

[Committee Print]

[SHOWING THE TEXT OF H.R. 2289, AS FORWARDED BY THE SUBCOMMITTEE
ON COMMUNICATIONS AND TECHNOLOGY ON NOVEMBER 18, 2025]

119TH CONGRESS
1ST SESSION

H. R. 2289

To provide that an eligible facilities request under section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 is not subject to requirements to prepare certain environmental or historical preservation reviews.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2025

Mr. CARTER of Georgia introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, 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

A BILL

To provide that an eligible facilities request under section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 is not subject to requirements to prepare certain environmental or historical preservation reviews.

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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “American Broadband Deployment Act of 2025”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STATE AND LOCAL SITING PROCESSES

Sec. 101. Preservation of local zoning authority.

Sec. 102. Removal of barriers to entry.

Sec. 103. Requests for modification of certain existing wireless and wireline
communications facilities.

TITLE II—CABLE

Sec. 201. Request for new franchise.

Sec. 202. Request regarding placement, construction, or modification of cable
equipment.

Sec. 203. Cable franchise term and termination.

Sec. 204. Sales of cable systems.

**TITLE III—ENVIRONMENTAL AND HISTORIC PRESERVATION
REVIEWS**

Sec. 301. Application of NEPA and NHPA to certain communications projects.

Sec. 302. Presumption with respect to certain complete FCC forms.

Sec. 303. Rule of construction.

Sec. 304. Definitions.

TITLE IV—OTHER MATTERS

Sec. 401. Timely consideration of applications for Federal easements, rights-of-
way, and leases.

Sec. 402. Report on fees.

6 **TITLE I—STATE AND LOCAL**
7 **SITING PROCESSES**

8 **SEC. 101. PRESERVATION OF LOCAL ZONING AUTHORITY.**

9 Section 332(c) of the Communications Act of 1934
10 (47 U.S.C. 332(c)) is amended by striking paragraph (7)
11 and inserting the following:

1 “(7) PRESERVATION OF LOCAL ZONING AU-
2 THORITY.—

3 “(A) GENERAL AUTHORITY.—Except as
4 provided in this paragraph, nothing in this Act
5 shall limit or affect the authority of a State or
6 local government or instrumentality thereof over
7 decisions regarding the placement, construction,
8 or modification of personal wireless service fa-
9 cilities.

10 “(B) LIMITATIONS.—

11 “(i) IN GENERAL.—The regulation of
12 the placement, construction, or modifica-
13 tion of a personal wireless service facility
14 by any State or local government or instru-
15 mentality thereof—

16 “(I) shall not discriminate among
17 personal wireless service facilities or
18 providers of communications service,
19 including by providing exclusive or
20 preferential use of facilities to a par-
21 ticular provider or class of providers
22 of personal wireless service; and

23 “(II) shall not prohibit or have
24 the effect of prohibiting the provision,

1 improvement, or enhancement of per-
2 sonal wireless service.

3 “(ii) ENGINEERING STANDARDS; AES-
4 THETIC REQUIREMENTS.—It is not a viola-
5 tion of clause (i) for a State or local gov-
6 ernment or instrumentality thereof to es-
7 tablish for personal wireless service facili-
8 ties, or structures that support such facili-
9 ties, objective, reasonable, and nondiscrim-
10 inatory—

11 “(I) structural engineering stand-
12 ards based on generally applicable
13 codes;

14 “(II) safety requirements (sub-
15 ject to clause (vi)); or

16 “(III) aesthetic or concealment
17 requirements, unless such require-
18 ments prohibit or have the effect of
19 prohibiting the installation or modi-
20 fication of such facilities or struc-
21 tures.

22 “(iii) TIMEFRAMES.—

23 “(I) IN GENERAL.—A State or
24 local government or instrumentality
25 thereof shall grant or deny a request

1 for authorization to place, construct,
2 or modify a personal wireless service
3 facility not later than—

4 “(aa) in the case of a re-
5 quest for authorization to place,
6 construct, or modify a personal
7 wireless service facility that is
8 not a small personal wireless
9 service facility—

10 “(AA) if the request is
11 for authorization to place,
12 construct, or modify such fa-
13 cility using an existing
14 structure, including with re-
15 spect to an area that has
16 not previously been zoned
17 for personal wireless service
18 facilities (other than small
19 personal wireless service fa-
20 cilities), 90 days after the
21 date on which the request is
22 submitted by the requesting
23 party to the government or
24 instrumentality; or

1 “(BB) if the request is
2 for any other action relating
3 to such facility, 150 days
4 after the date on which the
5 request is submitted by the
6 requesting party to the gov-
7 ernment or instrumentality;
8 and

9 “(bb) in the case of a re-
10 quest for authorization to place,
11 construct, or modify a small per-
12 sonal wireless service facility—

13 “(AA) if the request is
14 for authorization to place,
15 construct, or modify such fa-
16 cility using an existing
17 structure, including with re-
18 spect to an area that has
19 not previously been zoned
20 for personal wireless service
21 facilities, 60 days after the
22 date on which the request is
23 submitted by the requesting
24 party to the government or
25 instrumentality; or

1 “(BB) if the request is
2 for any other action relating
3 to such facility, 90 days
4 after the date on which the
5 request is submitted by the
6 requesting party to the gov-
7 ernment or instrumentality.

8 “(II) TREATMENT OF BATCHED
9 REQUESTS.—In the case of requests
10 described in subclause (I) that are
11 submitted as part of a single batch by
12 the requesting party to the govern-
13 ment or instrumentality on the same
14 day, the applicable timeframe under
15 such subclause for each request in the
16 batch shall be the longest timeframe
17 under such subclause that would be
18 applicable to any request in the batch
19 if such requests were submitted sepa-
20 rately.

21 “(III) APPLICABILITY.—The ap-
22 plicable timeframe under subclause (I)
23 shall apply collectively to all pro-
24 ceedings, including related permits
25 and authorizations, required by a

1 State or local government or instru-
2 mentality thereof for the approval of
3 the request.

4 “(IV) NO MORATORIA.—A time-
5 frame under subclause (I) may not be
6 tolled by any moratorium, whether ex-
7 press or de facto, imposed by a State
8 or local government or instrumentality
9 thereof on the submission, acceptance,
10 or consideration of any request for au-
11 thorization to place, construct, or
12 modify a personal wireless service fa-
13 cility.

14 “(V) TOLLING DUE TO INCOM-
15 PLETENESS.—

16 “(aa) INITIAL REQUEST IN-
17 COMPLETE.—

18 “(AA) SMALL PER-
19 SONAL WIRELESS SERVICE
20 FACILITIES.—If, not later
21 than 10 days after the date
22 on which a requesting party
23 submits to a State or local
24 government or instrumen-
25 tality thereof a request for

1 authorization to place, con-
2 struct, or modify a small
3 personal wireless service fa-
4 cility, the government or in-
5 strumentality provides to the
6 requesting party a written
7 notice described in item (cc)
8 with respect to the request,
9 the timeframe described in
10 subclause (I) is tolled with
11 respect to the request and
12 shall restart at zero on the
13 date on which the requesting
14 party submits to the govern-
15 ment or instrumentality a
16 supplemental submission in
17 response to the notice.

18 “(BB) OTHER PER-
19 SONAL WIRELESS SERVICE
20 FACILITIES.—If, not later
21 than 30 days after the date
22 on which a requesting party
23 submits to a State or local
24 government or instrumen-
25 tality thereof a request for

1 authorization to place, con-
2 struct, or modify a personal
3 wireless service facility that
4 is not a small personal wire-
5 less service facility, the gov-
6 ernment or instrumentality
7 provides to the requesting
8 party a written notice de-
9 scribed in item (cc) with re-
10 spect to the request, the
11 timeframe described in sub-
12 clause (I) is tolled with re-
13 spect to the request until the
14 date on which the requesting
15 party submits to the govern-
16 ment or instrumentality a
17 supplemental submission in
18 response to the notice.

19 “(bb) SUPPLEMENTAL SUB-
20 MISSION INCOMPLETE.—If, not
21 later than 10 days after the date
22 on which a requesting party sub-
23 mits to a State or local govern-
24 ment or instrumentality thereof a
25 supplemental submission in re-

1 sponse to a written notice de-
2 scribed in item (cc), the govern-
3 ment or instrumentality provides
4 to the requesting party a written
5 notice described in item (cc) with
6 respect to the supplemental sub-
7 mission, the timeframe under
8 subclause (I) is further tolled
9 until the date on which the re-
10 questing party submits to the
11 government or instrumentality a
12 subsequent supplemental submis-
13 sion in response to the notice.

14 “(cc) WRITTEN NOTICE DE-
15 SCRIBED.—The written notice de-
16 scribed in this item is, with re-
17 spect to a request described in
18 subclause (I) or a supplemental
19 submission described in item (aa)
20 or (bb) submitted to a State or
21 local government or instrumen-
22 tality thereof by a requesting
23 party, a written notice from the
24 government or instrumentality to
25 the requesting party—

1 “(AA) stating that all
2 of the information (including
3 any form or other docu-
4 ment) required by the gov-
5 ernment or instrumentality
6 to be submitted for the re-
7 quest to be considered com-
8 plete has not been sub-
9 mitted;

10 “(BB) identifying the
11 information described in
12 subitem (AA) that was not
13 submitted; and

14 “(CC) including a cita-
15 tion to a specific provision of
16 a publicly available rule, reg-
17 ulation, or standard issued
18 by the government or instru-
19 mentality requiring that
20 such information be sub-
21 mitted with such a request.

22 “(dd) LIMITATION ON SUB-
23 SEQUENT WRITTEN NOTICE.—If
24 a written notice provided by a
25 State or local government or in-

1 instrumentality thereof to a re-
2 questing party under item (bb)
3 with respect to a supplemental
4 submission identifies as not hav-
5 ing been submitted any informa-
6 tion that was not identified as
7 not having been submitted in the
8 prior written notice under this
9 subclause in response to which
10 the supplemental submission was
11 submitted, the subsequent writ-
12 ten notice shall be treated as not
13 having been provided to the re-
14 questing party.

15 “(VI) TOLLING BY MUTUAL
16 AGREEMENT.—The timeframe under
17 subclause (I) may be tolled once, for
18 a period of not more than 30 days, by
19 mutual agreement between the State
20 or local government or instrumentality
21 thereof and the requesting party.

22 “(iv) DEEMED GRANTED.—

23 “(I) IN GENERAL.—If a State or
24 local government or instrumentality
25 thereof fails to take final action to

1 grant or deny a request within the ap-
2 plicable timeframe under subclause (I)
3 of clause (iii), the request shall be
4 deemed granted on the date on which
5 the government or instrumentality re-
6 ceives a written notice of the failure
7 from the requesting party.

8 “(II) RULE OF CONSTRUC-
9 TION.—In the case of a request that
10 is deemed granted under subclause
11 (I), the placement, construction, or
12 modification requested in the request
13 shall be considered to be authorized,
14 without any further action by the gov-
15 ernment or instrumentality, beginning
16 on the date on which the request is
17 deemed granted under such subclause.

18 “(V) WRITTEN DECISION AND
19 RECORD.—Any decision by a State or local
20 government or instrumentality thereof to
21 deny a request for authorization to place,
22 construct, or modify a personal wireless
23 service facility shall be—

24 “(I) in writing;

1 “(II) supported by substantial
2 evidence contained in a written
3 record; and

4 “(III) publicly released, and pro-
5 vided to the requesting party, on the
6 same day such decision is made.

7 “(vi) ENVIRONMENTAL EFFECTS OF
8 RADIO FREQUENCY EMISSIONS.—No State
9 or local government or instrumentality
10 thereof may regulate the operation, place-
11 ment, construction, or modification of per-
12 sonal wireless service facilities on the basis
13 of the environmental effects of radio fre-
14 quency emissions to the extent that such
15 facilities or structures comply with the
16 Commission’s regulations concerning such
17 emissions.

