



April 18, 2023

The Honorable Robert Latta
Chair
Subcommittee on
Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Doris Matsui
Ranking Member
Subcommittee on
Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Latta and Ranking Member Matsui:

The U.S. Chamber of Commerce respectfully submits the following statement for the record for the House Energy and Commerce's upcoming Subcommittee on Communications and Technology hearing entitled "*Breaking Barriers: Streamlining Permitting to Expedite Broadband Deployment*." We commend the Subcommittee for holding this critical hearing to examine barriers to broadband deployment as well as solutions like modernized permitting.

The United States needs infrastructure improvements to remain competitive, support long-term economic growth, address the digital divide, and to support the communities that need infrastructure investment the most. Unfortunately, uncertainty and delays in broadband permitting processes increases the cost of deployment and limit the impact of federal and private sector investments and innovation. A more efficient permitting process is needed for timely upgrades to America's communications infrastructure. Earlier this month, the Chamber launched the *Permit America to Build* [campaign](#), which calls on Congress to enact meaningful, durable legislation to modernize America's permitting processes before the end of the summer.

The Chamber encourages Congress and the Subcommittee to consider the following policies to improve permitting to spur broadband deployment:

- **Improve Access to Federally Managed Lands:** Congress should examine how to best effectuate deployment on lands managed by federal agencies (e.g., Department of Interior, Bureau of Land Management, Bureau of Indian Affairs, U.S. Forest Service). These updates will be particularly important in the coming months and years as projects financed by the Infrastructure Investment and Jobs Act and other broadband programs may be located on or cross federal lands.
- **Facilitate Timely and Transparent NEPA Processes:** Although the Chamber fully supports the environmental stewardship goals of the National Environmental Policy Act (NEPA), infrastructure projects of all kinds are often subject to endless delays and litigation, broadband is no different. The permitting process suffers from multiple agency roadblocks including lack of transparency and timely reviews, and numerous opportunities for project opponents to make challenges.

As a result, many in the private sector are reluctant to tie up capital in projects that must navigate the burdensome federal permitting process, costing jobs and the public benefits associated with better infrastructure.

Timely, transparent NEPA processes are needed to encourage investment that is needed to sustain and grow our economy. Moreover, Congress should seek to exclude certain broadband infrastructure project approvals and siting decisions from NEPA review processes entirely, such as expanding and clarifying where NEPA is not required for temporary uses, or where new licensing would not substantially alter existing facilities.

- **Streamline Other Federal Requirements:** Congress should consider solutions to addressing other federal barriers to deployment such as clarifying that the National Historic Preservation Act is not required for certain temporary uses or where new licensing would not substantially alter existing facilities.
- **Address State and Local Barriers to Deployment.** Congress should also consider the impact of state and local permitting requirements on the deployment of broadband infrastructure. Specifically, these requirements include cable system transfers, franchise terms and termination, notification of road changes, unreasonable street restoration fees, municipal and cooperative pole attachment, requests for access, required franchises agreements or similar approvals as a prerequisite for permitting, mandatory “in-kind” compensation to municipalities, onerous liability provisions, and excessive and arbitrary fees.

State and local permitting requirements often hinder the deployment of broadband and thus may require federal action through preemption, shot clocks, and other policies. Congress should also leverage existing and future federal broadband dollars to incentivize states to pursue permitting reforms at the state and local levels. Finally, reforms should not only focus on modernizing procedures for new sites but also streamlining procedures for colocation, modifications, and upgrades to existing facilities.

The United States has a unique opportunity to help close the digital divide and bring internet access to millions of Americans. Modernizing broadband permitting will be necessary to achieve this objective. The Chamber looks forward to working with Congress on this issue and other policy solutions to connect all Americans.

Sincerely,

A handwritten signature in black ink, appearing to read 'TK' followed by a long, sweeping horizontal stroke.

Tom Quaadman

Executive Vice President
Chamber Technology Engagement Center
U.S. Chamber of Commerce

cc: Members of the Subcommittee on Communications and Technology