

**STATEMENT OF  
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COMMITTEE ON ENERGY AND COMMERCE  
UNITED STATES HOUSE OF REPRESENTATIVES  
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Good morning, Chairman Pallone, Ranking Member Walden, Chairman Doyle, Ranking Member Latta, and Members of the Subcommittee. Thank you for the opportunity to appear before you virtually today.

We are now more than six months into a punishing coronavirus pandemic that the United States has failed to control. We have now surpassed 6 million confirmed cases. Nearly 200,000 Americans have died. 13 million Americans are still out of work. Simply put, the United States has not succeeded in protecting the physical and financial health of its people. We must fix this, and we must work together to do so.

Our mission at the Federal Communications Commission—to connect all Americans to advanced communications capability—is an essential part of the nation’s pandemic response. But six months in I worry that in pursuing that mission the FCC also has left too many people in too many places behind. This is true in rural America, urban America, and everywhere in between.

We need a 100% policy. We need 100% of us connected to broadband. Just like with electricity. Just like with water. That’s because no individual, no household, and no community will have a fair shot at success without it.

We’re not there yet. Far from it. You see it in the reports of the digitally disconnected all around the country. You see adults sitting in hot cars in parking lots just to catch a Wi-Fi signal to go online for work. You see kids lingering outside schools that are shut with laptops just to get a wireless signal so they can go to online class. You see cities and towns fearful that they will not survive this crisis without extending broadband to their residents and businesses. And much like the effects of the virus itself, those who are disconnected are disproportionately from groups that for too long have suffered systemic discrimination.

One place you don’t see it is in FCC statistics. Because just a few months ago the agency issued its annual Broadband Report and pronounced the state of deployment “reasonable and timely.” In other words, all is well. This is just not credible. The agency insists only 18 million people do not have access to high-speed service. But other reports put that number as high as 42 million or even 162 million.

We have a lot of work to do to reach 100%. But we need to strengthen our resolve and make it happen. Because as a nation we need connections now—physical and digital—that strengthen our mutual bonds. We need connections that remind us that our states are united and

our interdependence is powerful. That's because networks that connect more people in more places lift us all.

To meet this moment, we need to extend communications opportunity broadly. Our efforts to date won't cut it. Just extending the policies from the past that got us to where we are now is not good enough. We need to think bigger. We need to develop a 100% policy so that no community in this country is consigned to the wrong side of the digital divide.

***First, we need a clear plan to fix the Homework Gap.***

This month traditionally marks the return to school for so many students across the country. Yet it's a return to school that bears little resemblance to years past. Most major school districts are beginning the year with remote learning. Other districts have opted for hybrid approaches to learning that also rely on internet access. What this means is that students are being told to head online for class. But students without internet access at home are locked out of the virtual classroom. We need to make it a priority to fix this Homework Gap and connect every student so they can have a fair shot at continuing their education.

According to new data as many as 16.9 million children fall into the Homework Gap. They are in every state in the nation and the Homework Gap is especially prevalent when it comes to students of color and students in rural areas. During this school year they will be asked to join classes online, communicate with their teachers, and keep up with their peers.

But it's just not possible right now. Across the country kids are sitting outside of school buildings, libraries, fast food restaurants, anywhere they can get online just to go to class. Others are navigating remote learning using mobile devices and services with data caps. It's not right. I've seen all of this firsthand in my travels to New Mexico, California, Texas, Ohio, North Carolina, and places in-between. The Homework Gap existed before this pandemic, but it's doubly urgent that we solve it now. The kids who are finding a way to get connected for remote learning when they live in homes without internet access have extraordinary grit. Just look at the efforts they made to continue with their education. But no parent—in rural or urban America—would ever choose this for their child.

The good news is we can fix this. We can solve the Homework Gap. Even better, we have a sound basis to do so through the E-Rate program. In fact, the agency has even done this in the past on a trial basis! That means the FCC could use E-Rate *right now* to provide every school library with Wi-Fi hotspots and other connectivity devices to loan out to students who lack reliable internet access at home. This is a crisis. But we can help solve it—and the FCC should get started immediately.

Alternatively, if you see fit to address this issue through legislation, I hope that we can move fast and faithfully to implement any directives you provide. I am optimistic that we can fix the Homework Gap. We can make sure no child is left offline.

*Second, we need a clear plan for broadband for all.*

In this pandemic so much of modern life has migrated online. As a result, it has become painfully clear there are too many people in the United States who lack access to broadband. It has become obvious that our nation's digital divide is very real and very big.

