

119TH CONGRESS
1ST SESSION

H. R. 278

To amend the Communications Act of 1934 to streamline siting processes for telecommunications service facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2025

Mr. GRIFFITH introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to streamline siting processes for telecommunications service facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Barriers and Regu-
5 latory Obstacles Avoids Deployment of Broadband Access
6 and Needs Deregulatory Leadership Act” or the
7 “BROADBAND Leadership Act”.

8 **SEC. 2. REMOVAL OF BARRIERS TO ENTRY.**

9 Section 253 of the Communications Act of 1934 (47
10 U.S.C. 253) is amended to read as follows:

1 **“SEC. 253. REMOVAL OF BARRIERS TO ENTRY.**

2 “(a) IN GENERAL.—No State or local statute or reg-
3 ulation, or other State or local legal requirement, may pro-
4 hibit or have the effect of prohibiting the ability of any
5 entity to provide or enhance the provision of any interstate
6 or intrastate telecommunications service.

7 “(b) PLACEMENT, CONSTRUCTION, OR MODIFICA-
8 TION OF TELECOMMUNICATIONS SERVICE FACILITIES.—

9 “(1) PROHIBITION ON DISCRIMINATION.—The
10 regulation of the placement, construction, or modi-
11 fication of a telecommunications service facility by a
12 State or local government or instrumentality thereof
13 may not discriminate—

14 “(A) among telecommunications service fa-
15 cilities—

16 “(i) based on the technology used to
17 provide services; or

18 “(ii) based on the services provided;

19 or

20 “(B) against telecommunications service
21 facilities, as compared to the regulation of the
22 placement, construction, or modification of
23 other facilities.

24 “(2) TIMEFRAME TO GRANT OR DENY RE-
25 QUESTS.—

1 “(A) IN GENERAL.—A State or local gov-
2 ernment or instrumentality thereof shall grant
3 or deny a request for authorization to place,
4 construct, or modify a telecommunications serv-
5 ice facility not later than—

6 “(i) if the request is for authorization
7 to place, construct, or modify such facility
8 in or on eligible support infrastructure, 90
9 days after the date on which the request is
10 submitted by the requesting party to the
11 government or instrumentality; or

12 “(ii) for any other action relating to
13 such facility, 150 days after the date on
14 which the request is submitted by the re-
15 questing party to the government or in-
16 strumentality.

17 “(B) APPLICABILITY.—The applicable
18 timeframe under subparagraph (A) shall apply
19 collectively to all proceedings, including permits
20 and authorizations, required by a State or local
21 government or instrumentality thereof for the
22 approval of the request.

23 “(C) NO MORATORIA.—A timeframe under
24 subparagraph (A) may not be tolled by any
25 moratorium, whether express or de facto, im-

1 posed by a State or local government or instru-
2 mentality thereof on the submission, accept-
3 ance, or consideration of requests for authoriza-
4 tion to place, construct, or modify a tele-
5 communications service facility.

6 “(D) TOLLING DUE TO INCOMPLETE-
7 NESS.—

8 “(i) INITIAL REQUEST INCOM-
9 PLETE.—If, not later than 30 days after
10 the date on which a requesting party sub-
11 mits to a State or local government or in-
12 strumentality thereof a request for author-
13 ization to place, construct, or modify a
14 telecommunications service facility, the
15 government or instrumentality provides to
16 the requesting party a written notice de-
17 scribed in clause (iii) with respect to the
18 request, the timeframe described in sub-
19 paragraph (A) is tolled with respect to the
20 request until the date on which the re-
21 questing party submits to the government
22 or instrumentality a supplemental submis-
23 sion in response to the notice.

24 “(ii) SUPPLEMENTAL SUBMISSION IN-
25 COMPLETE.—If, not later than 10 days

1 after the date on which a requesting party
2 submits to a State or local government or
3 instrumentality thereof a supplemental
4 submission in response to a written notice
5 described in clause (iii), the government or
6 instrumentality provides to the requesting
7 party a written notice described in clause
8 (iii) with respect to the supplemental sub-
9 mission, the timeframe under subpara-
10 graph (A) is further tolled until the date
11 on which the requesting party submits to
12 the government or instrumentality a subse-
13 quent supplemental submission in response
14 to the notice.

