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6 EXAMINING SOLUTIONS TO EXPEDITED BROADBAND PERMITTING

7 THURSDAY, SEPTEMBER 18, 2025

8 House of Representatives,

9 Subcommittee on Communications and Technology,

10 Committee on Energy and Commerce,

11 Washington, D.C.

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15 The subcommittee met, pursuant to call, at 2:09 p.m. in  
16 Room 2123, Rayburn House Office Building, Hon. Richard Hudson  
17 [chairman of the subcommittee] presiding.

18 Present: Representatives Hudson, Allen, Latta,  
19 Griffith, Carter of Georgia, Dunn, Fulcher, Pflugger, Cammack,  
20 Obernolte, Fry, Kean, Goldman, Fedorchak, Guthrie (ex  
21 officio); Matsui, Soto, Clarke, Ruiz, Peters, Dingell,  
22 Barragan, Carter of Louisiana, Menendez, Landsman, McClellan,  
23 and Castor.

24 Staff Present: Sydney Greene, Director of Finance and  
25 Logistics; Megan Jackson, Staff Director; Noah Jackson,  
26 Clerk, C&T; Sophie Khanahmadi, Deputy Staff Director; John  
27 Lin, Senior Counsel, C&T; Joel Miller, Chief Counsel; Seth

28 Ricketts, Special Assistant; Dylan Rogers, Professional Staff  
29 Member; Hannah Anton, Minority Policy Analyst; Parul Desai,  
30 Minority Chief Counsel; Waverly Gordon, Minority Deputy Staff  
31 Director and General Counsel; Dan Miller, Minority  
32 Professional Staff Member; Emma Roehrig, Staff Assistant;  
33 Michael Scurato, Minority FCC Detailee; Johanna Thomas,  
34 Minority Counsel; and Shae Reinberg, Minority Intern.  
35

36           \*Mr. Hudson. The subcommittee will come to order.

37           The chair recognizes himself for an opening statement.

38           Closing the digital divide has long been a bipartisan  
39 priority for this committee. Under both Republican and  
40 Democrat majorities we have discussed and found ways to  
41 ensure that every American has access to high-speed  
42 broadband. Today we have the opportunity to achieve this  
43 goal with the \$42 billion Broadband Equity Access and  
44 Deployment, or BEAD, program.

45           I think members of both parties would agree that BEAD  
46 has not gone as we had hoped. After almost four years, not a  
47 single home has been connected. Some in my party wanted to  
48 completely scrap the BEAD program and start over because of  
49 how the previous administration ran the program, but that is  
50 not my view. And we want to move forward, and we want to  
51 move forward as quickly as possible, and my goal is to fix  
52 this program so it can be deployed so the broadband can be  
53 deployed quickly. The name of my bill that I introduced to  
54 do this is called the SPEED for BEAD Act, and it reflects  
55 this priority.

56           I am pleased that many of my proposed reforms have been  
57 adopted by the Trump Administration, and that they are  
58 working quickly to review and approve state proposals.  
59 Still, money alone will not close the digital divide.  
60 Burdensome, opaque, and expensive permitting reviews that

61 exist at every level of government continue to prevent or  
62 delay deployment. I have heard this from broadband providers  
63 across the country.

64 In my home state of North Carolina one provider has  
65 waited over a year for the Department of the Interior to  
66 review its application to build on Federal land, even though  
67 the agency is required to provide a response within 270 days.  
68 Another North Carolina provider, their project was delayed  
69 because it has to do historic preservation review, despite  
70 the fact that it is on previously disturbed terrain that  
71 likely already had a review. And this is in addition to  
72 lengthy state and local application reviews that can include  
73 excessive costs unrelated to approving the permit.

74 Unless we streamline the permitting process, all the  
75 money we have dedicated to deployment will be tied up in  
76 burdensome reviews, resulting in more unnecessary delays,  
77 forcing millions of Americans to continue to wait for  
78 connectivity.

79 Energy and Commerce Committee Republicans are committed  
80 to reforming this process. For the past three Congresses we  
81 have introduced a package of bills to address this problem.  
82 Each of these bills tackles an obstacle that has either  
83 prevented, delayed, or complicated deployment, with the goal  
84 of instilling certainty, predictability, and savings into  
85 this process. For example, my RAPID Act would exempt small

86 cell wireless antennas from burdensome and expensive  
87 environmental and historic preservation reviews, as well as  
88 reform the tribal notification process to expedite wireless  
89 broadband deployment.

90 I look forward to the discussion today to find the best  
91 path forward together, Republicans and Democrats. Some of  
92 these bills passed the House last Congress with bipartisan  
93 support. I hope we can pass those bills, as well as the  
94 others, into law this Congress. Enacting this package will  
95 make deploying broadband cheaper, more predictable, and less  
96 burdensome, ultimately connecting more Americans, and that is  
97 the bottom line.

98 I want to acknowledge our partners at the Federal  
99 Communications Commission for their work on this issue.  
100 Under then-Chairman Pai, the FCC used its authorities to  
101 remove state and local obstacles for deployment. They worked  
102 to implement shot clocks and cap fees where they can. Their  
103 work is continuing under Chairman Brendan Carr, as they will  
104 seek comment later this month on additional proposals. We  
105 are grateful for this work, and through these bills hope to  
106 codify and build on what they have done.

107 I hope that instead of playing the blame game today, we  
108 can focus on making sure every American has access to the  
109 broadband service that is essential to life in the 21st  
110 century.

111           We have an esteemed panel of witnesses with us today,  
112 all of whom have expertise with the challenges of deploying  
113 broadband. I look forward to hearing from them and I look  
114 forward to this discussion.

115           [The prepared statement of Mr. Hudson follows:]

116

117           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

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119           \*Mr. Hudson. And now I recognize the ranking member,  
120 the gentlelady from California, for her opening statement.

121           \*Ms. Matsui. Thank you very much, Mr. Chairman.

122           Before we begin today's hearing I want to start with  
123 something that should unite us. Every American deserves a  
124 right to speak freely and safely. Freedom of speech is a  
125 cornerstone of our democracy, and political violence has no  
126 place here. That is why I strongly condemn the assassination  
127 of Charlie Kirk. We must all stand against this violence and  
128 stand up for free speech.

129           Defending free speech also means standing against  
130 government censorship. Yesterday ABC pulled Jimmy Kimmel off  
131 the air after threats from President Trump's FCC chair. That  
132 is censorship, plain and simple, a direct attack on the First  
133 Amendment. President Trump has twisted the FCC from an  
134 independent agency into a political lapdog to silence his  
135 critics, and Republicans are letting it happen. If they  
136 truly cared about free speech, they will pass my Broadcast  
137 Freedom and Independence Act, which shields the media from  
138 political retaliation no matter their views. And this  
139 committee must do its job, hold a full oversight hearing on  
140 the FCC to demand accountability for its abuse of power.

141           While this Administration tears down our freedoms, it is  
142 also blocking real solutions Americans need, like connecting  
143 the tens of millions of -- trapped on the wrong side of the

144 digital divide. In my district thousands are being left  
145 behind as the world goes digital. They are struggling to pay  
146 bills, see the doctor, and work or attend class from home.

147       Leataata Floyd Elementary in Sacramento, where over 95  
148 percent of students come from low-income households, parents  
149 face impossible choices between food and broadband. When  
150 they can't afford the Internet, their children pay the price  
151 in the classroom. They are counting on us to deliver on  
152 broadband quickly and responsibly.

153       This hearing could have been our chance for real  
154 bipartisan permitting reform, modernizing outdated systems,  
155 and giving local governments the resources they need.  
156 Instead, Republicans are recycling the same broken playbook,  
157 offering the same one-sided, cookie-cutter solutions we heard  
158 last Congress.

159       Let's be clear. Republicans are checking boxes, not  
160 connecting communities. Here is the real problem:  
161 Republicans won't address permitting offices are often under-  
162 staffed and under-resourced. Mandating arbitrary deadlines  
163 and rubber-stamp approvals doesn't fix that. It bulldozers  
164 local expertise and safeguards. Instead, we need Federal,  
165 state, and local collaboration.

166       Local leaders are on the front lines. Mayors in my  
167 district are ready to move heaven and Earth to connect their  
168 communities. Our job isn't to tie their hands, it is to help

169     them succeed.

170             This doesn't mean the status quo is perfect. We can and  
171     should improve permitting predictability and effectiveness,  
172     especially at the Federal level. That is why I am co-leading  
173     the Digital Applications Act with Congresswoman Cammack. It  
174     creates a one-stop online portal to process and track  
175     broadband permitting on Federal land. That is really -- that  
176     is real streamlining: practical, efficient, respectful of  
177     safeguards and local needs.

178             We succeeded before with bipartisan dig-once policies  
179     and consensus-driven FCC reforms. We should build on that,  
180     not tear it down.

181             And let's not forget the bigger crisis. Permitting  
182     reform means nothing if President Trump guts broadband  
183     funding. The Bipartisan Infrastructure Law made a historic  
184     \$65 billion investment in broadband through BEAD and digital  
185     equity programs so more people can benefit from Internet  
186     access.

187             In my district community organizations were ready to use  
188     this funding to help people like Mohammed, a community  
189     college student who needed affordable, reliable Internet to  
190     take classes and build his career. He joined Computer for  
191     Kids, a digital navigators program offering tools to engage  
192     digitally in the greater Sacramento region. Broadband  
193     affordability and digital equity make stories like his

194 possible, but President Trump is freezing broadband funding,  
195 undoing states' work and slashing affordability protections.  
196 These changes will cost consumers more while delivering less.

197         At the end of the day, BEAD and digital equity programs  
198 are our best shot at closing the digital divide. Without  
199 them, permitting reform is just a Band-Aid on a gaping wound.  
200 We can't let this Administration sabotage the very programs  
201 that communities are counting on.

202         I thank our witnesses for being here today, and I look  
203 forward to the discussion.

204         [The prepared statement of Ms. Matsui follows:]

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206         \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

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208           \*Ms. Matsui. With that I yield back.

209           \*Mr. Hudson. I thank the gentlelady. The chairman and  
210 ranking member of the full committee are currently on the  
211 House floor managing debate, and so I am going to recognize  
212 the vice chairman of the subcommittee, the gentleman from  
213 Georgia, to deliver the chairman's opening statement.

214           Thank you.

215           \*Mr. Allen. Thank you, Chairman Hudson, for bringing us  
216 together for this important hearing, and thank you to the  
217 witnesses for your participation.

218           Two of our priorities here on the Energy and Commerce  
219 Committee are closing the digital divide and maintaining  
220 America's wireless leadership. Both of these goals require  
221 deploying infrastructure to connect unserved Americans, like  
222 many of our constituents. Whether we are putting fiber into  
223 the ground or building wireless networks needed to connect  
224 people in more remote areas, we must ensure that every  
225 American has the opportunity to participate in the 21st  
226 century digital economy.

227           Permitting continues to be one of the biggest obstacles  
228 to deploying this important infrastructure. Too often,  
229 broadband providers, from fiber companies to tower builders,  
230 are forced to delay their projects because of lengthy and  
231 cumbersome permitting processes that exist at every level of  
232 government. Money and time that should be spent on

233 deployment is instead wasted on navigating Byzantine layers  
234 of red tape. We must address these challenges to ensure that  
235 every American has access to connectivity.

236         The legislation before us today, almost 30 bills, will  
237 streamline broadband permitting processes and address a range  
238 of issues. These bills are implement shot clocks on state  
239 and local permitting reviews so providers have certainty on  
240 when they can expect decisions on their applications; cap  
241 excessive application fees so that money can be spent on  
242 construction rather than paperwork and compliance; exempt  
243 certain projects from redundant environmental and historic  
244 preservation reviews; encourage Federal agencies to  
245 prioritize broadband applications; and provide transparency  
246 into the opaque Federal permitting review process.

247         I am proud of the work that the members of this  
248 committee have done to advance these proposals. Enacting  
249 these bills will help us build the infrastructure needed to  
250 close the digital divide and further our technological  
251 leadership. And today we take the first step by obtaining  
252 the expert feedback on the specifics.

253         Thank you again to our witnesses for your participation.  
254 I look forward to hearing from you.

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258 [The prepared statement of The Chair follows:]

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260 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

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262           \*Mr. Allen. And with that, Mr. Chairman, I yield back.

263           \*Mr. Hudson. I thank the gentleman. I will now  
264 recognize the gentlelady from New York in place of the  
265 ranking member for five minutes for her opening statement.

266           \*Ms. Clarke. Thank you, Mr. Chairman. This is Ranking  
267 Member Pallone's statement, which I am reading on his behalf.

268           I have to start today by addressing the news of the day.  
269 After years of complaining about Jimmy Kimmel's jokes,  
270 President Trump was finally successful in and having the  
271 comedian taken off the air. Now Trump's censorship campaign  
272 has been carried out by chairman Brendan Carr at the Federal  
273 Communications Commission. In fact, this latest Kimmel  
274 situation was prompted by an explicit threat that Chairman  
275 Carr made on a right-wing podcast yesterday. The  
276 broadcasters that aired Kimmel's show can -- and I am quoting  
277 -- "do this the easy way or the hard way.'" De-platform  
278 Kimmel or face the consequences at the FCC. This is  
279 unprecedented, outrageous, and, above all, dangerous.

280           In the past, members of this subcommittee, both  
281 Republican and Democrat, have been among the most vocal in  
282 calling out violations of the First Amendment. So I demand  
283 today, Mr. Chairman, that we convene an FCC oversight hearing  
284 immediately so we can have an opportunity to hold Chairman  
285 Carr accountable for the way he has weaponized the FCC  
286 against free speech and expression.

287           With that I will turn to the issue at hand. Fast,  
288 reliable, affordable broadband Internet is absolutely  
289 essential to modern life. It is the engine that powers most  
290 of our daily lives, and that is why I am so disturbed that  
291 the Trump Administration is refusing to get broadband  
292 infrastructure funding out the door. It isn't supposed to be  
293 optional. This is the money that Congress wrote into law for  
294 our constituents to make sure they have the broadband access  
295 they need. But the Trump Administration is choosing to  
296 deliberately delay and undermine the program, which would  
297 otherwise be putting shovels in the ground right now. It is  
298 a betrayal to our communities and our states who have been  
299 counting on the BEAD funding we promised them.

300           While I remain frustrated about the delays in the BEAD  
301 funding, I am pleased that we have a handful of bipartisan  
302 bills before us today that would improve old and outdated  
303 permitting processes. It is no secret that some Federal  
304 agencies operate according to archaic protocols that have  
305 slowed infrastructure deployment. Democrats are eager to  
306 work together with our Republican colleagues on bills to  
307 address these and other real shortcomings.

308           Unfortunately, the vast majority of the bills do not  
309 address the most pressing barriers to infrastructure  
310 deployment. Many of them are just politics dressed up as  
311 policy, amounting to little more than backdoor attacks on

312 important environmental protections. Others would needlessly  
313 and wrongly undermine local, state, and tribal governments.

314 For instance, the "shot clock" legislation before us  
315 today would impose arbitrary deadlines and a one-size-fits-  
316 all mandate on local governments, ignoring basic sunshine  
317 laws that ensure constituents have a say in local decisions.  
318 I cannot support efforts like these which would steamroll  
319 mayors and town councils in the communities we serve, and  
320 strip our constituents of their right to be heard.

321 If my Republican colleagues really want to remove  
322 barriers to broadband deployment, they should consider  
323 legislation to provide Federal, state, local, and tribal  
324 partners with the resources they need to get the job done.  
325 Passing a bill here in Washington that simply tells local and  
326 tribal governments to not only do more, but to do it more  
327 quickly and with less, is simply not a real solution.

328 The truth is no matter -- excuse me -- no amount of  
329 permitting reform can make up for the damage the Trump  
330 Administration is actively doing to broadband deployment by  
331 delaying the BEAD program, which should have broken ground at  
332 the beginning of the year. Instead, Commerce Secretary  
333 Lutnick has imposed further delays and forced states to  
334 restart their work from scratch. The result is that nine  
335 months later no shovels are in the ground and there are fiber  
336 optic cables in the warehouse collecting dust. Now entire

337 communities will remain disconnected and unable to access  
338 broadband Internet.

339           The Trump Administration is also poised to spend  
340 billions of dollars to subsidize inferior service options  
341 like satellite, which every American can already access  
342 today. Low Earth orbit satellite broadband service like Elon  
343 Musk's Starlink is the main beneficiary of Secretary  
344 Lutnick's meddling with the BEAD program. But Federal  
345 investments in broadband deployment are meant to build  
346 infrastructure to communities that the private sector has not  
347 reached. It appears Secretary Lutnick's plan is to saddle  
348 communities with the cheapest service available so that he  
349 and President Trump can illegally claw back tens of billions  
350 of broadband dollars that were promised to our states.

351           [The prepared statement of Mr. Pallone follows:]

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353 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

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355           \*Ms. Clarke. With that, Mr. Chairman, I yield back the  
356 balance of my time.

357           \*Mr. Hudson. I thank the gentlelady, and I would just  
358 like to remind all members of this committee that this is a  
359 really important hearing. These witnesses have made  
360 extraordinary effort to be here today to testify. I hope we  
361 can really focus on this issue at hand of how quickly we can  
362 get broadband deployed. And I think we may have some  
363 disagreements about how to get there, but I really hope we  
364 can stay focused on that.

365           I hear both the ranking member of the subcommittee and  
366 the full committee raised concerns about the Jimmy Kimmel  
367 issue. I just think maybe we can move beyond that and focus  
368 on the issue at hand. I find it interesting they raised that  
369 because two senior members of this committee in February of  
370 2021 wrote the CEOs of 12 content providers asking them to  
371 censor Fox News and Newsmax and other organizations because  
372 of what they claimed to be misinformation. I also have a  
373 letter I remember from March 1 of 2023, where both Hakeem  
374 Jeffries and Charles Schumer wrote a threatening letter to  
375 Fox News saying that they needed to take action against  
376 Tucker Carlson. And lo and behold, a month later, they fired  
377 Tucker Carlson. So I just find it a little bit curious that  
378 folks are raising this issue in this way now. I hope we can  
379 just put this aside, and let's focus on the issue at hand and

380 show respect to these great witnesses who are here.

