

Telecom, Media and Technology

Outlook for the 119th Congress & the Trump Administration

Key Takeaways

- President Trump has named senior Republican Commissioner Brendan Carr Federal Communications Commission (FCC) Chairman, thereby ensuring Republican agenda-setting authority in the agency.
- A Republican controlled FCC and Congress are likely to focus on creating a spectrum pipeline, restoring spectrum auction authority and streamlining wireless and fiber siting laws and policy to facilitate broadband, 5G and 6G deployments.
- A Republican FCC and Congress are also expected to refocus broadband deployment initiatives, including the FCC's Universal Service Fund and the \$42.45 billion Broadband Equity Access and Deployment (BEAD) program administered by the National Telecommunications and Information Administration. On January 27, 2025, the Office of Management and Budget ordered a "temporary pause" on the obligation and disbursement of federal grant, loan, and financial assistance programs, including BEAD.
- Finally, a Republican FCC is likely to pursue a broadly deregulatory agenda, bolstered by the Sixth Circuit decision setting aside the 2024 net neutrality rules and including efforts to rescind digital discrimination rules, relax media ownership regulations and terminate proceedings on issues such as "junk fees," "bulk billing" and "data caps."

Additional Insights

- **Leadership.** President Trump has elevated senior Republican Commissioner Brendan Carr to the Chairman's seat. Chairman Carr will try to change direction from former Chairwoman Jessica Rosenworcel on a number of issues such as digital equity, consumer protection and market competition. However, former Chairwoman Rosenworcel left the agency on January 20, as is customary for FCC chairs when the White House changes parties, which leaves the FCC with a 2-2 makeup. President Trump has nominated longtime Senate staffer Olivia Trusty to the fifth seat on the Commission, and upon confirmation she would provide Republicans with the majority necessary to pursue pieces of Chairman Carr's agenda that may not garner Democratic support. Getting Trusty confirmed as the third Republican commissioner may take time, given that other nominations will take priority and the Senate calendar is crowded. With Congress under Republican control, Sen. Ted Cruz (R-TX) has taken the reins as Chairman of the Senate Commerce Committee, with Rep. Brett Guthrie (R-KY) taking the gavel in House Energy and Commerce.
- **Spectrum.** Congress is also expected to continue negotiating approaches to the FCC's spectrum auction authority, which expired in March 2023. Republicans in the Senate may look to pass S. 3909, the Spectrum Pipeline Act, introduced by Sens. Cruz, John Thune (R-SD) and Marsha Blackburn (R-TN), which was referred to the Senate Commerce Committee but did not advance.

Republicans also have been highly critical of the National Spectrum Strategy released in the fall of 2023, and particularly of the fact that it did not identify specific frequency bands for reallocation to commercial use, and instead directed technical studies to determine the feasibility of reallocation or sharing of a handful of bands. The

Trump Administration will likely seek to rescind the strategy in order to specify bands for reallocation, or to short-circuit the study processes to fast-track the identification and reallocation of spectrum for commercial use.

- **Broadband Funding.** Under Republican control of Congress and the White House, expect a review of the handling of the Broadband Equity Access and Deployment (BEAD) Program. Republicans have questioned the effectiveness of the \$42.45 billion program and purported delays in the deployment of funding to states. Republicans also criticize the program's focus on fiber-optic cable deployment over other broadband technologies, claim it overlaps with existing federal subsidy programs and argue it is ripe for waste, fraud and abuse. On January 27, the Office of Management and Budget (OMB) ordered a "temporary pause" in the obligation and disbursement of funds under federal loan, grant, and financial assistance programs. In his January 30, 2025 Senate Commerce confirmation hearing, Secretary of Commerce nominee Howard Lutnick confirmed that the ordered pause encompasses BEAD.

The constitutionality of the Universal Service Fund (USF) funding mechanism is also currently being litigated, and its future has long been the subject of debate in Congress. The Supreme Court recently agreed to resolve a circuit split created when the 5th Circuit found the funding mechanism unconstitutional, a holding that is in conflict with decisions of the 6th and 11th Circuits upholding the constitutionality of the USF funding mechanism. Should the 5th Circuit decision stand, Congress will need to step in to keep the program funded.

There has been a bipartisan working group in Congress focused on reforming the program, but those efforts have yet to produce legislation. The most straightforward fix may be for Congress to move the funding to the regular appropriations process and fund it annually. Defenders of the current program, however, have said that will create uncertainty and make it difficult for carriers dependent on the funding to operate. Republicans have advocated for reforming the program and giving Congress more oversight, which would come with direct funding. Expect this to be an issue of discussion, should the 5th Circuit decision hold.

Additionally, Chairman Carr has voiced support for reviewing how federal broadband subsidies are spent, ensuring that taxpayer money is used effectively, and money is not spent to build out in areas that already have broadband connectivity. Chairman Carr has also voiced support for expanding the contribution pool beyond the traditional telecom providers and including online platforms, though he has conceded that doing so would require an act of Congress.

Congress will also need to look at the future of the FCC's now expired Affordable Connectivity Program. One option that has been discussed is to fold it into the USF program or Congress could fund it separately. There is bipartisan support for the program which helps low-income Americans purchase internet access, but Republicans have sought reforms before agreeing to additional funding. These reforms include new eligibility and verification requirements, as well as cutting the monthly funding amount.

- **Deregulation and Consumer Protection.** On January 2, 2025, the 6th Circuit Court of Appeals set aside the FCC's net neutrality rules, which reclassified broadband access services under Title II of the Communications Act. This decision effectively brought to a close the back-and-forth classification and reclassification of broadband under Republican and Democratic FCCs over the course of a generation, leaving the question for whether and how to create enforceable net neutrality rules for resolution—if at all—by Congress. In the past, there have been bipartisan efforts for Congress to take control of the issue and establish clear rules of the road to prohibit blocking and throttling of internet traffic, but it remains to be seen whether the court's decision provides momentum to those efforts.

The FCC's digital discrimination rules adopted under former Chairwoman Rosenworcel are also being challenged in the 8th Circuit. Industry has argued that the FCC overstepped its authority by defining "digital discrimination" to include deployment decisions that have a disparate impact regardless of intent rather than limiting its rules to instances of intentional discrimination. Pending a court decision, we expect Chairman Carr to have the FCC revisit the rules or repeal them altogether, and if issued before a court ruling such a decision by the newly Republican-controlled FCC could moot the court challenge.

Other consumer protection initiatives undertaken by the Democratic FCC—including proposals to require rebates to cable and satellite TV subscribers for blackouts, limit “bulk billing” arrangements for cable and broadband service in multi-tenant environments like apartment buildings, and impose limitations on the use of artificial intelligence in telephone and text message marketing and political advertising—are likely to be rescinded under the Republican FCC.

- **Content Moderation.** Congress and/or the FCC may also look at reforms to Section 230 of the Communications Decency Act. Chairman Carr and President Trump have supported the FCC taking action to limit the scope of Section 230 and the liability protections enjoyed by Big Tech companies under the statute. In 2022, President Trump released a campaign video that suggested, among other things, that companies should only qualify for the protections of the Section 230 liability shield if they satisfy “high standards of neutrality, transparency, fairness and non-discrimination” in making content moderation decisions, and that users over 18 should be permitted to opt out of all content moderation on digital platforms. Carr has also proposed the FCC imposing transparency rules, similar to those that apply to broadband providers, on Big Tech online platforms.

Contributors: [Doug Brandon](#), [Jennifer Richter](#), [Steve Rowings](#)