



MEMORANDUM

May 20, 2022

To: Subcommittee on Communications and Technology Members and Staff

Fr: Committee on Energy and Commerce Staff

Re: Hearing on “Strengthening our Communications Networks: Legislation to Connect and Protect”

On Tuesday, May 24, 2022, at 11 a.m. (EDT), in the John D. Dingell Room, 2123 of the Rayburn House Office Building and via Cisco WebEx online video conferencing, the Subcommittee on Communications and Technology will hold a hearing entitled, “Strengthening our Communications Networks: Legislation to Connect and Protect.”

I. BACKGROUND

Broadband networks have become essential infrastructure, used by consumers for a myriad of applications and purposes—from telehealth to remote work, education to entertainment, staying in touch with loved ones to e-commerce.¹ In fact, there has been a dramatic increase in home broadband usage by consumers in the United States, with recent studies indicating that 71 percent of U.S. households had a wired home internet connection in 2021.² In addition, 97 percent of Americans now own a cellphone and 85 percent own a smartphone, up from 35 percent in 2011.³ Sixty-nine percent of Americans, therefore, live in households with both a fixed and wireless internet connection.⁴ As the digital transformation of industries and services continues, Americans are increasingly likely to become more reliant on broadband networks to meet their everyday needs.⁵

¹Brookings, *Digital Prosperity: How Broadband Can Deliver Health and Equity to All Communities* (Feb. 27, 2020) (<https://www.brookings.edu/research/digital-prosperity-how-broadband-can-deliver-health-and-equity-to-all-communities/>).

²National Telecommunications and Information Administration, *Internet Use Survey Data Explorer* (May 11, 2022) (<https://www.ntia.gov/data/explorer#sel=internetUser&demo=&pc=prop&disp=chart>).

³Pew Research Center, *Mobile Fact Sheet* (Apr. 7, 2021) (<https://www.pewresearch.org/internet/fact-sheet/mobile/>).

⁴National Telecommunications and Information Administration, *Internet Use Survey Data Explorer* (May 11, 2022) (<https://www.ntia.gov/data/explorer#sel=internetUser&demo=&pc=prop&disp=chart>).

⁵*Pandemic Speeds Americans’ Embrace of Digital Commerce*, Wall Street Journal (Nov. 15, 2020) (<https://www.wsj.com/articles/pandemic-speeds-americans-embrace-of-digital-commerce-11605436200>).

A. Spectrum Auction Authority

In 1993, Congress passed the Omnibus Budget Reconciliation Act (Reconciliation Act), which included a provision giving the Federal Communications Commission (FCC) authority to use a system of competitive bidding to grant spectrum licenses when there are two or more mutually exclusive license applications.⁶ This grant of authority has, from the start, been subject to an expiration date, which is currently September 30, 2022.⁷ However, Congress has extended the FCC’s spectrum auction authority several times over the last three decades and has never let it lapse. If Congress fails to extend this authorization before the September expiration date, the FCC will no longer have the authority to hold spectrum auctions, grant spectrum licenses related to those auctions, or do other auction work that relies on this authority. The only exception would be for certain spectrum identified under the Spectrum Pipeline Act of 2015 and under the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law.⁸

B. Digital Abuse/Technology-Enabled Coercive Control

Digital abuse, also known as technology-enabled coercive control, is defined by the National Domestic Violence Hotline as “the use of technology and the Internet to bully, harass, stalk, intimidate, or control a partner.”⁹ In a 2014 survey, 97 percent of victim service providers indicated that the victims seeking their services were being harassed, monitored, and threatened by perpetrators misusing technology.¹⁰ More recent studies have indicated that 60 to 63 percent of woman have experienced technology-based abuse by an intimate partner.¹¹ Additionally, a 2020 national survey of middle- and high-school students found that 28 percent of students in a relationship within the previous year had been the victim of digital dating abuse, with males more likely to report having experienced it.¹²

C. Universal Service Fund and Lifeline Program

As part of the Telecommunications Act of 1996, Congress directed the FCC to administer the Universal Service Fund (USF).¹³ In administering the USF, Congress required the FCC to honor the principle that “consumers in all regions of the Nation, including low-income consumers

⁶ Federal Communications Commission, *About Auctions* (<https://www.fcc.gov/auctions/about-auctions>) (accessed Apr. 27, 2022).

⁷ 47 U.S.C. § 309(j).

⁸ *Id.*

⁹ National Domestic Violence Hotline, *Types of Abuse* (<https://www.thehotline.org/resources/types-of-abuse/>) (accessed Apr. 27, 2022).

¹⁰ National Network to End Domestic Violence, *A Glimpse From the Field: How Abusers Are Misusing Technology* (https://static1.squarespace.com/static/51dc541ce4b03ebab8c5c88c/t/54e3d1b6e4b08500fcb455a0/1424216502058/NNEDV_Glimpse+From+the+Field+-+2014.pdf) (accessed Apr. 27, 2022).

¹¹ *Domestic Abusers Can Control Your Devices. Here’s How to Fight Back.*, New York Times (Apr. 6, 2020) (<https://www.nytimes.com/2020/04/06/smarter-living/wirecutter/domestic-abusers-can-control-your-devices-heres-how-to-fight-back.html>).

