



THE UNITED STATES
CONFERENCE OF MAYORS



April 19, 2023

The Honorable Bob Latta
Chairman, Communications and Technology Subcommittee
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Latta, Vice Chairman Carter, and Ranking Member Matsui:

On behalf of the nation's counties, cities, towns and villages, the National League of Cities, United States Conference of Mayors, National Association of Counties and the National Association of Telecommunications Officers and Advisors thank the Committee for its attention to the matter of removing barriers to broadband deployment. As the national associations representing elected and appointed local government officials, we appreciate the opportunity to provide input on this important topic.

As our federal agencies embark on the most ambitious one-time federal investment ever made in broadband infrastructure and adoption through the programs created by COVID relief programs and the Bipartisan Infrastructure Law, it is critical that we ensure the value of these funds is maximized.

Local leaders are eager to partner with state and federal agencies to realize our shared goal of affordable, high-quality broadband access for every household, community anchor, and business. We are committed to assisting Congress in the successful deployment of broadband infrastructure and services throughout this nation, and we stand willing to provide its assistance and support as a resource in this regard.

Local governments have been partners with both the wireline and wireless industries in local infrastructure deployment successfully through decades of evolving technical deployments. We continue to be the industries' partner in bringing about such deployments. Congress need not act in this area, and certainly not before local government is given the opportunity to show why such actions are both unnecessary and unconstitutional.

We support legislation to remove barriers to local investment in broadband infrastructure, such as the Community Broadband Act (H.R. 2552). Residents in every state deserve the opportunity to decide locally whether public investment in or ownership of broadband infrastructure is the right choice for their community. Having these options available ensures that federal, state, and local infrastructure investments promote consumer choice, competition, and innovation.

We also support efforts to appropriately speed infrastructure deployment on federal lands and minimize red tape for projects requiring federal permits, an issue that impacts rural communities and gateway communities to natural recreation areas in particular. We applaud ongoing and future efforts to promote interagency coordination and collaboration on program requirements and

application processes, which can help smaller, less-resourced communities apply for and successfully obtain federal funding and financing opportunities.

As the level of government closest to the people, we oppose heavy-handed federal overreach into local land use, permitting, and franchise negotiation decisions. Many of the bills the Subcommittee will consider during this hearing would preempt or undermine the property rights of local governments and local governments' police powers to protect and preserve the safety, well-being, and aesthetics of their communities, which Congress and the Constitution have long recognized. Congress has historically recognized these rights in Sections 224, 253 and 332 of the Telecommunications Act.

These authorities are critical to conduct responsible stewardship of public property, protect public safety, and preserve the rights of residents as consumers of broadband services and neighbors to the infrastructure that makes connectivity possible. We fear the unintended consequence of some of these bills will be to impose costs on local governments, burdens on our taxpayers, interference with public safety and otherwise harm local protections that are the heart of localism without substantively improving broadband deployment.

We look forward to partnering with the members of the Committee to eliminate the digital divide. The future social and economic success of our communities depends on our collective efforts.

Sincerely,



Clarence Anthony
CEO and Executive Director
National League of Cities



Tom Cochran
CEO and Executive Director
The United States Conference of Mayors



Matthew D. Chase
CEO/Executive Director
National Association of Counties



Tonya Rideout
Executive Director
The National Association of Telecommunications
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Cc: Members of the House Energy and Commerce Committee

If you have any questions, please contact:

The **National League of Cities (NLC)** is the voice of America's cities, towns and villages, representing more than 200 million people. NLC works to strengthen local leadership, influence federal policy and drive innovative solutions. Contact: Angelina Panettieri, Legislative Director for Information Technology and Communications, at 202-626-3196 or panettieri@nlc.org.

The **National Association of Counties (NACo)** provides essential services to the nation's 3,069 counties, serving nearly 40,000 county elected officials and 3.6 million county employees. Since 1935, NACo unites county officials to advocate county priorities in federal policymaking and optimize county and taxpayer resources and cost savings while promoting exemplary county policies and practices. Contact: Seamus Dowdall, Assoc. Legislative Director, Telecommunications & Technology at 202-942-4212 or sdowdall@naco.org.

The **United States Conference of Mayors (USCM)** is the official nonpartisan organization of cities with populations of 30,000 or more. There are 1,400 such cities in the country today. Each city is represented in the Conference by its chief elected official, the mayor. The Conference's Task Forces examine and act on issues that demand special attention such as civic innovation, exports, hunger and homelessness, and brownfields, transportation and technology. Contact: David W. Burns, Assistant Executive Director, at 202-861-6765 or dburns@usmayors.org.

The **National Association of Telecommunications Officers and Advisors' (NATOA)** 400 members are local government staff and their advisors offering a wealth of experience and expertise on public rights-of-way management telecom work and communications issues on behalf of local government related to broadband, wireless, cable television, public, educational, and government (PEG) access, public safety communications, consumer protection and PROW management. Contact: Mike Lynch, Legislative Affairs Director, 703-519-8035, x202 or MLynch@NATOA.org.