

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3557
OFFERED BY MR. CARTER OF GEORGIA**

Strike all after the enacting clause and insert the following:

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 2023”.

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 telecommunications service 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. Streamlining of certain fees relating to broadband infrastructure deployed using grant funds under BEAD Program.

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,

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

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

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

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

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

22 “(III) aesthetic or concealment
23 requirements (unless such require-
24 ments prohibit or have the effect of
25 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 required by a State or local
5 government or instrumentality thereof
6 for the approval of the request.

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

17 “(V) TOLLING DUE TO INCOM-
18 PLETENESS.—

19 “(aa) INITIAL REQUEST IN-
20 COMPLETE.—

21 “(AA) SMALL PER-
22 SONAL WIRELESS SERVICE
23 FACILITIES.—If, not later
24 than 10 days after the date
25 on which a requesting party

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

21 “(BB) OTHER PER-
22 SONAL WIRELESS SERVICE
23 FACILITIES.—If, not later
24 than 30 days after the date
25 on which a requesting party

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

22 “(bb) SUPPLEMENTAL SUB-
23 MISSION INCOMPLETE.—If, not
24 later than 10 days after the date
25 on which a requesting party sub-

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

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

1 party, a written notice from the
2 government or instrumentality to
3 the requesting party—

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

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

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

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

19 “(VI) TOLLING BY MUTUAL
20 AGREEMENT.—The timeframe under
21 subclause (I) may be tolled by mutual
22 agreement between the State or local
23 government or instrumentality thereof
24 and the requesting party.

25 “(iv) DEEMED GRANTED.—

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

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

21 “(v) WRITTEN DECISION AND
22 RECORD.—Any decision by a State or local
23 government or instrumentality thereof to
24 deny a request for authorization to place,

1 construct, or modify a personal wireless
2 service facility shall be—

3 “(I) in writing;

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

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

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

21 “(vii) FEES.—To the extent permitted
22 by law, a State or local government or in-
23 strumentality thereof may charge a fee to
24 consider a request for authorization to
25 place, construct, or modify a personal wire-

1 less service facility or a fee for use of a
2 right-of-way or a facility in a right-of-way
3 owned or managed by the government or
4 instrumentality for the placement, con-
5 struction, or modification of a personal
6 wireless service facility, if the fee is—

7 “(I) competitively neutral, tech-
8 nology neutral, and nondiscrim-
9 inatory;

10 “(II) established in advance and
11 publicly disclosed;

12 “(III) calculated—

13 “(aa) based on actual and
14 direct costs for—

15 “(AA) review and proc-
16 essing of requests; and

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

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

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

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

13 “(aa) nonrecurring fees and
14 recurring fees; and

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

24 “(C) JUDICIAL OR ADMINISTRATIVE RE-
25 VIEW.—

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

11 “(ii) ADMINISTRATIVE REVIEW.—

12 “(I) IN GENERAL.—Any person
13 adversely affected by any final action
14 or failure to act by a State or local
15 government or any instrumentality
16 thereof that is inconsistent with this
17 paragraph may petition the Commis-
18 sion to review such action or failure to
19 act.

20 “(II) TIMING.—Not later than
21 120 days after receiving a petition
22 under subclause (I), the Commission
23 shall grant or deny such petition.

24 “(D) WHEN REQUEST CONSIDERED SUB-
25 MITTED.—For the purposes of this paragraph,

1 a request to a State or local government or in-
2 strumentality thereof shall be considered sub-
3 mitted on the date on which the requesting
4 party takes the first procedural step within the
5 control of the requesting party—

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

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

18 “(E) RULE OF CONSTRUCTION.—Nothing
19 in this paragraph may be construed to affect
20 section 6409(a) of the Middle Class Tax Relief
21 and Job Creation Act of 2012 (47 U.S.C.
22 1455(a)).

23 “(F) DEFINITIONS.—In this paragraph:

24 “(i) ANTENNA.—The term ‘antenna’
25 means an apparatus designed for the pur-

1 pose of emitting radiofrequency radiation,
2 to be operated or operating from a fixed
3 location for the transmission of writing,
4 signs, signals, data, images, pictures, and
5 sounds of all kinds.

6 “(ii) COMMUNICATIONS NETWORK.—
7 The term ‘communications network’ means
8 a network used to provide a communica-
9 tions service.

10 “(iii) COMMUNICATIONS SERVICE.—
11 The term ‘communications service’ means
12 each of—

13 “(I) cable service, as defined in
14 section 602;

15 “(II) information service;

16 “(III) telecommunications serv-
17 ice; and

18 “(IV) personal wireless service.

19 “(iv) GENERALLY APPLICABLE
20 CODE.—The term ‘generally applicable
21 code’ means a uniform building, fire, elec-
22 trical, plumbing, or mechanical code adopt-
23 ed by a national code organization, or a
24 local amendment to such a code, to the ex-
25 tent not inconsistent with this Act.

