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Text of H.R. 2289, The American Broadband Deployment Act of 2026Offered by M_. _____[Showing the text of H.R. 2289, as reported by the Committee on Energy and Commerce, with modifications.]

~~A BILL~~

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “American Broadband Deployment Act of ~~2025~~*2026*”.

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

TITLE I—STATE AND LOCAL SITING PROCESSES

SEC. 101. PRESERVATION OF LOCAL ZONING AUTHORITY.

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

"(7) PRESERVATION OF LOCAL ZONING AUTHORITY.—

"(A) GENERAL AUTHORITY.—Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, or modification of personal wireless service facilities.

"(B) LIMITATIONS.—

"(i) IN GENERAL.—The regulation of the placement, construction, or modification of a personal wireless service facility by any State or local government or instrumentality thereof—

"(I) shall not discriminate among personal wireless service facilities or providers of communications service, including by providing exclusive or preferential use of facilities to a particular provider or class of providers of personal wireless service; and

"(II) shall not prohibit or have the effect of prohibiting the provision, improvement, or enhancement of personal wireless service.

"(ii) ENGINEERING STANDARDS; AESTHETIC REQUIREMENTS.—It is not a violation of clause (i) for a State or local government or instrumentality thereof to establish for personal wireless service facilities, or structures that support such facilities, objective, reasonable, and nondiscriminatory —

"(I) structural engineering standards based on generally applicable codes;

"(II) safety requirements (subject to clause (vi)); or

"(III) aesthetic or concealment requirements, unless such requirements prohibit or have the effect of prohibiting the installation or modification of such facilities or structures.

"(iii) TIMEFRAMES.—

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

"(aa) in the case of a request for authorization to place, construct, or modify a personal wireless service facility that is not a small personal wireless service facility—

"(AA) if the request is for authorization to place, construct, or modify such facility using an existing structure, including with respect to an area that has not previously been zoned for personal wireless service facilities (other than small personal wireless service facilities), 90 days after the date on which the request is submitted by the requesting party to the government or instrumentality; or

"(BB) if the request is for any other action relating to such facility, 150 days after the date on which the request is submitted by the requesting party to the government or instrumentality; and

"(bb) in the case of a request for authorization to place, construct, or modify a small personal wireless service facility—

"(AA) if the request is for authorization to place, construct, or modify such facility using an existing structure, including with respect to an area that has not previously been zoned for personal wireless service facilities, 60 days after the date on which the request is submitted by the requesting party to the government or instrumentality; or

"(BB) if the request is for any other action relating to such facility, 90 days after the date on which the request is submitted by the requesting party to the government or instrumentality.

"(II) TREATMENT OF BATCHED REQUESTS.—In the case of requests described in subclause (I) that are submitted as part of a single batch by the requesting party to the government or instrumentality on the same day, the applicable timeframe under such subclause for each request in the batch shall be the longest timeframe under such subclause that would be applicable to any request in the batch if such requests were submitted separately.

"(III) APPLICABILITY.—The applicable timeframe under subclause (I) shall apply collectively to all proceedings, including related permits and authorizations, required by a State or local government or instrumentality thereof for the approval of the request.

"(IV) NO MORATORIA.—A timeframe under subclause (I) may not be tolled by any moratorium, whether express or de facto, imposed by a State or local government or instrumentality thereof on the submission, acceptance, or consideration of any request for authorization to place, construct, or modify a personal wireless service facility.

"(V) TOLLING DUE TO INCOMPLETENESS.—

"(aa) INITIAL REQUEST INCOMPLETE.—

"(AA) SMALL PERSONAL WIRELESS SERVICE FACILITIES.—If, not later than 10 days after the date on which a requesting party submits to a State or local government or instrumentality thereof a request for authorization to place, construct, or modify a small personal wireless service facility, the government or instrumentality provides to the requesting party a written notice described in item (cc) with respect to the request, the timeframe described in subclause (I) is tolled with respect to the request and shall restart at zero on the date on which the requesting party submits to the government or instrumentality a supplemental submission in response to the notice.

"(BB) OTHER PERSONAL WIRELESS SERVICE FACILITIES.—If, not later than 30 days after the date on which a requesting party submits to a State or local government or instrumentality thereof a request for authorization to place, construct, or modify a personal wireless service facility that is not a small personal wireless service facility, the government or instrumentality provides to the requesting party a written notice described in item (cc) with respect to the request, the timeframe described in subclause (I) is tolled with respect to the request until the date on which the requesting party submits to the government or instrumentality a supplemental submission in response to the notice.

"(bb) SUPPLEMENTAL SUBMISSION INCOMPLETE.—If, not later than 10 days after the date on which a requesting party submits to a State or local government or instrumentality thereof a supplemental submission in response to a written notice described in item (cc), the government or instrumentality provides to the requesting party a written notice described in item (cc) with respect to the supplemental submission, the timeframe under subclause (I) is further tolled until the date on which the requesting party submits to the government or instrumentality a subsequent supplemental submission in response to the notice.

"(cc) WRITTEN NOTICE DESCRIBED.—The written notice described in this item is, with respect to a request described in subclause (I) or a supplemental submission described in item (aa) or (bb) submitted to a State or local government or instrumentality thereof by a requesting party, a written notice from the government or instrumentality to the requesting party—

"(AA) stating that all of the information (including any form or other document) required by the government or instrumentality to be submitted for the request to be considered complete has not been submitted;

"(BB) identifying the information described in subitem (AA) that was not submitted; and

"(CC) including a citation to a specific provision of a publicly available rule, regulation, or standard issued by the government or instrumentality requiring that such information be submitted with such a request.

"(dd) LIMITATION ON SUBSEQUENT WRITTEN NOTICE.—If a written notice provided by a State or local government or instrumentality thereof to a requesting party under item (bb) with respect to a supplemental submission identifies as not having been submitted any information that was not identified as not having been submitted in the prior written notice under this subclause in response to which the supplemental submission was submitted, the subsequent written notice shall be treated as not having been provided to the requesting party.

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

"(iv) DEEMED GRANTED.—

"(I) IN GENERAL.—If a State or local government or instrumentality thereof fails to take final action to grant or deny a request within the applicable timeframe under subclause (I) of clause (iii), the request shall be deemed granted on the date on which the government or instrumentality receives a written notice of the failure from the requesting party.

"(II) RULE OF CONSTRUCTION.—In the case of a request that is deemed granted under subclause (I), the placement, construction, or modification requested in the request shall be considered to be authorized, without any further action by the government or instrumentality, beginning on the date on which the request is deemed granted under such subclause.

"(v) WRITTEN DECISION AND RECORD.—Any decision by a State or local government or instrumentality thereof to deny a request for authorization to place, construct, or modify a personal wireless service facility shall be—

"(I) in writing;

"(II) supported by substantial evidence contained in a written record; and

"(III) publicly released, and provided to the requesting party, on the same day such decision is made.

"(vi) ENVIRONMENTAL EFFECTS OF RADIO FREQUENCY EMISSIONS.—No State or local government or instrumentality thereof may regulate the operation, placement, construction, or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities or structures comply with the Commission's regulations concerning such emissions.

"(vii) FEES.—To the extent permitted by law, a State or local government or instrumentality thereof may charge a fee to consider a request for authorization to place, construct, or modify a personal wireless service facility or a fee for use of a right-of-way or a facility in a right-of-way

owned or managed by the government or instrumentality for the placement, construction, or modification of a personal wireless service facility, if the fee is—

"(I) competitively neutral, technology neutral, and nondiscriminatory;

"(II) established in advance and publicly disclosed;

"(III) calculated—

"(aa) based on actual and direct costs for—

"(AA) review and processing of requests; and

"(BB) repairs and replacement of components and materials directly resulting from and affected by the placement, construction, or modification (including the installation or improvement) of personal wireless service facilities or repairs and replacement of equipment that facilitates the placement, construction, or modification (including the installation or improvement) of such facilities; and

"(bb) using, for purposes of item (aa), only costs that are objectively reasonable; and

"(IV) described to a requesting party in a manner that distinguishes between—

"(aa) nonrecurring fees and recurring fees; and

"(bb) the use of facilities on which personal wireless service facilities are already located and facilities on which there are no personal wireless service facilities as of the date on which the request is submitted by the requesting party to the government or instrumentality.

