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MARKUP OF:

H.R. 4889, THE KELSEY SMITH ACT OF 2016;

H.R. 4167, KARI'S LAW ACT OF 2015;

H.R. 4884, CONTROLLING THE UNCHECKED AND

RECKLESS BALLOONING OF THE LIFELINE FUND ACT

(CURB LIFELINE);

H.R. 4111, RURAL HEALTH CARE CONNECTIVITY

ACT OF 2015;

H.R. 4190, SPECTRUM CHALLENGE PRIZE

ACT OF 2015;

H.R. 3998, SECURING ACCESS TO NETWORKS IN

DISASTERS (SANDY) ACT; AND

H.R. 2031, ANTI-SWATTING ACT OF 2015.

TUESDAY, APRIL 19, 2016

House of Representatives

Subcommittee on Communications and

Technology

Committee on Energy and Commerce

Washington, D.C.

1           The subcommittee met, pursuant to call, at 2:00 P.m., in Room  
2 2123 Rayburn House Office Building, Hon. Greg Walden [chairman  
3 of the subcommittee] presiding.

4           Members present: Representatives Walden, Latta, Barton,  
5 Shimkus, Blackburn, Scalise, Lance, Guthrie, Olson, Pompeo,  
6 Kinzinger, Bilirakis, Johnson, Long, Elmers, Cramer, Upton (ex  
7 officio), Eshoo, Doyle, Welch, Yarmuth, Clarke, Loeb sack,  
8 Butterfield, Matsui, McNerney, Lujan, and Pallone (ex officio).

9           Staff present: Mike Bloomquist, Deputy Staff Director; Sean  
10 Bonyun, Communications Director; Karen Christian, General  
11 Counsel; Gene Fullano, Detailee, Telecom; Giulia Giannangeli,  
12 Legislative Clerk, Commerce, Manufacturing, and Trade; Kelsey  
13 Guyselman, Counsel, Telecom; Peter Kielty, Deputy General  
14 Counsel; Grace Koh, Counsel, Telecom; Tim Pataki, Professional  
15 Staff Member; Graham Pittman, Legislative Clerk; Charlotte  
16 Savercool, Professional Staff, Communications and Technology;  
17 Dylan Vorbach, Deputy Press Secretary; Gregory Watson,  
18 Legislative Clerk, Communications and Technology; Jen Berenholz,  
19 Minority Chief Clerk; Elizabeth Ertel, Minority Deputy Clerk;  
20 David Goldman, Minority Chief Counsel, Communications and  
21 Technology; Tiffany Guarascio, Minority Deputy Staff Director and  
22 Chief Health Advisor; Jerry Leverich, Minority Counsel; Lori  
23 Maarbjerg, Minority FCC Detailee; Jessica Martinez, Minority  
24 Outreach and Member Services Coordinator; Tim Robinson, Minority  
25 Chief Counsel; Matt Schumacher, Minority Press Assistant; Ryan

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1 Skukowski, Minority Policy Analyst; and Andrew Souvall, Minority  
2 Director of Communications, Outreach and Member Services.

1 Mr. Walden. We are going to call to order the Subcommittee on Communications and Technology. At the  
2 conclusion of opening statements yesterday, the chair called up H.R. 4889.

3 [The Bill H.R. 4889 follows:]

4

5 \*\*\*\*\*INSERT 1\*\*\*\*\*

1                   Mr. Walden.    The bill was opened for amendment at any point.    Are there any bipartisan amendments to  
2 this bill?    Are there other amendments to H.R. 4889?    The chair recognizes -- for what purpose does the gentleman  
3 from New Jersey seek recognition?

4                   Mr. Pallone.    To offer an amendment, Number 01, Mr. Chairman.

5                   [The amendment offered by Mr. Pallone follows:]

6

7                   \*\*\*\*\*INSERT 2\*\*\*\*\*

1 Mr. Walden. All right. The Clerk will report the amendment.

2 The Clerk. Amendment to H.R. 4889, offered by Mr. Pallone. Strike all after --

3 Mr. Walden. Without objection, the reading of the amendment is dispensed with, and while they distribute  
4 the amendment, Mr. Pallone, if you would like to go ahead for 5 minutes in support of your amendment.

5 Mr. Pallone. Thank you, Mr. Chairman, and I won't need all the time. Last Congress, the committee  
6 considered another version of the Kelsey Smith Act and voted that bill out of committee on a voice vote. But we are not  
7 considering that version today. Today, the bill before us, H.R. 4889, does not follow the framework of that  
8 compromise, and the bill disregards this committee's hard work on the Kelsey Smith Act, in my opinion.

9 When the committee first considered the act, it heard concerns about the bill's potential risk to consumers'  
10 privacy and Fourth Amendment rights. The committee worked together in a bipartisan way to address some of those  
11 concerns and favorably reported the Kelsey Smith Act to the floor of the House.

12 This amendment would offer another opportunity to take up the compromise that was worked out last  
13 Congress. That amendment requires that 48 hours after law enforcement makes an emergency request that the officer  
14 making that request seek a court order stating whether he or she had probable cause to believe that there was in fact an  
15 emergency.

16 As a result, the bill addresses some of the concerns that civil liberties groups have raised regarding potential  
17 abuse of H.R. 4889 while also ensuring that law enforcement have quick access to lifesaving location data when they are  
18 presented with an emergency situation.

19 Let me be clear that nothing in this bill would stop law enforcement from acting swiftly to get the accurate  
20 location data needed to respond to life threatening emergency. That is a goal we all agree on. If we can't agree,  
21 however, Mr. Chairman, on our prior work or to build on our prior work, perhaps we can work together as we move  
22 towards full committee markup.

23 But I would like to address some of these civil liberties concerns, and this is the way that we had thought we  
24 could it on a bipartisan basis. So I would urge members to support these efforts and I yield back.

25 Mr. Walden. The gentleman yields back the balance of his time. I would rise in opposition to the

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1 amendment. I appreciate the gentleman's strong support of the legislation that I helped offer last time. Subsequent  
2 to that we learned a few things about the bill that caused consternation, frankly, among sheriffs and others in my own  
3 state, and that is why we modeled this newer bill after what passed in Oregon unanimously in the House and the Senate  
4 and signed by the governor, all of whom by the way I don't have to say too loudly are all Democrats. So everything is  
5 run by the Democrats out there which brings joy to your heart, I am sure.

6 But we think it is a balanced piece of legislation we brought before, and the other piece of this is that it does  
7 have that liability protection for the carriers so that you don't have some customer representative wondering whether or  
8 not they are going to have some liability here if they comply. So I would urge my colleagues to oppose the gentleman's  
9 amendment and --

10 Mr. Pallone. Mr. Chairman, if you are done I just was going to ask you to yield a minute.

11 Mr. Walden. Sure.

12 Mr. Pallone. Again, I understand your position. But I did want to mention that the idea here is not to  
13 suppress any evidence that resulted from, you know, from the law enforcement activity. That would not be the case,  
14 but rather just to provide some deterrent to unlawful police activity. That is what the civil liberties groups are  
15 concerned about, so I just wanted to mention that or add to my comments in that regard, Mr. Chairman.

16 Mr. Walden. I appreciate that and I would yield back the balance of my time. Are there other members  
17 seeking recognition on the gentleman's amendment? Seeing none, the question now arises. All those in favor of the  
18 amendment will say aye.

19 Those opposed, no.

20 The noes appear to have it. The noes have it and the amendment is not agreed to.

21 Are there other amendments at the desk? Why, yes there are. We will pull up the Walden amendment,  
22 please.

23 The Clerk. Amendment to H.R. 4889, offered by Mr. Walden.

24 [The amendment offered by Mr. Walden follows:]  
25

1

\*\*\*\*\*INSERT 3\*\*\*\*\*



1 Mr. Walden. Without objection, the reading of the amendment is dispensed with and I will recognize myself  
2 for 5 minutes in support of the amendment.

3 This is the fixes that we did to the other bill that put in the liability protection provision that was an issue that  
4 came to our attention, because once again you don't want the account reps not cooperating and all because of fear of  
5 liability, and so that is what our amendment does. I think it has merit and should achieve bipartisan support, and I  
6 would encourage my colleagues on both sides of the aisle to support it, and I yield back the balance of my time.

7 Are there other members seeking recognition on this amendment? Seeing none, the question now comes on  
8 the amendment. All those in favor will say aye.

9 Those opposed, nay.

10 The ayes have it. The amendment is agreed to. Are there further amendments? Seeing none, the  
11 question now occurs on forwarding H.R. 4889, as amended, to the full committee. All those in favor will say aye.

12 All those opposed, nay.

13 The ayes appear to have it. The ayes have it. The bill is favorably reported. And I want to recognize the  
14 Smiths who are in the audience today. Thank you for your participation in this process, and the bill is favorably  
15 reported.

16 The chair now calls up H.R. 4167 and asks the Clerk to report.

17 [The Bill H.R. 4167 follows:]

18  
19 \*\*\*\*\*INSERT 4\*\*\*\*\*

1           The Clerk.   H.R. 4167, to amend the Communications Act of 1934 to require multi-line telephone systems to  
2 have default configurations that permit users to initiate call to 911 without dialing any --

3           Mr. Walden.   Without objection, the first reading of the bill is dispensed with.   The bill will be open for  
4 amendment at any point, so ordered.   Are there any bipartisan amendments to this piece of legislation?   Are there  
5 amendments, any amendments the members want to offer?   I recognize the gentlelady from California.

6           Ms. Eshoo.   Thank you, Mr. Chairman.   I think that this has the potential for a bipartisan amendment, and I  
7 believe it is at the desk.   Do you have the amendment at the desk?   It is MLTS/01?

8           Mr. Walden.   Yes, before you -- yes, if the Clerk will read the amendment.

9           The Clerk.   Amendment to H.R. 4167 offered by Ms. Eshoo of California.

10          [The amendment offered by Ms. Eshoo follows:]

11  
12          \*\*\*\*\*INSERT 5\*\*\*\*\*

1 Mr. Walden. Without objection, first reading of the amendment is dispensed with, and the chair recognizes  
2 the gentlelady from California.

3 Ms. Eshoo. Thank you, Mr. Chairman. As I was saying, this, I think, has the potential to be a bipartisan  
4 amendment and let me just outline what this would do.

5 Kari's Law addresses a very, very serious problem and I think everyone understands that here at the committee.  
6 When you dial 911 from a hotel or an office when split seconds really matter, you shouldn't have to dial 9 or some other  
7 prefix to get help. So I strongly support, and I know that my colleagues on this side we all support the overall goals of  
8 the bill.

9 But I want to point out where I think there is a deficiency and that is relative to location accuracy for multi-line  
10 telephone systems is really just as important as what I just stated. Once your call reaches a 911 call center, the people  
11 answering the phones have to know where you are to dispatch first responders.

12 It was an honor to have the families of those who lost their lives come and testify before us on 911, and I think if  
13 there were a witness from a family on location technology everybody would be, would just automatically say yes, we  
14 should do this.