¹² Sameer Hinduja & Justin W. Patchin, *Digital Dating Abuse Among a National Sample of U.S. Youth*, *Journal of Interpersonal Violence* (Jan. 8, 2020) (<https://journals.sagepub.com/doi/10.1177/0886260519897344>).

¹³ 47 U.S.C. § 254.

and those in rural, insular, and high cost areas, should have access to telecommunications and information services.”¹⁴ Since 1985, the FCC’s Lifeline Program has provided a discount on phone service for qualifying low-income consumers.¹⁵ Enrollment data indicates that only a fraction of Lifeline-eligible individuals actually enroll in the program.¹⁶

D. National Telecommunications and Information Administration and Institute for Telecommunication Sciences

The National Telecommunications and Information Administration (NTIA), an agency within the Department of Commerce, has the authority to assign and oversee the spectrum usage rights of federal government agencies¹⁷ as well as represent the federal government on spectrum policy matters before the FCC.¹⁸ The Institute for Telecommunication Sciences (ITS) is the engineering laboratory of NTIA.¹⁹ ITS manages the telecommunications technology development programs of NTIA and Commerce as well as oversees certain telecommunications and spectrum needs of certain other federal agencies through various interagency agreements.²⁰ In certain instances, ITS will also engage directly with industry and academia through cooperative agreements.²¹

II. LEGISLATION

A. H.R. 4275, the “Ensuring Phone and Internet Access for SNAP Recipients Act of 2021”

H.R. 4275, the “Ensuring Phone and Internet Access for SNAP Recipients Act of 2021,” introduced by Reps. Luria (D-VA) and Katko (R-NY), requires the FCC, in consultation with the Secretary of Agriculture, to annually submit a report to Congress on the Lifeline Program’s enrollment of individuals participating in the Supplemental Nutrition Assistance Program. The legislation also requires the FCC to submit a report to Congress on the projected enrollment of new broadband service consumers in the Lifeline Program through federal assistance programs and the effectiveness of advertising for the Lifeline Program on enrollment figures, among other things.

B. H.R. 4990, the “ITS Codification Act”

H.R. 4990, the “ITS Codification Act,” introduced by Rep. Carter (R-GA), amends the

¹⁴ 47 U.S.C. § 254(b)(3).

¹⁵ Federal Communications Commission, *Lifeline Program for Low-Income Consumers* (<https://www.fcc.gov/general/lifeline-program-low-income-consumers>) (accessed May 9, 2022).

¹⁶ *Lacking a Lifeline: How a Federal Effort to Help Low Income Americans Pay Their Phone Bills Failed During the Pandemic*, Washington Post (Feb. 9, 2021).

¹⁷ 47 U.S.C. § 902.

¹⁸ *Id.*

¹⁹ Institute for Telecommunication Sciences, *ITS: The Nation’s Spectrum and Communications Lab* (<https://its.ntia.gov/about-its/its-the-nation-s-spectrum-and-communications-lab/>) (accessed May 12, 2022).

²⁰ *Id.*

²¹ *Id.*

National Telecommunications and Information Administration Organization Act (NTIA Organization Act) by providing statutory authority for ITS. It also requires the Assistant Secretary for Communications and Information to establish an initiative at NTIA to develop emergency communication technologies for use in locating individuals trapped in areas where mobile connectivity may not be available.

C. H.R. 5486, the “SMART Act”

H.R. 5486, the “SMART Act,” introduced by Rep. Guthrie (R-KY), amends the NTIA Organization Act to require the Assistant Secretary for Communications and Information to implement a standardized framework to facilitate the sharing of spectrum between federal and non-federal entities.

D. H.R. 7132, the “Safe Connections Act of 2022”

H.R. 7132, the “Safe Connections Act of 2022,” introduced by Reps. Kuster (D-NH) and Eshoo (D-CA), amends the Communications Act of 1934 (Communications Act) by requiring mobile service providers, after receiving a line separation request from a survivor of domestic violence, human trafficking, and other related crimes for a mobile service contract shared with an abuser, to separate the line of the survivor (and the line of any individual in the care of the survivor) from the shared mobile service contract or separate the line of the abuser from the shared mobile service contract when technically feasible. The legislation also directs the FCC to issue rules, within 18 months of the Act’s enactment, implementing line separation requests from survivors of domestic violence, human trafficking, and other related crimes and to establish emergency communications support for these survivors.

E. H.R. 7783, the “Extending America’s Spectrum Auction Leadership Act of 2022”

H.R. 7783, the “Extending America’s Spectrum Auction Leadership Act of 2022,” introduced by Rep. Davids (D-KS), amends the Communications Act by extending the FCC’s general auction authority for an additional 18 months to March 31, 2024.

III. WITNESSES

The following witnesses have been invited to testify:

Mark Gibson

Director, Business Development & Spectrum Policy
CommScope and Regulatory Officer of the OnGo Alliance

Anna M. Gomez

Partner
Wiley Rein LLP

Thomas E. Kadri, Ph.D.

Assistant Professor
University of Georgia School of Law

Alisa Valentin, Ph.D.

Senior Director of Technology and Telecommunications Policy
National Urban League