

**NOMINATION TO THE  
FEDERAL COMMUNICATIONS COMMISSION  
AND THE DEPARTMENT OF COMMERCE**

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**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

DECEMBER 1, 2021

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

MARIA CANTWELL, Washington, *Chair*

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**NOMINATION TO THE  
FEDERAL COMMUNICATIONS COMMISSION  
AND THE DEPARTMENT OF COMMERCE**

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**WEDNESDAY, DECEMBER 1, 2021**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:27 a.m., in room SR-253, Russell Senate Office Building, Hon. Maria Cantwell, Chairman of the Committee, presiding.

Present: Senators Cantwell [presiding], Klobuchar, Blumenthal, Schatz, Markey, Peters, Baldwin, Sinema, Rosen, Luján, Hickenlooper, Wicker, Blunt, Cruz, Fischer, Moran, Sullivan, Blackburn, Young, Lee, and Capito.

**OPENING STATEMENT OF HON. MARIA CANTWELL,  
U.S. SENATOR FROM WASHINGTON**

The Chairwoman: Our hearing is a very important set of nominees, and so I want to welcome them and their families to the dais. Thank you so much for being here. First, we will consider the nomination of Gigi Sohn to be Commissioner of the Federal Communications Commission. Ms. Sohn, welcome to you and your family who I understand is joining you today. The pandemic demonstrates how essential broadband is to participate in our 21st century economy and the FCC's critical role in helping our country be competitive.

If confirmed, Ms. Sohn will help lead the FCC's effort to address the lack of broadband connectivity in our country due to gaps in broadband infrastructure and the lack of affordable services. As Commissioner, she will also be responsible for supporting the diversity and health of local broadcasters, that they continue to reflect the interest of local communities, and I look forward to hearing how she intends to support broadcasters and their continued important role, if confirmed. She is also responsible for coordinating with NTIA on Federal spectrum sharing policies to protect incumbent users and promote innovation, and she has a decade long of experience as advocating on important telecommunications policy.

She was co-founder of Public Knowledge before becoming a Senior Adviser to Chairman Wheeler of the FCC, and she is currently a Distinguished Fellow at Georgetown Institute for Technology, Law and Policy, Senior Fellow and public advocate at the Benton Institute. If confirmed, she will also be the first openly LGBTQ+ Commissioner in the history of the FCC. And she will also con-

sider—we also, I am sorry, sorry—we will also consider the nomination of Alan Davidson, thank you for being here, to be Assistant Secretary for Communications and Information at the Department of Commerce. Today, it is important more than ever to have a critically strong role at NTIA as the agency leads the largest broadband investment in our Nation’s history to finally bridge the digital divide.

Both my colleagues, Senator Wicker and Senator Klobuchar, have worked tirelessly as on legislation to try to enhance the role of NTIA, so I look forward to having a robust discussion about what leadership role NTIA can play on broadband. The Infrastructure Investment and Jobs Act will ask NTIA to increase and implement programs set at historic levels. So I look forward to asking NTIA, Mr. Davidson, about those efforts and what we can do, particularly on the issues of digital divide and cost. I also, with the vote of Chairman Rosenworcel and Mr. Bedoya this morning, today’s hearing, Ms. Sohn and Mr. Davidson, we are getting closer to providing these agencies with the key tools that they need to do their job.

Next, we will consider the nomination of Jed Kolko to be Undersecretary of Economic Affairs at the Department of Commerce. Welcome to you. The Undersecretary for Economic Affairs is responsible for providing economic analysis, disseminating national economic indicators, serving the Administrator as the Department’s premier statistical programs, and including in that the Bureau of Economic Analysis and the Census Bureau. These bureaus and others in the Department provide important critical data to our Nation, to our agencies, and to private sector entities. Everything from science, climate, weather, and economic indicators, including trade and telecommunications.

Mr. Kolko has been Chief Economist at Indeed since 2016, and before that was Chief Economist and VP of analytics at Trulia. So he brings private sector experience as well. He has also had numerous research positions where his work has focused on ways to incorporate proprietary and public data into research that is accessible and actionable for a wide range of audiences. To help our economy thrive, the Department needs leaders who will set high standards not only for data integrity, but for accessibility as well.

Policymakers and business entities should be able to easily access the data to develop the Department of Economic Analysis and the Census Bureau to make good policy and business decisions. So I look forward to asking you about that at the hearing. And finally, we will consider Mr. Viqar Ahmad to be Assistant Secretary for Administration and Chief Financial Officer for the Department of Commerce. Welcome to you, Mr. Ahmad. The Assistant Secretary for Administration and Chief Financial Officer serves the Department’s financial resources and human resources and facilities.

It is a critical role on the annual budget and managing the billions of dollars that are basically allocated through the Infrastructure and Jobs Act, as an example. So you are extremely qualified, I believe, for this role, multiple leadership roles in the U.S. Government over the past decade, including managing and overseeing the \$70 billion budget for the Department of Homeland Security and

its component agencies. Currently serves as the Deputy Chief Financial Officer for the U.S. House of Representatives.

I look forward to your confirmation. So thank you all for being here and your willingness to serve. I now turn to our Ranking Member, Senator Wicker.

**STATEMENT OF HON. ROGER WICKER,  
U.S. SENATOR FROM MISSISSIPPI**

Senator WICKER. Thank you, my friend, Senator Cantwell. And I do agree this is an important hearing to consider nominations of Ms. Gigi Sohn to be a Commissioner of the FCC; Mr. Alan Davidson to be Assistant Secretary of Commerce for Communications and Information; Mr. Jed Kolko to be Undersecretary of Commerce for Economic Affairs; and Mr. Viqar Ahmad to be Assistant Secretary of Commerce for Administration and Chief Financial Officer at the Department of Commerce. I look forward to being introduced to family members if they are in attendance today. These positions are vital to the Nation's economy, and it is essential that the Committee give careful consideration to the goals and qualifications of the individuals who have been nominated to fill them.

Ms. Sohn has been an active participant in the telecom sector for her entire career, including her tenure on the staff of former FCC Chairman Tom Wheeler. Many members of our committee have had the opportunity to engage with her over the years on public policy issues under consideration by Congress and the FCC. All who know her would agree that she is knowledgeable and determined to—and a determined advocate. I am concerned about her record of expressing hyper-partisan views on many critical matters that have come before the Commission, and which may come before the Commission again in the future, such as net neutrality. The person who fills the fifth seat on the FCC should be committed to promoting a cooperative environment in which our Nation's most pressing telecommunications challenges can be resolved.

I look forward to hearing from Ms. Sohn today about her qualifications, as well as her goals and strategies for furthering the work of the FCC. Mr. Davidson is the President's nominee to be Administrator of NTIA. He has numerous professional accomplishments in the private sector and also previously served at the Department of Commerce during the Obama Administration as Director of Digital Economy and Senior Adviser to the Secretary. He has been nominated to serve at a pivotal juncture, which, of course, Senator Cantwell has pointed out. NTIA is poised to distribute \$48.2 billion in broadband funding throughout the country.

I am eager to learn more about his vision for leading this agency and rapidly deploying the regulatory and staffing structure that is needed to implement the Infrastructure Investment and Jobs Act. Mr. Kolko has worked as an economist for major corporations and, if confirmed, would bring the experience—this experience to the Federal Government. Mr. Ahmad has served as Deputy Chief Financial Administrator for the U.S. House since 2017, and his career has also included service in other Federal budgetary and financial management positions.

Since you have not previously worked at the Department of Commerce, Mr. Ahmad, will have much to learn regarding its budget

priorities and oversight of key programs, including the development of the next generation of NOAA satellites. I am interested in how Mr. Kolko and Mr. Ahmad plan to maximize their appointed roles in the Department of Commerce. And I wish to thank each of you for your willingness to serve and yield back to my chair.

The Chairwoman: Thank you. Ms. Sohn, welcome. We will ask each of the witnesses to provide an opening statement and hopefully keep within the 5-minutes so we can get to Q&A, and obviously you can submit longer statements for the record. So Ms. Sohn, welcome to you.

**STATEMENT OF GIGI B. SOHN, NOMINEE TO BE A  
COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION**

Ms. SOHN. Thank you, Chair Cantwell, Member Wicker, members of the Committee. I am honored to be nominated by President Biden and to be considered by this committee for a seat on the Federal Communications Commission. It has been a privilege to meet with many of you over the past few weeks. I am delighted to be joined by my wife, Laura Ballard, our daughter Jocelyn Sohn, my mother in law, Cindy Ballard, and my brother, Eric. They are all behind me. I want to acknowledge my mother, Roma, who can't be here today. Their love and support are the reason that I am here. My parents raised my three brothers and me in a middle class household on Long Island, where I was far more likely to play sports and watch my beloved Mets and Jets than talk about policy.

The radio was always on in my family kitchen, where reports from the frontlines of the Vietnam War, Watergate, and other critical events of the 60s and 70s resonated. It was there that I learned the power of communications networks to inform public discourse and promote democratic values. My love of local broadcasting and especially radio, led me to Boston University, where I studied communications, law, and policy. After school and private practice, I started what has been an over 30 year career as a public interest lawyer, advocating for policies that ensure that modern communications networks are available to everyone, regardless of who they are or where they live.

The past two decades, I have worked toward the goal of ensuring that every household in the U.S. has robust and affordable broadband Internet access. While much of my career has been spent in the nonprofit and academic sectors, I also spent 3 years as Counselor to then FCC Chairman Tom Wheeler. I gained the important experience of working inside the agency, balancing the competing equities of the FCC's numerous stakeholders. It was hard work, but it was the most formative experience of my career because it helped me understand the different tools needed to be an effective policymaker.

If I am fortunate enough to be confirmed by the Senate, here are some of the values that I will bring to the FCC. First and foremost, pragmatism. I have always been a strong advocate for the public interest, but I have also demonstrated a willingness to reach out and sit down with people who disagree with my position to try and find common ground. I have done so whether someone is from a different political party or from industry, and even when doing so has put me at odds with some of the public interest community.

Second, integrity and transparency. I am always willing to listen and respect positions different from my own. You will always know where I am coming from, and my door will always be open. We may not ultimately agree on the policy outcome, but you won't be surprised by my position. Third, competition. Markets work best when there is vigorous competition. It is the surest way to make certain that broadband is available, affordable, and open to a diversity of viewpoints. Federal policies that promote competition are always superior to heavy handed behavioral of price regulation, which is why I have always supported policies that lower barriers to entry and minimize gatekeeper power.

Finally, free expression. Freedom of speech is the lifeblood of our American experience and has always been at the core of my work. I am proud that some of the most conservative television networks are supporting my confirmation because I have worked with them for years to get access to cable subscribers after operators refuse to carry them. I have also worked with communities of color and the LGBTQ+ community to ensure access to their voices on different platforms without interference. I have always believed that democracy works best when voices of all kinds can speak and be heard. I have been asked why, after a long career, I would want a seat on the FCC. My answer is simple. If confirmed, I would be serving on the Commission at a critical time for our country.

Thanks to the work of Congress over the past year, there are ample resources and bipartisan support to make enormous progress in closing the digital divide in both rural and urban areas. These resources will help deploy networks everywhere and allow for low income households to afford and adopt broadband, which is essential to full participation in our society and our economy. It would be the honor of a lifetime to help the FCC and Congress attain that goal. If confirmed, I look forward to working with Congress, members of this committee, Chairwoman Rosenworcel, and Commissioners Carr, Starks, and Simington to achieve universal connectivity in the United States. Thank you.

[The prepared statement and biographical information of Ms. Sohn follow:]

PREPARED STATEMENT OF GIGI B. SOHN, NOMINEE TO BE A COMMISSIONER,  
FEDERAL COMMUNICATIONS COMMISSION

Chairwoman Cantwell, Ranking Member Wicker, members of the Committee, I am honored to be nominated by President Biden and to be considered by this Committee for a seat on the Federal Communications Commission. It has been a privilege to meet with many of you over the past several weeks.

I am delighted to be joined by my wife, Lara Ballard, our daughter Yosselin Sohn, my mother-in-law Cindy Ballard and my brother Eric. I want to acknowledge my mother, Roma, who can't be here today, but whose love and support are the reason that I am here.

My parents raised my three brothers and me in a middle-class household on Long Island, where I was far more likely to play sports and watch my beloved Mets and Jets than talk about policy. The radio was always on in the family kitchen, where reports from the frontlines of the Vietnam War, Watergate, and other critical events of the '60s and '70s resonated. It was there that I learned the power of communications networks to inform public discourse and promote democratic values. My love of local broadcasting, and especially radio, led me to Boston University, where I studied communications law and policy.

After school and private practice, I started what has been an over 30-year career as a public interest lawyer advocating for policies that ensure that modern communications networks are available to everybody, regardless of who they are or where

they live. For the past two decades, I have worked towards the goal of ensuring that every household in the U.S. has robust and affordable broadband Internet access.

While much of my career has been spent in the nonprofit and academic sectors, I also spent three years as Counselor to then-FCC Chairman Tom Wheeler. I gained the important experience of working inside the agency, balancing the competing equities of the FCC's numerous stakeholders. It was hard work, but it was the most formative experience of my career because it helped me understand the different tools needed to be an effective policymaker.

If I am fortunate enough to be confirmed by the Senate, here are some of the values that I would bring to the FCC:

First and foremost, pragmatism. I have always been a strong advocate for the public interest, but I have also demonstrated a willingness to reach out and sit down with people who disagree with my position to try and find common ground. I have done so whether someone is from a different political party or from industry—and even when doing so has put me at odds with some in the public interest community.

Second, integrity and transparency. I am always willing to listen and respect positions different from my own. You will always know where I'm coming from, and my door will always be open. We may not ultimately agree on the policy outcome, but you won't be surprised about my position.

Third, competition. Markets work best when there is vigorous competition. It is the surest way to make certain that broadband is available, affordable, and open to a diversity of viewpoints. Federal policies that promote competition are always superior to heavy-handed behavioral or price regulation, which is why I have always supported policies that lower barriers to entry and minimize gatekeeper power.

Finally, free expression. Freedom of speech is the lifeblood of our American experience and has always been at the core of my work. I am proud that some of the most conservative television networks are supporting my confirmation because I worked with them for years to get access to cable subscribers after operators refused to carry them. I have also worked with communities of color and the LGBTQ+ community to ensure access to their voices on different platforms without interference. I have always believed that democracy works best when voices of all kinds can speak and be heard.

I've been asked why, after a long career, I would want a seat on the FCC. My answer is simple. If confirmed, I would be serving on the Commission at a critical time for our country. Thanks to the work of Congress over the past year, there are ample resources—and bipartisan support—to make enormous progress in closing the digital divide in both rural and urban areas. These resources will help deploy networks everywhere and allow for low-income households to afford and adopt broadband, which is essential to full participation in our society and our economy. It would be the honor of a lifetime to help the FCC and Congress attain that goal.

If confirmed, I look forward to working with Congress, Members of this Committee, Chairwoman Rosenworcel, and Commissioners Carr, Starks and Simington to achieve universal connectivity in the United States. Thank you.

#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Gigi Beth Sohn.
2. Position to which nominated: Commissioner, Federal Communications Commission.
3. Date of Nomination: October 26, 2021.
4. Address (List current place of residence and office addresses):  
 Residence: Information not released to the public.  
 Office: Information not provided.
5. Date and Place of Birth: August 2, 1961; Rockville Centre, New York.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).  
 Spouse: Lara Ann Ballard, Privacy and Intelligence Oversight Officer, Office of Investigations and Analysis, U.S. Department of Homeland Security.
7. List all college and graduate degrees. Provide year and school attended.  
 College: Boston University, September 1979–May 1983. Graduated with a B.S. in Broadcasting and Film, *Summa Cum Laude*.  
 Law School: University of Pennsylvania Carey School of Law, September 1983–May 1986. Graduated with a Juris Doctor.

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

*Secondary Mortgage Company*, Boston Massachusetts  
Clerk, Summer 1983  
*Boston Colonial Theater*, Boston Massachusetts  
Bartender, Summer 1983  
*Quincy Market Engraving Station*, Boston Massachusetts  
Retail Clerk/Engraver, Summer 1983  
*DC Court of Appeals*, Washington, DC  
Law Clerk, Summer 1984  
*Zuckert, Scoutt & Rasenberger*, Washington, DC  
Summer Associate, Summer 1985  
Associate, September 1986–August 1988  
*Tomar, Parks, Seliger, Simonoff & Adourian*, Haddonfield, New Jersey (now defunct)  
Law Clerk, School Year 1985  
*University of Pennsylvania Law School Civil Practice Clinic*, Philadelphia, PA  
Law Clerk, Summer 1986  
*Media Access Project*, Washington, DC (Management-level)\*  
Executive Director, September 1996 to March 1999  
Deputy Director, November 1990 to August 1996  
Staff Attorney, September 1988 to October 1992  
*Benjamin N. Cardozo School of Law, Yeshiva University*, New York, NY\*  
Adjunct Professor, January 2001 to May 2001  
*Ford Foundation*, New York, NY\*  
Project Specialist, August 2000 to January 2001  
Consultant, May 1999 to July 2000  
*Public Knowledge*, Washington, DC (Management-level)\*  
Co-Founder, President & Chief Executive Officer, August 2001 to October 2013  
*Georgetown University*, Washington, DC\*  
Adjunct Professor, Fall 2002  
*Federal Communications Commission*, Washington, DC (Management-level)\*  
Counselor to the Chairman, March 2015 to December 2016  
Special Counsel for External Affairs, November 2013 to February 2015  
*Self-Employed*, Washington, DC (see Fellowships below)\*  
January 2017 to present  
*Institute for Technology Law & Policy at Georgetown Law*, Washington, DC\*  
(Management-level)  
Distinguished Fellow, April 2017 to present  
*Benton Institute for Broadband and Society*, Chicago, IL\*  
Senior Fellow and Public Advocate, October 2017 to present  
*Open Society Foundations*, New York, NY\*  
Leadership in Government Fellow, January 2017 to January 2018  
*Mozilla Foundation*, San Francisco, CA\*  
Fellow, February 2017 to November 2018

\*Indicates a job that relates to the position for which I am nominated.

9. Attach a copy of your resumé.

Attached (Attachment A).

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

*University of Colorado School of Law, Silicon Flatirons Center for Law, Technology & Entrepreneurship*  
Senior Adjunct Fellow, March 2008 to October 2013  
*Center for Copyright Information*  
Member, Advisory Board, September 2011 to October 2013  
*Open Markets Institute*  
Member, Advisory Board, March 2020 to present  
*Engelberg Center on Law & Innovation Policy, NYU Law School*  
Member, Advisory Board, November 2019 to present

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

*Sports Fans Coalition NY, Inc.*  
Board Member, March 2020 to present  
*Electronic Frontier Foundation (EFF)*  
Board Member, December 2018 to present  
*Broadband Internet Technical Advisory Group (BITAG)*  
Co-Chair, December 2011 to October 2013  
Member, Board of Directors, December 2010 to October 2013  
*Telecommunications Policy Research Conference (TPRC)*  
Member, Board of Directors, November 2006 to December 2012  
Board Treasurer, January 2010 to December 2012

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

Palisades Swim and Tennis Club, Cabin John, MD: 2014 to present  
• Dues paying member  
Confidence During Kaos (CDK) Krav Maga, Chevy Chase, MD: 2017–July 2021  
• Dues paying member  
Circle Yoga, Washington, DC: 2011–June 2021  
• Dues paying members  
Democratic Party, Washington, DC: 2011 to present  
• Members by party affiliation  
DC Bar, Washington, DC: 2011 to present  
• Dues paying member  
• Member, DC Bar Board of Governors: 1997–2000  
Federal Communications Bar Association, Washington, DC: 2011 to present  
• Dues paying member  
• Served on nominations Committee  
• Served as a featured speaker and mentor at many FCBA events  
Ben Murch Home and School Association, Washington, DC: 2011–2016  
• Dues paying member  
• Alice Deal Community Association, Washington, DC: 2016–2019  
• Dues paying member  
National Museum of African-American History and Culture, Washington, DC: 2016 to present  
• Charter member/Director's Circle Member  
Friends of the National Zoo, Washington, DC: 2011–2020  
• Dues paying member  
Politics & Prose, Washington, DC: est. 2012 to present  
• Dues paying member  
Electronic Frontier Foundation, San Francisco, CA: 2017 to present  
• Board Member  
• Dues paying member  
National Museum of the American Indian, Washington, DC: est. 2014–2018  
• Dues paying members  
WAMU: 88.5 FM, Washington, DC: 2011 to present  
• Dues paying sustaining member  
WWOZ New Orleans 90.7, New Orleans, LA: 2016 to present  
• Dues paying sustaining members  
Consumer Reports, Yonkers, NY: 2017 to present  
• Dues paying member  
National LGBTQ Task Force, Washington, DC: est. 2013–2018  
• Dues paying member



13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

I have never been a candidate for nor held a public office.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

I am a member of the Democratic party but have never held any position, paid or otherwise, in the party.

I served as a policy volunteer for the Biden-Harris Campaign from July 2020–November 2020 and as a policy volunteer for the Obama-Biden Campaign from May 2008–November 2008.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years.

Biden for President (2020): \$2,985.69  
 Biden Victory Fund (2020): \$1,885.69  
 Warren for President (2020): \$1,418.30  
 Booker Senate Victory/Cory Booker for Senate (2017): \$500  
 Hillary for America (2016): \$1,055.56  
 Hillary Victory Fund (2016): \$805.56  
 The Markey Committee (2013–2019): \$1,600  
 Tammy Baldwin For Senate (2012–2018): \$1,000  
 Obama For America (2012): \$2,750  
 Obama Victory Fund (2012): \$1,750

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

#### **Fellowships**

Distinguished Fellow, Georgetown Law Institute for Technology Law & Policy  
 Distinguished Fellow, April 2017 to present  
 Senior Fellow and Public Advocate, Benton Institute for Broadband & Society  
 Senior Fellow and Public Advocate, October 2017 to present  
 Mozilla Fellow  
 Fellow, February 2017–November 2018  
 Open Society Foundations Leadership in Government Fellow  
 Leadership in Government Fellow, January 2017–January 2018  
 University of Colorado School of Law, Silicon Flatirons Center for Law, Technology & Entrepreneurship  
 Senior Adjunct Fellow, March 2008 to October 2013  
 University of Southern California—Annenberg Center  
 Non-resident Fellow, October 2006 to January 2008  
 University of Melbourne Faculty of Law, Graduate Studies Program, Melbourne, VIC  
 Senior Fellow, June 2000

#### **Honors**

Washingtonian “Washington’s Most Influential People” (March 2021)  
 National Journal “NJ 50: 50 people changing the game in Washington” (November 2019)  
 Office of Communication of the United Church of Christ, Everett C. Parker Award (October 2018)  
 Coalition for Local Internet Choice “National Champion for Local Internet Choice” Award (October 2016)  
 One Community “Broadband Hero” Award (September 2014)  
*Non-Profit Times* “Power & Influence Top 50.” (August 2011)  
 Electronic Frontier Foundation Pioneer Award (May 2006)

Gay and Lesbian Attorneys of Washington (GAYLAW) Distinguished Community Service Award (December 1997)

*American Lawyer Magazine's "The Public Sector 45: Forty-five Young Lawyers Outside the Private Sector Whose Vision and Commitment are Changing Lives"* (January/February 1997)

*National Law Journal's "40 Young Attorneys Who Are Making Their Mark"* (November 1995)

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

List of publications and speeches attached (Attachment B).

18. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an "alias" or "handle" you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

My website, which includes most of the news stories in which I'm quoted, as well as most of my speeches, testimony and press statements from 2017 to present: <http://gigisohn.com/>

All the episodes of my "Tech on the Rocks" podcast are *here*.

My current Twitter handle is @gigibsohn. When I worked at the FCC from 2013–2016, my Twitter handle was: @gigibsohnFCC. The FCC account has been dormant/inactive since the day I left the agency.

My Facebook page can be found at <https://www.facebook.com/gigi.b.sohn>

My LinkedIn page can be found at <https://www.linkedin.com/in/gigisohn/>

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

List of testimony attached (Attachment C).

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have spent nearly my entire career as an advocate for universal and affordable access to open and democratic communications networks, be they broadcast, cable, telephone or broadband. That is the exact statutory mission of the FCC—to ensure that everyone in the U.S. has access to and can use the networks that are central to an informed democracy, a strong economy and an open society. That goal is more important today than it has ever been, as access to broadband is essential to full participation in our society and our economy and our education and health care systems.

In addition to my substantive knowledge, I co-founded and built the non-profit organization Public Knowledge, and successfully managed it for 12 years. I left the organization in strong financial and managerial health, and it recently celebrated its 20th anniversary. During my tenure as Counselor to former Chairman Wheeler, I became intimately familiar with the inner workings of the FCC. I worked with nearly every Bureau and Office, including the other Commissioners' offices, the Managing Director's office and other technical and administrative offices.

Finally, over the past 30+ years, I have built a network of colleagues, friends and advisors from across industries and sectors, including philanthropy, academia, the public interest community and federal, state and local policymakers. This network will be critical to addressing what I believe is the FCC's biggest challenge—ensuring that every household in the U.S. has affordable and robust broadband Internet access.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

As a member of the FCC, I believe that I would have a duty to ensure that the agency has proper management and accounting controls. I was the President and CEO of the non-profit Public Knowledge for 12 years, and while it was not a large organization, it had its own challenges regarding management and accounting, albeit on a smaller scale. I was a CEO that hired a strong executive team, but took ultimate responsibility for the finances and management of the organization.

22. What do you believe to be the top three challenges facing the department/agency, and why?

- The FCC's top challenge is ensuring that every household in the U.S. has affordable and robust broadband Internet access. The COVID-19 pandemic made abundantly clear that tens of millions of people in the U.S. lack affordable and robust broadband Internet, and that such connectivity is essential to ensure full participation in our society, our economy, our education and health care systems and our civic life. The FCC has many tools at its disposal to connect the unconnected, but they must be deployed wisely and effectively. Moreover, achieving the goal of universal and affordable broadband Internet access will take an "all-hands-on-deck" approach, with the Federal government, states, rural and urban communities, the philanthropic sector, and industry working together to build and execute a blueprint for universal broadband. The FCC must be a leader in building and executing this blueprint.
- Another major challenge for the FCC is ensuring that our communications networks are resilient and secure. There have been too many instances over the past 5 years of networks failing, often for long periods of time, as a result of major natural disasters, which are becoming increasingly common. The FCC must hold network operators to high standards of resiliency to ensure that people can stay connected when it is a matter of life and death. In addition, the FCC must ensure that our networks are safe from malevolent actors here and abroad. News of cyberattacks seem to arise almost daily, and the most prominent of these, the Colonial Pipeline and Solar Winds hacks, relied on commercial Internet providers to do their harm. The interconnected broadband networks that underpin our digital economy are among our most vulnerable attack conduits. Thus, the FCC must ensure that cybersecurity is an essential duty for network providers. This means developing an oversight regime that requires network providers to determine best practices, subject to regulatory oversight.
- A third major challenge for the FCC is developing spectrum policy with its Federal government colleagues that will balance making significant amounts of spectrum for 5G mobile broadband service (and making that spectrum available to a wide variety of users) with also making significant amounts of spectrum available for innovative unlicensed uses. Sound spectrum policy is only possible with close coordination between the FCC and other government agencies, including state and local governments, which are critical to lowering barriers to deployment of 5G and wireline broadband infrastructure.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

In connection with the nomination process, I have consulted with the U.S. Office of Government Ethics and the Federal Communication Commission's Designated Agency Ethics Official to identify potential conflicts of interest. If confirmed, any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with the Commission's Designated Agency Ethics Official. I am not aware of any other potential conflicts of interest.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain. No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the U.S. Office of Government Ethics and the Federal Communication Commission's Designated Agency Ethics Official to identify potential conflicts of interest. If confirmed, any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with the Commission's Designated Agency Ethics Official. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the U.S. Office of Government Ethics and the Federal Communication Commission's Designated

Agency Ethics Official to identify potential conflicts of interest. If confirmed, any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with the Commission's Designated Agency Ethics Official. I am not aware of any other potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the U.S. Office of Government Ethics and the Federal Communication Commission's Designated Agency Ethics Official to identify potential conflicts of interest. If confirmed, any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with the Commission's Designated Agency Ethics Official. I am not aware of any other potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

During the past ten years, both in my capacity as President and CEO of Public Knowledge, in my current and previous Fellowship positions and in my personal capacity I have influenced the passage, defeat and modification of legislation and affected the administration and execution of law and public policy. This includes proposed and adopted laws and policies affecting communications, competition and technology law and policy. I have been asked for advice and guidance by Hill and agency staff, have been asked to testify numerous times, have written, spoken and appeared in media about such proposed laws and policies.

I have not represented any clients in these matters.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

Yes. In 2014 a former employee of Public Knowledge who was terminated for poor performance, refusal to abide by the terms of a Performance Improvement Plan, and insubordination, filed an age discrimination complaint against the organization with the DC Office of Human Rights. The Office dismissed the complaint as without merit.

In addition, Sports Fans Coalition NY, Inc. (SFCNY), a non-profit corporation which I serve as a board member, had a service (Locast) that operated under a statutory copyright exemption for non-profits (17 USC 111(a)(5)). In 2019 an action was brought against SFCNY by four broadcast networks in the District Court for the Southern District of New York. On August 31, 2021, the District Court determined that the exemption did not apply and Locast ceased providing service. The matter has been settled.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

I have never been so accused in my personal capacity. However, in 2014 a former employee of Public Knowledge who was terminated for poor performance, refusal to abide by the terms of a Performance Improvement Plan, and insubordination, filed an age discrimination complaint against the organization with the DC Office of Human Rights. The Office dismissed the complaint as without merit.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

ATTACHMENT A

RESUMÉ OF GIGI B. SOHN

**EXPERIENCE**

*Institute for Technology Law & Policy at Georgetown Law, Washington, DC*

Distinguished Fellow, April 2017 to present

- Engage in public education, outreach, coalition building and advocacy to preserve policies that have made broadband Internet access more ubiquitous, competitive, affordable, open and protective of user privacy.
- Provide strategic and policy advice to public interest advocates, industry policy-makers and philanthropies.
- Frequent public speaker and guest on radio, television and podcasts on communications, media and technology law and policy.
- Host of “Tech on the Rocks” podcast, which focuses on communications, media and technology policy and its impact on Americans.

*Benton Institute for Broadband and Society, Chicago, IL*

Senior Fellow and Public Advocate, October 2017 to present

*Open Society Foundations, New York, NY*

Leadership in Government Fellow, January 2017–January 2018

*Mozilla Foundation, San Francisco, CA*

Fellow, February 2017–November 2018

*Federal Communications Commission, Washington, DC*

Counselor to the Chairman, March 2015 to December 2016

Special Counsel for External Affairs, November 2013 to February 2015

- Chief liaison to public interest, academic and industry stakeholders for Federal agency that regulates communications networks.
- Advised Chairman Tom Wheeler on a wide variety of communications policy issues, including net neutrality, municipal broadband, universal service programs, tribal broadband, privacy and consumer protection.
- Keynote speaker at 20+ conferences and events annually representing the Chairman.
- Conducted outreach to press and public through various means, including social media.

*Public Knowledge, Washington, DC*

President & Chief Executive Officer, August 2001 to October 2013

- Co-Founder and Chief Executive Officer of public interest organization focusing on the consumer and civic dimensions of the Internet, digital technologies and intellectual property.
- Testified before Congressional Commerce and Judiciary Committees.
- Managed and supervised 20–25 employees, up to 6 law clerks and 3 program consultants.

- Frequent guest on national and local radio and television and a speaker at dozens of conferences and seminars annually.

*University of Colorado School of Law, Silicon Flatirons Center for Law, Technology & Entrepreneurship*

Senior Adjunct Fellow, March 2008 to October 2013

*University of Southern California—Annenberg Center*

Non-resident Fellow, October 2006 to January 2008

*Georgetown University, Washington, DC*

Adjunct Professor, Fall 2002

*Ford Foundation, New York, NY*

Project Specialist, August 2000 to January 2001

Consultant, May 1999 to July 2000

- Developed strategic vision for new funding program in media policy and technology.
- Developed and negotiated grants totaling \$6,000,000 in FY99–01.

*Benjamin N. Cardozo School of Law, Yeshiva University, New York, NY*

Adjunct Professor, January 2001 to May 2001

*University of Melbourne Faculty of Law, Graduate Studies Program, Melbourne, VIC*

Senior Fellow, June 2000

*Media Access Project, Washington, DC*

Executive Director, September 1996 to March 2000

Deputy Director, November 1990 to August 1996

Staff Attorney, September 1988 to October 1990

- Served as chief executive of public interest communications law firm.
- Litigated mass media, new technology and First Amendment issues before the Federal Communications Commission, Federal Courts and the United States Supreme Court.

#### PROFESSIONAL APPOINTMENTS AND ACTIVITIES (partial listing)

*Biden-Harris Campaign*

Policy Volunteer, July 2020 to November 2020

*Sports Fans Coalition NY, Inc.*

Board Member, March 2020 to present

*Open Markets Institute*

Advisory Board Member, January 2020 to present

*Electronic Frontier Foundation (EFF)*

Board Member, December 2018 to present

*Broadband Internet Technical Advisory Group (BITAG)*

Co-Chair, December 2011 to October 2013

Member, Board of Directors, December 2010 to October 2013

*Center for Copyright Information*

Member, Advisory Board, September 2011 to October 2013

*Obama-Biden Campaign*

Policy Volunteer, May 2008 to November 2008

*Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters, Washington, DC (“Gore Commission”)*

Member, October 1997 to December 1998

*District of Columbia Bar Board of Governors, Washington, DC*

Member, June 1997 to June 2000

*District of Columbia Bar Task Force on Sexual Orientation and the Legal Workplace*

Member, February 1996 to March 1999

*Gay and Lesbian Attorneys of Washington (GAYLAW)*

President, October 1994 to September 1997

#### EDUCATION

*University of Pennsylvania, Law School, Philadelphia, PA*

Juris Doctor, May 1986

*Boston University, College of Communication, Boston, MA*

Bachelor of Science in Broadcasting and Film, May 1983; Summa Cum Laude

**PUBLICATIONS (partial listing)**

I have had articles published in, among others, the *Washington Post*, *CNN.com*, *Wired*, *Buzzfeed*, *NBC News Think*, *The Wall Street Journal*, *Variety*, *Legal Times*, *The Verge*, *Mashable* and *The Hill*. I have also been an online columnist for the *New York Times*, *Washington Post* and *Wired*.

I have had book chapters published in *Regulators Revenge*, *The Future of Telecommunications Deregulation*, (Cato Institute 1998); *The Future of Media*, (Seven Stories Press 2005) and *Media, Technology and Society: the Challenge of Digital Evolution* (University of Michigan Press, 2009). I have had six law review articles published.

**HONORS AND AWARDS (partial listing)**

Washingtonian “Washington’s Most Influential People” (March 2021)

National Journal “NJ 50: 50 people changing the game in Washington” (November 2019)

Office of Communication of the United Church of Christ, Everett C. Parker Award (October 2018)

Coalition for Local Internet Choice “National Champion for Local Internet Choice” Award (October 2016)

One Community “Broadband Hero” Award (September 2014)

*Non-Profit Times* “Power & Influence Top 50.” (August 2011)

Electronic Frontier Foundation Pioneer Award (May 2006)

**ATTACHMENT B****GIGI SOHN PUBLICATIONS & SPEECHES****Blog Posts & Opinion Articles**

Benton Digital Beat: *Mapping, Impact & Adoption: A Research Agenda For Effective Broadband Policy* (Remarks before the Association of Public and Land-Grant Universities, January 28, 2021)

TechDirt Policy Greenhouse: *The Trump FCC Has Failed to Protect Low-Income Americans During a Health Crisis* (December 4, 2020)

ProMarket: *The Trump FCC Can’t and Shouldn’t Be the Internet Speech Police* (November 5, 2020)

Day One Project: *Restoring the Federal Communications Commission’s Authority to Oversee the Broadband Market* (October 2020)

Wired: *Trump’s FCC is Using Junk Data to Downplay Broadband Woes* (September 29, 2020)

CNN Business: *How to Make Broadband Affordable and Accessible for Everyone* (September 9, 2020)

TechDirt Policy Greenhouse: *The Most Important Privacy Case You’ve Never Heard Of* (June 30, 2020)

Wired: *During the Pandemic, the FCC Must Provide Internet for All* (April 28, 2020)

Benton Digital Beat: *Remembering Henry Geller* (April 13, 2020)

The Verge: *The FCC should let itself do more to keep Americans connected during the pandemic* (March 26, 2020)

Benton Digital Beat: *In Support of Maryland Net Neutrality Act* (Testimony to Economic Matters Committee, Maryland House of Delegates, February 26, 2020)

Benton Digital Beat: *Digital Equity and Broadband Adoption* (Testimony before the U.S. House of Representatives, Committee on Energy & Commerce, Subcommittee on Communications & Technology, January 29, 2020)

Benton Digital Beat: *The State of Broadband 2020* (January 28, 2020)

Benton Digital Beat: *The Not So Good, Very Bad and Really Weird Merger of T-Mobile and Sprint* (Remarks to NTCA Rural Broadband Association Fall Legal Seminar, November 20, 2019)

Benton Digital Beat: *Moving Backwards: consolidation, deregulation & lack of accountability in the U.S. media and broadband industries* (September 23, 2019)

Benton Digital Beat: *Nothing is Normal About the T-Mobile-Sprint Merger* Review (June 18, 2019)

Wired: *Why a T-Mobile Sprint Merger Would Be Bad for the Public* (May 22, 2019)

Benton Digital Beat: *Protect Privacy in Maine* (Testimony Before the Energy, Utilities and Technology Committee, Maine LD 946, an Act to Protect the Privacy of Online Customer Personal Information, April 24, 2019)

Benton Digital Beat: *Social Justice or Inequality: The Heart of the Net Neutrality Debate* (Remarks before University of Pittsburgh Law School Symposium on Net Neutrality, March 1, 2019)

Benton Digital Beat: *Flexibility, Humility, Connectivity: Three Ingredients for a Successful Career* (Remarks before the Penn Law Women's Association Annual Dinner, February 6, 2019)

ProMarket: *One Year After the Net Neutrality Repeal: the FCC Has Abandoned Its Role Protecting Consumers and Competition* (December 14, 2018)

Medium: *One Year Later, Net Neutrality is Needed More than Ever* (December 14, 2018)

Benton Digital Beat: *Cities (and States) are Doing it for Themselves* (Remarks before New England Connect) (November 8, 2018)

Benton Digital Beat: *Bending the Arc Towards Media and Social Justice* (Remarks upon receiving the Everett C. Parker Award) (October 11, 2018)

NBC News Think: *Brett Kavanaugh's net neutrality views could have a broad impact if he joins the Supreme Court* (September 4, 2018)

NBC News Think: *Losing Net Neutrality Made it Harder for Santa Clara to Fight its Wild Fires* (August 24, 2018)

ProMarket: *Would Sen. Warner's Ambitious Plan to Regulate Social Media Giants "Ruin" the Internet—Or Save it?* (August 13, 2018)

Benton Digital Beat: *The U.S. Needs a New Policy Framework for an Open Internet Ecosystem* (July 28, 2018)

Benton Digital Beat: *Competition Policy for an Open Internet Ecosystem* (July 25, 2018)

Benton Digital Beat: *Regulatory Oversight and Privacy Policy for an Open Internet Ecosystem* (July 24, 2018)

Medium: *Progress in a Hostile Political Environment: Raising Awareness and Recruiting Foot Soldiers in the Battle for an Open Internet* (June 15, 2018)

Medium: *The Time to get the Net Neutrality Rules Back is Now* (May 15, 2018)

Buzzfeed News: *Two Companies Won, American Democracy Lost* (June 14, 2018)

Wired: *Promises Mean Little for Consumers in T-Mobile-Sprint Deal* (May 18, 2018)

Wired: *Ajit Pai's Plan Will Take Away Broadband from Poor People* (with Amina Fazlullah) (February 21, 2018)

New York Daily News: *Online innovation at risk following FCC's repeal of net neutrality rules* (December 14, 2017)

Mashable: *The FCC's proposal to kill net neutrality is worse than you think* (November 22, 2017)

The Verge: *The FCC is having a terrible month, and consumers will pay the price* (November 15, 2017)

Medium: *Fighting for Fast, Fair and Open Networks* (October 11, 2017)

The Verge: *It's time for Congress to fire the FCC chairman* (September 27, 2017)

American Constitution Society ACS Blog: *The Assault on the Open Internet* (June 24, 2017—no longer available online)

Mashable: *How to write an impactful net neutrality comment (which you should definitely do)* (June 17, 2017)

The Verge: *Breaking down the FCC's proposal to destroy net neutrality* (May 24, 2017)

Mashable: *What to expect when you're expecting the net neutrality debate to begin* (May 15, 2017)

Axios: *Repealing net neutrality hurts innovators, consumers* (April 27, 2017)

Mashable: *Consumers and innovators will lose if we kill net neutrality* (April 17, 2017)

The Verge: *The FCC's plan to kill net neutrality will also kill Internet privacy* (April 11, 2017)

The Verge: *You have just hours to stop Congress from giving away your web browsing history* (March 28, 2017)



The Hill: *FCC, FTC are playing a shell game with online privacy* (March 18, 2017)

Axios: *Real net neutrality is rooted in Title II* (March 2, 2017)

Benton Digital Beat Blog: *First Lifeline, Now Broadband Program for Schools and Libraries in the FCC's Crosshairs* (Feb. 22, 2017)

Benton Digital Beat Blog: *Defending the Indefensible: Chairman Pai's Lifeline Reversal Will Widen the Digital Divide* (February 9, 2017)

Wall Street Journal: *Should Congress Overturn the Net Neutrality Rules?* (March 17, 2013)

New York Times Room for Debate: *Who Gets Priority on the Web? Consumer Choices on the Internet* (February 21, 2013)

Billboard: *Universal EMI Deal Would Harm Music Fans and Musicians* (with Jodie Griffin) (July 16, 2012)

My Huffington Post blog posts from 2011–2013 can be found [here](#).

My Public Knowledge Blog Posts from 2006–2013 can be found [here](#).

CNET: *Don't Blow it Congress* (March 14, 2006)

Washington Post: *Fairness, Not Silence* (January 31, 1994)

Electronic Media: *Fairness Doctrine Debate with Rush Limbaugh* (est. early 1990s)

I had articles published in *Variety* and the *Legal Times* in the 1990s, but I can't remember the topics and can't find them online.

#### Journal Articles & Book Chapters

I have had book chapters published in *Regulators Revenge, The Future of Telecommunications Deregulation*, (Cato Institute 1998); *The Future of Media*, (Seven Stories Press 2005) and *Media, Technology and Society: Theories of Media Evolution* (University of Michigan Press, 2009).

I have had six law review articles and notes published:

- *Social Justice or Inequality: The Heart of the Net Neutrality Debate*, 80 University of Pittsburgh Law Review 779 (2019)
- *A Policy Framework for an Open Internet Ecosystem*, 2 Geo. Law Tech. Rev. 335 (2018)
- *Reflecting on 20 years Under the Telecommunications Act of 1996*, 68 Federal Communications Law Journal 58 (2017)
- *The Gore Commission Ten Years Later: Reimagining the Public Interest Standard in an Era of Spectrum Abundance*, 17 CommLaw Conspectus 657 (2009)
- *Don't Mess With Success: Government Technology Mandates and the Marketplace for Online Content*, 5 Journal on Telecommunications and High Technology Law, 73 (2006)
- *Broadcast Licensees and Localism: At Home in the Communications Revolution*, 47 Federal Communications Law Journal, 384 (1994)(with Andrew Jay Schwartzman)

#### Speeches

[I'm fairly positive that I gave speeches prior to 2008, but I don't have copies, can't recall them, and can't find them online]

*Mapping, Impact and Adoption: A Research Agenda for Effective Rural Broadband Policy* (Remarks to the Association of Public Land Grant Universities, January 28, 2021)

*The Not So Good, Very Bad and Really Weird Merger of T-Mobile and Sprint* (Speech NTCA: The Rural Broadband Association Fall Legal Seminar, November 20, 2019)

*Moving Backwards: Consolidation, Deregulation & Lack of Accountability in the U.S. Media & Broadband Industries* (Remarks to Centro De Investigacion y Docencia Economicas, A.C. Competencia en Telecomunicaciones y Radiofusion: Disrupcion Tecnologica y Neutralidad de Redes, September 23, 2019)

*Social Justice or Inequality: The Heart of the Net Neutrality Debate* (Remarks to the University of Pittsburgh Law Review Symposium: The Net Without Neutrality, Economic, Regulatory and Informational Impacts, March 1, 2019)

*Flexibility, Humility, Connectivity: Three Ingredients for a Successful Career* (Remarks to the Penn Law Women's Association Dinner, February 19, 2019)

*Remarks before Connected New England 11* (November 8, 2018)

*Bending the Arc Towards Media & Social Justice* (Remarks to the Office of Communication of the United Church of Christ Everett C. Parker Lecture, October 11, 2018)

*The FCC: Can't Live With it, Don't Want to Live Without it* (Remarks to the Great Lakes Connect Conference, September 26, 2018)

*Remarks on the Future of Local Internet Choice* (October 18, 2016)

*Connecting Anchor Institutions: A Broadband Action Plan* (Remarks to 2016 SHLB Annual Conference, July 13, 2016)

*Remarks at Net Inclusion, the National Digital Inclusion Summit* (May 16, 2016)

*Remarks to New America Foundation* (March 23, 2016)

*Remarks to Emerging Issues Policy Forum, Digital Pathway Summit* (January 14, 2016)

*Remarks to ECTA Regulatory Conference* (November 17, 2015)

*Remarks to Partnership for Progress on the Digital Divide Conference* (October 22, 2015)

*Consumer Protection in the Broadband Era: The Role of the FCC* (Remarks to the 4th annual Professor Anthony J. Santoro Business Law Lecture Series, September 25, 2015)

*What the Future Holds for Local Governments* (Remarks to NATOA Annual Conference, September 9, 2015)

*Remarks to the Fiber to the Home: Fiber on Fire Conference* (June 30, 2015)

*Remarks to Westminster, MD Fiber Launch Party* (June 26, 2015)

*Remarks to Third Annual New York State Broadband Summit* (June 11, 2015)

*Halftime at the Wheeler FCC* (Remarks to Media Institute Communications Forum, June 4, 2015)

*Remarks to Moving Towards a Gigabit State* (May 4, 2015)

*The Art of the Possible* (Remarks to the One Community Annual Meeting, September 10, 2014)

*FCC: Out to Lunch* (Remarks to the Personal Democracy Forum, June 13, 2013)

*The Broadband Ecosystem: Living with the Cloud* (Remarks to the 17th Annual Oregon Connections Telecommunications Conference, October 18, 2012)

*Remarks to Communication Power: Net Neutrality and the Public Commons* (April 28, 2010)

Keynote Speech at Free Culture X (February 13, 2010)

Remarks to Copyright Monopoly: Playing the Innovation Game (May 28–30, 2008)

IT Perspectives Inside the Beltway (Remarks to EDUCAUSE/Cornell Institute for Computer Policy & Law, July 2007)

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#### ATTACHMENT C

##### GIGI SOHN TESTIMONY BEFORE U.S. CONGRESS, STATE LEGISLATURES & ADMINISTRATIVE BODIES

Maryland House of Delegates, Economic Matters Committee: *In Support of House Bill 957, Maryland Net Neutrality Act of 2020* (Feb. 26, 2020)

House Energy and Commerce Committee, Communications and Technology Subcommittee: *"Empowering and Connecting Communities through Digital Equity and Internet Adoption"* (January 29, 2020)

Maine State Legislature, Joint Energy, Utilities and Technology Committee, *hearing on L.D. 946, An Act to Protect Privacy of Online Customer Personal Information* (April 24, 2019)

Federal Trade Commission *Hearing on Competition and Consumer Protection in the 21st Century* (March 20, 2019) (no prepared remarks)

House Judiciary Committee, Antitrust Subcommittee: *The State of Competition in the Wireless Market: Examining the Impact of the Proposed Merger of T-Mobile and Sprint on Consumers, Workers, and the Internet*: (March 12, 2019)

Connecticut General Assembly, Energy & Technology Committee: *Hearing on Senate Bill No. 2, An Act Concerning Internet Service Providers and Net Neutrality Principles* (March 8, 2018)

U.S. Senate Committee on Indian Affairs: *Oversight Hearing on the GAO Report on "Telecommunications: Additional Coordination and Performance Measurement Needed for High-Speed Internet Access Programs on Tribal Lands"* (April 27, 2016)

U.S. Senate Committee on Commerce, Science and Transportation, Subcommittee on Communications, Technology and the Internet. *State of Wireline Competition* (July 25, 2013)

House Energy and Commerce Committee, Subcommittee on Communications & Technology: *The Future of Video* (June 27, 2012)

U.S. Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights: *The Universal Music Group/EMI Merger and the Future of Online Music* (June 21, 2012)

U.S. Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights: *The AT&T/T-Mobile Merger: Is Humpty Dumpty Being Put Back Together Again?* (May 11, 2011)

House Judiciary Committee, Subcommittee on Intellectual Property, Competition and the Internet: *Ensuring Competition on the Internet: Net Neutrality and Antitrust* (February 15, 2011)

U.S. Senate Committee on Commerce, Science and Transportation: *Broadband Providers and Consumer Privacy* (September 25, 2008)

FTC Hearing on Broadband Connectivity and Competition (2007) (no prepared remarks or transcripts available)

U.S. Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights: *The XM-Sirius Merger: Monopoly or Competition from New Technologies?* (March 20, 2007)

House Energy and Commerce Committee, Subcommittee on Telecommunications and the Internet: *The Audio and Video Flags: Can Content Protection and Technological Innovation Coexist?* (June 27, 2006)

U.S. Senate Committee on the Judiciary: *The Analog Hole: Can Congress Protect Copyright and Promote Innovation?* (June 21, 2006)

House Judiciary Committee, Subcommittee on the Courts, Intellectual Property, and the Internet: *Content Protection in the Digital Age: The Broadcast Flag, High Definition Radio, and the Analog Hole* (November 3, 2005)

House Judiciary Committee, Subcommittee on the Courts, Intellectual Property, and the Internet: *Piracy of Intellectual Property on P2P Networks* (September 26, 2002) (attached)

I am fairly confident that I testified before U.S. Congressional committees between September 26, 2002 and November 2005, but I can't find any testimony. I would guess that I testified at least twice during that time period, either before one of the Judiciary or Commerce Committees. I also testified at least once when I worked at Media Access Project in the 1990s, but I can't recall the subject matter and it doesn't exist online.

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STATEMENT OF GIGI B. SOHN, PRESIDENT, PUBLIC KNOWLEDGE

"PIRACY OF INTELLECTUAL PROPERTY ON PEER-TO-PEER NETWORKS"

HOUSE JUDICIARY COMMITTEE  
SUBCOMMITTEE ON COURTS, THE INTERNET AND INTELLECTUAL PROPERTY  
WASHINGTON, DC  
SEPTEMBER 26, 2002

Chairman Coble, Congressman Berman and other members of the Subcommittee, my name is Gigi B. Sohn. I am the President of Public Knowledge, a new nonprofit public interest organization that seeks to ensure that citizens have access to a robust public domain, an open Internet and flexible digital technology.

I want to thank the Subcommittee for holding this important hearing on the great promise of peer-to-peer (P2P) networks and some of the perils associated with their use. I am honored that you have chosen my organization to represent the citizen/consumer perspective at this hearing.<sup>1</sup>

<sup>1</sup>Public Knowledge is working in partnership with the Center for Democracy and Technology and Consumers Union on P2P and related digital copyright issues.

My hope is that this hearing will further advance the dialogue that Public Knowledge and other public interest organizations have already begun with the various interested industries and with policymakers. That dialogue is intended to find solutions that provide the content industry with a “reasonably secure” digital environment for its content while ensuring that citizens retain their rights under copyright law and continue to have access to an open Internet and the kind of flexible technology that they have come to expect and enjoy.

#### P2P TECHNOLOGY IS CHANGING THE FACE OF COMPUTING—FOR THE BETTER

In just two years, P2P has become a computing phenomenon. Millions of Internet users are communicating with each other through P2P file sharing software programs that allow a group of computer users to share text, audio and video files stored on each other's computers. While the P2P applications we know today are just a few years old, the technology underlying P2P is at the heart of the Internet. The Internet was designed to be a distributed system of linked computers in which users could freely share content and data stored on each other's computers.

Few disagree that P2P networks are already changing the way businesses, educators, artists and ordinary citizens use their computers. In businesses, for example, they offer an alternative to centralized server-based sharing of documents and projects.<sup>2</sup> The vast majority of these changes are positive. By linking together individual computers and distributing their power, P2P technology is superior to the centralized server approach because it:

- is more robust and resilient
- is more cost effective
- is faster and more reliable
- harnesses bandwidth and storage resources that would otherwise go unused
- enables real-time collaborative work

Already, both public and private P2P networks are helping small and large businesses (including content companies), universities, artists and others work collaboratively and more efficiently. Here are some examples:

- *The University of North Carolina at Chapel Hill.* Robert Kirkpatrick, Distinguished Associate Professor of English and Director of the London Summer Honors Program at the University of North Carolina at Chapel Hill, used Groove Network's P2P tools to manage a class in the composition of poetry. Among other things, Kirkpatrick used P2P technology to encourage collaborative editing and comment on students' work, adjust the syllabus, archive course materials, and create a list of links to resources of poetic forms and vast archives of complete works of poems and critical writing. The class also uses the Groove tools for a class forum and an announcement board to share information on musical, dramatic and other events on campus. Kirkpatrick said that P2P technology “makes it possible to extend that most expensive form of education—one-on-one tutorial—into a cohesive class experience. . . . It comes very close to being, for me, the ideal academic tool.”<sup>3</sup>
- *CenterSpan.* CenterSpan is a distributed content delivery network licensed to distribute copyrighted digital content from major media companies. Earlier this year, CenterSpan announced an agreement with Sony Music Entertainment whereby CenterSpan's secure P2P network provides music from Sony Music artists to a wide variety of online service providers seeking to offer their subscribers streaming and downloadable music.<sup>4</sup>
- *J!VE Media.* J!VE Media is the creator of a suite of digital video packaging, digital rights management and media delivery services which enable content providers to distribute protected digital video content via publicly accessible P2P networks, including the Gnutella Network (which includes users of LimeWire and Morpheus) and the Fastrack Network (which includes users of KaZaA and Grokster). J!VE uses P2P distribution technology because it allows content owners to rely almost entirely on users to provide the most costly computing resources involved in digital distribution: data storage and bandwidth. J!VE dis-

<sup>2</sup>A recent Gartner Research Note (Technology T-16-2550, September 16, 2002) predicts that “[b]y 2005, 10 percent of business interactions will occur via P2P-enabled technologies (0.7 probability).”

<sup>3</sup>[www.groove.net/solutions/testimonials/education/unc.html](http://www.groove.net/solutions/testimonials/education/unc.html)

<sup>4</sup>Statement of Frank G. Hausmann, Chairman and CEO CenterSpan Communications Corporation before the House Judiciary Committee Subcommittee on Courts, the Internet and Intellectual Property, June 5, 2002.

tributes only authorized content, and its customers include: 1) the Priority Records division of the EMI Recorded Music Group; 2) Koch International, the world's third largest independent music label; and 3) The Comedy Network, Canada's 24 hour comedy cable channel.<sup>5</sup>

- *Project Gutenberg*. Project Gutenberg seeks to convert to ebook form, and widely distribute over the Internet, over 4500 works from the King James Bible to Shakespeare to the CIA World Fact Book. These works are either in the public domain or authorized by copyright owners for distribution. One of the chief hurdles facing Project Gutenberg and public domain projects like it has been the expense of hosting and distributing the resulting files. Today, these expenses are being reduced, and valuable public domain works are reaching more people, because these texts are being distributed over P2P networks.<sup>6</sup>
- *Furthur Network*. The Furthur Network is a non-commercial, open source, P2P network of legal live music. Music lovers download and share music from each other. Musicians that allow the non-commercial taping and trading of their live performances are allowed on this publicly accessible P2P network. This would include bands like the Grateful Dead, the Allman Brothers Band and the Dave Matthews Band. TDK, the consumer electronics and recordable media company has recently recognized the importance of this segment of the music industry by sponsoring the third annual Jammy Awards, which honors musicians who focus their art on live music. In the words of Bruce Youmans, TDK's Vice President of Marketing, "There are literally hundreds of sources, including directly from some of the artists performing at the Jammys, for legally acquiring today's best music without infringing on artists' copyrights."<sup>7</sup>

All indications are that P2P technology will stimulate our economy if it is allowed to flourish. As with any successful new technology, innovators will seek to capitalize by developing new applications for P2P.<sup>8</sup> Moreover, since every computer on a P2P network becomes, in effect, a file server for every other computer, it is likely that businesses and individuals will demand faster and more powerful PC's. Equally as important, many experts predict that increased use of P2P networks will drive up the demand for broadband.<sup>9</sup> It is not difficult to see why—using the increased bandwidth capabilities of a P2P network, a homeowner using only a DSL line could send files at a speed and capacity that is eight times faster than a T-1 line!

#### LIKE OTHER TECHNOLOGIES, P2P CAN BE ABUSED

Despite the recognition of Congressman Berman and other legislators of the enormous promise of P2P networks,<sup>10</sup> the focus of this hearing is on their *abuses*—that is, the illegal sharing of copyrighted material over these networks. Let me be clear—Public Knowledge does not condone the illegal sharing of files on any network—be it P2P or otherwise. We believe in the constitutional and historical purpose of copyright protection, that is, to encourage the creation of new artistic works for the ultimate benefit of the public. That purpose is not well served by individuals who engage in large scale illegal file trading. As discussed below, we think that the content industry has several avenues available to it to curb these abuses that will also pre-

<sup>5</sup>Declaration of Sean Mayers in Support of MusicCity.Com Inc.'s and MusicCity Networks, Inc.'s Motion for Partial Summary Judgment in *MGM Studios v. Grokster*, [www.eff.org/IP/P2P/MGM\\_v\\_Grokster/20020122\\_mayers\\_decl.html](http://www.eff.org/IP/P2P/MGM_v_Grokster/20020122_mayers_decl.html)

<sup>6</sup>Declaration of Gregory Newby in Support of MusicCity.Com Inc.'s and MusicCity Networks, Inc.'s Motion for Partial Summary Judgment in *MGM Studios v. Grokster*, [www.eff.org/IP/P2P/MGM\\_v\\_Grokster/20020122\\_newby\\_decl.pdf](http://www.eff.org/IP/P2P/MGM_v_Grokster/20020122_newby_decl.pdf).

<sup>7</sup>[www.furthurnet.com](http://www.furthurnet.com)

<sup>8</sup>One exciting P2P application that is in its nascent stages is "P2P signing" for the deaf and hard of hearing. Through this application, an interpreter in one location can use high-speed communications and low-cost video cameras to provide interpreting services to consumers at other locations across the country. Frank G. Bowe, *Broadband and Americans with Disabilities* at 2 (2002), [www.newmillenniumresearch.org/broadband.html](http://www.newmillenniumresearch.org/broadband.html).

<sup>9</sup>Amy Kover, *Napster: The Hot Idea of the Year*, Fortune Magazine, June 26, 2000. See also, *Understanding Broadband Demand, A Review of Critical Issues*, Office of Technology Policy, U.S. Department of Commerce at 16 (September 23, 2002), [www.ta.doc.gov/reports/TechPolicy/Broadband\\_020921.pdf](http://www.ta.doc.gov/reports/TechPolicy/Broadband_020921.pdf)

<sup>10</sup>Speech by the Honorable Howard L. Berman to the Computer and Communications Industry Association Regarding Solutions to Peer to Peer Piracy (June 25, 2002), [www.house.gov/berman/p2p062502.html](http://www.house.gov/berman/p2p062502.html) ("P2P networks represent as much of an opportunity as a threat to copyright creators. P2P represents an efficient method of information transfer, has the potential to greatly reduce the costs associated with server-based distribution systems, and can support a variety of legitimate business models.")

serve the technology and the rights and expectations of consumers and computer users.

That being said, my fear is that the emphasis on the abuses of P2P networks may well give rise to actions that could ultimately destroy the promise of this technology. As discussed below, proposed laws like H.R. 5211 could lead to actions by copyright owners that could literally bring these and other networks to a sudden and unfortunate halt. Even where the copyright owner's motives are the most benign, actions authorized by this bill could seriously tax these valuable networks by making them less efficient, more unstable, and subject to greater private control. That is not good for consumers, the tech industry or the content industry, which believes, as I do, that it will figure out how to harness P2P technology and profit. Thus, it is not just the illegal activity that might be slowed by the kinds of self help techniques authorized by this bill, but also every legitimate current and yet-to-be-developed business dependent upon the promise of P2P technology.

P2P networks, like other technologies (*e.g.*, cars, telephones) can be used for good, or they can be abused. But we don't outlaw these technologies or limit their legitimate use because of the possibility (and yes, even the probability) that someone will use them to do harm. Public Knowledge supports targeted mechanisms to limit abuses of these networks. But we cannot support laws or technological measures that harm legitimate uses of the technology in the effort to curtail illegitimate ones.

THE CONTENT INDUSTRY HAS TOOLS AT ITS DISPOSAL WHICH, IF USED TOGETHER, CAN LIMIT THE IMPACT OF ILLEGAL FILE TRADING OVER P2P NETWORKS.

Over the past several months, my staff and I have had a number of productive conversations with various sectors of the content industry. While we have not agreed on everything, I have appreciated their willingness to be candid and engage in a continuing dialogue. One thing the various sectors of the industry have been willing to admit is that infringement cannot be stopped completely. This is true with regards to physical infringement as well as virtual infringement.

Thus, the critical question becomes: how can the effect of illegal file trading over the Internet be limited without eroding the legitimate consumer/computer user rights and expectations? I propose a combination of three tools:

*Enforcement of Existing Laws*

Both the Copyright Act and the Digital Millennium Copyright Act provide for remedies for certain unlawful uses of copyrighted material.<sup>11</sup> There is little evidence and indeed, the content industries do not claim, that when the law is enforced it is ineffective. In fact, when the content industries choose to enforce their rights under these laws, like in the Napster, Audiogalaxy and Madster (*aka* "Aimster") cases, they have succeeded.

Despite its claims that billions of songs have been illegally downloaded, we are not aware of a single case in which the recording industry has taken legal action against an individual downloader. The problem is that the recording industry apparently does not want to enforce the rights it claims when it comes to illegal P2P file trading because it looks bad to sue its own customers. Therefore, the industry has decided instead to shift that burden onto other corporations, and in particular, ISPs. As many of you know, the RIAA is seeking to force Verizon to hand over the names of its customers based solely on the RIAA's allegations that those customers are engaging in infringing activity. Verizon, backed by civil liberties and other public interest organizations such as my own, has argued, among other things, that forcing ISPs simply to give copyright owners the names of their customers without a judicial determination that they may be engaged in any illegal conduct would violate the constitutionally mandated privacy and anonymity rights of their customers, and put ISPs in the untenable position of having to respond to the numerous identification requests that would inevitably result.

Were Verizon and other ISPs to comply with such requests, the RIAA would be empowered to collect sufficient information with which to conduct investigations of potential defendants and engage in surveillance over a period of days or even years, choosing to sue the defendants presenting the worst facts and having profiles least likely to garner public or judicial sympathy. As is often said, bad facts make bad law. The RIAA plan appears to have no other purpose than to find the worst facts before seeking an interpretation of its legal rights.

Verizon's refusal to succumb to the RIAA's request does not leave the industry without a remedy. It can bring a "John Doe" lawsuit against anonymous infringers and serve Verizon with a third-party subpoena pursuant to Fed. R. Civ. P. 45. Once

<sup>11</sup> 17 U.S.C. §§ 501–507; 17 U.S.C. §§ 091204; 18 U.S.C. §§ 2318–2319A.

the industry has satisfied a judge that its allegations of infringement have evidentiary support, Verizon (and other ISPs) will be required to make available those names. With “robot” technology that allows the industry to pinpoint the most egregious uploaders with some (but by all means not perfect, *see* discussion below) accuracy, the industry’s complaint that it would have to bring numerous expensive lawsuits rings hollow. Unless the industry wants to sue every person with a handful of infringing files on its hard drive, it has the economic and technological means to locate the kind of large scale alleged infringer that it would want to bring to court.

An industry-initiated law suit against a large scale infringer could also have the benefit of serving as a deterrent to other bad actors. As we have seen in other contexts, specifically targeted lawsuits and other legal action can have a deterrent effect, and also educate the public as to what is legal. But if the industry refuses to bring targeted cases, we will only be left with unfounded complaints that the copyright law provides a “right without a remedy.” The remedies exist, but copyright owners must take up the challenge of invoking them.

#### *Non-Invasive Self-Help*

Public Knowledge does not oppose the use of reasonable non-invasive self-help techniques by the content industry. By non-invasive, we mean techniques that do not entail a third party attacking a file located on a computer hard drive (or denial-of-service attacks on individual users or on providers). Examples of non-invasive self-help include spoofing, flooding, decoy, spoiler files and redirection. Many of these techniques involve the intentional distribution of phony or corrupted files that an individual seeking to make an unlawful reproduction will then download. Others will send downloaders to legitimate sites. What distinguishes these techniques is that they are activated by an individual’s affirmative effort to obtain an unlicensed copy of a file.

On the other hand, Public Knowledge cannot support self-help techniques that permit the copyright owner to block access to an individual’s computer hard drive for the purpose of making an allegedly illegal file unusable or incapable of being downloaded. In the most popular of these techniques, commonly known as Interdiction, a computer program repeatedly requests the same file from a particular P2P network user. As a result, no one else can get to that file, or to any other file on that user’s computer even if the other files to which access is sought are perfectly legal and downloading them is perfectly lawful.