15 So what this amendment does is that it requires the FCC, because we don't know how to do this amongst  
16 ourselves, to initiate a proceeding on location accuracy within 180 days of this bill becoming law. And the amendment  
17 says that nothing about what that proceeding at the FCC should look at and what the FCC would require. They have the  
18 expertise to do this. And the FCC has already requested and received public comment on the ability and the  
19 feasibility of the MLTS, the multi-line telephone systems, to provide precise location information for 911 callers. At  
20 least 16 states have already passed laws or issued regulations requiring enhanced 911 service for MLTS.

21 So I think that this an appropriate moment for us to direct the FCC which I described at this initiative on location  
22 accuracy, and I don't think we should let this opportunity slip through our fingertips. So I know I spoke to the  
23 gentleman from Illinois, Mr. Shimkus, who is a wonderful co-chair of the NextGen 9-1-1 Caucus, and I don't know if he is  
24 prepared to make any remarks on it, but I  
25 know --

1 Mr. Shimkus. If the gentlelady would yield?

2 Ms. Eshoo. Yes, I would be happy to.

3 Mr. Shimkus. I wanted to thank her for the work. And just imagine, I mean, we have these systems here in  
4 the building. So what the request is, is that when someone can immediately access 911 that then we would know  
5 which room it would be in. So I think it has got great merit to it, and I think it is something that I think if we give it some  
6 time we can bring a bipartisan amendment if we do due diligence and look at the language and then also some other due  
7 diligence. I look forward to working with her. We have had a great ride in helping the public safety and the 911  
8 community respond, and I hope that we can continue that as we move to the full committee.

9 Ms. Eshoo. I thank the gentleman. We will work together. It is a very short one page maybe five lines,  
10 and with your commitment to work this out before we go to full committee I will withdraw my amendment. Thank  
11 you, and I yield back.

12 Mr. Walden. The gentlelady withdraws her amendment and yields back her time. Are there other  
13 amendments to the legislation? If not, the question now occurs on forwarding H.R. 4167 to the full committee. All  
14 those in favor say aye.

15 Those opposed, nay.

16 The ayes have it and the bill is favorably reported.

17 The chair now calls up H.R. 4111 and asks the Clerk to report.

18 [The Bill H.R. 4111 follows:]

19

20 \*\*\*\*\*INSERT 6\*\*\*\*\*

1           The Clerk.   H.R. 4111, to include skilled nursing facilities as a type of health care provider under Section  
2 254(h) of Communications Act of 19 --

3           Mr. Walden.   Without objection, the first reading of the bill is dispensed with and the bill will be open for  
4 amendment at any point, so ordered.   Are there any bipartisan amendments to this legislation?   Are there any other  
5 amendments to the bill?   The gentleman seeks to strike the last word and is recognized from Iowa, Mr. Loeb sack.

6           Mr. Loeb sack.   Thank you, Mr. Chairman.   I would like to thank the committee for bringing up H.R. 4111,  
7 the Rural Health Care Connectivity Act, which I am proud to co-sponsor along with Congressman Lance and Congressman  
8 Cramer and I thank both of you for your wonderful work on this.

9           This common sense bill would allow skilled nursing facilities to be eligible for Universal Service Funding  
10 through the Rural Health Care Program.   In rural areas like my district in Iowa, it can be difficult for patients to get the  
11 health care that they need without driving long distances.   That is why innovations like telemedicine are so important to  
12 Iowa families and other rural families as well.   Unfortunately, it can be difficult, it can be expensive for providers to get  
13 the broadband access they need to provide these services to patients, and this bill would allow skilled nursing facilities to  
14 offer improved care options and services to our rural communities.   Skilled nursing facilities offer long term care to  
15 seniors, and in rural areas may be the only health care providers close by.   These facilities provide much needed care to  
16 aging populations and need to be able to develop and utilize the full range of telehealth opportunities that are out there.

17           Just last week I visited with Wilton Care Center, a skilled nursing facility in my district, and I heard about how  
18 critical internet access is for them so that they can offer the best care possible for their patients.   And in particular they  
19 explained how difficult it can be to transport the patients that live at their facility to a hospital or another doctor and how  
20 telehealth technologies allow them to save a potentially dangerous and disruptive trip that could take up to an hour while  
21 getting patients the care and service that they need.

22           And it is facilities like the Wilton Care Center that need robust and affordable broadband so they can best serve  
23 their patients and I am glad that we are working towards that goal.   And I thank the committee and the chairman, and in  
24 particular Mr. Lance and Mr. Cramer for working on this, and I yield back.   Thank you, Chair.

25           Mr. Walden.   The gentleman yields back.   The chair recognizes the gentleman from New Jersey, Mr. Lance,

1 for 5 minutes.

2 Mr. Lance. Thank you, Mr. Chairman, and thank you, Mr. Loeb sack. Let me say that health care should not  
3 be based upon where one lives, and this is a country that includes many rural areas. And this applies only to public or  
4 nonprofit entities, and it is a step in the right direction for the better health of the entire nation including those of our  
5 residents and citizens who live in rural America. Thank you very much, Mr. Chairman.

6 Mr. Walden. The gentleman yields back the balance of his time. Are there other members seeking  
7 recognition? Seeing none, the question now occurs on forwarding H.R. 4111 to the full committee. Those in favor  
8 say aye.

9 Those opposed, nay.

10 The ayes have it. The bill is favorably reported.

11 The chair now calls up H.R. 4190 and asks the Clerk to report.

12 [The Bill H.R. 4190 follows:]

13  
14 \*\*\*\*\*INSERT 7\*\*\*\*\*

1 The Clerk. H.R. 4190, to promote innovation, investment, and economic growth by accelerating spectrum  
2 efficiencies through the challenging prize competition.

3 Mr. Walden. Without objection, the first reading of the bill is dispensed with. The bill will be open for  
4 amendment at any point, so ordered. Are there any bipartisan amendments to this bill? Are there any other  
5 amendments to this bill? Does anyone want to speak on this bill?

6 Ms. Matsui. Mr. Chairman, I want to strike the last --

7 Mr. Walden. The chair recognizes the gentlelady from California, Ms. Matsui.

8 Ms. Matsui. Thank you, Mr. Chairman. I am pleased the subcommittee is considering my legislation today,  
9 H.R. 4190, the Spectrum Challenge Prize Act of 2015. The U.S. has always been a global leader in wireless technologies,  
10 but we need to continue to innovate in order for our wireless economy to continue to grow.

11 Spectrum is invisible infrastructure of the 21st century and we need to pursue every avenue to ensure that we  
12 can meet the growing demands of the mobile economy. I worked with my colleague Representative Guthrie and many  
13 members of the subcommittee to free up some of the airwaves used by the federal government. Spectrum is a finite  
14 resource, so we also need new technological approaches to encourage greater efficiencies.

15 My challenge prize legislation, which I introduced with Senator Tom Udall, would encourage wireless  
16 innovation by creating a federal spectrum challenge prize. The spectrum challenge competition would help incentivize  
17 innovators and entrepreneurs to develop technologies that eclipse the current state of the art.

18 Challenge prizes have a long track record of spurring innovation, for instance, like the driverless-car technology.  
19 The Spectrum Challenge Prize Act creates a new opportunity for the federal government and the private sector to work  
20 collaboratively in this pursuit of a spectrum efficiency breakthrough which is ultimately a victory for American consumers.  
21 I urge all my colleagues to support this legislation. Thank you, and I yield back.

22 Mr. Walden. The gentlelady yields back. Any other members seeking time? Seeing none, the question  
23 now occurs on forwarding H.R. 4190 to the full committee. All those in favor say aye.

24 Those opposed, nay.

25 The ayes appear to have it. The ayes have it and the bill is favorably reported.

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1 The chair calls up H.R. 3998 and asks the Clerk to report.

2 [The Bill H.R. 3998 follows:]

3

4 \*\*\*\*\*INSERT 8\*\*\*\*\*



1           The Clerk.   H.R. 3998, to direct the Federal Communications Commission to commence proceedings related  
2 to the resiliency of critical telecommunications networks during the time of emergency --

3           Mr. Walden.   Without objection, the first reading of the bill is dispensed with.   The bill will be open for  
4 amendment at any point, so ordered.   Are there any bipartisan amendments?   Are there any amendments?   Mr.  
5 Pallone, do you want to strike the last word?

6           Mr. Pallone.   Not if you are supportive.

7           Mr. Walden.   I am supportive.

8           Mr. Pallone.   Then I have nothing to say, thank you.

9           Mr. Walden.   All right.   Well, let's -- yes.   Okay, any other members seeking recognition or not seeking  
10 recognition?

11           With that the question now occurs on forwarding H.R. 3998 to the full committee.   All those in favor say aye.

12           Those opposed, nay.

13           The ayes appear to have it.   The ayes have it and that bill is also favorably reported to the full committee.

14           The chair calls up H.R. 2031 and asks the Clerk to report.

15           [The Bill H.R. 2031 follows:]

16

17           \*\*\*\*\*INSERT 9\*\*\*\*\*

1 The Clerk. H.R. 2031, to amend the Communications

2 Act --

3 Mr. Walden. Without objection, the first reading of the bill is dispensed with. The bill will be open for  
4 amendment at any point, so ordered. Are there any bipartisan amendments? Are there other amendments?

5 Apparently not. The question now occurs on forwarding H.R. 2031 to the full committee. All those in favor say aye.

6 Those opposed, nay.

7 The ayes have it and the bill is favorably reported.

8 The chair calls up H.R. 4884 and asks the Clerk to report.

9 [The Bill H.R. 4884 follows:]

10

11 \*\*\*\*\*INSERT 10\*\*\*\*\*

1                   The Clerk.    H.R. 4884, to amend the Communications Act.

2                   Mr. Walden.   Without objection, the first reading of the bill is dispensed with.   The bill will be open for  
3 amendment at any point, so ordered.   Are there any bipartisan amendments?   Are there other amendments?   For  
4 what purpose does the gentlelady from California seek recognition?

5                   Ms. Matsui.   I have an amendment at the desk.

6                   [The amendment offered by Ms. Matsui follows:]

7

8                   \*\*\*\*\*INSERT 11\*\*\*\*\*

1 Mr. Walden. The Clerk will report the amendment.

2 The Clerk. Amendment to H.R. 4884 --

3 Mr. Walden. Without objection, the reading of the amendment is dispensed with. And the gentlelady is  
4 recognized for 5 minutes in support of her amendment.

5 Ms. Matsui. Thank you, Mr. Chairman. I am disappointed my Republican colleagues are bringing up H.R.  
6 4884, the CURB Lifeline Act. Three weeks ago, the FCC took a major step forward to close the digital divide. The  
7 Lifeline program will now support broadband connectivity and help low-income households get and stay connected to  
8 the communications services they need to participate in the 21st century economy.

9 Just as we are celebrating this progress for struggling families across the country, our Republican colleagues are  
10 pushing legislation that take us backwards. Low-income families in every community have so many demands on their  
11 household budgets whether it is the cost of child care, transportation, or housing, we know that hard conversations about  
12 how to stretch paychecks each month are happening at kitchen tables across our nation.

