

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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MEMORANDUM

December 7, 2018

To: Subcommittee on Communications and Technology Democratic Members and Staff

Fr: Committee on Energy and Commerce Democratic Staff

Re: Subcommittee Hearing on “RAY BAUM’S Act: A Bipartisan Foundation for Bridging the Digital Divide”

On **Tuesday, December 11, 2018, at 2:00 p.m. in room 2322 of the Rayburn House Office Building**, the Subcommittee on Communications and Technology will hold a hearing entitled “RAY BAUM’S Act: A Bipartisan Foundation for Bridging the Digital Divide.”

I. BACKGROUND

The Repack Airwaves Yielding Better Access for Users of Modern Services, or “RAY BAUM’S,” Act,¹ was enacted as part of H.R. 1625, Consolidated Appropriations Act of 2018, and signed into law on March 23, 2018.² The law reauthorizes the Federal Communications Commission (FCC) and is comprised of several communications-focused bills, described in more detail below.

II. BILL SUMMARY

A. Division E—Financial Services and General Government Appropriations Act

1. Viewer Protection

Section 511 in Division E of the 2018 Consolidated Appropriations Act is a modified version of the H.R. 3347, the Viewer Protection Act, sponsored by Ranking Member Pallone (D-

¹ H.R. 4986 (RAY BAUM’S Act).

² Consolidated Appropriations Act of 2018, Pub. L. No 115-141.

NJ) and was also included in the House-passed version of the RAY BAUM'S Act.³ In this section, Congress authorized an additional \$1 billion in funding to reimburse broadcasters for the costs associated with relocating following the broadcast incentive auction. This section also expands the entities eligible to receive reimbursements, to include displaced low power television broadcasters, TV translator broadcasters, and FM broadcasters. Of the total funds available, \$50 million is dedicated to consumer education efforts by the FCC. In August 2018, the FCC released a Notice of Proposed Rulemaking and Order regarding the reimbursements to LPTV broadcasters, TV translators, and FM broadcasters.⁴ The FCC has also issued a Public Notice seeking comment on the catalogue of potentially reimbursable costs for these broadcasters; the comment cycle for this proceeding has closed.⁵

B. Division P—RAY BAUM'S Act of 2018

1. FCC Reauthorization and Reforms

The RAY BAUM's Act reauthorizes the FCC and also includes several important agency reforms, including changing the appointment authority for the agency's Inspector General from the FCC to the President. The Act consolidated several reports into a biennial Communications Marketplace Report.⁶ The law also contains a provision, modeled after H.R. 4109, the Spectrum Auctions Deposits Act sponsored by Reps. Guthrie (R-KY) and Matsui (D-CA), to direct bidding deposits from spectrum auctions for holding by the U.S. Department of Treasury rather than in an interest-bearing account.

2. Securing Access to Networks in Disasters

Title III, Securing Access to Networks in Disasters, is a modified version of H.R. 588, the Securing Access to Networks in Disasters (SANDy) Act, sponsored by Ranking Member Pallone (D-NJ). The provisions included require the FCC to examine new ways for people to reach 9-1-1 during times of emergencies, particularly when mobile telephone service is out or limited. A report to Congress is due by March 2021. It also amends the Stafford Disaster Relief and Emergency Assistance Act⁷ to allow disaster-site access in emergencies to providers of landline and mobile telephone, cable, satellite, internet access, and radio and television broadcasting

³ Consolidated Appropriations Act of 2018, Pub. L. No 115-141, Division E—Financial Services and General Government Appropriations Act, 2018.

⁴ Federal Communications Commission, *LPTV, TV Translator, and FM Broadcast Station Reimbursement*, Notice of Proposed Rulemaking and Order, FCC 18-113, MB Docket 18-214 (Aug. 3, 2018).

⁵ Federal Communications Commission, Public Notice, *Incentive Auction Task Force and MB Seek Comment on Catalogue of Potentially Reimbursable Costs Incurred by Low Power Television, Television Translator, and FM Broadcast Stations*, Public Notice, MB Docket Nos. 18-214, 16-306, GN Docket 12-268 (Oct. 22, 2018).

⁶ RAY BAUM'S Act § 401.

⁷ 42 U.S.C. 5189e(a).

services. Such access would enable these providers to repair and restore their facilities and services, unless exceptional circumstances apply.