15 “(iii) WRITTEN NOTICE DE-
16 SCRIBED.—The written notice described in
17 this clause is, with respect to a request de-
18 scribed in subparagraph (A) or a supple-
19 mental submission described in clause (i)
20 or (ii) submitted to a State or local govern-
21 ment or instrumentality thereof by a re-
22 questing party, a written notice from the
23 government or instrumentality to the re-
24 questing party—

1 “(I) stating that all of the infor-
2 mation (including any form or other
3 document) required by the govern-
4 ment or instrumentality to be sub-
5 mitted for the request to be consid-
6 ered complete has not been submitted;

7 “(II) identifying the information
8 described in subclause (I) that was
9 not submitted; and

10 “(III) including a citation to a
11 specific provision of a publicly avail-
12 able rule, regulation, or standard
13 issued by the government or instru-
14 mentality requiring that such informa-
15 tion be submitted with such a request.

16 “(iv) LIMITATION ON SUBSEQUENT
17 WRITTEN NOTICE.—If a written notice pro-
18 vided by a State or local government or in-
19 strumentality thereof to a requesting party
20 under clause (ii) with respect to a supple-
21 mental submission identifies as not having
22 been submitted any information that was
23 not identified as not having been submitted
24 in the prior written notice under this sub-
25 paragraph in response to which the supple-

1 mental submission was submitted, the sub-
2 sequent written notice shall be treated as
3 not having been provided to the requesting
4 party.

5 “(E) TOLLING BY MUTUAL AGREEMENT.—
6 The timeframe under subparagraph (A) may be
7 tolled by mutual agreement between the State
8 or local government or instrumentality thereof
9 and the requesting party.

10 “(3) DEEMED GRANTED.—

11 “(A) IN GENERAL.—If a State or local
12 government or instrumentality thereof has nei-
13 ther granted nor denied a request within the
14 applicable timeframe under paragraph (2), the
15 request shall be deemed granted on the date on
16 which the government or instrumentality re-
17 ceives a written notice of the failure to grant or
18 deny from the requesting party.

19 “(B) RULE OF CONSTRUCTION.—In the
20 case of a request that is deemed granted under
21 subparagraph (A), the placement, construction,
22 or modification requested in such request shall
23 be considered to be authorized, without any fur-
24 ther action by the government or instrumen-
25 tality, beginning on the date on which such re-

1 quest is deemed granted under such subpara-
2 graph.

3 “(4) WRITTEN DECISION AND RECORD.—A de-
4 cision by a State or local government or instrumen-
5 tality thereof to deny a request to place, construct,
6 or modify a telecommunications service facility shall
7 be—

8 “(A) in writing;

9 “(B) supported by substantial evidence
10 contained in a written record; and

11 “(C) publicly released, and provided to the
12 requesting party, on the same day such decision
13 is made.

14 “(5) FEES.—

15 “(A) IN GENERAL.—To the extent per-
16 mitted by law, a State or local government or
17 instrumentality thereof may charge a fee that
18 meets the requirements under subparagraph
19 (B)—

20 “(i) to consider a request for author-
21 ization to place, construct, or modify a
22 telecommunications service facility; or

23 “(ii) for use of a right-of-way or a fa-
24 cility in a right-of-way owned or managed
25 by the government or instrumentality for

1 the placement, construction, or modifica-
2 tion of a telecommunications service facil-
3 ity.

4 “(B) REQUIREMENTS.—A fee charged
5 under subparagraph (A) shall be—

6 “(i) competitively neutral, technology
7 neutral, and nondiscriminatory;

8 “(ii) established in advance and pub-
9 licly disclosed;

10 “(iii) calculated—

11 “(I) based on actual and direct
12 costs for—

13 “(aa) review and processing
14 of requests; and

15 “(bb) repairs and replace-
16 ment of—

17 “(AA) components and
18 materials directly resulting
19 from and affected by the
20 placement, construction, or
21 modification (including the
22 installation or improvement)
23 of telecommunications serv-
24 ice facilities; or

1 “(BB) equipment that
2 facilitates the placement,
3 construction, or modification
4 (including the installation or
5 improvement) of such facili-
6 ties; and

7 “(II) using, for purposes of sub-
8 clause (I), only costs that are objec-
9 tively reasonable; and

10 “(iv) described to a requesting party
11 in a manner that distinguishes between—

12 “(I) nonrecurring fees and recur-
13 ring fees; and

14 “(II) the use of facilities on
15 which telecommunications service fa-
16 cilities or infrastructure for compat-
17 ible uses are already located and fa-
18 cilities on which there are no tele-
19 communications service facilities or
20 infrastructure for compatible uses as
21 of the date on which the request is
22 submitted by the requesting party to
23 the government or instrumentality.

24 “(c) JUDICIAL REVIEW.—

1 “(1) IN GENERAL.—A person adversely affected
2 by a State or local statute, regulation, or other legal
3 requirement, or by a final action or failure to act by
4 a State or local government or instrumentality there-
5 of, that is inconsistent with this section may com-
6 mence an action in any court of competent jurisdic-
7 tion.