"(C) JUDICIAL REVIEW.—Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this paragraph may, within 30 days after the action or failure to act, commence an action in any court of competent jurisdiction, which shall hear and decide the action on an expedited basis.

"(D) WHEN REQUEST CONSIDERED SUBMITTED.—For the purposes of this paragraph, a request to a State or local government or instrumentality thereof shall be considered submitted on the date on which the requesting party takes the first procedural step within the control of the requesting party—

"(i) to submit such request in accordance with the procedures established by the government or instrumentality for the review and approval of such a request; or

"(ii) in the case of a government or instrumentality that has not established specific procedures for the review and approval of such a request, to submit to the government or instrumentality the type of filing that is typically required to initiate a standard review for a similar facility or structure.

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

"(F) EFFECT OF REGULATIONS.—Any regulation promulgated by the Commission to implement this paragraph (including any interpretation of the requirements of and terms used in this paragraph contained in any such regulation) shall be binding on a court in any action under subparagraph (C).

"(G) DEFINITIONS.—In this paragraph:

"(i) ANTENNA.—The term 'antenna' means an apparatus designed for the purpose of emitting radiofrequency radiation, to be operated or operating from a fixed location for the transmission of writing, signs, signals, data, images, pictures, and sounds of all kinds.

"(ii) COMMUNICATIONS NETWORK.—The term 'communications network' means a network used to provide a communications service.

"(iii) COMMUNICATIONS SERVICE.—The term 'communications service' means each of—

"(I) cable service, as defined in section 602;

"(II) information service;

"(III) telecommunications service; and

"(IV) personal wireless service.

"(iv) GENERALLY APPLICABLE CODE.—The term 'generally applicable code' means a uniform building, fire, electrical, plumbing, or mechanical code adopted by a national code organization, or a local amendment to such a code, to the extent not inconsistent with this Act.

"(v) NETWORK INTERFACE DEVICE.—The term 'network interface device' means a telecommunications demarcation device and cross-connect point that—

"(I) is adjacent or proximate to—

"(aa) a small personal wireless service facility; or

"(bb) a structure supporting a small personal wireless service facility; and

"(II) demarcates the boundary with any wireline backhaul facility.

"(vi) PERSONAL WIRELESS SERVICE.—The term 'personal wireless service' means any fixed or mobile service (other than a broadcasting service) provided via licensed or unlicensed frequencies, including—

"(I) commercial mobile service;

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

"(III) unlicensed wireless service; and

"(IV) common carrier wireless exchange access service.

"(vii) PERSONAL WIRELESS SERVICE FACILITY.—The term 'personal wireless service facility' means a facility used to provide or support the provision of personal wireless service.

"(viii) SMALL PERSONAL WIRELESS SERVICE FACILITY.—The term 'small personal wireless service facility' means a personal wireless service facility—

"(I) that is mounted—

"(aa) on a structure 50 feet or less in height (including any antenna); or

"(bb) on a structure not more than 10 percent taller than other adjacent structures;

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

"(III) in which each antenna is not more than 3 cubic feet in volume (excluding a wireline backhaul facility connected to such personal wireless service facility).

"(ix) UNLICENSED WIRELESS SERVICE.—The term 'unlicensed wireless service'—

"(I) means the offering of telecommunications service or information service using a duly authorized device that does not require an individual license; and

"(II) does not include the provision of direct-to-home satellite services, as defined in section 303(v).

"(x) WIRELINE BACKHAUL FACILITY.—The term 'wireline backhaul facility' means an above-ground or underground wireline facility used to transport communications service or other electronic communications from a small personal wireless service facility or the adjacent network interface device of such facility to a communications network."

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SEC. 102. REMOVAL OF BARRIERS TO ENTRY.

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

"SEC. 253. REMOVAL OF BARRIERS TO ENTRY.

"(a) IN GENERAL.—No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide, improve, or enhance the provision of any interstate or intrastate telecommunications service.

"(b) PLACEMENT, CONSTRUCTION, OR MODIFICATION OF TELECOMMUNICATIONS SERVICE FACILITIES.—

"(1) PROHIBITION ON DISCRIMINATION.—The regulation of the placement, construction, or modification of a telecommunications service facility by a State or local government or instrumentality thereof may not discriminate—

"(A) among telecommunications service facilities—

"(i) based on the technology used to provide services; or

"(ii) based on the services provided; or

"(B) against telecommunications service facilities, as compared to the regulation of the placement, construction, or modification of other facilities.

"(2) TIMEFRAME TO GRANT OR DENY REQUESTS.—

"(A) IN GENERAL.—A State or local government or instrumentality thereof shall grant or deny a request for authorization to place, construct, or modify a telecommunications service facility not later than—

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

"(ii) for any other action relating to such facility, 150 days after the date on which the request is submitted by the requesting party to the government or instrumentality.

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

"(C) NO MORATORIA.—A timeframe under subparagraph (A) may not be tolled by any moratorium, whether express or de facto, imposed by a State or local government or instrumentality thereof on the submission, acceptance, or consideration of requests for authorization to place, construct, or modify a telecommunications service facility.

"(D) TOLLING DUE TO INCOMPLETENESS.—

"(i) INITIAL REQUEST INCOMPLETE.—If, not later than 30 days after the date on which a requesting party submits to a State or local government or instrumentality thereof a request for authorization to place, construct, or modify a telecommunications service facility, the government or instrumentality provides to the requesting party a written notice described in clause (iii) with respect to the request, the timeframe described in subparagraph (A) is tolled with respect to the request until the date on which the requesting party submits to the government or instrumentality a supplemental submission in response to the notice.

"(ii) SUPPLEMENTAL SUBMISSION INCOMPLETE.—If, not later than 10 days after the date on which a requesting party submits to a State or local government or instrumentality thereof a supplemental submission in response to a written notice described in clause (iii), the government or instrumentality provides to the requesting party a written notice described in clause (iii) with respect to the supplemental submission, the timeframe under subparagraph (A) is further tolled until the date on which the requesting party submits to the government or instrumentality a subsequent supplemental submission in response to the notice.

"(iii) WRITTEN NOTICE DESCRIBED.—The written notice described in this clause is, with respect to a request described in subparagraph (A) or a supplemental submission described in clause (i) or (ii) submitted to a State or local government or instrumentality thereof by a requesting party, a written notice from the government or instrumentality to the requesting party—

"(I) stating that all of the information (including any form or other document) required by the government or instrumentality to be submitted for the request to be considered complete has not been submitted;

"(II) identifying the information described in subclause (I) that was not submitted; and

"(III) including a citation to a specific provision of a publicly available rule, regulation, or standard issued by the government or instrumentality requiring that such information be submitted with such a request.

"(iv) LIMITATION ON SUBSEQUENT WRITTEN NOTICE.—If a written notice provided by a State or local government or instrumentality thereof to a requesting party under clause (ii) with respect to a supplemental submission identifies as not having been submitted any information that was not identified as not having been submitted in the prior written notice under this subparagraph in response to which the supplemental submission was submitted, the subsequent written notice shall be treated as not having been provided to the requesting party.

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

"(3) DEEMED GRANTED.—

"(A) IN GENERAL.—If a State or local government or instrumentality thereof has neither granted nor denied a request within the applicable timeframe under paragraph (2), the request shall be deemed granted on the date on which the government or instrumentality receives a written notice of the failure to grant or deny from the requesting party.