There are several problems with self-help techniques of this kind. The first, of course, is that the program, or robot, could be mistaken in its determination that a file is one that warrants protection. While we have received assurances from the RIAA that the “bots” that its member companies use are extraordinarily accurate, evidence submitted in its pending litigation with Verizon demonstrates otherwise. For example, UUNet, an ISP, was sent a notice by Warner Brothers, owner of the copyright to the motion picture “Harry Potter and the Sorcerer’s Stone.” The notice asked UUNet to disable access to a user, identifying as the single infringing file a 1K file named “harry potter book report.rtf.” The size and type of the file make it clear that the file was nothing more than a child’s school book report on a Harry Potter book. The record includes other examples of similar inaccuracies.<sup>12</sup>

Moreover, it is important to remember that the members of the RIAA will not be the only copyright owners capable of using these techniques, particularly if H.R. 5211 becomes law. The fact that Interdiction not only makes unavailable the allegedly infringing file, but also makes the rest of the user’s files unavailable only exacerbates this problem.

A second concern is that Interdiction and similar self-help techniques punish individuals for “making available” copyrighted content, regardless of whether that content was legally obtained or not. Such punishment would extend copyright protection beyond what the law currently allows. Unlike in the European Union, U.S. copyright law does not give a copyright owner a separate right to “make available” his work. Efforts to include such a right here have been heretofore rejected.

Finally, we are concerned with the worst case scenario—that repeated requests or similar actions could prevent a user from accessing the Internet for any other purpose, resulting in a so-called “denial of service.” Regardless of whether an individual has an infringing file, denial of service caused by self-help will burden ISPs and other network users, both indirectly and directly. This is particularly true where such attacks can be done secretly, such that a user’s first call will be to its

<sup>12</sup> Motion for Leave to File and Brief Amicus Curiae of United States Internet Service Provider Association in Support of Respondent filed in *Recording Industry Association of America v. Verizon Internet Services*, Case No. 1:02MS003323 at 6–12.

own ISP to complain about a malfunction. Even on a network where a loss of service for one may not directly affect other users, every denial of service claim requires ISP time and resources to figure out its cause, causing it to spend less time on other, more serious service problems, which might be caused by cyberterrorism, other security breaches or legitimate technological breakdowns. This has an indirect effect on all the other customers on an ISP's network and also burdens the entire network. Moreover, with some ISP networks (particularly the shared architecture of cable modem service), the service quality of innocent ISP customers could be directly affected if invasive self-help leads to a denial of service for another customer—in other words, innocent ISP customers are harmed by the acts of one suspected infringer.

Legitimizing and harboring invasive self-help has startling implications. Again, whether the large content companies use techniques that are more accurate and often unrecognized by the computer user is nice, but is largely beside the point. If expressly permitted or protected, self-help of various shapes and sizes will be available to *all* copyright owners, some of whom may believe that it is perfectly within their rights to launch denial of service attacks. Some of these attacks may affect actual infringers, while some almost certainly will affect innocent parties, who will have no idea why they (or others) cannot access their files or why their Internet service is not working. These attacks will likely provoke retaliatory attacks by some users, and the acquisition of defensive software by others. Soon, the Internet will look like the Wild West, with self help bots and bot blockers replacing guns as the weapon of choice.

The collective impact of all these self help efforts, particularly if they are sanctioned by law, might be to reduce or eliminate the effectiveness of the Internet as a communications medium in a number of ways, from consuming bandwidth to forcing ISPs into imposing crippling terms-of-service agreements. The final victim of this Internet free-for-all, of course, would be rollout of broadband, for which P2P is the “killer app.”

#### *Promoting Competition to Build a New Business Model*

Last June, at the request of *USA Today*, I spent several hours discussing digital media issues with a number of top executives from the content and consumer electronics industries. What struck me was that the New York representatives of the content industries all agreed on one thing: that they had to create new business models that take advantage of the low cost, ubiquity and speed of the Internet. In answering the question of whether the recording industry had responded to the Internet needs of its customers, John Rose, Executive Vice President of the EMI Group stated:

There's no question that this industry, like every other industry that went through this, didn't deal with it in as forward-thinking a manner as it could have. The real question is: here's where we are, what do we do about it? There's no way you're going to constrain the Internet, . . . The question is, can you come up with economic models to empower guys like Alan [McGlade of MusicNet, an industry-backed online music service]?<sup>13</sup>

These content industry executives believe, as I do, that if they can provide easy access to a wide range of high quality content at a fair price, most consumers looking for content over the Internet will choose their services.<sup>14</sup> In other words, they believe that they can, in fact, “compete with free.”<sup>15</sup> Rob Reid of Listen.com, an online subscription music service that licenses music from the recording industry, said as much in a recent Department of Commerce Forum:

<sup>13</sup> “Digital Technology, Reshaping industries, lifestyles,” *USA Today*, June 25, 2002 at 4E.

<sup>14</sup> The Office of Technology Policy at the U.S. Department of Commerce apparently agrees, *Understanding Broadband Demand, A Review of Critical Issues*, Office of Technology Policy, U.S. Department of Commerce at 17 (September 23, 2002), [www.ta.doc.gov/reports/TechPolicy/Broadband\\_020921.pdf](http://www.ta.doc.gov/reports/TechPolicy/Broadband_020921.pdf) (“There is considerable belief that creative, legal, for-profit sites can out-compete “free” alternatives. Industry will need to develop technologies that can protect digital content, ensure that *legal* services have the resources . . . to out-compete illegal exchanges, educate consumers about the need to respect intellectual property on the Internet, cooperate across sectors and deliver content in ways and on platforms that consumers want. . . .”)

<sup>15</sup> Bon Jovi and its record company, Vivendi Universal SA's Universal Music Group, is competing with free by giving fans who buy their CDs “Bon Jovi Exclusives,” including preference in buying concert tickets, the possibility of climbing on stage and other band-related perks. Jennifer Ordonez and Charles Goldsmith “Bon Jovi Uses ‘Bounce’ To Battle Music Pirates,” *Wall Street Journal*, September 16, 2002, [online.wsj.com/article\\_print0,,SB103211681937801835,00.html](http://online.wsj.com/article_print0,,SB103211681937801835,00.html).



The way I compete [with free] is I have to create a service that's better than free, which is hard to do. I mean, that's hard to do. I mean, that's a tough proposition, but the good news is people do opt for things that are better than free all the time. If they didn't, you know, we'd be eating at soup kitchens every night, and not going to restaurants. And just looking around this table, I see a bottle of Poland Springs . . . that tells us that designer water is a multi-billion dollar industry, and that comes out of the faucet for free. So better than free does exist. . . .<sup>16</sup>

Despite the fact that industry efforts to bring content online have been going on for years, a successful business model has not emerged. One of the reasons this is so is that creating such a model is not a simple task—it takes time, resources and sometimes plain dumb luck.<sup>17</sup> But I believe that there are two other reasons a business solution has been slow in coming: 1) the same industry minds have been attacking the same problem for all that time, and 2) the industry has refused to permit others to try and figure out how best to deliver content over the Internet.

If the content industries are sincere in their desire to create new business models (and I believe that they are), then they should give others the opportunity to help them to do so. Not for free—for example, the recording companies could license their music to various online retailers and ask the licensee for the same statutory rate that the publisher gets (\$0.08) for each song the licensee sold online. Retailers who choose to offer them to the public must all pay the same “wholesale” price but can then compete vigorously with each other to find the business proposition most appealing to consumers. This is a win-win situation. The copyright owner gets paid, and a competition ensues to build an online music service that provides a high quality, large catalogue at a reasonable price. In fact, several successful business models could emerge that are entirely different than anything being contemplated today and appeal to different types of consumers, just as retail stores do for pre-packaged goods. There will be failures, no doubt—but until innovators and entrepreneurs are given a *chance* to fail, the chances that success will be achieved are greatly diminished, and the public benefit from broad and competitive dissemination will surely be lost.<sup>18</sup>

#### H.R. 5211 IS A WELL-INTENTIONED BUT FLAWED BILL

Public Knowledge appreciates the good intentions of Reps. Berman, Coble, Smith and Wexler in sponsoring H.R. 5211. We believe that they are sincere in their desire to encourage P2P technology and to stem the flow of illegal file sharing.

Unfortunately, these good intentions cannot save this flawed bill. Part of the problem is that because P2P technology underlies the entire Internet, it is difficult to draft legislation that addresses specific P2P networks such as Morpheus and KaZaA without also including the entire Internet and World Wide Web in its scope. Also, as discussed above, it is difficult to imagine certain “self-help” techniques that could interfere with specific P2P networks that would not also put the efficient functioning of the larger Internet at risk, impose enormous new tech support burdens on ISPs and impair customer satisfaction with broadband. Finally, as discussed above, while we may accept that some of the techniques now in use by the content industries are somewhat benign, this bill allows for self-help by *all* copyright owners—some of whom may not have the same concerns about upsetting their customers as do large content companies.

Among the provisions in this bill that are the most troublesome from a consumer perspective are:

- *The bill gives copyright owners extraordinary powers to engage in self-help.* H.R. 5211 grants copyright owners and their agents the right to break *any law*, state or federal, civil or criminal, in furtherance of “disabling, interfering with, blocking, diverting or otherwise impairing” the availability of his or her copyrighted works on a public P2P network. This extraordinary power is limited by five vague conditions: 1) the copyright owner may not “alter, delete, or other-

<sup>16</sup>Statement of Rob Reid, Founder and Chairman of Listen.com, *Understanding Broadband Demand: Digital Rights Management Workshop*, July 17, 2002, U.S. Department of Commerce, Technology Administration [www.ta.doc.gov/reports/TechPolicy/DRM\\_9020717.htm](http://www.ta.doc.gov/reports/TechPolicy/DRM_9020717.htm)

<sup>17</sup>A recent *New York Times* article details the challenges faced by online music services (including those backed by the recording industry) in getting permission to sell certain songs over the Internet. Amy Harmon, “Copyright Hurdles Confront Selling of Music on the Internet,” *NY Times*, September 23, 2002 at C1.

<sup>18</sup>This week’s announcement by the Warner Music Group that it would begin selling digital singles starting at 99cents through retailers like Bestbuy.com and MTV.com is a good start. Amy Harmon, “Warner to Sell Digital Signals Online,” *NY Times*, September 24, 2002 at C9.

wise impair the integrity of any computer file or data residing on the computer of a file trader” (Subsection (a)); 2) the owner must not impair the availability of files on a targeted computer other than the works the copyright owner owns except as “reasonably necessary” (Subsection (b)(1)(a)); 3) the copyright owner may not cause “economic loss” to any person other than the targeted file trader (Subsection (b)(1)(B)); 4) the copyright owner may not cause “economic loss of more than \$50” to the targeted file trader (Subsection (b)(1)(C)); and 5) the copyright owner must notify the Attorney General seven days before engaging in self-help (Subsection (c)).

These conditions leave the door wide open for abuse by the copyright owner and harm to computer users. For example, the limitations on altering and deleting files in subsection (a) conceivably would not prevent a copyright owner from cutting a user’s DSL line or even his phone line, or knocking his satellite dish off his roof. The “as reasonably necessary” language of subsection (b)(1)(a) is undefined and invites a raft of excuses for why an individual’s non-infringing files were impaired by self-help. The subsections prohibiting “economic loss” do not cover any non-economic loss that a target file trader or innocent victim may incur. And Subsection (c)’s notice provision is toothless: there is nothing in the bill that gives the Attorney General guidelines by which to judge self-help techniques or the power to reject them. All that is required by that subsection is notice.

- *The bill shifts the burden of using self-help mechanisms onto the consumer.* Currently, the content industries are very careful about the type of self-help techniques they use. This is not only for public relations reasons—the misguided use of these techniques that harms an innocent party could also result in serious legal liability for a copyright owner. By providing a safe harbor for a whole range of non-invasive and invasive self-help techniques, H.R. 5211 removes the incentives and sanctions that currently impel content owners and others to be careful in their self-help. While the damage limitation for bringing a legal action for misguided self-help is only \$250, copyright owners know that most victims will never sue because it is not worthwhile to do so; the damage rarely will be large enough to justify the time and cost of litigation.<sup>19</sup>

Equally as troubling is the fact that the bill creates no obligation for the copyright owner to notify a victim that her Internet access has been impaired. If they are subject to misguided self help, the vast majority of computer users will have no idea why their computer has broken down or why they can no longer access certain files. Without a notice requirement, even a tech-savvy victim who figures out what has occurred and decides to bring a lawsuit will not likely know whom to sue. Only if the victim can figure out exactly who impaired her system (among millions of copyright owners) can she then ask for the reasons for that action. Subsection (c)(2)(A).

- *The bill erects enormous procedural obstacles for a victim of self-help to overcome before she can seek the remedies provided.* H.R. 5211 creates a new cause of action for an affected file trader when a copyright owner “knowingly and intentionally impairs . . . [a] particular computer file . . . and has no reasonable basis to believe that such [file] constitutes an infringement of copyright,” and also causes over \$250 dollars in damages to the file trader. But where H.R. 5211 giveth, it also taketh away. Even though the copyright owner is engaging in egregious and willful activity, the bill erects procedural hurdles to innocent citizens seeking to obtain restitution for wrongful self-help. The innocent file trader cannot get to the courtroom without first getting permission from the Attorney General (Subsection (d)). Whether the victim will ever get to court is left to the sole discretion of the Attorney General, who has four months to make that determination. This creates a supreme irony: the bill erects huge legal barriers for citizens seeking remedies for misguided self-help, while it dismantles them for content companies seeking remedies for infringement. This is not only anti-consumer, it is also likely unconstitutional. It delegates to the Executive Branch the discretion to block civil litigants from access to Federal courts, and delegates to private parties the power to do what no government can; namely, to surreptitiously impose a prior restraint upon communications that are presumptively protected by the First Amendment without any judicial determination that the speech being suppressed is unlawful.

<sup>19</sup>This is exacerbated by the fact that under the bill, a victim must first ask the Attorney General to decide whether her complaint is a valid one.

- *The bill expands protection for copyrighted works beyond that required by the Copyright Act.* Subsection (a) of the bill provides a safe harbor for self-help actions that impair the “unauthorized” distribution, display, performance or reproduction of a copyrighted work on a publicly accessible P2P network. But not all “unauthorized” uses of copyrighted works are illegal under the Copyright Act. In addition, as discussed above, by permitting self-help against individuals who merely make works available (rather than just those who illegally download available works), the bill gives copyright owners an additional “right to make available to the public.” This right is now only recognized by European intellectual property laws, and has heretofore been rejected in the U.S.

H.R. 5211 is well intended to stem the flow of illegal file trading, but it goes way beyond what is necessary to permit the content industries to engage in the type of non-invasive self-help described above. While Public Knowledge might consider supporting a narrowly-crafted proposal that clarifies that non-invasive self help is permissible, H.R. 5211 is not that bill.

#### CONCLUSION

In conclusion, I want to thank Chairman Coble, Congressman Berman and the other members of the Subcommittee for holding this hearing to discuss P2P networks. As the sole representative of consumer and citizens rights at this hearing, I would respectfully ask that you keep the record open for thirty days to permit other public interest organizations to submit testimony and comments.

Public Knowledge urges the Subcommittee to act cautiously before seeking to alter the nature of a technology that improves the already significant abilities and flexibility of computers and the Internet, benefits artists, educators and businesses, and may very well be the “magic bullet” that drives broadband adoption. Illegal file trading on P2P networks can be limited through a combination of rigorous enforcement of the law, non-invasive self help techniques and promotion of competition to build new business models for online music. H.R. 5211, however, goes far beyond what is necessary or reasonable to limit illegal file trading, and if passed, could lead to actions by copyright owners that could threaten the core capabilities of the Internet. Thank you.

The CHAIRWOMAN. Thank you very much, Ms. Sohn. Mr. Kolko, welcome, and look forward to your statement.

#### **STATEMENT OF JED DAVID KOLKO, NOMINEE TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS, DEPARTMENT OF COMMERCE**

Mr. KOLKO. Chair Cantwell, Ranking Member Wicker, members of the Committee, thank you for welcoming me here today and considering my nomination for the position of Undersecretary of Commerce for Economic Affairs. I am grateful to President Biden and Secretary Raimondo for their confidence in me, and if confirmed, I will do everything I can to live up to that trust. And I would also like to thank members of your staff for substantive and inspiring meetings in recent weeks. I have been blessed with decades of support from family, friends, mentors, and colleagues.

My parents nurtured my love of numbers from the start.

On my first trip to Washington, D.C. at age 13, my family indulged an unusual extra stop. In addition to visiting the Air and Space Museum, the Lincoln Memorial, and the other classic spots, I made a detour to the Government Printing Office bookstore. There, I found the Washington souvenir I wanted most. The recently released book of summary tables from the 1980 census of population. Four decades later, I remain in awe of the richness of America’s statistical infrastructure. I know how a central, high quality data are to our economy and society. I am eager to give back to America the best way I can, helping preserve and improve the integrity, accuracy, and value of our country’s data. If con-

firmed, I would have three priorities as Undersecretary for Economic Affairs. First would be to support commercial activity and the economy as we emerge from the pandemic.

Businesses in many sectors are experiencing difficulties as the economy recovers. Clear, timely data and analysis about consumer spending, trade, and the labor market can help manage these unprecedented economic conditions. Second would be to encourage economic development across all regions of America. Even before the pandemic, when unemployment was at record lows, much of America did not share in the national economic prosperity. Regional inequalities widened even as other inequalities narrowed. More complete local, economic, and social data can highlight which places are most in need and what strategies could spread economic success more widely. Third would be to support and enhance our statistical infrastructure.

Technological advances have introduced new opportunities, but also new challenges for collecting, reporting and analyzing official statistics. The career staff and technical experts at the Census Bureau, the Bureau of Economic Analysis, and other U.S. statistical agencies are extraordinary, as I know firsthand, from years of getting helpful answers to my arcane technical questions. I am eager to work closely with them and trust their guidance. I would approach these priorities with the spirit of careful innovation and the utmost integrity. My career has been primarily in the private sector, developing innovative ways to create and combine data and widely accessible research.

As Chief Economist at Indeed and Trulia, my teams and I developed indices of economic activity that became leading indicators during the COVID-19 pandemic and the Great Recession housing crisis. Earlier at Forrester Research, I led one of the largest private sector consumer survey efforts. As a board member of the National Association for Business Economics, I understand how important Government data are for business and how the private sector can help improve public data and analysis.

Throughout my career, I have held myself and my teams to the highest level of data scrutiny and integrity, both internally and in our public facing work. I strive to set a high bar for asking the most important actionable questions and letting the data drive the answers. If confirmed, I promise to work closely with this committee and with career staff at the Department to champion our data infrastructure and to advocate for American economic resilience and prosperity. Thank you so much for the chance to appear here today. I look forward to your questions.

[The prepared statement and biographical information of Mr. Kolko follow:]

PREPARED STATEMENT OF JED DAVID KOLKO, NOMINEE TO BE UNDERSECRETARY OF  
COMMERCE FOR ECONOMIC AFFAIRS, DEPARTMENT OF COMMERCE

Chair Cantwell, Ranking Member Wicker, and Members of the Committee: thank you for welcoming me here today and considering my nomination for the position of Undersecretary of Commerce for Economic Affairs. I am grateful to President Biden and Secretary Raimondo for their confidence in me. If confirmed, I will do everything I can to live up to that trust. And I would like to thank members of your staff for substantive and inspiring meetings in recent weeks.

I have been blessed with decades of support from my family, friends, mentors, and colleagues. My parents nurtured my love of numbers from the start. On my first trip to Washington, D.C. at age 13, my family indulged an unusual extra stop. In addition to visiting the Air and Space Museum, the Lincoln Memorial, and the other classic spots, I made a detour to the Government Printing Office bookstore. There, I found the Washington souvenir I wanted most: the recently released book of summary tables from the 1980 Census of Population. Four decades later, I remain in awe of the richness of America's statistical infrastructure. I know how essential high-quality data are to our economy and society. I am eager to give back to America the best way I can: helping preserve and improve the integrity, accuracy, and value of our country's data.

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If confirmed, I promise to work closely with this Committee and with career staff at the Department to champion our data infrastructure and to advocate for American economic resilience and prosperity.

Thank you for the chance to appear here today. I look forward to your questions.

#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Jed David Kolko.
2. Position to which nominated: Undersecretary of Commerce for Economic Affairs.
3. Date of Nomination: October 4, 2021.
4. Address (List current place of residence and office addresses):  
 Residence: Information not released to the public.  
 Office: 201 Mission Street, San Francisco CA 94105.
5. Date and Place of Birth: May 4, 1970; Rochester, NY.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).  
 Eric Rice (spouse), head of impact investing, BlackRock.  
 No children.
7. List all college and graduate degrees. Provide year and school attended.  
 Harvard University, 1988–1992. Bachelor's, 1992  
 Harvard University, 1995–2000. Master's, 1997. Doctorate, 2000

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Indeed (2016 to present).

Chief Economist Fidelity (2016). SVP of Data Innovation

Trulia (2011–2015). Chief Economist and VP of Analytics

PPIC (2006–2011). Associate Director of Research and Research Fellow

Forrester (2000–2005). VP and Research Director

Harvard University (1997–1999). Teaching Fellow

Office of Federal Housing Enterprise Oversight (1994–1995). Research Associate

World Bank (1993–1995). Consultant

Progressive Policy Institute (1992–1993). Policy Economist

9. Attach a copy of your resumé.

Attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years. None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

Bloomberg Beta (2015–2016). Research Advisor

Orbital Insight (2015–2019). Advisor

Terner Center for Housing Innovation at UC-Berkeley (2015-present). Fellow and Affiliate

Self-employed consultant—sole proprietor (2015–2016).

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

National Association for Business Economics. Member, board of directors (2019 to present)

California Budget and Policy Center. Member, board of directors (2015 to present)

American Economic Association. Member (intermittently) Reboot. Member, board of directors (approx. 2009 to 2013)

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt. No.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities. None.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. None.

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

Chiles Foundation Fellowship, Harvard University, 1999.

National Science Foundation Doctoral Dissertation Improvement Grant, 1998–1999.

Sumner Slichter Fellowship, Harvard University, 1997.

National Science Foundation Graduate Fellowship, 1995–1998.

Phi Beta Kappa, 1991.

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

#### **Published works**

##### **New York Times**

*"The Downtown Decade: U.S. Population Density Rose in the 2010s."* New York Times. September 1, 2021.

*"In Reversal, Retirements Increased During the Pandemic."* New York Times. May 12, 2021.

*"The Most Urban Counties in the U.S. Are Shrinking."* New York Times. May–4, 2021.

*"How the Pandemic Did, and Didn't, Change Where Americans Move."* With Emily Badger and Quoc Trung Bui. New York Times. April 19, 2021.

*"The Jobs the Pandemic May Devastate."* New York Times. February 22, 2021.

*"The Places That Had the Biggest Swings Toward and Against Trump."* With Toni Monkovic. New York Times. December 7, 2020.

*"Election Showed a Wider Red-Blue Economic Divide."* New York Times. November 11, 2020.

*"Why Blue Places Have Been Hit Harder Economically Than Red Ones."* New York Times. October 30, 2020.

*"Don't Cheer Too Soon. Keep an Eye on the Core Jobless Rate."* New York Times. June 15, 2020.

*"Which Areas in America Are Worse Off Since 2016?"* New York Times. March 16, 2020.

*"Yes, Rich Cities are Getting Richer. But That's Not the Whole Story."* New York Times. February 19, 2020.

*"The Myth of the Urban Boomer."* New York Times. January 24, 2020.

*"Red and Blue Economies Are Heading in Sharply Different Directions."* New York Times. November 13, 2019.

*"How Much Slower Would the U.S. Grow Without Immigration? In Many Places, a Lot."* New York Times. April 18, 2019.

*"As Labor Market Tightens, Women Are Moving Into Male-Dominated Jobs."* With Claire Cain Miller. New York Times. December 14, 2018.

*"What Is Your City's Twin?"* With Josh Katz. New York Times. April 3, 2018.

*"Under Trump, Job Market Has Improved More For Clinton Supporters."* New York Times. September 5, 2017.

*"Seattle Climbs but Austin Sprawls: The Myth of the Return to Cities."* New York Times. May 22, 2017.

*"Why the Homeownership Rate Is Misleading."* New York Times. January 30, 2014.

##### **Media other than New York Times**

*"40 Years From Now, The U.S. Could Look Like Las Vegas."* FiveThirtyEight. June 22, 2017.

*"Trump Was Stronger Where The Economy Is Weaker."* FiveThirtyEight. November 10, 2016.

*"Normal America' Is Not A Small Town Of White People."* FiveThirtyEight. April 28, 2016.

*"Republican-Leaning Cities Are At Greater Risk Of Job Automation."* FiveThirtyEight (2/17/16).

*"Where In America There's the Most Room to Grow."* Washington Post Wonkblog. October 30, 2015.

*"How Suburban are Big American Cities?"* FiveThirtyEight. May 21, 2015.

*"Why Millennials Are Less Urban Than You Think."* *FiveThirtyEight* (4/7/15).

*"No, Suburbs Aren't All the Same. The Suburbiest Ones Are Growing Fastest."* *Atlantic CityLab* (2/5/15).

“Let’s Improve—Not Ignore—Seasonal Adjustment of Housing Data.” *Calculated Risk* (8/11/14).

“Population Growth in Dense U.S. Cities: Short-Term Correction or Long-Term Trend?” *Atlantic Cities* (4/15/14).

“Where Do Housing ‘Leading Indicators’ Lead Us?” *Calculated Risk* (3/14/14).

“Here are the ‘Missing’ Construction Jobs.” *Calculated Risk* (1/31/13).

“Brace Yourself, Real Estate Prices are Going Back Up.” *Bloomberg View* (7/8/12).

“Dissecting the House Price Indices.” *Calculated Risk* (5/23/12).

“The Political Fight Over Principal Reduction.” *US News and World Report* (4/17/12).

“Where the Jobs Will Be in 2020.” *Atlantic Cities* (2/7/12).

“Commentary: Jobs Report Bodes Well for Housing.” *Wall Street Journal*. December 2, 2011.

“Enterprise zone program too costly to keep as is.” With David Neumark. *San Francisco Chronicle*. February 6, 2011.

“California loses few jobs to other states.” *San Francisco Chronicle*. May 8, 2009.

“The Federal Stimulus: A Boost or a Bane?” *San Diego Union-Tribune* Op-Ed, February 5, 2009.

“Hands-Free Phones in Cars Will Save Lives.” *Sacramento Bee* Op-Ed, May 31, 2008.

“How to untangle the wireless debate.” *San Francisco Chronicle*. July 9, 2007.

#### **Recent and notable blogposts on Indeed, Trulia, and personal blogs**

“The Impact of Coronavirus on U.S. Job Postings Through July 16: Data from Indeed.com.” Indeed Hiring Lab. July 21, 2021. Biweekly tracker of the labor market during COVID-19.

“Where Are the Job Seekers?” Indeed Hiring Lab. June 2, 2021.

“Remote Job Postings Double During Coronavirus and Keep Rising.” Indeed Hiring Lab. March 16, 2021.

“2020 U.S. Labor Market Review and 2021 Outlook: Better Than Feared, but Plenty of Damage Remains.” Indeed Hiring Lab. December 1, 2020.

“Jobs, Coronavirus, and Partisanship on the Eve of the Election.” Indeed Hiring Lab. October 20, 2020.

“Why Job Postings Have Fallen More in Large, Rich Metros.” Indeed Hiring Lab. June 25, 2020.

“Making Sense of the Labor Market During COVID-19.” Indeed Hiring Lab. April 28, 2020.

“Will Your Job Disappear? Economic Anxiety, Demographics, and the Future of Work.” Personal blog. September 1, 2016.

“Urban Revival? Not For Most Americans.” Personal blog. March 30, 2016.

“Should Your Tech Firm Have an Economist?” LinkedIn Pulse. February 1, 2016.

“Why Millennials Still Live With Their Parents.” Turner Center blog. November 23, 2015.

“The Recession’s Lost Generation of Homeowners Isn’t Millennials—It’s the Middle-Aged.” Trulia (7/16/14).

“Your Home’s Lucky Number.” Trulia (11/9/12).

“School Districts People Flock To—and Flee From.” Trulia (8/28/12).

Complete set of blog posts available at:

- <http://jedkolko.com/blog/> (personal blog)
- <https://www.hiringlab.org/author/jkolko/> (Indeed)
- <https://www.trulia.com/research/author/jedkolko/> (Trulia)

#### **Public Policy Institute of California reports**

“Rethinking the State-Local Relationship: Local Economic Development.” 2011.

“Driving Change: Reducing Vehicle Miles Traveled in California.” With Louise Bedsworth and Ellen Hanak. 2011.

“Business Climate Rankings and the California Economy.” With David Neumark and Marisol Cuellar Mejia. 2011.



- "*Making the Most of Transit: Density, Employment, and Ridership Around New Stations.*" 2011.
- "*Business Relocation and Homegrown Jobs: 1992–2006.*" 2010.
- "*Does Broadband Boost Local Economic Development?*" 2010.
- "*Do California's Enterprise Zones Create Jobs?*" With David Neumark. 2009.
- "*Are the Rich Leaving California?*" 2009.
- "*Are Wages Too High?*" 2008.
- "*What to Expect from California's New Hands-Free Law.*" 2008.
- "*Business Location Decisions and Employment Dynamics in California.*" With David Neumark. 2007.
- "*Are California's Companies Shifting Their Employment to Other States?*" With David Neumark. 2007.
- "*Broadband For All? Gaps in California's Broadband Adoption and Availability.*" 2007.
- "*Interstate Business Location: An Industry-Level Analysis.*" With David Neumark and Junfu Zhang. 2006.
- Full list of PPIC publications here: <https://www.ppic.org/person/jed-kolko/>

#### Uncategorized publications

- "Setting the Stage for the Future of Work: Deep Shifts and Great Uncertainties." *Shift Commission* (6/15/16).
- "Accessible Technology in Computing—Examining Awareness, Use, and Future Potential." With Betsey Stevenson. Forrester Research report commissioned by Microsoft, 2004–5.
- "The High-Tech Rural Renaissance? Information Technology, Firm Size, and Rural Economic Growth." U.S. Small Business Association, Office of Advocacy, research paper series, 1999.
- "New England at Your Service: The New Geography of Service Industries." Federal Reserve Bank of Boston Regional Review 8:4, 1998.
- "The Mirage and Reality of Retail Deserts." With Jenny Schuetz and Rachel Meltzer. Land Redevelopment. National Association of Home Builders. Spring 2011.
- "The Year in Urbanism: A Turnaround for Bay Area Housing?" Urbanist. San Francisco Planning and Urban Research. January 2011.
- "Revisiting Keynes: Economic Possibilities for Our Grandchildren." Book review. *Journal of Regional Science* 48, 2010.
- "*Rejecting Rooms for ROTC.*" The Harvard Crimson, letter to the editor. November 16, 1989.

#### Academic publications

- Working paper versions of published papers might still be available from RePEc or SSRN.
- "*What Do Business Climate Indexes Teach Us About State Policy and Economic Growth?*" With David Neumark and Marisol Cuellar Mejia. *Journal of Regional Science* 53, 2013.
- "*Broadband and Local Growth.*" *Journal of Urban Economics* 71, 2012.
- "*Are Poor Neighborhoods 'Retail Deserts'?*" With Jenny Schuetz and Rachel Meltzer. *Regional Science and Urban Economics* 42, 2012.
- "*Do Enterprise Zones Create Jobs? Evidence from California's Enterprise Zone Program.*" With David Neumark. *Journal of Urban Economics* 68, 2010.
- "*A New Measure of U.S. Residential Broadband Availability.*" *Telecommunications Policy* 34, 2010.
- "*Urbanization, Agglomeration, and Co-Agglomeration of Services Industries.*" In *Agglomeration Economics*, Edward Glaeser, ed. University of Chicago Press, 2010.
- "*Does Local Business Ownership Insulate Cities from Economic Shocks?*" With David Neumark. *Journal of Urban Economics* 67, 2010.
- "*Do Some Enterprise Zones Create Jobs?*" With David Neumark. *Journal of Policy Analysis and Management* 29, 2010.
- "*How Broadband Changes Online and Offline Behaviors.*" *Information Economics and Policy* 22, 2010.

"The Effects of Mobile Phones and Hands-Free Laws on Traffic Fatalities." *B.E. Journal of Economic Analysis and Policy* 9 (Contributions), 2009.

"Changes in the Location of Employment and Ownership: Evidence from California." With David Neumark. *Journal of Regional Science* 48, 2008.

"Silicon Mountains, Silicon Molehills: Geographic Concentration and Convergence of Internet Industries in the US." *Information Economics and Policy* 14, 2002.

"The Consumer City." With Edward Glaeser and Albert Saiz. *Journal of Economic Geography* 1, 2001.

"The Death of Cities? The Death of Distance? Evidence from the Geography of Commercial Internet Usage." *The Internet Upheaval: Raising Questions, Seeking Answers in Communications Policy*. Eds. Ingo Vogelsang and Benjamin M. Compaine. MIT Press and TPRC, 2000.

"Employment Location, Neighborhood Change, and Gentrification." Unpublished.

"Moving Across Borders: The Determinants of Interstate Business Relocation." Unpublished.

18. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an "alias" or "handle" you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

Twitter: [www.twitter.com/jedkolko](http://www.twitter.com/jedkolko)

LinkedIn: [www.linkedin.com/in/jedkolko](http://www.linkedin.com/in/jedkolko)

(unused/inactive Facebook account: <https://www.facebook.com/jed.kolko.9/>)

(minimally used Instagram account: <https://www.instagram.com/jed.kolko/>)

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony. None.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have three decades of experience leading research teams that use public and proprietary data to produce clear, actionable economic analysis. With a Ph.D. in economics, I have worked primarily in the private sector, developing innovative ways to create and combine data in research that is accessible to a wide range of non-technical audiences.

My publications include a dozen academic articles, numerous long-form research reports, and frequent contributions to mainstream media publications. I've published on a range of topics, including labor markets, housing markets, economic development, and technology behaviors and adoption.

Throughout my career I've been an enthusiastic and grateful user of government data produced by the Census Bureau, the Bureau of Economic Analysis (BEA), the Bureau of Labor Statistics (BLS), and other agencies, and am deeply familiar with the value, potential, and occasional limitations of official statistics. In the private sector, I've led efforts to create alternative and proprietary datasets. As chief economist at the websites Indeed and Trulia, my teams and I developed indices of labor market and housing marketing activity that became leading economic indicators during the COVID-19 pandemic and the Great Recession housing crisis. Earlier, at Forrester Research, I led one of the largest private-sector survey efforts, Consumer Technographics.

As a member of the board of the National Association for Business Economics, I understand how important government data are for business, and how the private sector can help improve public data and analysis.

I am committed to supporting our statistical agencies so they can make government data ever more valuable for policy analysis, for business, and for consumers. I am passionate about data integrity and quality, encouraging clear communication and accessibility, and getting under the hood to look not just at averages and aggregates but to highlight inequities and bring awareness to the people, sectors, and places that aren't thriving economically.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

I will work with the Department and the Committee to ensure that the Office of the Undersecretary for Economic Affairs, the Census Bureau, the Bureau of Economic Analysis, and the Chief Economist's office have proper management and accounting controls.

Throughout my career I have held myself and my teams to the highest level of data scrutiny and integrity, both internally and in our public-facing work. I've served in leadership roles in multiple companies and helped manage teams through major changes—including an IPO, an acquisition, and the sudden shift to remote work. I believe clear communication, comprehensive documentation, adherence to all applicable laws, regulations, and policies, and conscientious leadership are essential ingredients for proper management and accounting.

22. What do you believe to be the top three challenges facing the department/agency, and why?

Three top challenges are:

1. To support commercial activity and the economy as we emerge from the pandemic. Businesses in many sectors are experiencing difficulties hiring workers and sourcing materials that depend on global supply chains. Businesses need clear, current information about the economy, trade, and the labor market to manage their hiring and production plans—and support for easing these supply constraints and shortages.
2. To encourage economic development across all regions of America. Even before the pandemic when unemployment was at record lows, much of America did not share in the national economic prosperity. Regional inequalities widened even as many other kinds of economic gaps narrowed. More complete local economic and social data can highlight which places are most in need and what strategies could spread prosperity more widely.
3. To support and enhance our statistical infrastructure. Timely, accurate, and comprehensive data is essential for businesses and consumers to make economic decisions, and for public policy to support economic growth. Technological advances have introduced both new challenges and new opportunities for collecting, reporting, and analyzing official statistics, and we should mitigate these challenges while taking advantage of new opportunities.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

No deferred compensation agreements. My compensation from Indeed ends when my employment terminates, which would be prior to assuming the position to which I have been nominated, if confirmed.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain. No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

As part of the nomination process, I have consulted with the Office of Government Ethics and the Designated Agency Ethics Official at the Department of Commerce to identify any potential conflicts of interest. Any conflict of interest will be resolved according to the ethics agreement that I have entered into with the Commerce Department's Designated Agency Ethics Official and that will be provided to this Committee.

If an actual or potential conflict of interest arises during my appointment, I will consult with the Commerce Department's ethics counsel and take the necessary steps to resolve the conflict.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

As part of the nomination process, I have consulted with the Office of Government Ethics and the Designated Agency Ethics Official at the Department of Commerce to identify any potential conflicts of interest. Any conflict of interest will be resolved

according to the ethics agreement that I have entered into with the Commerce Department's Designated Agency Ethics Official and that will be provided to this Committee.

If an actual or potential conflict of interest arises during my appointment, I will consult with the Commerce Department's ethics counsel and take the necessary steps to resolve the conflict.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

None.

If an actual or potential conflict of interest arises during my appointment, I will consult with the Commerce Department's ethics counsel and take the necessary steps to resolve the conflict.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. None.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain. No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

**JED KOLKO**  
San Francisco, CA

|   |           |
|---|-----------|
| <b>INDEED</b> , San Francisco, CA.<br><b>Chief Economist</b><br>Conduct and oversee original labor-market research using proprietary and public data.<br>Lead team of 15 economists, researchers, and editors, across six countries.<br>Speak regularly with media and at global events.  | 2016-     |
| <b>FIDELITY INVESTMENTS</b> , San Francisco, CA.<br><b>Senior Vice President of Data Innovation</b><br>Led research on machine learning and artificial intelligence.  | 2016      |
| <b>INDEPENDENT ECONOMIST</b> , San Francisco, CA.<br>Research Advisor at Bloomberg Beta: Shift Commission on Work, Workers, and Technology.<br>Advisor at Orbital Insight.  | 2015-2016 |
| <b>TRULIA</b> , San Francisco, CA.<br><b>Chief Economist and Vice President of Analytics</b><br>Conducted and oversaw company research on the housing market and the economy.<br>Provided expert commentary and insights to the media, the public, and the industry.<br>Led corporate analytics team, covering web analytics, pricing models, user research, and operating metrics.   | 2011-2015 |
| <b>PUBLIC POLICY INSTITUTE OF CALIFORNIA</b> , San Francisco, CA.<br><b>Associate Director of Research and Research Fellow</b><br>Developed and led research projects on local economic development, housing, and technology policy.<br>Advised policymakers and business leaders on economic, housing, and technology policy.<br>Presented research at public hearings, corporate and industry events, and academic conferences, and to media. | 2006-2011 |
| <b>FORRESTER RESEARCH</b> , San Francisco, CA.<br><b>Vice President and Research Director</b><br>Directed Forrester's \$7 million quantitative consumer market research and consulting business.<br>Advised technology company executives on business strategies for consumer products and services.<br>Oversaw and conducted published research and consulting projects on technology adoption and demand.                                     | 2000-2005 |
| <b>OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT</b> , Washington, DC.   | 1994-1995 |
| <b>WORLD BANK</b> , Washington, DC.   | 1993-1995 |
| <b>PROGRESSIVE POLICY INSTITUTE</b> , Washington, DC.   | 1992-1993 |

EDUCATION

**HARVARD UNIVERSITY**, Cambridge, MA.  
Ph.D. in Economics, 2000. National Science Foundation Graduate Fellow.  
A.M. in Economics, 1997.  
A.B. *summa cum laude* in Social Studies, 1992. Phi Beta Kappa.

AFFILIATIONS

National Association for Business Economics: Board member.  
California Budget and Policy Center: Board member.  
Turner Center for Housing Innovation at University of California, Berkeley: Affiliate.

The CHAIRWOMAN. Thank you, Mr. Kolko. Senator Wicker and I are admiring your ability to focus on that data and your hobby there, so that is good. Thank you. Mr. Davidson.

**STATEMENT OF ALAN B. DAVIDSON,  
NOMINEE TO BE ASSISTANT SECRETARY OF  
COMMERCE FOR COMMUNICATIONS AND INFORMATION,  
DEPARTMENT OF COMMERCE**

[Technical problems.]

Mr. DAVIDSON. —and members of the Committee for this opportunity to speak with you today. I am honored to be President Biden's nominee for Assistant Secretary of Commerce and NTIA Administrator at this historic time for the agency and this historic moment in its work to connect all Americans. Thank you as well to Secretary Raimondo for her support of my nomination. I would also like to thank my wife, Melissa, who is here today. We are joined by our children, Amelia and Harry. They are a constant reminder to me of the importance of this work, and they constantly keep me humble as our children will do.

When I was a young computer science student at MIT, a few of us would have imagined the digital world today. The web did not exist. The Internet was mostly a nonprofit network of universities. Mobile phones were the size of a brick, literally. But even then, we had a strong sense that computers and networks were changing the world, and we had questions about that impact. Would these technologies connect us or divide us? Would they concentrate power or provide opportunity to all? Fast forward to today, the Internet did in fact change everything. Modern networks created a digital revolution and are now essential to how we work, to how we live, how we innovate. But those technology—those questions about technology still remain, and they have been the animating force of my work.

I have spent my career devoted to the idea that technology must serve human progress. For 25 years as a computer scientist, a lawyer, a public interest leader, and an executive, I have sought to build and shape digital technologies that connect people and make their lives better. In these roles, I have had a chance to lead organizations, manage high performing teams, and build coalitions in pursuit of a positive vision of the future. It is a continuing sense of purpose that brings me here today. I believe we have been given a historic opportunity, as noted by the Chair and Senator Wicker, and thanks to the bipartisan support from Congress, to connect the unconnected, close the digital divide, and power American jobs and competitiveness. If confirmed, I will focus on three top priorities.

The first is closing the digital divide. The Internet is now a critical part of American life. As the pandemic has made clear, people need broadband to work, to learn, and to connect. Yet far too many American households in rural, urban, and tribal communities are still without affordable, high speed internet. Congressional infrastructure funding has created a once in a generation opportunity to close the digital divide and connect all Americans. This will be my top priority in the coming years. My second priority will be ensuring access to spectrum. NTIA serves a critical role in ensuring the most effective and efficient use of this scarce resource. That in-

cludes meeting the needs of Federal users while also supporting advanced wireless technologies to realize the promise of next generation services and connected devices.

If confirmed, I will work toward a coordinated, national approach to spectrum use and planning to meet the demand for spectrum now and in the future. Third, NTIA has an important role to play in building a better internet. NTIA has a statutory role in efforts to bolster cybersecurity, protect privacy, and advocate for America's vision of free and open communications around the world.

For three decades, the Internet has been a positive force offering access to information, connection with community, and economic opportunity. But today's Internet also faces security risks, eroding privacy and threats from authoritarian regimes. We can and we must do better. These are ambitious goals. Because of technology's growing role in our lives, these priorities are about far more than communication policy, they are about creating jobs for Americans, they are about maintaining America's global leadership in technology, and they are about competing better on the global stage and improving equity here at home.

If confirmed, I will continue to do what I have done for my entire career since leaving MIT, build networks and technologies with intention, with responsibility, and with the ultimate goal of improving lives. Thank you for your time, and I look forward to your questions.

[The prepared statement and biographical information of Mr. Davidson follow:]

PREPARED STATEMENT OF ALAN B. DAVIDSON, NOMINEE TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION AND ADMINISTRATOR, NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Thank you Chair Cantwell, Ranking Member Wicker, and Members of the Committee for the opportunity to speak with you today.

I am honored to be President Biden's nominee for Assistant Secretary of Commerce for Communications and Information and NTIA Administrator at this historic time for the agency and this historic moment in its work to connect all Americans. Thank you to Secretary Raimondo as well for her support of my nomination.

I would also like to thank my wife, Melissa, who is here today. We are joined by our children Amelia and Harry. They are a consistent reminder to me of the importance of this work.

When I was a bright-eyed computer science student at MIT, few of us would have imagined the digital world of today. The Web did not exist. The Internet was mostly a non-profit network of universities. Mobile phones were the size of bricks. But even then we had a strong sense that computers and communications networks were changing the world. And we had questions about their impact. Would these technologies connect us or divide us? Would they concentrate power, or provide opportunity to all?

Fast forward to today. The Internet did, in fact, change everything. Modern networks created a digital revolution, and are now essential to how we work, live, and innovate. But those questions about technology remain, and they have been the animating force of my work.

I have spent my career devoted to the idea that technology must serve human progress. For 25 years, as a computer scientist, a lawyer, a public interest leader, and an executive, I have sought to build and shape digital technologies that connect people and make their lives better.

In these roles, I have had a chance to lead organizations, manage high-performing teams, and build coalitions in pursuit of a positive vision of the future.

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My second priority will be *ensuring access to spectrum*. NTIA serves a critical role in ensuring the most effective and efficient use of this scarce resource. That includes meeting the needs of Federal users while also supporting advanced wireless technologies to realize the promise of next generation services and connected devices. If confirmed, I will work towards a coordinated, national approach to spectrum use and planning—in order to meet the demand for spectrum now and in the future.

Third, NTIA has an important part to play in *building a better Internet*. NTIA has a statutory role in efforts to bolster cybersecurity, protect privacy, and advocate for America’s vision of free and open communications around the world. For over three decades the Internet has been a positive force offering access to information, connection with community, and economic opportunity. But today’s Internet also faces security risks, eroding privacy and threats from authoritarian regimes. We can and must do better.

These are ambitious goals. Because of technology’s growing role in our lives, these priorities are about far more than communications policy. They are about creating new jobs for Americans. They are about maintaining America’s global leadership in technology. They are about competing better on the global stage—and improving equity here at home.

If confirmed, I will continue to do what I’ve done for my entire career since leaving MIT: build networks and technology with intention, with responsibility, and with the ultimate goal of improving lives.

Thank you for your time, and I look forward to your questions.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Alan Bruce Davidson.
2. Position to which nominated: Assistant Secretary for Commerce and Information, and Administrator of the National Telecommunications and Information Administration, Department of Commerce.

3. Date of Nomination: October 28, 2021.

4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: Information not provided.

5. Date and Place of Birth: October 11, 1967; Baltimore, MD.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Melissa Goldman Davidson (spouse), self-employed.

Amelia Jane Davidson (child), 20 years old.

7. List all college and graduate degrees. Provide year and school attended.

Massachusetts Institute of Technology, S.B. in Mathematics with Computer Science, 1989.

Massachusetts Institute of Technology, S.M. in Technology and Policy, 1993.

Yale Law School, J.D., 2004

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Mozilla Foundation, Senior Advisor (part-time) (2020 to present)

Policy Ventures, President (part-time consulting) (2020 to present)

Mozilla Corporation, Vice President of Global Policy, Trust & Security (2018–2020)

Mozilla Foundation, Tech Policy Fellow (part-time) (2017–2018)

New America, Senior Program Fellow/Public Interest Technology Fellow (part-time) (2017–2018)



U.S. Department of Commerce, Director of Digital Economy and Senior Advisor to the Secretary (2015–2017)  
 New America, Vice President for Technology, Policy and Strategy; and Director, Open Technology Institute (2014–2015)  
 Massachusetts Institute of Technology, Visiting Scholar/Research Affiliate (part-time) 2012–2014  
 Policy Ventures, President (part-time) (2012–2014)  
 Google Inc., Director of Public Policy, Americas (2005–2012)  
 Georgetown University, Adjunct Professor, Communications, Culture & Technology Program (2000–2006)  
 Center for Democracy and Technology, Associate Director (1995–2005)  
 Howard, Rice, Nemerovski, Canady, Falk & Rabkin, Summer Associate (Summer 1994)  
 The White House, Policy Assistant, Office of Policy Development (Summer 1993)  
 Booz-Allen & Hamilton, Inc., Senior Consultant, Technical Information Systems Practice (Summer 1992)  
 U.S. Congress Office of Technology Assessment, Summer Intern (Summer 1991)  
 Booz-Allen & Hamilton, Inc., Senior Consultant, Technical Information Systems Practice (1989–1990)

9. Attach a copy of your resumé.  
 Attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years. None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

In addition to the positions listed in response to Item 8 above:

Massachusetts Institute of Technology, Research Affiliate/Digital Fellow, Initiative on the Digital Economy (2017 to present)  
 Center for Democracy and Technology, Board Member (2017-present) Computer & Communications Industry Association, Board Member (2017 to present)  
 Credo AI, Advisor (June 2021 to present)  
 Internet Education Foundation, Board Member (2006–2015)  
 Technology Policy Strategies, Director (2012)  
 Software & Information Industry Association, Board Member (until 2012)  
 Information Technology Industry Council, Board Member (until 2012)

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

Adirondack Forty-Sixers, Member, 1993 to present  
 Adirondack Mountain Club, Member, 2016 to present  
 American Bar Association, Member, Periodically from 2005–2020  
 American Civil Liberties Union, Member, 1997 to present  
 Association of Computing Machinery, Member, 2012 to present  
 Chevy Chase Recreation Association, Family membership, 2007–2011  
 MIT Club of Washington DC, Member, 1995 to present

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt. No.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory posi-

tion (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

Volunteer Advisor, Biden for President 2020, Innovation Policy Committee

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$200 or more for the past ten years.

Phil Weiser for Colorado (2021)—\$625  
 Biden for President/Biden Victory Fund (2020)—\$5,600  
 Cindy Axne for Congress (2020)—\$500  
 The Markey Committee (2020)—\$250  
 Sara Gideon for Maine (2020)—\$250  
 Win the Era PAC (2019)—\$500  
 Bennett for America (2019)—\$300  
 44 Fund (2018)—\$250  
 Phil Weiser for Colorado (2017–18)—\$500  
 Alec Ross for Maryland (2017)—\$500  
 Hillary Victory Fund (2016)—\$2350  
 Friends of Doug Gansler (2013)—\$500  
 Leahy for U.S. Senator Committee (2013)—\$250  
 Obama for America (2012)—\$3,500  
 Congressman Waxman Campaign Committee (2012)—\$1,000

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

U.S. Department of Commerce Bronze Medal, 2016  
 Hugh Hampton Young Fellowship, MIT, 1991  
 Bernard Rabinowitz Fellowship for Leadership and Service, MIT, 1990  
 Karl Taylor Compton Prize, MIT, 1989  
 Golden Nugget Scholarship, 1985–1989

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

I have periodically participated in discussions at conferences or served as a guest speaker in academic settings. Below is a list of publications and relevant speeches I have been able to identify through a diligent review of my records and the Internet.

### Publications

Lloyd, John; Lamb, Kaili; Davidson, Alan; Jakobson, Christine. *Misinformation in the 2020 U.S. Elections: A Timeline of Platform Changes*, Mozilla Blog, March 8, 2021  
 Baker, Mitchell; Davidson, Alan; Kak, Amba; Munyua, Alice. *Reimagine Open: Building Better Internet Experiences*, Mozilla Report, January 2021  
 Davidson, Alan; Munyua, Alice. *Reimagine Open: Building a Healthier Internet*, Mozilla Blog, January 14, 2021  
 Keating, Amy; Davidson, Alan. *Next steps for Net Neutrality*, July 6, 2020  
 Davidson, Alan. *Protecting Search and Browsing Data from Warrantless Access*, Mozilla Blog, May 22, 2020  
 Davidson, Alan; Erwin, Marshall. *Contact Tracing, Governments, and Data*, Mozilla Blog, April 29, 2020  
 Davidson, Alan; Keating, Amy. *Breaking down this week's net neutrality court decision*, Mozilla Blog, October 4, 2019  
 Davidson, Alan. *It's time for the U.S. Senate to Save the Net*, Mozilla Blog, June 10, 2019  
 Davidson, Alan. *Android Browser Choice Screen in Europe*, Mozilla, April 18, 2019

- Davidson, Alan; Keating, Amy. *Mozilla Fights On For Net Neutrality*, Mozilla Blog, November 16, 2018
- Davidson, Alan. *Building our Technology Policy Future*, Medium, October 20, 2017
- Davidson, Alan. *The Trans-Pacific Partnership: Preserving a Free and Open Internet*, Recode.net, January 2016
- Davidson, Alan. *The Commerce Department's Digital Economy Agenda*, Department of Commerce, November 9, 2015
- Davidson, Alan. *Commerce and the Digital Economy—Towards A Transatlantic Partnership*, Department of Commerce, July 21, 2015
- Davidson, Alan; Kehl, Danielle. *Build an Internet for everyone, everywhere*, CNN, February 9, 2015
- Freedman, Tom; Davidson, Alan; Hunt, Alexander. *Voters agree: A free and open Internet is crucial to our economic future*, Mercury News, December 29, 2014
- Brown, Bruce D.; Davidson, Alan B. *Opinion: Is Google Like Gas or Like Steel?*, New York Times, January 4, 2013
- Ann Cavoukian *et al.*, *Privacy: Front and Center*, IEEE Security and Privacy, September 2012
- Davidson, Alan; Tauke, Tom. *A joint policy proposal for an open Internet*, Google Public Policy Blog, August 9, 2010
- Davidson, Alan. *Testifying before the Congressional—Executive Commission on China*, Google Public Policy Blog, March 24, 2010
- Davidson, Alan; Tauke, Tom. *Our common ground on the open Internet*, Google Public Policy Blog, January 15, 2010
- Davidson, Alan; Aneesh Chopra as Chief Technology Officer, Google Public Policy Blog, April 18, 2009
- Davidson, Alan. *Looking back, looking forward*, Google Public Policy Blog, December 29, 2008
- Davidson, Alan. *Looking back on the year in public policy*, Google Public Policy Blog, December 28, 2007
- Davidson, Alan. *Eric Schmidt's summer of public policy*, Google Public Policy Blog, July 26, 2007
- Davidson, Alan; Morris, John. *Internet Technical Standards Setting Bodies: The Public Policy Venues of the Twenty-First Century*, The Standards Edge: Dynamic Tension, 2004
- Bruening, Paula; Davidson, Alan; Schwartz, Ari. *Privacy Principles for Authentication Systems*, TPRC 2003, September 19, 2003
- Davidson, Alan; Morris, John. *Policy Impact Assessments: Considering the Public Interest in Internet Standards Development*, TPRC 2003, August 31, 2003
- Davidson, Alan; Morris, John. *Public Policy Considerations for Internet Design Decisions*, CDT, June 2003
- Courtney, Robert; Davidson, Alan; Morris, Alan. *Strangers in a Strange Land: Public Interest Advocacy and Internet Standards*, CDT, September 29, 2002
- Auerbach, Karl; Crawford, Susan; Davidson, Alan; Neumann, Peter. *ICANN in Year 3, CFP '02: Proceedings of the 12th annual conference on Computers, Freedom and Privacy*, April 2002
- Davidson, Alan. *Collective action and the development of technical standards in U.S. industry*, Masters Thesis, MIT, 1993

### Speeches

- 2020 U.S. Election Preview: Impact on the Digital Economy, MIT Initiative on the Digital Economy Seminar, October 2020
- Global Data Protection: Privacy Through Better Product Design*, Canada House of Commons, International Grand Committee on Big Data, Privacy and Democracy, May 2019
- Remarks of Department of Commerce Director of Digital Economy Alan Davidson*, 10th Annual Southeast Venture Conference, March 2016
- Remarks of Department of Commerce Director of Digital Economy Alan Davidson*, MMTC Broadband and Social Justice Summit, January 2016
- Remarks of Alan Davidson, Director of Digital Economy, U.S. Department of Commerce*, US Telecom National Cybersecurity Policy Forum, October 2015

*Presentation by Alan Davidson, Google Director of Public Policy, Internet for Peace Conference, September 2010*

*Internet Censorship in the World Today, American Jewish Committee ACCESS DC, 10th Annual Young Diplomats Reception, April 2010*

*Liberty by Design, MIT Brunel Lecture Series on Complex Systems, November 2009*

*Google in Washington, Yale Law School, April 2008*

*Making the World's Information Accessible: The View from Google, American Library Association, May 2007*

*Internet Regulation and Design: A View from the Front Lines, MIT Technology & Policy Program 30th Anniversary Celebration, May 2006*

*Protecting the Freedom to Read in an Era of Internet Filtering, American Library Association Mid-Winter Conference, January 2004*

18. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an "alias" or "handle" you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

Facebook:

Alan Davidson (@abdavidson)—<https://www.facebook.com/abdavidson> (Active)

Instagram:

@davidsonsdsc—<https://www.instagram.com/davidsonsdsc/> (Active)

@alandavidsondc—<https://www.instagram.com/alandavidsondc/> (Dormant)

Twitter: @abdavidson—<https://twitter.com/abdavidson> (Active)

Snapchat: @abdavidson11 (Active)

LinkedIn: Alan Davidson—<https://www.linkedin.com/in/alan-b-davidson/> (Active)

Pinterest: @abdavidson0361—<https://www.pinterest.com/abdavidson0361/> (Dormant)

TikTok: @AlanDavidson571—<https://www.tiktok.com/@user8223090148538> (Dormant)

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

*Consumer Privacy and Protection in the Mobile Marketplace, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Protection, Product Safety, and the Insurance, May 19, 2011*

*Protecting Mobile Privacy: Your Smartphones, Tablets, Cell Phones, and Your Privacy, Senate Committee on the Judiciary, Subcommittee on Privacy, Technology, and the Law, May 10, 2011*

*Google and Internet Control in China: A Nexus Between Human Rights and Trade?, Congressional-Executive Commission on China, March 24, 2010*

*Consumer Privacy and Government Technology Mandates in the Digital Media Marketplace, Senate Committee on Commerce, Science, and Transportation, September 17, 2003*

*Internet Cooperation for Assigned Names and Numbers, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Communications, July 31, 2003*

*Overexposed: The Threats to Privacy and Security on Filesharing Networks, House Committee on Government Reform, May 15, 2003*

*Limited Powers, Improved Accountability: Saving the ICANN Experiment, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, June 12, 2002*

*Cybercrime: Protecting Public Safety and Personal Privacy, House Committee on the Judiciary, Subcommittee on Crime, June 12, 2001*

*ICANN: Towards Domain Name Administration in the Public Interest, House Committee on Energy, Subcommittee on Telecommunications, February 8, 2001*

*Carnivore's Challenge to Privacy and Security Online, House Committee on the Judiciary, Subcommittee on the Constitution, July 24, 2000*

*Privacy, Security, and U.S. Encryption Policy*, House Permanent Select Committee on Intelligence, July 23, 1999

*Encryption Security in a High Tech Era*, House Committee on International Relations, Subcommittee on International Economic Policy and Trade, May 18, 1999

*Security and Freedom Through Encryption Act*, House Committee on the Judiciary, Subcommittee on Courts and Intellectual Property, March 4, 1999

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I am honored to have been nominated to lead NTIA and, if confirmed, would bring over 25 years of experience as an executive, public interest leader, technologist, and attorney. During this time, I have served in leadership positions in nonprofits, government, and industry, working at the intersection of technology, communications, and public policy. I was trained as a computer scientist, policy professional, and attorney. My experiences are directly applicable to the subject matter and managerial skills that will be central to success for NTIA's next leader.

I have extensive experience leading organizations in high-pressure policy settings focused on issues directly related to NTIA's mission. Most recently, at Mozilla, I was responsible for leading global Internet policy, privacy and security risk management teams. I also have direct experience in the Commerce Department, gaining a broad perspective as its first Director of Digital Economy and a Senior Advisor to the Secretary. In addition, I have worked on broadband adoption and access and spectrum issues in several different forums, including New America's Open Technology Institute, Mozilla, and earlier at Google. I started Google's Washington office and worked on a broad range of tech and telecom issues as its Director of Policy for the Americas. I like growing organizations, a passion I hope to bring to NTIA at a time when it will be building capacity and seeking top talent for its compelling mission.

I am eager to join NTIA because of the opportunities for impact that it offers. Foremost among these is the once-in-a-generation opportunity to bridge the digital divide and connect all Americans. If confirmed, I hope to play a critical role in ensuring all Americans have access to affordable, high-speed broadband service and to a more open and equitable online ecosystem. I also strongly believe in the importance of building our society's capacity to understand and leverage the implications of new technology and to build networks and technology in the service of people. I believe NTIA will play an important role in these efforts.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

NTIA has a critical role to responsibly administer its grant programs and other operational structures that will be essential to connecting all Americans to affordable, high-speed broadband service. Several proposals currently under consideration in Congress, would add substantial new oversight for billions of dollars of programs directly administered by NTIA. It will be essential for NTIA to administer grants, oversee funds, and manage its operational and advisory efforts in compliance with the law and with the greatest of integrity.

The Assistant Secretary has responsibility for NTIA's work and for ensuring its proper management and oversight. If confirmed, I will work to hire and oversee top talent of high integrity with strong executive capabilities. I expect to work closely with legal counsel and budget officials at NTIA and the Commerce Department, to ensure grant-making has appropriate accounting controls in place and is done with the highest ethical standards. I am also committed to providing regular updates to Congress on the status of NTIA's work, and to seeking partnership with Congress in this whole-of-government effort to connect all Americans.

I have substantial professional experience managing high-performing teams in high-pressure settings. I have most recently been an executive at the Mozilla Corporation, leading policy, privacy, and security teams executing projects essential to the company's success. As Director of the Open Technology Institute, I had managerial and fundraising responsibility for a 40-person team of technology builders and policy advocates. Earlier I started, built, and ran Google's policy team in Washington and then the Americas, ultimately managing a team of over 60. As Director of Digital Economy at the Commerce Department, I ran the Secretary's Digital Economy Leadership Team and saw firsthand how managerial excellence can have impact in government. I have sat on multiple non-profit boards with fiscal oversight

responsibilities. If confirmed, I believe all of these skills and prior managerial experiences will serve me well as Assistant Secretary and NTIA Administrator.

22. What do you believe to be the top three challenges facing the department/agency, and why?

1. *Bridging the Digital Divide*—Broadband Internet is a critical part of everyday American life. As the pandemic has made clear, people need broadband to work, to learn, and to connect. Yet too many American households today are being left behind without affordable, high-speed broadband service. With programs already funded, and the prospect of additional Federal infrastructure funding, NTIA will be at the center of a once-in-a-generation opportunity to close the digital divide, increase broadband access and adoption, and connect all Americans. This will be my top priority in the coming years.
2. *Ensuring Access to Spectrum*—Spectrum use has never been more critical for both Federal and commercial users. From meeting the needs of Federal users to supporting the rollout of 5G and other advanced wireless technologies to realizing the promise of next generation services and connected devices, NTIA has a central role to play in a broad coordinated, national approach to spectrum use and planning, to meet the demand for spectrum now and in the future.
3. *Building a Stronger Internet*—For over three decades the Internet has been a beneficial force providing people with access to knowledge, connections with community, and new economic opportunities. But today's Internet faces increasing challenges. Threats to security, eroding privacy, and challenges to the openness of the Internet around the world are among the risks that people face online today. We can do better. NTIA is positioned to support the Administration and lawmakers in bolstering cybersecurity, protecting privacy, and pressing for America's view of a free and open Internet around the world.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

I have a 401(k) retirement account with the Mozilla Corporation. Mozilla is no longer making contributions to that account. I am transferring it to an unaffiliated IRA investment account, which should be completed by December 31, 2021.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

None. Policy Ventures, a consulting company of which I am the sole proprietor, will be inactive during my government service.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

As part of the nomination process, I have consulted with the Office of Government Ethics and the Designated Agency Ethics Official at the Department of Commerce to identify any potential conflicts of interest.

Any conflict of interest will be resolved according to the ethics agreement that I have entered into with the Commerce Department's Designated Agency Ethics Official and that will be provided to this Committee.

If an actual or potential conflict of interest arises during my appointment, I will consult with the Commerce Department's ethics counsel and take the necessary steps to resolve the conflict.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

As part of the nomination process, I have consulted with the Office of Government Ethics and the Designated Agency Ethics Official at the Department of Commerce to identify any potential conflicts of interest. Any conflict of interest will be resolved according to the ethics agreement that I have entered into with the Commerce Department's Designated Agency Ethics Official and that will be provided to this Committee.

If an actual or potential conflict arises during my appointment, I will consult with ethics officials at the Department of Commerce and take actions necessary to resolve the conflict.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

I am not aware of any other potential conflicts of interest.

If an actual or potential conflict arises during my appointment, I will consult with ethics officials at the Department of Commerce and take actions necessary to resolve the conflict.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

From 2018 to 2020, in my role as Vice President of Global Policy, Trust, and Security, I have advocated for the Mozilla Corporation.

From 2014 to 2015, in my role as New America Vice President of Technology, Policy, and Strategy and Director of OTI, I have advocated for the Open Technology Institute at New America.

From 2005 to 2012, in my roles as Policy Counsel and Director of Public Policy, I advocated for Google Inc.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group?

No.