13 The CURB Lifeline Act could prevent millions of low-income Americans from receiving the assistance they need  
14 to get connected and to be full participants in our 21st century economy. Rather than cut and cap the Lifeline program,  
15 my amendment would build upon the work the FCC has done to expand the program to broadband and strengthen our  
16 efforts to promote broadband adoption. Instead of talking about how to artificially limit the number of people Lifeline  
17 can serve, we should be thinking creatively about how we can help remove the barriers to getting online faced by our  
18 seniors, veterans, and families with school-age children.

19 I urge all my colleagues to vote for my amendment and stand up for the millions of Americans who could use  
20 Lifeline to help lift themselves out of poverty. Thank you, and I yield back.

21 Mr. Walden. The gentlelady yields back the balance of her time. Anyone seeking time in opposition to the  
22 amendment? If not, I will.

23 The amendment strikes the entire base text of H.R. 4884, and instead replaces it with an FCC proceeding that  
24 will almost inevitably lead to greater spending on Lifeline. The amendment instructs the FCC to consider the following  
25 factors when calculating the amount of assistance: consumers' market price for broadband internet access service;

1 speeds of service adopted by households; usage patterns of residential customers; and minimum service standards  
2 adopted by the FCC. These factors as a whole will almost certainly result in the Commission determining that a higher  
3 subsidy amount is necessary, which will further expand the fund and raise rates for those who pay the rate.

4 The current amount of \$9.25 per subscriber was set in 2012. The Lifeline program is intended to be a  
5 discount for low-income consumers not a payment to fully cover broadband or voice service. It was to be a subsidy, a  
6 discount. The amendment also explicitly prohibits the FCC from discontinuing standalone mobile voice service within  
7 the program. However, the FCC has already adopted an order that phases out mobile voice service. This amendment  
8 does the opposite of both the base bill and the Commission's own actions.

9 This amendment not only fails to cap the program or control spending, but instead would likely lead to  
10 increased spending and therefore I must oppose the amendment, and I yield back the balance of my time. Are there  
11 other members seeking recognition? I recognize the gentleman from New Jersey.

12 Mr. Pallone. Mr. Chairman, I guess I am just confused about what is going here, because I think we all  
13 recognize that the Lifeline program is very important for low-income people, that all in all it has been a success. And I  
14 think that it is clear that Ms. Matsui, even though you disagree, is making an effort to essentially make, you know, a good  
15 program or program that has worked, maybe has some faults, better. And it seems to me that that is a much preferable  
16 alternative to the bill, because the bill effectively is going to eliminate this service for the people that need it most.

17 And so for the life of me, I am not looking to have a dialogue right now, but I just for the life of me don't  
18 understand why her proposal, or maybe something like it, can't be the basis for an agreement on how to make this  
19 program better. That we could work on a bipartisan basis rather than this, you know, taking an axe, which is what I  
20 think the GOP is doing, to what is a very important program. So I am just a little taken aback, I guess, by the fact  
21 that the Republicans are simply sort of taking an axe to this, and when we have something like Ms. Matsui's amendment  
22 or substitute that would actually make the program better and, I think, address some of the concerns that we don't move  
23 in that direction. But I know that is not where we are going today, so I will yield back.

24 Mr. Walden. The gentleman yields back the balance of his time. The chair recognizes the vice chair of the  
25 subcommittee, Mr. Latta.

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1 Mr. Latta. Well, thank you, Mr. Chairman. I would like to strike the last word and yield to the chairman.

2 Mr. Walden. I appreciate that. And I would just like to say that I don't believe we are taking an axe to this  
3 program. I think you can find as we both said, both sides of the aisle, there is a very important service being provided to  
4 low-income people through this program. But I think we also have to acknowledge there have been many cases of  
5 waste, fraud -- a lot of fraud -- and abuse.

6 And in fact, as I think all of us discussed or some of us did at the subcommittee hearing, the FCC's recent action  
7 against Total Call Mobile for allegedly defrauding the Lifeline fund they got fined \$51 million. Now what is interesting,  
8 upon further investigation Total Call enrolled at least 32,000, 32,000 duplicate Lifeline consumers in the program.  
9 They were able to override the National Lifeline Accountability Database which is used to identify duplicates. So  
10 they overrode the database that was supposed to be in place to prevent this from happening. Total Call enrolled  
11 ineligible consumers into the Lifeline program. This is why we think there needs to be a cap until this fraud gets  
12 weeded out of this.

13 How long did this go long? We now know according to the FCC itself that this fraud went on in 2013, 2014,  
14 2015, and 2016. When did the FCC become aware of this activity? Since the first FCC subpoena was issued on  
15 November 10th, 2014, we know they became aware of it some time before that. In other words, the FCC knew about  
16 the fraud and it appears let it continue for at least 17 months. Because the FCC did not release the proposed forfeiture  
17 until April of this year, this month, it appears the majority of the fraudulent activity will actually go unpunished because  
18 the FCC failed to take action within the statute of limitations. So it dragged on so long they didn't take action, and now  
19 they can't take action and most of the fraud they will not go after it.

20 According to Commissioner Pai, the commissioners were told that the massive fraud could not be disclosed  
21 publicly until after April 1st. Now this is really important. That was the day after the majority voted to expand the  
22 program to broadband and rejected the imposition of a cap on the fund. As we know, there was a bipartisan  
23 tentative agreement at the Commission to put a cap on the fund. Somehow they delayed the vote for more than 3  
24 hours, I think, or three times while that agreement fell apart. What happened behind all those closed doors I wasn't a  
25 party to, I don't know, but it is unfortunate.

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1 According to Commissioner Pai, the investigation had largely concluded in mid-2015. In an April 18th letter  
2 to USAC, Commissioner Pai disclosed that Total Call was not the only company defrauding the Lifeline program. Four  
3 other companies are engaged apparently in the same fraudulent practices as Total Call, four other companies. The facts  
4 and circumstances underlining the notice of apparent liability raised a number of significant issues. The timeline of the  
5 FCC's actions and inaction suggests the possibility the something was going on down there at the FCC that they didn't  
6 want this released. But interestingly enough, it was released the day after the commissioners had the vote on this  
7 expansion of the program.

8 All this is to say a lot of us hear from our constituents, and I have heard from a lot of members including Mr.  
9 Scott on multiple occasions about circumstances in their communities where this program has been abused by companies  
10 allegedly like Total Call, and yet they are still engaged in this activity.

11 What we are trying to do here is clean this up so that people who actually are eligible and need the help get the  
12 resources and that this isn't some open-ended checkbook where ratepayers get the bill, these companies that are  
13 defrauding the system get paid and walk away, and people who need the help may not get it. So we are trying to put a  
14 cap in place that is reasonable and balanced.

15 We are trying to build on the reforms this commission has taken already, but this latest example of delay in  
16 disclosure, delay in prosecution, and further evidence of fairly substantial abuse, if they are signing up 32,000 people  
17 fraudulently and they were able to override the very system the FCC had in place to prevent that there is a problem.  
18 There is a problem.

19 And all we are saying is, let's cap this program to protect ratepayers, but it is still at \$1.5 billion. That is not an  
20 insignificant amount of subsidy. So with that I yield back the balance of my time and I recognize the gentlelady from  
21 California.

22 Ms. Eshoo. Thank you, Mr. Chairman. I couldn't wait to debate this. There are several things that you  
23 have said and there are several things that you haven't said. There isn't one person on this side, or the entire committee  
24 for that matter, that supports any kind of abuse or fraud or any of that. I was one of the first on our subcommittee to go  
25 after this committed to it. Why? Because every dollar is really precious and in this program it is extra precious.

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1 Why? Because these are the poorest people in the country, all right.

2 Now, I know you have issues with the FCC. I know that every time the oracle Mr. Pai speaks everybody jumps  
3 up and down, but you know what, Mr. Pai's service he is not going to lose a damn thing in this, but our constituents are.  
4 If you are going to cut off the lifeline, and I said this in my opening statement yesterday, this is truly the lifeline for people  
5 that live in poverty.

6 So you don't like the FCC that is one thing. Why are we punishing our own constituents? Why do that?  
7 It is their lifeline, or do they have second or third class citizenship? This program, this Lifeline program was borne out of  
8 Universal Service. This program was borne and supported by the Reagan administration. This program was  
9 expanded during the George W. Bush administration. And these are phone companies or private sector outfits that are  
10 committing the fraud.

11 And the FCC is doing the right thing. They just fined this outfit what, \$51 million? Well, I wish they had  
12 done it sooner, but it takes time to build a case to go after people to prosecute them. But we are doing something  
13 different here. We are doing something different here. We are ripping their lifeline away.

14 I think every single member of this committee, for one month, operate without your computer in your pocket  
15 and see how you would succeed. Would you be able to do your job? Would you be able to communicate with your  
16 family? In many cases we are thousands of miles away from them. Would you be able to correspond with your  
17 office? Could you negotiate anything with the details?

18 So you know what, just because someone is poor they shouldn't be kicked. And I have to say that this is, I  
19 don't think that this is in your DNA, Mr. Chairman. I understand trying to streamline, make things better, push on an  
20 agency to do more, but you know what the bill does and the reason why Ms. Matsui is offering this, and it really is like a  
21 substitute, I think, is for the reasons that I am stating. Why are we hurting these people? What did they ever do to  
22 you that you want to do this to them? Don't do this. You are going to be taking away 911 services from them.  
23 Who wants to answer for that? Come on, we are better than this. We really are better than this.

24 I am disappointed that this is the form of the bill that has come up and maybe someone, maybe someone in the  
25 middle of the night is going to wake up and say let's have some heart in this. We can be accountable. We can handle

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1 going after the fraud, but we should not abuse people in our country. We shouldn't be abusing people and taking  
2 services away from them. This is not a waste of money. This is their lifeline. Just because we have ours, it is so  
3 easy to sit here like princes and princesses and say we are going to judge them. So obviously, I oppose this effort.  
4 I think it is a sad one, I think it is a hurtful one, and I don't want to have anything to do with it because it just to me is so  
5 stark in terms of what it is going to do to people. So with that I will -- I have 27 seconds. You can -- I would be happy  
6 to yield.

7 Mr. Doyle. If you yield. No, I would just say if you want to take care of the fraud, if a company does what  
8 that company you mentioned, Mr. Chairman, kick them off the program. Don't allow them to participate in Lifeline.  
9 Let's penalize the people that are committing fraud. Fine them \$51 million or whatever it is, and tell them you are no  
10 longer allowed to sell telephones in a Lifeline program, but let's not hurt poor people.

11 Mr. Walden. The gentlelady's time has expired. Are there other members seeking recognition? The chair  
12 recognizes the gentleman from Pennsylvania.

13 Mr. Doyle. Yes, I move to strike the last word, and I would like to yield my time to Mr. Pallone.

14 Mr. Pallone. Thank you, Mr. Doyle. I just want to say one thing in general, and then specifically something  
15 about this Total Call Mobile case that the chairman mentions.

16 What I hear the chairman saying is that this bill is designed to try to force, you know, some kind of action to  
17 prevent fraud and abuse, but I don't see any way that a cap is going to accomplish that. I really don't. I don't even  
18 understand the theory that say, okay, we are going to cap this making all these poor people suffer, the way Ms. Eshoo so  
19 eloquently described, and then somehow that is going to reform the system. It seems to me that there is no reason to  
20 believe that.

