

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

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FCC Nominations

DEMOCRATIC QUESTIONS FOR THE RECORD

Anna Gomez

COVER PAGE

SENATOR BRIAN SCHATZ (D-HI)

1. Do you commit to ensuring universal fixed broadband deployment to all Tribal homes and businesses?

Yes. I want every home and business to have access regardless of where they are, including on Tribal lands.

2. Do you commit to ensuring universal mobile broadband deployment, including to all Tribal homes and businesses and along Tribal roads?

Yes. I want every home and business to have access regardless of where they are, including on Tribal lands.

3. Do you commit to adopting additional Tribal priority access windows, just like in the 2.5 GHz auction, where it is feasible and in the public interest to do so?

Yes.

4. When the United States auctions spectrum located over the lands of an Indian Tribe it does not share any portion of the proceeds with the Tribe, which is a sovereign government. Should the United States allocate a portion of these revenues to a Tribe or dedicate a portion to advancing universal and affordable communications services on the Tribal lands?

By law, revenues raised from spectrum auctions must be deposited with the U.S. Treasury. However, I agree that the FCC should work with Congress to consider how it can use the revenues raised from the auction of public airwaves to build the public infrastructure this country needs. If confirmed, I would be happy to work with you and the tribes to explore how revenues from FCC spectrum auctions could be used to advance universal and affordable communications services on Tribal lands.

5. Do you commit to expanding access to unlicensed spectrum? What bands do you view as the most promising opportunities to expand unlicensed access?

Yes. Unlicensed spectrum has enabled amazing innovations that have made the U.S. the world leader in the gig economy, technology platforms, and other uses and services. In addition, the coronavirus pandemic put Wi-Fi at the center of nearly every aspect of our daily lives—from how we work, learn, see a doctor, or connect with family and friends. To address this growing demand and to deliver on the promise of next-generation Wi-Fi, the FCC has made 1,200 megahertz of spectrum available for new unlicensed use in the 6 GHz band. If confirmed, I will work with stakeholders to identify additional opportunities to grow unlicensed spectrum.

6. Please provide your analysis of how well the FCC's new broadband maps portray the availability of broadband on Tribal lands. Should the FCC display Tribal boundaries just as it displays state boundaries? If not, why not? Should the FCC provide the number of locations associated with individual Tribal areas, in addition to offering an aggregated rollup of the number of Tribal locations and Tribal broadband availability nationwide? Are there changes you believe the FCC needs to adopt with respect to how it displays broadband availability on Tribal lands?

I believe that having as much data as possible about Tribal locations and needs will help ensure that all Tribal homes and businesses have access to high-speed broadband. If confirmed, I would work with you and with the Commission staff to determine how best to collect and display that data.

7. In 2011 the FCC committed to working with Tribal communities and ensuring connectivity by establishing the FCC Native Nations Communications Task Force. This commitment was renewed in 2018 for three years. Since 2021, the term of the Commission has been extended annually. Do you commit to making this Task Force permanent?

Yes.

8. As the most populated remote place in the world, Hawaii has unique broadband needs, particularly with respect to inter-island and transpacific submarine cables. The State currently has significant plans in place to build inter-island submarine cables and to incentivize transpacific submarine cable landings. Can I have your commitment that you will not interfere with the State's plans and, to the extent it ever becomes necessary, that you will help ensure that Hawaii has the inter-island and transpacific submarine cable connectivity it needs?

As you note, Hawaii has unique broadband needs. If confirmed, I will work with you to ensure that Hawaii has the inter-island and transpacific submarine cable connectivity it needs.

SENATOR TAMMY DUCKWORTH (D-IL)

I am concerned about the lack of coordination that took place between the FCC, NTIA, and the FAA during the initial rollout of 5G.

We averted an aviation crisis – barely – in January of last year when President Biden’s Administration helped broker a deal to delay full rollout of 5G to give airlines time to retrofit their altimeters to avoid interference.

