

Hon. Sara C. Bronin
Chair

Jordan E. Tannenbaum
Vice Chairman

Reid J. Nelson
Executive Director



May 31, 2024

The Honorable Cathy McMorris Rodgers
Chair, Energy and Commerce Committee
U.S. House of Representatives
Rayburn House Office Building, 2125
Washington, DC 20515

The Honorable Frank Pallone Jr.
Ranking Member, Energy and Commerce Committee
U.S. House of Representatives
Rayburn House Office Building, 2125
Washington, DC 20515

The Honorable Bruce Westerman
Chair, Natural Resources Committee
U.S. House of Representatives
Longworth House Office Building, 1324
Washington, DC 20515

The Honorable Raúl Grijalva
Ranking Member, Natural Resources
U.S. House of Representatives
Longworth House Office Building, 1324
Washington, DC 20515

Dear Chair Rodgers, Chair Westerman, Ranking Member Pallone, and Ranking Member Grijalva:

The Advisory Council on Historic Preservation (ACHP) would like to take this opportunity to provide comments on pending bills (identified below), which address environmental and historic preservation reviews and would exempt a variety of broadband projects from review under Section 106 of the National Historic Preservation Act (54 U.S.C. §306108) (Section 106). The ACHP is the independent federal agency that is charged with advising the President and Congress on historic preservation matters and with overseeing the Section 106 review process.

The ACHP has already streamlined review of many broadband projects and is positioned to work with federal agencies to explore further streamlining. Accordingly, the ACHP urges removal of the provisions in the following bills that would exempt projects from Section 106 review:

- Broadband Competition and Efficient Deployment Act (H.R. 3288)
- Brownfields Broadband Deployment Act (H.R. 3292)
- Coastal Broadband Deployment Act (H.R. 3311)
- Connecting Communities Post Disasters Act (H.R. 3301)
- Proportional Reviews for Broadband Deployment Act (H.R. 3291)
- Reducing Antiquated Permitting for Infrastructure Deployment (RAPID) Act (H.R. 3323)
- Reducing Barriers for Broadband on Federal Lands Act (H.R. 3297)
- Streamlining Permitting to Enable Efficient Deployment (SPEED) for Broadband Infrastructure Act (H.R. 3342)
- Timely Replacement Under Secure and Trusted for Early and Dependable (TRUSTED) Broadband Networks Act (H.R. 3280)
- Wildfire Communications Resiliency Act (H.R. 3296)
- Wireless Broadband Competition and Efficient Deployment Act (H.R. 3289 and H.R. 7376)

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

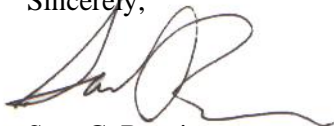
The ACHP appreciates the importance of improving broadband Internet access, particularly in rural areas, and is already working with relevant federal agencies and private industry to use our administrative powers to facilitate congressional investment in Internet access. Section 106 requires federal agencies to consider the effects of projects, carried out by them or subject to their assistance or approval, on historic properties. As a requirement of Section 106, federal agencies must assume responsibility for the consequences of such projects on historic properties and be publicly accountable for their decisions. The ACHP's regulations implementing Section 106 (36 C.F.R. Part 800) provide a variety of tools—known as program alternatives—to adapt and streamline the review process to the needs of agency programs. The ACHP already has four nationwide program alternatives in place regarding broadband projects that already apply (in whole or in part) to many of the projects addressed by the 11 bills referenced above.

Most recently, in March, at the request of the National Telecommunications and Information Administration, the ACHP amended the 2017 [Program Comment for Communications Projects on Federal Lands and Property](#) to expand the number of federal agencies that can utilize its streamlined review process. Other existing program alternatives that assist agencies in efficiently and effectively meeting their Section 106 responsibilities for communications projects include the [Program Comment To Avoid Duplicative Reviews for the Wireless Communications Facilities Construction and Modification](#); the [Nationwide Programmatic Agreement for Review of Effects on Historic Properties of Certain Undertakings Approved by the Federal Communications Commission](#); and the [Nationwide Programmatic Agreement for the Collocation of Wireless Antennas](#). The ACHP remains ready to continue working with relevant federal agencies to maximize use of these existing options and explore the potential for developing new program alternatives for communications projects.

Because of its successful track record in using its existing administrative authorities to fast-track critical agency reviews, the ACHP has consistently advised against the use of legislative exemptions, and Congress typically has agreed with such advice. The powerful tool of program alternatives simply negates the need for legislative exemptions from Section 106 review. Hence the ACHP urges removal of the provisions of the 11 bills referenced above that would exempt projects from Section 106 review.

Please feel free to contact me to discuss this matter; I would be happy to have the opportunity to meet with you or your staff. In addition, your staff may wish to follow up with Executive Director Reid Nelson at nelson@achp.gov. Thank you.

Sincerely,



Sara C. Bronin
Chair