If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

Not applicable.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain. No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

ALAN DAVIDSON

*Mission-driven executive with nonprofit, business, and government experience  
at the intersection of Internet technology and law.*

EXPERIENCE

- 2018-present** **MOZILLA**, Washington, DC and San Francisco, CA  
*Vice President of Global Policy, Trust & Security; Senior Advisor at Mozilla Foundation*  
 Currently Senior Advisor at Mozilla, maker of the Firefox web browser and other open source software. Until Fall 2020 served as Mozilla Corporation VP executive leader for public policy, privacy, and security risk functions. Led policy teams in the US, Europe, India, and Africa, achieving wins for Mozilla's "trusted tech" approach to privacy, content regulation, and cybersecurity. Enforced Mozilla's lean data practices, compliance with privacy laws, and red team security exercises. Led policy efforts to enable new privacy and security product features.
- 2017-2018** **NEW AMERICA AND MOZILLA FOUNDATION**, Washington, DC  
*Senior Program Fellow, Tech Policy Fellow*  
 Senior Program and Public Interest Tech Fellow with New America's Open Technology Institute. Tech Policy Fellow at Mozilla. Created the PIT University Network to train and inspire the next generation of public interest technologists.
- 2015-2017** **U.S. DEPARTMENT OF COMMERCE**, Washington, DC  
*Director of Digital Economy and Senior Advisor to the Secretary*  
 Served as the first U.S. Director of Digital Economy, coordinating Internet and IT policy in the Commerce Department. Created Department's first Digital Economy Agenda. Launched initiatives on global data flows, cybersecurity, and the Internet of Things. Started "Digital Attaches" program of embassy digital officers in U.S. Commercial Service.
- 2014-2015** **NEW AMERICA FOUNDATION**, Washington, DC  
*Vice President for Technology, Policy and Strategy and Director, Open Technology Institute*  
 Led team of 40 technology and policy professionals in research and advocacy on Internet policy and digital rights. Set organizational vision and policy agenda. Solicited major grants, and raised and managed \$6 million annual budget.
- 2012-2014** **MASSACHUSETTS INSTITUTE OF TECHNOLOGY**, Cambridge, MA  
*Visiting Scholar/Research Affiliate, School of Engineering and Sloan School of Management*  
 Taught undergraduate, graduate courses on Internet technology and law. Helped found Internet Policy Research Initiative at the MIT Computer Science & Artificial Intelligence Laboratory.
- 2005-2012** **GOOGLE INC.**, Washington, DC  
*Director of Public Policy, Americas*  
 Opened Google's public policy office in Washington. Led Google's government relations work in North and South America, in addition to a global policy strategy group. Built and managed team of over 60 policy professionals, covering business-critical issues such as privacy, antitrust, copyright, telecom, security, and trade. Accomplishments included:
- Created multi-year strategies to promote company priorities and a free and open Internet.
  - Counseled business units on policy and regulation, with impact on products like Gmail, Android, Google Plus, Chrome, and Interest-Based Advertising.
  - Oversaw telecom regulatory work, leading successful campaigns on net neutrality, freeing up TV white spaces, and spectrum auctions.
- Represented company externally, including Congressional testimony on China and privacy.



**CENTER FOR DEMOCRACY AND TECHNOLOGY**, Washington, DC  
*1995-2005 Associate Director and Staff Counsel*  
 Directed major projects for public interest group promoting civil liberties on the Internet. Led Center efforts on free expression, copyright, encryption, and Internet governance. Drafted filings for government agency and federal court proceedings. Served as chief financial officer and corporate treasurer. Testified at ten hearings before committees of the U.S. Congress.

#### EDUCATION

**YALE LAW SCHOOL**, New Haven, CT  
 J.D. Symposium Editor, *Yale Law Journal*. Founder, Yale Association for Law, Technology, & Society.

**MASSACHUSETTS INSTITUTE OF TECHNOLOGY**, Cambridge, MA  
 S.M., Technology and Policy. Interdisciplinary studies in computer science, policy, management.

**MASSACHUSETTS INSTITUTE OF TECHNOLOGY**, Cambridge, MA  
 S.B., Mathematics with Computer Science. Karl Taylor Compton Prize winner.

#### BOARD MEMBERSHIPS

**CENTER FOR DEMOCRACY AND TECHNOLOGY**, Washington, DC  
 Non-profit public interest group advocating for civil liberties and human rights in the digital age. Governance Committee Chair. Head of CEO Search Committee (2019-20).

**COMPUTER AND COMMUNICATIONS INDUSTRY ASSOCIATION**, Washington, DC  
 Trade association for Internet and IT companies promoting openness and competition online.

**Past board memberships** include Internet Education Foundation (Washington DC), Information Technology Industry Council (Washington DC), and the Massachusetts Institute of Technology Board of Trustees (Cambridge, MA).

#### OTHER

Fellow with MIT Sloan School of Management's Initiative on the Digital Economy.  
 Admitted to District of Columbia Bar.  
 Married and father of two.  
 Adirondack Forty-Sixer.

The CHAIRWOMAN. Thank you, Mr. Davidson. Mr. Ahmad, welcome.

**STATEMENT OF VIQUAR AHMAD, NOMINEE TO BE ASSISTANT SECRETARY OF ADMINISTRATION AND CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE**

Mr. AHMAD. Thank you. Chair Cantwell, Ranking Member Wicker, and members of the Committee, I am honored and humbled to be here today as President Biden's nominee for the Assistant Secretary for Administration and the Chief Financial Officer of the Department of Commerce. I want to express my gratitude to President Biden for nominating me to this important role and to Secretary Raimondo and Deputy Secretary Graves for their confidence in me. If I am confirmed, it would be an honor to serve as part of their leadership team. Most importantly, I want to thank my family, especially my mother. Her boundless love, support, guidance, and grit made everything possible for my siblings and me. The love and support of my brothers, sister, nieces, and nephews has been a constant source of strength for which I am grateful.

I am also appreciative of the role friends, mentors, and colleagues have played in my growth. I never imagined that I would 1 day be here as a Presidential nominee before this committee. It was never my intent to embark on a career in Washington, D.C.. Upon graduating, completing my undergraduate studies at the University of Texas at Austin, the Dean of my college asked if I would be willing to go to Washington D.C. to draft and implement the framework for a semester long experiential program, which eventually led to the creation of the Bill Archer Fellowship Program. It has proven to be wildly successful. Since its creation in 2001, over 1,500 talented young leaders from all backgrounds and walks of life have participated in this program and prepared for high impact careers in the public and private sector.

I was deeply honored when former Congressman and then Chairman of the House Appropriations subcommittee on Labor, Health, and Human Services and Education, Chairman Ralph Regula, offered me a role on his staff to advise him on drafting the subcommittee's appropriations bill. He set an outstanding example of being open, listening and treating all constituencies with respect. Chairman Regula and Ranking Member Obey had a strong friendship which enabled Congress to enact considerable funding for education, National Institutes of Health, and workforce improvement programs. I witnessed the power of amazing relationships and bipartisanship coming together to deliver for the American people. My two decades of service in public Administration and financial management leadership roles in both the legislative and executive branches of Government has provided me with comprehensive experience in resource planning, budgeting, internal controls, policy development, and leading and managing organizational change.

I have been a key contributor in developing policies and advocating—and allocating resources to successfully address the demands of our Nation's most critical and rapidly shifting financial requirements, including funding for natural disasters, cybersecurity, workforce training, and multibillion dollar national security acquisitions. The work done by the talented, committed, and hard-

working agency staff in Finance and Administration is rarely front stage, but it is essential to operational success. Should I be confirmed, I will lead and partner with the dedicated public servants at the Department of Commerce to effectively carry out our work.

My top priority, if confirmed, would be to help the Secretary, the Deputy Secretary, and other senior leadership to put forth the best budget to support the Department of Commerce's strategic needs. Second, I believe we must provide evidence to Congress, the public, and our agency partners that we are good stewards of public resources. Finally, if confirmed, I look forward to the opportunity to ensure our human resource focus is on recruiting, developing, and retaining a well-rounded cadre that understands not just how to do a job, but how varied functional expertise plays into the overall mission.

I am so profoundly grateful for the opportunities this country has given me. Public service has been my way of contributing to the well-being of our Nation, through strengthening educational opportunities, health care, workforce investments, and the safety and security of our homeland. If confirmed, I look forward to advancing our common mission to build a stronger American economy. Thank you so much for allowing me to appear before the Committee. I look forward to your questions.

[The prepared statement and biographical information of Mr. Ahmad follow:]

PREPARED STATEMENT OF VIQUAR AHMAD, NOMINEE TO BE ASSISTANT SECRETARY FOR ADMINISTRATION AND CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE

Chair Cantwell, Ranking Member Wicker, and Members of the Committee, I am honored and humbled to be here today as President Biden's nominee for the Assistant Secretary for Administration and Chief Financial Officer of the Department of Commerce.

I want to express my gratitude to President Biden for nominating me to this important role, and to Secretary Raimondo and Deputy Secretary Graves for their confidence in me. If I am confirmed, it would be an honor to serve as part of their leadership team.

Most importantly, I want to thank my family, especially my mother. Her boundless love, support, guidance, and grit made everything possible for my siblings and me. The love and support of my brothers, sister, nieces, and nephews has been a constant source of strength for which I am grateful. I am also appreciative of the role friends, mentors, and colleagues have played in my growth.

I never imagined that I would one day be here, as a Presidential nominee, before this Committee.

It was never my intent to embark on a career in Washington, D.C. Upon finishing my undergraduate studies at the University of Texas, the Dean of my college asked if I would be willing to go to D.C. to draft and implement a framework for an experiential semester-long learning program for fellow students. The result of this effort led to the creation of the Bill Archer Fellowship Program, which has proven wildly successful. Since 2001, more than 1,500 talented young leaders from all walks of life and background have participated in this program as they prepared for high-impact careers in the public and private sector.

I was deeply honored when former Congressman and then-House Appropriations Subcommittee on Labor, Health and Human Services, and Education Chairman Ralph Regula offered me a role on his staff to advise him on drafting that subcommittee's appropriations bill. He set an outstanding example of being open, listening, and treating all constituencies with respect. Chairman Regula and Ranking Member Obey had a strong friendship which enabled Congress to enact legislation that considerably increased funding for education, National Institutes of Health, and workforce improvement programs. I witnessed the power of amazing relationships and bipartisanship coming together to deliver for the American people.

My two decades of service in public administration and financial management leadership roles in both the Legislative and Executive Branches of government have

provided me with comprehensive experience in resource planning, budgeting, internal controls, policy development, and leading and managing organizational change. I have been a key contributor in developing policies and allocating resources to successfully address the demands of our Nation's most critical and rapidly shifting financial requirements, including funding for natural disasters, cybersecurity, workforce training, education, bio-medical research, and multi-billion-dollar national security acquisitions. I have consistently cultivated and directed teams to integrate process improvements, utilize structured approaches to solve problems, and inspire staff to achieve standards of excellence.

The work done by the talented, committed, and hardworking agency staff in finance and administrative roles is rarely front stage, but it is essential to operational success. Should I be confirmed, I will lead and partner with the dedicated public servants at the Department of Commerce to effectively carry out our work.

My top priority, if confirmed, would be to help the Secretary, Deputy Secretary, and other senior leadership put forth the best budget to support the Department of Commerce's strategic needs. Second, I believe we must provide evidence to Congress, the public, and our other agency partners that we are good stewards of public resources. Finally, if confirmed, I look forward to the opportunity to ensure our human resource focus is on recruiting, developing, and retaining a well-rounded cadre that understands not just how to do a job, but how varied functional expertise plays into the overall mission.

I am so profoundly grateful for the opportunities this country has given me. Public service has been my way of contributing to the well-being of our Nation through strengthening the educational opportunities, healthcare, workforce investment, and safety and security of our homeland. If confirmed, I look forward to advancing our common mission to build a stronger American economy.

Thank you for allowing me to appear before this Committee. I look forward to your questions.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Viqar Ahmad.
2. Position to which nominated: Assistant Secretary for Administration and Chief Financial Officer.
3. Date of Nomination: September 13, 2021.
4. Address (List current place of residence and office addresses):  
 Residence: Information not provided to the public.  
 Office: 3140 O'Neill House Office Building, Washington, D.C. 20024
5. Date and Place of Birth: March 17, 1974; Hyderabad, India.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).  
 Not applicable.
7. List all college and graduate degrees. Provide year and school attended.  
 George Washington University, Master's in Public Administration (2003)  
 University of Texas at Austin, Bachelor's degree with honors in Corporate Communication (1999)
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.  
 All post-undergraduate employment is related to the position for which I've been nominated. All management-level jobs are indicated below.  
 Deputy Chief Financial Officer, U.S. House of Representatives (Management-Level)  
 Assistant Budget Director, U.S. Department of Homeland Security (Management-Level)  
 Staff Director and Associate Chief Financial Officer, Corporation for National and Community Service (Management-Level)  
 Assistant to the Chairman, U.S. House of Representatives  
 Director of University Initiatives, The University of Texas System
9. Attach a copy of your resumé.  
 Please see attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

Not applicable.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

I'm a governing member of an LLC (Green Garden Group). This LLC was created in January 2021 to manage a rental property. The LLC has not been used for this purpose since its establishment as I am in the process of selling the property.

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

I was on the Board of my DC condominium association (Bryn Mawr Condominium Association). Membership is not restricted.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt. No.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

I served as a volunteer for President Obama's re-election campaign in 2012.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$200 or more for the past ten years.

\$250 in 2016 to Hillary Clinton for President.

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

United States Coast Guard Meritorious Public Service Medal

DHS Comptroller's Award for Superior Mission Achievement (team recognition)

DHS Outstanding Service Award

DHS CFO Outstanding Supervisor Award

DHS CFO Special Act Award

DHS CFO Special Act Award

Harvard University, John F. Kennedy School of Government, Awarded an Executive Certificate in Public Leadership

Stanford University, Certificate of Completion for the Emerging CFO: Strategic Financial Leadership Program

Stanford University, Certificate of Completion in Leading Change and Organizational Renewal

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Not applicable.

18. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an "alias" or "handle" you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

Facebook (active) (*Viquar Ahmad* | Facebook)

LinkedIn (dormant)

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

Not applicable.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have served in public administration/financial management leadership roles in the public sector for more than 20 years. During this time, I have gained comprehensive experience in resource planning, budgeting, internal controls for financial administration, policy development, and leading and managing organizational change.

I have been a key contributor in developing policies and allocating resources to successfully address the demands of our Nation's most critical and rapidly shifting financial requirements, including funding for natural disasters, cybersecurity, workforce training, education, bio-medical research and multi-billion dollar national security acquisitions. I have consistently cultivated and directed teams to integrate process improvements, utilize structured approach to solve problems, and inspired staff to further standards of excellence.

I wish to serve in this position because my professional experiences have prepared me well to effectively lead and partner with the dedicated public servants at the Department of Commerce. If confirmed, I will work hard to advance our common mission to build a stronger American economy.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

My responsibilities would include providing leadership to ensure the appropriate Federal managers under my charge are taking systematic and proactive measures for establishing and maintaining internal control to achieve the objectives of effective and efficient operations, reliable financial reporting, and compliance with applicable laws and regulations. Identification of needed improvements and taking prompt corrective actions would take precedence. I have spent more than a decade in management-level positions while at the U.S. Department of Homeland Security and at the U.S. House of Representatives.

22. What do you believe to be the top three challenges facing the department/agency, and why?

My top priority would be to help the Secretary, Deputy Secretary, and other senior leadership put forth the best budget to support the Department of Commerce's strategic needs.

Second, I believe we must provide evidence to our partners, Congress, and the public that we are good stewards of public resources.

Finally, if confirmed, I look forward to the opportunity to ensure our human resource focus will be on recruiting, developing, and retaining a well-rounded cadre that understands not just how to do a job, but how varied functional expertise plays into the overall mission.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

I have no financial arrangements, deferred compensation agreements, or continuing dealings with business associates, clients, or customers. I am enrolled in the Federal Government's Thrift Savings Program (TSP), which is not required to be disclosed on OGE Form 278, but hold no other retirement accounts.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

Not applicable.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which was developed in consultation with ethics officials at the Department of Commerce and the Office of Government Ethics. I understand

that my ethics agreement has been provided to the Committee. I am not aware of any potential conflict other than those addressed by my ethics agreement.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which was developed in consultation with ethics officials at the Department of Commerce and the Office of Government Ethics. I understand that my ethics agreement has been provided to the Committee. I am not aware of any potential conflict other than those addressed by my ethics agreement.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

Other than those addressed by my ethics agreement, I am not aware of any other potential conflict of interest. Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, which was developed in consultation with ethics officials at the Department of Commerce and the Office of Government Ethics.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

Not applicable.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

Not applicable.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

Not applicable.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

Not applicable.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, please explain.

Not applicable.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

Not applicable.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

Not applicable.

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority?

Yes. Having served in the Legislative Branch, I have tremendous respect for Congress as an institution and its oversight role. I recognize the importance of accessibility to the department and, if confirmed, will work hard to cultivate and maintain a positive and productive relationship.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

### **Viquar Ahmad**

#### **EXECUTIVE PROFILE**

Performance-driven leader with extensive experience in finance, legislative affairs, administration/management, and strategic planning and analysis. A skilled relationship builder with proven strength in developing consensus among diverse group of stakeholders. Collaborator across business units to design and deliver executive decisions that significantly impact organizations. Results-focused, astute change manager, consistently cultivating and directing teams to integrate process improvements and exceed customer expectations. Proactive leader of large programs with extensive knowledge in planning, organizing, and evaluating activities of a public sector organization. Strategic thinker with expertise in executing multi-billion dollar budgets and utilizing a structured approach to solve problems.

#### **WORK EXPERIENCE**

**Deputy Chief Financial Officer**  
U.S. House of Representatives  
Washington, D.C.

**April 2017 – Present**

Oversee the U.S. House of Representatives' (House) financial operations and reporting, strategic direction, financial policy development, financial audit, internal controls, performance management, and capital planning. Responsible for House's annual \$1.5 billion budget, accounting, payroll, and financial support services for nearly 500 offices. Lead staff of 95 personnel. Coordinate with House Information Resources on effective operations of various financial management systems. Strengthen cross-organizational priorities including enterprise risk management, financial management competencies, workforce development, and customer service. Contribute to the development and maintenance of business continuity of operations plans and activities for the House's financial operations.

##### **Key Leadership Accomplishments:**

- Led and managed organization through significant change. Reinvigorated the strategic business focus and improved quality and timeliness of financial services.
- Played a vital role in the House's receipt of a clean, unmodified audit opinion with zero significant deficiencies, demonstrating a commitment to stewardship of taxpayer dollars and compliance with all government accounting standards and regulations.
- Skillfully managed operational activities, ensuring seamless transition of power for the second largest freshman class in CAO history and a House majority party change.
- Clearly articulated Office of Finance vision and goals. Created and implemented strategic plan that delivers objective levels of service with measurable metrics.
- Directed the development of 200+ policies, processes, procedures, including workflow maps, to serve as the operational foundation of the Office of Finance.
- Oversaw organizational skills gaps assessment. Developed and instituted training to strengthen staff core competencies and enhance professional development.



**Assistant Director, Budget****October 2009 – April 2017**U.S. Department of Homeland Security (DHS)  
Washington, D.C.

Promoted to lead the Department's Budget Integration Team with broad-ranging responsibilities on an over \$60 billion budget to include: overseeing development and submission of DHS budget justifications; managing full-range of budget execution functions; providing technical, operational, and administrative support for budgetary IT systems; delivering comprehensive expertise on appropriations legislation, as well as leading preparation for the Secretary's appropriations and budget-related hearings; managing information requests from Congressional Appropriations Committees; and developing authoritative guidance and training for staff and DHS components.

Previously, led and managed senior budget analysts charged with oversight of the United States Coast Guard (USCG), Federal Emergency Management Agency, National Protection and Programs Directorate, Science and Technology Directorate, Office of Health Affairs, and Domestic Nuclear Detection Office.

**Key Leadership Accomplishments:**

- Oversaw formulation and execution of multiple President's Budgets exceeding \$60 billion, and multi-billion dollar Emergency Supplementals for natural disasters. Briefed DHS senior leadership, the White House Office of Management and Budget (OMB), and key Congressional staff on budget requests. Drafted one-pagers to support DHS leadership on budget and politically sensitive issues during Congressional testimony. Recognized by management for outstanding service.
- Successfully managed and obtained funding for USCG's \$31 billion recapitalization plan of its aging fleet of cutters, aircraft, shore facilities, and critical operational requirements. Provided options generating significant cost savings. Consistently built coalitions, demonstrated subject matter expertise, and leadership abilities to achieve results. Recognized with USCG Meritorious Public Service Medal.
- Increased employee productivity and satisfaction by coaching and engaging staff to further standards of excellence. Received Outstanding Supervisor Award.
- Prepared high-level briefings and position papers on resource issues and operational effectiveness. Facilitated decision-making, ensuring scarce resources were aligned to the most pressing operational needs, including nearly \$400 million for cybersecurity threats and increase in migration of unaccompanied children.
- Played a key role in eliminating DHS' complex legacy appropriations structure to a streamlined common appropriations fund types with standard terminologies. Recognized as part of a team with the DHS Comptroller's Award for Superior Mission Achievement.
- Produced innovative options to fund the Disaster Relief Fund under a reduced topline. Recognized for analytical rigor and creativity. Received Special Act Award.
- Effectively served as DHS point of contact and collaborated with USCG and key Congressional aides to obtain funding for response and recovery efforts on the largest maritime oil spill in the U.S. history. Provided oversight and accountability to maximize resources. Recognized with Special Act Award.

**Staff Director & Associate Chief Financial Officer      August 2007 – October 2008**  
 Corporation for National and Community Service  
 Washington, D.C.

Managed 20 senior staff responsible for the development and execution of a nearly \$900 million annual budget. Oversaw budget analysis, planning, and forecasting activities. Established policies, processes and procedures to ensure that activities were appropriately tracked and analyzed to support fact-based financial and budget decision-making. Coordinated and monitored implementation of long and short-range plans of the Office of CFO. Communicated with senior Congressional and White House personnel on budgetary and policy matters. Interpreted and assessed the impact of Executive Orders, OMB guidelines and directives, and policies and precedents within and across agency lines. Provided authoritative advice to management on the federal budget process including Congressional legislation and OMB policies and precedents.

**Key Leadership Accomplishments:**

- Identified an impending financial crisis and quickly established policies to avert a violation of the Anti-Deficiency Act. Successfully negotiated with Congress to secure additional funds for critical operational expenses.
- Proactively implemented transparent financial operations, streamlined business practices, and fostered a collaborative work environment.
- Reorganized offices to enhance consistency in process and improved performance.
- Ensured program, legislative and management goals were reflected in internal and external guidance and activities. Improved communications with the Corporation Board Committee on Management, Audit and Governance.

**Assistant to the Chairman      February 2004 – July 2007**  
 U.S. House of Representatives  
 Appropriations Subcomm. on Labor, Health and Human Services, and Education  
 Washington, D.C.

Served as personal advisor to the Chairman. Developed, planned, and implemented fiscal policies and financing of major national programs. Persuaded decision makers to follow a recommended course of action consistent with financial and budget management policies, objectives and regulations. Collaborated with key Congressional staff towards the goal of enactment of legislation. Provided background on media inquiries, drafted press releases, newsletters, and wrote floor statements and talking points for the Chairman. Represented the Chairman in interaction with key federal agency staff, constituents, and broad range of industry sectors and special interest groups. Participated in public speaking engagements.

**Key Leadership Accomplishments:**

- Enabled the Chairman to successfully enact into law the largest domestic discretionary spending bills considered by Congress. Built strategic relationships to preserve funding and policies important to the Chair. Ensured legislation reflected priorities outlined by a diverse constituency of stakeholders.
- Developed proficiency and understanding of complex budget and policy issues on the largest, most complex and politically charged domestic discretionary spending bill considered by Congress.

**Director of University Initiatives****July 1999 – February 2004**

The University of Texas System (UTS)  
Office of Federal Relations (OFR)  
Washington, D.C.

Represented the University of Texas System (UTS) before all branches of federal government. Successfully led OFR during leadership vacancy. Created and implemented goals and objectives of the Archer Fellowship Program, which enabled outstanding students from the UTS campuses to study and intern in Washington, D.C. Prepared annual budgets, reconciled accounts, and conducted analyses of Federal government higher education investments. *Received two promotions for outstanding performance.*

**Key Leadership Accomplishments:**

- Played a key role in establishing the first-ever the Office of Federal Relations.
- Assisted in drafting UTS federal agenda, which supported and aggressively sought funding for each of the 15 component institutions.
- Identified new funding opportunities, facilitated collaboration, and advocated for largest ever UTS initiatives in nanotechnology and homeland security.
- Proposed and instituted procurement guidelines yielding over 50% in savings.

**EDUCATION**

**Harvard University**, John F. Kennedy School of Government, Cambridge, MA  
Awarded an Executive Certificate in Public Leadership – November 2019

**Stanford University**, Palo Alto, CA  
Certificate of Completion for the Emerging CFO: Strategic Financial Leadership Program – August 2020  
Certificate of Completion in Leading Change and Organizational Renewal – November 2018

**George Washington University**, Washington, D.C.  
Master's Degree in Public Administration – May 2003

**The University of Texas at Austin**, Austin, TX  
Bachelor's Degree with Honors in Corporate Communication – May 1999

**AWARDS AND HONORS**

United States Coast Guard Meritorious Public Service Medal (2016)  
DHS Comptroller's Award for Superior Mission Achievement (team recognition – 2016)  
DHS Outstanding Service Award (2016)  
DHS CFO Outstanding Supervisor Award (2015)  
DHS CFO Special Act Award (2012)  
DHS CFO Special Act Award (2010)

The CHAIRWOMAN. Thank you very much. Mr. Ahmad, I am going to start with you since you are going to be in charge of major new investments in supply chain security and domestic manufacturing. How will you make sure that those are well spent and free of political influence?

Mr. AHMAD. Sure. Senator, thank you so much for that question. If I am confirmed, we will make sure that all of the funding is spent in accordance with the law. We will provide expenditure plans and we will make sure that all of the monies are managed in a cost effective manner.

The CHAIRWOMAN. Thank you. One of the issues—you know, Senator Wicker and I very much believe that broadband is an important public policy. I think it is safe to say we probably wouldn't have written the law the way, the infrastructure package, if Senator Wicker and I were writing it. One of the issues is this issue of the actual mapping.

And so you represent a panoply of interests here, Mr. Ahmad, making sure resources are spent, Mr. Kolko, knowing what census tract means, Mr. Davidson, your role, and obviously Ms. Sohn at the FCC. I will note that when Chairman Rosenworcel was here in front of the Committee for her hearing, when I asked her about the broadband maps, I said, what—how would you describe them? And she said, well, it reminds me of what someone else said, they stink.

And so the point is here, Mr. Davidson, it is going to be hard for me to want to move forward on your nomination if we don't get confirmation from both you and the Secretary of Commerce that you understand the digital divide aspect of this. We have mapping that has been presented to our committee from the private sector that already shows that 70 percent of the problem is on affordability, not necessarily on access, in hard to service areas. We want to do both, but we need to hear that there is a commitment to having accurate mapping and to actually have this resource go to that community.

Because if the majority of the people are lacking the resources, it is not about whether connectivity is just down the block, it is about what are we going to do about affordability. So Ms. Sohn, I will start with you and then Mr. Davidson, if you could address the mapping problem and what you think needs to be done about it.

Ms. SOHN. So the FCC's maps for many years have been very inaccurate. They have only measured who has connectivity in a census block. And if one person or one household could get connectivity in the census block, then everybody was deemed to have it. Thanks to Congress and thanks to Senator Wicker and others on this committee, we now have the Broadband Data Act, which require a much more granular maps.

I was delighted to hear that the FCC just gave a contract for the broadband serviceable location fabric, which tells you where broadband can be deployed. And now we have got to go and get the information—excuse me, the FCC needs to get the information from the carriers about where they do deploy.

So look, the infrastructure bill requires the maps be done before any serious money is given out. So it is going to be—if I am confirmed, it is going to be a very, very high priority for me to try to get those maps done quickly.

The CHAIRWOMAN. Mr. Davidson.

Mr. DAVIDSON. Chair, thank you for that question. First of all, I will just say the maps are going to be essential and for the reason that you said, if we are going to meet the goal of connecting all Americans, and that means both providing them with access and also making sure they can afford to get online, we are going to need to have a good understanding of where we have service problems.

And this has been, as Ms. Sohn said, a huge, ongoing problem. And I would associate myself with the comments of Chair Rosenworcel at her hearing, the maps have been a problem for years. We have known it. We need to fix it. And we have this problem where one—you know, one person in a census block has service and we count everybody that can be thousands of people can be huge areas, particularly in our rural parts of America. So I would just say, if confirmed, I would be committed to working on this.

We absolutely need those maps in order to proceed in the right way with the funding that we have been given at NTIA, and I appreciate you raising the question, we have to be looking at the whole picture here.

The CHAIRWOMAN. Well, I am going to follow up for the record on more detail there because I think what is problematic about the solution is that it is somewhat lopsided as it relates to the resources and what really is going to take to solve the problem. If you are solving for access in some of our hard to serve areas, I am sure there is enough money.

If you are trying to solve for this issue of digital divide, I am not sure there is. And so I think it—we don't want to subsidize expensive broadband. We want a solution that really will help us deliver affordable broadband. So anyway, Mr. Kolko, just quickly for the record, I am sure that when it comes to Census Bureau data, you will work to make sure that it is most accurate and accessible when needed for policymakers to solve our problems.

Mr. KOLKO. Absolutely.

The CHAIRWOMAN. Thank you. Senator Wicker.

Senator WICKER. Well, thank you very much, and I subscribe to many of the statements that my friend, the Chair just mentioned. Ms. Sohn, just the map issue is really going to be your jurisdiction. You have \$48.2 billion. Very much needed. Folks out in the states, particularly in the broad, heartland of America, are very excited about this. And we have talked about speed and getting accurate results quickly for a long time. When we needed vaccines, our military helped us come up with Operation Warp Speed. What ideas you have about a warp speed way to get accurate maps?

Ms. SOHN. Thank you, Senator Wicker. I think one of the things that Chairwoman Rosenworcel is definitely going to be working on, and if I am confirmed I would like to work on with her, is getting everybody around the country, the states—a lot of states have maps already and they are quite accurate. So getting the states, getting localities, basically crowdsourcing where broadband is and isn't. So that is really kind of the third step. So the first step is the fabric, which Chairwoman Rosenworcel has now secured. The second is getting the information from the broadband providers. And the third is the crowdsourcing.

Senator WICKER. Can you give us an idea about how long you think that is going to take, till we can start bringing connectivity with this \$48.2 billion and other money?

Ms. SOHN. Yes, Senator, I am not sure just because I am not privy to all the information that the FCC has now, so I don't think I could give you a timeline. I will just say, as a person who has said over and over again, you can't make good policy without good maps, if I am confirmed, that would be one of the things I would dedicate myself to, and I would hope that the Chairwoman would task me with working on those maps.

Senator WICKER. OK. Let me switch to price regulation. And you mentioned in your verbal testimony and in your written testimony, "competition markets work best when there is vigorous competition, policies that promote competition are always superior to heavy handed behavioral or price regulation." As I am sure you are aware, that has been one of my concerns with the so-called net neutrality. I don't know of anybody on this committee or within the sound of my voice, really that wants blocking and throttling.

We want—I want a light touch regulation, the kind of regulation that gave the United States a leg up during the COVID-19 pandemic, when our European friends had shutdowns and slowdowns, and we really had no problem in that regard, even though there was a quantum leap in Internet usage and zoom calls and things like that. We had the investment, in my view because of the light touch.

And I am—I have been talking about this for a long time and I am a big boy and I have been around the block and so have you Ms. Sohn, but you said that I have spread net neutrality disinfo in saying just what I said. So how was I spreading net neutrality disinfo? Do you recall that remark?

Ms. SOHN. Yes, well, it was a tweet, and it was during the consideration of the Save the Internet Act. And I believe what I was referring to was the question about whether broadband investment went down during the time where there was titled to net neutrality and whether it went up after the repeal. That is what I was referring to. I do disagree. I actually think that Title II and actually the evidence shows that Title II and net neutrality had no impact on investment.

And if you look at SEC filings and even the words of the broadband providers themselves, they will—they have actually said entitled Title II really had no impact on investment. But I agree with you generally that light touch is better. But what I am concerned about now and with the repeal in 2017 of the net neutrality rules and the reclassification of broadband is that we have no touch. And the net neutrality debate, which I have been doing now for 20 years, really is more about whether there is going to be oversight. Chairwoman Rosenworcel said this 2 weeks ago.

It is really much broader than the no blocking and the throttling. It is about whether broadband, which we all agree is an essential service, should have some Government oversight. And right now, it doesn't have any.

Senator WICKER. What went wrong during the 4-years of Chairman Pai under the repeal of basically the Title II part of net neutrality?

Ms. SOHN. Yes. So what went wrong wasn't so much again about the blocking and the throttling, although there was one study from Northeastern University that showed that mobile providers at all times of day were blocking and throttling traffic—were throttling traffic, excuse me, regardless of the reason. But for the most part, that wasn't the problem. The problem, again, was lack of oversight.

So if you indulge me, I would like to give just two examples. The first was in 2018, when firefighters were fighting then the largest fire in California, the Mendocino Complex Fire, and their broadband provider was throttling back their broadband. There was no place the firefighters could go to get relief. They actually were arguing with them for 7 months until finally they struck a deal to pay I think it was double the money.

So there was no—they had no recourse, right. They couldn't go to the FCC because the FCC didn't have authority. The FTC didn't have authority, either. So it was more a matter of who is going to protect competition, who is going to protect public safety.

Senator WICKER. Can you and I agree that that particular example could be addressed without Title II rate regulation authority. Can we agree to that?

Ms. SOHN. Without rate regulation, absolutely.

Senator WICKER. And I know I have gone beyond, as the Chair did in her questioning, but I will get back at another time. Thank you, Madam Chair.

The CHAIRWOMAN. Thank you, Senator Wicker.  
Senator Blumenthal.

**STATEMENT OF HON. RICHARD BLUMENTHAL,  
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thanks, Madam Chair. Thank you all for being here. Thanks for your public service. Ms. Sohn, I appreciated your comments about protecting competition and localism in journalism. I agree with you on the *Sinclair Tribune* merger. Fortunately, eventually, Chairman Pai agreed with us, as did other news outlets, including many of the conservative media. There should be nothing partisan about protecting localism and competition journalism, and I appreciated your comments about that goal being of heightened importance, I think, in the pandemic particularly so.

Can you tell us a little bit more about how specifically you would protect and enhance local journalism? Chair, Senator Cantwell is leading a bill, the Local Journalism Sustainability Act. I am a strong supporter of it. One example, just one example of what we could do. Maybe you have some thoughts.

Ms. SOHN. Thank you, Senator. I want to say first that, you know, local broadcasting really is vital to the lifeblood of every community. I mean, they alone among communications platforms are dedicating—dedicated to serving local communities with emergency alerts, with local news, with local journalism so I think it is critically important. I would like to see—well, first of all, I also support Chairwoman Cantwell's bill and the payroll tax credit. I think that is great. That is obviously not within the jurisdiction of the FCC, but I would like to see the FCC have more opportunities for diverse viewpoints.

You know, there is a broadcast incubator program that was started, I believe, in 2018 and 2019, and its intent is to help more minorities get access to radio. And I think it would be great to expand that—number one, I guess I would like to see how it is working, if I am confirmed, but I don't see any reason why not to expand it to television. I think we need more opportunities for voices that are not normally heard to actually be heard on broadcasting, because that still is the place where people get again, local news and information.

Senator BLUMENTHAL. I am a very faithful listener to radio since I spend a good deal of my life in the car bouncing around the State of Connecticut. We don't travel by plane as some of my colleagues do, but by car, and I would join you in seeking to strengthen those local voices. I think they are very important. Let me ask you, and I am going to have some questions for the record on robocalls, you know, about the proposed rule that Chairman Rosenworcel circulated last month, and I hope that you will be a supporter of efforts on robocalls. But Senator Blackburn and I, with the support of Chairwoman Senator Cantwell, have been having a number of hearings in recent weeks about the revelations of harms by big tech, a number of the platforms, to children and teens.

Also on the issue of privacy, we will be hearing from Instagram's CEO next week. I would also note that in October, the FTC issued a very disturbing report regarding the negative consumer impacts of the repeal of the FCC's broadband privacy rules. I am sure you are familiar with them. There are deep problems, I don't need tell anyone on this panel, either on your side or ours, with both big tech and big cable's violations of consumer privacy, and we need rules for both. A number of us have been working on various bills. So I would like to give you and Mr. Davidson an opportunity to comment on the importance of this privacy crisis and what Congress ought to be doing, what you can do through the FCC and the NTIA.

Ms. SOHN. Yes. Thank you, Senator. Privacy is sacred, privacy of personal information. And when your personal information is abused, it can have economic impacts, it can have social impacts, and even have physical impacts. So I have been a huge supporter of Congress passing a comprehensive consumer privacy bill. And if I am confirmed, I would love to work with you and anybody else on this dais on doing that. But the implications of not protecting privacy, whether it be on big tech platforms or over ISPs are enormous and the harms have already been shown.

One of the things that were in the FTC's report—was in the FTC's report was it was shown that bounty hunters were getting some of the information, right. And sometimes bounty hunters find people that should be found, but a lot of times they find people that shouldn't be found. So it could actually result in physical harm. So I would love to see Congress move forward. And, you know, if the FCC has the opportunity, which would take some time, I think that would be interesting as well.

Senator BLUMENTHAL. Thank you. Mr. Davidson.

Mr. DAVIDSON. Just quickly. First of all, thank you for the question. You know, not a week goes by that there isn't some new revelation about how Americans are finding out that their private



data is being used in ways that are harmful or unexpected. And we need to do better in that area. I know you have been a leader in this space for a long time. The most important thing that we can do is passing a comprehensive privacy bill for the United States. I know this is something that this committee has been actively working on. And if confirmed, I would do everything that I can to bring NTIA's resources to bear to support that effort, so thank you.

Senator BLUMENTHAL. Thank you. Thanks, Madam Chair.

The CHAIRWOMAN. Senator Blunt.

**STATEMENT OF HON. ROY BLUNT,  
U.S. SENATOR FROM MISSOURI**

Senator BLUNT. Thank you, Chair. Mr. Ahmad, I am afraid I am not going to have any questions for you, and you may not get many today, but I did want to tell you how much I appreciate your mentioning Ralph Regula, who I got to serve with him in the House. He was a great leader of that committee that you worked on and you were a great part of that team, and I am glad you are willing to serve in this job.

Mr. AHMAD. Thank you.

Senator BLUNT. Ms. Sohn, talking about local news, local radio, let's talk about—let's talk about Locast a little bit. You were on that board. Locast built its business model on streaming local television to the internet, generally without obtaining the consent of the broadcast TV station or the copyright holders. There was a lawsuit—you went on that Board actually after the lawsuit started. And at this point, I think in August, there was a determination that Locast agreed to a settlement. So no appeal here. \$32 million settlement. Do you want to talk about that, your decision to go on the Board, and if this impacts your dealings with the very same local broadcasters that sued the company that you were on the Board of? And I only have 5 minutes, so we can talk about this a lot, but be as brief as you can in clearing this up for me.

Ms. SOHN. Sure, Senator Blunt. So Locast was a nonprofit service that provided local broadcast signals through streaming to folks who couldn't get them and it relied on a copyright exemption. OK, this was a case of first oppression. It relied on an exemption for nonprofits. I thought it was a good thing both for local broadcasters, and local broadcasters didn't sue, the networks sued. I also thought it was good for viewers. And these were viewers, for example, in orphan counties who maybe couldn't get certain programming. There were a lot of low income folks that also use the service. So I thought this was, from a public interest, pro-consumer perspective I thought this was good—

Senator BLUNT. But the judge didn't agree?

Ms. SOHN. Well no, what the judge said, and let me be specific about this, what the judge said was Locast was not entitled to the exemption. So it was literally within days of that decision coming down, we shut Locast down and it is in the process of selling its assets and you know probably will no longer exist by the end—

Senator BLUNT. And you don't think this will have any impact on your dealing with local broadcasters in any way?

Ms. SOHN. I do not believe it will. Like I said, I revere local broadcasting. I think it is very important. I would like if I am con-

firmed, I would really like to sit down with them, explain what I did, and get from them ideas about how I can help local broadcasting be more competitive, more resilient, and more diverse.

Senator BLUNT. And the networks that you say are the ones that sued Locast, you have no problem with them either?

Ms. SOHN. I don't have any problem with them. I mean, just, you know, I have no hard feelings. And it wouldn't bias me in any way. I take very seriously allegations of bias. And I have been working very closely with the Office of Government Ethics to make sure that, you know, I have no conflicts and I have no, you know, predetermined biases. No, but just because they sued Locast, no that wouldn't bias my decisions. And as a policymaker, if I am confirmed, I have to set my biases—even if I had a bias, I have to set those aside, look at the totality of the record, look at the law, confer with my colleagues, confer with staff, confer with all of you, and make a decision.

Senator BLUNT. So I have got a list of comments here about Fox News. Are you biased against them?

Ms. SOHN. So that—you referring to my tweets that are now pretty famous. I understand they are concerning to some. And anyone who knows me knows I am pretty direct. But they were made in my role as a public interest advocate. They were made in the context, and I think context is very important—context of hearings, hearings and media reports. You know, maybe the tone was a little sharper. Maybe I should have dulled it a little bit, but again, it was part of my job essentially as a public interest advocate.

Senator BLUNT. And do you think they are the only news agency that is State sponsored propaganda?

Ms. SOHN. Let me—

Senator BLUNT. That is your quote, by the way.

Ms. SOHN. Yes, I know it is my quote. Yes. I just wanted to complete my thought. My opinions as a public interest advocate will have no bearing on how I behave as a policymaker, if I am confirmed. You know, I have been in Government before and the values that are important to being a policymaker, responsiveness, transparency, integrity, that is what you will get from me if I am confirmed. So yes, I said some things may be too sharp, but they will have absolutely no determination in how I would rule on a proceeding with any of those companies.

Senator BLUNT. Well, I wish I had more time Chair, but I don't so.

The CHAIRWOMAN. Thank you, Senator Blunt. Senator Blumenthal—I am sorry, Senator Schatz. Sorry, Senator Schatz.

**STATEMENT OF HON. BRIAN SCHATZ,  
U.S. SENATOR FROM HAWAII**

Senator SCHATZ. Thank you very much, Chair Cantwell. Mr. Davidson, I know you appreciate the unique connectivity challenges that Hawaii faces because we are the most isolated, populated place on the planet. I need your commitment and the staff's commitment to work with me and my office to meet Hawaii's broadband needs.

And you may know that the context is that the negotiations around the bipartisan infrastructure bill were unnecessarily con-

tentious around definitions because people couldn't picture in their mind's eye the difference between terrestrial infrastructure and connecting the 50th state, which happens to be an island chain. And so do I have your commitment to work on these issues, including the equitable treatment of the 50th state?

Mr. DAVIDSON. Thank you, Senator. You absolutely have my commitment on that, and I appreciate from our conversation how important this is to Hawaii and to making sure that we fulfill this promise to connect everyone in America. And the beauty of the program that has been put forward in the IAJA is that every state will have its own plan. And I look forward to working with you to make sure we get the right plan for your state.

Senator SCHATZ. Thank you. One more question for you, Mr. Davidson, the Tribal Broadband Connectivity Fund. As the Chair of the Indian Affairs committee, I have heard directly from Native American leaders about the disproportionate impact that COVID-19 has had on their communities. But we did provide historic levels of relief funds that continue to be deployed to tribal Governments in the Native Hawaiian community. Will you commit to consulting and coordinating with Native Hawaiians, Native Americans, and Alaska Native communities on the deployment of these NTIA funds?

Mr. DAVIDSON. I absolutely will commit to that.

Senator SCHATZ. Thank you very much. Ms. Sohn, nice to see you. Earlier this year, I, with other members of this committee, led a letter to the CEOs of AT&T, Verizon, and T-Mobile asking for commitment to protect consumers before the carriers shut down 3G networks. Do you share our concerns about a 3G shutdown? And I know you are excellent at summarizing. So could you please summarize the problem for consumers and what you could do about it as a Commissioner?

Ms. SOHN. Sure, Senator Schatz. So basically, the carriers want to stop their 2G and 3G and in some cases 4G transmissions, their mobile transmissions because they want to move to 5G. Which is important. We want that. And it is going to be a transformative technology. We want that to happen. However, there are still, I believe it is 13 to 17 percent of Americans still rely on 2G or 3G.

So shutting it down too soon without some sort of mitigation will leave a lot of people without the ability to call an ambulance, to call their family, or you know, or to do anything just about. So this seems to me to be a problem that can be resolved through some negotiation. There is a petition pending before the FCC right now, before that was submitted by the alarm industry, because that is another thing, alarms will stop working. So there are serious public safety implications about shutting down 2G and 3G too quickly.

Senator SCHATZ. Yes, I would just observe that this is so potentially catastrophic and so fixable that I—that my worry is that everybody assumes it is going to get fixed because it would be preposterous to leave millions of Americans without the basic connectivity that their lives depend on. And yet, here we are without a solution, so I am hoping we can work together upon confirmation.

Ms. SOHN. Absolutely. Look, this is where I think my collaborative skills in my negotiation skills, if I am confirmed, could really

come into play because this seems to me to be an issue that can be resolved with a little bit of play.

Senator SCHATZ. Thank you. Final question to Mr. Kolko. The American Community Survey is the primary source of data on the Nation's changing socioeconomic and demographic characteristics. Do I have your commitment to work with me to address the challenges facing ACS, including what additional resources may be necessary?

Mr. KOLKO. Yes, Senator, I commit to work with you on improving the resources and working on the challenges to the ACS.

Senator SCHATZ. Thank you. Thank you, Chair.

The CHAIRWOMAN. Thank you, Senator Schatz. And I just want to thank you for your leadership on these important issues. All states aren't the same, and I think that it is too bad again that the infrastructure bill didn't accommodate and recognize the uniqueness of Hawaii in these issues. And this isn't the first time that this has gone on.

So I think people are just—the jig is up on broadband. Like we are not going to keep doing the same thing. We are not going to tolerate, like we are going to get back to you. We are not going to tolerate—we are we are going to get the accuracy and we are going to come up with a plan even for places like Alaska and Hawaii that are hard to serve. OK, Senator Fisher.

**STATEMENT OF HON. DEB FISCHER,  
U.S. SENATOR FROM NEBRASKA**

Senator FISCHER. Thank you, Madam Chair. And thank you to each of our nominees for being here today. Ms. Sohn, I noticed you tweeted that FCC subsidies can be helpful in, "forcing companies to compete." You have also said that "whenever you hear anybody complain about overbuilding on broadband networks, translate that to competition." Would you stand by those statements, yes or no?

Ms. SOHN. I would stand by those statements, although I do support what is in the IAJA, the notion that the money should go first to building where there is nothing, on unserved areas, and then and only then should underserved areas be served. So I was a big supporter of the IAJA. I worked on it with several offices here, and so I did tweet those things prior, but I liked the framework that is in the IAJA right now.

Senator FISCHER. Thank you for clarifying that. I appreciate that. After Congress passed the bipartisan infrastructure bill, the Commerce Secretary Raimondo talked about transparency and oversight that were needed for State broadband proposals, and she said, we need to make sure that the money isn't used in overbuilding, so I am glad that you agree with her. Mr. Davison, in our conversation when we met earlier, you also spoke about the redundancy of overbuilding, and I would ask you if you would confirm that to us here at the hearing.

Mr. DAVIDSON. I confirm that I certainly support Secretary Raimondo's comments on this.

Senator FISCHER. OK, thank you very much. Ms. Sohn, you often tie the competition conversation to municipal broadband, and I previously expressed concerns to former FCC Chairman Tom Wheeler about the Commission's actions on municipal broadband because it

undermines State laws. You were his Counsel at that time. Did you advise him on that order?

Ms. SOHN. I probably did. I don't really have a specific recollection, but I think it is important to note that right now the FCC can do nothing about municipal broadband. As you know, we did try to preempt the State laws of North Carolina and in Tennessee that prohibited either new builds of municipal broadband or extensions of already built networks and the Sixth Circuit said that we did not have the authority. So if I am confirmed, there is not a whole lot I could do about municipal broadband.

Senator FISCHER. Given the court's reversal of that preemption order, do you regret pursuing that?

Ms. SOHN. No, Senator Fischer. I have supported municipal broadband for a very long time. It is actually—I mean things are kind of changing now. It is not so much cities and towns providing their own service. What you are now seeing is middle mile being built and commercial entities, they are called open access networks. They have them in Utah, they have them in North Carolina, and a lot of places, where you—where basically the municipality, the city, the town builds the middle mile and then they invite commercial broadband providers to come and provide service. And that really results in enormous competition.

Senator FISCHER. So do you believe that the FCC should be able to dictate to states what their broadband policy should be? Should the FCC preempt State law?

Ms. SOHN. So the FCC does not have the authority to preempt State law. And I actually think—look, over the last three or 4 years, I have been working a lot with the states to try to get them sort of ready for what Mr. Davidson is about to give them in terms of money. I think the FCC needs to have a better relationship with the states. And if I am confirmed one of the things, I would ask the Chairwoman if I could be a liaison to the states because I have really formed very good relationships with them. And I actually agree with you, I think in the past we haven't made—we haven't outreached to the states and made them partners. We have been more adversarial, so—

Senator FISCHER. There is a committee within the FCC, am I correct in this, that—it is a committee that brings the states together. And it is my understanding from some members of our public service Commission in the State of Nebraska that this committee, even though it is there, it doesn't meet, it doesn't do anything. Would you be interested in looking into that and possibly from your comments, you know, and working with states here to be able to have that communication in a more formalized manner through this committee?

Ms. SOHN. I assume you are talking about the Joint State Board on Universal Service. Absolutely. I mean, I was Chairman Wheeler's liaison to the Intergovernmental Advisory Committee, and I worked with them very well. Made a lot of friends, including some friends, just Republican friends who just signed a letter on my behalf. So I would be delighted to do that. If Chairwoman Rosenworcel were to—if I was confirmed and she wanted to appoint me to the Joint Board, I would be honored.

Senator FISCHER. Nebraska is one of the few states after the 1996 law that did form their own State Universal Service Fund and was very proactive on that, and it works well. But, so that is why I do have concerns about some of your comments on preempting State laws to be forthright with you.

Ms. SOHN. Fair enough.

Senator FISCHER. Thank you.

Ms. SOHN. Happy to clarify them.

Senator FISCHER. Thank you.

The CHAIRWOMAN. Senator Klobuchar.

**STATEMENT OF HON. AMY KLOBUCHAR,  
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Thank you very much, Madam Chair. Congratulations to all of you. Ms. Sohn—I will lead with actually Mr. Davidson, because you mentioned a nice Segway of his job, which will be overseeing the distribution of the State broadband grants, billions of dollars, and all of us on both sides of the aisle have had frustrations in our states where money has gone out, from the states, from the Federal Government, and it doesn't get done.

It is one of the reasons and I have talked to Secretary Raimondo about this, there is a clawback provision in there that would allow us to take back funds. Could you talk about the number one question I got when I was talking to people who were very excited about these grants, including yesterday with the President in Minnesota, is what is your plans to getting the distribution of the funding going?

Mr. DAVIDSON. Well, thank you, Senator Klobuchar. And I will just say that this is incredibly important an historic opportunity for us to connect everybody, as you have mentioned. We have a twin imperative to get the money out that we have been given quickly and to get it out carefully. I think the plan there, first and foremost, is going to be working with the states.

We need partners in the states, and I think there is a lot that NTIA can do to help build capacity in the states to be able to have a partner to work with. We can provide technical assistance. We have been given funding from Congress. And I think that will be a top priority in getting this moving.

Senator KLOBUCHAR. Exactly. And I think everyone, you are going to start hearing about timetables and what is happening. We are very excited about this, and you are going to be in a key role. And I hope we get you confirmed immediately because of that, as well as the other nominees. Ms. Sohn, I start by just putting on the record, Madam Chair, if I could submit a letter from the Consumer Technology Association in support of Ms. Sohn.

The CHAIRWOMAN. Yes, without objection.

[The information referred to follows:]

CONSUMER TECHNOLOGY ASSOCIATION  
Arlington, VA, November 30, 2021

Hon. MARIA CANTWELL,  
Chair,  
Senate Committee on Commerce, Science, and Transportation.

Hon. ROGER WICKER,  
Ranking Member,  
Senate Committee on Commerce, Science, and Transportation.

Re: Nomination of Gigi Sohn for Commissioner, Federal Communications Commission

Dear Chair Cantwell and Ranking Member Wicker:

I write to strongly support the nomination of Gigi Sohn to serve as Commissioner of the Federal Communications Commission (FCC) and urge the Senate Committee on Commerce, Science, and Transportation to move her nomination forward expeditiously.

Ms. Sohn is extraordinarily qualified for this position. Her record reflects a long and distinguished career in technology, media and telecommunications policy as a consumer advocate, public servant and academic. In addition, she is widely recognized for her commitment to principle over partisanship and is deeply respected by industry, civil society groups, Republicans and Democrats.

More, Ms. Sohn has always been a strong defender of free speech and an advocate of robust, substantive debate. Our First Amendment is nonpartisan and has been respected by Republican and Democratic FCC commissioners alike. Ms. Sohn has an extensive record of writing and speaking in defense of free speech and as FCC Commissioner would uphold free expression by those with different views.

The FCC's work has never been more important for preserving a strong economy and strengthening America's global leadership. Until Ms. Sohn is confirmed, the absence of a full Commission will continue to hold the agency back from addressing the Nation's most pressing communications policy issues. Ms. Sohn is a pragmatic, data-driven problem solver who understands what it takes to drive the future of work, education and ongoing innovation. Based on more than two decades of knowing Ms. Sohn, I am confident she will ask the critical questions and truly listen to the answers, regardless of whether they are consistent with her personal priorities.

Ms. Sohn has the qualifications of an FCC nominee that every Senator should be pleased and proud to confirm. I encourage you to do so.

Sincerely,

GARY SHAPIRO,  
President and CEO,

Consumer Technology Association.

cc: Members of the Senate Committee on Commerce, Science, and Transportation

Senator KLOBUCHAR. OK, very good. So Ms. Sohn, you were just talking about your work with states, and you have also worked on a variety of issues. Of course, some of this will come up, broadband competition, innovation. Can you talk about how you have worked with colleagues on the opposite side of the aisle on these types of issues?

Ms. SOHN. Yes, Senator. So let me give an example from net neutrality, because that is an issue that obviously keeps coming up. And I think it is really important, obviously. I am a supporter. But in 20—I believe it was in 2012—no, excuse me, it was 2010. We were waiting for the FCC to act on net neutrality, and it was taking a very, very long time. So I was asked along with some other public interest groups, to consider a legislative compromise. And this was led by Congressman Waxman and there were some Republican offices involved as well. The ISPs were supportive, and the bill was not perfect, but Public Knowledge, the organization that I ran at the time, decided to support it.

And the night before the news was going to get out that we were supporting this, I called my public interest colleagues and told

them, we are going to do this, we know you are not going to be happy about it, but this is what we are going to do. And a lot of them were not happy about it. I think some of them were still unhappy about it to this day, but I think it was a demonstration of pragmatism, willingness to work with folks that you don't necessarily agree with, and the desire to get something done.

Like nothing was happening. The FCC was frozen for whatever reason, and we got something done and actually caused the FCC to finally move. So I am about making progress. I am not interested in standing on ceremony, you know, standing on my laurels. I want to get stuff done and we have a great opportunity here.

Senator KLOBUCHAR. Exactly. So as you look at what we can get done, just two things I will follow up on here. One is, and I know you have talked a lot about broadband, and we have a lot of members here with significant rural areas on both sides of the aisle. Could you talk about how you would work with rural providers in areas where they might not have any broadband right now or more likely, very, very low speed broadband?

Ms. SOHN. So the IAJA specifically says that the FCC has to provide technical assistance. It requires NTIA to work with the FCC. And since NTIA is only 150 people, I think we can really help them provide technical assistance.

And the NTIA, in turn, has to provide technical assistance to the states and the carriers that get money from the states. So I see it as sort of like a virtuous relationship, and I hope that we will get the opportunity, I know we will get the opportunity to make sure that these unserved areas are served and that rural providers who need help—I mean, it is a complicated process, this like multi-grant process, and that we can provide them the assistance they need.

Senator KLOBUCHAR. One last question. You and I talked about how I chaired that 9-1-1 caucus, and we have still work to be done on upgrading our 9-1-1 systems. Could you very, very briefly talk about how you think we could modernize these systems? And I know I will ask you in writing, Mr. Davidson.

Ms. SOHN. I think what is most important, Senator Klobuchar, is that we don't have a digital divide in NG 9-1-1, and we have to have the resources to make sure that people in rural areas or people in low income areas also have NG 9-1-1, not just people in rich areas. So I worry about that NG 9-1-1 divide as well.

Senator KLOBUCHAR. OK, very good. Thank you very much. I will ask you, Mr. Ahmad, you, Mr. Kolko, questions on the record. I really appreciate your willingness to serve.

The CHAIRWOMAN. Thank you, Senator Klobuchar. Senator Moran.

#### **STATEMENT OF HON. JERRY MORAN, U.S. SENATOR FROM KANSAS**

Senator MORAN. Chairman, thank you very much. I never know whether those who don't get asked questions are pleased by that or feel left out.

[Laughter.]

Senator MORAN. Consider it a compliment, I think. I appreciate all of your willingness to serve, if confirmed, and I am grateful I



serve on this committee. I am also an appropriator for the Department of Commerce and appropriator for the FCC, and I look forward to working with you and in both those capacities. Mr. Davidson, I want to start with you. As I indicated, we, Senator Shaheen chairs and I am the ranking Republican on the Committee that appropriates for NTIA.

I need your commitment that you will work with us on NTIA's budget and funding issues. I assume that is the case. I don't think you have a choice. And that when it comes to spending the dollars that Congress provided, I wasn't a part of the original group of 11 Republican Senators who participated in the infrastructure bipartisan plan, I am very interested in having the opportunity, in conjunction with Senator Shaheen, to have conversations with you on NTIA's implementation and execution.

Mr. DAVIDSON. Senator, you absolutely have my commitment and I look forward to talking to you more about that.

Senator MORAN. I would welcome that. Ms. Sohn, you have impressed me this morning. I appreciate your intelligence and experience. I remember the days—I am always griping that there are not Kansans in charge of the FCC. But I also remember the days of what I considered a lot of difficulties at the FCC, in which members did not seem, in my view, to communicate with each other, and there was just a challenge there in getting along. I assume you would remember what I am talking about and would indicate to me that you would work hard to avoid that circumstance.

Ms. SOHN. Senator Moran, I absolutely would. And I must also say that when I was at the FCC, I always reached out to my Republican colleagues. I mean, you know, I didn't just have, you know, lunch with the Commissioners, although I was in Ajit Pai's Fantasy Football League twice. So it is really important to me. To me, these things are not personal, policy differences. So yes, I will do that.

Senator MORAN. I appreciate your answer to Senator Blunt's question. I too was concerned about—I am a supporter and advocate for local journalism, local broadcast journalism, in particular that the FCC would have jurisdiction over, and I wanted to make certain that what you said was the truth in regard to no hard feelings, no bias, no consequences to that lawsuit. And you confirmed that, and I appreciate that you did. We have allocated, the Congress has allocated lots of money to new broadband deployment programs, many different agencies.

And there is some thought that the Universal Service Fund, what is its role now? We have had conversations, I visited with Chairwoman Rosenworcel yesterday, and the question that I raised with her is one I would raise with you, what role does USF play—I mean, we have talked about trying to expand where its revenues come from or to reform USF fund, but with all the money that Congress is granting to deploy broadband, what now with the USF?

Ms. SOHN. That is a great question, and what is great about that question is that the IAJA answers it, because it requires the FCC, I think within 30 days of the President signing the bill, to start a proceeding to look at how all the money, the \$65 billion in the IAJA, how that will impact Universal Service Fund. And I think that is really, really important. And then they have to submit a re-

port within 9 months that lays out options for whatever needs—whatever might be left. I mean, it is entirely possible, and again, I don't want to prejudge, but it is entirely possible that after all this money is spent, you don't need as big a high cost fund, right, or lifeline is different.

Again, I don't want to prejudge it, but I think that that process, that provision is so important because you don't just throw \$65 billion at broadband and then just say, well, here is Universal Service over here. So I look forward, if I am confirmed, to participating in that proceeding because I think that is going to be super important.

Senator MORAN. Your answer reminds me of the importance I would suggest to you and assume that, you know, and same with Mr. Davidson, in the coordination, we have asked for a commitment from the FCC when your fellow Commissioners were here that we are going to coordinate and would include rural development or USDA and others to make certain that we do this in a smart way. Mr. Davidson, Congress set some important guidelines in the Infrastructure Investment and Jobs Act related to broadband deployment, defining underserved areas. I am sorry, unserved areas.

The goal, of course, is to prevent overbuilding of existing networks. I am an advocate for that view for a long time. I have seen the consequences where we have spent money, which in my view was not the place it should be spent. We have placed restrictions on particularly the USDA manners. Those restrictions were somewhat loosened, contrary to my desire, in that bipartisan infrastructure bill.

But I want to hear from you that you will do everything you can to ensure that the intent of Congress in going—in providing those resources to unserved areas is where the money will go.

Mr. DAVIDSON. Senator, I appreciate that question. I think the statute is actually quite clear. It lays out a framework. Unserved is first, and you have my commitment, if confirmed, to follow that framework faithfully.

Senator MORAN. Can you explain, Mr. Davidson—I don't, my clock is not here, so chairman, use your gavel, but use it sparingly, please. Can you explain what NTIA's role in data privacy is? You indicated, I think, in your testimony that the FTC, "FTC is to set rules on unfair data collection and surveillance practices that may damage consumer privacy." In your written testimony, you mentioned the importance of NTIA helping to build a better internet, including efforts when it comes to protecting privacy. What are you telling us?

Mr. DAVIDSON. Well, Senator, certainly A, privacy is extremely important. B, I do believe that NTIA does have a statutory role, both as advisor to the President on telecommunications and private—and information policy, and also spelled out in places in the various statutes are giving around NTIA. And then finally, I would just say NTIA has a history here already of providing over recent in recent years analysis and support of stakeholder listening sessions, as recently announced. And so I think there is work that we can do with the policy expertise that exists at NTIA to support the Administration and Congress in its deliberations around privacy.

The CHAIRWOMAN. Senator Markey. Thank you, Senator Moran. Senator MORAN. Thank you, Chairman.

**STATEMENT OF HON. EDWARD MARKEY,  
U.S. SENATOR FROM MASSACHUSETTS**

Senator MARKEY. Oh, thank you, Madam Chair. Ms. Sohn, in 2015 the FCC approved the open Internet order, which put in place net neutrality protections and properly treated broadband as a telecommunications service under Title II of the Communications Act. The Trump era FCC later eviscerated net neutrality and eliminated the Commission's rightful authority to protect broadband users, promote public safety, and close the digital divide. Yet, the ongoing pandemic has left no doubt today broadband is an essential utility.

Now, more than ever, Americans need net neutrality. Now more than ever Americans need a Commission with authority to oversee broadband. Ms. Sohn, do you believe that the FCC has the authority it needs to reinstate net neutrality and to restore a classification of broadband as a Title II service, as Chairwoman Rosenworcel recently stated in front of this committee?

Ms. SOHN. Yes, Senator Markey, I agree with Chairwoman Rosenworcel that the FCC has authority.

Senator MARKEY. Thank you. And it is going to be very difficult for us, obviously, to pass legislation which I have been trying to move since my days in the House and over here in the Senate. So I do think it is very important for us to have three Commissioners that do support the notion that the FCC has that authority to act. The coronavirus pandemic has also highlighted the homework gap that exists across our country. We know the 12 to 17 million children in America were without the Internet throughout the course of this pandemic.

I was successful in creating the Emergency Connectivity Fund, which is now providing \$7 billion in eRate home connectivity funding. To date, the FCC has allocated \$6 billion in—has received more than \$6 billion in funding and has awarded \$3 billion in grants thus far. The program, to put it simply, has led to 10 million students receiving devices and having the Internet at home, which they need.

Unfortunately, the Emergency Connectivity Fund will soon run dry without additional funds. Ms. Sohn, do you agree that we should provide additional funding to the Emergency Connectivity Fund in the Build Back Better Act?

Ms. SOHN. Yes, Senator Markey, absolutely. And congratulations, by the way, on the first emergency connectivity fund.

Senator MARKEY. Yes, this is a crisis that we are in and the new variant is only going to further exacerbate this problem and we just have to be realistic about what is happening to second, third, fourth graders all across the country who do not have access. And do you think we need a permanent solution to this problem, given what we have learned during this pandemic?

Ms. SOHN. Yes, Senator Markey. One thing that I would like to see the FCC do and would support if I am confirmed would be a reinterpretation of the eRate law to permit funding to go to homes, right. So my daughter's in back of me for a year and a half. Her

classroom, which is what the law talks about being funded, right connectivity to the classroom, was her bedroom. Sometimes it was a dining room table, but it was usually the bedroom. So the FCC, in my opinion, has the authority to reinterpret the law and I believe would be upheld by the courts to say that the classroom is pretty much almost anywhere, but it certainly is in the home.

Senator MARKEY. Yes, thank you. And I agree with you 100 percent. We just have to have a policy in our country that realizes that this is essential for children. My father drove a truck with a hood milk company, but I could compete against the school superintendents' daughter or son of my hometown, because I could take my books home. If you can't take your books home, you are not going to be competing. And that is what the Internet represents here today. So we thank you, Ms. Sohn, for your historic contributions to telecommunications policy thus far.

You are an expert, and we need experts in this field, so thank you for your service. And Mr. Davidson, Ms. Sohn was talking about the need to have essentially Darwinian paranoia inducing competition in order to avoid regulation, but we know that competition falls short. And as a result, rural America, poor America, they haven't really received all the benefits of broadband, which is what your job is going to be.

So on the question of municipal broadband projects, as you implement the \$42 billion deployment program, what is your goal in terms of making sure that municipal broadband gets the—municipal utilities get the resources that they need in order to provide services?

Mr. DAVIDSON. Senator, thank you for the question. I will just say, obviously this is an incredibly important moment for us to be making sure that we are reaching everyone, and we are—I think we really need an all of the above approach to how we are going to connect, particularly in rural America. Municipal broadband has played a big role in some places, and I think that the statute the IAJA makes it quite clear that we believe that municipal broadband can be, and for some states will be an important part of our—

Senator MARKEY. Will you commit to helping those municipal—

Mr. DAVIDSON. I commit to helping those municipal—municipalities do that and bringing the resources of NTIA.

