

TESTIMONY OF BRENDAN CARR
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BEFORE THE COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
OF THE UNITED STATES HOUSE OF REPRESENTATIVES

**“A Legacy of Incompetence:
Consequences of the Biden-Harris Administration’s Policy Failures”**

September 19, 2024

Chairman Comer, Ranking Member Raskin, and distinguished Members of the Committee, thank you for the invitation to testify. It is an honor to appear before you today.

I have had the privilege of serving as a Commissioner on the Federal Communications Commission for over seven years. Before that, I served as the agency’s General Counsel, and I worked previously as a legal advisor to a Commissioner after first joining the FCC as a career staffer. I have been working at the FCC for over a dozen years now, and my primary focus—one that I share with all of my Commission colleagues—is ensuring that every American has a fair shot at next-generation connectivity.

In my view, there is no better way to do a job in Washington than to get outside the Beltway and see firsthand the challenges and opportunities that lay ahead. That is why I have spent time in nearly every state over the last few years—meeting with broadband builders, public safety officials, local leaders, and community members alike—asking questions and learning from their experiences in their own parts of the country.

Along the way, I have clipped in alongside tower climbers on top of 2,000 foot broadcast towers. I have gone a mile underground to see a fiber build that extended high-speed service to a Nobel Prize-winning research facility located deep inside the shafts of an 1800s-era gold mine. I have visited with construction crews stringing fiber above dirt roads that run along the Arctic Ocean in Utqiagvik, Alaska—America’s northernmost point. And I have spent time on the Gulf Coast in Florida with restoration crews as they worked to splice broken lines and quickly bring Internet service back to life after a hurricane.

In every community, I have heard about the power and opportunity that comes with a reliable, high-speed connection. From educating our kids and working remotely to accessing affordable, high-quality health care.

That is why I was pleased when a bipartisan consensus emerged in Congress to provide the support necessary to end the digital divide in this country once and for all. Never before had Congress come together and appropriated enough funding to ensure that every American can access high-speed Internet service.

The most significant of those efforts is a \$42 billion initiative known as the Broadband Equity, Access, and Deployment program or BEAD. Indeed, the BEAD program is the

government's largest single investment in broadband infrastructure in the country's history, and Congress passed it as part of the Infrastructure Investment and Jobs Act or IIJA.¹ Upon its passing, the Biden-Harris Administration promised to use this program to connect every single American in the country.

With all of this federal funding, a significant and durable public policy win was within reach. Achieving it simply required the Biden-Harris Administration to act with competence as it implemented the law passed by Congress. Unfortunately, as I will testify today, the Biden-Harris Administration has failed to clear that hurdle. Instead, it is wasting taxpayer dollars while leaving Americans waiting, needlessly, on the wrong side of the digital divide. Here is how.

In 2021, Vice President Harris agreed to lead the Administration's signature, \$42 billion plan for expanding high-speed Internet to millions of Americans.² Touting the initiative, Vice President Harris promised to "bring broadband to rural America today."

It has now been 1,039 days since the \$42 billion program was signed into law. After all of that time, not one person has been connected to the Internet with those dollars—not one home, not one business. Indeed, not even one shovel worth of dirt has been turned with those dollars. And it gets worse. The Biden-Harris Administration recently confirmed that no construction projects will even start until sometime next year at the earliest and in many cases not until 2026. This makes Vice President Harris's \$42 billion initiative the slowest moving federal broadband deployment program in recent history, as far as I can tell.

Dysfunction and Delay. With Vice President Harris at the helm, Politico recently reported on the "frustration" and "finger-pointing" that have come to define the program's "messy, delayed rollout."³ The reporting details just some of the ways that the program has been "hung up" and fallen behind schedule.

For instance, the Biden-Harris Administration planned on approving all state plans at the beginning or spring of this year.⁴ But it is now fall, and the Administration still has not done so.⁵

¹ Infrastructure Investment and Jobs Act, P.L. 117-158, 135 Stat. 429, § 60102 (2021) ("IIJA").