1 “(v) NETWORK INTERFACE DEVICE.—

2 The term ‘network interface device’ means
3 a telecommunications demarcation device
4 and cross-connect point that—

5 “(I) is adjacent or proximate
6 to—

7 “(aa) a small personal wire-
8 less service facility; or

9 “(bb) a structure supporting
10 a small personal wireless service
11 facility; and

12 “(II) demarcates the boundary
13 with any wireline backhaul facility.

14 “(vi) PERSONAL WIRELESS SERV-
15 ICE.—The term ‘personal wireless service’
16 means any fixed or mobile service (other
17 than a broadcasting service) provided via
18 licensed or unlicensed frequencies, includ-
19 ing—

20 “(I) commercial mobile service;

21 “(II) commercial mobile data
22 service (as defined in section 6001 of
23 the Middle Class Tax Relief and Job
24 Creation Act of 2012 (47 U.S.C.
25 1401));

1 “(III) unlicensed wireless service;

2 and

3 “(IV) common carrier wireless
4 exchange access service.

5 “(vii) PERSONAL WIRELESS SERVICE
6 FACILITY.—The term ‘personal wireless
7 service facility’ means a facility used to
8 provide or support the provision of per-
9 sonal wireless service.

10 “(viii) SMALL PERSONAL WIRELESS
11 SERVICE FACILITY.—The term ‘small per-
12 sonal wireless service facility’ means a per-
13 sonal wireless service facility in which each
14 antenna is not more than 3 cubic feet in
15 volume (excluding a wireline backhaul fa-
16 cility connected to such personal wireless
17 service facility).

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

21 “(I) means the offering of tele-
22 communications service or information
23 service using a duly authorized device
24 that does not require an individual li-
25 cense; and

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

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

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

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

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

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

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

24 “(1) PROHIBITION ON DISCRIMINATION.—The
25 regulation of the placement, construction, or modi-

1 fication of a telecommunications service facility by a
2 State or local government or instrumentality thereof
3 may not discriminate—

4 “(A) among telecommunications service fa-
5 cilities—

6 “(i) based on the technology used to
7 provide services; or

8 “(ii) based on the services provided;
9 or

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

14 “(2) TIMEFRAME TO GRANT OR DENY RE-
15 QUESTS.—

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

21 “(i) if the request is for authorization
22 to place, construct, or modify such facility
23 in or on eligible support infrastructure, 90
24 days after the date on which the request is

1 submitted by the requesting party to the
2 government or instrumentality; or

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

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

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

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

24 “(i) INITIAL REQUEST INCOM-
25 PLETE.—If, not later than 30 days after

1 the date on which a requesting party sub-
2 mits to a State or local government or in-
3 strumentality thereof a request for author-
4 ization to place, construct, or modify a
5 telecommunications service facility, the
6 government or instrumentality provides to
7 the requesting party a written notice de-
8 scribed in clause (iii) with respect to the
9 request, the timeframe described in sub-
10 paragraph (A) is tolled with respect to the
11 request until the date on which the re-
12 questing party submits to the government
13 or instrumentality a supplemental submis-
14 sion in response to the notice.

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

1 graph (A) is further tolled until the date
2 on which the requesting party submits to
3 the government or instrumentality a subse-
4 quent supplemental submission in response
5 to the notice.

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

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

22 “(II) identifying the information
23 described in subclause (I) that was
24 not submitted; and

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

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

21 “(E) TOLLING BY MUTUAL AGREEMENT.—
22 The timeframe under subparagraph (A) may be
23 tolled by mutual agreement between the State
24 or local government or instrumentality thereof
25 and the requesting party.

1 “(3) DEEMED GRANTED.—

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

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

19 “(4) WRITTEN DECISION AND RECORD.—A de-
20 cision by a State or local government or instrumen-
21 tality thereof to deny a request to place, construct,
22 or modify a telecommunications service facility shall
23 be—

24 “(A) in writing;

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

3 “(C) publicly released, and provided to the
4 requesting party, on the same day such decision
5 is made.

6 “(5) FEES.—

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

12 “(i) to consider a request for author-
13 ization to place, construct, or modify a
14 telecommunications service facility; or

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

21 “(B) REQUIREMENTS.—A fee charged
22 under subparagraph (A) shall be—

23 “(i) competitively neutral, technology
24 neutral, and nondiscriminatory;

1 “(ii) established in advance and pub-
2 licly disclosed;

3 “(iii) calculated—

4 “(I) based on actual and direct
5 costs for—

6 “(aa) review and processing
7 of requests; and

8 “(bb) repairs and replace-
9 ment of—

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

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

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

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

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

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

18 “(c) JUDICIAL REVIEW.—

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

1 “(2) TIMING.—

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

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

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

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

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

4 “(f) PREEMPTION.—

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

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

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

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

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

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

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

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

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

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

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

4 “(j) DEFINITIONS.—In this section:

5 “(1) ELIGIBLE SUPPORT INFRASTRUCTURE.—

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

16 “(2) TELECOMMUNICATIONS SERVICE FACIL-
17 ITY.—The term ‘telecommunications service facil-
18 ity’—

19 “(A) means a facility that is designed or
20 used to provide or facilitate the provision of any
21 interstate or intrastate telecommunications
22 service; and

23 “(B) includes a facility described in sub-
24 paragraph (A) that is used to provide other
25 services.”.

