

117TH CONGRESS  
1ST SESSION

# H. R. 5058

To direct the Assistant Secretary of Commerce for Communications and Information to establish a competitive grant program to assist local governments in providing efficient review and approval of zoning and permitting applications that facilitate the deployment of broadband infrastructure, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 20, 2021

Mrs. FLETCHER introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To direct the Assistant Secretary of Commerce for Communications and Information to establish a competitive grant program to assist local governments in providing efficient review and approval of zoning and permitting applications that facilitate the deployment of broadband infrastructure, 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 Incentives  
5       for Communities Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Congress has provided \$12,000,000,000  
4 since 2010 in competitive grants and financial as-  
5 sistance to expand broadband connections to  
6 unserved rural and underserved low-income commu-  
7 nities.

8 (2) Local governments play a significant role in  
9 the deployment of broadband infrastructure through  
10 their zoning and permitting processes.

11 (3) Local governments will need additional as-  
12 sistance to manage the expected accelerated pace of  
13 zoning and permitting applications that facilitate the  
14 deployment of broadband infrastructure in their  
15 communities.

16 (4) The Federal Government has a critical role  
17 to play in encouraging the deployment of broadband  
18 infrastructure by local governments.

19 (5) The establishment of a competitive grant  
20 program to provide resources to, and incentives for,  
21 local governments to fulfill their role in expanding  
22 broadband access for all is a vital component of a  
23 successful broadband deployment policy.

1 **SEC. 3. BROADBAND INCENTIVES FOR COMMUNITIES**  
2 **GRANT PROGRAM.**

3 (a) **ESTABLISHMENT.**—The Assistant Secretary shall  
4 establish a program to make grants on a competitive basis  
5 to covered entities to assist such entities in providing effi-  
6 cient review and approval of covered applications.

7 (b) **ELIGIBILITY.**—The Assistant Secretary may only  
8 make a grant under this section to a covered entity that  
9 does the following:

10 (1) The covered entity submits to the Assistant  
11 Secretary an application at such time, in such form,  
12 and accompanied by such information and assur-  
13 ances as the Assistant Secretary may require.

14 (2) The covered entity demonstrates readiness  
15 for the deployment of broadband infrastructure (in-  
16 cluding fifth-generation wireless communications in-  
17 frastructure) in the jurisdiction of the covered enti-  
18 ty, including through the following:

19 (A) Adoption and implementation of effi-  
20 cient processes, which comply with applicable  
21 Federal standards and regulations, for review-  
22 ing covered applications that facilitate wireless  
23 and fiber deployment, including those applica-  
24 tions relating to projects that make efficient use  
25 of existing infrastructure.

1           (B) Adoption and implementation of writ-  
2           ten policies, ordinances, or guidance that allows  
3           the use of expedited processes, such as micro-  
4           trenching, for the deployment of broadband in-  
5           frastructure.

6           (C) With respect to fees for the processing  
7           of covered applications—

8                   (i) in the case of a covered application  
9                   described in subparagraph (A), adoption  
10                  and implementation of fees that are limited  
11                  to the actual, objectively reasonable costs  
12                  incurred by the covered entity to process  
13                  the application and (if applicable) provide  
14                  access to the right-of-way to which the ap-  
15                  plication relates; and

16                   (ii) in the case of any other covered  
17                   application, adoption and implementation  
18                   of uniform and objectively reasonable fees,  
19                   which shall be published in advance of the  
20                   date on which such fees begin to apply to  
21                   any such application.

22           (c) USE OF FUNDS.—A covered entity that receives  
23 a grant under this section shall use the grant for one or  
24 more of the following:

1           (1) Capacity-building for the covered entity to  
2           facilitate the processing of covered applications, in-  
3           cluding employee training and hiring.

4           (2) The purchase of technology, software, and  
5           equipment to facilitate the processing of covered ap-  
6           plications, including in a remote work environment.

7 **SEC. 4. LOCAL BROADBAND ADVISORY COUNCIL.**

8           (a) **ESTABLISHMENT.**—Not later than 90 days after  
9           the date of the enactment of this Act, the Assistant Sec-  
10          retary shall establish an advisory council, to be known as  
11          the “Local Broadband Advisory Council”, to develop solu-  
12          tions to the challenges shared by local jurisdictions, cov-  
13          ered entities, and infrastructure providers in facilitating  
14          wireless and broadband deployment, including in unserved  
15          and underserved communities.

16          (b) **MEMBERSHIP.**—The Council shall be composed of  
17          broadband deployment stakeholders appointed by the As-  
18          sistant Secretary, including representatives from the  
19          broadband industry, infrastructure providers, local govern-  
20          ments, and covered entities.

21          (c) **REPORT.**—Not later than 1 year after the Council  
22          is established under subsection (a), the Council shall sub-  
23          mit to the Assistant Secretary and Congress a report on  
24          the solutions developed under such subsection.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to the As-  
3 sistant Secretary such sums as may necessary to carry out  
4 this Act.

5 **SEC. 6. DEFINITIONS.**

6       In this Act:

7           (1) ASSISTANT SECRETARY.—The term “Assist-  
8 ant Secretary” means the Assistant Secretary of  
9 Commerce for Communications and Information.

10          (2) BROADBAND INFRASTRUCTURE.—The term  
11 “broadband infrastructure” means facilities or  
12 equipment utilized for the provision of broadband  
13 internet access service (as defined in section 8.1(b)  
14 of title 47, Code of Federal Regulations).

15          (3) COUNCIL.—The term “Council” means the  
16 Local Broadband Advisory Council established under  
17 section 4.

18          (4) COVERED APPLICATION.—The term “cov-  
19 ered application” means a zoning or permitting ap-  
20 plication that facilitates the deployment of  
21 broadband infrastructure.

22          (5) COVERED ENTITY.—The term “covered en-  
23 tity” means—

24           (A) a political subdivision of a State; or

1                   (B) an Indian Tribe (as defined in section  
2                   4 of the Indian Self-Determination and Edu-  
3                   cation Assistance Act (25 U.S.C. 5304)).

4                   (6) STATE.—The term “State” means each  
5                   State of the United States, the District of Columbia,  
6                   and each commonwealth, territory, or possession of  
7                   the United States.

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