Senator MARKEY. And finally, we have a report from scientists who project that sea level rise will submerge more than 4,000 miles of fiber optic cables during the next 15 years. Will you commit to working, you know, to make sure that funding goes to make sure that the effects of climate change do not have devastating impacts in terms of access to broadband?

Mr. DAVIDSON. Resilience is an incredibly important value, I think, in implementing that IAJA, particularly the middle mile program that NTIA will be working on and I think can help address the resilience issues that come up with broadband, particularly in the face of climate change.

Senator MARKEY. Thank you. And again, we are trying to operate in an acronym free zone, so IAJA is just another word of saying

the infrastructure bill that just passed for anyone who is wondering what are we talking about.

Mr. DAVIDSON. Thank you, Senator.

The CHAIRWOMAN. Thank you.

Senator MARKEY. Thank you, Madam Chair.

The CHAIRWOMAN. Thank you, Senator Markey. I think we have Senator Blackburn, followed by Senator Peters then Senator Sullivan.

**STATEMENT OF HON. MARSHA BLACKBURN,  
U.S. SENATOR FROM TENNESSEE**

Senator BLACKBURN. Thank you, Madam Chairman. Mr. Davidson, very quickly. One of the things when I was in the House, I have said many times we need to have an inventory of spectrum that is held by Federal agencies. And while Congress supported doing this, we have Federal agencies that have opposed this. But we need to know what spectrum is in what hands, what they are using those bands for, and then we need to recoup spectrum that is lying fallow. This is NTIA's jurisdiction. Will you commit to working with us to get this done?

Mr. DAVIDSON. Senator, I commit to working with you to get that done.

Senator BLACKBURN. We appreciate that, and I see Ms. Sohn over there kind of chuckling because she has heard me talk about this for years and the need for getting this done. And Ms. Sohn, let me come to you. Let me ask you for a "yes or no" on some questions. Has the Pai Administration's decision to repeal the Wheeler Title II rules in any way stopped the FCC from executing its broadband deployment efforts, yes or no?

Ms. SOHN. It has not, but it rests on a very thin——

Senator BLACKBURN. Yes or no——

Ms. SOHN. I am sorry, no. The answer is no.

Senator BLACKBURN. Alright, no, that is correct. It has not impeded. That is correct. You have said you support a title to regime plus forbearance from various FCC regulations, what the FCC did in 2015. Senator Markey just referenced that. So is that forbearance worth anything? Can't future FCC just un-forbear and impose more rules on the internet?

Ms. SOHN. Senator, indeed——

Senator BLACKBURN. No——

Ms. SOHN. Sorry about that, yes, they could.

Senator BLACKBURN. That is right. Alright, do you support broadband rate regulation?

Ms. SOHN. No.

Senator BLACKBURN. OK.

Ms. SOHN. That was an easy one.

Senator BLACKBURN. Well, good because in times past you have supported rate regulation if my memory is correct. Would more regulation of the Internet help encourage investment in broadband networks?

Ms. SOHN. No, I don't believe—well, when you say Internet regulation, are you talking about the broadband providers?

Senator BLACKBURN. I am talking about the providers, regulation of the internet, Government control of the internet. Are you going

to get more private investment to continue expanding these networks or are you going to get less?

Ms. SOHN. I believe it has no impact.

Senator BLACKBURN. I would say you are wrong about that because look at what has happened by networks being able to get out there and expand broadband. There are a lot of counties in Tennessee, our 95 counties, where they have partnered up with State grants, they have partnered up with Federal grants, they partnered up with Ilex and Clex, and electric power co-ops. And we have very rural counties that are close to having fiber across the entire county. So it has an impact. A private sector approach works. OK, the infrastructure bill that was recently signed into law funnels money to underserved areas, which means overbuilding existing networks and ignoring rural areas for cities. Do you believe this will close the digital divide?

Ms. SOHN. I support the framework that unserved must be served first, OK, and then and only then after the states prove to the NTIA that unserved, the unserved first, then you can spend money on the underserved.

Senator BLACKBURN. Yes, because one of the downfalls of the Obama era was the overbuilding of networks, of existing networks in cities and the rural areas were left behind. They did not get that money, and that is why we have as much disparity as we have existing right now, and we need to be encouraging that investment into these networks.

OK, when you worked for Tom Wheeler, you led the FCC's efforts to put broadband privacy rules into place, rules that Congress later struck down as an overreach of the FCC authority. And you recently said that there is no real oversight of broadband carriers going on. So do you believe the FTC has in some way fallen down on its job as a consumer privacy agency?

Ms. SOHN. I don't believe so, but I have to admit I haven't followed what the FTC has been doing very much lately.

Senator BLACKBURN. Well, they are the privacy regulator, and as we have debated for many years very vigorously, this is their jurisdiction, this is not the FCC's jurisdiction, and we need one regulator, one set of rules for the entire Internet ecosystem. OK, if the FCC were to reclassify broadband as a Title II service again, would you support the FCC once again attempting to enact broadband privacy rules?

Ms. SOHN. I would prefer if Congress passed a comprehensive consumer privacy bill. And I know Senator Blackburn, you have been a leader in that regard. If the chairwoman undertook such a proceeding, I obviously would participate in it and obviously she would have to be classified first. But I would prefer to see Congress settle the matter with a comprehensive consumer privacy bill. And I have been very, very clear on that.

Senator BLACKBURN. OK, thank you. You were on the Board of Directors for Locast, a streaming service that shut down, right about the time you were nominated for pirating content. Locast was shut down for pirating content. Despite your talk about valuing content, it seems like you are not being consistent in your value of protecting intellectual property of creators. And as you know, retransmission is an issue that has been debated, and I

know we are going to continue this conversation about protecting content that is there, but my time has expired. Madam Chairman, thank you.

The CHAIRWOMAN. Thank you. Thank you very much. Senator Peters. And by the way, happy birthday, Senator Peters.

**STATEMENT OF HON. GARY PETERS,  
U.S. SENATOR FROM MICHIGAN**

Senator PETERS. Thank you. Thank you.

The CHAIRWOMAN. You are not going to get a song for me.

Senator PETERS. Oh, I was looking forward to that so much.

[Laughter.]

The CHAIRWOMAN.—but hope you have a wonderful day.

Senator PETERS. Well, thank you, Madam Chairman. And thank you for recognizing me. And to each of our nominees, congratulations on your nomination and thank you for your willingness to serve in these positions. Ms. Sohn, Michigan has as an urban, rural broadband problem that certainly can't be addressed by one size fits all, and that is not unique to Michigan by any means. That is basically the situation all across the country. That is why I co-sponsored the Broadband Infrastructure Financing Innovation Act, which supports public, private partnerships that work to connect families and communities.

Right, one of the outstanding examples in my state is Northern Michigan University Educational Access Network that provides broadband connections to all the homes nearby. So I would like you to talk a little bit about local partnerships, how important they are in your mind. Should we continue to focus on this? And if so, what do you recommend that we do to make sure these partnerships continue to provide these very vital services?

Ms. SOHN. Thank you, Senator Peters. Look, I think localities are critical inputs to getting the digital divide closed. And again, the broadband infrastructure bill, I will use Senator Markey's term, requires states to bring localities into the conversation. They can't just spend the money without talking to local officials, and I think that needs to continue. I think that is very, very important. I have dealt with an awful lot of mayors that care deeply about this issue, and I think we need to continue to support their efforts to get broadband to their communities.

Senator PETERS. As Chairman of Homeland Security in Government Affairs committee, protecting critical infrastructure is one of my primary jobs, and critical infrastructure is currently—certainly telecommunication networks, protecting them from cyber-attacks. We have compromised components that are out there. And then natural disasters that hit and wipe out these services.

This year, the Communications, Security, Reliability and Interoperability Council has made, I think, important steps to coordinate between the FCC and the Department of Homeland Security, but by allowing the Department of Homeland Security to co-chair for the first time. So certainly think that is long overdue and I appreciate that. But Ms. Sohn, how can DHS and FCC better coordinate to improve the security of these networks to create increased resiliency and in particular, disaster recovery?

Ms. SOHN. Senator, that is a great question. I can't say I have thought about it a whole lot, although I am delighted to hear about the joint work of DHS and says CSRIA. Actually, my wife works at DHS, so that is a good thing. I do think maybe perhaps what could happen is what we have with the FCC and the FCC Chair and the Administrator, NTIA are required to meet twice a year.

So maybe we could have something similar with the Secretary of DHS and Chairwoman Rosenworcel be required to meet at least twice a year to try to flesh out how we can work together. I am really happy to hear this because I know that Chairman, former Chairman Wheeler really wanted to have the FCC more involved in cybersecurity, particularly now when you are seeing all these hacks is so critically important. But DHS obviously has the primary role, so I would like to see some sort of movement to work together on a more regular basis.

Senator PETERS. Well, I appreciate that. And if confirmed, I would certainly like to work with you and have this conversation as to how we bring these agencies working together. We just, we are passing some significant cyber protection legislation, which will hopefully be an NDAA that is before us.

But the key thing that we are focused on is the fact that we have these silos in Federal Government. Folks are just not talking to each other. This is a system wide problem because a lot of big organizations. But when it comes to cyber, we have got to be coordinated. And when it comes to resiliency and natural disasters, we have got to be coordinated. So love to work with you on that.

Ms. SOHN. Absolutely.

Senator PETERS. There is also a widespread recognition that in 1978 to 1995, the tech certificate policy was by far one of the most effective vehicles for advancing minority broadcast ownership. And in its 17 years of operation, the policy quintupled, quintupled minority broadcast ownership. And other desirable tax initiative tailored for small businesses would provide a company donating a station to a training institution, that they would receive a tax credit equal to that station's value.

My question for you is under your leadership, would the Commission request Congress to restore and improve the tax certificate policy and create a tax credit for donating a station to a training institution? Is that something you would be supportive of?

Ms. SOHN. It is something I am strongly supportive of. I was a huge supporter of the old minority tax certificate. I was very disappointed when it got repealed. I would obviously have to talk to the Chairwoman about, you know, what the FCC could do to support that. But I personally am extremely supportive.

Senator PETERS. Right. Well, thank you very much. Thank you, Madam Chair.

The CHAIRWOMAN. Senator Sullivan.

**STATEMENT OF HON. DAN SULLIVAN,  
U.S. SENATOR FROM ALASKA**

Senator SULLIVAN. Thank you, Madam Chair. Mr. Davidson, thank you for our discussion the other day. I really appreciated it and appreciated your statement just on the statute that the rural, unserved communities are going to be first in the infrastructure



bill. My state has a lot of those. So can I just get a couple of commitments to follow on our good meeting the other day to come up to Alaska to truly prioritize unserved first, which is what the statute says, and to take advantage of this opportunity with the FCC, USDA, and other agencies that are really focused on this moment of trying to wire our country, certainly my state, which has the least amount of broadband connectivity in each state in the country?

Mr. DAVIDSON. Senator, I would welcome the opportunity to see firsthand the challenges that you are facing and in Alaska, and you have my commitment to do that .

Senator SULLIVAN. Yes, and commitments on those other things?

Mr. DAVIDSON. Absolutely.

Senator SULLIVAN. Ms. Sohn, I wanted to talk on a number of issues with you, but first, there has been some concern in this committee where the Administration has put forward a nominee for something then after the hearing and everything, oh, by the way, that person is going to be chair. The FTC is obviously the big example that we didn't know that, at least I didn't know that. Have you had any discussions with the Biden Administration about being elevated to Chairman over Commissioner Rosenworcel?

Ms. SOHN. No.

Senator SULLIVAN. OK, good. Look I am going to be—I have noticed, again, it seems like one of the ways you get nominated for a position in this Administration is you have some really good nasty tweets against Republicans. It is the way you get nominated. I can't—I mean, geez, the numbers are going through the roof. But you kind of take the case on this with regard to tweets that I find not only very troubling, I can go through the whole list, but maybe I will just submit them for the record. You know, Republicans are racists. The usual BS. I notice you have purged your account. Did you do that for a reason?

Ms. SOHN. I am sorry, sir. I did not. I did not—my account is still up there. Trust me, people are picking at it. So it is definitely still up there.

Senator SULLIVAN. Well look I—this is actually a really serious issue with regard to your nomination, and here is the reason. We are not just nominating you, you know, for any normal Assistant Secretary. The FCC has enormous power, and it has enormous power in America, particularly as it relates to free speech, particularly as it relates to liberty in our country. And let me just give you a couple—Fox News has had the most negative impact on our democracy. It is State sponsored propaganda. That is one of your tweets, one of your many tweets. So how is Fox News State sponsored propaganda?

And is MSNBC State sponsored propaganda too? This goes directly to the power you are going to have. This is not some kind of random tweet. Millions of Americans watch that news station. I happen to. I don't think it is State sponsored propaganda. For God's sake, we needed a conservative viewpoint in America media, which obviously you don't like. So talk to me about State sponsored propaganda.

Ms. SOHN. Yes, Senator, before I explain the tweet, I would like to explain the context. And also I would also like to remind folks that among my supporters are the two most—

Senator SULLIVAN. Now, you know, I—you know how this committee works. I am going to be respectful, but I need to interrupt, because I don't have a lot of time. Just address the tweet. I don't need the context. I want you to hear about your supporters.

You are going to be in charge of regulating news agencies like Fox News and you are calling them State sponsored propaganda. How can you do that as an honest broker when you have already put out—you also called that Sinclair broadcast, whether—you called for the FCC to investigate whether their call to qualify to be a broadcast licensee at all. You are clearly indicating your bias against more conservative news sources.

And yet you are now up for confirmation of one of the most powerful positions in America on free speech. I think that disqualifies you completely. But talk to me about Fox News as State sponsored terrorism, how they have had, "the most negative impact on our democracy." And then why is an MSNBC State sponsor of terror—I didn't say terrorism—I didn't mean terrorism, I meant propaganda.

Ms. SOHN. Yes, Senator, I was tweeting during a hearing on Section 230 and where the point was being made that big tech companies were, you know, the most harmful to our democracy.

Senator SULLIVAN. How is this—again, how is Fox News State sponsored propaganda and how has it had, "the most negative impact on our democracy?" These are your words—

Ms. SOHN. Those—exactly that was as a public interest advocate, as part of my job, those were my words, those were my opinions. But they will have no bearing on how I would act, if I am confirmed, as an FCC Commissioner.

Senator SULLIVAN. What about questioning the broadcast license—that would be your job of Sinclair broadcasting. I mean, are you going to recuse yourself on anything relating to Fox News or Sinclair broadcasting?

Ms. SOHN. So let me talk about Sinclair broadcasting.

Senator SULLIVAN. Actually, I think it is a good question I just asked you. Are you going to recuse yourself, if confirmed?

Ms. SOHN. Senator, I am talking with the office. I have signed an ethics agreement with the Office of Government Ethics. If there is any question about my bias, I will consult with them and see if I need to recuse.

Senator SULLIVAN. Well, I think these tweets are clearly evidence of bias.

Ms. SOHN. Senator, I respectfully disagree.

Senator SULLIVAN. Really?

Ms. SOHN. Because again, these were made—first of all, let me just step back on Sinclair, because I think it is really important to understand what I actually said. What I said was and again, I was agreeing with Chairman Pai, who set the transaction for a hearing because Sinclair, they alleged, the FCC, the Pai FCC alleged that Sinclair was not honest about its ownership of certain stations. So the hearing designation order was looking at Sinclair's dishonesty. Not—it had nothing to do with whether it was conservative or liberal.

Senator SULLIVAN. But Fox News, what is your point—and Madam Chair, I am sorry, I know I have gone over my time.

The CHAIRWOMAN. We are—I have been a little liberal today because we have so many members and witness this, but we are—

Senator SULLIVAN. Yes. I will wait for another round or submit questions for the record. But these are very, very legitimate questions and are serious.

The CHAIRWOMAN. I definitely want to get members questions then. Senator Baldwin.

**STATEMENT OF HON. TAMMY BALDWIN,  
U.S. SENATOR FROM WISCONSIN**

Senator BALDWIN. Thank you, Madam Chair. Mr. Kolko, the Commerce Department was one of several agencies that was involved in producing a report on supply chain disruptions. It was released in June of this year.

The report was required as part of President Biden's Executive Order on America's supply chains from February of this year. When identifying the drivers of supply chain vulnerability, the report found that, and I quote, "a focus on maximizing short term capital returns has led to the private sector's underinvestment in the long term resilience." For example, for—that was end quote.

Now, for example, firms in the S&P 500 index distributed 91 percent of net income to shareholders either by stock buybacks or dividends between the 10 year period of 2009 to 2018. And certainly, this means a declining share of corporate income is going into research and development or new facilities or equipment or resilient production processes.

Mr. Kolko, as Undersecretary of Commerce for Economic Affairs, you will have a key role in directing support for business, as well as the economic analysis that guides that support. So do you concur with the findings of the report on the connection between shareholder payouts and underinvestment?

Mr. KOLKO. Thank you, Senator. One of the most striking effects on the economy of the pandemic has absolutely been some of the supply chain bottlenecks that we have seen. We have seen this both because of shifts in consumer demand and consumer spending from services to goods, as well as ways in which the pandemic has interrupted key parts of the supply chain.

Some of these roots are deep and predate the pandemic, of course, but the pandemic has really brought a lot of these concerns to the fore. If confirmed, I commit to working with the Committee and the Department above all to help bring the best data analysis possible to understand both the underlying drivers of the supply chain concerns and to track what our progress is.

Senator BALDWIN. So I recognize that in the past couple of years we have seen exacerbation of some of the supply chain issues. But this really is saying that one of the key drivers is long term practice of—this is going to be, long term practice on the short term—short term profits.

So in that period 2009 to 2018, we are saying 91 percent of corporate returns has been applied to dividends or stock buybacks. And that leaves much less for the enterprise. Do you think that is a big driver right now of our supply chain? Do you agree with this

report? And if so, given that the Commerce Department has identified a clear link here to—between supply chain vulnerability and the focus on short term returns, how would you support addressing that?

Mr. KOLKO. I do think there are many causes. Again, some both long term and many linked to the pandemic behind the supply chain issues that we are having now. I would look forward to incorporating all these questions, looking into both questions about profits, as well as all of these other factors that have affected the supply chain and work with you in the Committee.

Senator BALDWIN. Mr. Ahmad, I have worked diligently with our Chairwoman on this committee and her staff to include funding in the Build Back Better Act to address vulnerable supply chains, and that would include, we hope, providing grants, loans, and loan guarantees to U.S. manufacturers. This is in addition to funding increases that the Commerce Department proposed in USICA, which obviously has not gone through the whole system yet. If confirmed, you may be responsible for a large budget with relatively broad authority to shore up our supply chain.

So I have the same question for you, given that the Commerce Department has identified a clear link between our supply chain vulnerability and the focus on short term returns, how would you and what would you support, including moving forward in terms of restrictions on shareholder distributions as a condition of supply chain assistance?

Mr. AHMAD. Thank you, Senator. Thank you for that question. I understand the issue. And I know how important this funding is to both national and economic security of our Nation, and I am not fully well-versed on the programs and how we would want to roll those out. But if confirmed, I will commit that we will work with you and your staff on our plans for the programs and making sure that the money gets out there in a timely manner and addresses the issues for which the funding has been provided.

Senator BALDWIN. Thank you.

The CHAIRWOMAN. Thank you. Our time has expired. I just want to be clear, I think the order we are going to go here is Senator Young, who is going to join us on video, then Senator Hickenlooper and then Senator Lee. So, Senator Young.

**STATEMENT OF HON. TODD YOUNG,  
U.S. SENATOR FROM INDIANA**

Senator YOUNG. Thank you, Madam Chairwoman. Mr. Davidson, when negotiating the bipartisan infrastructure framework, one of the final sticking points was whether or not NTIA or FCC would oversee the \$42.5 billion State broadband program. Now, candidly, as I discussed with you in our meeting, I believe it should have been the FCC and I fought against the NTIA implementing this record breaking tens of billions of broadband dollars. With that said, that didn't win the day for a number of reasons, and if confirmed, you will be the one overseeing and administering this important program.

That is how legislating works sometimes, and I am confident that you understand the weight of this responsibility and have the best of intentions. However intention and effort on metrics, as you

know, and we need to be able to measure the effective use of taxpayer dollars. So can you just very briefly because I have a number of questions. In a few sentences, tell me what you will do to ensure that this massive taxpayer investment will be a success in closing the digital divide?

Mr. DAVIDSON. Senator, thank you for the question, and I appreciate our conversation yesterday where we had a chance to talk about it too. And I will just say I think the challenge is quite clear. We have been given a great deal of money, but at the same time the mission is huge.

A couple of things that I think we can do very quickly, NTIA will need a capacity surge. Congress has, I think, wisely included funding in there to make sure that we can build out the management resources, the outreach resources, the technology that we will need to be able to be good partners with states.

I would also just say we—I have been told that, you know, we really have the full resources of the Department and Secretary Raimondo has made this a big priority and I am confident that we will get support there as well.

Senator YOUNG. Thank you, sir. I have several yes or no questions here. There is no gotchas. If you could just respond affirmatively or negatively, will you commit to focus the broadband money on unserved areas first as required by the law? Yes or no, sir.

Mr. DAVIDSON. Yes.

Senator YOUNG. Will you commit to working with the FCC utilizing their maps, coordinating on their broadband programs to avoid duplication, and utilizing their expertise when it comes to a challenge process as required by the law? Yes or no, sir.

Mr. DAVIDSON. Yes.

Senator YOUNG. Will commit to being responsive to this committee as we conduct thorough oversight of this program to ensure it is not a failure like previous NTIA broadband programs? Yes or no, sir.

Mr. DAVIDSON. Yes, I would look forward to that.

Senator YOUNG. And Mr. Davidson, it was also very important to me that the Broadband State Grant Program was written as a tech neutral program, whether it is fiber, cable, satellite, mobile, fixed wireless, including mobile and fixed wireless that deploy leveraging open RAN—open RAN technology.

They all have roles to play in reaching Americans and vastly different topographies. In order to achieve universal connectivity, we must close ourselves off from cost effective technology that will help us accomplish this goal. So yes or no, will you embrace this tech neutral stance when implementing the Broadband State Grant Program to help bridge the digital divide, sir?

Mr. DAVIDSON. Yes, I believe we need an all of the above approach.

Senator YOUNG. OK, thank you. Mr. Davidson, how important is it that Congress pass the U.S. Innovation and Competition Act to jumpstart NTIA's effort to improve American competitiveness in international standards setting bodies and counter China's efforts in these areas?

Mr. DAVIDSON. Senator, I will just say, beyond NTIA, I think it is important across the Government for that bill to pass. And while

it is not an NTIA specific bill, I do think it will have tremendous impacts on our goals to promote American competitiveness, American jobs, counter some of the threats that we are seeing overseas. So I would be—I would welcome the chance to support that.

Senator YOUNG. Thank you, sir. And speaking of China, yesterday, we discussed your goal of developing a national spectrum strategy. Can you discuss how you would bring your private sector mentality to this effort?

Mr. DAVIDSON. Thank you, Senator. As we discussed, I do believe in a national spectrum strategy is incredibly important if we are going to fulfill NTIA's goals, and actually, I think the goals across the Federal Government of both making sure we are meeting the needs of Federal users, as well as continuing to have, maintain American leadership in wireless to be able to meet the commercial needs of users.

My hope would be that we could—and Secretary Raimondo, I should say, has also supported the idea of a national spectrum plan. I think my starting point would be to really reach out to all of the stakeholders, both within the Federal Government but also within an industry, and look not just what the needs are today, but we need to be understanding what tech—what we expect from technology in the future, where we think that the future spectrum needs will be. If you look—if you would asked me 10 years ago which spectrum we would be fighting over, it is not the spectrum that we are talking about now.

There has been tremendous technology—technological developments. I think there will be in the coming decade. We need to skate to where the puck is going, not to where the puck is right now. And that is what I would hope for in a spectrum plan.

The CHAIRWOMAN. Thank you. Senator Hickenlooper.

**STATEMENT OF HON. JOHN HICKENLOOPER,  
U.S. SENATOR FROM COLORADO**

Senator HICKENLOOPER. Yes. Thank you, Madam Chair. Continuing that conversation, Mr. Davidson, as the NTIA is responsible for managing the spectrum usage, as we discussed yesterday, and obviously there have been various disagreements between Federal agencies and various stakeholders over spectrum use, the GAO suggests that the NTIA and FCC update the 2003 Memorandum of Understanding regarding spectrum coordination. Are you willing to commit to updating the MOU and make spectrum use efficient? It is just a different way of saying what you have already answered.

Mr. DAVIDSON. Yes, yes I would. And I was encouraged to see that Chairwoman Rosenworcel spoke positively of that as well in her hearing.

Senator HICKENLOOPER. Absolutely. And as you know, and we discussed Colorado's home to NTIA's Institute of Telecommunications Sciences, and as 5G networks are expanding and new open ran and 6G technologies are already in development and in some cases underway, how do we utilize or how will you utilize ITS to advance the maturity of the next generation technologies?

Mr. DAVIDSON. I think there is two really important elements to this. One is, I think, my hope would be to pursue an evidence based approach to how we think about spectrum and the questions

about how about spectrum usage and conflicts over spectrum uses. ITS has a key role to play there. I think, as I was saying before about the national spectrum plan, we also need to be thinking about future uses and where technology is headed. And that is a second place that I think ITS can be a real leader for us. So I think it is an extremely important resource for the country.

Senator HICKENLOOPER. Absolutely. And I am—very hard to sometimes see that puck because of how fast it is moving, but you are exactly right. We have got to get out ahead of it. Ms. Sohn, the Universal Service Fund, the contribution factor has climbed due to the rather serious shrinking of the contribution base. The USF contribution base has declined from nearly \$80 billion in 2001 to nearly \$30 billion in 2021. And I think USF really remains the key for expanding communications service at acceptable speeds to all Americans. What does the future of the USF program look like in your view on how you would approach this?

Ms. SOHN. Yes, thanks, Senator Hickenlooper. So the good news is, and at the risk of repeating myself, is that the broadband, the bipartisan infrastructure bill addresses this by requiring the FCC to do a study, 30 days after the signing of the bill, on the impact of the \$65 billion on Universal Service and then come back within 9 months with recommendations for how to proceed. I agree with you 100 percent that Universal Service contribution mechanism is broken. That Universal Service is important. But I also think it is critically important to make sure we know what the impact of all this money is on the fund before we decide what the solution should be.

Senator HICKENLOOPER. Well, but again, just take the puck metaphor even further.

Ms. SOHN. I am a big hockey fan, so it is good.

Senator HICKENLOOPER. I think, again, even as you are doing that and worrying on that—about that \$65 billion, you have also got to look longer term and say, what is the long term integrity of USF? How are we going to get there?

Ms. SOHN. Yes. Look, I think that reforming the contribution mechanism is critical. And whether it is Congress, who does it or FCC who does it, I am quite agnostic, but it needs to be taken care of and I think all options should be on the table.

Senator HICKENLOOPER. Great, perfect. Mr. Kolko, global supply chains obviously devastated by COVID-19 and the pandemic, the recovery is in fits and starts, clearly ongoing. The Office of Economic Affairs publishes key data on economic trends across various sectors affected by the supply chain interruptions. If you are confirmed, how do you position the Office of Economic Affairs to accelerate that supply chain recovery?

Mr. KOLKO. Thank you, Senator, I think that the—both the Census Bureau and the Bureau of Economic Analysis has done a really extraordinary job during the pandemic and around the supply chain crisis to provide data that especially helps understand some of the underlying drivers of that crisis.

Some data series that people didn't pay as much attention to in the past have become front and center in understanding shifts of consumer spending. And I think identifying those, highlighting those, and also innovating by creating higher frequency statistics

to understand some of the supply chain dynamics, many of which unfold very quickly.

Senator HICKENLOOPER. Right. OK, good. Well, thank you. I will yield back my time. Thank you all for your service. You put impressive group of people.

The CHAIRWOMAN. Thank you. Senator Lee, then followed by Senator Rosen, who is remote, then Senator Capito and Senator Luján.

**STATEMENT OF HON. MIKE LEE,  
U.S. SENATOR FROM UTAH**

Senator LEE. Thank you, Madam Chair. Ms. Sohn, I would like to start with you if that is all right. Should net neutrality requirements include, or should the FCC generally regulate the rates charged by—for broadband services?

Ms. SOHN. No, sir.

Senator LEE. OK. And what about minimum or basic tier broadband plans like those included in the infrastructure bill, required by the infrastructure bill? Should the FCC require these affordable basic tier plans?

Ms. SOHN. I know of no proposal to do so, and it is in the infrastructure bill, so I don't think it would come before the FCC.

Senator LEE. Yes. To determine the basic tier plans required by the infrastructure bill, you would have to look at price in order to figure that out. And it is not possible to support a price threshold in a minimum tier broadband plan and then simultaneously say that you are not you are not for broadband rate regulation. That is in fact what that is, isn't it? Is there a distinction? Did I miss anything between those? And if so, what is the distinction?

Ms. SOHN. Yes, I would have to think more about that. This, obviously, is something that the FCC would not decide. This is more on Mr. Davidson's wheelhouse, but I am not—it is not 100 clear to me that that affordability requirement necessitates the NTIA saying the price must be x. It is not—that is not clear to me from the law that that is required.

Senator LEE. Yes. There has been a lot of discussion about the best way to build out our broadband access and at the same time also instill competition within broadband, within the industry and among providers. One suggestion has been to have more Government ownership and/or Government operation of broadband networks. Where do you land on that issue? Is it—is broadband access in both rural and in urban areas, is it better achieved through private sector ownership and operation or through Government ownership and operation, whether at the State, local, or Federal level?

Ms. SOHN. Senator, thanks for that. My position has long been that communities should have a choice. I am not going to say that one is better than the other. In some places, for example in Utah, Utopia is a very, very successful middle mile open access network. Now, the towns and cities do not provide last mile service because they are actually prohibited from doing so. But it is extraordinarily successful. In other places, it hasn't worked at all. So I wouldn't put my thumb on the scale that one is better than the other. I just think that communities should have a choice.



Senator LEE. There are many in Utah, including myself, who would beg to differ with your characterization on that front. But what about a federally owned 5G network?

Ms. SOHN. Oh, I am opposed to that. That was proposed by the last Administration. That is not something I would support.

Senator LEE. OK, so why draw a distinction between the Federal Government's ownership of broadband and State, local or municipal ownership of broadband?

Ms. SOHN. That is a good question, I haven't actually really thought much about that. I probably would have to get back to you in the QFRs on that.

Senator LEE. Let's talk about the digital divide for a minute. What is the digital divide, what does that mean?

Ms. SOHN. To me, the digital divide means. I mean, it means a lot of things, but it means that there are households in the United States, both in rural, urban, and tribal areas that either do not have broadband because there is no network available to them, they cannot afford broadband just because, you know, they don't have the means or the prices are too high, or they don't have the skills to use it.

Senator LEE. OK, yes, yes, I get where you are going. I want to zero in on something a little bit more narrow. The bipartisan infrastructure package that just passed seeks to deploy broadband with speeds of 100 up and 20 down in order to close the digital divide. In doing that, taking that into account and also just your own views on the matter, help me understand what technological capabilities we are wanting to make sure all Americans have? Is it e-commerce? Is it entertainment? Is it video gaming? Is it access to a virtual reality experience for entertainment purposes or otherwise? What is it?

Ms. SOHN. Well, I think it is all of the above and certainly is telehealth. That is a huge, huge application. Precision farming is another application that I think is critically important. So I, you know, look—

Senator LEE. What if we end up in a future circumstance where if all currently unserved and underserved areas are able to achieve 100 up to 20 down or let's even say, symmetrical speeds of 100, will the digital divide then be closed and closed for good? And is there—ever a point at which the Federal Government will have funded enough technological capability that we have adequately shrunk or eliminated that such that we could shrink or eliminate Federal subsidies on that?

Ms. SOHN. Yes. So again, mere deployment won't necessarily close the digital divide, and I think that is really important. And I do think, and I have urged that Congress adopt a permanent broadband subsidy like the affordable connectivity program, which is more money but is not permanent. You still will always have the adoption problem as well, where people don't have the digital literacy, sometimes not even the literacy, literacy to be able to use the internet.

Senator LEE. My time has expired. I just want to be clear, though what if you had symmetrical speeds of 100? Does that do it? Does that close it?

Ms. SOHN. No.

Senator LEE. At what point are they closed then?

Ms. SOHN. Well, again, you will always have. You will always have folks who can't afford it who are going to need a subsidy. If you are just talking about deployment, OK, and when are we done with deployment? I would hope that after this money is spent, we could—

Senator LEE. As far as speed goes, taking—setting aside the issue of cost, as far as speed goes, that would do it.

Ms. SOHN. Well, the bill does prefer scalable networks, OK, to meet the needs of tomorrow. What we what we really don't want, I would think, or I would not want is to come back in 5 or 10 years and say, oh my goodness, we spent all this money and we still have slow networks and we still have areas in the country that are not served. So I think the scale, the ability to scale whatever the speed is today, the ability to have technologies that can grow over time, I think, is very, very important and that is one of the reasons the bill prefers those kind of technologies also—

The CHAIRWOMAN.—move on to other witnesses. I mean, other members who need to get their questions in. So, Senator Rosen.

**STATEMENT OF HON. JACKY ROSEN,  
U.S. SENATOR FROM NEVADA**

Senator ROSEN. Thank you, Madam Chair, and of course, Ranking Member Wicker for holding this really important nomination hearing today. And thank you to all the nominees for your willingness to serve. I would like to speak a little bit about middle mile infrastructure as we are all talking about broadband deployment because obviously last month, the President signed a historic, transformative, bipartisan infrastructure bill that we know includes \$65 billion for closing the digital divide, almost all of it through NTIA.

I am proud to have been part of the group of 22 Senators that offered significant sections of the Broadband Deployment Program, including the \$42.5 billion in State broadband grants and the Middle Mile Broadband Deployment Act legislation that establishes a \$1 billion middle mile infrastructure program. As a former computer scientist, Mr. Davidson, you understand the Internet architecture and the importance of middle mile infrastructure as a crucial piece in connecting Internet service providers to the backbone.

Our service providers in Nevada have very few options to connect to the backbone, resulting in higher fees in areas—in the costs for sure, and whether it is just more robust competition. So I am sure you would also agree that middle mile redundancy is important, not just from an economic perspective, but also from a public safety perspective. As we deal with more frequent and severe weather in my state, wildfires, our networks need to be redundant and resilient to withstand the effects of climate change.

So, Mr. Davidson, can you talk about the importance of redundant and resilient middle mile networks, especially in states with large rural areas like Nevada?

Mr. DAVIDSON. Well, thank you, Senator, for that question and thank you for your leadership in all of this and particularly in the broadband provisions in the bipartisan infrastructure package. I will say, as you rightly point out, middle mile networks are an ex-

tremely important part of the equation here. A lack of resilient, high capacity middle mile networks can be an Achilles' heel, if you will, for underserved and unserved communities. And I know that is an issue in places like the State of Nevada with big rural communities that need to be served.

The flip side of that, of course, is that investment in middle mile can be a force multiplier for us. It can make it easier to serve those communities. It can make it cheaper, and it can also help us with our resilience. And so I think this is a huge area where a little bit of Federal investment can go quite a long way. Of course, we have a fund, it is not even just a little fund, that have been put into the bipartisan bill. And I would just say, if confirmed, I would look forward to making that a priority.

I would love to work with you in your office in thinking about how we can make the best use of those middle mile funds.

Senator ROSEN. Wonderful. Thank you, and I would like to move on to diversity in local broadcasting because Ms. Sohn, my office has some concerns about your past positions on a handful of issues, from local broadcasting to copyright protections. Although the FCC may not have significant jurisdiction over copyright laws, the Commission does have an important impact on broadcasting and media ownership. In Nevada and across the country, we deeply value our local broadcasters. They provide a tremendous service to our communities. They want to support these partners in public service, and that means ensuring they continue to become more diverse.

So Ms. Sohn, in your opening statement, you note that you value a diversity of voices and various platforms, ensuring the public is hearing from diverse perspectives regardless of how they are delivered. I understand concerns have been raised about your opposition to policies such as joint service agreements and shared service agreements, which allow stations to share facilities and employees and jointly sell advertising, which I understand can be critically important for minority owned stations.

So Ms. Sohn, could you explain your position on this type of ownership and how these agreements might either help or hurt minority ownership in media as we think about local broadcasting? Can you discuss your time at Locast and how you plan to balance some of your priorities from your time with a nonprofit with your new role?

Ms. SOHN. Sure. Thank you, Senator Rosen. Let me address first the JSA and sidecar position because as many people know, I have been fighting for increased minority ownership of media for 30 years. I have the support of former acting Chairwoman Mignon Clyburn and Byron Allen, who is the largest minority broadcaster. My position was misstated. I did not oppose joint service agreements or sidecar agreements.

Tom Wheeler, who I worked for, proposed making sure that those agreements counted toward the media ownership rules. However, there is an exception to that attribution, and that is for diverse voices. So if somebody wants to have a sidecar agreement with a minority broadcaster, those stations are not counted. So there is actually an exemption for diverse voices, for minority voices. But that was not my personal position, so that was unfortunately misstated.

Senator ROSEN. Thank you. I see my time is up, Madam Chair. I know there are others after me, so I will submit everything else for the record. Thank you.

The CHAIRWOMAN. Thank you. I think Senator Capito or Senator Cruz, I am not sure which of you were here at the time the gavel—Senator Capito.

**STATEMENT OF HON. SHELLEY MOORE CAPITO,  
U.S. SENATOR FROM WEST VIRGINIA**

Senator CAPITO. Thank you. Thank you, Senator Cruz. Yes, I will go ahead quickly. So, Mr. Davidson, thank you for the visit, and I don't want to repeat all of the questions that you can see with the concerns are very similar, things that we talked about. So from what I have heard from your testimony, transparency on and co-operation of information in deployment of the bif dollars is going to be one of the hallmarks I think of what you have already pledged so far. Also, I will just go through the three things I have been concerned about and had questions on technology.

Tech neutrality is another thing that I believe Senator Young asked you about. Again, I think we are on the same page there in consideration of the mountains of West Virginia. And the other one are the mapping issues that I know with the FCC and NTIA are exceedingly important to make sure that we use these dollars in the proper way. So with those, I think we are all on the same page with that. The question I have is that you are—as we know 10 or 11 years ago, we had the BTOP program where \$4 billion grant was administered by the NTIA. I can tell you in my State, as we know, it was not well deployed. It was in some ways—not using this as a legal term because I am not a lawyer, but it was fraudulently deployed. It was not used judiciously.

And we ended up with all kinds of patchwork and nothing to show like Ms. Sohn was saying where maybe we could say at the end of the day, everybody's got deployed. We thought maybe that was what was going to happen 10 years ago, and it didn't. So that to me is important in the accountability section. So how are you going to be working with the State agencies in the broadband councils because a lot of this money is going to flow, my understanding, from the NTIA into these State offices and then deploy that way.

What kind of assurances do you have, or can you give or would you envision to be able to have the capacities both at your level and at the State level to make sure these mistakes are not repeated?

Mr. DAVIDSON. Thank you, Senator, and I would say I very much enjoyed our conversation in your office, and I agree with you on all of those issues that you mentioned. It is going to be incredible—it is incredibly important that we get this money out quickly, but we do it with accountability. And to me, there are three elements that I think we can really lean into to make sure that that happens and that we have learned the lessons of the past. The first is making accountability clear upfront in these State plans.

As you rightly point out, the states are going to be a critical partner for us, and we need to be very clear about what we expect from them in their plans. A second is transparency. I believe that sunlight is the best disinfectant, and I can pledge to you, if confirmed,

that we will make NTIA transparent about how we are using the money, and we will insist that the states are transparent about how they are using the money and what grant applications they are getting.

And then last is just putting in really good metrics up front. I think that is a lesson that we need—we have learned, which is that we need to know what to measure and collect good data against it. So those will be some of the things that were on my mind to make sure that we are holding—that we are making wise use of taxpayer money.

Senator CAPITO. Well, I think, too, that there have been a lot of discussion and disagreement on what does unserved and underserved really mean. And, you know, kind of keying off some of the discussion we have heard here earlier, if there is no take up, does that mean they are underserved or if there is inadequate service, does that mean they are underserved or unserved?

And I think these distinctions are exceedingly important in rural America because that is where a lot of the unserved and underserved people are, because going that last mile is very, very difficult in certain circumstances. So what kind of guardrails can you make sure that we are not upping other people's services in areas who already have service, making redundant services, but making that unserved and underserved population to actually close that divide the key portion of these dollars?

Mr. DAVIDSON. Thank you, Senator. It is a great question. And to me, the starting point and any point really is there is the statute. The statute lays out, the broadband provisions in the infrastructure bill lay out a very clear framework for how to think about this. There are clear definitions about how we are going to define unserved and that there is a priority list, and we are going to start with the unserved.

And that is, I can just say, if confirmed, I will be faithful to that framework, and I would look forward to working with you. I know you have long experience in this the Capitol Connect plan and beyond, and I would welcome the chance to work with you and your office to make sure we are meeting those needs.

Senator CAPITO. Thank you. Thank you, Madam Chair.

The CHAIRWOMAN. Senator Luján, then Senator Cruz, and then Senator Tester.

#### **STATEMENT OF HON. BEN RAY LUJÁN, U.S. SENATOR FROM NEW MEXICO**

Senator LUJÁN. Thank you, Chair Cantwell. Mr. Davidson, with nearly \$50 billion in funding set to be administered by the NTIA, your nomination is critical, and the only trouble I have with your nomination, again, is that it was not done 6 months ago—

Mr. DAVIDSON. You and my wife both—

Senator LUJÁN. I believe that at least 68 other Senators, including myself, 69 members, have voted for the bipartisan infrastructure bill. And in that infrastructure bill, what we said is that the money was going to go to NTIA. You are the nominee for that position. And I certainly hope that the other 68 Senators that voted for the BIF will join me in swiftly voting to pass and confirm you on the Senate floor.

Now I am going to cut straight to the root of the issue. Secretary Raimondo committed to me and to the public that this bipartisan infrastructure investment would connect every American household, every household across the country, every single American, to quote the Secretary, “to have access to high speed, affordable broadband.” So yes or no, will this program ensure that every one of my constituents in New Mexico have access to affordable, resilient, and high speed broadband?

Mr. DAVIDSON. Yes, that is absolutely the goal and that is the mission, and that is what the work we are going to do.

Senator LUJÁN. And Mr. Davidson, I am going to hold you to that, and I want to make sure that you understand the full scope of what you agreed to. Now, New Mexico communities face unique and costly challenges to overcome. Several of my colleagues have talked about the landscapes. We celebrate our Rocky Mountains and beautiful vistas.

We are a large state geographically, and out West there are two hard to connect States, Alaska and New Mexico. And I very much appreciate your commitment to travel out to Alaska. I want to hear the same commitment to travel out to New Mexico and especially to communities like Gadsden and Mesa, Taos, Pueblo. I was recently down in the Southwestern part of our state in Catron County, out in Reserve. Catron County, which is larger than many states out East, has a population of between 3,500 and 5,000, depending on which census count you look at, and Reserve a population, between 350 to 500 people.

Many constituents out there, including the Fire Chief, they don’t have broadband access, or their mobile phones don’t work when they are out on a call. It is communities like that that need to get connected. So can I get your commitment to travel out to New Mexico and I hope spend a day or two out that way, and travel on our beautiful state?

Mr. DAVIDSON. Senator, you can get my commitment. I will defer to you on our exact itinerary, but I do believe that there is really no substitute for seeing firsthand the challenges on the ground.

Senator LUJÁN. I appreciate that. And will you commit to working with me and my staff and to ensure that these programs connect to the people of New Mexico?

Mr. DAVIDSON. I welcome that opportunity.

Senator LUJÁN. And Ms. Sohn, you have been an advocate for open and affordable and competitive communication networks for decades. For almost a year, the Commission has been limited with just four out of five Commissioners seated. Now we can’t wait any longer. We need a full functioning Commission, especially with this important investment. For students, broadband isn’t a luxury, it is a basic necessity, helping our children succeed with broadband connectivity, whether their distance learning or at home learning.

Most of their homework is done online, and I very much support Commissioner Rosenworcel’s efforts to close the homework gap. Stories where students are not able to connect and live out in areas where, you know, heat stroke is part of being able to get your homework done because you have to sit out in the sun all day, are unacceptable. What steps would you take at the FCC to close the homework gap?

Ms. SOHN. Senator Luján, thanks for that question. I think the most important thing that the FCC could do at this juncture is to interpret the law to allow eRate funds to be used in the home. The law says that the funds go to connectivity to the classroom, but the classroom is in the home, it is not just in one building. So I think that is—that would be the number one thing that I would advocate for if I am confirmed.

Senator LUJÁN. I introduced a piece of legislation with Senator Lindsey Graham to expand eRate support to Wi-Fi on school busses. Is that something you support?

Ms. SOHN. Yes.

Senator LUJÁN. As a Commissioner at the FCC, you have been asked this question a bit today, how would you support increasing diversity in media ownership, especially into communities of color, where we see a lack—given some of the legislative initiatives and Supreme Court decisions recently that I think make it harder for diversity in media ownership to take place?

Ms. SOHN. Yes, Senator, that is a knotty question. And I actually went to the Supreme Court in support of minority preferences for broadcasters in the 90s, which unfortunately got reversed. I think expanding the broadcast incubator program beyond radio, I think that would be a really important way to goose minority ownership. The other thing that I might say is, you know, the FCC is in the middle of its quadrennial, looking at its media ownership rules, and perhaps—just, you know, the circumstances surrounding its media ownership rules. I wonder if there might be new ways to encourage media, minority media ownership through that quadrennial.

Senator LUJÁN. Appreciate that. Thank you, Madam Chair, and I yield back.

The CHAIRWOMAN. Thank you. Senator Cruz.

**STATEMENT OF HON. TED CRUZ,  
U.S. SENATOR FROM TEXAS**

Senator CRUZ. Thank you, Madam Chair. You know, there was a time a few decades ago when Democrats and liberals believed in free speech and defended free speech, defended the rights of people who they disagreed with to speak. Unfortunately, far too many of today's Democrats have abandoned any commitment to free speech, and we are seeing instead a confluence of liberals advocating for censoring anyone with whom they disagree, big tech eagerly taking up the mantle to censor those with whom they disagree, and Government regulators having the power to facilitate, to encourage, or even force that censorship. Ms. Sohn, you know, you and I had a good visit in my office, I appreciated your coming by.

As I expressed in that meeting, I have got real concerns about your nomination. And my concerns are in the context of the growing calls of the left to have more and more censorship. The Federal Communications Commission has enormous power. It has power over broadcasters, and it is also, particularly under Democratic Administrations, asserting power over big tech. When you were at the Commission previously, you were a vocal proponent of the Commission asserting power over big tech. In the public space, you have been unabashedly a person of the left.

Well, that can be fine if that is combined with a commitment to free speech. In your opening statement, you said freedom of speech is the lifeblood of our American experience and has always been at the core of my work, and that commitment is important. It is actually something more and more rare on the left and yet your record suggests a deep antipathy to those with different views, what—how would you comfort a conservative concerned about censorship when they see your nomination that you would not, if confirmed, use your power as a Government regulator to censor more and to silence those with whom you disagree?

Ms. SOHN. Thank you, Senator Cruz, and I did enjoy our visit as well. I would say, look at my record. Look at the conservative cable channels that I worked for—worked with, excuse me, for years to get them carriage on cable systems when those systems would not carry them. You know, I have long worked with organizations, and again companies with whom I vigorously disagree on their point of view.

These are, you know, fervent Republicans, fervent supporters of the former President, and I worked with them to get their views online. I believe that my—I have been characterized very unfairly as being anti-conservative speech. I think my record says otherwise. I have been critical of Fox News. I am sure you have my tweets, but that was in the context of a hearing where big tech was being blamed for misinformation, as they deserve, OK, and I am not quite sure about your statement about me wanting to assert authority over big tech when I was at the FCC because it has actually been the exact opposite.

But we can talk about that. But Fox News, I have been critical because I don't think if you are going to look at misinformation, you have to look at the entire ecosystem. And frankly, not just at Fox News. I have also been critical of liberal stations as well. I am not a huge fan of big chyrons on cable news.

Senator CRUZ. Well, I will say yesterday I had a conversation with Chris Ruddy, who owns Newsmax, and I will say he confirmed what you said and that he described his relationship with you as having been an advocate for additional voices. That is an encouraging sign. I was comforted by what Mr. Ruddy had to say. At the same time, you urged, look at your record. And indeed, you said that I had the Fox News tweets. And you are right, I at least have some of them, and I would note what your record says, November 6, 2020, "so do you still want me to believe that social media is more dangerous to our democracy than Fox News?" Another one about Fox News, I guess, "old media can destroy democracy." You have multiple tweets going after Fox News very directly.

Now, look, you are entitled to have your own views. I don't agree with everything on Fox News either or really any news station, but it is one thing to have a view, it is another thing for the Government to use its regulatory power to silence views it disagrees with. Some people home watching are regular watchers of Fox News. How can they have any comfort that if you are confirmed, you won't use the power of Government to silence them?

Ms. SOHN. Well, I will make that commitment right here. But I would also say that I take any allegations of bias extremely seriously. I have been working very closely with the Office of Govern-



ment Ethics on Ethics Agreement, which I have signed. And if there is any question about my bias, I will work with them to determine whether I need to not participate in the proceeding, but I do not believe I am biased. All of those tweets, I believe I can't read them all, were in the context of a comparison, usually Section 230 hearing, between—you know, it is not a comparison, I was making the comparison that if you were looking at just big tech, and again I am highly critical of them, you also have to look at the other voices in the ecosystem.

Senator CRUZ. I will point to another tweet, which you said, which is the whole point of the hearing, “to work the referees prior to the election so that misinformation, violence inducing, and hate speech remain unmoderated. It has already worked on Twitter and Facebook over the past few months.” Now what is troubling about this is you are advocating for more censorship. You are advocating and in fact, you are saying the quote, “working the refs” is one of the talking points that the Democrats used today to say that anyone defending free speech is “working the refs.”

Ms. SOHN. Well, I guess I don't read it that way. Well, first of all, the tech platforms are under a different regime than—the FCC does not have authority over big tech platforms.

Senator CRUZ. But under net neutrality, you are trying to assert more power?

Ms. SOHN. No, sir. That is—in fact, I have actually been one of the biggest voices against the FCC asserting authority. When the former President tried to make the FCC interpret Section 230, I was extremely vocal that the FCC did not have authority.

Senator CRUZ. So you opposed the former President's efforts to protect free speech—

Ms. SOHN. No, that is not—

Senator CRUZ. Let me ask you this, do you believe big tech should be censoring more or censoring less than they do right now?

Ms. SOHN. I don't have an opinion on that. I think they need to be more open—they mean they need to be more transparent about why they do what they do. I am not pleased with their moderation either way, because you have no idea why they are doing it.

The CHAIRWOMAN. Senator Cruz—yes, thank you so much. Senator Sinema.

#### **STATEMENT OF HON. KYRSTEN SINEMA, U.S. SENATOR FROM ARIZONA**

Senator SINEMA. Thank you, Madam Chair, and thank you to our nominees for joining us today. You know, last month, President Biden signed into law the bipartisan Infrastructure Investment and Jobs Act. I was proud to represent Senator Portman, Senator Whitehouse, Chair Cantwell, and many colleagues on both sides of the aisle to pass this historic law that includes the largest investment ever in closing the digital divide.

Our bipartisan infrastructure law invests \$65 billion in broadband deployment, affordability for low income families, digital inclusion, and programs for broadband expansion in rural and tribal areas. Both the National Telecommunications and Information Administration and the FCC have important roles to implement and

oversee the IAJA, and Arizonans expect the law to be implemented in a fair and expedient matter to benefit our communities.

So my first question is for Mr. Davidson. NTIA is the primary Federal agency charged with implementing and overseeing our country's largest ever investment in broadband deployment. How will you work with states to ensure that broadband deployment funding from the bipartisan infrastructure bill, over \$40 billion, will be used in the most effective manner to close the digital divide for Arizona families?

Mr. DAVIDSON. Senator, thank you so much for that question and thank you for your leadership on the bipartisan infrastructure bill in getting this funding to close the digital divide. I would say you rightly point out that states are the critical piece of how this bill has been structured. We won't succeed in our efforts to connect all Americans without them. I think one of the most important things that NTIA could do, can do in this regard is to make sure that we are providing assistance. We have been given resources to do this, providing strong assistance to the states so they can stand up their broadband programs and be in a position to get the grant money from us and get it out efficiently, effectively, and wisely. And if confirmed, that will be my top priority.

Senator SINEMA. Thank you. And now turning to Ms. Sohn. Net neutrality is a critical protection for both Internet consumers and providers, but as you know, we have had decades of partisan disagreement about net neutrality, where the FCC changes the rules every Administration, which has been followed by years of litigation. Meanwhile, consumers and providers have no certainty about the rules of the internet. I believe the only way to permanently fix net neutrality is for Congress to pass a bipartisan bill that provides lasting net neutrality protections while ensuring there is opportunity for innovation in the internet. Do you support using Title II of the Telecommunications Act to pursue net neutrality, or should we allow Congress to act in this area?

Ms. SOHN. Thank you, Senator. I would much prefer if Congress settle the matter. I have been an advocate for net neutrality for 20 years, and I am as tired of the ping pong game as anybody. However, until Congress acts, I think it is critical that consumers be protected, and competition be promoted. So, you know, if necessary, we cannot leave an essential service such as broadband without oversight. So if necessary, the FCC will have to go to Title II, I believe, just like Chairwoman Rosenworcel believes, if Congress doesn't act. But boy, would I really appreciate it if Congress did act.

Senator SINEMA. So if you prefer Congressional action, which it sounds like we both do, how much time should the FCC give Congress to pass a bipartisan net neutrality law before they consider an alternative?

Ms. SOHN. Well, anything the FCC would do to implement Title II would take quite a bit of time to begin with. You know, the FCC would have to start an entirely new proceeding. They would have to take notice and comment. They probably would do months of meetings, if my experiences is any indication. So, you know, that proceeding is going to take at least a year. I would hope that Congress—I know Congress doesn't always move as quickly as all of us

would like, so I would say, you know, a year until that proceeding is concluded.

But again, I am very concerned that broadband, an essential service, has been without any oversight for the past 4 years, and there have been issues with that, you know, regarding firefighters, regarding the ability of rural wireless providers to get access to poll attachments, to people being charged for modems that they own. So it is those kind of consumer protections and public safety protections that the FCC can't afford to leave unprotected.

The CHAIRWOMAN. I think—Senator Sinema, you are still there? She may have finished—she may—

Senator SINEMA. My time has almost expired, so I will leave with the first question. In 2015, the FCC chose to forebear the vast majority of Title II to broadband. In a paper last year, you recommended the incoming FCC forebear less. Do you still believe that's the best approach and why?

Ms. SOHN. Yes. Senator Sinema, as I said before, I have been debating net neutrality for 20 years and my positions are always evolving because of changes in technology, how consumers use the internet, and business practices. So frankly, even what I might have said a year ago probably doesn't even apply anymore. And as I said before, and as Chairwoman Rosenworcel has said, she would have to start an entirely new proceeding.

There would be a new record. So regardless of what I might have said in an academic paper, you know, if I am confirmed and as a new proceeding, I would have to look at the totality of the record, confer with staff, confer with my colleagues, and confer with you and your colleagues on the dais. So you know what I said in an academic paper, frankly, is just academic.

Senator SINEMA. Alright. Thank you, Madam Chair.

The CHAIRWOMAN. Thank you, Senator Sinema. Well, believe it or not, I think we are almost at the end here, so I really appreciate the patience of our witness, the patience of our members. I don't think we have any other members in the queue. But if you are out there and we just don't know, please let us know if you are trying to log on to ask questions. I wanted to just for the record, Ms. Sohn, ask you a few things just to follow up on some of the questions that people had about local broadcasting. I—or your record shows you have long been opposed to media consolidation.

And so obviously this is something that local broadcasters and that you have expressed your opinion here that it is a concern to you that local broadcasters thrive and have the ability, which we are obviously trying to undertake and understand this both influence of big tech on compensation and unfair practices, as well as move and keep local broadcast diversity while we are doing it. So do you support broadcasters' ability to be compensated for retransmission of their copyrighted television programming?

Ms. SOHN. Yes. In fact, I went to the Supreme Court twice in support of Must Carry missions consent and won both times.

The CHAIRWOMAN. OK. Will you commit to working with me and others to ensure FCC adopts policies that support local broadcasters?

Ms. SOHN. Absolutely.

The CHAIRWOMAN. If confirmed, are there any policies that you would like the FCC to consider to help restore the health of local broadcasters?

Ms. SOHN. Yes, Senator. The 2018 quadrennial is still in place. Right now, the broadcast industry, there is almost no media ownership rules left, and I think, again, there has to be a proceeding and a record, but I do think we need to consider whether some of those ought to be restored.

The CHAIRWOMAN. Thank you. Also for all of the witnesses, Ms. Sohn, Mr. Davidson, Mr. Ahmad, Mr. Kolko, if confirmed, will you pledge to work collaboratively with this committee, provide thorough and timely responses to requests for information so that we work together and address important policy issues, and appear before the Committee when requested?

Ms. SOHN. Yes.

Mr. DAVIDSON. Absolutely.

Mr. KOLKO. Yes.

Mr. AHMAD. Yes.

The CHAIRWOMAN. Great. Thank you. So that concludes our hearing. Thank you so much again for your willingness to serve. Thanks so much for staying and answering all these questions from members. We had great participation from our committee today. I think just a few people didn't get a chance to get their questions in. So Senators will have until Monday, December 6 at noon to submit questions for the Committee record, and witnesses will have 1 week to respond to those questions. So, thank you all very much. This concludes our hearing today.

[Whereupon, at 1:06 p.m., the hearing was adjourned.]

# A P P E N D I X

## GIGI SOHN FOR A PROACTIVE, CONSUMER-FOCUSED FEDERAL COMMUNICATIONS COMMISSION

On October 26, 2021, President Joe Biden nominated Gigi Sohn to fill the fifth seat at the FCC. The five-member commission has been stuck in a 2–2 split since January. The agency has a tremendous amount of work before it, and leaving it less than fully operational limits its capacity to most effectively and proactively:

- Finish updating the FCC’s broadband maps to ensure the billions of dollars appropriated by Congress in the bipartisan infrastructure bill are distributed equitably and to areas that need it most;
- Restore the agency’s authority to regulate broadband under Title II of the Communications Act and restore net neutrality rules;
- Strengthen programs created to ensure low-income people can afford communications services, like Lifeline and the Affordable Connectivity Program;
- Create rules to ensure our Nation’s communications networks are more reliable and resilient to natural disasters, the climate crisis, and other threats;
- Halt the dangerous trend of increased consolidation and monopolization within the broadcast and telecommunications sectors, and much more.

The Senate must provide the FCC with a governing majority by confirming Sohn without delay.

### **Background**

- Sohn has over 30 years of experience working on communications policy, and she has a demonstrated track-record of bringing together varied stakeholders in bipartisan coalitions to fight for equitable broadband policy, consumer protections, competition and the open-internet. Her experience would make her an asset at the agency as it works to implement the mandates of the Infrastructure Investment and Jobs Act.
- She served as a top aide to FCC Chairman Tom Wheeler. During her time at the agency, the FCC adopted the only net neutrality rules that have withstood legal challenges to their statutory authority, modernized the Lifeline program, adopted strong privacy rules for broadband providers and more.
- Sohn helped found and lead a non-profit focused on promoting an open and competitive communications and technology market.

### **Organizational Support**

- More than 200 organizations—including civil rights, community media, media justice, workers rights and consumer advocacy groups, companies and trade associations—from across the political spectrum have sent letters (attached) to the Senate calling for her swift confirmation.
- Sohn has received support from right-wing outlets that appreciate her work fighting to curb the power of broadcast and cable incumbents and ensure competition in the media.

### **Grassroots Support**

- More than 110,000 people have *signed petitions calling* for Sohn’s confirmation since October.
- Almost a *quarter million activists have* called for the FCC to gain a governing majority since January 2021.

## STATEMENT OF NEWSMAX CEO CHRISTOPHER RUDDY RE: FCC NOMINATIONS

In the past I have dealt with both Jessica Rosenworcel and Gigi Sohn on policy issues affecting the FCC and media and have found them to be fair-minded persons of strong integrity.

President Biden has nominated both to the FCC and I support their nominations.

Increasingly, independently operated cable news channels like Newsmax are being sidelined in favor of a small number of mega-corporations who dominate the channel line-ups, forcing upon consumers expensive and little-watched networks. It's bad for the public interest and dangerous for democracy.

While I don't always agree with the nominees on many policy matters, Newsmax fully supports the Commission's mandate to promote diversity, localism and competition in the marketplace. Newsmax believes both nominees are committed to that mandate and I urge the Senate to confirm the nominations of Jessica Rosenworcel and Gigi Sohn.

## OPEN LETTER TO THE U.S. SENATE: CONFIRM GIGI SOHN TO THE FCC

As a media entrepreneur and the only Black owner/operator of "Big 4" network affiliated broadcast TV stations in the U.S., as well as the owner of traditional and digital media platforms, including The Weather Channel, TheGrio.com, Local Now, JusticeCentral.TV, Comedy.TV, Cars.TV, HBCUGo.TV, Pets.TV, Sports.TV, Recipe.TV and many others, I take very seriously the role of the Federal Communications Commission in promoting diversity, supporting localism, and protecting freedom of speech. That is why I am supporting Gigi Sohn to be confirmed as an FCC Commissioner.

It should not be the case in 2021 that Black Americans, who comprise approximately 12 percent of the U.S. population, own a majority interest in less than 2 percent of full-power broadcast TV stations. I should not be the only Black American who owns and operates major network affiliated stations. The FCC is charged with promoting diversity of ownership and viewpoints yet has fallen short of achieving a truly diverse media landscape. Gigi Sohn understands and is a champion against this inequity.

Over many years, she has worked nonstop to promote greater competition and more minority ownership in broadcasting. As a commissioner, she would have the tools to improve ownership diversity among FCC licensees. As the first openly LGBTQ person in history nominated to the FCC, Gigi truly understands on a personal level why diversity and inclusion for all Americans matters. Please note that Mignon Clyburn, the first Black woman ever to serve as acting Chair of the FCC, understands the job extremely well and supports Gigi's confirmation, and so do I.

As an owner of local broadcast TV stations, I understand the critical importance to the health and safety of our citizens, as well as to our democracy, of robust local broadcast news organizations. According to the Pew Charitable Trusts, most Americans prefer to get their local news from local broadcasters. The FCC is supposed to promote localism but often fails to protect local broadcast affiliates against abuses from much larger companies and industries. Gigi Sohn understands this innately. For years, she has advocated for restoring a more reasonable balance of power between local broadcasters and major conglomerates in the communications ecosystem. She will use her seat on the FCC to bring the "local" back to localism.

Finally, as someone who speaks out against injustice, racism, unfairness, and corruption wherever and whenever I see it, I value our American freedom of

speech, and Gigi Sohn will help protect our rights as American citizens. Whether fighting for an open Internet or for the free speech rights of conservatives with whom she disagrees, Gigi advocates for all people to speak and be heard. That is why multiple conservatives who disagree with her on a lot of issues publicly support Gigi's confirmation to the FCC. They have seen her fight tirelessly for diversity and freedom of speech. The Senate should act quickly to confirm Gigi Sohn to the FCC. She will do a great job for our country!!!

Continued Success,

BYRON ALLEN.

ADT SECURITY SERVICES  
*Boca Raton, FL, Nov 2, 2021*

Hon. MARIA CANTWELL,  
 Washington, DC.

Hon. ROGER WICKER,  
 Washington, DC.

Hon. BEN RAY LUJÁN,  
 Washington, DC.

Hon. JOHN THUNE,  
 Washington, DC.

Dear Senators Cantwell, Wicker, Luján, and Thune,

On behalf of ADT Security Services, the leading provider of electronic security and alarm monitoring services in the United States, with more than 20,000 employees across the country, I am writing to express our strong support for Gigi Sohn's nomination to join the Federal Communications Commission as a Commissioner.

At ADT, we believe everyone deserves to feel safe. Our customers depend on our security and monitoring services, whether they are dealing with life safety threats resulting from an intrusion, a health crisis, a flood, carbon monoxide (CO) threat, or a fire. Those services depend on customer access to robust, reliable connections to our alarm monitoring centers and, in turn, public safety officials and first responders. While technology has changed over the course of ADT's nearly 150-year history, our customers' expectations have not. Our customers expect us to help keep them safe, and we don't take that trust for granted.

Gigi Sohn has taken the time to learn the ins and outs of the electronic security industry and has been a regular speaker at industry events year after year. She is trusted and respected within our industry. Ms. Sohn has introduced members of our industry to her own broad network, and has given an industry like ours, comprised mainly of small, regional businesses, a voice in national policy debates. Having worked with Ms. Sohn for years, I have found her to be highly knowledgeable, egalitarian, and above all, reasonable.

Over the past year and a half, the American public has become critically aware of the divide between the digital haves and have nots. When jobs, schools, and even alarm monitoring moved to a home environment, the quality of one's Internet connection quickly became paramount. As the FCC looks for new and innovative ways to expand access to quality, affordable communications networks for all Americans, I have no doubt that Ms. Sohn's passion for universal connectivity and her collaborative spirit will be an asset to the Commission.

On behalf of ADT, I respectfully ask that you vote to confirm Gigi Sohn.

Sincerely,

HOLLY BORGMANN,  
*Vice President, Government Affairs,*  
 ADT Security Services.

cc: Senator Marco Rubio  
 Senator Rick Scott

\_\_\_\_\_  
 SOCKET  
*Columbia, MO, November 4, 2021*

Hon. ROY BLUNT,  
 U.S. Senate,  
 Washington, DC.

Re: FCC Nomination of Gigi Sohn

Dear Senator Blunt:

I am writing to express Socket Telecom's strong support for the nomination of Gigi Sohn to the Federal Communications Commission. Socket has a long history as a competitive telecom and Internet provider in Missouri, and Ms. Sohn has worked tirelessly throughout her entire career to advance competition and consumer choice in telecommunications and broadband.