If aircraft are not retrofitted by July 1st, they might not be able to conduct lower visibility approaches and may need to divert.

What I find so frustrating is that none of this confusion and delay should have been necessary. The FCC and FAA should have better coordinated much earlier in the process. The clear lack of coordination amongst industry and government stakeholders to consider all impacts of spectrum use and facilitate desired outcomes negatively impacted aviation and broader stakeholders, including those in the telecommunications sector seeking to deploy and utilize spectrum.

There needs to be more accountability at FCC and collaboration and risk mitigation planning between the FCC, NTIA, and agencies like the FAA whose industries will be impacted by new telecommunication technologies.

Unfortunately, when we’ve asked the FCC about its willingness to be more forthcoming with the FAA, we’ve heard a reluctance to do so.

***Question 1.* What additional authority, if any, does FCC need to share more information and better collaborate about new communication technology, including risk mitigation planning, earlier in the process with impacted agencies such as the FAA?**

Answer: I agree that the FCC should work closely with its federal partners and with aviation and wireless stakeholders to ensure that next-generation 5G networks can safely co-exist with air safety technologies in the United States. Looking ahead, I believe that expanding spectrum opportunities for any sector will require the FCC and NTIA to work together and with other federal agencies to navigate issues regarding governmental coordination. I am pleased to see that the FCC and NTIA have announced a Spectrum Coordination Initiative and an updated Memorandum of Understanding to improve the processes for decision making and information sharing around spectrum policy issues. I agree that we must revitalize the interagency coordination process so that it once again is able to produce results for the nation.

***Question 2.* Can I have your commitment that you will use all existing authority to ensure spectrum policy addresses safety issues, to collaborate and do risk mitigation planning on new communication technology with impacted agencies like FAA?**

Answer: Yes.

SENATOR JACKY ROSEN (D-NV)

Access to Affordable Broadband

Question 1: Earlier this month, I was proud to announce over \$43 million I secured is coming to Nevada through my *Middle Mile Broadband Deployment Act*, which will help facilitate and improve the internet connection of more than 21,000 locations across the state. I'm proud to have also worked closely with the FCC over the past several months to successfully push the Commission to update its National Broadband Map to be a more accurate reflection of broadband availability in Nevada – ensuring that broadband funding through the *Bipartisan Infrastructure Law* is allocated fairly. We saw that come to fruition on June 26th, when it was announced that Nevada would receive over \$416 million in BEAD funding to support last mile connections to Nevada families to make sure they have access to high-speed internet.

Ms. Gomez, if confirmed to the FCC, how do you plan to support NTIA's implementation of the Middle Mile and BEAD programs, and will you commit to continuing to improve the FCC Broadband Map?

Answer:

If confirmed, I would support providing whatever resources, data, and expertise to help NTIA maximize the Middle Mile and BEAD program funding to deploy broadband to those areas that most need it. In addition, I commit to continuing to improve the FCC Broadband Map.

Rural and Tribal Broadband

Question 2: Nevada is proud to be home to 28 tribes, bands, and colonies, and my office has heard from many of them about the importance of strong broadband connections. Nevada also has a unique landscape, which includes challenging terrain, which can present difficulties for rural and tribal communities across the state to easily access high quality, affordable broadband. Programs like the Affordable Connectivity Program or ACP, which I was proud to help write in the *Bipartisan Infrastructure Law*, are critical to helping hardworking families in rural areas access affordable broadband that is too often out of financial reach.

Ms. Gomez, if confirmed how will you address some of these challenges and bring high quality and affordable broadband to Nevada's rural and tribal communities? And how will you continue to build out and improve critical programs like ACP?

Answer: Ensuring that broadband is affordable and reliable is critical to closing the digital divide. As someone who has experienced personally the impact of income instability, I know how important a program like the ACP is to a family struggling to pay the bills at the end of the

month. If confirmed, I look forward to working with you and others at the Commission to find ways to ensure the ACP is available to those who need it most.