3. Additional Provisions

Important sections in Title V of the Act include the following:

i. Section 504, Report on Promoting Broadband Internet Access Service for Veterans

Section 504 is based on H.R. 3995, the Improving Broadband Access for Veterans Act, sponsored by Reps. McNerney (D-CA) and Kinzinger (R-IL). This section requires the FCC, by March 2019, to submit a report to Congress examining access to broadband Internet access service for veterans and making recommendations on how to promote such access. The FCC released a Public Notice requesting comment on this issue; the comment period ended on October 12, 2018, and the reply comment period ended on October 29, 2018.⁸

ii. Section 505, Methodology for Collection of Mobile Service Coverage Data

Section 505 is based on the H.R. 1546, the Rural Wireless Access Act, sponsored by Reps. Loebsack (D-IA) and Costello (R-PA). The provision requires the FCC to develop via rulemaking a methodology for collecting data about mobile phone and mobile broadband service that will lead to more reliable and consistent coverage maps. The rulemaking must be completed within 180 days after the close of the Mobility Fund Phase II auction.

iii. Section 506, Accuracy of Dispatchable Location for 9-1-1 Calls

Section 506 is a modified version of H.R. 5236, the RESPONSE Act, sponsored by Rep. Eshoo (D-CA). Section 506 requires the FCC, by September 2019, to consider rules to ensure that a dispatchable location—including the street address, room number, floor number, and other similar information to locate a caller—is conveyed with a 9-1-1 call from any platform, including calls from multi-line telephone systems. The FCC issued a Notice of Proposed Rulemaking to add dispatchable location requirements to existing 9-1-1 rules for fixed telephone,

⁸ Federal Communications Commission, *Wireline Competition Bureau Seeks Comment on Promoting Broadband Internet Access Service for Veterans*, Public Notice, WC Docket 18-275 (Sept. 12, 2018).

interconnected Voice over IP and Telecommunications Relay Services (TRS).⁹ The comment period ends on December 10, 2018, and reply comments are due by January 9, 2019.¹⁰

iv. Section 507, NTIA Study on Interagency Process Following Cybersecurity Incidents

Section 507 is a modified version of H.R. 1340, the Interagency Cybersecurity Cooperation Act, sponsored by Rep. Engel (D-NY). Section 507 requires the National Telecommunications and Information Administration (NTIA) to study how it can best coordinate interagency process following cybersecurity incidents. A report of the findings and any recommendations must be filed with Congress by September 2019.

v. Section 508, Tribal Digital Access

Section 508, based on H.R. 1581, the Tribal Digital Access Act sponsored by Rep. Ruiz (D-CA), requires the FCC to evaluate broadband coverage in tribal areas, including an assessment of the areas with adequate broadband coverage, and areas underserved. The agency must report its findings to Congress by March 2019. By September 2020, the FCC must complete a proceeding to address the underserved areas.

4. MOBILE NOW

Important sections in Title VI of the Act include the following:

i. Section 607, Broadband Infrastructure Deployment

Section 706, based on H.R. 4800, the Broadband Conduit Deployment Act sponsored by Reps. Eshoo (D-CA) and McKinley (R-WV), requires the Department of Transportation to promulgate regulations that would require states that receive Federal highway funding to identify a broadband coordinator within the state to facilitate and coordinate broadband infrastructure right-of-way efforts within the state.

ii. Section 608, Communications Facilities Installation

Section 608, a modified version of H.R. 4839, the Broadband Infrastructure Inventory Act sponsored by Rep. Lujan, requires the General Services Administration (GSA) to collect information and create a database regarding Federal property that may be used for communications facilities.

⁹ Federal Communications Commission, *Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems*, Notice of Proposed Rulemaking, FCC 18-132, PS Docket No. 17-239 (rel. Sept. 26, 2018).

¹⁰ Federal Communications Commission, *Public Safety and Homeland Security Bureau Announces Comment and Reply Comment Dates for the NPRM Implementing Kari's Law and Section 506 of Ray Baum's Act*, Public Notice, PS Docket Nos. 18-261 and 17-239 (Oct. 26, 2018).

III. WITNESSES

The following witnesses have been invited to testify:

Bohdan Zachary

General Manager
Milwaukee PBS

Curtis LeGeyt

Executive Vice President
National Association of Broadcasters

Jeff Cohen

Chief Counsel and Director of Government Relations
APCO International

Tim Donovan

Senior Vice President
Competitive Carriers Association