"(B) RULE OF CONSTRUCTION.—In the case of a request that is deemed granted under subparagraph (A), the placement, construction, or modification requested in such request shall be considered to be authorized, without any further action by the government or instrumentality, beginning on the date on which such request is deemed granted under such subparagraph.

"(4) WRITTEN DECISION AND RECORD.—A decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify a telecommunications service facility shall be—

"(A) in writing;

"(B) supported by substantial evidence contained in a written record; and

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

"(5) FEES.—

"(A) IN GENERAL.—To the extent permitted by law, a State or local government or instrumentality thereof may charge a fee that meets the requirements under subparagraph (B)—

"(i) to consider a request for authorization to place, construct, or modify a telecommunications service facility; or

"(ii) for use of a right-of-way or a facility in a right-of-way owned or managed by the government or instrumentality for the placement, construction, or modification of a telecommunications service facility.

"(B) REQUIREMENTS.—A fee charged under subparagraph (A) shall be—

"(i) competitively neutral, technology neutral, and nondiscriminatory;

"(ii) established in advance and publicly disclosed;

"(iii) calculated—

"(I) based on actual and direct costs for—

"(aa) review and processing of requests; and

"(bb) repairs and replacement of—

"(AA) components and materials directly resulting from and affected by the placement, construction, or modification (including the installation or improvement) of telecommunications service facilities; or

"(BB) equipment that facilitates the placement, construction, or modification (including the installation or improvement) of such facilities; and

"(II) using, for purposes of subclause (I), only costs that are objectively reasonable; and

"(iv) described to a requesting party in a manner that distinguishes between—

"(I) nonrecurring fees and recurring fees; and

"(II) the use of facilities on which telecommunications service facilities or infrastructure for compatible uses are already located and facilities on which there are no telecommunications service facilities or infrastructure for compatible uses as of the date on which the request is submitted by the requesting party to the government or instrumentality.

"(c) JUDICIAL REVIEW.—

"(1) IN GENERAL.—A person adversely affected by a State or local statute, regulation, or other legal requirement, or by a final action or failure to act by a State or local government or instrumentality thereof, that is inconsistent with this section may commence an action in any court of competent jurisdiction.

"(2) TIMING.—

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

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

"(d) PRESERVATION OF STATE REGULATORY AUTHORITY.—Nothing in this section shall affect the ability of a State to impose, on a competitively neutral and nondiscriminatory basis and consistent with section 254, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

"(e) PRESERVATION OF STATE AND LOCAL GOVERNMENT AUTHORITY.—Except as explicitly set forth in this section, nothing in this section affects the authority of a State or local government or instrumentality thereof to manage, on a competitively neutral and nondiscriminatory basis, the public rights-of-way or to require, on a competitively neutral and nondiscriminatory basis, fair and reasonable compensation from telecommunications providers for use of public rights-of-way, if the compensation required meets the requirements of subsection (b)(5).

"(f) PREEMPTION.—

"(1) IN GENERAL.—If, after notice and an opportunity for public comment, the Commission determines that a State or local government or instrumentality thereof has permitted or imposed a statute, regulation, or legal requirement that violates or is inconsistent with this section, the Commission shall preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

"(2) TIMING.—Not later than 120 days after receiving a petition for preemption of the enforcement of a statute, regulation, or legal requirement as described in paragraph (1), the Commission shall grant or deny the petition.

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

"(h) RURAL MARKETS.—It shall not be a violation of this section for a State to require a telecommunications carrier that seeks to provide telephone exchange service or exchange access in a service area served by a rural telephone company to meet the requirements in section 214(e)(1) for designation as an eligible telecommunications carrier for that area before being permitted to provide such service. This subsection shall not apply—

"(1) to a service area served by a rural telephone company that has obtained an exemption, suspension, or modification of section 251(c)(4) that effectively prevents a competitor from meeting the requirements of section 214(e)(1); and

"(2) to a provider of commercial mobile services.

"(i) WHEN REQUEST CONSIDERED SUBMITTED.—For the purposes of this section, a request to a State or local government or instrumentality thereof shall be considered submitted on the date on which the requesting party takes the first procedural step within the control of the requesting party—

"(1) to submit such request in accordance with the procedures established by the government or instrumentality for the review and approval of such a request; or

"(2) in the case of a government or instrumentality that has not established specific procedures for the review and approval of such a request, to submit to the government or instrumentality the type of filing that is typically required to initiate a standard review for a similar facility or structure.

"(j) EFFECT OF REGULATIONS.—Any regulation promulgated by the Commission to implement this section (including any interpretation of the requirements of and terms used in this section contained in any such regulation) shall be binding on a court in any action under subsection (c).

"(k) *Section 224 Preservation.—This section does not apply to any pole, duct, or conduit that is owned or controlled by any person who is—*

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

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

"(l) DEFINITIONS.—In this section:

"(1) ELIGIBLE SUPPORT INFRASTRUCTURE.—The term 'eligible support infrastructure' means infrastructure that supports or houses a telecommunications service facility (or that is designed for or capable of supporting or housing such a facility) at the time when a request to a State or local government or instrumentality thereof for authorization to place, construct, or modify a telecommunications service facility in or on the infrastructure is submitted by the requesting party to the government or instrumentality.

"(2) TELECOMMUNICATIONS SERVICE FACILITY.—The term 'telecommunications service facility'—

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

"(B) includes a facility described in subparagraph (A) that is used to provide other services."

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SEC. 103. REQUESTS FOR MODIFICATION OF CERTAIN EXISTING WIRELESS AND WIRELINE COMMUNICATIONS FACILITIES.

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

(1) in the heading, by striking "**WIRELESS**" and inserting "**COMMUNICATIONS**"; and

(2) in subsection (a)—

(A) in paragraph (1), by striking "a State or local government" and all that follows and inserting the following:"a State or local government or instrumentality thereof may not deny, and shall approve—

"(A) any eligible facilities request for a modification of an existing wireless tower, base station, or eligible support structure that does not substantially change the physical dimensions of such wireless tower, base station, or eligible support structure; and

"(B) any eligible wireline communications facilities request for a modification of an existing wireline communications facility that does not substantially change the physical dimensions of such facility. "

;

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

"(2) TIMEFRAME.—

"(A) DEEMED APPROVAL.—

"(i) IN GENERAL.—If a State or local government or instrumentality thereof does not, before or on the date that is 60 days after the date on which a requesting party

submits to the government or instrumentality a request as an eligible facilities request or an eligible wireline communications facilities request (as the case may be), approve the request or make the determination and provide the written notice described in subparagraph (B) with respect to the request, the request is deemed approved on the day after the date that is 60 days after the date on which the requesting party submits the request.

"(ii) RULE OF CONSTRUCTION.—In the case of a request that is deemed approved under clause (i), the modification requested in the request shall be authorized, without any further action by the government or instrumentality, beginning on the date on which the request is deemed approved under such clause.

"(B) DETERMINATION REQUEST IS NOT AN ELIGIBLE REQUEST.—

"(i) DETERMINATION DESCRIBED.—The determination described in this subparagraph is a determination by a State or local government or instrumentality thereof that a request described in subparagraph (A)(i) is not an eligible facilities request or an eligible wireline communications facilities request (as the case may be).

"(ii) WRITTEN NOTICE DESCRIBED.—The written notice described in this subparagraph is a written notice of the determination described in clause (i) provided by the government or instrumentality to the requesting party that clearly describes the reasons why the request is not an eligible facilities request or an eligible wireline communications facilities request (as the case may be) and includes a citation to a specific provision of this subsection or the regulations promulgated under this subsection relied upon for the determination.

"(C) TOLLING DUE TO INCOMPLETENESS.—

"(i) INITIAL REQUEST INCOMPLETE.—If, not later than 30 days after the date on which a requesting party submits to a State or local government or instrumentality thereof a request described in subparagraph (A)(i), the government or instrumentality provides to the requesting party a written notice described in clause (iii) with respect to the request, the 60-day timeframe under subparagraph (A)(i) is tolled until the date on which the requesting party submits to the government or instrumentality a supplemental submission in response to the notice.

