Telecom Alert: Build Back Better Act; Biden Nominates Rosenworcel as Permanent Chairwoman; Secure Equipment Act Passes; $1.3 Billion in Emergency Connectivity Funding; 6 GHz Waiver [Vol. XVIII, Issue 44]

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Build Back Better Act
The text for **H.R. 5376** ("Build Back Better Act") was released last week as part of Democrats’ $1.75 trillion spending plan, which includes funding for broadband and other telecommunications services. The Act would allocate $480 million in grants to implement and maintain Next Generation 9-1-1 services, establish an NG911 Cybersecurity Center, and create a 16-member advisory board. It would also allocate $295 million over ten years to NTIA for grants to public-private partnerships aimed at increasing access to broadband in urban communities.

**Biden Nominates Rosenworcel as Permanent Chairwoman**

Last week, President Joseph Biden nominated acting Chairwoman Jessica Rosenworcel as the permanent chair of the FCC. Chairwoman Rosenworcel’s term lapsed in 2020, so she must be confirmed to her new term by the Senate before the end of the year. President Biden also nominated Gigi Sohn, a Distinguished Fellow at the Georgetown Law Institute for Technology Law & Policy, to fill the other Democratic vacancy. If both Chairwoman Rosenworcel and Sohn are confirmed, the Democrats will hold a 3-2 majority.

**Senate Passes Secure Equipment Act of 2021**

The Senate unanimously passed the Secure Equipment Act of 2021 last week, which would prohibit the FCC from reviewing or issuing new equipment licenses to companies on the Commission’s covered equipment or services list (Vol. XVIII, Issue 43). The FCC previously adopted rules requiring telecom carriers to remove and replace equipment produced by these entities due to national security concerns, but those only applied to equipment purchased with federal funding. The House passed a companion bill on October 20, meaning that it now will be sent to President Biden to sign into law.

**$1.3 Billion in Emergency Connectivity Fund Requests**

The FCC announced that it has received requests for nearly $1.3 billion in the second filing window for the Emergency Connectivity Fund Program (the “Fund”), which ran from September 28 to October 13 (Vol. XVIII, Issue 42). The applications would fund nearly 2.4 million connected devices and over 564,000 broadband connections. To date, the Commission has committed over $2.6 billion in funding to school and library applicants.

**Encina Communications 6 GHz Waiver**

Encina Communications Corporation ("ECC") filed an ex parte letter with the FCC last week proposing a waiver of the Commission’s rules to permit Access Point ("AP") networks to deploy outdoors using the PCN process. Under the FCC’s rules, broadband service providers must use Automated Frequency Coordination ("AFC") for outdoor AP networks. ECC seeks a waiver to allow providers to either coordinate using AFC or prior coordinate pursuant to § 101.103(d), and requests that the Commission initiate a rulemaking proceeding to formalize the process.

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