

**AMENDMENT TO SUBTITLE L**  
**OFFERED BY \_\_\_\_\_**

Add at the end the following:

1 **SEC. 3\_\_\_. REBUTTABLE PRESUMPTION ON SHOT CLOCK**  
2 **TIMELINE BEGINNING FOR PURPOSES OF**  
3 **NHPA.**

4 (a) DEFINITIONS.—In this section:

5 (1) PERSONAL WIRELESS SERVICE.—The term  
6 “personal wireless service” means—

7 (A) commercial mobile service (as defined  
8 in section 332(d) of the Communications Act of  
9 1934 (47 U.S.C. 332(d)));

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

14 (C) unlicensed wireless service; and

15 (D) common carrier wireless exchange ac-  
16 cess service.

17 (2) PERSONAL WIRELESS SERVICE FACILITY.—

18 The term “personal wireless service facility” means  
19 a facility for the provision of personal wireless serv-  
20 ice.

1           (3) SMALL PERSONAL WIRELESS SERVICE FA-  
2           CILITY.—The term “small personal wireless service  
3           facility”—

4           (A) means a personal wireless service facil-  
5           ity in which each antenna is not more than 3  
6           cubic feet in volume; and

7           (B) does not include a wireline backhaul  
8           facility.

9           (4) WIRELINE BACKHAUL FACILITY.—The term  
10          “wireline backhaul facility” means an above-ground  
11          or underground wireline facility used to transport  
12          communications service or other electronic commu-  
13          nications from a small personal wireless service facil-  
14          ity or its adjacent network interface device to a com-  
15          munications network.

16          (b) IN GENERAL.—The deployment of a small per-  
17          sonal wireless service facility shall not constitute an under-  
18          taking under section 300320 of title 54, United States  
19          Code, or a major Federal action for the purposes of sec-  
20          tion 102(2)(C) of the National Environmental Policy Act  
21          of 1969 (42 U.S.C. 4332).

22          (c) REBUTTABLE PRESUMPTION.—

23                 (1) IN GENERAL.—If an Indian Tribe or Native  
24                 Hawaiian Organization is shown to have received a  
25                 complete Form 620 or Form 621 (or any successor

1 form), or can be reasonably expected to have re-  
2 ceived a complete Form 620 or Form 621 (or any  
3 successor form), and has not acted on a complete re-  
4 quest contained in the form within 45 days after  
5 such receipt—

6 (A) the Commission and a court of com-  
7 petent jurisdiction (as the case may be) shall  
8 presume the applicant has made a good faith  
9 effort to provide the information reasonably  
10 necessary for Indian Tribes and Native Hawai-  
11 ian Organizations to ascertain whether historic  
12 properties of religious and cultural significance  
13 to them may be affected by the undertaking;  
14 and

15 (B) the Indian Tribe or Native Hawaiian  
16 Organization (as the case may be) shall be pre-  
17 sumed to have disclaimed interest in the appli-  
18 cation.

19 (2) OVERCOMING PRESUMPTION.—

20 (A) IN GENERAL.—An Indian Tribe or Na-  
21 tive Hawaiian Organization may overcome the  
22 presumption under paragraph (1) upon favor-  
23 ably demonstrating one or more of the factors  
24 to be considered under subparagraph (B).

1 (B) FACTORS CONSIDERED.—The review  
2 by the Commission or a court of competent ju-  
3 risdiction under paragraph (1) shall give sub-  
4 stantial weight to—

5 (i) whether the applicant made a rea-  
6 sonable attempt to follow up with the In-  
7 dian Tribe or Native Hawaiian Organiza-  
8 tion not earlier than 30 days, and not later  
9 than 50 days, after the applicant sub-  
10 mitted a complete Form 620 or Form 621  
11 (as the case may be) to the Indian Tribe  
12 or Native Hawaiian Organization; and

13 (ii) whether the rules of the Commis-  
14 sion and Form 620 or Form 621 is found  
15 to be in violation of a Nationwide Pro-  
16 grammatic Agreement of the Commission.