"(ii) SUPPLEMENTAL SUBMISSION INCOMPLETE.—If, not later than 10 days after the date on which a requesting party submits to a State or local government or instrumentality thereof a supplemental submission in response to a written notice described in clause (iii), the government or instrumentality provides to the requesting party a written notice described in clause (iii) with respect to the supplemental submission, the 60-day timeframe under subparagraph (A)(i) is further tolled until the date on which the requesting party submits to the government or instrumentality a subsequent supplemental submission in response to the notice.

"(iii) WRITTEN NOTICE DESCRIBED.—The written notice described in this clause is, with respect to a request described in subparagraph (A)(i) or a supplemental submission described in clause (i) or (ii) submitted to a State or local government or instrumentality thereof by a requesting party, a written notice from the government or instrumentality to the requesting party—

"(I) stating that all of the information (including any form or other document) required by the government or instrumentality to be submitted for the request to be considered complete has not been submitted;

"(II) identifying the information described in subclause (I) that was not submitted; and

"(III) including a citation to a specific provision of a publicly available rule, regulation, or standard issued by the government or instrumentality requiring that such information be submitted with such a request.

"(iv) LIMITATION.—

"(I) INITIAL WRITTEN NOTICE.—If a written notice provided by a State or local government or instrumentality thereof to a requesting party under clause (i) with respect to a request described in subparagraph (A)(i) identifies as not having been submitted any information that the government or instrumentality is prohibited by paragraph (5) from requiring to be submitted, such notice shall be treated as not having been provided to the requesting party.

"(II) SUBSEQUENT WRITTEN NOTICE.—If a written notice provided by a State or local government or instrumentality thereof to a requesting party under clause (ii) with respect to a supplemental submission identifies as not having been submitted any information that was not identified as not having been submitted in the prior written notice under this subparagraph in response to which the supplemental submission was submitted, the subsequent written notice shall be treated as not having been provided to the requesting party.

"(D) TOLLING BY MUTUAL AGREEMENT.—The 60-day timeframe under subparagraph (A)(i) may be tolled once, for a period of not more than 30 days, by mutual agreement between the State or local government or instrumentality thereof and the requesting party."

; and

(C) by adding at the end the following:

"(4) WHEN REQUEST CONSIDERED SUBMITTED.—

"(A) IN GENERAL.—For the purposes of this subsection, a request described in paragraph (2)(A)(i) shall be considered submitted on the date on which the requesting party takes the first procedural step within the control of the requesting party—

"(i) to submit such request in accordance with the procedures established by the government or instrumentality for the review and approval of such a request; or

"(ii) in the case of a government or instrumentality that has not established specific procedures for the review and approval of such a request, to submit to the government or instrumentality the type of filing that is typically required to initiate a standard review for a similar facility or structure.

"(B) NO PRE-APPLICATION REQUIREMENTS.—A State or local government or instrumentality thereof may not require a requesting party to undertake any process, meeting, or other step prior to or as a prerequisite to a request being considered submitted.

"(5) LIMITATION ON REQUIRED DOCUMENTATION.—A State or local government or instrumentality thereof may require a requesting party submitting a request as an eligible facilities request or an eligible wireline communications facilities request to submit information (including a form or other document) with such request only to the extent that such information is reasonably related to determining whether such request is an eligible facilities request or an eligible wireline communications facilities request (as the case may be) and is identified in a publicly available rule, regulation, or standard issued by the government or instrumentality requiring that such information be submitted with such a request. A State or local government or instrumentality thereof may not require a requesting party to submit any other documentation or information with such a request.

"(6) ENFORCEMENT.—

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

"(B) EXPEDITED REVIEW.—A district court of the United States shall consider an action under subparagraph (A) on an expedited basis.

"(7) EFFECT OF REGULATIONS.—Any regulation promulgated by the Commission to implement this subsection (including any interpretation of the requirements of and terms used in this subsection contained in any such regulation) shall be binding on a court in any action under paragraph (6).

"(8) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE FACILITIES REQUEST.—The term 'eligible facilities request' means any request for a modification of an existing wireless tower, base station, or eligible support structure that does not substantially change the physical dimensions of such wireless tower, base station, or eligible support structure and that involves—

"(i) collocation of new transmission equipment;

"(ii) removal of transmission equipment;

"(iii) replacement of transmission equipment; or

"(iv) placement, construction, or modification of equipment that—

"(I) improves the resiliency of the wireless tower, base station, or eligible support structure; and

"(II) provides a direct benefit to public safety, such as—

"(aa) providing backup power for the wireless tower, base station, or eligible support structure;

"(bb) hardening the wireless tower, base station, or eligible support structure; or

"(cc) providing more reliable connection capability using the wireless tower, base station, or eligible support structure.

"(B) ELIGIBLE SUPPORT STRUCTURE.—The term 'eligible support structure' means a structure that, at the time when an eligible facilities request for a modification of such structure is submitted to a State or local government or instrumentality thereof, supports or could support transmission equipment.

"(C) ELIGIBLE WIRELINE COMMUNICATIONS FACILITIES REQUEST.—The term 'eligible wireline communications facilities request' means any request for a modification of an existing wireline communications facility that does not substantially change the physical dimensions of such facility and that involves—

"(i) collocation of new wireline communications facility equipment;

"(ii) removal of wireline communications facility equipment; or

"(iii) replacement of wireline communications facility equipment.

"(D) TRANSMISSION EQUIPMENT.—The term 'transmission equipment' has the meaning given such term in section 1.6100(b)(8) of title 47, Code of Federal Regulations (as in effect on the date of the enactment of this paragraph).

"(E) WIRELINE COMMUNICATIONS FACILITY.—The term 'wireline communications facility' means a communications facility installation, to the extent such installation is associated with wireline transmissions."

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

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any eligible facilities request or eligible wireline communications facilities request described in paragraph (1) of section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(a)) that is submitted (as

determined under paragraph (4) of such section, as added by subsection (a)) by a requesting party on or after the date of the enactment of this Act.

TITLE II—CABLE

SEC. 201. REQUEST FOR NEW FRANCHISE.

Section 621 of the Communications Act of 1934 (47 U.S.C. 541) is amended by adding at the end the following:

"(g) TIMING OF DECISION ON REQUEST FOR FRANCHISE.—

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

"(2) DEEMED GRANT OF NEW FRANCHISE.—If the franchising authority does not approve or deny a request under paragraph (1) by the day after the date on which the time period ends under such paragraph, such request shall be deemed granted on such day.

"(3) APPLICABILITY.—Notwithstanding any provision of this title, the timeframe under paragraph (1) shall apply collectively to all proceedings required by a franchising authority for the approval of the request.

"(4) NO MORATORIA.—A timeframe under paragraph (1) may not be tolled by any moratorium, whether express or de facto, imposed by a franchising authority on the consideration of any request for a franchise.

"(5) TOLLING DUE TO INCOMPLETENESS.—

"(A) INITIAL REQUEST INCOMPLETE.—If, not later than 30 days after the date on which a franchising authority provides to a requesting party a written notice described in subparagraph (C) with respect to a request described in paragraph (1), the timeframe described in such paragraph is tolled with respect to the request until the date on which the requesting party submits to the franchising authority a supplemental submission in response to the notice.

"(B) SUPPLEMENTAL SUBMISSION INCOMPLETE.—If, not later than 10 days after the date on which a requesting party submits to the franchising authority a supplemental submission in response to a written notice described in subparagraph (A), the franchising authority provides to the requesting party a written notice described in subparagraph (A) with respect to the supplemental submission, the timeframe under paragraph (1) is further tolled until the date on which the requesting party submits to the franchising authority a subsequent supplemental submission in response to the notice.