1 **SEC. 103. REQUESTS FOR MODIFICATION OF CERTAIN EX-**
2 **ISTING WIRELESS AND TELECOMMUNI-**
3 **CATIONS SERVICE 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 telecommunications facili-
22 ties request for a modification of an existing
23 telecommunications service facility in or on eli-
24 gible support infrastructure that does not sub-
25 stantially change the physical dimensions of
26 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 telecommunications fa-
12 cilities request (as the case may be), ap-
13 prove the request or make the determina-
14 tion 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 telecommunications facilities re-
12 quest (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 tele-
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 by mutual agreement be-
17 tween the State or local government or instru-
18 mentality thereof and the requesting party.”;
19 and

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

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

23 “(A) IN GENERAL.—For the purposes of
24 this subsection, a request described in para-
25 graph (2)(A)(i) shall be considered submitted

1 on the date on which the requesting party takes
2 the first procedural step within the control of
3 the requesting party—

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

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

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

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

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

15 “(6) ENFORCEMENT.—

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

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

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

1 “(A) ELIGIBLE FACILITIES REQUEST.—

2 The term ‘eligible facilities request’ means any
3 request for a modification of an existing wire-
4 less tower, base station, or eligible support
5 structure that does not substantially change the
6 physical dimensions of such wireless tower, base
7 station, or eligible support structure and that
8 involves—

9 “(i) collocation of new transmission
10 equipment;

11 “(ii) removal of transmission equip-
12 ment;

13 “(iii) replacement of transmission
14 equipment; or

15 “(iv) placement, construction, or
16 modification of equipment that—

17 “(I) improves the resiliency of
18 the wireless tower, base station, or eli-
19 gible support structure; and

20 “(II) provides a direct benefit to
21 public safety, such as—

22 “(aa) providing backup
23 power for the wireless tower, base
24 station, or eligible support struc-
25 ture;

1 “(bb) hardening the wireless
2 tower, base station, or eligible
3 support structure; or

4 “(cc) providing more reliable
5 connection capability using the
6 wireless tower, base station, or
7 eligible support structure.

8 “(B) ELIGIBLE SUPPORT INFRASTRUC-
9 TURE.—The term ‘eligible support infrastruc-
10 ture’ means infrastructure that supports or
11 houses a telecommunications service facility at
12 the time when an eligible telecommunications
13 facilities request for a modification of such fa-
14 cility is submitted to a State or local govern-
15 ment or instrumentality thereof.

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

23 “(D) ELIGIBLE TELECOMMUNICATIONS FA-
24 CILITIES REQUEST.—The term ‘eligible tele-
25 communications facilities request’ means any

1 request for a modification of an existing tele-
2 communications service facility in or on eligible
3 support infrastructure that does not substan-
4 tially change the physical dimensions of such
5 facility and that involves—

6 “(i) collocation of new telecommuni-
7 cations service facility equipment;

8 “(ii) removal of telecommunications
9 service facility equipment; or

10 “(iii) replacement of telecommuni-
11 cations service facility equipment.

12 “(E) TELECOMMUNICATIONS SERVICE FA-
13 CILITY.—The term ‘telecommunications service
14 facility’—

15 “(i) means a facility that is designed
16 or used to provide or facilitate the provi-
17 sion of any interstate or intrastate tele-
18 communications service; and

19 “(ii) includes a facility described in
20 clause (i) that is used to provide other
21 services.

22 “(F) TRANSMISSION EQUIPMENT.—The
23 term ‘transmission equipment’ has the meaning
24 given such term in section 1.6100(b)(8) of title

1 47, Code of Federal Regulations (as in effect on
2 the date of the enactment of this paragraph).”.

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

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

16 **TITLE II—CABLE**

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

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

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

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

1 a franchise (other than a renewal thereof), the fran-
2 chising authority shall approve or deny such request.

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

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

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

19 “(5) TOLLING DUE TO INCOMPLETENESS.—

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

1 respect to the request until the date on which
2 the requesting party submits to the franchising
3 authority a supplemental submission in re-
4 sponse to the notice.

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

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

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

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

9 “(iii) 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 by
3 mutual agreement between the franchising authority
4 and the requesting party.

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

8 “(A) in writing;

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

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

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

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

24 “(B) in the case of a franchising authority
25 that has not established specific procedures for

1 the review and approval of such a request, to
2 submit to the franchising authority the type of
3 filing that is typically required to initiate a
4 standard review for a request related to a fran-
5 chise.”.

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

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

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

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

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

22 “(B) safety standards for the placement,
23 construction, or modification of such covered
24 equipment.

25 “(2) LIMITATIONS.—

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

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

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

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

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

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

16 “(iii) APPLICABILITY.—Notwith-
17 standing any provision of this title, the ap-
18 plicable timeframe under clause (i) shall
19 apply collectively to all proceedings re-
20 quired by a covered entity for the approval
21 of the request.

