywhere.  
3328 And that is why last year I introduced the Broadband  
3329 Incentives for Communities Act to provide critical resources  
3330 to cities and counties to enhance their zoning and permitting

3331 functions.

3332           Based on the experiences in my district in Houston,  
3333 where we have rolled out 5G, where we have a lot of folks who  
3334 have a lot of experience here, we have seen that those can be  
3335 real challenges. And so to enable the cities, counties,  
3336 communities that are permitting this expansion, we put  
3337 together this bill to help facilitate that process. And  
3338 given the billions of dollars provided for broadband under  
3339 the Infrastructure Investment and Jobs Act, we should make  
3340 sure that local jurisdictions that are interested in  
3341 expanding critical broadband and 5G services have access to  
3342 the resources that they need to manage the process, as well  
3343 as clear incentives to move quickly.

3344           So I would welcome the opportunity to work with you on  
3345 this issue by making this concept really a critical part of  
3346 our ongoing Federal support for fixed and wireless broadband  
3347 deployment. And that connects a little bit with, I think,  
3348 your approach, Chairwoman Rosenworcel, about kind of a  
3349 carrots-and-not-sticks approach for communities when it comes  
3350 to broadband deployment. Can you talk a little bit more  
3351 about your approach and strategy, and why you think that that  
3352 is how we should move forward with broadband deployment?

3353           \*Ms. Rosenworcel. Sure. You know, there are two things  
3354 I know to be true here. First, that we have a massive  
3355 infrastructure project underway in the United States right

3356 now to bring high-speed broadband to everyone, everywhere.  
3357 And the second thing I know to be true is that we have a  
3358 tradition of local control in the United States. We have got  
3359 a Tenth Amendment, and we have got people who want to have a  
3360 say in what is happening in their own backyard. So we have  
3361 got to figure out how to manage both of those two realities  
3362 at the same time.

3363         And I think what you are describing is spot on. We  
3364 should make sure that, when we are developing programs with  
3365 Federal funds, we condition those funds on having a  
3366 reasonable and streamlined process for things like permitting  
3367 and rights-of-way. And if we do that, we will both be able  
3368 to build out this infrastructure and honor that tradition of  
3369 local control, and do it in a reasonably speedy way. I think  
3370 that is a win-win across the board.

3371         So I very much appreciate the approach you just  
3372 described, and we would be happy to work with you on it  
3373 further.

3374         \*Mrs. Fletcher. Wonderful. Well, thank you so much. I  
3375 very much look forward to the opportunity to do that.

3376         And with the minute or so I have left, I also just want  
3377 to touch on the theme of resiliency for our communications  
3378 networks. In recent years in my district in Houston we have  
3379 seen many types of disasters, from the winter freeze that  
3380 everyone observed last year, to three 500-year floods three



3381 years in a row that knocked out power and hindered  
3382 communications access. So I would love to get your thoughts  
3383 and input on how we ensure network resiliency of existing  
3384 networks, and how we promote resiliency in the construction  
3385 of new networks.

3386 \*Ms. Rosenworcel. Well, we have an outstanding  
3387 proceeding on just that --

3388 \*Mrs. Fletcher. [Inaudible] to you, 30 seconds or so.

3389 \*Ms. Rosenworcel. We have an outstanding proceeding  
3390 just on that issue. And it was the byproduct of a trip that  
3391 Commissioner Carr and I took after Hurricane Ida.

3392 We are looking at updating the wireless cooperative  
3393 resiliency framework. We are looking at making sure that  
3394 first responders and public safety authorities get timely  
3395 notice of outages. And we are looking at improvements we can  
3396 make for coordination between telecommunications companies  
3397 and power companies, because commercial power is so important  
3398 for modern communications.

3399 \*Mrs. Fletcher. Well, thank you so much for that.

3400 I will ask the other commissioners to respond for the  
3401 record, since we won't have time.

3402 [The information follows:]

3403

3404 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3405

3406           \*Mrs. Fletcher. And I will yield back with two seconds,  
3407 Chairman Doyle, thank you very much.

3408           \*Mr. Doyle. I thank the gentlelady. The chair  
3409 recognizes Mr. Pence for five minutes.

3410           \*Mr. Pence. Thank you, Chairman Doyle and Ranking  
3411 Member Latta, for allowing me to join this subcommittee  
3412 hearing today. And thank you to the commissioners for being  
3413 here.

