

Union Calendar No. 192

118TH CONGRESS
1ST SESSION

H. R. 3557

[Report No. 118–240, Part I]

To streamline Federal, State, and local permitting and regulatory reviews to expedite the deployment of communications facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2023

Mr. CARTER of Georgia (for himself, Mr. MORAN, and Mr. DUNN of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 2, 2023

Additional sponsors: Mr. WALBERG, Mr. CRENSHAW, Mr. JOHNSON of Ohio, Mr. BILIRAKIS, Mrs. CAMMACK, Mrs. LESKO, Mr. PENCE, Mr. WEBER of Texas, and Ms. TENNEY

OCTOBER 2, 2023

Reported from the Committee on Energy and Commerce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

OCTOBER 2, 2023

Committees on Natural Resources and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 22, 2023]

A BILL

To streamline Federal, State, and local permitting and regulatory reviews to expedite the deployment of communications facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“American Broadband Deployment Act of 2023”.*

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

Sec. 1. Short title; table of contents.

TITLE I—STATE AND LOCAL SITING PROCESSES

Sec. 101. Preservation of local zoning authority.

Sec. 102. Removal of barriers to entry.

Sec. 103. Requests for modification of certain existing wireless and telecommuni-
cations service facilities.

TITLE II—CABLE

Sec. 201. Request for new franchise.

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

Sec. 203. Cable franchise term and termination.

Sec. 204. Sales of cable systems.

TITLE III—ENVIRONMENTAL AND HISTORIC PRESERVATION
REVIEWS

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

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

Sec. 303. Rule of construction.

Sec. 304. Definitions.

TITLE IV—OTHER MATTERS

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

Sec. 402. Streamlining of certain fees relating to broadband infrastructure de-
ployed using grant funds under BEAD Program.

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

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

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

7 “(7) *PRESERVATION OF LOCAL ZONING AUTHOR-*
8 *ITY.—*

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

16 “(B) *LIMITATIONS.—*

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

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

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

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

8 “(ii) *ENGINEERING STANDARDS; AES-*
9 *THETIC REQUIREMENTS.—It is not a viola-*
10 *tion of clause (i) for a State or local govern-*
11 *ment or instrumentality thereof to establish*
12 *for personal wireless service facilities, or*
13 *structures that support such facilities, objec-*
14 *tive, reasonable, and nondiscriminatory—*

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

18 “(II) *safety requirements (subject*
19 *to clause (vi)); or*

20 “(III) *aesthetic or concealment re-*
21 *quirements (unless such requirements*
22 *prohibit or have the effect of prohib-*
23 *iting the installation or modification*
24 *of such facilities or structures).*

25 “(iii) *TIMEFRAMES.—*

1 “(I) *IN GENERAL.*—A State or
2 *local government or instrumentality*
3 *thereof shall grant or deny a request*
4 *for authorization to place, construct, or*
5 *modify a personal wireless service fa-*
6 *cility not later than—*

7 “(aa) *in the case of a request*
8 *for authorization to place, con-*
9 *struct, or modify a personal wire-*
10 *less service facility that is not a*
11 *small personal wireless service fa-*
12 *cility—*

13 “(AA) *if the request is*
14 *for authorization to place,*
15 *construct, or modify such fa-*
16 *facility using an existing*
17 *structure, including with re-*
18 *spect to an area that has not*
19 *previously been zoned for*
20 *personal wireless service fa-*
21 *ilities (other than small per-*
22 *sonal wireless service facili-*
23 *ties), 90 days after the date*
24 *on which the request is sub-*
25 *mitted by the requesting*

1 *party to the government or*
2 *instrumentality; or*

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

11 *“(bb) in the case of a request*
12 *for authorization to place, con-*
13 *struct, or modify a small personal*
14 *wireless service facility—*

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

1 *party to the government or*
2 *instrumentality; or*

3 *“(BB) if the request is*
4 *for any other action relating*
5 *to such facility, 90 days after*
6 *the date on which the request*
7 *is submitted by the request-*
8 *ing party to the government*
9 *or instrumentality.*

10 *“(II) TREATMENT OF BATCHED*
11 *REQUESTS.—In the case of requests de-*
12 *scribed in subclause (I) that are sub-*
13 *mitted as part of a single batch by the*
14 *requesting party to the government or*
15 *instrumentality on the same day, the*
16 *applicable timeframe under such sub-*
17 *clause for each request in the batch*
18 *shall be the longest timeframe under*
19 *such subclause that would be applicable*
20 *to any request in the batch if such re-*
21 *quests were submitted separately.*

22 *“(III) APPLICABILITY.—The ap-*
23 *plicable timeframe under subclause (I)*
24 *shall apply collectively to all pro-*
25 *ceedings required by a State or local*

1 *government or instrumentality thereof*
2 *for the approval of the request.*

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

12 “(V) *TOLLING DUE TO INCOM-*
13 *PLETENESS.*—

14 “(aa) *INITIAL REQUEST IN-*
15 *COMPLETE.*—

16 “(AA) *SMALL PERSONAL*
17 *WIRELESS SERVICE FACILI-*
18 *TIES.*—*If, not later than 10*
19 *days after the date on which*
20 *a requesting party submits to*
21 *a State or local government*
22 *or instrumentality thereof a*
23 *request for authorization to*
24 *place, construct, or modify a*
25 *small personal wireless serv-*

1 *ice facility, the government*
2 *or instrumentality provides*
3 *to the requesting party a*
4 *written notice described in*
5 *item (cc) with respect to the*
6 *request, the timeframe de-*
7 *scribed in subclause (I) is*
8 *tolled with respect to the re-*
9 *quest and shall restart at*
10 *zero on the date on which the*
11 *requesting party submits to*
12 *the government or instru-*
13 *mentality a supplemental*
14 *submission in response to the*
15 *notice.*

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

1 *wireless service facility that*
2 *is not a small personal wire-*
3 *less service facility, the gov-*
4 *ernment or instrumentality*
5 *provides to the requesting*
6 *party a written notice de-*
7 *scribed in item (cc) with re-*
8 *spect to the request, the time-*
9 *frame described in subclause*
10 *(I) is tolled with respect to*
11 *the request until the date on*
12 *which the requesting party*
13 *submits to the government or*
14 *instrumentality a supple-*
15 *mental submission in re-*
16 *sponse to the notice.*

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

1 *ment or instrumentality provides*
2 *to the requesting party a written*
3 *notice described in item (cc) with*
4 *respect to the supplemental sub-*
5 *mission, the timeframe under sub-*
6 *clause (I) is further tolled until*
7 *the date on which the requesting*
8 *party submits to the government*
9 *or instrumentality a subsequent*
10 *supplemental submission in re-*
11 *sponse to the notice.*

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

24 *“(AA) stating that all of*
25 *the information (including*

1 *any form or other document)*
2 *required by the government*
3 *or instrumentality to be sub-*
4 *mitted for the request to be*
5 *considered complete has not*
6 *been submitted;*

7 “*(BB) identifying the*
8 *information described in*
9 *subitem (AA) that was not*
10 *submitted; and*

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

19 “*(dd) LIMITATION ON SUBSE-*
20 *QUENT WRITTEN NOTICE.—If a*
21 *written notice provided by a State*
22 *or local government or instrumen-*
23 *tality thereof to a requesting*
24 *party under item (bb) with re-*
25 *spect to a supplemental submis-*

1 *sion identifies as not having been*
2 *submitted any information that*
3 *was not identified as not having*
4 *been submitted in the prior writ-*
5 *ten notice under this subclause in*
6 *response to which the supple-*
7 *mental submission was submitted,*
8 *the subsequent written notice shall*
9 *be treated as not having been pro-*
10 *vided to the requesting party.*

11 *“(VI) TOLLING BY MUTUAL*
12 *AGREEMENT.—The timeframe under*
13 *subclause (I) may be tolled by mutual*
14 *agreement between the State or local*
15 *government or instrumentality thereof*
16 *and the requesting party.*

17 *“(iv) DEEMED GRANTED.—*

18 *“(I) IN GENERAL.—If a State or*
19 *local government or instrumentality*
20 *thereof fails to take final action to*
21 *grant or deny a request within the ap-*
22 *plicable timeframe under subclause (I)*
23 *of clause (iii), the request shall be*
24 *deemed granted on the date on which*
25 *the government or instrumentality re-*

1 *ceives a written notice of the failure*
2 *from the requesting party.*

3 *“(II) RULE OF CONSTRUCTION.—*

4 *In the case of a request that is deemed*
5 *granted under subclause (I), the place-*
6 *ment, construction, or modification re-*
7 *quested in the request shall be consid-*
8 *ered to be authorized, without any fur-*
9 *ther action by the government or in-*
10 *strumentality, beginning on the date*
11 *on which the request is deemed granted*
12 *under such subclause.*

13 *“(v) WRITTEN DECISION AND*

14 *RECORD.—Any decision by a State or local*
15 *government or instrumentality thereof to*
16 *deny a request for authorization to place,*
17 *construct, or modify a personal wireless*
18 *service facility shall be—*

19 *“(I) in writing;*

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

23 *“(III) publicly released, and pro-*
24 *vided to the requesting party, on the*
25 *same day such decision is made.*

1 “(vi) *ENVIRONMENTAL EFFECTS OF*
2 *RADIO FREQUENCY EMISSIONS.*—No State
3 or local government or instrumentality
4 thereof may regulate the operation, place-
5 ment, construction, or modification of per-
6 sonal wireless service facilities on the basis
7 of the environmental effects of radio fre-
8 quency emissions to the extent that such fa-
9 cilities or structures comply with the Com-
10 mission’s regulations concerning such emis-
11 sions.