The success of our company was made possible through the landmark and bipartisan Telecommunications Act of 1996. The Act's market-opening provisions allowed us to bring Missouri consumers and small businesses competitive options, pricing and service, many for the first time. In 2011, Socket began to expand its reach by building a brand new fiber-optic network to reach homes and businesses in rural

Callaway County and Fulton. We have been expanding this fiber network ever since, now reaching 18 counties in Missouri, and as a result, thousands of customers now enjoy reliable, competitive high-speed Internet service delivered over Socket's Fiber-Optic Network.

Today, Socket employs approximately 160 people, with offices across Missouri. We're proud to be Missouri's local competitive telecommunications provider, and we are working tirelessly to bring state-of-the-art technology and friendly, local support to as many homes and businesses as possible.

Gigi Sohn has been a friend to the competitive telecom and Internet industry. As a public interest and consumer advocate, she has been a steadfast champion for competition as the best path, and we have no doubt she will continue to do so at the Commission. It is critical for the Commission to have its full complement of Commissioners confirmed as soon as possible so that the issues in front of the FCC today-like broadband mapping-are implemented quickly to ensure that broadband funding goes to those areas that are most in need of new network deployment. This is an issue of significant importance as Socket has been seeking funding for Missouri communities that have been left behind.

We urge you to vote to confirm Gigi Sohn as Commissioner for the Federal Communications Commission.

Thank you for your consideration.

Sincerely,

CARSON HOFFMAN,  
*President.*

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VISIONARY BROADBAND  
*Gillette WY, November 8, 2021*

Hon. CYNTHIA LUMMIS,  
United States Senate,  
Casper, WY.

Dear Senator Lummis:

I am writing to support the nomination of Gigi Sohn to the Federal Communications Commission. As you know, Visionary Broadband is a small Wyoming-based broadband company that is able to serve consumers here due to the existence of long-standing competitive policies at the FCC.

Throughout Ms. Sohn's public and private sector career she has been a supporter of small, competitive broadband companies regarding the many policy debates impacting smaller carriers. From the policy battles around Special Access to the Forbearance Petitions involving the Unbundled Network Elements (UNE) regime, Ms. Sohn has been an effective advocate. Our company has been able to offer more efficient and less expensive service to consumers in Wyoming due to our ability to compete in this once monopoly-dominated market.

Ms. Sohn is a respected lawyer and previously served in a key role at the FCC under a former Chairman. She has an excellent understanding of the complex issues facing the FCC today and will be able to hit the ground running at the commission. I hope you will be able to be supportive of her nomination.

Sincerely,

BRIAN WORTHEN,  
*CEO,*  
Visionary Broadband.

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BROADBAND CONNECTS AMERICA  
*November 10, 2021*

Hon. MARIA CANTWELL,  
Chair,  
Committee on Commerce, Science, and  
Transportation,  
United States Senate,  
Washington, DC.

Hon. ROGER WICKER,  
Ranking Member  
Committee on Commerce, Science, and  
Transportation,  
United States Senate,  
Washington, DC.

Dear Senators Cantwell and Wicker,

We, the undersigned public interest organizations, submit this letter as members of Broadband Connects America ("BCA"), a coalition of diverse national, state-based, and local nonprofit organizations, as well as state agencies, that advocate for poli-



cies to promote broadband access in underserved rural areas. We write to urge the swift and concurrent confirmation of Jessica Rosenworcel for Federal Communications Commission (FCC) Chair, Gigi Sohn for FCC Commissioner, and Alan Davidson for Administrator of the National Telecommunications and Information Administration (NTIA). These agencies need immediate leadership to bring affordable, reliable, high-speed Internet to rural and Tribal communities. A failure to confirm them all before the end of this year will jeopardize the ability of rural communities to engage in modern society as others with the Internet can.

Over the last two years, as the COVID-19 pandemic took root in the United States, it became clear that broadband is an essential service and that the government must take action to connect people across the Nation. In order to ensure the steps Congress has taken to help close the digital divide can succeed, these agencies need Senate-confirmed leaders. Each of these nominees bring the decades of experience and commitment required to connect rural and Tribal communities.

During Jessica Rosenworcel's tenure at the FCC, she has rapidly implemented a Congressional program to bring broadband to millions of people who could not previously afford it; championed the need for reliable data on broadband availability that will ensure communities are not wrongfully denied broadband deployment funding, and connected tribes by providing them with unlicensed spectrum to build-out broadband and by making Tribal libraries eligible for E-Rate funds. This experience alone makes her an exceptional choice for FCC Chair. Additionally, she is a widely respected leader in tech policy, a dedicated consumer advocate, and a swift decision maker who will most certainly bridge the digital divide.

Likewise, Gigi Sohn is an experienced consumer advocate who has done more to close the digital divide than almost anyone else in the field. During Gigi's career, including working as a top advisor to FCC Chairman Tom Wheeler and as the co-Founder and CEO of Public Knowledge, she has tirelessly championed universal connectivity to a free and open internet. Gigi is known for bringing together strange bedfellows to get the job done—including public interest groups, industry, urban & rural, and stakeholders from across the aisle. Her pragmatism will ensure that rural communities are no longer left on the wrong side of the digital divide because of partisan fights.

Finally, Alan Davidson has over 20 years of experience in government, industry, and public interest advocacy, making him an ideal candidate to lead the NTIA. If passed, the bipartisan infrastructure package and budget reconciliation bill will give the NTIA responsibility for multiple programs that will connect rural and Tribal communities, including a \$42.5 billion broadband deployment program, a grant program to promote digital equity, and a program to give low-income consumers the devices they so urgently need to connect. Alan Davidson's leadership experience, both within industry and the public interest sector, positions him to successfully stand up these important programs to get rural and Tribal communities connected.

The FCC and the NTIA have a lot of work ahead of them, and these three experienced and committed nominees' appointments cannot be delayed any further if we want people across the country to ring in the new year with newly adopted broadband. Thus, Congress must confirm all three nominees before the end of the year. Thank you for your attention to this urgent matter.

Sincerely,

Access Humboldt  
Benton Institute for Broadband and Society  
California Center for Rural Policy  
Center for Rural Strategies  
ConnectMaine  
Institute for Local Self-Reliance  
Maine Broadband Coalition  
National Digital Equity Center  
Public Knowledge  
Rural Wireless Association, Inc.  
The Cooperative Baptist Fellowship of Mississippi  
Together for Hope: A Rural Development Coalition  
X-Lab

RURAL WIRELESS ASSOCIATION  
*Washington, DC, November 11, 2021*

Hon. MARIA CANTWELL,  
 Chairwoman,  
 Committee on Commerce, Science, and  
 Transportation,  
 U.S. Senate,  
 Washington, DC.

Hon. ROGER WICKER,  
 Ranking Member,  
 Committee on Commerce, Science, and  
 Transportation,  
 U.S. Senate,  
 Washington, DC.

Re: Recommendation for Confirmation of Nominated FCC Commissioners Jessica  
 Rosenworcel and Gigi Sohn

Dear Chairwoman Cantwell and Ranking Member Wicker:

The Rural Wireless Association (“RWA”)<sup>1</sup> is writing to recommend that the Senate Committee on Commerce, Science, and Transportation confirm the nomination of Jessica Rosenworcel as Chairwoman of the Federal Communications Commission (“FCC” or “Commission”) and move quickly to schedule a confirmation hearing for Gigi Sohn as an FCC Commissioner.

Both of these nominees are extremely qualified for their positions. As Acting Chair of the FCC for the past 9 months, Rosenworcel has been a good steward and a strong advocate for continued investment and innovation in wired and wireless broadband networks. Rosenworcel has also been supportive of Congress’ goal to build next generation networks in unserved and underserved areas and to close the digital divide. RWA believes that, with a fully staffed Commission, Rosenworcel can be instrumental in directing the Commission’s full attention towards building and maintaining networks in rural America to keep all Americans connected.

Ms. Sohn is also more than qualified to be confirmed as an FCC Commissioner. For over 30 years, Ms. Sohn has relentlessly served the public interest and helped to keep Big Tech in check. She is an advocate for all consumers, both urban and rural, and has worked tirelessly to close the digital divide and to ensure that diverse voices (including all rural stakeholders) are heard and protected. She previously served as an advisor to FCC Chairman Tom Wheeler and in that role Ms. Sohn advised the chairman on a multitude of telecommunications, internet, and media issues. RWA has worked with Ms. Sohn on issues ranging from universal service reform to ensuring spectrum auctions are conducted in a manner that allows small and rural carriers to gain access to spectrum to serve rural communities. Ms. Sohn has worked with RWA to ensure that VoLTE roaming is implemented fairly so that rural consumers do not get left behind. Her nomination also speaks to President Biden’s desire to be inclusive and to promote diversity across all sectors of the Federal government as Sohn will be the first openly LGBTQ+ Commissioner.

With the legislative calendar year coming to an end, its becoming more likely that the Commission will be shorthanded by the new year. Given the influx of broadband-related initiatives being passed and proposed by Congress, it is in the country’s best interest to keep the Commission functioning fully staffed with five commissioners. RWA eagerly awaits the confirmation of Rosenworcel as FCC Chairwoman and a scheduled date for Sohn’s confirmation hearing this year.

Respectfully submitted,

CARRI BENNET,  
*General Counsel,*  
 STEPHEN SHARBAUGH,  
*Legislative and Policy Analyst,*  
 Rural Wireless Association, Inc.

<sup>1</sup>RWA is a 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies who serve consumers who, reside, work, or travel in rural America. RWA’s members are small businesses serving or seeking to serve secondary, tertiary, and rural markets. Each of RWA’s member companies serves fewer than 100,000 subscribers.

FIBER BROADBAND ASSOCIATION  
 Washington, DC, November 12, 2021

Senator LISA MURKOWSKI,  
 Washington, DC.

Senator PAT TOOMEY,  
 Washington, DC.

Senator MITT ROMNEY,  
 Washington, DC.

Senator ROB PORTMAN,  
 Washington, DC.

Senator SUSAN COLLINS,  
 Washington, DC.

Senator JOHN BOOZMAN,  
 Washington, DC.

Senator TOMMY TUBERVILLE,  
 Washington, DC.

Senator JOHN KENNEDY,  
 Washington, DC.

Dear Senators Murkowski, Toomey, Romney, Portman, Collins, Boozman,  
 Tuberville, and Kennedy:

As a proud Republican, and Co-Chair of the Public Officials Committee of the Fiber Broadband Association in Washington, DC (representing 150 cities, towns, counties, and state agencies), I find myself in unfamiliar territory urging you to confirm Gigi Sohn, a member of the Democratic Party, as an FCC Commissioner.

I'm expressing strong support for Gigi Sohn because there's a lot at stake for our Nation's economy. Nearly half of Americans can't easily participate in the digital economy because they live in areas unserved or underserved by broadband providers. Ms. Sohn's mastery of policy and her pragmatic approach will help expand broadband investment while helping to curb lip service from providers.

In the last few years, I've gotten to know Gigi Sohn as a charismatic and pragmatic leader in the telecommunications industry. I've found her to be thoughtful, thorough, prepared, and balanced. She not only understands how policy can impact our states and cities, but also how it can influence business and industry. *Ms. Sohn wants to see policy that spurs innovation and investment, as well as economic development and jobs.*

It should be noted that Big Telco is spending \$8 million a week in Washington to preserve the status quo, and has labeled Ms. Sohn as an "activist." They're concerned that should she be appointed to the FCC, providers will need to be more accountable to consumers, businesses, and taxpayers (who've subsidized their efforts with little in return). Frankly, that's exactly what the country needs to remain economically competitive in the digital age.

To achieve our national goals of expanding quality, affordable broadband service to all Americans, it will require an FCC Commissioner who can work collaboratively across party lines—and with industry, business, consumers, and local government. Gigi Sohn is that person.

I respectfully urge you and your Senate colleagues to confirm Gigi Sohn. Please let me know if you'd like to discuss further.

Sincerely,

BOB KNIGHT,  
 Commissioner & Co-Chair,  
 Public Officials Committee,  
 Fiber Broadband Association.

Cc. Geoffrey Morris, Chairman, Ridgefield ECDC  
 Kimberly McKinley, Deputy Director, Utah Infrastructure Agency, Committee  
 Co-Chair

COMMUNICATIONS WORKERS OF AMERICA  
*Washington, DC, November 15, 2021*

Hon. MARIA CANTWELL,  
 Chair,  
 U.S. Senate,  
 Committee on Commerce, Science, and  
 Transportation,  
 Washington DC.

Hon. ROGER WICKER,  
 Ranking Member,  
 U.S. Senate,  
 Committee on Commerce, Science, and  
 Transportation,  
 Washington DC.

Dear Chair Cantwell and Ranking Member Wicker,

On behalf of the members and officers of the Communications Workers of America (CWA), I am writing in strong support of the nominations of Jessica Rosenworcel to serve as Chair of the Federal Communications Commission (FCC) and Gigi Sohn for Commissioner. Not only will they continue to lead the FCC into the future by encouraging the equitable deployment of next-generation broadband networks, they will also ensure that the concerns of workers and consumers are the top priority.

As Commissioner and Acting Chair at the FCC, Rosenworcel has fought steadily to ensure access to telecommunications services for all Americans. For example, Rosenworcel's work has drawn attention to problems with the FCC's collection of data on broadband access. She has advocated that in order to close the digital divide, we must have access to broadband maps and data that are accurate and reliable. This ensures that when broadband access is expanded, it reaches all communities, not just some. Further, Rosenworcel has been a champion for the protection and expansion of the Lifeline program, which connects low-income households to critical telecommunications services. She understands that these programs are especially important during public health and economic crises like those taking place right now.

Beyond her understanding of the policy issues, Rosenworcel has intimate knowledge of the families and workers behind the policy because she takes the time to understand both. Prior to the pandemic, Rosenworcel was an advocate for closing the Homework Gap by addressing the issue that millions of students take homework home from school but don't have the Internet access to complete it. She has been working on creative solutions to this issue for years, and since the pandemic has widened this gap, this work remains a top priority. Additionally, she has engaged CWA members in dialogue to provide perspective on the telecommunications issues that are hitting the communities we serve the hardest.

Throughout her career, Gigi Sohn has been a staunch advocate for the expansion of affordable Internet access. During the T-Mobile/Sprint merger, Sohn was a key ally in the fight to protect the jobs of the working families who ultimately ended up being harmed by the merger. She believes in fighting to ensure that workers are protected first and foremost. Additionally, she supports efforts to hold broadband service providers accountable through state regulatory oversight. Her voice, experience and expertise are just what the FCC needs.

The leadership exhibited by these two women focus on greater opportunity, accessibility, and affordability in our communications services, especially broadband services. Further, their tireless advocacy on behalf of workers and consumers has never been more important. I strongly urge you to swiftly advance the nominations of Jessica Rosenworcel and Gigi Sohn to serve as the next Chair and Commissioner of the Federal Communications Commission (FCC), as they are exactly the kind of leaders we need in this moment.

Thank you in advance for your consideration.

Sincerely,

DAN MAUER,  
*Director of Government Affairs,*  
 Communications Workers of America (CWA).

SCHOOLS, HEALTH & LIBRARIES BROADBAND COALITION  
NATIONAL DIGITAL INCLUSION ALLIANCE  
*November 15, 2021*

Senator MARIA CANTWELL,  
Chair,  
Senate Commerce Committee  
United States Senate  
Washington, DC.

Senator ROGER WICKER,  
Ranking Member,  
Senate Commerce Committee  
United States Senate  
Washington, DC.

Dear Chairwoman Cantwell and Ranking Member Wicker,

On behalf of the Schools, Health & Libraries Broadband (SHLB) Coalition, the National Digital Inclusion Alliance (NDIA), and the undersigned organizations, we write to express our strong support for Jessica Rosenworcel to serve as the Chair of the Federal Communications Commission (FCC), Gigi Sohn to serve as a Commissioner on the FCC, and Alan Davidson to serve as the Assistant Secretary of Commerce and Administrator of the National Telecommunications and Information Administration (NTIA).

The SHLB Coalition is a 501(c)(3) nonprofit advocacy organization that strives to close the digital divide by promoting open, affordable, high-quality broadband for anchor institutions and their communities. SHLB has over 300 members from across the US, including hundreds of commercial and nonprofit organizations who support our mission.

NDIA is a 501(c)(3) nonprofit and advances digital equity by supporting community programs and equipping policymakers to act. Working collaboratively with digital inclusion practitioners, NDIA advocates for broadband access, tech devices, digital skills training, and tech support. NDIA currently represents 625 affiliate organizations located in 46 states.

We urge the Senate Commerce Committee to advance the nomination of Rosenworcel for an additional term without delay. Her impressive range of work and extensive experience as a commissioner on the FCC makes her well suited to serve as its chair. She is committed to closing the “homework gap” and has overseen the rollout and implementation of several critical Federal programs that make technology more accessible and affordable for Americans, including the Emergency Broadband Benefit program and the Emergency Connectivity Fund—the most significant Federal programs yet to address Internet affordability. By taking a lead role on spectrum policy reforms and expanding affordable broadband access to households, schools, libraries, and healthcare providers, Rosenworcel has demonstrated outstanding leadership as acting FCC Chair.

We also urge the Senate Commerce Committee to advance the nomination of Sohn for Commissioner on the FCC without delay. Sohn has been a long-time advocate for Internet freedom, consumer protection, and digital inclusivity. Though steadfast in her principles, she has a deep and realistic understanding of the digital marketplace and its practical and economic challenges. In turn, she recognizes the need to work with others from all sides of every issue to achieve a more open, affordable, and privacy-protective communications landscape.

Accordingly, she is well-respected by technology policy stakeholders on both sides of the political aisle as well as by for-profit and nonprofit institutions. Sohn possesses an unmatched level of knowledge, leadership, and experience in her field, making her extremely well qualified to serve as an FCC Commissioner.

Finally, we urge the Senate Commerce Committee to advance the nomination of Davidson for Assistant Secretary of Commerce and Administrator of NTIA without delay. Given his vast expertise in technology policy and digital access issues, Davidson will be a steady and effective leader at the NTIA. He has worked in policy areas such as free expression, content regulation, encryption, and copyright, while maintaining a commitment to the public interest. His experience and skills make him well suited for his prospective role at the NTIA.

The FCC and NTIA have and will continue to play an extremely important role in digital policy—particularly given the passing of the Infrastructure Expansion Act of 2021 and the growing influx of Federal money for broadband and digital inclusion programs. As such, strong and effective leadership at the FCC and NTIA is crucial to ensuring a more efficient and equitable digital future for America. We thus urge the Senate Commerce Committee to promptly confirm the nominations of Rosenworcel for FCC Chair, Sohn for FCC Commissioner, and Davidson for NTIA Assistant Secretary of Commerce and NTIA Administrator.

Thank you,  
Valerie Oliver  
Alaska State Library

ROBERT W STEWART  
Asbury Park Free Public Library

- Mike Wassenaar  
Alliance for Community Media
- Alan Inouye  
American Library Association
- Sunne Wright McPeak  
California Emerging Technology Fund
- Stephen D Rau  
Channelford Associates Inc
- Shumonte Cooper  
Christ is Relief Inc
- Elisabeth Perez  
City of Portland
- Alexandria Felton  
City of San Jose
- Dave Sevick  
Computer Reach
- Tom Reid  
Connecting Appalachia
- Bill Callahan  
Connect Your Community Institute
- Christine Fox  
CoSN
- Kimberly Friends  
CSM Consulting, Inc.
- Erin Carr-Jordan  
Digital Equity Institute
- Pat Millen  
E2D, Inc.
- Hank Lawrence  
Educational Consulting Associates
- Gwin Grimes  
Jeff Davis County Library
- Carrie Coogan  
Kansas City Public Library
- Michelle Harati  
Local Initiatives Support Corporation (LISC)
- Sulaiman Kenyatta  
Los Angeles County Economic Development Corporation
- Josh Chisom  
Lucky Thirteen Design & Consulting LLC
- Brandon Forester  
MediaJustice
- Joseph Sawasky  
Merit Network, Michigan
- Katherine Messier  
Mobile Beacon
- Gina Dircks  
Mobile Citizen, a Voqal Project
- Nishal Mohan  
mohuman
- Mariel Triggs  
MuralNet
- Susan Corbett  
National Digital Equity Center
- Angela Siefer  
National Digital Inclusion Alliance
- Julia Fallon  
State Educational Technology Directors Association (SETDA)
- Jason Hardebeck  
Baltimore City Mayor's Office
- Andrew Jay Schwartzman  
Benton Institute for Broadband & Society
- TERI LAWRENCE  
Educational Professional Services
- Donna Rattley Washington  
Education SuperHighway
- Winston E. Himsworth  
E-Rate Central
- Shirley Bauer  
E-Rate & Educational Services, LLC
- Mary Jo Sagnella  
E-RATE ONLINE
- John Chrastka  
EveryLibrary Institute
- Mai Moore  
EYEJ: Empowering Youth, Exploring Justice
- Davis Park  
Front Porch
- Burt Lum  
Hawaii Broadband Hui
- Shawn Daugherty  
Human-I-T
- W LAZONE GRAYS  
IBSA, Inc.
- Erin Mote  
InnovateEDU
- Christopher Mitchell  
Institute for Local Self-Reliance
- Amanda Bergson-Shilcock  
National Skills Coalition
- Tracy Olson  
NC Telehealth Network Association
- Amy Sample Ward  
NTEN
- Burton B. Cohen  
Office of Consumer Counsel
- Amy Philipson  
Pacific Northwest Gigapop
- Barry Glicklich  
Partners Bridging the Digital Divide
- Jenna Leventoff  
Public Knowledge
- Marci L. White  
Redbud Telecom Consulting
- Jesse Bradley  
Right Here, Right Now Project
- John Windhausen  
Schools, Health & Libraries Broadband (SHLB) Coalition
- Clayton Banks  
Silicon Harlem
- Jeannene Hurley  
Sound E-rate, Inc.
- Coree Kelly  
Southern Oregon Education Service District
- Andy Stutzman  
Technology Learning Collaborative

JJ McGrath  
Texoma Communications, LLC

Robert Plymale  
Thundercloud, Inc.

Roger Timmerman  
UTOPIA Fiber

Kristen Perry  
Voqal

Tessa Michaelson Schmidt  
Wisconsin Department of Public Instruction

Samantha Schartman  
The Marconi Society

Susan Benton  
Urban Libraries Council

Jessamyn West  
Vermont Mutual Aid Society

Jennifer Evans  
West Hartford Community Interactive

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THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS  
*Washington, DC, November 16, 2021*

SUPPORT SWIFT CONFIRMATION OF ROSENWORCEL, SOHN TO FEDERAL  
COMMUNICATIONS COMMISSION

Senator MARIA CANTWELL,  
Chair,  
U.S. Senate Committee on Commerce, Science, and Transportation,  
Washington, DC.

Senator ROGER WICKER,  
Ranking Member,  
U.S. Senate Committee on Commerce, Science, and Transportation,  
Washington, DC.

Dear Chair Cantwell and Ranking Member Wicker:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to promote and protect the rights of all persons in the United States, and the undersigned organizations, we write to convey our strong support for the nominations of Jessica Rosenworcel and Gigi B. Sohn to serve as chair and commissioner, respectively, of the Federal Communications Commission (FCC). We urge the committee to report the nominations to the full Senate favorably and promptly. At a time when access to reliable, diverse news and information, as well as affordable broadband and communications, is paramount, a fully staffed FCC is a top priority for the Nation and for the constituencies we represent. Both Ms. Rosenworcel and Ms. Sohn are exemplary nominees for their respective positions and should be swiftly confirmed.

Universal and affordable access to telecommunications services and diverse media enables vital communications with family, friends, and employers; provides access to invaluable health information, emergency services, social services, and education; and promotes participation in our 21st century democracy and economy. Our coalition is committed to ensuring that media and telecommunications policy affirms and extends our Nation's longstanding commitment to civil rights.

Ms. Rosenworcel's direct experience with the commission, which includes nine years at the agency, and most recently as acting chair, demonstrates she is particularly well-positioned to lead the FCC at this pivotal time. Under her leadership, the FCC successfully implemented several time-sensitive and nationally important programs to address the COVID-19 pandemic, including the Emergency Broadband Benefit, which offers monthly financial support to low-income households. Throughout her career, Ms. Sohn has dedicated herself to the public interest, whether through her service on the Presidential Advisory Commission on the Public Interest Obligations of Digital Television Broadcasters, her advocacy for policies that promote diversity and competition in the non-profit sector, or her time at the FCC as a senior counselor to the chairman.

Both nominees have shown they will establish a collaborative process and dialogue with the civil rights community as well as consult with the community members who are often left out of commission deliberations, including people of color, people with disabilities, low-income communities, incarcerated individuals, and other marginalized communities. In addition, both nominees would bring diversity to the commission. If confirmed, Ms. Rosenworcel would be the FCC's first permanent female chair and Ms. Sohn would be the commission's first openly LGBTQ commissioner.

Without confirmation of both nominees to these positions this year, the FCC will be left with only three commissioners. The need for swift action on these nominations is therefore critical. After nine months without a working majority, the FCC

has a significant workload before it. The civil rights agenda at the FCC requires rapid, focused attention. Congress has now adopted the Affordable Connectivity Program, an improved, permanent version of the Emergency Broadband Benefit, and the commission will need to move quickly to implement this program and ensure that all the commission's programs for low-income people are more effective and easier for their beneficiaries to use. Other civil rights priorities include finishing the congressionally mandated 2018 Quadrennial Review this year; completing the next review that will start immediately in 2022; implementing Congress' directive to collect equal employment opportunity data in this sector; and a long-delayed proceeding addressing the dysfunctional market and unjust practices in incarcerated communications.

There is a tremendous overlap between media and telecommunications policies and civil rights, and the FCC's leaders must apply that understanding in setting the commission's agenda. To that end, we urge the committee to discuss with the nominees the importance of placing civil rights at the center of the commission's agenda and to press them to create an Office of Civil Rights to ensure every aspect of the agency's docket is consistent with our Nation's highest values. Moreover, the FCC is in a unique position to address privacy in the industries it oversees. Processing of personal data should promote equity and justice as it enhances safety, economic opportunity, and convenience for all.

Ms. Rosenworcel and Ms. Sohn are highly qualified, possess deep knowledge of the challenges faced by disadvantaged populations, and have a demonstrated commitment to collaboration with civil rights stakeholders. For these reasons, the Senate Committee on Commerce, Science and Transportation should move quickly to report these nominees favorably to the full Senate. Should you have any questions, please contact Leadership Conference Media/Telecommunications Task Force Co-Chair Cheryl Leanza, United Church of Christ Media Justice Ministry, at [cleanza@alhamail.com](mailto:cleanza@alhamail.com) or Bertram Lee, Jr., media/tech counsel, at [lee@civilrights.org](mailto:lee@civilrights.org).

Sincerely,

The Leadership Conference on Civil and Human Rights

A. Philip Randolph Institute

AFL-CIO

American Federation of State, County and Municipal Employees (AFSCME)

American Federation of Teachers

Andrew Goodman Foundation, Inc.

Asian Americans Advancing Justice—AAJC

Center for Disability Rights

Clearinghouse on Women's Issues

Communications Workers of America

Crescent City Media Group

Equality California

Feminist Majority Foundation

Hispanic Federation

Japanese American Citizens League

League of Conservation Voters

MediaJustice

National Black Justice Coalition

National Council of Asian Pacific Americans

National Fair Housing Alliance

Public Advocacy for Kids (PAK)

Public Citizen

Silver State Equality-Nevada

Southern Echo Inc.

The Trevor Project

United Church of Christ Media Justice Ministry



November 17, 2021

Dear Senators Sinema and Kelly,

We write to convey the rapidly growing urgency to confirm Jessica Rosenworcel as the Federal Communications Commission (FCC) permanent chair and Gigi Sohn as a fifth commissioner. The FCC will have a 2–1 Republican majority if the Senate does not confirm Rosenworcel and Sohn by the end of the year. The Senate must act quickly.

Arizona needs a fully functional FCC to help close the digital divide, particularly acute in our state. In eight of Arizona's fifteen counties, more than two-thirds of households lack access to high-speed broadband.<sup>1</sup> Low-income families, Native Americans, and people of color are disproportionately disconnected, compounding grave inequalities that were made worse during the pandemic.

Broadband access is a significant problem for families living on reservations in Arizona. Tribes are some of the least connected communities in the United States, and eighteen percent of tribal reservation residents have no Internet access at home.<sup>2</sup> The 22 federally recognized Tribes in Arizona face unique connectivity challenges at a time when broadband access has proven essential for distance learning, telehealth appointments, meetings over video platforms, connecting to remote work, and much more.

Given the legislative calendar and the diminishing number of days for hearings and confirmation votes, we have reached a critical point to guarantee the agency charged with ensuring affordable communications access can do its work. Failing to confirm a permanent chair and a fifth commissioner leaves the FCC less than fully operational and limits its capacity to most effectively:

- Finish long-overdue reforms to the FCC's outdated and inaccurate broadband maps, which are used to direct Federal infrastructure investments;
- Strengthen the Lifeline program, which helps low-income households afford telephone and Internet service;
- Create rules to make our Nation's communications networks more reliable and resilient to natural disasters and other threats;
- Guide the deployment of new broadband infrastructure built with Federal dollars to make it as effective as possible;
- Protect consumers and workers from anticompetitive, job-killing mergers in the telecommunications sector;
- Approve emergency waivers for E-rate funded infrastructure to be opened up for remote education; and
- Meet the challenge of the 2018 Broadcast Ownership Quadrennial Review and halt the dangerous trend towards consolidated ownership in broadcasting by reasserting principles of localism, competition and ownership diversity.

The FCC has the singular ability to ensure affordable and reliable communications for all. The pandemic showed us the unshakable image of children doing their classwork from fast-food parking lots using borrowed WiFi. We cannot let those students or any family wait any longer. If we are to reach the goal of having a country where everyone, no matter their address or size of their bank account, has affordable access to high-speed internet, we need a full commission immediately. We urge Congress not to lose any more time and to confirm Jessica Rosenworcel and Gigi Sohn by the end of the year.

Sincerely,

Cat's in the Cradle New Life Sanctuary  
Common Sense  
Gila River Telecommunications, Inc.  
LISC Phoenix  
Native Public Media  
NTEN  
Red Rock Mountain Studios LLC  
Rural Arizona Action  
Swinging Sixties Productions  
Terabyte Media LLC

<sup>1</sup><https://www.azcentral.com/story/money/business/tech/2021/07/07/broadband-access-arizona/47204697/>

<sup>2</sup>[https://aipi.asu.edu/sites/default/files/tribal\\_digital\\_divide\\_stimulus\\_bill\\_advocacy.pdf](https://aipi.asu.edu/sites/default/files/tribal_digital_divide_stimulus_bill_advocacy.pdf)

IDEATEK  
November 22, 2021

Hon. JERRY MORAN,  
United States Senate,  
Wichita, KS.

Dear Senator Moran:

I am writing in support of the nomination of Gigi Sohn to the Federal Communications Commission.

As you know, IdeaTek is a Kansas-based small broadband provider that has strived to compete against the larger incumbent carriers for many years. We have been able to offer more efficient and affordable service to consumers and small businesses in Kansas due to our ability to compete in the monopoly-dominated broadband market.

While Ms. Sohn may have some more progressive views on matters that you and I may disagree with, she has been a strong advocate for small competitive broadband companies throughout her thirty-year career. We strive for customers to have freedom and choice when it comes to broadband services, and competitiveness is a crucial part of that mission. This issue outweighs other potential policy changes she may advocate for, as Ms. Sohn's commitment to competitiveness is essential for the future of broadband.

Ms. Sohn is a respected lawyer and previously served in a key role at the FCC under a former Chair. She has an excellent understanding of the complex issues facing the FCC today and in the near future. It is my hope that you can join me in recognizing the dedication she displays to competitiveness in broadband, and the value she could bring to the agency and the industry it oversees.

Sincerely,

DANIEL FRIESEN,  
Managing Partner  
& Chief Innovation Officer.

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COMPUTER AND COMMUNICATIONS INDUSTRY ASSOCIATION  
FIBER BROADBAND ASSOCIATION  
INCOMPAS  
November 23, 2021

Hon. MARIA CANTWELL,  
Chair,  
Committee on Commerce, Science, and  
Transportation,  
United States Senate,  
Washington, DC.

Hon. ROGER WICKER,  
Ranking Member,  
Committee on Commerce, Science, and  
Transportation,  
United States Senate,  
Washington, DC.

Re: Nomination of Acting-Chairwoman Jessica Rosenworcel for Chairman, Federal Communications Commission (FCC)

Nomination of Ms. Gigi B. Sohn for Commissioner, FCC

Nomination of Mr. Alan Davidson for Administrator of the National Telecommunications and Information Administration (NTIA)

Dear Chair Cantwell and Ranking Member Wicker:

The undersigned communications industry trade organizations write in support of President Biden's nominees for the FCC and NTIA and urge their swift consideration by your committee and final confirmation by the Senate.

The telecommunications industry is an important part of the U.S. economy accounting for over 2 percent of Gross Domestic Product. The telecommunications sector is responsible for as many as 10 million jobs and trillions of dollars of investment. Decisions of the FCC and NTIA impact every American consumer.

The recently enacted Infrastructure Investment and Jobs Act (IIJA) gives both agencies important roles. Additionally, both agencies are in the process of administering programs authorized through the CARES Act of 2020 and American Rescue Plan of 2021 Act which include several programs to address pandemic related telecommunications issues. A full complement of five FCC Commissioners and a permanent Administrator for NTIA is vital to implement these programs and ensure progress on critical initiatives for our country, including broadband accessibility and affordability, roll out of 5G, and securing telecommunications networks.

The Administration has nominated Ms. Rosenworcel, Ms. Sohn and Mr. Davidson. Each of these nominees is eminently qualified to hold the positions for which they have been nominated and possess the academic background, the qualifications, and expertise to serve as leaders on telecommunications policy.

Given the once in a generation level of the investment the government is making in broadband to advance our nation, we urge the Senate to move quickly to confirm nominees for these key positions.

Respectfully submitted,

MATTHEW SCHRUEERS,  
*President,*  
CCIA.

GARY BOLTON,  
*President & CEO,*  
Fiber Broadband Association.  
CHIP PICKERING,  
*CEO,*  
INCOMPAS.

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*November 29, 2021*

Hon. MARIA CANTWELL,  
Chair, Senate Committee on Commerce,  
Science, and Transportation,  
Washington, DC.

Hon. ROGER WICKER,  
Ranking Member on Commerce, Science,  
and Transportation,  
Washington, DC.

Dear Chairwoman Cantwell and Ranking Member Wicker:

We write to offer our strong support for the nomination and swift confirmation of Gigi Sohn to serve as Commissioner to the Federal Communications Commission (FCC). Although we don't agree with Gigi on every communications policy matter, she is a thoughtful and pragmatic leader who is willing to work across the aisle and across the ideological spectrum to make progress to ensure that all U.S. households have robust broadband. She has helped improve the quality of life for rural underserved communities with her work on rural broadband deployment and adoption policies.

Ms. Sohn regularly works to forge relationships and alliances with stakeholders across the aisle and with diverse community leaders. When industry has sought the involvement of someone to represent consumer interests, they seek out Gigi first because of her credibility and fairness. For example, she served as Co-Chair of the Broadband Internet Technology Advisory Group (BITAG), which convened network engineers and technical experts from industry and academia to examine and develop a consensus on Internet network management practices. The purpose of BITAG was to assist in the creation of acceptable industry standards, as opposed to heavy handed enforcement and regulation.

Over Ms. Sohn's 30 years of experience in telecommunications, broadband and technology policy has shown she has a strong commitment to the First Amendment. She has regularly worked with organizations representing conservative media interests to ensure all voices and views are heard both as a consumer advocate and as a government official. The FCC will make critical decisions to maintain a competitive and open media environment. Her consistent and long held support of diversity in viewpoints in media will serve all voices well.

We are confident that Ms. Sohn will take her pragmatic and collaborative skills to her new role at the FCC as a commissioner if confirmed by the Senate.

Sincerely,

Hilda Gay Legg—Former USDA Rural  
Development State Director for Kentucky and  
the Former Administrator for RUS

Chad Rupe—managing member of Rural  
America Strategies LLC

Chip Pickering—CEO of INCOMPAS, Former  
Republican Congressman from Mississippi

Daniel Linville—West Virginia House of Dele-  
gates—Chairman of the Committee on Tech-  
nology and Infrastructure

Judson Hill—Former Republican Georgia  
State Senator

ALARM INDUSTRY COMMUNICATIONS COMMITTEE  
*November 30, 2021*

MARIA CANCEL,  
 Chairwoman,  
 Senate Committee on Commerce,  
 Washington, DC.

ROGER WICKER,  
 Ranking Republican,  
 Senate Committee on Commerce,  
 Washington, DC.

Dear Chairwoman Cantwell and Ranking Republican Wicker,

The Alarm Industry Communications Committee (AICC) strongly supports the nominations of Jessica Rosenworcel as Chairwoman of the Federal Communications Commission (FCC) and Gigi Sohn for FCC commissioner.

Based upon our observations and experiences in working with both nominees, we have found them to fully understand and recognize the key role that telecommunications plays in helping to ensure public safety. They have both proven to be very accessible and willing to listen and learn how issues before the FCC would impact the ability of alarm monitoring companies to respond to emergencies experienced by individuals and businesses as a result of a break in, fire, carbon monoxide incident or in the case of seniors a health emergency that requires the dispatch of emergency responders.

They have both demonstrated strong support for consumer rights while at the same time being willing to understand the concerns of the small business-dominated alarm industry which is a key partner in the public safety network. An added benefit is that they both have a long history of working on telecommunications issues both inside and outside the FCC, which would make them immediately ready to address the myriad of issues before the Commission.

We urge the Senate to expeditiously take up and confirm the nominations of both these highly qualified candidates.

Sincerely,

LOU FIORE,  
*Chairman,*

Alarm Industry Communications Committee.

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NENA STATEMENT ON FCC NOMINATIONS—  
 NATIONAL EMERGENCY NUMBER ASSOCIATION

Tuesday, November 30, 2021

Posted by: Chris Nussman

On October 26, President Biden appointed Jessica Rosenworcel to Chair the Federal Communications Commission and Gigi Sohn to serve as the fifth Commissioner. NENA is proud to support both of their nominations. Nominees Rosenworcel and Sohn have shown deep dedication to improving the 9-1-1 emergency system and a commitment to public safety during their careers. NENA appreciates their tremendous leadership and encourages the Committee and Senate to vote in support of both their nominations.

As Acting Chair, Jessica Rosenworcel has been a champion for Next Generation 9-1-1 (NG9-1-1) and has worked tirelessly as Commissioner to help ensure FCC-regulated providers are capable of meeting the needs of public safety. In addition to pushing for improved requirements and industry accountability in carrying out the requirements of Kari's Law and RAY BAUM'S Act, she has been an indefatigable champion for improved network resiliency and supported essential Federal funding for the NG9-1-1 transition.

During Gigi Sohn's tenure at the FCC, her work not only improved requirements for 9-1-1 caller location accuracy, but also requirements for text-to-9-1-1—an essential tool for millions of Americans in need every day. Her work also helped elevate the need to tackle issues of funding and deploying NG9-1-1 in public-safety answering points nationwide. We look forward to working with Sohn as she advances the Commission's work to fund "middle mile" Internet infrastructure that will serve as an essential foundation to ensure underserved and rural communities have access to NG9-1-1.

We at NENA look forward to working with both nominees on issues pressing to the public safety community.

Hon. CHUCK SCHUMER,  
Senate Majority Leader,  
Washington, DC.

Hon. MARIA CANTWELL,  
Senate Committee on Commerce,  
Science, and Transportation,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Senate Minority Leader,  
Washington, DC.

Hon. ROGER WICKER,  
Senate Committee on Commerce,  
Science, and Transportation,  
Washington, DC.

November 30, 2021

Dear Senate Majority Leader Schumer, Minority Leader McConnell, Chair Cantwell and Ranking Member Wicker,

We are writing to urge the swift and concurrent confirmation of Jessica Rosenworcel and Gigi Sohn for the Federal Communications Commission and Alan Davidson for the National Telecommunications and Information Administration. These agencies urgently need Senate-confirmed leaders to address the critical need for affordable and resilient access to the open Internet in the midst of a global pandemic and worsening climate crisis. Through bipartisan infrastructure legislation, Congress has given these agencies enormous tasks on tight deadlines. These exceptional nominees' appointments so late in the year means there can be no delay in confirming them and getting started in earnest on all of that urgent work.

These three nominees each bring decades of experience, a commitment to the public interest, and the skills necessary to fulfill the missions of these agencies.

Jessica Rosenworcel's tenure at the FCC makes her an exceptional pick for FCC Chair. She is a respected and principled advocate with a proven record of fighting for the public interest. She has long championed efforts to ensure everyone in America, particularly schoolchildren, have affordable and reliable high-speed broadband to provide them with the tools they need for a successful future. Chairwoman Rosenworcel's efforts to close the "homework gap" embody that commitment. As Acting Chair, she quickly and successfully launched the Emergency Broadband Benefit, a program that is now helping millions of Americans afford access to the internet.

For over 30 years, Gigi Sohn's priority has been ensuring that modern communications networks are available to everybody, regardless of who they are or where they live. Her life's work has embodied the standard on which the FCC bases its decisions: the public interest. She served as a top aide to FCC Chairman Tom Wheeler and helped found and lead a non-profit focused on promoting an open and competitive communications and technology market. She has a proven record of bringing together varied stakeholders, including public interest advocates and companies, in bipartisan coalitions to fight for equitable broadband policies, consumer protections, competition and the open internet.

Alan Davidson has over 20 years of experience in government, industry and public interest advocacy, making him an ideal candidate to take up the interagency work of the NTIA, and to guide not only NTIA's existing spectrum allocation and broadband policy work, but also its greatly increased grantmaking and coordinating role in implementation of the bipartisan infrastructure bill's broadband funding provisions.

Even before the pandemic struck over 21 months ago, 2019 Census data showed that nearly 80 million people in the U.S. did not have adequate broadband at home.<sup>1</sup> According to that data, poor families and people of color are disproportionately disconnected—only 48 percent of low-income households had a fixed broadband connection at that time, and 13 million Black people, 18 million Latinx people and 1.3 million Indigenous people lacked this kind of adequate home connectivity.<sup>2</sup> Digital divide indicators like education and income disparities demonstrate that many Asian American and Pacific Islander (AAPI) communities and ethnic groups are also disproportionately impacted, and some AAPI communities and individuals with re-

<sup>1</sup>See Comments of Free Press, FCC GN Docket No. 20-269, at 4 (filed Sept. 18, 2020), [https://www.freepress.net/sites/default/files/2020-09/free\\_press\\_2020\\_section\\_706\\_inquiry\\_comments.pdf](https://www.freepress.net/sites/default/files/2020-09/free_press_2020_section_706_inquiry_comments.pdf).

<sup>2</sup>See *id.*

duced English proficiency levels may adopt broadband at lower rates than the national average.<sup>3</sup>

At the same time communities across the country are facing more frequent extreme weather events due to the climate crisis, and those events are taking down crucial communications infrastructure on an increasingly regular basis.

And while Congress passed historic legislation to address broadband affordability and accessibility for both urban and rural communities in the midst of the pandemic, the FCC and NTIA's ability to administer these Congressional directives—as well as their ability to promote affordability, competition, privacy, sound spectrum policy, and network resiliency along with other consumer protections using existing authorities—has been limited by the deadlocked FCC and the lack of an Assistant Secretary at NTIA.

Any delay in confirming all three of these nominees will stall progress on achieving those goals and ensuring that everyone in the United States is able to access robust, affordable high-speed internet.

We urge you to confirm these three public-interest champions before the Senate recesses at the end of the year. Thank you for your attention to this urgent matter.

Sincerely,

18 Million Rising  
Access Humboldt  
Akaku Maui Community Media  
Alliance for Community Media  
American Library Association  
Appalshop Community Media Initiative  
Benton Institute for Broadband & Society  
Branford Community Television  
California Center for Rural Policy  
California Clean Money Campaign  
Capital Community Media  
CATS Community Access Television Services  
Center for Accessible Technology  
Center for Democracy & Technology  
City of New Bedford Cable Access—New Bedford, MA  
Color Of Change  
Common Sense  
Communications Workers of America  
Communities Closing the Urban Digital Divide  
Community Media Access Collaborative  
Decode Democracy  
Demand Progress Education Fund  
Democracy for America  
Derry Community Access Media  
Duluth Public Access Community Television  
Electronic Frontier Foundation  
Engine  
FC Public Media  
Fight for the Future  
Free Press Action  
Friends of the Earth  
Granby Community Access and Media, Inc.  
The Greenlining Institute  
Greenpeace USA  
Hawaii Consumers  
Illinois for Educational Equity  
Indivisible Sacramento  
Institute for Local Self-Reliance  
Libraries Without Borders U.S.  
Local TV, inc  
Lynn Community Television  
Massachusetts Community Media dba MassAccess  
Media Alliance  
Media, Inequality & Change Center  
MediaJustice  
Melrose Massachusetts Television

<sup>3</sup> See Asian Americans Advancing Justice, Telecommunications and Technology Fact Sheet, <https://advancingjustice-aaajc.org/sites/default/files/2020-02/Lifeline%20Background.pdf>.

Movement Alliance Project  
 Mozilla Foundation  
 National Association of the Deaf  
 National Consumers League  
 Native Public Media  
 Newark for Educational Equity & Diversity  
 The New Hampshire Coalition for Community Media  
 North Shore TV  
 NTEN  
 OD Action  
 The OMNI Centre for Public Media, Inc.  
 OMNI Productions  
 Open MIC (Open Media and Information Companies Initiative)  
 Open Technology Institute  
 OpenMedia  
 Orion Neighborhood Television (ONTV)  
 The Other 98%  
 Our Revolution  
 PhillyCAM  
 Presente.org  
 Progress America  
 Public Knowledge  
 Revolving Door Project  
 RootsAction.org  
 Salem Community Television, Salem NH  
 Salina Media Connection; Community Access TV of Salina, Inc.,  
 San Diego Futures Foundation  
 Tahoe Truckee Media  
 Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)  
 TURN—The Utility Reform Network  
 United Church of Christ Media Justice Ministry  
 Valley Shore Community Television Inc.  
 Western New York Library Resources Council  
 Winchester Community Access & Media, Inc.  
 Writers Guild of America West  
 X-Lab

*December 6, 2021*

Hon. CHUCK SCHUMER,  
 Majority Leader,  
 United States Senate,  
 Washington, DC.

Hon. MITCH MCCONNELL,  
 Minority Leader,  
 United States Senate,  
 Washington, DC.

Re: FCC and NTIA Nominations

Dear Majority Leader Schumer and Minority Leader McConnell:

As technology and telecommunications leaders who are working to connect consumers and businesses to critical communications services across our great nation that are used to support every economic sector, including agriculture, education, health care, and manufacturing, we are writing today to express our strong support for expeditiously confirming President Biden's nominees to the Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA).

FCC Chairwoman Jessica Rosenworcel, Ms. Gigi Sohn, and Mr. Alan Davidson have demonstrated through their many years of service in the technology and telecommunications sector, that they have the expertise and requisite skills required for their positions. With almost a decade of service as a Commissioner, now-Chairwoman Rosenworcel has effectively managed the FCC during a global pandemic and has implemented key emergency programs to connect students and families to broadband. Ms. Sohn is a well-known public advocate and thought leader with thirty years of experience who has focused her work on ensuring that modern communications services are available to every consumer. As a senior executive in the tech industry, Mr. Davidson has managed complex matters and has been a leader on open and accessible policies, enabling modern communications technology options in the U.S.

Both the FCC and NTIA are important agencies for advancing the Nation's broadband and communications connectivity goals, and they are in need of their full

and permanent leadership to fulfill their missions as soon as possible. We urge you to move their nominations forward and confirm them.

Sincerely,

DOUGLAS DENNEY,  
VP Legal & Regulatory,  
Allstream,  
Vancouver, WA.

CHRIS LEVENDOS,  
Executive Vice President  
and Chief Operating Officer—Fiber,  
Crown Castle,  
Houston, TX.

JEFF BLUM,  
Senior Vice President, Public Policy and Government Affairs,  
DISH,  
Englewood, CO.

GREGORY A. AYMAR,  
Chief Executive Officer,  
FiberComm,  
Sioux City, IA.

KURT VAN WAGENEN,  
President and Chief Executive Officer,  
FirstLight Fiber,  
Albany, NY.

GARY WATTS,  
Chief Executive Officer,  
Fuse.Cloud,  
Jackson, MS.

MICHAEL B GALVIN,  
EVP & General Counsel,  
Granite Telecommunications, LLC,  
Quincy, MA.

FLETCHER KITTREDGE,  
Chief Executive Officer,  
GWI,  
Biddeford, ME.

EDWARD E. HILLIARY, JR.,  
Managing Partner,  
Hilliary Communications, LLC,  
Lawton, OK.

JERROD REIMER,  
President and CEO,  
IdeaTek,  
Buhler, KS.

EDWARD J. O'HARA,  
Chief Executive Officer,  
Inteliquent,  
Chicago, IL.

ANDONI ECONOMOU,  
Chief Operating Officer,  
MetTel,  
New York, NY.

DANE JASPER,  
Chief Executive Offer,  
Sonic Telecom,  
Santa Rosa, CA.

REBECCA H. SOMMI,  
VP Vendor Management,  
Specrotel Holding Company LLC,  
Neptune, NJ.



CHET KANOJIA,  
*Chief Executive Officer,*  
 Starry, Inc,  
 Boston, MA.

JOSHUA BRODER,  
*Chief Executive Officer,*  
 Tilson,  
 Portland, ME.

KENNY GUNDERMAN,  
*Chief Executive Officer,*  
 Uniti Group, Inc.,  
 Little Rock, AR.

BRIAN WORTHEN,  
*Chief Executive Officer,*  
 Visionary Broadband,  
 Gillette, WY.

RAY LACHANCE,  
*Co-Founder and Chief Executive Officer,*  
 ZenFi Networks,  
 New York, NY.

TED GILLIAM,  
*General Counsel, Strategic and Regional Sales,*  
 Zayo,  
 Boulder, CO.

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FUSE MEDIA  
 Glendale, CA, December 9, 2021

Hon. MARIA CANTWELL,  
 Chairman, Senate Committee on  
 Commerce, Science, and  
 Transportation,  
 United States Senate,  
 Washington, DC.

Hon. ROGER WICKER,  
 Ranking Member,  
 Senate Committee on Commerce,  
 Science, and Transportation,  
 United States Senate,  
 Washington, DC.

Hon. BEN RAY LUJÁN,  
 Chairman, Senate Subcommittee on  
 Communications, Media, and  
 Broadband,  
 United States Senate,  
 Washington, DC.

Hon. JOHN THUNE,  
 Ranking Member, Senate Subcommittee  
 on Communications, Media, and  
 Broadband,  
 United States Senate,  
 Washington, DC.

Dear Chairmen Cantwell and Luján, and Ranking Members Wicker and Thune,

As the CEO of one of the few minority-owned-and-managed media companies in the country, I offer my full support for Gigi Sohn's confirmation to be FCC Commissioner and urge the Senate Commerce Committee to confirm her nomination without hesitation.

Latino-owned Fuse Media is a multicultural focused, multiplatform entertainment company that serves its millennial and Gen-Z audience through a portfolio of streaming and television brands. With a mandate to keep inclusion and representation at the forefront of all creative and business decisions, I am proud to state that 100 percent of Fuse original series include Latinos and people of color. But we cannot do this job alone and, as a champion of diversity and inclusion in media and media ownership, Ms. Sohn has proven herself to be a much-needed advocate for communities that continue to be underrepresented in media, despite their prevalence in society.

We know that media plays a critical role in the way we perceive ourselves and others, yet underrepresented communities still struggle to find content that genuinely, accurately, and respectfully reflects their cultures and experiences. While U.S. Census data show Latinos comprising nearly 20 percent of the U.S. population, the most recent Annenberg Inclusion Initiative study revealed that across media, only about 5 percent of speaking or named characters during 2019 featured a Hispanic or Latino actor. Many of those roles tend to reinforce negative stereotypes.

It therefore is imperative that smaller, independent media companies committed to equal and positive presentation of underrepresented minorities are given room and resources to thrive in an increasingly consolidated media landscape. Ms. Sohn has proven her commitment to ensuring such equity.

Fuse Media believes that audiences and consumers will benefit from Gigi Sohn's confirmation as FCC Commissioner. Her commitment to diversity of ownership and viewpoints, along with her support for independent voices, will allow entertainment providers and companies of all sizes to be on a more level playing field, ultimately creating opportunities for more representation and inclusion in media.

Sincerely,

MIGUEL ROGGERO,  
*Chief Executive Officer.*

cc:

Senator Amy Klobuchar  
Senator Richard Blumenthal  
Senator Brian Schatz  
Senator Ed Markey  
Senator Gary Peters  
Senator Tammy Baldwin  
Senator Tammy Duckworth  
Senator Jon Tester  
Senator Kyrsten Sinema  
Senator Jacky Rosen  
Senator John Hickenlooper  
Senator Raphael Warnock

Senator Roy Blunt  
Senator Ted Cruz  
Senator Deb Fischer  
Senator Jerry Moran  
Senator Dan Sullivan  
Senator Marsha Blackburn  
Senator Todd Young  
Senator Mike Lee  
Senator Ron Johnson  
Senator Shelley Moore Capito  
Senator Rick Scott  
Senator Cynthia Lummis

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LGBTQ VICTORY INSTITUTE  
*Washington, DC, December 10, 2021*

MARIA CANTWELL,  
Chair,  
U.S. Senate Committee on Commerce, Science, and Transportation.

ROGER WICKER,  
Ranking Member,  
U.S. Senate Committee on Commerce, Science, and Transportation.

Dear Chair Cantwell and Ranking Member Wicker,

As President and CEO of the LGBTQ Victory Institute, I write to support Gigi Sohn in their candidacy to serve as FCC Commissioner within the Biden-Harris Administration.

Victory Institute works to achieve and sustain global LGBTQ equality through leadership development, training, and convening to increase the number, expand the diversity, and ensure the success of openly LGBTQ elected and appointed officials at all levels of government.

Through her 30+ years of work in the non-profit sector and as Counselor to former FCC Chair Tom Wheeler, Gigi has demonstrated her dedication to ensuring that every American household has affordable and robust broadband Internet. We have worked closely with Gigi Sohn in the past; much of the work we do at the LGBTQ Victory Institute would not be possible without partners like Gigi in our Federal government. In addition to skillfully advancing America's interests, Gigi Sohn also proudly represents the LGBTQ community. Gigi would be the first openly LGBTQ+ Commissioner of the FCC. There have been only a handful of openly LGBTQ+ Commissioners in independent agencies history.

We are thankful for Gigi's continued service. We emphatically encourage the Biden-Harris Administration to move quickly to take advantage of Gigi's exceptional experience and expertise, and continue to give effect to the President's commitment that this Administration 'look like America'.

I would be happy to further discuss with you Gigi Sohn's impressive credentials.

Sincerely,

MAYOR ANNISE PARKER,  
*President & CEO.*



December 10<sup>th</sup>, 2021

Senator Maria Cantwell  
Chair, U.S. Senate Committee on Commerce, Science, and Transportation

Senator Roger Wicker  
Ranking Member, U.S. Senate Committee on Commerce, Science, and Transportation

Dear Chair Cantwell and Ranking Member Wicker,

We represent a cross section of individuals and organizations that work to ensure freedom, justice and equality for LGBTIQ+ people. We write to urge the swift confirmation of Gigi Sohn to serve as Commissioner on the Federal Communications Commission (FCC).

Through her 30+ years of work in the non-profit sector and as Counselor to former FCC Chair Tom Wheeler, Gigi has demonstrated her dedication to ensuring that every American household has affordable and robust broadband Internet. The importance of such access to the LGBTIQ+ community cannot be overstated. The Internet has served as a vital lifeline to many in the community, particularly in those places where for cultural or other reasons, it may be difficult to be open about one's orientation. The Internet has allowed LGBTIQ+ people to find others like them, validating who they are and demonstrating that they are not alone.

Gigi would be the first openly LGBTIQ+ Commissioner of the FCC. There have been only a handful of openly LGBTIQ+ Commissioners of independent agencies history. Gigi can serve as a model to both communities and her life experience brings with it a perspective on how communications and media policies can work for the benefit of everyone in the US.

The job of the FCC is vitally important to ensure that everyone in the US can participate fully in our society, our economy, our education and health care systems and our civic life. Thus, it is critical that Senate confirm a strong individual who is not afraid to make tough decisions and can bring together the federal, state and local policymakers, rural and urban communities, the philanthropic and nonprofit sectors, digital equity and inclusion advocates and industry to build and execute a blueprint for closing the digital divide. With urge you to act quickly to ensure that the FCC benefits from the knowledge and expertise that Gigi Sohn would bring to this role.

Sincerely,

LGBTQ Victory Institute  
David C. Bohnett  
GLAAD  
Human Rights Campaign  
InterAct  
LPAC Action Network  
National LGBTQ Task Force Action Fund  
PFLAG  
Woodhull Freedom Foundation

LGBTQ VICTORY INSTITUTE  
1225 16TH STREET NW, SUITE 525  
WASHINGTON, DC 20005

SUN CORRIDOR NETWORK  
*Tempe, AZ*

Dear Senator Sinema:

I hope you are doing well and enjoying a healthy start to 2022. I am writing in support of President Biden's nomination of Gigi Sohn to serve as a Commissioner of the Federal Communications Commission (FCC).

Arizona is ranked 36th in the Nation for broadband coverage. 31 percent of Arizonans are either unserved or underserved. This is not only a rural challenge. For example, the Phoenix, Arizona neighborhood of Maryvale, a densely populated, urban area, is underserved, with two-thirds of households without Internet.

Throughout the pandemic, broadband access has proven to be a key infrastructure investment that Arizonans understand is vital for advancing our education, healthcare, and workforce development. As Arizona's Research and Education Network the Sun Corridor Network (SCN) witnessed firsthand the difficulties in unserved and underserved communities as teachers and students sought to engage in education with insufficient capabilities. SCN worked diligently with schools, communities, and our university partners by providing mobile hotspots, wireless networking, and other technology, yet students in areas lacking broadband coverage were still challenged to access their classes. This was especially true on tribal lands.

Ms. Sohn's number one priority is getting robust broadband everywhere, to rural and urban areas and to tribal lands. When she was at the FCC she worked closely with the Office of Native American Policy and with tribal leaders. She has been very supportive of legislative and policy efforts to expand broadband deployment on tribal lands and to give tribes more control over spectrum on tribal lands. This includes, among other things, extending the 2.5GHz tribal priority window.

Ms. Sohn has supported the broadband infrastructure bill (Infrastructure Investment & Jobs Act), that requires states to provide funding to unserved areas first and then to underserved areas. Combined with funding from other bills passed by Congress in 2020 and 2021, there is a real opportunity to make enormous progress in closing the digital divide.

Ms. Sohn has a long history of reaching out to and sitting down with people who disagree with her position to try and find common ground. She has done so whether someone is from a different political party or from industry—even when doing so has put her at odds with some in the public interest community. I believe that Ms. Sohn is the best person to move the FCC forward and help close the digital divide.

I encourage you to support the nomination of Ms. Sohn to the open seat on the FCC to continue to advance our interests here in Arizona. As always, I am happy to speak with you further if you have questions or insights.

Sincerely,

DEREK MASSETH,  
*Executive Director,*  
 Sun Corridor Network.

*January 3, 2022*

Sen. MARIA CANTWELL,  
 Chair,  
 U.S. Senate Committee on Commerce, Science, and Transportation,  
 Washington, DC.

Sen. ROGER WICKER,  
 Ranking Member,  
 U.S. Senate Committee on Commerce, Science, and Transportation,  
 Washington, DC.

Re: Nomination of Gigi Sohn to the Federal Communications Commission (FCC)

Dear Chair Cantwell and Ranking Member Wicker,

We write to express our support for Ms. Gigi Sohn to be a commissioner at the FCC. We have each served as the Chief of the Public Safety and Homeland Security Bureau at the FCC. We are fully familiar with the responsibilities of that Bureau at the FCC, its authorities, and the important role FCC commissioners play in ensuring that first responders and the public can communicate reliably and effectively, especially in emergencies.

Based on our knowledge and experience with the public safety communications role of the FCC, our knowledge of FCC Commissioner nominee Gigi Sohn, and our

work and dedication to make the public safer, we enthusiastically recommend that you confirm Gigi Sohn to serve as an FCC Commissioner.

Ms. Sohn's years of advocacy in support of the FCC ensuring that our first responders have the reliable, resilient, and secure communications resources they need, and that public safety communications be given the priority they deserve given their criticality to mitigate harm, reflect her qualifications for the job. We know and appreciate that Ms. Sohn has been focused for a long time on what the FCC must do to make the public safer. She advocates that even as technology changes, it is of the highest priority for the FCC to use the authority it has to ensure that first responders have the communications support that they need, and that the public can reach help in an emergency over the vital commercial networks that the FCC regulates. She views these technology changes as opportunities to further facilitate emergency communications.

The Committee need look no further than its own proceedings to see Ms. Sohn express her commitment in this area, her appreciation of these concerns, and her advocacy of the importance of effective and reliable communications for first responders and for the public in emergencies. For example, on July 25, 2013, Ms. Sohn testified to this Committee:

—“Public safety rules must ensure that emergency services like 9–1–1 and geolocation technologies continue to help first responders offer emergency care, regardless of whether the network that the customer uses is wireless or wireline, copper or fiber.”<sup>1</sup>

—“[T]he moments in which the public relies upon emergency services like 9–1–1 are literally life-or-death, and it is crucial that policymakers implement rules that maintain the public safety components of the phone network.”<sup>2</sup>

Ms. Sohn's views and advocacy to this Committee in 2013 of the criticality of public safety communications to the FCC's mission, first responders and the public, also was clearly reflected in her recent testimony to the Committee in connection with her nomination to the Commission. She outlined her views in responding to Questions for the Record (QFRs):

—“I would seek to ensure that every rulemaking, adjudication and decision of the Commission considers the potential implications for public safety. In particular, the Commission must ensure that police, firefighters and other first responders have access to the resources they need—especially in times of crisis.”<sup>3</sup>

—She testified specifically about ensuring that no interference with public safety communications will be tolerated: “As a first priority, I would seek to ensure that public safety communications cannot be blocked or throttled.”<sup>4</sup>

—Likewise, she cited the importance of ensuring that first responders have “adequate and secure spectrum . . .”; “robust communications networks . . . [reliable] during national disasters or terrorist attacks”; “network reliability and resiliency”; and her commitment to “consult regularly with law enforcement, firefighters, EMTs and other first responders to ensure that the unique needs of each community are met.” She cited the illegal use of contraband cell phones by incarcerated individuals as a law enforcement concern that she would work to address “consistent with the FCC's statutory authority.”<sup>5</sup>

Each of us believe that Ms. Sohn, as a commissioner, would be a strong advocate for the public safety and homeland security communications policies and initiatives that are critical to the American people and first responders. We are deeply familiar with that mission and the important role that the FCC plays. Confirming Ms. Sohn would enable her to bring her understanding, prioritization, and commitment to these issues to the Commission. It is not only our words, but her own words as well, that speak to her understanding of this, long before she was nominated for this role.

We urge the Committee to confirm Gigi Sohn expeditiously so she can get to work on the important mission Congress has charged the FCC with advancing. She is

<sup>1</sup><https://www.commerce.senate.gov/services/files/C5B12974-F5D6-48F9-99DC-2854DF0C2F> C7 (p.12)

<sup>2</sup>*Ibid.*

<sup>3</sup>*Questions for the Record*, Senate Committee on Commerce, Science and Transportation, “Nominations of Gigi Sohn, to be a Commissioner of the Federal Communications Commission; Alan Davidson, to be Assistant Secretary of Commerce for Communications and Information, DOC; Viqar Ahmad, to be Assistant Secretary for Administration and Chief Financial Officer, DOC; and Jed Kolko, to be Under Secretary of Commerce for Economic Affairs, DOC” (Dec. 1, 2021).

<sup>4</sup>*Ibid.*

<sup>5</sup>*Ibid.*

someone we believe will be a strong, effective, and knowledgeable advocate for the public's safety as an FCC Commissioner.

JAMIE BARNETT,  
RDML, USN (Retired).  
DAVID S. TURETSKY.

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COMMUNICATIONS WORKERS OF AMERICA  
Washington, DC, January 6, 2022

Hon. MARIA CANTWELL,  
Chair,  
U.S. Senate Committee on Commerce, Science, and Transportation,  
Washington, DC.

Dear Chair Cantwell,

I am writing to urge swift action on the nomination of Gigi Sohn for Commissioner of the Federal Communications Commission (FCC). Throughout her career, Gigi has been a staunch advocate for the expansion of affordable Internet access. During the T-Mobile/Sprint merger, Sohn was a key ally in the fight to protect the jobs of the working families who ultimately ended up being harmed by the merger. She fights to ensure that working people and underrepresented communities are front and center in charting the course for an equitable communications and media ecosystem. Additionally, she supports constructive collaboration with states to ensure effective oversight of broadband services and infrastructure.

Gigi's voice, experience, and expertise are just what the FCC needs during a period of increased Federal investment in broadband networks and digital equity initiatives. She has demonstrated her commitment to consumers and workers in the telecommunications industry throughout her career in public interest advocacy and government service, and again demonstrated her expertise and strong credentials to be an FCC Commissioner at her December 1st, hearing before the U.S. Senate Committee on Commerce, Science and Transportation.

Gigi's tireless advocacy for communications infrastructure that equitably serves all Americans has never been more important. I strongly urge you to swiftly advance the nomination of Gigi Sohn to serve as Commissioner of the FCC, as she is exactly the kind of leader we need at this watershed moment.

Thank you in advance for your consideration.

