Questions for the Record - Minority
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<u>**Ranking Member Roger Wicker**</u>

<u>**Question 1**</u>**: Do you believe that the Infrastructure Investment and Jobs Act (IIJA) gives the Federal government or states the authority to regulate or set the price of broadband plans? Will you commit that NTIA will not engage in, support, or approve any plan where a state has regulated or set the price for a broadband plan?**

I do not believe that the IIJA statute allows NTIA to engage in rate regulation. If confirmed, I intend to follow the law in overseeing NTIA's implementation of the IIJA. I look forward to working with the staff at NTIA to evaluate how the IIJA's various provisions interact and to consider best practices for ensuring that Americans have access to affordable and reliable broadband services.

<u>**Question 2**</u>**: If confirmed, you will be tasked with implementing a $42.5 billion Broadband Equity, Access, and Deployment (BEAD) program to bring connectivity to all communities. Some have advocated that NTIA and the states only provide funding for a single wireline technology. Individual states have unique needs, geographies, existing broadband networks, and service providers. Each state needs flexibility to find the best solutions based on its unique challenges. Excluding wireless broadband from competing for funding with gating criteria, such as symmetrical speeds, will delay deployment and result in many areas remaining unserved. When implementing the broadband deployment program, do you believe NTIA should take a flexible, all-of-the-above approach that allows all broadband technologies, including mobile and fixed wireless, to compete for funding? Do you believe symmetrical speeds should be prioritized in state broadband plans? What about speed to deployment and resiliency?**

One of the virtues of the BEAD program is that it establishes a clear statutory framework that enables states to design the state-level plans that will best address their on-the-ground broadband situation, which varies widely across the country. States and localities face unique challenges that require flexibility in identifying technical solutions to meet local priorities. If confirmed, I would support an "all of the above" approach that allows NTIA and the states to consider any technology that will meet America's broadband needs, consistent with the requirements set out in the IIJA. I look forward to engaging with NTIA staff and stakeholders on the specific requirements you raise, in order to understand the most effective way to implement the program including balancing local flexibilities on subgrantee program design within the overall requirements of the statute.

<u>**Question 3**</u>**: Congress recently enacted the bipartisan IIJA, which will provide $65 billion to enable greater broadband deployment and enhance broadband affordability. Primarily through the BEAD program, NTIA has a critical role to play in implementing many of the key broadband provisions in the bill.**

1. **Recently, it was discovered that the USDA included net neutrality as a criterion to receive funding through their ReConnect program. Do you have any plans to require states, and by extension subgrantees, to adhere to net neutrality requirements or commitments in order to obtain approval for a broadband plan or receive funding under the BEAD?**

As I said during my confirmation hearing and during my conversations with your staff, my top priority is bridging the digital divide and connecting all Americans. Because I am not at NTIA, I have not had the benefit of the NTIA staff's thinking on how the BEAD program should be structured, and what obligations, if any, should apply to BEAD funding recipients. If confirmed, my main focus will be getting affordable, high-speed, and reliable broadband service to all Americans as quickly and carefully as possible.

2. **Do you believe the NTIA Administrator has the authority to redefine the definition of unserved or underserved communities?**

The IIJA statutory framework provides clear definitions of unserved and underserved, and I intend to faithfully adhere to that framework.

3. **The American Rescue Plan provided hundreds of billions of dollars to states, local communities, and the Treasury department. Broadband deployment is a permissible use of those funds. How do you intend to work with states and local communities throughout the country to ensure their own broadband plans don't conflict or overlap with the IIJA funding?**

Careful coordination with states and other federal agencies working on broadband support will be essential if we are to connect all Americans and act as wise stewards of federal resources. I hope that IIJA funding can be additive to funds already administered through the American Rescue Plan and other sources. If confirmed, I will direct NTIA staff to establish processes to ensure good information exchange and coordination with other federal agencies, as well as with areas receiving grant funds under ARP. And I will work to ensure that BEAD funds complement, and are not duplicative of, funds provided via the ARP or other federal statutes and programs.

4. **The BEAD program requires subgrantees to adhere to quality of service standards, best practices for reliability and resilience, and cybersecurity and supply chain risk management practices. Will you commit to pursuing an open and transparent process to engage with industry to effectively implement these requirements?**

Yes, I commit to pursuing an open and transparent process to engage with industry to effectively implement those requirements.

5. **The law prohibits NTIA from rate regulation in carrying out the BEAD program. Will you commit to ensuring that any state action plans or final or initial proposals will also not contain any rate regulation of broadband?**

As I noted in my response to Question 1, I agree that the IIJA statute does not allow NTIA to engage in rate regulation in the BEAD program.

6. **To expedite implementation of the BEAD program, the law exempts actions and decisions taken by the NTIA Administrator from the Paperwork Reduction Act, the Administrative Procedures Act, and the Regulatory Flexibility Act. Despite these exemptions, will you commit to providing a fair and transparent process to implement the BEAD program and ensuring that all stakeholder views are considered during implementation?**

Yes. As I noted in my testimony, I am committed to standing up the IIJA programs in a way that gets money out the door both quickly and carefully. A fair and transparent process is an essential tool if we are to be a good and careful steward of that money. I believe in the idea that "sunlight is the best disinfectant" and if confirmed I will prioritize transparency and accountability from NTIA as well as our state partners.

Question 4: Having a skilled workforce will be essential to meeting buildout timelines under the law and connecting households across the country. In reviewing applications for broadband grants, do you commit to treating non-union and union workers equally and not preferencing one over the other throughout this process? Yes or no?

I will review all applications fairly based on what is permitted under law. I look forward to working with the staff at NTIA to better understand NTIA's role and obligations in reviewing applications for broadband grants.

Question 5: Since the implementation of the EU's General Data Protection Regulation in 2018, almost four years ago, ICANN has tried through the "multi-stakeholder" process to create an access model that will restore WHOIS access to law enforcement, cyber security companies, child protection groups, and other legitimate entities. Do you believe that an open and accessible WHOIS is critical to the safety of Internet users and to our national security?

The WHOIS service has clearly served as a critical tool for a variety of parties, including law enforcement and other legitimate enforcers. As the enactment of the GDPR indicates, there are unresolved questions over how WHOIS data should be published, since it contains personally identifiable information. The ICANN multistakeholder process developed temporary rules to avoid liability for registrars, but this cannot be the final resolution. I believe we must enable a WHOIS service that provides appropriate, legal access to domain name registration data to legitimate requestors, while also protecting the privacy and safety of registrants -- and this will increase the safety, security, and stability of the global Internet.

Question 6: It is estimated by ICANN that implementing any WHOIS solution would take an additional three years—until 2025. Should Congress pass legislation to restore legitimate collection and access to WHOIS data?

I believe that the most long-term effective way to address this issue is through the global multistakeholder process. Consensus-driven, multistakeholder policy development for the Internet's critical resources is an essential feature of the global, interoperable Internet that the United States has long defended. This allows for policies that apply globally and uniformly, developed by stakeholders from around the world, representing business, governments, intellectual property owners, technical experts, academia and civil society. Developing policy using this model maintains stability, security, and resilience of the Internet. If confirmed, I will ensure that NTIA continues to vigorously represent U.S. interests in this process.