18 “(vii) FEES.—To the extent permitted
19 by law, a State or local government or in-
20 strumentality thereof may charge a fee to
21 consider a request for authorization to
22 place, construct, or modify a personal wire-
23 less service facility or a fee for use of a
24 right-of-way or a facility in a right-of-way
25 owned or managed by the government or

1 instrumentality for the placement, con-
2 struction, or modification of a personal
3 wireless service facility, if the fee is—

4 “(I) competitively neutral, tech-
5 nology neutral, and nondiscrim-
6 inatory;

7 “(II) established in advance and
8 publicly disclosed;

9 “(III) calculated—

10 “(aa) based on actual and
11 direct costs for—

12 “(AA) review and proc-
13 essing of requests; and

14 “(BB) repairs and re-
15 placement of components
16 and materials directly result-
17 ing from and affected by the
18 placement, construction, or
19 modification (including the
20 installation or improvement)
21 of personal wireless service
22 facilities or repairs and re-
23 placement of equipment that
24 facilitates the placement,
25 construction, or modification

1 (including the installation or
2 improvement) of such facili-
3 ties; and

4 “(bb) using, for purposes of
5 item (aa), only costs that are ob-
6 jectively reasonable; and

7 “(IV) described to a requesting
8 party in a manner that distinguishes
9 between—

10 “(aa) nonrecurring fees and
11 recurring fees; and

12 “(bb) the use of facilities on
13 which personal wireless service
14 facilities are already located and
15 facilities on which there are no
16 personal wireless service facilities
17 as of the date on which the re-
18 quest is submitted by the re-
19 questing party to the government
20 or instrumentality.

21 “(C) JUDICIAL REVIEW.—Any person ad-
22 versely affected by any final action or failure to
23 act by a State or local government or any in-
24 strumentality thereof that is inconsistent with
25 this paragraph may, within 30 days after the

1 action or failure to act, commence an action in
2 any court of competent jurisdiction, which shall
3 hear and decide the action on an expedited
4 basis.

5 “(D) WHEN REQUEST CONSIDERED SUB-
6 MITTED.—For the purposes of this paragraph,
7 a request to a State or local government or in-
8 strumentality thereof shall be considered sub-
9 mitted on the date on which the requesting
10 party takes the first procedural step within the
11 control of the requesting party—

12 “(i) to submit such request in accord-
13 ance with the procedures established by the
14 government or instrumentality for the re-
15 view and approval of such a request; or

16 “(ii) in the case of a government or
17 instrumentality that has not established
18 specific procedures for the review and ap-
19 proval of such a request, to submit to the
20 government or instrumentality the type of
21 filing that is typically required to initiate a
22 standard review for a similar facility or
23 structure.

24 “(E) RULE OF CONSTRUCTION.—Nothing
25 in this paragraph may be construed to affect

1 section 6409(a) of the Middle Class Tax Relief
2 and Job Creation Act of 2012 (47 U.S.C.
3 1455(a)).

4 “(F) EFFECT OF REGULATIONS.—Any reg-
5 ulation promulgated by the Commission to im-
6 plement this paragraph (including any interpre-
7 tation of the requirements of and terms used in
8 this paragraph contained in any such regula-
9 tion) shall be binding on a court in any action
10 under subparagraph (C).

11 “(G) DEFINITIONS.—In this paragraph:

12 “(i) ANTENNA.—The term ‘antenna’
13 means an apparatus designed for the pur-
14 pose of emitting radiofrequency radiation,
15 to be operated or operating from a fixed
16 location for the transmission of writing,
17 signs, signals, data, images, pictures, and
18 sounds of all kinds.

19 “(ii) COMMUNICATIONS NETWORK.—
20 The term ‘communications network’ means
21 a network used to provide a communica-
22 tions service.

23 “(iii) COMMUNICATIONS SERVICE.—
24 The term ‘communications service’ means
25 each of—

1 “(I) cable service, as defined in
2 section 602;

3 “(II) information service;

4 “(III) telecommunications serv-
5 ice; and

6 “(IV) personal wireless service.

7 “(iv) GENERALLY APPLICABLE
8 CODE.—The term ‘generally applicable
9 code’ means a uniform building, fire, elec-
10 trical, plumbing, or mechanical code adopt-
11 ed by a national code organization, or a
12 local amendment to such a code, to the ex-
13 tent not inconsistent with this Act.

14 “(v) NETWORK INTERFACE DEVICE.—
15 The term ‘network interface device’ means
16 a telecommunications demarcation device
17 and cross-connect point that—

18 “(I) is adjacent or proximate
19 to—

20 “(aa) a small personal wire-
21 less service facility; or

22 “(bb) a structure supporting
23 a small personal wireless service
24 facility; and

1 “(II) demarcates the boundary
2 with any wireline backhaul facility.

3 “(vi) PERSONAL WIRELESS SERV-
4 ICE.—The term ‘personal wireless service’
5 means any fixed or mobile service (other
6 than a broadcasting service) provided via
7 licensed or unlicensed frequencies, includ-
8 ing—

9 “(I) commercial mobile service;

10 “(II) commercial mobile data
11 service (as defined in section 6001 of
12 the Middle Class Tax Relief and Job
13 Creation Act of 2012 (47 U.S.C.
14 1401));

15 “(III) unlicensed wireless service;
16 and

17 “(IV) common carrier wireless
18 exchange access service.

19 “(vii) PERSONAL WIRELESS SERVICE
20 FACILITY.—The term ‘personal wireless
21 service facility’ means a facility used to
22 provide or support the provision of per-
23 sonal wireless service.

24 “(viii) SMALL PERSONAL WIRELESS
25 SERVICE FACILITY.—The term ‘small per-

1 sonal wireless service facility’ means a per-
2 sonal wireless service facility—

3 “(I) that is mounted—

4 “(aa) on a structure 50 feet
5 or less in height (including any
6 antenna); or

7 “(bb) on a structure not
8 more than 10 percent taller than
9 other adjacent structures;

10 “(II) that does not extend the
11 structure on which such facility is
12 mounted to a height of more than 50
13 feet or by more than 10 percent,
14 whichever is greater; and

15 “(III) in which each antenna is
16 not more than 3 cubic feet in volume
17 (excluding a wireline backhaul facility
18 connected to such personal wireless
19 service facility).

20 “(ix) UNLICENSED WIRELESS SERV-
21 ICE.—The term ‘unlicensed wireless serv-
22 ice’—

23 “(I) means the offering of tele-
24 communications service or information
25 service using a duly authorized device

1 that does not require an individual li-
2 cense; and

3 “(II) does not include the provi-
4 sion of direct-to-home satellite serv-
5 ices, as defined in section 303(v).

6 “(x) WIRELINE BACKHAUL FACIL-
7 ITY.—The term ‘wireline backhaul facility’
8 means an above-ground or underground
9 wireline facility used to transport commu-
10 nications service or other electronic com-
11 munications from a small personal wireless
12 service facility or the adjacent network
13 interface device of such facility to a com-
14 munications network.”.

15 **SEC. 102. REMOVAL OF BARRIERS TO ENTRY.**

16 Section 253 of the Communications Act of 1934 (47
17 U.S.C. 253) is amended to read as follows:

18 **“SEC. 253. REMOVAL OF BARRIERS TO ENTRY.**

19 “(a) IN GENERAL.—No State or local statute or reg-
20 ulation, or other State or local legal requirement, may pro-
21 hibit or have the effect of prohibiting the ability of any
22 entity to provide, improve, or enhance the provision of any
23 interstate or intrastate telecommunications service.

24 “(b) PLACEMENT, CONSTRUCTION, OR MODIFICA-
25 TION OF TELECOMMUNICATIONS SERVICE FACILITIES.—

1 “(1) PROHIBITION ON DISCRIMINATION.—The
2 regulation of the placement, construction, or modi-
3 fication of a telecommunications service facility by a
4 State or local government or instrumentality thereof
5 may not discriminate—

6 “(A) among telecommunications service fa-
7 cilities—

8 “(i) based on the technology used to
9 provide services; or

10 “(ii) based on the services provided;
11 or

12 “(B) against telecommunications service
13 facilities, as compared to the regulation of the
14 placement, construction, or modification of
15 other facilities.

16 “(2) TIMEFRAME TO GRANT OR DENY RE-
17 QUESTS.—

18 “(A) IN GENERAL.—A State or local gov-
19 ernment or instrumentality thereof shall grant
20 or deny a request for authorization to place,
21 construct, or modify a telecommunications serv-
22 ice facility not later than—

23 “(i) if the request is for authorization
24 to place, construct, or modify such facility
25 in or on eligible support infrastructure, 90

1 days after the date on which the request is
2 submitted by the requesting party to the
3 government or instrumentality; or

4 “(ii) for any other action relating to
5 such facility, 150 days after the date on
6 which the request is submitted by the re-
7 questing party to the government or in-
8 strumentality.

9 “(B) APPLICABILITY.—The applicable
10 timeframe under subparagraph (A) shall apply
11 collectively to all proceedings, including related
12 permits and authorizations, required by a State
13 or local government or instrumentality thereof
14 for the approval of the request.

15 “(C) NO MORATORIA.—A timeframe under
16 subparagraph (A) may not be tolled by any
17 moratorium, whether express or de facto, im-
18 posed by a State or local government or instru-
19 mentality thereof on the submission, accept-
20 ance, or consideration of requests for authoriza-
21 tion to place, construct, or modify a tele-
22 communications service facility.

23 “(D) TOLLING DUE TO INCOMPLETE-
24 NESS.—

1 “(i) INITIAL REQUEST INCOM-
2 plete.—If, not later than 30 days after
3 the date on which a requesting party sub-
4 mits to a State or local government or in-
5 strumentality thereof a request for author-
6 ization to place, construct, or modify a
7 telecommunications service facility, the
8 government or instrumentality provides to
9 the requesting party a written notice de-
10 scribed in clause (iii) with respect to the
11 request, the timeframe described in sub-
12 paragraph (A) is tolled with respect to the
13 request until the date on which the re-
14 questing party submits to the government
15 or instrumentality a supplemental submis-
16 sion in response to the notice.

17 “(ii) SUPPLEMENTAL SUBMISSION IN-
18 complete.—If, not later than 10 days
19 after the date on which a requesting party
20 submits to a State or local government or
21 instrumentality thereof a supplemental
22 submission in response to a written notice
23 described in clause (iii), the government or
24 instrumentality provides to the requesting
25 party a written notice described in clause

1 (iii) with respect to the supplemental sub-
2 mission, the timeframe under subpara-
3 graph (A) is further tolled until the date
4 on which the requesting party submits to
5 the government or instrumentality a subse-
6 quent supplemental submission in response
7 to the notice.

8 “(iii) WRITTEN NOTICE DE-
9 SCRIBED.—The written notice described in
10 this clause is, with respect to a request de-
11 scribed in subparagraph (A) or a supple-
12 mental submission described in clause (i)
13 or (ii) submitted to a State or local govern-
14 ment or instrumentality thereof by a re-
15 questing party, a written notice from the
16 government or instrumentality to the re-
17 questing party—

18 “(I) stating that all of the infor-
19 mation (including any form or other
20 document) required by the govern-
21 ment or instrumentality to be sub-
22 mitted for the request to be consid-
23 ered complete has not been submitted;

1 “(II) identifying the information
2 described in subclause (I) that was
3 not submitted; and

4 “(III) including a citation to a
5 specific provision of a publicly avail-
6 able rule, regulation, or standard
7 issued by the government or instru-
8 mentality requiring that such informa-
9 tion be submitted with such a request.

10 “(iv) LIMITATION ON SUBSEQUENT
11 WRITTEN NOTICE.—If a written notice pro-
12 vided by a State or local government or in-
13 strumentality thereof to a requesting party
14 under clause (ii) with respect to a supple-
15 mental submission identifies as not having
16 been submitted any information that was
17 not identified as not having been submitted
18 in the prior written notice under this sub-
19 paragraph in response to which the supple-
20 mental submission was submitted, the sub-
21 sequent written notice shall be treated as
22 not having been provided to the requesting
23 party.