21 But I did want to mention with regard -- I know that the chairman and some of our colleagues on the Republican  
22 side are concerned about the timing of this recent enforcement action the FCC took against Total Call Mobile for  
23 overbilling the program, and I just wanted to lay out what I consider the facts in this case. First, it is not clear that the  
24 FCC could have moved any faster than it did.

25 As recently as December, the FCC was still collecting as part of its investigation thousands of pages of

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documents from the company. After the FCC collected the documents it had to review them and circulate a draft action to the commissioners, and at that point commissioners often take weeks to review the case making any changes they see fit and then they vote. And we are only in April now, which I think is a reasonable time frame.

But again, all this misses the point. The FCC has already said publicly that the inspector general dictated the timing in this case not the chairman, and while none of us here know the details of the inspector general's involvement, I just think we should be a little cautious about saying anything here that interferes with the independent investigation or suggest that somehow it is the FCC's fault over the timing.

But again, I think all this kind of misses the point. I don't understand how this bill is going to effectuate any positive changes to the program. It seems to me again it is just an axe to the program, and if we actually listened in great, in some detail to what Ms. Matsui's proposing, she is actually proposing a method to achieve a better program which is, I think, what the Republicans are talking about. And even if you don't like exactly what she is saying in this amendment that is the way to go, not just doing the cap. I yield back. Thank you, Mr. Doyle. Thank you.

Mr. Walden. The gentleman yields back.

Mr. Doyle. I yield back.

Mr. Walden. Anyone else seeking time? No one else seeking time, the question now comes on passage of the amendment. All those in favor will say aye.

Those opposed, nay.

The nays appear to have it. The nays have it and the Clerk will call the roll.

The Clerk. Mr. Latta.

Mr. Latta. No.

Mr. Latta votes no.

Mr. Barton.

Mr. Shimkus.

Mr. Shimkus. No.

The Clerk. Mr. Shimkus votes no.

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1 Mr. Scalise.  
2 Mr. Scalise. No.  
3 The Clerk. Mr. Scalise votes no.  
4 Mrs. Blackburn.  
5 Mrs. Blackburn. No.  
6 The Clerk. Mrs. Blackburn votes no.  
7 Mr. Lance.  
8 Mr. Guthrie.  
9 Mr. Guthrie. No.  
10 The Clerk. Mr. Guthrie votes no.  
11 Mr. Olson.  
12 Mr. Pompeo.  
13 Mr. Kinzinger.  
14 Mr. Kinzinger. No.  
15 The Clerk. Mr. Kinzinger votes no.  
16 Mr. Bilirakis.  
17 Mr. Bilirakis. No.  
18 The Clerk. Mr. Bilirakis votes no.  
19 Mr. Johnson.  
20 Mr. Long.  
21 Mr. Long. No.  
22 The Clerk. Mr. Long votes no.  
23 Mrs. Ellmers.  
24 Mrs. Ellmers. No.  
25 The Clerk. Mrs. Ellmers votes no.

1 Mr. Collins.

2 Mr. Cramer.

3 Mr. Cramer. No.

4 The Clerk. Mr. Cramer votes no.

5 Mr. Upton.

6 The Chairman. No.

7 The Clerk. Mr. Upton votes no.

8 Ms. Eshoo.

9 Ms. Eshoo. No. Oh, aye.

10 The Clerk. Ms. Eshoo votes aye.

11 Mr. Doyle.

12 Mr. Doyle. Aye.

13 The Clerk. Mr. Doyle votes aye.

14 Mr. Welch.

15 Mr. Welch. Aye.

16 The Clerk. Mr. Welch votes aye.

17 Mr. Yarmuth.

18 Mr. Yarmuth. Aye.

19 The Clerk. Mr. Yarmuth votes aye.

20 Ms. Clarke.

21 Ms. Clarke. Ms. Clarke votes aye.

22 Mr. Loeb sack.

23 Mr. Loeb sack. Aye.

24 The Clerk. Mr. Loeb sack votes aye.

25 Mr. Rush.

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1 Ms. DeGette.

2 Mr. Butterfield.

3 Ms. Matsui.

4 Ms. Matsui. Aye.

5 The Clerk. Ms. Matsui votes aye.

6 Mr. McNerney.

7 Mr. McNerney. Aye.

8 The Clerk. Mr. McNerney votes aye.

9 Mr. Lujan.

10 Mr. Lujan. Aye.

11 The Clerk. Mr. Lujan votes aye.

12 Mr. Pallone.

13 Mr. Pallone. Aye.

14 The Clerk. Mr. Pallone votes aye.

15 Chairman Walden.

16 Mr. Walden. Walden votes no. Are there other members not recorded? Mr. Olson.

17 Mr. Olson. No.

18 The Clerk. Mr. Olson votes no.

19 Mr. Walden. Mr. Johnson.

20 Mr. Johnson. No.

21 The Clerk. Mr. Johnson votes no.

22 Mr. Walden. Mr. Lance.

23 Mr. Lance. No.

24 The Clerk. Mr. Lance votes no.

25 Mr. Walden. Thank you. Are there other members not recorded? The Clerk -- oh, Mr. Butterfield.

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1 The Clerk. Mr. Butterfield you are not recorded.

2 Mr. Butterfield. I vote yes.

3 The Clerk. Mr. Butterfield votes aye.

4 Mr. Pompeo. No.

5 Mr. Walden. Mr. Pompeo.

6 The Clerk. Mr. Pompeo votes no.

7 Mr. Walden. Are there other members not recorded? If not, the Clerk will report the results.

8 The Clerk. Mr. Chairman, on that vote there were 11 ayes and 16 noes.

9 Mr. Walden. Eleven ayes and 16 noes, the amendment is not agreed to. Are there further amendments?

10 Mr. Yarmuth, for what purpose do you seek recognition?

11 Mr. Yarmuth. I have an amendment at the desk.

12 [The amendment offered by Mr. Yarmuth follows:]

13

14 \*\*\*\*\*INSERT 12\*\*\*\*\*

1 Mr. Walden. The Clerk will report the amendment. Mr. Yarmuth. Oh, you have two of them, Mr.

2 Yarmuth. Which one?

3 Mr. Yarmuth. I have two. This is the first one, 6B, Cap Date 6B.

4 Mr. Walden. Thank you. That will help the clerks.

5 The Clerk. Amendment --

6 Mr. Yarmuth. Cap Study 01, yes.

7 Mr. Shimkus. Reserve it, Mr. Chairman. Mr. Chairman.

8 Mr. Walden. Yes.

9 Mr. Shimkus. Reserve point of order.

10 Mr. Walden. The gentleman reserves point of order against the amendment. The Clerk will report the  
11 amendment.

12 The Clerk. Amendment to H.R. 4884 offered by Mr. Yarmuth.

13 Mr. Walden. Without objection, the amendment will be considered as read, and the chair recognizes the  
14 gentleman from Kentucky.

15 Mr. Yarmuth. Thank you, Mr. Chairman. And this amendment actually relates to the discussion we just  
16 had. As we know, the bill, underlying bill arbitrarily caps funding for Lifeline to be the first time the program would be  
17 capped since it was created in 1984. What my amendment would do is direct the GAO to conduct a study to find out if  
18 such a cap will in fact have any impact on reducing waste, fraud or abuse within this program.

19 As we recall from the hearing the other day, the witness from Americans For Prosperity who testified about the  
20 need for caps gave one of the fundamental reasons to impose caps that it would reduce fraud, waste and abuse. When I  
21 asked her if she had any evidence that caps in this program or in any other program actually did in fact reduce fraud,  
22 waste and abuse, she could not answer and promised to get me information if she had it. I don't suspect that we have  
23 that yet.

24 So I think what is important is as the chairman stated, and I totally agree with him, we have to do everything we  
25 can to root out all the inefficiencies in any federal program. As a matter of fact, I wrote an op-ed last week in which I

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1 made the case the Democrats --

2 Mr. Walden. Would the gentleman suspend for just a moment?

3 Mr. Yarmuth. Yes.

4 Mr. Walden. Because apparently we ended up with the wrong amendment. It is the Cap Study 01.

5 Mr. Yarmuth. Cap Study 01, right.

6 Mr. Walden. And the majority is prepared to accept your amendment.

7 Mr. Yarmuth. Oh. Well, wonderful.

8 Mr. Walden. Unless you want to keep going.

9 Mr. Yarmuth. No, I think this is a worthy thing. I congratulate the majority for endorsing such a sound  
10 concept that we ought to know.

11 Mr. Walden. All right, you are starting to lose votes now.

12 Mr. Yarmuth. I yield back. I yield back.

13 Mr. Walden. I recognize the gentleman from Illinois.

14 Mr. Shimkus. I will withdraw the point of order.

15 Mr. Walden. The gentleman withdraws his point of order. All those in favor of the amendment will say  
16 aye.

17 Those opposed, nay.

18 The ayes have it. The ayes have it, and the amendment is adopted. Are there other amendments? Seeing  
19 none --

20 Ms. Clarke. Mr. Chairman.

21 Mr. Walden. Well, it is open.

22 Ms. Clarke. Mr. Chairman.

23 Mr. Walden. Yes.

24 Ms. Clarke. I have an amendment at the desk.

25 [The amendment offered by Ms. Clarke follows:]



1

2

\*\*\*\*\*INSERT 13\*\*\*\*\*

1 Mr. Walden. All right. The chair recognizes the gentlelady from New York. What is your amendment?

2 Ms. Clarke. Cap Date 07.

3 Mr. Walden. Caps 807.

4 Mr. Shimkus. Mr. Chairman, I would like to reserve a point of order.

5 Mr. Walden. The gentleman reserves point of order. So is the Clerk familiar with Cap 807? Without --

6 Ms. Clarke. Cap Date, Cap Date 07.

7 Mr. Walden. Cap Date 07. Without objection, the reading of the amendment is dispensed with, and the  
8 gentlelady is recognized for 5 minutes in support of her amendment.

9 Ms. Clarke. I thank you, Mr. Chairman. My amendment to H.R. 4884 is simple. My amendment  
10 suspends the bill's cap on Lifeline until the FCC can certify that this cap will not adversely affect Americans in the  
11 Supplemental Nutrition Assistance Program, or SNAP.

12 My Republican colleagues have said that being connected is vital to participating in our increasingly digital  
13 society. This amendment ensures that the cap would not disconnect SNAP recipients so that they too can participate.  
14 SNAP is an integral part of Lifeline. Thirty eight percent of all Lifeline recipients qualify for the program through SNAP.  
15 The number of Americans that need SNAP rises during economic downturns and falls when the economy improves.  
16 Historically, SNAP has been one of the most responsive federal programs in assisting families during economic  
17 downturns.

18 Taking away Lifeline support from SNAP recipients means taking away support from some of the most  
19 vulnerable in our society. Close to two thirds of SNAP recipients are children, elderly, or disabled. Nearly half, two  
20 fifths of SNAP benefits go to households that make less than 50 percent of the federal poverty level.