Question 7: NTIA, along with the FirstNet Authority, has a 25-year, $100 billion Indefinite-Delivery, Indefinite Quantity contract with AT&T to ensure operation of more than 2.2 million devices connected to the National Public Safety Broadband Network, which is used by public safety officials across the United States and its territories every day. Given the criticality of this network's operation, it is important that Congress have full and current information about the network's operations, something the Department of Commerce Office of Inspector General is reviewing. If confirmed, do you commit to working with the Commerce IG to ensure that NTIA, the FirstNet Authority, and the contractor are providing the OIG with all the information and access it requests so that it may report on the FirstNet program?

Yes. I commit to working with the Department of Commerce Office of Inspector General (OIG) to ensure that NTIA, the FirstNet Authority, and the contractor provide the OIG all the information and appropriate access it requests so that it may report on the FirstNet program.

Question 8: As the Administrator of NTIA, you would be responsible for interpreting and implementing several key terms from the IIJA that will determine what projects are eligible for broadband deployment funding, including which projects are prioritized. My colleagues and I have emphasized the importance of technological neutrality in the broadband deployment program. Wireline, wireless, and satellite projects (as well as hybrid combinations of such services) should all be eligible for funding and for prioritization.

1. **In the context of the definitions of unserved locations and underserved locations, what do you think it means for latency "to support real-time, interactive applications?"**

I believe that it is important for NTIA to put in place a process to engage stakeholders on important questions like these, and to give stakeholders an opportunity to provide input on how these terms should be defined and implemented. The ultimate goal is to use BEAD funds as effectively and wisely as possible, and that includes ensuring that the networks built using those funds are capable of enabling the applications on which all Americans rely not only today but in the future, from real-time videoconferencing to streaming video to web browsing to email.

2. **If confirmed, how will you define latency in the context of determining which broadband projects are prioritized?**

As I said in the above response, I believe that NTIA should engage in a process of stakeholder engagement to determine how these terms should be defined and implemented. For example, if confirmed I would direct NTIA to seek input from technical experts on the performance characteristics, including latency, that will be required to support important current and prospective use cases such as real-time, interactive applications.

3. **Will you commit to ensure that latency is defined in a manner that preserves the technological neutrality of the IIJA's broadband deployment program?**

As noted above, while I have not had the benefit of the NTIA staff's thinking on how the BEAD program should be structured, my main focus with respect to the BEAD program would be getting affordable, high-speed, and reliable broadband service to all Americans as quickly and carefully as possible, in a way that best meets the needs of each state. If confirmed, I commit to defining terms and implementing the bill after consulting with stakeholders and in accordance with the statutory framework.

4. **Will you affirm that NTIA will provide guidance to states that makes clear that the program will be technology neutral and all solutions that meet program performance criteria will be eligible for grants?**

I affirm that I will provide guidance to states that ensure consideration of all technologies that are capable of meeting Americans' broadband needs. The IIJA gives state governments a significant role in ensuring that each state's residents benefit from affordable, robust, and ubiquitous broadband. It also provides a clear statutory framework for minimum required performance levels and I intend to faithfully follow that framework.

Question 9: In recent years, there have been several high profile spectrum disputes involving Federal agencies and the FCC. How do you plan to improve the interagency coordination process for developing the Administration's position on spectrum issues? How can NTIA better liaise between the agencies and the FCC to ensure that the Administration's position is represented in the record?

I agree that interagency spectrum coordination has not effectively addressed important areas of dispute in recent years. If confirmed, I will make strengthening federal spectrum coordination a top priority. As the demand for spectrum continues to expand, NTIA and the FCC must work together closely on spectrum management to support the needs of all spectrum users -- government and commercial, today and in the future. To do so, NTIA should focus on an evidence-based approach to understanding spectrum user needs, rooted in technically rigorous interference analysis. If confirmed, I would work with the FCC to review and update the FCC-NTIA Memorandum of Understanding (MOU), seeking the best framework agreement possible to support our joint efforts to ensure spectrum use benefits all Americans. I also would look to resume the biannual joint spectrum planning meetings between the Assistant Secretary and the FCC Chair that Congress wisely directed as well as to support the work on a National Spectrum Strategy as called for by Secretary Raimondo.

Question 10: Last year, the FCC issued a unanimous, bipartisan order on Ligado Networks' application to deploy its spectrum for terrestrial 5G services. If confirmed, will you commit to immediately meeting with the FCC, Ligado Networks, and other federal agencies, as often as is required, to resolve outstanding issues related to the FCC's order as soon as possible?

I am aware this is an important spectrum management issue. My understanding is that the Biden Administration has continued to support the NTIA petition for reconsideration on this matter currently pending with the FCC. If confirmed, I look forward to engaging more closely on this issue, including being briefed by expert staff as well as meeting with stakeholders in government and the private sector who share an interest in resolving this controversy after so many years.

<u>**Senator John Thune**</u>

Question 1: NTIA is set to administer a $42.5 billion broadband deployment program. With other federal agencies currently administering their own programs to support broadband deployment, will you commit to work closely with the FCC and USDA to carefully administer NTIA's program to make sure that resources are going to the places most in need?

Yes, I commit to working closely with the FCC and USDA -- and any other federal agencies administering broadband infrastructure funding -- to ensure that taxpayer dollars are used wisely. I was encouraged to see that NTIA, USDA, and the FCC signed an MOU back in June, consistent with the Broadband Interagency Coordination Act, that documents their joint commitment to coordinate resources and leverage data from each of the parties to appropriately identify those areas of need. I understand that NTIA staff is communicating regularly with the FCC and USDA on broadband funding, and I fully support continued cooperation to ensure that federal dollars are being used as effectively as possible to meet the goal of connecting all Americans.

Question 2: Recently, it was discovered that USDA included net neutrality as a criterion to receive funding through their ReConnect program. Do you believe that subgrantees receiving the Broadband Equity, Access, and Deployment (BEAD) program funding should have to commit to "net neutrality" requirements?

Because I am not at NTIA, I have not had the benefit of the NTIA staff's thinking on how the BEAD program should be structured, and what obligations, if any, should apply to BEAD funding recipients. As stated during my confirmation hearing, if confirmed my main focus with respect to the BEAD program will be getting affordable, high-speed, and reliable broadband service to all Americans as quickly and carefully as possible.

Question 3: The law prohibits NTIA from utilizing rate regulation to carry out the BEAD program. Will you commit to ensuring that any state action plans, or final or initial proposals will also not contain any rate regulation of broadband?

I agree that the IIJA statute does not allow NTIA to engage in rate regulation in the BEAD program. In addition, history has shown us that rate regulation is not the most effective policy for ensuring affordable services. If confirmed, I look forward to working with the staff at NTIA to evaluate how the IIJA's various provisions interact and to consider best practices for ensuring that Americans have access to affordable and reliable broadband services.

Question 4: Under the Obama-Biden administration, GAO concluded NTIA faced a number of challenges from staffing to adequate data on broadband availability resulting in a largely ineffective program at the taxpayer's expense. What steps would you take to correct the mistakes of the past and will you commit to me that NTIA will set up the BEAD program in a way that this new money only goes to areas that are completely unserved?