24 “(E) TOLLING BY MUTUAL AGREEMENT.—

25 The timeframe under subparagraph (A) may be

1 tolled once, for a period of not more than 30
2 days, by mutual agreement between the State
3 or local government or instrumentality thereof
4 and the requesting party.

5 “(3) DEEMED GRANTED.—

6 “(A) IN GENERAL.—If a State or local
7 government or instrumentality thereof has nei-
8 ther granted nor denied a request within the
9 applicable timeframe under paragraph (2), the
10 request shall be deemed granted on the date on
11 which the government or instrumentality re-
12 ceives a written notice of the failure to grant or
13 deny from the requesting party.

14 “(B) RULE OF CONSTRUCTION.—In the
15 case of a request that is deemed granted under
16 subparagraph (A), the placement, construction,
17 or modification requested in such request shall
18 be considered to be authorized, without any fur-
19 ther action by the government or instrumen-
20 tality, beginning on the date on which such re-
21 quest is deemed granted under such subpara-
22 graph.

23 “(4) WRITTEN DECISION AND RECORD.—A de-
24 cision by a State or local government or instrumen-
25 tality thereof to deny a request to place, construct,

1 or modify a telecommunications service facility shall
2 be—

3 “(A) in writing;

4 “(B) supported by substantial evidence
5 contained in a written record; and

6 “(C) publicly released, and provided to the
7 requesting party, on the same day such decision
8 is made.

9 “(5) FEES.—

10 “(A) IN GENERAL.—To the extent per-
11 mitted by law, a State or local government or
12 instrumentality thereof may charge a fee that
13 meets the requirements under subparagraph
14 (B)—

15 “(i) to consider a request for author-
16 ization to place, construct, or modify a
17 telecommunications service facility; or

18 “(ii) for use of a right-of-way or a fa-
19 cility in a right-of-way owned or managed
20 by the government or instrumentality for
21 the placement, construction, or modifica-
22 tion of a telecommunications service facil-
23 ity.

24 “(B) REQUIREMENTS.—A fee charged
25 under subparagraph (A) shall be—

1 “(i) competitively neutral, technology
2 neutral, and nondiscriminatory;

3 “(ii) established in advance and pub-
4 licly disclosed;

5 “(iii) calculated—

6 “(I) based on actual and direct
7 costs for—

8 “(aa) review and processing
9 of requests; and

10 “(bb) repairs and replace-
11 ment of—

12 “(AA) components and
13 materials directly resulting
14 from and affected by the
15 placement, construction, or
16 modification (including the
17 installation or improvement)
18 of telecommunications serv-
19 ice facilities; or

20 “(BB) equipment that
21 facilitates the placement,
22 construction, or modification
23 (including the installation or
24 improvement) of such facili-
25 ties; and

1 “(II) using, for purposes of sub-
2 clause (I), only costs that are objec-
3 tively reasonable; and

4 “(iv) described to a requesting party
5 in a manner that distinguishes between—

6 “(I) nonrecurring fees and recur-
7 ring fees; and

8 “(II) the use of facilities on
9 which telecommunications service fa-
10 cilities or infrastructure for compat-
11 ible uses are already located and fa-
12 cilities on which there are no tele-
13 communications service facilities or
14 infrastructure for compatible uses as
15 of the date on which the request is
16 submitted by the requesting party to
17 the government or instrumentality.

18 “(c) JUDICIAL REVIEW.—

19 “(1) IN GENERAL.—A person adversely affected
20 by a State or local statute, regulation, or other legal
21 requirement, or by a final action or failure to act by
22 a State or local government or instrumentality there-
23 of, that is inconsistent with this section may com-
24 mence an action in any court of competent jurisdic-
25 tion.

1 “(2) TIMING.—

2 “(A) EXPEDITED BASIS.—A court shall
3 hear and decide an action commenced under
4 paragraph (1) on an expedited basis.

5 “(B) FINAL ACTION OR FAILURE TO
6 ACT.—An action may only be commenced under
7 paragraph (1) on the basis of a final action or
8 failure to act by a State or local government or
9 instrumentality thereof, if commenced not later
10 than 30 days after such action or failure to act.

11 “(d) PRESERVATION OF STATE REGULATORY AU-
12 THORITY.—Nothing in this section shall affect the ability
13 of a State to impose, on a competitively neutral and non-
14 discriminatory basis and consistent with section 254, re-
15 quirements necessary to preserve and advance universal
16 service, protect the public safety and welfare, ensure the
17 continued quality of telecommunications services, and
18 safeguard the rights of consumers.

19 “(e) PRESERVATION OF STATE AND LOCAL GOVERN-
20 MENT AUTHORITY.—Except as explicitly set forth in this
21 section, nothing in this section affects the authority of a
22 State or local government or instrumentality thereof to
23 manage, on a competitively neutral and nondiscriminatory
24 basis, the public rights-of-way or to require, on a competi-
25 tively neutral and nondiscriminatory basis, fair and rea-

1 sonable compensation from telecommunications providers
2 for use of public rights-of-way, if the compensation re-
3 quired meets the requirements of subsection (b)(5).

4 “(f) PREEMPTION.—

5 “(1) IN GENERAL.—If, after notice and an op-
6 portunity for public comment, the Commission deter-
7 mines that a State or local government or instru-
8 mentality thereof has permitted or imposed a stat-
9 ute, regulation, or legal requirement that violates or
10 is inconsistent with this section, the Commission
11 shall preempt the enforcement of such statute, regu-
12 lation, or legal requirement to the extent necessary
13 to correct such violation or inconsistency.

14 “(2) TIMING.—Not later than 120 days after
15 receiving a petition for preemption of the enforce-
16 ment of a statute, regulation, or legal requirement
17 as described in paragraph (1), the Commission shall
18 grant or deny the petition.

19 “(g) COMMERCIAL MOBILE SERVICE PROVIDERS;
20 CABLE OPERATORS.—Nothing in this section shall affect
21 the application of section 332(c)(3) to commercial mobile
22 service providers or section 621 to cable operators.

23 “(h) RURAL MARKETS.—It shall not be a violation
24 of this section for a State to require a telecommunications
25 carrier that seeks to provide telephone exchange service

1 or exchange access in a service area served by a rural tele-
2 phone company to meet the requirements in section
3 214(e)(1) for designation as an eligible telecommuni-
4 cations carrier for that area before being permitted to pro-
5 vide such service. This subsection shall not apply—

6 “(1) to a service area served by a rural tele-
7 phone company that has obtained an exemption, sus-
8 pension, or modification of section 251(c)(4) that ef-
9 fectively prevents a competitor from meeting the re-
10 quirements of section 214(e)(1); and

11 “(2) to a provider of commercial mobile serv-
12 ices.

13 “(i) WHEN REQUEST CONSIDERED SUBMITTED.—
14 For the purposes of this section, a request to a State or
15 local government or instrumentality thereof shall be con-
16 sidered submitted on the date on which the requesting
17 party takes the first procedural step within the control of
18 the requesting party—

19 “(1) to submit such request in accordance with
20 the procedures established by the government or in-
21 strumentality for the review and approval of such a
22 request; or

23 “(2) in the case of a government or instrumen-
24 tality that has not established specific procedures for
25 the review and approval of such a request, to submit

1 to the government or instrumentality the type of fil-
2 ing that is typically required to initiate a standard
3 review for a similar facility or structure.

4 “(j) EFFECT OF REGULATIONS.—Any regulation pro-
5 mulgated by the Commission to implement this section
6 (including any interpretation of the requirements of and
7 terms used in this section contained in any such regula-
8 tion) shall be binding on a court in any action under sub-
9 section (c).

10 “(k) DEFINITIONS.—In this section:

11 “(1) ELIGIBLE SUPPORT INFRASTRUCTURE.—
12 The term ‘eligible support infrastructure’ means in-
13 frastructure that supports or houses a telecommuni-
14 cations service facility (or that is designed for or ca-
15 pable of supporting or housing such a facility) at the
16 time when a request to a State or local government
17 or instrumentality thereof for authorization to place,
18 construct, or modify a telecommunications service
19 facility in or on the infrastructure is submitted by
20 the requesting party to the government or instru-
21 mentality.

22 “(2) TELECOMMUNICATIONS SERVICE FACIL-
23 ITY.—The term ‘telecommunications service facil-
24 ity’—

1 “(A) means a facility that is designed or
2 used to provide or facilitate the provision of any
3 interstate or intrastate telecommunications
4 service; and

5 “(B) includes a facility described in sub-
6 paragraph (A) that is used to provide other
7 services.”.

8 **SEC. 103. REQUESTS FOR MODIFICATION OF CERTAIN EX-**
9 **ISTING WIRELESS AND WIRELINE COMMU-**
10 **NICATIONS FACILITIES.**

11 (a) IN GENERAL.—Section 6409 of the Middle Class
12 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
13 1455) is amended—

14 (1) in the heading, by striking “**WIRELESS**”
15 and inserting “**COMMUNICATIONS**”; and

16 (2) in subsection (a)—

17 (A) in paragraph (1), by striking “a State
18 or local government” and all that follows and
19 inserting the following: “a State or local gov-
20 ernment or instrumentality thereof may not
21 deny, and shall approve—

22 “(A) any eligible facilities request for a
23 modification of an existing wireless tower, base
24 station, or eligible support structure that does
25 not substantially change the physical dimen-

1 sions of such wireless tower, base station, or eli-
2 gible support structure; and

3 “(B) any eligible wireline communications
4 facilities request for a modification of an exist-
5 ing wireline communications facility that does
6 not substantially change the physical dimen-
7 sions of such facility.”;

8 (B) by amending paragraph (2) to read as
9 follows:

10 “(2) TIMEFRAME.—

11 “(A) DEEMED APPROVAL.—

12 “(i) IN GENERAL.—If a State or local
13 government or instrumentality thereof does
14 not, before or on the date that is 60 days
15 after the date on which a requesting party
16 submits to the government or instrumen-
17 tality a request as an eligible facilities re-
18 quest or an eligible wireline communica-
19 tions facilities request (as the case may
20 be), approve the request or make the deter-
21 mination and provide the written notice de-
22 scribed in subparagraph (B) with respect
23 to the request, the request is deemed ap-
24 proved on the day after the date that is 60

1 days after the date on which the request-
2 ing party submits the request.

3 “(ii) RULE OF CONSTRUCTION.—In
4 the case of a request that is deemed ap-
5 proved under clause (i), the modification
6 requested in the request shall be author-
7 ized, without any further action by the
8 government or instrumentality, beginning
9 on the date on which the request is deemed
10 approved under such clause.

11 “(B) DETERMINATION REQUEST IS NOT
12 AN ELIGIBLE REQUEST.—

13 “(i) DETERMINATION DESCRIBED.—
14 The determination described in this sub-
15 paragraph is a determination by a State or
16 local government or instrumentality thereof
17 that a request described in subparagraph
18 (A)(i) is not an eligible facilities request or
19 an eligible wireline communications facili-
20 ties request (as the case may be).

21 “(ii) WRITTEN NOTICE DESCRIBED.—
22 The written notice described in this sub-
23 paragraph is a written notice of the deter-
24 mination described in clause (i) provided
25 by the government or instrumentality to

1 the requesting party that clearly describes
2 the reasons why the request is not an eligi-
3 ble facilities request or an eligible wireline
4 communications facilities request (as the
5 case may be) and includes a citation to a
6 specific provision of this subsection or the
7 regulations promulgated under this sub-
8 section relied upon for the determination.