381 As we have now concluded member opening statements, the  
382 chair reminds members that, pursuant to the committee rules,  
383 all members' opening statements will be made part of the  
384 record.

385 We would like to thank our witnesses for being here  
386 today to testify before the subcommittee.

387 Our witnesses will have five minutes each to provide an  
388 opening statement, which will be followed by a round of  
389 questions from the members of the committee.

390 The witnesses here before us today are Jonathan Spalter,  
391 president and CEO, USTelecom, The Broadband Association;  
392 Patrick Halley, president and CEO of the Wireless  
393 Infrastructure Association; Staci Pies, senior vice president  
394 of government affairs and policy, INCOMPAS; and Drew Garner,  
395 director of policy engagement, Benton Institute for Broadband  
396 and Society.

397 Thank you all for being here today.

398 Mr. Spalter, you are recognized for five minutes.

399

400 STATEMENT OF JONATHAN SPALTER, PRESIDENT AND CEO, USTELECOM,  
401 THE BROADBAND ASSOCIATION; PATRICK HALLEY, PRESIDENT AND CEO,  
402 WIRELESS INFRASTRUCTURE ASSOCIATION; STACI PIES, SENIOR VICE  
403 PRESIDENT OF GOVERNMENT AFFAIRS AND POLICY, INCOMPAS; AND  
404 DREW GARNER, DIRECTOR OF POLICY ENGAGEMENT, BENTON INSTITUTE  
405 FOR BROADBAND & SOCIETY

406

407 STATEMENT OF JONATHAN SPALTER

408

409 \*Mr. Spalter. Well, thank you very much, Chairman  
410 Hudson and Ranking Member Matsui, all members of the  
411 subcommittee who are convening us here today.

412 You know, one of the many statistics that are flying  
413 around social media -- and I confirm it by a human being  
414 source, not just by ChatGPT -- is that for kids that are  
415 entering primary school, 65 percent of the jobs available to  
416 them will be in fields that don't yet exist. But here is the  
417 catch. That statistic actually comes from 2016. Those same  
418 kids now are just entering or are freshmen in high school,  
419 and they are staring at an uncertain future, preparing to  
420 make very big choices that are going to shape their lives as  
421 well as our nation's future. And we owe it to them and every  
422 generation coming up behind them to move with urgency today  
423 on the matter before us, to build the networks that will  
424 carry them into the careers, industries, and innovations that

425 they and we can barely imagine.

426         And we know that permitting delays are one of the single  
427 greatest barriers to their future. Without timely permits  
428 there is no broadband. And this requires policy reforms, but  
429 it also requires a shift in our collective mindset toward  
430 practicality, towards common sense, outcomes over  
431 bureaucracy, more green lights and less red tape. And we  
432 think there are three big principles to help us get there.

433         The first is let's cut duplication. In places where  
434 infrastructure already exists, obviously, where rights of way  
435 have already been studied, let's not go back to square one.  
436 Let's expedite the approvals.

437         Second, clear timelines. On Federal lands that means  
438 decisions within 30 days. If after 60 days, if no decision,  
439 then that is the decision, the permit is deemed granted. We  
440 move, we build, we connect.

441         Third is end the gridlock. Where permitting delays are  
442 unreasonable or simply unsolvable, there must be rational  
443 Federal mechanisms to ensure that broadband deployment can  
444 keep moving forward.

445         Now permitting horror stories can be shared around a  
446 campfire with a flashlight under your chin, and we have all  
447 heard far too many, and I am happy to share more in my  
448 testimony. But what we found is that the problem is rarely  
449 rejection. It is delay. Crews are hired, equipment is

450 staged, capital is invested, and then projects vanish into  
451 permitting purgatory.

452         And we are not here asking to lower standards. We are  
453 here seeking better processes. Our country can no longer  
454 afford to keep reciting the same old excuses. If that is all  
455 we accomplished today, then we repeat the very same  
456 bureaucratic failures we are here to try to eradicate. Too  
457 much is on the line: the opportunity for every community to  
458 be able to compete, to be sites for data centers and advanced  
459 manufacturing jobs; America's leadership of the AI  
460 revolution; our nation's ability to compete with our global  
461 rivals.

462         We know that China right now is salivating as we speak  
463 at the thought of American bureaucracy grinding our progress  
464 towards innovation to a halt. One of the greatest threats to  
465 our connected future is death by 1,000 paper cuts. This is  
466 particularly urgent right now, as we have heard, because BEAD  
467 will soon be on the clock. Providers, our members, have just  
468 four short years from award to build and deliver. Permits  
469 are the biggest barriers to hitting these important marks.

470         And Mr. Chairman, if broadband permitting stays stuck in  
471 the past, many of your constituents will be too. Our global  
472 competitors are not waiting; neither can we. Your nation's  
473 broadband providers are ready. Our trenchers, our engineers,  
474 our splicers, our linemen, our entire broadband workforce,

475 they are raring to go. Let's get them moving. Let's get  
476 them building.

477 Thank you very much. I look forward to your questions.

478 [The prepared statement of Mr. Spalter follows:]

479

480 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

481

482           \*Mr. Hudson. Thank you very much.

483           Mr. Halley, you are recognized for five minutes for your  
484 opening statement.

485

486 STATEMENT OF PATRICK HALLEY

487

488           \*Mr. Halley. Chairman Hudson, Ranking Member Matsui,  
489 and members of the subcommittee, thank you for holding this  
490 important and timely hearing. I am pleased to be here on  
491 behalf of the Wireless Infrastructure Association, the  
492 principal organization representing the companies that  
493 design, build, own, and operate the infrastructure that  
494 powers America's mobile and fixed wireless networks. WIA  
495 member efforts to deploy and upgrade wireless infrastructure  
496 are directly affected by permitting decisions daily, and we  
497 welcome the opportunity to share our perspective.

498           Whether it is from the front seat of your car, your own  
499 car or perhaps an autonomous taxi, inside a stadium, on a  
500 manufacturing floor, streaming a movie from the comfort of  
501 your couch, or while responding to an emergency, access to  
502 wireless communications is essential. Wireless connectivity  
503 is at the core of every sector of our technology-driven  
504 economy. That is why it is so important that the United  
505 States is and that we remain the global leader in wireless.

506           I am here today first to share the good news of the

507 American wireless success story. Where we are getting our  
508 spectrum and our infrastructure policies right, it is  
509 working. Wireless carriers and their infrastructure partners  
510 are investing billions annually to close coverage gaps and  
511 add network capacity. Mobile broadband speeds are up, way  
512 up. Prices are down. Enterprises are increasingly turning  
513 to advanced private wireless connectivity and its fixed  
514 wireless broadband service that is leading the charge to  
515 close the digital divide in rural communities, with 13  
516 million homes now connected with 5G fixed wireless home  
517 broadband service.

518         These networks will also serve as the foundation for the  
519 next technology revolution. Powerful advancements will be  
520 driven by artificial intelligence, technology that will be  
521 integral to the operation of wireless networks and new  
522 applications and services that will be made possible by those  
523 networks.

524         I am also here with a cautionary message. Our future  
525 success is not guaranteed. It depends on the adoption of  
526 smart infrastructure policies that unleash the full power of  
527 commercial spectrum. In the months and years ahead we will  
528 collectively focus on the importance of winning the global AI  
529 race. And as we continue to reap the benefits of 5G, we will  
530 also chart a path towards winning the race to 6G. The  
531 reality is that neither of those races can be won unless we

532 win both. The champion will be the country that ushers in an  
533 era of unmatched productivity and economic growth, and leads  
534 advances in national security. That is why this hearing is  
535 so important.

536 Congress, led by this subcommittee, already passed  
537 landmark legislation earlier this year, providing a pipeline  
538 of 800 megahertz of full power licensed spectrum for  
539 commercial use. That was a big deal, and there is still a  
540 lot of work to be done to free up this spectrum. The  
541 deployment of 6G is expected to start by the end of this  
542 decade, and the U.S. industry -- mobile industry will need  
543 access to at least 600 megahertz by then just to keep pace  
544 globally.

545 So whether it is a macro tower, a small cell on a  
546 rooftop, inside of a building, the full potential of that  
547 spectrum depends on access to wireless infrastructure. We  
548 are ready to get to work to build that infrastructure that  
549 Congress has called for. At the local level this will mean  
550 having coverage sufficient to provide access to lifesaving  
551 connectivity and enough capacity to take advantage of the  
552 full capabilities of 5G and future 6G networks. On the  
553 global stage it is the difference between winning the AI race  
554 and standing on the sidelines.

555 WIA seeks a national wireless infrastructure permitting  
556 framework, one that respects the important role of local

557 governments and Federal agencies in infrastructure siting.  
558 In fact, the local government role is essential for the  
559 sustainability of the wireless infrastructure ecosystem. We  
560 welcome an effective partnership with local governments.

561       Specifically, we need a permitting framework that is  
562 predictable, proportionate, and transparent. And the good  
563 news is we are not starting from scratch. Building off of  
564 legislation, the FCC, in a bipartisan manner over the past  
565 decade, has adopted a series of rules consistent with these  
566 principles. The legislation being considered by this  
567 subcommittee today would codify those important bipartisan  
568 actions and strengthen the rules of the road.

569       WIA urges Congress to create the certainty our industry  
570 and our government partners need to build the networks of  
571 today and tomorrow. I know that we all share that goal of  
572 connecting every single community, so let's work together to  
573 get the job done. Thank you very much.

574       [The prepared statement of Mr. Halley follows:]

575

576 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

577

578           \*Mr. Hudson. Thank you.

579           Ms. Pies, you are now recognized for five minutes to  
580 deliver your opening statement.

581           Be sure your mike is on there.

582

583 STATEMENT OF STACI PIES

584

585           \*Ms. Pies. Chairman Hudson, Ranking Member Matsui, and  
586 distinguished members of the subcommittee, thank you for the  
587 opportunity to testify on behalf of INCOMPAS and our members.

588           My name is Stacy Pies, and I am the senior vice  
589 president of government relations and policy at INCOMPAS. I  
590 have the privilege of representing the creators, builders,  
591 and adopters of our digital ecosystem. These are the  
592 companies that are responsible for the infrastructure  
593 powering America's broadband and AI future. Together we work  
594 to advance policies that turn investment into innovation and  
595 connect communities to the future.

596           Today we are all focused on the builders, the companies  
597 that are making the critical investments to bring advanced  
598 networks and technologies into everyday life. These builders  
599 need a permitting system that strengthens communities and  
600 secures our nation's economic leadership and national  
601 security. We commend this committee for considering  
602 legislative solutions today that will address some of the

603 most persistent barriers to investment and deployment. The  
604 bills before you represent precisely the kind of leadership  
605 we need to ensure America's digital infrastructure keeps pace  
606 with innovation.

607         We are at a pivotal moment. The U.S. is investing  
608 billions in broadband and AI infrastructure. Our builders  
609 are ready. Our capital is waiting. But our permitting  
610 system is stuck in the past. That is why INCOMPAS strongly  
611 supports permitting reform efforts such as the RAIL Act, led  
612 by Congressman John Joyce, as well as FCC Chairman Carr's  
613 Build America agenda. These efforts are not just about  
614 cutting red tape. They are about unleashing America's  
615 economic potential and securing our global competitive edge.

616         Let me be clear. Permitting reform is economic policy.  
617 Every day of delay costs jobs, stifles innovation, and risks  
618 ceding our leadership to nations that are building faster  
619 than we are.

620         Consider railroad crossings, one of the biggest barriers  
621 to broadband deployment. We have seen fees as high as  
622 \$45,000 per crossing, and delays stretching nearly two years.  
623 That is not just a hurdle; it is a derailment. The RAIL Act  
624 addresses this issue, establishing a fair and streamlined  
625 process that balances safety and local authority with the  
626 goal of getting networks built.

627         We also commend NTIA's work on BEAD, but permitting

628 reform must go further. Private investments face the same  
629 broken system. Across the board, providers face a maze of  
630 duplicative reviews and inconsistent standards. Congress  
631 should extend streamlined permitting across all investments  
632 so every dollar delivers its full value.

633 And we cannot afford to look backwards. AI  
634 infrastructure is coming fast. It needs fiber, energy  
635 generation and transmission, and advanced data centers.  
636 These projects can't wait years for permits to be issued.  
637 Congress must streamline the deployment of multi-state fiber  
638 routes and energy corridors to support the AI revolution. If  
639 we do not act now, we will risk falling behind.

640 And we applaud Chairman Carr's leadership at the FCC.  
641 His Build America agenda demonstrates what can be achieved,  
642 establishing strict, clear timelines, investigating  
643 prohibitions on deployment, and making the process  
644 transparent. And we look forward to working with him as he  
645 investigates and removes additional barriers to deployment,  
646 and we encourage you and Congress to codify the FCC's  
647 reforms.

648 Finally, Congress must empower local leaders. With BEAD  
649 and private capital flooding in, many communities are  
650 struggling to keep up. That is why we commend states like  
651 North Carolina which have taken proactive steps to streamline  
652 permitting as part of its BEAD implementation strategy,

653 recognizing that faster approvals are essential to meeting  
654 deployment deadlines and maximizing impact. With this  
655 consistent approach, states should be encouraged to support  
656 digital permitting tools, skilled staff, standardized  
657 timelines, and emerging infrastructure needs such as AI  
658 corridors and high-capacity connections.

659         We appreciate the committee's attention to the practical  
660 challenges of implementation, so let me close with this.  
661 America's broadband future and the AI innovation it will  
662 power depends on the infrastructure we build today. We can  
663 either lead the world in deployment or we can lead in excuses  
664 for why international competitors are moving faster in  
665 deploying emerging technologies. Builders are ready.  
666 Permits should be, too. Thank you.

667         [The prepared statement of Ms. Pies follows:]

668

669 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

670

671           \*Mr. Hudson. Thank you.

672           Mr. Garner, you are recognized for five minutes for an  
673 opening statement.

674

675 STATEMENT OF DREW GARNER

676

677           \*Mr. Garner. Thank you. Chairman Hudson, Chairman  
678 Guthrie, Ranking Member Matsui, Ranking Member Pallone, and  
679 members of the subcommittee, thank you for the opportunity to  
680 speak with you today.

681           The United States is about to make the largest  
682 investment in broadband in our nation's history. This  
683 investment, the 42 billion Broadband Equity Access and  
684 Deployment Program, or BEAD, has the potential to drive high  
685 quality, affordable broadband to every last home and business  
686 throughout rural America. But BEAD's historic level of  
687 deployment will put historic pressure on permitting  
688 authorities, and this is especially true in rural areas where  
689 permitting capacity is lowest and BEAD activity will be  
690 highest. Such permitting bottlenecks are a fundamental  
691 threat to BEAD's success.

692           Fortunately, Congress gave BEAD the power to fix those  
693 bottlenecks. Congress did not restrict BEAD to simply buying  
694 spools of wire and satellite dishes. No, it mandated that  
695 BEAD fund initiatives to ensure networks are deployed on time

696 and deliver maximum value to their communities. These non-  
697 deployment uses, which were written by bipartisan Members of  
698 Congress, give BEAD to the -- give BEAD the ability to  
699 promote things like workforce development, AI, and, to the  
700 point of this hearing, permitting improvements. In fact,  
701 until recently, states were planning to use non-deployment  
702 funding to address many of the topics we will discuss today:  
703 surging staff capacity to local governments, streamlining and  
704 modernizing permitting processes, and increasing transparency  
705 and standardization.

706 But all of that ended on June 6, when the National  
707 Telecommunications and Information Administration, NTIA,  
708 fundamentally restructured BEAD. Before June 6, BEAD was  
709 poised to bring reliable, affordable, high-speed Internet  
710 service to millions of rural Americans. A handful of states  
711 were even ready to begin construction. But then NTIA's  
712 leadership hit the reset button. They created new rules to  
713 make BEAD prioritize cost-cutting over everything else, and  
714 they gave states a mere three months to implement these  
715 changes: an impossible task, as time would show.

716 Suddenly faced with expensive prospects -- with the  
717 expensive prospect of re-engineering applications for a now-  
718 unfavorable program, many ISPs dropped out. And now we are  
719 seeing the consequences. All 56 states and territories have  
720 discarded their original BEAD plans. Over 40 have submitted

721 restructured plans, and none have been approved to begin  
722 construction. Preliminary results indicate that the mixture  
723 of technologies have shifted markedly away from fiber and  
724 towards low Earth orbit, LEO, satellite, with Kuiper and  
725 Starlink ranking first and second in terms of location won by  
726 a wide margin.

727         Yes, many locations will probably still get fiber, but  
728 the distribution is extraordinarily uneven across the  
729 country, with some states achieving over 90 percent and  
730 others under 10 percent. Such low outcomes are devastating  
731 for rural communities. They know better than anyone that  
732 only fiber can guarantee their connectivity. Those who don't  
733 get fiber now may never get another chance. And as AI and  
734 other innovations demand more and more bandwidth, these  
735 communities will fall further and further behind.

736         BEAD also no longer addresses the primary cause of the  
737 digital divide, which is affordability. Thanks to the  
738 restructuring, a subscription that would have cost \$30 a  
739 month may now cost in excess of \$80 a month. If people can't  
740 afford to use these networks that their tax dollars are  
741 building, what was the point of building them?

742         Unfortunately, NTIA is about to restructure BEAD for a  
743 second time. The agency will soon roll out price caps that  
744 are designed to cut fiber from state plans, with all the  
745 precision of a lawn mower. NTIA's goal, seemingly, is to

746 increase the amount of non-deployment funds available for  
747 them to claw back. That would mean no money for permitting  
748 improvements. The impact on states would be disastrous. For  
749 example, in North Carolina the upcoming changes could drop  
750 the state from 68 percent fiber, 38 percent satellite, to  
751 nearly 50/50, and it would cut 1 billion -- over 1 billion in  
752 non-deployment funds from the state budget. Other states  
753 would not fare much better. ISPs, including many small ones,  
754 would lose well over half of their funds.