21 So I urge my colleagues to support my amendment. Protecting these vulnerable, low-income Americans is  
22 something we should all be able to agree on. We should be working to lift all Americans up, and we will not allow an  
23 artificial statutory cap on the Lifeline program to take resources away from those that have so very little to begin with. I  
24 yield back, Mr. Chairman.

25 Mr. Walden. The gentlelady yields back the balance of her time. Any members seeking recognition on the

Clarke amendment? If not, the chair will recognize himself, and I call my colleagues to oppose this amendment and the subsequent amendments that are all basically the same thing. That it is a way to prevent this cap from ever taking place, because if you have to rely on the FCC to do a report and report back to Congress before anything happens we know that FCC's track record is pretty abysmal. For example, it has been 3,045 days, December 18th of 2007 to be exact, since the FCC last issued its statutorily required quadrennial review of media ownership rules. That is more than 8 years ago. The report is mandated by law to be produced every 4 years. This FCC hasn't produced this statutorily mandated report for the entirety of the Obama administration, even though we have called on them to do that here when they have testified and yet it never seems to happen.

So the amendments that the majority are putting forward simply call for new studies and reports from the FCC time and time again preventing this cap from being put in place. I understand you are opposed to the cap. I understand you don't believe that a cap on this fund will bring about any kind of reforms that are so very needed.

And the other point worth making, this is the only one of these funds that doesn't have a cap. All the other funds have caps except this one. And we think it is prudent, on the Republican side, to have a cap on this one. It doesn't mean it can't be revisited.

We do know as a matter of fact that there is fraud in this program. There are fraudulent operators, there are fraudulent takers-up of this program, and we have to continue to do the reforms because there is another group of people out there who actually pay this bill. They are called the ratepayers. It is on your phone bill. And they are getting pretty fed up with the news reports in virtually every major U.S. city about phones being given out to people, multiple phones. At one point, nearly 99 percent of the sign-ups by Total Mobile were fraudulent, 99 percent. They were busting through the phone database there you are supposed to check against, the protocols in place by the FCC. They were getting around them.

And I think we also, and I have made it clear all along that I support helping those in low income get access to the internet, helping them get access to a phone, making sure their kids have that. We are already going to spend a billion and a half dollars to do that.

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1 But we have this other obligation responsibility to those who are actually paying the bill to get at the waste and  
2 fraud that is clearly evident and evidenced by this latest fine, even though apparently it went on for 3 years and they  
3 missed the statute of limitations. By the way I am told this company is still in the program which is sort of shocking and  
4 it has been noticed of apparent liability of \$51 million.

5 So I would call my colleagues, each of these amendments is the same thing only they have divided them up to  
6 be veterans and SNAP recipients and rural areas and all those sorts of things. The underlying point is the same and that  
7 is no cap, no limit, no spending control, because the order that got adopted at the FCC has a false budget cap in it. It just  
8 says if we get up against what we think the budget might be, then you have to tell us and then we have multiple months  
9 to figure out if there is an issue.

10 I think ratepayers deserve some protection here too. I think the people paying the bill deserve protection too,  
11 just like I think those that need help most among us need support. But I am willing to do both, help the low income  
12 who need access to the internet -- and I have got to take a little offense when others say that somehow we on this side of  
13 the aisle are somehow against helping the poor. I have done a lot of work to help the poor and I will continue to, but I  
14 am also not going to be so blinded as to not help the ratepayers who are paying the bill. So I oppose this amendment  
15 and I will oppose the other one.

16 Ms. Eshoo. Mr. Chairman.

17 Mr. Walden. Certainly I will yield to my friend.

18 Ms. Eshoo. Mr. Chairman, why can't we do both? Why can't we do both?

19 Mr. Walden. We can.

20 Ms. Eshoo. That was my point. Yes, but when you --

21 Mr. Walden. Is there a cap -- reclaiming my time.

22 Ms. Eshoo. Yes.

23 Mr. Walden. Is there any cap number that you would support?

24 Ms. Eshoo. I would sit down and talk about it, but I think that we need to know how many people are going  
25 to be --

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1 Mr. Walden. So you think there is a --

2 Ms. Eshoo. How many people are going to be left out of this, because the bill is arbitrary in terms of cutting  
3 people off.

4 Mr. Walden. So there is a --

5 Ms. Eshoo. I am a ratepayer. We are all ratepayers.

6 Mr. Walden. Reclaiming my time. So there is a cap number you think you could get to?

7 Ms. Eshoo. Take care of the people and I will be satisfied.

8 Mr. Walden. I can see Mr. Pallone shaking his head in opposition.

9 Ms. Eshoo. Take care of people I will be satisfied, but I think what is built into this thing is dangerous, I really  
10 do. I think --

11 Mr. Walden. My time is expired.

12 Ms. Eshoo. Thank you.

13 Mr. Walden. Others seeking time? The chair recognizes the gentleman from New Jersey, Mr. Pallone.

14 Mr. Pallone. I am not going to, you know, keep beating up here, but I just, again I don't understand how the  
15 cap accomplishes any of these goals. And, you know, the reason why we have these series of amendments that  
16 reference various people who are going to be really negatively impacted is, you know, starting with SNAP recipients,  
17 veterans, different categories that the chairman mentioned that are the subject of these different Democratic  
18 amendments is because we are trying to highlight how the negative impact on these different groups.

19 I mean, we all say we support veterans. We all say that we want to help, you know, people who are poor find  
20 a job and have a better life and have all kinds of opportunities, but the bottom line is that they are going to be really  
21 negatively impacted in their ability to do that. For low-income Americans, this is how -- if they are unemployed and  
22 they are looking to find a job, this is how, you know, the phone is what they use to find a job. If you are a victim of  
23 domestic violence you call loved ones for help, you know, if you have to call 911 in an emergency.

24 In this case, the gentleman from New York is saying that -- he is talking about SNAP. Thirty eight percent of  
25 Lifeline subscribers are eligible through SNAP which provides nutrition assistance to millions of eligible low-income

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1 individuals. Twenty three percent of SNAP households are single adult households where there is a female head of  
2 household. And the bill would exacerbate the homework gap. Only 45 percent of school-age children in households  
3 that may qualify for SNAP benefits used the internet at home in 2013, compared with 70 percent of their peers in higher  
4 income households.

5 I have heard the chairman, and again I am not trying to be personal about it. But I have heard you talk about  
6 the need to expand broadband, the President has talked about expanding it in rural areas, in urban areas where we have  
7 poor people. Well, you know, because of the homework gap. The FCC, I think it was Commissioner Rosenworcel  
8 who specifically mentioned that when she came here. But all we are doing is making things worse, not better.

9 So what I don't understand, Mr. Chairman, just explain to me how you expect a cap to accomplish the goal.  
10 How is that going to accomplish the goal? I mean, just explain that to me because I don't understand.

11 Mr. Walden. Sure. Will you yield?

12 Mr. Pallone. Yes, of course.

13 Mr. Walden. So in most programs we have a cap. In all of our budgeting we have an authorized amount  
14 and then we have an appropriated amount. These are the policy choices we make based on what we think the program  
15 should do.

16 Mr. Pallone. But how is that going to -- if I could take back my time.

17 Mr. Walden. Sure.

18 Mr. Pallone. How is that going to accomplish the goal of ending the fraud and abuse that you have talked  
19 about? How?

20 Mr. Walden. Well, so there is two things here. One is, and I have commended Chairman Wheeler and the  
21 Commission for the work they have done heretofore to tighten down the program. I have said it publicly from this dais.  
22 I have said it privately to the chairman. I think they have done a lot of good work. Clearly, there still remains a lot of  
23 waste and fraud. We have just seen that. And apparently there are other companies that are engaged in it, and that  
24 was what Commissioner Pai's letter to USAC says, please give me the data on these other companies and trying to figure  
25 out how much fraud is going on there.

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1 So it is not necessary that the cap itself gets at fraud, but at some point programs are authorized at a certain level  
2 and in fact all the other funds are capped except this one. And we think it is prudent to cap this as we work over here  
3 because there are people every month on their phone bill, take a look at it, subsidizing this. And if there is no cap then  
4 there is no end, and the FCC can expand this to anything, anywhere, anytime, and a future FCC could open the door and  
5 then there is no protection for the people paying the bill because it is open ended. And an open ended --

6 Mr. Pallone. Let me just reclaim my time. I understand the criticism you have. I understand some of the  
7 things you have cited. But I don't think that you have explained how the cap accomplishes the goal of weeding out the  
8 fraud and abuse. I just don't see it. There is no, obviously no precedent where by having a cap in place is going to  
9 accomplish that goal. All I think it does is to hurt these people.

10 And the gentleman from New York is talking about the lowest income people with SNAP, the kids who aren't  
11 going to have access to do their homework. I just don't understand. I understand that there is a problem; I don't  
12 understand how this does anything to correct it. But I will yield back.

13 Mr. Walden. The gentleman yields back.

14 Mr. Pallone. I support the gentlewoman's amendment.

15 Mr. Walden. The chair recognizes the gentleman from Louisiana, Mr. Scalise, for 5 minutes.

16 Mr. Scalise. Thank you, Mr. Chairman, I appreciate you bringing this bill. I really appreciate my colleague  
17 Austin Scott fighting this battle for years. And really, what is at the heart of this is the fact that this program has been  
18 out of control. If you look at the levels that they were funded going back to 2008, the program was taking in \$800  
19 million. It then in 4 years mushroomed to over \$2.2 billion dollars. Today it is hovering around \$1.4 billion.

20 So if you just take where it is today that is a 75 percent increase in this program in just 7 years, and so the bill  
21 just says let's control this. Let's actually put a cap in place on this program. And there are some people that are  
22 talking as if, you know, somebody is trying to take something away from somebody else.

23 And of course we all ought to recognize where this money is coming from. So when we talk about today \$1.4  
24 billion in this program, that is being paid for by people who own cell phones. So the single mom who is working two or  
25 three jobs to get by, struggling, barely making it, she has seen in just the last 7 years, her portion of the Universal Service

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1 Fund, the amount she pays on her cell phone bill has gone up 80 percent, 80 percent. That may be the difference  
2 between whether or not she can keep her cell phone or not and she is paying the freight.

3 So when we say let's put a cap on this thing, let's put a limit on it, it is because something is being taken away  
4 from somebody. Every time this fee is raised and the FCC comes up with some new idea to spend more money on this  
5 program it is coming out of the pockets of people that are barely struggling to get by.

6 And so when you look at the hearings we have had on the fraud in the program and the duplication in the  
7 program, or even just one day the FCC comes up with a new idea for what they want to do to add to this program, you  
8 know, we have pointed this out to the FCC commissioners. It is being paid for by hard work and taxpayers that don't  
9 have an endless pot of money. And there is not an endless pot of money and at some point you have got to put a cap  
10 on this thing and say --

11 Ms. Eshoo. Would the gentleman yield?

12 Mr. Scalise. -- every other program has a cap.

13 Ms. Eshoo. Would the gentleman yield?

14 Mr. Scalise. Sure. I would be happy to.

15 Ms. Eshoo. The gentleman -- thank you very much. The gentleman mentioned a period of time, 7 or 8  
16 years. Did the gentleman track the upswing of usage of wireless, number one, in the country, because it has grown  
17 rapidly and we know that. I mean, we have had so many discussions in our subcommittee about wireless and its  
18 growth and that is why we need more spectrum and all of that.

