

APRIL 16, 2026

RULES COMMITTEE PRINT 119–24
TEXT OF H.R. 2289, THE AMERICAN BROADBAND
DEPLOYMENT ACT OF 2026

**[Showing the text of H.R. 2289, as reported by the Committee
on Energy and Commerce, with modifications.]**

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 2026”.

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.

1 **TITLE I—STATE AND LOCAL**
2 **SITING PROCESSES**

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

4 Section 332(c) of the Communications Act of 1934
5 (47 U.S.C. 332(c)) is amended by striking paragraph (7)
6 and inserting the following:

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

9 “(A) GENERAL AUTHORITY.—Except as
10 provided in this paragraph, nothing in this Act
11 shall limit or affect the authority of a State or
12 local government or instrumentality thereof over
13 decisions regarding the placement, construction,
14 or modification of personal wireless service fa-
15 cilities.

16 “(B) LIMITATIONS.—

17 “(i) IN GENERAL.—The regulation of
18 the placement, construction, or modifica-
19 tion of a personal wireless service facility
20 by any State or local government or instru-
21 mentality thereof—

22 “(I) shall not discriminate among
23 personal wireless service facilities or
24 providers of communications service,
25 including by providing exclusive or

1 preferential use of facilities to a par-
2 ticular provider or class of providers
3 of personal wireless service; and

4 “(II) shall not prohibit or have
5 the effect of prohibiting the provision,
6 improvement, or enhancement of per-
7 sonal wireless service.

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

16 “(I) structural engineering stand-
17 ards based on generally applicable
18 codes;

19 “(II) safety requirements (sub-
20 ject to clause (vi)); or

21 “(III) aesthetic or concealment
22 requirements, unless such require-
23 ments prohibit or have the effect of
24 prohibiting the installation or modi-

1 fication of such facilities or struc-
2 tures.

3 “(iii) TIMEFRAMES.—

4 “ (I) IN GENERAL.—A State or
5 local government or instrumentality
6 thereof shall grant or deny a request
7 for authorization to place, construct,
8 or modify a personal wireless service
9 facility not later than—

10 “(aa) in the case of a re-
11 quest for authorization to place,
12 construct, or modify a personal
13 wireless service facility that is
14 not a small personal wireless
15 service facility—

16 “(AA) if the request is
17 for authorization to place,
18 construct, or modify such fa-
19 cility using an existing
20 structure, including with re-
21 spect to an area that has
22 not previously been zoned
23 for personal wireless service
24 facilities (other than small
25 personal wireless service fa-

1 cilities), 90 days after the
2 date on which the request is
3 submitted by the requesting
4 party to the government or
5 instrumentality; or

6 “(BB) if the request is
7 for any other action relating
8 to such facility, 150 days
9 after the date on which the
10 request is submitted by the
11 requesting party to the gov-
12 ernment or instrumentality;
13 and

14 “(bb) in the case of a re-
15 quest for authorization to place,
16 construct, or modify a small per-
17 sonal wireless service facility—

18 “(AA) if the request is
19 for authorization to place,
20 construct, or modify such fa-
21 cility using an existing
22 structure, including with re-
23 spect to an area that has
24 not previously been zoned
25 for personal wireless service

1 facilities, 60 days after the
2 date on which the request is
3 submitted by the requesting
4 party to the government or
5 instrumentality; or

6 “(BB) if the request is
7 for any other action relating
8 to such facility, 90 days
9 after the date on which the
10 request is submitted by the
11 requesting party to the gov-
12 ernment or instrumentality.

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

1 “(III) APPLICABILITY.—The ap-
2 plicable timeframe under subclause (I)
3 shall apply collectively to all pro-
4 ceedings, including related permits
5 and authorizations, required by a
6 State or local government or instru-
7 mentality thereof for the approval of
8 the request.

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

19 “(V) TOLLING DUE TO INCOM-
20 PLETENESS.—

21 “(aa) INITIAL REQUEST IN-
22 COMPLETE.—

23 “(AA) SMALL PER-
24 SONAL WIRELESS SERVICE
25 FACILITIES.—If, not later

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

23 “(BB) OTHER PER-
24 SONAL WIRELESS SERVICE
25 FACILITIES.—If, not later

1 than 30 days after the date
2 on which a requesting party
3 submits to a State or local
4 government or instrumen-
5 tality thereof a request for
6 authorization to place, con-
7 struct, or modify a personal
8 wireless service facility that
9 is not a small personal wire-
10 less service facility, the gov-
11 ernment or instrumentality
12 provides to the requesting
13 party a written notice de-
14 scribed in item (cc) with re-
15 spect to the request, the
16 timeframe described in sub-
17 clause (I) is tolled with re-
18 spect to the request until the
19 date on which the requesting
20 party submits to the govern-
21 ment or instrumentality a
22 supplemental submission in
23 response to the notice.

24 “(bb) SUPPLEMENTAL SUB-
25 MISSION INCOMPLETE.—If, not

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

19 “(cc) WRITTEN NOTICE DE-
20 SCRIBED.—The written notice de-
21 scribed in this item is, with re-
22 spect to a request described in
23 subclause (I) or a supplemental
24 submission described in item (aa)
25 or (bb) submitted to a State or

1 local government or instrumen-
2 tality thereof by a requesting
3 party, a written notice from the
4 government or instrumentality to
5 the requesting party—

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

15 “(BB) identifying the
16 information described in
17 subitem (AA) that was not
18 submitted; and

19 “(CC) including a cita-
20 tion to a specific provision of
21 a publicly available rule, reg-
22 ulation, or standard issued
23 by the government or instru-
24 mentality requiring that

1 such information be sub-
2 mitted with such a request.

3 “(dd) LIMITATION ON SUB-
4 SEQUENT WRITTEN NOTICE.—If
5 a written notice provided by a
6 State or local government or in-
7 strumentality thereof to a re-
8 questing party under item (bb)
9 with respect to a supplemental
10 submission identifies as not hav-
11 ing been submitted any informa-
12 tion that was not identified as
13 not having been submitted in the
14 prior written notice under this
15 subclause in response to which
16 the supplemental submission was
17 submitted, the subsequent writ-
18 ten notice shall be treated as not
19 having been provided to the re-
20 questing party.

21 “(VI) TOLLING BY MUTUAL
22 AGREEMENT.—The timeframe under
23 subclause (I) may be tolled once, for
24 a period of not more than 30 days, by
25 mutual agreement between the State

1 or local government or instrumentality
2 thereof and the requesting party.

3 “(iv) DEEMED GRANTED.—

4 “(I) IN GENERAL.—If a State or
5 local government or instrumentality
6 thereof fails to take final action to
7 grant or deny a request within the ap-
8 plicable timeframe under subclause (I)
9 of clause (iii), the request shall be
10 deemed granted on the date on which
11 the government or instrumentality re-
12 ceives a written notice of the failure
13 from the requesting party.

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

24 “(v) WRITTEN DECISION AND
25 RECORD.—Any decision by a State or local

1 government or instrumentality thereof to
2 deny a request for authorization to place,
3 construct, or modify a personal wireless
4 service facility shall be—

5 “(I) in writing;

6 “(II) supported by substantial
7 evidence contained in a written
8 record; and

9 “(III) publicly released, and pro-
10 vided to the requesting party, on the
11 same day such decision is made.

