

# United States Senate

WASHINGTON, DC 20510

July 30, 2019

533

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Dear Chairman Pai:

We write to urge you to postpone adoption of the proposed Report and Order to reform the Federal Communications Commission's (FCC) Rural Health Care (RHC) Program that is currently on the agenda for the FCC's August 1, 2019 meeting. While we recognize your efforts to adopt much-needed improvements to the RHC program, the proposal neither provides sufficient guidance to applicants nor addresses several of the program's key issues, and will ultimately lead to increased confusion and funding delays for rural health care applicants and providers.

For Americans living in rural areas, physician shortages and hospital closures have made obtaining reliable access to high-quality health care a constant challenge. Broadband connectivity, and the opportunities in telemedicine and telehealth that it supports, allows rural communities to access care. Congress provided the Commission with the mandate to make access to health care a reality through broadband by enacting Section 254 of the Telecommunications Act of 1996. This law states that public and non-profit rural health care providers must receive access to necessary telecommunications and broadband services at affordable rates. It was with this goal that the Commission created the RHC program and the HCF, and it was with recognition of the program's value that thirty-one senators pushed the FCC to increase the program's annual spending cap to account for current and future demand last year.

Prior to this increase, the demand for RHC funding exceeded the program's \$400 million annual cap for the first time. We advocated for strengthening the RHC and increasing its funding because we believed then, as we do now, that American families deserve access to high-quality and reliable health care, regardless of the zip code in which they live. The Commission acted in June 2018, increasing the RHC funding cap to reflect inflation. While we are pleased with this action, this amount of funding has proven insufficient to address continued growth in the program.

This lack of sufficient funding, combined with a lack of program rules concerning its allocation, has led to substantial delays for rural health care providers seeking to increase their telemedicine capabilities. Ensuing uncertainty has caused many providers to drop out of the program or to curtail their telemedicine services altogether. We were pleased that the Commission had begun a rulemaking process to address these serious shortcomings. Unfortunately, the Report and Order released on July 11 fails to fix many of the key issues that must be resolved for the program to operate smoothly. The proposal, for instance, does not address the need for more funding, set

forth the methodology for calculating the rural and urban rates, nor provide adequate maps to determine the rural area boundaries needed to determine pricing. Instead, it delegates rate-setting to the Universal Service Administrative Company (USAC), an entity that does not have relevant subject matter experience. Ultimately, the proposal fails to provide sufficient guardrails of transparency to guarantee confidence that the program will be implemented in a consistent manner.

Congress enacted the RHC program to improve health care delivery to rural and underserved communities through innovation in telecommunications. Given the importance of this program to the nation's rural and underserved populations and the public interest in a fair and expedient application and review process, we urge you to postpone a decision on the proposed Report and Order so that rural health care practitioners and broadband providers can work with you to address these concerns and allow the program to succeed to its full potential. We stand ready to assist as appropriate.

Sincerely,



Ron Wyden  
United States Senator



John Hoeven  
United States Senator



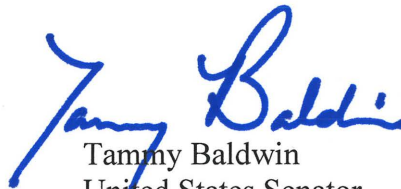
Tom Udall  
United States Senator



John Cornyn  
United States Senator



Shelley Moore Capito  
United States Senator



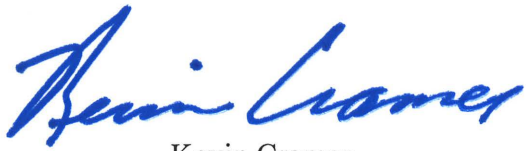
Tammy Baldwin  
United States Senator



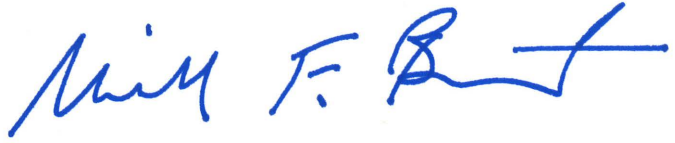
Sherrod Brown  
United States Senator



Lisa Murkowski  
United States Senator

A handwritten signature in blue ink, reading "Kevin Cramer". The letters are cursive and fluid.


Kevin Cramer  
United States Senator

A handwritten signature in blue ink, reading "Michael F. Bennet". The signature is stylized with a long horizontal stroke at the end.

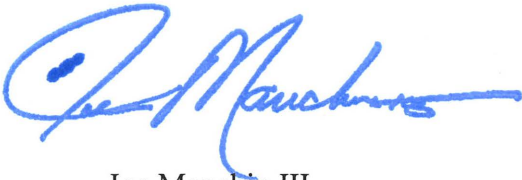
Michael F. Bennet  
United States Senator

A handwritten signature in blue ink, reading "Angus S. King, Jr.". The signature is cursive and includes a small "Jr." at the end.

Angus S. King, Jr.  
United States Senator

A handwritten signature in blue ink, reading "Martin Heinrich". The signature is cursive and includes a small "H" at the end.

Martin Heinrich  
United States Senator

A handwritten signature in blue ink, reading "Joe Manchin III". The signature is cursive and includes a small "III" at the end.

Joe Manchin III  
United States Senator