9 “(C) TOLLING DUE TO INCOMPLETE-
10 NESS.—

11 “(i) INITIAL REQUEST INCOM-
12 PLETE.—If, not later than 30 days after
13 the date on which a requesting party sub-
14 mits to a State or local government or in-
15 strumentality thereof a request described
16 in subparagraph (A)(i), the government or
17 instrumentality provides to the requesting
18 party a written notice described in clause
19 (iii) with respect to the request, the 60-day
20 timeframe under subparagraph (A)(i) is
21 tolled until the date on which the request-
22 ing party submits to the government or in-
23 strumentality a supplemental submission in
24 response to the notice.

1 “(ii) SUPPLEMENTAL SUBMISSION IN-
2 COMPLETE.—If, not later than 10 days
3 after the date on which a requesting party
4 submits to a State or local government or
5 instrumentality thereof a supplemental
6 submission in response to a written notice
7 described in clause (iii), the government or
8 instrumentality provides to the requesting
9 party a written notice described in clause
10 (iii) with respect to the supplemental sub-
11 mission, the 60-day timeframe under sub-
12 paragraph (A)(i) is further tolled until the
13 date on which the requesting party submits
14 to the government or instrumentality a
15 subsequent supplemental submission in re-
16 sponse to the notice.

17 “(iii) WRITTEN NOTICE DE-
18 SCRIBED.—The written notice described in
19 this clause is, with respect to a request de-
20 scribed in subparagraph (A)(i) or a supple-
21 mental submission described in clause (i)
22 or (ii) submitted to a State or local govern-
23 ment or instrumentality thereof by a re-
24 questing party, a written notice from the

1 government or instrumentality to the re-
2 questing party—

3 “(I) stating that all of the infor-
4 mation (including any form or other
5 document) required by the govern-
6 ment or instrumentality to be sub-
7 mitted for the request to be consid-
8 ered complete has not been submitted;

9 “(II) identifying the information
10 described in subclause (I) that was
11 not submitted; and

12 “(III) including a citation to a
13 specific provision of a publicly avail-
14 able rule, regulation, or standard
15 issued by the government or instru-
16 mentality requiring that such informa-
17 tion be submitted with such a request.

18 “(iv) LIMITATION.—

19 “(I) INITIAL WRITTEN NOTICE.—

20 If a written notice provided by a State
21 or local government or instrumentality
22 thereof to a requesting party under
23 clause (i) with respect to a request de-
24 scribed in subparagraph (A)(i) identi-
25 fies as not having been submitted any

1 information that the government or
2 instrumentality is prohibited by para-
3 graph (5) from requiring to be sub-
4 mitted, such notice shall be treated as
5 not having been provided to the re-
6 questing party.

7 “(II) SUBSEQUENT WRITTEN NO-
8 TICE.—If a written notice provided by
9 a State or local government or instru-
10 mentality thereof to a requesting
11 party under clause (ii) with respect to
12 a supplemental submission identifies
13 as not having been submitted any in-
14 formation that was not identified as
15 not having been submitted in the prior
16 written notice under this subpara-
17 graph in response to which the sup-
18 plemental submission was submitted,
19 the subsequent written notice shall be
20 treated as not having been provided to
21 the requesting party.

22 “(D) TOLLING BY MUTUAL AGREEMENT.—
23 The 60-day timeframe under subparagraph
24 (A)(i) may be tolled once, for a period of not
25 more than 30 days, by mutual agreement be-

1 tween the State or local government or instru-
2 mentality thereof and the requesting party.”;
3 and

4 (C) by adding at the end the following:

5 “(4) WHEN REQUEST CONSIDERED SUB-
6 MITTED.—

7 “(A) IN GENERAL.—For the purposes of
8 this subsection, a request described in para-
9 graph (2)(A)(i) shall be considered submitted
10 on the date on which the requesting party takes
11 the first procedural step within the control of
12 the requesting party—

13 “(i) to submit such request in accord-
14 ance with the procedures established by the
15 government or instrumentality for the re-
16 view and approval of such a request; or

17 “(ii) in the case of a government or
18 instrumentality that has not established
19 specific procedures for the review and ap-
20 proval of such a request, to submit to the
21 government or instrumentality the type of
22 filing that is typically required to initiate a
23 standard review for a similar facility or
24 structure.

1 “(B) NO PRE-APPLICATION REQUIRE-
2 MENTS.—A State or local government or instru-
3 mentality thereof may not require a requesting
4 party to undertake any process, meeting, or
5 other step prior to or as a prerequisite to a re-
6 quest being considered submitted.

7 “(5) LIMITATION ON REQUIRED DOCUMENTA-
8 TION.—A State or local government or instrumen-
9 tality thereof may require a requesting party submit-
10 ting a request as an eligible facilities request or an
11 eligible wireline communications facilities request to
12 submit information (including a form or other docu-
13 ment) with such request only to the extent that such
14 information is reasonably related to determining
15 whether such request is an eligible facilities request
16 or an eligible wireline communications facilities re-
17 quest (as the case may be) and is identified in a
18 publicly available rule, regulation, or standard issued
19 by the government or instrumentality requiring that
20 such information be submitted with such a request.
21 A State or local government or instrumentality
22 thereof may not require a requesting party to submit
23 any other documentation or information with such a
24 request.

25 “(6) ENFORCEMENT.—

1 “(A) IN GENERAL.—A requesting party
2 may bring an action in any district court of the
3 United States to enforce the provisions of this
4 subsection.

5 “(B) EXPEDITED REVIEW.—A district
6 court of the United States shall consider an ac-
7 tion under subparagraph (A) on an expedited
8 basis.

9 “(7) EFFECT OF REGULATIONS.—Any regula-
10 tion promulgated by the Commission to implement
11 this subsection (including any interpretation of the
12 requirements of and terms used in this subsection
13 contained in any such regulation) shall be binding
14 on a court in any action under paragraph (6).

15 “(8) DEFINITIONS.—In this subsection:

16 “(A) ELIGIBLE FACILITIES REQUEST.—
17 The term ‘eligible facilities request’ means any
18 request for a modification of an existing wire-
19 less tower, base station, or eligible support
20 structure that does not substantially change the
21 physical dimensions of such wireless tower, base
22 station, or eligible support structure and that
23 involves—

24 “(i) collocation of new transmission
25 equipment;

1 “(ii) removal of transmission equip-
2 ment;

3 “(iii) replacement of transmission
4 equipment; or

5 “(iv) placement, construction, or
6 modification of equipment that—

7 “(I) improves the resiliency of
8 the wireless tower, base station, or eli-
9 gible support structure; and

10 “(II) provides a direct benefit to
11 public safety, such as—

12 “(aa) providing backup
13 power for the wireless tower, base
14 station, or eligible support struc-
15 ture;

16 “(bb) hardening the wireless
17 tower, base station, or eligible
18 support structure; or

19 “(cc) providing more reliable
20 connection capability using the
21 wireless tower, base station, or
22 eligible support structure.

23 “(B) ELIGIBLE SUPPORT STRUCTURE.—

24 The term ‘eligible support structure’ means a
25 structure that, at the time when an eligible fa-

1 cilities request for a modification of such struc-
2 ture is submitted to a State or local government
3 or instrumentality thereof, supports or could
4 support transmission equipment.

5 “(C) ELIGIBLE WIRELINE COMMUNICA-
6 TIONS FACILITIES REQUEST.—The term ‘eligi-
7 ble wireline communications facilities request’
8 means any request for a modification of an ex-
9 isting wireline communications facility that does
10 not substantially change the physical dimen-
11 sions of such facility and that involves—

12 “(i) collocation of new wireline com-
13 munications facility equipment;

14 “(ii) removal of wireline communica-
15 tions facility equipment; or

16 “(iii) replacement of wireline commu-
17 nications facility equipment.

18 “(D) TRANSMISSION EQUIPMENT.—The
19 term ‘transmission equipment’ has the meaning
20 given such term in section 1.6100(b)(8) of title
21 47, Code of Federal Regulations (as in effect on
22 the date of the enactment of this paragraph).

23 “(E) WIRELINE COMMUNICATIONS FACIL-
24 ITY.—The term ‘wireline communications facil-
25 ity’ means a communications facility installa-

1 tion, to the extent such installation is associated
2 with wireline transmissions.”.

3 (b) IMPLEMENTATION.—Not later than 180 days
4 after the date of the enactment of this Act, the Federal
5 Communications Commission shall issue final rules to im-
6 plement the amendments made by subsection (a).

7 (c) APPLICABILITY.—The amendments made by sub-
8 section (a) shall apply with respect to any eligible facilities
9 request or eligible wireline communications facilities re-
10 quest described in paragraph (1) of section 6409(a) of the
11 Middle Class Tax Relief and Job Creation Act of 2012
12 (47 U.S.C. 1455(a)) that is submitted (as determined
13 under paragraph (4) of such section, as added by sub-
14 section (a)) by a requesting party on or after the date
15 of the enactment of this Act.

16 **TITLE II—CABLE**

17 **SEC. 201. REQUEST FOR NEW FRANCHISE.**

18 Section 621 of the Communications Act of 1934 (47
19 U.S.C. 541) is amended by adding at the end the fol-
20 lowing:

21 “(g) TIMING OF DECISION ON REQUEST FOR FRAN-
22 CHISE.—

23 “(1) IN GENERAL.—Not later than 120 days
24 after the date on which a requesting party submits
25 to a franchising authority a request for the grant of

1 a franchise, the franchising authority shall approve
2 or deny such request.

3 “(2) DEEMED GRANT OF NEW FRANCHISE.—If
4 the franchising authority does not approve or deny
5 a request under paragraph (1) by the day after the
6 date on which the time period ends under such para-
7 graph, such request shall be deemed granted on such
8 day.

9 “(3) APPLICABILITY.—Notwithstanding any
10 provision of this title, the timeframe under para-
11 graph (1) shall apply collectively to all proceedings
12 required by a franchising authority for the approval
13 of the request.

14 “(4) NO MORATORIA.—A timeframe under
15 paragraph (1) may not be tolled by any moratorium,
16 whether express or de facto, imposed by a fran-
17 chising authority on the consideration of any request
18 for a franchise.

19 “(5) TOLLING DUE TO INCOMPLETENESS.—

20 “(A) INITIAL REQUEST INCOMPLETE.—If,
21 not later than 30 days after the date on which
22 a franchising authority provides to a requesting
23 party a written notice described in subpara-
24 graph (C) with respect to a request described in
25 paragraph (1), the timeframe described in such

1 paragraph is tolled with respect to the request
2 until the date on which the requesting party
3 submits to the franchising authority a supple-
4 mental submission in response to the notice.

5 “(B) SUPPLEMENTAL SUBMISSION INCOM-
6 PLETE.—If, not later than 10 days after the
7 date on which a requesting party submits to the
8 franchising authority a supplemental submis-
9 sion in response to a written notice described in
10 subparagraph (A), the franchising authority
11 provides to the requesting party a written no-
12 tice described in subparagraph (A) with respect
13 to the supplemental submission, the timeframe
14 under paragraph (1) is further tolled until the
15 date on which the requesting party submits to
16 the franchising authority a subsequent supple-
17 mental submission in response to the notice.

18 “(C) WRITTEN NOTICE DESCRIBED.—The
19 written notice described in this subparagraph
20 is, with respect to a request described in para-
21 graph (1) or a supplemental submission de-
22 scribed in subparagraph (A) or (B) submitted
23 to a franchising authority by a requesting
24 party, a written notice from the franchising au-
25 thority to the requesting party—

1 “(i) stating that all of the information
2 (including any form or other document) re-
3 quired by the franchising authority to be
4 submitted for the request to be considered
5 complete has not been submitted;

6 “(ii) identifying the information de-
7 scribed in clause (i) that was not sub-
8 mitted;

9 “(iii) demonstrating that such infor-
10 mation is reasonable and directly related to
11 determining the qualifications of the re-
12 questing party to operate the cable system;
13 and

14 “(iv) including a citation to a specific
15 provision of a publicly available rule, regu-
16 lation, or standard issued by the fran-
17 chising authority requiring that such infor-
18 mation be submitted with such a request.