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

23 “(vii) FEES.—To the extent permitted
24 by law, a State or local government or in-
25 strumentality thereof may charge a fee to

1 consider a request for authorization to
2 place, construct, or modify a personal wire-
3 less service facility or a fee for use of a
4 right-of-way or a facility in a right-of-way
5 owned or managed by the government or
6 instrumentality for the placement, con-
7 struction, or modification of a personal
8 wireless service facility, if the fee is—

9 “(I) competitively neutral, tech-
10 nology neutral, and nondiscrim-
11 inatory;

12 “(II) established in advance and
13 publicly disclosed;

14 “(III) calculated—

15 “(aa) based on actual and
16 direct costs for—

17 “(AA) review and proc-
18 essing of requests; and

19 “(BB) repairs and re-
20 placement of components
21 and materials directly result-
22 ing from and affected by the
23 placement, construction, or
24 modification (including the
25 installation or improvement)

1 of personal wireless service
2 facilities or repairs and re-
3 placement of equipment that
4 facilitates the placement,
5 construction, or modification
6 (including the installation or
7 improvement) of such facili-
8 ties; and

9 “(bb) using, for purposes of
10 item (aa), only costs that are ob-
11 jectively reasonable; and

12 “(IV) described to a requesting
13 party in a manner that distinguishes
14 between—

15 “(aa) nonrecurring fees and
16 recurring fees; and

17 “(bb) the use of facilities on
18 which personal wireless service
19 facilities are already located and
20 facilities on which there are no
21 personal wireless service facilities
22 as of the date on which the re-
23 quest is submitted by the re-
24 questing party to the government
25 or instrumentality.

1 “(C) JUDICIAL REVIEW.—Any person ad-
2 versely affected by any final action or failure to
3 act by a State or local government or any in-
4 strumentality thereof that is inconsistent with
5 this paragraph may, within 30 days after the
6 action or failure to act, commence an action in
7 any court of competent jurisdiction, which shall
8 hear and decide the action on an expedited
9 basis.

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

17 “(i) to submit such request in accord-
18 ance with the procedures established by the
19 government or instrumentality for the re-
20 view and approval of such a request; or

21 “(ii) in the case of a government or
22 instrumentality that has not established
23 specific procedures for the review and ap-
24 proval of such a request, to submit to the
25 government or instrumentality the type of

1 filing that is typically required to initiate a
2 standard review for a similar facility or
3 structure.

4 “(E) RULE OF CONSTRUCTION.—Nothing
5 in this paragraph may be construed to affect
6 section 6409(a) of the Middle Class Tax Relief
7 and Job Creation Act of 2012 (47 U.S.C.
8 1455(a)).

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

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

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

24 “(ii) COMMUNICATIONS NETWORK.—
25 The term ‘communications network’ means

1 a network used to provide a communica-
2 tions service.

3 “(iii) COMMUNICATIONS SERVICE.—

4 The term ‘communications service’ means
5 each of—

6 “(I) cable service, as defined in
7 section 602;

8 “(II) information service;

9 “(III) telecommunications serv-
10 ice; and

11 “(IV) personal wireless service.

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

19 “(v) NETWORK INTERFACE DEVICE.—

20 The term ‘network interface device’ means
21 a telecommunications demarcation device
22 and cross-connect point that—

23 “(I) is adjacent or proximate
24 to—

1 “(aa) a small personal wire-
2 less service facility; or

3 “(bb) a structure supporting
4 a small personal wireless service
5 facility; and

6 “(II) demarcates the boundary
7 with any wireline backhaul facility.

8 “(vi) PERSONAL WIRELESS SERV-
9 ICE.—The term ‘personal wireless service’
10 means any fixed or mobile service (other
11 than a broadcasting service) provided via
12 licensed or unlicensed frequencies, includ-
13 ing—

14 “(I) commercial mobile service;

15 “(II) commercial mobile data
16 service (as defined in section 6001 of
17 the Middle Class Tax Relief and Job
18 Creation Act of 2012 (47 U.S.C.
19 1401));

20 “(III) unlicensed wireless service;
21 and

22 “(IV) common carrier wireless
23 exchange access service.

24 “(vii) PERSONAL WIRELESS SERVICE
25 FACILITY.—The term ‘personal wireless

1 service facility’ means a facility used to
2 provide or support the provision of per-
3 sonal wireless service.

4 “(viii) SMALL PERSONAL WIRELESS
5 SERVICE FACILITY.—The term ‘small per-
6 sonal wireless service facility’ means a per-
7 sonal wireless service facility—

8 “(I) that is mounted—

9 “(aa) on a structure 50 feet
10 or less in height (including any
11 antenna); or

12 “(bb) on a structure not
13 more than 10 percent taller than
14 other adjacent structures;

15 “(II) that does not extend the
16 structure on which such facility is
17 mounted to a height of more than 50
18 feet or by more than 10 percent,
19 whichever is greater; and

20 “(III) in which each antenna is
21 not more than 3 cubic feet in volume
22 (excluding a wireline backhaul facility
23 connected to such personal wireless
24 service facility).

1 “(ix) UNLICENSED WIRELESS SERV-
2 ICE.—The term ‘unlicensed wireless serv-
3 ice’—

4 “(I) means the offering of tele-
5 communications service or information
6 service using a duly authorized device
7 that does not require an individual li-
8 cense; and

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

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

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

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

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

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

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

9 “(1) PROHIBITION ON DISCRIMINATION.—The
10 regulation of the placement, construction, or modi-
11 fication of a telecommunications service facility by a
12 State or local government or instrumentality thereof
13 may not discriminate—

14 “(A) among telecommunications service fa-
15 cilities—

16 “(i) based on the technology used to
17 provide services; or

18 “(ii) based on the services provided;
19 or

20 “(B) against telecommunications service
21 facilities, as compared to the regulation of the
22 placement, construction, or modification of
23 other facilities.

24 “(2) TIMEFRAME TO GRANT OR DENY RE-
25 QUESTS.—

1 “(A) IN GENERAL.—A State or local gov-
2 ernment or instrumentality thereof shall grant
3 or deny a request for authorization to place,
4 construct, or modify a telecommunications serv-
5 ice facility not later than—

6 “(i) if the request is for authorization
7 to place, construct, or modify such facility
8 in or on eligible support infrastructure, 90
9 days after the date on which the request is
10 submitted by the requesting party to the
11 government or instrumentality; or

12 “(ii) for any other action relating to
13 such facility, 150 days after the date on
14 which the request is submitted by the re-
15 questing party to the government or in-
16 strumentality.

17 “(B) APPLICABILITY.—The applicable
18 timeframe under subparagraph (A) shall apply
19 collectively to all proceedings, including related
20 permits and authorizations, required by a State
21 or local government or instrumentality thereof
22 for the approval of the request.

