

118TH CONGRESS  
1ST SESSION

# H. R. 3340

To amend the Middle Class Tax Relief and Job Creation Act of 2012 to provide for an application for a Federal easement, right-of-way, or lease with respect to a communications facility installation to be deemed granted if not granted or denied by the specified deadline, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2023

Mr. OBERNOLTE introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Middle Class Tax Relief and Job Creation Act of 2012 to provide for an application for a Federal easement, right-of-way, or lease with respect to a communications facility installation to be deemed granted if not granted or denied by the specified deadline, 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 “Granting Remaining  
3 Applications Not Treated Efficiently or Delayed Act of  
4 2023” or the “GRANTED Act of 2023”.

5 **SEC. 2. TIMELY CONSIDERATION OF APPLICATIONS FOR**  
6 **FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND**  
7 **LEASES.**

8 (a) IN GENERAL.—Section 6409(b)(3) of the Middle  
9 Class Tax Relief and Job Creation Act of 2012 (47 U.S.C.  
10 1455(b)(3)) is amended—

11 (1) in subparagraph (A), by striking “duly  
12 filed” and inserting “complete”; and

13 (2) by adding at the end the following:

14 “(E) DEEMED GRANTED.—If an executive  
15 agency fails to grant or deny a complete appli-  
16 cation by the deadline under subparagraph (A),  
17 the application shall be deemed granted on the  
18 day after such deadline.

19 “(F) WHEN APPLICATION CONSIDERED  
20 COMPLETE; RECEIVED.—

21 “(i) WHEN APPLICATION CONSIDERED  
22 COMPLETE.—For the purposes of this  
23 paragraph, an application to an executive  
24 agency shall be considered complete if the  
25 applicant—

1           “(I) has taken the first proce-  
2           dural step within the control of the  
3           applicant to submit such an applica-  
4           tion in accordance with the procedures  
5           established by the executive agency  
6           for the review and approval of such an  
7           application; and

8           “(II) has not received a written  
9           notice from the executive agency with-  
10          in 30 days after the date on which the  
11          application is received by the executive  
12          agency—

13                 “(aa) stating that all infor-  
14                 mation (including any form or  
15                 other document) required by the  
16                 executive agency to be submitted  
17                 for the application to be consid-  
18                 ered complete has not been sub-  
19                 mitted; and

20                 “(bb) identifying the infor-  
21                 mation required to be submitted  
22                 that was not submitted.

23           “(ii) WHEN COMPLETE APPLICATION  
24           CONSIDERED RECEIVED.—For the pur-

1 poses of this paragraph, a complete appli-  
2 cation shall be considered received—

3 “(I) except as provided in sub-  
4 clause (II), on the date on which the  
5 applicant submits to the executive  
6 agency all information (including any  
7 form or other document) required by  
8 the executive agency to be submitted  
9 for the application to be considered  
10 complete; or

11 “(II) in the case of an applica-  
12 tion with respect to which all such in-  
13 formation is not submitted and that is  
14 considered complete under clause (i)  
15 because the applicant has not received  
16 a written notice from the executive  
17 agency within the period described in  
18 such clause, on the day after the last  
19 day of such period.”.

20 (b) APPLICABILITY.—The amendments made by sub-  
21 section (a) shall apply with respect to any application  
22 under subsection (b) of section 6409 of the Middle Class  
23 Tax Relief and Job Creation Act of 2012 (47 U.S.C.  
24 1455) that is received by an executive agency (as defined

1 in subsection (d) of such section) on or after the date of  
2 the enactment of this Act.

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