22 “(iv) NO MORITORIA.—A timeframe
23 under clause (i) may not be tolled by any
24 moratorium, whether express or de facto,
25 imposed by a covered entity on the consid-

1 eration of any request for authorization to
2 place, construct, or modify covered equip-
3 ment.

4 “(v) TOLLING DUE TO INCOMPLETE-
5 NESS.—

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

21 “(II) SUPPLEMENTAL SUBMIS-
22 sion incomplete.—If, not later than
23 10 days after the date on which a re-
24 questing party submits to the covered
25 entity a supplemental submission in

1 response to a written notice described
2 in subclause (III), the covered entity
3 provides to the requesting party a
4 written notice described in subclause
5 (III) with respect to the supplemental
6 submission, the timeframe under
7 clause (i) is further tolled until the
8 date on which the requesting party
9 submits to the covered entity a subse-
10 quent supplemental submission in re-
11 sponse to the notice.

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

22 “(aa) stating that all of the
23 information (including any form
24 or other document) required by
25 the covered entity to be sub-

1 mitted for the request to be con-
2 sidered complete has not been
3 submitted;

4 “(bb) identifying the infor-
5 mation described in item (aa)
6 that was not submitted; and

7 “(cc) including a citation to
8 a specific provision of a publicly
9 available rule, regulation, or
10 standard issued by the covered
11 entity requiring that such infor-
12 mation be submitted with such a
13 request.

14 “(IV) LIMITATION ON SUBSE-
15 QUENT WRITTEN NOTICE.—If a writ-
16 ten notice provided by covered entity
17 to a requesting party under subclause
18 (I) with respect to a supplemental
19 submission identifies as not having
20 been submitted any information that
21 was not identified as not having been
22 submitted in the prior written notice
23 under this subparagraph in response
24 to which the supplemental submission
25 was submitted, the subsequent written

1 notice shall be treated as not having
2 been provided to the requesting party.

3 “(vi) TOLLING BY MUTUAL AGREE-
4 MENT.—The timeframe under clause (i)
5 may be tolled by mutual agreement be-
6 tween the covered entity and the request-
7 ing party.

8 “(vii) WRITTEN DECISION AND
9 RECORD.—Any decision by a covered entity
10 to deny a request for authorization to
11 place, construct, or modify covered equip-
12 ment shall be—

13 “(I) in writing;

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

17 “(III) publicly released, and pro-
18 vided to the requesting party, on the
19 same day such decision is made.

20 “(viii) WHEN REQUEST CONSIDERED
21 SUBMITTED.—For the purposes of this
22 subparagraph, a request to a covered enti-
23 ty shall be considered submitted on the
24 date on which the requesting party takes

1 the first procedural step within the control
2 of the requesting party—

3 “(I) to submit such request in
4 accordance with the procedures estab-
5 lished by the covered entity for the re-
6 view and approval of such a request;
7 or

8 “(II) in the case of a covered en-
9 tity that has not established specific
10 procedures for the review and ap-
11 proval of such a request, to submit to
12 the covered entity the type of filing
13 that is typically required to initiate a
14 standard review for a similar request
15 in a jurisdiction that has not estab-
16 lished specific procedures for the rel-
17 evant review and approval of such a
18 request.

19 “(3) FEES.—

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

1 “(B) REQUIREMENTS.—A fee charged
2 under subparagraph (A) shall be—

3 “(i) competitively neutral, technology
4 neutral, and nondiscriminatory;

5 “(ii) established and publicly disclosed
6 in advance;

7 “(iii) calculated—

8 “(I) based on actual and direct
9 costs for—

10 “(aa) review and processing
11 of requests; and

12 “(bb) repairs and replace-
13 ment of—

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

1 covered equipment, the im-
2 provement of an eligible sup-
3 port infrastructure); or

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

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

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

15 “(C) NO RELATION TO FRANCHISE
16 FEES.—A fee charged under this paragraph to
17 consider a request for authorization to place,
18 construct, or modify covered equipment may
19 not be considered a franchise fee under section
20 622.

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

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

1 place, construct, or modify the covered equip-
2 ment in or on the easement or public right-of-
3 way is submitted to the covered entity.

4 “(B) COVERED EQUIPMENT.—The term
5 ‘covered equipment’ means equipment used in
6 or attached to a cable system to provide service
7 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 supports or
18 houses a facility for communication by wire (or
19 that is designed for or capable of supporting or
20 housing such a facility) at the time when a re-
21 quest to a covered entity for authorization to
22 place, construct, or modify covered equipment
23 in or on the infrastructure is submitted to the
24 covered entity.”.

25 (b) ACTION ON PENDING REQUESTS.—

1 (1) APPLICATION.—Paragraphs (2)(B) and (4)
2 of section 624(j) of the Communications Act of 1934
3 (47 U.S.C. 544(j)), as added by subsection (a), shall
4 apply to a—

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

8 (i) before the date of the enactment of
9 this Act; and

10 (ii) has not been approved or denied
11 by the covered entity on or before such
12 date; and

13 (B) a request submitted to a covered entity
14 on or after the date of the enactment of this
15 Act.