If confirmed, I will work to ensure that broadband infrastructure funds are used effectively and in ways that reflect the lessons learned from past and ongoing programs. As I stated in my

testimony, Congress structured the BEAD program very differently from the prior BTOP program, with a much more significant role for states in designing the programs that will award funds to subgrantees. That said, I am committed to implementing the lessons learned from NTIA's programs past and present. I would also expect to consider the best practices developed in other recent federal broadband programs as well as state and local broadband programs. Finally, I understand that NTIA expects to release a Request for Comment and conduct various events which should result in broad input -- including lessons learned -- about how best to implement these new programs.

Regarding funding for the unserved, the IIJA lays out a clear framework for disbursing BEAD program funds, with priority given to unserved areas first as defined in the statute. If confirmed, I intend to faithfully follow the framework laid out in the statute.

Question 5: Congress established a clear division of responsibility for spectrum management – the FCC is responsible for commercial spectrum and NTIA is responsible for federal government spectrum. There have been a number of instances when the FCC and NTIA's role have come into conflict. How can we ensure the FCC and NTIA work in partnership to address spectrum management issues that impact both federal and commercial entities? Do you support freeing up additional spectrum held by the federal government to support the needs of next-generation wireless services?

If confirmed, I will make strengthening federal spectrum coordination a top priority. As I indicated in my testimony, NTIA has a critical statutory role in coordinating federal spectrum usage, as well as an imperative to support increased commercial demand for spectrum. As the demand for spectrum continues to expand, NTIA and the FCC must work together closely on spectrum management to support the needs of all wireless users -- today and in the future. To do so, NTIA should focus on an evidence-based, technically rigorous approach to understanding federal needs and coordinating with the FCC. If confirmed, I would work with the FCC to review and update the FCC-NTIA Memorandum of Understanding (MOU), seeking the best framework agreement possible to support our joint efforts to ensure spectrum use benefits all Americans. I was encouraged to hear Chairwoman Rosenworcel indicate her support for this update in her confirmation hearing. I also would look to resume the biannual joint spectrum planning meetings between the Assistant Secretary and the FCC Chair that Congress wisely directed. Finally, I would note that Secretary Raimondo has indicated her enthusiasm for an update to the National Spectrum Strategy. I would welcome the opportunity to support that effort.

I do support making additional spectrum access available for next-generation wireless services. Maintaining U.S. leadership in wireless is critical to American competitiveness and job growth, and to the innovative services consumers value and rely on. If confirmed, I will work to ensure that vital public missions are maintained while keeping the spectrum pipeline open for new commercial opportunities, to meet the demand for spectrum now and in the future. I would also look forward to working with NTIA's federal agency partners to determine how we identify and make available key mid-band spectrum in the 3100-3450 MHz range as Congress directed in the Infrastructure Investment and Jobs Act.

<u>**Senator Roy Blunt**</u>

<u>**Question 1**</u>**: Mr. Davidson, as you know, I supported the Infrastructure Investment and Jobs Act in no small part because of the tremendous investment it will make to close broadband gaps in rural America. This is an incredibly important issue in Missouri, where approximately one third of rural residents still lack access to broadband.
At the same time, it's crucial that this historic investment is spent efficiently and not used to duplicate networks where high speed service already exists or where providers are subject to legally enforceable deployment obligations. For example, this funding is going to co-exist with multiple broadband funding programs at multiple federal agencies—the FCC, US Department of Agriculture, Treasury—as well as state and local agencies, and we need to coordinate these programs to avoid a situation where the federal government is competing against itself or undermining and discouraging the private sector's own tremendous infrastructure investments. This is key because every dollar that goes to subsidized overbuilding is a dollar diverted from unserved Americans who lack any access to broadband whatsoever.**

Accurate broadband maps are a helpful step in preventing subsidized overbuilding, but further coordination is going to be needed, to avoid subsidizing overbuilding in areas where providers are subject to legally enforceable deployment obligations but haven't yet made service available—either on account of government funding or otherwise.

1. **Mr. Davidson, do you agree that it's important to ensure that federal funding is spent efficiently and not used to overbuild high speed networks?**

   Yes. As good stewards of taxpayer funds, we must work to ensure that federal broadband monies are spent efficiently. With respect to overbuilding, the IIJA offers a framework to address this question. If confirmed, I am committed to following the directives laid out in the IIJA to serve unserved areas first, and then underserved areas. I will work to provide states with the tools and support they need as they design the state-level plans that will best address the on-the-ground broadband situation in each state, which varies widely across the country.

2. **How will you ensure that NTIA does not invest in broadband projects that will compete with or undermine broadband projects established by other agencies?**

   I believe we will need to deploy federal funding wisely if we are to meet the goal of connecting all Americans with high-speed affordable broadband while being good stewards of federal funding. If confirmed, I will direct NTIA to coordinate closely and collaboratively with federal, state and local partners to clearly communicate the resources available to states for broadband projects, and to ensure that IIJA funding is disbursed in a way that is complementary to other federal projects in achieving the overall policy goal.

3. **Further, what steps will you take to avoid subsidized overbuilding of privately-owned networks, which has been shown to discourage broadband investment and exacerbate the digital divide?**

The IIJA offers a framework to address this question. If confirmed, I am committed to following the directives laid out in the IIJA to serve unserved areas first and then underserved areas. I will work to provide states with the tools and support they need as they design the state-level plans that will best address the on-the-ground broadband situation in each state, which varies widely across the country.

4. **Mr. Davidson, do you also commit to administering NTIA's broadband deployment programs under the bipartisan infrastructure legislation in a technology neutral manner, in order to maximize cost-effectiveness and promote innovation?**

Yes.

Question 2: **I firmly believe that expanding broadband access in America is a two-fold issue: building out high-speed networks to unserved areas of the country, and ensuring that all Americans can afford to pay for their broadband service. One of the reasons I was, therefore, proud to vote for the Infrastructure Investment and Jobs Act is because it targeted both the availability and the affordability aspect of the digital divide. In addition to the $42.45 billion in Broadband Deployment Grants that you would be in charge of administering at NTIA, the FCC will be administering a new long-term, $14.2 billion Affordable Connectivity Program to ensure low-income Americans can afford the connections they need to participate in modern society.**
Further, as part of NTIA's Broadband Deployment Grants program, each subgrantee for the deployment of a broadband network would be required to offer at least one low-cost broadband service option for eligible subscribers. Some Republicans have voiced concern, however, that this part of the legislation could open the door to broadband rate regulation.

1. **Mr. Davidson, what is the role you envision for NTIA with respect to this section of the bipartisan infrastructure legislation?**

I share your desire to ensure that low-income Americans can afford broadband service. Affordability is one of the primary reasons why Americans remain unconnected. The definition of "affordable" varies across the country, making states well-positioned to develop their own approaches to meeting the statutory requirement. With respect to this provision, if confirmed my priority for NTIA will be working closely with states within the statutory framework laid out in the IIJA.

2. **Do you the Infrastructure Investment and Jobs Act gives NTIA the authority to dictate the price of broadband service?**

I do not believe that the IIJA statute allows NTIA to engage in rate regulation in the BEAD program.

3. **Do you believe that rate regulation is the correct approach to addressing the broadband affordability gap, or do you agree that low-income subsidies, in**

conjunction with private providers' own low-cost offerings, are a better solution?