If we are going to address the digital divide, we need to commit to meaningfully address broadband adoption. This aspect of the digital divide is not just a problem in rural America. By some estimates, there are three to four times as many households without internet access in urban and suburban areas across the country. This cruel pandemic has revealed this like nothing before. In too many cases, families are struggling without connections or metering out life in this crisis with capped data plans shared by a family on a prepaid mobile phone. According to the Pew Research Center, almost one third of broadband users and one third of smartphone users report they worry about not affording their bills during this pandemic. This affordability fear is especially high among lower-income broadband users with over half saying they worry about paying for their internet connection over the coming months.

It's time to update our thinking about broadband adoption from front-to-back. Unemployment has reached historic levels and too many families are facing real income insecurity. We need to have an honest conversation about the barriers to broadband adoption. Regrettably, this FCC has been disinterested. It's not something we spend time on in our annual Broadband Report. Going forward, it should be. It's essential that we understand it if we truly want to close the digital divide.

Next, we need to understand the scope of our national broadband deployment challenges. After all, we cannot manage problems that we do not measure. Yet it's an open secret that the FCC does not know with certainty where broadband is and is not across the country. We don't have accurate data. We don't have reliable maps. That means in the United States we lack an honest picture of the communities that are consigned to the wrong side of the digital divide and the people and places most at risk of falling further behind.

This needs attention. A year ago the FCC acknowledged as much when it committed to updating its broadband data efforts to get correct maps in place. Then Congress built on this foundation when it passed the Broadband DATA Act—led by the thoughtful work of this Committee.

But so far, the FCC has little to show for it. As noted before, the agency recently reported only 18 million Americans do not have access to broadband nationwide. But this number is based on the same problematic methodology you called for us to stop using in the Broadband DATA Act. This figure is simply not a true measure of the lack of broadband in rural America and on Tribal lands.

Despite our lack of progress to improve our nation's dubious broadband data, the FCC is poised to hand out billions and billions of dollars in federal support with the new Rural Digital Opportunity Fund based on maps we know are wrong. It has proposed the same course with its wireless 5G Fund. We can and should do better.

We need to roll up our sleeves and get the data we do not have about where service is and is not in rural communities. While we're at it we need to incorporate the experience of so many people across the country who can tell us what service looks like where they live and why our maps are wrong. After all, the best broadband map will not be built in Washington. It will be built by all of us. The sooner we get started on this, the better. Because without it we will never be sure that we are targeting our universal service support to the right places.

***Third, we need a clear plan to keep all Americans connected.***

Everyone needs communications for digital age success. It was true before this crisis. But it's even clearer now. That's because staying connected means you have a fighting chance at maintaining some semblance of normal life. It's increasingly essential for work, for school, for healthcare, and so much more.

It's a good thing that hundreds of communications providers have committed to keep America connected, pledging to open their networks, lift fees, and promising not to discontinue service. They deserve credit for making these commitments.

But over the summer, the FCC's pledge came to an end. Some providers are carrying on with their promises, which is commendable. They deserve our gratitude and applause. But this pandemic is still moving through so many communities and upending so many lives. We need new ideas now to keep Americans connected in the future.

To this end, the FCC should seek to work with communications providers to fashion new commitments and work with this Committee to help them do so. But we need to do more, especially with so many newly unemployed. We also need to rethink the Lifeline program to meet this moment.

For nearly four decades, this program has helped low-income households get connected to modern communications. It got its start when President Reagan was in the White House and most communications involved a curly cord with a telephone connected to a jack in the wall. It was a long time ago. But what the FCC recognized then—that a connection was essential for school, for work, for healthcare, for reaching out in an emergency—is just as true today. But during the last several years the FCC has cut this program to the bone, despite the fact that so many people have relied on it—including more than two million elderly and more than 1.3 million veterans. We need to change course and identify how it can help more Americans keep connected to the communications services that are essential to navigate the ongoing public health and economic crisis.

We can start by updating Lifeline so everyone can maintain some semblance of modern life. We also need to revisit eligibility criteria. Then we should work with our partners at the federal, state, and local levels to make the most of this program through improved outreach.

While we're at it, we need to have a broader conversation about data caps and overage fees. With Americans working from home, taking classes, videoconferencing, playing games, chatting with friends, and streaming news and entertainment we must rethink how we count

bandwidth and data usage. While some companies have voluntarily waived these caps and fees, on this score the FCC's work to keep Americans connected came up short. I think the FCC's efforts should go further because during this time, no one should be punished for exceeding their usage allotments because they are juggling work, telehealth visits and the like all from home. Finally, we need to make sure that Americans have trust in our networks and use the TRACED Act to put a stop to the billions of robocalls that have plagued consumers in the last few years.