12 “(vii) *FEEES.*—To the extent permitted
13 by law, a State or local government or in-
14 strumentality thereof may charge a fee to
15 consider a request for authorization to
16 place, construct, or modify a personal wire-
17 less service facility or a fee for use of a
18 right-of-way or a facility in a right-of-way
19 owned or managed by the government or in-
20 strumentality for the placement, construc-
21 tion, or modification of a personal wireless
22 service facility, if the fee is—

23 “(I) *competitively neutral, tech-*
24 *nology neutral, and nondiscrim-*
25 *inatory;*

1 “(II) established in advance and
2 publicly disclosed;

3 “(III) calculated—

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

6 “(AA) review and proc-
7 essing of requests; and

8 “(BB) repairs and re-
9 placement of components and
10 materials directly resulting
11 from and affected by the
12 placement, construction, or
13 modification (including the
14 installation or improvement)
15 of personal wireless service
16 facilities or repairs and re-
17 placement of equipment that
18 facilitates the placement,
19 construction, or modification
20 (including the installation or
21 improvement) of such facili-
22 ties; and

23 “(bb) using, for purposes of
24 item (aa), only costs that are ob-
25 jectively reasonable; and

1 “(IV) described to a requesting
2 party in a manner that distinguishes
3 between—

4 “(aa) nonrecurring fees and
5 recurring fees; and

6 “(bb) the use of facilities on
7 which personal wireless service fa-
8 cilities are already located and fa-
9 cilities on which there are no per-
10 sonal wireless service facilities as
11 of the date on which the request is
12 submitted by the requesting party
13 to the government or instrumen-
14 tality.

15 “(C) JUDICIAL OR ADMINISTRATIVE RE-
16 VIEW.—

17 “(i) JUDICIAL REVIEW.—Any person
18 adversely affected by any final action or
19 failure to act by a State or local govern-
20 ment or any instrumentality thereof that is
21 inconsistent with this paragraph may,
22 within 30 days after the action or failure to
23 act, commence an action in any court of
24 competent jurisdiction, which shall hear
25 and decide the action on an expedited basis.

1 “(ii) *ADMINISTRATIVE REVIEW.*—

2 “(I) *IN GENERAL.*—Any person
3 *adversely affected by any final action*
4 *or failure to act by a State or local*
5 *government or any instrumentality*
6 *thereof that is inconsistent with this*
7 *paragraph may petition the Commis-*
8 *sion to review such action or failure to*
9 *act.*

10 “(II) *TIMING.*—Not later than
11 *120 days after receiving a petition*
12 *under subclause (I), the Commission*
13 *shall grant or deny such petition.*

14 “(D) *WHEN REQUEST CONSIDERED SUB-*
15 *MITTED.*—For the purposes of this paragraph, a
16 *request to a State or local government or instru-*
17 *mentality thereof shall be considered submitted*
18 *on the date on which the requesting party takes*
19 *the first procedural step within the control of the*
20 *requesting party—*

21 “(i) *to submit such request in accord-*
22 *ance with the procedures established by the*
23 *government or instrumentality for the re-*
24 *view and approval of such a request; or*

1 “(ii) *in the case of a government or in-*
2 *strumentality that has not established spe-*
3 *cific procedures for the review and approval*
4 *of such a request, to submit to the govern-*
5 *ment or instrumentality the type of filing*
6 *that is typically required to initiate a*
7 *standard review for a similar facility or*
8 *structure.*

9 “(E) *RULE OF CONSTRUCTION.*—*Nothing in*
10 *this paragraph may be construed to affect section*
11 *6409(a) of the Middle Class Tax Relief and Job*
12 *Creation Act of 2012 (47 U.S.C. 1455(a)).*

13 “(F) *DEFINITIONS.*—*In this paragraph:*

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

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

1 “(iii) *COMMUNICATIONS SERVICE*.—

2 *The term ‘communications service’ means*
3 *each of—*

4 “(I) *cable service, as defined in*
5 *section 602;*

6 “(II) *information service;*

7 “(III) *telecommunications service;*

8 *and*

9 “(IV) *personal wireless service.*

10 “(iv) *GENERALLY APPLICABLE CODE*.—

11 *The term ‘generally applicable code’ means*
12 *a uniform building, fire, electrical, plumb-*
13 *ing, or mechanical code adopted by a na-*
14 *tional code organization, or a local amend-*
15 *ment to such a code, to the extent not incon-*
16 *sistent with this Act.*

17 “(v) *NETWORK INTERFACE DEVICE*.—

18 *The term ‘network interface device’ means a*
19 *telecommunications demarcation device and*
20 *cross-connect point that—*

21 “(I) *is adjacent or proximate to—*

22 “(aa) *a small personal wire-*
23 *less service facility; or*

1 “(bb) a structure supporting
2 a small personal wireless service
3 facility; and

4 “(II) demarcates the boundary
5 with any wireline backhaul facility.

6 “(vi) *PERSONAL WIRELESS SERVICE*.—
7 The term ‘personal wireless service’ means
8 any fixed or mobile service (other than a
9 broadcasting service) provided via licensed
10 or unlicensed frequencies, including—

11 “(I) commercial mobile service;

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

17 “(III) unlicensed wireless service;
18 and

19 “(IV) common carrier wireless ex-
20 change access service.

21 “(vii) *PERSONAL WIRELESS SERVICE*
22 *FACILITY*.—The term ‘personal wireless
23 service facility’ means a facility used to
24 provide or support the provision of personal
25 wireless service.

1 “(viii) *SMALL PERSONAL WIRELESS*
2 *SERVICE FACILITY.*—*The term ‘small per-*
3 *sonal wireless service facility’ means a per-*
4 *sonal wireless service facility in which each*
5 *antenna is not more than 3 cubic feet in*
6 *volume (excluding a wireline backhaul facil-*
7 *ity connected to such personal wireless serv-*
8 *ice facility).*

9 “(ix) *UNLICENSED WIRELESS SERV-*
10 *ICE.*—*The term ‘unlicensed wireless serv-*
11 *ice’—*

12 “(I) *means the offering of tele-*
13 *communications service or information*
14 *service using a duly authorized device*
15 *that does not require an individual li-*
16 *cence; and*

17 “(II) *does not include the provi-*
18 *sion of direct-to-home satellite services,*
19 *as defined in section 303(v).*

20 “(x) *WIRELINE BACKHAUL FACILITY.*—
21 *The term ‘wireline backhaul facility’ means*
22 *an above-ground or underground wireline*
23 *facility used to transport communications*
24 *service or other electronic communications*
25 *from a small personal wireless service facil-*

1 *ity or the adjacent network interface device*
2 *of such facility to a communications net-*
3 *work.”.*

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

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

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

8 *“(a) IN GENERAL.—No State or local statute or regu-*
9 *lation, or other State or local legal requirement, may pro-*
10 *hibit or have the effect of prohibiting the ability of any enti-*
11 *ty to provide, improve, or enhance the provision of any*
12 *interstate or intrastate telecommunications service.*

13 *“(b) PLACEMENT, CONSTRUCTION, OR MODIFICATION*
14 *OF TELECOMMUNICATIONS SERVICE FACILITIES.—*

15 *“(1) PROHIBITION ON DISCRIMINATION.—The*
16 *regulation of the placement, construction, or modifica-*
17 *tion of a telecommunications service facility by a*
18 *State or local government or instrumentality thereof*
19 *may not discriminate—*

20 *“(A) among telecommunications service fa-*
21 *cilities—*

22 *“(i) based on the technology used to*
23 *provide services; or*

24 *“(ii) based on the services provided; or*

1 “(B) *against telecommunications service fa-*
2 *ilities, as compared to the regulation of the*
3 *placement, construction, or modification of other*
4 *facilities.*

5 “(2) *TIMEFRAME TO GRANT OR DENY RE-*
6 *QUESTS.—*

7 “(A) *IN GENERAL.—A State or local govern-*
8 *ment or instrumentality thereof shall grant or*
9 *deny a request for authorization to place, con-*
10 *struct, or modify a telecommunications service*
11 *facility not later than—*