² Remarks by President Biden in Address to a Joint Session of Congress (Apr. 28, 2024) (discussing the broadband infrastructure plan that later passed as BEAD in the IIJA and stating "THE PRESIDENT: . . . And I am asking the Vice President to lead this effort, if she would — THE VICE PRESIDENT: Of course. THE PRESIDENT: — because I know it will get done."); Margeurite Reardon, CNET, *President Biden Taps Kamala Harris to Lead Effort to Close Digital Divide* (Apr. 29, 2021), <https://www.cnet.com/home/internet/president-biden-taps-kamala-harris-to-lead-effort-to-close-digital-divide/>; John Hendel, Politico, *'People Need to See it': How Politics Hung up a \$42B Biden Internet Buildout* (Sep. 4, 2024) ("September 2024 Politico Article"), <https://www.politico.com/news/2024/09/04/biden-broadband-program-swing-state-frustrations-00175845> ("Kamala Harris helped create and promote the program as vice president[.]").

³ See September 2024 *Politico* Article.

⁴ See *id.*

⁵ See, e.g., *id.* ("Initially, the Commerce Department anticipated approving all states' plans by the spring of 2024; it has since updated that to by the fall" and it has not done so yet); see also Internet for All, BEAD Initial Proposal Progress Dashboard, <https://www.internetforall.gov/bead-initial-proposal-progress-dashboard> (last visited Sept. 16, 2024).

In 2022, the Biden-Harris Administration indicated that this year it would be reviewing for final sign off of each one of the 50+ plans for the states and territories.⁶ But it has yet to do so for even one state or territory today. And as late as last year, the Biden-Harris Administration was still stating publicly that it expected construction projects to start this year.⁷ But as noted above, that is not happening and the BEAD program has only continued to slip behind schedule.

These delays are not without consequence. Indeed, there is significance to the passage of time. For one, each day or month that the BEAD program falls further behind is another day or month that Americans remain on the wrong side of the digital divide. For another, the delay in critical BEAD milestones complicates how state and federal entities can responsibly implement their respective funding programs.⁸

The problem here lies squarely with the Biden-Harris Administration's implementation. Indeed, a state broadband official that has been trying to navigate Vice President Harris's \$42 billion program, so that her state can start connecting communities, recently shared her experience with the initiative. Testifying earlier this month before the House Energy and Commerce Committee, she described "a chaotic implementation environment," "dysfunction," and "delays."⁹ The Biden-Harris Administration, she added, "has provided either no guidance, guidance given too late, or guidance changing midstream."¹⁰ Continuing, she testified that the Biden-Harris Administration is "slowing states down and second-guessing good-faith efforts."¹¹

Indeed, state broadband officials across the country have sounded the alarm about the Administration's rollout of BEAD. One director of a state broadband office described BEAD as "the most burdensome federal program" she has ever managed.¹² Similarly, a former state broadband official that worked on BEAD recently wrote about the Biden-Harris Administration pursuing policies beyond what Congress authorized as a key factor in the delays. "It is more

⁶ The Broadband Equity Access and Deployment (Bead) Program, Program Details For Applicants, at 5, 13 (May 2022), available at <https://broadbandusa.ntia.gov/sites/default/files/2022-06/June-1-Webinar-Presentation.pdf>.

⁷ Madeleine Ngo, *Billions to Connect Everyone to High-Speed Internet Could Still Fall Short*, New York Times (Sept. 19, 2023), <https://www.nytimes.com/2023/09/19/us/politics/high-speed-internet-biden.html>.

⁸ See, e.g., Dissenting Statement of Brendan Carr, Commissioner, Federal Communications Commission, *Establishing a 5G Fund for Rural America*, GN Docket No. 20-32, Second Report and Order, Order on Reconsideration and Second Further Notice of Proposed Rulemaking (Aug. 28, 2024), <https://docs.fcc.gov/public/attachments/FCC-24-89A3.pdf>.

⁹ *From Introduction to Implementation: A BEAD Program Progress Report, Hearing Before the House Committee on Energy & Commerce, Subcommittee on Communications & Technology*, 118th Cong. (Sept. 10, 2024) (Written Statement of Misty Ann Giles, Director, Department of Administration Chief Operating Officer, State of Montana), available at <https://docs.house.gov/meetings/IF/IF16/20240910/117623/HHRG-118-IF16-Wstate-GilesM-20240910.pdf> ("Giles Testimony").

¹⁰ *Id.* at 2.

¹¹ *Id.* at 3.