23 “(C) NO MORATORIA.—A timeframe under
24 subparagraph (A) may not be tolled by any
25 moratorium, whether express or de facto, im-

1 posed by a State or local government or instru-
2 mentality thereof on the submission, accept-
3 ance, or consideration of requests for authoriza-
4 tion to place, construct, or modify a tele-
5 communications service facility.

6 “(D) TOLLING DUE TO INCOMPLETE-
7 NESS.—

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

24 “(ii) SUPPLEMENTAL SUBMISSION IN-
25 complete.—If, not later than 10 days

1 after the date on which a requesting party
2 submits to a State or local government or
3 instrumentality thereof a supplemental
4 submission in response to a written notice
5 described in clause (iii), the government or
6 instrumentality provides to the requesting
7 party a written notice described in clause
8 (iii) with respect to the supplemental sub-
9 mission, the timeframe under subpara-
10 graph (A) is further tolled until the date
11 on which the requesting party submits to
12 the government or instrumentality a subse-
13 quent supplemental submission in response
14 to the notice.

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

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

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

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

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

1 mental submission was submitted, the sub-
2 sequent written notice shall be treated as
3 not having been provided to the requesting
4 party.

5 “(E) TOLLING BY MUTUAL AGREEMENT.—
6 The timeframe under subparagraph (A) may be
7 tolled once, for a period of not more than 30
8 days, by mutual agreement between the State
9 or local government or instrumentality thereof
10 and the requesting party.

11 “(3) DEEMED GRANTED.—

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

20 “(B) RULE OF CONSTRUCTION.—In the
21 case of a request that is deemed granted under
22 subparagraph (A), the placement, construction,
23 or modification requested in such request shall
24 be considered to be authorized, without any fur-
25 ther action by the government or instrumen-

1 tality, beginning on the date on which such re-
2 quest is deemed granted under such subpara-
3 graph.

4 “(4) WRITTEN DECISION AND RECORD.—A de-
5 cision by a State or local government or instrumen-
6 tality thereof to deny a request to place, construct,
7 or modify a telecommunications service facility shall
8 be—

9 “(A) in writing;

10 “(B) supported by substantial evidence
11 contained in a written record; and

12 “(C) publicly released, and provided to the
13 requesting party, on the same day such decision
14 is made.

15 “(5) FEES.—

16 “(A) IN GENERAL.—To the extent per-
17 mitted by law, a State or local government or
18 instrumentality thereof may charge a fee that
19 meets the requirements under subparagraph
20 (B)—

21 “(i) to consider a request for author-
22 ization to place, construct, or modify a
23 telecommunications service facility; or

24 “(ii) for use of a right-of-way or a fa-
25 cility in a right-of-way owned or managed

1 by the government or instrumentality for
2 the placement, construction, or modifica-
3 tion of a telecommunications service facil-
4 ity.

5 “(B) REQUIREMENTS.—A fee charged
6 under subparagraph (A) shall be—

7 “(i) competitively neutral, technology
8 neutral, and nondiscriminatory;

9 “(ii) established in advance and pub-
10 licly disclosed;

11 “(iii) calculated—

12 “(I) based on actual and direct
13 costs for—

14 “(aa) review and processing
15 of requests; and

16 “(bb) repairs and replace-
17 ment of—

18 “(AA) components and
19 materials directly resulting
20 from and affected by the
21 placement, construction, or
22 modification (including the
23 installation or improvement)
24 of telecommunications serv-
25 ice facilities; or

1 “(BB) equipment that
2 facilitates the placement,
3 construction, or modification
4 (including the installation or
5 improvement) of such facili-
6 ties; and

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

10 “(iv) described to a requesting party
11 in a manner that distinguishes between—

12 “(I) nonrecurring fees and recur-
13 ring fees; and

14 “(II) the use of facilities on
15 which telecommunications service fa-
16 cilities or infrastructure for compat-
17 ible uses are already located and fa-
18 cilities on which there are no tele-
19 communications service facilities or
20 infrastructure for compatible uses as
21 of the date on which the request is
22 submitted by the requesting party to
23 the government or instrumentality.

24 “(c) JUDICIAL REVIEW.—

1 “(1) IN GENERAL.—A person adversely affected
2 by a State or local statute, regulation, or other legal
3 requirement, or by a final action or failure to act by
4 a State or local government or instrumentality there-
5 of, that is inconsistent with this section may com-
6 mence an action in any court of competent jurisdic-
7 tion.

8 “(2) TIMING.—

9 “(A) EXPEDITED BASIS.—A court shall
10 hear and decide an action commenced under
11 paragraph (1) on an expedited basis.

12 “(B) FINAL ACTION OR FAILURE TO
13 ACT.—An action may only be commenced under
14 paragraph (1) on the basis of a final action or
15 failure to act by a State or local government or
16 instrumentality thereof, if commenced not later
17 than 30 days after such action or failure to act.

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

1 “(e) PRESERVATION OF STATE AND LOCAL GOVERN-
2 MENT AUTHORITY.—Except as explicitly set forth in this
3 section, nothing in this section affects the authority of a
4 State or local government or instrumentality thereof to
5 manage, on a competitively neutral and nondiscriminatory
6 basis, the public rights-of-way or to require, on a competi-
7 tively neutral and nondiscriminatory basis, fair and rea-
8 sonable compensation from telecommunications providers
9 for use of public rights-of-way, if the compensation re-
10 quired meets the requirements of subsection (b)(5).

11 “(f) PREEMPTION.—

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

21 “(2) TIMING.—Not later than 120 days after
22 receiving a petition for preemption of the enforce-
23 ment of a statute, regulation, or legal requirement
24 as described in paragraph (1), the Commission shall
25 grant or deny the petition.

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

5 “(h) RURAL MARKETS.—It shall not be a violation
6 of this section for a State to require a telecommunications
7 carrier that seeks to provide telephone exchange service
8 or exchange access in a service area served by a rural tele-
9 phone company to meet the requirements in section
10 214(e)(1) for designation as an eligible telecommuni-
11 cations carrier for that area before being permitted to pro-
12 vide such service. This subsection shall not apply—

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

18 “(2) to a provider of commercial mobile serv-
19 ices.

20 “(i) WHEN REQUEST CONSIDERED SUBMITTED.—
21 For the purposes of this section, a request to a State or
22 local government or instrumentality thereof shall be con-
23 sidered submitted on the date on which the requesting
24 party takes the first procedural step within the control of
25 the requesting party—

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

5 “(2) in the case of a government or instrumen-
6 tality that has not established specific procedures for
7 the review and approval of such a request, to submit
8 to the government or instrumentality the type of fil-
9 ing that is typically required to initiate a standard
10 review for a similar facility or structure.

11 “(j) EFFECT OF REGULATIONS.—Any regulation pro-
12 mulgated by the Commission to implement this section
13 (including any interpretation of the requirements of and
14 terms used in this section contained in any such regula-
15 tion) shall be binding on a court in any action under sub-
16 section (c).

17 “(k) SECTION 224 PRESERVATION.—This section
18 does not apply to any pole, duct, or conduit that is owned
19 or controlled by any person who is—

20 “(1) a local exchange carrier or an electric, gas,
21 water, steam, or other public utility; and

22 “(2) owned by the Federal Government or any
23 State (as such terms are defined in section 224(a)).