I appreciate that Congress has invested considerable resources within the IIJA for establishing long-term subsidies for broadband service, and many ISPs are already offering low-cost plans. These voluntary offerings, along with subsidies, competition and innovation in broadband markets, are the optimal driver of broadband affordability. I also believe that state-by-state establishment of a low-cost offering as required in state plans – which I do not view as the same thing as across-the-board rate regulation – will be vital to closing the affordability gap.

Senator Deb Fischer

Question 1: Spectrum sharing is an important aspect of spectrum policy for the United States to meet its ever-increasing connectivity demands. If confirmed, what are your plans to improve spectrum sharing between federal and commercial services?

I agree that spectrum sharing is an important aspect of spectrum policy. With ever-growing demand for spectrum, and fewer easy options to make more of it available for commercial use, it is imperative that the U.S. take advantage of all available tools to enable the greatest use of spectrum. Spectrum sharing is a broad category that can include a diverse range of specific policy approaches. If confirmed, I would work with expert staff to identify where sharing is appropriate and necessary, and then focus on the fundamental technical characteristics of each competing use case, assess the real-world risks of harmful interference, and design tailored rules that draw from the growing range of examples of spectrum sharing.

Question 1: Mr. Davidson, NTIA, as you know, manages the federal government's spectrum and plays an important role ensuring that America's domestic and international spectrum needs are met. The FAA recently issued a Special Airworthiness Information Bulletin in regards to the planned deployment of 5G equipment in the portion of spectrum known as the C-Band. This bulletin caused mobile carriers to delay the deployment of this equipment until the safety concerns can be addressed. How can the review process for spectrum auctions and reallocation be improved to prevent similar delays in the future?

I agree that the ongoing C-band situation is a prime example of how inter-agency spectrum coordination has become less effective in recent years, with real-world consequences for spectrum users. As I indicated in my testimony, improving federal spectrum coordination will be one of my top priorities. As the demand for spectrum continues to expand, NTIA and the FCC must work together closely on spectrum management to support the needs of all spectrum users -- today and in the future. If confirmed, I would embrace an evidence-based, technically rigorous approach to understanding federal needs and coordinating with the FCC. I would work with the FCC to review and update the FCC-NTIA Memorandum of Understanding (MOU), seeking the best framework agreement possible to support our joint efforts to ensure spectrum use benefits all Americans. Additionally, I note that Secretary Raimondo has indicated her enthusiasm for an update to the National Spectrum Strategy, and I would welcome the opportunity to support that effort.

Looking to the future, I believe that maintaining U.S. leadership in wireless is critical to American competitiveness and job growth, and to the innovative services consumers value and rely on. If confirmed, I will work to ensure that vital public missions are maintained while keeping the spectrum pipeline open for new commercial opportunities, to meet the demand for spectrum now and in the future.

Question 2: Will you commit to working closely with states as they are applying for broadband funding and ensure that their technical assistance needs are met?

Yes. I believe it's essential that we work with states and other eligible entities to provide them with in depth technical assistance. If confirmed, a top priority will be getting states the tools and support they need as they design the state-level plans that will best address the on-the-ground broadband situation in each state.

Question 3: Last week, I asked Chairwoman Rosenworcel about supply chain challenges facing broadband providers, in light of the increased level of federal spending to close the digital divide. She said that she started a proceeding at the FCC to collect information about how semiconductor shortages are impacting the telecommunications sector. The success of the new broadband grants programs will depend in part on supplies being available to deploy broadband. Is there anything the NTIA or the Department of Commerce more broadly can do to help with supply chain issues facing broadband providers?

The Department of Commerce has taken a leading role in addressing supply chain challenges facing our nation, and in particular semiconductor availability. I believe the Department and NTIA are well positioned to engage with the telecommunications sector to identify potential supply chain shortages and work with manufacturers to ensure that there is sufficient supply of the material and equipment to implement the broadband programs in the IIJA. If confirmed, I intend to leverage the resources and expertise within the Department and to work closely with industrial stakeholders to address this critical issue.

<u>**Senator Dan Sullivan**</u>

Question 1: Is it your understanding that the funding to be made available to the states under the Broadband Equity, Access, and Deployment Program (BEAD) will be allowed to be used for middle mile build outs as well as last mile?

I would need to work with the staff at NTIA, if confirmed, to evaluate and understand how the BEAD program's various provisions should be interpreted with regards to this question.

Question 2: As you confirmed in your hearing, NTIA's first priority for BEAD broadband funds is to unserved areas. The program also includes a set-aside for high-cost areas. As you begin ironing out the allocation formulas, will you continue to prioritize these two areas in line with Congressional intent?

Yes. The IIJA requires that we serve unserved locations first. That will be my first priority. As you note, it also reserves BEAD funding for locations in high-cost areas. To effectuate that provision, NTIA will need to determine how to define those locations. If confirmed, I intend to prioritize these areas and faithfully execute the framework put in place by Congress.

Question 3: Earlier this year, NTIA solicited help from volunteer grant reviewers for a number of broadband programs, including the Tribal Broadband Connectivity Program (TBCP). If confirmed, how will you work to ensure that these volunteers are properly overseen, and that the programs move forward in a timely and efficient manner?

As we discussed in our meeting, I appreciate the importance of addressing the unique connectivity issues facing tribal communities. I do not know the details of how the review process for the Tribal Broadband Grant Connectivity Program (TBCP) has been implemented. But if confirmed, I will work to ensure that the TBCP is overseen properly and administered in a timely, transparent, and efficient fashion. I welcome input from you and your staff on these efforts and to ensure that the TBCP accomplishes its objective of improving connectivity in tribal communities.

Question 4: Alaska ranks absolutely last in terms of broadband access in the United States. Being home to 229 federally recognized tribal governments, some of which reside in Alaska's most remote communities that can only be accessed by plane or ferry, the need for federal investments in broadband infrastructure has only been exacerbated by the COVID-19 pandemic. I recently heard from some of our communities that they have been paying roughly $1,000 per month just to make sure their kids have internet access necessary to attend school, they can continue working, and elders can access healthcare. Despite our demonstrated need, we continue to face hurdles in building out broadband infrastructure, largely in part because of the vast and unique geographical features of our state. Some of Alaska's Tribes have broadband service areas covering tens of thousands of square miles. To ensure they are able to bring high speed, reliable internet to the different village communities they serve, federal funding must be adjusted to account for the impact of a changing permafrost, distance between village communities, and other factors unique to Alaska. In reviewing applications for TBCP and other NTIA funds, how will the Department account for these various factors? Or in other words, what extent does NTIA

factor in the size of a tribe's service delivery area, the unique terrain and other geographical barriers that drive up broadband infrastructure costs, the existing unmet needs, and other unique factors facing tribes in my state? Additionally, we are aware that the TBCP application provided some level of priority consideration for regional applications. How does this priority consideration factor into NTIA's decision to fund a project?

I appreciated the opportunity to learn more about Alaska's significant connectivity challenges during our meeting. I also share Secretary Raimondo's commitment to working with tribal communities in particular to get them the broadband connections needed to participate in the 21st-century economy. As I am not yet in the building, I have much to learn about NTIA's specific plans for reviewing TBCP applications and the ways that priority consideration factors into funding decisions. However, I believe that strong communications and consultation are essential to ensuring that tribal governments receive the full benefits of the TBCP and other NTIA programs in a fair and efficient way. As I indicated at my hearing, I am committed to visiting your state to better understand Alaska's unique geography and topography, and the challenges posed by those characteristics. I look forward to working with you, your staff, and other Alaskan stakeholders to better understand how we can ensure this program meets the unique needs of tribal communities in the state.

