

118TH CONGRESS
1ST SESSION

H. R. 3298

To amend the Infrastructure Investment and Jobs Act to require States and political subdivisions of States to streamline certain fees relating to broadband infrastructure in order to receive grant funds under the Broadband Equity, Access, and Deployment Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2023

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

A BILL

To amend the Infrastructure Investment and Jobs Act to require States and political subdivisions of States to streamline certain fees relating to broadband infrastructure in order to receive grant funds under the Broadband Equity, Access, and Deployment Program, 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 “Broadband Expansion
5 And Deployment Fee Equity and Efficiency Act of 2023”
6 or the “BEAD FEE Act of 2023”.

1 **SEC. 2. STREAMLINING OF CERTAIN FEES RELATING TO**
2 **BROADBAND INFRASTRUCTURE REQUIRED**
3 **TO RECEIVE GRANT FUNDS UNDER BEAD**
4 **PROGRAM.**

5 Section 60102(e) of the Infrastructure Investment
6 and Jobs Act (47 U.S.C. 1702(e)) is amended by adding
7 at the end the following:

8 “(5) STREAMLINING OF CERTAIN FEES RELAT-
9 ING TO BROADBAND INFRASTRUCTURE REQUIRED.—

10 After the date of the enactment of this paragraph,
11 the Assistant Secretary may not make available to
12 an eligible entity grant funds under this section (ex-
13 cept for grant funds under paragraph (1)(C)) if the
14 eligible entity, or any political subdivision of the eli-
15 gible entity, charges a fee to consider a request for
16 authorization to place, construct, or modify infra-
17 structure for the provision of broadband service, or
18 a fee for use of a right-of-way or infrastructure in
19 a right-of-way owned or managed by the entity or
20 political subdivision for the placement, construction,
21 or modification of infrastructure for the provision of
22 broadband service, unless such fee is—

23 “(A) competitively neutral, technology neu-
24 tral, and nondiscriminatory;

25 “(B) publicly disclosed;

26 “(C) calculated—

1 “(i) based on actual and direct costs,
2 such as costs for—

3 “(I) review and processing of re-
4 quests; and

5 “(II) repairs and replacement
6 of—

7 “(aa) components and mate-
8 rials resulting from and affected
9 by the placement, construction,
10 or modification (including the in-
11 stallation or improvement) of in-
12 frastructure for the provision of
13 broadband service; or

14 “(bb) equipment that facili-
15 tates the placement, construction,
16 or modification (including the in-
17 stallation or improvement) of
18 such infrastructure; and

19 “(ii) using, for purposes of clause (i),
20 only costs that are objectively reasonable;
21 and

22 “(D) described to a requesting party in a
23 manner that distinguishes between—

24 “(i) nonrecurring fees and recurring
25 fees; and

1 “(ii) the use of infrastructure on
2 which infrastructure for the provision of
3 broadband service is already located and
4 infrastructure on which there is no infra-
5 structure for the provision of broadband
6 service as of the date on which the request
7 is received by the eligible entity or political
8 subdivision.”.

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