***Fourth, we need a clear plan for a secure 5G future.***

If we want to be a global leader, then it's imperative that we secure our leadership in the next generation of wireless, known as 5G. This is the technology of the future. But new data shows that as other countries leap ahead, the United States is falling behind. According to new data collected by Forbes and OpenSignal, the United States ranked last in a survey of 12 leading countries in average 5G mobile download speeds.

We can fix this. We need a national spectrum strategy that can unify all of government and commit to expanding next-generation technologies to all Americans. An Executive Order from October 2018 promised such a plan by April of 2019. But we're still waiting. Its absence is leading to interagency disputes about airwaves in the 24 GHz band, the 37 GHz band, the L-band, the 5.9 GHz band, the 6 GHz band and more. But while we argue among ourselves about what to do with these spectrum resources, other nations are moving forward.

When that plan is finally delivered, we also need a full government commitment to our leadership in 5G. To facilitate it we need to revisit the fundamentals of spectrum reallocation. We need to develop a system for the valuation of federal spectrum and then build structural incentives facilitating repurposing of airwaves for modern use. We need a way our federal colleagues see gain and not just loss from wireless reallocation.

We also need to secure our 5G supply chain by returning the United States to a leadership position in the market for secure 5G equipment. One way to do that is to invest in virtualizing radio access networks—or open RAN. I was the first at the agency to speak about the power of open RAN—more than a year ago. That's for good reason. Because open RAN gets us beyond ongoing efforts to remove insecure Chinese technology and offers the potential to build a more secure and more competitive future for network equipment.

The RAN is the most expensive and restrictive part of the network—it sits between your device and a carrier's core network. Today all major components of a RAN have to come from the same vendor. There is no way to mix and match. But if we can unlock the RAN and diversify the equipment in this part of our networks, we can increase security and push the market for equipment to where the United States is the strongest—in software and semiconductors. This will also give carriers around the world that are locked into upgrade cycles with a single foreign vendor a way out. The FCC can help with this effort by incorporating open RAN testbeds in our ongoing efforts to authorize city-wide 5G innovation zones, which exist today in New York and Salt Lake City. Doing this now will help ensure that this technology develops here, on our shores.

We also need to plan now so that the growing internet of things is secure. With 5G we are moving to a world with billions of connected devices all around us. Every piece of machinery, pallet of equipment, thermostat, smoke detector, streetlight, garbage pail, parking meter—you name it—will be a connected device. This creates powerful opportunities that will make us more effective and more efficient, our cities smarter and our communities more connected. But these benefits come with big security challenges we need to address.

Here is what that could look like. Every device that emits radiofrequency at some point passes through the FCC. If you want proof, pull out your smartphone or take a look at the back of any computer or television. You'll see an identification number from the FCC. It's a stamp of approval. It means the device complies with FCC rules and policy objectives before it is marketed or imported into the United States. This routine authorization process takes place behind the scenes. But the FCC needs to revisit this process and explore how it can be used to encourage device manufacturers to build security into new products. To do this, we could build on the National Institutes of Standards and Technology draft set of security recommendations for devices in the internet of things. This effort specifies the cybersecurity features to include in network-capable devices, whether designed for the home, hospital, or factory floor. It covers everything from device identification, device configuration, data protection, access to interfaces, and critical software updates. In other words, it's a great place to start—and we should do it now.

***Fifth, we need a clear plan to sustain local media and stand up for the First Amendment.***

Local news has never been more vital. We need it to make decisions about our lives, our communities, and our country. But despite the increased demand for news right now, the economics that underlie the industry are changing. You see it in advertising revenues. You see it in lost jobs. You see it in business models that are under enormous pressure to evolve when real facts get casually derided as fake news, algorithms are ascendant, and what is viral is not often verifiable.

For decades, the FCC has had policies in place to support localism, diversity, and competition. But in the last few years, consolidation has made it less local and less diverse. Local journalists have been told to do more with less, as content gets beamed in from far-away places and fewer stories get told.

To meet these new challenges, I believe we should scour the FCC's rules to identify how to support local media. It's not a cure-all and it may not be especially trendy, but we need to do our part to try to support local journalism and jobs. We need to help bring the capacity for program origination back to the communities where stations serve. We also need to put back in place the tax certificate policies that history demonstrates were the single strongest tool we had for increasing the diversity of media ownership. This Committee has taken steps to do so with the Expanding Broadcast Opportunities Act and I hope those efforts become law.