"(C) WRITTEN NOTICE DESCRIBED.—The written notice described in this subparagraph is, with respect to a request described in paragraph (1) or a supplemental submission described in subparagraph (A) or (B) submitted to a franchising authority by a requesting party, a written notice from the franchising authority to the requesting party—

"(i) stating that all of the information (including any form or other document) required by the franchising authority to be submitted for the request to be considered complete has not been submitted;

"(ii) identifying the information described in clause (i) that was not submitted;

"(iii) demonstrating that such information is reasonable and directly related to determining the qualifications of the requesting party to operate the cable system; and

"(iv) including a citation to a specific provision of a publicly available rule, regulation, or standard issued by the franchising authority requiring that such information be submitted with such a request.

"(D) LIMITATION ON SUBSEQUENT WRITTEN NOTICE.—If a written notice provided by a franchising authority to a requesting party under subparagraph (A) with respect to a supplemental submission identifies as not having been submitted any information that was not identified as not having been submitted in the prior written notice under this subparagraph in response to which the supplemental

submission was submitted, the subsequent written notice shall be treated as not having been provided to the requesting party.

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

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

"(A) in writing;

"(B) supported by substantial evidence contained in a written record; and

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

"(8) WHEN REQUEST CONSIDERED SUBMITTED.—For the purposes of this subsection, a request to a franchising authority shall be considered submitted on the date on which the requesting party takes the first procedural step within the control of the requesting party—

"(A) to submit such request in accordance with the procedures established by the franchising authority for the review and approval of such a request; or

"(B) in the case of a franchising authority that has not established specific procedures for the review and approval of such a request, to submit to the franchising authority the type of filing that is typically required of a cable operator to initiate a standard review for a request related to a franchise."

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SEC. 202. REQUEST REGARDING PLACEMENT, CONSTRUCTION, OR MODIFICATION OF CABLE EQUIPMENT.

(a) IN GENERAL.—Section 624 of the Communications Act of 1934 (47 U.S.C. 544) is amended by adding at the end the following:

"(j) REQUEST REGARDING PLACEMENT, CONSTRUCTION, OR MODIFICATION OF FACILITIES.—

"(1) NO EFFECT ON AUTHORITY OF CERTAIN ENTITIES.—Except as provided in this subsection, nothing in this title shall limit or affect the authority of a covered entity over—

"(A) decisions regarding the placement, construction, or modification of covered equipment within the jurisdiction of such covered entity; or

"(B) safety standards for the placement, construction, or modification of such covered equipment.

"(2) LIMITATIONS.—

"(A) ABILITY TO PROVIDE OR ENHANCE SERVICE.—With respect to the regulation by a covered entity for the placement, construction, or modification of covered equipment, the covered entity shall not prohibit or have the effect of prohibiting the ability of a cable operator to provide, improve, or enhance the provision of service using covered equipment under a franchise granted by such covered entity, or within the jurisdiction of such covered entity, as so may be the case.

"(B) NO IMPOSITION OF CERTAIN CONDITIONS.—A covered entity shall not, in connection with a request for authorization to place, construct, or modify covered equipment made after the date of the enactment of this subsection, impose on the requesting party—

"(i) any requirement that the requesting party, as a condition of obtaining such authorization, install, or pay for the installation of, any conduit or fiber for use by the covered entity or any person other than the requesting party;

"(ii) any requirement that the requesting party prepare or pay for the preparation of any environmental, engineering, network design, mapping, or other survey or study unrelated to the request; or

"(iii) any other condition for obtaining such authorization, unless such condition is specific to the precise geographic location at which the covered equipment is being placed, constructed, or modified.

"(C) TIMING OF DECISIONS ON REQUESTS FOR AUTHORIZATIONS TO PLACE, CONSTRUCT, OR MODIFY FACILITY.—

"(i) TIMEFRAME.—A covered entity shall approve or deny a request for authorization to place, construct, or modify covered equipment not later than—

"(I) if the request is for authorization to place, construct, or modify covered equipment in or on a covered easement or eligible support infrastructure, 90 days after the date on which requesting party submits the request to the covered entity; or

"(II) if the request is not for authorization to place, construct, or modify covered equipment in or on a covered easement or eligible support infrastructure, 150 days after the date on which the requesting party submits the request to the covered entity.

"(ii) DEEMED GRANTED.—If a covered entity fails to grant or deny a request by the applicable timeframe under clause (i), the request shall be deemed granted and authorized on the date on which the covered entity receives written notice of the failure from the requesting party.

"(iii) APPLICABILITY.—Notwithstanding any provision of this title, the applicable timeframe under clause (i) shall apply collectively to all proceedings, including related permits and authorizations, required by a covered entity for the approval of the request.

"(iv) NO MORATORIA.—A timeframe under clause (i) may not be tolled by any moratorium, whether express or de facto, imposed by a covered entity on the consideration of any request for authorization to place, construct, or modify covered equipment.

"(v) TOLLING DUE TO INCOMPLETENESS.—

"(I) INITIAL REQUEST INCOMPLETE.—If, not later than 30 days after the date on which a requesting party submits to a covered entity a request for authorization to place, construct, or modify covered equipment, the covered entity provides to the requesting party a written notice described in subclause (III) with respect to the request, the timeframe described in clause (i) is tolled with respect to the request until the date on which the requesting party submits to the covered entity a supplemental submission in response to the notice.

"(II) SUPPLEMENTAL SUBMISSION INCOMPLETE.—If, not later than 10 days after the date on which a requesting party submits to the covered entity a supplemental submission in response to a written notice described in subclause (III), the covered entity provides to the requesting party a written notice described in subclause (III) with respect to the supplemental submission, the timeframe under clause (i) is further tolled until the date on which the requesting party submits to the covered entity a subsequent supplemental submission in response to the notice.

"(III) WRITTEN NOTICE DESCRIBED.—The written notice described in this subclause is, with respect to a request described in clause (i) or a supplemental submission described in subclause (I) or (II) submitted to a covered entity by a requesting party, a written notice from the requesting party to the covered entity—

"(aa) stating that all of the information (including any form or other document) required by the covered entity to be submitted for the request to be considered complete has not been submitted;

"(bb) identifying the information described in item (aa) that was not submitted; and

"(cc) including a citation to a specific provision of a publicly available rule, regulation, or standard issued by the covered entity requiring that such information be submitted with such a request.

"(IV) LIMITATION ON SUBSEQUENT WRITTEN NOTICE.—If a written notice provided by covered entity to a requesting party under subclause (I) with respect to a supplemental submission identifies as not having been submitted any information that was not identified as not having been submitted in the prior written notice under this subparagraph in response to which the supplemental submission was submitted, the subsequent written notice shall be treated as not having been provided to the requesting party.

"(vi) TOLLING BY MUTUAL AGREEMENT.—The timeframe under clause (i) may be tolled once, for a period of not more than 30 days, by mutual agreement between the covered entity and the requesting party.

"(vii) WRITTEN DECISION AND RECORD.—Any decision by a covered entity to deny a request for authorization to place, construct, or modify covered equipment shall be—

"(I) in writing;

"(II) supported by substantial evidence contained in a written record; and

"(III) publicly released, and provided to the requesting party, on the same day such decision is made.

"(viii) WHEN REQUEST CONSIDERED SUBMITTED.—For the purposes of this subparagraph, a request to a covered entity shall be considered submitted on the date on which the requesting party takes the first procedural step within the control of the requesting party—

"(I) to submit such request in accordance with the procedures established by the covered entity for the review and approval of such a request; or

"(II) in the case of a covered entity that has not established specific procedures for the review and approval of such a request, to submit to the covered entity the type of filing that is typically required of a cable operator to initiate a standard review for a similar request in a jurisdiction that has not established specific procedures for the relevant review and approval of such a request.