Sincerely,

CHRISTOPHER M. SHELTON,  
*President.*

Cc: Members of the U.S. Senate

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GODDARD LAW OFFICE PLC  
Phoenix, AZ, January 14, 2022

Dear Senators Sinema and Kelly,

I write to express my support for Gigi Sohn to become a commissioner at the Federal Communications Commission (FCC). Access to affordable, reliable communications services is crucial to Arizonans and Ms. Sohn has a distinguished career dedicated to advancing the availability and affordability of communications service so that we can all benefit from these transformational networks.

Arizona needs a fully functional FCC to help close the digital divide, particularly acute in our state. In eight of Arizona's fifteen counties, more than two-thirds of households lack access to high-speed broadband. Low-income families, Native Americans, and people of color are disproportionately disconnected, compounding grave inequalities that were made worse during the pandemic.

Broadband access is a significant problem for families living on reservations in Arizona. Tribes are some of the least connected communities in the United States, and eighteen percent of tribal reservation residents have no Internet access at home. The 22 federally recognized Tribes in Arizona face unique connectivity challenges at a time when broadband access has proven essential for distance learning, telehealth appointments, meetings over video platforms, connecting to remote work, and much more.

For 20 years I served on the board of directors of the Benton Institute for Broadband & Society, a non-profit organization dedicated to ensuring that all people in the U.S. have access to competitive, High-Performance Broadband regardless of

where they live or who they are. Benton believes communication policy-rooted in the values of access, equity, and diversity—has the power to deliver new opportunities and strengthen communities.

Since 2018, Ms. Sohn has served as the Benton Senior Fellow and Public Advocate. She is one of the Nation's leading public advocates for open, affordable and democratic communications networks. For nearly thirty years, she has worked across the country, including Arizona, to defend and preserve the fundamental competition and innovation policies that have made broadband Internet access more ubiquitous, competitive, affordable, open and protective of user privacy.

The FCC is tasked with working with Arizona and its representatives to get ubiquitous, affordable and reliable communications services to our citizens. Ms. Sohn would be a knowledgeable partner in helping Arizonans and the country meet this challenge. I urge you and your colleagues in the Senate to support her confirmation to be a commissioner. Arizona and our Nation cannot wait any longer to have a fully functioning Commission. The Agency's mission is too important.

Sincerely,

TERRY GODDARD.

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PRIDE AT WORK  
Washington, DC, January 18, 2022

Senator MARIA CANTWELL, Chair,  
U.S. Senate Committee on Commerce, Science, and Transportation,  
Washington, DC.

Senator ROGER WICKER, Ranking Member,  
U.S. Senate Committee on Commerce, Science, and Transportation,  
Washington, DC.

Dear Chair Cantwell and Ranking Member Wicker,

On behalf of Pride at Work, which represents LGBTQ+ union members and their allies, I write to strongly support Gigi Sohn for the role of Commissioner at the FCC and urge swift action on her nomination. Her meaningful leadership, dedication, and contributions cannot be overstated. She has been instrumental in the success of many FCC proceedings, including on competition, open internet, modernization of the Lifeline program, and adoption of strong privacy rules for broadband providers. Throughout her career, she has been a champion of workers and consumers.

Gigi Sohn has over 30 years of experience working on communications policy and has been an advocate for affordable Internet access. She was a key ally of the labor movement in the fight to protect jobs during the T-Mobile/Sprint merger and supports efforts to hold broadband service providers accountable.

Pride at Work seeks full equality for LGBTQ+ workers in our workplaces and unions and works towards creating a Labor Movement that cherishes diversity, encourages openness, and ensures safety and dignity. Sohn has been a dedicated supporter of fast, affordable, and reliable broadband for all people, including the LGBTQ+ community, which is crucial for bridging the digital divide and ensuring full participation in social, economic, and political life.

Once confirmed, Gigi Sohn will be the first openly LGBTQ+ Commissioner of the FCC, and she will continue to be a staunch champion for workers and consumers. Sohn fully understands our complex telecommunications and media landscape, the importance of diversity and inclusion for all people, and will work diligently to ensure the views of the LGBTQ+ community are well represented in FCC decisions.

Gigi Sohn's voice, experience, knowledge, and expertise are needed on the FCC as it tackles major issues in the years ahead. Hence, we urge you to act quickly to confirm Gigi Sohn.

Sincerely,

JERAME DAVIS,  
*Executive Director.*

NATIONAL URBAN LEAGUE  
*New York, NY, January 24, 2022*

Hon. MARIA CANTWELL,  
 Chair,  
 Committee on Commerce, Science, and  
 Transportation,  
 United States Senate,  
 Washington, DC.

Hon. ROGER WICKER,  
 Ranking Member,  
 Committee on Commerce, Science, and  
 Transportation,  
 United States Senate,  
 Washington, DC.

RE: The National Urban League's Support for Sohn FCC Nomination

Dear Chairwoman Cantwell and Ranking Member Wicker,

As President and CEO of the National Urban League, and on behalf of its 91 affiliates in 37 states and the District of Columbia, I write to urge the committee to swiftly consider and work with Senate leadership to confirm Gigi B. Sohn to serve as a commissioner on the Federal Communications Commission (FCC). As an historic civil rights organization that is dedicated to economic empowerment in order to elevate the standard of living in historically underrepresented urban communities, the National Urban League supports Sohn's nomination and believes she will advance civil rights, digital equity, and economic empowerment for communities of color and other underserved communities.

Our country continues to face stark disparities in the availability and adoption of broadband. The consequences of this digital divide have been amplified by the increased reliance on high-speed Internet access during the COVID-19 pandemic. Through our Lewis Latimer Plan for Digital Equity and Inclusion, the National Urban League has recommended that the FCC, the broader Biden-Harris Administration, and Congress address these issues through broadband buildout, an affordable broadband and devices benefit, digital education, improved utilization of the Internet for critical government services, and increased opportunities for communities of color to benefit from the economic prosperity of this digital age.<sup>1</sup>

If confirmed, Sohn's 30 years of experience on these issues at the Commission, as a former staff member and as an advocate and academic, will make her well-equipped to tackle these goals. Ms. Sohn has an exhibited commitment to equity that will benefit consumers and communities of color, as we seek to close the digital and economic divide. In particular, she has expressed interest in boosting media diversity and ownership, including through expansion of the broadcast incubator program beyond radio and via a reevaluation of the FCC's minority ownership rules as part of its 2022 Quadrennial Review.

At a time when the United States has committed \$65 billion to expanding affordable broadband access and programs, including the Affordable Connectivity Program, we need a full and active commission that is committed to ensuring that this funding is implemented equitably and with informed guidance from a broad range of stakeholders. The National Urban League sincerely urges you to advance Sohn's nomination quickly through the Senate.

For more information, please contact Joi Chaney, Executive Director of the Washington Bureau and Senior Vice President for Policy and Advocacy at [jchaney@nul.org](mailto:jchaney@nul.org).

Sincerely,

MARC. H. MORIAL,  
*President and Chief Executive Officer,*  
 National Urban League.

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THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS  
*Washington, DC, February 1, 2022*

SUPPORT SWIFT CONFIRMATION OF SOHN TO  
 TO FEDERAL COMMUNICATIONS COMMISSION  
 AND BEDOYA TO FEDERAL TRADE COMMISSION

Dear Majority Leader Schumer and Commerce Committee Chair Cantwell:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to pro-

<sup>1</sup>National Urban League, *The Lewis Latimer Plan: A National Urban League Approach to Digital Equity*, <https://nul.org/program/lewis-latimer-plan>.



mote and protect the rights of all persons in the United States, and UnidosUS, the Nation's largest Latino civil rights and advocacy organization, we write to convey our strong support for confirmation of Gigi B. Sohn and Alvaro M. Bedoya to serve as commissioners, respectively, of the Federal Communications Commission (FCC) and Federal Trade Commission (FTC). We urge the Senate Committee on Commerce, Science and Transportation to quickly report both nominations to the full Senate favorably and the Senate to promptly confirm both nominees.

Our coalition is committed to ensuring that media, telecommunications, competition, consumer protection, and privacy policy affirms and extends our Nation's long-standing commitment to civil rights. Both the FCC and FTC have been operating without a full complement of commissioners since the start of the Biden/Harris administration. The need for swift action on these nominations is therefore critical as further delay will harm implementation of key civil rights priorities.

The FCC is currently implementing key provisions of the Infrastructure Investment and Jobs Act, including the new Affordable Connectivity Program, as well as the directive to prohibit digital discrimination. To ensure our Nation's broadcasting industry is diverse, competitive and serves local communities, the FCC must act quickly to complete the 2018 Quadrennial Review and initiate and complete the 2022 Quadrennial Review in a timely manner. The FCC must also take further steps to address the dysfunctional market and unjust practices in incarcerated communications and implement Congress' directive to collect equal employment opportunity data in broadcasting.

The FTC's responsibility to protect and enhance competition and consumer protection is particularly important as much of our economy moves online. With a full complement of commissioners, the FTC can better enforce existing law against online discrimination based on protected characteristics with respect to housing, access to credit, education, employment, and public accommodations; enforce unfair and deceptive practices in the data economy; and provide for algorithmic transparency and fairness in automated decisions.

Both Ms. Sohn and Professor Bedoya are exemplary nominees for their respective positions and should be swiftly confirmed. Throughout her career, Ms. Sohn has dedicated herself to the public interest, whether through her service on the Presidential Advisory Commission on the Public Interest Obligations of Digital Television Broadcasters, her advocacy for policies that promote diversity and competition in the non-profit sector, or her time at the FCC as a senior counselor to the chairman. An influential scholar focused on the principle that privacy is a civil right, Professor Bedoya is exactly the leader our country needs right now at the FTC to address the many issues relating to technology that marginalized communities face. He was notably one of the first to warn of the risks of facial recognition technology, including by comprehensively pointing out the technology's biases with race, gender, and age. The Leadership Conference also worked closely with Professor Bedoya in urging Google to ban online ads for predatory payday loans, which the company ultimately did.

Both nominees have shown they will establish a collaborative process and dialogue with the civil rights community as well as consult with the community members who are often left out of FCC and FTC deliberations, including people of color, people with disabilities, low-income communities, immigrants, incarcerated individuals, and other marginalized communities. In addition, both nominees would bring diversity to their respective institutions. If confirmed, Ms. Sohn would be the commission's first openly LGBTQ commissioner. As a naturalized citizen born in Peru, Professor Bedoya would be one of the few Latinos to serve as commissioner on the FTC.

Ms. Sohn and Professor Bedoya are highly qualified, possess deep knowledge of the challenges faced by disadvantaged populations, and have a demonstrated commitment to collaboration with civil rights stakeholders. The civil rights agenda at the FCC and FTC requires rapid, focused attention. For these reasons, the Senate Committee on Commerce, Science and Transportation should move quickly to report these nominees favorably to the full Senate and the Senate should swiftly confirm them. Should you have any questions, please contact Leadership Conference Media/Telecommunications Task Force Co-Chair Cheryl Leanza, United Church of Christ Media Justice Ministry, at [cleanza@alhamail.com](mailto:cleanza@alhamail.com), or Anita Banerji, Leadership Conference Media/Tech Senior Program Director at [banerji@civilrights.org](mailto:banerji@civilrights.org) or Bertram Lee, Jr., Media/Tech Counsel, at [lee@civilrights.org](mailto:lee@civilrights.org).

Sincerely,

WADE HENDERSON,  
*Interim President and CEO.*

JANET MURGUÍA,  
*President and CEO, UnidosUS.*

THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS  
*Washington, DC, February 7, 2022*

SUPPORT SWIFT CONFIRMATION OF SOHN  
 TO FEDERAL COMMUNICATIONS COMMISSION  
 AND BEDOYA TO FEDERAL TRADE COMMISSION

Dear Majority Leader Schumer and Commerce Committee Chair Cantwell:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to promote and protect the rights of all persons in the United States, UnidosUS, the Nation's largest Latino civil rights and advocacy organization, and the National Urban League, *a historic civil rights organization dedicated to economic empowerment in order to elevate the standard of living in historically underserved urban communities*, we write to convey our strong support for confirmation of Gigi B. Sohn and Alvaro M. Bedoya to serve as commissioners, respectively, of the Federal Communications Commission (FCC) and Federal Trade Commission (FTC). We urge the Senate Committee on Commerce, Science and Transportation to quickly report both nominations to the full Senate favorably and the Senate to promptly confirm both nominees.

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mitment to collaboration with civil rights stakeholders. The civil rights agenda at the FCC and FTC requires rapid, focused attention. For these reasons, the Senate Committee on Commerce, Science and Transportation should move quickly to report these nominees favorably to the full Senate and the Senate should swiftly confirm them. Should you have any questions, please contact Leadership Conference Media/Telecommunications Task Force Co-Chair Cheryl Leanza, United Church of Christ Media Justice Ministry, at [cleanza@alhamail.com](mailto:cleanza@alhamail.com), or Anita Banerji, Leadership Conference Media/Tech Senior Program Director at [banerji@civilrights.org](mailto:banerji@civilrights.org) or Bertram Lee, Jr., Media/Tech Counsel, at [lee@civilrights.org](mailto:lee@civilrights.org).

Sincerely,

WADE HENDERSON,  
*Interim President and CEO.*

JANET MURGUÍA,  
*President and CEO,*  
UnidosUS.

MARC MORIAL,  
*President and CEO,*  
National Urban League.

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BOULDER THINKING, LLC  
*Lafayette, CO, February 7, 2022*

Hon. MARIA CANTWELL,  
Chairperson, Committee On Commerce, Science & Transportation,  
United States Senate.

Hon. ROGER WICKER,  
Ranking Member, Committee On Commerce, Science & Transportation,  
United States Senate.

Re: Nomination Of Gigi Sohn To The Federal Communications Commission

Gentlepersons:

I write in strong support of the nomination of Gigi Sohn to serve on the Federal Communications Commission. I respectfully request that this letter be entered into the record of the Commerce Committee's February 9 hearing.

Presently retired, I held senior executive and advocacy positions at Disney/ABC and Newscorp/Murdoch. I have testified before the Commerce Committee many times (on one memorable occasion then Chairman McCain sent me crawling out of the room with my tail between my legs). Ranking Member Wicker's request for this hearing and Chairperson Cantwell's agreement with that request both are consistent with the long history of admirable bi-partisan comity on the committee.

Many of my friends who represent established companies and their trade associations are trying to throw sand in the gears of Ms. Sohn's confirmation. These are good and honorable people just doing their job as I did for decades. But the question before the Committee is not whether established industry companies agree with Ms. Sohn's views. The question is whether she is qualified. The answer to that is an unequivocal "yes".

Ms. Sohn is one of the most prepared and experienced nominees in the history of the FCC. I have worked with, and against, her for more than 30 years. She knows the issues in front of the FCC better than almost anyone I know. Ms. Sohn has been a particularly effective advocate for competition and new market entrants. Even those sending unhelpful comments to the Committee acknowledge her expertise. For example, in his letter to the Committee my friend Michael Powell, CEO of NCTA, said, "She is a respected and accomplished public interest advocate".

I would like to mention two specific issues that have been raised regarding Ms. Sohn's nomination—Net Neutrality and Locast.

Personally, I oppose Net Neutrality. I think the absence of any harm since the rules were repealed demonstrates that those rules were not necessary. But a Democrat FCC majority is almost certain to reimpose those rules regardless of the name of the third Democrat Commissioner. Therefore, the issue of Net Neutrality is not relevant to Ms. Sohn's confirmation. The real answer to Net Neutrality is for this Committee to lead the Congress in finding a compromise statutory solution that will end the "ping-pong" between Democrat and Republican FCC's. But that is a longer conversation for another day.

Regarding Locast, I am a copyright hardliner who agrees with the plaintiffs in the Locast case. But these are legitimate questions of copyright law about which

reasonable people can, and do, disagree. Locast was the first company to test the nonprofit exemption to copyright law. A few years ago, highly respected entertainment and Internet entrepreneur Barry Diller backed a company called Aereo that launched a for-profit business nearly identical to Locast that also tested the bounds of the law. The resulting copyright litigation went all the way to the Supreme Court. My point simply is that being associated with Locast no more disqualifies Ms. Sohn from being confirmed for the FCC than being associated with Aereo would disqualify Mr. Diller.

I do not have a vested commercial interest in this confirmation. I am someone who has battled Ms. Sohn at times and worked with her at other times. Hers is an important voice that belongs at the FCC. I hope the Committee finds a way to produce an overwhelming bi-partisan vote for her confirmation.

Very truly yours,

PRESTON PADDEN.

CC: All Members Of The Committee

WRITERS GUILD OF AMERICA WEST  
*Los Angeles, CA, March 2, 2022*

Hon. CHARLES SCHUMER,  
Senate Majority Leader,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Senate Minority Leader,  
Washington, DC.

Hon. MARIA CANTWELL,  
Chair, Senate Committee on Commerce,  
Science and Transportation,  
Washington, DC.

Hon. ROGER WICKER,  
Ranking Member on Commerce, Science  
and Transportation,  
Washington, DC.

Dear Majority Leader Schumer, Minority Leader McConnell, Chairwoman Cantwell,  
and Ranking Member Wicker:

The Writers Guild of America West (WGAW) supports the expeditious confirmation of Gigi Sohn to the Federal Communications Commission (FCC). The WGAW represents more than 10,000 members who write nearly all the scripted content for television, movie theaters and streaming services that entertain and inform audiences.

For more than ten years, WGAW has been a vocal advocate of the open Internet and for decades prior our organization fought for competition in media and against harmful consolidation that limits ideas and opportunities. The open Internet has created new buyers for the content writers create, lowered barriers to entry, and permitted content to bypass traditional media gatekeepers. With every major media and tech company investing billions to grow streaming video services that already count hundreds of millions of subscribers globally, the open Internet's success in establishing a legal and lucrative online video market is unequivocal.

Ms. Sohn's 30-year career demonstrates her commitment to policies that promote a competitive media market that benefits creators and consumers. She has focused on keeping the Internet free and open for content creators, promoting diversity of voices on all communication platforms, and standing up against corporate media consolidation. Her record demonstrates that she is willing to take on the largest ISPs, who wield gatekeeper power while also controlling the cable market for content distribution, and whose history of monopoly abuses threaten competition in the market for writers' content.

The WGAW strongly supports FCC Chairwoman Rosenworcel's commitment to the restoration of the FCC's authority to oversee the ISP industry to protect the interests of consumers and content creators. However, her commitment will ring hollow so long as the FCC remains deadlocked without Ms. Sohn.

Sincerely,

DAVID YOUNG,  
*Executive Director.*

THE NAVAJO NATION  
Window Rock, AZ, April 19, 2022

Hon. KYRSTEN SINEMA,  
United States Senate,  
Washington, DC.

Hon. MARK KELLY,  
United States Senate,  
Washington, DC.

RE: Support for Gigi Sohn as Commissioner

Dear Senators Sinema and Kelly:

As President of the Navajo Nation, I write today to express our support for a fully functioning Federal Communications Commission (FCC) and our support of President Biden's nomination of Gigi Sohn to be a Commissioner at this agency which is so important to the cultural, educational, and economic development of our community as we seek to ensure access to broadband across our reservation.

As you are keenly aware, access to broadband on Tribal lands lags well below the national average and, our Tribal communities are the least-served communities in the Nation. As I *testified* before Congress last year, over half of our 110 Navajo communities lack access to any broadband. I emphasized that the Navajo Nation needs ubiquitous broadband along with reliable power and water to preserve our cultural heritage and traditions and sustain the Navajo Nation. Connectivity is how education, business, and other initiatives are promoted and sustained in the world we live in and high-speed broadband is critical. To have far-reaching broadband deployment and availability across the Nation will require governmental incentives and subsidies to the private carriers.

I appreciate the efforts by Congress to provide Tribally-specific funding in the recently passed Infrastructure Investment and Jobs Act, and specifically your leadership in advancing this important legislation. But more will need to be done and the place charged with accomplishing the mission of ensuring all Americans have access to broadband is the FCC. For that reason, it is important that we ensure it is a fully functioning FCC, equipped with all five commissioners to make the critical decisions that lie ahead, such as broadband mapping, long term funding through universal service, spectrum access on Tribal lands, and other important missions of the agency.

The FCC plays a critical role and President Biden's nominee, Gigi Sohn, will be an excellent champion for the needs of our Nation's Tribal communities. As an advocate, Ms. Sohn has sought to ensure ubiquitous access to broadband and has visited Tribal communities in Arizona to get a first-hand perspective on the challenges we face in obtaining access. She has been a tireless advocate for ensuring that broadband is affordable, promoting the need for programs, such as the Emergency Broadband Benefit Program and its successor, the Affordable Connectivity Program—both designed to help low-income families get access to broadband once it is available. She has also recognized the need to empower Tribal residents with self-determination, promoting greater access to spectrum for Tribal communities and more funding for building out broadband on Tribal lands. In short, Ms. Sohn represents exactly what is needed in a commissioner to the FCC. She is a person that deeply cares about marginalized communities like ours, and beyond caring, she wants to make certain our Nation's policies are working to correct these disparities. I firmly believe that her values, her understanding, and her commitment to getting things done will be an asset that will yield substantial dividends in making the FCC's policies more reflective of the needs of our Navajo Nation and the Nation as a whole.

We thank you for the opportunity to weigh in on this important legislation and look forward to working with your offices in the future. Should you or your staff have any questions, please contact Maxine Hillary, Acting Executive Director of the Navajo Nation Washington Office, at (202) 763-4890 or by e-mail at mhillary@nnwo.org. Ahéhee' and thank you.

Sincerely,

JONATHAN NEZ,  
*President,*  
The Navajo Nation.  
MYRON LIZER,  
*Vice President,*  
The Navajo Nation.

NATIONAL TRIBAL TELECOMMUNICATIONS ASSOCIATION  
April 27, 2022

Senator BEN RAY LUJÁN,  
United States Senate,  
Washington, DC.

Dear Senator Luján:

The National Tribal Telecommunications Association (NTTA) wishes to express its support for the nomination of Gigi Sohn to the Federal Communications Commission (FCC).

NTTA consists of Tribally-owned communications companies serving Tribal communities in Arizona, New Mexico, Oregon, South Dakota, Idaho, and Montana. Our communications and broadband providers include Cheyenne River Sioux Telephone Authority, Fort Mojave Telecommunications, Inc., Gila River Telecommunications, Inc., Hopi Telecommunications, Inc., Mescalero Apache Telecom, Inc., Saddleback Communications, San Carlos Apache Telecommunications Utility, Inc., Siyeh Communications, Tohono O'odham Utility Authority, and Warm Springs Telecom, Nez Perce Tribe, Sacred Wind Communications as well as associate members Alaska Tribal Broadband and Spokane Tribe Telecom Exchange. NTTA's mission is to be the national advocate for telecommunications service on behalf of its member companies and to provide guidance and assistance to members who are working to provide modern telecommunications services to Tribal lands.

As you are aware, Tribal communities are the least-served in the country and face real affordability issues when broadband service is available. Ms. Sohn has previously made certain that she learned of the challenges faced on Tribal lands. She spent time learning directly from Tribal governments about their needs and visited some of our member companies' Reservations, including the Gila River Indian Community, to see first-hand what those challenges looked like. She took that knowledge and experience back to the FCC to help inform its proceedings.

Ms. Sohn is a long-time advocate for rural broadband who understands the importance of affordable and robust communications services for all communities, including those in Indian Country. Confirming Ms. Sohn to the FCC will help Tribal and other rural areas of the United States realize the promise of equal access to broadband services and all that these services entail.

Please feel free to call on us for further information or any assistance you may need.

Sincerely,

GODFREY ENJADY,  
President.

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*CALinnovates: How Gigi Sohn's Nomination to the FCC Went From Concerning—To Fully Corrupt* Today's political arena tolerates hypocrisies with a greater degree of acceptance than many would like, though the public absolutely draws a line at shady backroom deal-making.

This is why we ought to be aghast at the process surrounding Gigi Sohn's nomination to the FCC. Recently, Sohn announced that, if confirmed, she would recuse herself for several years on matters related to retransmission consent or television broadcast copyright. These issues are of great importance to FCC and to broadcasters, and broadcasters were worried about Sohn's record on them.

Sohn had been in hot water about these matters since late 2021. In November of 2021, the National Association of Broadcasters expressed that while they did "not currently oppose the nomination of Gigi Sohn, we have serious concerns about her involvement as one of three directors of the illegal streaming service Locast." That streaming service had essentially fleeced the broadcasters by illegally streaming their content for free. Sohn was a board member and supported the activity.

Thereafter, Sohn's nomination hit choppy waters, and suddenly, she couldn't be on the wrong side of the broadcasters anymore. Thus, her recent gambit: Recusing herself from big issues pertaining to broadcasters.

Her recent bending-of-the-knee led to this: "NAB appreciates Ms. Sohn's willingness to seriously consider our issues regarding retransmission consent and broadcast copyright, and to address those concerns in her recusal. We look forward to the Senate moving forward with Ms. Sohn's confirmation and are eager to work with her and the full complement of commissioners in the very near future."

From "serious concerns" to "eager"—welcome to rank regulatory corruption in 2022. Here is the bottom line: An embattled nominee for a regulatory position just announced that she would not regulate so that she could comfortably earn her regu-

latory posting. There is a fitting Latin expression for this, one that doesn't wear well in the halls of Congress: A quid pro quo.

To put it bluntly, Sohn's job as an FCC Commissioner would be to regulate the broadcast industry. And yet, at a moment of maximum peril for her nomination, she promised the broadcast industry that she'd be hands-off for a few years.

Set aside the flagrantly unethical nature of this. Consider a more practical problem with Sohn recusing herself on retransmission and copyright issues, a conundrum best articulated by the Wall Street Journal: "These subjects consume a large share of the FCC's regulatory bandwidth, which means the agency could be deadlocked for good or ill on many issues."

The decision to press ahead with Sohn's nomination is a galling dereliction of duty. There are issues of real concern including media ownership, retransmission, and broadcast copyrights that require a fully operational Commission. By giving up her ability to regulate broadcasters on these issues, Sohn has neutered her own position—even before she's been confirmed. And because she'd have to refrain from voting on these matters, she's also neutered the FCC.

This is unacceptable. There were already questions swirling about Sohn's back-room wheeling-and-dealing and her questionable record on minority media ownership, among other worries. But this quid pro quo is simply the last straw. Congress cannot and should not move forward with a nominee for a regulatory position who has abdicated all regulatory authority.

There are certainly other qualified nominees for the FCC post. Perhaps most importantly, any new candidates shouldn't campaign for the job by saying they won't do the job. This FCC Commission seat should be filled by a regulator who can actually regulate.

Gigi Sohn should not be confirmed to the FCC. My organization, CALinnovates, published a piece today on why, which concludes with the most pertinent point: "This FCC Commission seat should be filled by a regulator who can actually regulate."

Thank you for your interest in this pressing matter.

Sincerely,

MIKE MONTGOMERY,  
Executive Director,  
CALinnovates.

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U.S. CHAMBER OF COMMERCE  
Washington, DC, March 1, 2022

Hon. MARIA CANTWELL,  
Chair,  
Committee on Commerce, Science, and  
Transportation,  
United States Senate,  
Washington, DC.

Hon. ROGER WICKER,  
Ranking Member,  
Committee on Commerce, Science, and  
Transportation,  
United States Senate,  
Washington, DC.

Dear Chair Cantwell and Ranking Member Wicker:

The U.S. Chamber of Commerce opposes the nomination of Gigi Sohn to serve as a Commissioner of the Federal Communications Commission (FCC) due to her long-time advocacy of overly aggressive and combative regulation of the communications sector. The Chamber strongly believes that effective, durable policies to connect Americans must be developed in a consensus-building, bipartisan manner, and the Chamber has supported many of President Biden's nominees, including *Ms. Jessica Rosenworcel's* nomination as FCC chair. However, we believe that, if confirmed, Ms. Sohn would make achieving such consensus difficult because of her extreme views on issues on regulating broadband like a public utility, undermining intellectual property protections, and pursuing an agenda that would stifle competition.

Ms. Sohn is one of the leading advocates for policies that amount to regulatory overreach in the broadband market. She was a strong supporter of the 2015 Open Internet Order which regulated broadband like a public utility under Title II of the Communications Act. This policy led to the decline in private sector broadband investment for the *first time outside a national economic slowdown*. Not only would Ms. Sohn like a return to this policy, she argued to take things a step further in an October 2020 "*plan for action*" in which broadband service would be subject to even further requirements under Title II such as service fees, which could lead to an even greater reduction in privacy sector investment and impose greater costs on

consumers. At a time when America seeks to connect all Americans, it should remove regulatory barriers—not add to them.

Another alarming position Ms. Sohn has taken is her extensive advocacy for government-owned networks.<sup>1</sup> The U.S. private-sector broadband industry is what enabled the United States to endure capacity shifts during the COVID-19 pandemic. It would be a mistake to embrace a public option for broadband as opposed to focusing on private sectors providers who have helped the United States lead the world in quality and resilience.

Also, Ms. Sohn's *record is alarming on the issue of intellectual property*, a cornerstone of America's free enterprise system, as evidenced by positions she has taken on several issues, including the 2016 proposed set-top box rule. FCC needs a commissioner fully committed to ensuring creators and innovators can continue to flourish and their important intellectual property rights are protected.

At a time when the Biden Administration is launching an unwarranted and unjustified campaign against the business community through Federal regulators, Ms. Sohn's track record and her views on competition would create unnecessary obstacles to crafting effective, durable policies to ensure all Americans are connected. Ms. Sohn would make this situation worse at FCC. She has asserted that broadband is "*the tech antitrust problem no one is talking about*, and has *lauded* the contents of *Executive Order on Promoting Competition in the American Economy*, which encourages FCC to pursue actions related to competition policy and chips away at the independence of independent regulatory agencies, like the FCC.<sup>2</sup>

We believe FCC would be well served by another nominee. The Chamber opposes Ms. Sohn's nomination.

Sincerely,

NEIL BRADLEY,  
Executive Vice President, Chief Policy Officer  
and Head of Strategic Advocacy,

U.S. Chamber of Commerce.

cc: Members of the Senate Committee on Commerce, Science, and Transportation

<sup>1</sup> Empowering and Connecting Communities through Digital Equity and Internet Adoption Before the Subcomm. on Comm'n and Tech. of the H. Comm. on Energy and Com., 116th Cong. 7-8 (2020) (statement of Gigi Sohn, Senior Fellow and Public Advocate, Benton Institute for Broadband & Society)

<sup>2</sup> See Dan Bosch, *Competition EO Further Blurs Independence of Agencies*, AMERICAN ACTION FORUM (July 9, 2021), <https://www.americanactionforum.org/insight/competition-eo-further-blurs-independence-of-agencies/>.



March 2, 2022 by Matthew Brown  
 GIGI SOHN  
 FOP Research Analysis

The United States Senate Committee on Commerce, Science, and Transportation has announced that it will be convening tomorrow on March 3rd, 2022 to consider the nomination of Gigi B. Sohn to be a Commissioner of the Federal Communications Commission (FCC). The Fraternal Order of Police has voiced numerous objections to this nomination and continues to oppose Ms. Sohn due to the overwhelming and substantial concerns regarding her views and past history. Gigi B. Sohn's social media, public policy stances, and employment history has indicated serious animus towards law enforcement officers and the rule of law. In this document we have included some of the more prominent examples of this anti-police sentiment and other troubling pieces of evidence. Please review the following examples of this sentiment in the below document.

Lastly, we believe that a vote to favorably report Ms. Sohn to the Senate Floor tomorrow is a vote against the hard-working men and women of law enforcement that are simply trying to do their job and protect the public. Is this the type of nominee that your constituents want representing them on the Federal Communications Commission? The Fraternal Order of Police continues to oppose this nomination and we thank you for your consideration before the vote.

#### Anti-Police Statements

Gigi Sohn Has Sent a Number of Tweets Attacking Police and Endorsing Anti-Police Movements  
 General Anti-Police Posts

In June 2020, Sohn Retweeted a Post from Progressive Comedian Jim Gaffigan Noting "Expecting Equal Justice and Being Against Police Brutality is NOT "Being Political". It's Called Basic Empathy." (Sohn Twitter Profile, Accessed 1/17/22)



(Sohn Twitter Profile, Accessed 1/17/22)

In May 2020, Sohn Liked a Tweet Noting “Funny How One Bad Protester Labels the Whole Movement, But A Few Bad Cops are Never Supposed to Represent All Cops.” (Sohn Twitter Profile, Accessed 1/18/22)



(Sohn Twitter Profile, Accessed 1/18/22)

#### Defunding Police

In August 2020, Sohn Retweeted A Post Noting “While We’re Still Talking About the @Nba: A Reminder That Billionaire @TomGores, Owner Of The @DetroitPistons, Robs Black and Brown Families to Fund Police.” (Sohn Twitter Profile, Accessed 1/17/22)



(Sohn Twitter Profile, Accessed 1/17/22)

In January 2021, Sohn Liked a Tweet Calling for Several Progressive Agenda Items Including "Defund Police Surveillance." (Sohn Twitter Profile, Accessed 1/18/22)



(Sohn Twitter Profile, Accessed 1/18/22)

In June 2020, Sohn Liked a Tweet from AOC Calling for Defunding of the Police. (Sohn Twitter Profile, Accessed 11/8/21)



(Sohn Twitter Profile, Accessed 11/8/21)

Sohn Retweeted and Liked a Tweet from AOC Criticizing Attacks On Socialism and Defund the Police Noting “When It Comes To “Defund” & “Socialism” Attacks, People Need to Realize These are Racial Resentment Attacks. You’re Not Gonna Make That Go Away. You Can Make it Less Effective.” (Sohn Twitter Profile, Accessed 11/8/21)



(Sohn Twitter Profile, Accessed 1/17/22)

#### Criticism of Police Tactics

In May 2020, Sohn Liked a Tweet Criticizing Police Who “Stood Like the Goddamn Queen’s Guard When White Assholes W Guns Storm the State Capitol Protesting HAVING 2 WEAR A MASK IN A PANDEMIC.” (Sohn Twitter Profile, Accessed 11/8/21)



(Sohn Twitter Profile, Accessed 11/8/21)

In July 2020, Sohn Retweeted a Post Criticizing Federal Law Enforcement in Portland as "Armed Goons In Riot Gear With Tear Gas" And Defending Rioters Who Carried Gas Masks And Shields. (Sohn Twitter Profile, Accessed 1/17/22)



(Sohn Twitter Profile, Accessed 1/17/22)

In June 2020, Sohn Liked a Tweet Calling for Police Reforms Such as an End to Qualified Immunity and Militarization of The Police. (Sohn Twitter Profile, Accessed 11/8/21)



(Sohn Twitter Profile, Accessed 11/8/21)

In June 2020, Sohn Retweeted a Post Criticizing Police for Investigating the Associations of Protestors and Further Noting "Police Surveillance Must Be Limited to Prevent 1st and 4th Amendment Violations." (Sohn Twitter Profile, Accessed 1/17/21)



(Sohn Twitter Profile, Accessed/17/21)

In July 2020, Sohn Retweeted a Post Arguing "Make a Note, We Need to Forbid Police and Federal Agents from Using Military Uniforms." (Sohn Twitter Profile, Accessed 1/17/22)



(Sohn Twitter Profile, Accessed 1/17/22)

The Equal Justice Initiative Claims Law Enforcement Currently Exists as a Means to Perpetuate Racism in America. "The system of policing and incarceration evolved as a way to maintain racial hierarchy after the Civil War. We will eliminate the scourge of police violence and abuse only if we address the centrality of racial injustice and inequality in America. Because the United States did not commit to racial equality, slavery did not end in 1865; it evolved into convict leasing and decades of racial terror lynchings. Without an explicit commitment to ending racial injustice and the narratives that sustain it, law enforcement and other forms of racial control and mistreatment will continue. Many existing social service institutions already operate in ways that perpetuate racial inequality. Eliminating racism, rooting out white supremacy, and dismantling the racial hierarchy that persists as a legacy of our history must be an explicit and central goal of any meaningful conversation about policing and the treatment of Black people in this country. Public safety and public health in America cannot be advanced without confronting racism." ("Policing In America," Equal Justice Initiative, Accessed 6/5/21)

#### **Nonprofit Activity**

*Nonprofits run by Sohn have objected to several measures that would aid law enforcement.*

Gigi Sohn as a Board Member at the Electronic Frontier Foundation and the Co-Founder and Former CEO of Public Knowledge. (Electronic Frontier Foundation, "Gigi Sohn")

#### **End-to-End Encryption**



**The Electronic Frontier Foundation Touts “Big Victories” In Their Fight for Encryption, A Core Tenet of Their Organization.** “At EFF, we talk a lot about strong encryption. It’s critical for our privacy and security online. That’s why we litigate in courts to protect the right to encrypt, build technologies to encrypt the web, and it’s why we lead the fight against anti-encryption legislation like last year’s EARN IT Act. We’ve seen big victories in our fight to defend encryption. But we haven’t done it alone.” (Electronic Frontier Foundation, “On Global Encryption Day, Let’s Stand Up for Privacy and Security,” 10/21/21)

**The Electronic Frontier Foundation Pressured Amazon’s Ring into Allowing End-To-End Encryption, Specifically Complaining About the Company’s Collaboration with Law Enforcement.** “Ring’s relationship to law enforcement has long been a concern for EFF. Ring now has over a thousand partnerships with police departments across the country that allow law enforcement to request, with a single click, footage from Ring users. When police are investigating a crime, they can click and drag on a map in the police portal and automatically generate a request email for footage from every Ring user within that designated area. What happens when Ring users refuse to share that footage, without end-to-end encryption, has been a major concern. Even if a user refuses to share their footage, police can still bring a warrant to Amazon to obtain it. That means users’ video and audio could end up contributing to investigations they wish they had not facilitated—like immigration cases or enabling police spying on protests—even without the users knowing this had happened.” (Electronic Frontier Foundation, “Amazon Ring’s End-to-End Encryption: What it Means,” 2/2/21)

**In A Blog Post, The Electronic Frontier Foundation Attacked Christopher Wray After He Testified That End-To-End Encryption Frustrated the FBI’s Ability to Prosecute the January 6th Attacks.** “Federal law enforcement has been asking for a backdoor to read Americans’ encrypted communications for years now. FBI Director Christopher Wray did it again last week in testimony to the Senate Judiciary Committee. As usual, the FBI’s complaints involved end-to-end encryption employed by popular messaging platforms, as well as the at-rest encryption of digital devices, which Wray described as offering “user-only access.” The FBI wants these terms to sound scary, but they actually describe security best practices. End-to-end encryption is what allows users to exchange messages without having them intercepted and read by repressive governments, corporations, and other bad actors.” (Electronic Frontier Foundation, “The FBI Should Stop Attacking Encryption and Tell Congress About All the Encrypted Phones It’s Already Hacking Into,” 3/8/21)

**The Electronic Frontier Foundation Backed an Amendment That Would Ban Federal Agencies from Inserting Backdoors to Weaken End-To-End Encryption.** Everyone online relies on strong encryption for our privacy and security. But federal law enforcement officials keep attacking encryption, seeking backdoor access that would allow the government to scan our messages. This year, we have a chance to fight back. Rep. Tom Malinowski (D-NJ) and Rep. Peter Meijer (R-MI) have proposed to ban federal funds from being spent on software or hardware that creates security vulnerabilities or weakens end-to-end encryption. Tell your Representative to back the Malinowski-Meijer language in an upcoming appropriations bill. (Electronic Frontier Foundation Action Center, “Speak Up For Strong Encryption Rules in Congress”)

**Public Knowledge Opposed the Anti-Child Pornography EARN IT Act Due to Provisions That Would Discourage End-To-End Encryption.** “Many platforms could do more to prevent the exploitation of children on their services. We are open to legislative ideas that ensure that Section 230 continues to serve its intended purpose, which is to promote legitimate free expression, as well as proposals that protect children and give law enforcement the tools and resources, they need to prosecute cases. However, we cannot support a bill that could discourage the use of privacy-promoting technologies like end-to-end encryption.” (Public Knowledge, “EARN IT Act Could Threaten User Privacy and Security,” 3/5/20)

#### **NG911**

**In 2011, Electronic Frontier Foundation (EFF) Presented Concerns of Consumer Privacy, Freedom of Expression, And Reduction of Innovation regarding FCC Next Generation 911 (NG911) Deployment.** “We have three primary concerns about the transition to next-generation 911 services: Consumer medical privacy will be jeopardized unless adequate safeguards are implemented; Location sharing, and mandatory user authentication would imperil the privacy of online users and hamper online freedom of expression; and a technology mandate to implement the NG911 system on all suitable networked devices would chill innovation.” (Electronic Frontier Foundation, “Reply Comments of the Electronic Frontier Foundation,” 3/12/11)

**EFF Published Their Concerns Regarding NG911 Deployment Outlined in Their Comments to The FCC On Their Website.** “In comments filed with the Federal Communication Commission today, EFF outlines the critical privacy concerns at play in Next Generation 911: medical privacy, locational privacy, and anonymity.” (Electronic Frontier Foundation, “A Privacy Emergency: Consumer Rights at Risk in Next Generation 911,” 3/14/11)

**In A Statement Before the Senate Subcommittee on Communications, Technology, And The Internet, Public Knowledge Senior Staff Attorney Jodie Griffin Praised The FCC For “Creating A Framework For Next Generation 911 Services” That Ensures Consumers Are Able To Contact Emergency Services.** “When the traditional architecture of the PSTN no longer exists, it is crucial that consumers are able to contact emergency services when they need it most. The moments in which the public relies upon emergency services like 911 are literally life-or-death, and it is crucial that policymakers implement rules that maintain the public safety components of the phone network. To its credit, the FCC has already begun the process of creating a framework for Next Generation 911 services, but these issues must also be considered in the broader context of the overall shift of the PSTN to new technologies.” (“Preserving public safety and network reliability in the IP transition,” 6/5/14)

#### **E911**

**In 2015, EFF Cited “Privacy Concerns” Of Wireless Users in Response to FCC Enhanced 911 (E911) Regulations.** “The roadmap also poses privacy concerns for anyone using a stationary wireless device, be it a Wi-Fi router, a set-top cable box, or even a smart thermostat. That’s

because carriers want to create something called the National Emergency Address Database (NEAD), which would match the Wi-Fi and Bluetooth MAC addresses of stationary devices to physical street addresses (and even apartment, suite, or floor numbers). This would enable the carriers to take advantage of the same sort of indoor location technology that companies like Google, Apple, and Skyhook already use, which use your phone's Bluetooth and Wi-Fi antennas to scan for nearby fixed devices, and then match those MAC addresses to a database to determine your precise location." (Electronic Frontier Foundation, "Dear FCC: Enhanced 911 Location Services Could Endanger Americans' Privacy," 1/27/15)

**In 2018, EFF Repeated User Privacy Concerns Regarding E911 Regulations in a Post About the Wireless Emergency Alert (WEA) System.** "This isn't to say that there aren't serious privacy issues with the E911 system... The E911 standard requires that a mobile device be able to send its location, with a high degree of accuracy, to emergency responders in response to a 911 call. While this is a good idea in the event of an actual crisis, law enforcement agencies have taken advantage of this technology to locate and track people in real time. EFF has argued that this was not the intended use of this system and that such use requires a warrant." (Electronic Frontier Foundation, "There are Many Problems With Mobile Privacy but the Presidential Alert Isn't One of Them," 10/4/18)

#### 4.9 GHz Band

**In 2021, Public Knowledge Submitted Its Support of The FCC's Initiative to Utilize The 4.9 GHz Band for Commercial and Non-Public Safety Uses.** "The record on balance strongly supports the Commission's dual goals of promoting more intensive and cost-effective use of the 4.9 GHz band for public safety communications on a primary basis, while also authorizing commercial use on a secondary and opportunistic basis. Achieving this win-win outcome is squarely in the public interest. Doing so will revitalize the band for public safety use, improve broadband equity, develop the equipment ecosystem, and ensure the protection of current and future public safety operations from harmful interference." (Federal Communications Commission, "Reply Comments Of New America's Open Technology Institute And Public Knowledge," 1/11/21)

**Public Knowledge Suggested That The FCC Could Make 4.9 GHz Band Available To Assist In Emergency Communications Of Non-Public Safety Entities.** "The FCC could also make the 4.9 GHz band available for emergency communications by non-public safety entities where needed. The needs of public safety could be safeguarded in a manner similar to FirstNet, which prioritizes communications by traditional public safety/first responder entities over those of other entities using the network." (Public Knowledge, "Harold Feld's Testimony for the FCC Network Resiliency Hearing," 10/25/21)

Hon. CHUCK SCHUMER,  
Senate Majority Leader,  
Washington, DC.

Hon. MARIA CANTWELL,  
Senate Committee on Commerce,  
Science, and Transportation,  
Washington, DC.

November 16, 2021

Dear Senate Majority Leader Schumer, Minority Leader McConnell, Chair Cantwell  
and Ranking Member Wicker,

We are writing to urge the swift and concurrent confirmation of Jessica Rosenworcel and Gigi Sohn for the Federal Communications Commission and Alan Davidson for the National Telecommunications and Information Administration. These agencies urgently need Senate-confirmed leaders to address the critical need for affordable and resilient access to the open Internet in the midst of a global pandemic and worsening climate crisis. Through bipartisan infrastructure legislation, Congress has given these agencies enormous tasks on tight deadlines. These exceptional nominees' appointments so late in the year means there can be no delay in confirming them and getting started in earnest on all of that urgent work.

These three nominees each bring decades of experience, a commitment to the public interest, and the skills necessary to fulfill the missions of these agencies.

Jessica Rosenworcel's tenure at the FCC makes her an exceptional pick for FCC Chair. She is a respected and principled advocate with a proven record of fighting for the public interest. She has long championed efforts to ensure everyone in America, particularly schoolchildren, have affordable and reliable high-speed broadband to provide them with the tools they need for a successful future. Chairwoman Rosenworcel's efforts to close the "homework gap" embody that commitment. As Acting Chair, she quickly and successfully launched the Emergency Broadband Benefit, a program that is now helping millions of Americans afford access to the internet.

For over 30 years, Gigi Sohn's priority has been ensuring that modern communications networks are available to everybody, regardless of who they are or where they live. Her life's work has embodied the standard on which the FCC bases its decisions: the public interest. She served as a top aide to FCC Chairman Tom Wheeler and helped found and lead a non-profit focused on promoting an open and competitive communications and technology market. She has a proven record of bringing together varied stakeholders, including public interest advocates and companies, in bipartisan coalitions to fight for equitable broadband policies, consumer protections, competition and the open internet.

Alan Davidson has over 20 years of experience in government, industry and public interest advocacy, making him an ideal candidate to take up the interagency work of the NTIA, and to guide not only NTIA's existing spectrum allocation and broadband policy work, but also its greatly increased grantmaking and coordinating role in implementation of the bipartisan infrastructure bill's broadband funding provisions.

Even before the pandemic struck over 21 months ago, 2019 Census data showed that nearly 80 million people in the U.S. did not have adequate broadband at home.<sup>1</sup> According to that data, poor families and people of color are disproportionately disconnected—only 48 percent of low-income households had a fixed broadband connection at that time, and 13 million Black people, 18 million Latinx people and 1.3 million Indigenous people lacked this kind of adequate home connectivity.<sup>2</sup> Digital divide indicators like education and income disparities demonstrate that many Asian American and Pacific Islander (AAPI) communities and ethnic groups are also disproportionately impacted, and some AAPI communities and individuals with reduced English proficiency levels may adopt broadband at lower rates than the national average.<sup>3</sup>

At the same time communities across the country are facing more frequent extreme weather events due to the climate crisis, and those events are taking down crucial communications infrastructure on an increasingly regular basis.

<sup>1</sup> See Comments of Free Press, FCC GN Docket No. 20-269, at 4 (filed Sept. 18, 2020), [https://www.freepress.net/sites/default/files/2020-09/free\\_press\\_2020\\_section\\_706\\_inquiry\\_comments.pdf](https://www.freepress.net/sites/default/files/2020-09/free_press_2020_section_706_inquiry_comments.pdf).

<sup>2</sup> See *id.*

<sup>3</sup> See Asian Americans Advancing Justice, Telecommunications and Technology Fact Sheet, <https://advancingjustice-aajc.org/sites/default/files/2020-02/Lifeline%20Backgrounder.pdf>.

And while Congress passed historic legislation to address broadband affordability and accessibility for both urban and rural communities in the midst of the pandemic, the FCC and NTIA's ability to administer these Congressional directives—as well as their ability to promote affordability, competition, privacy, sound spectrum policy, and network resiliency along with other consumer protections using existing authorities—has been limited by the deadlocked FCC and the lack of an Assistant Secretary at NTIA.

Any delay in confirming all three of these nominees will stall progress on achieving those goals and ensuring that everyone in the United States is able to access robust, affordable high-speed internet.

We urge you to confirm these three public-interest champions before the Senate recesses at the end of the year. Thank you for your attention to this urgent matter.

Sincerely,

18 Million Rising  
 Access Humboldt  
 Akaku Maui Community Media  
 Alliance for Community Media  
 American Library Association  
 Appalshop Community Media Initiative  
 Benton Institute for Broadband & Society  
 Branford Community Television  
 California Center for Rural Policy  
 California Clean Money Campaign  
 Capital Community Media  
 CATS Community Access Television Services  
 Center for Accessible Technology  
 City of New Bedford Cable Access—New Bedford, MA  
 Color of Change  
 Common Sense  
 Communications Workers of America  
 Communities Closing the Urban Digital Divide  
 Community Media Access Collaborative  
 Decode Democracy  
 Demand Progress Education Fund  
 Democracy for America  
 Derry Community Access Media  
 Duluth Public Access Community Television  
 Electronic Frontier Foundation  
 Engine  
 FC Public Media  
 Fight for the Future  
 Free Press Action  
 Friends of the Earth  
 Granby Community Access and Media, Inc.  
 The Greenlining Institute  
 Greenpeace USA  
 Hawaii Consumers  
 Illinois for Educational Equity  
 Indivisible Sacramento  
 Institute for Local Self-Reliance  
 Libraries Without Borders U.S.  
 Local TV, inc  
 Lynn Community Television  
 Massachusetts Community Media dba MassAccess  
 Media Alliance  
 Media, Inequality & Change Center  
 MediaJustice  
 Melrose Massachusetts Television  
 Movement Alliance Project  
 Mozilla Foundation  
 National Association of the Deaf  
 National Consumers League  
 Native Public Media  
 The New Hampshire Coalition for Community Media  
 Newark for Educational Equity & Diversity  
 North Shore TV  
 NTEN

OD Action  
 The OMNI Centre for Public Media, Inc.  
 OMNI Productions  
 Open MIC (Open Media and Information Companies Initiative)  
 Open Technology Institute  
 OpenMedia  
 Orion Neighborhood Television (ONTV)  
 The Other 98 percent  
 Our Revolution  
 PhillyCAM Presente.org  
 Progress America  
 Public Knowledge  
 Revolving Door Project  
 RootsAction.org  
 Salem Community Television, Salem NH  
 Salina Media Connection; Community Access TV of Salina, Inc.,  
 San Diego Futures Foundation  
 Tahoe Truckee Media  
 Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)  
 TURN—The Utility Reform Network  
 United Church of Christ Media Justice Ministry  
 Valley Shore Community Television Inc.  
 Western New York Library Resources Council  
 Winchester Community Access & Media, Inc.  
 Writers Guild of America West  
 X-Lab

*November 29, 2021*

Hon. MARIA CANTWELL,  
 United States Senator,  
 Washington, DC.

Hon. ROGER WICKER,  
 United States Senator,  
 Washington, DC.

Dear Chairwoman Cantwell and Ranking Member Wicker,

As computer scientists, engineers and technology policy scholars, we write in strong support of Alan Davidson's swift confirmation as NTIA Administrator and Assistant Secretary of Commerce for Communications and Information. At this pivotal moment in time, when Congress has given NTIA critical new responsibilities for advancing America's technological leadership, it is vital that we have the kind of seasoned leadership and broad technical expertise that Alan Davidson will bring to these urgent challenges.

Not only is the NTIA Administrator the principal advisor to the President on Internet and telecommunications policy, the Administrator is also charged with helping achieve Congress's goal of extending broadband to all Americans by overseeing the implementation of the \$48 billion in American broadband recently enacted by Congress as part of the Infrastructure Investment and Jobs Act.

Alan has proven experience leading organizations in the public and private sector for more than two decades, with a unique blend of government and non-profit executive experience, and a successful track record in building and managing teams in the commercial marketplace. Alan has degrees in mathematics, computer science and technology policy from MIT and Yale Law School. He started his career building computer systems for the International Space Station at a time when dial-up Internet access was considered cutting-edge and when "the Internet" was largely a curiosity. During his decade at the nonprofit Center for Democracy and Technology, he worked fiercely to ensure the Internet evolved as a resource for all Americans based on freedom and constitutional values. Then, Alan opened Google's first Washington office, where he built and led the company's public policy and government relations efforts in North and South America. Alan led Open Technology Institute to advance broadband access for all Americans. He served as the Commerce Department's first Director of Digital Economy under President Obama. Most recently, Alan joined the executive team at Mozilla, leading policy and privacy efforts for one of the Internet's most trusted companies.

Today's Internet faces a list of increasingly important challenges that include threats to security, privacy, and the openness of the Internet around the world. Alan's deep technical knowledge, public policy expertise and a reservoir of trust across ideological lines is all just what the country needs to assure that the Internet

and digital ecosystem flourishes based on values of openness, innovation and democratic principles.

Sincerely,

**\*\*Institutional affiliations for identification purposes only\*\***

**Harold Abelson**

Professor, Department of Electrical  
Engineering and Computer Science  
Massachusetts Institute of Technology

**Matt Blaze**

McDevitt Professor of Computer Science and  
Law  
Georgetown University

**L. Jean Camp**

Professor of Informatics & Computer Science  
Indiana University

**Vint Cerf**

Internet Pioneer

**David D. Clark**

Senior Research Scientist  
MIT CSAIL Advanced Network Architecture  
Group  
Massachusetts Institute of Technology

**Lorrie Cranor**

Bosch Distinguished Professor in Security and  
Privacy Technologies and  
FORE Systems Professor of Computer Science  
and of Engineering & Public Policy  
Carnegie Mellon University

**Stephen D. Crocker**

President, Edgemoor Research Institute

**Joan Feigenbaum**

Grace Murray Hopper Professor of Computer  
Science  
Yale University

**Susan Landau**

Bridge Professor in Cyber Security and Policy  
Fletcher School of Law & Diplomacy and  
School of Engineering  
Tufts University

**Deirdre Mulligan**

Professor, School of Information  
Berkeley Center for Law & Technology,  
University of California Berkeley

**Daniel J. Weitzner**

3Com Founders Principal Research Scientist  
Computer Science and Artificial Intelligence  
Lab  
Massachusetts Institute of Technology

**Josephine Wolff**

Associate Professor of Cybersecurity Policy  
Fletcher School of Law and Diplomacy  
Tufts University

*November 30, 2021*

Hon. MARIA CANTWELL,  
United States Senator,  
Washington, DC.

Hon. ROGER WICKER,  
United States Senator,  
Washington, DC.

Dear Senator Cantwell & Senator Wicker,

We represent a cross section of top Asian American Pacific Islander (AAPI) business leaders, thousands of minority owned business owners/entrepreneurs and small business advocates from across the United States. Our mission is to advocate and promote a new generation of leadership that understands the lived experiences of the AAPI & minority business community. Due to the pandemic we have directly faced the hardships of thousands of targeted Asian Hate crimes and a gaping digital divide that has challenged our fragile economic landscape in minority-underserved communities all across America,

We are writing to ask for your support of Alan Davidson's confirmation as the next Assistant Secretary for the United States Department of Commerce National Telecommunication and Information Administration (NTIA). Now that the President has signed the Infrastructure Investment and Jobs Act, it is time to start executing on the \$48 billion in broadband funding included in the bill to close the digital divide that has negatively impacted the Nation's underserved communities.

We are supporting Mr. Davidson because he is solutions-oriented, brings the highest degree of integrity, and has an unwavering commitment to building an economy with equitable innovative opportunities for all communities. Mr. Davidson is a technologist who has proven experience leading organizations in the public and private sector, and advocating for the public interest for more than two decades. He will use his unique blend of government and non-profit executive experience, and a successful track record in building and managing teams to ensure this mission of NTIA is carried out in an equitable manner.

Most importantly, he is committed to closing the Digital Divide and will make this a priority at NTIA, as this is a once-in-a generation opportunity. Broadband Internet is now a critical part of everyday American life. As the pandemic made clear, people of color in underserved communities need broadband to work, learn, and to connect, yet many communities of color are still without affordable, high-speed broadband access. NTIA now stands at the center of this critical opportunity to close the digital divide, increase broadband access/adoption, and connect all Americans securely, which will be all of Alan's top priorities. Without an equalized secure telecommunications and broadband network that serves all communities, America cannot achieve its full potential in this competitive global economy.

We urge you to confirm Alan Davidson as the next Assistant Secretary of the NTIA as soon as possible.

Thank you for your consideration,

YING MCGUIRE,  
*Co-Chair, National AAPI Business Leaders  
Business Council and CEO,*  
National Minority Supplier Development Council.

CHILING TONG,  
*CEO and President,*  
National ACE, Washington D.C.

JIMMY FERGUSON,  
*Co-Chair,*  
Texas AAPI Business Leaders Council, Austin, TX.

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U.S. CHAMBER OF COMMERCE  
*Washington, DC, December 14, 2021*

TO THE MEMBERS OF THE UNITED STATES SENATE:

The U.S. Chamber of Commerce supports the nomination of Alan Davidson to serve as Assistant Secretary of Commerce for Communications and Information and Administrator of the National Telecommunications and Information Administration (NTIA).

Mr. Davidson is a well-qualified nominee with extensive experience in technology and information both at the policy and practitioner level. He has also served in a diverse variety of positions including at the Department of Commerce, public interest organizations, and in the private sector.

NTIA serves as the President's primary advisor on telecommunications and information policy issues, and focuses on critical issues to the business community including spectrum management, broadband, cybersecurity, 5G security, and privacy. Confirmation of a qualified and permanent Assistant Secretary is essential to ensure the effective execution of NTIA's responsibilities and to provide for continued U.S. global leadership in technology.

The Chamber looks forward to working with Mr. Davidson. We urge the Senate to confirm his nomination expeditiously.

Sincerely,

NEIL L. BRADLEY,  
*Executive Vice President, Chief Policy Officer  
and Head of Strategic Advocacy,*  
U.S. Chamber of Commerce.



*January 30, 2022*

## LETTER OF RECOMMENDATION FOR VIQUAR AHMAD

To Whom It May Concern:

We are honored to submit this letter of reference in support of Viquar Ahmad's nomination for the Assistant Secretary for Administration and Chief Financial Officer of the U.S. Department of Commerce. We have known Viquar for several years when he was our immediate supervisor at our respective place of employment-the U.S. House of Representatives and the U.S. Department of Homeland Security. He is talented and hard-working, has a clear vision and knows how to execute it, is always available and supportive, decisive, and sets a high standard for himself and the staff. Simply put: his efforts and leadership had a positive impact, and he left our organizations in a better place because of our collaboration.

Viquar stepped into his role as the Deputy Chief Financial Officer at the U.S. House of Representatives during a particularly challenging time. Prior to his arrival, an outside assessment of the Office of Finance was done with recommendations for substantial changes. He was unfazed by the magnitude of task at hand and understood the concerns and hesitancy around change. Viquar spent time getting to know staff in group meetings and one-on-one discussions. He communicated the vision in a relevant manner and our role in the road-map for getting to the desired goals. Staff appreciated how approachable he was because it allowed us to address potential issues before they became a major crisis. His commitment to employee engagement, growth, and proficiency through trainings bred a culture of high morale and improved quality of work. He was consistent in treating each of us with respect, empowering us to effectively do our job, and including us in decisions impacting our work. The Office of Payroll and Benefits is the largest unit in Finance and our work impacts each of the more than 10,000 employees at the House. As I reflect on our time together, I know he was the right leader for us and we are enormously thankful that his efforts made us a better unit so that we may provide exceptional customer service to the House.

The mission of the U.S. Department of Homeland Security is to secure the Nation from the many threats we face. Large-scale emergency issues ranging from aviation security, border security, cyber security, to natural disasters would occur and the Office of Budget was central to ensuring effective resourcing to address the challenges. Viquar's vast knowledge, analytical skills, creativity, and ability to remain calm under pressure allowed us to provide solutions to leadership time and again. Because of his reputation, our leadership promoted him to oversee the group responsible for the full scope of formulation and execution of the Department's nearly \$67 billion budget. He took on this role during a time when the Department was engaged in a complex effort to overhaul a legacy budgeting framework with significant budget disparities and inconsistencies between its Components and appropriations and programs. Despite the enormity of the challenges, Viquar was always available to encourage, teach, mentor, and add humor to make the grind enjoyable. Even when he was on vacation in some distant country, he would maintain contact to answer questions, provide guidance and make sure we were doing well. Our team nominated him for the Outstanding Supervisor Award and we were pleased that he was the first employee from our Division to receive that recognition. As well, he was a recipient of various other awards for exemplary performance, including the Meritorious Public Service Medal.

Viquar is driven to excel, recognizes and shares credit with his team, genuinely cares about the wellbeing of employees, and is a person of good character and integrity. His leadership made our organizations better, stronger, and more resilient. We are certain he will continue to make a positive impact. We enthusiastically support his nomination, and if confirmed, know that the Department of Commerce will benefit from his outstanding leadership.

Very respectfully,

JAMES F. BUTLER

ERIC LITTLEPAGE

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO  
GIGI B. SOHN

*Topic.* The FCC's public safety mandate is written into its founding statute—it's literally in the first line of the Communications Act. First responders depend on our telecommunications networks in times of emergencies and to operate public safety systems. That ranges from people being able to pick up the phone and dial 9-1-1 all the way to the messaging systems used by the police and firefighters that respond to that call.

*Question.* Can you tell me more about how, as a Commissioner, you would promote public safety and support the police, firefighters, and other first responders that depend on the FCC?

*Answer.* Serving and enhancing public safety is one of the most important obligations of the FCC. If confirmed, I would seek to ensure that every rulemaking, adjudication and decision of the Commission considers the potential implications for public safety. In particular, the Commission must ensure that police, firefighters and other first responders have access to the resources they need—especially in times of crisis. In the words of the D.C. Circuit, when the FCC fails to consider possible harms to public safety “People could be injured or die.” *Mozilla Corp. v. FCC*, 943 F.3d 1, 62 (D.C. Cir. 2019).

As a first priority, I would seek to ensure that public safety communications cannot be blocked or throttled. 911 Communications, wireless emergency alerts, Amber Alerts, and official communications from police, firefighters or other first responders to the public—and communications by the public to first responders—must flow smoothly and without interference. Additionally, first responders must have adequate and secure spectrum to communicate with each other, free from harmful interference.

I also fully believe that network reliability and resiliency are critically important to first responders. I would fully support efforts by the Commission to ensure that we have robust communications networks that allow first responders to communicate reliably with one another during national disasters or terrorist attacks. This includes ensuring the smooth operation of FirstNet, and that FirstNet remains faithful to its core mission of serving the first responder community.

If confirmed, I would also consult regularly with law enforcement, firefighters, EMTs and other first responders to ensure that the unique needs of each community are met. I am aware that law enforcement are concerned about the illegal use of contraband cell phones in prisons, and I pledge to work closely with the law enforcement community, the correctional community and wireless providers to find ways to prevent the illegal use of contraband phones by incarcerated individuals consistent with the FCC's statutory authority.

*Topic.* If confirmed, robocalls will be an immediate issue for you at the FCC. Chair Rosenworcel circulated a proposed rule on blocking robotexts last month.

*Question.* If confirmed, will you support Chair Rosenworcel's proposed rules on robocalls and fraudulent text messages?

*Answer.* I agree that robocalls and robotexts are a major nuisance and a serious concern for consumers and I understand that the Chairwoman has made the issue a top priority. The text of the Chairwoman's proposed rules is not publicly available, so I do not know the specific details, but I am supportive of her efforts on this issue. If confirmed, I look forward to working with the Chairwoman and the other Commissioners on the issue and reviewing the record developed in the proceeding.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JON TESTER TO  
GIGI B. SOHN

**Work History**

*Question.* Can you talk about your work on copyright issues, including your involvement in Locast, and how your previous work may impact your views on broadcast issues as a Commissioner at the FCC?

*Answer.* I was Co-founder and Chief Executive Officer of the public interest organization Public Knowledge, which, among other things, sought to ensure that copyright, patent, and trademark law reflected its constitutional directive “[t]o promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.” This meant promoting policies that both ensured that creators could profit from their works and that the public was able to lawfully make use of those works, including those works that they purchased.

Locast was a streaming service that provided local broadcast signals to those who couldn't receive local signals over-the-air, including many in rural areas. I believed that was a good thing both for viewers and for local broadcast stations, but the broadcast networks disagreed. They sued and the service was shut down.

My previous copyright work and participation on the Locast board will not in any way impact my views on broadcast issues if I am confirmed as a Commissioner at the FCC. I believe strongly that local broadcasting is vital to the lifeblood of every community—providing local news and information and critical emergency services free to every American. It is the bulwark against misinformation and toxic online culture, and I am committed to ensuring that it grows and thrives. If I am confirmed, I would approach every issue impacting broadcasters in a way that promotes their competitiveness, resiliency, and diversity in today's media landscape.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KYRSTEN SINEMA TO  
GIGI B. SOHN

*Copyright.* Some have raised concerns about your leadership role at the streaming service Locast. A Federal court determined that Locast did not qualify for a copyright exemption and a settlement was reached to end its operations.

*Question 1.* Following your role with Locast and the settlement agreement, if you are confirmed to the Federal Communications Commission (FCC), would you harbor any biases against parties associated with the case, and would you be able perform your duties in an independent and fair manner towards all parties?

*Answer.* Over my 30-year career as a public interest lawyer, I have worked closely with almost every major communications industry and individual corporation. I have always worked in an independent and fair manner, including when I worked at the FCC from 2013–2016. If confirmed, I would harbor no biases against the parties associated with the lawsuit against Locast, and I would be able to perform my duties in an independent and fair manner towards all parties.