755 NTIA's chief of staff recently said that BEAD is a  
756 deployment program, not a non-deployment program. That is  
757 wrong. It is wrong on the law and it is wrong on principle.  
758 BEAD is a connectivity program, and that is why bipartisan  
759 Members of Congress designed it to address all aspects of the  
760 digital divide. NTIA's misunderstanding of its own program  
761 not only threatens billions of dollars in non-deployment  
762 funding; it risks connectivity for millions of rural  
763 Americans who desperately need it.

764 Thank you, and I look forward to your questions.

765 [The prepared statement of Mr. Garner follows.]

766

767 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

768

769           \*Mr. Hudson. I thank the gentleman. We will now begin  
770 questioning, and I recognize myself for the first five  
771 minutes.

772           Mr. Spalter, many of your members are helping close the  
773 digital divide. What is the risk of their efforts and  
774 programs like BEAD if we don't address permitting delays?

775           \*Mr. Spalter. It would be catastrophic. We are focused  
776 entirely on deployment as efficiently and quickly as  
777 possible. But the other side of the coin is we are not going  
778 to be able to do that without certainty, clarity, speed, and  
779 efficiency in how we are doing permitting reform. We need to  
780 move now. The only person -- the only people that will  
781 actually suffer if we don't are your constituents.

782           \*Mr. Hudson. Thank you for that. Have your members  
783 faced more permitting challenges from state and local, the  
784 state and local level, or more at the Federal level?

785           \*Mr. Spalter. We face challenges on both sides, both  
786 federally and at the state and local level. We want to be  
787 able to deliver fiber broadband as broadly and as widely as  
788 possible, and we think that there are solution sets that will  
789 allow us to do so. We are looking forward to working both  
790 with state and local partners, but also to deal with Federal  
791 land permitting to ensure that we can achieve our goals of a  
792 fully connected nation.

793           \*Mr. Hudson. Thank you.

794           Mr. Halley, the Federal Communications Commission uses  
795 its authority to streamline the state and local permitting  
796 process by implementing shot clocks, capping fees. Have  
797 these rules helped expedite infrastructure development?

798           \*Mr. Halley. Yes, they significantly helped expedite  
799 infrastructure deployment.

800           The thing I think is really important also to recognize  
801 is what the FCC has done over, really, over the last decade,  
802 is implement legislation passed by Congress through the  
803 adoption of multiple bipartisan orders at the FCC. And they  
804 have done exactly what you have said. They have said let's  
805 treat projects that are modifying an existing structure  
806 different than treating a project that is brand new. That is  
807 logical, right? It makes sense. It said let's have fees  
808 that are proportionate to the type of project that it is, and  
809 that everything about it is a transparent process. And when  
810 you do that, you end up with a country that has some of the  
811 best wireless networks in the entire world.

812           \*Mr. Hudson. And why is it necessary for Congress to  
813 codify these rules?

814           \*Mr. Halley. Only Congress can speak with one -- with a  
815 voice that creates one strong national law. The FCC adopts  
816 rules, and those rules have been extremely helpful. However,  
817 like a lot of the things that the FCC does, they are  
818 sometimes challenged, right, at the local level, and you end

819 up with, unfortunately, a process where -- for the vast  
820 majority of us luckily it is working, and we are deploying  
821 wireless connectivity faster than we ever have, but there are  
822 still instances where in some communities those rules aren't  
823 followed, and that ends up with litigation.

824         And I think we would be a lot better off if we spent a  
825 lot more time deploying broadband connectivity based on a  
826 strong national law that you pass than debating what the  
827 rules are in Federal courts across the country.

828         \*Mr. Hudson. I agree with that. Are there areas where  
829 Congress should go farther than what the FCC has already  
830 enacted?

831         \*Mr. Halley. Well, I think one thing you can do is  
832 really focus on Federal lands. Mr. Spalter said we have  
833 problems at the local level and on Federal. That is true for  
834 wireless, as well.

835         For example, GAO issued a report -- it was last year --  
836 and it said that roughly half of the applications that are  
837 being filed for permits on Federal lands are not meeting the  
838 deadline that you set of 270 days. Mind you, that is nine  
839 months to review applications for deployment on Federal  
840 lands.

841         And perhaps even more troubling is the fact that there  
842 is a significant amount of applications where they actually  
843 didn't know when they had been filed, so they couldn't track

844 them at all. And that is why I think -- something that  
845 Congress can really focus on in a helpful way, and I am  
846 pleased to see several bills do that.

847 \*Mr. Hudson. Thank you.

848 Ms. Pies, a number of states have enacted legislation  
849 addressing broadband deployment through rail crossings. What  
850 impact have those laws had on deployment?

851 And what best practices can we take from those laws?

852 \*Ms. Pies. [Inaudible.]

853 \*Mr. Hudson. Mike, yes.

854 \*Ms. Pies. Technology.

855 \*Mr. Hudson. Yes.

856 [Laughter.]

857 \*Ms. Pies. I appreciate that question because railroad  
858 crossings are one of the biggest barriers to deployment,  
859 especially in rural areas of the country. When we have  
860 providers who have to cross railways, they end up -- the  
861 deployment process ends up lasting an additional year to two  
862 years beyond what it would take just to deploy the  
863 technology. So it is creating a new divide. We have got  
864 providers who are deciding they are not going to deploy if  
865 they have to cross the railway, because the additional cost  
866 and the additional time involved creates a barrier that is  
867 unsolvable.

868 \*Mr. Hudson. Well, have we seen any of the state laws

869 help in this process?

870 \*Ms. Pies. Yes, and actually the RAIL Act is modeled on  
871 some of those state laws. We have laws in Virginia and  
872 Minnesota and Illinois. Some of them passed many years ago  
873 that have created progress.

874 And just like Patrick discussed the need for  
875 congressional action, having one unified process that enables  
876 both the railways and the broadband providers to know exactly  
877 what they are working with, what the timeframes are, to  
878 ensure that costs are actual and reasonable costs, and to  
879 ensure that safety standards are followed is really critical  
880 nationwide.

881 \*Mr. Hudson. Thank you for that.

882 My time has expired, so I will now recognize the ranking  
883 member of the committee for five minutes for your questions.

884 \*Ms. Matsui. Thank you, Mr. Chairman. You know, we  
885 know the BEAD program is the single largest Federal broadband  
886 investment in American history, dedicating over \$42 billion  
887 to connect every home and business in America. We are all  
888 excited about that. But just when states think they can move  
889 forward, this Administration shifts the goalposts, first by  
890 freezing funding, and then by recklessly rewriting the rules,  
891 and now by threatening arbitrary price caps that gut  
892 broadband quality for our most vulnerable communities.

893 Mr. Garner, you have been working on this a long time.

894 How would this Administration's BEAD changes impact our  
895 ability to connect every American to reliable, affordable  
896 broadband?

897 And how much more changes can we take? Can we complete  
898 this thing?

899 \*Mr. Garner. Thank you for the question.

900 So the changes NTIA has already made will make it so  
901 that BEAD cannot reach every unserved American in the  
902 country. They have instituted a new criteria by which  
903 locations that are too expensive just simply are no longer  
904 eligible for BEAD. So by definition, it will not serve  
905 everyone.

906 But of the people it does serve now, on average they  
907 will get more expensive service that is slower and less  
908 reliable, and fewer people are going to get it. The  
909 investments they are making are not going to pay off over the  
910 long term. They are not going to be as reliable for  
911 generating the economic development that we sort of expected  
912 to see from the original BEAD program.

913 \*Ms. Matsui. Oh, that is very disappointing since we  
914 are all excited about connecting every American.

915 Now, broadband infrastructure means nothing if people  
916 can't afford to use it even, or lack the skills to do so.  
917 That is why President Trump's illegal axing of digital equity  
918 grants, including \$70 million for my own state, is so

919 devastating. He is ripping away funding meant to help  
920 workers learn digital skills, seniors avoid scams, and  
921 families use telehealth and other cost-saving tools.

922 Mr. Garner, how does this affect the communities that  
923 need help the most and the local organizations that are  
924 counting on the funding to serve them?

925 \*Mr. Garner. So by cutting the Digital Equity Act, in  
926 addition to a host of other changes to the BEAD program and  
927 the loss of the ACP, this means that we are going to get less  
928 return on our investment from the BEAD program. The people  
929 are not going to be able to use the networks nearly as  
930 effectively as we wanted.

931 And additionally, when we bring Internet to many of  
932 these communities for the first time, we are bringing both  
933 the best the Internet has to offer, but also a lot of the  
934 worst, the scams and all the dangers that can happen. So  
935 without the digital equity money to help people be safe  
936 online, we are creating, inadvertently, additional risks.

937 \*Ms. Matsui. It sounds worse and worse here.

938 Now, I am disappointed that this hearing is being used  
939 to push partisan proposals that gut environmental protections  
940 and override local authorities rather than focusing on  
941 practical solutions to real problems. Where permitting can  
942 be improved, Democrats are ready to work on bipartisan  
943 solutions. That is why I co-lead the Digital Applications

944 Act with Congresswoman Cammack. This bill fixes a major  
945 barrier for broadband deployment, inconsistent permitting  
946 timelines, and paperwork access Federal agencies -- across  
947 Federal agencies.

948 Mr. Halley, would you explain how a digital standardized  
949 permitting portal could reduce administrative burdens and  
950 speed deployment?

951 \*Mr. Halley. I think we should be focused on digital  
952 tools, and not focus our energy on paper applications  
953 anymore, and that is why your bill is so important.

954 One of the most important things we can do is just make  
955 the process as easy as possible for those who are on the  
956 receiving end of a lot of permits. And so we are very  
957 supportive of your legislation that would require the  
958 adoption and use of online portals and digital tools to  
959 expedite the process.

960 \*Ms. Matsui. Okay. Now, a smart broadband strategy  
961 doesn't mean throwing billions at the cheapest technology,  
962 especially if it means abandoning affordability and capacity  
963 to adapt to future connectivity needs.

964 Mr. Spalter, what are the long-term trade-offs if states  
965 lose flexibility to direct BEAD funding to the best mix of  
966 technologies?

967 How does this impact upkeep, performances, and consumer  
968 affordability?

969           \*Mr. Spalter. Thank you, Congresswoman Matsui, for that  
970 question.

971           And we are going to continue to work in close  
972 coordination with our colleagues at NTIA to ensure that we  
973 can actually have the best results and the most positive  
974 results for your constituents and all constituents around the  
975 country with the BEAD dollars that are going to be deployed.

976           We are also encouraged, Congresswoman, that they have  
977 committed to making sure that those dollars are actually sent  
978 to the states by the end of the year. We are ready. Our  
979 schools are in the fields, in the warehouses. Our linemen,  
980 our technicians, our workforce are raring to go, are ready to  
981 go. But that is just part of the solution set. We need them  
982 to go -- to do the hard work of ensuring that it will not be  
983 persistent problems in delays because of permitting that are  
984 going to challenge us from actually getting over the finish  
985 line of getting those dollars.

986           \*Ms. Matsui. Certainly. And I just have to say,  
987 though, that I have been very disappointed in the fact that  
988 the delays that we have expediting broadband itself is really  
989 difficult for me to bear because I -- we were really hopeful  
990 about this.

991           So I yield back.

992           \*Mr. Hudson. I thank the gentlelady. I now recognize  
993 the vice chair of the subcommittee, the gentleman from

994 Georgia, for five minutes to ask your questions.

995 \*Mr. Allen. Thank you, Mr. Chairman. And again, I  
996 thank the witnesses for being here.

997 You know, my entire tenure in Congress it has been a top  
998 priority of mine to expand broadband access throughout rural  
999 America and, in particular, the rural Georgia and the 12th  
1000 district of Georgia. It is frustrating, though, that no  
1001 matter how many billions -- and this is typical of so many  
1002 things -- how many billions of dollars we appropriate towards  
1003 this mission, it remains incomplete.

1004 Now, I think we need to correct the record a little bit  
1005 on some conversation. The Biden-Harris Administration had  
1006 three years to run BEAD, and only three states submitted  
1007 final proposals at that time. In the 3 months since the  
1008 Trump Administration reformed BEAD, 36 states have submitted  
1009 final approvals.

1010 I am also concerned that the fees that some state and  
1011 local governments charge for processing applications and  
1012 using space in public right-of-ways will only increase the  
1013 cost of deployment and make it hard to provide service to  
1014 those who need it.

1015 Mr. Spalter and Mr. Halley, could you describe typical  
1016 application fees associated with building broadband  
1017 infrastructure at the state and local level?

1018 \*Mr. Spalter. I would be happy to. We find in many

1019 instances that state and local municipalities use access fees  
1020 for permitting not necessarily to meet costs, but essentially  
1021 as a revenue center, as a profit center, as a mechanism to  
1022 actually accelerate their own revenue needs.

1023         We need to make sure that to the extent that we are  
1024 providing fees for such permits, that they are calibrated to  
1025 exactly what kind of costs are --

1026         \*Mr. Allen. Is there a lot of variance in what you see  
1027 in these fees across the country?

1028         \*Mr. Spalter. It is a hodgepodge of fees. They can be  
1029 extremely excessive in certain circumstances. In Oregon, for  
1030 example, we find that there are localities that are charging  
1031 literally hundreds of dollars for fees that should be  
1032 significantly less. It really depends on the locality.

1033         The diversity of mechanisms in which we actually have to  
1034 apply for those permits is extremely variable. We still are  
1035 talking about using hardcopy and triplicate on non-standard  
1036 page sizes, in addition to often exorbitant fees that are  
1037 unmoored from the actual costs that should be associated with  
1038 fees.

1039         We need to be able to address these in a more efficient  
1040 way, and we are so glad that your work, Congressman Allen,  
1041 and this committee's work is driving us towards that.

1042         \*Mr. Allen. Thank you.

1043         Mr. Halley?

1044           \*Mr. Halley. Yes. On the wireless side one of the  
1045 things that the FCC has taken a look at is making sure that  
1046 fees for applications for collocation on existing  
1047 infrastructure or new builds are cost-based, and that is a  
1048 fairness issue, right? And it is about making sure that  
1049 there are funds being raised to cover the costs that local  
1050 governments do have -- and they do -- to administer their  
1051 programs. But those fees should be directly related to the  
1052 cost of actually running the program, not just to generate  
1053 revenue and treating the process as a revenue generation  
1054 opportunity.

1055           And what the FCC has done is it looked at what is the  
1056 average cost of these fees --

1057           \*Mr. Allen. Yes.

1058           \*Mr. Halley. -- and determined what is reasonable. And  
1059 you see some communities where it is 5, 10X --

1060           \*Mr. Allen. Yes.

1061           \*Mr. Halley. -- what the rest of the local governments  
1062 are charging, and that is the problem.

1063           \*Mr. Allen. Right, I understand. Given these fees, I  
1064 worry that we will not be maximizing the money we have  
1065 dedicated for broadband deployment. This money needs to go  
1066 towards building these new networks, not helping local  
1067 governments. This is especially true for the 42 billion that  
1068 has been dedicated to the BEAD program. That is why I

1069 introduced the BEAD FEE Act, which will improve transparency  
1070 in the BEAD program, allowing accountability for application  
1071 fees.

1072 Mr. Spalter, you mentioned in your testimony that China  
1073 is eager to see American bureaucracy slow us down. How does  
1074 streamlining broadband permitting help us to stay ahead of  
1075 global competitors?

1076 \*Mr. Spalter. It tries to even the playing field.  
1077 Let's be clear about what is going on today in the world.

1078 In China in 2025, it is expected that there will be \$100  
1079 billion of CapEx invested. Fifty percent of that is coming  
1080 through an industrial policy by the Chinese Government. That  
1081 is about \$50 billion. That is significantly more than we are  
1082 spending here in the United States.

1083 They are actively moving forward on a national effort,  
1084 connectivity effort, called the Eastern Data and Western  
1085 Computing Project. It is a multi-billion-dollar effort to  
1086 make sure that there is connectivity between data centers.

1087 Unless and until we have the guile and the focus to be  
1088 able to move aggressively to streamline and make more logical  
1089 our own permitting systems so that we can truncate the time  
1090 from application to approval, we are going to fall behind in  
1091 the AI race --

1092 \*Mr. Allen. Okay.

1093 \*Mr. Spalter. -- and we can't let that happen.

1094           \*Mr. Allen. Right. Well, I am out of time. The other  
1095 witnesses, if you would like to comment on that for the  
1096 record, please submit that for me.

1097           [The information follows:]

1098

1099           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1100

1101           \*Mr. Allen. And with that, Mr. Chairman, I yield back.

1102           \*Mr. Hudson. I thank the gentleman. The chair now  
1103 recognizes the gentleman from Florida, Mr. Soto, for five  
1104 minutes to ask your questions.

1105           \*Mr. Soto. Thank you, Chairman.

1106           Colbert canceled. Kimmel canceled. Attack on the First  
1107 Amendment pushed by President Trump and backed by FCC Chair  
1108 Carr. It is an extortion to attack broadcasters, licenses,  
1109 and mergers, and more just for speech you don't like.

1110           Imagine if the shoe was on the other foot. Imagine  
1111 Biden blocking a recent Fox News Sports -- Fox Sports sale  
1112 [sic] until Sean Hannity and Jesse Watters were taken off the  
1113 air for statements he found offensive.

1114           For these issues and more, Chairman, I ask and renew the  
1115 call of our ranking member that we have an FCC oversight  
1116 hearing. It has been quite a while since we have had one.

1117           Now turning to the matter at hand, there was a vision,  
1118 high-speed Internet for all Americans, and a tale of two  
1119 laws. The American Rescue Plan passed in March of 2021. It  
1120 was in February 2023 then-Governor DeSantis announces 7.6  
1121 million in rural broadband. It gets deployed in central  
1122 Florida in areas of my district like Kenansville, Deer Park,  
1123 Bull Creek, and Yeehaw Junction, which is a place.

