



CITY OF LAUREL, MARYLAND

EMERGENCY RESOLUTION

RESOLUTION NO. 8-2023

AN EMERGENCY RESOLUTION OF THE MAYOR AND CITY COUNCIL OF LAUREL, MARYLAND TO OPPOSE THE UNITED STATE'S CONGRESS HOUSE RESOLUTION 3557 ("H.R. 3557"), entitled "AMERICAN BROADBAND ACT OF 2023"

Sponsored by the President at the request of the Administration.

WHEREAS, H.R. 3557, "American Broadband Act of 2023," was introduced with little notice and without full text on May 22, 2023, and was approved by the House Committee on Energy and Commerce, and ordered to be reported following markup only two days later on May 24, 2023; and

WHEREAS, prior to H.R. 3557's introduction, only a single hearing was held on the eventual contents, on April 19, 2023, before the House Communications Subcommittee, the testimony before which consisted exclusively of that from witnesses supportive of federal pre-emption and to which not a single state or local government representative was invited to testify; and

WHEREAS, H.R. 3557 would pre-empt the City of Laurel's rights-of-way compensation and management authority, zoning powers, cable franchising authority, and property rights; and

WHEREAS, the proposed bill would bestow on broadband providers an unprecedented federal grant of access to state and local public property, but impose no obligations on those providers to serve "unserved" and "underserved" Laurel residents; and

WHEREAS, H.R. 3557 would mandate that siting decisions be "deemed granted" if not denied by a local government within 60 days, which is as little as 25 % of the time the federal government gives itself to make identical decisions concerning access to federal property; and

WHEREAS, H.R. 3557 would make virtually any City of Laurel government decision not to allow the installation of a proposed wireless facility at a provider's request a "prohibition" pre-empted by federal law, and would require the City of Laurel and other local governments to draft and publicly release a written explanation for the decision to deny an application on the same day it votes on the decision—a virtually impossible task because such written decisions typically require the examination and analysis of evidence presented to the Mayor and City Council; and

WHEREAS, the bill would substitute the FCC for the local federal district court as the reviewing body for challenges to local government decisions regarding wireless facility applications, thus breaking the promise made by Congress in 1996 that local governments would not be required to travel to Washington to defend local decisions; and

WHEREAS, H.R. 3557 would also eliminate cable franchise renewals, thereby restricting the ability of state or local franchising authorities to enforce franchise obligations such as public, educational, and government channel capacity and facilities, customer service requirements and system build-out requirements;

WHEREAS, H.R. 3557 would affirmatively grant cable operators the right to use City of Laurel rights-of-way to provide non-cable services while prohibiting localities from imposing any fees on non-cable services for use of those rights-of-way.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Laurel, Maryland, representing over 30,000 Laurel residents, opposes HR 3557 and urges the House and Senate to oppose and not pass this legislation.

AND, BE IT FURTHER RESOLVED, that this Resolution shall take effect on the date of its adoption.

ADOPTED this ____ day of _____, 2023.

ATTEST:

SARA A. GREEN, CMC
City Clerk

BRENCIS D. SMITH
President of the City Council

APPROVED this ____ day of _____, 2023.

CRAIG A. MOE
Mayor