19 “(D) LIMITATION ON SUBSEQUENT WRIT-
20 TEN NOTICE.—If a written notice provided by a
21 franchising authority to a requesting party
22 under subparagraph (A) with respect to a sup-
23 plemental submission identifies as not having
24 been submitted any information that was not
25 identified as not having been submitted in the

1 prior written notice under this subparagraph in
2 response to which the supplemental submission
3 was submitted, the subsequent written notice
4 shall be treated as not having been provided to
5 the requesting party.

6 “(6) TOLLING BY MUTUAL AGREEMENT.—The
7 timeframe under paragraph (1) may be tolled once,
8 for a period of not more than 30 days, by mutual
9 agreement between the franchising authority and the
10 requesting party.

11 “(7) WRITTEN DECISION AND RECORD.—Any
12 decision by a franchising authority to deny a request
13 for a franchise shall be—

14 “(A) in writing;

15 “(B) supported by substantial evidence
16 contained in a written record; and

17 “(C) publicly released, and provided to the
18 requesting party, on the same day such decision
19 is made.

20 “(8) WHEN REQUEST CONSIDERED SUB-
21 MITTED.—For the purposes of this subsection, a re-
22 quest to a franchising authority shall be considered
23 submitted on the date on which the requesting party
24 takes the first procedural step within the control of
25 the requesting party—

1 “(A) to submit such request in accordance
2 with the procedures established by the fran-
3 chising authority for the review and approval of
4 such a request; or

5 “(B) in the case of a franchising authority
6 that has not established specific procedures for
7 the review and approval of such a request, to
8 submit to the franchising authority the type of
9 filing that is typically required of a cable oper-
10 ator to initiate a standard review for a request
11 related to a franchise.”.

12 **SEC. 202. REQUEST REGARDING PLACEMENT, CONSTRUC-**
13 **TION, OR MODIFICATION OF CABLE EQUIP-**
14 **MENT.**

15 (a) IN GENERAL.—Section 624 of the Communica-
16 tions Act of 1934 (47 U.S.C. 544) is amended by adding
17 at the end the following:

18 “(j) REQUEST REGARDING PLACEMENT, CONSTRUC-
19 TION, OR MODIFICATION OF FACILITIES.—

20 “(1) NO EFFECT ON AUTHORITY OF CERTAIN
21 ENTITIES.—Except as provided in this subsection,
22 nothing in this title shall limit or affect the author-
23 ity of a covered entity over—

24 “(A) decisions regarding the placement,
25 construction, or modification of covered equip-

1 ment within the jurisdiction of such covered en-
2 tity; or

3 “(B) safety standards for the placement,
4 construction, or modification of such covered
5 equipment.

6 “(2) LIMITATIONS.—

7 “(A) ABILITY TO PROVIDE OR ENHANCE
8 SERVICE.—With respect to the regulation by a
9 covered entity for the placement, construction,
10 or modification of covered equipment, the cov-
11 ered entity shall not prohibit or have the effect
12 of prohibiting the ability of a cable operator to
13 provide, improve, or enhance the provision of
14 service using covered equipment under a fran-
15 chise granted by such covered entity, or within
16 the jurisdiction of such covered entity, as so
17 may be the case.

18 “(B) NO IMPOSITION OF CERTAIN CONDI-
19 TIONS.—A covered entity shall not, in connec-
20 tion with a request for authorization to place,
21 construct, or modify covered equipment made
22 after the date of the enactment of this sub-
23 section, impose on the requesting party—

24 “(i) any requirement that the request-
25 ing party, as a condition of obtaining such

1 authorization, install, or pay for the instal-
2 lation of, any conduit or fiber for use by
3 the covered entity or any person other than
4 the requesting party;

5 “(ii) any requirement that the re-
6 questing party prepare or pay for the prep-
7 aration of any environmental, engineering,
8 network design, mapping, or other survey
9 or study unrelated to the request; or

10 “(iii) any other condition for obtain-
11 ing such authorization, unless such condi-
12 tion is specific to the precise geographic lo-
13 cation at which the covered equipment is
14 being placed, constructed, or modified.

15 “(C) TIMING OF DECISIONS ON REQUESTS
16 FOR AUTHORIZATIONS TO PLACE, CONSTRUCT,
17 OR MODIFY FACILITY.—

18 “(i) TIMEFRAME.—A covered entity
19 shall approve or deny a request for author-
20 ization to place, construct, or modify cov-
21 ered equipment not later than—

22 “(I) if the request is for author-
23 ization to place, construct, or modify
24 covered equipment in or on a covered
25 easement or eligible support infra-

1 structure, 90 days after the date on
2 which requesting party submits the
3 request to the covered entity; or

4 “(II) if the request is not for au-
5 thorization to place, construct, or
6 modify covered equipment in or on a
7 covered easement or eligible support
8 infrastructure, 150 days after the
9 date on which the requesting party
10 submits the request to the covered en-
11 tity.

12 “(ii) DEEMED GRANTED.—If a cov-
13 ered entity fails to grant or deny a request
14 by the applicable timeframe under clause
15 (i), the request shall be deemed granted
16 and authorized on the date on which the
17 covered entity receives written notice of the
18 failure from the requesting party.

19 “(iii) APPLICABILITY.—Notwith-
20 standing any provision of this title, the ap-
21 plicable timeframe under clause (i) shall
22 apply collectively to all proceedings, includ-
23 ing related permits and authorizations, re-
24 quired by a covered entity for the approval
25 of the request.

1 “(iv) NO MORATORIA.—A timeframe
2 under clause (i) may not be tolled by any
3 moratorium, whether express or de facto,
4 imposed by a covered entity on the consid-
5 eration of any request for authorization to
6 place, construct, or modify covered equip-
7 ment.

8 “(v) TOLLING DUE TO INCOMPLETE-
9 NESS.—

10 “(I) INITIAL REQUEST INCOM-
11 plete.—If, not later than 30 days
12 after the date on which a requesting
13 party submits to a covered entity a re-
14 quest for authorization to place, con-
15 struct, or modify covered equipment,
16 the covered entity provides to the re-
17 questing party a written notice de-
18 scribed in subclause (III) with respect
19 to the request, the timeframe de-
20 scribed in clause (i) is tolled with re-
21 spect to the request until the date on
22 which the requesting party submits to
23 the covered entity a supplemental sub-
24 mission in response to the notice.

1 “(II) SUPPLEMENTAL SUBMIS-
2 SION INCOMPLETE.—If, not later than
3 10 days after the date on which a re-
4 questing party submits to the covered
5 entity a supplemental submission in
6 response to a written notice described
7 in subclause (III), the covered entity
8 provides to the requesting party a
9 written notice described in subclause
10 (III) with respect to the supplemental
11 submission, the timeframe under
12 clause (i) is further tolled until the
13 date on which the requesting party
14 submits to the covered entity a subse-
15 quent supplemental submission in re-
16 sponse to the notice.

17 “(III) WRITTEN NOTICE DE-
18 SCRIBED.—The written notice de-
19 scribed in this subclause is, with re-
20 spect to a request described in clause
21 (i) or a supplemental submission de-
22 scribed in subclause (I) or (II) sub-
23 mitted to a covered entity by a re-
24 questing party, a written notice from

1 the requesting party to the covered
2 entity—

3 “(aa) stating that all of the
4 information (including any form
5 or other document) required by
6 the covered entity to be sub-
7 mitted for the request to be con-
8 sidered complete has not been
9 submitted;

10 “(bb) identifying the infor-
11 mation described in item (aa)
12 that was not submitted; and

13 “(cc) including a citation to
14 a specific provision of a publicly
15 available rule, regulation, or
16 standard issued by the covered
17 entity requiring that such infor-
18 mation be submitted with such a
19 request.

20 “(IV) LIMITATION ON SUBSE-
21 QUENT WRITTEN NOTICE.—If a writ-
22 ten notice provided by covered entity
23 to a requesting party under subclause
24 (I) with respect to a supplemental
25 submission identifies as not having

1 been submitted any information that
2 was not identified as not having been
3 submitted in the prior written notice
4 under this subparagraph in response
5 to which the supplemental submission
6 was submitted, the subsequent written
7 notice shall be treated as not having
8 been provided to the requesting party.

9 “(vi) TOLLING BY MUTUAL AGREE-
10 MENT.—The timeframe under clause (i)
11 may be tolled once, for a period of not
12 more than 30 days, by mutual agreement
13 between the covered entity and the re-
14 questing party.

15 “(vii) WRITTEN DECISION AND
16 RECORD.—Any decision by a covered entity
17 to deny a request for authorization to
18 place, construct, or modify covered equip-
19 ment shall be—

20 “(I) in writing;

21 “(II) supported by substantial
22 evidence contained in a written
23 record; and

1 “(III) publicly released, and pro-
2 vided to the requesting party, on the
3 same day such decision is made.

4 “(viii) WHEN REQUEST CONSIDERED
5 SUBMITTED.—For the purposes of this
6 subparagraph, a request to a covered enti-
7 ty shall be considered submitted on the
8 date on which the requesting party takes
9 the first procedural step within the control
10 of the requesting party—

11 “(I) to submit such request in
12 accordance with the procedures estab-
13 lished by the covered entity for the re-
14 view and approval of such a request;
15 or

16 “(II) in the case of a covered en-
17 tity that has not established specific
18 procedures for the review and ap-
19 proval of such a request, to submit to
20 the covered entity the type of filing
21 that is typically required of a cable
22 operator to initiate a standard review
23 for a similar request in a jurisdiction
24 that has not established specific pro-

1 cedures for the relevant review and
2 approval of such a request.

3 “(ix) EMERGENCY WORK.—

4 “(I) LIMITATION.—A covered en-
5 tity shall not require a cable operator
6 to request or obtain authorization for
7 the placement, construction, or modi-
8 fication of covered equipment in or on
9 a covered easement before such cable
10 operator performs, with respect to
11 such equipment, work to repair a sys-
12 tem damaged due to forces outside
13 the control of such cable operator.

14 “(II) NOTIFICATION.—A cable
15 operator shall promptly notify the af-
16 fected covered entity of any such work
17 before performing any such work.

18 “(3) FEES.—

19 “(A) IN GENERAL.—A covered entity may
20 charge a fee that meets the requirements under
21 subparagraph (B) to consider a request for au-
22 thorization to place, construct, or modify cov-
23 ered equipment.

24 “(B) REQUIREMENTS.—A fee charged
25 under subparagraph (A) shall be—

1 “(i) competitively neutral, technology
2 neutral, and nondiscriminatory;

3 “(ii) established and publicly disclosed
4 in advance;

5 “(iii) calculated—

6 “(I) based on actual and direct
7 costs for—

8 “(aa) review and processing
9 of requests; and

10 “(bb) repairs and replace-
11 ment of—

12 “(AA) components and
13 materials directly resulting
14 from and affected by the
15 placement, construction, or
16 modification of the covered
17 equipment (including compo-
18 nents and materials directly
19 resulting from and affected
20 by the installation of covered
21 equipment or, with respect
22 to the placement, construc-
23 tion, or modification of the
24 covered equipment, the im-

1 provement of an eligible sup-
2 port infrastructure); or

3 “(BB) equipment that
4 facilitates the repair and re-
5 placement of such compo-
6 nents and materials;

7 “(II) using, for purposes of sub-
8 clause (I), only costs that are objec-
9 tively reasonable; and

10 “(III) described to a requesting
11 party in a manner that distinguishes
12 between nonrecurring fees and recur-
13 ring fees.

14 “(C) NO RELATION TO FRANCHISE
15 FEES.—A fee charged under this paragraph to
16 consider a request for authorization to place,
17 construct, or modify covered equipment may
18 not be considered a franchise fee under section
19 622.