16 (2) DATE OF RECEIPT.—The date of receipt by
17 a covered entity of a request described under sub-
18 section (a)(1) shall be deemed to be the date of the
19 enactment of this Act.

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

21 (a) ELIMINATION OR MODIFICATION OF REQUIRE-
22 MENT IN FRANCHISE.—Section 625 of the Communica-
23 tions Act of 1934 (47 U.S.C. 545) is amended to read
24 as follows:

1 **“SEC. 625. ELIMINATION OR MODIFICATION OF REQUIRE-**
2 **MENT IN FRANCHISE.**

3 “(a) IN GENERAL.—During the period in which a
4 franchise is in effect, the cable operator may obtain the
5 elimination or modification of any requirement in the fran-
6 chise by submitting to the franchising authority a request
7 for the elimination or modification of such requirement.

8 “(b) ELIMINATION OR MODIFICATION OF REQUIRE-
9 MENT IN FRANCHISE.—

10 “(1) REQUIREMENT.—The franchising author-
11 ity shall eliminate or modify a requirement in ac-
12 cordance with a request submitted under subsection
13 (a) not later than 120 days after the cable operator
14 submits the request to the franchising authority if
15 the cable operator demonstrates in the request—

16 “(A) good cause for the elimination or
17 modification of the requirement, including the
18 need to eliminate or modify the requirement—

19 “(i) to conform to an applicable Fed-
20 eral or State law;

21 “(ii) to address changes in technology;

22 or

23 “(iii) in the case of a requirement ap-
24 plicable to the cable operator, due to com-
25 mercial impracticability; and

1 “(B) that the mix, quality, and level of
2 cable services required by the franchise at the
3 time the franchise was granted will be main-
4 tained notwithstanding the elimination or modi-
5 fication of the requirement;

6 “(2) DEFINITION.—In this subsection, the term
7 ‘commercial impracticability’ means that it is com-
8 mercially impracticable for the operator to comply
9 with the requirement as a result of a change in con-
10 ditions which is beyond the control of the operator
11 and the nonoccurrence of which was a basic assump-
12 tion on which the requirement was based.

13 “(c) DEEMED ELIMINATION OR MODIFICATION.—
14 Except in the case of a request for the elimination or
15 modification of a requirement for services relating to pub-
16 lic, educational, or governmental access, if the franchising
17 authority fails to approve or deny the request submitted
18 under subsection (a) by the date described under sub-
19 section (b), the requirement shall be deemed eliminated
20 or modified in accordance with the request on the day
21 after such date.

22 “(d) APPEAL.—

23 “(1) IN GENERAL.—Any cable operator whose
24 request for elimination or modification of a require-
25 ment in a franchise under subsection (a) has been

1 denied by a final decision of a franchising authority
2 may seek judicial review of the decision pursuant to
3 the provisions of section 635.

4 “(2) GRANT OF REQUEST.—In the case of any
5 proposed elimination or modification of a require-
6 ment in a franchise under subsection (a), the court
7 shall grant such elimination or modification only if
8 the cable operator demonstrates to the court that
9 the standards in subsection (b) have been met.

10 “(e) WHEN REQUEST CONSIDERED SUBMITTED.—
11 For the purposes of this section, a request to a franchising
12 authority shall be considered submitted on the date on
13 which the requesting party takes the first procedural step
14 within the control of the requesting party—

15 “(1) to submit such request in accordance with
16 the procedures established by the franchising au-
17 thority for the review and approval of such a re-
18 quest; or

19 “(2) in the case of a franchising authority that
20 has not established specific procedures for the review
21 and approval of such a request, to submit to the
22 franchising authority the type of filing that is typi-
23 cally required to initiate a standard review for a re-
24 quest related to a franchise.”

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

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

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

9 “(b) LIMITS.—

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

13 “(A) revoked by a franchising authority;

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

15 “(C) revoked or terminated by operation of
16 law, including by a term in a franchise that re-
17 vokes or terminates such franchise on a specific
18 date, after a period of time, or upon the occur-
19 rence of an event.

20 “(2) WHEN TERMINATION OR REVOCATION OF
21 FRANCHISE PERMITTED.—

22 “(A) TERMINATION BY CABLE OPER-
23 ATOR.—

24 “(i) IN GENERAL.—A cable operator
25 may terminate a franchise by submitting

1 to the franchising authority a written re-
2 quest for the franchising authority to re-
3 voke such franchise.

4 “(ii) TIME OF REVOCATION.—If the
5 cable operator submits a written request
6 under clause (i), the franchising authority
7 shall revoke the franchise on the date that
8 is 90 days after the request is submitted to
9 the franchising authority.

10 “(iii) DEEMED TO BE REVOKED.—If a
11 franchising authority does not approve a
12 request by the date required under clause
13 (ii), the franchise is deemed revoked on the
14 day after such date.

