

**U.S. Senator Maria Cantwell**

**Opening Statement at the Committee on Commerce, Science, and Transportation Hearing titled  
“Oversight of the Federal Communications Commission”**

**Witnesses: The Honorable Ajit Pai, Chairman, Federal Communications Commission;  
The Honorable Michael O’Rielly, Commissioner, Federal Communications Commission;  
The Honorable Brendan Carr, Commissioner, Federal Communications Commission;  
The Honorable Jessica Rosenworcel, Commissioner, Federal Communications Commission;  
The Honorable Geoffrey Starks, Commissioner, Federal Communications Commission**

**June 24, 2020**

CANTWELL: Thank you, Mr. Chairman, for holding this important and timely hearing, and it’s good to see all the commissioners here in person, a rare opportunity for sure. The full FCC comes before us today at what I think is a pivotal moment. If we were still in any doubt that the COVID crisis has made its impact clear to us, it is very clear today when it comes to the issue of broadband. It is really an essential service.

And yet millions of Americans remain trapped on the other side of the digital divide. The statistics are well-known, but no less damning. At least 18 million Americans without access to broadband, and even that number may well be artificially low. 12 million children currently lack access to broadband at home, prohibiting their ability to learn remotely. And as we have uncertainty about what the Fall and beyond will bring, it’s imperative that we deal with this issue. In the state of Washington, 16 percent of families with children have no access to broadband. 31 percent of households on tribal lands lack access to high-speed broadband compared to 7 percent in non-tribal areas

So we must expand high-quality, affordable broadband in underserved and unserved communities so that Americans who are being isolated can effectively endure during this pandemic, and learn remotely, and I would also say, have access to healthcare. It is so critical that rural communities increase the ability to use broadband as a tool to help deliver medicine at this critical time.

We have a real opportunity here to close the digital divide, but I know it’s going to take being bold. It won’t be accomplished through just incremental change or plus-upping some numbers. It will require significant investment. I know our House colleagues have promised more than \$100 billion.

But we have to make sure to our low-income, minority and Tribal communities that connectivity is an issue we do address. We need to invest in programs that will promote digital literacy and digital adoption, targeting these marginalized communities. So I hope that this can be part of our discussion today.

Chairman Pai, I wrote on March 5 and asked for consideration of the FCC’s existing authority and programs, as well as temporary policies or rule waivers, could be used to help ensure the nation was being well served during the COVID crisis. Specifically, I asked what take-home emergency actions to facilitate at-home connectivity for students to keep in class remote schoolwork were being done during the COVID crisis.

So, I'm not interested in just applying aggressive laws to industry. I'm interested in making sure millions of children caught in the gap of not being able to do their homework don't fall further behind. So I am looking for emergency orders by the Commission. And yet, nothing has happened.

So, I'm concerned about spectrum as well. I know we're in a very high-profile, public dispute, but the FCC has sided against federal experts on weather forecasting, aviation, transportation safety, and national security. It would be tempting to dismiss these public disputes as just another sign of internal chaos with the administration. But I believe it is more than that. It seems to me that the agency has narrowed its interest in the standard for public broadband policy. Today, the FCC dismisses national priorities and defaults to the belief that the highest and best use of spectrum is always terrestrial broadband.

Nowhere is this development more obvious than the Ligado decision. Despite unified opposition from executive branch agencies, aerospace industries, and others, Ligado would cause harm to the GPS spectrum critical to safety operations. Despite a fundamental disagreement over competing studies, of which there were many, the FCC continued to move forward. So I hope today we can also discuss this issue. I believe that the FCC should not be the place to just move forward but the place to have the discussion and make sure these issues are well addressed. It is important that these issues move forward and are addressed by the many interests of the spectrum. Because this issue of spectrum is not going to go away, it's going to become even more in demand.

And if you think you're just the default agency to make a decision and exacerbate the problem, you can see it hasn't gone away. It's just moved over to the Armed Services Committee. So I would ask you today to think about how we're going to do a better process given the increased need for spectrum in the future.

So Mr. Chairman, I know there are many other issues that we want to discuss today, but with that I'll leave my remarks and ask that—I do have to go to the floor, but I will return for questions at some point in time. If I miss my cue, I'm sure my colleague Senator Blumenthal or others will jump in in my absence. But again, I thank the commissioners for being here in person.

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CANTWELL: Thank you, Mr. Chairman, and again I apologize for my absence. I guarantee you, all these issues are very important and very important to the state of Washington and to all of us. I made in my opening statement comments about the homework gap, and so I want to come back to that. I know my colleague from Hawaii brought this up as well.