¹² *Delays and Inflation Challenges in Broadband Expansion: A Closer Look at the BEAD Program*, Franklin County Free Press (July 23, 2024) (quoting Tamarah Holmes, Director of Virginia's Office of Broadband), <https://fcfreepresspa.com/delays-and-inflation-challenges-in-broadband-expansion-a-closer-look-at-the-bead-program/>.

important to get homes connected than to check off a slate of policies that makes the program overly political,” she wrote. “Minimize lawsuits and speed things up by sticking to the law.”¹³

Indeed, the Biden-Harris Administration has now embedded delay in the program’s DNA. Just look at Pennsylvania. Last month, I visited the western part of the Keystone State and held a roundtable with Congressman John Joyce to hear directly from some of the stakeholders that Congress intended to benefit from this \$42 billion plan—educators, health care providers, job creators. They emphasized that the Biden-Harris Administration’s ongoing delay is holding Pennsylvania back. After all, Pennsylvania alone is supposed to be getting \$1.16 billion of this funding based on needing to connect roughly 280,000 homes and businesses in the Commonwealth. Yet the initial plan that the Biden-Harris Administration approved for Pennsylvania includes a prioritization system that weighs equitable workforce considerations ten times more heavily than speed of deployment.¹⁴

So what has the Biden-Harris Administration been doing over the last 1,039 days instead of focusing on connecting Americans? It has been layering on red tape and advancing a wish list of progressive policy goals that may cater to favored political constituencies, but undermine the goal of connecting all Americans.¹⁵

The \$42 billion program being led by Vice President Harris is being used to pursue a climate change agenda, DEI requirements, technology biases, price controls, preferences for government-run networks, and rules that will undoubtedly lead to wasteful overbuilding. All of this will leave rural and other unconnected communities behind. And the Biden-Harris Administration has chosen to head down this path despite Congress expressly prohibiting the Administration from doing much of this partisan improvising.

Price Controls. Congress included in the authorizing law a provision that expressly states: “Nothing in this title may be construed to authorize the Assistant Secretary or the National Telecommunications and Information Administration to regulate the rates charged for broadband service.”¹⁶ Nonetheless, the Biden-Harris Administration is using the \$42 billion program to force Internet service providers (ISPs) to abide by price controls, as Members of Congress have pointed out.¹⁷ Indeed, Members of the House have called out the Biden-Harris Administration for its efforts to regulate rates contrary to Congressional intent on numerous occasions.¹⁸

¹³ Jade Piros de Carvalho, *BEAD Under Pressure*, LinkedIn (Sept. 9, 2024), <https://www.linkedin.com/pulse/bead-under-pressure-jade-piros-de-carvalho-mcpvc/?trackingId=16auxsI6Rta9iuP5g%2BDtgw%3D%3D>.

¹⁴ See, e.g., Pennsylvania Broadband Development Authority, Broadband Equity, Access, and Deployment Initial Proposal, Volume II, at 26-27 (May 2024), https://www.broadband.pa.gov/wp-content/uploads/2024/05/BEAD-Volume-II_2024.pdf.

¹⁵ See, e.g., Giles Testimony at 2 (“while prioritizing advancement in social policies is well intended, these policies created undue complications that states and providers have never faced in other broadband programs.”).

¹⁶ IJA § 60102(h)(5)(D).

¹⁷ See, e.g., Letter from Senator Eric Schmitt to Sec’y Gina Raimondo, Dep’t of Commerce (June 11, 2024), <https://www.schmitt.senate.gov/wp-content/uploads/2024/06/NTIA-BEAD-rate-regulation-letter-.pdf>.

¹⁸ See Letter from Chair Bob Latta, Chair Rodgers *et. al* to Asst. Sec’y Alan Davidson, Dep’t of Commerce (Dec. 15, 2023), https://d1dth6e84htgma.cloudfront.net/12_15_23_Letter_to_NTIA_re_Rate_Regulation_42bbb6fbf4.pdf; see

Just look at Virginia. The Biden-Harris Administration rejected Virginia’s initial proposal to give ISPs flexibility to propose a price that is “affordable” without a specific price.¹⁹ The Biden-Harris Administration instructed Virginia to resubmit its proposal with either a specific price or determinate formula that would yield a price.²⁰ The lengthy back and forth between the Administration and Virginia further delayed efforts to start connecting communities in the Commonwealth.²¹ Meanwhile, the Biden-Harris Administration appears to be giving states a green light to embark on aggressive rate regulation in violation of BEAD’s authorizing law—states like California, which are planning on awarding points to ISPs that meet defined speed-for-price metrics,²² and New York, which is mandating ISPs make a broadband service option available to consumers at a price of no more than \$15 per month.²³