Question 5: Extreme rural tribal communities, sometimes called "Frontier" communities, in Alaska face an existential threat with regard to lack of access to broadband and adequate internet speeds. It jeopardizes the future viability of communities where young people would like to live but have trouble sustaining families in the absence of reliable internet. Are these factors part of your consideration as dollars are awarded under the TBCP? Would you and your staff be open to more discussions with my office and stakeholders regarding the unique impact it has in Alaska?

The challenges facing "Frontier" communities you describe are emblematic of the digital divide and reinforce the need to prioritize unserved communities and support them in reaching their full economic potential. While I have not been engaged in NTIA's process to award funds via the TBCP, I welcome the opportunity to continue engaging with your office and stakeholders to ensure that the needs of "Frontier" communities are appropriately considered in that program and as we stand up and administer the programs contemplated in the IIJA.

Question 6: Under the Notice of Funding Opportunity (NOFO) for the TBCP, applicants were encouraged to answer whether they would want their application to be passed along for consideration under the COVID Capital Projects Fund (CCP). Will CCP meaningfully supplement the TBCP given its oversubscription? I understand that the initial $1 billion in TBCP funding was met with ~$5 billion in applications. To what extent will the CCP be utilized to help the needs of TBCP applicants, and will NTIA utilize CCP funding for rural communities most in need?

As I am not part of NTIA I have not been part of discussions between the NTIA and Treasury regarding the issues you raised. If confirmed, I look forward to coordinating with other federal

grants programs and to working with your office to ensure that tribal applicants are able to easily benefit from the funds available across various programs.

Question 7: The BIF directs an additional $2 billion in funding for the TBCP. Will NTIA make any adjustments to how the funding is awarded under the program after the awarding of the initial $1 billion? And if so, would NTIA be open to a conversation about suggestions about how to make the program work better for extreme, rural communities?

I do not know the current status of NTIA's planning regarding the additional $2 billion appropriated for the TBCP under the IIJA. If confirmed, I would welcome discussion with you and your staff as well as other stakeholders to understand how best to implement this program to meet the needs of tribal communities, including those in extreme, rural locations.

Question 8: It is understandable that TBCP applicants may not all receive the total funding they are pursuing given the program's oversubscription. Other funding sources exist for broadband, such as the CCP, programs within Bureau of Indian Affairs, or the recently-passed BIF. Does NTIA envision a scenario where NTIA TBCP funding awards are intended to be complementary to efforts to receive Federal funding from other sources? Communities in Alaska would be empowered to explore creative solutions if they were given a commitment from NTIA to "get the project started" and work from there to fund it to completion?

While I do not know the status of NTIA's plans for TBCP funding awards, if confirmed, I would commit to work with you and your staff on how best to effectively and creatively leverage TBCP funding and other federal funding sources to meet the needs of Alaska's tribal communities.

Question 9: Will you be reaching out to TBCP applicants who are not approved to notify them about other federal funding opportunities?

While I do not know NTIA's current plans for TBCP applicants, I am committed to communicating well with tribal communities and program applicants, and ensuring that they are aware of funding opportunities from NTIA and other federal sources.

Question 10: Connecting Alaska will require crossing significant swaths of federal lands. Will you commit to work with my office, Alaskans, and any relevant federal agencies on expedited easement rights for broadband access?

Yes.

<u>**Senator Marsha Blackburn**</u>

Question 1: As I'm sure you already know, the FAA issued a safety alert on 5G interference to aircraft. While there is no sufficient evidence that 5G deployment causes aircraft safety concerns, the FAA went ahead and stated "action might be required to address potential interference with sensitive aircraft electronics." What are your thoughts on this ongoing situation?

I agree that the ongoing C-band situation is a prime example of how interagency spectrum coordination has become less effective than it needs to be in recent years, with real-world consequences for spectrum users. Working to achieve better spectrum coordination outcomes in the future will be one of my top priorities if confirmed. It is critical that we support 5G deployment and maintain US leadership in wireless, and so we must find ways to meet the needs of both federal and commercial spectrum users.

Question 2: According to Firehouse.com, On November 1st, the Rapid All-Terrain Tower (RATT), a Tennessee-based business, announced a partnership with FirstNet to create a fast and reliable communication platform for use in surveillance, crisis, and emergency situations. How can we continue to improve FirstNet services for first responders?

Ensuring that FirstNet provides reliable and effective support for first responders and that its network is resilient are critical goals. I look forward to learning more about RATT's technology, and I am pleased that FirstNet continues to take steps to improve FirstNet services for first responders. If confirmed, I look forward to engaging with the experts at NTIA and FirstNet on these issues, and to supporting FirstNet's continued engagement with public safety agencies across the country.

Question 3: As I noted when we spoke, I am concerned that government and commercial users are working at cross-purposes, which is ultimately unhelpful for consumers. How will you encourage better collaboration among NTIA, other federal users of spectrum, and the FCC and private sector?

As we discussed when we spoke, spectrum policy implicates a range of federal and commercial equities. NTIA has a dual mission to be a good steward of federal spectrum and to assist in making federal spectrum available for commercial use. It is crucial for NTIA to work in partnership with the FCC, federal users, and the private sector to successfully achieve both of these missions. To do so, NTIA should focus on an evidence-based, technically rigorous approach to understanding federal needs and coordinating with the FCC. If confirmed, I would work with the FCC to review and update the FCC-NTIA Memorandum of Understanding (MOU), seeking the best framework agreement possible to support our joint efforts to ensure spectrum use benefits all Americans. I was encouraged to hear Chairwoman Rosenworcel indicate her support for this update in her confirmation hearing. I also would look to resume the biannual joint spectrum planning meetings between the Assistant Secretary and the FCC Chair that Congress wisely directed. Finally, I would note that Secretary Raimondo has indicated her enthusiasm for an update to the National Spectrum Strategy, and I would welcome the opportunity to support that effort. In consultation with federal users, commercial stakeholders, and technical experts, I believe we have an opportunity to "skate to where the puck is going,

rather than where it is now" and develop a spectrum strategy that meets the future needs of the nation.

Senator Todd Young

Question 1: Mr. Davidson, what are your plans at NTIA to implement a new incumbent informing capability for the 3.5 GHz CBRS band?

As we discussed in your office, the US has exhausted much of the low hanging fruit when it comes to spectrum usage. Making more spectrum available to meet the nation's future needs will be aided by innovative technologies and techniques. Incumbent Informing Capability (IIC) may well be one of those promising technologies. My understanding is that NTIA is working to develop and implement IIC to make more federal spectrum available for commercial use, and to develop a common platform for spectrum sharing. If confirmed, I am eager to learn more about NTIA's efforts in this area, and I would be happy to work with you and your staff on innovative ways to make more federal spectrum available for commercial use.