"(ix) EMERGENCY WORK.—

"(I) LIMITATION.—A covered entity shall not require a cable operator to request or obtain authorization for the placement, construction, or modification of covered equipment in or on a covered easement before such cable operator performs, with respect to such equipment, work to repair a system damaged due to forces outside the control of such cable operator.

"(II) NOTIFICATION.—A cable operator shall promptly notify the affected covered entity of any such work before performing any such work.

"(3) FEES.—

"(A) IN GENERAL.—A covered entity may charge a fee that meets the requirements under subparagraph (B) to consider a request for authorization to place, construct, or modify covered equipment.

"(B) REQUIREMENTS.—A fee charged under subparagraph (A) shall be—

"(i) competitively neutral, technology neutral, and nondiscriminatory;

"(ii) established and publicly disclosed in advance;

"(iii) calculated—

"(I) based on actual and direct costs for—

"(aa) review and processing of requests; and

"(bb) repairs and replacement of—

"(AA) components and materials directly resulting from and affected by the placement, construction, or modification of the covered equipment (including components and materials directly resulting from and affected by the installation of covered equipment or, with respect to the placement, construction, or modification of the covered equipment, the improvement of an eligible support infrastructure); or

"(BB) equipment that facilitates the repair and replacement of such components and materials;

"(II) using, for purposes of subclause (I), only costs that are objectively reasonable; and

"(III) described to a requesting party in a manner that distinguishes between nonrecurring fees and recurring fees.

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

"(4) DEFINITIONS.—In this subsection:

"(A) COVERED EASEMENT.—The term 'covered easement' means an easement or public right-of-way that exists at the time when a request to a covered entity for authorization to place, construct, or modify the covered equipment in or on the easement or public right-of-way is submitted to the covered entity.

"(B) COVERED EQUIPMENT.—The term 'covered equipment' means equipment or materials (including any cable, fiber, conduit, or electronics) used in or attached to a cable system to provide any service through such system.

"(C) COVERED ENTITY.—The term 'covered entity' means:

"(i) A State.

"(ii) A local government.

"(iii) An instrumentality of a State or a local government.

"(iv) A franchising authority.

"(D) ELIGIBLE SUPPORT INFRASTRUCTURE.—The term 'eligible support infrastructure' means infrastructure that—

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

"(I) is within the area served by the cable system; and

"(II) has been dedicated for compatible uses; and

"(ii) supports or houses a facility for communication by wire (or that is designed for or capable of supporting or housing such a facility) at the time when a request to a covered entity for authorization to place, construct, or modify covered equipment in or on the infrastructure is submitted to the covered entity."

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(b) ACTION ON PENDING REQUESTS.—

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

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

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

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

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

(2) DATE OF RECEIPT.—The date of receipt by a covered entity of a request described under subsection (a)(1) shall be deemed to be the date of the enactment of this Act.

SEC. 203. CABLE FRANCHISE TERM AND TERMINATION.

(a) ELIMINATION OR MODIFICATION OF REQUIREMENT IN FRANCHISE.—Section 625 of the Communications Act of 1934 (47 U.S.C. 545) is amended to read as follows:

"SEC. 625. ELIMINATION OR MODIFICATION OF REQUIREMENT IN FRANCHISE.

"(a) IN GENERAL.—During the period in which a franchise is in effect, the cable operator may obtain the elimination or modification of any requirement in the franchise by submitting to the franchising authority a request for the elimination or modification of such requirement.

"(b) ELIMINATION OR MODIFICATION OF REQUIREMENT IN FRANCHISE.—The franchising authority shall eliminate or modify a requirement in accordance with a request submitted under subsection (a) not later than 120 days after the cable operator submits the request to the franchising authority if the cable operator demonstrates in the request good cause for the elimination or modification of the requirement, including the need to eliminate or modify the requirement—

"(1) to conform to an applicable Federal or State law;

"(2) to address changes in technology;

"(3) to address competitive disparities; or

"(4) in the case of a requirement applicable to the cable operator, due to commercial impracticability.

"(c) DEEMED ELIMINATION OR MODIFICATION.—Except in the case of a request for the elimination or modification of a requirement for services relating to public, educational, or governmental access, if the franchising authority fails to approve or deny the request submitted under subsection (a) by the date described under subsection (b), the requirement shall be deemed eliminated or modified in accordance with the request on the day after such date.

"(d) APPEAL.—

"(1) IN GENERAL.—Any cable operator whose request for elimination or modification of a requirement in a franchise under subsection (a) has been denied by a final decision of a franchising authority may seek judicial review of the decision pursuant to the provisions of section 635.

"(2) GRANT OF REQUEST.—In the case of any proposed elimination or modification of a requirement in a franchise under subsection (a), the court shall grant such elimination or modification only if the cable operator demonstrates to the court that the standards in subsection (b) have been met.

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

"(1) to submit such request in accordance with the procedures established by the franchising authority for the review and approval of such a request; or

"(2) in the case of a franchising authority that has not established specific procedures for the review and approval of such a request, to submit to the franchising authority the type of filing that is typically required to initiate a standard review for a request related to a franchise. "

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(b) IN GENERAL.—Section 626 of the Communications Act of 1934 (47 U.S.C. 546) is amended to read as follows:

"SEC. 626. FRANCHISE TERM AND TERMINATION.

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

"(b) LIMITS.—

"(1) PROHIBITION AGAINST REVOCATION; TERMINATION.—Except as provided in paragraph (2), a franchise may not be—

"(A) revoked by a franchising authority;

"(B) terminated by a cable operator; or

"(C) revoked or terminated by operation of law, including by a term in a franchise that revokes or terminates such franchise on a specific date, after a period of time, or upon the occurrence of an event.

"(2) WHEN TERMINATION OR REVOCATION OF FRANCHISE PERMITTED.—

"(A) TERMINATION BY CABLE OPERATOR.—

"(i) IN GENERAL.—A cable operator may terminate a franchise by submitting to the franchising authority a written request to terminate such franchise.

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

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

"(B) TERMINATION BY FRANCHISING AUTHORITY.—A franchising authority may revoke a franchise for cause if the franchising authority—

"(i) finds that the cable operator has knowingly and willfully failed to substantially meet a material requirement imposed by the franchise;

"(ii) provides the cable operator a reasonable opportunity to cure such failure, after which the cable operator fails to cure such failure; and

"(iii) does not waive the material requirement or acquiesce with the failure to substantially meet such requirement.

"(c) REVIEW OF REVOCATION OF FRANCHISE BY FRANCHISING AUTHORITY.—

"(1) ADMINISTRATIVE OR JUDICIAL REVIEW.—With respect to a determination by a franchising authority to revoke a franchise for cause under subsection (b)(2)(B), a cable operator may—

"(A) petition the Commission for review of such determination; or

"(B) seek judicial review of such determination pursuant to the provisions of section 635.

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

"(A) review the determination de novo; and

"(B) invalidate the determination if, based on the evidence presented during the review, the Commission determines that the franchising authority has not demonstrated by a preponderance of the evidence that the franchising authority revoked the franchise for cause in accordance with subsection (b)(2)(B).

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

"(A) in the case the cable operator petitions the Commission for review of the determination on which such revocation is based, by the Commission; and

"(B) in the case the cable operator seeks judicial review of the determination on which such revocation is based, by the court in which the cable operator seeks judicial review of the determination."

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

(1) in section 601—

(A) in paragraph (4), by striking the semicolon at the end and inserting "; and";

(B) by striking paragraph (5); and

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

(2) in section 602(9)—

(A) by striking "initial"; and

(B) by striking ", or renewal thereof (including a renewal of an authorization which has been granted subject to section 626),";

(3) in section 611(b), by striking "and may require as part of a cable operator's proposal for a franchise renewal, subject to section 626,";

(4) in section 612(b)(3)—

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

(B) by striking ", or proposal for renewal thereof,";

(5) in section 621(b)(3)—

(A) in subparagraph (C)(ii), by striking "or franchise renewal"; and

(B) in subparagraph (D)—

(i) by striking "initial"; and

(ii) by striking ", a franchise renewal,";

(6) in section 624—

(A) in subsection (b)(1), by striking "(including requests for renewal proposals, subject to section 626)"; and

(B) in subsection (d)(1), by striking "or renewal thereof";

(7) in section 635A(a), by striking "renewal,".