19 Secondly, secondly, as that growth took place we were also coming out of the Great Recession. You know, I  
20 think that --

21 Mr. Scalise. If I could reclaim --

22 Ms. Eshoo. I just want to point those out --

23 Mr. Scalise. Yes.

24 Ms. Eshoo. -- and if you in making your comments went back to research both the growth of mobile use  
25 across the country and the years of that growth in terms of what was happening with our economy. Thank you very

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1 much.

2 Mr. Scalise. Right. And I appreciate the gentlelady's comments because it points out just what is important  
3 here, is that as more and more people are able to access technology, you know, technology is not free. It is expensive.  
4 America, luckily, is so innovative that we have been able to come up with all kind of new ways to use technology and  
5 innovation so that people that aren't wealthy can actually afford it now.

6 And so the problem is as you get people that are just above poverty -- they are in the bottom middle class,  
7 maybe they are hardworking, blue collar folks who finally can afford their own cell phone -- the Universal Service Fund  
8 continues to increase at a way, again 80 percent increase in this fund, to the point where now it is forcing people to decide  
9 whether or not they can keep the phone because they keep adding more and more charges.

10 FCC has refused to cap this program. We have asked the FCC to cap it. They won't do it. And so  
11 Congress is implored to stand up for the people that are paying this bill because somebody is paying this bill and it is  
12 harder and harder for them to pay it every time that -- you know, Lifeline has been used for a slush fund by the FCC, you  
13 know, so they come up with some kind of whimsical idea and it is usually on a partisan basis, unfortunately.

14 FCC used to be not be partisan, but if they have a partisan vote to say let's add something else because we want  
15 to give something to somebody, the problem is they are taking it away from somebody to give it. And all we are saying  
16 is somebody protect the taxpayer that is paying the bill. That is what this bill does. It says, finally, let's reinterject the  
17 idea that somebody is actually paying for this and they have had enough.

18 You know, it used to be don't tax me, don't tax thee, tax the man behind the tree. The tree has fallen on the  
19 man now and he is saying enough is enough, let's put some kind of cap in place so that the taxpayer is protected. The  
20 person who is barely making ends meet doesn't have to worry that the FCC is going to come up with more and more ideas  
21 that is going to force them to have to give up their cell phone because of some whimsical idea that the FCC has so that it is  
22 not any longer a slush fund. I yield back.

23 Mr. Walden. The gentleman yields back the balance of his time. Other members seeking recognition?  
24 The gentleman from New Mexico recognized for 5 minutes.

25 Mr. Lujan. Thank you, Mr. Chairman. Can staff tell me when the Universal Service Fund was created?

1 The Counsel. Explicitly in statute or when the Universal Service Fund was started?

2 Mr. Lujan. I am just a regular guy. You explain it however you need to.

3 The Counsel. Universal Service as a concept it started under the Bell System because you were explicitly  
4 subsidizing between high cost and low cost areas for urban and rural. It was explicitly put into statute in the '96 act.

5 Mr. Lujan. 1984, is that about the year that it got started?

6 The Counsel. Yes, it was when the Bell System was broken up in 1984. It was --

7 Mr. Lujan. Who was President back then?

8 The Counsel. It would be Ronald Reagan.

9 Mr. Lujan. Ronald Reagan was President in 1984 when this program got started. How much of the  
10 Universal Service Fund today goes to pay for the Lifeline program?

11 The Counsel. Approximately 1.4 to 1.6 billion depending on the year.

12 Mr. Lujan. No, no, no. What percentage?

13 The Counsel. What percentage?

14 Mr. Lujan. What percentage of the Universal Service Fund that our distinguished whip was describing that is  
15 collected on cell phone bills, mobile phone bills, what percentage of the USF goes to pay for Lifeline?

16 The Counsel. I will admit that I am going to have to do the math to calculate it out. The high cost --

17 Mr. Lujan. Does a hundred percent -- wait, let me ask the question this way. Does a hundred percent of the  
18 USF that is collected on cell phone bills go to the Lifeline program?

19 The Counsel. No. There is four billion or so that goes to the high cost fund, a billion and a half to low  
20 income, I believe the cap on schools and libraries is around 3.9 billion, and 400 million for rural health care.

21 Mr. Lujan. So just so we are being clear today, this bill today does not zero out that USF fee on cell phone  
22 bills, correct?

23 The Counsel. That is correct.

24 Mr. Lujan. So people are still going to pay it?

25 The Counsel. Yes.

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1 Mr. Lujan. So what are they going to pay for? So what does USF go for? You said something about high  
2 cost. What does high cost mean?

3 The Counsel. The Universal Service Fund is currently broken into four funds. The high cost fund goes to  
4 subsidize deployment in areas where it is uneconomic to deploy communications networks.

5 Mr. Lujan. So part of the USF that will not be zeroed out today still requires people that pay their cell phone  
6 bills and mobile phone bills that don't get a subsidy to pay for people across America that have higher costs?

7 The Counsel. This bill does not address the high cost fund.

8 Mr. Lujan. Oh. So people are still going to pay into this fund for people that are vulnerable, for people that  
9 have higher costs, so there still will be a subsidy for some people?

10 The Counsel. Yes. There will still be a Universal Service Fund and people will still be paying a charge to  
11 subsidize the Universal Service Fund.

12 Mr. Lujan. So the only point that I am trying to make here, Mr. Chairman, is when we are talking about the  
13 collection of the Universal Service Fund, which was created back in 1984 under President Reagan, there was a recognition  
14 not only with the break-up of the Bell Companies attributable to the Lifeline program -- I apologize -- the Lifeline program  
15 that was created in 1984 that was going to be funded through funding through the Universal Service Fund that there were  
16 people in high cost areas across America, there was a recognition that technology was shifting and changing that we had  
17 to provide support to them, so just so that we understand that application.

18 The other thing, Mr. Chairman that I pulled up a little earlier was, there was a document that was printed on  
19 March 3rd, 2014 called The War on Poverty: 50 Years Later, a House Budget Committee report. And in it it talks about  
20 different programs that are federal programs, and I was surprised. So when I got to Page 184 of the report, Universal  
21 Service Fund low-income support is actually talked about in this report then authored by Chairman Ryan, and very  
22 surprised again on Page 185, 186 and 187, the Lifeline program is talked about in this report.

23 Mr. Walden. Yes.

24 Mr. Lujan. So am I to understand that this document which is called the War on Poverty: 50 Years Later that  
25 programs that are listed in here are going to be zeroed out? Is that what this is about?

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1 Mr. Walden. No, and nobody is saying that.

2 Mr. Lujan. So how is it in fact then that we are today zeroing out the support for mobile phone services on the  
3 Lifeline program?

4 Mr. Walden. Will the gentleman yield?

5 Mr. Lujan. Yes, Mr. Chairman.

6 Mr. Walden. We are not zeroing out.

7 The Counsel. No, sir. The bill would cap the fund at one point --

8 Mr. Walden. No, we are --

9 Mr. Lujan. No, no, no. Mr. Chairman, over 2 years the support services for the mobile --

10 Mr. Walden. Oh, mobile.

11 Mr. Lujan. -- wireless providers, for wireless providers will be zeroed out, correct?

12 Mr. Walden. No.

13 Mr. Lujan. Yes?

14 The Counsel. For voice-only service, but not for broadband service.

15 Mr. Lujan. For voice-only service. So under the spirit of what was created in 1984 to help people stay  
16 connected with family, friends, neighbors, everybody else, that part of the program will be zeroed out in 2 years under the  
17 legislation before us today.

18 The Counsel. It would codify what the FCC did in its order 2 weeks ago on --

19 Mr. Lujan. Well, this will zero all of that out though as well?

20 The Counsel. Voice-only service?

21 Mr. Lujan. Yes.

22 The Counsel. It would prevent the subsidy to go to voice-only service.

23 Mr. Lujan. Okay. Mr. Chairman, with that I will yield you the balance of my time because I have an  
24 amendment offer next as well. Mr. Chairman, I yield you the balance --

25 Mr. Walden. Yes, because my understanding is the FCC agrees with that and is phasing it out. And your

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1 point is correct. We are not -- I am sorry, but in terms of the phase-out. The timeline may be different, yes. I yield  
2 that. But the point is they are the same in the end. We do it quicker, yes. The point you have made though is the  
3 subsidies to help low income with phones that have wireless capability including online, we have talked about the  
4 homework gap. A voice-only phone probably doesn't help on a homework gap. You really need to be able to access  
5 the internet. We would continue to subsidize that, but we think it shouldn't be an endless subsidy with no cap or fiscal  
6 responsibility. It would be a billion and a half, 1.5 billion under the cap.

7 And both of our times have expired, but I appreciate the gentleman's thoughtfulness. Others seeking  
8 recognition?

9 Mr. Lujan. Mr. Chairman. I have an amendment. I am sorry, I am getting ahead of myself.

10 Mr. Walden. Yes, we still have Ms. Clarke's amendment. Any other comments on Ms. Clarke's  
11 amendment? If not, the chairman calls --

12 Mr. Shimkus. I need to withdraw my point of order.

13 Mr. Walden. Okay. The gentleman withdraws his point of order, and with that I will ask for a roll call on  
14 Ms. Clarke's amendment. All in favor will say aye. Those opposed, nay. The Clerk will call the roll.

15 The Clerk. Mr. Latta.

16 Mr. Latta. No.

17 The Clerk. Mr. Latta votes no.

18 Mr. Barton.

19 Mr. Barton. No.

20 The Clerk. Mr. Barton votes no.

21 Mr. Shimkus.

22 Mr. Shimkus. No.

23 The Clerk. Mr. Shimkus votes no.

24 Mrs. Blackburn.

25 Mrs. Blackburn. No.

1 The Clerk. Ms. Blackburn votes no.

2 Mr. Scalise.

3 Mr. Scalise. No.

4 The Clerk. Mr. Scalise votes no.

5 Mr. Lance.

6 Mr. Guthrie.

7 Mr. Guthrie. No.

8 The Clerk. Mr. Guthrie votes no.

9 Mr. Olson.

10 Mr. Olson. No.

11 The Clerk. Mr. Olson votes no.

12 Mr. Pompeo.

13 Mr. Pompeo. No.

14 The Clerk. Mr. Pompeo votes no.

15 Mr. Kinzinger.

16 Mr. Kinzinger. No.

17 The Clerk. Mr. Kinzinger votes no.

18 Mr. Bilirakis.

19 Mr. Bilirakis. No.

20 The Clerk. Mr. Bilirakis votes no.

21 Mr. Johnson.

22 Mr. Johnson. No.

23 The Clerk. Mr. Johnson votes no.

24 Mr. Long.

25 Mr. Long. No.

1 The Clerk. Mr. Long votes no.  
2 Mrs. Ellmers.  
3 Mrs. Ellmers. No.  
4 The Clerk. Mrs. Ellmers votes no.  
5 Mr. Collins.  
6 Mr. Cramer.  
7 Mr. Cramer. No.  
8 The Clerk. Mr. Cramer votes no.  
9 Mr. Upton.  
10 The Chairman. No.  
11 The Clerk. Mr. Upton votes no.  
12 Ms. Eshoo. Ms. Eshoo.  
13 Ms. Eshoo. Aye.  
14 The Clerk. Ms. Eshoo votes aye.  
15 Mr. Doyle.  
16 Mr. Doyle. Yes.  
17 The Clerk. Mr. Doyle votes aye.  
18 Mr. Welch.  
19 Mr. Welch. Aye.  
20 The Clerk. Mr. Welch votes aye.  
21 Mr. Yarmuth.  
22 Mr. Yarmuth. Aye.  
23 The Clerk. Mr. Yarmuth votes aye.  
24 Ms. Clarke.  
25 Ms. Clarke. Aye.