1124           [Laughter.]

1125           \*Mr. Soto. We all have those.

1126           The Infrastructure Law passed in a bipartisan way  
1127   November 2021.   June 2023, allocations announced.   End of  
1128   2024, all states' plans are approved.

1129           It has been an eight-month delay.   Why?   Because  
1130   President Trump stopped the program.   And then adding tariffs  
1131   and mass deportations hasn't hurt either, 5.8 million  
1132   Americans are still waiting, including many folks in rural  
1133   areas of Florida.

1134           Permitting reform is part of the solution, so this is an  
1135   important topic.   But so are some of these other issues that  
1136   we are talking through.   Mr. Spalter, how has tariffs  
1137   affected broadband lately?

1138           How has that increased the costs?   Are we going to just  
1139   get less bang for the buck with the money we are spending now  
1140   because of the tariffs?

1141           \*Mr. Spalter.   At the moment we are evaluating closely  
1142   to the extent our supply chains are impacted by potential  
1143   impacts from tariffs.

1144           But I will tell you that all of our broadband providers,  
1145   all of our members have already pre-positioned their  
1146   infrastructure, their human capacity, and are ready to go to  
1147   deploy as quickly and aggressively as possible, given current  
1148   circumstances.   And we are going to continue to work with our  
1149   partners both at the state and local level, but also across  
1150   the Administration, to ensure that we can allow them to do

1151 their work as aggressively as possible.

1152 \*Mr. Soto. Where do you think the balance is with local  
1153 governments?

1154 You know, I know there is constantly attention as we are  
1155 going through. I have a bunch of little towns in my area,  
1156 and counties. They want some say in it, but we have to make  
1157 sure we can deploy this. What do you think that balance is  
1158 to make sure we could get the -- this broadband out the door?

1159 \*Mr. Spalter. To the extent that you are referencing  
1160 the balance of local officials in the discussion of  
1161 permitting --

1162 \*Mr. Soto. Sure.

1163 \*Mr. Spalter. -- I think, of course, our state, local,  
1164 and municipalities have to have a clear and -- a voice.  
1165 Local expertise is extraordinarily important.

1166 And I think our overall goal has to be collectively  
1167 never to lower our standards when it comes to permit review.  
1168 It is simply to see if there are ways that we can create  
1169 solutions, for example, through the Digital Applications Act,  
1170 through making sure that we have national baseline standards,  
1171 de-duplication where previously analyzed, approved, and/or  
1172 existing approvals can lead us to speedier approval so we  
1173 don't have to actually endure more costs not only for  
1174 members, but for broadband providers, but also for  
1175 constituents.

1176           \*Mr. Soto. Thank you.

1177           Mr. Halley, where do you think primaries are that  
1178 cellular service can help with high-speed Internet? I know  
1179 there is some effort to be part of that solution. Where do  
1180 you think the primaries are in America for those efforts?

1181           \*Mr. Halley. In terms of the benefits of wireless?

1182           \*Mr. Soto. In terms of providing high-speed Internet.

1183           \*Mr. Halley. Well, I think the wireless connectivity is  
1184 literally at the -- is a central element of pretty much every  
1185 aspect of our economy right now. I said in my testimony 13  
1186 million homes right now are getting access to broadband at  
1187 their home, providing speeds of several hundred megabits per  
1188 second. These are many homes who never had broadband before.

1189           And we think that the trajectory, the potential path for  
1190 that, to fix wireless home broadband to continue, is  
1191 somewhere near 30 million homes. We are seeing broadband  
1192 speeds on the download side now of, you know, on average,  
1193 150, 200 megabits per seconds. In some urban areas, myself,  
1194 I have been able to use my cell phone on a mobile device and  
1195 get over a gigabit per second down.

1196           There is unlimited opportunity associated with networks  
1197 that are delivering that kind of connectivity.

1198           \*Mr. Soto. And we get that, and we are going to use  
1199 various technologies, but it has got to be high speed. We  
1200 launched Starlink from central Florida, too, so we look at

1201 all these different areas. But we need to get this program  
1202 out the door.

1203 Thanks, and I yield back.

1204 \*Mr. Hudson. I thank the representative of Yeehaw,  
1205 Florida.

1206 [Laughter.]

1207 \*Mr. Hudson. Yeehaw Junction, Florida. Excellent  
1208 questions.

1209 I now recognize the former chairman of the subcommittee,  
1210 the gentleman from Ohio, Mr. Latta, for five minutes for your  
1211 questions.

1212 \*Mr. Latta. Well, thanks, Mr. Chairman, and this is a  
1213 very important hearing, and thanks for having it. Thanks for  
1214 our witnesses for being here today.

1215 But just to verify once again, on November the 15th,  
1216 2021, BEAD was signed into law. That is over 3 years and 10  
1217 months from now.

1218 I have worked on a lot of different legislation when it  
1219 comes to communications and technology in this subcommittee,  
1220 and I also worked to make sure we had accurate broadband maps  
1221 because we have to have the right maps to know where we have  
1222 to deploy and where that money needs to be spent. But one of  
1223 the things I know that when we were working -- or initially  
1224 we were talking about BEAD was this. I said don't pick  
1225 winners and losers. Don't pick winners and losers. The

1226 Federal Government does a terrible job of picking winners and  
1227 losers, because -- and I usually say this. When they are  
1228 going to pick a winner and a loser, we are all going to lose.  
1229 So I think it is important we remember that, that -- what  
1230 happens when the Federal Government does things like that.

1231 Mr. Spalter, if I could just start with some questions  
1232 with you, you spoke of, you know, the permitting delays, the  
1233 duplication, the timelines. And one of the things I would  
1234 like to ask is, what happens to your workforce when you can't  
1235 put people out there to start deploying, what is your  
1236 workforce doing at that time?

1237 \*Mr. Spalter. They can actually be either redundant or,  
1238 literally, waiting around for green lights to be able to  
1239 deploy. And it is not just human capacity, but it is also  
1240 infrastructure capacity. And that actually creates costs not  
1241 only for broadband providers, it has potential job impacts.  
1242 It also creates challenges in terms of economic productivity  
1243 for the communities that we are meant to serve. Every day  
1244 constituents in your community don't get broadband access  
1245 creates economic challenges for that household.

1246 \*Mr. Latta. Well, let me ask this, because you bring up  
1247 an interesting point. Is \$42.8 billion the same worth as it  
1248 was in November of 2021 as it is today?

1249 \*Mr. Spalter. It is --

1250 \*Mr. Latta. It sounds like a lot of money, but, you

1251 know, we know that inflation and everything else, that amount  
1252 has actually decreased, so costs go up. And so that \$42.8  
1253 billion does not -- is not the same value that we had at that  
1254 time.

1255 So I --

1256 \*Mr. Spalter. That is it.

1257 \*Mr. Latta. You know, I think -- especially listening  
1258 to your testimony, it makes me think about that, you know,  
1259 time is money.

1260 Mr. Halley, if I could ask a couple of questions, you  
1261 know, when you were talking about the delays out there, you  
1262 know, on the Federal Government -- on going across Federal  
1263 lands, that 270 days that they are supposed to be getting  
1264 something done, if the Federal Government agencies,  
1265 departments don't come up and get something done, what is --  
1266 what are the consequences that they face?

1267 \*Mr. Halley. Well, I think we have to think about what  
1268 what happens on Federal lands, right? We all enjoy our  
1269 beautiful national parks. People's lives are at risk when  
1270 they don't have connectivity. Lives get saved when they do  
1271 have connectivity. I actually just learned yesterday that  
1272 the GW Parkway and the BW Parkway are on Federal lands. I  
1273 didn't know that, but it sure is important to me that we have  
1274 good connectivity on the roads that consumers are using as  
1275 they travel across Federal lands.

1276           There are workers on Federal lands, whether it is energy  
1277 projects or people who are working at those parks. That  
1278 connectivity is important.

1279           And the other thing is there are a lot of homes that are  
1280 adjacent to Federal lands, and so making sure that we have  
1281 connectivity and that the Federal lands are part of that  
1282 solution is really important.

1283           I was actually at a meeting earlier this week with an  
1284 executive at a tower company, and he was telling me about the  
1285 towers they had built on a national park in the middle of the  
1286 country. And what they are doing now, the park rangers, when  
1287 people go in to hike to certain parts of the park, they give  
1288 them a device and it tracks where they are. It only works  
1289 because there is cellular connectivity now so that they can  
1290 see where they are. And instead of having to send a  
1291 helicopter every single time somebody doesn't come back from  
1292 that hike, they know exactly where they are. They can go  
1293 rescue them without having to pay for that helicopter. I  
1294 said, how long did that take? He goes, it was an 11-year  
1295 project.

1296           \*Mr. Latta. Yes.

1297           \*Mr. Halley. That is not acceptable.

1298           \*Mr. Latta. Yes, that is --

1299           \*Mr. Halley. You can see the types of benefits you get,  
1300 right.

1301           \*Mr. Latta. Yes, and that is not acceptable because,  
1302 again, you brought something else up, and I will just restate  
1303 real quick because I know this has happened.

1304           During COVID, when costs were going up and people were  
1305 getting less service in Europe, what we were doing here in  
1306 the United States from our companies was that we were giving  
1307 more services out there at a lesser amount. So actually,  
1308 things -- you all did more because you invested in your  
1309 networks -- everybody did -- in the industry. So I think  
1310 that is important for the future success.

1311           And just -- I know in my last 28 seconds -- sorry about  
1312 this, Mr. Chairman -- with a question about INCOMPAS, you  
1313 know, when you are talking about the delays out there, you  
1314 know, you get fewer people connected and -- but what does  
1315 that do to schools, telehealth, and businesses out there, and  
1316 people just wanting to stay connected with loved ones?

1317           And I have only got about eight seconds left.

1318           [Laughter.]

1319           \*Ms. Pies. We have heard about the dramatic impact of a  
1320 lack of connectivity for consumers and for businesses from  
1321 our other witnesses. I really appreciate the fact that you  
1322 highlighted schools and rural health care, hospitals, because  
1323 the connectivity in many ways is even more critical.

1324           And our funds today, whether they are coming from the  
1325 Federal Government or they are private-sector investments,

1326 which -- a lot of our companies do not take Federal funding;  
1327 they invest their own money -- need to be able to get through  
1328 the permitting process so that we have school children who  
1329 are connected, so that we have -- I will brag -- my son, who  
1330 is going to be a doctor in a few years can participate in  
1331 telehealth programs without the connectivity. Those people  
1332 who are beneficiaries of those programs will not have that.

1333 \*Mr. Latta. Well, thank you very much.

1334 Mr. Chairman, I am sorry, my time overran and my time  
1335 has expired, and I will yield back. Thank you very much.

1336 \*Mr. Hudson. I thank the gentleman. The chair now  
1337 recognizes the gentlelady from New York, Ms. Clarke, for five  
1338 minutes to ask your questions.

1339 \*Ms. Clarke. Good afternoon, and thank you, Chairman  
1340 Hudson. I thank our Chairman Guthrie in absentia, to our  
1341 ranking member in absentia, and certainly to our Ranking  
1342 Member Matsui of this subcommittee for holding this very  
1343 important hearing. And thank you to our esteemed panel of  
1344 witnesses for joining us today.

1345 Access to reliable, high-speed Internet is essential in  
1346 increasing a digital -- an increasingly digital society, and  
1347 I am proud of the work Democrats on this committee have done  
1348 to bridge the digital divide in America. However, we  
1349 continue to face obstacles in the deployment of broadband  
1350 services that could help millions of Americans in underserved

1351 areas.

1352           This past June the National Telecommunications and  
1353 Information Administration restructured the BEAD program,  
1354 causing more delays in the construction of reliable  
1355 communications infrastructure. These delays make taxpayers  
1356 wait longer and settle for less reliable and more costly  
1357 Internet services. This is not the goal of our \$42 billion  
1358 investment in the BEAD program. We want to increase access  
1359 to high-speed Internet, not prevent it.

1360           I look forward to working with my colleagues on this  
1361 committee to explore pathways to equitably streamline these  
1362 permitting processes, bridge the digital divide, and unleash  
1363 the full potential of our nation. My first question is to  
1364 Mr. Garner.

1365           Mr. Garner, as this committee looks at efforts to  
1366 streamline broadband deployment, what factors should we  
1367 consider to ensure that low-income and minority communities  
1368 who have been subjected to both traditional and digital  
1369 redlining in the past, do not continue to be left behind?

1370           And other witnesses, you can chime in where you feel  
1371 necessary. Thank you.

1372           \*Mr. Garner. Yes, so broadband is definitely not just a  
1373 rural issue. Permitting reform, by lowering barriers to  
1374 entry, can increase competition and it can also give cities a  
1375 way to sort of say we need to serve these areas so you can't

1376 leave these areas behind. You have to rectify some of the  
1377 wrongs of the past, and you need to make sure that these  
1378 projects meet our needs.

1379         Also I would say that BEAD, in its non-deployment  
1380 funding, by law allows some of that funding to wire apartment  
1381 buildings or to provide public WiFi or to do broadband  
1382 adoption, all efforts that will address that urban or  
1383 digitally redlined community.

1384         \*Ms. Clarke. Let me then extend this question to you,  
1385 Mr. Garner, in your testimony you stated that NTIA's  
1386 restructuring requirements are leading to a shift away from  
1387 fiber. I would like to dig into that topic a bit more. Can  
1388 you explain to this committee the negative impacts of  
1389 shifting away from fiber and how they could perpetuate the  
1390 digital divide? How that could, excuse me.

1391         \*Mr. Garner. Yes. So shifting away from fiber is  
1392 similar from shifting from paved roads to dirt roads. We are  
1393 -- dirt roads may be cheaper, but you are going to do a whole  
1394 lot less economic development, health care. You are not  
1395 going to grow a modern economy with dirt roads, and the same  
1396 is true for fiber.

1397         So as we lose fiber, the areas that lose it are going to  
1398 lose all the economic benefits that it drives: the  
1399 entrepreneurship, the increased investment, the government  
1400 efficiency. For example, FEMA now requires you to get

1401 online, have an email address, and work through these  
1402 portals, use your digital skills to be able to access  
1403 government benefits. That saves the government money and it  
1404 ensures people can use their programs too.

1405         So it is going to be a very big blow for the communities  
1406 that miss out on this, arguably, last best chance they will  
1407 ever have at getting the infrastructure of the future.

1408         \*Ms. Clarke. And in terms of just sort of the  
1409 efficiencies, I think that one of the concerns is that, you  
1410 know, we know that fiber optics, you know, can withstand far  
1411 more traffic than any other sort of infrastructure. Would  
1412 you give a little bit more detail on why fiber is such a  
1413 game-changer, if you will?

1414         \*Mr. Garner. Yes, it is bandwidth capacity. It can  
1415 handle anything you throw at it. Whatever that comes in the  
1416 future, whatever you need today, it will be a guaranteed  
1417 connectivity.

1418         But also it is -- once you get it to the household, it  
1419 is guaranteed to work, and it is going to work for 50 years.  
1420 All their services, while they have their roles, they cannot  
1421 give that guarantee. If you live on a hill, if you live in  
1422 mountains, if you live near trees, if you are in a somewhat  
1423 densely populated area, a lot of these other systems like  
1424 satellite just simply will not reliably give you broadband  
1425 service.

1426           \*Ms. Clarke. Very well. Thank you very much, Mr.  
1427 Chairman, I yield back.

1428           \*Mr. Hudson. I thank the gentlelady. I now recognize  
1429 the gentleman from Virginia, Mr. Griffith, for five minutes  
1430 to ask your questions.

1431           \*Mr. Griffith. Thank you, Mr. Chairman. I would like  
1432 to start by asking for unanimous consent to insert several  
1433 letters into the record.

1434           We have heard some discussion today, Mr. Chairman, about  
1435 business decisions being made and allegations that political  
1436 influence was used in -- some how and some way in those  
1437 business decisions, and so I would like to submit a letter of  
1438 March 1, 2023 from Charles Schumer, then-majority leader of  
1439 the United States Senate, and Minority Leader Hakeem Jeffries  
1440 of the United States House of Representatives, disagreeing  
1441 with Fox News.

1442           And a letter dated February 22, 2021 signed by Member  
1443 Congresswoman Eshoo and Member Congressman Jerry McNerney,  
1444 where they ask questions of 12 different companies that  
1445 provide TV networks to local homes. And in one of the  
1446 questions they specifically asked, are you planning to  
1447 continue carrying Fox News, Newsmax, and One America News  
1448 Network on U-verse, DirecTV, and AT&T TV both now and beyond  
1449 any contract renewal date? If so, why?

1450           And I would submit those for the record, Mr. Chairman.

1451           \*Mr. Hudson. Without objection, so ordered.

1452           [The information follows:]

1453

1454           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1455

1456           \*Mr. Griffith. All right. Thank you, Mr. Chairman.

1457           I am glad to see this subcommittee discussing my bill,  
1458 H.R. 278, the Broadband Leadership Act, which would make  
1459 telecommunications infrastructure construction more efficient  
1460 by expediting local permitting decisions. Under my bill, if  
1461 a local permit is not approved or denied within 90 or 150  
1462 days, or an extension waiver is not obtained, the broadband  
1463 provider would be granted a permit by default.

1464           Additionally, my legislation would ensure that  
1465 permitting fees are tied to actual permit processing and  
1466 equipment maintenance costs.

1467           Mr. Spalter, have your members seen delays in local  
1468 permitting that could be interpreted as favoring certain  
1469 providers over others?

1470           \*Mr. Spalter. Yes, we have. We have also seen  
1471 significant initiatives to ensure that there is not only  
1472 favoritism, but there also can be instances where there are  
1473 revenue-based decisions about how those fees are actually  
1474 established for allowing permitting. And we have to actually  
1475 move forward streamlining them, including through supporting  
1476 your bill.