(d) EFFECTIVE DATE; APPLICATION.—

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

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

(A) on or after the effective date established by paragraph (1); or

(B) before such date, if—

(i) such franchise (including, any renewal thereof before the date of the enactment of this Act) is in effect on such date; or

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

SEC. 204. SALES OF CABLE SYSTEMS.

(a) IN GENERAL.—Section 627 of the Communications Act of 1934 (47 U.S.C. 547) is amended to read as follows:

"SEC. 627. CONDITIONS OF SALE OR TRANSFER.

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

"(b) LIMITATIONS ON AUTHORITY OF FRANCHISING AUTHORITY WITH RESPECT TO TRANSFER OF FRANCHISE.—

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

"(A) to which such franchise was not initially granted; and

"(B) with respect to the terms of the franchise that apply to the cable operator, who agrees to accept all such terms in effect at the time of the transfer.

"(2) NOTIFICATION.—In the case of the transfer of a franchise to a person to which such franchise was not originally granted, a franchising authority may require a cable operator to which a franchise was initially granted to, not later than 15 days before the transfer of the franchise, notify the franchising authority in writing of such transfer.

"(c) TRANSFER OF A FRANCHISE DEFINED.—In this section, the term 'transfer of a franchise' means the transfer or assignment of any rights under a franchise through any transaction, including through—

"(1) a merger involving the cable operator or cable system;

"(2) a sale of the cable operator or cable system;

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

"(4) a restructuring of a cable operator or a cable system; or

"(5) the transfer of control of a cable operator or a cable system. "

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(b) *Repeal.—*

(1) IN GENERAL.—Section 617 of the Communications Act of 1934 (47 U.S.C. 537) is repealed.

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

(c) EFFECTIVE DATE.—This section, and the ~~amendment~~*amendments* made by ~~subsection~~*subsections* (a) *and (b)*, shall take effect 6 months after the date of the enactment of this Act.

(e*d*) APPLICATION.—This section, and the ~~amendment~~*amendments* made by ~~subsection~~*subsections* (a) *and (b)*, shall apply to a franchise granted—

(1) on or after the effective date established by subsection (~~b~~*c*); or

(2) before such date, if—

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

(B) such franchise is expired and cable operator has continued to perform under the provisions of such franchise as if such franchise were not expired.

TITLE III—ENVIRONMENTAL AND HISTORIC PRESERVATION REVIEWS

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

(a) IN GENERAL.—

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

(2) NATIONAL HISTORIC PRESERVATION ACT EXEMPTION.—A covered project may not be considered an undertaking under section 300320 of title 54, United States Code.

(b) GRANT OF EASEMENT ON FEDERAL PROPERTY.—

(1) NEPA EXEMPTION.—A Federal authorization with respect to a covered easement for a communications facility may not be considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), if—

(A) a covered easement has previously been granted for another communications facility or a utility facility with respect to the same building or other property owned by the Federal Government; or

(B) the covered easement is for a communications facility in a public right-of-way.

(2) NATIONAL HISTORIC PRESERVATION ACT EXEMPTION.—A covered easement for a communications facility may not be considered an undertaking under section 300320 of title 54, United States Code, if—

(A) a covered easement has previously been granted for another communications facility or a utility facility with respect to the same building or other property owned by the Federal Government; or

(B) the covered easement is for a communications facility in a public right-of-way.

(c) REQUESTS FOR MODIFICATION OF CERTAIN EXISTING WIRELESS AND WIRELINE COMMUNICATIONS FACILITIES.—Section 6409(a)(3) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(a)(3)) is amended to read as follows:

"(3) APPLICATION OF NEPA; NHPA.—

"(A) NEPA EXEMPTION.—A Federal authorization with respect to an eligible facilities request or an eligible wireline communications facilities request may not be considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

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

"(C) FEDERAL AUTHORIZATION DEFINED.—In this paragraph, the term 'Federal authorization'—

"(i) means any authorization required under Federal law with respect to an eligible facilities request or an eligible wireline communications facilities request; and

"(ii) includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an eligible facilities request or an eligible wireline communications facilities request."

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SEC. 302. PRESUMPTION WITH RESPECT TO CERTAIN COMPLETE FCC FORMS.

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

(1) the Commission and a court of competent jurisdiction (as the case may be) shall presume the applicant with respect to such complete form has made a good faith effort to provide the information reasonably necessary for such Indian Tribe to ascertain whether historic properties of religious or cultural significance to such Indian Tribe may be affected by the undertaking related to such complete form; and

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

(b) OVERCOMING PRESUMPTION.—

(1) IN GENERAL.—An Indian Tribe may overcome a presumption under subsection (a) upon making, to the Commission or a court of competent jurisdiction, a favorable demonstration with respect to 1 or more of the factors described in paragraph (2).

(2) FACTORS CONSIDERED.—In making a determination regarding a presumption under subsection (a), the Commission or court of competent jurisdiction shall give substantial weight to—

(A) whether the applicant with respect to the relevant complete form failed to make a reasonable attempt to follow up with the applicable Indian Tribe not earlier than 30 days, and not later than 50 days, after the applicant submitted a complete FCC Form 620 or FCC Form 621 (as the case may be) to such Indian Tribe; and

(B) whether the regulations of the Commission, or FCC Form 620 or FCC Form 621, are found to be in violation of a Nationwide Programmatic Agreement of the Commission.

SEC. 303. RULE OF CONSTRUCTION.

Nothing in this title or any amendment made by this title may be construed to affect the obligation of the Commission to evaluate radiofrequency exposure under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 304. DEFINITIONS.

In this title:

(1) CHIEF EXECUTIVE.—The term "Chief Executive" means the person who is the Chief, Chairman, Governor, President, or similar executive official of an Indian tribal government.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) COMMUNICATIONS FACILITY.—The term "communications facility" has the meaning given the term "communications facility installation" in section 6409(d) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(d)).

(4) COVERED EASEMENT.—The term "covered easement" means an easement, right-of-way, or lease with respect to a building or other property owned by the Federal Government, excluding Tribal land held in trust by the Federal Government (unless the Indian tribal government with respect to such land requests that the Commission not exclude the land for purposes of this definition), for the right to install, construct, modify, or maintain a communications facility or a utility facility.

(5) COVERED PROJECT.—The term "covered project" means any of the following:

(A) A project—

(i) for—

(I) the mounting or installation of a personal wireless service facility with another personal wireless service facility that exists at the time at which a request for authorization of such mounting or installation is submitted to a State or local government or instrumentality thereof or to an Indian tribal government; or

(II) the modification of a personal wireless service facility; and

(ii) for which a permit, license, or approval from the Commission is required or that is otherwise subject to the jurisdiction of the Commission.

(B) A project—

(i) for the placement, construction, or modification of a facility for communication by wire in or on eligible support infrastructure; and

(ii) for which a permit, license, or approval from the Commission is required or that is otherwise subject to the jurisdiction of the Commission.

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

(D) A project—

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

(ii) for which a permit, license, or approval from the Commission is required or that is otherwise subject to the jurisdiction of the Commission.

(E) A project—

(i) for the deployment or modification of a communications facility that is to be carried out entirely within a brownfield site (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)); and

(ii) for which a permit, license, or approval from the Commission is required or that is otherwise subject to the jurisdiction of the Commission.