But I think, Commissioner Rosenworcel, you know because you visited Washington state, you looked at both the education gap but also we focused a lot on the healthcare gap, too. So both of them are incredibly important and I could see you were a little shocked when I said some of our numbers, because you were thinking, “Wait, in Washington, you still have [those numbers]?” Yes, that’s true. Even in Washington, we can still have a gap. Following up on what my colleague from Hawaii brought up, how can we address the E-rate issue with the authority that you have?

MS. ROSEWORCEL: Sure. We have adequate authority right now, so that all of our nation’s schools could loan out WiFi hotspots, routers, get every student connected at home. We’ve got 50 million kids who were kicked out of the classroom. But not all of them could go to online school. So let’s use the E-rate program to meet this moment. We’ve already used this authority back in 2011, 2012. The statute mentions classrooms. Those classrooms are online. We also have forbearance authority to forbear from that to the extent the Chairman thinks it’s an impediment. Let’s not get tied up. Let’s figure out how to help students so no child’s left offline.

CANTWELL: So why aren’t we doing this?

MS. ROSEWORCEL: Well, despite my understanding of the statute, I don’t believe that I have convinced my colleagues. But I know that you are leading on a piece of legislation to compel this agency to use E-rate and make sure every kid gets connected, and I hope we can proceed and use the summer months to get it done.

CANTWELL: Thank you. I couldn’t agree more that we just can’t afford this gap. We just can’t afford it, can’t afford it. Crisis has brought into focus many inequities, but clearly the inequity by not having good broadband access for education is one of them. So I could say the same thing.

I think, Commissioner O’Reilly--I know the Chairman’s got a tough job, he’s got to fit all these people in. So last week we had a panel, too many people on the panel to get the time in questions in, so I’m going to give you a question today.

MR. O’RIELLY: Sure.

CANTWELL: Last year, the international community rejected the FCC's inadequate protection for weather spectrum adjacent to the 24-gigahertz ban. Instead, they adopted a more stringent protection based on sound science and analysis. And I was part of a bipartisan coalition of Senators who believed the FCC had put that weather data at risk, and we had many conversations about this with our colleagues. So what is the FCC doing now to ensure that the domestic wireless companies will comply with these international interference protections, and will you commit to working with NASA and NOAA to ensure that these protections on interference are improved?

MR. O'RIELLY: I'll always work with federal agencies and partners. In terms of what we're doing now, we have—there were proceedings that came, that I was there in Egypt, at some point they'll be transferred into an FCC order and we'll have a chance to consider it. They take a number of years—it takes a little bit of time to actually put before us. We were voting on previous—every four years we were doing a couple of them catchup during the Wheeler days. So it'll take a little bit of time before they're adopted into our proceedings.

CANTWELL: So, you are going to adhere to those international issues that were brought up saying there's inadequate protection?

MR. O'RIELLY: We will put that into the item and have an opportunity to consider it at that time. That was the position of the United States and they agreed to it.

CANTWELL: Commissioner Rosenworcel, can I ask you about this and the Ligado issue? I mean, why not go back—if so many people are involved now saying, “hold up, time out, there are all of these issues fighting around.” Shouldn't we listen to these international standards and make sure they're implemented, shouldn't we look at the Ligado case and say well, “wait just a minute, let's look at this.” To me, aviation safety is critical, and it bothers me to think that our aviation system of the future is going to be hampered if that also is not adequately addressed.

MS. ROSENWORCEL: Okay, so a lot there. The first was the 24-gigahertz ban. And I agree with my colleague, we're going to have to take the standards that were developed at the World Radio Conference and put them into our policies. I understand those to be more stringent in terms of protecting weather services than what the FCC initially proposed. We'll have to do that. And because I believe those have the force of law, we should do that in short order.

With respect to Ligado, I want to be clear that I respect deeply the work of the FCC's engineers, they've worked on this issue for 10 years, and so many adjustments and changes have been made over time including an extraordinary reduction in power levels, a much larger guard band, so I think their work is solid. But I also want to respect you and your point, which is there's a lot of concern about the continuing viability of GPS as a result of this decision. So, I think balancing those equities and out of respect for you and your colleagues who have said that they're concerned about this, if the Chairman was interested in circulating a decision to us, staying the decision we recently reached on the L-band, that would certainly be something I would support because we've got to iron this kind of stuff out if we really want to have a big and bold 5g future.

CANTWELL: Thank you. Thank you, Mr. Chairman, I see my time is expired and I don't know if our vote has started yet.