24 “(l) DEFINITIONS.—In this section:

1 “(1) ELIGIBLE SUPPORT INFRASTRUCTURE.—

2 The term ‘eligible support infrastructure’ means in-
3 frastructure that supports or houses a telecommuni-
4 cations service facility (or that is designed for or ca-
5 pable of supporting or housing such a facility) at the
6 time when a request to a State or local government
7 or instrumentality thereof for authorization to place,
8 construct, or modify a telecommunications service
9 facility in or on the infrastructure is submitted by
10 the requesting party to the government or instru-
11 mentality.

12 “(2) TELECOMMUNICATIONS SERVICE FACIL-
13 ITY.—The term ‘telecommunications service facil-
14 ity’—

15 “(A) means a facility that is designed or
16 used to provide or facilitate the provision of any
17 interstate or intrastate telecommunications
18 service; and

19 “(B) includes a facility described in sub-
20 paragraph (A) that is used to provide other
21 services.”.

1 **SEC. 103. REQUESTS FOR MODIFICATION OF CERTAIN EX-**
2 **ISTING WIRELESS AND WIRELINE COMMU-**
3 **NICATIONS FACILITIES.**

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

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

9 (2) in subsection (a)—

10 (A) in paragraph (1), by striking “a State
11 or local government” and all that follows and
12 inserting the following: “a State or local gov-
13 ernment or instrumentality thereof may not
14 deny, and shall approve—

15 “(A) any eligible facilities request for a
16 modification of an existing wireless tower, base
17 station, or eligible support structure that does
18 not substantially change the physical dimen-
19 sions of such wireless tower, base station, or eli-
20 gible support structure; and

21 “(B) any eligible wireline communications
22 facilities request for a modification of an exist-
23 ing wireline communications facility that does
24 not substantially change the physical dimen-
25 sions of such facility.”;

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

3 “(2) TIMEFRAME.—

4 “(A) DEEMED APPROVAL.—

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

20 “(ii) RULE OF CONSTRUCTION.—In
21 the case of a request that is deemed ap-
22 proved under clause (i), the modification
23 requested in the request shall be author-
24 ized, without any further action by the
25 government or instrumentality, beginning

1 on the date on which the request is deemed
2 approved under such clause.

3 “(B) DETERMINATION REQUEST IS NOT
4 AN ELIGIBLE REQUEST.—

5 “(i) DETERMINATION DESCRIBED.—

6 The determination described in this sub-
7 paragraph is a determination by a State or
8 local government or instrumentality thereof
9 that a request described in subparagraph
10 (A)(i) is not an eligible facilities request or
11 an eligible wireline communications facili-
12 ties request (as the case may be).

13 “(ii) WRITTEN NOTICE DESCRIBED.—

14 The written notice described in this sub-
15 paragraph is a written notice of the deter-
16 mination described in clause (i) provided
17 by the government or instrumentality to
18 the requesting party that clearly describes
19 the reasons why the request is not an eligi-
20 ble facilities request or an eligible wireline
21 communications facilities request (as the
22 case may be) and includes a citation to a
23 specific provision of this subsection or the
24 regulations promulgated under this sub-
25 section relied upon for the determination.

1 “(C) TOLLING DUE TO INCOMPLETE-
2 NESS.—

3 “(i) INITIAL REQUEST INCOM-
4 plete.—If, not later than 30 days after
5 the date on which a requesting party sub-
6 mits to a State or local government or in-
7 strumentality thereof a request described
8 in subparagraph (A)(i), the government or
9 instrumentality provides to the requesting
10 party a written notice described in clause
11 (iii) with respect to the request, the 60-day
12 timeframe under subparagraph (A)(i) is
13 tolled until the date on which the request-
14 ing party submits to the government or in-
15 strumentality a supplemental submission in
16 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 60-day timeframe under sub-
3 paragraph (A)(i) is further tolled until the
4 date on which the requesting party submits
5 to the government or instrumentality a
6 subsequent supplemental submission in re-
7 sponse 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)(i) 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.—

11 “(I) INITIAL WRITTEN NOTICE.—

12 If a written notice provided by a State
13 or local government or instrumentality
14 thereof to a requesting party under
15 clause (i) with respect to a request de-
16 scribed in subparagraph (A)(i) identi-
17 fies as not having been submitted any
18 information that the government or
19 instrumentality is prohibited by para-
20 graph (5) from requiring to be sub-
21 mitted, such notice shall be treated as
22 not having been provided to the re-
23 questing party.

24 “(II) SUBSEQUENT WRITTEN NO-
25 TICE.—If a written notice provided by

1 a State or local government or instru-
2 mentality thereof to a requesting
3 party under clause (ii) with respect to
4 a supplemental submission identifies
5 as not having been submitted any in-
6 formation that was not identified as
7 not having been submitted in the prior
8 written notice under this subpara-
9 graph in response to which the sup-
10 plemental submission was submitted,
11 the subsequent written notice shall be
12 treated as not having been provided to
13 the requesting party.

14 “(D) TOLLING BY MUTUAL AGREEMENT.—
15 The 60-day timeframe under subparagraph
16 (A)(i) may be tolled once, for a period of not
17 more than 30 days, by mutual agreement be-
18 tween the State or local government or instru-
19 mentality thereof and the requesting party.”;
20 and

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

22 “(4) WHEN REQUEST CONSIDERED SUB-
23 MITTED.—

24 “(A) IN GENERAL.—For the purposes of
25 this subsection, a request described in para-

1 graph (2)(A)(i) shall be considered submitted
2 on the date on which the requesting party takes
3 the first procedural step within the control of
4 the requesting party—

5 “(i) to submit such request in accord-
6 ance with the procedures established by the
7 government or instrumentality for the re-
8 view and approval of such a request; or

9 “(ii) in the case of a government or
10 instrumentality that has not established
11 specific procedures for the review and ap-
12 proval of such a request, to submit to the
13 government or instrumentality the type of
14 filing that is typically required to initiate a
15 standard review for a similar facility or
16 structure.

17 “(B) NO PRE-APPLICATION REQUIRE-
18 MENTS.—A State or local government or instru-
19 mentality thereof may not require a requesting
20 party to undertake any process, meeting, or
21 other step prior to or as a prerequisite to a re-
22 quest being considered submitted.

23 “(5) LIMITATION ON REQUIRED DOCUMENTA-
24 TION.—A State or local government or instrumen-
25 tality thereof may require a requesting party submit-

1 ting a request as an eligible facilities request or an
2 eligible wireline communications facilities request to
3 submit information (including a form or other docu-
4 ment) with such request only to the extent that such
5 information is reasonably related to determining
6 whether such request is an eligible facilities request
7 or an eligible wireline communications facilities re-
8 quest (as the case may be) and is identified in a
9 publicly available rule, regulation, or standard issued
10 by the government or instrumentality requiring that
11 such information be submitted with such a request.
12 A State or local government or instrumentality
13 thereof may not require a requesting party to submit
14 any other documentation or information with such a
15 request.