15 “(B) TERMINATION BY FRANCHISING AU-
16 THORITY.—A franchising authority may revoke
17 a franchise if the franchising authority—

18 “(i) finds that the cable operator has
19 knowingly and willfully failed to substan-
20 tially meet a material requirement imposed
21 by the franchise;

22 “(ii) provides the cable operator a rea-
23 sonable opportunity to cure such failure,
24 after which the cable operator fails to cure
25 such failure; and

1 “(iii) does not waive the material re-
2 quirement or acquiesce with the failure to
3 substantially meet such requirement.

4 “(c) REVIEW OF REVOCATION OF FRANCHISE BY
5 FRANCHISING AUTHORITY.—

6 “(1) ADMINISTRATIVE OR JUDICIAL REVIEW.—

7 With respect to a determination by a franchising au-
8 thority to revoke a franchise under subsection
9 (b)(2)(B), a cable operator may—

10 “(A) petition the Commission for review of
11 such determination; or

12 “(B) seek judicial review of such deter-
13 mination pursuant to the provisions of section
14 635.

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

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

19 “(B) invalidate the determination if, based
20 on the evidence presented during the review, the
21 Commission determines that the franchising au-
22 thority has not demonstrated by a preponder-
23 ance of the evidence that the franchising au-
24 thority revoked the franchise in accordance with
25 subsection (b)(2)(B).

1 “(3) STAY OF DETERMINATION TO REVOKE
2 FRANCHISE.—A revocation of a franchise under sub-
3 section (b)(2)(B) may be stayed—

4 “(A) in the case the cable operator peti-
5 tions the Commission for review of the deter-
6 mination on which such revocation is based, by
7 the Commission; and

8 “(B) in the case the cable operator seeks
9 judicial review of the determination on which
10 such revocation is based, by the court in which
11 the cable operator seeks judicial review of the
12 determination.”.

13 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
14 The Communications Act of 1934 (47 U.S.C. 151 et seq.)
15 is amended—

16 (1) in section 601—

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

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

20 (C) by redesignating paragraph (6) as
21 paragraph (5);

22 (2) in section 602(9)—

23 (A) by striking “initial”; and

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

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

7 (4) in section 612(b)(3)—

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

10 (B) by striking “, or proposal for renewal
11 thereof,”;

12 (5) in section 621(b)(3)—

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

15 (B) in subparagraph (D)—

16 (i) by striking “initial”; and

17 (ii) by striking “, a franchise re-
18 newal,”;

19 (6) in section 624—

20 (A) in subsection (b)(1), by striking “(in-
21 cluding requests for renewal proposals, subject
22 to section 626)”; and

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

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

1 (d) EFFECTIVE DATE; APPLICATION.—

2 (1) EFFECTIVE DATE.—This section, and the
3 amendments made by this section, shall take effect
4 6 months after the date of the enactment of this
5 Act.

6 (2) APPLICATION.—This section, and the
7 amendments made by this section, shall apply to a
8 franchise granted—

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

11 (B) before such date, if—

12 (i) such franchise (including, any re-
13 newal thereof before the date of the enact-
14 ment of this Act) is in effect on such date;
15 or

16 (ii) such franchise is expired and the
17 cable operator has continued to perform
18 under the provisions of such franchise as if
19 such franchise were not expired.

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

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

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

2 “(a) VALUE OF CABLE SYSTEM AFTER REVOCATION
3 OF FRANCHISE.—If a franchise held by a cable operator
4 is revoked under section 626(b)(2)(B) and the franchising
5 authority acquires ownership of the cable system or effects
6 a transfer of ownership of the system to another person,
7 any such acquisition or transfer shall be at fair market
8 value.

9 “(b) LIMITATIONS ON AUTHORITY OF FRANCHISING
10 AUTHORITY WITH RESPECT TO TRANSFER OF FRAN-
11 CHISE.—

12 “(1) IN GENERAL.—A franchising authority
13 may not preclude a cable operator from transferring
14 a franchise to any person—

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

17 “(B) with respect to the terms of the fran-
18 chise that apply to the cable operator, who
19 agrees to accept all such terms in effect at the
20 time of the transfer.

21 “(2) NOTIFICATION.—In the case of the trans-
22 fer of a franchise to a person to which such fran-
23 chise was not originally granted, a franchising au-
24 thority may require a cable operator to which a fran-
25 chise was initially granted to, not later than 15 days

1 before the transfer of the franchise, notify the fran-
2 chising authority in writing of such transfer.

3 “(3) TRANSFER OF A FRANCHISE DEFINED.—

4 In this subsection, the term ‘transfer of a franchise’
5 means the transfer or assignment of any rights
6 under a franchise through any transaction, including
7 through—

8 “(A) a merger involving the cable operator
9 or cable system;

10 “(B) a sale of the cable operator or cable
11 system;

12 “(C) an assignment of the cable operator
13 or a cable system;

14 “(D) a restructuring of a cable operator or
15 a cable system; or

16 “(E) the transfer of control of a cable op-
17 erator or a cable system.”.

