

116TH CONGRESS
2D SESSION

S. 3804

To clarify that the “one-touch make-ready” rules of the Federal Communication Commission for utility pole attachments do not supersede the National Labor Relations Act or collective bargaining agreements.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2020

Mr. CARDIN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To clarify that the “one-touch make-ready” rules of the Federal Communication Commission for utility pole attachments do not supersede the National Labor Relations Act or collective bargaining agreements.

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 “Protecting Collective
5 Bargaining Agreements Under One-Touch Make-Ready
6 Act”.

1 **SEC. 2. APPLICATION OF LABOR LAWS AND COLLECTIVE**
2 **BARGAINING AGREEMENTS TO “ONE-TOUCH**
3 **MAKE-READY” RULES.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “existing attacher” has the mean-
6 ing given the term in section 1.1411 of title 47,
7 Code of Federal Regulations; and

8 (2) the term “one-touch make-ready rules”
9 means—

10 (A) the final rule promulgated by the Fed-
11 eral Communications Commission entitled “Ac-
12 celerating Wireline and Wireless Broadband
13 Deployment by Removing Barriers to Infra-
14 structure Investment” (83 Fed. Reg. 46812
15 (September 14, 2018)); and

16 (B) the Third Report and Order and De-
17 claratory Ruling in the matter of Accelerating
18 Wireline Broadband Deployment by Removing
19 Barriers to Infrastructure Investment and Ac-
20 celerating Wireless Broadband Deployment by
21 Removing Barriers to Infrastructure Invest-
22 ment, adopted by the Federal Communications
23 Commission on August 2, 2018 (FCC 18–111).

24 (b) RELATION TO OTHER LAWS AND AGREE-
25 MENTS.—

1 (1) NATIONAL LABOR RELATIONS ACT.—To the
2 extent that any provision of the one-touch make-
3 ready rules conflicts with the National Labor Rela-
4 tions Act (29 U.S.C. 151 et seq.), or substantially
5 impairs the purposes and policies of that Act, the
6 provision shall not apply.

7 (2) COLLECTIVE BARGAINING AGREEMENTS.—
8 To the extent that any provision of the one-touch
9 make-ready rules conflicts with a collective bar-
10 gaining agreement between an existing attacher and
11 a labor organization that exclusively represents the
12 employees of the existing attacher, the provision
13 shall not apply.

14 (3) DETERMINATION OF CONFLICT OR SUB-
15 STANTIAL IMPAIRMENT.—If a dispute arises as to
16 whether a conflict or substantial impairment de-
17 scribed in paragraph (1) or (2) exists, the parties to
18 the dispute shall submit the issue for non-binding
19 arbitration.

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