16 “(6) ENFORCEMENT.—

17 “(A) IN GENERAL.—A requesting party
18 may bring an action in any district court of the
19 United States to enforce the provisions of this
20 subsection.

21 “(B) EXPEDITED REVIEW.—A district
22 court of the United States shall consider an ac-
23 tion under subparagraph (A) on an expedited
24 basis.

1 “(7) EFFECT OF REGULATIONS.—Any regula-
2 tion promulgated by the Commission to implement
3 this subsection (including any interpretation of the
4 requirements of and terms used in this subsection
5 contained in any such regulation) shall be binding
6 on a court in any action under paragraph (6).

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

8 “(A) ELIGIBLE FACILITIES REQUEST.—
9 The term ‘eligible facilities request’ means any
10 request for a modification of an existing wire-
11 less tower, base station, or eligible support
12 structure that does not substantially change the
13 physical dimensions of such wireless tower, base
14 station, or eligible support structure and that
15 involves—

16 “(i) collocation of new transmission
17 equipment;

18 “(ii) removal of transmission equip-
19 ment;

20 “(iii) replacement of transmission
21 equipment; or

22 “(iv) placement, construction, or
23 modification of equipment that—

1 “(I) improves the resiliency of
2 the wireless tower, base station, or eli-
3 gible support structure; and

4 “(II) provides a direct benefit to
5 public safety, such as—

6 “(aa) providing backup
7 power for the wireless tower, base
8 station, or eligible support struc-
9 ture;

10 “(bb) hardening the wireless
11 tower, base station, or eligible
12 support structure; or

13 “(cc) providing more reliable
14 connection capability using the
15 wireless tower, base station, or
16 eligible support structure.

17 “(B) ELIGIBLE SUPPORT STRUCTURE.—

18 The term ‘eligible support structure’ means a
19 structure that, at the time when an eligible fa-
20 cilities request for a modification of such struc-
21 ture is submitted to a State or local government
22 or instrumentality thereof, supports or could
23 support transmission equipment.

24 “(C) ELIGIBLE WIRELINE COMMUNICA-
25 TIONS FACILITIES REQUEST.—The term ‘eligi-

1 ble wireline communications facilities request’
2 means any request for a modification of an ex-
3 isting wireline communications facility that does
4 not substantially change the physical dimen-
5 sions of such facility and that involves—

6 “(i) collocation of new wireline com-
7 munications facility equipment;

8 “(ii) removal of wireline communica-
9 tions facility equipment; or

10 “(iii) replacement of wireline commu-
11 nications facility equipment.

12 “(D) TRANSMISSION EQUIPMENT.—The
13 term ‘transmission equipment’ has the meaning
14 given such term in section 1.6100(b)(8) of title
15 47, Code of Federal Regulations (as in effect on
16 the date of the enactment of this paragraph).

17 “(E) WIRELINE COMMUNICATIONS FACIL-
18 ITY.—The term ‘wireline communications facil-
19 ity’ means a communications facility installa-
20 tion, to the extent such installation is associated
21 with wireline transmissions.”.

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

1 (c) APPLICABILITY.—The amendments made by sub-
2 section (a) shall apply with respect to any eligible facilities
3 request or eligible wireline communications facilities re-
4 quest described in paragraph (1) of section 6409(a) of the
5 Middle Class Tax Relief and Job Creation Act of 2012
6 (47 U.S.C. 1455(a)) that is submitted (as determined
7 under paragraph (4) of such section, as added by sub-
8 section (a)) by a requesting party on or after the date
9 of the enactment of this Act.

10 **TITLE II—CABLE**

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

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

15 “(g) TIMING OF DECISION ON REQUEST FOR FRAN-
16 CHISE.—

17 “(1) IN GENERAL.—Not later than 120 days
18 after the date on which a requesting party submits
19 to a franchising authority a request for the grant of
20 a franchise, the franchising authority shall approve
21 or deny such request.

22 “(2) DEEMED GRANT OF NEW FRANCHISE.—If
23 the franchising authority does not approve or deny
24 a request under paragraph (1) by the day after the
25 date on which the time period ends under such para-

1 graph, such request shall be deemed granted on such
2 day.

3 “(3) APPLICABILITY.—Notwithstanding any
4 provision of this title, the timeframe under para-
5 graph (1) shall apply collectively to all proceedings
6 required by a franchising authority for the approval
7 of the request.

8 “(4) NO MORATORIA.—A timeframe under
9 paragraph (1) may not be tolled by any moratorium,
10 whether express or de facto, imposed by a fran-
11 chising authority on the consideration of any request
12 for a franchise.

13 “(5) TOLLING DUE TO INCOMPLETENESS.—

14 “(A) INITIAL REQUEST INCOMPLETE.—If,
15 not later than 30 days after the date on which
16 a franchising authority provides to a requesting
17 party a written notice described in subpara-
18 graph (C) with respect to a request described in
19 paragraph (1), the timeframe described in such
20 paragraph is tolled with respect to the request
21 until the date on which the requesting party
22 submits to the franchising authority a supple-
23 mental submission in response to the notice.

24 “(B) SUPPLEMENTAL SUBMISSION INCOM-
25 PLETE.—If, not later than 10 days after the

1 date on which a requesting party submits to the
2 franchising authority a supplemental submis-
3 sion in response to a written notice described in
4 subparagraph (A), the franchising authority
5 provides to the requesting party a written no-
6 tice described in subparagraph (A) with respect
7 to the supplemental submission, the timeframe
8 under paragraph (1) is further tolled until the
9 date on which the requesting party submits to
10 the franchising authority a subsequent supple-
11 mental submission in response to the notice.

12 “(C) WRITTEN NOTICE DESCRIBED.—The
13 written notice described in this subparagraph
14 is, with respect to a request described in para-
15 graph (1) or a supplemental submission de-
16 scribed in subparagraph (A) or (B) submitted
17 to a franchising authority by a requesting
18 party, a written notice from the franchising au-
19 thority to the requesting party—

20 “(i) stating that all of the information
21 (including any form or other document) re-
22 quired by the franchising authority to be
23 submitted for the request to be considered
24 complete has not been submitted;

1 “(ii) identifying the information de-
2 scribed in clause (i) that was not sub-
3 mitted;

4 “(iii) demonstrating that such infor-
5 mation is reasonable and directly related to
6 determining the qualifications of the re-
7 questing party to operate the cable system;
8 and

9 “(iv) including a citation to a specific
10 provision of a publicly available rule, regu-
11 lation, or standard issued by the fran-
12 chising authority requiring that such infor-
13 mation be submitted with such a request.

14 “(D) LIMITATION ON SUBSEQUENT WRIT-
15 TEN NOTICE.—If a written notice provided by a
16 franchising authority to a requesting party
17 under subparagraph (A) with respect to a sup-
18 plemental submission identifies as not having
19 been submitted any information that was not
20 identified as not having been submitted in the
21 prior written notice under this subparagraph in
22 response to which the supplemental submission
23 was submitted, the subsequent written notice
24 shall be treated as not having been provided to
25 the requesting party.

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

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

9 “(A) in writing;

10 “(B) supported by substantial evidence
11 contained in a written record; and

12 “(C) publicly released, and provided to the
13 requesting party, on the same day such decision
14 is made.