DEI Requirements. At a time when workforce shortages already threaten to delay broadband deployment timelines,²⁴ the Biden-Harris Administration is making the situation worse by using its \$42 billion program to push hiring preferences for “LGBTQI+ people, disconnected youth, individuals in recovery, individuals with past criminal records, including justice-impacted and reentry participants[.]”²⁵ Senators have called on the Biden-Harris Administration to abandon these “extraneous requirements” designed, in their words, “to achieve targeted social outcomes.”²⁶

also Letter from Chair Rodgers and Chair Latta to Asst. Sec’y Alan Davidson, Dep’t of Commerce (Oct. 3, 2023), https://d1dth6e84htgma.cloudfront.net/Letter_to_NTIA_re_State_Plans_FINAL_01ef8f75c1.pdf.

¹⁹ See Virginia Department of Housing and Community Development, *Commonwealth Connect Broadband Equity, Access, and Deployment Program Initial Proposal Volume 2 with NTIA Curing Edits* at 51 (2024), <https://dhcd.virginia.gov/sites/default/files/DocX/vati/ntiacuringround2changes-virginiabeadvolume2.pdf>.

²⁰ *Id.* at 53.

²¹ See September 2024 *Politico* Article.

²² Or as nearly 25 trade associations representing large and small broadband builders in rural and urban America recently stated, “State broadband offices have faced the prospect of political pressure unless they acceded to a \$30 rate for the low-cost service option. This contravenes the clear language in the Infrastructure Act[.]” Letter from ACA Connects, *et al.* to Sec’y Gina Raimondo, Dep’t of Commerce, at 2 (July 23, 2024), available at <https://acaconnects.org/press-releases/aca-connects-broadband-groups-say-affordability-mandates-will-jeopardize-the-bead-program/> (“Trade Associations Letter”).

²³ ConnectALL Office, Empire State Development, State of New York, *Initial Proposal, Volume II, Broadband Equity, Access, and Deployment (BEAD) Program* at 127 (Aug. 2024), https://broadband.ny.gov/system/files/documents/2024/08/nys-initial-proposal-vol.-2_approved_1.pdf.

²⁴ See, e.g., Fiber Broadband Association *et al.*, *Broadband Market Workforce Needs* (July 2024), <https://fiberbroadband.org/2024/07/29/urgent-need-to-recruit-and-train-nearly-180000-workers-to-complete-federal-and-state-funded-broadband-networks/> (estimating that 28,000 more broadband construction workers and 30,000 more broadband technician workers are needed to execute the current amount of planned federal and state broadband funding).

²⁵ Notice of Funding Opportunity, Broadband Equity, Access, and Deployment Program, at 60 (May 12, 2022), <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf> (“BEAD NOFO”).

²⁶ Letter from Sens. John Thune, Ted Cruz, *et al.* to Sec’y Gina Raimondo, Dep’t of Commerce (Apr. 20, 2023), https://www.thune.senate.gov/public/_cache/files/d4e51503-5d28-4744-9033-18c9e38da22d/C3ACEFE761F313B6ABBD99AC63692025.as4.20.2023-bead-nofo-letter-to-ntia-1-.pdf.

Climate Change. Nearly a dozen Senators wrote to the Biden-Harris Administration to push back on what they described as “a policy that was not included in the IJJA relating to climate change.” “This extraneous requirement,” they added, “was not envisioned by Congress and diverts resources away from bringing broadband connectivity to unserved Americans.”²⁷ Concluding, they stated that this is not the place “to be pushing the Biden administration’s unrealistic environmental agenda onto the American public, and it therefore should be removed.”