3414           As many of my colleagues have discussed today, rural  
3415 communities are left at a disadvantage because of a lack of  
3416 access to broadband service. Certainly, in my Indiana 6th  
3417 district, that is the case. Too many of my constituents  
3418 throughout southeast Indiana remain unserved, not under-  
3419 served, totally unserved by broadband providers. That means  
3420 access to telehealth, online education, remote work  
3421 opportunities, and social connections with family and friends  
3422 are simply out of reach.

3423           If we are going to close the digital divide with Federal  
3424 resources, the FCC should prioritize, in my opinion, parts of  
3425 the country that remain unserved before upgrading existing  
3426 networks in covered areas like my Indianapolis.

3427           Unfortunately, the delayed process for improving  
3428 outdated broadband service maps is still an issue for  
3429 providers in my district. Currently, consensus block data  
3430 will show coverage across my district, but all I have to do

3431 is drive from Columbus, my hometown, to Richmond or  
3432 Rushville, and I can tell you where I have no service.

3433           Meanwhile, broadband infrastructure has not escaped the  
3434 inflation and supply chain disruptions that ripple across the  
3435 country. In my district materials for broadband  
3436 infrastructure, such as fiber and other communication  
3437 equipment, still face upwards of 12-month backorders.

3438           Last summer I wrote to the Department of Commerce with  
3439 17 of my colleagues to consider opportunities to address  
3440 these shortages and secure materials necessary to close the  
3441 digital divide.

3442           Mr. Chairman, I request unanimous consent to insert this  
3443 letter for the record.

3444           \*Mr. Doyle. Without objection, so ordered.

3445           [The information follows:]

3446

3447           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3448

3449           \*Mr. Pence. Thank you, Mr. Chairman.

3450           I encourage the Commission to find ways to share  
3451 expertise with relevant agencies to alleviate delays and  
3452 release broadband maps so that Federal funding can reflect  
3453 the needs of southeast Indiana and all of rural America.

3454           Madam Chairwoman, I was pleased to see my bill, the  
3455 Broadband Interagency Coordination Act, signed into law in  
3456 2020. I understand the Commission has recently updated  
3457 interagency agreements to include additional agencies  
3458 regarding broadband coordination. However, it is also my  
3459 understanding the FCC does not have an interagency agreement  
3460 with every agency involved in broadband support programs.

3461           The IIJA requires your Commission to establish a  
3462 deployment locations map to provide an overview of federally-  
3463 funded broadband deployment projects across the country. Can  
3464 you explain the interagency process that your Commission is  
3465 conducting to implement this law?

3466           \*Ms. Rosenworcel. Sure. It is important that we  
3467 coordinate, because we have a chance to make generational  
3468 change with these funds, and we are only going to do it if we  
3469 are all working together. And to that end, consistent with  
3470 the law you described, in June of last year we signed a  
3471 memorandum of understanding with the Department of Commerce  
3472 and the Department of Agriculture to make sure that we share  
3473 our data with them so that we can make sure our efforts work

3474 together, and not in opposition.

3475 I have already notified our colleagues at the Department  
3476 of the Treasury we would like to do the same with them. They  
3477 have a \$10 billion fund. They are not mentioned in the  
3478 legislation, but we are casting far and wide, and trying to  
3479 make sure that we can all work off the same information, the  
3480 same data sets, and make good decisions together.

3481 \*Mr. Pence. Well, I was interested -- you know, I would  
3482 have identified Treasury. Thank you for doing that. Are you  
3483 optimistic that you are going to get everybody at the table  
3484 together?

3485 \*Ms. Rosenworcel. I am persistent.

3486 \*Mr. Pence. You are --

3487 \*Ms. Rosenworcel. That might be better.

3488 \*Mr. Pence. You seem like you do, so good.

3489 \*Ms. Rosenworcel. Yes.

3490 \*Mr. Pence. Well, thank you very much --

3491 \*Ms. Rosenworcel. It can happen.

3492 \*Mr. Pence. Thank you all for being here.

3493 And Mr. Chair, I yield back.

3494 \*Mr. Doyle. I thank the gentleman. Let's see, Mr.  
3495 Welch, you are recognized for five minutes.

3496 \*Mr. Welch. Thank you. Thank you very much, Mr.  
3497 Chairman.

3498 First of all, I just want to say to everybody that your

3499 job is so important, especially since there has been such  
3500 significant appropriations, basically bipartisan, to help on  
3501 broadband.