One thing that we shouldn't do, however, is compromise when it comes to our values, including those embodied in the First Amendment. Nowhere is this clearer than the recent

Executive Order and petition from the National Telecommunications and Information Administration concerning Section 230 of the Communications Act. I know that social media can be frustrating. But an Executive Order that would turn the FCC into the President's speech police is not the answer. The First Amendment is not present to protect the President from media. It's present to protect media from the President. So I don't think we should take the bait. The FCC needs to reject this effort to deploy the federal government against free expression online.

***Sixth, we need a clear plan to keep networks resilient in times of disaster.***

Last week the daytime skies over the West Coast turned an awful red hue. Cars had to use their headlights in the middle of the day. Ash covered the ground. The air was unhealthy to breathe. It was a stark reminder of just how harsh this fire season has been. But this is hardly the only reminder of how natural disaster can wreak havoc with our day-to-day lives and cut off communications in the process. After all, in the last month alone, we've seen more than just these fires, we've had a derecho in the Mid-West and hurricanes along the Gulf.

These are recurring problems. That's why I believe that it's time for the FCC to fundamentally refresh our playbook for disaster response.

First, we need to make it standard practice for the FCC to learn from every major communication outage. Every significant weather event causing damage to our networks should be the subject of a timely report from the FCC. To the extent possible, it should be supported by timely field hearings—as was done immediately after Hurricane Katrina and Superstorm Sandy.

Second, we need to update our Wireless Resiliency Framework. The Government Accountability Office has criticized the FCC for its failure to promote network resiliency and urged us to do more. In response this agency has sought comment in four public notices on just how to do so. It's time to take action. We need enforceable rules on network resiliency before the next disaster strikes.

Third, we need to update the outage information the FCC collects. It's hard to believe, but while the FCC collects information about outages on telephone lines, it does not collect information about disruptions involving broadband service. That means if the infrastructure that supports modern life goes down, the FCC will not have a full picture of the problem. How is it possible that we are the expert agency with responsibility for our nation's communications but do not have a mandatory requirement to report where broadband service was cut off and when? A proposal to address this gap in our reporting systems has been pending for four years. It's time to take action.

Fourth, we need to revisit our policies when it comes to backup power. When utilities in California turned off power to mitigate wildfires last year it exposed a glaring weakness in our preparation for disaster. In some areas more than half the cell sites were rendered inoperable. We need to rethink our policies regarding backup power and while we're at it we need to recognize that the topology of our networks is changing. The introduction of small cells means our old ways of tracking the sites that go down and ensuring sustainability is growing more

complicated. But what is most important is that we get started on all this now, so our resiliency policies are ready for the 5G future.

This Committee has led with legislation on several of these topics and I hope that we can work together to put in place strong policies that will mean stronger networks for all.

*Finally, we need a clear plan to learn from the crisis before us.*

The FCC should commit now to taking stock of the lessons learned when we are on the other side of this pandemic. For those households that are connected, so many are video calling, streaming, and uploading content at the same time. Our providers are seeing unprecedented new patterns in usage. We need to study these changes because they represent the future. What bandwidth is being used? At what speeds? Our national standard for broadband is 25 Megabits per second up and 3 Megabits per second down. Is that low for what we demand from our online experiences today? Is that keeping pace with the rest of the world? Plus, to what extent are today's asymmetrical networks with higher download than upload capacities truly suited for a world with big changes in data processing and cloud storage that are altering how we work everywhere from the office to the farm?

Regrettably, there is still no official source for tracking America's digital connectivity during this public health emergency. This is a mistake. We should require reporting about how our networks are holding up, like we do for other public emergencies like hurricanes, wildfires, and power outages. We also have given out millions for new telehealth initiatives pursuant to the CARES Act. We need to study how those funds were spent to understand what connected care works so our telemedicine initiatives can be more effective. The bottom line is we need to do a better job of learning from this crisis so we are better prepared in the future.

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Despite the uncertainty that we face with this pandemic, I have real optimism. When Americans see crisis, we mobilize. When we are challenged, we overcome with uncommon courage and extraordinary grace. I see it at the agency, too, in the deep commitment of the FCC staff to work during this pandemic to adjust our policies to extend the reach of communications. But to reach 100% we need to do more than build on what was done in the past. Because what has come before will not get us where we need to go. We need to recognize that the future belongs to the connected and we need to develop new policies that make digital opportunity available for all.

Thank you for having us here today and I look forward to answering any questions you may have.