12 “(i) *if the request is for authorization*
13 *to place, construct, or modify such facility*
14 *in or on eligible support infrastructure, 90*
15 *days after the date on which the request is*
16 *submitted by the requesting party to the*
17 *government or instrumentality; or*

18 “(ii) *for any other action relating to*
19 *such facility, 150 days after the date on*
20 *which the request is submitted by the re-*
21 *questing party to the government or instru-*
22 *mentality.*

23 “(B) *APPLICABILITY.—The applicable time-*
24 *frame under subparagraph (A) shall apply col-*
25 *lectively to all proceedings, including permits*

1 *and authorizations, required by a State or local*
2 *government or instrumentality thereof for the ap-*
3 *proval of the request.*

4 “(C) *NO MORITORIA.*—*A timeframe under*
5 *subparagraph (A) may not be tolled by any mor-*
6 *atorium, whether express or de facto, imposed by*
7 *a State or local government or instrumentality*
8 *thereof on the submission, acceptance, or consid-*
9 *eration of requests for authorization to place,*
10 *construct, or modify a telecommunications serv-*
11 *ice facility.*

12 “(D) *TOLLING DUE TO INCOMPLETENESS.*—

13 “(i) *INITIAL REQUEST INCOMPLETE.*—
14 *If, not later than 30 days after the date on*
15 *which a requesting party submits to a State*
16 *or local government or instrumentality*
17 *thereof a request for authorization to place,*
18 *construct, or modify a telecommunications*
19 *service facility, the government or instru-*
20 *mentality provides to the requesting party a*
21 *written notice described in clause (iii) with*
22 *respect to the request, the timeframe de-*
23 *scribed in subparagraph (A) is tolled with*
24 *respect to the request until the date on*
25 *which the requesting party submits to the*

1 *government or instrumentality a supple-*
2 *mental submission in response to the notice.*

3 “(ii) *SUPPLEMENTAL SUBMISSION IN-*
4 *COMPLETE.—If, not later than 10 days after*
5 *the date on which a requesting party sub-*
6 *mits to a State or local government or in-*
7 *strumentality thereof a supplemental sub-*
8 *mission in response to a written notice de-*
9 *scribed in clause (iii), the government or in-*
10 *strumentality provides to the requesting*
11 *party a written notice described in clause*
12 *(iii) with respect to the supplemental sub-*
13 *mission, the timeframe under subparagraph*
14 *(A) is further tolled until the date on which*
15 *the requesting party submits to the govern-*
16 *ment or instrumentality a subsequent sup-*
17 *plemental submission in response to the no-*
18 *tice.*

19 “(iii) *WRITTEN NOTICE DESCRIBED.—*
20 *The written notice described in this clause*
21 *is, with respect to a request described in*
22 *subparagraph (A) or a supplemental sub-*
23 *mission described in clause (i) or (ii) sub-*
24 *mitted to a State or local government or in-*
25 *strumentality thereof by a requesting party,*

1 *a written notice from the government or in-*
2 *strumentality to the requesting party—*

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

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

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

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

1 *in the prior written notice under this sub-*
2 *paragraph in response to which the supple-*
3 *mental submission was submitted, the subse-*
4 *quent written notice shall be treated as not*
5 *having been provided to the requesting*
6 *party.*

7 “(E) *TOLLING BY MUTUAL AGREEMENT.—*
8 *The timeframe under subparagraph (A) may be*
9 *tolled by mutual agreement between the State or*
10 *local government or instrumentality thereof and*
11 *the requesting party.*

12 “(3) *DEEMED GRANTED.—*

13 “(A) *IN GENERAL.—If a State or local gov-*
14 *ernment or instrumentality thereof has neither*
15 *granted nor denied a request within the applica-*
16 *ble timeframe under paragraph (2), the request*
17 *shall be deemed granted on the date on which the*
18 *government or instrumentality receives a written*
19 *notice of the failure to grant or deny from the*
20 *requesting party.*

21 “(B) *RULE OF CONSTRUCTION.—In the case*
22 *of a request that is deemed granted under sub-*
23 *paragraph (A), the placement, construction, or*
24 *modification requested in such request shall be*
25 *considered to be authorized, without any further*

1 *action by the government or instrumentality, be-*
2 *ginning on the date on which such request is*
3 *deemed granted under such subparagraph.*

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

9 “(A) *in writing;*

10 “(B) *supported by substantial evidence con-*
11 *tained in a written record; and*

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

15 “(5) *FEEES.*—

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

20 “(i) *to consider a request for author-*
21 *ization to place, construct, or modify a tele-*
22 *communications service facility; or*

23 “(ii) *for use of a right-of-way or a fa-*
24 *cility in a right-of-way owned or managed*
25 *by the government or instrumentality for*

1 *the placement, construction, or modification*
2 *of a telecommunications service facility.*

3 “(B) *REQUIREMENTS.*—*A fee charged under*
4 *subparagraph (A) shall be—*

5 “(i) *competitively neutral, technology*
6 *neutral, and nondiscriminatory;*

7 “(ii) *established in advance and pub-*
8 *licly disclosed;*

9 “(iii) *calculated—*

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

12 “(aa) *review and processing*
13 *of requests; and*

14 “(bb) *repairs and replace-*
15 *ment of—*

16 “(AA) *components and*
17 *materials directly resulting*
18 *from and affected by the*
19 *placement, construction, or*
20 *modification (including the*
21 *installation or improvement)*
22 *of telecommunications service*
23 *facilities; or*

24 “(BB) *equipment that*
25 *facilitates the placement,*

1 *construction, or modification*
2 *(including the installation or*
3 *improvement) of such facili-*
4 *ties; and*

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

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

10 *“(I) nonrecurring fees and recur-*
11 *ring fees; and*

12 *“(II) the use of facilities on which*
13 *telecommunications service facilities or*
14 *infrastructure for compatible uses are*
15 *already located and facilities on which*
16 *there are no telecommunications service*
17 *facilities or infrastructure for compat-*
18 *ible uses as of the date on which the re-*
19 *quest is submitted by the requesting*
20 *party to the government or instrumen-*
21 *tality.*

22 *“(6) TRANSPORTATION CROSSINGS.—*

23 *“(A) IN GENERAL.—An authorization by a*
24 *State or local government or instrumentality*
25 *thereof to place, construct, or modify a tele-*

1 *communications service facility in a right-of-*
2 *way owned or managed by the government or in-*
3 *strumentality shall be treated, without further*
4 *action, as sufficient authority to place, construct,*
5 *or modify such facility (as the case may be)*
6 *above or under a transportation crossing that*
7 *intersects such right-of-way.*

8 “(B) *REGULATIONS.*—*Not later than 1 year*
9 *after the date of the enactment of this paragraph,*
10 *the Commission, in coordination with the Sec-*
11 *retary of Transportation, shall promulgate regu-*
12 *lations to implement subparagraph (A) in a*
13 *manner that—*

14 “(i) *ensures safety;*

15 “(ii) *prevents interference with trans-*
16 *portation crossings and related transpor-*
17 *tation operations;*

18 “(iii) *allows for the timely and effi-*
19 *cient placement, construction, and modi-*
20 *fication of telecommunications service fa-*
21 *cilities; and*

22 “(iv) *establishes requirements and*
23 *standards for just and reasonable compensa-*
24 *tion to private owners of transportation*
25 *crossings affected by such subparagraph, in-*

1 *cluding compensation for costs related to the*
2 *deployment of such facilities.*

3 “(C) *APPLICABILITY.*—*Subparagraph (A)*
4 *shall apply to authorizations granted on and*
5 *after the date on which regulations are promul-*
6 *gated under subparagraph (B).*

7 “(c) *JUDICIAL REVIEW.*—

8 “(1) *IN GENERAL.*—*A person adversely affected*
9 *by a State or local statute, regulation, or other legal*
10 *requirement, or by a final action or failure to act by*
11 *a State or local government or instrumentality there-*
12 *of, that is inconsistent with this section may com-*
13 *mence an action in any court of competent jurisdic-*
14 *tion.*

15 “(2) *TIMING.*—

16 “(A) *EXPEDITED BASIS.*—*A court shall*
17 *hear and decide an action commenced under*
18 *paragraph (1) on an expedited basis.*

19 “(B) *FINAL ACTION OR FAILURE TO ACT.*—
20 *An action may only be commenced under para-*
21 *graph (1) on the basis of a final action or failure*
22 *to act by a State or local government or instru-*
23 *mentality thereof, if commenced not later than*
24 *30 days after such action or failure to act.*

1 “(d) *PRESERVATION OF STATE REGULATORY AUTHOR-*
2 *ITY.*—*Nothing in this section shall affect the ability of a*
3 *State to impose, on a competitively neutral and non-*
4 *discriminatory basis and consistent with section 254, re-*
5 *quirements necessary to preserve and advance universal*
6 *service, protect the public safety and welfare, ensure the con-*
7 *tinued quality of telecommunications services, and safe-*
8 *guard the rights of consumers.*