3502           Mr. Carr, you said something. Your tone concerned me a  
3503 little bit, but your concern I share. This money, okay, in a  
3504 lot of ways, is the easy part. We need resources in order to  
3505 get the capacity to have broadband in rural America. But it  
3506 is -- the hard, hard, hard work is actually getting it done,  
3507 getting each house wired. So I share that concern.

3508           But the tone part of it worried me a little bit, because  
3509 we are going to be depending on you and your organization to  
3510 keep an eye on this as it is being implemented. And I just  
3511 want you to know I share that concern, but I look to you and  
3512 your colleagues and the chair to make certain this money  
3513 results in folks in all of our districts having the broadband  
3514 that they absolutely need. Are you with me on that?

3515           \*Mr. Carr. Yes, absolutely.

3516           \*Mr. Welch. All right. So this has got to be a  
3517 cooperative effort is what I am saying.

3518           \*Mr. Carr. Yes.

3519           \*Mr. Welch. I mean, you all got to be together on this,  
3520 and it just would -- I would want to shoot myself if I saw  
3521 that this became a blame game before we even got rural  
3522 America wired. So thank you. Thank you for that.

3523           Congratulations, now-Chairwoman Rosenworcel. I want to

3524 ask you about 911. Our colleague, Anna Eshoo, has been a  
3525 huge champion of modernizing 911. And one of the challenges  
3526 we have in Vermont is we have got these antiquated systems.  
3527 You know, people are in back rooms, and there is bubblegum on  
3528 the chair. You know, it is just -- and we need it. It has  
3529 got to work, but we need some funds. And you have got a  
3530 spectrum auction that we are going to be considering re-  
3531 authorizing.

3532           And I think Anna -- Congresswoman Eshoo's thought is  
3533 maybe we could use some of that money, not just to go back to  
3534 the Treasury, but to upgrade the 911 services that we have  
3535 around the country and, again, all of our districts. I would  
3536 ask you to comment on that.

3537           \*Ms. Rosenworcel. Yes. Thank you for that. I  
3538 appreciate it. I think it is an important idea.

3539           I think you have an opportunity to make history. We  
3540 have got more than 6,000 911 call centers all across this  
3541 country. You know, the odds are you might only call them  
3542 once in your life, but it will be the most important call you  
3543 ever make. And many of those centers are not upgraded for  
3544 the digital age. But if you were to re-authorize our  
3545 spectrum auctions, we take the revenue from public airwaves  
3546 and dedicate it to setting up a nationwide fund to update  
3547 911. I think that is within this committee's power, and it  
3548 would be a great thing to do.

3549           \*Mr. Welch. Yes, well, I hope all -- but, Commissioner,  
3550 you will have a discussion on that. But that certainly would  
3551 be helpful to Vermont.

3552           Another question that I would ask each of you to answer,  
3553 there is more and more VIoP [sic] -- you know, the phones are  
3554 over the internet, and that is happening in Vermont, it is  
3555 happening all around. When they weren't over the internet,  
3556 then there was regulatory authority if consumers had  
3557 complaints. Now there is no regulatory authority if  
3558 consumers have complaint for the voice over internet. I  
3559 think there should be.

3560           And I just ask -- I don't have much time, but ask each  
3561 of you -- I will start with you, Mr. Simington, whether you  
3562 would be in favor of us making certain -- actually, you can  
3563 do it, have authority to address legitimate consumer  
3564 complaints if they have problems with their voice over  
3565 internet.

3566           \*Mr. Simington. It is certainly within Congress's power  
3567 issue to require us to address anything of that nature, yes.

3568           \*Mr. Welch. I think it is within your power. I think  
3569 you could do it, as well.

3570           \*Mr. Simington. Well, I have got no objection. And, as  
3571 some of my colleagues have mentioned earlier today, we are  
3572 moving up the timeline for VoIP in response to the TRACED Act  
3573 exactly for that purpose.



3574 \*Mr. Welch. Thank you.

3575 And Mr. Carr?

3576 \*Mr. Carr. Thank you, Congressman, for the question. I  
3577 am very open to taking a look at VoIP, and making sure we  
3578 have the right regulatory framework around it --

3579 \*Mr. Welch. Right.

3580 \*Mr. Carr. -- given what that technology is, to make  
3581 sure we protect consumers.

3582 Obviously, consumers have other services they have a  
3583 certain expectation on, and it is not entirely clear to me  
3584 that -- why we should have such a gap with VoIP, as well.

3585 \*Mr. Welch. Thank you.