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

21 “(A) to submit such request in accordance
22 with the procedures established by the fran-
23 chising authority for the review and approval of
24 such a request; or

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

8 **SEC. 202. REQUEST REGARDING PLACEMENT, CONSTRUC-**
9 **TION, OR MODIFICATION OF CABLE EQUIP-**
10 **MENT.**

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

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

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

20 “(A) decisions regarding the placement,
21 construction, or modification of covered equip-
22 ment within the jurisdiction of such covered en-
23 tity; or

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

4 “(2) LIMITATIONS.—

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

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

22 “(i) any requirement that the request-
23 ing party, as a condition of obtaining such
24 authorization, install, or pay for the instal-
25 lation of, any conduit or fiber for use by

1 the covered entity or any person other than
2 the requesting party;

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

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

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

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

20 “(I) if the request is for author-
21 ization to place, construct, or modify
22 covered equipment in or on a covered
23 easement or eligible support infra-
24 structure, 90 days after the date on

1 which requesting party submits the
2 request to the covered entity; or

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

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

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

10 (1) IN GENERAL.—Section 617 of the Commu-
11 nications Act of 1934 (47 U.S.C. 537) is repealed.

12 (2) CONFORMING AMENDMENT.—Section
13 653(c)(1)(C) of the Communications Act of 1934
14 (47 U.S.C. 573(c)(1)(C)) is amended by striking
15 “sections 612 and 617” and inserting “section 612”.

16 (c) EFFECTIVE DATE.—This section, and the amend-
17 ments made by subsections (a) and (b), shall take effect
18 6 months after the date of the enactment of this Act.

19 (d) APPLICATION.—This section, and the amend-
20 ments made by subsections (a) and (b), shall apply to a
21 franchise granted—

22 (1) on or after the effective date established by
23 subsection (c); or

24 (2) before such date, if—

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

3 (B) such franchise is expired and cable op-
4 erator has continued to perform under the pro-
5 visions of such franchise as if such franchise
6 were not expired.

7 **TITLE III—ENVIRONMENTAL**
8 **AND HISTORIC PRESERVA-**
9 **TION REVIEWS**

10 **SEC. 301. APPLICATION OF NEPA AND NHPA TO CERTAIN**
11 **COMMUNICATIONS PROJECTS.**

12 (a) IN GENERAL.—

13 (1) NEPA EXEMPTION.—A Federal authoriza-
14 tion with respect to a covered project may not be
15 considered a major Federal action under section
16 102(2)(C) of the National Environmental Policy Act
17 of 1969 (42 U.S.C. 4332(2)(C)).

18 (2) NATIONAL HISTORIC PRESERVATION ACT
19 EXEMPTION.—A covered project may not be consid-
20 ered an undertaking under section 300320 of title
21 54, United States Code.

22 (b) GRANT OF EASEMENT ON FEDERAL PROP-
23 ERTY.—

24 (1) NEPA EXEMPTION.—A Federal authoriza-
25 tion with respect to a covered easement for a com-

1 munications facility may not be considered a major
2 Federal action under section 102(2)(C) of the Na-
3 tional Environmental Policy Act of 1969 (42 U.S.C.
4 4332(2)(C)), if—

5 (A) a covered easement has previously been
6 granted for another communications facility or
7 a utility facility with respect to the same build-
8 ing or other property owned by the Federal
9 Government; or

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

12 (2) NATIONAL HISTORIC PRESERVATION ACT
13 EXEMPTION.—A covered easement for a communica-
14 tions facility may not be considered an undertaking
15 under section 300320 of title 54, United States
16 Code, if—

17 (A) a covered easement has previously been
18 granted for another communications facility or
19 a utility facility with respect to the same build-
20 ing or other property owned by the Federal
21 Government; or

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

24 (c) REQUESTS FOR MODIFICATION OF CERTAIN EX-
25 ISTING WIRELESS AND WIRELINE COMMUNICATIONS FA-

1 CILITIES.—Section 6409(a)(3) of the Middle Class Tax
2 Relief and Job Creation Act of 2012 (47 U.S.C.
3 1455(a)(3)) is amended to read as follows:

4 “(3) APPLICATION OF NEPA; NHPA.—

5 “(A) NEPA EXEMPTION.—A Federal au-
6 thorization with respect to an eligible facilities
7 request or an eligible wireline communications
8 facilities request may not be considered a major
9 Federal action under section 102(2)(C) of the
10 National Environmental Policy Act of 1969 (42
11 U.S.C. 4332(2)(C)).

12 “(B) NATIONAL HISTORIC PRESERVATION
13 ACT EXEMPTION.—An eligible facilities request
14 or an eligible wireline communications facilities
15 request may not be considered an undertaking
16 under section 300320 of title 54, United States
17 Code.

18 “(C) FEDERAL AUTHORIZATION DE-
19 FINED.—In this paragraph, the term ‘Federal
20 authorization’—

21 “(i) means any authorization required
22 under Federal law with respect to an eligi-
23 ble facilities request or an eligible wireline
24 communications facilities request; and

1 “(ii) includes any permits, special use
2 authorizations, certifications, opinions, or
3 other approvals as may be required under
4 Federal law with respect to an eligible fa-
5 cilities request or an eligible wireline com-
6 munications facilities request.”.

7 **SEC. 302. PRESUMPTION WITH RESPECT TO CERTAIN COM-**
8 **plete FCC FORMS.**

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

19 (1) the Commission and a court of competent
20 jurisdiction (as the case may be) shall presume the
21 applicant with respect to such complete form has
22 made a good faith effort to provide the information
23 reasonably necessary for such Indian Tribe to ascer-
24 tain whether historic properties of religious or cul-
25 tural significance to such Indian Tribe may be af-

1 fected by the undertaking related to such complete
2 form; and

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

5 (b) OVERCOMING PRESUMPTION.—

6 (1) IN GENERAL.—An Indian Tribe may over-
7 come a presumption under subsection (a) upon mak-
8 ing, to the Commission or a court of competent ju-
9 risdiction, a favorable demonstration with respect to
10 1 or more of the factors described in paragraph (2).

11 (2) FACTORS CONSIDERED.—In making a de-
12 termination regarding a presumption under sub-
13 section (a), the Commission or court of competent
14 jurisdiction shall give substantial weight to—

15 (A) whether the applicant with respect to
16 the relevant complete form failed to make a
17 reasonable attempt to follow up with the appli-
18 cable Indian Tribe not earlier than 30 days,
19 and not later than 50 days, after the applicant
20 submitted a complete FCC Form 620 or FCC
21 Form 621 (as the case may be) to such Indian
22 Tribe; and

23 (B) whether the regulations of the Com-
24 mission, or FCC Form 620 or FCC Form 621,

1 are found to be in violation of a Nationwide
2 Programmatic Agreement of the Commission.

3 **SEC. 303. RULE OF CONSTRUCTION.**

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

9 **SEC. 304. DEFINITIONS.**

10 In this title:

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

15 (2) COMMISSION.—The term “Commission”
16 means the Federal Communications Commission.