1477           \*Mr. Griffith. And of course, one of the problems I  
1478 have is some of my areas don't have service. In certain  
1479 neighborhoods they don't have it and in certain parts of  
1480 rural counties they don't have it. And could you provide

1481 some examples of exceptionally long permit delays that your  
1482 members have experienced? Because the permit delays mean  
1483 some of my people aren't getting the broadband service.

1484 \*Mr. Spalter. I think of just -- several examples. For  
1485 example, we were recently in Utah at the beginning of the  
1486 summer. One of our local members there told me that they had  
1487 waited literally three years to get a permit to go onto  
1488 Federal lands to repair a single fiber optic line. Three  
1489 years.

1490 I heard another colleague in Mr. Latta's district that I  
1491 spoke to last week who had similar concerns that -- with  
1492 respect to his accessing rights of way on a railroad line.  
1493 He was delayed seven months before he got to the ability to  
1494 actually get a flagger on the rights of way at \$1,200 an  
1495 hour.

1496 These are just two small examples that --

1497 \*Mr. Griffith. Yes.

1498 \*Mr. Spalter. -- if you actually extrapolate those, are  
1499 literally all parts of our country, communities across state,  
1500 local, Federal, and railroad rights of way.

1501 \*Mr. Griffith. Well, and I know it is not all  
1502 situations, but do you believe that in some localities --  
1503 clear again, not all -- that they are charging fees on  
1504 broadband permits and fees for easement or pole attachment  
1505 fees as a revenue stream for the community?

1506           \*Mr. Spalter. Oh, absolutely, there -- that is  
1507 something that we see not only with respect to permitting  
1508 fees, but we also see, for example, franchising fees on top  
1509 of permitting fees in certain municipalities that are slowing  
1510 down our ability to not only carry those costs, but are  
1511 sometimes becoming disincentives for our providers to go into  
1512 those municipalities and deliver service because of the  
1513 excessive costs that are entirely --

1514           \*Mr. Griffith. And that --

1515           \*Mr. Spalter. -- unmoored from reality.

1516           \*Mr. Griffith. And that particularly affects -- does  
1517 that not particularly affect low-income areas, where it is  
1518 already a disincentive to go in there because you may not  
1519 have that many households, and where you do they may not be  
1520 able to afford the product?

1521           \*Mr. Spalter. One hundred percent.

1522           \*Mr. Griffith. Yes, that is my concern in a district  
1523 that is economically stressed and mostly rural. I do have  
1524 some small cities that operate and some small localities that  
1525 operate some things, but often times they also have areas  
1526 that are more economically stressed than the rest of the  
1527 community.

1528           I do appreciate it. I have some other questions I will  
1529 submit for the record.

1530

1531 [The information follows:]

1532

1533 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1534

1535           \*Mr. Griffith. And Mr. Chairman, with that I yield  
1536 back.

1537           \*Mr. Hudson. I thank the gentleman. The chair now  
1538 recognizes the representative from California, Mr. Ruiz, for  
1539 five minutes.

1540           \*Mr. Ruiz. Yes, sir. Thank you so much, Mr. Chairman.  
1541 In light of the congressman's remarks earlier, I too would  
1542 like to submit something for the record. They came out about  
1543 -- less than an hour ago from CNBC, the stock and market and  
1544 business, where the -- "Trump Floats Pulling Licenses if  
1545 Networks are Against Him After Jimmy Kimmel Suspended."

1546           There is a difference between Members of Congress doing  
1547 oversight, sending a letter asking them about their  
1548 decisions, versus the President of the United States actually  
1549 demanding that people pull the license of people who disagree  
1550 with them.

1551           I would like to also submit this one that says FCC Chair  
1552 Carr says, "We are not done yet" after Jimmy Kimmel's  
1553 suspension by ABC.

1554           \*Mr. Hudson. Are these articles?

1555           \*Mr. Ruiz. Yes, these are articles.

1556           \*Mr. Hudson. Okay.

1557           \*Mr. Ruiz. Yes.

1558           \*Mr. Hudson. Sure.

1559           \*Mr. Ruiz. Will you --

1560           \*Mr. Hudson. Without objection.

1561           [The information follows:]

1562

1563           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1564

1565           \*Mr. Ruiz. Thank you. You know, I believe the Bill of  
1566 Rights defined the core of our country, and I hope my  
1567 Republican colleagues recognize their importance. They  
1568 certainly recognize the importance of the Second Amendment,  
1569 but you can't have the Second if you don't have the First  
1570 Amendment. So I especially would like them to recognize the  
1571 First Amendment.

1572           While you may not agree with the content, canceling  
1573 Jimmy Kimmel Live out of fear of retaliation from a President  
1574 who quite literally can't take a joke clearly infringes on  
1575 our First Amendment right to free speech. And I look forward  
1576 to our upcoming FCC oversight hearing, where I will have the  
1577 opportunity to question Commissioner Carr about these  
1578 actions.

1579           Okay, now changing subjects, you know, we often hear  
1580 calls for expanding broadband access and streamlining  
1581 permitting processes. While these goals sound appealing, the  
1582 real issues are in regions without broadband like the ones I  
1583 represent. Oh, and by the way, incentivizing resources where  
1584 they are needed the most is the definition of equity. So you  
1585 all right now are having a hearing on equity and wanting to  
1586 expand broadband access when they are -- where they are  
1587 needed the most.

1588           So according to the Coachella Valley Economic  
1589 Partnership, only five census tracts in the Valley meet the

1590 Federal Communication Commission's broadband standard. In  
1591 Imperial Valley, nearly 30 percent of residents lack  
1592 broadband subscriptions, with families traveling long  
1593 distances for medical care and children falling behind  
1594 without reliable Internet.

1595 Similarly, roughly 6 percent of households in Mecca --  
1596 in Hemet, 5 percent in San Jacinto, 78 percent -- 7 to 8  
1597 percent in Banning and Beaumont lack reliable broadband,  
1598 limiting access to education, telehealth, and local business  
1599 opportunities.

1600 The problem is, you know, the Trump Administration in  
1601 January froze these broadband access projects entirely. They  
1602 froze them. Subsequently, the National Telecommunications  
1603 and Information Administration issued a policy notice in June  
1604 that forced states and territories to throw out their BEAD  
1605 plans, these programs, and start all over. That decision has  
1606 set us back at least six months and still waiting are  
1607 students without reliable Internet, families lacking  
1608 telehealth access, and small businesses and farm workers cut  
1609 off from the digital economy.

1610 So Mr. Garner, I strongly support the Affordable  
1611 Connectivity Program which Republicans let expire, and now  
1612 they are targeting the BEAD's affordability requirements.  
1613 With these constant attacks on measures to lower costs, how  
1614 do we ensure broadband is not just available but affordable

1615 for families living paycheck to paycheck?

1616 \*Mr. Garner. Thank you for the question.

1617 I think one thing to do would be to bring back the ACP,  
1618 which not only ensures that broadband is affordable to  
1619 households, it helps attract broadband infrastructure to the  
1620 low-income communities. Because when you have a guaranteed  
1621 subsidy for these low-income communities that are harder to  
1622 serve, you bring -- you have reliable customers. So it helps  
1623 us solve the infrastructure problem too.

1624 Then you could also fix the affordability part --  
1625 components of the BEAD program. We are using public funds to  
1626 build networks in areas that, by definition, will not see  
1627 competition. So if we do not give affordability protections  
1628 on these networks, there is no way to ensure people can  
1629 afford them.

1630 \*Mr. Ruiz. Thank you. You know, permitting reform  
1631 should be done, but it must be done right. It should never  
1632 come at the cost of our communities, our state, local, and  
1633 tribal partners, or our environment.

1634 So, these bills before us today bypass tribal processes,  
1635 forcing resource-strapped tribes to meet strict timelines for  
1636 approving construction on culturally and historically  
1637 significant lands. They are basically giving companies blank  
1638 checks to go in without consent, without permission onto  
1639 tribal lands to do their own business. And I think tribes

1640 should definitely be at the table at all times.

1641 Thank you, I yield back.

1642 \*Mr. Hudson. I thank the gentleman. The chair now  
1643 recognizes the chairman of the full committee, Mr. Guthrie,  
1644 for five minutes for --

1645 \*The Chair. Thank you, Mr. Chair.

1646 \*Mr. Hudson. -- his questions.

1647 \*The Chair. -- and I am sorry, I was in another meeting  
1648 and didn't have the opportunity to hear your testimony. I am  
1649 excited about what we are working on, and hopefully getting  
1650 our broadband permitting reform and things done.

1651 So Mr. Halley, Congress just reauthorized Spectrum  
1652 Auction Authority after it lapsed for two years. Restoring  
1653 this authority was essential to maintaining our wireless  
1654 leadership. Why is permitting reform so important now that  
1655 we have restored this authority?

1656 \*Mr. Halley. Thank you for the question, Mr. Chairman,  
1657 and I think it is an important one. I think people think  
1658 that their smartphone just works by magic. But it is not  
1659 magic, right? It requires a whole bunch of spectrum, but it  
1660 also requires infrastructure to put that spectrum to use.

1661 So Congress just put forward a pipeline which was a  
1662 critically important step, authorizing 800 megahertz of  
1663 spectrum for full power commercial use. That is going to be  
1664 what really leads us forward with the advancement of next-

1665 generation wireless networks. But that spectrum is not going  
1666 to be able to be put to use unless we have the infrastructure  
1667 that is necessary for that spectrum to work.

1668         And it is interesting, if you look at the potential  
1669 spectrum that is being considered, whether it is 2.7  
1670 gigahertz, or 4 gigahertz, or 7 gigahertz, it is the type of  
1671 spectrum -- as we get further up on the chart, that kind of  
1672 spectrum actually is going to require more infrastructure  
1673 than some of the earlier, low-band spectrum that was used.  
1674 So it makes the conversation we are having today about  
1675 wireless infrastructure even more important to fully realize  
1676 the benefits of what Congress did, led by this committee,  
1677 with that spectrum pipeline.

1678         \*The Chair. Well, thank you. And I understand that the  
1679 \$42 billion authorized in the Inflation Reduction Act, none  
1680 was spent over the last 3-and-a-half years because of  
1681 permitting and regulation and processes. And I think people  
1682 on all sides of the spectrum here in Congress wants to make  
1683 sure that we can have a better process, so we are working  
1684 that.

1685         So Ms. Pies, your testimony discusses the importance of  
1686 broadband deployment to AI, and we focus on a lot of that  
1687 here. As you know, it is a top priority of this committee  
1688 and I want to make sure we continue to lead.

1689         Do you -- do we risk our leadership in AI if we don't

1690 reform the broadband permitting process?

1691 \*Ms. Pies. Thank you, Mr. Guthrie. Absolutely.

1692 As we all know, there -- the infrastructure that we are  
1693 building, that we are referring to today as broadband, is the  
1694 heartbeat. It is the entire ecosystem that drives AI  
1695 development. You have to have connectivity to data centers.  
1696 You have to have connectivity to the energy companies. And  
1697 it is the same infrastructure that is being built.

1698 In addition, INCOMPAS represents all parts of the AI and  
1699 digital ecosystem. So we have data center providers, we have  
1700 submarine cable providers, we have energy generation and  
1701 transmission companies, and we have the broadband providers.  
1702 And every single type of provider that is deploying  
1703 infrastructure, whether it is updating existing  
1704 infrastructure or deploying new infrastructure, needs certain  
1705 kinds of permits.

1706 And the United States runs the risk that we will fall  
1707 behind, fall behind adversaries, fall behind China, fall  
1708 behind other countries. It is not a matter of intellectual  
1709 property or innovation. We have that here. What we don't  
1710 have is the permitting process that supports that kind of --

1711 \*The Chair. Thanks for saying that. And I -- just an  
1712 example, I am reading a book now. I am trying to read  
1713 everything I can, and there is -- I haven't read it yet, but  
1714 the "Abundance Agenda," I think, is another book that is

1715 out. I haven't read that -- I will -- but one that says that  
1716 it took three years and about a third of the price to build a  
1717 rail line, a high-speed rail that is the length, the same  
1718 length in China, from San Francisco to Los Angeles. And we  
1719 have one that we spent about three times the money, many  
1720 years, and still only a few sections.

1721 And so we want that to work. I am not here saying look  
1722 at California. I would love to say, boy, we built that in  
1723 three -- we need to make sure the permitting is right, we  
1724 don't want to just do what China does. I am not suggesting  
1725 that, but that is who we are competing with. As I say, we  
1726 are not competing with European regulation, we are competing  
1727 with Chinese innovation, so we have to do better.

1728 So Mr. Spalter, your testimony includes a number of  
1729 examples of state and local governments abusing the  
1730 permitting process, and this highlights a Federal preemption  
1731 standard. What -- could you give us some examples of that  
1732 process?

1733 \*Mr. Spalter. Thank you, Chairman Guthrie.

1734 We believe that there is a specific and important role  
1735 for state and local authorities in the permitting process.  
1736 However, when there are instances where there are impasses in  
1737 being able to actually get over the finish line on permitting  
1738 approvals, delays that are not connected to actually reality  
1739 or operational need, or there simply are intractable impasses

1740 and bottlenecks, there has to be a national standard that is  
1741 available. We are willing to work with you and the  
1742 municipalities and states in evolving those standards that  
1743 will allow for the broadband projects to proceed to  
1744 completion in this country. We have waited long enough.

1745       There are ample examples of how we can actually move  
1746 forward. We have suggested a number of them in our  
1747 testimony --

1748       \*The Chair. Thanks. My time has kind of expired, but I  
1749 appreciate your answer, and I think we know -- we will look  
1750 at your -- we will follow up and make sure we know what we  
1751 need to do.

1752       So thank you, Mr. Chair, and I will yield back.

1753       \*Mr. Hudson. The gentleman -- the chairman has yielded.  
1754 I now recognize Representative Carter from Louisiana for five  
1755 minutes of questioning.

1756       \*Mr. Carter of Louisiana. Thank you, Mr. Chairman. It  
1757 is funny that we are sitting here discussing speed -- the  
1758 ways to speed up connectivity projects today. The most  
1759 significant delay in my home state of Louisiana has been the  
1760 Trump Administration's rewriting of policies for broadband  
1761 deployment funds.

1762       In January of this year Louisiana became the first state  
1763 in the nation to secure Federal approval for a plan to deploy  
1764 \$1.3 billion in BEAD funding. That was -- we were ready.

1765 The state was ready, had shovels in the ground ready to go in  
1766 the ground in March. However, this was stopped.  
1767 Unfortunately, the Trump Administration's overhaul of the  
1768 BEAD program has upended these years of planning, forcing  
1769 states like Louisiana to scrap their work and to start all  
1770 over again.

1771 The Administration's program changes prioritize short-  
1772 term cost savings and the interests of Elon Musk over  
1773 durable, future-proof connectivity, leaving millions at risk  
1774 of being locked into a second-tier technology. Louisiana now  
1775 faces new procedural hurdles that will further delay  
1776 broadband expansion, forcing us to wait again on Federal  
1777 approvals and hoping the Administration doesn't move the  
1778 goalposts again once we get close to completion.

1779 Mr. Garner, Louisiana's original BEAD plan would have  
1780 used 95 percent high-speed fiber to connect underserved areas  
1781 with broadband. Now the state's new plan uses just 80  
1782 percent fiber, and communities like Assumption Parish in my  
1783 district and Webster Parish in the Speaker's district will  
1784 now instead have Elon Musk's Starlink. What does this change  
1785 mean for these areas in the long term?

1786 Will they be just as well served, or has -- or would  
1787 they have been better with high-speed fiber?

1788 \*Mr. Garner. Thank you for the question. It means they  
1789 will fall behind in the long term.

1790 I would also note that it will likely be --

1791 \*Mr. Carter of Louisiana. Say that again. They will  
1792 fall behind --

1793 \*Mr. Garner. They --

1794 \*Mr. Carter of Louisiana. -- in the long term.

1795 \*Mr. Garner. Every day --

1796 \*Mr. Carter of Louisiana. We are going to go from a  
1797 better product to a inferior product.

1798 \*Mr. Garner. We are shifting them from a better product  
1799 that would last for forever, basically, to a product that  
1800 will not -- barely meet the needs of today, much less those  
1801 of the future.

1802 \*Mr. Carter of Louisiana. So let me -- I want to make  
1803 sure I am getting this right. If the state had sufficient  
1804 funding within the BEAD allocation for fiber, is there any  
1805 legitimate justification to force the state to use an  
1806 inferior broadband technology?

1807 \*Mr. Garner. There is not. And I would note, too, that  
1808 while they -- while 80 percent of the locations in Louisiana  
1809 have fiber now, that number is likely to come down as NTIA  
1810 institutes another round of fiber cuts.

1811 \*Mr. Carter of Louisiana. Going further in the wrong  
1812 direction.

1813 \*Mr. Garner. Going further in the wrong direction.

1814 \*Mr. Carter of Louisiana. I am particularly concerned

1815 with the non-deployment funds, as our governor sent a letter  
1816 to the Trump Administration urging it to allow states to use  
1817 these funds. Louisiana's original plan included the use of  
1818 using \$100 million in non-deployment funds to improve access  
1819 to telehealth in rural areas with limited nearby medical  
1820 facilities. These funds would have been transformative,  
1821 especially now as Republicans' big, ugly bill will cause more  
1822 rural hospitals and clinics to close.

1823           Mr. Garner, isn't it true that the Bipartisan  
1824 Infrastructure Law explicitly approved the use of non-  
1825 deployment funds?

1826           \*Mr. Garner. Yes.

1827           \*Mr. Carter of Louisiana. What other investments would  
1828 be missing in Louisiana if the Trump Administration illegally  
1829 tries to claw back these funds?

1830           \*Mr. Garner. Telehealth, workforce development, AI  
1831 preparation, cybersecurity. The list goes on and on.

1832           \*Mr. Carter of Louisiana. All things that my colleagues  
1833 on the other side of the aisle on any given day really kind  
1834 of pledges their support for, AI, security, making sure we  
1835 have telehealth in our rural areas for people who undoubtedly  
1836 are going to lose access to health clinics because of the  
1837 drastic cuts, some 17 million people taking [sic] off the  
1838 rolls. Are we heading in the right direction there?