3586 And Chairwoman Rosenworcel?

3587 \*Ms. Rosenworcel. Yes. Communications is an essential  
3588 service. It needs oversight from the FCC.

3589 \*Mr. Welch. Okay, thank you. Well, I certainly support  
3590 that, and I appreciate you working together on it.

3591 Mr. Chairman, I yield back.

3592 \*Mr. Starks. For my part, Congressman --

3593 \*Mr. Welch. Sorry, that is right, Mr. -- I am sorry.

3594 \*Mr. Starks. No, no, no, no worries. The only thing  
3595 that I would additionally add is that, you know, we adopted  
3596 an NPRM seeking comment on a wide variety of resiliency  
3597 issues, including VoIP services. And that may be another way  
3598 that we can start to help think through this.

3599 \*Mr. Welch. Okay. Thank you.

3600 I yield back.

3601 \*Mr. Doyle. The gentleman's time has expired. The  
3602 chair recognizes Mr. Carter for five minutes.

3603 \*Mr. Carter. Thank you, Mr. Chairman, and thank all of  
3604 you for being here. This is extremely important.

3605 And I want to give a shout out to Commissioner Carr. He  
3606 has been to my district before, and I appreciate that. I  
3607 appreciate it very much.

3608 I want to ask you, Chairwoman Rosenworcel -- we have  
3609 rolled out some programs. Every time you roll out relief --  
3610 and you need to be very careful. All of us understand that,  
3611 and it needs to be delicately dealt with. However, we have  
3612 not dealt with something like we have with this COVID  
3613 pandemic in the past, and that is the enormous and quick  
3614 rollout that we have had.

3615 Therefore, we -- you know, there is always going to be  
3616 problems, there is always going to be bad actors, and there  
3617 is bad actors in everything. There is bad actors in  
3618 pharmacy, bad actors in health care. And so it is just part  
3619 of it.

3620 But I know that we are going to see and discover later  
3621 on, as this -- as time goes on, that there were a lot of bad  
3622 actors, and that probably we are going to discover that. But  
3623 unfortunately, we have already seen it. We have already seen

3624 it happen. The FCC inspector general recently detected fraud  
3625 in the Emergency Broadband Benefit program.

3626 What were the OIG's findings on that? Can you go over  
3627 that for me very quickly?

3628 \*Ms. Rosenworcel. Sure. We had to get this program up  
3629 and running in 60 days. And you also, I think, you know, in  
3630 a smart effort, asked the inspector general, "Take a close  
3631 look at it," because you get a program up and running fast,  
3632 you have got to make sure there are no loopholes.

3633 They identified a loophole, which is that we had a  
3634 streamlined process for registering households that have  
3635 children in community-eligible participation schools with  
3636 high numbers of kids on the free and reduced lunch program.  
3637 And immediately upon learning that we shut down our portal  
3638 for collecting that -- those applications, we added  
3639 additional documentation. We referred bad actors to our  
3640 enforcement bureau, and we also made sure that we reached out  
3641 to every single provider and every single subscriber that had  
3642 signed up through that portal to re-certify and re-verify  
3643 them. And we have got ongoing enforcement activity to take  
3644 -- to hold to account anybody who caused problems using that  
3645 portal.

3646 So to be candid with you, I think the system worked as  
3647 intended. We got it up and running fast. We found a  
3648 problem, and we addressed it with speed.

3649           \*Mr. Carter. Commissioner Carr, what lessons do you  
3650 think we can learn from this, from these findings?

3651           And how can the FCC tighten eligibility in the  
3652 enrollment process so that we reduce waste, fraud, and abuse?

3653           \*Mr. Carr. Thank you, Congressman, for the question.  
3654 Great to see you again.

3655           You know, look, I think part of the concern that I had,  
3656 and part of maybe the energy driving behind my concern is I  
3657 really think we are headed towards a problem here. We are  
3658 going to waste a lot of funds. And I wrote letters last  
3659 summer to four different executive branch agencies --  
3660 Treasury, Education, Commerce, Agriculture, about, hey, could  
3661 we work together, can we coordinate to make sure we don't  
3662 waste this opportunity? And I didn't even get responses from  
3663 all of the agencies.

3664           And so the frustration that I have is that we are trying  
3665 on the front end to solve this before it is too late. And it  
3666 is not clear to me that we have the guardrails in place. So  
3667 again, one, we have to have these maps at the FCC that we  
3668 drive this through; we have to avoid overbuilding; we have to  
3669 have tracking controls in place, so that agencies know where  
3670 their funds are going, and one of the responses that I did  
3671 get didn't give me a lot of confidence that we are doing  
3672 that; and we need to empower our inspector general with the  
3673 tools that they need to ferret out waste, fraud, and abuse.