17 (3) COMMUNICATIONS FACILITY.—The term
18 “communications facility” has the meaning given the
19 term “communications facility installation” in sec-
20 tion 6409(d) of the Middle Class Tax Relief and Job
21 Creation Act of 2012 (47 U.S.C. 1455(d)).

22 (4) COVERED EASEMENT.—The term “covered
23 easement” means an easement, right-of-way, or lease
24 with respect to a building or other property owned
25 by the Federal Government, excluding Tribal land

1 held in trust by the Federal Government (unless the
2 Indian tribal government with respect to such land
3 requests that the Commission not exclude the land
4 for purposes of this definition), for the right to in-
5 stall, construct, modify, or maintain a communica-
6 tions facility or a utility facility.

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

9 (A) A project—

10 (i) for—

11 (I) the mounting or installation
12 of a personal wireless service facility
13 with another personal wireless service
14 facility that exists at the time at
15 which a request for authorization of
16 such mounting or installation is sub-
17 mitted to a State or local government
18 or instrumentality thereof or to an In-
19 dian tribal government; or

20 (II) the modification of a per-
21 sonal wireless service facility; 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 (B) A project—

2 (i) for the placement, construction, or
3 modification of a facility for communica-
4 tion by wire in or on eligible support infra-
5 structure; and

6 (ii) for which a permit, license, or ap-
7 proval from the Commission is required or
8 that is otherwise subject to the jurisdiction
9 of the Commission.

10 (C) A project to deploy a small personal
11 wireless service facility.

12 (D) A project—

13 (i) for the deployment or modification
14 of a communications facility that is to be
15 carried out entirely within a floodplain (as
16 defined in section 9.4 of title 44, Code of
17 Federal Regulations, as in effect on the
18 date of the enactment of this Act); and

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

23 (E) A project—

24 (i) for the deployment or modification
25 of a communications facility that is to be

1 carried out entirely within a brownfield site
2 (as defined in section 101 of the Com-
3 prehensive Environmental Response, Com-
4 pensation, and Liability Act of 1980 (42
5 U.S.C. 9601)); and

6 (ii) for which a permit, license, or ap-
7 proval from the Commission is required or
8 that is otherwise subject to the jurisdiction
9 of the Commission.

10 (F) A project to permanently remove cov-
11 ered communications equipment or services (as
12 defined in section 9 of the Secure and Trusted
13 Communications Networks Act of 2019 (47
14 U.S.C. 1608)) and to replace such covered com-
15 munications equipment or services with commu-
16 nications equipment or services (as defined in
17 such section) that are not covered communica-
18 tions equipment or services (as so defined).

19 (G) A project that—

20 (i) is to be carried out entirely within
21 an area for which the President, the Gov-
22 ernor of a State, or the Chief Executive of
23 an Indian tribal government has declared a
24 major disaster or an emergency;

1 (ii) is to be carried out not later than
2 5 years after the date on which the Presi-
3 dent, Governor, or Chief Executive made
4 such declaration; and

5 (iii) replaces a communications facility
6 damaged by such disaster or emergency or
7 makes improvements to a communications
8 facility in such area that could reasonably
9 be considered as necessary for recovery
10 from such disaster or emergency or to pre-
11 vent or mitigate any future disaster or
12 emergency.

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

15 (i) such new facility—

16 (I) will be located within a public
17 right-of-way; and

18 (II) is not more than 50 feet tall
19 or 10 feet taller than any existing
20 structure in the public right-of-way,
21 whichever is higher;

22 (ii) such new facility is—

23 (I) a replacement for an existing
24 communications facility; and

1 (II) the same as, or substantially
2 similar to (as such term is defined by
3 the Commission by regulation), the
4 existing communications facility that
5 such new communications facility is
6 replacing;

7 (iii) such new facility is a type of com-
8 munications facility that—

9 (I) is described in section
10 6409(d)(1)(B) of the Middle Class
11 Tax Relief and Job Creation Act of
12 2012 (47 U.S.C. 1455(d)(1)(B)); and

13 (II) meets the size limitation of a
14 small antenna established by the Com-
15 mission; or

16 (iv) the placement and installation of
17 such new facility involves the expansion of
18 the site of an existing communications fa-
19 cility not more than 30 feet in any direc-
20 tion.

21 (I) A project for the placement, construc-
22 tion, or modification of a personal wireless serv-
23 ice facility on an existing tower, building, or
24 structure.

1 (J) A project for the placement, construc-
2 tion, or modification of a communications facil-
3 ity—

4 (i) for which the placement, construc-
5 tion, or modification is undertaken pursu-
6 ant to a geographic area license that has
7 been issued by the Commission or is sub-
8 ject to licensing by rule; and

9 (ii) with respect to which filing in the
10 antenna structure registration system of
11 the Commission is not required.

12 (6) ELIGIBLE SUPPORT INFRASTRUCTURE.—

13 The term “eligible support infrastructure” means in-
14 frastructure that supports or houses a facility for
15 communication by wire (or that is designed for or
16 capable of supporting or housing such a facility) at
17 the time when a request to a State or local govern-
18 ment or instrumentality thereof, or to an Indian
19 tribal government, for authorization to place, con-
20 struct, or modify a facility for communication by
21 wire in or on the infrastructure is submitted to the
22 government or instrumentality.

23 (7) EMERGENCY.—The term “emergency”
24 means—

1 (A) in the case of an emergency declared
2 by the President, an emergency declared by the
3 President under section 501 of the Robert T.
4 Stafford Disaster Relief and Emergency Assist-
5 ance Act (42 U.S.C. 5191); and

6 (B) in the case of an emergency declared
7 by the Governor of a State or the Chief Execu-
8 tive of an Indian tribal government, any occa-
9 sion or instance with respect to which the Gov-
10 ernor or Chief Executive declares that an emer-
11 gency exists (or makes a similar declaration)
12 under State or Tribal law (as the case may be).

13 (8) FEDERAL AUTHORIZATION.—The term
14 “Federal authorization”—

15 (A) means any authorization required
16 under Federal law with respect to a covered
17 project or a covered easement; and

18 (B) includes any permits, special use au-
19 thorizations, certifications, opinions, or other
20 approvals as may be required under Federal law
21 with respect to a covered project or a covered
22 easement.

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

1 (10) INDIAN TRIBAL GOVERNMENT.—The term
2 “Indian tribal government” means the governing
3 body of an Indian Tribe.

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

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

10 (A) in the case of a major disaster de-
11 clared by the President, a major disaster de-
12 clared by the President under section 401 of
13 the Robert T. Stafford Disaster Relief and
14 Emergency Assistance Act (42 U.S.C. 5170);
15 and

16 (B) in the case of a major disaster de-
17 clared by the Governor of a State or the Chief
18 Executive of an Indian tribal government, any
19 occasion or instance with respect to which the
20 Governor or Chief Executive declares that a dis-
21 aster exists (or makes a similar declaration)
22 under State or Tribal law (as the case may be).