1839           \*Mr. Garner. No. It is setting us in the wrong

1840 direction today and setting us up to fail in the future.

1841 \*Mr. Carter of Louisiana. So what happens now when --  
1842 if we are using an inferior product?

1843 You mentioned earlier when these people -- when these  
1844 companies go into an area where there won't be competition,  
1845 if they have an inferior product they are going to kind of be  
1846 stuck with it, right?

1847 \*Mr. Garner. Yes.

1848 \*Mr. Carter of Louisiana. No competition, no one comes  
1849 in, you have got a product that doesn't work, no one is  
1850 coming in to challenge it, people are at a position where  
1851 they are being charged more for less product.

1852 \*Mr. Garner. And no opportunities on the horizon to fix  
1853 it.

1854 \*Mr. Carter of Louisiana. So we have gone from nothing  
1855 to worse, arguably.

1856 \*Mr. Garner. Arguably.

1857 \*Mr. Carter of Louisiana. I yield.

1858 \*Mr. Hudson. The gentleman yields. Now we will call on  
1859 Representative Dunn from Florida for his five minutes of  
1860 questioning.

1861 \*Mr. Dunn. Thank you very much, Mr. Chairman.

1862 I think Congress must take an all-of-government approach  
1863 to quickly administering solutions for broadband permitting  
1864 reform. The 29 permitting reform bills that we are

1865 discussing today are crucial for building broadband  
1866 capabilities. And while we have been moving the needle  
1867 towards bipartisan reforms over the last decade, the iron is  
1868 hot now.

1869         If we want to continue dominance on a global scale we  
1870 must follow through for our communications industry, national  
1871 security, and American families. Luckily, we have succeeded  
1872 this year in a few major ways. We delivered a huge win to  
1873 the American people with the One Big, Beautiful Bill,  
1874 unleashing 800 megahertz of spectrum and securing major tax  
1875 extension benefits to assist the industry in achieving those  
1876 goals.

1877         However, the third leg of the stool is that we need to  
1878 follow through on these permitting promises by enacting this  
1879 reform. Without this reform, none of the infrastructure  
1880 needed to connect Americans will be made a reality. The GAO  
1881 reported that from 2015 to 2020, Federal programs have  
1882 invested at least \$44 billion in activities to support  
1883 broadband. And more recently, the Infrastructure Investment  
1884 and Jobs Act appropriated \$65 billion for several broadband  
1885 programs, including the NTIA's BEAD Program.

1886         However, one of the most prominent permitting actions we  
1887 have taken was in 2018, when Congress passed the MOBILE NOW  
1888 Act, which established a 270-day deadline -- a shot clock, if  
1889 you will -- for executive agencies to grant or deny

1890 applications for easements, rights of way, releases to  
1891 install, construct, or modify communications facilities on  
1892 Federal property.

1893           Further, a 2018 executive order required GSA to issue  
1894 quarterly reports on the applications to place communication  
1895 facilities on Federal properties. But 270 days seems like an  
1896 exorbitant amount of time to replace critical infrastructure  
1897 after, say, a hurricane or natural disaster. We are talking  
1898 about replacing. My bill, the Connecting Communities Post-  
1899 Disaster Act, would help resolve these permitting hurdles.  
1900 Not to mention this timeline is frightening when you have to  
1901 compete with China.

1902           According to the GAO, from 2018 to 2022 the 2 agencies  
1903 that processed the most applications from telecom providers  
1904 were the Bureau of Land Management and the USDA. Only 50  
1905 percent of their applications met the 270-day deadline. That  
1906 is unacceptable for the United States, and I am confident  
1907 that we have solutions in these bills today, Mr. Chairman, to  
1908 address a lot of these pitfalls.

1909           Mr. Halley, several times throughout your testimony you  
1910 mentioned how the FCC succeeded in enacting rulemaking for  
1911 shot clocks for permitting at the state and local level. Can  
1912 you explain what these shot clocks are, and how -- which ones  
1913 of these rulemakings have been most successful, most  
1914 effective?

1915           And if you want to comment on our legislative package  
1916 today, I would be -- love to hear it.

1917           \*Mr. Halley. Sure. Well, first I would say thank you  
1918 very much for the legislation that you proposed. I think we  
1919 should always want to move as quickly as we can after a  
1920 disaster to get infrastructure replaced.

1921           And interestingly enough, when we are talking about  
1922 replacing infrastructure that has been destroyed by a  
1923 disaster, that infrastructure had already gone through a  
1924 process previously, and that is why it was deployed. So I  
1925 think it is a perfect example of our principles around  
1926 predictability and proportionality. When we are talking  
1927 about adding to or replacing infrastructure that had been  
1928 previously approved by a local or Federal agency, it doesn't  
1929 make sense that we should have the same amount of delay and  
1930 timelines for replacing something that was previously  
1931 approved. That is a really important piece --

1932           \*Mr. Dunn. Yes, I agree entirely with that, obviously.  
1933 I mean, you have already permitted it once.

1934           Your association is active in the telecom apprenticeship  
1935 program. States like Ohio have those programs. Have you had  
1936 conversations with Florida's broadband office, and can you  
1937 give us any advice on where -- you know, how we are helping  
1938 our workforce? What does it look like in my state colleges  
1939 and universities?

1940           \*Mr. Halley. We have absolutely had discussions with  
1941 your state broadband office and some of the higher education  
1942 institutions in your state. The state is definitely leaning  
1943 in very hard on ways that we can effectively train the  
1944 workforce that is necessary to deploy the networks of not  
1945 just today, but the networks of tomorrow.

1946           And I do think it is really important that we not just  
1947 look at this as a permitting issue, but also as an  
1948 opportunity to provide the funding for the programs that  
1949 really will train the workforce we all need to get the job  
1950 done.

1951           \*Mr. Dunn. Thank you so much. You know, we welcome you  
1952 to the second district of Florida, where we have colleges  
1953 that will train these people.

1954           \*Mr. Halley. Absolutely.

1955           \*Mr. Dunn. Mr. Chairman, I yield back.

1956           \*Mr. Hudson. The gentleman yields and now I call on  
1957 Representative Menendez from New Jersey --

1958           \*Mr. Menendez. Thank --

1959           \*Mr. Hudson. -- for his line of questions. Five  
1960 minutes.

1961           \*Mr. Menendez. Thank you, Chairman. I would like to  
1962 start off with addressing an issue that is critical to the  
1963 telecommunications and media landscape of the United States  
1964 and the oversight duties of this committee. The attack on

1965 the freedom of the press from the Trump Administration,  
1966 specifically FCC Chairman Brendan Carr, is unconstitutional  
1967 and completely unacceptable.

1968 We started this with the chair of the subcommittee  
1969 saying that we didn't want to weigh down this, but our  
1970 colleagues across the aisle have and they have introduced  
1971 into the record letters written by members of the legislature  
1972 to media outlets asking a series of oversight questions. To  
1973 compare that to the FCC chairman using his power to force  
1974 broadcasters into the action that the President wants by  
1975 threatening to block their multi-billion-dollar media mergers  
1976 is not even comparable. And that should be obvious to  
1977 everyone in this room, especially because we have an  
1978 oversight function over the FCC, the main Federal entity that  
1979 regulates telecom.

1980 So if we are going to sit here and try to call balls and  
1981 strikes, the Republicans on the other side of the aisle have  
1982 to do it because they know, if this was the Biden  
1983 Administration taking this action, if it was a Democratic FCC  
1984 chair, they would be up in arms like we are because it is  
1985 completely unacceptable. And I hope that they will speak out  
1986 against it because to say that what those legislators did is  
1987 the same as what the President and the FCC chair did is  
1988 completely unhinged.

1989 Turning to the topic of today's hearing, we should all

1990 be able to agree that we need to expand access to high-speed,  
1991 affordable broadband across the country in order for  
1992 Americans to fully participate in the digital economy. This  
1993 is an issue that affects both blue and red states and rural  
1994 and urban communities alike.

1995 But while we have heard from both sides of the aisle  
1996 today about the need to roll out broadband connectivity in a  
1997 timely manner, the Trump Administration and my Republican  
1998 colleagues have taken numerous actions that hinder  
1999 connectivity and drive up broadband costs for American  
2000 families.

2001 Mr. Garner, just yes or no, did Republicans' refusal to  
2002 extend the Affordable Connectivity Program make broadband  
2003 more expensive and less accessible for American families?

2004 \*Mr. Garner. Yes.

2005 \*Mr. Menendez. Thank you. Mr. Garner, will the Trump  
2006 Administration's slashing of the Federal workforce slow the  
2007 rollout of broadband across the country?

2008 \*Mr. Garner. Yes.

2009 \*Mr. Menendez. Thank you. So Mr. Garner, just again,  
2010 yes or no, will a Republican lapse in the Affordable  
2011 Connectivity Program combined with the Trump Administration's  
2012 slashing of the Federal workforce reduce access to high-  
2013 speed, affordable broadband?

2014 \*Mr. Garner. Yes.

2015           \*Mr. Menendez. And we agree that we have talked about  
2016 artificial intelligence a significant amount today. It is in  
2017 a lot of your testimony. We also talk about it here on E&C.  
2018 Ms. Pies, will more energy be needed to meet the increased  
2019 demand for artificial intelligence?

2020           \*Ms. Pies. Yes, absolutely.

2021           \*Mr. Menendez. And just yes or no, do you believe that  
2022 to meet that energy demand we should have an all-of-the-above  
2023 strategy so we put as much energy as possible onto our grid?

2024           \*Ms. Pies. Yes.

2025           \*Mr. Menendez. Now, we have heard that from witnesses  
2026 across multiple different hearings, that we need an all-of-  
2027 the-above strategy when it comes to energy, because that is  
2028 what AI demands. The data centers we are already seeing, it  
2029 could be -- up to a 12 percent of energy demand in the next  
2030 several years could be AI data centers alone.

2031           And now all of our residents are dealing with the cost  
2032 of energy prices, no matter what state we are in, yet this  
2033 Administration is not taking an all-of-the-above strategy.  
2034 They are picking winners and losers, and they are cutting off  
2035 access to offshore wind because they -- when I say "they,"  
2036 the Trump Administration -- doesn't believe in it.

2037           We have had people from the Department of Energy who  
2038 have come in here and not wanted to acknowledge the benefit  
2039 of renewable energy, despite the fact that in places like

2040 Texas we have seen that 30 percent of their energy production  
2041 comes from wind and solar, and that is why Texas residents  
2042 are seeing lower costs in their energy prices.

2043 So going back to today's hearing, which -- as difficult  
2044 as it is to do with everything going on -- Republicans are  
2045 claiming to be hyper-focused on expediting access to reliable  
2046 connectivity while at the same time taking concrete steps  
2047 that significantly decrease the number of people that have  
2048 access to broadband by refusing to take an all-of-the-above  
2049 energy approach, slashing Federal workforce, and cutting  
2050 funding for affordable broadband.

2051 Mr. Garner, is promoting digital literacy initiatives  
2052 such as cybersecurity trainings for seniors vital for  
2053 expanding access to broadband connectivity?

2054 \*Mr. Garner. Absolutely.

2055 \*Mr. Menendez. Because we want more people to have it,  
2056 but we have also seen a huge rise in spam and scams that  
2057 specifically target veterans and seniors. Is that correct?

2058 \*Mr. Garner. Yes, it does -- yes it is.

2059 \*Mr. Menendez. And these digital literacy initiatives  
2060 help those people be prepared for the future that we all are  
2061 going to be a part of. Is that correct?

2062 \*Mr. Garner. That was the point of the bill.

2063 \*Mr. Menendez. And Mr. Garner, will the Trump  
2064 Administration's decision to cancel over \$2 billion from the

2065 Digital Equity Act decrease access to the Internet?

2066 \*Mr. Garner. It will.

2067 \*Mr. Menendez. So what are we doing here today? Do we  
2068 need permitting reform to make broadband more accessible? We  
2069 can work on that in a bipartisan way, but we have to do it in  
2070 a holistic way, and we have to have our colleagues across the  
2071 aisle call out the Administration when they are setting us  
2072 back. Democrats will continue to do it. We will hold the  
2073 Administration accountable, especially if our colleagues will  
2074 not.

2075 Thank you, and I yield back.

2076 \*Mr. Hudson. The gentleman yields, and now I will call  
2077 on Mr. Fulcher from Idaho for his five minutes of  
2078 questioning.

2079 \*Mr. Fulcher. Thank you, Mr. Chairman, and to the  
2080 panelists, thank you for your feedback today.

2081 And Mr. Halley and Mr. Spalter, both of you referenced  
2082 the 270-day shot clock and some of the examples of how  
2083 agencies have failed to meet that time window. And I -- my  
2084 information confirms what you have been saying. In fact, I  
2085 am going to give you a couple more examples.

2086 In my home state of Idaho, Cambridge Telephone Company  
2087 tells me that they have projects that still take somewhere  
2088 between two and four years to get through permitting. And  
2089 there was a particular tower process or a tower build request

2090 for Brundage Ski Mountain. It is a resort area about two  
2091 hours from Boise. And that was delayed. They found some  
2092 things in there, I think it was three endangered whitebark  
2093 pine trees. And despite very reasonable mitigation  
2094 solutions, that project basically just got halted. It did  
2095 take my office to break the stall on that, but it was also a  
2096 three-year delay. And so there is just another example.

2097 Another one in Midvale, Idaho. MTE Communications had a  
2098 project stall due to the need for multiple NEPA studies, NEPA  
2099 requirements, and that was simply because they were trying to  
2100 run a conduit and a fiber cable about 100 feet from a roadway  
2101 on Federal land. So once again, those are just some of the  
2102 examples out there.

2103 And I have got a -- this is -- I am going to ask both  
2104 Mr. Spalter and Mr. Halley this, but I have got a bill, H.R.  
2105 2298, the Reducing Barriers for Broadband on Federal Lands  
2106 Act, and this would eliminate the need for multiple NEPA or  
2107 NHPA reviews on previously disturbed Federal land, which is a  
2108 huge deal in my state and the West. About two-thirds of the  
2109 land mass in my state are Federal. And this would eliminate  
2110 the need for multiple NEPA or NHPA reviews on previously  
2111 disturbed land, and it would exercise a right-of-way  
2112 provision to provide broadband infrastructure on these  
2113 Federal lands.

2114 So I would just ask you, from your vantage point,

2115 wireless broadband, would legislation like this help in  
2116 expediting the permitting process, in your view? And I will  
2117 start with Mr. Spalter.

2118 \*Mr. Spalter. Well, let me begin. Absolutely, Mr.  
2119 Pfluger [sic]. I will say that that is the kind of  
2120 innovation that we need to move forward aggressively in our  
2121 plans to deliver broadband.

2122 We know conclusively that the great majority of  
2123 permitting delays are on areas where they are always --  
2124 already have been previously analyzed and approved rights of  
2125 way, and that includes on Federal lands. We believe that a  
2126 very straightforward shot clock formula and a deem granted  
2127 approach -- 30 days and 60 days -- is a path forward. We  
2128 support your effort and your bill, and we want to see it  
2129 across the finish line.

2130 \*Mr. Fulcher. Mr. Halley.

2131 \*Mr. Halley. Thank you for the question, and I agree.  
2132 We also support your legislation, and we think it is  
2133 important that there is a process where, again, we are not  
2134 starting from scratch, right? This is -- projects have  
2135 already been approved previously. We shouldn't treat another  
2136 project after that as if we are starting from scratch, which  
2137 is what your bill recognizes.

2138 The other thing I will tell you is I get a lot of calls  
2139 from tower company CEOs. And when we are talking about

2140 access to Federal lands, the most challenges they have are  
2141 out in the West, whether it is Idaho, Utah, Arizona, New  
2142 Mexico. Those are some of the hardest areas to build. And  
2143 unfortunately, it is some of the areas where we have the  
2144 least coverage and where it takes the longest to get  
2145 something permitted on Federal lands. So I appreciate you  
2146 looking into the issue.

2147 \*Mr. Fulcher. That is where the bulk of those Federal  
2148 lands are, and we live that in my state every day. So thank  
2149 you for that.

2150 Ms. Pies, in your testimony you noted the need for a  
2151 unified approach. I notified that terminology for permitting  
2152 broadband on Federal lands to try to cut through the  
2153 continued lack of coordination.

2154 Also, former NTIA Administrator Davidson spoke of a --  
2155 he actually framed it as a -- "Federal lands management  
2156 desk'' was a term that he had used. And I would just ask you  
2157 to speak for a moment. Would simplifying the NTIA decision-  
2158 making process by helping local broadband providers get more  
2159 predictability? Would that simplification process help, and  
2160 could you speak to that for a moment?

2161 \*Ms. Pies. Yes, absolutely, and that is not just about  
2162 Federal lands. When we have a streamlined process, more  
2163 transparency, less duplication, and something that we haven't  
2164 talked a lot about yet today, but the use of technology --

2165 and there are several bills that address this -- to  
2166 facilitate the permitting process, it is going to ensure that  
2167 we can build faster, that we aren't wasting precious capital,  
2168 whether it is BEAD funding or private capital, and that  
2169 consumers and businesses get access to the technology.

2170 And I think that if we look at all of those types of  
2171 actions, you are not going to find a trade-off with  
2172 protecting the environment or with ensuring that consumers  
2173 have access to the broadband that they deserved. It is going  
2174 to achieve all those goals simultaneously.

2175 \*Mr. Fulcher. Is there a concern about -- sticking with  
2176 you Ms. Pies, is there a concern about losing BEAD money if  
2177 these permitting requests take too long?

2178 \*Ms. Pies. Is -- I apologize.

2179 \*Mr. Fulcher. Is there a concern about losing the BEAD  
2180 money, the access to the funds, if the permits take too long?

2181 \*Ms. Pies. There is a concern that the money will not  
2182 be used efficiently. BEAD has very strict deadlines for  
2183 deployment. And if you can't get a permit in order to deploy  
2184 during that time period, I actually don't know what happens.