Technology Bias. Or take the Biden-Harris Administration’s technology preferences—whether they are for fiber or against unlicensed fixed wireless and satellite services.²⁸ The authorizing statute does not codify any technology preference. Indeed, some of the law’s lead drafters wrote to the Biden-Harris Administration and explained that its implementing rules deviated from the law Congress negotiated because the Administration included technology preferences.²⁹

The Biden-Harris Administration’s decision to pick technological winners and losers will frustrate the law’s objectives. Heavily favoring more expensive fiber projects will rapidly deplete the program’s funding and leave many locations without money. Ignoring communities already connected to high-speed service through unlicensed, fixed wireless technologies will result in government-subsidized overbuilding. Preferring fiber builds in nearly all cases—which involve significantly more construction and labor—will delay deployments. Indeed, as the law’s drafters made clear, we have a range of next-generation technologies that can offer robust, affordable, high-speed Internet services—from 5G fixed wireless to a new generation of low-earth orbit satellites—that can reach unconnected families virtually overnight. The Biden-Harris Administration’s restrictions will prevent states from funding projects that could quickly bridge the digital divide.

Too much regulation from Washington is needlessly driving up the cost of building broadband. That is why you are seeing so many of the Internet providers that would ordinarily participate in a program like BEAD sounding the alarm and saying that the red tape is simply too much to cut through. Indeed, just recently, the head of the Minnesota Telecom Alliance, which represents 70 broadband builders in the state, declared that “zero” of its members would be

²⁷ Letter from Sens. John Thune, Ted Cruz, *et al.* to Sec’y Gina Raimondo, Dep’t of Commerce (Apr. 20, 2023), https://www.thune.senate.gov/public/_cache/files/d4e51503-5d28-4744-9033-18c9e38da22d/C3ACEFE761F313B6ABBD99AC63692025.as4.20.2023-bead-nofo-letter-to-ntia-1-.pdf.

²⁸ See BEAD NOFO at 13 n. 6 (“Each Eligible Entity must establish its Extremely High Cost Per Location Threshold in a manner that maximizes use of the best available technology . . . NTIA expects Eligible Entities to set the Extremely High Cost Per Location Threshold as high as possible to help ensure that end-to-end fiber projects are deployed wherever feasible.”); see also NTIA, Dep’t of Commerce, *Choosing the right mix of technologies to achieve Internet for All* (Aug. 26, 2024), <https://www.ntia.gov/blog/2024/choosing-right-mix-technologies-achieve-internet-all> (“Fiber builds are priority broadband projects for BEAD. If a provider bids to serve a home or business with an end-to-end fiber connection, and their proposal is not too expensive, then they will be prioritized in receiving funds to deploy that network.”).

²⁹ Letter from Sen. Susan Collins, *et al.* to Sec’y Gina Raimondo, Dep’t of Commerce (Aug. 18, 2022), https://www.collins.senate.gov/imo/media/doc/letter_to_secraimondobeadnofoaug182022.pdf.

participating in the BEAD program given the Administration’s current approach.³⁰ Several states, along with many in the broadband industry, have registered their concern that BEAD allocations will be insufficient to reach all unserved locations given the policy cuts that have been made.³¹ And associations representing hundreds of local and regional broadband providers recently wrote a letter stating that the Biden-Harris Administration’s “unprecedented and economically unworkable” decisions are “putting the overall success of BEAD in jeopardy.”³²

The Biden-Harris Administration’s failure to launch is not only predictable, but was predicted. Two years ago, Members of Congress—including the Senator that co-authored the broadband provisions of the law—wrote the Commerce Department and explained that the Biden-Harris Administration’s decision to create “a complex, nine-step, ‘iterative’ structure and review process . . . is likely to mire State broadband offices in excessive bureaucracy and delay connecting unserved and underserved Americans as quickly as possible.”³³ The Senators similarly wrote that the Biden-Harris Administration’s implementation “undermines or conflicts with congressional intent and the plain language of the law.”

Other Members of Congress kept up this drum beat of concern. In 2023, for instance, Members of Congress wrote the Biden-Harris Administration and explained that its rules “divert resources away from bringing broadband service to rural America and are inconsistent with NTIA’s statutory authority.”³⁴ They stated in clear terms that the Biden-Harris Administration’s decision to add requirements found nowhere in the statutory text “will prolong the digital divide and put billions of scarce taxpayer dollars at risk.”³⁵

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³⁰ Ana Radelat, *‘Internet for all’ plans in Minnesota in trouble as broadband providers balk at ‘onerous’ regulations*, MinnPost, (Jun. 25, 2024), <https://www.minnpost.com/greater-minnesota/2024/06/internet-for-all-plans-in-minnesota-in-trouble-as-broadband-providers-balk-at-onerous-regulations/>.

