

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Full Committee Ranking Member Frank Pallone
Markup of 28 Bills, Subcommittee on Communications and Technology
May 17, 2023

This markup today is an overwhelming missed opportunity by the Republican majority. While I am happy to support a small handful of bipartisan bills that improve certain processes at federal agencies that deal with broadband permitting, I am disappointed to say that the major permitting bill would run roughshod over critical environmental and cultural protections. It is partisan legislation that will ultimately do nothing to ensure that the historic broadband investments Democrats delivered as part of the Bipartisan Infrastructure Law reach all communities that need it.

As this Subcommittee heard at the legislative hearing just a few weeks ago, the biggest obstacle to permitting is a lack of resources at permitting agencies at the federal, state, and local level, which are responsible for processing siting applications. The witness panel delivered that message loud and clear, even as the Majority denied us a second Democratic witness and stacked the panel, in a departure from Committee precedent.

Democrats addressed the resources issue for federal agencies last year with passage of the Inflation Reduction Act. That law, which was opposed by every Republican on this Committee, appropriated money to the relevant agencies to speed up environmental reviews. It is already proving to be effective in accelerating those processes for large environmental projects.

Unfortunately, one bill that would address this issue for local governments—Representative Fletcher’s Broadband Incentives for Communities Act—is not on this markup today because we were unable to reach agreement on a solution that provides the resources that local governments need, and will continue to lack, for this very purpose.

Instead of solving that problem today, we will consider an AINS that throws together almost two dozen partisan bills that have no chance at becoming law. Many of these bills would exempt communications infrastructure from environmental and historic preservation requirements when, in reality, most of these projects do not require those approvals. And whether or not these requirements exist, there will still be a bottleneck at permit offices if there are not enough qualified employees at the agencies to review and approve the applications.

To make matters worse, another set of these partisan bills would severely weaken the authority of local governments to steer investment and deployments in their own communities. This kind of deregulation and preemption of local authority is one reason the digital divide has grown to be as pervasive as it is today.

We simply cannot continue to make it easier for communications providers to cherry pick the areas they want to serve and, more importantly, to avoid investing in the areas they don't. These communities tend to be overwhelmingly low income, rural, and communities of color. When providers turn their backs on these communities, they are denying the people there the tremendous opportunities that modern communications infrastructure provides – educational opportunities, advanced medical services, job training, and much more.

It is disappointing my Republican colleagues have not learned these lessons and have instead chosen to forge a partisan path on legislation that would only exacerbate the problem. I would also point out that in their Default on America bill, the Majority would make severe cuts to federal agency budgets, and they would also claw back the money that state and local governments received during COVID. So, at the same time, they are demanding more of these permitting agencies, they are cutting their resources. It makes no sense.

Whenever my Republican colleagues are ready to work in a productive way on targeted solutions, Democratic members are ready and eager to have those discussions.

Finally, I would like to mention Chair Rodgers' spectrum bill that we will consider today. We must renew the Federal Communications Commission's auction authority for the long term. We must also restore the National Telecommunications and Information Administration's place as the clear manager of federal spectrum and ensure that the proceeds from future auctions be used to fund important projects that benefit the public. The bill before us today is a short-term bill, but Chair Rodgers and I will continue to work on these issues together and with our Senate colleagues. I look forward to soon passing a comprehensive package.