2185 \*Mr. Fulcher. Yes.

2186 \*Ms. Pies. You could have to return some --

2187 \*Mr. Fulcher. It may not be there, yes.

2188 \*Ms. Pies. Correct.

2189 \*Mr. Fulcher. Okay, good, thank you.

2190           So broadband providers that I communicate with also see  
2191 disconnects between local and the agency management location.  
2192 So for example, district rangers may have a certain position  
2193 that they want to take, but yet they have got to run it  
2194 through an agency head someplace. And I would just ask, how  
2195 can we improve communications between, say, the local and the  
2196 management, the ranger and the agency head somewhere? Can  
2197 you speak to that at all?

2198           \*Ms. Pies. Yes, absolutely. I mean, that is a  
2199 streamlined process. That is the hallmark of a streamlined  
2200 process. If we have a process that everybody can look to,  
2201 whether it is the head of the agency or the local  
2202 jurisdiction, and they understand what the process is, and  
2203 when you have technical digital portals that can be utilized  
2204 -- and today we even have AI programs --

2205           \*Mr. Fulcher. Thank you.

2206           \*Ms. Pies. -- that can facilitate that -- then it is  
2207 going to reduce misunderstandings, it is going to increase  
2208 efficiency, and it is going to ensure that we are using our  
2209 well-earned capital to be able to deploy.

2210           \*Mr. Fulcher. Thank you that -- for that.

2211           And Mr. Chairman, I apologize. I am over time and I  
2212 yield back.

2213           \*Mr. Hudson. I thank the gentleman. The chair now  
2214 recognizes the gentlelady from Virginia, Ms. McClellan, for

2215 five minutes for your questions.

2216 \*Ms. McClellan. Thank you, Mr. Chair.

2217 As we all agree, the BEAD program was the largest  
2218 investment, Federal investment, in our nation's broadband  
2219 infrastructure in American history. And throughout the year,  
2220 including in today's hearing, the majority has bemoaned the  
2221 timeline for implementation of the program to now falsely  
2222 blaming permitting as one of the reasons for delays so far.

2223 But I think you would all agree, hopefully, that you  
2224 can't seek permits until you determine where you are going to  
2225 build the infrastructure and who is going to build it. And  
2226 the way to ensure that you are not going to use Federal money  
2227 in a way that is wasteful is to first identify who the  
2228 unserved populations are, what is already in the pipeline,  
2229 and create a map. You all agree with that, right?

2230 \*Mr. Spalter. Well, if I understood you correctly,  
2231 Congresswoman, I would say that there are providers that have  
2232 already undertaken efforts to get permits, even if they are  
2233 not --

2234 \*Ms. McClellan. No, that is not my question. Yes or  
2235 no, you would agree that before you ever get a permit to  
2236 build a broadband infrastructure you need to decide where you  
2237 are going to build.

2238 \*Mr. Halley. Yes.

2239 \*Mr. Spalter. Yes.

2240 \*Ms. Pies. Yes.

2241 \*Ms. McClellan. Okay, thank you. Now I want to ask a  
2242 couple more table-setting questions.

2243 Do you all agree, yes or no, that federally-funded  
2244 broadband networks should be scalable and reliable and able  
2245 to meet both current and future broadband needs of consumers  
2246 and businesses?

2247 \*Mr. Halley. Yes.

2248 \*Mr. Spalter. Yes.

2249 \*Ms. Pies. Yes.

2250 \*Mr. Garner. Absolutely.

2251 \*Ms. McClellan. Do you all agree there is no one-size-  
2252 fits-all technology capable of meeting the ever-increasing  
2253 upload and download needs of consumers in all geographies at  
2254 the same level at the same cost?

2255 \*Mr. Halley. Yes.

2256 \*Mr. Spalter. Yes.

2257 \*Ms. Pies. Absolutely, and that is who INCOMPAS  
2258 represents.

2259 \*Mr. Garner. Yes.

2260 \*Ms. McClellan. Thank you. Do you agree that the  
2261 segments of the country that are not currently connected, by  
2262 their very nature, are more expensive to connect or more  
2263 difficult to connect because of geography or other factors,  
2264 and if they could be connected using a least-cost model they

2265 would already be connected now, without Federal funding?

2266 \*Mr. Halley. Yes, yes.

2267 \*Ms. Pies. Did you ask if they would already be  
2268 connected today?

2269 \*Ms. McClellan. Without Federal funding, yes.

2270 \*Ms. Pies. In some instances, yes.

2271 \*Ms. McClellan. Okay, thank you.

2272 \*Mr. Garner. Yes.

2273 \*Ms. McClellan. All right. Thank you for that table-  
2274 setting.

2275 With the June restructuring notice, NTIA made clear that  
2276 it would prioritize lowest-cost bids over long-term  
2277 connectivity in an attempt to root out so-called waste,  
2278 fraud, and abuse. Mr. Garner, I particularly appreciate your  
2279 testimony underscoring that permitting is simply a process,  
2280 but scalable and reliable connectivity is the actual ultimate  
2281 goal.

2282 We have seen how badly a cheap approach can go.  
2283 Virginia stands to lose about \$82 million in Federal funding  
2284 due to grant award winners who defaulted in the Rural Digital  
2285 Opportunity Fund and walked away from their commitment  
2286 because they didn't have the capacity to fill those needs.  
2287 Mr. Garner, can you share some of the other lessons the Trump  
2288 Administration should have learned the last time it chose to  
2289 prioritize lowest-cost bids rather than long-term service

2290 quality?

2291 \*Mr. Garner. Yes, designing a broadband infrastructure  
2292 grant program around a race to the bottom bidding process is  
2293 not a way to get high-quality broadband networks to our most  
2294 vulnerable communities. That is what we learned in RDOF, and  
2295 that is what they are turning BEAD more towards.

2296 \*Ms. McClellan. And what communities will pay the price  
2297 and be hit the hardest if these projects are delayed any  
2298 further or not built at all?

2299 \*Mr. Garner. They will not get the same sort of  
2300 broadband that we enjoy, the broadband that is needed to  
2301 thrive today and in the future.

2302 \*Ms. McClellan. And would you all agree that if  
2303 broadband is physically available but not affordable, it is  
2304 not available for our consumers?

2305 \*Mr. Garner. Absolutely. If you can't afford it, you  
2306 don't have it.

2307 \*Ms. McClellan. Does anybody disagree?

2308 Okay. With the Affordable Connectivity Project gone and  
2309 the Universal Service Fund on an unsustainable trajectory,  
2310 and now the Trump Administration gutting the low-cost service  
2311 option under BEAD, Mr. Garner, without a clear strategy to  
2312 keep service affordable, how do we ensure that no household  
2313 or small business is left behind, even when the broadband  
2314 infrastructure physically reaches their communities?

2315           \*Mr. Garner. We have severely limited tools now because  
2316 we have lost the ACP and the affordability requirements in  
2317 BEAD. So we need to build new ones.

2318           \*Mr. Halley. May I address that?

2319           \*Ms. McClellan. Yes.

2320           \*Mr. Halley. One thing I think we should also  
2321 acknowledge is the best thing we can do is make this the most  
2322 competitive communications marketplace possible. And one of  
2323 the benefits of permitting and the importance of this hearing  
2324 is that, if we do get permitting right, you will get more  
2325 wireless infrastructure deployed, you will have more wireless  
2326 connectivity.

2327           The technology that is driving competition in the home  
2328 marketplace today and mobile marketplace is wireless  
2329 connectivity. So we should look -- talk about, you know,  
2330 subsidy programs, and we should look at USF reform as the  
2331 bipartisan working group is doing. But we should also focus  
2332 on policies that make sure the \$30 billion annually that the  
2333 wireless industry invests is put to use as quickly and  
2334 efficiently as possible. And that is why permitting reform  
2335 actually does matter for the affordability question, because  
2336 it creates more competition, and more competition brings  
2337 prices down. So it is -- I think we need to look at it very  
2338 holistically.

2339           \*Ms. McClellan. And my time has expired, but I do just

2340 want to say we need to look at it holistically. And so while  
2341 permitting reform is part of the problem, I think we have  
2342 touched on reliability, connectivity, and affordability are  
2343 also equally important if we are going to leave no community  
2344 behind.

2345           And with that, unfortunately, I have to yield back my  
2346 time.

2347           \*Mr. Hudson. I thank the gentlelady and I will  
2348 recognize the gentleman from Texas, Mr. Pfluger, for five  
2349 minutes.

2350           \*Mr. Pfluger. Thank you, Mr. Chairman, an important  
2351 topic, one that I hope will be bipartisan and that we can  
2352 stay focused on.

2353           This Congress I am leading the Federal Broadband  
2354 Deployment Tracking Act with Congressman Soto to improve  
2355 transparency and efficiency in the broadband deployment  
2356 process. And our legislation, which unanimously passed the  
2357 House last year, would require the NTIA to submit a  
2358 comprehensive plan to Congress detailing how they will track  
2359 permit applications to deploy on Federal lands, which are  
2360 essential for accessing easements and rights of way to build  
2361 and maintain telecommunications. So a couple of questions  
2362 here, and I will start with Mr. Spalter.

2363           Can you help underscore the need for this legislation?  
2364 And specifically provide maybe some examples of where one of

2365 your member companies had crews ready, equipment purchased,  
2366 and Federal funds allocated, but the project was delayed  
2367 simply because a permit sat on somebody's desk?

2368 \*Mr. Spalter. In north central Ohio is one example  
2369 where we have had crews ready, spools deployed, forward-  
2370 deployed, ready to go, but we have been waiting and waiting  
2371 and waiting for permits, particularly from a railroad line.

2372 In California we have seen multiple situations. One  
2373 recently, 656 locations failed to be able to be served  
2374 because of delays where our crews and our infrastructure and  
2375 our capital was on the line, waiting for approvals that never  
2376 came, and so the provider decided they had to go walk.

2377 This is outrageous. It needs to be actually fixed. And  
2378 your bill, in particularly driving forward efficiencies on  
2379 299 applications is one of the many ways forward.

2380 It also requires a whole-of-government approach. We are  
2381 really grateful that NTIA has undertaken its broadband task  
2382 force to regularize how we can work across agencies, but it  
2383 is initiatives and innovations like your legislation that are  
2384 going to get us there.

2385 \*Mr. Pfluger. Thank you very much.

2386 Ms. Pies, applying for a permit to deploy broadband on  
2387 Federal land can be lengthy and frustrating, as we just  
2388 heard. How can we improve the process of getting a permit to  
2389 deploy on Federal lands?

2390           \*Ms. Pies. Thank you for the question. I absolutely do  
2391 believe that your bill would be an improvement. As I  
2392 mentioned recently, the utilization of technology, whether it  
2393 is online tools, a digital portal, the use of AI-driven  
2394 software, can make that process much more efficient and much  
2395 more effective. And some of the proposals that you have in  
2396 your legislation would absolutely solve that piece of the  
2397 puzzle.

2398           \*Mr. Pfluger. Thank you very much.

2399           And Mr. Halley, do you have anything to add on the  
2400 wireless side?

2401           \*Mr. Halley. Yes, I want to associate myself with both  
2402 of the comments that they just made on the wireless context,  
2403 as well, and I really do appreciate the legislation that you  
2404 have put forward because we do need to have increased  
2405 coordination across agencies and, frankly, increased  
2406 coordination between agencies and industry.

2407           So whether it is legislation like yours, which would  
2408 require that coordination, or the development of portals to  
2409 improve the technology that the agencies use, it is all very  
2410 important. I was talking to one of our members earlier this  
2411 week, and they were telling me about a project on Bureau of  
2412 Reclamation land in California, where the state historic  
2413 preservation officer about two-and-a-half years ago approved  
2414 their plan to move forward. Two-and-a-half years later they

2415 are still waiting for approval from the Bureau of  
2416 Reclamation. That is not acceptable.

2417 \*Mr. Pfluger. No. It is no wonder the frustration is  
2418 so high when you have to compete against the government, you  
2419 know, not at the speed of commerce.

2420 The Trump Administration and NTIA's recent benefits and  
2421 bargain round has streamlined the BEAD program, and has  
2422 removed unnecessary regulations which have lowered the cost  
2423 of the -- of BEAD by tens of billions of dollars. Ms. Pies,  
2424 could enacting the bills before us today further create  
2425 savings for BEAD?

2426 \*Ms. Pies. Yes. I think to the extent that the  
2427 permitting process is streamlined, that we remove  
2428 inefficiencies, that we create greater transparency and  
2429 ensure that agencies are working from the same database of  
2430 information, the broadband provider can cut costs and save  
2431 money.

2432 One thing that I think is a little bit difficult to  
2433 assess is when a broadband provider is seeking to be a sub-  
2434 grantee they have to submit their costs in advance. So to  
2435 the extent that they understand where those efficiencies can  
2436 be gained, it can improve the process overall.

2437 \*Mr. Pfluger. Thank you very much.

2438 Mr. Chairman, it just occurred to me, you know, we have  
2439 had a little bit of a talk of freedom of speech. And I just

2440 had an opportunity to meet with some veterans who on both  
2441 sides of the aisle are calling for unity after this -- the  
2442 tragedy. And so instead of, you know, being here talking  
2443 about -- you know, just continuing to add to the nonsense,  
2444 they are actually doing something about it. It would be nice  
2445 if everyone would do that.

2446 And there is a difference between freedom of speech and  
2447 a company's right to terminate employment with somebody for  
2448 insensitive remarks, which I think is really important.

2449 So I appreciate your leadership on everything, and  
2450 especially having this hearing. I yield back.

2451 \*Mr. Hudson. I thank the gentleman and I apologize to  
2452 our witnesses. There are two roll call votes on the House  
2453 floor. Time has expired, so we are going to need to rush  
2454 down. So the committee will stand in recess until 10 minutes  
2455 after the last roll call vote is called.

2456 [Recess.]

2457 \*Mr. Allen. [Presiding.] The committee will reconvene,  
2458 and I will call on Representative Carter from the great State  
2459 of Georgia for his five minutes of questioning.

2460 \*Mr. Carter of Georgia. Thank you, Mr. Chairman, and  
2461 thank you all for enduring this and hanging around. We  
2462 appreciate you being here very much.

2463 Look, one of my top priorities is to close the digital  
2464 divide. I represent the coast of Georgia, and a lot of my

2465 district is south Georgia. And we have a saying in Georgia.  
2466 There are two Georgias, there is Atlanta and everywhere else.  
2467 Well, I represent everywhere else. And we need to close that  
2468 digital divide, and we need to have affordable and reliable  
2469 connectivity.

2470 Another priority of mine is helping the U.S. maintain  
2471 the leadership on broadband and on wireless innovation. And  
2472 that is very important, as well.

2473 You know, the past four years under the Biden  
2474 Administration there has been a disaster for broadband  
2475 development, our deployment and expansion throughout America,  
2476 and we are trying to fix that. This Congress I reintroduced  
2477 the Proportional Reviews for Broadband Deployment Act which  
2478 expedites the process for certain modifications to wireless  
2479 towers or base stations. No need for us to go through the  
2480 entire process every time if you are just doing some minor  
2481 adjustments or minor changes.

2482 Specifically, it exempts the addition, removal, or  
2483 replacement of transmission equipment on those towers or  
2484 stations from environmental and historic preservation  
2485 reviews.

2486 Mr. Halley, let me ask you, should these simple  
2487 modifications require a lengthy review process?

2488 \*Mr. Halley. Mr. Carter, they should not, and I want to  
2489 thank you for your leadership not only this Congress, but

2490 last Congress on recognizing the importance of having rules  
2491 and regulations that are predictable, proportionate, and  
2492 transparent. And what your bill recognizes is that when  
2493 infrastructure has already been sited and you are making a  
2494 modification to it or an upgrade, we shouldn't have to start  
2495 from scratch. That just doesn't make any sense.

2496 \*Mr. Carter of Georgia. Well, I appreciate that.

2497 You know, we -- I have a lot of businesses come into --  
2498 a lot of business leaders come into my office. And  
2499 regardless of what sector of our economy they are talking  
2500 about, whether it be health care, technology, or energy, it  
2501 is always the same thing: permitting, regulations crushing  
2502 us, crushing us. And they want that certainty, that  
2503 certainty that you are talking about. That is what they  
2504 want.

2505 Let me ask you as a follow-up, Mr. Halley, how long is  
2506 the average timeline until completion for one of these  
2507 permitting reviews?

2508 And how would this legislation improve the quality and  
2509 timeliness of broadband deployment in America?

2510 \*Mr. Halley. So the -- it really depends, honestly, on  
2511 which jurisdiction or which Federal agency you are working  
2512 with.

2513 What I will say is the good news is over the last decade  
2514 local communities and local governments understand the

2515 importance of having that connectivity. So overall, we have  
2516 a pretty productive partnership with local governments. But  
2517 there are times -- for example, there is -- I was talking to  
2518 one of our members earlier yesterday about delays in a county  
2519 in California, where, on average, things are taking 12 to 18  
2520 months for a single site review. And that is just way too  
2521 long for infrastructure that that community needs.

2522 \*Mr. Carter of Georgia. And that is why we are trying  
2523 to put stop clocks on some of these things, and trying to  
2524 expedite the process. We want to make sure it is done right,  
2525 and we want to make sure that -- you know, we want the  
2526 autonomy of the local governments. But come on, this is  
2527 important, and it is needed immediately, and we need to get  
2528 this done.

2529 Are there any types of barriers that are unique to  
2530 wireless facilities compared to wireless broadband when it  
2531 comes -- or wireline broadband when it comes to permitting?  
2532 Are there any big differences?

2533 \*Mr. Halley. Well, it is a different type of  
2534 infrastructure when you are talking about a tower or a small  
2535 cell compared to deploying fiber. You know, it is a  
2536 different type of project. I think there are a lot of  
2537 commonalities, though.