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

21 (c) APPLICATION.—This section, and the amendment
22 made by subsection (a), shall apply to a franchise grant-
23 ed—

24 (1) on or after the effective date established by
25 subsection (b); or

1 (2) before such date, if—

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

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

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

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

13 (a) IN GENERAL.—

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

19 (2) NATIONAL HISTORIC PRESERVATION ACT
20 EXEMPTION.—A covered project may not be consid-
21 ered an undertaking under section 300320 of title
22 54, United States Code.

23 (b) GRANT OF EASEMENT ON FEDERAL PROP-
24 erty.—

1 (1) NEPA EXEMPTION.—A Federal authoriza-
2 tion with respect to a covered easement for a com-
3 munications facility may not be considered a major
4 Federal action under section 102(2)(C) of the Na-
5 tional Environmental Policy Act of 1969 (42 U.S.C.
6 4332(2)(C)), if—

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

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

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

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

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

1 (c) REQUESTS FOR MODIFICATION OF CERTAIN EX-
2 ISTING WIRELESS AND TELECOMMUNICATIONS SERVICE
3 FACILITIES.—Section 6409(a)(3) of the Middle Class Tax
4 Relief and Job Creation Act of 2012 (47 U.S.C.
5 1455(a)(3)) is amended to read as follows:

6 “(3) APPLICATION OF NEPA; NHPA.—

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

14 “(B) NATIONAL HISTORIC PRESERVATION
15 ACT EXEMPTION.—An eligible facilities request
16 or an eligible telecommunications facilities re-
17 quest may not be considered an undertaking
18 under section 300320 of title 54, United States
19 Code.

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

23 “(i) means any authorization required
24 under Federal law with respect to an eligi-

1 ble facilities request or an eligible tele-
2 communications facilities request; and

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

9 **SEC. 302. PRESUMPTION WITH RESPECT TO CERTAIN COM-**
10 **plete FCC FORMS.**

11 (a) PRESUMPTION.—If an Indian Tribe is shown to
12 have received a complete FCC Form 620 or FCC Form
13 621 (or any successor form), or can be reasonably ex-
14 pected to have received a complete FCC Form 620 or FCC
15 Form 621 (or any successor form), and has not acted on
16 a request contained in such complete form by the date that
17 is 45 days after the date of such receipt or reasonably
18 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 rules of the Commission,
24 or FCC Form 620 or FCC Form 621, are

1 found to be in violation of a Nationwide Pro-
2 grammatic 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 telecommunications serv-
4 ice facility 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), the existing commu-
4 nications facility that such new com-
5 munications facility is replacing;

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

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

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

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

20 (6) ELIGIBLE SUPPORT INFRASTRUCTURE.—

21 The term “eligible support infrastructure” means in-
22 frastructure that supports or houses a facility for
23 communication by wire (or that is designed for or
24 capable of supporting or housing such a facility) at
25 the time when a request to a State or local govern-

1 ment or instrumentality thereof, or to an Indian
2 tribal government, for authorization to place, con-
3 struct, or modify a telecommunications service facil-
4 ity in or on the infrastructure is submitted to the
5 government or instrumentality.

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

8 (A) in the case of an emergency declared
9 by the President, an emergency declared by the
10 President under section 501 of the Robert T.
11 Stafford Disaster Relief and Emergency Assist-
12 ance Act (42 U.S.C. 5191); and

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

20 (8) FEDERAL AUTHORIZATION.—The term
21 “Federal authorization”—

22 (A) means any authorization required
23 under Federal law with respect to a covered
24 project or a covered easement; and

1 (B) includes any permits, special use au-
2 thorizations, certifications, opinions, or other
3 approvals as may be required under Federal law
4 with respect to a covered project or a covered
5 easement.

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

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

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

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

17 (A) in the case of a major disaster de-
18 clared by the President, a major disaster de-
19 clared by the President under section 401 of
20 the Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act (42 U.S.C. 5170);
22 and

23 (B) in the case of a major disaster de-
24 clared by the Governor of a State or the Chief
25 Executive of an Indian tribal government, any

1 occasion or instance with respect to which the
2 Governor or Chief Executive declares that a dis-
3 aster exists (or makes a similar declaration)
4 under State or Tribal law (as the case may be).

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

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

13 (A) means—

14 (i) the area on, below, or above a pub-
15 lic roadway, highway, street, sidewalk,
16 alley, or similar property (whether cur-
17 rently or previously used in such manner);
18 and

19 (ii) any land immediately adjacent to
20 and contiguous with property described in
21 clause (i) that is within the right-of-way
22 grant; and

23 (B) does not include a portion of the Inter-
24 state System (as such term is defined in section
25 101(a) of title 23, United States Code).

1 (15) SMALL PERSONAL WIRELESS SERVICE FA-
2 CILITY.—The term “small personal wireless service
3 facility” means a personal wireless service facility in
4 which each antenna is not more than 3 cubic feet in
5 volume (excluding a wireline backhaul facility con-
6 nected to such personal wireless service facility).

7 (16) STATE.—The term “State” means each
8 State of the United States, the District of Columbia,
9 and each territory or possession of the United
10 States.