1 The Clerk. Ms. Clarke votes aye.

2 Mr. Loeb sack.

3 Mr. Loeb sack. Aye.

4 The Clerk. Mr. Loeb sack votes aye.

5 Mr. Rush.

6 Ms. DeGette.

7 Mr. Butterfield.

8 Ms. Matsui.

9 Ms. Matsui. Aye.

10 The Clerk. Ms. Matsui votes aye.

11 Mr. McNerney.

12 Mr. McNerney. Aye.

13 The Clerk. Mr. McNerney votes aye.

14 Mr. Lujan. Mr. Lujan.

15 Mr. Lujan. Aye.

16 The Clerk. Mr. Lujan votes aye.

17 Mr. Pallone.

18 Mr. Pallone. Aye.

19 The Clerk. Mr. Pallone votes aye.

20 Mr. Chairman.

21 Mr. Walden. Walden votes no.

22 Mr. Lance.

23 The Clerk. Chairman Walden, no.

24 Mr. Lance. No.

25 The Clerk. Mr. Lance votes no.

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1 Mr. Walden. Mr. Butterfield.

2 Mr. Butterfield. Votes aye.

3 Mr. Walden. Butterfield votes aye.

4 The Clerk. Mr. Butterfield votes aye.

5 Mr. Walden. Are there other members seeking to vote. Are there any other members not recorded? If  
6 not, the Clerk will report the tally of this vote.

7 The Clerk. Mr. Chairman, the ayes were 11 and the nays were 17.

8 Mr. Walden. The ayes are 11. The nays are 17. The amendment is not agreed to. Are there further  
9 amendments? The chair recognizes the gentleman from New Mexico for what purpose?

10 Mr. Lujan. I have an amendment at the desk, Mr. Chairman.

11 [The amendment offered by Mr. Lujan follows:]

12

13 \*\*\*\*\*INSERT 14\*\*\*\*\*

1 Mr. Walden. Clerk, without objection, the reading of the amendment is dispensed with and the gentleman is  
2 recognized for 5 minutes in support of his Amendment 4B.

3 Mr. Lujan. 4B, very good. Mr. Chairman, according to the Federal Communications Commission's most  
4 recent broadband progress report, nearly 40 percent of rural Americans, 23 million people, lack access to advanced  
5 broadband. In my home state more than 60 percent of New Mexicans living in rural communities lack access.

6 These numbers are simply unacceptable. They mean too many people are being left behind while the rest of  
7 the country races forward. Take a student who doesn't have access to broadband at home. When I was growing up  
8 all you needed was your textbook, a notebook and some paper and maybe a pencil, but the world has changed.

9 Recently, Commissioner Jessica Rosenworcel testified to this committee that roughly seven in ten teachers  
10 assign homework that requires access to broadband. For students without such access, she said, just getting homework  
11 done is hard. The FCC recently took a major step toward addressing what Commissioner Rosenworcel had called the  
12 homework gap by modernizing the Lifeline program to offer broadband services. But the CURB Lifeline Act and its  
13 hard \$1.5 billion cap would undermine this progress and shut out millions of Americans. I will point out that in a  
14 hearing Commissioner Pai was asked about the gap, and even Commissioner Pai's conservative approach was \$1.75  
15 billion and clearly voted with the Commission closer to this \$2 billion cap that they established.

16 All across rural America this bill would make it harder for seniors to communicate with their doctor, for people  
17 to look for a job, for families to connect during an emergency and for students to get their homework done. That is why  
18 I am offering an amendment that restricts the effectiveness of the cap until the FCC certifies that the cap will not prevent  
19 low-income households in rural areas from receiving the Lifeline subsidy at the current subsidy rate and Congress acts to  
20 affirm the report.

21 In closing, let me read you some parts of an editorial that was written by Betsy Huber who is president of the  
22 National Grange. The National Grange is the nation's oldest agricultural organization. It has a presence in 37 states.  
23 She said that you might assume that urban America is where the broadband gap is most severe, but the truth is that rural  
24 America is much worse off when it comes to broadband, or more precisely the lack thereof.

25 The FCC's 2015 broadband progress report found that more than half, 53 percent of rural Americans lack access

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1 to high speed broadband and much of our rural communities may lack such access for many years to come. In fact, if  
2 you look at a map of the portion of rural America west of the Mississippi River that is served by broadband, you will see  
3 what is a high-tech wasteland. That is why those of us who advocate for rural America are so concerned about H.R.  
4 4884, the so-called CURB Lifeline Abuse Act which is being marked up in the House this week or next. For low-income  
5 rural Americans this bill is a double-barreled problem. It would take away some of what the FCC just did on broadband  
6 affordability and would phase out subsidies for voice-only service for mobile, untimely killing wireless Lifeline cell phone  
7 access.

8 Now no one opposes fiscal responsibility in the Lifeline program and efforts to reduce waste, but it is misleading  
9 and unfair to trade on anecdotal illustrations of past problems that have long since been addressed. Not only has the  
10 FCC in recent years enacted sweeping reforms tackling concerns about the Lifeline program, but it also took additional  
11 steps last month to make sure that cell phone and broadband services would be even more efficient.

12 And Mr. Chairman, if I might be able to submit this editorial into the record?

13 Mr. Walden. Without objection.

14 [The information follows:]

15  
16 \*\*\*\*\*COMMITTEE INSERT 15\*\*\*\*\*

1 Mr. Lujan. With that Mr. Chairman, again I would hope that there is support for this amendment today as we  
2 look at these programs and especially into rural parts of the country, see how we can work with this, understand how this  
3 cap was devised, the methodology behind it, what it is going to do, what it is not going to do, who it is going to cut off,  
4 who it is not going to cut off.

5 But again, even Commissioner Pai testified before this very subcommittee and said that he would suggest 1.75  
6 billion, but then later in questioning and in actions and votes that were taken supported something closer to \$2 billion.  
7 And so Mr. Chairman, I hope we are able to figure out today even where that \$1.5 billion cap was devised, the  
8 methodology, and try to understand who it is going to cut off and who it is still going to be able to support. And with  
9 that Mr. Chairman, I yield back the balance of my time.

10 Mr. Walden. The gentleman yields back the balance of his time. Are there members seeking recognition?  
11 If not, I would recognize myself and strike the last word in opposition to the amendment and yield back.

12 Are there other members seeking recognition? Seeing none, the vote now arises on the Lujan amendment.  
13 All those in favor say aye, those opposed, nay, and the Clerk will call the roll.

14 The Clerk. Mr. Latta.

15 Mr. Latta. No.

16 The Clerk. Mr. Latta votes no.

17 Mr. Barton.

18 Mr. Shimkus.

19 Mr. Shimkus. No.

20 The Clerk. Mr. Shimkus votes no.

21 Mrs. Blackburn.

22 Mrs. Blackburn. No.

23 The Clerk. Mrs. Blackburn votes no.

24 Mr. Scalise.

25 Mr. Scalise. No.

1 The Clerk. Mr. Scalise votes no.  
2 Mr. Lance.  
3 Mr. Guthrie.  
4 Mr. Olson.  
5 Mr. Olson. No.  
6 The Clerk. Mr. Olson votes no.  
7 Mr. Pompeo.  
8 Mr. Kinzinger.  
9 Mr. Kinzinger. No.  
10 The Clerk. Mr. Kinzinger votes no.  
11 Mr. Bilirakis.  
12 Mr. Johnson.  
13 Mr. Johnson. No.  
14 The Clerk. Mr. Johnson votes no.  
15 Mr. Long.  
16 Mr. Long. No.  
17 The Clerk. Mr. Long votes no.  
18 Mrs. Ellmers.  
19 Mrs. Ellmers. No.  
20 The Clerk. Mrs. Ellmers votes no.  
21 Mr. Collins.  
22 Mr. Cramer.  
23 Mr. Cramer. No.  
24 The Clerk. Mr. Cramer votes no.  
25 Mr. Upton.

1            The Chairman.    No.

2            The Clerk.    Mr. Upton votes no.

3            Ms. Eshoo.    Ms. Eshoo.

4            Ms. Eshoo.    Aye.

5            The Clerk.    Ms. Eshoo votes aye.

6            Mr. Doyle.

7            Mr. Doyle.    Yes.

8            The Clerk.    Mr. Doyle votes aye.

9            Mr. Welch.

10          Mr. Welch.    Yes.

11          The Clerk.    Mr. Welch votes aye.

12          Mr. Yarmuth.

13          Mr. Yarmuth.    Aye.

14          The Clerk.    Mr. Yarmuth votes aye.

15          Ms. Clarke.

16          Mr. Loeb sack.

17          Mr. Loeb sack.    Aye.

18          The Clerk.    Mr. Loeb sack votes aye.

19          Mr. Rush.

20          Ms. DeGette.

21          Mr. Butterfield.

22          Mr. Butterfield.    Aye.

23          The Clerk.    Mr. Butterfield votes aye.

24          Ms. Matsui.

25          Ms. Matsui.    Aye.

1 The Clerk. Ms. Matsui votes aye.

2 Mr. McNerney.

3 Mr. McNerney. Aye.

4 The Clerk. Mr. McNerney votes aye.

5 Mr. Lujan.

6 Mr. Lujan. Aye.

7 The Clerk. Mr. Lujan votes aye.

8 Mr. Pallone.

9 Mr. Pallone. Aye.

10 The Clerk. Mr. Pallone votes aye.

11 Chairman Walden.

12 Mr. Walden. Walden votes no.

13 Are there members not recorded? The gentleman from Kentucky, Mr. Guthrie.

14 Mr. Guthrie. No.

15 The Clerk. Mr. Guthrie votes no.

16 Mr. Walden. The gentleman from New Jersey, Mr. Lance.

17 Mr. Lance. No.

18 The Clerk. Mr. Lance votes no.

19 Mr. Walden. The gentleman from Kansas, Mr. Pompeo.

20 Mr. Pompeo. No.

21 The Clerk. Mr. Pompeo votes no.

22 Mr. Walden. The gentleman from Florida, are you recorded?

23 Mr. Bilirakis. No.

24 The Clerk. Mr. Bilirakis votes no.

25 Mr. Walden. The gentleman votes no. The gentleman from Texas.

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1 Mr. Barton. Am I recorded?

