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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

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

M____. _____ introduced the following bill; which was referred to the
Committee on _____

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Broadband Expansion
3 And Deployment Fee Equity and Efficiency Act of 2023”
4 or the “BEAD FEES Act of 2023”.

5 **SEC. 2. STREAMLINING OF CERTAIN FEES RELATING TO**
6 **BROADBAND INFRASTRUCTURE REQUIRED**
7 **TO RECEIVE GRANT FUNDS UNDER BEAD**
8 **PROGRAM.**

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

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

1 “(A) competitively neutral, technology neu-
2 tral, and nondiscriminatory;

3 “(B) publicly disclosed;

4 “(C) calculated—

5 “(i) based on actual and direct costs,
6 such as costs for—

7 “(I) review and processing of re-
8 quests; and

9 “(II) repairs and replacement
10 of—

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

18 “(bb) equipment that facili-
19 tates the placement, construction,
20 or modification (including the in-
21 stallation or improvement) of
22 such infrastructure; and

23 “(ii) using, for purposes of clause (i),
24 only costs that are objectively reasonable;
25 and

1 “(D) described to a requesting party in a
2 manner that distinguishes between—

3 “(i) nonrecurring fees and recurring
4 fees; and

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