SENATOR RAPHAEL WARNOCK (D-GA)

Affordable Internet Access. The Bipartisan Infrastructure Law's broadband infrastructure investments have put the United States on the cusp of closing the digital divide. Closing this gap will allow millions of Americans to access the internet and connect with others in education, health care, and numerous other sectors. That said, broadband infrastructure is just half of the equation. Without investments in digital equity and affordability, many Americans will struggle to afford this new infrastructure and may continue to be left behind in the digital age. One of the hallmarks of federal digital equity and affordability resources is the Federal Communications Commission's (FCC) Affordable Connectivity Program (ACP), which provides a monthly internet service discount and one-time discount for households to purchase a laptop, desktop, or tablet.

Question: In addition to encouraging ACP enrollment, what more can the FCC do to help address barriers to accessing devices and continued issues of internet affordability for middle and low-income families and historically marginalized communities?

Answer: Internet affordability is critical to closing the digital divide. We cannot only address the access side of the equation, we must also address the affordability of service for families as well. As we discussed at the hearing, my family struggled financially. I have experienced fearing that loss of connection. It is vital that programs like the ACP and its support for devices are available to those that need them most. If confirmed, I look forward to working with you and the Commission on this issue.

Question: What mechanisms would you add to measure the impact of the ACP on closing the digital divide and improving broadband affordability, and how would you regularly share that data with states to better inform local digital inclusion work?

Answer: Communicating with those that need programs like the ACP is important, and providing information to those at the front lines in the states is an important way to maximize the reach of programs like ACP. It also is how we can learn what is working and what needs to be improved. If confirmed, I look forward to working with your office, the Commission, and stakeholders so I can hear first-hand about how this program is making an impact, what data are most useful, and how we can continue to improve the program.

Question: Can public-private partnerships help improve broadband affordability in high-need and high-cost communities? If so, what more can the FCC do to encourage these partnerships?

Answer: Public-private partnerships can be very powerful programs to connect with communities most in need. The FCC should support public-private partnerships as much as possible, including by working with and providing technical assistance to interagency partners and states and localities that provide funding for such programs.

Question: What is your best estimate of when the ACP will come to an end if Congress does not provide additional authorization and appropriations? What would the impact be on families if the ACP program came to an end?

Answer: The Chairwoman has publicly stated the funds will run out next spring. Families in this program may be faced with the impossible choices of paying for broadband service and affording gas or groceries or medicine. This is especially true of the millions of seniors in the program who rely on a fixed income. No one should have to choose between affording internet service and feeding their family. Moreover, this program is ensuring millions of people can get online and participate fully in the digital economy—whether that is remote work, applying for jobs, online upskilling, or starting a business. Allowing the ACP to end could resign them—and their economic futures—to the wrong side of the digital divide.

Question: Following the implementation of the National Telecommunications and Information Administration’s (NTIA) Broadband, Equity, Access, and Deployment (BEAD) program, millions of Americans, particularly in high-cost areas, will have internet service and access for the first time. What should the FCC do to ensure this new service remains affordable after the conclusion of the BEAD program, especially in high-cost areas?

Answer: Deploying infrastructure to every American will be of no use if it is unaffordable. That is why programs like the ACP are so critical so that this once-in-a-generation broadband funding opportunity does not go to waste. We must do everything we can to continue this critical program.

Supporting Local Media.

Question: What tools can Congress give the FCC to strengthen localism and media diversity?

Answer: The number of minority-owned and women-owned broadcast stations is staggeringly low. One of the most effective ways to increase the number of women-owned and minority-owned broadcast stations was when Congress created the Minority Tax Certificate Program. During the program’s lifecycle, there were marked gains in the diversity of broadcast ownership. If confirmed, I would look forward to working with you to reinstate that program.

Universal Service Fund.

Question: Do you believe the FCC has authority to act on modifying the Universal Service Fund?

Answer: The Commission has some authority to act under the Communications Act, but certain proposed actions may require legislative changes.

Question: What do you believe needs to be done to reform the Universal Service Fund?