9 “(e) *PRESERVATION OF STATE AND LOCAL GOVERN-*
10 *MENT AUTHORITY.*—*Except as explicitly set forth in this*
11 *section, nothing in this section affects the authority of a*
12 *State or local government or instrumentality thereof to*
13 *manage, on a competitively neutral and nondiscriminatory*
14 *basis, the public rights-of-way or to require, on a competi-*
15 *tively neutral and nondiscriminatory basis, fair and rea-*
16 *sonable compensation from telecommunications providers*
17 *for use of public rights-of-way, if the compensation required*
18 *meets the requirements of subsection (b)(5).*

19 “(f) *PREEMPTION.*—

20 “(1) *IN GENERAL.*—*If, after notice and an op-*
21 *portunity for public comment, the Commission deter-*
22 *mines that a State or local government or instrumen-*
23 *tality thereof has permitted or imposed a statute, reg-*
24 *ulation, or legal requirement that violates or is incon-*
25 *sistent with this section, the Commission shall pre-*

1 *empt the enforcement of such statute, regulation, or*
2 *legal requirement to the extent necessary to correct*
3 *such violation or inconsistency.*

4 “(2) *TIMING.*—*Not later than 120 days after re-*
5 *ceiving a petition for preemption of the enforcement*
6 *of a statute, regulation, or legal requirement as de-*
7 *scribed in paragraph (1), the Commission shall grant*
8 *or deny the petition.*

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

13 “(h) *RURAL MARKETS.*—*It shall not be a violation of*
14 *this section for a State to require a telecommunications car-*
15 *rier that seeks to provide telephone exchange service or ex-*
16 *change access in a service area served by a rural telephone*
17 *company to meet the requirements in section 214(e)(1) for*
18 *designation as an eligible telecommunications carrier for*
19 *that area before being permitted to provide such service.*
20 *This subsection shall not apply—*

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

1 “(2) to a provider of commercial mobile services.

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

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

12 “(2) in the case of a government or instrumen-
13 tality that has not established specific procedures for
14 the review and approval of such a request, to submit
15 to the government or instrumentality the type of fil-
16 ing that is typically required to initiate a standard
17 review for a similar facility or structure.

18 “(j) *DEFINITIONS.*—In this section:

19 “(1) *ELIGIBLE SUPPORT INFRASTRUCTURE.*—
20 The term ‘eligible support infrastructure’ means in-
21 frastructure that supports or houses a telecommuni-
22 cations service facility (or that is designed for or ca-
23 pable of supporting or housing such a facility) at the
24 time when a request to a State or local government
25 or instrumentality thereof for authorization to place,

1 *construct, or modify a telecommunications service fa-*
 2 *cility in or on the infrastructure is submitted by the*
 3 *requesting party to the government or instrumen-*
 4 *tality.*

5 “(2) *TELECOMMUNICATIONS SERVICE FACIL-*
 6 *ITY.—The term ‘telecommunications service facil-*
 7 *ity’—*

8 “(A) *means a facility that is designed or*
 9 *used to provide or facilitate the provision of any*
 10 *interstate or intrastate telecommunications serv-*
 11 *ice; and*

12 “(B) *includes a facility described in sub-*
 13 *paragraph (A) that is used to provide other serv-*
 14 *ices.”.*

15 **SEC. 103. REQUESTS FOR MODIFICATION OF CERTAIN EX-**
 16 **ISTING WIRELESS AND TELECOMMUNI-**
 17 **CATIONS SERVICE FACILITIES.**

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

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

23 (2) *in subsection (a)—*

24 (A) *in paragraph (1), by striking “a State*
 25 *or local government” and all that follows and in-*

1 serting the following: “a State or local govern-
2 ment or instrumentality thereof may not deny,
3 and shall approve—

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

10 “(B) any eligible telecommunications facili-
11 ties request for a modification of an existing tele-
12 communications service facility in or on eligible
13 support infrastructure that does not substan-
14 tially change the physical dimensions of such fa-
15 cility.”;

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

18 “(2) *TIMEFRAME.*—

19 “(A) *DEEMED APPROVAL.*—

20 “(i) *IN GENERAL.*—If a State or local
21 government or instrumentality thereof does
22 not, before or on the date that is 60 days
23 after the date on which a requesting party
24 submits to the government or instrumen-
25 tality a request as an eligible facilities re-

1 *quest or an eligible telecommunications fa-*
2 *ilities request (as the case may be), ap-*
3 *prove the request or make the determination*
4 *and provide the written notice described in*
5 *subparagraph (B) with respect to the re-*
6 *quest, the request is deemed approved on the*
7 *day after the date that is 60 days after the*
8 *date on which the requesting party submits*
9 *the request.*

10 *“(i) RULE OF CONSTRUCTION.—In the*
11 *case of a request that is deemed approved*
12 *under clause (i), the modification requested*
13 *in the request shall be authorized, without*
14 *any further action by the government or in-*
15 *strumentality, beginning on the date on*
16 *which the request is deemed approved under*
17 *such clause.*

18 *“(B) DETERMINATION REQUEST IS NOT AN*
19 *ELIGIBLE REQUEST.—*

20 *“(i) DETERMINATION DESCRIBED.—*
21 *The determination described in this sub-*
22 *paragraph is a determination by a State or*
23 *local government or instrumentality thereof*
24 *that a request described in subparagraph*
25 *(A)(i) is not an eligible facilities request or*

1 *an eligible telecommunications facilities re-*
2 *quest (as the case may be).*

3 “(i) *WRITTEN NOTICE DESCRIBED.—*

4 *The written notice described in this sub-*
5 *paragraph is a written notice of the deter-*
6 *mination described in clause (i) provided*
7 *by the government or instrumentality to the*
8 *requesting party that clearly describes the*
9 *reasons why the request is not an eligible*
10 *facilities request or an eligible telecommuni-*
11 *cations facilities request (as the case may*
12 *be) and includes a citation to a specific*
13 *provision of this subsection or the regula-*
14 *tions promulgated under this subsection re-*
15 *lied upon for the determination.*

16 “(C) *TOLLING DUE TO INCOMPLETENESS.—*

17 “(i) *INITIAL REQUEST INCOMPLETE.—*

18 *If, not later than 30 days after the date on*
19 *which a requesting party submits to a State*
20 *or local government or instrumentality*
21 *thereof a request described in subparagraph*
22 *(A)(i), the government or instrumentality*
23 *provides to the requesting party a written*
24 *notice described in clause (iii) with respect*
25 *to the request, the 60-day timeframe under*

1 *subparagraph (A)(i) is tolled until the date*
2 *on which the requesting party submits to*
3 *the government or instrumentality a supple-*
4 *mental submission in response to the notice.*

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

21 *“(iii) WRITTEN NOTICE DESCRIBED.—*
22 *The written notice described in this clause*
23 *is, with respect to a request described in*
24 *subparagraph (A)(i) or a supplemental sub-*
25 *mission described in clause (i) or (ii) sub-*

1 mitted to a State or local government or in-
2 strumentality thereof by a requesting party,
3 a written notice from the government or in-
4 strumentality to the requesting party—

5 “(I) stating that all of the infor-
6 mation (including any form or other
7 document) required by the government
8 or instrumentality to be submitted for
9 the request to be considered complete
10 has not been submitted;

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

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

20 “(iv) *LIMITATION.*—

21 “(I) *INITIAL WRITTEN NOTICE.*—
22 If a written notice provided by a State
23 or local government or instrumentality
24 thereof to a requesting party under
25 clause (i) with respect to a request de-

1 scribed in subparagraph (A)(i) identi-
2 fies as not having been submitted any
3 information that the government or in-
4 strumentality is prohibited by para-
5 graph (5) from requiring to be sub-
6 mitted, such notice shall be treated as
7 not having been provided to the re-
8 questing party.

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

24 “(D) *TOLLING BY MUTUAL AGREEMENT.*—

25 The 60-day timeframe under subparagraph

1 (A)(i) may be tolled by mutual agreement be-
2 tween the State or local government or instru-
3 mentality thereof and the requesting party.”;
4 and

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

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

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

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

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

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

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

24 “(6) ENFORCEMENT.—

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

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

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

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

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

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

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

22 “(iv) placement, construction, or modi-
23 fication of equipment that—

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

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

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

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

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

17 “(B) *ELIGIBLE SUPPORT INFRASTRUC-*
18 *TURE.—The term ‘eligible support infrastruc-*
19 *ture’ means infrastructure that supports or*
20 *houses a telecommunications service facility at*
21 *the time when an eligible telecommunications fa-*
22 *ilities request for a modification of such facility*
23 *is submitted to a State or local government or*
24 *instrumentality thereof.*

1 “(C) *ELIGIBLE SUPPORT STRUCTURE.*—*The*
2 *term ‘eligible support structure’ means a struc-*
3 *ture that, at the time when an eligible facilities*
4 *request for a modification of such structure is*
5 *submitted to a State or local government or in-*
6 *strumentality thereof, supports or could support*
7 *transmission equipment.*

8 “(D) *ELIGIBLE TELECOMMUNICATIONS FA-*
9 *CILITIES REQUEST.*—*The term ‘eligible tele-*
10 *communications facilities request’ means any re-*
11 *quest for a modification of an existing tele-*
12 *communications service facility in or on eligible*
13 *support infrastructure that does not substan-*
14 *tially change the physical dimensions of such fa-*
15 *ility and that involves—*

16 “(i) *collocation of new telecommuni-*
17 *cations service facility equipment;*

18 “(ii) *removal of telecommunications*
19 *service facility equipment; or*

20 “(iii) *replacement of telecommuni-*
21 *cations service facility equipment.*

22 “(E) *TELECOMMUNICATIONS SERVICE FA-*
23 *CILITY.*—*The term ‘telecommunications service*
24 *facility’—*

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

5 “(ii) includes a facility described in
6 clause (i) that is used to provide other serv-
7 ices.