2 Mr. Walden. You are not.

3 Mr. Barton. No.

4 The Clerk. Mr. Barton votes no.

5 Mr. Walden. The gentleman from Texas votes no. Are there other members who are not recorded?

6 Ms. Clarke. I am not recorded.

7 Mr. Walden. You are not? The gentlelady from New York, Ms. Clarke, how would you like to be recorded?

8 Ms. Clarke. Aye.

9 Mr. Walden. You sure?

10 The Clerk. Ms. Clarke votes aye.

11 Mr. Walden. Ms. Clarke votes aye. Are there other members who are not recorded on the vote? If not,  
12 the Clerk will report the tally of the vote.

13 The Clerk. Mr. Chairman, on this vote the ayes were 11 and the noes were 17.

14 Mr. Walden. The amendment is not agreed to. Are there further amendments? The chair recognizes the  
15 gentleman from California, Mr. McNerney, for what purpose does he seek recognition?

16 Mr. McNerney. Well, Mr. Chairman, I have an amendment at the desk.

17 [The amendment offered by Mr. McNerney follows:]

18

19 \*\*\*\*\*INSERT 16\*\*\*\*\*



1 Mr. Walden. Clerk will report the amendment, and without objection, the reading of the amendment is  
2 dispensed with. And the gentleman from California is recognized for 5 minutes.

3 Mr. McNerney. Thank you, Mr. Chairman. I move to strike the last word. This amendment will not  
4 allow the cap to go into effect until the FCC certifies that the cap does not keep veterans from receiving the subsidy at its  
5 current rate and Congress acts on the report.

6 Over the last year, more than 1.4 million veterans reported that they are living below the poverty line. This  
7 means that seven percent of all veterans are eligible to participate in the Lifeline program. Nearly 989,000 of those  
8 veterans are between the ages of 18 and 64. The FCC's recent vote to update Lifeline to include access to broadband is  
9 critical for these veterans to be able to apply for jobs and obtain the necessary retraining and education they need after  
10 returning from service.

11 Now on the other hand, 443,000 of those veterans who are Lifeline eligible are over the age of 65, and for many  
12 of these veterans they face serious health problems. Lifeline is the only way they are able to obtain health during  
13 emergencies. If veterans are unable to receive Lifeline funds, they won't have access to these basic needs and services.  
14 This is why we must make sure the cap will not prevent veterans from receiving Lifeline funds at the current rate.

15 Mr. Chairman, I hear your reluctance to wait for the FCC report. I don't necessarily agree with it, but I hear  
16 you. If you have a better way to make sure that veterans are not going to be hurt by this cap, I would certainly like to  
17 hear it. With that I will urge my members to vote for this amendment and I yield back the balance of my time.

18 Mr. Walden. The gentleman yields back the balance of his time. Are there other members seeking  
19 recognition? Seeing none, I will recognize myself in opposition to the amendment, and I will yield back the remainder  
20 of my time. Are there other members seeking recognition? Seeing none, the question now before the  
21 committee is on approval of Mr. McNerney's amendment. All those in favor will say aye, those opposed, no. The  
22 Clerk will call the roll.

23 The Clerk. Mr. Latta.

24 Mr. Latta. No.

25 The Clerk. Mr. Latta votes no.

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1

Mr. Barton.

2

Mr. Barton. No.

3

The Clerk. Mr. Barton votes no.

4

Mr. Shimkus.

5

Mr. Shimkus. No.

6

The Clerk. Mr. Shimkus votes no.

7

Mrs. Blackburn.

8

Mrs. Blackburn. No.

9

The Clerk. Mrs. Blackburn votes no.

10

Mr. Scalise.

11

Mr. Scalise. No.

12

The Clerk. Mr. Scalise votes no.

13

Mr. Lance.

14

Mr. Guthrie.

15

Mr. Guthrie. No.

16

The Clerk. Mr. Guthrie votes no.

17

Mr. Olson.

18

Mr. Olson. No.

19

The Clerk. Mr. Olson votes no.

20

Mr. Pompeo.

21

Mr. Pompeo. No.

22

The Clerk. Mr. Pompeo votes no.

23

Mr. Kinzinger.

24

Mr. Kinzinger. No.

25

The Clerk. Mr. Kinzinger votes no.

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1 Mr. Bilirakis.

2 Mr. Bilirakis. No.

3 The Clerk. Mr. Bilirakis votes no.

4 Mr. Johnson.

5 Mr. Johnson. No.

6 The Clerk. Mr. Johnson votes no.

7 Mr. Long.

8 Mr. Long. No.

9 The Clerk. Mr. Long votes no.

10 Mrs. Ellmers.

11 Mrs. Ellmers. No.

12 The Clerk. Mrs. Ellmers votes no.

13 Mr. Collins.

14 Mr. Cramer.

15 Mr. Cramer. No.

16 The Clerk. Mr. Cramer votes no.

17 Mr. Upton.

18 The Chairman. Votes no.

19 The Clerk. Mr. Upton votes no.

20 Ms. Eshoo.

21 Ms. Eshoo. Aye.

22 The Clerk. Ms. Eshoo votes aye.

23 Mr. Doyle.

24 Mr. Doyle. Yes.

25 The Clerk. Mr. Doyle votes aye.

1 Mr. Welch.

2 Mr. Welch. Yes.

3 The Clerk. Mr. Welch votes aye.

4 Mr. Yarmuth.

5 Mr. Yarmuth. Aye.

6 The Clerk. Mr. Yarmuth votes aye.

7 Ms. Clarke.

8 Ms. Clarke. Aye.

9 The Clerk. Ms. Clarke votes aye.

10 Mr. Loeb sack.

11 Mr. Loeb sack. Aye.

12 The Clerk. Mr. Loeb sack votes aye.

13 Mr. Rush.

14 Ms. DeGette.

15 Mr. Butterfield.

16 Mr. Butterfield. Aye.

17 The Clerk. Mr. Butterfield votes aye.

18 Ms. Matsui.

19 Ms. Matsui. Aye.

20 The Clerk. Ms. Matsui votes aye.

21 Mr. McNerney.

22 Mr. McNerney. Aye.

23 The Clerk. Mr. McNerney votes aye.

24 Mr. Lujan.

25 Mr. Lujan. Aye.

1 The Clerk. Mr. Lujan votes aye.

2 Mr. Pallone.

3 Mr. Pallone. Aye.

4 The Clerk. Mr. Pallone votes aye.

5 Chairman Walden.

6 Mr. Walden. Walden votes no.

7 The Clerk. Chairman Walden votes no.

8 Mr. Lance.

9 Mr. Lance. No.

10 The Clerk. Mr. Lance votes no.

11 Mr. Walden. Are there other members not recorded who seek to be recorded? Seeing none, the Clerk will  
12 report the tally.

13 The Clerk. Mr. Chairman, on that vote the ayes were 11 and the noes were 17.

14 Mr. Walden. The amendment is not agreed to. Are there further amendments? Seeing none, the  
15 question now occurs on forwarding H.R. 4884 to the full committee. All those in favor say aye, those opposed nay, and  
16 the Clerk will call the roll.

17 The Clerk. Mr. Latta.

18 Mr. Latta. Aye.

19 The Clerk. Mr. Latta votes aye.

20 Mr. Barton.

21 Mr. Barton. Aye.

22 The Clerk. Mr. Barton votes aye.

23 Mr. Shimkus.

24 Mr. Shimkus. Aye.

25 The Clerk. Mr. Shimkus votes aye.

1 Mrs. Blackburn.  
2 Mrs. Blackburn. Aye.  
3 The Clerk. Mrs. Blackburn votes aye.  
4 Mr. Scalise.  
5 Mr. Scalise. Aye.  
6 The Clerk. Mr. Scalise votes aye.  
7 Mr. Lance.  
8 Mr. Lance. Aye.  
9 The Clerk. Mr. Lance votes aye.  
10 Mr. Guthrie.  
11 Mr. Guthrie. Aye.  
12 The Clerk. Mr. Guthrie votes aye.  
13 Mr. Olson.  
14 Mr. Olson. Aye.  
15 The Clerk. Mr. Olson votes aye.  
16 Mr. Pompeo.  
17 Mr. Pompeo. Aye.  
18 The Clerk. Mr. Pompeo votes aye.  
19 Mr. Kinzinger.  
20 Mr. Kinzinger. Aye.  
21 The Clerk. Mr. Kinzinger votes aye.  
22 Mr. Bilirakis.  
23 Mr. Bilirakis. Aye.  
24 The Clerk. Mr. Bilirakis votes aye.  
25 Mr. Johnson.

1           Mr. Johnson.   Aye.  
2           The Clerk.   Mr. Johnson votes aye.  
3           Mr. Long.  
4           Mr. Long.   Aye.  
5           The Clerk.   Mr. Long votes aye.  
6           Mrs. Ellmers.  
7           Mrs. Ellmers.   Aye.  
8           The Clerk.   Mrs. Ellmers votes aye.  
9           Mr. Collins.  
10          Mr. Cramer.  
11          Mr. Cramer.   Aye.  
12          The Clerk.   Mr. Cramer votes aye.  
13          Mr. Upton.  
14          The Chairman.   Aye.  
15          The Clerk.   Mr. Upton votes aye.  
16          Ms. Eshoo.   Ms. Eshoo.  
17          Ms. Eshoo.   No.  
18          The Clerk.   Ms. Eshoo votes no.  
19          Mr. Doyle.  
20          Mr. Doyle.   No.  
21          The Clerk.   Mr. Doyle votes no.  
22          Mr. Welch.  
23          Mr. Welch.   No.  
24          The Clerk.   Mr. Welch votes no.  
25          Mr. Yarmuth.

1           Mr. Yarmuth.   No.  
2           The Clerk.   Mr. Yarmuth votes no.  
3           Ms. Clarke.  
4           Ms. Clarke.   No.  
5           The Clerk.   Ms. Clarke votes no.  
6           Mr. Loeb sack.  
7           Mr. Loeb sack.   Nay.  
8           The Clerk.   Mr. Loeb sack votes no.  
9           Mr. Rush.  
10          Ms. DeGette.  
11          Mr. Butterfield.  
12          Mr. Butterfield.   No.  
13          The Clerk.   Mr. Butterfield votes no.  
14          Ms. Matsui.  
15          Ms. Matsui.   No.  
16          The Clerk.   Ms. Matsui votes no.  
17          Mr. McNerney.  
18          Mr. McNerney.   No.  
19          The Clerk.   Mr. McNerney votes no.  
20          Mr. Lujan.  
21          Mr. Lujan.   No.  
22          The Clerk.   Mr. Lujan votes no.  
23          Mr. Pallone.  
24          Mr. Pallone.   No.  
25          The Clerk.   Mr. Pallone votes no.



1 Chairman Walden.

2 Mr. Walden. Walden votes aye.

3 Are there other members wishing to be recorded? Seeing none, the Clerk will report the tally.

4 The Clerk. Mr. Chairman, on that vote the ayes were 17 and the nays were 11.

5 Mr. Walden. The ayes appear to have it. The ayes have it. The bill is favorably reported. Without

6 objection, the staff is authorized to make technical and conforming changes of the legislation approved by the

7 subcommittee today, so ordered. Without objection, the subcommittee stands adjourned.

8 [Whereupon, at 4:03 p.m., the subcommittee was adjourned.]