3674           And in fact, there is a request even to get a Senate-  
3675 confirmed IG at the FCC. I don't know if that will be better  
3676 or worse, but that is another step that could be taken.

3677           \*Mr. Carter. Right, good. Thank you for that.

3678           Chairwoman Rosenworcel, let me ask you. The Affordable  
3679 Connectivity Program and the Emergency Connectivity Fund,  
3680 they both provide funding for devices and internet  
3681 connectivity, some of which can be used to purchase a hotspot  
3682 or a connected device. In instances where an eligible low-  
3683 income household is also eligible for ECF funds, how is the  
3684 FCC ensuring that these two programs are not duplicating one  
3685 another?

3686           \*Ms. Rosenworcel. We actually have rules in place to  
3687 prevent that from taking place. So we developed the ECF  
3688 program to make sure that we check on that during our  
3689 enrollment process to prevent just what you are describing.

3690           \*Mr. Carter. So you are pretty confident that that is  
3691 not going to happen?

3692           \*Ms. Rosenworcel. We have rules in place. We will  
3693 monitor it over time. I understand what you are saying. You  
3694 know, we don't have infinite resources. We want to reach as  
3695 many people as possible with these --

3696           \*Mr. Carter. Sure.

3697           \*Ms. Rosenworcel. -- programs, and that is why we have  
3698 a rule to that effect. But it is something we will certainly

3699 monitor over time for the reasons you describe.

3700           \*Mr. Carter. Good. Commissioner Carr, I wanted to end  
3701 with this. Even before the pandemic, the broadband providers  
3702 had programs to assist low-income customers get or stay  
3703 connected to the internet. Since then these programs have  
3704 expanded, they have improved service, and they have become  
3705 more widely available, which is good.

3706           Combined with Federal subsidies, many service plans are  
3707 free to consumers, yet we still see people who are not  
3708 adopting these services. Going forward, we need to examine  
3709 the impact these Federal programs like the Affordable  
3710 Connectivity Program and Lifeline have on adoption rates to  
3711 determine if they can -- if they continue to be necessary.  
3712 So I hope that you all will pay close attention to that, as  
3713 well.

3714           Thank you, Mr. Chairman, and I will yield back.

3715           \*Mr. Doyle. The gentleman yields back. The chair  
3716 recognizes Mrs. Dingell for five minutes.

3717           \*Mrs. Dingell. Thank you, Mr. Chairman. Thanks for  
3718 having this hearing. And I am going to cut to the chase,  
3719 since we have votes.

3720           This hearing has highlighted that broadband and spectrum  
3721 access remains a necessity [inaudible] today's economy and,  
3722 as the chairwoman and commissioners have emphasized, offer  
3723 educational opportunities, medical services, and provide new

3724 avenues for cutting-edge public safety advancements.

3725 I want to focus on developments in communications  
3726 technology and its potential uses in roadway safety.

3727 Chairwoman Rosenworcel [inaudible] questioning has to do  
3728 with the FCC's ongoing [inaudible] gigahertz proceeding. In  
3729 -- the Commission's initial report and order from November  
3730 2020 designated the upper 30 megahertz of this band for  
3731 intelligence transportation systems, or ITS. It furthermore  
3732 stated that the C-V2X was the technology that should be  
3733 utilized for ITS.

3734 The Commission asked for further comment on implementing  
3735 C-V2X and winding down DSCR [sic] last spring. We are now  
3736 one year removed from that public comment period and two  
3737 years removed from the original R&O, and I understand much  
3738 work remains for those state and local DoTs and/or automakers  
3739 who want to deploy this potentially lifesaving technology.

3740 Based on the current record before the Commission, how  
3741 is C-V2X expected to advance automobile safety in this  
3742 country?

3743 And most importantly, will you work with those  
3744 automobile stakeholders who want to deploy the C-V2X  
3745 technology in the 5.9 gigahertz band?

3746 \*Ms. Rosenworcel. The quick answer is yes. We are in  
3747 conversation with them right now. I know that they want  
3748 early access to that 30 megahertz of spectrum, and they have

3749 a petition before us requesting access. It is my  
3750 understanding they are going to be updating that petition.  
3751 We are waiting for that, and I hope we can proceed.