8 “(F) TRANSMISSION EQUIPMENT.—The term
9 ‘transmission equipment’ has the meaning given
10 such term in section 1.6100(b)(8) of title 47,
11 Code of Federal Regulations (as in effect on the
12 date of the enactment of this paragraph).”.

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

17 (c) APPLICABILITY.—The amendments made by sub-
18 section (a) shall apply with respect to any eligible facilities
19 request or eligible telecommunications facilities request de-
20 scribed in paragraph (1) of section 6409(a) of the Middle
21 Class Tax Relief and Job Creation Act of 2012 (47 U.S.C.
22 1455(a)) that is submitted (as determined under paragraph
23 (4) of such section, as added by subsection (a)) by a request-
24 ing party on or after the date of the enactment of this Act.

TITLE II—CABLE**2 SEC. 201. REQUEST FOR NEW FRANCHISE.**

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

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

7 *“(1) IN GENERAL.—Not later than 120 days*
8 *after the date on which a requesting party submits to*
9 *a franchising authority a request for the grant of a*
10 *franchise (other than a renewal thereof), the fran-*
11 *chising authority shall approve or deny such request.*

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

17 *“(3) APPLICABILITY.—Notwithstanding any pro-*
18 *vision of this title, the timeframe under paragraph*
19 *(1) shall apply collectively to all proceedings required*
20 *by a franchising authority for the approval of the re-*
21 *quest.*

22 *“(4) NO MORATORIA.—A timeframe under para-*
23 *graph (1) may not be tolled by any moratorium,*
24 *whether express or de facto, imposed by a franchising*

1 *authority on the consideration of any request for a*
2 *franchise.*

3 “(5) *TOLLING DUE TO INCOMPLETENESS.*—

4 “(A) *INITIAL REQUEST INCOMPLETE.*—*If,*
5 *not later than 30 days after the date on which*
6 *a requesting party provides to a franchising au-*
7 *thority a written notice described in subpara-*
8 *graph (C) with respect to the request, the time-*
9 *frame described in paragraph (1) is tolled with*
10 *respect to the request until the date on which the*
11 *requesting party submits to the franchising au-*
12 *thority a supplemental submission in response to*
13 *the notice.*

14 “(B) *SUPPLEMENTAL SUBMISSION INCOM-*
15 *plete.*—*If, not later than 10 days after the date*
16 *on which a requesting party submits to the fran-*
17 *chising authority a supplemental submission in*
18 *response to a written notice described in sub-*
19 *paragraph (A), the franchising authority pro-*
20 *vides to the requesting party a written notice de-*
21 *scribed in subparagraph (A) with respect to the*
22 *supplemental submission, the timeframe under*
23 *paragraph (1) is further tolled until the date on*
24 *which the requesting party submits to the fran-*

1 *chising authority a subsequent supplemental sub-*
2 *mission in response to the notice.*

3 “(C) *WRITTEN NOTICE DESCRIBED.—The*
4 *written notice described in this paragraph is,*
5 *with respect to a request described in paragraph*
6 *(1) or a supplemental submission described in*
7 *subparagraph (A) or (B) submitted to a fran-*
8 *chising authority by a requesting party, a writ-*
9 *ten notice from the franchising authority to the*
10 *requesting party—*

11 *“(i) stating that all of the information*
12 *(including any form or other document) re-*
13 *quired by the franchising authority to be*
14 *submitted for the request to be considered*
15 *complete has not been submitted;*

16 *“(ii) identifying the information de-*
17 *scribed in clause (i) that was not submitted;*
18 *and*

19 *“(iii) including a citation to a specific*
20 *provision of a publicly available rule, regu-*
21 *lation, or standard issued by the fran-*
22 *chising authority requiring that such infor-*
23 *mation be submitted with such a request.*

24 “(D) *LIMITATION ON SUBSEQUENT WRITTEN*
25 *NOTICE.—If a written notice provided by a fran-*

1 *chising authority to a requesting party under*
2 *subparagraph (A) with respect to a supplemental*
3 *submission identifies as not having been sub-*
4 *mitted any information that was not identified*
5 *as not having been submitted in the prior writ-*
6 *ten notice under this subparagraph in response*
7 *to which the supplemental submission was sub-*
8 *mitted, the subsequent written notice shall be*
9 *treated as not having been provided to the re-*
10 *questing party.*

11 “(6) *TOLLING BY MUTUAL AGREEMENT.*—*The*
12 *timeframe under paragraph (1) may be tolled by mu-*
13 *tual agreement between the franchising authority and*
14 *the requesting party.*

15 “(7) *WRITTEN DECISION AND RECORD.*—*Any de-*
16 *cision by a franchising authority to deny a request*
17 *for a franchise shall be—*

18 *“(A) in writing;*

19 *“(B) supported by substantial evidence con-*
20 *tained in a written record; and*

21 *“(C) publicly released, and provided to the*
22 *requesting party, on the same day such decision*
23 *is made.*

24 “(8) *WHEN REQUEST CONSIDERED SUB-*
25 *MITTED.*—*For the purposes of this subsection, a re-*

1 *quest to a franchising authority shall be considered*
 2 *submitted on the date on which the requesting party*
 3 *takes the first procedural step within the control of*
 4 *the requesting party—*

5 *“(A) to submit such request in accordance*
 6 *with the procedures established by the fran-*
 7 *chising authority for the review and approval of*
 8 *such a request; or*

9 *“(B) in the case of a franchising authority*
 10 *that has not established specific procedures for*
 11 *the review and approval of such a request, to*
 12 *submit to the franchising authority the type of*
 13 *filing that is typically required to initiate a*
 14 *standard review for a request related to a fran-*
 15 *chise.”.*

16 **SEC. 202. REQUEST REGARDING PLACEMENT, CONSTRUC-**
 17 **TION, OR MODIFICATION OF CABLE EQUIP-**
 18 **MENT.**

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

22 *“(j) REQUEST REGARDING PLACEMENT, CONSTRUC-*
 23 *TION, OR MODIFICATION OF FACILITIES.—*

24 *“(1) NO EFFECT ON AUTHORITY OF CERTAIN EN-*
 25 *TITIES.—Except as provided in this subsection, noth-*

1 *ing in this title shall limit or affect the authority of*
2 *a covered entity over—*

3 *“(A) decisions regarding the placement, con-*
4 *struction, or modification of covered equipment*
5 *within the jurisdiction of such covered entity; or*

6 *“(B) safety standards for the placement,*
7 *construction, or modification of such covered*
8 *equipment.*

9 *“(2) LIMITATIONS.—*

10 *“(A) ABILITY TO PROVIDE OR ENHANCE*
11 *SERVICE.—With respect to the regulation by a*
12 *covered entity of the placement, construction, or*
13 *modification of covered equipment, the covered*
14 *entity shall not prohibit or have the effect of pro-*
15 *hibiting the ability of a cable operator to pro-*
16 *vide, improve, or enhance the provision of service*
17 *using covered equipment under a franchise*
18 *granted by such covered entity, or within the ju-*
19 *risdiction of such covered entity, as so may be*
20 *the case.*

21 *“(B) TIMING OF DECISIONS ON REQUESTS*
22 *FOR AUTHORIZATIONS TO PLACE, CONSTRUCT, OR*
23 *MODIFY FACILITY.—*

24 *“(i) TIMEFRAME.—A covered entity*
25 *shall approve or deny a request for author-*

1 *ization to place, construct, or modify cov-*
2 *ered equipment not later than—*

3 *“(I) if the request is for author-*
4 *ization to place, construct, or modify*
5 *covered equipment in or on a covered*
6 *easement or eligible support infrastruc-*
7 *ture, 90 days after the date on which*
8 *requesting party submits the request to*
9 *the covered entity; or*

10 *“(II) if the request is not for au-*
11 *thorization to place, construct, or mod-*
12 *ify covered equipment in or on a cov-*
13 *ered easement or eligible support infra-*
14 *structure, 150 days after the date on*
15 *which the requesting party submits the*
16 *request to the covered entity.*