*Question 2.* What is the FCC's role in relation to copyright?

*Answer.* The courts, the Copyright Office, and Congress have consistently affirmed that the Commission lacks jurisdiction over matters of copyright policy. If confirmed as Commissioner, I would commit to ensure that the FCC does not seek to extend the bounds of its jurisdiction to matters of copyright.

*Question 3.* One of my criteria for reviewing nominations is whether the nominee can be trusted to faithfully execute and uphold the law as it exists. Will you faithfully uphold the law related to copyright and retransmission consent as it exists?

*Answer.* Yes. I am committed to the rule of law and will faithfully uphold the law related to copyright and retransmission consent as it exists.

*FCC Maps and IIJA.* The Infrastructure Investment and Jobs Act (IIJA) provides a significant investment in broadband deployment, with Arizona receiving at least 100 million dollars over five years to expand access to high-speed internet. This is especially important for Arizonans living in rural areas. In order to allocate these broadband investments, the Commerce Department and FCC will look to updated broadband maps to determine which areas of the country currently do not have access to high-speed broadband.

*Question.* Considering past mapping delays, how will you work to ensure the FCC produces accurate broadband maps in a timely manner?

*Answer.* If confirmed, I intend to work side-by-side with Chairwoman Rosenworcel and other Commissioners to ensure that the FCC's maps are produced accurately and expeditiously. I am delighted that the FCC has recently entered into a contract for the broadband serviceable location fabric, which indicates where broadband *can* be deployed. The next challenge is to obtain the data from broadband providers which indicates where broadband *is currently* deployed. I would like to assist in obtaining this critical information from the providers in an expeditious manner.

*Affordable Connectivity Program.* Congress permanently reauthorized the Emergency Broadband Benefit Fund in the IIJA, now referred to as the Affordable Connectivity Program. The program was initially created during the onset of the COVID-19 pandemic to help more low-income households gain access to affordable broadband. The IIJA requires the FCC to promulgate a regulatory framework to implement the program within one year.

*Question.* Are you confident the FCC will be able to implement a final rule for the Affordable Connectivity Program within the time-frame established in the IIJA?

*Answer.* If confirmed, I would consider this a priority for the Commission. It is my understanding that the Commission has already taken the initial steps to transi-

tion the Emergency Broadband Benefit Program to the Affordable Connectivity Program. For example, the Commission released a Public Notice on November 18, 2021 seeking comment on the implementation of the Affordable Connectivity Program. The Commission noted within the Public Notice that it interprets the interplay between the statutory provisions for the Emergency Broadband Benefit Program and the Affordable Connectivity Program to require new rules within 60 days of enactment. Additionally, the Commission released an Order on November 26, 2021, which waives certain rules for the enrollment freeze and notice requirements for the end of the Emergency Broadband Benefit Program to facilitate the transition to the Affordable Connectivity Program by the end of the year. Finally, The Commission is required to adopt final broadband transparency rules under the Affordable Connectivity Program within one year of enactment. If confirmed, I look forward to working with the Chairwoman and other Commissioners to meet the statutory deadlines in the IIJA for implementation of the Affordable Connectivity Program.

*Audience Data.* The FCC relies on audience data for numerous regulatory purposes, including to define local television markets and to determine the national audience reach of a company's total broadcast stations when applying its regulations enforcing the national ownership cap.

*Question.* What are your thoughts about the FCC's use of audience data, the sources the FCC relies upon to collect audience data, and the state of competition to provide audience data to the FCC?

*Answer.* The Commission has used the Nielsen Designated Market Areas (DMAs) to determine the national audience reach under the national ownership cap since 1999.<sup>1</sup> Industry supported the switch to the Nielsen DMAs because they were used in other regulatory contexts—such as must carry and retransmission consent—and the prior method of collecting the data was no longer reliable.<sup>2</sup> The Commission previously concluded in 1996 that the use of Nielsen DMAs was an appropriate method for determining a TV station's local market for purposes of cable carriage<sup>3</sup> after Congress modified Section 614 of the Communications Act in the 1996 Telecommunications Act to require the Commission—by regulation or order—to use “commercial publications which delineate television markets based on viewing patterns.”<sup>4</sup> Additionally, the Commission is required by statute to use DMAs for defining local television markets in the context of satellite carriage.<sup>5</sup>

I have no reason to believe that the Nielsen DMA audience data is not accurate or reliable for these uses and I am not aware of other companies that provide the same data. In fact, the move to using Nielsen data in some cases was precipitated by the fact that the prior company no longer collected the relevant data.

If changes are necessary, the Commission would need to conduct a rulemaking to modify its current approach under the broadcast ownership and cable carriage rules. And Congress would have to modify the statute to provide for Commission authority to use other sources in the satellite carriage context.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BEN RAY LUJÁN TO  
GIGI B. SOHN

### **Racial Equity Assessment**

On the first day of his presidency, President Biden signed an executive order that called for each Federal agency to “assess whether, and to what extent, its programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups.” That executive order also “strongly encouraged” independent agencies, like the FCC, to comply with this directive.

Chairwoman Rosenworcel in September agreed with the need for this kind of assessment, stating “I recognize we can't build a better, more equitable future without a reckoning of how our past continues to influence our present and how too many communities continue to be overlooked and underserved.”

<sup>1</sup>See Federal Communications Commission, *Report and Order*, FCC 99–208 (August 6, 1999) ([https://transition.fcc.gov/Bureaus/Mass\\_Media/Orders/1999/fcc99208.pdf](https://transition.fcc.gov/Bureaus/Mass_Media/Orders/1999/fcc99208.pdf)).

<sup>2</sup>*Id.* at ¶ 34.

<sup>3</sup>See Federal Communications Commission, *Report and Order*, 11 FCC Rcd 6201 (April 26, 1996).

<sup>4</sup>47 U.S.C. § 534(h)(1)(C).

<sup>5</sup>47 U.S.C. § 338 (signal carriage rights) and 17 U.S.C. § 122 (copyright).

*Question 1.* Will you commit to supporting a racial equity assessment at the FCC, as you advance all of the agency's mandates to promote diversity in licensing, as well as in communications policy broadly?

Answer. Yes.

#### **Joint Sales Agreements & Minority Ownership**

During questioning with Senator Rosen, you stated that your position on joint sales agreements and sidecar agreements with minority broadcasters had been misstated. It's critical to set the record straight on issues that might affect diversity in broadcasting.

*Question 2.* Please clarify your position on joint sales agreements with minority broadcasters. What impact would your position have on diverse media ownership?

Answer. As part of her inquiry at the hearing, Senator Rosen said "I understand concerns have been raised about your opposition to policies such as "joint-service agreements" and "shared-service agreements," which allow stations to share facilities and employees and jointly sell advertising, which I understand can be critically important for minority-owned stations."

I did not and do not oppose the use of either joint sales agreements or shared-service agreements by minority-owned stations. When I worked for former Chairman Wheeler in 2014, the FCC adopted rules that made these agreements attributable for purposes of the ownership rules with the exception of those arrangements where broadcasters can prove the deals are in the public interest "such as when they expand the diversity of voices in a community through sharing expenses between truly independent stations." This exception ensures that stations that benefit from these arrangements are indeed minority owned and controlled, and that they are not used by non-minority station owners to evade the ownership rules.

#### **Areas of Focus for the Quadrennial Review**

During questioning with me, you noted the quadrennial review as an important opportunity to find new ways to improve minority media ownership.

*Question 3.* What specific areas and rules deserve most scrutiny during the quadrennial review for their impact on Latino media ownership?

Answer. Local broadcasters continue to be vital to the communities that they serve and are an important part of the media ecosystem. At the hearing, I committed to Chair Cantwell to work with her and others on policies to support local broadcasters. I also believe that there should be a diversity of ownership and diversity of viewpoint in the broadcasting industry. The Commission is in the midst of its 2018 Quadrennial Review where it sought comment on the remaining media ownership rules—the Local Radio Ownership Rule, the Local Television Ownership Rule, and the Dual Network Rule—and sought comment on a variety of diversity proposals. If confirmed, I look forward to reviewing the record that the Commission has developed to determine how best to achieve the Commission's goals of localism, competition, and diversity in the broadcasting industry, including the collection of reliable data to assess trends in ownership diversity. Additionally, as I noted at the hearing, I would like to review the Commission's incubator program, which the Supreme Court reinstated earlier this year, to see if that is another potential opportunity to increase the diversity of ownership in the broadcast industry.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAPHAEL WARNOCK TO  
GIGI B. SOHN

*FCC Mapping.* The Federal government is poised to make generational investments in broadband expansion, and we desperately need the FCC to develop accurate maps that show us which communities remain unconnected. I'm proud that Georgia is a leader in broadband mapping, and I believe that the Georgia map is really among the most accurate in the country when it comes to providing granular information about who is and isn't connected.

*Question.* Would you commit to working with state and local leaders in Georgia and across the country to incorporate all of their information and build a more accurate map?

Answer. Yes.

*Question.* Would you commit to prioritizing broadband mapping so that we can better allocate Federal investments in broadband?

Answer. Yes.

*Supporting minority broadcasters.* Some have reported that Nielsen's TV and radio ratings may undercount Black and Hispanic audiences, which can result in

lower revenues for Black and Hispanic-owned stations and less diverse programming on radio and TV. In 2008, a coalition of minority radio broadcasters stated that the lower ratings would “disenfranchise minority communities and have a devastating impact on small businesses.”

*Question.* Would you commit to working to promote diversity in the broadcasting space and addressing barriers that minority broadcasters may face, such as inaccurate audience numbers?

*Answer.* If confirmed, I look forward to working with your office to find ways within the Commission’s authority to address the barriers that minority broadcasters face. While the ratings systems for the radio and TV industry are governed by private companies, I do note that Nielsen modified its broadcaster reporting policies effective earlier this year so that more small minority-owned stations will be reported.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO  
GIGI B. SOHN

*Question 1.* The Senate Commerce questionnaire you completed asked you in Part A.11. to “List all positions held as an officer, director, trustee. . . .” In its 2019 IRS Form 990, the Sports Fan Coalition lists you as serving as Secretary and an Officer. Why did you not disclose these positions on your Senate Commerce questionnaire, in addition to your disclosure of board membership?

*Answer.* I was not a member of the board of Sports Fans Coalition NY, Inc. (SFCNY) in 2019. I joined the board of SFCNY in March 2020 and have never been Secretary or an Officer. The Chair of SFCNY has informed me that this was a clerical error and that the organization will be filing an amended 2019 IRS Form 990 shortly. That 2019 Form 990 will properly list Habiba Alcindor as Secretary and an Officer and Phillip Berenbroick as a Board Member of SFCNY.

*Question 2.* In March 2020, you issued a statement that said “I’m honored to join the Locast board.” In your Committee questionnaire in Part A.11., you were asked to identify all positions that you held as an officer. You did not list any board membership for Locast. Please explain this discrepancy or omission.

*Answer.* Locast was a streaming service run by SFCNY, it is not a separate corporate entity. I listed my board membership in SFCNY in Part A.11 of the Committee questionnaire.

*Question 3.* Where did the money come from for the payment of the \$32 million settlement in connection with the Locast case?

*Answer.* The settlement funds come from amounts collected to fund SFCNY operations after SFCNY pays its vendors.

*Question 4.* Can you detail the discussions you have had—including with government officials and private sector entities—regarding potential recusals or conflicts of interest in connection with broadcasters or the broadcast industry? Have determinations been reached regarding the scope and nature of a recusal? If yes, please share that determination.

*Answer.* On October 26, 2021, I signed an ethics agreement with the FCC’s Designated Agency Ethics Officer. In this agreement, I committed that I would not participate “personally and substantially . . . in any particular matter” involving SFCNY “unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).” In addition, I have spoken with stakeholders in Congress, the Executive Branch, and external stakeholders about the recusals required by law and regulation regarding with my Board membership of SFCNY.

*Question 5.* Have you ever expressed to anyone opposition to Jessica Rosenworcel being nominated or confirmed to serve another term as an FCC commissioner?

*Answer.* No.

*Question 6.* Has the White House expressly stated that you will not be designated as Chair of the Commission?

*Answer.* President Biden has designated Jessica Rosenworcel Chair of the Commission, and no one has discussed with me whether or not I would be designated as Chair.

*Question 7.* Did you have any discussions with the White House or anyone else regarding the possibility of your serving as chair of the FCC?

*Answer.* I expressed an interest to the White House in serving as chair last March but have had no additional discussions regarding that possibility since that time. I have discussed it with others outside the White House.

*Question 8.* During the last Administration, some Senators asked then-FCC Chairman Pai to commit to disclosing contacts with the White House. Do you commit to disclosing to me and my colleagues all contacts and communications you or your staff receive from the White House?

Answer. I commit to following the past practice of Commissioners regarding these contacts.

*Question 9.* On net neutrality, during your confirmation hearing, I asked you to identify harms that flowed from the FCC's 2017 decision to repeal the Obama-era Title II regulations. You responded by claiming that a broadband provider throttled a Santa Clara fire department in 2018.

1. Is it your view that the broadband provider's conduct would have violated the 2015 Open Internet Order's bright line rule on throttling?
2. Or, did the particular plan that Santa Clara purchased offer service at one speed for a particular amount of data and then additional data at a different speed in a manner allowed by the FCC's 2015 "no throttling" rule?
3. Did the 2015 Open Internet Order apply, by its terms, to the type of government or enterprise offering purchased in the example you cited?

Answer. The repeal of the 2015 Open Internet Order, including the FCC's relinquishment of its oversight over broadband impacted the Santa Clara County Fire Department because the Fire Department had no recourse when its broadband was throttled. Indeed, it was a seven-month dispute over a data plan that impacted the Fire Department's ability to communicate with other public safety entities and the public. But the Fire Department had no government entity that it could turn to for a resolution of the dispute. Neither the FCC nor the FTC publicly offered its help to resolve the matter after it became national news. The FCC's lack of oversight of broadband was more the cause for this situation than the lack of bright line net neutrality rules.

Based on the public accounts, the plan used by the Santa Clara firefighters was one of several standard plans offered by Verizon to a wide range of customers. If true, even though Santa Clara is a public safety/government user rather than a residential user, the plan could still be a "consumer" offering. It would be a very unfortunate result if firefighters and other first responders received *less* protection than typical consumers.

*Question 10.* How should the FCC, the FAA, and the wireless and aviation industries address interference concerns related to 5G deployments using C-Band spectrum?

Answer. All parties agree that public safety is a priority for the FAA and FCC, not to mention stakeholders in the aviation and wireless industry. Recognizing the very significant ramifications of a delay in C-band deployment, I am hopeful that the FCC, FAA, and the wireless and aviation industries can come together to analyze and solve this problem expeditiously, in good faith, in a manner that ensures safety and deployment can coexist. Going forward, I agree with Chairwoman Rosenworcel that the best way to prevent this kind of situation in the future is to ensure that the FCC and its Federal counterparts work together in a transparent and collaborative manner. If confirmed, I look forward to working with the Chairwoman and the other commissioners to assist in this process.

*Question 11.* Do you agree with the FCC's 2020 decision to approve Ligado's application to offer terrestrial low-power services? Do you agree with the FCC's 2021 decision to deny a stay of that decision?

Answer. Because I am not currently serving at the FCC, I have not yet had access to classified information subsequently shared with the FCC following the FCC's decision. Additionally, because the matter remains pending before the Commission, and I may be required to vote on the issue, I am unable to express an opinion prejudging the matter. I note that Congress chose to impose additional safeguards against possible interference, including delay until completion of further study, as part of the National Defense Authorization Act of 2020 rather than voting to overrule the FCC in its entirety. If confirmed, I would seek access to classified information related to this matter and would be guided by Congress and the Communications Act to ensure that critical defense systems do not suffer harmful interference.

*Question 12.* Journalistic endeavors aside, what value do you believe local broadcasters bring to their media markets?

Answer. As I stated at the hearing, local broadcasters are vital to the lifeblood of every community. Of the various communications platforms, broadcasters alone are responsible for providing local emergency alerts, local news, and local information to their communities of license. I also committed to work with Congress on policies to support local broadcasters. At the same time, I believe that there should be

a diversity of ownership and diversity of viewpoint in the broadcasting industry. If confirmed, I look forward to working with this Committee and the other Commissioners to determine how best to achieve the Commission's goals of localism, competition, and diversity in the broadcasting industry, including the collection of reliable data to assess trends in ownership diversity.

*Question 13.* Would you agree that U.S. copyright laws need to be updated? If yes, how would you suggest Congress do so?

Answer. I do have some background in copyright through my prior experience as Co-founder and Chief Executive Officer of the public interest organization Public Knowledge, which, among other things, promoted policies that both ensured that creators could profit from their works and that the public was able to lawfully make use of those works, including those works that they purchased. However, I have not focused on these types of copyright issues in recent years so I do not have any specific opinions related to updating U.S. copyright laws. Further, such copyright issues are not within the jurisdiction of the Commission, so I would not expect that I would be involved in any legislative initiatives should I be confirmed.

*Question 14.* Last July, President Biden signed an Executive Order on “Promoting Competition in the American Economy” that, in part, encouraged the FCC to consider a number of policy actions, including reinstating net neutrality rules on broadband access to residential and office buildings. Since the EO’s publication, the FCC issued a Notice of Inquiry on the latter topic, raising a potential concern that the FCC is taking direction from the White House on telecommunications policy.

1. Do you support any of the recommendations focused on the FCC contained in the Executive Order? If yes, which recommendations.
2. To what extent have you, in either a professional or personal capacity, engaged with White House staff or Biden transition team staff in developing or reviewing policy for any version the aforementioned Executive Order on competition?
3. Courts have generally held that agencies are given deference in court because they are “expert” agencies. If you were involved in writing or otherwise contributing to the policy of the Executive Order that predetermined the outcome of a rulemaking, do you think your agency would deserve deference?

Answer. I have supported the recommendations of the Executive Order focused on the FCC in the past both as a public interest advocate and as a staffer to former FCC Chairman Tom Wheeler. I have not engaged with the White House staff or the Biden transition team in either developing or reviewing policy, writing, or otherwise contributing policy for any version of the Executive Order on Competition. I cannot comment on hypotheticals. The issue of deference is largely determined by the courts based on whether the expert agency involved was or was not arbitrary and capricious when making its determination.

*Question 15.* President Biden has called for the reinstatement of “net neutrality” and Title II reclassification of broadband in his July Executive Order on competition, and you have stated that the FCC has authority to reclassify broadband under Title II.

1. If the FCC adopts net neutrality regulations that classify broadband under Title II, do you support the FCC pursuing a broadband consumer privacy rule similar to the rule adopted by the FCC in 2016 if Congress has not acted on a comprehensive privacy bill?
2. Should there be different privacy rules for Internet service providers and edge providers?
3. Looking at the current state of the broadband market, can you identify which provisions of Title II the FCC should apply to broadband beyond those included in the 2015 Open Internet Order, if any?
4. If the FCC pursues a net neutrality rulemaking, do you believe that the rulemaking would or should preempt state net neutrality laws such as California’s Internet Consumer Protection and Net Neutrality Act?

Answer. In 2017, Congress repealed the FCC’s 2016 broadband consumer privacy rules under the Congressional Review Act, which prohibits the agency from adopting “substantially similar” rules in the future. Under the law, the FCC could not pursue a broadband consumer privacy rule that is substantially similar to the one repealed in 2017.

While I was working for Chairman Tom Wheeler at the FCC from 2013–2016, the FCC adopted privacy rules for Internet service providers. It could not apply those rules to edge providers because the FCC lacks jurisdiction over those providers. Chairman Wheeler made it clear however, that he viewed the FCC’s privacy rules as a template for rules that could also be applied by Congress to edge providers.



Should the FCC move forward to adopt net neutrality rules and reclassify broadband Internet access providers as a Title II telecommunications service, it would have to start a new proceeding that will look at changes in, among other things, technology, how consumers use the Internet, and business practices. If confirmed, I would look at the totality of the record and the law and come to a conclusion about which provisions should apply, and whether preemption is warranted and the scope of that preemption, with input from staff, my fellow commissioners and members of this Committee.

*Question 16.* In 2017, you stated that “[a]ny weakening of the [FCC’s privacy] rules by either the Trump FCC or Congress will leave consumers unprotected from ISP data collection, use and security practices that might violate their privacy.” Please list the privacy violations by ISPs that have occurred since you made that statement.

*Answer.* The Federal Trade Commission recently published a study of six major ISPs—AT&T, Verizon, Charter, Comcast, T-Mobile, and Google—that examined the industry’s privacy practices since 2017.<sup>1</sup> Among other things, the study found that ISPs have regularly violated user privacy by:

- Disclosing real-time location data to third parties, including bounty hunters;
- Collecting data unnecessary for the provision of Internet service to target ads;
- Collecting data on sensitive characteristics such as political affiliation, sexual orientation, and religious beliefs; and
- Using confusing interfaces, sometimes called “dark patterns,” to mislead consumers into inadvertently sharing more data.

Importantly, ISPs often retain this data for years, even after customers have terminated their relationship with the ISP.

*Question 17.* As you stated in 2017, the Congressional Resolution of Disapproval that vitiated the 2016 FCC ISP Privacy Rules “ensure[d] that the FCC cannot adopt ‘substantially similar’ rules.” If the FCC reclassifies broadband services as telecommunications services, what rules do you believe the FCC could impose on ISPs given that any such rules could not be “substantially similar” to the rules adopted in 2016?

*Answer.* Any proposal to reinstate ISP privacy rules—assuming reclassification of broadband services—would have to be conducted under notice and comment pursuant to the Administrative Procedure Act. The proceeding presumably would include seeking comment on what is or is not “substantially similar” to the 2016 ISP privacy rules. As such, any final rules would need to reflect the record developed, as well as comply with the Congressional directive from the Resolution of Disapproval.

*Question 18.* On net neutrality, you have said that you are not advocating for the FCC to reinstate the Obama-era Title II regulations; rather, you have said that the FCC should go beyond that. In particular, you have said “I’m not advocating for just reinstating the old rules.” In light of this statement, please respond to the following with a yes or no:

1. Do you commit to not applying price controls or rate regulations to broadband providers—either through rate setting or through determining the lawfulness or reasonableness of rates charged?
2. Do you commit to not regulating rates by prohibiting free data or zero-rating plans, which allow consumers free access to popular services?
3. Do you commit to not regulating interconnection agreements?
4. Do you commit to not applying any form of unbundling obligations on broadband providers?

*Answer.* Should the Chairwoman move forward with a proceeding to adopt net neutrality rules and reclassify broadband Internet access providers as a Title II telecommunications service, the Commission would have to start a new proceeding that will look at changes in, among other things, technology, how consumers use the Internet, and business practices. If confirmed, I would look at the totality of the record and the law and come to a conclusion with input from staff, my fellow commissioners and members of this Committee about the proper scope of net neutrality rules and forbearance from Title II obligations.

As I said unequivocally in my confirmation hearing, I agree with the Chairwoman that the FCC should not set rates for broadband services.

<sup>1</sup>See Federal Trade Commission, Staff Report, A Look At What ISPs Know About You: Examining the Privacy Practices of Six Major Internet Service Providers (October 21, 2021) ([https://www.ftc.gov/system/files/documents/reports/look-what-isps-know-about-you-examining-privacy-practices-six-major-internet-service-providers/p195402\\_isp\\_6b\\_staff\\_report.pdf](https://www.ftc.gov/system/files/documents/reports/look-what-isps-know-about-you-examining-privacy-practices-six-major-internet-service-providers/p195402_isp_6b_staff_report.pdf)).

*Question 19.* Should the FCC have authority to determine the reasonableness of broadband rates, and if so, how would it make such determinations?

Answer. As I stated in my testimony and at the hearing, I do not believe the FCC should regulate the rate of broadband service. In 2015, the FCC chose to forbear from rate regulation as part of its Title II proceeding and I support that decision. The FCC is, however, charged by Congress under the universal service statute with ensuring that rates charged in rural areas are reasonably comparable to those charged in urban areas. The FCC has rules to gather information on such rates and to reduce the USF support of providers participating in the universal service program that fail to offer consumers in rural areas broadband service at or below the relevant comparability benchmark based on the Urban Rate Survey. Protecting rural consumers in this way is important and, if confirmed, I will work with my Commission colleagues to ensure the Commission is living up to this Congressional directive.

*Question 20.* In 2017, you stated that “[t]he Federal Trade Commission has no legal authority to oversee ISP practices.” On what legal basis did you make this statement?

Answer. I am unaware of the context in which this statement arose, but I was most likely talking about the FTC’s ability to enforce net neutrality’s bright line principles, *i.e.*, no blocking, no throttling and no paid prioritization. While the FTC under its Section 5 authority does oversee “unfair or deceptive practices,” of ISPs, it has interpreted that authority to apply only to those occasions where the ISP either promises to engage (or not engage) in a certain behavior but does it anyway, or whether it has failed to tell a consumer that it will engage in certain behavior. In other words, if an ISP reserves the right to engage in blocking, throttling and paid prioritization and tells the consumer, the FTC has no authority to regulate that behavior.

*Question 21.* In June 2018, you stated that “[t]he end of the 2015 net neutrality rules and the legal authority on which they are based will allow companies like Comcast, AT&T and Verizon to take control of consumers’ Internet experience and favor or disfavor websites, programming services and applications at will.” That was more than three years ago. What evidence do you have that ISPs have engaged in such activities after the FCC, under Chairman Pai, restored the classification of broadband services as information services?

Answer. As I stated at the hearing, my main concern with the 2017 repeal of the net neutrality rules and reclassification of broadband was the abdication of FCC oversight over broadband and that the majority of harms since the repeal involved the loss of oversight more than the bright line rules. I discussed the throttling of Santa Clara Firefighters broadband during the Mendocino Complex fire as just one example of that.

However, in 2018, academic research led by Northeastern University and the University of Massachusetts at Amherst reviewed crowdsourced data from the Wehe app and found that for mobile Internet service providers in the United States, “we don’t see evidence of Internet service providers throttling only when the network is busy; as far as we can tell, it’s 24/7, and everywhere.” Professor David Choffnes, the lead researcher, noted that this throttling created a “slippery slope,” because “[t]oday it’s video, but what is it going to be tomorrow? When Internet service providers decide to take control and make decisions on behalf of consumers and/or content providers, what’s going to be the fallout for those decisions? Is it actually in everyone’s best interests?”

It’s also important to note that there is ongoing litigation over the 2017 repeal, as well as a growing number of states that have passed their own net neutrality laws and regulations. California, Colorado, Maine, Oregon, Vermont and Washington State have passed net neutrality laws and Hawaii, Montana, New Jersey, New York, and Rhode Island have put in place net neutrality contracting requirements. As a result, broadband providers have been cautious about their business practices.

*Question 22.* In April 2017, you stated that the FCC’s decision to restore the agency’s previous decision not to regulate broadband services like legacy telephone services “will not only fail to provide effective broadband privacy protections, it will come at the cost of eliminating the FCC’s net neutrality rules that prohibit ISPs like Comcast and AT&T from picking winners and losers on the internet.” What evidence do you have that ISPs have been picking winners and losers on the Internet during the past four years?

Answer. As I stated at the hearing, my main concern with the 2017 repeal of the net neutrality rules and reclassification of broadband was the abdication of FCC oversight over broadband and that the majority of harms since the repeal involved

the loss of oversight more than the bright line rules. I discussed the throttling of Santa Clara Firefighters broadband during the Mendocino Complex fire as just one example of that.

However, in 2018, academic research led by Northeastern University and the University of Massachusetts at Amherst reviewed crowdsourced data from the Wehe app and found that for mobile Internet service providers in the United States, “we don’t see evidence of Internet service providers throttling only when the network is busy; as far as we can tell, it’s 24/7, and everywhere.” Professor David Choffnes, the lead researcher, noted that this throttling created a “slippery slope,” because “[t]oday it’s video, but what is it going to be tomorrow? When Internet service providers decide to take control and make decisions on behalf of consumers and/or content providers, what’s going to be the fallout for those decisions? Is it actually in everyone’s best interests?”

It’s also important to note that there is ongoing litigation over the 2017 repeal, as well as a growing number of states that have passed their own net neutrality laws and regulations. California, Colorado, Maine, Oregon, Vermont and Washington State have passed net neutrality laws and Hawaii, Montana, New Jersey, New York, and Rhode Island have put in place net neutrality contracting requirements. As a result, broadband providers have been cautious about their business practices.

*Question 23.* The recently-enacted Infrastructure Investment and Jobs Act (IIJA) provides \$65 billion for broadband. The law also directs the Government Accountability Office to examine whether the FCC’s current definition of high speed broadband (25/3 Mbps), is appropriate. Do you believe that the current definition is appropriate? If not, what do you believe should be the appropriate definition? Do you think there are any downsides to adjusting the benchmark speeds upwards?

Answer. I do not think the 2015 Federal definition of broadband adequately reflects the modern needs of consumers and businesses. I agree with the IIJA’s statutory text to provide funding to deploy 100/20 Mbps minimum last mile access that can “easily scale,” “meet the evolving connectivity needs of households and businesses,” and “support the deployment of 5G, successor wireless technologies, and other advanced services.” I believe a bipartisan majority of Congress correctly understood that our modern needs of broadband will continue to grow and the FCC should keep pace with the congressional directive.

I do not believe there are downsides to adjusting the benchmark so long as it is tethered to modern uses in healthcare, education, business, farming, and current personal home uses. Given the direction Congress has given with the IIJA, I believe it is important for the FCC to follow that direction in updating its data collection and reporting efforts in order to assess which communities have access to infrastructure Congress intended for them to obtain.

*Question 24.* IIJA will provide tens of billions in funding to expand broadband deployment. In an interview with the Wall Street Journal about the law, you noted that the IIJA “can be supplemented with action from the FCC and other agencies.” What other actions do you believe the FCC should take to supplement the broadband provisions in the IIJA?

Answer. Section 60104 of the IIJA requires the FCC to “commence a proceeding to evaluate the implications of this Act and the amendments made by this Act on how the Commission should achieve the universal service goals for broadband” and requires the Commission “to submit to Congress a report on the options of the Commission for improving its effectiveness in achieving the universal service goals for broadband in light of this Act and the amendments made by this Act, and other legislation that addresses those goals.”

The FCC’s Universal Service Fund supports, among other things, connectivity to schools and libraries and rural health care facilities as well as phone and broadband service to low-income families and support for broadband deployment in high-cost areas. After conducting the proceeding required by the IIJA, the FCC may determine that continued USF support in some or all of those areas may continue to be necessary to “achieve the universal service goals for broadband.”

*Question 25.* During your confirmation hearing, you noted that a key aspect of closing the digital divide is affordability. With the enactment of the IIJA, which establishes the Affordable Connectivity Program, should the FCC consider any other policies to address broadband affordability? If yes, what policies should the FCC consider?

Answer. If confirmed, I would want to look at the conclusions and the recommended options the FCC makes under Section 60104 of the IIJA for “improving the effectiveness in achieving universal service goals for broadband in light of this Act, and other legislation that addresses those goals. One option the FCC might con-

sider is how it can make its Lifeline program more accessible and useful to low-income Americans. Since 2017, the number of Lifeline recipients has decreased by 40 percent and the program's budget has shrunk accordingly. Currently, less than 20 percent of Americans who are eligible for Lifeline take advantage of it. That is in part because the FCC has erected barriers to eligibility and use of the program and in part because it has not worked with states to complete the National Eligibility Verifier, which can make swift and accurate determinations of Lifeline eligibility. If confirmed, I would like to work with the states to ensure that they connect their state government assistance databases to the Verifier and with the Chairwoman to figure out other ways to strengthen the Lifeline program.

*Question 26.* During your confirmation hearing, you suggested that closing the homework gap could be addressed through expanding the E-Rate program to allow funds to be used in the home. Under what legal authority does the FCC have to expand the E-Rate program to the home and how should this be paid for?

Answer. 47 U.S.C. Sec. 254(h)(2)(A) states that the Commission shall establish "competitively neutral rules" to enhance . . . access to advanced telecommunications and information services for all public and nonprofit elementary and secondary school classrooms, . . . ." Chairwoman Rosenworcel and Commissioner Starks have urged that, especially since the beginning of the COVID-19 pandemic, the "classroom" is not just in the school building, but also in the home. I agree with this assessment and believe that the FCC has the authority to interpret Section 254 in this manner.

Some of these home connections have been paid for through the Emergency Connectivity Fund, which was passed as part of the American Rescue Plan, but the annual E-Rate budget could also be used to pay for these home connections. For example, because of the reforms launched in the 2014 and 2015 E-Rate modernization dockets, according to some estimates,<sup>2</sup> the E-Rate budget had a nearly \$2 billion unallocated in March 2020. Some of that money could have been used to provide home connections during the heart of the pandemic.

*Question 27.* Please provide a copy of the recent Locast settlement to the Committee.

Answer. I respectfully refer the Committee to the broadcast networks and SFCNY directly to obtain a copy of the settlement agreement.

*Question 28.* If confirmed, how do you plan on approaching broadcast networks that sued Locast if issues, orders, or proceedings that impact them come before the Commission?

Answer. If confirmed, I will approach issues, orders and proceedings involving the broadcast networks as I would any proceeding—with an open mind. As required by the Administrative Procedure Act, if confirmed, my decision in any particular proceeding will be dictated by the totality of the record in a proceeding and the law, along with input from staff, my fellow commissioners, and the Members of this Committee. If confirmed, I also plan on meeting with local broadcasters to discuss how the FCC can help them be more competitive, resilient and diverse.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
GIGI B. SOHN

*Question 1.* Last July, President Biden signed an Executive Order on "Promoting Competition in the American Economy" that encouraged the FCC to consider a number of policy actions, including reinstating Title II regulations on the Internet and increasing regulation of broadband access to residential and office buildings. Since, the FCC issued a Notice of Inquiry on the latter issue, raising a potential concern that the FCC is taking direction from the White House on telecommunications policy.

1. Do you support the recommendations directed at the FCC contained in the Executive Order? If yes, which recommendations?
2. To what extent have you, in either a professional or personal capacity, engaged with White House staff or Biden transition team staff in developing or reviewing any version the aforementioned executive order on competition?

Answer. I have supported the recommendations of the Executive Order directed at the FCC in the past both as a public interest advocate and as a staffer to former FCC Chairman Tom Wheeler. I have not engaged with the White House staff or the

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<sup>2</sup> Amir Nasr, the Homework Chasm, Slate (March 30, 2020, found at <https://slate.com/technology/2020/03/coronavirus-school-broadband-homework-gap.html>)

Biden transition team in either developing or reviewing policy, writing or otherwise contributing policy for any version of the Executive Order on Competition.

*Question 2.* The FCC's Alternative Cost Model (ACAM) program is helping bring broadband to rural Americans who are the hardest to serve. However, the benefits of the ACAM program are constrained by specific terms that deny consumers faster broadband speeds. Do you support the FCC acting on a petition pending before the Commission to adopt modifications to the program to more quickly bring higher speeds to consumers served by the ACAM program?

Answer. As I noted at the hearing, over the past two decades I've worked towards the goal of ensuring that every household in the U.S. has robust and affordable broadband Internet access. If confirmed, I look forward to reviewing the record developed regarding the referenced petition to determine whether modifications are needed to the ACAM program.

*Question 3.* What do you believe the FCC's role should be relating to Section 230 and do you support Congressional action to address online transparency concerns like my bipartisan PACT Act?

Answer. I have publicly stated that I don't believe that the FCC currently has the authority to interpret Section 230. I am very supportive of Congressional action to address online transparency and have spoken favorably of the PACT Act in several public forums.

*Question 4.* The Universal Service Fund at the FCC has had a significant impact on states like South Dakota that have large rural areas. Do you believe it is important to provide rural broadband providers, particularly rate of return carriers, regulatory certainty in the USF program?

Answer. Yes. Throughout my 30+ year career, my priority has been to ensure that modern communications networks are available to everyone regardless of who they are or where they live, which is at the heart of the USF program. For the past 15 years, my priority has been ensuring that every household in the U.S. has robust broadband Internet access, and that any government funding for broadband should be spent wisely, effectively, and with transparency and accountability. For example, while at the FCC, I worked on the Commission's successful modernization of the E-Rate, Lifeline, and high-cost programs, which seek to ensure that schools, libraries, and low-income and rural households have broadband Internet access. The Communications Act also requires that the FCC preserve and advance universal service by ensuring that access to advanced services be provided in all regions of the nation, including to low-income consumers and those in rural, insular, and high cost areas.

As I discussed at the hearing, the bipartisan Infrastructure Investment and Jobs Act (IIJA) requires that the FCC submit a report to Congress within nine months on the impact that the \$65 billion of new deployment funding has on the USF and on recommendations for how to proceed. That provision is so important because an assessment of the USF will provide regulatory certainty going forward. Hearing about the infrastructure funding is significant and critical to meet the Nation's needs. Through all of these efforts, it is essential for the FCC to obtain input from the public, state and local entities, as well as the broadband providers about ongoing needs to meet our universal service objectives. Moreover, the FCC will need to communicate effectively about any potential changes to current programs as a result of its assessment and complete any required rulemaking processes to implement such changes.

*Question 5.* You stated in your testimony that "Markets work best when there is vigorous competition." I agree. However, government subsidized competition, is not vigorous competition. That is why I have opposed government subsidies that allow for overbuilding. If confirmed, will you commit to prioritize future FCC funding towards unserved areas, not creating so-called competition in less rural areas?

Answer. I support the framework in the IIJA that requires States to provide funding first to deploy broadband in unserved areas and only then provide funding to deploy broadband in underserved areas. I think that is a sound model for future FCC funding as well.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROY BLUNT TO  
GIGI B. SOHN

*Question 1.* Ms. Sohn, you were a key architect of the Obama FCC's net neutrality rules, which Republicans largely opposed. However, I think if you surveyed Republicans on our committee today, what they were opposed to wasn't so much the bright line rules against blocking and throttling content—which have never been common practices among broadband providers to begin with—but the regulatory uncertainty

that the Title II regulatory framework created. In particular, many of us were concerned about the vague “general conduct” standard, which would have given FCC bureaucrats the discretion to prohibit and punish, on an open-ended case-by-case basis, so-called “unreasonable” practices by broadband providers.

Under the general conduct standard, providers were left to guess whether their popular consumer offerings—such as those that offered unlimited sponsored content streaming—would be deemed impermissible. In conjunction with the equally open-ended authority to regulate providers’ charges and practices under Title II, this amorphous “general conduct” standard sowed tremendous uncertainty among U.S. broadband providers and undermined their ability to innovate and invest in our networks.

At our in-person meeting in November, you stated that your main concern with the previous FCC’s reversal of the Obama FCC’s net neutrality rules wasn’t about blocking throttling, or paid prioritization—but a lack of “oversight” and opportunity for FCC “recourse” when it comes to other conduct that you consider problematic.

That sounded an awful lot to me like a general conduct standard for the Internet.

1. Ms. Sohn, are you in favor of bringing back a general conduct standard for broadband providers?
2. If so, do you think that the 2015 net neutrality order took the right approach with its general conduct rule?
3. Or do you think that the latter was too vague and gave too much discretion to the FCC to review providers’ business models?

Answer. Should the Chairwoman move forward with a proceeding to adopt net neutrality rules and reclassify broadband Internet access providers as a Title II telecommunications service, the Commission would have to start a new proceeding that will look at changes in, among other things, technology, how consumers use the Internet, and business practices. If confirmed, I would look at the totality of the record and the law and come to a conclusion with input from staff, my fellow commissioners and members of this Committee about the proper scope of net neutrality rules (including adoption of a general conduct standard or similar standard) and forbearance from Title II obligations.

However, I have been critical of the general conduct standard in the past. In an October 2020 paper, I stated that the general conduct standard was “too vague and complicated” and urged that it be replaced with a simple “unreasonable discrimination” standard similar to that adopted by the FCC in 2011.

*Question 2.* Ms. Sohn, I voted for the Infrastructure Investment and Jobs Act in part because of its significant investment to bridge broadband access gaps in unserved areas of our country.

In drafting this legislation and striking our bipartisan deal, legislators made the following clear: our priority is to bring broadband access to every unserved American, including the approximately one third of rural Missourians who lack access to any broadband whatsoever, regardless of the technology used to do so. It makes no sense to use the funding to upgrade or duplicate networks in areas that already have access to high speeds, particularly if that comes at the expense of bringing broadband to those Americans who have nothing. A technology-neutral policy is not only the fairest and most cost-effective approach; it is also reflects this country’s time-tested, bedrock belief that eschewing technological mandates is the best way to promote innovation and investment in our networks.

1. Ms. Sohn, do you believe that a technology neutral approach is the best policy when it comes to Federal broadband subsidies?
2. Do you agree to heeding Congress’ will that—that Federal broadband policy should be technology neutral—in executing your duties, such as in the Commission’s annual requirement under Section 706 of the 1996 Telecommunications Act to “determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion”?

Answer. The FCC has long recognized on a bipartisan basis that Americans expect to have access to robust fixed and mobile broadband networks, and the bipartisan IIJA is expected to significantly advance the availability of robust, scalable networks capable of facilitating 5G and other advanced technologies in currently unserved and underserved areas. I agree with the IIJA’s framework and priorities, which give states the authority to determine what technologies best fit their residents’ needs. It offers the Nation an opportunity to finally ensure that every American has access to at least one robust, broadband network. It will be important for the FCC to also coordinate its USF and Affordable Connectivity Program efforts so that low-income consumers can purchase the broadband service of their choice.

*Question 3.* Ms. Sohn, in April 2020, you stated on Twitter: “I call ‘overbuilding’ competition, which is important because a lot of rural #broadband networks are inadequate to meet the needs of residents.”

1. In your mind, what threshold of broadband service counts as “adequate”?
2. Do you consider a network inadequate if download and upload speeds are asymmetrical?
3. Do you consider a population with access to 100/20 Mbps but not 100/100 Mbps “underserved”?
4. Do you believe that Federal broadband funding should be used to overbuild networks in areas that already have high-speed broadband but where speeds are not symmetrical?

Answer. I support the bipartisan framework of the IIJA, which requires carriers receiving Federal funds for deployment to deploy a minimum of 100/20Mbps in unserved areas and which defines “underserved” areas as those where not less than 80 percent of the “broadband serviceable locations” cannot receive 100/20 Mbps speeds. I also support the IIJA’s mandate that states first fund carriers to deploy broadband in unserved areas before they can fund carriers to deploy broadband in underserved areas.

*Question 4.* You mentioned at the hearing that Locast, the entity you sat on the board of that was successfully sued for retransmitting copyrighted content, provided local broadcast signals to consumers who could not get them over the air, such as viewers in “orphan counties.”

1. Can you provide the committee with a list of how many Locast subscribers there were over the time Locast was operating, broken down by each of the 36 television markets in which you operated this service?
2. From that list, can you also break out how many of those subscribers reside in “orphan counties,” again broken out by television market?

Answer. My understanding is that Locast has ceased doing business. I respectfully refer you to the nonprofit organization that ran Locast, Sports Fan Coalition NY, Inc. (SFCNY) regarding any informational requests for data that it may have.

*Question 4a.* To better understand your role as a member of the board of directors of Locast, please also answer the following questions:

1. What was your role as a member of the board?
2. As a Locast board member, did you sign the settlement agreement with the television networks?
3. Why did Locast choose to settle?
4. Who will be paying for the settlement?
5. Will you provide the Committee with the settlement agreement?
6. Will you also provide any other related documents pertaining to the settlement that explain what your role with Locast is or was, and any liabilities or other requirements you or Locast are responsible for as a result of the judgment against Locast?

Answer. Locast was a nonprofit service that provided local broadcast signals to people who couldn’t receive them, including many in rural areas of the country. It relied on a copyright exemption (17 U.S.C. Sec. 111(a)(5)) for nonprofits. I believed that was a good thing both for viewers and for local broadcast stations, but the networks disagreed. They sued and the service was shut down.

In my role as a board member of Sports Fans Coalition NY, Inc. (SFCNY), I participated in quarterly board meetings. In those meetings I reviewed financial statements and plans to expand the service. I was also involved in the decision to shut the service down after the District Court ruling that Locast did not qualify for an exemption under 17 USC Sec. 111(a)(5). My understanding is that any damages will be paid from amounts collected to fund SFCNY operations after the organization pays its vendors.

As a board member, I signed the settlement agreement. I respectfully refer the Committee to the broadcast networks and SFCNY directly to obtain a copy of the settlement agreement.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DEB FISCHER TO  
GIGI B. SOHN

*Question 1.* Given the significant funding allocated for broadband deployment across several agencies recently, I want to focus on maximizing these critical Federal investments. I am concerned about the Federal government funding redundant networks in a manner that ends up limiting funds and resources for rural areas that do not have any broadband connection.

After Congress passed the bipartisan infrastructure bill, Commerce Secretary Gina Raimondo spoke on the transparency and oversight needed for state broadband proposals. She stressed, “We have to make sure that we don’t spend this money overbuilding.” During the hearing, you stated that you supported Secretary Raimondo’s position on overbuilding. Do you still agree with Secretary Raimondo’s comments that we “don’t spend this money on overbuilding?”

Answer. Yes. As I stated at the hearing, I agree with the approach in the infrastructure bill that requires funding to be provided to unserved areas first.

*Question 2.* As mentioned during the hearing, you previously indicated that FCC subsidies can be helpful in “forcing companies to compete.” You also have tweeted that “Whenever you hear anybody complain about ‘overbuilding’ of broadband networks, translate that to ‘competition’.”

1. If confirmed as commissioner, will you ensure that funding available for broadband deployment within your jurisdiction is prioritized to expand networks to unserved areas, first?
2. If confirmed as commissioner, will you ensure that broadband deployment funds are not used to overbuild existing networks? If so, how?

Answer. I support the framework in the IIJA that requires States to provide funding first to deploy broadband in unserved areas and only then provide funding in underserved areas. I think that is a sound model for future FCC funding as well and if confirmed, I will urge the FCC to follow that model.

*Question 3.* During the hearing, you framed the policy-related statements you previously made on your Twitter account in the context of being an advocate at the time, distancing your personal views from certain comments that you have made publicly.

1. As a public advocate on communications policy, do you advocate for policies in which you believe?
2. Are there any particular statements that you have tweeted as a public advocate that you no longer agree with?

Answer. Yes, as a public advocate on communications policy I advocate for policies which I believe will benefit consumers. I have tweeted thousands of times since 2009 and I am sure that there are statements that I no longer agree with because of changed circumstances or because somebody convinced me otherwise. And as I testified at my hearing, I do regret the sharp tone of some of my tweets.

*Question 4.* During the hearing, you said you were not certain whether you had advised former FCC Chairman Tom Wheeler about the Commission’s actions on municipal broadband in February 2015, which sought to undermine state laws. However, in an interview on a South by Southwest panel that followed in March 2015, you disclosed that the controversial Municipal Broadband Order was pushed through because people were distracted by net neutrality. You said, “It was on purpose . . . you’re going to do two controversial things, try to bury one, right?”

1. If confirmed as commissioner, will you commit to conducting your work in a transparent and ethical manner?
2. At this time, do you recall whether you advised former FCC Chairman Wheeler on the Municipal Broadband Order, while you were his counselor?

Answer. If confirmed, I will commit to conducting my work in a transparent and ethical matter. Although my choice of words at the 2015 panel was poor, the FCC in fact did not “bury” the Municipal Broadband Order. It was circulated to the other commissioners and placed on the Commission’s agenda just like any other order, including the net neutrality order. There was no effort to hide the ball.

I still don’t recall specifically advising the Chairman on the Municipal Broadband Order. He had a large team working on the Order and my focus at the time was more on the Open Internet Order, which as you noted, was adopted at the same time. But I certainly supported the Order and have supported the ability of communities to choose whether or not to build their own broadband networks.



RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO  
GIGI B. SOHN

*Question 1.* I appreciate that you stated multiple times during the hearing that you are a supporter of local broadcast stations. However, Locast was found by Federal judge earlier this year to be illegally retransmitting local broadcast channels without permission or compensation while you served on its board of directors. On behalf of the broadcast industry, four broadcast networks successfully sued Locast and either have already or will receive monetary damages for their stolen content.

1. If you are confirmed and a proceeding that involves these four companies comes in front of the Commission, wouldn't a reasonable person believe that you may have a conflict of interest, given this history?
2. Wouldn't the same hold true for the additional broadcasters injured by Locast's conduct, who could still bring a similar suit?

In addition to monetary damages, I understand the settlement included certain restrictions on Locast representatives, including members of the board of directors, of which you were a member.

1. Please detail the restrictions placed on you by the settlement between Locast and the broadcasters.

Answer. Locast was a nonprofit service that provided local broadcast signals to people who couldn't receive them, including many in rural areas of the country. It relied on a copyright exemption (17 U.S.C. Sec. 111(a)(5)) for nonprofits. I believed that was a good thing both for viewers and for local broadcast stations, but the networks disagreed. They sued and the service was shut down.

While the District Court Judge found that the statutory copyright exemption didn't apply, he never ruled on final liability, nor did he determine that any broadcaster was injured. This was a case of first impression. My understanding is that Locast suspended operations days after the judge's ruling and is in the process of selling its assets. There was a settlement agreement entered into by the parties and a final order by the judge, all of which the non-profit complied with in full. The settlement requires Sports Fan Coalition NY, Inc. (SFCNY) directors, including me, not to engage in a similar exercise to test the scope of the not-for-profit exemption.

On October 26, 2021, I signed an ethics agreement with the FCC's Designated Agency Ethics Officer. In this agreement, I committed that I would not participate "personally and substantially . . . in any particular matter" involving SFCNY "unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d)."

If confirmed, I will approach each proceeding involving broadcasters as I would any proceeding—with an open mind. As required by the Administrative Procedure Act, if confirmed, my decisions will be dictated by the totality of the record in a proceeding and the law, along with input from staff, my fellow commissioners, and the Members of this Committee.

*Question 2.* I'm interested in your thoughts on rules for terrestrial spectrum licensees that operate in the 12 GHz band. If confirmed, will you commit to evaluating the 12 GHz NPRM record fairly, strenuously reviewing comments and studies from all stakeholders?

Answer. Yes.

*Question 3.* What are specific examples of consumer harms that have occurred since the 2017 rollback of the Obama-era net neutrality regulations?

Answer. As Chairwoman Rosenworcel said at her November 17 confirmation hearing, the 2017 net neutrality repeal was broader than the bright line rules—it removed FCC oversight over broadband entirely. Among other things, that left California firefighters without recourse when a broadband company throttled its service during the Mendocino complex fire, which at the time was the biggest in state history, and left consumers without recourse when Frontier charged monthly fees to consumers who bought their own modems. It also resulted in some small wireless providers having to slow or halt fiber deployment because pole owners either charged higher rates or refused to negotiate a rate.

In addition, researchers at Northeastern University and the University of Massachusetts at Amherst reviewed crowdsourced data from the Wehe app and found that for mobile Internet service providers in the United States, "we don't see evidence of Internet service providers throttling only when the network is busy; as far as we can tell, it's 24/7, and everywhere." David Chofness, the lead researcher, noted that this throttling created a "slippery slope," because "[t]oday it's video, but what is it going to be tomorrow? When Internet service providers decide to take control and make decisions on behalf of consumers and/or content providers, what's going to be the fallout for those decisions? Is it actually in everyone's best interests?"

It's also important to note that there is ongoing litigation over the 2017 repeal, as well as a growing number of states that have passed their own net neutrality laws and regulations. California, Colorado, Maine, Oregon, Vermont and Washington State have passed net neutrality laws and Hawaii, Montana, New Jersey, New York, and Rhode Island have put in place net neutrality contracting requirements. As a result, broadband providers have been cautious about their business practices.

*Question 4.* Last week, I asked Chairwoman Rosenworcel about supply chain challenges facing broadband providers, in light of the increased level of Federal spending to close the digital divide. She said that she started a proceeding at the FCC to collect information about how semiconductor shortages are impacting the telecommunications sector. What do you think the FCC should be doing to analyze the issues that exist within the broadband deployment supply chain, including outside of the semiconductor issues?

Answer. Thanks to the work of Congress over the past year, there are ample financial resources available to help close the digital divide in both rural and urban areas. The FCC inquiry into the impact semiconductor shortages are having on the telecommunications sector is a good first step. The Commission should further build a record to identify other potential bottlenecks that could slow or stall the unprecedented broadband deployment efforts that will occur over the next five to ten years thanks to the RDOF, the IIJA, and other actions by Congress.

As the record develops and the FCC continues to identify issues that exist within the broadband supply chain, we owe it to ourselves, our colleagues at the Department of Commerce, and to the American public to do everything we and our Federal government partners can to address these supply chain issues and implement efforts to resolve them before they have the opportunity to cause delay. Moreover, we must all work together to ensure these shortages do not recur and impede future American technological leadership. If confirmed, I would work closely with my colleagues at the FCC and our Federal partners to consider all appropriate options so that our efforts to close the digital divide are not hamstrung by workforce or manufacturing shortages.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAN SULLIVAN TO  
GIGI B. SOHN

*Question 1.* I'm concerned about what seems to be your clear bias toward addressing broadband deployment problems in urban areas over rural areas. Just last year, in your testimony before the House Energy and Commerce Committee, you said that "policymakers have focused disproportionately on broadband deployment in rural areas of the United States, Americans who live in cities also face enormous challenges to broadband connectivity". While I am sure urban areas have challenges relating to broadband, would you agree that extreme-rural, frontier communities with no broadband infrastructure at all—like many in Alaska—perhaps deserve disproportionate focus from policymakers?

Answer. As I noted at the hearing, over the past two decades I've worked towards the goal of ensuring that every household in the US—both rural and urban—has robust and affordable broadband Internet access. I also recognize that there are communities and states—like Alaska—where deployment is more challenging. I support the broadband provisions in the infrastructure bill because—not only did Congress require that the funding goes to unserved areas first—it also requires that the states receive and distribute the funds. States and localities know best where broadband is needed and will be essential partners for the Commission and NTIA. Additionally, there are other aspects to the digital divide that we also must consider—including affordability and digital literacy.

*Question 2.* As a result of the court's decision against Locast, a company which you serve on the board of and which was shut down earlier this year, Locast is required to pay the broadcast companies which brought the lawsuit \$32 million. Are you personally liable for any part of that fine? Who is required to pay those damages to the broadcast companies and have those payments already occurred? Will this be taken into account in your recusal considerations?

Answer. I am not personally liable for any part of the monetary settlement. My understanding is that any settlement funds will be paid from amounts collected to fund operations of Sports Fan Coalition NY, Inc. (SFCNY), the nonprofit entity that ran the Locast service, after the organization pays its vendors. On October 26, 2021, I signed an ethics agreement with the FCC's Designated Agency Ethics Officer. In this agreement, I committed that I would not participate "personally and substan-

tially . . . in any particular matter” involving SFCNY “unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).”

*Question 3.* The FCC has taken significant steps in recent years to identify and make available spectrum for commercial use, including for 5G deployment that is critical to ensure U.S. leadership over China. I understand that the FCC is currently examining the potential of 5G in the 12 GHz band through extensive engineering reviews. Do you see this as an opportunity to advance U.S. 5G leadership? Will you commit to complete your review in a timely manner if you find that coexistence is possible between satellite and terrestrial users in the band?

*Answer.* As you note, in January 2021, the FCC adopted an NPRM seeking comment on whether to allow terrestrial flexible use (including mobile services) in the 12 GHz band. I believe that the FCC should encourage the efficient use of limited spectrum resources when coexistence between users is feasible. If confirmed, I look forward to working with FCC staff and you to learn more about the potential for coexistence between satellite and terrestrial users in this band.

*Question 4.* We have heard from rural healthcare participants, rural service providers, and others about USAC’s lack of transparency in administering the Rural Healthcare Fund and its delays in processing funding requests in a timely way. Why has the FCC allowed these problems to persist and will you commit to adopting reforms to address these problems?

*Answer.* I agree that the Rural Healthcare Fund serves a critical role for rural communities—especially in Alaska. If confirmed, I look forward to learning more about these issues and working with your office.

*Question 5.* The Communications Act requires that rural health care providers be able to receive access to necessary telecommunications and broadband services at urban rates, and that service providers be compensated for the difference between the rural and urban rates. Many of us are concerned that without appropriately determining rural and urban rates, and in the absence of adequate compensation to service providers, there will be a loss of telehealth services in the most remote and highest-cost areas of the Nation. Do you share this concern and what steps should the FCC take to address this concern?

*Answer.* Congress’ mandate for universal service in Section 254 is clear: “There should be specific, predictable and sufficient Federal and State mechanisms to preserve and advance universal service.” I also recognize how critical robust telehealth services are to Alaskans. I share your concern and I know that rural and remote areas such as Alaska have unique challenges that need to be taken into account. I want to learn more about this issue and how it affects funding levels in some areas of the country—including Alaska. If confirmed, I commit to working with you and my colleagues on the Commission on these issues.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARSHA BLACKBURN TO  
GIGI B. SOHN

*Question 1.* Earlier this year, the FCC issued a Notice of Proposed Rulemaking to consider rules to allow companies to use the 12 GHz band for 5G deployment. To continue leading the world in innovation, especially given China’s commitment to winning the race to 5G, I believe we need to look for more spectrum to keep the U.S. competitive. Do you have views on the viability of the 12 GHz band for 5G connectivity and, if confirmed, will you commit to moving quickly towards final action in that proceeding?

*Answer.* As you note, in January 2021, the FCC adopted an NPRM seeking comment on whether to allow terrestrial flexible use (including mobile services) in the 12 GHz band. I believe that the FCC should encourage the efficient use of limited spectrum resources when coexistence between users is feasible. If confirmed, I look forward to working with FCC staff to learn more about the potential for coexistence between satellite and terrestrial users in this band.

*Question 2.* As I’m sure you already know, the FAA issued a safety alert on 5G interference to aircraft. While there is no sufficient evidence that 5G deployment causes aircraft safety concerns, the FAA went ahead and stated “action might be required to address potential interference with sensitive aircraft electronics.” What are your thoughts on this ongoing situation?

*Answer.* It is critical that spectrum coordination between Federal agencies is improved to ensure enough spectrum is in the pipeline for licensed and unlicensed uses. Updating the FCC-NTIA MOU on Spectrum Coordination that establishes clearly defined and agreed upon processes for making decisions would be very helpful. Another thing that’s needed is a national spectrum strategy—NTIA and the

FCC should work together with industry and the Federal agencies with spectrum interests to identify what bands should be targets for commercial use and try to resolve technical problems before major decisions are made.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TODD YOUNG TO  
GIGI B. SOHN

*Question.* Ms. Sohn, last year, the FCC opened the 6 GHz Band to Wi-Fi and other unlicensed uses. In that order, the FCC pledged to ensure that licensed incumbent operations in the band are protected from harmful interference. Do you commit to protecting incumbents in this band from harmful interference?

Answer. Yes.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE LEE TO  
GIGI B. SOHN

*Question 1.* During the hearing, you said “I know of no proposal” at the Commission to impose a minimum or basic tier broadband plan like those required by the infrastructure bill. While there may not be a pending action at the Commission to consider imposing a basic tier or minimum broadband plan, should the requirement of such plans be proposed by a fellow Commissioner would you support it?

Answer. As I said at the hearing, I am not aware of any such proposal and it is difficult to comment on a hypothetical scenario. If confirmed, I will make any and all policy decisions based upon the law and the record of the proceeding, along with input from staff, my fellow Commissioners, and Members of this Committee.

*Question 2.* During the hearing I asked about why you oppose the Federal government’s ownership/operation of a broadband network, but support state or local government ownership/operation of broadband networks. You said you needed time to think about it and would answer in the QFRs. What’s the distinction that you draw? And why do you support one and not the other?

Answer. I support municipal broadband networks because they foster competition and choice, two core values that have guided my career. The nationalized 5G network proposed in the last administration would not have catalyzed competition or choice.

The real-world evidence in favor of municipal broadband is compelling. Municipal networks have connected unserved rural communities, driven down incumbent prices, and created jobs. For example, a recent study found that Chattanooga’s municipal network generated \$2.69 billion in economic activity and created 9,516 jobs over the past decade.<sup>3</sup> I have not seen compelling evidence demonstrating similar benefits from a nationalized 5G network.

Moreover, my advocacy for municipal broadband is rooted in the belief that local governments should have the *option* to invest in their own broadband infrastructure if they so choose. A nationalized 5G network would not empower local governments in this manner.

*Question 3.* It’s no secret that you support “Net Neutrality” requirements. And it’s no secret that I oppose them.

1. If the FCC were to reimpose a Title II classification of broadband, should the Commission go further and expand beyond the requirements imposed by the 2015 rule?
2. How would you go about determining whether the FCC should “forbear” a rule from taking effect? And how would you approach this in the net neutrality context?
3. You’ve previously noted that Congress should pass “Net Neutrality” legislation because of the “ping-pong” between Administrations. Should the FCC wait for Congress to work on legislation to settle this issue rather than moving forward with a controversial rule?

Answer. Should the Chairwoman move forward with a proceeding to adopt net neutrality rules and reclassify broadband Internet access providers as a Title II telecommunications service, the Commission would have to start a new proceeding that will look at changes in, among other things, technology, how consumers use the

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<sup>3</sup>See Bento J. Lobo, Ph.D., CFA, Ten Years of Fiber Optic and Smart Grid Infrastructure in Hamilton County, Tennessee (August 31, 2020) ([https://assets.epb.com/media/Lobo%20%20Ten%20Years%20of%20Fiber%20Infrastructure%20in%20Hamilton%20County%20TN\\_Published.pdf](https://assets.epb.com/media/Lobo%20%20Ten%20Years%20of%20Fiber%20Infrastructure%20in%20Hamilton%20County%20TN_Published.pdf)).

Internet, and business practices. If confirmed, I would look at the totality of the record and the law and come to a conclusion with input from staff, my fellow commissioners and members of this Committee about the proper scope of net neutrality rules and forbearance from Title II obligations.

As I testified at the December 1 hearing, I support Congress passing legislation that settles the matter of FCC authority to oversee the broadband market and net neutrality once and for all. However, as became clear during the COVID-19 pandemic, broadband is an essential service, and it cannot continue without oversight. Therefore, while I would urge swift Congressional action, consumers cannot be left unprotected while Congress deliberates.

*Question 4.* In June 2018, after the FCC repealed the 2015 Net Neutrality rule, you provided an interesting quote: “The end of the 2015 net neutrality rules and the legal authority on which they are based will allow companies like Comcast, AT&T and Verizon to take control of consumers’ Internet experience and favor or disfavor websites, programming services and applications at will. Equally as important, should consumers or innovators have a complaint about fraudulent, discriminatory, privacy violating or predatory pricing practices of broadband ISPs, the [FCC] won’t answer their call. For the first time since the creation of broadband, the agency will not take responsibility for protecting consumers or competition”. It’s been more than 3 years since you made this statement. Do you have any evidence that your prediction of this ISP behavior actually came true? Please be specific.

Answer. As Chairwoman Rosenworcel said at her November 17 confirmation hearing, the 2017 net neutrality repeal was broader than the bright line rules—it removed FCC oversight over broadband entirely. Among other things, that left California firefighters without recourse when a broadband company throttled its service during the Mendocino complex fire, which at the time was the biggest in state history, and left consumers without recourse when Frontier charged monthly fees to consumers who bought their own modems. It also resulted in some small wireless providers having to slow or halt fiber deployment because pole owners either charged higher rates or refused to negotiate a rate.

In addition, researchers at Northeastern University and the University of Massachusetts at Amherst reviewed crowdsourced data from the Wehe app and found that for mobile Internet service providers in the United States, “we don’t see evidence of Internet service providers throttling only when the network is busy; as far as we can tell, it’s 24/7, and everywhere.” Professor David Choffnes, the lead researcher, noted that this throttling created a “slippery slope,” because “[t]oday it’s video, but what is it going to be tomorrow? When Internet service providers decide to take control and make decisions on behalf of consumers and/or content providers, what’s going to be the fallout for those decisions? Is it actually in everyone’s best interests?”

It’s also important to note that there is ongoing litigation over the 2017 repeal, as well as a growing number of states that have passed their own net neutrality laws and regulations. California, Colorado, Maine, Oregon, Vermont and Washington State have passed net neutrality laws and Hawaii, Montana, New Jersey, New York, and Rhode Island have put in place net neutrality contracting requirements. As a result, broadband providers have been cautious about their business practices.

*Question 5.* During the hearing you cited the Verizon-Santa Clara fire dispute as a reason to reimpose a Title II classification of broadband since, in your view, the situation wouldn’t have happened if the 2015 net neutrality rules were in place.

1. Many have argued that this was a dispute over a data plan. The 2015 net neutrality rules allowed for data plans with speed restrictions so long as the company was transparent about the plan. In your view, if the 2015 net neutrality rules had been in place during this issue, would Verizon have violated the throttling rules?
2. You’ve previously cited the “general conduct rule” in the 2015 net neutrality rules as a means of enforcement in this situation. If a company was in compliance with the throttling rules expressly cited in the 2015 rule, can, in your view, the FCC invoke the “general conduct rule” and use their discretion to go beyond those express rules and enforce discretionary violations?
3. In your view, are there any limits to the FCC’s discretion under the “general conduct rule”? If so, what are they?

Answer. The repeal of the 2015 Open Internet Order, including the FCC’s relinquishment of its oversight over broadband impacted the Santa Clara County Fire Department because the Fire Department had no recourse when its broadband was throttled. Indeed, it was a seven-month dispute over a data plan that impacted the

Fire Department's ability to communicate with other public safety entities and the public. But the Fire Department had no government entity that it could turn to for a resolution of the dispute. Indeed, neither the FCC nor the FTC publicly offered its help to resolve the matter after it became national news. The FCC's lack of oversight of broadband was more the cause for this situation than the lack of bright line net neutrality rules.

While I did surmise that the general conduct standard might have been a tool to resolve this matter, I have been critical of the general conduct standard in the past. In an October 2020 paper, I stated that the general conduct standard was "too vague and complicated" and urged that it be replaced with a simple "unreasonable discrimination" standard similar to that adopted by the FCC in 2011.

*Question 6.* The FCC and Congress have long debated expanding the pool of who has to pay into the Universal Service Fund (USF). Big Tech Companies are one area of industry that has been discussed.