20 “(4) DEFINITIONS.—In this subsection:

21 “(A) COVERED EASEMENT.—The term
22 ‘covered easement’ means an easement or public
23 right-of-way that exists at the time when a re-
24 quest to a covered entity for authorization to
25 place, construct, or modify the covered equip-

1 ment in or on the easement or public right-of-
2 way is submitted to the covered entity.

3 “(B) COVERED EQUIPMENT.—The term
4 ‘covered equipment’ means equipment or mate-
5 rials (including any cable, fiber, conduit, or
6 electronics) used in or attached to a cable sys-
7 tem to provide any service through such system.

8 “(C) COVERED ENTITY.—The term ‘cov-
9 ered entity’ means:

10 “(i) A State.

11 “(ii) A local government.

12 “(iii) An instrumentality of a State or
13 a local government.

14 “(iv) A franchising authority.

15 “(D) ELIGIBLE SUPPORT INFRASTRUC-
16 TURE.—The term ‘eligible support infrastruc-
17 ture’ means infrastructure that—

18 “(i) is located within a public right-of-
19 way or easement that—

20 “(I) is within the area served by
21 the cable system; and

22 “(II) has been dedicated for com-
23 patible uses; and

24 “(ii) supports or houses a facility for
25 communication by wire (or that is designed

1 for or capable of supporting or housing
2 such a facility) at the time when a request
3 to a covered entity for authorization to
4 place, construct, or modify covered equip-
5 ment in or on the infrastructure is sub-
6 mitted to the covered entity.”.

7 (b) ACTION ON PENDING REQUESTS.—

8 (1) APPLICATION.—Paragraphs (2)(B) and (4)
9 of section 624(j) of the Communications Act of 1934
10 (47 U.S.C. 544(j)), as added by subsection (a), shall
11 apply to a—

12 (A) request submitted to a covered entity
13 (as such term is defined in section 624(j) of the
14 Communications Act of 1934)—

15 (i) before the date of the enactment of
16 this Act; and

17 (ii) has not been approved or denied
18 by the covered entity on or before such
19 date; and

20 (B) a request submitted to a covered entity
21 on or after the date of the enactment of this
22 Act.

23 (2) DATE OF RECEIPT.—The date of receipt by
24 a covered entity of a request described under sub-

1 section (a)(1) shall be deemed to be the date of the
2 enactment of this Act.

3 **SEC. 203. CABLE FRANCHISE TERM AND TERMINATION.**

4 (a) **ELIMINATION OR MODIFICATION OF REQUIRE-**
5 **MENT IN FRANCHISE.**—Section 625 of the Communica-
6 tions Act of 1934 (47 U.S.C. 545) is amended to read
7 as follows:

8 **“SEC. 625. ELIMINATION OR MODIFICATION OF REQUIRE-**
9 **MENT IN FRANCHISE.**

10 “(a) **IN GENERAL.**—During the period in which a
11 franchise is in effect, the cable operator may obtain the
12 elimination or modification of any requirement in the fran-
13 chise by submitting to the franchising authority a request
14 for the elimination or modification of such requirement.

15 “(b) **ELIMINATION OR MODIFICATION OF REQUIRE-**
16 **MENT IN FRANCHISE.**—The franchising authority shall
17 eliminate or modify a requirement in accordance with a
18 request submitted under subsection (a) not later than 120
19 days after the cable operator submits the request to the
20 franchising authority if the cable operator demonstrates
21 in the request good cause for the elimination or modifica-
22 tion of the requirement, including the need to eliminate
23 or modify the requirement—

24 “(1) to conform to an applicable Federal or
25 State law;

1 “(2) to address changes in technology;

2 “(3) to address competitive disparities; or

3 “(4) in the case of a requirement applicable to
4 the cable operator, due to commercial imprac-
5 ticability.

6 “(c) DEEMED ELIMINATION OR MODIFICATION.—

7 Except in the case of a request for the elimination or
8 modification of a requirement for services relating to pub-
9 lic, educational, or governmental access, if the franchising
10 authority fails to approve or deny the request submitted
11 under subsection (a) by the date described under sub-
12 section (b), the requirement shall be deemed eliminated
13 or modified in accordance with the request on the day
14 after such date.

15 “(d) APPEAL.—

16 “(1) IN GENERAL.—Any cable operator whose
17 request for elimination or modification of a require-
18 ment in a franchise under subsection (a) has been
19 denied by a final decision of a franchising authority
20 may seek judicial review of the decision pursuant to
21 the provisions of section 635.

22 “(2) GRANT OF REQUEST.—In the case of any
23 proposed elimination or modification of a require-
24 ment in a franchise under subsection (a), the court
25 shall grant such elimination or modification only if

1 the cable operator demonstrates to the court that
2 the standards in subsection (b) have been met.

3 “(e) WHEN REQUEST CONSIDERED SUBMITTED.—

4 For the purposes of this section, a request to a franchising
5 authority shall be considered submitted on the date on
6 which the requesting party takes the first procedural step
7 within the control of the requesting party—

8 “(1) to submit such request in accordance with
9 the procedures established by the franchising au-
10 thority for the review and approval of such a re-
11 quest; or

12 “(2) in the case of a franchising authority that
13 has not established specific procedures for the review
14 and approval of such a request, to submit to the
15 franchising authority the type of filing that is typi-
16 cally required to initiate a standard review for a re-
17 quest related to a franchise.”.

18 (b) IN GENERAL.—Section 626 of the Communica-
19 tions Act of 1934 (47 U.S.C. 546) is amended to read
20 as follows:

21 **“SEC. 626. FRANCHISE TERM AND TERMINATION.**

22 “(a) FRANCHISE TERM.—A franchise shall continue
23 in effect (without any requirement for renewal) until the
24 date on which the franchise is revoked or terminated in
25 accordance with subsection (b).

1 “(b) LIMITS.—

2 “(1) PROHIBITION AGAINST REVOCATION; TER-
3 MINATION.—Except as provided in paragraph (2), a
4 franchise may not be—

5 “(A) revoked by a franchising authority;

6 “(B) terminated by a cable operator; or

7 “(C) revoked or terminated by operation of
8 law, including by a term in a franchise that re-
9 vokes or terminates such franchise on a specific
10 date, after a period of time, or upon the occur-
11 rence of an event.

12 “(2) WHEN TERMINATION OR REVOCATION OF
13 FRANCHISE PERMITTED.—

14 “(A) TERMINATION BY CABLE OPER-
15 ATOR.—

16 “(i) IN GENERAL.—A cable operator
17 may terminate a franchise by submitting
18 to the franchising authority a written re-
19 quest to terminate such franchise.

20 “(ii) TIME OF TERMINATION.—If the
21 cable operator submits a written request
22 under clause (i), the franchising authority
23 shall revoke the franchise on the date that
24 is 90 days after the request is submitted to
25 the franchising authority.

1 “(iii) DEEMED TO BE REVOKED.—If a
2 franchising authority does not approve a
3 request by the date required under clause
4 (ii), the franchise is deemed revoked on the
5 day after such date.

6 “(B) TERMINATION BY FRANCHISING AU-
7 THORITY.—A franchising authority may revoke
8 a franchise for cause if the franchising author-
9 ity—

10 “(i) finds that the cable operator has
11 knowingly and willfully failed to substan-
12 tially meet a material requirement imposed
13 by the franchise;

14 “(ii) provides the cable operator a rea-
15 sonable opportunity to cure such failure,
16 after which the cable operator fails to cure
17 such failure; and

18 “(iii) does not waive the material re-
19 quirement or acquiesce with the failure to
20 substantially meet such requirement.

21 “(c) REVIEW OF REVOCATION OF FRANCHISE BY
22 FRANCHISING AUTHORITY.—

23 “(1) ADMINISTRATIVE OR JUDICIAL REVIEW.—
24 With respect to a determination by a franchising au-

1 thority to revoke a franchise for cause under sub-
2 section (b)(2)(B), a cable operator may—

3 “(A) petition the Commission for review of
4 such determination; or

5 “(B) seek judicial review of such deter-
6 mination pursuant to the provisions of section
7 635.

8 “(2) COMMISSION REVIEW.—With respect to a
9 petition for the review of a determination brought
10 under paragraph (1)(A), the Commission shall—

11 “(A) review the determination de novo; and

12 “(B) invalidate the determination if, based
13 on the evidence presented during the review, the
14 Commission determines that the franchising au-
15 thority has not demonstrated by a preponder-
16 ance of the evidence that the franchising au-
17 thority revoked the franchise for cause in ac-
18 cordance with subsection (b)(2)(B).

19 “(3) STAY OF DETERMINATION TO REVOKE
20 FRANCHISE.—A revocation of a franchise for cause
21 under subsection (b)(2)(B) may be stayed—

22 “(A) in the case the cable operator peti-
23 tions the Commission for review of the deter-
24 mination on which such revocation is based, by
25 the Commission; and

1 “(B) in the case the cable operator seeks
2 judicial review of the determination on which
3 such revocation is based, by the court in which
4 the cable operator seeks judicial review of the
5 determination.”.

6 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
7 The Communications Act of 1934 (47 U.S.C. 151 et seq.)
8 is amended—

9 (1) in section 601—

10 (A) in paragraph (4), by striking the semi-
11 colon at the end and inserting “; and”;

12 (B) by striking paragraph (5); and

13 (C) by redesignating paragraph (6) as
14 paragraph (5);

15 (2) in section 602(9)—

16 (A) by striking “initial”; and

17 (B) by striking “, or renewal thereof (in-
18 cluding a renewal of an authorization which has
19 been granted subject to section 626),”;

20 (3) in section 611(b), by striking “and may re-
21 quire as part of a cable operator’s proposal for a
22 franchise renewal, subject to section 626,”;

23 (4) in section 612(b)(3)—

24 (A) by striking “or as part of a proposal
25 for renewal, subject to section 626,”; and

1 (B) by striking “, or proposal for renewal
2 thereof,”;

3 (5) in section 621(b)(3)—

4 (A) in subparagraph (C)(ii), by striking
5 “or franchise renewal”; and

6 (B) in subparagraph (D)—

7 (i) by striking “initial”; and

8 (ii) by striking “, a franchise re-
9 newal,”;

10 (6) in section 624—

11 (A) in subsection (b)(1), by striking “(in-
12 cluding requests for renewal proposals, subject
13 to section 626)”;

14 (B) in subsection (d)(1), by striking “or
15 renewal thereof”;

16 (7) in section 635A(a), by striking “renewal”.

17 (d) EFFECTIVE DATE; APPLICATION.—

18 (1) EFFECTIVE DATE.—This section, and the
19 amendments made by this section, shall take effect
20 6 months after the date of the enactment of this
21 Act.

22 (2) APPLICATION.—This section, and the
23 amendments made by this section, shall apply to a
24 franchise granted—

1 (A) on or after the effective date estab-
2 lished by paragraph (1); or

3 (B) before such date, if—

4 (i) such franchise (including, any re-
5 newal thereof before the date of the enact-
6 ment of this Act) is in effect on such date;

7 or

8 (ii) such franchise is expired and the
9 cable operator has continued to perform
10 under the provisions of such franchise as if
11 such franchise were not expired.

12 **SEC. 204. SALES OF CABLE SYSTEMS.**

13 (a) IN GENERAL.—Section 627 of the Communica-
14 tions Act of 1934 (47 U.S.C. 547) is amended to read
15 as follows:

16 **“SEC. 627. CONDITIONS OF SALE OR TRANSFER.**

17 “(a) VALUE OF CABLE SYSTEM AFTER REVOCATION
18 OF FRANCHISE.—If a franchise held by a cable operator
19 is revoked for cause under section 626(b)(2)(B) and the
20 franchising authority acquires ownership of the cable sys-
21 tem or effects a transfer of ownership of the system to
22 another person, any such acquisition or transfer shall be
23 at fair market value.