23 (13) PERSONAL WIRELESS SERVICE FACIL-
24 ITY.—The term “personal wireless service facility”
25 has the meaning given such term in subparagraph

1 (G) of section 332(c)(7) of the Communications Act
2 of 1934 (47 U.S.C. 332(c)(7)), as amended by this
3 Act.

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

6 (A) means—

7 (i) any area within, on, below, or
8 above a public roadway, highway, street,
9 sidewalk, alley, or similar property (wheth-
10 er currently or previously used in such
11 manner); and

12 (ii) any area covered by the right-of-
13 way grant associated with a public road-
14 way, highway, street, sidewalk, alley, or
15 similar property (whether currently or pre-
16 viously used in such manner); and

17 (B) does not include a portion of the Inter-
18 state System (as such term is defined in section
19 101(a) of title 23, United States Code).

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

1 (16) STATE.—The term “State” means each
2 State of the United States, the District of Columbia,
3 and each territory or possession of the United
4 States.

5 (17) UTILITY FACILITY.—The term “utility fa-
6 cility” means any privately, publicly, or cooperatively
7 owned line, facility, or system for producing, trans-
8 mitting, or distributing power, electricity, light, heat,
9 gas, oil, crude products, water, steam, waste, storm
10 water not connected with highway drainage, or any
11 other similar commodity, including any fire or police
12 signal system or street lighting system, that directly
13 or indirectly serves the public.

14 **TITLE IV—OTHER MATTERS**

15 **SEC. 401. TIMELY CONSIDERATION OF APPLICATIONS FOR** 16 **FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND** 17 **LEASES.**

18 (a) IN GENERAL.—Section 6409(b)(3) of the Middle
19 Class Tax Relief and Job Creation Act of 2012 (47 U.S.C.
20 1455(b)(3)) is amended—

21 (1) in subparagraph (A), by striking “an execu-
22 tive agency receives a duly filed application” and in-
23 serting “an application is submitted to an executive
24 agency”; and

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

1 “(E) DEEMED GRANTED.—If an executive
2 agency fails to grant or deny an application
3 under subparagraph (A) within the timeframe
4 under such subparagraph, the application shall
5 be deemed granted on the day after the last day
6 of such timeframe.

7 “(F) TOLLING DUE TO INCOMPLETE-
8 NESS.—

9 “(i) INITIAL APPLICATION INCOM-
10 PLETE.—If, not later than 30 days after
11 the date on which an applicant submits to
12 an executive agency an application under
13 subparagraph (A), the executive agency
14 provides to the applicant a written notice
15 described in clause (iii) with respect to the
16 application, the timeframe described in
17 subparagraph (A) is tolled with respect to
18 the application until the date on which the
19 applicant submits to the executive agency a
20 supplemental submission in response to the
21 notice.

22 “(ii) SUPPLEMENTAL SUBMISSION IN-
23 COMPLETE.—If, not later than 10 days
24 after the date on which an applicant sub-
25 mits to an executive agency a supplemental

1 submission in response to a written notice
2 described in clause (iii), the executive
3 agency provides to the applicant a written
4 notice described in clause (iii) with respect
5 to the supplemental submission, the time-
6 frame under subparagraph (A) is further
7 tolled until the date on which the applicant
8 submits to the executive agency a subse-
9 quent supplemental submission in response
10 to the notice.

11 “(iii) WRITTEN NOTICE DE-
12 SCRIBED.—The written notice described in
13 this clause is, with respect to an applica-
14 tion under subparagraph (A) or a supple-
15 mental submission described in clause (i)
16 or (ii) submitted to an executive agency by
17 an applicant, a written notice from the ex-
18 ecutive agency to the applicant—

19 “(I) stating that all of the infor-
20 mation (including any form or other
21 document) required by the executive
22 agency to be submitted for the applica-
23 tion to be considered complete has
24 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 executive agency requir-
8 ing that such information be sub-
9 mitted with such an application.

10 “(iv) LIMITATION ON SUBSEQUENT
11 WRITTEN NOTICE.—If a written notice pro-
12 vided by an executive agency to an appli-
13 cant under clause (ii) with respect to a
14 supplemental submission identifies as not
15 having been submitted any information
16 that was not identified as not having been
17 submitted in the prior written notice under
18 this subparagraph in response to which the
19 supplemental submission was submitted,
20 the subsequent written notice shall be
21 treated as not having been provided to the
22 applicant.

23 “(G) TOLLING BY MUTUAL AGREEMENT.—
24 The timeframe under subparagraph (A) may be
25 tolled once, for a period of not more than 30

1 days, by mutual agreement between the execu-
2 tive agency and the applicant.

3 “(H) WHEN APPLICATION CONSIDERED
4 SUBMITTED.—For the purposes of this para-
5 graph, an application shall be considered sub-
6 mitted to an executive agency on the date on
7 which the applicant takes the first procedural
8 step within the control of the applicant to sub-
9 mit such application in accordance with the pro-
10 cedures established by the executive agency for
11 the review and approval of such an applica-
12 tion.”.

13 (b) APPLICABILITY.—The amendments made by sub-
14 section (a) shall apply with respect to any application
15 under subsection (b) of section 6409 of the Middle Class
16 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
17 1455) that is submitted (as determined under subsection
18 (b)(3)(H) of such section) to an executive agency (as de-
19 fined in subsection (d) of such section) on or after the
20 date of the enactment of this Act.

21 **SEC. 402. REPORT ON FEES.**

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

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

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

6 “(A) to consider a request for authoriza-
7 tion to place, construct, or modify, using (in
8 whole or in part) grant funds received under
9 this section, infrastructure for the provision of
10 broadband service; or

11 “(B) to use a right-of-way or infrastruc-
12 ture in a right-of-way owned or managed by the
13 entity or political subdivision for the placement,
14 construction, or modification, using (in whole or
15 in part) grant funds received under this section,
16 of infrastructure for the provision of broadband
17 service; and

18 “(2) that identifies, with respect to any fee de-
19 tailed pursuant to paragraph (1), any such fee that
20 is not—

21 “(A) competitively neutral, technology neu-
22 tral, and nondiscriminatory;

23 “(B) established in advance and publicly
24 disclosed;

25 “(C) calculated—

1 “(i) based on actual and direct costs,
2 such as costs for—

3 “(I) review and processing of re-
4 quests; and

5 “(II) repairs and replacement
6 of—

7 “(aa) components and mate-
8 rials directly resulting from and
9 affected by the placement, con-
10 struction, or modification (includ-
11 ing the installation or improve-
12 ment) of infrastructure for the
13 provision of broadband service; or

14 “(bb) equipment that facili-
15 tates the placement, construction,
16 or modification (including the in-
17 stallation or improvement) of
18 such infrastructure; and

19 “(ii) using, for purposes of clause (i),
20 only costs that are objectively reasonable;
21 or

22 “(D) described to a requesting party in a
23 manner that distinguishes between—

24 “(i) nonrecurring fees and recurring
25 fees; and

1 “(ii) the use of infrastructure on
2 which infrastructure for the provision of
3 broadband service is already located and
4 infrastructure on which there is no infra-
5 structure for the provision of broadband
6 service as of the date on which the request
7 is submitted to the eligible entity or polit-
8 ical subdivision.”.