3752 That is the technology that is, of course, the successor  
3753 to DSRC, and I think it has lots of potential in that 30  
3754 megahertz of spectrum. So we want to be able to stay in  
3755 contact with them, and stay in contact with you, and see if  
3756 we can make that happen.

3757 \*Mrs. Dingell. This matters. We have delayed it for  
3758 too long.

3759 What can the FCC do next to aid automobile stakeholders  
3760 interested in deploying C-V2X?

3761 Can the FCC provide any timeline at this time to enable  
3762 the deployment of C-V2X?

3763 \*Ms. Rosenworcel. I think the most important thing at  
3764 this point is that we get that updated petition, we provide  
3765 them with access on a special temporary authority basis, so  
3766 they can do the kind of experimentation necessary, so they  
3767 can develop their systems and we can develop rules. That is  
3768 my goal to have happen as soon as feasible. So we will  
3769 continue to work with them and you to make sure that that  
3770 actually takes place.

3771 \*Mrs. Dingell. I will commit to working with you and  
3772 them.

3773 I want to emphasize that this needs to be a priority for



3774 the agency. These stakeholders need clarity, and I urge the  
3775 FCC to do all it can to enable the deployment of C-V2X  
3776 faster. I will continue to push to ensure that we are  
3777 addressing this issue with the urgency that it demands.

3778         Lastly, what protections are in place to ensure that  
3779 interference from unlicensed devices in the lower 45  
3780 megahertz will not interfere with ITS's use of the upper 30  
3781 megahertz in the band?

3782         \*Ms. Rosenworcel. I should point out that this is the  
3783 subject of ongoing litigation in the D.C. Circuit. There are  
3784 some auto interests that have taken the decision from 2020 to  
3785 court to hash this out in front of a judge. So that is  
3786 ongoing right now.

3787         But I have confidence in the engineering work of the FCC  
3788 that was done before I took over the agency that suggested  
3789 that there is no reason to be concerned for interference. We  
3790 are going to be able to accommodate in this band both auto  
3791 safety interests and unlicensed interests.

3792         \*Mrs. Dingell. Thank you. I just want to say it is  
3793 vital that we are developing forward-thinking policy to  
3794 support the rollout of this cutting-edge, lifesaving  
3795 technology such as V22X [sic]. I want to work very closely  
3796 with you, because this will save lives on the roads.

3797         Thank you very much. I yield back.

3798         \*Mr. Doyle. The gentlelady's time has expired. We just

3799 have two more witnesses, or two more members, and hopefully  
3800 we can maybe get this so we don't have to recess for just one  
3801 more person.

3802 Mr. Joyce, you have five minutes, but if you don't want  
3803 to use it all, that would be great.

3804 [Laughter.]

3805 \*Mr. Joyce. Thank you to my fellow Pennsylvanian,  
3806 Chairman Doyle, and Ranking Member Latta for allowing me to  
3807 waive onto this hearing.

3808 And congratulations, Chairwoman Rosenworcel, for your  
3809 new position.

3810 My first question is for Commissioner Carr. Many of us  
3811 have kind of bad habits of signing up for subscription  
3812 service, whether it is Netflix or a free trial online, and  
3813 then forgetting about it. And then a few months later, you  
3814 know what happens? The bill arrives, and you weren't using  
3815 the subscription, and you cancel the bill. When it comes to  
3816 Federal subsidy programs, that bill can continue to increase  
3817 if eligible households eventually move out of their  
3818 eligibility, and yet continue to receive support on an  
3819 ongoing basis.

3820 Does the Affordable Connectivity Program have ongoing  
3821 verification processes to continually review and validate  
3822 eligibility?

3823 \*Mr. Carr. Yes, thank you, Congressman, for the

3824 question.

3825           Generally, with our programs we have usage requirements  
3826 and other checks that we make. And I can confirm that we  
3827 have all of those right ones in place for ACP, as well.

3828           \*Mr. Joyce. Thank you. I think that is very important.  
3829 Strengthening those safeguards to re-verify and re-apply for  
3830 the ACP program on a periodic basis does help to prevent  
3831 waste, fraud, and abuse. And I urge the Commission to  
3832 continue utilizing these types of accountability measures in  
3833 the program.

3834           Chairwoman Rosenworcel, I have serious concerns about  
3835 the different Federal agencies making funding decisions based  
3836 on different sets of data. That, coupled with the differing  
3837 grant programs, it is really ripe for wasting Federal funds,  
3838 rather than focusing on the truly unserved parts of America.  
3839 So this is going to be kind of a quick question, as the  
3840 chairman requested.