<u>**Senator Mike Lee**</u>

<u>**Question 1**</u>**: The Infrastructure Investment and Jobs Act, or otherwise known as the Bipartisan Infrastructure Framework (BIF), awarded the NTIA $42 billion for broadband deployment.**

1. **How does federal government funding in broadband affect market incumbents who are already providing service to an area? Does federal funding have the potential to distort market competition?**

To minimize any impact, the IIJA support for broadband buildout is premised on an "unserved first" model, which Congress designed to supplement – rather than disrupt – private sector investments. I intend to faithfully follow this statutory framework.

2. **The BIF requires grants for unserved/underserved areas to be built out at 100 Mbps down and 20 Mbps up. That's roughly four times the speed of the FCC's minimum speeds under the Universal Service Fund. Is the "overbuilding" of networks inevitable? And is that a problem that should be avoided?**

As noted above, the IIJA is premised on an "unserved first" model that prioritizes investment in areas that presently lack access to broadband. For these and underserved areas, the IIJA provides clear directives for service standards at 100 Mbps downstream and 20 Mbps upstream along with low latency. NTIA's first priority will be to assist states in both understanding those requirements and having access to the right technical support and tools to design state plans that meet their needs and prioritizes service to the unserved first.

3. **If the FCC or USDA has already committed federal funding to an area for broadband deployment to unserved (or underserved) areas should that exclude the NTIA from awarding funds that serve the same area? Why or Why Not?**

Under the Broadband Interagency Coordination Act, the FCC, USDA, and NTIA are charged with coordinating on their broadband deployment activities. I agree that it is important to rationalize our processes to minimize unnecessary overlaps in funding. If confirmed, I look forward to learning more about the current states of these inter-agency discussions and about how we can most effectively direct BEAD funding such that it complements funding from other federal programs Additionally, the IIJA establishes definitions of unserved and underserved locations as well as requirements for state awards to subgrantees, and I intend to faithfully follow the statutory framework.

4. **Do you support the government rate regulation of broadband?**

I do not believe that the IIJA statute allows NTIA to engage in rate regulation in administering programs contemplated in the IIJA, and I believe that competition and innovation in broadband markets is the optimal mechanism for determining prices.

5. **Under the requirements in the BIF, the Administrator is required to approve a "Low-Cost Broadband Service Option" from entities that receive federal funds from NTIA. What is a "Low-Cost Broadband Service Option" in your view?**

At a high level, I view this provision as being aimed at helping to ensure that all Americans have access to affordable broadband. I expect that its implementation may vary from state to state. I welcome input from a variety of stakeholders, including your office, on the best way to define "Low-Cost Broadband Service Option" under the IIJA.

6. **Is "price" a factor in determining whether an option is "low-cost?" And how would you reconcile this with the BIF's statutory mandate to not engage in rate regulation?**

I have not had the benefit of hearing the NTIA staff's analysis of the IIJA, including its provisions relating to the low-cost broadband service option. If confirmed, I look forward to working with the NTIA staff and engaging with states who are responsible for proposing specific approaches for subgrantee programs to assess how the IIJA's various terms interact with one another.

7. **The BIF gives the Administrator broad discretion to put additional requirements on company's who receive broadband funding under NTIA. What additional requirements that are not in the statute would you require? Would you require "Net Neutrality" requirements as a condition of receiving NTIA funds under the BIF?**

Because I am not at NTIA, I have not had the benefit of the NTIA staff's thinking on how the IIJA programs should be structured, and what obligations, if any, should apply to funding recipients. If confirmed, my main focus with respect to the IIJA programs will be getting affordable, high-speed, and reliable broadband service to all Americans as quickly and carefully as possible.

8. **There are areas in the BIF that leave discretion to NTIA in distributing funds under the program. Will you commit to doing a rulemaking on the program to ensure public comments are taken into account for the dissemination of these funds?**

As I do not have the benefit of the NTIA staff's thinking on these issues, I do not yet know whether NTIA will proceed via rulemaking or other mechanisms. But no matter how we proceed, I am very committed to transparency and accountability throughout the process of standing up and administering the BEAD program. If confirmed, I intend to seek and consider input from a variety of stakeholders on the policy issues presented in the IIJA.

Question 2: As Administrator of NTIA, you will be responsible for overseeing the federal government's federal spectrum allocations.
1. **In your view, do Federal Government agencies use their spectrum efficiently?**

Senator, as we discussed on our call, I believe that federal agencies have essential public missions that must be met but also can be more efficient in their use of spectrum resources. If confirmed, I welcome the opportunity to work with you and other spectrum leaders in Congress

to find ways to ensure that federal agencies are being as efficient as possible with this precious resource.

2. **As Administrator, do you believe you have a responsibility to find those inefficient spectrum allocations within federal agencies and offer those allocations up for higher and better uses?**

The most effective role for NTIA is to work with federal agencies, Congress, and the White House on a regular basis to identify opportunities to make Federal Government agencies' use of spectrum more efficient. NTIA has also been directed by Congress on numerous occasions to identify federal spectrum that can be made available for commercial use. Congress has trusted NTIA with this important mission and if confirmed this work will be a top priority for me. Finally, I would note that Secretary Raimondo has indicated her enthusiasm for an update to the National Spectrum Strategy. I would welcome the opportunity to support that effort.

3. **I've been a proponent of doing targeted audits on federal agencies' use of spectrum. The BIF included a provision I authored to audit DOT's spectrum. Would you support expanding audits to all federal agencies?**

Evaluating and tracking federal spectrum use is a critical task. My understanding is that NTIA is in the process of modernizing its spectrum management software and systems. While the immediate focus is on updating its legacy tools, longer term NTIA seeks to track more closely what federal users are using which bands at what times. The ultimate goal is to be able track and manage these allocations in real time. I would support ways that we can upgrade and enhance these tools so that we can know at any given time how federal agencies are using their spectrum allocations, and potentially how we can facilitate shared use of that spectrum with commercial users if possible. If confirmed, I would welcome the opportunity to work with you and your staff to find ways to achieve your goal of tracking and quantifying federal spectrum usage.

4. **I also have a bill called the Government Spectrum Valuation Act (S. 553), which would require NTIA to assess the "opportunity costs" of federal spectrum by conducting a market valuation of federal spectrum between 3 Khz and 95 Ghz. Do you support my Government Spectrum Valuation Act?**

I agree that we need to better understand the opportunity costs of federal spectrum usage and ensure that we are making the best possible use of spectrum in the public interest. I have not reviewed all of the provisions of S. 553, though I find many of the ideas that we discussed promising. If confirmed, I would be happy to work with you and your staff on this legislation and how we can achieve greater efficiencies in federal spectrum usage.

5. **Generally, do you support the reallocation of federal spectrum that is not being used efficiently by federal agencies? What incentives can you, as Administrator, provide for reallocation?**

Providing incentives for federal agencies to engage in the significant planning and technical analysis required for spectrum reallocation is very important. Existing mechanisms have proved

valuable, such as the Spectrum Relocation Fund (SRF). If confirmed, I would be happy to work with you and your staff to determine how best to leverage the SRF and other programs and authorities within NTIA to incentivize federal users to make their operations more efficient.