8 “(2) TIMING.—

9 “(A) EXPEDITED BASIS.—A court shall
10 hear and decide an action commenced under
11 paragraph (1) on an expedited basis.

12 “(B) FINAL ACTION OR FAILURE TO
13 ACT.—An action may only be commenced under
14 paragraph (1) on the basis of a final action or
15 failure to act by a State or local government or
16 instrumentality thereof, if commenced not later
17 than 30 days after such action or failure to act.

18 “(d) PRESERVATION OF STATE REGULATORY AU-
19 THORITY.—Nothing in this section shall affect the ability
20 of a State to impose, on a competitively neutral and non-
21 discriminatory basis and consistent with section 254, re-
22 quirements necessary to preserve and advance universal
23 service, protect the public safety and welfare, ensure the
24 continued quality of telecommunications services, and
25 safeguard the rights of consumers.

1 “(e) PRESERVATION OF STATE AND LOCAL GOVERN-
2 MENT AUTHORITY.—Nothing in this section affects the
3 authority of a State or local government or instrumen-
4 tality thereof to manage, on a competitively neutral and
5 nondiscriminatory basis, the public rights-of-way or to re-
6 quire, on a competitively neutral and nondiscriminatory
7 basis, fair and reasonable compensation from tele-
8 communications providers for use of public rights-of-way,
9 if the compensation required meets the requirements of
10 subsection (b)(5).

11 “(f) PREEMPTION.—

12 “(1) IN GENERAL.—If, after notice and an op-
13 portunity for public comment, the Commission deter-
14 mines that a State or local government or instru-
15 mentality thereof has permitted or imposed a stat-
16 ute, regulation, or legal requirement that violates or
17 is inconsistent with this section, the Commission
18 shall preempt the enforcement of such statute, regu-
19 lation, or legal requirement to the extent necessary
20 to correct such violation or inconsistency.

21 “(2) TIMING.—Not later than 120 days after
22 receiving a petition for preemption of the enforce-
23 ment of a statute, regulation, or legal requirement
24 as described in paragraph (1), the Commission shall
25 grant or deny the petition.

1 “(g) COMMERCIAL MOBILE SERVICE PROVIDERS;
2 CABLE OPERATORS.—Nothing in this section shall affect
3 the application of section 332(c)(3) to commercial mobile
4 service providers or section 621 to cable operators.

5 “(h) RURAL MARKETS.—It shall not be a violation
6 of this section for a State to require a telecommunications
7 carrier that seeks to provide telephone exchange service
8 or exchange access in a service area served by a rural tele-
9 phone company to meet the requirements in section
10 214(e)(1) for designation as an eligible telecommuni-
11 cations carrier for that area before being permitted to pro-
12 vide such service. This subsection shall not apply—

13 “(1) to a service area served by a rural tele-
14 phone company that has obtained an exemption, sus-
15 pension, or modification of section 251(c)(4) that ef-
16 fectively prevents a competitor from meeting the re-
17 quirements of section 214(e)(1); and

18 “(2) to a provider of commercial mobile serv-
19 ices.

20 “(i) WHEN REQUEST CONSIDERED SUBMITTED.—
21 For the purposes of this section, a request to a State or
22 local government or instrumentality thereof shall be con-
23 sidered submitted on the date on which the requesting
24 party takes the first procedural step within the control of
25 the requesting party—

1 “(1) to submit such request in accordance with
2 the procedures established by the government or in-
3 strumentality for the review and approval of such a
4 request; or

5 “(2) in the case of a government or instrumen-
6 tality that has not established specific procedures for
7 the review and approval of such a request, to submit
8 to the government or instrumentality the type of fil-
9 ing that is typically required to initiate a standard
10 review for a similar facility or structure.

11 “(j) DEFINITIONS.—In this section:

12 “(1) ELIGIBLE SUPPORT INFRASTRUCTURE.—
13 The term ‘eligible support infrastructure’ means in-
14 frastructure that supports or houses a telecommuni-
15 cations service facility (or that is designed for or ca-
16 pable of supporting or housing such a facility) at the
17 time when a request to a State or local government
18 or instrumentality thereof for authorization to place,
19 construct, or modify a telecommunications service
20 facility in or on the infrastructure is submitted by
21 the requesting party to the government or instru-
22 mentality.

23 “(2) TELECOMMUNICATIONS SERVICE FACIL-
24 ITY.—The term ‘telecommunications service facil-
25 ity’—

1 “(A) means a facility that is designed or
2 used to provide or facilitate the provision of any
3 interstate or intrastate telecommunications
4 service; and

5 “(B) includes a facility described in sub-
6 paragraph (A) that is used to provide other
7 services.”.

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