3841           This is yes or no. Do you agree that the FCC's RDOF  
3842 program is on a path towards successfully narrowing the  
3843 digital divide thus far?

3844           \*Ms. Rosenworcel. Yes.

3845           \*Mr. Joyce. The second question -- again, we are going  
3846 to make it quick, yes or no -- do you agree that the NTIA  
3847 should follow a similar structure, and not impose open access  
3848 requirements or price regulations and requirements on

3849 recipients of their BEAD grant program?

3850           \*Ms. Rosenworcel. I believe those questions are up to  
3851 them and whatever authority you ultimately provided to them  
3852 in the infrastructure bill.

3853           \*Mr. Joyce. I do not support the NTIA imposing open  
3854 access or price regulation as a condition for grant funding.  
3855 I think that opens it up to so many areas of  
3856 disqualification.

3857           Now, changing subjects, it is clear that the American  
3858 consumers rely heavily on wireless. And we see it. We see  
3859 it in the use of mobile phones, Wi-Fi and, increasingly,  
3860 connected devices like thermostats and even door locks. With  
3861 this demand for wireless services, how are each of you  
3862 looking at the need for a spectrum strategy that includes a  
3863 balance of license and unlicensed spectrum?

3864           And first I will ask Commissioner Carr.

3865           \*Mr. Carr. Well, thank you. This is -- a year ago I  
3866 put forward a spectrum calendar with listed bands. I thought  
3867 it would get done that year, this year, and next year. For  
3868 instance, in that I included 3 to 4, 5 gigahertz, which we  
3869 have done; 2.5 gigahertz, which hopefully we are doing soon;  
3870 6 gigahertz -- I think we could look to authorize very low  
3871 power devices, as well as client-to-client device  
3872 communications. We can seek comment on increasing power in  
3873 3.5 CBRS, and we could take a look at UNII2c and on licensed

3874 band, and looking at whether we can make that more usable.  
3875 And there are some additional bands for this year and beyond  
3876 that I have also listed that I think will help keep us on  
3877 track.

3878 \*Mr. Joyce. Chairwoman Rosenworcel, from your new  
3879 perch, how do you address this?

3880 \*Ms. Rosenworcel. We are going to have to work with you  
3881 in Congress to make sure we identify more spectrum that we  
3882 can make available for both licensed and unlicensed purposes.

3883 The truth is that many of the Federal actors that have  
3884 allocations today are not eager to give it up. And we are  
3885 going to need to work with Congress to make sure that their  
3886 allocations are efficient, and when they have airwaves that  
3887 they can make available for commercial auction or new  
3888 unlicensed use, they do so.

3889 \*Mr. Joyce. And we look forward to working with you in  
3890 those regards.

3891 Commissioner Simington, would you please address this?

3892 \*Mr. Simington. Absolutely. Everything that has been  
3893 said so far is correct. We need to continue bringing  
3894 licensed spectrum to market.

3895 Part of the obstacle in the background of everyone's  
3896 thinking about the question of bringing licensed spectrum to  
3897 market is the conflict that inevitably arises. And so we  
3898 need tools to diffuse those conflicts in advance, which is

3899 where I think we are trying to go with the receiver NOI.

3900 As far as unlicensed uses, I would also note that some  
3901 unlicensed uses have proven to be so encumbered that only a  
3902 small portion of the actual unlicensed spectrum that is  
3903 allocated is actually supported by vendors. And I would be  
3904 happy to support that with examples in --

3905 \*Mr. Doyle. The gentleman's time has expired. Thank  
3906 you.

3907 Is Mrs. Trahan still looking to ask questions?

3908 \*Mrs. Trahan. I would love to, if there is time, Mr.  
3909 Chairman.

3910 \*Mr. Doyle. Okay. You have got 5 minutes, and we have  
3911 got 1 minute and 12 seconds until the vote is over. So go  
3912 for it.

3913 \*Mrs. Trahan. Well, thank you, thank you, Chairman  
3914 Doyle, Ranking Member Latta, for allowing me to waive on  
3915 today to discuss a crucial agency.

3916 The bipartisan infrastructure bill included 65 billion  
3917 to ensure that every American has access to high-speed  
3918 internet, and Massachusetts is slated to receive no less than  
3919 100 million to help provide broadband coverage to 137,000  
3920 people who currently lack it.