1 “(b) LIMITATIONS ON AUTHORITY OF FRANCHISING
2 AUTHORITY WITH RESPECT TO TRANSFER OF FRAN-
3 CHISE.—

4 “(1) IN GENERAL.—A franchising authority
5 may not preclude a cable operator from transferring
6 a franchise to any person—

7 “(A) to which such franchise was not ini-
8 tially granted; and

9 “(B) with respect to the terms of the fran-
10 chise that apply to the cable operator, who
11 agrees to accept all such terms in effect at the
12 time of the transfer.

13 “(2) NOTIFICATION.—In the case of the trans-
14 fer of a franchise to a person to which such fran-
15 chise was not originally granted, a franchising au-
16 thority may require a cable operator to which a fran-
17 chise was initially granted to, not later than 15 days
18 before the transfer of the franchise, notify the fran-
19 chising authority in writing of such transfer.

20 “(c) TRANSFER OF A FRANCHISE DEFINED.—In this
21 section, the term ‘transfer of a franchise’ means the trans-
22 fer or assignment of any rights under a franchise through
23 any transaction, including through—

24 “(1) a merger involving the cable operator or
25 cable system;

1 “(2) a sale of the cable operator or cable sys-
2 tem;

3 “(3) an assignment of the cable operator or a
4 cable system;

5 “(4) a restructuring of a cable operator or a
6 cable system; or

7 “(5) the transfer of control of a cable operator
8 or a cable system.”.

9 (b) EFFECTIVE DATE.—This section, and the amend-
10 ment made by subsection (a), shall take effect 6 months
11 after the date of the enactment of this Act.

12 (c) APPLICATION.—This section, and the amendment
13 made by subsection (a), shall apply to a franchise grant-
14 ed—

15 (1) on or after the effective date established by
16 subsection (b); or

17 (2) before such date, if—

18 (A) such franchise (including any renewal
19 term thereof) is in effect on such date; or

20 (B) such franchise is expired and cable op-
21 erator has continued to perform under the pro-
22 visions of such franchise as if such franchise
23 were not expired.

1 **TITLE III—ENVIRONMENTAL**
2 **AND HISTORIC PRESERVA-**
3 **TION REVIEWS**

4 **SEC. 301. APPLICATION OF NEPA AND NHPA TO CERTAIN**
5 **COMMUNICATIONS PROJECTS.**

6 (a) IN GENERAL.—

7 (1) NEPA EXEMPTION.—A Federal authoriza-
8 tion with respect to a covered project may not be
9 considered a major Federal action under section
10 102(2)(C) of the National Environmental Policy Act
11 of 1969 (42 U.S.C. 4332(2)(C)).

12 (2) NATIONAL HISTORIC PRESERVATION ACT
13 EXEMPTION.—A covered project may not be consid-
14 ered an undertaking under section 300320 of title
15 54, United States Code.

16 (b) GRANT OF EASEMENT ON FEDERAL PROP-
17 ERTY.—

18 (1) NEPA EXEMPTION.—A Federal authoriza-
19 tion with respect to a covered easement for a com-
20 munications facility may not be considered a major
21 Federal action under section 102(2)(C) of the Na-
22 tional Environmental Policy Act of 1969 (42 U.S.C.
23 4332(2)(C)), if—

24 (A) a covered easement has previously been
25 granted for another communications facility or

1 a utility facility with respect to the same build-
2 ing or other property owned by the Federal
3 Government; or

4 (B) the covered easement is for a commu-
5 nications facility in a public right-of-way.

6 (2) NATIONAL HISTORIC PRESERVATION ACT
7 EXEMPTION.—A covered easement for a communica-
8 tions facility may not be considered an undertaking
9 under section 300320 of title 54, United States
10 Code, if—

11 (A) a covered easement has previously been
12 granted for another communications facility or
13 a utility facility with respect to the same build-
14 ing or other property owned by the Federal
15 Government; or

16 (B) the covered easement is for a commu-
17 nications facility in a public right-of-way.

18 (c) REQUESTS FOR MODIFICATION OF CERTAIN EX-
19 ISTING WIRELESS AND WIRELINE COMMUNICATIONS FA-
20 CILITIES.—Section 6409(a)(3) of the Middle Class Tax
21 Relief and Job Creation Act of 2012 (47 U.S.C.
22 1455(a)(3)) is amended to read as follows:

23 “(3) APPLICATION OF NEPA; NHPA.—

24 “(A) NEPA EXEMPTION.—A Federal au-
25 thorization with respect to an eligible facilities

1 request or an eligible wireline communications
2 facilities request may not be considered a major
3 Federal action under section 102(2)(C) of the
4 National Environmental Policy Act of 1969 (42
5 U.S.C. 4332(2)(C)).

6 “(B) NATIONAL HISTORIC PRESERVATION
7 ACT EXEMPTION.—An eligible facilities request
8 or an eligible wireline communications facilities
9 request may not be considered an undertaking
10 under section 300320 of title 54, United States
11 Code.

12 “(C) FEDERAL AUTHORIZATION DE-
13 FINED.—In this paragraph, the term ‘Federal
14 authorization’—

15 “(i) means any authorization required
16 under Federal law with respect to an eligi-
17 ble facilities request or an eligible wireline
18 communications facilities request; and

19 “(ii) includes any permits, special use
20 authorizations, certifications, opinions, or
21 other approvals as may be required under
22 Federal law with respect to an eligible fa-
23 cilities request or an eligible wireline com-
24 munications facilities request.”.

1 **SEC. 302. PRESUMPTION WITH RESPECT TO CERTAIN COM-**
2 **plete FCC FORMS.**

3 (a) PRESUMPTION.—With respect to a project that
4 is an undertaking under section 300320 of title 54, United
5 States Code, as determined by the Commission, if an In-
6 dian Tribe is shown to have received a complete FCC
7 Form 620 or FCC Form 621 (or any successor form), or
8 can be reasonably expected to have received a complete
9 FCC Form 620 or FCC Form 621 (or any successor
10 form), and has not acted on a request contained in such
11 complete form by the date that is 45 days after the date
12 of such receipt or reasonably expected receipt—

13 (1) the Commission and a court of competent
14 jurisdiction (as the case may be) shall presume the
15 applicant with respect to such complete form has
16 made a good faith effort to provide the information
17 reasonably necessary for such Indian Tribe to ascer-
18 tain whether historic properties of religious or cul-
19 tural significance to such Indian Tribe may be af-
20 fected by the undertaking related to such complete
21 form; and

22 (2) such Indian Tribe shall be presumed to
23 have disclaimed interest in such undertaking.

24 (b) OVERCOMING PRESUMPTION.—

25 (1) IN GENERAL.—An Indian Tribe may over-
26 come a presumption under subsection (a) upon mak-

1 ing, to the Commission or a court of competent ju-
2 risdiction, a favorable demonstration with respect to
3 1 or more of the factors described in paragraph (2).

4 (2) FACTORS CONSIDERED.—In making a de-
5 termination regarding a presumption under sub-
6 section (a), the Commission or court of competent
7 jurisdiction shall give substantial weight to—

8 (A) whether the applicant with respect to
9 the relevant complete form failed to make a
10 reasonable attempt to follow up with the appli-
11 cable Indian Tribe not earlier than 30 days,
12 and not later than 50 days, after the applicant
13 submitted a complete FCC Form 620 or FCC
14 Form 621 (as the case may be) to such Indian
15 Tribe; and

16 (B) whether the regulations of the Com-
17 mission, or FCC Form 620 or FCC Form 621,
18 are found to be in violation of a Nationwide
19 Programmatic Agreement of the Commission.

20 **SEC. 303. RULE OF CONSTRUCTION.**

21 Nothing in this title or any amendment made by this
22 title may be construed to affect the obligation of the Com-
23 mission to evaluate radiofrequency exposure under the Na-
24 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
25 et seq.).

1 **SEC. 304. DEFINITIONS.**

2 In this title:

3 (1) CHIEF EXECUTIVE.—The term “Chief Ex-
4 ecutive” means the person who is the Chief, Chair-
5 man, Governor, President, or similar executive offi-
6 cial of an Indian tribal government.

7 (2) COMMISSION.—The term “Commission”
8 means the Federal Communications Commission.

9 (3) COMMUNICATIONS FACILITY.—The term
10 “communications facility” has the meaning given the
11 term “communications facility installation” in sec-
12 tion 6409(d) of the Middle Class Tax Relief and Job
13 Creation Act of 2012 (47 U.S.C. 1455(d)).

14 (4) COVERED EASEMENT.—The term “covered
15 easement” means an easement, right-of-way, or lease
16 with respect to a building or other property owned
17 by the Federal Government, excluding Tribal land
18 held in trust by the Federal Government (unless the
19 Indian tribal government with respect to such land
20 requests that the Commission not exclude the land
21 for purposes of this definition), for the right to in-
22 stall, construct, modify, or maintain a communica-
23 tions facility or a utility facility.

24 (5) COVERED PROJECT.—The term “covered
25 project” means any of the following:

26 (A) A project—

1 (i) for—

2 (I) the mounting or installation
3 of a personal wireless service facility
4 with another personal wireless service
5 facility that exists at the time at
6 which a request for authorization of
7 such mounting or installation is sub-
8 mitted to a State or local government
9 or instrumentality thereof or to an In-
10 dian tribal government; or

11 (II) the modification of a per-
12 sonal wireless service facility; and

13 (ii) for which a permit, license, or ap-
14 proval from the Commission is required or
15 that is otherwise subject to the jurisdiction
16 of the Commission.

17 (B) A project—

18 (i) for the placement, construction, or
19 modification of a facility for communica-
20 tion by wire in or on eligible support infra-
21 structure; and

22 (ii) for which a permit, license, or ap-
23 proval from the Commission is required or
24 that is otherwise subject to the jurisdiction
25 of the Commission.

1 (C) A project to deploy a small personal
2 wireless service facility.

3 (D) A project—

4 (i) for the deployment or modification
5 of a communications facility that is to be
6 carried out entirely within a floodplain (as
7 defined in section 9.4 of title 44, Code of
8 Federal Regulations, as in effect on the
9 date of the enactment of this Act); and

10 (ii) for which a permit, license, or ap-
11 proval from the Commission is required or
12 that is otherwise subject to the jurisdiction
13 of the Commission.

14 (E) A project—

15 (i) for the deployment or modification
16 of a communications facility that is to be
17 carried out entirely within a brownfield site
18 (as defined in section 101 of the Com-
19 prehensive Environmental Response, Com-
20 pensation, and Liability Act of 1980 (42
21 U.S.C. 9601)); and

22 (ii) for which a permit, license, or ap-
23 proval from the Commission is required or
24 that is otherwise subject to the jurisdiction
25 of the Commission.

1 (F) A project to permanently remove cov-
2 ered communications equipment or services (as
3 defined in section 9 of the Secure and Trusted
4 Communications Networks Act of 2019 (47
5 U.S.C. 1608)) and to replace such covered com-
6 munications equipment or services with commu-
7 nications equipment or services (as defined in
8 such section) that are not covered communica-
9 tions equipment or services (as so defined).

10 (G) A project that—

11 (i) is to be carried out entirely within
12 an area for which the President, the Gov-
13 ernor of a State, or the Chief Executive of
14 an Indian tribal government has declared a
15 major disaster or an emergency;

16 (ii) is to be carried out not later than
17 5 years after the date on which the Presi-
18 dent, Governor, or Chief Executive made
19 such declaration; and

20 (iii) replaces a communications facility
21 damaged by such disaster or emergency or
22 makes improvements to a communications
23 facility in such area that could reasonably
24 be considered as necessary for recovery
25 from such disaster or emergency or to pre-

1 vent or mitigate any future disaster or
2 emergency.