Answer: The Universal Service Fund provides the necessary connections for rural communities, telehealth providers, schools and libraries, and low income individuals. These connections allow for full participation in digital life. We must ensure that the USF is set up for success so that all of us can experience the benefits of the next-century economy. If confirmed, I look forward to working with you, the Commission, and other stakeholders on how best we can achieve our long-term USF goals.

Question: What can Congress do to support reforming the Universal Service Fund in a positive way?

Answer: The Universal Service Fund serves a critical function to connect rural and high cost areas, telehealth providers, and schools and libraries, and to make those connections affordable. Reforming the Universal Service Fund may require legislative action, and if confirmed, I would commit to working with you to help identify any such necessary actions.

Buy America Compliance for Broadband Programs. On February 9, 2023, the Office of Management and Budget (OMB) released a draft rule entitled “Guidance for Grants and Agreements,” which detailed statutory authority for the Made in America Office in OMB to maximize and enforce compliance with Made in America laws.^[1] This draft rule lays out guidance for defining construction versus manufactured materials and provides implementation guidance to Federal agencies on the application of Buy America preference to Federal financial assistance programs for infrastructure and a transparent process to waive such a preference when necessary.⁷ The application of a final rule on this matter will be critical in the rollout of the Broadband Equity, Access, and Deployment (BEAD) Program, which will provide \$42.45 billion in funding to states for planning, deployment, and adoption of high-speed internet access.^[2] The definitions of broadband infrastructure and its components such as fiber optic cable and optical glass under a final rule, and thus their applicability to Build America, Buy America requirements, will impact how many producers will be able to supply the infrastructure needed to implement the BEAD program. Overall, it is important that states, municipalities, and their contractors have access to the necessary infrastructure to implement BEAD and that this infrastructure is affordable and able to be delivered on an efficient timeline in order to maximize the efficacy of the BEAD program.

Question: Do you believe it is important to have multiple Build America, Buy America compliant producers of optical glass to ensure the efficient distribution of fiber under the BEAD program?

Answer: Yes.

Spectrum Use. In March 2023, the FCC’s authority to auction spectrum lapsed for the first time in three decades.^[3] It is crucial that spectrum be allocated fairly, while protecting the American security interests that utilize spectrum bands.

Question: How can the FCC more effectively work with other federal agencies responsible for regulating spectrum use?

Answer: The FCC should work with the NTIA to establish an open, trust-, and science-based coordination process.

Question: How can the FCC effectively allocate both licensed and unlicensed spectrum resources to drive innovation?

Answer: The FCC can never rest when it comes to allocating new spectrum for licensed and unlicensed uses. Specifically, the Commission needs to continually have a strategy for studying specific bands that can be allocated for new licensed and unlicensed uses. In addition, the Commission should encourage innovative new uses by permitting parties to participate in studies and testbeds to demonstrate new technologies.

Question: What steps can the FCC take to work with those who won licenses for the 2.5 GHz spectrum band, while still working with congressional and administration leaders to extend the Commission's auction authority?

Answer: The FCC should work with the General Counsel to understand what actions the Commission can take pursuant to its statutory authority with regard to the 2.5 GHz band licensees, including the General Counsel's interpretation of the Commission's authority under Section 309(a) notwithstanding the expiration of the Commission's auction authority.

Question: What steps can the FCC take to work with Congress and other federal agencies to resolve concerns about L-band spectrum terrestrial use?

Answer: The most important thing the FCC can do with regard to addressing any concerns about spectrum use is to communicate with all stakeholders and with Congress in an open and transparent manner.

[1] <https://www.federalregister.gov/documents/2023/02/09/2023-02617/guidance-for-grants-and-agreements>

[2] <https://broadbandusa.ntia.doc.gov/funding-programs/broadband-equity-access-and-deployment-bead-program-0>

[3] <https://www.fcc.gov/document/chairwoman-rosenworcel-expiration-spectrum-auction-authority>