11 (17) TELECOMMUNICATIONS SERVICE.—The
12 term “telecommunications service” has the meaning
13 given such term in section 3 of the Communications
14 Act of 1934 (47 U.S.C. 153).

15 (18) TELECOMMUNICATIONS SERVICE FACIL-
16 ITY.—The term “telecommunications service facil-
17 ity”—

18 (A) means a facility that is designed or
19 used to provide or facilitate the provision of any
20 interstate or intrastate telecommunications
21 service; and

22 (B) includes a facility described in sub-
23 paragraph (A) that is used to provide other
24 services.

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

10 (20) WIRELINE BACKHAUL FACILITY.—The
11 term “wireline backhaul facility” means an above-
12 ground or underground wireline facility used to
13 transport communications service or other electronic
14 communications from a small personal wireless serv-
15 ice facility or its adjacent network interface device to
16 a communications network.

17 **TITLE IV—OTHER MATTERS**

18 **SEC. 401. TIMELY CONSIDERATION OF APPLICATIONS FOR** 19 **FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND** 20 **LEASES.**

21 (a) IN GENERAL.—Section 6409(b)(3) of the Middle
22 Class Tax Relief and Job Creation Act of 2012 (47 U.S.C.
23 1455(b)(3)) is amended—

24 (1) in subparagraph (A), by striking “an execu-
25 tive agency receives a duly filed application” and in-

1 serting “an application is submitted to an executive
2 agency”; and

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

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

10 “(F) TOLLING DUE TO INCOMPLETE-
11 NESS.—

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

1 “(ii) SUPPLEMENTAL SUBMISSION IN-
2 COMPLETE.—If, not later than 10 days
3 after the date on which an applicant sub-
4 mits to an executive agency a supplemental
5 submission in response to a written notice
6 described in clause (iii), the executive
7 agency provides to the applicant a written
8 notice described in clause (iii) with respect
9 to the supplemental submission, the time-
10 frame under subparagraph (A) is further
11 tolled until the date on which the applicant
12 submits to the executive agency 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 an applica-
18 tion under subparagraph (A) or a supple-
19 mental submission described in clause (i)
20 or (ii) submitted to an executive agency by
21 an applicant, a written notice from the ex-
22 ecutive agency to the applicant—

23 “(I) stating that all of the infor-
24 mation (including any form or other
25 document) required by the executive

1 agency to be submitted for the appli-
2 cation to be considered complete has
3 not been submitted;

4 “(II) identifying the information
5 described in subclause (I) that was
6 not submitted; and

7 “(III) including a citation to a
8 specific provision of a publicly avail-
9 able rule, regulation, or standard
10 issued by the executive agency requir-
11 ing that such information be sub-
12 mitted with such an application.

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

1 “(G) TOLLING BY MUTUAL AGREEMENT.—
2 The timeframe under subparagraph (A) may be
3 tolled by mutual agreement between the execu-
4 tive agency and the applicant.

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

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

1 **SEC. 402. STREAMLINING OF CERTAIN FEES RELATING TO**
2 **BROADBAND INFRASTRUCTURE DEPLOYED**
3 **USING GRANT FUNDS UNDER BEAD PRO-**
4 **GRAM.**

5 Section 60102(e)(4) of the Infrastructure Investment
6 and Jobs Act (47 U.S.C. 1702(e)(4)) is amended by add-
7 ing at the end the following:

8 “(F) CERTIFICATION REGARDING STREAM-
9 LINING OF CERTAIN FEES RELATING TO
10 BROADBAND INFRASTRUCTURE.—An eligible
11 entity that submits a final proposal under this
12 paragraph shall certify in such final proposal
13 that any fee charged by the eligible entity, or
14 any political subdivision of the eligible entity, to
15 consider a request for authorization to place,
16 construct, or modify, using (in whole or in part)
17 grant funds received under this paragraph, in-
18 frastructure for the provision of broadband
19 service, and any fee for use of a right-of-way or
20 infrastructure in a right-of-way owned or man-
21 aged by the entity or political subdivision for
22 the placement, construction, or modification,
23 using (in whole or in part) grant funds received
24 under this paragraph, of infrastructure for the
25 provision of broadband service, will be—

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

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

5 “(iii) calculated—

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

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

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

12 “(AA) components and
13 materials directly resulting
14 from and affected by the
15 placement, construction, or
16 modification (including the
17 installation or improvement)
18 of infrastructure for the pro-
19 vision of broadband service;
20 or

21 “(BB) equipment that
22 facilitates the placement,
23 construction, or modification
24 (including the installation or

1 improvement) of such infra-
2 structure; and

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

6 “(iv) described to a requesting party
7 in a manner that distinguishes between—

8 “(I) nonrecurring fees and recur-
9 ring fees; and

10 “(II) the use of infrastructure on
11 which infrastructure for the provision
12 of broadband service is already lo-
13 cated and infrastructure on which
14 there is no infrastructure for the pro-
15 vision of broadband service as of the
16 date on which the request is sub-
17 mitted to the eligible entity or political
18 subdivision.”.