3 (H) A project for the placement and instal-
4 lation of a new communications facility if—

5 (i) such new facility—

6 (I) will be located within a public
7 right-of-way; and

8 (II) is not more than 50 feet tall
9 or 10 feet taller than any existing
10 structure in the public right-of-way,
11 whichever is higher;

12 (ii) such new facility is—

13 (I) a replacement for an existing
14 communications facility; and

15 (II) the same as, or substantially
16 similar to (as such term is defined by
17 the Commission by regulation), the
18 existing communications facility that
19 such new communications facility is
20 replacing;

21 (iii) such new facility is a type of com-
22 munications facility that—

23 (I) is described in section
24 6409(d)(1)(B) of the Middle Class

1 Tax Relief and Job Creation Act of
2 2012 (47 U.S.C. 1455(d)(1)(B)); and
3 (II) meets the size limitation of a
4 small antenna established by the Com-
5 mission; or

6 (iv) the placement and installation of
7 such new facility involves the expansion of
8 the site of an existing communications fa-
9 cility not more than 30 feet in any direc-
10 tion.

11 (I) A project for the placement, construc-
12 tion, or modification of a personal wireless serv-
13 ice facility on an existing tower, building, or
14 structure.

15 (J) A project for the placement, construc-
16 tion, or modification of a communications facil-
17 ity—

18 (i) for which the placement, construc-
19 tion, or modification is undertaken pursu-
20 ant to a geographic area license that has
21 been issued by the Commission or is sub-
22 ject to licensing by rule; and

23 (ii) with respect to which filing in the
24 antenna structure registration system of
25 the Commission is not required.

1 (6) ELIGIBLE SUPPORT INFRASTRUCTURE.—

2 The term “eligible support infrastructure” means in-
3 frastructure that supports or houses a facility for
4 communication by wire (or that is designed for or
5 capable of supporting or housing such a facility) at
6 the time when a request to a State or local govern-
7 ment or instrumentality thereof, or to an Indian
8 tribal government, for authorization to place, con-
9 struct, or modify a facility for communication by
10 wire in or on the infrastructure is submitted to the
11 government or instrumentality.

12 (7) EMERGENCY.—The term “emergency”
13 means—

14 (A) in the case of an emergency declared
15 by the President, an emergency declared by the
16 President under section 501 of the Robert T.
17 Stafford Disaster Relief and Emergency Assist-
18 ance Act (42 U.S.C. 5191); and

19 (B) in the case of an emergency declared
20 by the Governor of a State or the Chief Execu-
21 tive of an Indian tribal government, any occa-
22 sion or instance with respect to which the Gov-
23 ernor or Chief Executive declares that an emer-
24 gency exists (or makes a similar declaration)
25 under State or Tribal law (as the case may be).

1 (8) FEDERAL AUTHORIZATION.—The term
2 “Federal authorization”—

3 (A) means any authorization required
4 under Federal law with respect to a covered
5 project or a covered easement; and

6 (B) includes any permits, special use au-
7 thorizations, certifications, opinions, or other
8 approvals as may be required under Federal law
9 with respect to a covered project or a covered
10 easement.

11 (9) GOVERNOR.—The term “Governor” means
12 the chief executive of any State.

13 (10) INDIAN TRIBAL GOVERNMENT.—The term
14 “Indian tribal government” means the governing
15 body of an Indian Tribe.

16 (11) INDIAN TRIBE.—The term “Indian Tribe”
17 has the meaning given the term “Indian tribe”
18 under section 102 of the Federally Recognized In-
19 dian Tribe List Act of 1994 (25 U.S.C. 5130).

20 (12) MAJOR DISASTER.—The term “major dis-
21 aster” means—

22 (A) in the case of a major disaster de-
23 clared by the President, a major disaster de-
24 clared by the President under section 401 of
25 the Robert T. Stafford Disaster Relief and

1 Emergency Assistance Act (42 U.S.C. 5170);
2 and

3 (B) in the case of a major disaster de-
4 clared by the Governor of a State or the Chief
5 Executive of an Indian tribal government, any
6 occasion or instance with respect to which the
7 Governor or Chief Executive declares that a dis-
8 aster exists (or makes a similar declaration)
9 under State or Tribal law (as the case may be).

10 (13) PERSONAL WIRELESS SERVICE FACIL-
11 ITY.—The term “personal wireless service facility”
12 has the meaning given such term in subparagraph
13 (G) of section 332(c)(7) of the Communications Act
14 of 1934 (47 U.S.C. 332(c)(7)), as amended by this
15 Act.

16 (14) PUBLIC RIGHT-OF-WAY.—The term “pub-
17 lic right-of-way”—

18 (A) means—

19 (i) the area on, below, or above a pub-
20 lic roadway, highway, street, sidewalk,
21 alley, or similar property (whether cur-
22 rently or previously used in such manner);
23 and

24 (ii) any land immediately adjacent to
25 and contiguous with property described in

1 clause (i) that is within the right-of-way
2 grant; and

3 (B) does not include a portion of the Inter-
4 state System (as such term is defined in section
5 101(a) of title 23, United States Code).

6 (15) SMALL PERSONAL WIRELESS SERVICE FA-
7 CILITY.—The term “small personal wireless service
8 facility” has the meaning given such term in sub-
9 paragraph (G) of section 332(c)(7) of the Commu-
10 nications Act of 1934 (47 U.S.C. 332(c)(7)), as
11 amended by this Act.

12 (16) STATE.—The term “State” means each
13 State of the United States, the District of Columbia,
14 and each territory or possession of the United
15 States.

16 (17) UTILITY FACILITY.—The term “utility fa-
17 cility” means any privately, publicly, or cooperatively
18 owned line, facility, or system for producing, trans-
19 mitting, or distributing power, electricity, light, heat,
20 gas, oil, crude products, water, steam, waste, storm
21 water not connected with highway drainage, or any
22 other similar commodity, including any fire or police
23 signal system or street lighting system, that directly
24 or indirectly serves the public.

1 **TITLE IV—OTHER MATTERS**

2 **SEC. 401. TIMELY CONSIDERATION OF APPLICATIONS FOR**
3 **FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND**
4 **LEASES.**

5 (a) IN GENERAL.—Section 6409(b)(3) of the Middle
6 Class Tax Relief and Job Creation Act of 2012 (47 U.S.C.
7 1455(b)(3)) is amended—

8 (1) in subparagraph (A), by striking “an execu-
9 tive agency receives a duly filed application” and in-
10 serting “an application is submitted to an executive
11 agency”; and

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

13 “(E) DEEMED GRANTED.—If an executive
14 agency fails to grant or deny an application
15 under subparagraph (A) within the timeframe
16 under such subparagraph, the application shall
17 be deemed granted on the day after the last day
18 of such timeframe.

19 “(F) TOLLING DUE TO INCOMPLETE-
20 NESS.—

21 “(i) INITIAL APPLICATION INCOM-
22 plete.—If, not later than 30 days after
23 the date on which an applicant submits to
24 an executive agency an application under
25 subparagraph (A), the executive agency

1 provides to the applicant a written notice
2 described in clause (iii) with respect to the
3 application, the timeframe described in
4 subparagraph (A) is tolled with respect to
5 the application until the date on which the
6 applicant submits to the executive agency a
7 supplemental submission in response to the
8 notice.

9 “(ii) SUPPLEMENTAL SUBMISSION IN-
10 COMPLETE.—If, not later than 10 days
11 after the date on which an applicant sub-
12 mits to an executive agency a supplemental
13 submission in response to a written notice
14 described in clause (iii), the executive
15 agency provides to the applicant a written
16 notice described in clause (iii) with respect
17 to the supplemental submission, the time-
18 frame under subparagraph (A) is further
19 tolled until the date on which the applicant
20 submits to the executive agency a subse-
21 quent supplemental submission in response
22 to the notice.

23 “(iii) WRITTEN NOTICE DE-
24 SCRIBED.—The written notice described in
25 this clause is, with respect to an applica-

1 tion under subparagraph (A) or a supple-
2 mental submission described in clause (i)
3 or (ii) submitted to an executive agency by
4 an applicant, a written notice from the ex-
5 ecutive agency to the applicant—

6 “(I) stating that all of the infor-
7 mation (including any form or other
8 document) required by the executive
9 agency to be submitted for the appli-
10 cation to be considered complete has
11 not been submitted;

12 “(II) identifying the information
13 described in subclause (I) that was
14 not submitted; and

15 “(III) including a citation to a
16 specific provision of a publicly avail-
17 able rule, regulation, or standard
18 issued by the executive agency requir-
19 ing that such information be sub-
20 mitted with such an application.

21 “(iv) LIMITATION ON SUBSEQUENT
22 WRITTEN NOTICE.—If a written notice pro-
23 vided by an executive agency to an appli-
24 cant under clause (ii) with respect to a
25 supplemental submission identifies as not

1 having been submitted any information
2 that was not identified as not having been
3 submitted in the prior written notice under
4 this subparagraph in response to which the
5 supplemental submission was submitted,
6 the subsequent written notice shall be
7 treated as not having been provided to the
8 applicant.

9 “(G) TOLLING BY MUTUAL AGREEMENT.—
10 The timeframe under subparagraph (A) may be
11 tolled once, for a period of not more than 30
12 days, by mutual agreement between the execu-
13 tive agency and the applicant.

14 “(H) WHEN APPLICATION CONSIDERED
15 SUBMITTED.—For the purposes of this para-
16 graph, an application shall be considered sub-
17 mitted to an executive agency on the date on
18 which the applicant takes the first procedural
19 step within the control of the applicant to sub-
20 mit such application in accordance with the pro-
21 cedures established by the executive agency for
22 the review and approval of such an applica-
23 tion.”.

24 (b) APPLICABILITY.—The amendments made by sub-
25 section (a) shall apply with respect to any application

1 under subsection (b) of section 6409 of the Middle Class
2 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
3 1455) that is submitted (as determined under subsection
4 (b)(3)(H) of such section) to an executive agency (as de-
5 fined in subsection (d) of such section) on or after the
6 date of the enactment of this Act.

7 **SEC. 402. REPORT ON FEES.**

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

11 “(p) REPORT ON FEES.—Not later than 180 days
12 after the date of the enactment of this subsection, the As-
13 sistant Secretary shall submit to Congress a report—

14 “(1) detailing the fees charged by each eligible
15 entity (or any political subdivision thereof)—

16 “(A) to consider a request for authoriza-
17 tion to place, construct, or modify, using (in
18 whole or in part) grant funds received under
19 this section, infrastructure for the provision of
20 broadband service; or

21 “(B) to use a right-of-way or infrastruc-
22 ture in a right-of-way owned or managed by the
23 entity or political subdivision for the placement,
24 construction, or modification, using (in whole or
25 in part) grant funds received under this section,

1 of infrastructure for the provision of broadband
2 service; and

3 “(2) that identifies, with respect to any fee de-
4 tailed pursuant to paragraph (1), any such fee that
5 is not—

6 “(A) competitively neutral, technology neu-
7 tral, and nondiscriminatory;

8 “(B) established in advance and publicly
9 disclosed;

10 “(C) calculated—

11 “(i) based on actual and direct costs,
12 such as costs for—

13 “(I) review and processing of re-
14 quests; and

15 “(II) repairs and replacement
16 of—

17 “(aa) components and mate-
18 rials directly resulting from and
19 affected by the placement, con-
20 struction, or modification (includ-
21 ing the installation or improve-
22 ment) of infrastructure for the
23 provision of broadband service; or

24 “(bb) equipment that facili-
25 tates the placement, construction,

1 or modification (including the in-
2 stallation or improvement) of
3 such infrastructure; and

4 “(ii) using, for purposes of clause (i),
5 only costs that are objectively reasonable;
6 or

7 “(D) described to a requesting party in a
8 manner that distinguishes between—

9 “(i) nonrecurring fees and recurring
10 fees; and

11 “(ii) the use of infrastructure on
12 which infrastructure for the provision of
13 broadband service is already located and
14 infrastructure on which there is no infra-
15 structure for the provision of broadband
16 service as of the date on which the request
17 is submitted to the eligible entity or polit-
18 ical subdivision.”.

Amend the title so as to read: “A bill to streamline Federal, State, and local permitting and regulatory reviews to expedite the deployment of communications facilities, and for other purposes.”.