1. I know you've previously discussed making big tech companies pay into the USF, but is it your view that we should expand the pool of USF contributors based upon the amount of data that they use on a network? Should autonomous vehicle companies, precision agriculture companies, telehealth services or other emerging technology companies be required to pay into the USF?
2. And how, in your view, do you draw the limits on who should pay into the USF?

Answer. I agree that the USF contribution mechanism needs reform. But as I stated at the hearing, an important first step is for the Commission to complete the report to Congress required by Section 60104 of the IIJA to evaluate how the funds in the infrastructure bill impact the USF. From there, we can then start the debate on how to move forward—whether it is in the Congress or at the Commission—to determine the appropriate solution, but all options should be on the table.

*Question 7.* You have previously urged the FCC to look into whether Sinclair, a conservative broadcast group, is "qualified to be a broadcast licensee at all." You are also cited as calling Fox News, "state-sponsored propaganda, with few if any opposing viewpoints."

1. If confirmed, how can we trust that you would use the FCC's authority to actually act in an independent, unbiased manner?
2. And, in your view, what specific authority, if any, does the FCC have to address these particular issues that you identified?

Answer. I opposed the Sinclair-Tribune merger not because of Sinclair's conservative views, but because it would have, in my words, "put far too much power over local news and information in the hands of one company."

It was the FCC under Chair Ajit Pai that effectively blocked the merger because it found that "there was a substantial and material fact as to whether Sinclair affirmatively misrepresented or omitted material facts with the intent to consummate this transaction without fully complying with the media ownership rules." I supported that decision, and said that, "*if true*, this allegation raises a legitimate question as to whether Sinclair is fit to be a licensee at all, and not just a licensee of Tribune's stations." This is consistent with the Administrative Law Judge, appointed by then-Chairman Pai, who said that Sinclair's misrepresentations "may be so fundamental to a licensee's operation that it is relevant to its qualifications to hold any station license."

My opinions on the Sinclair merger and Fox News were taken as part of my job as a public interest advocate. As such, those opinions will have no bearing on my actions or decisions as a policymaker if I am confirmed. I understand my role will be much different if I am confirmed, and I will approach each proceeding involving Sinclair or Fox News as I would any proceeding—with an open mind. As required by the Administrative Procedure Act, if confirmed, my decisions will be based on the totality of the record in a proceeding and the law, along with input from staff, my fellow commissioners, and the Members of this Committee. I also understand that the FCC's jurisdiction does not extend to Fox News and its programming.

I agree that it is extremely important for policymakers to avoid any actual or apparent conflict of interest. On October 26, 2021, I signed an ethics agreement with the FCC's Designated Agency Ethics Officer. In this agreement, I committed that I would not participate "personally and substantially . . . in any particular matter" involving SFCNY "unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d)."

*Question 8.* What are your views on government control/ownership of spectrum? Does the Federal government control too much spectrum?

1. What do you think about the current state of spectrum decision-making, particularly the Federal agencies use of a “heckler’s veto” to stymie the decisions of the Commission? How would you approach a Federal agency “heckler’s veto?”
2. I have a bill called the Government Spectrum Valuation Act, which would require the NTIA (in consultation with the FCC and OMB) to conduct a market valuation of government spectrum allocations. The goal is to assess the “opportunity cost” associated with Federal spectrum. Would you support such an effort?

Answer. It is critical that spectrum coordination between Federal agencies be improved to ensure enough spectrum is in the pipeline for licensed and unlicensed uses. Updating the FCC-NTIA MOU on Spectrum Coordination that establishes clearly defined and agreed upon processes for making decisions would be very helpful. Another thing that’s needed is a national spectrum strategy—NTIA and the FCC should work together with industry and the Federal agencies with spectrum interests to identify what bands should be targets for commercial use and try to resolve technical problems before major decisions are made.

*Question 9.* Regarding spectrum coordination, the FCC and the NTIA have operated under an MOU that is the main mechanism for coordination of spectrum management decisions.

1. Is the existing MOU’s framework sufficient for today’s spectrum coordination between the FCC and NTIA?
2. Do you think the MOU needs to be updated? If so, how?

Answer. I believe that the MOU should be updated. In many of my meetings with Senators and staff during the confirmation process, I have talked about the need for better spectrum coordination between agencies and for a national spectrum strategy that identifies what bands should be targets for commercial use and try to resolve technical problems before major decisions are made. I have also recommended the creation of an interagency spectrum engineering task force where engineers from different agencies could work out technical issues and provide that information to the policymakers before final decisions are made.

*Question 10.* In your view is the Interdepartment Radio Advisory Committee (IRAC) operating efficiently? In your view, is there room for improvement in the IRAC process? If so, how?

Answer. The IRAC should serve as a critical tool to ensure sound government-wide spectrum management decisions are reached efficiently as NTIA develops spectrum allocation and management policies for Federal government spectrum use. It is vital that the IRAC work quickly, collaboratively, and focus on sound radio engineering. Over the years, there have been a number of examples where the IRAC process seems to have fallen short of these goals.

I understand that there is bipartisan consensus in Congress and at the FCC that updating the Memorandum of Understanding (MOU) that guides the spectrum coordination processes between the FCC and NTIA could help improve the government’s spectrum decision-making. If confirmed, I would welcome an opportunity to work with your office on efforts to revise the MOU and to improve the workings of the IRAC.

*Question 11.* Do you have any concerns about Chinese influence at the International Telecommunication Union (ITU)?

1. Does China’s influence at the ITU have implications for setting global standards for telecommunications?
2. As a Commissioner of the FCC, what priorities do you have to prevent Chinese control of the ITU?

Answer. I understand there are concerns about China manipulating the ITU process. I agree with Chairwoman Rosenworcel that the Commission should prioritize its participation in standards making organizations to ensure that they operate as intended. If confirmed, I look forward to learning more about these issues and working with your office on ways to address these concerns.

*Question 12.* Our current video marketplace is governed by Title VI of the Communications Act and it dates mostly back to laws passed in 1992. But technology has changed since 1992 and now the wire used to bring video also brings broadband to American households.

1. Should Title VI be modernized to reflect current technologies?
2. Is there a relationship between effective broadband deployment to urban and rural areas with Title VI reform?

Answer. I agree that Title VI of the Communications Act should be reviewed and modernized to better reflect the current video marketplace. However, it is unclear how such reform could impact broadband deployment. If confirmed, I would be interested in learning more and working with you on the issue.

*Question 13.* Conducting cost-benefit analyses for proposed regulations has been a practice undertaken by agencies under both Democrat and Republican Administrations.

1. Please explain your views on the use of cost-benefit analysis when considering proposed regulations. Should all FCC regulations be considered with a cost-benefit analysis?
2. If regulatory costs outweigh the benefits, should that be a determining factor that prevents the FCC from moving forward with a proposed regulation?

Answer. Across Democratic and Republican administrations, the FCC has conducted cost-benefit analyses along with public interest analyses as Congress has instructed the Commission to do under the Communications Act. In addition, the Commission's public comment process allows for stakeholders to engage on these issues and help inform the Commission's understanding of the impact of its rules. The Commission has rules that direct the Office of Economics and Analytics to perform an analysis where the potential impact of a rulemaking would have "an annual effect on the economy of \$100 million or more." If confirmed, I intend to balance cost-benefit as well as the public interest to ensure that the Commission fulfills its mission to ensure that all Americans have access to communications services.

*Question 14.* Should agencies exercise only power that Congress expressly gives?

1. Absent that "express delegation" should agencies exercise restraint in rule-making or is allegedly ambiguous language an opportunity for rulemaking?
2. Regulations that are highly prescriptive can create a higher regulatory compliance burden, which hits harder on smaller companies with fewer resources. What is your opinion on the relationship between rules and the ability for market incumbents to use them to insulate themselves from competition?

Answer. While it is usually preferable that Congress be explicit in its statutory direction, there likely will be instances where an agency must rely on its expertise to interpret the intent of Congress. Ultimately, any policy decision will need to be based on the agency's statutory authority and subject to the appropriate notice and comment.

As I noted in my testimony, I believe that markets work best when there is vigorous competition. Federal policies that promote competition are always superior to heavy-handed behavioral or price regulation, which is why I have always supported policies that lower barriers to entry and minimize gatekeeper power.

*Question 15.* Section 706 of the Telecommunication Act of 1996 requires the FCC to do an annual notice of inquiry regarding the reasonable and timely deployment of advanced telecommunications capability to all Americans.

1. What does "advanced telecommunications capability" mean to you?
2. What does "a reasonable and timely fashion" mean to you?
3. If the FCC determines that there isn't "advanced telecommunications capability being deployed to all Americans", the Commission is authorized to take "immediate action to accelerate deployment of such capability." Are there any limits to the authorities that the FCC can exercise under this section? If so, what are they?

Answer. "Advanced telecommunications capability" takes into account the latest applications and services and assesses whether a telecommunications infrastructure is able to utilize them.

Several last mile access connections are adequate to handle the latest generation of applications and services and should be considered "advanced telecommunications capable." However, capacity constrained legacy infrastructure, such as decades old copper DSL that does not even meet the 2015 Federal definition of broadband, should not be considered "advanced telecommunications capable."

The meaning of "reasonable and timely fashion" should reflect Federal and state investment efforts to connect all people as well as take into account ISP deployment decisions primarily in rural areas. For example, the Infrastructure Investment and Jobs Act (IIJA) establishes a timeline of 4 years (subject to extensions) for full deployment of long-term infrastructure with its \$42.45 billion deployment fund. This deployment timeline reflects the average amount of time a new network takes to fully deploy from a motivated provider.

However, the FCC's authority to exercise power in this section has its limits. For example, the Sixth Circuit made clear that the FCC cannot preempt state laws that



restrict the expansion of municipal fiber under its Section 706 authority. So even if an area is found to be both lacking “advanced telecommunications capable” infrastructure and will not receive it in a “reasonable and timely fashion,” the court has found that other authorities such as state power can limit the FCC’s reach.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RON JOHNSON TO  
GIGI B. SOHN

*Question 1.* Reports indicate that you want to replace the Restoring Internet Freedom Order with a regulation even stronger than the Open Internet Order.

1. What specific regulations do you think need modification and how?
2. What effect do you think more regulation would have on broadband investment and deployment, foster innovation, and ultimately close the digital divide?

*Answer.* Should the Chairwoman move forward with a proceeding to adopt net neutrality rules and reclassify broadband Internet access providers as a Title II telecommunications service, the Commission would have to start a new proceeding that will look at changes in, among other things, technology, how consumers use the Internet, and business practices. If confirmed, I would look at the totality of the record and the law and come to a conclusion with input from staff, my fellow commissioners and members of this Committee about the proper scope of net neutrality rules and forbearance from Title II obligations.

Research studies, SEC filings, earnings reports and the comments of ISP executives themselves demonstrate that the 2015 Open Internet Order had no effect on broadband investment. Investment decisions are based on a wide variety of factors including technological advancement, the economy and the level of competition in a market. Thus, I would expect that whatever the FCC does in a net neutrality proceeding would have no impact on investment.

*Question 2.* Do you believe the FCC has the authority to consider the political views of a provider or the content broadcast by a provider when making license and regulatory decisions? If no, do you think it should have such authority? Please explain why or why not.

*Answer.* No. The FCC’s authority is limited by the First Amendment and Section 326 of the Communications Act.

*Question 3.* In 1987, the FCC revoked the Fairness Doctrine on the grounds that it violated the First Amendment and restricted democratic debate. Since then, the number of talk radio and broadcast TV programs grew exponentially. However, some on the left advocate for its resurgence. Do you believe the Fairness Doctrine should be restored in part or in whole or be applied even more broadly? Please explain why or why not.

*Answer.* I do not believe the Fairness Doctrine should be restored or expanded. It makes no sense given the current media landscape.

*Question 4.* What do you believe is the best way to ensure the FCC’s independence from political influences?

*Answer.* In the Communications Act of 1934, Congress deemed the Commission an independent agency and incorporated key structural elements into the agency’s design to ensure independence from political influences. These structural elements include the size of the Commission, the length of the Commissioner terms, the fact that terms lapse on a staggered basis, and the requirement that Commissioners must be confirmed by the Senate. Congress also established that no more than a simple majority of the Commission’s membership could come from one party, effectively ensuring bipartisanship in the Commission’s membership. Thanks to this congressional design, the Commission is less susceptible to outside political influence than it would be in the absence of these safeguards.

I know that you have long been a champion of rooting out undue political influence in independent agencies. If confirmed, I commit to maintaining the independence of the agency.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. SHELLEY MOORE CAPITO TO  
GIGI B. SOHN

*Question 1.* How do we speed up deployment in my state to hit 100 percent served?

*Answer.* We need a coordinated and cooperative approach among federal, state, and local officials and interests to ensure that every West Virginian has the ability to access a robust, scalable, broadband network and the means to purchase that

service, which is so critical to meeting their daily needs. If confirmed, I am committed to working with federal, state, and local partners to meet West Virginia's needs.

*Question 2.* What can the FCC do to make sure recipients of Universal Service Fund (USF) support are qualified and are deserving of the funding they receive?

Answer. I think the FCC must take four steps to ensure that recipients of USF support are qualified and deserving of the funding they receive. First, the FCC must conduct serious due diligence to ensure that possible recipients have the technical, operational, and financial expertise to build the promised networks. Second, the FCC must conduct oversight to ensure that the promised networks are being built. This includes not only requiring progress reports from the recipients, but actually visiting the sites where networks are being built. Third, the FCC must hold those who do not build promised networks accountable. This accountability must include more than fines—it must include requiring a defaulting entity to remit the USF funds and prohibiting that entity from participating in the next round of funding. Fourth, the FCC must coordinate with NTIA, USDA, and other agencies that fund broadband to ensure that the programs are complementary and consistent with the law, and that they direct funding to appropriate areas without unnecessary duplication.

*Question 3.* Big tech makes a lot of money off advertising over broadband networks. What are your thoughts on requiring them to help pay for the deployment of high-speed broadband?

Answer. I agree that the USF contribution mechanism needs reform. But as I stated at the hearing, an important first step is for the Commission to complete the report to Congress required by Section 60104 of the IIJA to evaluate how the funds in the infrastructure bill impacts the USF. From there, we can then start the debate on how to move forward—whether it is in the Congress or at the Commission—to determine the appropriate solution, but all options should be on the table. Some of those options, including requiring Big Tech to pay into the universal service fund, would necessitate Congressional action to give the FCC the authority to require them to pay.

*Question 4.* What are your thoughts on the progress of updating the FCC broadband maps? Once completed, how do we keep them up to date?

Answer. If confirmed, I intend to work side-by-side with Chairwoman Rosenworcel and other Commissioners to ensure that the FCC's maps are produced accurately and expeditiously. I am delighted that the FCC has recently entered into a contract for the broadband serviceable location fabric, which indicates where broadband *can* be deployed. The next challenge is to obtain the data from broadband providers which indicates where broadband *is currently* deployed. I would like to assist in obtaining this critical information from the providers in an expeditious manner should I be confirmed.

*Question 5.* Unlicensed and shared spectrum is crucial to advancing innovation and entrepreneurship. What's next from your perspective in supporting innovation in unlicensed and shared bands?

Answer. The United States has remained the world leader in unlicensed and shared spectrum innovation and must continue to do so going forward. In the short term, there are several rulemakings already in progress at the Commission that could expand available unlicensed and shared spectrum for WiFi 6 and WiFi 6e and could enhance the ability of rural wireless ISPs and Native American Tribes to provide broadband in their communities.

Longer term, I fully support Chairwoman Rosenworcel's repeated calls for the FCC and Congress to develop a "pipeline" for unlicensed and shared spectrum that will meet the ever-increasing demand for expanded WiFi, rural broadband, and IoT spectrum. If confirmed, I look forward to working on these issues, recognizing that it is also important to protect existing licensed users from interference, and to ensure adequate exclusive licensed spectrum for 5G and future 6G expansions.

*Question 6.* Many communities in my state, have had to forego other Federal funding opportunities that would allow for more rapid broadband deployment to unserved areas because certain census blocks were included in an RDOF bid. What are potential Federal remediation efforts for rural areas in my state that were included in an RDOF census block but are also eligible for other types of Federal support?

Answer. The decision by the FCC under the former Chairman to restrict access to other funding streams for participants in the RDOF program has perplexed me. The goal is to get people connected to this essential service and to do so quickly. If confirmed, I look forward to working with my colleagues on this and related issues.

*Question 7.* In late June, the FCC, NTIA, and USDA all entered into an inter-agency agreement to coordinate broadband funding deployment. In your experience—can you speak to the effectiveness of these interagency agreements? Do you have thoughts on how to beef up coordination between agencies to ensure the efficient use of taxpayer money to deploy broadband in West Virginia?

Answer. In my experience, interagency coordination can not only help the agencies involved achieve their purpose, but it can help the people and entities seeking to promote broadband access and inclusion efforts ensure that they are aware and availing themselves of the opportunities that Congress has established.

Of course, key to the success of this coordination effort, particularly as it relates to West Virginia, is for the FCC to complete the broadband maps as quickly as possible so the funding included in the Infrastructure Investment and Jobs Act can begin to get broadband to these communities. Inaccurate maps have meant that West Virginia residents have gone unserved with this essential service. Your leadership on mapping over the years has resulted in a real opportunity to get the map right. Those maps will help ensure that the funding currently allocated to the NTIA and USDA are well targeted.

Once there is a sound map available, I think regular meetings between not only the heads of the agencies, but also at the staff level will help identify potential challenges early in the process, so they can be addressed before they become problems. If confirmed, I would be pleased to assist the Chairwoman in any way she deems best to help promote meaningful coordination based on regular meetings with others at these important agencies.

*Question 8.* What are your thoughts regarding tech neutrality in terms of Federal dollars being spent? Is there a particular form of broadband delivery that should take priority?

Answer. The objectives of the Infrastructure Investment and Jobs Act (IIJA) lay out that Congress wants broadband infrastructure that can “easily scale,” “meet the evolving connectivity needs of households and businesses,” and “support the deployment of 5G, successor wireless technologies, and other advanced services.” I agree with these objectives.

In order to make these assessments, it is critical for the Federal government to rely on objective technical analysis by engineers to ensure the best use of Federal funds to maximize long term value to communities. Many Members of Congress, led by Senators Thune and Klobuchar, have weighed in with the FCC to improve its assessments of projects that seek Federal dollars and to scrutinize the technical capabilities of applicants before Federal dollars are given out. I completely agree.

*Question 9.* What role do you see low earth orbit satellite constellations playing in the short term and long term as far as providing sufficient service in a mountainous and heavily forested state like West Virginia?

Answer. The purpose of lowering the orbit of these satellites was to improve the latency of satellite broadband delivery. However, the drawback of this approach is that it requires the base station to “see” the satellite at a lower point on the horizon. This means that mountainous and heavily forested areas—like those in West Virginia—are more difficult for base stations to operate as opposed to more open and flatter rural areas. However, I remain confident that the Federal investment in infrastructure under the Infrastructure Investment and Jobs Act makes traditional on the ground infrastructure feasible even in the most difficult to serve areas.

*Question 10.* The Internet ecosystem continues to grow, with more broadband providers who are also recipients of government broadband funding. This trend is likely to accelerate considerably as NTIA and the states begin the award infrastructure funds for broadband network deployment. However, the recipients of government funding can be subject to vastly different regulations depending on their characterization or their historical designation as an incumbent LEC—e.g., pole rates, labor requirements, tax laws, service requirements, legacy telephone obligations, and legacy cable obligations. These varying regulations have real impacts on their deployment, operating costs, and competitiveness. Should the government create more parity amongst the recipients of government funds in the interest of facilitating network modernization, broadband deployment and creating a more competitive market?

Answer. I believe that the FCC should do what it can under the law to create parity and ensure that robust, scalable broadband networks are deployed and available to every consumer and business across the Nation. However, there may be limitations to what the FCC can achieve without Congress addressing some of the disparate requirements. For example, Section 224 of the Communications Act grants access to poles in certain situations but does not apply uniformly to all poles across the Nation. Moreover, the provision that grants access to certain poles is currently

limited to only telecommunications carriers and cable providers. The FCC currently is limited in its pole attachment jurisdiction to ensure broadband deployment across the nation, and if confirmed, I would very much look forward to working with you and your office to further engage on this issue.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICK SCOTT TO  
GIGI B. SOHN

*Question 1.* You played a role in creating the 2015 Net Neutrality Rule during your time as a staff member at the FCC, which was rescinded under former FCC Chairman Pai because it caused broadband investment to decline and stifled innovation.

1. You claim this rule recension has made consumers worse off—how so?
2. If confirmed, would you work to reinstate that rule?
3. If so, would you craft it any differently than the 2015 rule?

Answer. As Chairwoman Rosenworcel said at her November 17 confirmation hearing, the 2017 net neutrality repeal was broader than the bright line rules—it removed FCC oversight over broadband entirely. The COVID-19 pandemic demonstrated that broadband is an essential service and consumers are worse off when there is no government oversight over an essential service.

Among other things, the FCC's relinquishment of its oversight left California firefighters without recourse when a broadband company throttled its service during the Mendocino complex fire, which at the time was the biggest in state history, and left consumers without recourse when Frontier charged monthly fees to consumers who bought their own modems. It also resulted in some small wireless providers having to slow or halt fiber deployment because pole owners either charged higher rates or refused to negotiate a rate.

In addition, researchers at Northeastern University and the University of Massachusetts at Amherst reviewed crowdsourced data from the Wehe app and found that for mobile Internet service providers in the United States, “we don’t see evidence of Internet service providers throttling only when the network is busy; as far as we can tell, it’s 24/7, and everywhere.” Professor David Choffnes, the lead researcher, noted that this throttling created a “slippery slope,” because “[t]oday it’s video, but what is it going to be tomorrow? When Internet service providers decide to take control and make decisions on behalf of consumers and/or content providers, what’s going to be the fallout for those decisions? Is it actually in everyone’s best interests?”

It’s also important to note that there is ongoing litigation over the 2017 repeal, as well as a growing number of states that have passed their own net neutrality laws and regulations. California, Colorado, Maine, Oregon, Vermont and Washington State have passed net neutrality laws and Hawaii, Montana, New Jersey, New York, and Rhode Island have put in place net neutrality contracting requirements. As a result, broadband providers have been cautious about their business practices.

My support for reinstating FCC oversight of broadband and net neutrality rules is well-known. Should the Chairwoman move forward with a proceeding to adopt net neutrality rules and reclassify broadband Internet access providers as a Title II telecommunications service, the Commission would have to start a new proceeding that will look at changes in, among other things, technology, how consumers use the Internet, and business practices. If confirmed, I would look at the totality of the record and the law and come to a conclusion with input from staff, my fellow commissioners and members of this Committee about the proper scope of net neutrality rules and forbearance from Title II obligations.

*Question 2.* Your former employer, Locast, is currently under a court injunction that restrains Locast from broadcasting after a court concluded it was violating the law by streaming TV station signals without negotiating payment from those broadcasters.

1. Can you describe your role at the company and any involvement in this issue?
2. If confirmed, do you believe you can credibly regulate an industry from which the company you were involved with is banned?

Answer. Locast was a nonprofit service that provided local broadcast signals to people who couldn’t receive them, including many in rural areas of the country. It relied on a copyright exemption (17 USC Sec.111(a)(5)) for nonprofits and in a case of first impression, a District Court judge ruled that Locast was not entitled to that exemption. While the District Court Judge found that the statutory copyright ex-

emption didn't apply, he never ruled on final liability. I was not employed by Locast or its parent nonprofit organization, Sports Fan Coalition NY, Inc. (SFCNY). I served without compensation on the Board of SFCNY.

In my role as an SFCNY Board member, I participated in quarterly Board meetings. In those meetings I reviewed financial statements and plans to expand the service. I was also involved in the decision to shut the service down after the District Court ruling that Locast did not qualify for the copyright exemption.

If I am confirmed, I will approach each proceeding involving broadcasters as I would any proceeding—with an open mind. As required by the Administrative Procedure Act, if confirmed, my decisions will be dictated by the totality of the record in a proceeding and the law, along with input from staff, my fellow commissioners, and the Members of this Committee. I will note, however, that the FCC's jurisdiction does not extend to Fox News and its programming.

I agree that it is extremely important for policymakers to avoid any actual or apparent conflict of interest. On October 26, 2021, I signed an ethics agreement with the FCC's Designated Agency Ethics Officer. In this agreement, I committed that I would not participate "personally and substantially . . . in any particular matter" involving SFCNY "unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d)."

*Question 3.* Some of your previous tweets have been described as "hyper partisan," including one tweet where you stated that Fox News is "state sponsored propaganda" and insinuated that a conservative leaning media outlet, Sinclair, did not deserve its broadcast licenses.

1. Do you still stand by these statements?
2. If confirmed, how would you define "misinformation"?
3. If confirmed, as the FCC has authority over broadcast licenses, among other regulations that impact content, how are Americans supposed to trust in your ability not to favor enhanced censorship of certain opinions or speech with which you may personally disagree?
4. In a March 25, 2020 tweet you stated, "how sad that their ideology has overtaken their duty 2 serve their constituents" describing Senate Republicans. Could not the same statement be used against you given that you are now nominated to serve on a commission that represents American taxpayers?
5. How can American citizens trust that you will put aside your ideologies, and serve objectively and in the best interests of Americans?

*Answer.* As I told Senator Cruz at the December 1 hearing, I believe that I have been unfairly characterized as wanting to censor conservative voices. Indeed, my record indicates otherwise. I spent years helping conservative cable networks like Newsmax, Wealth TV (the predecessor to OANN), and the Blaze get access to cable subscribers when cable systems wouldn't carry them. That's why the CEO of Newsmax and the President of OANN, along with other conservatives, support my confirmation.

I opposed the Sinclair-Tribune merger not because of Sinclair's conservative views, but because it would have "put far too much power over local news and information in the hands of one company."

It was the FCC under Chair Ajit Pai that effectively blocked the merger because it found that "there was a substantial and material fact as to whether Sinclair affirmatively misrepresented or omitted material facts with the intent to consummate this transaction without fully complying with the media ownership rules." I supported that decision, and said that "*if true*, this allegation raises a legitimate question as to whether Sinclair is fit to be a licensee at all, and not just a licensee of Tribune's stations. This is consistent with the Administrative Law Judge, appointed by then-Chairman Pai, who said that Sinclair's misrepresentations "may be so fundamental to a licensee's operation that it is relevant to its qualifications to hold any station license."

I also think it is unfair to characterize my tweets as "hyperpartisan." While unsurprisingly I am generally more inclined to agree with Democrats on policy, I have on many occasions publicly praised or expressed agreement with Republicans. In just over the past year, I have praised or publicly agreed with, among others, Senators Wicker, Moran, Sasse, Romney, Portman, Cornyn, Kennedy, Murkowski and Hawley and Representatives Issa and Scalise.

I understand there have been some concerns raised regarding my tweets. I have always worked to address policy matters and not engage in personal attacks. For example, the March 25, 2020 tweet was about opposition to allowing E-Rate funding for home connections during the beginning of the COVID-19 pandemic.

I worked in government previously and understand that my role will be much different if I am confirmed. My decisions will be dictated by the totality of the record in a proceeding and the law, along with input from staff, my fellow commissioners, and members of this Committee. Having been in government I know its core values—responsiveness, transparency, integrity—and that’s what you’ll get from me if I am confirmed.

*Question 4.* Do you believe the government should regulate Internet rates?

Answer. No.

*Question 5.* As Congress gives out billions of new funding to build out broadband through the USDA, NTIA, and the FCC, if confirmed, how do you plan on ensuring that the dollars the Federal government spends on broadband buildout is not riddled with fraud, waste, and abuse?

Answer. I think the FCC must take four steps to ensure that funds for broadband deployment are spent efficiently and effectively. First, the FCC must conduct serious due diligence to ensure that possible recipients have the technical, operational and financial expertise to build the promised networks. Second, the FCC must conduct oversight to ensure that the promised networks are being built. This includes not only requiring progress reports from the recipients, but actually visiting the sites where networks are being built to ensure that they are indeed being built as promised. Third, the FCC must hold those who do not build promised networks accountable. This accountability must include more than fines—it must include requiring a defaulting entity to remit the USF funds and prohibiting that entity from participating in the next round of funding. Fourth, the FCC must coordinate with NTIA, USDA, and other agencies that fund broadband to ensure that the programs are complementary and consistent with the law, and that they direct funding to appropriate areas without unnecessary duplication.

*Question 6.* A number of private companies are investing in satellite broadband solutions. Do you believe private investment in satellite Internet could eventually reduce or replace the need for government-funded broadband buildout?

Answer. It is unclear that satellite broadband will replace the need for public investments in broadband infrastructure. In fact, the FCC under the Rural Development Opportunity Fund invested \$886 million into Starlink, indicating that even satellite broadband will require public investments. There are also challenges with satellite broadband that do not make it a replacement for traditional fiber-based deployment. That said, satellite broadband is a useful tool in reaching the absolute hardest and most difficult areas to connect and will serve key policy goals of ubiquitous wireless connectivity.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CYNTHIA LUMMIS TO  
GIGI B. SOHN

*Question 1.* As you know, the country that wins the 5G race will determine the standards and security of 5G infrastructure throughout the globe and will lead in new technologies and services. We are in jeopardy of losing the 5G race and need mid-band spectrum to launch ahead of our competition. It is critical the Commission study this band closely and get the policy right. Will you commit to move quickly to establish new 12 GHz rules if you find coexistence is possible between terrestrial and satellite users in the band?

Answer. As I stated at the hearing, 5G is going to be a transformative technology. I agree that the Commission should study the 12 GHz band issues before moving forward. If confirmed, I look forward to reviewing the record of the proceeding.

*Question 2.* Recently Acting Chairwoman Rosenworcel confirmed to this committee that she is opposed to rate regulation of service providers. Do you agree with her stance on this issue?

Answer. Yes.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. AMY KLOBUCHAR TO  
JED KOLKO

*Census Bureau.* If confirmed as Under Secretary of Commerce for Economic Affairs, you would also be responsible for helping to oversee the Census Bureau. Data gathered by the Census Bureau through the U.S. Census plays a vital role in allocating funding for health care, housing, education, and infrastructure.

*Question.* If confirmed, what steps will you take to ensure the data and estimates released by the Census Bureau are accurate, reliable, and accessible?

Answer. Accurate, reliable, and accessible Census Bureau data are essential for allocating funding across many areas, for developing and administering a wide range of policies, and for research in many fields. At the same time, the Department and the Census Bureau are legally and ethically obligated to protect the privacy and confidentiality of the people and businesses that respond to its surveys and data collections.

If confirmed, I will take several steps to ensure accuracy, reliability, accessibility, and confidentiality. First, I will rely on the expertise of Census career staff. Second, I will work with stakeholders to understand how they use Census data and what challenges they face in accessing data. Third, I will work with staff to explore ways of making data usable for the whole range of stakeholders, whether they want just the highlights of a press release or want to download detailed data. Fourth, I will support and amplify research by Census staff and outside users that demonstrates best practice in using Census data. Finally, I will support the Census Bureau in ensuring that all of this work is done with the privacy and confidentiality of people and businesses in mind.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAPHAEL WARNOCK TO  
JED KOLKO

*Labor Markets and Localized Data.* Earlier this month, Georgia's Department of Labor reported that the state's unemployment rate is now at 3.1 percent. This is the lowest rate in the state's recorded history. We've had historic job growth nationwide, with an employment recovery that is still going strong. But small businesses in Georgia continue to tell me they're having difficulty hiring, while the labor force overall is still not what it was prior to the pandemic. Moreover, we may need more localized data because the labor market may look very different in Valdosta or Rome, Georgia than it does in Atlanta or Savannah, Georgia.

*Question 1.* Based on your years studying labor markets, what are the remaining sticking points regarding labor market recovery?

Answer. The labor market has made great strides since the worst of the pandemic, but the recovery is far from complete. In many service sectors like arts & entertainment and travel & tourism, labor demand still lags. At the same time, labor demand is strong in sectors that produce and transport goods because consumer spending shifted from services to goods during the pandemic.

On the labor supply side, many factors are holding back people from working, including concerns about getting COVID-19 at work and financial cushions that were built by some people during the pandemic. Together, these labor supply and labor demand issues have created the unusual situation where employment is far below pre-pandemic levels yet the number of unemployed people per job opening is very low.

*Question 2.* What areas of economic analysis do you think should be given more emphasis as we continue to recover from COVID-19?

Answer. Several areas of economic analysis are particularly important as we recover from COVID-19.

First, consumer spending shifted from services to goods during the pandemic, as people cut back on in-person activities that put them at risk for the virus. This reduced service-sector employment while contributing to supply-chain challenges in producing and transporting goods.

A shift in spending back from goods to services would be an important indicator that pandemic stresses on the economy will ease.

Second, inflation and wage growth are high, reflecting strong demand and limited supply for many goods and services, as well as challenges many firms face in finding workers. Wage gains have been especially strong in some traditionally low-wage sectors, but inflation is raising costs for consumers and businesses. Understanding the impact and likely path of wage growth and inflation is particularly important right now.

Third, the effects of the pandemic were and remain uneven. Some people and places were hurt much more than others. Economic analysis that focuses on especially hard-hit groups—like mothers of younger children, and lower-wage service workers in places where leisure & hospitality spending fell most—will reveal whether the recovery is broad-based and widely shared.

*Question 3.* Will you commit to providing as much analysis as possible at the state and regional level, so that I can ensure that economic policies are effective in helping Georgia businesses and jobs grow?

Answer. Yes. If confirmed, I will commit to providing as much as analysis as possible at the state and regional levels. Current economic conditions and underlying economic fundamentals vary widely, both across states and across regions within states. It's critical to supplement national analyses with state and regional analysis whenever possible.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARSHA BLACKBURN TO  
JED KOLKO

*Question 1.* The importance of data cannot be understated. Businesses cannot function if they do not have the numbers to aid and guide their decision-making. In your testimony, you specifically highlight that one of your goals will be to “support and enhance our statistical infrastructure.” How do you plan to leverage your background to encourage the use of new technology, such as artificial intelligence and machine learning, to promote better statistical modeling and improve accuracy?

Answer. Federal statistics are essential for businesses making decisions about hiring, production, and strategy. My own background includes developing proprietary indicators and using them alongside public data to analyze the economy.

If confirmed, one way I will leverage this experience is to support approaches to incorporating private-sector data and administrative sources into public statistics. Federal statistics already incorporate some private-sector data, which are a valuable complement though not a substitute for established public data products.

If confirmed, another way I will leverage my experience is to work with outside stakeholders and experts—including from the private sector—to get input and feedback about methodology and usability of Federal statistics.

*Question 2.* The COVID-19 pandemic created an economic upheaval that changed the trajectory of millions of people and businesses. It caused many business owners to rethink their businesses and caused many business owners to reconsider whether their current career path was the correct one for them. This upheaval led to many taking a leap of faith to start new businesses. In your testimony, you highlight the importance of supporting commercial activity as we emerge from the pandemic. You also highlight the difficulties that many are experiencing as the economy recovers. As we continue to emerge from the pandemic, how do we encourage small and medium business growth and support entrepreneurs taking a leap of faith to follow this path?

Answer. During the pandemic, new businesses formed at a fast pace, according to the Census Bureau's Business Formation Statistics. To encourage and support new businesses and entrepreneurs, quality economic data are crucial. Providing timely and clear data on labor markets, prices, and the existing business landscape can help new businesses and entrepreneurs make strategic decisions. Small and medium sized businesses and entrepreneurs often serve local markets, so local economic data are especially important for them. If confirmed, I will work closely with the Department's Economic Development Administration (EDA), other Department bureaus, the Small Business Administration (SBA), and other agencies to make sure they have data they need to support small and medium sized businesses and entrepreneurs.

*Question 3.* Economic development is vital to our country's future. However, as our country continues to grow, many rural areas are experiencing a drain of youth who are leaving to move to highly populated areas where they are more likely to find good-paying jobs. When I speak with local mayors and stakeholders, this issue is one of their top priorities to solve. What, in your opinion, is the biggest barrier to rural economic development? How do you plan to leverage your position to highlight this issue and promote economic development in rural America?

Answer. Regional inequalities have widened in America, especially between urban and rural areas. Although the pandemic temporarily changed patterns of industry growth, the longer-term trend is that job growth has been slower in important sectors that are more concentrated in rural areas and smaller cities, like agriculture and manufacturing, than in sectors that tend to cluster in larger metropolitan areas.

If confirmed, I hope to spotlight local data and regional differences, and to highlight the diversity across rural America and the range of challenges and opportunities that rural areas have. While there are strategies, like broadband investment, that would benefit rural America widely, rural areas are not all the same. Many rural areas have assets, like tourist attractions, a college or university, good transportation access, or a military base, that can be leveraged as part of a tailored economic development strategy. Data and analyses that focus on rural areas can show how rural areas differ systematically from urban areas, but also how much variation and opportunity there is among rural areas themselves.



RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICK SCOTT TO  
JED KOLKO

*Question 1.* The statistical data provided by the Bureau of Economic Analysis is extremely valuable for policy makers and the American public. How do you plan on keeping the gathering and disbursement of this data free from political influences or agendas?

Answer. If confirmed, one of my highest priorities will be supporting the integrity and independence of America's statistical agencies, and to uphold stakeholders' trust in these data. Especially during the pandemic, Bureau of Economic Analysis (BEA) data have been essential for understanding shifts in economic activity. I will rely on the expertise of career staff at the Bureau for key decisions and look to outside experts and stakeholders for candid input and feedback. As a lifelong user of Federal data and a creator of proprietary data, I know how valuable data integrity is and how it must be continuously protected and cultivated.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. AMY KLOBUCHAR TO  
ALAN B. DAVIDSON

*Next Generation 9-1-1.* The Senate reconciliation bill includes \$500 million for modernizing the Nation's 9-1-1 systems and related upgrades.

*Question.* If confirmed, what are your key priorities related to modernizing the 9-1-1 system?

Answer. Far too many 911 centers still use legacy technology that risks creating a major gap in our Nation's emergency communications ecosystem. If confirmed, my key priorities for implementing Next Generation 911 (NG911) in Emergency Communications Centers or 911 centers across the Nation will include: ensuring interoperability so that 911 centers can seamlessly share data and transfer calls with each other; supporting technology with robust cybersecurity; providing resiliency for 911 centers; and allowing the public to send multimedia and data to 911 so that public safety can more effectively respond to calls for service.

Unfortunately, my understanding is that the limited funding level in the proposed Next Generation 911 grant program in the current text of the Build Back Better Act is unable to modernize all 911 centers across the United States—but would be an important starting point including crucial NG911 requirements and definitions.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KYRSTEN SINEMA TO  
ALAN B. DAVIDSON

*Tribal Broadband.* The Consolidated Appropriations Act, 2021 (CAA) and Infrastructure Investment and Jobs Act (IIJA) dedicated a combined \$3 billion to the Tribal Broadband Connectivity Program. The National Telecommunications and Information Administration (NTIA) has the responsibility of establishing a grant program to distribute this funding to tribal governments.

*Question.* If confirmed, how will you ensure tribal governments in Arizona that meet the program's requirements receive funding from the Tribal Broadband Connectivity Program in a fair and efficient manner to connect their communities?

Answer. Secretary Raimondo, speaking at the National Congress of American Indians' 78th Annual Convention, committed to working with tribal governments to get them the broadband connections needed to participate in the 21st-century economy. I strongly support this goal. While I have much to learn about NTIA's specific plans in this area, I believe that strong communications and consultation are essential to ensuring that tribal governments receive the full benefits of programs such as the Tribal Broadband Connectivity Program in a fair and efficient way. If confirmed, I would seek to bolster communications resources designed to engage with tribal communities. I would work to ensure that NTIA is offering needed technical assistance to those communities. And I would look forward to engaging directly with tribal communities to better understand their unique connectivity needs now and in the future. I would welcome the opportunity to learn from and work with your office to continue growing NTIA's efforts in this space.

*Question.* The Federal Communications Commission (FCC) has an Office of Native Affairs and Policy, which represents the FCC in government-to-government consultation with sovereign Tribal nations, works with other FCC offices and bureaus to develop and implement policies for assisting Native communities, and ensures that Native concerns and voices are considered in all relevant Commission pro-

ceedings and initiatives. Does NTIA have a similar office, and if not, do you believe dedicated resources for tribal consultation would be beneficial?

Answer. I am not aware of a specific office at NTIA dedicated to sovereign tribal nations. I believe it is essential to support tribal consultation regarding broadband programs, and dedicated resources can be a beneficial way to do so. I have been told that NTIA has a strong team, with Native American staff, working on the Tribal Broadband Connectivity Program. If confirmed, I would seek to build on efforts such as this and ensure we are offering dedicated resources as needed to engage well with tribal communities.

*Broadband Coordination.* With the signing of the IIJA, NTIA will begin administering the Broadband Equity, Access, and Deployment Program to provide state and territorial governments grants to develop their broadband infrastructure. The IIJA dedicates over \$42 billion to this program. The CAA also required the NTIA, FCC, and Department of Agriculture to develop an interagency agreement regarding the coordination of disbursing funds for broadband deployment, which went into effect in June 2021.

*Question.* Considering the significant investments in the IIJA for broadband deployment, how will you work to ensure NTIA coordinates with state governments and other Federal agencies to enable more Americans to receive reliable and consistent Internet access?

Answer. Meeting the goal of connecting everyone in America with high-speed, affordable, and reliable Internet will require a “whole of government” approach that includes close coordination among federal, state, and community actors. The IIJA gives state governments an enormous role in implementing the BEAD state grant program. I believe that one of the most important things NTIA can do to further the IIJA’s goals is to support states in that process. If confirmed, I would make coordination and communication with states a top priority. I would seek to build on NTIA’s well-regarded convenings of state broadband leaders, and ensure that NTIA staff continue to hold regular meetings with state officials to anticipate and address questions. To ensure that states and other stakeholders are equipped to take full advantage of the new funding opportunities, I would seek to have additional dedicated staff to respond to each state’s questions and offer technical assistance. Accomplishing the goals of the IIJA will require a surge of resources into state technical assistance efforts, and new communications channels and engagement efforts will be needed. NTIA has a good start and, if confirmed, I look forward to building even stronger relationships with states.

I also believe that careful coordination with other Federal agencies working on broadband support will be essential if we are to connect all Americans and act as wise stewards of Federal resources. The IIJA directs NTIA to consult or coordinate with the FCC and other Federal agencies on a range of issues. I was also encouraged to see that NTIA, FCC, and USDA signed an MOU in June that documents their commitment to coordinate resources and leverage data from each to appropriately identify areas of need. If confirmed, I will work to implement the MOU rapidly and to engage collaboratively with these agencies to ensure that broadband efforts reflect best practices and deep coordination across the Federal government.

*Interference with GPS Systems.* In April 2020, the FCC approved an application by Ligado Networks to deploy a low-power 9.8 decibel watts terrestrial nationwide network across three bands of electromagnetic spectrum. Several agencies, including the Department of Defense (DOD), Department of Homeland Security, Department of Justice, and the Federal Aviation Administration, have raised concerns that Ligado’s network could interfere with global positioning system (GPS) instruments. Following the order, NTIA petitioned the FCC to reconsider its order based on irreparable harms to Federal government users of GPS.

*Question.* What are your thoughts on this issue?

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

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAPHAEL WARNOCK TO  
ALAN B. DAVIDSON

*Connected Device Program.* Closing the digital divide will take more than just building networks or subsidizing broadband services. As many of us have learned over the past two years, to connect to broadband and take advantage of expanded opportunities, families also need laptops and tablets to get online for work, school, and more. However, about two in five low-income families don't have a laptop or tablet at home. Earlier this year, I introduced the Device Access for Every American Act to provide laptops and tablets to low-income families, so that parents and kids can get connected. This connected device program is currently included in the Build Back Better Act and would be administered at NTIA.

*Question 1.* Do you agree that making investments in closing the digital divide and homework gap for low-income Georgians is critical?

Answer. Yes, absolutely. I agree that closing the digital divide and homework gap is critical for low-income Georgians and low-income people across the country. The pandemic has confirmed what we have known for some time: Connectivity is a key to our children's success. Perhaps the most important policy lesson that is incorporated into both the IIJA and the Build Back Better Act is that an all-of-the-above approach is essential to closing the digital divide: We must address devices, affordability, and deployment within an overall commitment to digital equity.

*Question 2.* If this program is signed into law, would you commit to expeditiously setting up this program at NTIA?

Answer. Yes. Too many Americans lack access to devices they need to utilize the Internet. If this program becomes law, I would work to expeditiously proceed with it at NTIA to address the needs of low-income Georgians—and all low-income Americans.

*Coordination with state and local partners.* With the expansion of the NTIA's role in broadband deployment, including the administration of the bipartisan Infrastructure Investment and Jobs Act's Broadband Equity, Access, and Deployment Program, it is essential that NTIA engages in active communication with state and local partners.

*Question.* Under your leadership, how would NTIA communicate with individual states moving forward?

Answer. Meeting the goal of connecting everyone in America with high-speed, affordable, and reliable Internet will require a "whole of government" approach that includes close coordination among federal, state, and community actors. The IIJA gives state governments an enormous role in implementing the BEAD state grant program. I believe that one of the most important things NTIA can do to further the goals of IIJA is to support states in that process. If confirmed, I would make communication with states a top priority. Fortunately, NTIA has a strong track record of engaging with states on broadband policy. In recent years, the State Broadband Leaders Network (SBLN) run by NTIA staff has become a well-regarded convening body for state broadband leaders. If confirmed, I would seek to build on this foundation and ensure that NTIA staff continue to hold regular meetings with state broadband officials to anticipate and address questions. To ensure that states and other stakeholders are equipped to take full advantage of the new funding opportunities, I would seek to have dedicated staff to respond to state questions and offer technical assistance. Accomplishing the goals of the IIJA will require a surge of resources into state technical assistance efforts, and new communications channels and engagement efforts will be needed. NTIA has a strong starting point and, if confirmed, I look forward to building stronger relationships with states.

*Question.* What resources would you devote to reaching out to and informing broadband leaders in specific states and regions on a routine basis?

Answer. Under the framework established by Congress in the IIJA, Federal coordination with states is the key to this program's success. If confirmed, I would continue to grow the relationships established through the existing network of state broadband leaders established by NTIA. I would ensure that broadband officials nationwide are fully apprised of the status of our programs, and anything else they need to know in order to take full advantage of the unprecedented opportunity presented by the IIJA. I would ensure that NTIA is offering targeted technical assistance to states and other stakeholders, and would assign personnel to specific states and regions so state officials will have a consistent point of contact and resource at NTIA.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO  
ALAN B. DAVIDSON

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

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

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

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

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

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

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

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

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

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

Answer. Careful coordination with states and other Federal agencies working on broadband support will be essential if we are to connect all Americans and act as wise stewards of Federal resources. I hope that IIJA funding can be additive to funds already administered through the American Rescue Plan and other sources. If confirmed, I will direct NTIA staff to establish processes to ensure good information exchange and coordination with other Federal agencies, as well as with areas

receiving grant funds under ARP. And I will work to ensure that BEAD funds complement, and are not duplicative of, funds provided via the ARP or other Federal statutes and programs.

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

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

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

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

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

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

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

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

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

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

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

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

*Question 7.* NTIA, along with the FirstNet Authority, has a 25-year, \$100 billion Indefinite-Delivery, Indefinite Quantity contract with AT&T to ensure operation of more than 2.2 million devices connected to the National Public Safety Broadband Network, which is used by public safety officials across the United States and its

territories every day. Given the criticality of this network's operation, it is important that Congress have full and current information about the network's operations, something the Department of Commerce Office of Inspector General is reviewing. If confirmed, do you commit to working with the Commerce IG to ensure that NTIA, the FirstNet Authority, and the contractor are providing the OIG with all the information and access it requests so that it may report on the FirstNet program?

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

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

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

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

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

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

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

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

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

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

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

Answer. I agree that interagency spectrum coordination has not effectively addressed important areas of dispute in recent years. If confirmed, I will make strengthening Federal spectrum coordination a top priority. As the demand for spectrum continues to expand, NTIA and the FCC must work together closely on spectrum management to support the needs of all spectrum users—government and commercial, today and in the future. To do so, NTIA should focus on an evidence-based approach to understanding spectrum user needs, rooted in technically rigorous interference analysis. If confirmed, I would work with the FCC to review and

update the FCC-NTIA Memorandum of Understanding (MOU), seeking the best framework agreement possible to support our joint efforts to ensure spectrum use benefits all Americans. I also would look to resume the biannual joint spectrum planning meetings between the Assistant Secretary and the FCC Chair that Congress wisely directed as well as to support the work on a National Spectrum Strategy as called for by Secretary Raimondo.

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

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

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
ALAN B. DAVIDSON

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

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

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

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

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

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

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

Answer. If confirmed, I will work to ensure that broadband infrastructure funds are used effectively and in ways that reflect the lessons learned from past and ongoing programs. As I stated in my testimony, Congress structured the BEAD program very differently from the prior BTOP program, with a much more significant role for states in designing the programs that will award funds to subgrantees. That

said, I am committed to implementing the lessons learned from NTIA's programs past and present. I would also expect to consider the best practices developed in other recent Federal broadband programs as well as state and local broadband programs. Finally, I understand that NTIA expects to release a Request for Comment and conduct various events which should result in broad input—including lessons learned—about how best to implement these new programs.

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

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

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

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

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROY BLUNT TO  
ALAN B. DAVIDSON

*Question 1.* Mr. Davidson, as you know, I supported the Infrastructure Investment and Jobs Act in no small part because of the tremendous investment it will make to close broadband gaps in rural America. This is an incredibly important issue in Missouri, where approximately one third of rural residents still lack access to broadband.

At the same time, it's crucial that this historic investment is spent efficiently and not used to duplicate networks where high speed service already exists or where providers are subject to legally enforceable deployment obligations. For example, this funding is going to co-exist with multiple broadband funding programs at multiple Federal agencies—the FCC, U.S. Department of Agriculture, Treasury—as well as state and local agencies, and we need to coordinate these programs to avoid a situation where the Federal government is competing against itself or undermining and discouraging the private sector's own tremendous infrastructure investments. This is key because every dollar that goes to subsidized overbuilding is a dollar diverted from unserved Americans who lack any access to broadband whatsoever.

Accurate broadband maps are a helpful step in preventing subsidized overbuilding, but further coordination is going to be needed, to avoid subsidizing overbuilding in areas where providers are subject to legally enforceable deployment obli-



gations but haven't yet made service available—either on account of government funding or otherwise.

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

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

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

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

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

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

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

Answer. Yes.

*Question 2.* I firmly believe that expanding broadband access in America is a two-fold issue: building out high-speed networks to unserved areas of the country, and ensuring that all Americans can afford to pay for their broadband service. One of the reasons I was, therefore, proud to vote for the Infrastructure Investment and Jobs Act is because it targeted both the availability and the affordability aspect of the digital divide. In addition to the \$42.45 billion in Broadband Deployment Grants that you would be in charge of administering at NTIA, the FCC will be administering a new long-term, \$14.2 billion Affordable Connectivity Program to ensure low-income Americans can afford the connections they need to participate in modern society.

Further, as part of NTIA's Broadband Deployment Grants program, each subgrantee for the deployment of a broadband network would be required to offer at least one low-cost broadband service option for eligible subscribers. Some Republicans have voiced concern, however, that this part of the legislation could open the door to broadband rate regulation.

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

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

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

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

3. Do you believe that rate regulation is the correct approach to addressing the broadband affordability gap, or do you agree that low-income subsidies, in conjunction with private providers' own low-cost offerings, are a better solution?

Answer. I appreciate that Congress has invested considerable resources within the IJA for establishing long-term subsidies for broadband service, and many ISPs are

already offering low-cost plans. These voluntary offerings, along with subsidies, competition and innovation in broadband markets, are the optimal driver of broadband affordability. I also believe that state-by-state establishment of a low-cost offering as required in state plans—which I do not view as the same thing as across-the-board rate regulation—will be vital to closing the affordability gap.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. DEB FISCHER TO  
ALAN B. DAVIDSON

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

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

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO  
ALAN B. DAVIDSON

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

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

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

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

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

*Question 3.* Last week, I asked Chairwoman Rosenworcel about supply chain challenges facing broadband providers, in light of the increased level of Federal spending to close the digital divide. She said that she started a proceeding at the FCC to collect information about how semiconductor shortages are impacting the telecommunications sector. The success of the new broadband grants programs will depend in part on supplies being available to deploy broadband. Is there anything the

NTIA or the Department of Commerce more broadly can do to help with supply chain issues facing broadband providers?

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

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAN SULLIVAN TO  
ALAN B. DAVIDSON

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

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

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

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

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

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

*Question 4.* Alaska ranks absolutely last in terms of broadband access in the United States. Being home to 229 federally recognized tribal governments, some of which reside in Alaska's most remote communities that can only be accessed by plane or ferry, the need for Federal investments in broadband infrastructure has only been exacerbated by the COVID-19 pandemic. I recently heard from some of our communities that they have been paying roughly \$1,000 per month just to make sure their kids have Internet access necessary to attend school, they can continue working, and elders can access healthcare. Despite our demonstrated need, we continue to face hurdles in building out broadband infrastructure, largely in part because of the vast and unique geographical features of our state. Some of Alaska's Tribes have broadband service areas covering tens of thousands of square miles. To ensure they are able to bring high speed, reliable Internet to the different village communities they serve, Federal funding must be adjusted to account for the impact of a changing permafrost, distance between village communities, and other factors unique to Alaska. In reviewing applications for TBCP and other NTIA funds, how will the Department account for these various factors? Or in other words, what extent does NTIA factor in the size of a tribe's service delivery area, the unique terrain and other geographical barriers that drive up broadband infrastructure costs, the existing unmet needs, and other unique factors facing tribes in my state? Additionally, we are aware that the TBCP application provided some level of priority consideration for regional applications. How does this priority consideration factor into NTIA's decision to fund a project?

Answer. I appreciated the opportunity to learn more about Alaska's significant connectivity challenges during our meeting. I also share Secretary Raimondo's com-

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

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

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

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

Answer. As I am not part of NTIA I have not been part of discussions between the NTIA and Treasury regarding the issues you raised. If confirmed, I look forward to coordinating with other federal grants programs and to working with your office to ensure that tribal applicants are able to easily benefit from the funds available across various programs.

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

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

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

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

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

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

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

Answer. Yes.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARSHA BLACKBURN TO  
ALAN B. DAVIDSON

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

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

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

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

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

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

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TODD YOUNG TO  
ALAN B. DAVIDSON

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

As we discussed in your office, the U.S. has exhausted much of the low hanging fruit when it comes to spectrum usage. Making more spectrum available to meet the Nation's future needs will be aided by innovative technologies and techniques. Incumbent Informing Capability (IIC) may well be one of those promising technologies. My understanding is that NTIA is working to develop and implement IIC

to make more Federal spectrum available for commercial use, and to develop a common platform for spectrum sharing. If confirmed, I am eager to learn more about NTIA's efforts in this area, and I would be happy to work with you and your staff on innovative ways to make more Federal spectrum available for commercial use.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE LEE TO  
ALAN B. DAVIDSON

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

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

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

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

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

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

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

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

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

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

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

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

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

7. The BIF gives the Administrator broad discretion to put additional requirements on company’s who receive broadband funding under NTIA. What addi-

tional requirements that are not in the statute would you require? Would you require "Net Neutrality" requirements as a condition of receiving NTIA funds under the BIF?

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

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

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

*Question 2.* As Administrator of NTIA, you will be responsible for overseeing the Federal government's Federal spectrum allocations.

1. In your view, do Federal Government agencies use their spectrum efficiently? Answer. Senator, as we discussed on our call, I believe that Federal agencies have essential public missions that must be met but also can be more efficient in their use of spectrum resources. If confirmed, I welcome the opportunity to work with you and other spectrum leaders in Congress to find ways to ensure that Federal agencies are being as efficient as possible with this precious resource.

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

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

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

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

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

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

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

Answer. Providing incentives for Federal agencies to engage in the significant planning and technical analysis required for spectrum reallocation is very important. Existing mechanisms have proved valuable, such as the Spectrum Relocation Fund (SRF). If confirmed, I would be happy to work with you and your staff to determine how best to leverage the SRF and other programs and authorities within NTIA to incentivize Federal users to make their operations more efficient.

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

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

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

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

*Question 4.* Regarding spectrum coordination, the FCC and the NTIA have operated under an MOU that is the main mechanism for coordination of spectrum management decisions.

1. Is the existing MOU's framework sufficient for today's spectrum coordination between the FCC and NTIA?

Answer. No.

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

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

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

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

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

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

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

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

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



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

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RON JOHNSON TO  
ALAN B. DAVIDSON

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

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

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

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

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

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. SHELLEY MOORE CAPITO TO  
ALAN B. DAVIDSON

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

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

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

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

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

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

Finally, I would seek out clear metrics for success and accountability and ensure that NTIA and states are collecting the data needed to measure progress against those metrics.

*Question 4.* As Secretary Raimondo has recognized, the infrastructure bill requires NTIA to rely on the newly updated FCC maps when determining if an area is unserved and defines an area as unserved if it does not have access to 25/3. Mr. Davidson, if confirmed, do you commit to following the letter of the law when implementing the infrastructure bill?

Answer. Yes.

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

Answer. Yes.

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

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

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

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

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

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

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

tioning BEAD funding and/or other programs on a recipient's commitment to provide voice service and to obtain ETC status.

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

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

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICK SCOTT TO  
ALAN B. DAVIDSON

*Question 1.* The recently passed infrastructure bill gives NTIA over \$42 billion for broadband buildout.

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

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

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

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

*Question 2.* This new \$42 billion program was given exemption from certain provisions of the Freedom of Information Act.

1. Do you believe this exemption is necessary?

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

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

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

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

Answer. The Federal government utilizes spectrum to support an extremely diverse range of missions of importance to the American people. These uses by necessity sometimes require access to significant amounts of spectrum. My understanding is that, quite often, the Federal agencies are indeed using spectrum very efficiently, including in many cases where a number of agencies share frequencies in the same band through elaborate coordination by NTIA and the agencies themselves.

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

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. CYNTHIA LUMMIS TO  
ALAN B. DAVIDSON

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

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

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO  
VIQUAR AHMAD

*Broadband Infrastructure.* The bipartisan infrastructure law includes the largest investment our country has ever made in broadband, \$65 billion for broadband infrastructure. The NTIA at the Department of Commerce will oversee the rollout of the majority of the \$65 billion.

*Question.* If confirmed, how will you help NTIA deploy those funds quickly and effectively?

*Answer.* The Department of Commerce is grateful for the significant investment included in the Infrastructure Investment and Jobs Act (IIJA) to help close the digital divide and ensure that all Americans have access to reliable, high speed, and affordable broadband. The National Telecommunications and Information Administration's (NTIA) work to implement the IIJA is already underway and is engaging with stakeholders in every state, territory, tribe, and community to ensure these programs succeed.

The Office of Acquisition Management (OAM) supports Commerce's Operating Units by providing expert guidance so that funds are deployed efficiently and in accordance with the law and regulations. The close partnership of the OAM and NTIA teams is essential to operational success. If confirmed, I will ensure that we have the robust capability necessary and streamlined processes in place to support the Department's efforts in effectively delivering these funds to communities nationwide.

*Small business growth.* Small business drives the American economy, and new businesses are responsible for creating nearly all net new jobs. The Department of Commerce plays an important role in supporting entrepreneurs and businesses.

*Question.* If confirmed, how will you support minority and women entrepreneurs and minority-owned businesses?

*Answer.* I fully share President Biden and the Department of Commerce leadership's commitment to not just rebuilding to how things were before the COVID-19 pandemic, but to building back better and more equitably. The Minority Business Development Agency (MBDA) is a key component of that effort. If confirmed, I will seek to ensure MBDA's success and that the Department's finance and administrative staff are available to help MBDA effectively carry out its mission.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO  
VIQUAR AHMAD

*Question 1.* The Department of Commerce OIG (Office of the Inspector General) identified the Department's Management Matters Involving Acquisitions and Grants and NOAA's (National Oceanic and Atmospheric Administration) satellite governance as top management challenges in Fiscal Year 2022. If confirmed, what recommendations would you implement to address these challenges?

Answer. To address the management challenges involving acquisitions and grants in NOAA's satellite programs and other areas, I will leverage and strengthen existing Departmental procedures for suspension and debarment, for overseeing bureau grant and procurement management offices, and for conducting Acquisition and Program Management reviews of major acquisitions. In addition, I will continue to invest in the Department's acquisition workforce by expanding the number of program managers and contracting professionals with specialized training in IT and Digital Services, operationalizing the Department's acquisition innovation lab, and maintaining and expanding the Program Management Community of Practice. I will also continue to leverage the Department's Acquisition Project Management Framework and Milestone Review Board to maintain oversight of and insight into the Department's mission critical programs including NOAA's satellite programs.

*Question 2.* What are your top priorities for the Department, and if confirmed, what steps would you take to address those priorities?

Answer. My top priority, if confirmed, would be to help the Secretary, Deputy Secretary, and other senior leadership put forth the best budget to support the Department of Commerce's strategic needs.

Second, I believe we must provide evidence to Congress, the public, and our other agency partners that we are good stewards of public resources. Finally, I will ensure our human resource focus is on recruiting, developing, and retaining a well-rounded cadre that understands not just how to do a job, but how varied functional expertise plays into the overall mission.

I will review existing policies, procedures, practices, and consult with senior career staff on issues of concern. I will meet with Inspector General Gustafson to discuss the most recent management challenges outlined in her report. Ultimately, maintaining a close partnership with staff, colleagues at the bureaus, and OMB will be important to our success. We will establish metrics, track progress, and take a proactive approach to mitigate any issues.

Equally important, I remain committed to maintaining open lines of communication with you and your staff on the important work of the Department.

*Question 3.* A recent report from the OIG was highly critical of Enterprise Services' (ES) management and oversight of its blanket purchase agreement (BPA) with Accenture. While ES may not report directly to the CFO, if confirmed, how would you ensure that taxpayer dollars are in fact getting the agreed upon deliverables for this BPA and each of DOC's other contracts?

Answer. If confirmed as the CFO and ASA, I will ensure that strong oversight is provided to Department's acquisitions and blanket purchase agreements. Through the oversight efforts of the Senior Procurement Executive and Office of Acquisition Management, I will ensure effective tools are used so that the Department receives quality services and products procured with taxpayer dollars in the Department's bureaus and offices. With respect to this specific OIG audit of the ES BPA, I will ensure the Corrective Action Plan addresses the core concerns in the report and that any lessons learned are applied throughout the Department.

*Question 4.* The OIG report also contained 11 recommendations for the Department to implement. While a corrective action plan is due back to the OIG within 60 calendar days, what involvement will you have to ensure each recommendation is adequately addressed, and that subsequent actions are taken?

Answer. While I am aware of this OIG report, I have not been briefed on the Corrective Action Plan that is under development. If confirmed, I will meet early on in my tenure with Inspector General Gustafson to review the most recent audits and management findings, including the Accenture report. I will ensure that Corrective Action Plans are in place and that Department staff is aggressively taking action to close open recommendations and address the findings. I will also meet with Enterprise Services leadership to ensure the staff is taking strong action to implement recommendations and further enhance their contract oversight.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MARSHA BLACKBURN TO  
VIQUAR AHMAD

*Question.* It's my understanding that in 2020, the Department of Commerce obligated over \$10 billion for contractual goods and services, grants, and other financial awards. Can you please tell me how you will conduct a more transparent and accountable grant process for awardees?

*Answer.* In 2020, the Department obligated over \$10 billion in procurements, grants and other contractual services, with procurements being the largest component. The Department follows Federal regulations prescribed in the FAR to ensure transparent and accountable awards. With the dramatic increase in grants, the Department has been focused on instituting program management practices to track progress on the billions of dollars in grant program funding starting with the CARES Act in 2020. If confirmed, I will make sure we have a dashboard which provides an internal status update, including a proactive approach to identify areas of concern.

The goal will be to have visibility at each stage of the process: from enactment of legislative authority, Notice of Funding Opportunity (NOFO), application, and evaluation through award. I will ensure that the bureaus remain committed to tracking the details and having a transparent and accountable process using the grants.gov and USAspending.gov tools that serve the Federal government.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICK SCOTT TO  
VIQUAR AHMAD

*Question 1.* The Department of Commerce oversees the disbursement of varying grant programs, ranging from fishery and coastal protection to broadband buildout and economic development. How will you ensure these are awarded fairly, transparently, and consistently?

*Answer.* I share your commitment to ensuring public resources are deployed in accordance with the law and done so in a fair, transparent, and consistent manner. The Department follows Federal regulations prescribed in the FAR to ensure transparent and accountable awards. With the dramatic increase in grants, the Department has been focused on instituting program management practices to track progress on the billions of dollars in grant program funding starting with the CARES Act in 2020. If confirmed, I will make sure we have a dashboard which provides an internal status update, including a proactive approach to identify areas of concern.

The goal will be to have visibility at each stage of the process: from enactment of legislative authority, Notice of Funding Opportunity (NOFO), application, and evaluation through award. I will ensure that the bureaus remain committed to tracking the details and having a transparent and accountable process using the grants.gov and USAspending.gov tools that serve the Federal government.

*Question 2.* I am concerned with the national security threat that Communist Chinese drones pose to our Federal agencies. I have introduced the American Drone Security Act to prohibit the Federal procurement of drones that pose such a threat. Do you commit to not procuring any drones that are manufactured in Communist China for the Department of Commerce—including NOAA?

*Answer.* The Department is a member of the Federal Acquisition Security Council (FASC), with participation by the Chief Information Officer, Special Procurement Executive, and National Institute of Standards and Technology (NIST). The FASC is the Federal government organization that is responsible for tracking, evaluating, and processing entity list additions and or adjustments. The Department has an internal Supply Chain Risk Management process that ensures items requested for procurement meet the section 889 and other security requirements before authorization to purchase is granted. I will ensure that these memberships and processes are maintained and enhanced as needed to protect the Department and the equities of the Federal Government.