2538 And one of the things that I think is really great about  
2539 the bills that are being considered by this committee today

2540 is it recognizes the difference for different types of  
2541 projects. So, for example, when we are modifying an existing  
2542 structure, for example, the shot clock there is 60 days.  
2543 When we are talking about shot clock on a brand-new build  
2544 where we haven't previously deployed, it is a longer period.  
2545 That makes sense, right? It is a proportional perspective,  
2546 where the amount of time where local governments get is  
2547 commensurate to the type of project that is being deployed,  
2548 and that makes total sense.

2549       \*Mr. Carter of Georgia. So NEPA and also the National  
2550 Historic Preservation Act, they have seemed to become quite  
2551 problematic when you are trying to navigate the permit  
2552 approval process. How can we streamline NEPA and the  
2553 National Historic Preservation Act?

2554       \*Mr. Halley. Well, I think it goes back to a  
2555 recognition, again, of the principles that we have been  
2556 advocating for about proportionality, predictability,  
2557 transparency.

2558       You know, we do have requirements under NEPA and NHPA  
2559 for environmental and historic review, and we are --  
2560 understand what that process looks like. But again, I think  
2561 we need to make sure that we don't have the same processes  
2562 that can sometimes take -- make a project go from what should  
2563 be months to years when we are talking about rules that apply  
2564 to a new build, again, versus something that has already been

2565 approved.

2566           If we have already disturbed the ground, if we have  
2567 already done the historical review in the first place for a  
2568 project, we certainly shouldn't have to do it again when we  
2569 are just modifying an existing structure. And a lot of these  
2570 bills recognize that, and I think it is important.

2571           \*Mr. Carter of Georgia. And I appreciate that. And  
2572 being from Savannah, Georgia, let me tell you I know all  
2573 about historical reviews. Thank you all, and thank you very  
2574 much.

2575           And I yield back, Mr. Chairman.

2576           \*Mr. Allen. The gentleman yields, and now I will call  
2577 on Dr. Joyce from Pennsylvania for his five minutes of  
2578 questioning.

2579           \*Mr. Joyce. Thank you, Mr. Chairman, and thank you,  
2580 Ranking Member Matsui, for allowing me to join in this  
2581 important hearing.

2582           Even in a time of technological innovation and  
2583 advancement, people across this great land remain  
2584 unfortunately, unconnected. Broadband deployment is hindered  
2585 by burdensome regulations and processes that leave people  
2586 without that necessary access. In the district that I  
2587 represent in Pennsylvania, rural areas lack broadband  
2588 coverage and it is critical that we in Congress work to  
2589 expedite broadband permitting to bridge that digital divide

2590 that rural communities face each and every day.

2591 Last week I introduced H.R. 5273, the Broadband  
2592 Competition and Efficient Deployment Act. This legislation  
2593 would remove the requirement to prepare an environmental or  
2594 historic preservation review in order to add or upgrade  
2595 wireline facilities. These unnecessary review requirements  
2596 are just one of the examples of barriers that can delay or  
2597 even prevent broadband deployment.

2598 Mr. Spalter, in your testimony you referenced several  
2599 instances of environmental and historical reviews delaying  
2600 broadband deployment projects, sometimes, unfortunately, by  
2601 years. Would you please speak to the impact that removing  
2602 this requirement would have on the deployment efforts  
2603 particularly in rural areas like the one that I serve, which  
2604 are so under-achieving when it comes to connectivity?

2605 \*Mr. Spalter. Thank you, Congressman Joyce, not only  
2606 for your leadership in this bill, but also for your leaning  
2607 in with innovation and force on making sure that we can  
2608 address railroad rights of ways in reasonable, thoughtful  
2609 ways.

2610 Look, we absolutely believe in a couple of principles  
2611 that are embedded in your bill. One is that we have to be  
2612 able to have improved processes, including de-duplication.  
2613 Second is we have to have what we have talked about earlier,  
2614 which is certainty. We have to have clear timelines that are

2615 acceptable to consumers, to your constituents to be able to  
2616 deliver that broadband without undue, intractable delay. And  
2617 third, we have to have national baseline standards that, when  
2618 there are rare instances of impasses between state and local  
2619 authorities and those seeking permits, there can be  
2620 essentially a last-ditch recourse that we can refer to at a  
2621 national level. So we appreciate your initiative and we  
2622 really do support your work.

2623       \*Mr. Joyce. Thank you very much. You brought up, Mr.  
2624 Spalter, the barrier that providers face in getting broadband  
2625 to the other side of railroad tracks due to the long process  
2626 that delays service to rural and suburban communities. I am  
2627 the grandson of railroad workers, and in this Congress I plan  
2628 to introduce the Broadband and Telecommunications Rail Act,  
2629 legislation that would streamline the process of broadband  
2630 infrastructure in an intersection between the right -- the  
2631 public right of way and a rail corridor. The rail connected  
2632 people in generations in the past. Connections need to  
2633 continue, and we need to be able to work together.

2634       Ms. Pies, can you explain the problems that providers  
2635 face in deploying broadband with the public right of way  
2636 intersects with that of a rail corridor?

2637       Is the current notification and application process  
2638 efficient for broadband providers?

2639       \*Ms. Pies. The current process is not efficient --

2640 excuse me -- for broadband providers to be able to cross  
2641 railways. Where the public right of way intersects with the  
2642 railway, the provider should be able to provide notification  
2643 to the railway and have the authority to be able to access  
2644 the right of way from the local jurisdiction using standard  
2645 engineering techniques as well as safety standards -- should  
2646 be able to cross the railway with that notification process.

2647 \*Mr. Joyce. So connection at another level is what you  
2648 are telling me. Just as the rail provided the connection  
2649 from community to community, broadband has those capabilities  
2650 of doing it today. So what are the challenges because of the  
2651 fees that the railroads provide that intersect, that stop  
2652 this connectivity from occurring?

2653 \*Ms. Pies. The fees are a significant problem, and I  
2654 appreciate you highlighting that. It is often the case that  
2655 the railway will notify our broadband providers that a  
2656 specific fee is due, and there is no connection to safety or  
2657 the actual cost to the railway for that fee. That creates  
2658 additional costs for the broadband provider, which, in many  
2659 ways, creates a deterrent. And in some instances you are  
2660 going to have broadband providers plan their network so that  
2661 they don't have to cross the railway, which --

2662 \*Mr. Joyce. We don't need any additional deterrents in  
2663 rural areas.

2664 \*Ms. Pies. Exactly.

2665           \*Mr. Joyce. We have to be able to address this. And as  
2666 we work to address broadband permitting and deployment, it is  
2667 essential that we make every effort to streamline the  
2668 process, remove burdensome regulations, and ensure that  
2669 broadband is deployed quickly.

2670           The Broadband Competition and Efficient Deployment Act  
2671 will remove unnecessary review requirements so that we can  
2672 take a step in the right direction. I look forward to  
2673 introducing and working with railroads, with providers, and  
2674 other stakeholders on the RAIL Act to ensure that this  
2675 process is fair, that it is efficient, and that it is  
2676 effective for all that are involved. We must work together  
2677 toward solutions that expedite permitting to bring broadband  
2678 infrastructure to every single Americans.

2679           Thank you for being here.

2680           Thank you, Mr. Chairman, and I yield back.

2681           \*Ms. Pies. Thank you.

2682           \*Mr. Allen. The gentleman yields. I now recognize  
2683 Representative Landsman from Ohio for five minutes of  
2684 questioning.

2685           \*Mr. Landsman. Thank you, Chairman, Ranking Member.  
2686 And Mr. Joyce, before he gets out of here, thank you for your  
2687 leadership on this bill. This is a really important bill.  
2688 And, you know, I am glad that you all are here testifying on  
2689 the need for permitting reform.

2690           Just so folks that are watching and are trying to figure  
2691 out what this is all about, the railroad piece is, I think,  
2692 one of the more simple, you know, easier pieces to do. There  
2693 are some, you know, questions that we still have around labor  
2694 and existing CBAs, but if a broadband company is trying to  
2695 get broadband out to communities and they happen to, you  
2696 know, come across a railroad, you know, where the right of  
2697 way, the public right of way crosses the private railroad  
2698 property, we should be able to move forward with the  
2699 broadband and our broadband providers should not be facing  
2700 the kind of obstacles they face now. This is one of -- not  
2701 the core reasons, but one of the reasons why we are  
2702 struggling to get broadband to the places we need to get it.

2703           I am a big believer that we, as a United States Congress  
2704 and as a country, have to adopt a broadband-everywhere  
2705 policy, where we appreciate just how critical access to the  
2706 Internet and broadband is. And, you know, I would love  
2707 anyone -- Ms. Pies, maybe you could start us off.

2708           Could you -- and this is along the same lines as Dr.  
2709 Joyce, but if you could, just talk a little bit about what  
2710 obstacles -- describing the obstacles that a broadband, you  
2711 know, company faces now when they reach that point at that  
2712 intersection, and what this bill would do to remove those  
2713 obstacles.

2714           \*Ms. Pies. Yes. Thank you for that question. We

2715 appreciate your support for the principles in the  
2716 legislation, as well.

2717 INCOMPAS providers very often have to cross railroads,  
2718 more often in rural areas of the country. And as we  
2719 discussed already, not being able to cross the railroad in a  
2720 reasonable period of time or at a cost that reflects the  
2721 actual cost creates another digital divide and defeats your  
2722 goal of bringing broadband everywhere.

2723 These problems exist in railways around the country, not  
2724 just in a single location.

2725 \*Mr. Landsman. Yes.

2726 \*Ms. Pies. And the costs are often not linked to actual  
2727 -- I am sorry, the price being charged is often not linked to  
2728 actual costs.

2729 I think one thing that is really important for everybody  
2730 to remember is that being able to cross the railroad and pay  
2731 actual costs is not exclusive of focus on safety and focus on  
2732 the workforce.

2733 \*Mr. Landsman. Sure, yes.

2734 \*Ms. Pies. We can have all those things --

2735 \*Mr. Landsman. Of course.

2736 \*Ms. Pies. -- at once. And having guidelines and  
2737 having the FCC in the position of being able to establish  
2738 those cost guidelines makes the process easier and helps us  
2739 achieve the goal of broadband everywhere.

2740 \*Mr. Landsman. Thank you.

2741 Yes?

2742 \*Mr. Spalter. Well, first I would like to thank you,  
2743 Mr. Landsman, for your bipartisan agreement that this is  
2744 something that we can join nationally to get more broadband  
2745 to where it is needed.

2746 By streamlining permitting with respect to our railroad  
2747 rights of ways, we will be able to accomplish that. And your  
2748 bill actually provides a pathway for us to do so. Often  
2749 times it is not just that we are getting prices for fees that  
2750 are unmoored to reality or linked to safety, but we are also  
2751 getting situations where there is indifference --

2752 \*Mr. Landsman. Yes.

2753 \*Mr. Spalter. -- and indifference that causes delays,  
2754 sometimes in months.

2755 \*Mr. Landsman. They don't care. It is not --

2756 \*Mr. Spalter. They don't care.

2757 \*Mr. Landsman. It is not top of mind for them.

2758 \*Mr. Spalter. Or it is a profit center.

2759 \*Mr. Landsman. Yes.

2760 \*Mr. Spalter. So thank you for your initiative, and we  
2761 are going to do whatever we can to support your work.

2762 \*Mr. Landsman. Thank you. Anyone else?

2763 All right. I just, you know, I appreciate the work that  
2764 Mr. Joyce has put into this, and he really is a leader on

2765 permitting reform. Again, our only question is existing CBAs  
2766 and making sure those are protected. But, you know,  
2767 hopefully this will get done.

2768 Thank you. I yield back.

2769 \*Mr. Allen. The gentleman yields. Now I call on  
2770 Representative Fedorchak of North Dakota --

2771 \*Mrs. Fedorchak. Stumbles every --

2772 \*Mr. Allen. -- for your five minutes of questioning.

2773 \*Mrs. Fedorchak. Fedorchak is right. You got it, Mr.  
2774 Chair.

2775 \*Mr. Allen. Did I get that right?

2776 \*Mrs. Fedorchak. Yes, it is Fedorchak.

2777 \*Mr. Allen. Fedorchak.

2778 \*Mrs. Fedorchak. Yes, thank you.

2779 Thank you all for your attention and your time today. I  
2780 appreciate your leadership on these issues and your sticking  
2781 with us through kind of a herky-jerky hearing schedule today.  
2782 I am pleased to be here before you to talk about the Cable  
2783 Expansion Act and other legislation relating to permitting  
2784 reform in this important space.

2785 September 30 is a deadline that a lot of us here are  
2786 focused on in terms of budget discussions. It is also  
2787 another interesting deadline. It is the day the old AOL  
2788 dial-up Internet sound will retire. And I mentioned that  
2789 because, if you remember -- and I see some nodding heads of

2790 remembrance, even some of the young folks here, if you don't  
2791 remember -- but what we think about when we think of that  
2792 dial tone is how slow the Internet was. And so I think it is  
2793 important to use that as a trigger that, you know, we have  
2794 made leaps and bounds in the technology since those days of  
2795 that old AOL dial tone for Internet connection.

2796         AI, we have got 5G, we have got so many advances, but  
2797 our permitting process is still stuck in the old, like, AOL  
2798 dial tone kind of mentality. We are so stuck in that, and we  
2799 have to bring our permitting processes up to the modern age,  
2800 and to meet the demands of the time that we are in right now  
2801 where we need to get this infrastructure out quickly. So I  
2802 am excited about a lot of the bills that the committee has  
2803 been talking about today, and I am pleased that you all were  
2804 willing to spend time talking about them with us.

2805         A few questions. So Congress has considered legislative  
2806 frameworks to steer -- set clear timelines for Federal  
2807 agencies to act on broadband permitting applications for some  
2808 time now. I am committed to working toward lasting  
2809 legislative solutions, while at the same time I believe the  
2810 executive branch can do a fair amount of permitting reforms  
2811 through their executive orders that Congress can ultimately  
2812 codify.

2813         So Jonathan, would you talk to me a little bit about  
2814 this? Is there a scenario where you would welcome an

2815 executive order to implement the policies reflected before us  
2816 today across all of Federal management agencies, even as  
2817 Congress works to pass laws, these laws?

2818 \*Mr. Spalter. Yes, we believe this is a whole-of-  
2819 government issue to solve, and an executive order could help  
2820 direct Federal land agencies to adopt clear timelines with  
2821 certainty.

2822 But at the same time, we think that it is this body,  
2823 Congress, that we would prefer to actually establish a  
2824 durable, bipartisan, long-term solution that will allow us to  
2825 transcend administrations and make sure that the project of  
2826 connecting our country to the absolute gold standard, which  
2827 is fiber broadband, can happen and we no longer have to  
2828 provide second-class service like the honk and screech of AOL  
2829 any time -- anymore.

2830 \*Mrs. Fedorchak. Yes, honk and screech, that is good.  
2831 Thank you. I appreciate that.

2832 Mr. Halley, how would the bills before us today,  
2833 including the Cable Expansion Act, help wireless providers  
2834 more efficiently deploy towers, small cells, and rooftop  
2835 facilities that are essential for AI-driven applications?

2836 \*Mr. Halley. Thank you very much for the question.  
2837 Your bill and many of the other bills that are being  
2838 considered really are directly consistent with our three  
2839 principles.

2840           And I say it all the time, and I am going to say it  
2841 again. We think these -- that the process needs to be  
2842 predictable. And by that I mean local regulations that are  
2843 consistent with Federal law, contain objective application  
2844 review criteria with clear, workable design standards.

2845           And they need to be proportionate. Fees and levels of  
2846 required review should be commensurate with the nature of the  
2847 undertaking. Upgrades and modifications of existing  
2848 structures shouldn't require the same review as a brand-new  
2849 build.

2850           And finally, they need to be transparent, right? We  
2851 need a process where everybody understands where we are in  
2852 the process and how we can work together to get the project  
2853 approved.

2854           \*Mrs. Fedorchak. Excellent, thank you. Hopefully, we  
2855 can get there in a bipartisan way.

2856           \*Mr. Halley. I think we can.

2857           \*Mrs. Fedorchak. I am optimistic --

2858           \*Mr. Halley. And I love talking about permitting, so  
2859 this is super fun for me. So thank you.

2860           \*Mrs. Fedorchak. Excellent. I do, too.

2861           So Staci, last question. You have described railroad  
2862 crossings as a major bottleneck. How would the Cable  
2863 Expansion Act, along with the RAIL Act, address these  
2864 challenges and accelerate broadband projects?

2865           \*Ms. Pies. I think those two bills together, working  
2866 hand in hand, very much like what we are advocating for  
2867 across the government, can ensure that all providers can  
2868 cross railroads in an efficient way and an effective way,  
2869 guarding for safety, ensuring that liability insurance is in  
2870 place.

2871           And thinking about your legislation and the types of  
2872 providers who would benefit under yours, we can have a full,  
2873 all-of-the-above approach to delivering broadband. It is not  
2874 dependent on a single technology, and we look forward to  
2875 making sure that that happens, and we would love to continue  
2876 to talk to you about that.

2877           \*Mrs. Fedorchak. Excellent. Very good. Thank you.  
2878 Mr. Chairman, I yield back.

2879           \*Mr. Allen. Okay, we are concluded here. I don't see  
2880 any more members.

2881           I ask unanimous -- so to wrap things up, I ask unanimous  
2882 consent to insert in the record the documents included on the  
2883 staff hearing documents list.

2884           Without objection, so ordered.

2885           [The information follows:]

2886

2887           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

2888

2889           \*Mr. Allen. Seeing there are no further members wishing  
2890 to be recognized, I would like to thank our witnesses again  
2891 for being here today.

2892           Sorry for the interruption, but we have to vote around  
2893 here, so -- but you all are very kind to take your time to be  
2894 with us.

2895           And I remind members that they have 10 business days to  
2896 submit questions for the record, and I ask the witnesses to  
2897 respond to questions promptly. Members should submit their  
2898 questions by the close of business on Thursday, October 2.

2899           Without objection, the subcommittee is adjourned.

2900           [Whereupon, at 5:28 p.m., the subcommittee was  
2901 adjourned.]