17 *“(ii) DEEMED GRANTED.—If a covered*
18 *entity fails to grant or deny a request by*
19 *the applicable timeframe under clause (i),*
20 *the request shall be deemed granted and au-*
21 *thorized on the date on which the covered*
22 *entity receives written notice of the failure*
23 *from the requesting party.*

24 *“(iii) APPLICABILITY.—Notwith-*
25 *standing any provision of this title, the ap-*

1 *plicable timeframe under clause (i) shall*
2 *apply collectively to all proceedings required*
3 *by a covered entity for the approval of the*
4 *request.*

5 “(iv) *NO MORITORIA.*—*A timeframe*
6 *under clause (i) may not be tolled by any*
7 *moratorium, whether express or de facto,*
8 *imposed by a covered entity on the consider-*
9 *ation of any request for authorization to*
10 *place, construct, or modify covered equip-*
11 *ment.*

12 “(v) *TOLLING DUE TO INCOMPLETE-*
13 *NESS.*—

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

1 *requesting party submits to the covered*
2 *entity a supplemental submission in*
3 *response to the notice.*

4 “(II) *SUPPLEMENTAL SUBMISSION*
5 *INCOMPLETE.—If, not later than 10*
6 *days after the date on which a request-*
7 *ing party submits to the covered entity*
8 *a supplemental submission in response*
9 *to a written notice described in sub-*
10 *clause (III), the covered entity provides*
11 *to the requesting party a written notice*
12 *described in subclause (III) with re-*
13 *spect to the supplemental submission,*
14 *the timeframe under clause (i) is fur-*
15 *ther tolled until the date on which the*
16 *requesting party submits to the covered*
17 *entity a subsequent supplemental sub-*
18 *mission in response to the notice.*

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

1 *ing party, a written notice from the re-*
2 *questing party to the covered entity—*

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

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

12 *“(cc) including a citation to*
13 *a specific provision of a publicly*
14 *available rule, regulation, or*
15 *standard issued by the covered en-*
16 *tity requiring that such informa-*
17 *tion be submitted with such a re-*
18 *quest.*

19 *“(IV) LIMITATION ON SUBSE-*
20 *QUENT WRITTEN NOTICE.—If a written*
21 *notice provided by covered entity to a*
22 *requesting party under subclause (I)*
23 *with respect to a supplemental submis-*
24 *sion identifies as not having been sub-*
25 *mitted any information that was not*

1 *identified as not having been submitted*
2 *in the prior written notice under this*
3 *subparagraph in response to which the*
4 *supplemental submission was sub-*
5 *mitted, the subsequent written notice*
6 *shall be treated as not having been pro-*
7 *vided to the requesting party.*

8 “(vi) *TOLLING BY MUTUAL AGREE-*
9 *MENT.—The timeframe under clause (i)*
10 *may be tolled by mutual agreement between*
11 *the covered entity and the requesting party.*

12 “(vii) *WRITTEN DECISION AND*
13 *RECORD.—Any decision by a covered entity*
14 *to deny a request for authorization to place,*
15 *construct, or modify covered equipment*
16 *shall be—*

17 “(I) *in writing;*

18 “(II) *supported by substantial*
19 *evidence contained in a written record;*
20 *and*

21 “(III) *publicly released, and pro-*
22 *vided to the requesting party, on the*
23 *same day such decision is made.*

24 “(viii) *WHEN REQUEST CONSIDERED*
25 *SUBMITTED.—For the purposes of this sub-*

1 paragraph, a request to a covered entity
2 shall be considered submitted on the date on
3 which the requesting party takes the first
4 procedural step within the control of the re-
5 questing party—

6 “(I) to submit such request in ac-
7 cordance with the procedures estab-
8 lished by the covered entity for the re-
9 view and approval of such a request; or

10 “(II) in the case of a covered enti-
11 ty that has not established specific pro-
12 cedures for the review and approval of
13 such a request, to submit to the covered
14 entity the type of filing that is typi-
15 cally required to initiate a standard
16 review for a similar request in a juris-
17 diction that has not established specific
18 procedures for the relevant review and
19 approval of such a request.

20 “(3) FEES.—

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

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

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

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

7 “*(iii) calculated—*

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

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

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

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

1 *equipment, the improvement*
2 *of an eligible support infra-*
3 *structure); or*

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

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

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

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

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

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

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

3 “(B) *COVERED EQUIPMENT.*—*The term*
4 *‘covered equipment’ means equipment used in or*
5 *attached to a cable system to provide service*
6 *through such system.*

7 “(C) *COVERED ENTITY.*—*The term ‘covered*
8 *entity’ means:*

9 “(i) *A State.*

10 “(ii) *A local government.*

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

13 “(iv) *A franchising authority.*

14 “(D) *ELIGIBLE SUPPORT INFRASTRUC-*
15 *TURE.*—*The term ‘eligible support infrastruc-*
16 *ture’ means infrastructure that supports or*
17 *houses a facility for communication by wire (or*
18 *that is designed for or capable of supporting or*
19 *housing such a facility) at the time when a re-*
20 *quest to a covered entity for authorization to*
21 *place, construct, or modify covered equipment in*
22 *or on the infrastructure is submitted to the cov-*
23 *ered entity.”.*

24 (b) *ACTION ON PENDING REQUESTS.*—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 “(ii) to address changes in technology;
22 or

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

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

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

13 “(c) *DEEMED ELIMINATION OR MODIFICATION.*—*Ex-*
14 cept in the case of a request for the elimination or modifica-
15 tion of a requirement for services relating to public, edu-
16 cational, or governmental access, if the franchising author-
17 ity fails to approve or deny the request submitted under
18 subsection (a) by the date described under subsection (b),
19 the requirement shall be deemed eliminated or modified in
20 accordance with the request on the day after such date.

21 “(d) *APPEAL.*—

22 “(1) *IN GENERAL.*—Any cable operator whose re-
23 quest for elimination or modification of a require-
24 ment in a franchise under subsection (a) has been de-
25 nied by a final decision of a franchising authority

1 *may seek judicial review of the decision pursuant to*
2 *the provisions of section 635.*

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

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

14 “(1) *to submit such request in accordance with*
15 *the procedures established by the franchising author-*
16 *ity for the review and approval of such a request; or*

17 “(2) *in the case of a franchising authority that*
18 *has not established specific procedures for the review*
19 *and approval of such a request, to submit to the fran-*
20 *chising authority the type of filing that is typically*
21 *required to initiate a standard review for a request*
22 *related to a franchise.”.*

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

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

2 “(a) *FRANCHISE TERM.*—A franchise shall continue in
3 effect (without any requirement for renewal) until the date
4 on which the franchise is revoked or terminated in accord-
5 ance with subsection (b).

6 “(b) *LIMITS.*—

7 “(1) *PROHIBITION AGAINST REVOCATION; TERMI-*
8 *NATION.*—Except as provided in paragraph (2), a
9 franchise may not be—

10 “(A) revoked by a franchising authority;

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

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

17 “(2) *WHEN TERMINATION OR REVOCATION OF*
18 *FRANCHISE PERMITTED.*—

19 “(A) *TERMINATION BY CABLE OPERATOR.*—

20 “(i) *IN GENERAL.*—A cable operator
21 may terminate a franchise by submitting to
22 the franchising authority a written request
23 for the franchising authority to revoke such
24 franchise.

25 “(ii) *TIME OF REVOCATION.*—If the
26 cable operator submits a written request

1 *under clause (i), the franchising authority*
2 *shall revoke the franchise on the date that is*
3 *90 days after the request is submitted to the*
4 *franchising authority.*

5 *“(iii) DEEMED TO BE REVOKED.—If a*
6 *franchising authority does not approve a re-*
7 *quest by the date required under clause (ii),*
8 *the franchise is deemed revoked on the day*
9 *after such date.*

10 *“(B) TERMINATION BY FRANCHISING AU-*
11 *THORITY.—A franchising authority may revoke*
12 *a franchise if the franchising authority—*

13 *“(i) finds that the cable operator has*
14 *knowingly and willfully failed to substan-*
15 *tially meet a material requirement imposed*
16 *by the franchise;*

17 *“(ii) provides the cable operator a rea-*
18 *sonable opportunity to cure such failure,*
19 *after which the cable operator fails to cure*
20 *such failure; and*

21 *“(iii) does not waive the material re-*
22 *quirement or acquiesce with the failure to*
23 *substantially meet such requirement.*

24 *“(c) REVIEW OF REVOCATION OF FRANCHISE BY*
25 *FRANCHISING AUTHORITY.—*

1 “(1) *ADMINISTRATIVE OR JUDICIAL REVIEW.*—
2 *With respect to a determination by a franchising au-*
3 *thority to revoke a franchise under subsection*
4 *(b)(2)(B), a cable operator may—*

5 “(A) *petition the Commission for review of*
6 *such determination; or*

7 “(B) *seek judicial review of such determina-*
8 *tion pursuant to the provisions of section 635.*