6. **As NTIA Administrator, is it your duty to advocate for the spectrum views of individual federal agencies or is your responsibility to take agency views into account and advocate NTIA's independent decision?**

NTIA has dual roles when it comes to federal spectrum policy. First, it is the coordinator of federal spectrum usage, and second, it serves as the principal adviser to the President on telecommunications and information policy and has an imperative to meet commercial needs for spectrum. If confirmed, I would focus on an evidence-based approach to NTIA's roles. I would work to ensure that NTIA leverages its significant spectrum engineering and policy expertise in working with agencies and advocating on their behalf. It has been said in the past that we need a ref on the field when it comes to spectrum policy, someone who can call balls and strikes impartially. That is the role that NTIA would play under my leadership.

Question 3 **The NTIA has long considered the potential for leasing federal spectrum for non-federal uses. Do support allowing for the leasing of federal spectrum for non-federal uses?**

This is not an issue that I am deeply familiar with. I support utilizing innovation and technology as a way to better leverage our limited spectrum resources. If confirmed, I would like to work with you and your staff to better understand how this concept would apply and how it could be leveraged to achieve our shared goal of more efficient federal spectrum usage.

Question 4: Regarding spectrum coordination, the FCC and the NTIA have operated under an MOU that is the main mechanism for coordination of spectrum management decisions.
1. **Is the existing MOU's framework sufficient for today's spectrum coordination between the FCC and NTIA?**

No.

2. **Do you think the MOU needs to be updated? If so, how?**

I agree with Chair Rosenworcel that the FCC-NTIA MOU should be updated to reflect the many changes in spectrum issues since the MOU has last been revised. I would reserve judgment on specific changes until I have had the opportunity, if confirmed, to make my own assessments based on engagement with NTIA's expert technical staff and other stakeholders.

3. **In your view is the Interdepartment Radio Advisory Committee (IRAC) operating efficiently? Is all the information between agencies being shared during the IRAC?**

The IRAC has a long history of serving as an effective intergovernmental coordination mechanism but my understanding is that it has experienced declines in its effectiveness in recent years. If confirmed, I look forward to learning more about the status of the Committee.

4. In your view, is there room for improvement in the IRAC process? If so, what?

Yes, my understanding is that there is room for improvement. Because I do not have direct knowledge of the IRAC as it has been operating, I will reserve judgment on specific areas that should be changed but if confirmed I plan to engage with key personnel across IRAC-participating agencies to identify areas for improvement during my tenure as Administrator.

Question 5: Do you have any concerns about Chinese influence at the International Telecommunication Union?

1. **Does China's influence at the ITU have implications for setting global standards for telecommunications?**
2. **As Administrator, what priorities will you have at the ITU to combat Chinese control of the ITU?**
3. **How will you advance U.S. interests and ensure the U.S. is bolstering our influence at the ITU?**

I do have concerns about efforts by the Chinese government (and other authoritarian governments) to influence the ITU and other international bodies to make global communications networks more subject to top-down censorship and control, and to push for their centrally-designed standards over internationally-developed standards. These approaches can stifle competition and interfere with commerce and innovation.

If confirmed, I will make it a priority for the United States to reassert itself as a global leader in these international fora, in order to promote the open and industry-driven innovation that has been the hallmark of the online ecosystem. My immediate priority within the ITU context would be the election of Doreen Bogdan-Martin as Secretary General of the ITU, who would be the first American in that position in decades and the first woman ever. I would work to ensure U.S. leadership and would plan to serve on the U.S. delegation to the ITU's September 2022 Plenipotentiary Conference, where a key focus will be Ms. Bogdan-Martin's election.

Senator Ron Johnson

Question 1: **The Bipartisan Infrastructure Bill included $42 billion to NTIA for a broadband grant program and provided the Administrator with wide discretion of its disbursement. Every facet of the economy utilizes and relies on broadband access, and internet usage is increasingly using a greater share of electricity. Yet, our electric power grid remains vulnerable to natural and anthropogenic disasters including electromagnetic pulse (EMP) attacks and geomagnetic disturbances (GMD).**

1. **How can NTIA work with NIST to improve resilience of critical infrastructure, including our broadband networks, against EMP attacks and GMD threats?**

If confirmed, I will ensure that NTIA is fully leveraging its expertise to improve resilience of critical infrastructure and the entire communications eco-system. I generally understand that over the years NTIA has actively engaged in interagency discussions on resilience and response to threats from EMP attacks and GMD incidents. But I am not deeply familiar with that work, and thus cannot comment on the best paths forward to address the concerns. If confirmed, I can commit to working to better understanding the threats, past U.S. Government responses to them, and future options to reduce our risks.

2. **Are you open to repurposing unspent COVID-19 relief, CARES Act, or American Rescue Plan Act funds, to build large power transformers to protect our electrical grid and broadband networks?**

Our nation's critical communications and broadband networks are dependent on a robust and resilient electrical grid. If confirmed, I will ensure that NTIA is actively engaged with the Departments of Homeland Security, Energy, and others to ensure that the national electric grid increases its resilience and can function and recover from natural and man-caused disasters. On the question of repurposing funds – including funds targeted at the pressing need to respond to serious health and related economic challenges – I am not aware of NTIA's ability to do so and imagine that this is of course in the purview of Congress.

<u>Senator Shelley Moore Capito</u>

<u>Question 1</u>: **Mr. Davidson, if confirmed, will you commit to complete transparency and cooperation of information with my office regarding any broadband funding dispensed by the NTIA to my state of West Virginia?**

Yes. Coordination with states will be critical to the success of the NTIA's broadband funding programs, and if confirmed I would welcome engagement and cooperation on state broadband funding with your office, and with other Members of Congress.

<u>Question 2</u>: **Given the mountainous terrain of West Virginia, achieving universal broadband connectivity may require an all-of-the-above technology approach. Fiber, cable, fixed wireless, mobile wireless--perhaps satellite broadband— each has a role to play in connecting every household and business to the digital economy. What are your thoughts on tech neutrality, and will broadband programs administered by NTIA be carried out in a technology-neutral manner?**

The IIJA gives state governments a significant role in ensuring that each state's residents benefit from affordable, robust, and ubiquitous broadband. As we discussed in your office, states like West Virginia face unique challenges that require flexibility in identifying technical solutions to meet local priorities. If confirmed, I would support an "all of the above" approach that allows NTIA and the states to consider any technology that will meet America's broadband needs, consistent with the requirements set out in the IIJA. I look forward to engaging with NTIA staff and stakeholders on the specific requirements you raise, in order to ensure that West Virginia has the tools to deploy broadband to all corners of the state.

<u>Question 3</u>: **Secretary Raimondo has repeatedly recognized the failures of the Broadband Technology Opportunities Program (BTOP), an approximately $4 billion grant program administered by NTIA in 2009 as part of the Obama stimulus. You are going to be tasked with distributing $42 billion in broadband funds—just over ten times the BTOP amount. If confirmed, how do you plan to ensure that the funds from the infrastructure bill will successfully deploy high-speed broadband with no fraud, waste, or abuse to the American taxpayer?**

Success for the infrastructure bill programs will require that we are careful stewards of federal funding. If confirmed, I am committed to implementing the IIJA programs in a way that gets money out the door both quickly and carefully. I would focus on three main approaches to do so. First, I would insist from the outset on clear expectations regarding oversight and accountability for state grantmakers and for grant recipients, and then execute and implement those oversight functions throughout the life of the program. Second, I believe in the idea that "sunlight is the best disinfectant". If confirmed I will demand transparency by NTIA and by our state partners. Finally, I would seek out clear metrics for success and accountability and ensure that NTIA and states are collecting the data needed to measure progress against those metrics.