(F) A project to permanently remove covered communications equipment or services (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)) and to replace such covered communications equipment or services with communications equipment or services (as defined in such section) that are not covered communications equipment or services (as so defined).

(G) A project that—

(i) is to be carried out entirely within an area for which the President, the Governor of a State, or the Chief Executive of an Indian tribal government has declared a major disaster or an emergency;

(ii) is to be carried out not later than 5 years after the date on which the President, Governor, or Chief Executive made such declaration; and

(iii) replaces a communications facility damaged by such disaster or emergency or makes improvements to a communications facility in such area that could reasonably be considered as necessary for recovery from such disaster or emergency or to prevent or mitigate any future disaster or emergency.

(H) A project for the placement and installation of a new communications facility if—

(i) such new facility—

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

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

(ii) such new facility is—

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

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

(iii) such new facility is a type of communications facility that—

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

(II) meets the size limitation of a small antenna established by the Commission; or

(iv) the placement and installation of such new facility involves the expansion of the site of an existing communications facility not more than 30 feet in any direction.

(I) A project for the placement, construction, or modification of a personal wireless service facility on an existing tower, building, or structure.

(J) A project for the placement, construction, or modification of a communications facility—

(i) for which the placement, construction, or modification is undertaken pursuant to a geographic area license that has been issued by the Commission or is subject to licensing by rule; and

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

(6) ELIGIBLE SUPPORT INFRASTRUCTURE.—The term "eligible support infrastructure" means infrastructure that supports or houses a facility for communication by wire (or that is designed for or capable of supporting or housing such a facility) at the time when a request to a State or local government or instrumentality thereof, or to an Indian tribal government, for authorization to place, construct, or modify a facility for communication by wire in or on the infrastructure is submitted to the government or instrumentality.

(7) EMERGENCY.—The term "emergency" means—

(A) in the case of an emergency declared by the President, an emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(B) in the case of an emergency declared by the Governor of a State or the Chief Executive of an Indian tribal government, any occasion or instance with respect to which the Governor or Chief Executive declares that an emergency exists (or makes a similar declaration) under State or Tribal law (as the case may be).

(8) FEDERAL AUTHORIZATION.—The term "Federal authorization"—

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

(B) includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to a covered project or a covered easement.

(9) GOVERNOR.—The term "Governor" means the chief executive of any State.

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

(11) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term "Indian tribe" under section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130).

(12) MAJOR DISASTER.—The term "major disaster" means—

(A) in the case of a major disaster declared by the President, a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

(B) in the case of a major disaster declared by the Governor of a State or the Chief Executive of an Indian tribal government, any occasion or instance with respect to which the Governor or Chief Executive declares that a disaster exists (or makes a similar declaration) under State or Tribal law (as the case may be).

(13) PERSONAL WIRELESS SERVICE FACILITY.—The term "personal wireless service facility" has the meaning given such term in subparagraph (G) of section 332(c)(7) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)), as amended by this Act.

(14) PUBLIC RIGHT-OF-WAY.—The term "public right-of-way"—

(A) means—

(i) ~~the~~*any* area *within,* on, below, or above a public roadway, highway, street, sidewalk, alley, or similar property (whether currently or previously used in such manner); and

(ii) any ~~land immediately adjacent to and contiguous with property described in clause (i) that is within the right-of-way grant~~*area covered by the right-of-way grant associated with a public roadway, highway, street, sidewalk, alley, or similar property (whether currently or previously used in such manner)*; and

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

(15) SMALL PERSONAL WIRELESS SERVICE FACILITY.—The term "small personal wireless service facility" has the meaning given such term in subparagraph (G) of section 332(c)(7) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)), as amended by this Act.

(16) STATE.—The term "State" means each State of the United States, the District of Columbia, and each territory or possession of the United States.

(17) UTILITY FACILITY.—The term "utility facility" means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, that directly or indirectly serves the public.

TITLE IV—OTHER MATTERS

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

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

(1) in subparagraph (A), by striking "an executive agency receives a duly filed application" and inserting "an application is submitted to an executive agency"; and

(2) by adding at the end the following:

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

"(F) TOLLING DUE TO INCOMPLETENESS.—

"(i) INITIAL APPLICATION INCOMPLETE.—If, not later than 30 days after the date on which an applicant submits to an executive agency an application under subparagraph (A), the executive agency provides to the applicant a written notice described in clause (iii) with respect to the application, the timeframe described in subparagraph (A) is tolled with respect to the application until the date on which the applicant submits to the executive agency a supplemental submission in response to the notice.

"(ii) SUPPLEMENTAL SUBMISSION INCOMPLETE.—If, not later than 10 days after the date on which an applicant submits to an executive agency a supplemental submission in response to a written notice described in clause (iii), the executive agency provides to the applicant a written notice described in clause (iii) with respect to the supplemental submission, the timeframe under subparagraph (A) is further tolled until the date on which the applicant submits to the executive agency a subsequent supplemental submission in response to the notice.

"(iii) WRITTEN NOTICE DESCRIBED.—The written notice described in this clause is, with respect to an application under subparagraph (A) or a supplemental submission described in clause (i) or (ii) submitted to an executive agency by an applicant, a written notice from the executive agency to the applicant—

"(I) stating that all of the information (including any form or other document) required by the executive agency to be submitted for the application to be considered complete has not been submitted;

"(II) identifying the information described in subclause (I) that was not submitted; and

"(III) including a citation to a specific provision of a publicly available rule, regulation, or standard issued by the executive agency requiring that such information be submitted with such an application.

"(iv) LIMITATION ON SUBSEQUENT WRITTEN NOTICE.—If a written notice provided by an executive agency to an applicant under clause (ii) with respect to a supplemental submission identifies as not having been submitted any information that was not identified as not having been submitted in the prior written notice under this subparagraph in response to which the supplemental submission was submitted, the subsequent written notice shall be treated as not having been provided to the applicant.

"(G) TOLLING BY MUTUAL AGREEMENT.—The timeframe under subparagraph (A) may be tolled once, for a period of not more than 30 days, by mutual agreement between the executive agency and the applicant.

"(H) WHEN APPLICATION CONSIDERED SUBMITTED.—For the purposes of this paragraph, an application shall be considered submitted to an executive agency on the date on which the applicant takes the first procedural step within the control of the applicant to submit such application in accordance with the procedures established by the executive agency for the review and approval of such an application."

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

SEC. 402. REPORT ON FEES.

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

"(p) REPORT ON FEES.—Not later than 180 days after the date of the enactment of this subsection, the Assistant Secretary shall submit to Congress a report—

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

"(A) to consider a request for authorization to place, construct, or modify, using (in whole or in part) grant funds received under this section, infrastructure for the provision of broadband service; or

"(B) to use a right-of-way or infrastructure in a right-of-way owned or managed by the entity or political subdivision for the placement, construction, or modification, using (in whole or in part) grant funds received under this section, of infrastructure for the provision of broadband service; and

"(2) that identifies, with respect to any fee detailed pursuant to paragraph (1), any such fee that is not—

"(A) competitively neutral, technology neutral, and nondiscriminatory;

"(B) established in advance and publicly disclosed;

"(C) calculated—

"(i) based on actual and direct costs, such as costs for—

"(I) review and processing of requests; and

"(II) repairs and replacement of—

"(aa) components and materials directly resulting from and affected by the placement, construction, or modification (including the installation or improvement) of infrastructure for the provision of broadband service; or

"(bb) equipment that facilitates the placement, construction, or modification (including the installation or improvement) of such infrastructure; and

"(ii) using, for purposes of clause (i), only costs that are objectively reasonable; or

"(D) described to a requesting party in a manner that distinguishes between—

"(i) nonrecurring fees and recurring fees; and

"(ii) the use of infrastructure on which infrastructure for the provision of broadband service is already located and infrastructure on which there is no infrastructure for the provision of broadband service as of the date on which the request is submitted to the eligible entity or political subdivision."

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About this report

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