³¹ See Julia King, *New Mexico, Minnesota latest to say BEAD funds won't be enough*, Fierce Network (Aug. 10, 2023), <https://www.fierce-network.com/broadband/new-mexico-minnesota-latest-say-bead-funds-wont-be-enough>; Julia King, *States’ BEAD excitement tempered by execution, mapping worries*, Fierce Network (June 28, 2023), <https://www.fierce-network.com/broadband/states-bead-excitement-tempered-execution-mapping-worries>; Jericho Casper, *Flush with BEAD Cash, at least 13 states make plans for ‘Nondeployment’ funds*, Broadband Breakfast (Mar. 4, 2024), <https://broadbandbreakfast.com/flush-with-bead-cash-at-least-13-states-make-plans-for-nondeployment-funds/>; Giles Testimony at 2; Madeleine Ngo, *New York Times, Billions to Connect Everyone to High-Speed Internet Could Still Fall Short* (Sept. 19, 2023), <https://www.nytimes.com/2023/09/19/us/politics/high-speed-internet-biden.html>; Doug Adams, *The Man Who’ll Oversee Nearly \$1.9B in BEAD Grants for California Broadband Buildouts*, Telecompetitor (June 25, 2024), <https://www.telecompetitor.com/the-man-wholl-oversee-nearly-1-9m-in-bead-grants-for-california-broadband-buildouts>.

³² Trade Associations Letter at 1.

³³ Letter from Sen. Susan Collins, *et al.* to Sec’y Gina Raimondo, Dep’t of Commerce (Aug. 18, 2022), https://www.collins.senate.gov/imo/media/doc/letter_to_secraimondobeadnofoaug182022.pdf.

³⁴ Letter from Sens. John Thune, Ted Cruz, *et al.* to Sec’y Gina Raimondo, Dep’t of Commerce (Apr. 20, 2023), https://www.thune.senate.gov/public/_cache/files/d4e51503-5d28-4744-9033-18c9e38da22d/C3ACEFE761F313B6ABBD99AC63692025.as4.20.2023-bead-nofo-letter-to-ntia-1-.pdf.

³⁵ *Id.*

This is not to say that there are no broadband builds underway today with dollars the Biden-Harris Administration has made available. But those other initiatives—whether administered by the Treasury Department, the Department of Agriculture, or another component of the federal government—have their own sets of issues.³⁶

For one, the Biden-Harris Administration is spending dollars on the penny in many cases.³⁷ In 2020, the FCC secured a commitment from Starlink to provide high-speed Internet service to over 640,000 homes and business across 32 states for \$885 million, which amounted to about \$1,300 per location in support. But then the government abruptly and unlawfully revoked that award back in 2022.³⁸ The Biden-Harris Administration is now going to spend orders of magnitude more in federal taxpayer dollars to connect locations through its own broadband initiatives, including BEAD.

So here's the bottom line—absent major reforms, the Biden-Harris Administration's implementation of this \$42 billion BEAD program is wired to fail. It is easy to understand why. Rather than faithfully implementing the statute, the Biden-Harris Administration has put its thumb on the scale in favor of extraneous political goals that have more to do with ideology than they do with getting people connected. The law did not require that the Biden-Harris Administration preference one technology over others—rather, the law is tech-neutral. The law did not require rate regulation—in fact, it expressly prohibited it. The law did not require preferences for government-run networks over private sector ones—far from it. And of course, Congress did not require the Biden-Harris Administration to evaluate Internet builds based on how much those projects advanced DEI or a climate change agenda—yet the Biden-Harris Administration is doing so anyway.

* * *

But BEAD is not the only area where the Biden-Harris Administration is falling behind. Take spectrum. Maintaining and extending U.S. leadership in wireless has been one of my top priorities since I joined the Commission in 2017. Getting our spectrum policies right translates directly into bringing Americans across the digital divide, spurring innovation, creating jobs, and growing our economy.

U.S. leadership in wireless is also part and parcel of America's geopolitical leadership. When we free up spectrum, the world takes notice. It puts the wind at the backs of those working to advance our values. It ensures that next-generation services develop in ways that will

³⁶ See, e.g., Testimony of Brendan Carr, Commissioner, Federal Communications Commission, Before the Subcommittee on Communications Technology of the United States House of Representatives Committee on Energy and Commerce, *Connecting America: Oversight of the FCC* (March 31, 2022), <https://docs.house.gov/meetings/IF/IF16/20220331/114545/HHRG-117-IF16-Wstate-CarrB-20220331.pdf>.