<u>Question 4</u>: **As Secretary Raimondo has recognized, the infrastructure bill requires NTIA to rely on the newly updated FCC maps when determining if an area is unserved and**

defines an area as unserved if it does not have access to 25/3. Mr. Davidson, if confirmed, do you commit to following the letter of the law when implementing the infrastructure bill?

Yes

Question 5: **Mr. Davidson, if confirmed, do you commit to following the letter of the law when implementing the infrastructure bill?**

Yes

Question 6: **Secretary Raimondo has recognized that the infrastructure bill's process allows for challenges where there's already funding. The FCC has significant experience in reviewing broadband challenges to avoid overbuilding. If confirmed, will you commit to coordinating with the FCC on the challenge process?**

I believe it is important for NTIA to learn from the experiences of other agencies. If confirmed, I commit to coordinating with the FCC in order to understand and learn from their experiences with challenge processes.

Question 7: **What is your understanding of the roles the NTIA and FCC play in spectrum management?**

NTIA by statute manages the federal government's use of spectrum, including ensuring agencies have access to the spectrum needed to support important federal missions. NTIA also is the President's principal advisor on telecommunications, which includes spectrum policy. The Federal Communications Commission (FCC), an independent federal agency, regulates all other spectrum use, including by state and local governments. This shared governance of spectrum demands close coordination between the agencies on both domestic and international spectrum matters.

My understanding is that NTIA is also responsible for communicating the views of the executive branch to the FCC, through informal and formal coordination and even submitting public filings in FCC proceedings. For many years, a Memorandum of Understanding (MOU) between the agencies has governed formal coordination. NTIA and FCC collaboration has a long history, that I know includes many successes. If confirmed, I commit to working to ensure a stronger cooperative relationship exists and the tools are in place to ensure coordination can be as successful as possible, including reviewing the MOU for potential improvements. If confirmed, strengthening this function will be one of my top priorities.

Question 8: **The FCC requires all recipients of broadband funding to also provide voice service. In the interest of promoting ongoing private investment and modern network expansion, and creating competition should we consider requiring all funding recipients to be required to offer a voice service? What do your thoughts on requiring every recipient of broadband funding to also be required to be a designated Eligible Telecommunications Carrier (ETC)?**

It is important that we consider how the transition to high-speed, digital broadband networks might impact access to voice telephone service, which continues to play a crucial role in our world. The ETC model has served as a traditional oversight mechanism at the state level to ensure the quality and reliability of voice services, and some but not all states have also applied ETC oversight to broadband services. I have not considered the question posed in depth. If confirmed, I would seek advice from the NTIA staff as to the ramifications and impact of a state's conditioning BEAD funding and/or other programs on a recipient's commitment to provide voice service and to obtain ETC status.

Question 9: Big tech makes a lot of money off advertising over broadband networks. What are your thought on requiring them to help pay for the deployment of high-speed broadband?

The IIJA directed the FCC to open a proceeding regarding the future of the universal service fund. The question of whether and how to reform the contribution framework is principally left to the FCC under Section 254 of the Communications Act. If confirmed, I look forward to consulting with the FCC's leadership and offering any assistance we can as that agency considers such reforms.

<u>**Senator Rick Scott**</u>

<u>**Question 1**</u>**: The recently passed infrastructure bill gives NTIA over $42 billion for broadband buildout.**

1. **Have you ever managed a grant program this size?**

I have not, but I do have two decades of leadership and executive experience in the private and nonprofit sector. I have managed large, high-impact teams with significant budgets working in bet-the-company situations. I have sat on multiple boards and engaged in fiscal oversight. And I have served in the leadership offices of the Commerce Department itself. I am eager to bring all these experiences to bear at NTIA.

2. **How will you ensure the funds are allocated in an ethical manner and each state receives their fair share?**

If confirmed, I am committed to following the infrastructure statute responsibly and with integrity. This commitment includes administering the allocation framework in the statute faithfully, and serving as a close partner with states to make sure that they have the tools that they need to be successful. Throughout this effort, I am committed to ensuring that NTIA stands up and administers an open and transparent process.

<u>**Question 2**</u>**: This new $42 billion program was given exemption from certain provisions of the Freedom of Information Act.**

1. **Do you believe this exemption is necessary?**

I am not a FOIA expert and do not currently have a position on whether an exemption was necessary. Regardless, if confirmed I am committed to running open, transparent and accountable processes at the NTIA.

2. **How do you do plan on working with Congress to ensure transparency and proper oversight of this program?**

If confirmed, transparency and accountability will be a top priority. I believe in the idea that "sunlight is the best disinfectant" and if confirmed I will insist on transparency and accountability from NTIA as well as our state partners. I intend to communicate with Congress throughout the process of standing up and administering NTIA's portions of the IIJA and welcome input from your office.

<u>**Question 3**</u>**: Do you believe the government manages an appropriate amount of spectrum? Do you believe there are some efficiencies to be made that would allow more spectrum to be sold to the private sector for use – such as 5G or - one day - 6G?**

The federal government utilizes spectrum to support an extremely diverse range of missions of importance to the American people. These uses by necessity sometimes require access to significant amounts of spectrum. My understanding is that, quite often, the federal agencies are

indeed using spectrum very efficiently, including in many cases where a number of agencies share frequencies in the same band through elaborate coordination by NTIA and the agencies themselves.

Nonetheless, support for US leadership in 5G and future advanced wireless technologies is essential and demands continued access to spectrum. NTIA has a responsibility to ensure the limited spectrum resource is being used as efficiently as possible, and it has a long history of finding ways to maximize spectrum use and free it up for other purposes, including the commercial wireless services you refer to. If confirmed, I commit to seeking out more of these opportunities.

<u>**Senator Cynthia Lummis**</u>

<u>**Question 1**</u>**: Mr. Davidson- In our conversation we discussed how some states may not be fully prepared to accept the funding that will be coming to them from the infrastructure bill. Wyoming, fortunately, has a robust state broadband program so their problem is the opposite. Wyoming is ready from the funding, but they are concerned about the several month delay in announcing Broadband Infrastructure Grants. This delay in announcing who will receive grants is creating significant issues for the state's planning of deployment. If confirmed, how do you plan to keep this and future grant programs from experiencing more delays?**

If confirmed, I look forward to working with your office and with the state of Wyoming to make sure that residents of your state benefit from the very best broadband possible. Because I am not currently at NTIA, I do not have any visibility on what factors contributed to the recent delay in announcing the Broadband Infrastructure Grants. I will simply say that, if confirmed, I will place a high priority on meeting the deadlines set forth in statute. I also am committed to administering the programs transparently. Looking ahead, I would note that our distribution of funds under the IIJA state grant program is dependent on the release of critical FCC maps. I think that one of the most important things we can do to limit delays is to keep open robust lines of communication between NTIA, the FCC, the states, and other key stakeholders to make sure that potential issues or administrative problems are spotted and resolved as early as possible. I am committed to keeping those lines of communication open and coordinating closely so that we all can transform appropriated dollars into deployed broadband networks as quickly and carefully as possible.