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

12 “(A) *review the determination de novo; and*

13 “(B) *invalidate the determination if, based*
14 *on the evidence presented during the review, the*
15 *Commission determines that the franchising au-*
16 *thority has not demonstrated by a preponderance*
17 *of the evidence that the franchising authority re-*
18 *voked the franchise in accordance with subsection*
19 *(b)(2)(B).*

20 “(3) *STAY OF DETERMINATION TO REVOKE FRAN-*
21 *CHISE.*—*A revocation of a franchise under subsection*
22 *(b)(2)(B) may be stayed—*

23 “(A) *in the case the cable operator petitions*
24 *the Commission for review of the determination*

1 *on which such revocation is based, by the Com-*
2 *mission; and*

3 *“(B) in the case the cable operator seeks ju-*
4 *dicial review of the determination on which such*
5 *revocation is based, by the court in which the*
6 *cable operator seeks judicial review of the deter-*
7 *mination.”.*

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

11 *(1) in section 601—*

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

14 *(B) by striking paragraph (5); and*

15 *(C) by redesignating paragraph (6) as*
16 *paragraph (5);*

17 *(2) in section 602(9)—*

18 *(A) by striking “initial”; and*

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

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

25 *(4) in section 612(b)(3)—*

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

3 (B) by striking “, or proposal for renewal
4 thereof,”;

5 (5) in section 621(b)(3)—

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

8 (B) in subparagraph (D)—

9 (i) by striking “initial”; and

10 (ii) by striking “, a franchise re-
11 newal,”;

12 (6) in section 624—

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

16 (B) in subsection (d)(1), by striking “or re-
17 newal thereof”;

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

19 (d) *EFFECTIVE DATE; APPLICATION.*—

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

23 (2) *APPLICATION.*—*This section, and the amend-*
24 *ments made by this section, shall apply to a franchise*
25 *granted—*

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

3 (B) before such date, if—

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

7 or

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

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

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

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

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

22 “(b) *LIMITATIONS ON AUTHORITY OF FRANCHISING*
23 *AUTHORITY WITH RESPECT TO TRANSFER OF FRAN-*
24 *CHISE.*—

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

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

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

10 “(2) *NOTIFICATION.*—In the case of the transfer
11 of a franchise to a person to which such franchise was
12 not originally granted, a franchising authority may
13 require a cable operator to which a franchise was ini-
14 tially granted to, not later than 15 days before the
15 transfer of the franchise, notify the franchising au-
16 thority in writing of such transfer.

17 “(3) *TRANSFER OF A FRANCHISE DEFINED.*—In
18 this subsection, the term ‘transfer of a franchise’
19 means the transfer or assignment of any rights under
20 a franchise through any transaction, including
21 through—

22 “(A) a merger involving the cable operator
23 or cable system;

24 “(B) a sale of the cable operator or cable
25 system;

1 “(C) an assignment of the cable operator or
2 a cable system;

3 “(D) a restructuring of a cable operator or
4 a cable system; or

5 “(E) the transfer of control of a cable oper-
6 ator or a cable system.”.

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

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

13 (1) on or after the effective date established by
14 subsection (b); or

15 (2) before such date, if—

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

18 (B) such franchise is expired and cable op-
19 erator has continued to perform under the provi-
20 sions of such franchise as if such franchise were
21 not expired.

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

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

6 (a) *IN GENERAL.*—

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

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

16 (b) *GRANT OF EASEMENT ON FEDERAL PROPERTY.*—

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

23 (A) *a covered easement has previously been*
24 *granted for another communications facility or a*
25 *utility facility with respect to the same building*

1 or other property owned by the Federal Govern-
2 ment; or

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

5 (2) *NATIONAL HISTORIC PRESERVATION ACT EX-*
6 *EMPTION.*—A covered easement for a communications
7 facility may not be considered an undertaking under
8 section 300320 of title 54, United States Code, if—

9 (A) a covered easement has previously been
10 granted for another communications facility or a
11 utility facility with respect to the same building
12 or other property owned by the Federal Govern-
13 ment; or

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

16 (c) *REQUESTS FOR MODIFICATION OF CERTAIN EXIST-*
17 *ING WIRELESS AND TELECOMMUNICATIONS SERVICE FA-*
18 *CILITIES.*—Section 6409(a)(3) of the Middle Class Tax Re-
19 lief and Job Creation Act of 2012 (47 U.S.C. 1455(a)(3))
20 is amended to read as follows:

21 “(3) *APPLICATION OF NEPA; NHPA.*—

22 “(A) *NEPA EXEMPTION.*—A Federal au-
23 thorization with respect to an eligible facilities
24 request or an eligible telecommunications facili-
25 ties request may not be considered a major Fed-

1 *eral action under section 102(2)(C) of the Na-*
2 *tional Environmental Policy Act of 1969 (42*
3 *U.S.C. 4332(2)(C)).*

4 “(B) *NATIONAL HISTORIC PRESERVATION*
5 *ACT EXEMPTION.—An eligible facilities request or*
6 *an eligible telecommunications facilities request*
7 *may not be considered an undertaking under sec-*
8 *tion 300320 of title 54, United States Code.*

9 “(C) *FEDERAL AUTHORIZATION DEFINED.—*
10 *In this paragraph, the term ‘Federal authoriza-*
11 *tion’—*

12 “(i) *means any authorization required*
13 *under Federal law with respect to an eligi-*
14 *ble facilities request or an eligible tele-*
15 *communications facilities request; and*

16 “(ii) *includes any permits, special use*
17 *authorizations, certifications, opinions, or*
18 *other approvals as may be required under*
19 *Federal law with respect to an eligible fa-*
20 *ilities request or an eligible telecommuni-*
21 *cations facilities request.”.*

22 **SEC. 302. PRESUMPTION WITH RESPECT TO CERTAIN COM-**
23 **plete FCC FORMS.**

24 (a) *PRESUMPTION.—If an Indian Tribe is shown to*
25 *have received a complete FCC Form 620 or FCC Form 621*

1 (or any successor form), or can be reasonably expected to
2 have received a complete FCC Form 620 or FCC Form 621
3 (or any successor form), and has not acted on a request
4 contained in such complete form by the date that is 45 days
5 after the date of such receipt or reasonably expected re-
6 ceipt—

7 (1) the Commission and a court of competent ju-
8 risdiction (as the case may be) shall presume the ap-
9 plicant with respect to such complete form has made
10 a good faith effort to provide the information reason-
11 ably necessary for such Indian Tribe to ascertain
12 whether historic properties of religious or cultural sig-
13 nificance to such Indian Tribe may be affected by the
14 undertaking related to such complete form; and

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

17 (b) *OVERCOMING PRESUMPTION.*—

18 (1) *IN GENERAL.*—An Indian Tribe may over-
19 come a presumption under subsection (a) upon mak-
20 ing, to the Commission or a court of competent juris-
21 diction, a favorable demonstration with respect to 1
22 or more of the factors described in paragraph (2).

23 (2) *FACTORS CONSIDERED.*—In making a deter-
24 mination regarding a presumption under subsection

1 (a), the Commission or court of competent jurisdic-
2 tion shall give substantial weight to—

3 (A) whether the applicant with respect to
4 the relevant complete form failed to make a rea-
5 sonable attempt to follow up with the applicable
6 Indian Tribe not earlier than 30 days, and not
7 later than 50 days, after the applicant submitted
8 a complete FCC Form 620 or FCC Form 621 (as
9 the case may be) to such Indian Tribe; and

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

14 **SEC. 303. RULE OF CONSTRUCTION.**

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

20 **SEC. 304. DEFINITIONS.**

21 In this title:

22 (1) *CHIEF EXECUTIVE*.—The term “Chief Execu-
23 tive” means the person who is the Chief, Chairman,
24 Governor, President, or similar executive official of
25 an Indian tribal government.