³⁷ See, e.g., Report by Senator Ted Cruz, Red Light Report (Sep. 15, 2023) <https://www.commerce.senate.gov/services/files/0B6D8C56-7DFD-440F-8BCC-F448579964A3>.

³⁸ See Dissenting Statement of Brendan Carr, Commissioner, Federal Communications Commission, *Application for Review of Starlink Services, LLC, Rural Digital Opportunity Fund, Rural Digital Opportunity Fund (Auction 904), Viasat Auction 904 Application for Review*, WC Docket No. 19- 126, OEA Docket No. 20-34, GN Docket No. 21-231, Order on Review, <https://docs.fcc.gov/public/attachments/FCC-23-105A2.pdf>.

benefit our innovators and interests—rather than regimes that seek to diminish America’s standing in the world.

Unfortunately, the Biden-Harris Administration has failed to show the leadership necessary on the spectrum front. While America stands still, our global competitors and adversaries are passing us by. Historically, the U.S. has been a leader in making new spectrum bands available. But a study out last year shows that the U.S. now ranks 13th out of 15 leading markets in licensed mid-band spectrum. Indeed, in recent years, China has sprinted out to a 710 MHz advantage over the U.S. when it comes to licensed mid-band spectrum.

The Biden-Harris Administration does not have a serious plan to close this widening gap. Last November, it released its much-anticipated National Spectrum Strategy. But the Administration’s plan commits to freeing up exactly zero megahertz of spectrum. Instead, it says that the Administration will simply continue to study various spectrum bands for years to come. This means that the Biden-Harris Administration has no plan for significant, near-term action on spectrum auctions. This not only sets America apart from our global allies and adversaries alike—which are now passing the U.S. by on spectrum—but it also marks a departure from our own recent record of action.

Of course, the Administration’s failure to free up spectrum is not the only headwind when it comes to U.S. leadership in wireless. In March 2023, the FCC’s spectrum auction authority lapsed for the first time ever.

As long as our auction authority is lapsed, we should be working aggressively to deliver wins on the spectrum actions that we do have at our disposal. Here too, though, the Biden-Harris Administration is failing to deliver.

Just two months ago, the FCC missed a statutory deadline that Congress set in the 2015 Spectrum Pipeline Act to auction 30 MHz of spectrum below 3 GHz by July 1, 2024. That spectrum miss flows from the Administration’s failure to hit a January 1, 2022 deadline for identifying the specific spectrum for the auction. That failure is troubling for two reasons. First, Congress gave the Department of Commerce a runway of nearly nine years to prepare a relatively small portion of spectrum for commercial use. Second, even as the FCC’s general auction authority lapsed, the Pipeline Act still would have allowed the FCC to auction that 30 MHz of spectrum.

It did not have to be that way. From 2017 through 2020, the FCC freed up roughly 6,000 MHz of spectrum for licensed use alone, plus thousands of additional megahertz of spectrum for unlicensed use. We held the first auction of mid-band spectrum in 2020 with 70 MHz worth of spectrum in the 3.5 GHz band. At 2.5 GHz, we transformed the rules governing nearly 200 MHz worth of this mid-band spectrum to support 5G builds and teed up over 100 MHz for auction. At 4.9 GHz, we modernized the regulation of a 50 MHz swath of spectrum. In the L Band, we authorized 30 MHz of spectrum for 5G and IoT. At 5.9 GHz, we opened up 45 megahertz for unlicensed. Plus, we pushed out an additional 1,200 MHz for unlicensed in the 6 GHz band. Finally, in the C Band, we cleared 280 MHz of sought-after mid-band spectrum that has quickly become the backbone of 5G in the United States today.

In other words, the FCC freed up more spectrum for commercial use in those years than the Biden-Harris Administration even plans to study. And it is not even close.

The FCC has demonstrated the capacity to deliver significant spectrum wins. I am confident that the agency can do so again. And reversing the Biden-Harris Administration's backsliding on spectrum would not only generate billions of dollars in revenue for the Treasury that could be used for deficit reduction but also restore America's place as a global leader in wireless.

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In closing, I want to thank you again Chairman Comer, Ranking Member Raskin, and distinguished Members of the Committee for holding this hearing and for the opportunity to testify. I welcome the chance to answer your questions.