

United States Senate

April 9, 2020

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

Dear Chairman Pai:

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) is landmark bipartisan legislation to help Americans impacted by the COVID-19 pandemic. As part of this effort, Congress authorized \$200 million dollars to the Federal Communications Commission (Commission) to support health care providers' use of "telecommunication services, information services, and devices" during this national emergency. The telehealth initiatives funded by the CARES Act will help Americans safely access screening for COVID-19 and other medically necessary health care services.

Unfortunately, this crisis has demonstrated that broadband access is still lacking for millions of Americans across the country. Many underserved populations, especially low-income residents, veterans, and Native American communities, are uniquely vulnerable to the consequences of this pandemic. Expanding telehealth services to them can save lives, particularly by helping to keep infected patients isolated and protecting those with chronic conditions who would otherwise face a high risk of infection at a traditional facility. It was Congress's intent that this appropriation broaden the reach of telehealth services to communities disproportionately impacted by COVID-19.

For these reasons, we were disappointed that when the Commission announced the new COVID-19 Telehealth Program on March 31, it did not provide adequate detail on how it would ensure that communities that are the most adversely impacted by the pandemic would be able to take advantage of this program. The Commission must not appear to play favorites in implementing this program. Accordingly, **by April 16**, please provide your response to the following questions on the COVID-19 Telehealth Program, including:

- Details on the Commission's process to select applicants from communities "hardest hit" by COVID-19, including metrics the Wireline Competition Bureau and the Commission's Connect2Health Task Force will use to evaluate and select applicants;
- Details on how the pre-existing strain on providers caused by large underserved or low-income populations, health care provider shortages, rural hospital closures, and limited broadband access or adoption will factor into the selection process, as well as what other types of strains on health care providers the Commission will consider in evaluating applications;

- Details on what data from the Centers for Disease Control and Prevention the Commission will use, in addition to data supplied by applicants, to assist in the selection of program participants and how the Commission will use that data for those purposes;
- Information on non-virus related criteria that the Commission will use to select applicants and how the Commission will use that data;
- Details about the Commission's outreach to inform the public about this program, including what steps it will take to raise awareness of this opportunity to health care providers that primarily serve underserved and unserved areas, low-income communities, veterans, and Native American populations, including American Indians, Alaska Natives and Native Hawaiians; and
- Details on post-program information the Commission will require from applicants, including any benchmarks or assessments the Commission will use to assess providers' ability to deliver telehealth.

Americans cannot wait. This current crisis will not wait. In appropriating an additional \$200 million in resources for telehealth connectivity, Congress communicated the pressing urgency with which the Commission must act. The Commission must ensure that patients and health care providers have the broadband capacity and tools they need to respond to this crisis, and that these additional resources allocated by Congress immediately flow to the Americans who need it most. Due to the closure of many Senate offices during the coronavirus outbreak, physical signatures are unavailable. The listed senators have asked to be signatories to this letter.

Sincerely,

Senator Brian Schatz

Senator Edward J. Markey

Senator Kirsten Gillibrand

Senator Jack Reed

Senator Jeffery A. Merkley

Senator Tammy Duckworth

Senator Ron Wyden

Senator Catherine Cortez Masto

Senator Amy Klobuchar

Senator Richard Blumenthal

Senator Kamala D. Harris

Senator Mazie Hirono

Senator Cory A. Booker

Senator Richard J. Durbin

Senator Chris Van Hollen

Senator Jacky Rosen

cc: The Honorable Michael O’Rielly, Commissioner,
The Honorable Brendan Carr, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Geoffrey Starks, Commissioner