3921 The legislation also created the new Affordable  
3922 Connectivity Program, the long-term iteration of the  
3923 Emergency Broadband Benefit. And according to recent data,

3924 over 161,000 Massachusetts residents have enrolled in the  
3925 program already.

3926 Congress created the Emergency Connectivity Fund in the  
3927 American Rescue Plan that funds devices and internet service  
3928 to students and teachers and library patrons, and schools and  
3929 libraries in my district in Massachusetts have received about  
3930 seven-and-a-half million dollars from this fund.

3931 So I just want to thank you all for your leadership on  
3932 this important program. Each of these investments is  
3933 critical to ensuring that no family ever has to sit in a fast  
3934 food parking lot to get online again.

3935 But the infrastructure law also included a broadband  
3936 nutrition label provision spearheaded by my colleague,  
3937 Congresswoman Craig, and dedicated public interest groups.  
3938 And this provision is vital in helping my constituents  
3939 understand their broadband service speeds, costs, and network  
3940 management in simple, clear terms. It is a great idea, but  
3941 the label won't work if people can't see it. ISPs are very  
3942 good at hiding fees in the fine print, and so we need to make  
3943 sure they don't hide this new label.

3944 Chairwoman Rosenworcel, it is, first of all, great to  
3945 see you again. I know the Commission is still working to  
3946 finalize those rules, but I think it is critical that these  
3947 labels be displayed in a number of places most often seen by  
3948 consumers, including their monthly bills. Can you just talk

3949 briefly about why this kind of transparency is so important  
3950 for consumers, and also for competition?

3951 \*Ms. Rosenworcel. Yes, I agree. Look, you go into the  
3952 grocery store, you pull boxes of cereal off the shelf, you  
3953 can compare calories and carbohydrates really easily, because  
3954 they have the same nutrition label. That is what we are  
3955 going for here. All of us know that so many of the details  
3956 get buried in the fine print. We want to make it easy for  
3957 people to compare service and make good choices for their  
3958 families. The goal is to make these labels mandatory, so  
3959 that consumers can come to expect them any time they choose  
3960 to sign up for or purchase broadband service.

3961 \*Mrs. Trahan. I couldn't agree more. I have been  
3962 advocating for similar measures from tech platforms for terms  
3963 of service labeling. It is clear to me that enforcement is  
3964 very important with this kind of transparency.

3965 For example, this committee has worked to ensure the FDA  
3966 nutrition label, as you mentioned, is accurate for over 30  
3967 years. And with the new broadband label, consumers are going  
3968 to need an easy way to report problems, and the FCC should be  
3969 prepared to investigate.

3970 Do you have thoughts on how the FCC can enforce the  
3971 label requirement?

3972 \*Ms. Rosenworcel. I think it will provide us with an  
3973 additional tool. If a consumer signs up for service and the



3974 label says that they get a minimum speed, and they don't get  
3975 that minimum speed, and we start hearing from lots of  
3976 consumers about that, we are going to have an opportunity to  
3977 enforce and take action against them, and hold them to their  
3978 word. So it provides an additional route for enforcement  
3979 activity going forward.

3980 \*Mrs. Trahan. Great.

3981 Mr. Chairman, I appreciate you allowing -- squeezing me  
3982 in at the tail end, and I yield back.

3983 \*Mr. Doyle. The gentlelady yields back. The chair  
3984 requests unanimous consent to enter the following records and  
3985 other information into the record: a letter from Leadership  
3986 Conference on Civil and Human Rights; a document from former  
3987 FCC Chair Michael O'Reilly; an op ed from Congressman  
3988 Crowley; an op ed from Neil Freed; a letter from 11  
3989 organizations on the 5.9 gigahertz band; a letter from U.S.  
3990 Chamber of Commerce; a letter to former FCC Chairman  
3991 Genachowski; and a letter to the Honorable Gina Raimondo.

3992 Without objection, so ordered.

3993 [The information follows:]

3994

3995 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3996

3997           \*Mr. Doyle. I want to thank our witnesses for their  
3998 participation today.

3999           I remind members that, pursuant to committee rules, they  
4000 have 10 business days to submit additional questions for the  
4001 record to be answered by the witnesses who have appeared. I  
4002 ask the witnesses to respond promptly to any such questions  
4003 you may receive.

4004           At this time, the committee is adjourned.

4005           [Whereupon, at 1:49 p.m., the subcommittee was  
4006 adjourned.]