

Oppose H.R. 3557

[H.R. 3557](#), entitled the “American Broadband Act of 2023,” represents an unprecedented and dangerous usurpation of local governments’ authority to manage public rights-of-way and land use; it strips local governments of property rights and monetary compensation in favor of cable, wireless and telecommunications providers. The bill also waives historic preservation (NHPA) and environmental (NEPA) rules. Yet in return for these gifts, the bill imposes no obligations on these companies to provide broadband to “unserved” and “underserved” Americans.

H.R. 3557 should be opposed, as it:

Cable: Removes Ability of State and Local Franchise Authorities to Enforce Franchises

- Eliminates cable franchise renewals, thereby removing the ability of state or local communities to enforce franchise obligations such as build-out, customer service, and local PEG Access channels.
- Grants a cable operator the unilateral right to terminate or modify a franchise but creates no obligation to remove a cable system from rights-of-way. This would eliminate cable franchise fees but allow operators to maintain other services. It would also allow operators to unilaterally eliminate provisions of contracts they deem commercially unfeasible.

Wireless/Telecom: Usurps State & Local Government Police Powers & Property Rights

- Mandates that all wireless siting decisions be “deemed granted” if not acted upon by local governments within much shorter time periods than the federal government for similar projects government has 270 days to act, while locals must act in as few as 60 days.
- Provides no public safety protections for construction of “deemed granted” facilities. Sites will be constructed without any further action by the government, without notice to the government or obligation to comply with safety laws or traffic control.
- Empowers providers to install facilities where they choose regardless of local zoning, thus eliminating the ability of local government to balance providers’ and neighbors’ interests and jeopardizing the ability of local governments to impose stealth or concealment factors on installations.
- Limits all local fees to a locality’s objectively reasonable costs. Unlike current FCC rules and safe harbor pricing, localities must justify their fees using a complex, burdensome rate-making formula.
- Substitutes the FCC for local federal district court as a reviewing body for challenges to decisions, thus breaking promise made by Congress in 1996 that local governments would not be required to travel to Washington to defend local decisions.
- Imposes new and similarly flawed timelines and “deemed granted” remedies on applications for telecommunications facilities.