1 (2) *COMMISSION.*—*The term “Commission”*
2 *means the Federal Communications Commission.*

3 (3) *COMMUNICATIONS FACILITY.*—*The term*
4 *“communications facility” has the meaning given the*
5 *term “communications facility installation” in sec-*
6 *tion 6409(d) of the Middle Class Tax Relief and Job*
7 *Creation Act of 2012 (47 U.S.C. 1455(d)).*

8 (4) *COVERED EASEMENT.*—*The term “covered*
9 *easement” means an easement, right-of-way, or lease*
10 *with respect to a building or other property owned by*
11 *the Federal Government, excluding Tribal land held*
12 *in trust by the Federal Government (unless the In-*
13 *Indian tribal government with respect to such land re-*
14 *quests that the Commission not exclude the land for*
15 *purposes of this definition), for the right to install,*
16 *construct, modify, or maintain a communications fa-*
17 *cility or a utility facility.*

18 (5) *COVERED PROJECT.*—*The term “covered*
19 *project” means any of the following:*

20 (A) *A project—*

21 (i) *for—*

22 (I) *the mounting or installation of*
23 *a personal wireless service facility with*
24 *another personal wireless service facil-*
25 *ity that exists at the time at which a*

1 *request for authorization of such*
2 *mounting or installation is submitted*
3 *to a State or local government or in-*
4 *strumentality thereof or to an Indian*
5 *tribal government; or*

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

8 *(i) for which a permit, license, or ap-*
9 *proval from the Commission is required or*
10 *that is otherwise subject to the jurisdiction*
11 *of the Commission.*

12 *(B) A project—*

13 *(i) for the placement, construction, or*
14 *modification of a telecommunications serv-*
15 *ice facility in or on eligible support infra-*
16 *structure; and*

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

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

23 *(D) A project—*

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

1 *carried out entirely within a floodplain (as*
2 *defined in section 9.4 of title 44, Code of*
3 *Federal Regulations, as in effect on the date*
4 *of the enactment of this Act); and*

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

9 *(E) A project—*

10 *(i) for the deployment or modification*
11 *of a communications facility that is to be*
12 *carried out entirely within a brownfield site*
13 *(as defined in section 101 of the Com-*
14 *prehensive Environmental Response, Com-*
15 *ensation, and Liability Act of 1980 (42*
16 *U.S.C. 9601)); and*

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

21 *(F) A project to permanently remove cov-*
22 *ered communications equipment or services (as*
23 *defined in section 9 of the Secure and Trusted*
24 *Communications Networks Act of 2019 (47*
25 *U.S.C. 1608)) and to replace such covered com-*

1 *communications equipment or services with commu-*
2 *nications equipment or services (as defined in*
3 *such section) that are not covered communica-*
4 *tions equipment or services (as so defined).*

5 *(G) A project that—*

6 *(i) is to be carried out entirely within*
7 *an area for which the President, the Gov-*
8 *ernor of a State, or the Chief Executive of*
9 *an Indian tribal government has declared a*
10 *major disaster or an emergency;*

11 *(ii) is to be carried out not later than*
12 *5 years after the date on which the Presi-*
13 *dent, Governor, or Chief Executive made*
14 *such declaration; and*

15 *(iii) replaces a communications facil-*
16 *ity damaged by such disaster or emergency*
17 *or makes improvements to a communica-*
18 *tions facility in such area that could rea-*
19 *sonably be considered as necessary for recov-*
20 *ery from such disaster or emergency or to*
21 *prevent or mitigate any future disaster or*
22 *emergency.*

23 *(H) A project for the placement and instal-*
24 *lation of a new communications facility if—*

25 *(i) such new facility—*

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

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

7 (ii) such new facility is—

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

10 (II) the same as, or substantially
11 similar to (as such term is defined by
12 the Commission), the existing commu-
13 nications facility that such new com-
14 munications facility is replacing;

15 (iii) such new facility is a type of com-
16 munications facility that—

17 (I) is described in section
18 6409(d)(1)(B) of the Middle Class Tax
19 Relief and Job Creation Act of 2012
20 (47 U.S.C. 1455(d)(1)(B)); and

21 (II) meets the size limitation of a
22 small antenna established by the Com-
23 mission; or

24 (iv) the placement and installation of
25 such new facility involves the expansion of

1 *the site of an existing communications facil-*
2 *ity not more than 30 feet in any direction.*

3 (6) *ELIGIBLE SUPPORT INFRASTRUCTURE.*—*The*
4 *term “eligible support infrastructure” means infra-*
5 *structure that supports or houses a facility for com-*
6 *munication by wire (or that is designed for or capa-*
7 *ble of supporting or housing such a facility) at the*
8 *time when a request to a State or local government*
9 *or instrumentality thereof, or to an Indian tribal gov-*
10 *ernment, for authorization to place, construct, or*
11 *modify a telecommunications service facility in or on*
12 *the infrastructure is submitted to the government or*
13 *instrumentality.*

14 (7) *EMERGENCY.*—*The term “emergency”*
15 *means—*

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

21 (B) *in the case of an emergency declared by*
22 *the Governor of a State or the Chief Executive of*
23 *an Indian tribal government, any occasion or*
24 *instance with respect to which the Governor or*
25 *Chief Executive declares that an emergency exists*

1 *(or makes a similar declaration) under State or*
2 *Tribal law (as the case may be).*

3 (8) *FEDERAL AUTHORIZATION.*—*The term “Fed-*
4 *eral authorization”*—

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

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

13 (9) *GOVERNOR.*—*The term “Governor” means*
14 *the chief executive of any State.*

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

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

22 (12) *MAJOR DISASTER.*—*The term “major dis-*
23 *aster” means—*

24 (A) *in the case of a major disaster declared*
25 *by the President, a major disaster declared by*

1 *the President under section 401 of the Robert T.*
2 *Stafford Disaster Relief and Emergency Assist-*
3 *ance Act (42 U.S.C. 5170); and*

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

11 (13) *PERSONAL WIRELESS SERVICE FACILITY.*—

12 *The term “personal wireless service facility” has the*
13 *meaning given such term in subparagraph (F) of sec-*
14 *tion 332(c)(7) of the Communications Act of 1934 (47*
15 *U.S.C. 332(c)(7)), as amended by this Act.*

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

18 *(A) means—*

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

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

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

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

6 (15) *SMALL PERSONAL WIRELESS SERVICE FA-*
7 *CILITY.—The term “small personal wireless service fa-*
8 *cility” means a personal wireless service facility in*
9 *which each antenna is not more than 3 cubic feet in*
10 *volume (excluding a wireline backhaul facility con-*
11 *nected to such personal wireless service facility).*

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

15 (17) *TELECOMMUNICATIONS SERVICE.—The term*
16 *“telecommunications service” has the meaning given*
17 *such term in section 3 of the Communications Act of*
18 *1934 (47 U.S.C. 153).*

19 (18) *TELECOMMUNICATIONS SERVICE FACIL-*
20 *ITY.—The term “telecommunications service facil-*
21 *ity”—*

22 *(A) means a facility that is designed or*
23 *used to provide or facilitate the provision of any*
24 *interstate or intrastate telecommunications serv-*
25 *ice; and*

1 (B) includes a facility described in subpara-
2 graph (A) that is used to provide other services.

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

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

19 **TITLE IV—OTHER MATTERS**

20 **SEC. 401. TIMELY CONSIDERATION OF APPLICATIONS FOR** 21 **FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND** 22 **LEASES.**

23 (a) *IN GENERAL.*—Section 6409(b)(3) of the Middle
24 Class Tax Relief and Job Creation Act of 2012 (47 U.S.C.
25 1455(b)(3)) is amended—

1 (1) *in subparagraph (A), by striking “an execu-*
2 *tive agency receives a duly filed application” and in-*
3 *serting “an application is submitted to an executive*
4 *agency”*; and

5 (2) *by adding at the end the following:*

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

12 “(F) *TOLLING DUE TO INCOMPLETENESS.—*

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

1 “(i) *SUPPLEMENTAL SUBMISSION IN-*
2 *COMPLETE.—If, not later than 10 days after*
3 *the date on which an applicant submits to*
4 *an executive agency a supplemental submis-*
5 *sion in response to a written notice de-*
6 *scribed in clause (iii), the executive agency*
7 *provides to the applicant a written notice*
8 *described in clause (iii) with respect to the*
9 *supplemental submission, the timeframe*
10 *under subparagraph (A) is further tolled*
11 *until the date on which the applicant sub-*
12 *mits to the executive agency a subsequent*
13 *supplemental submission in response to the*
14 *notice.*

15 “(iii) *WRITTEN NOTICE DESCRIBED.—*
16 *The written notice described in this clause*
17 *is, with respect to an application under*
18 *subparagraph (A) or a supplemental sub-*
19 *mission described in clause (i) or (ii) sub-*
20 *mitted to an executive agency by an appli-*
21 *cant, a written notice from the executive*
22 *agency to the applicant—*

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

1 *agency to be submitted for the applica-*
2 *tion to be considered complete has not*
3 *been submitted;*

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

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

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

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

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

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

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

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

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

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

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

5 “(iii) *calculated—*

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

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

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

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

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

1 *improvement) of such infra-*
2 *structure; and*

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

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

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

10 *“(II) the use of infrastructure on*
11 *which infrastructure for the provision*
12 *of broadband service is already located*
13 *and infrastructure on which there is no*
14 *infrastructure for the provision of*
15 *broadband service as of the date on*
16 *which the request is submitted to the*
17 *eligible entity or political subdivi-*
18 *sion.”.*

Union Calendar No. 192

118TH CONGRESS
1ST Session

H. R. 3557

[Report No. 118-240, Part I]

A BILL

To streamline Federal, State, and local permitting and regulatory reviews to expedite the deployment of communications facilities, and for other purposes.

OCTOBER 2, 2023

Reported from the Committee on Energy and Commerce
with an amendment

OCTOBER 2, 2023

Committees on Natural Resources and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed