

117TH CONGRESS
1ST SESSION

H. R. 3435

To establish a broadband expansion grant program, to streamline the permitting process for fixed and mobile broadband services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

Mrs. RODGERS of Washington (for herself and Mr. LATTA) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Agriculture, 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

A BILL

To establish a broadband expansion grant program, to streamline the permitting process for fixed and mobile broadband services, 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.**

4 This Act may be cited as the “American Broadband
5 Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
 Sec. 2. Table of contents.

TITLE I—BROADBAND EXPANSION

- Sec. 101. Broadband expansion grant program.
 Sec. 102. Mobile broadband expansion grant program.

TITLE II—BOOSTING BROADBAND CONNECTIVITY

- Sec. 201. Wireless leadership.
 Sec. 202. Broadband leadership.
 Sec. 203. Cable leadership.
 Sec. 204. Cable expansion.
 Sec. 205. Cable competition.
 Sec. 206. Cable transparency.
 Sec. 207. Communities over regulating networks need economic competition today.
 Sec. 208. Streamlining permitting to enable efficient deployment of broadband infrastructure.
 Sec. 209. Wireless broadband competition and efficient deployment.
 Sec. 210. Broadband competition and efficient deployment.
 Sec. 211. Wireless resiliency and flexible investment.
 Sec. 212. Broadband resiliency and flexible investment.
 Sec. 213. Proportional reviews for broadband deployment.
 Sec. 214. Protecting critical infrastructure.
 Sec. 215. Reducing antiquated permitting for infrastructure deployment.
 Sec. 216. Coastal broadband deployment.
 Sec. 217. Brownfields broadband deployment.
 Sec. 218. Trusted broadband networks.
 Sec. 219. Connecting communities post disaster.
 Sec. 220. Wildfire wireless resiliency.
 Sec. 221. Standard fees.
 Sec. 222. Expediting Federal broadband deployment.
 Sec. 223. Federal broadband deployment in unserved areas.
 Sec. 224. Federal broadband deployment tracking.

1 **TITLE I—BROADBAND** 2 **EXPANSION**

3 **SEC. 101. BROADBAND EXPANSION GRANT PROGRAM.**

4 (a) NOTIFICATION OF CREATION OF BROADBAND
 5 MAPS; DATA SHARING.—

6 (1) IN GENERAL.—Not later than 3 business
 7 days after creating the maps required under section
 8 802(c)(1) of the Communications Act of 1934 (47
 9 U.S.C. 642(c)(1)), the Commission shall notify the

1 Assistant Secretary that such maps have been cre-
2 ated.

3 (2) DATA SHARING.—Not less frequently than
4 annually, the Commission shall, through the process
5 established under section 802(b)(7) of the Commu-
6 nications Act of 1934 (47 U.S.C. 642(b)(7)), provide
7 the Assistant Secretary any data collected by the
8 Commission pursuant to title VIII of such Act.

9 (b) BROADBAND GRANT PROGRAM.—

10 (1) ESTABLISHMENT OF GRANT PROGRAM; NO-
11 TICE OF FUNDING OPPORTUNITY.—The Assistant
12 Secretary shall, not later than 1 year after the As-
13 sistant Secretary is notified as described in sub-
14 section (a)(1)—

15 (A) establish a program to make grants on
16 a competitive basis, from amounts made avail-
17 able to carry out this section, to covered part-
18 nerships for covered broadband projects; and

19 (B) publish a Notice of Funding Oppor-
20 tunity in the Federal Register that includes in-
21 formation about such program, including any
22 requirement established by this section.

23 (2) LIMITATION.—The Assistant Secretary may
24 not make a grant under this section before the date
25 that is 1 year after the date on which the Assistant

1 Secretary is notified as described in subsection
2 (a)(1).

3 (3) COORDINATION.—In making a grant award
4 under paragraph (1), in order to avoid overbuilding
5 in areas where Federal funds have already been
6 awarded, the Assistant Secretary shall coordinate
7 with—

8 (A) the Chairman of the Commission;

9 (B) the Secretary of Agriculture; and

10 (C) the Assistant Secretary of Commerce
11 for Economic Development.

12 (4) ELIGIBILITY REQUIREMENTS.—

13 (A) IN GENERAL.—To be eligible for a
14 grant under this section, a covered partnership
15 shall submit an application at such time, in
16 such manner, and containing such information
17 as the Assistant Secretary may require, but the
18 application shall, at a minimum, include a de-
19 scription of—

20 (i) the covered partnership submitting
21 the application under this subsection;

22 (ii) the covered broadband project to
23 be funded by the grant, including the
24 speed or speeds at which the covered part-

nership plans to offer broadband service under the project;

(iii) the cost of the covered broadband project to be funded by the grant, including—

(I) a description of how the required construction will be funded;

(II) all estimated project costs for all facilities that are required to complete the project, including the costs of upgrading, replacing, or otherwise modifying the existing facilities to expand coverage or meet performance requirements;

(III) a description of how grant funds will be used in combination with other funds to support the broadband service project;

(IV) in the case of a broadband service project that will be partially supported by loans, financial projections demonstrating that the covered partnership can cover the necessary debt service payments over the life of any loan; and

1 (V) financial projections dem-
2 onstrating that the covered partner-
3 ship will remain financially stable at
4 the conclusion of the grant award;

5 (iv) the area to be served by the cov-
6 ered broadband project (in this section re-
7 ferred to as the “proposed service area”);

8 (v) how the State, political subdivi-
9 sion, or political subdivisions in the covered
10 partnership chose which provider of
11 broadband service to enter into a partner-
12 ship with for the purposes of applying for
13 a grant under this section; and

14 (vi) any support provided to the pro-
15 vider of broadband service that is in the
16 covered partnership through—

17 (I) any grant, loan, or loan guar-
18 antee provided by a State to the pro-
19 vider of broadband service for the de-
20 ployment of broadband service in the
21 proposed service area;

22 (II) any grant, loan, or loan
23 guarantee with respect to the pro-
24 posed service area provided by the
25 Secretary of Agriculture under title

1 VI of the Rural Electrification Act of
2 1936 (7 U.S.C. 950bb et seq.), includ-
3 ing the Broadband Grants, Loans,
4 and Loan Guarantees program, the
5 Community Connect Programs, and
6 the ReConnect Pilot Program;

7 (III) any high-cost universal serv-
8 ice support provided under section
9 254 of the Communications Act of
10 1934 (47 U.S.C. 254);

11 (IV) any grant provided under
12 section 6001 of the American Recov-
13 ery and Reinvestment Act of 2009 (47
14 U.S.C. 1305);

15 (V) the Education Stabilization
16 Fund under title VIII of division B of
17 the CARES Act (Public Law 116–
18 136);

19 (VI) any grant, loan, or loan
20 guarantee provided by the Federal
21 Government for the provision of
22 broadband service; or

23 (VII) any legally enforceable
24 broadband deployment obligations to
25 which the provider of broadband serv-

1 ice is subject in the eligible service
2 area.

3 (B) REQUIREMENT TO STREAMLINE PER-
4 MITTING PROCESS.—

5 (i) IN GENERAL.—In order for a cov-
6 ered partnership to be eligible for a grant
7 under this section each covered entity may
8 only charge a fee to consider an applica-
9 tion for the placement, construction, or
10 modification of a facility for the provision
11 of broadband service, personal wireless
12 services, or telecommunications service in
13 the proposed service area or an application
14 to use a right-of-way or a facility in a
15 right-of-way owned or managed by that en-
16 tity for the placement, construction, or
17 modification of a facility for the provision
18 of any such service in the proposed service
19 area, if the fee for considering such appli-
20 cation is—

21 (I) nondiscriminatory;

22 (II) publicly disclosed; and

23 (III) based on actual and direct
24 costs, such as costs for the review and
25 processing of such applications.

1 (ii) COVERED ENTITY DEFINED.—In
2 this paragraph, the term “covered entity”
3 means—

4 (I) an entity in the partnership
5 that is a State or political subdivision
6 of a State; and

7 (II) a political subdivision in
8 which all or part of the proposed serv-
9 ice area is located.

10 (5) PRIORITY.—In awarding grants under this
11 section, the Assistant Secretary shall give priority to
12 applications for covered broadband projects as fol-
13 lows (in decreasing order of priority):

14 (A) Covered broadband projects designed
15 to provide broadband service to the greatest
16 number of households in an eligible service
17 area.

18 (B) Covered broadband projects designed
19 to provide broadband service in an eligible serv-
20 ice area that is wholly within any area other
21 than—

22 (i) a county, city, or town that has a
23 population of greater than 50,000 inhab-
24 itants; and

1 (ii) the urbanized area contiguous and
2 adjacent to such a city or town.

3 (C) Covered broadband projects that are
4 most cost-effective, prioritizing such areas that
5 are most rural.

6 (D) Covered broadband projects designed
7 to provide broadband service with a download
8 speed of at least 100 megabits per second and
9 an upload speed of at least 20 megabits per sec-
10 ond.

11 (E) Any other covered broadband project
12 that meets the requirements of this section.

13 (6) FEDERAL CONTRIBUTION.—The amount of
14 any grant provided to a covered partnership under
15 this section may not exceed 75 percent of the total
16 cost of the covered broadband project.

17 (7) GRANT CONDITIONS.—

18 (A) REQUIREMENTS.—As a condition of
19 receiving a grant under this section for a cov-
20 ered broadband project that involves placing fa-
21 cilities along a roadway, the Assistant Secretary
22 shall require the covered partnership receiving
23 the grant to include consistent access points to
24 allow access to such facilities, in accordance
25 with any best practices established by the Com-

1 mission regarding the placement of conduit ac-
2 cess points.

3 (B) PROHIBITIONS.—As a condition of re-
4 ceiving a grant under this section, the Assistant
5 Secretary shall prohibit—

6 (i) a provider of broadband service
7 that is in the covered partnership receiving
8 the grant under this section—

9 (I) from using grant amounts
10 provided under this section to repay,
11 or make any other payment relating
12 to, a loan made by any public or pri-
13 vate lender;

14 (II) from using grant amounts
15 provided under this section as collat-
16 eral for a loan made by any public or
17 private lender; and

18 (III) from using more than
19 \$75,000 of grant amounts provided
20 under this section to pay for the prep-
21 aration of an application for a grant
22 under this section; and

23 (ii) a State, or a political subdivision
24 of the State, that is in the covered partner-
25 ship receiving the grant under this section

1 from, after accepting a grant under this
2 section offering broadband service.

3 (C) NONDISCRIMINATION.—The Assistant
4 Secretary may not require a provider of
5 broadband service that is in an eligible partner-
6 ship to be designated as an eligible tele-
7 communications carrier pursuant to section
8 214(e) of the Communications Act of 1934 (47
9 U.S.C. 214(e)) to be eligible to receive a grant
10 under this section or as a condition of receiving
11 a grant under this section.

12 (8) BUILD-OUT, NOTIFICATION, AND ACCOUNT-
13 ABILITY REQUIREMENT.—

14 (A) IN GENERAL.—The Assistant Sec-
15 retary shall establish build-out, accountability,
16 and (in accordance with paragraph (8)) report-
17 ing requirements for covered partnerships that
18 receive grants under this section, including, for
19 each covered partnership that receives a grant
20 under this section, milestones for the deploy-
21 ment of broadband service under the covered
22 broadband project funded by the grant.

23 (B) NOTIFICATION TO COMMISSION.—
24 Upon establishing a build-out, accountability, or
25 reporting requirement under subparagraph (A),

1 the Assistant Secretary shall transmit to the
2 Commission a notification describing such re-
3 quirement.

4 (C) PENALTY.—If a covered partnership
5 fails to meet a build out requirement under
6 subparagraph (A), the Assistant Secretary
7 shall—

8 (i) recover any funds made available
9 to the covered partnership; and

10 (ii) assess a covered partnership (to
11 be split equally among each entity in the
12 partnership) a fine of not less than 50 per-
13 cent of the funds made available to the
14 covered partnership.

15 (9) REPORTING REQUIREMENTS.—

16 (A) IN GENERAL.—A covered partnership
17 that receives a grant under this section shall—

18 (i) semi-annually submit to the Assist-
19 ant Secretary a certification that identifies
20 the areas for which broadband service has
21 been deployed under the covered
22 broadband project funded by the grant, to
23 assess compliance with broadband build-
24 out milestones established by the Assistant

Secretary under paragraph (8) for the project; and

(ii) provide to the Assistant Secretary complete, reliable, and precise information (in a manner consistent with how information is submitted under section 802 of the Communications Act of 1934 (47 U.S.C. 642)) on each area receiving access to broadband service through the covered broadband project funded by the grant, not later than 90 days after—

(I) the date of completion of each milestone established by the Assistant Secretary under paragraph (7) for the covered broadband project; and

(II) the date of completion of the covered broadband project.

(B) PUBLICATION OF SEMI-ANNUAL CERTIFICATION.—The Assistant Secretary shall publish in the Federal Register each certification submitted under subparagraph (A)(i), except that the Assistant Secretary shall not publish any information in such certification that the Assistant Secretary determines to be confidential.

1 (C) SHARING OF INFORMATION.—Not later
2 than 30 days after receiving information under
3 subparagraph (A)(ii), the Assistant Secretary
4 shall provide such information to the Commis-
5 sion.

6 (10) TECHNICAL ASSISTANCE.—

7 (A) IN GENERAL.—The Assistant Sec-
8 retary may, at the request of a covered partner-
9 ship applying for a grant under this section,
10 provide technical assistance and training to
11 such partnership with respect to the application
12 process and the application to be submitted by
13 the partnership.

14 (B) FUNDING.—Not more than
15 \$1,000,000 of the amount made available to
16 carry out this section may be used for technical
17 assistance and training under subparagraph
18 (A).

19 (C) COORDINATION.—When providing
20 technical assistance to a covered partnership,
21 the Assistant Secretary shall coordinate with
22 any official of the State in which the political
23 subdivision or political subdivisions in the cov-
24 ered partnership are located that is responsible

1 for the expansion of broadband service in the
2 State.

3 (11) RELATION TO OTHER FEDERAL AND
4 STATE BROADBAND PROGRAMS.—

5 (A) UNIVERSAL SERVICE FUND.—Not later
6 than 5 business days after the Commission re-
7 ceives a request from the Assistant Secretary
8 for any information the Assistant Secretary de-
9 termines necessary to ensure that any grant
10 made under this section complements and is not
11 duplicative of high-cost universal service sup-
12 port provided under section 254 of the Commu-
13 nications Act of 1934 (47 U.S.C. 254), for an
14 area that includes any portion or all of the area
15 to be served by the covered broadband project
16 with respect to which the grant is made, the
17 Commission shall provide the Assistant Sec-
18 retary such information.

19 (B) RURAL UTILITIES SERVICE.—Not later
20 than 5 business days after the Secretary of Ag-
21 riculture receives a request from the Assistant
22 Secretary for any information the Assistant
23 Secretary determines necessary to ensure that
24 any grant made under this section complements
25 and is not duplicative of grants, loans, or loan

1 guarantees provided by the Secretary of Agri-
2 culture under title VI of the Rural Electrifica-
3 tion Act of 1936 (7 U.S.C. 950bb et seq.), in-
4 cluding the Broadband Grants, Loans, and
5 Loan Guarantees program and the Community
6 Connect Programs, and the ReConnect Pilot
7 Program, for an area that includes any portion
8 or all of the area to be served by the covered
9 broadband project with respect to which the
10 grant is made, the Secretary of Agriculture
11 shall provide the Assistant Secretary such infor-
12 mation.

13 (C) STATE BROADBAND GRANT PRO-
14 GRAMS.—The Assistant Secretary shall ensure
15 that any grant made under this section com-
16 plements and is not duplicative of grants, loans,
17 loan guarantees, or other support, provided by
18 a State to a provider of broadband service in
19 the covered partnership, that establishes a le-
20 gally enforceable obligation for the provider to
21 provide broadband service with a download
22 speed of at least 25 megabits per second and an
23 upload speed of at least 3 megabits per second,
24 in an area that includes any portion or all of

1 the area to be served by the covered broadband
2 project with respect to which the grant is made.

3 (12) REPORT TO CONGRESS.—The Assistant
4 Secretary shall annually submit a report to Congress
5 on the progress of the program established under
6 this section, based on the information provided by
7 covered partnerships under paragraph (8)(A)(ii),
8 until every obligation under each grant provided
9 under this section is fulfilled.

10 (13) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated to carry out
12 this section \$20,000,000,000 for fiscal year 2023
13 through fiscal year 2027, to remain available
14 through fiscal year 2027.

15 (14) CHALLENGE PROCESS.—In the Notice of
16 Funding Opportunity required to be published under
17 subsection (b)(1)(B), the Assistant Secretary shall
18 be required to establish a user-friendly challenge
19 process through which consumers, State, local, and
20 Tribal governmental entities, and other entities or
21 individuals may submit information to the Assistant
22 Secretary to challenge whether—

23 (A) with respect to an area, such area is
24 an eligible service area;

1 (B) with respect to an area, an entity al-
2 ready provides such service in the area; or,

3 (C) with respect to an area, an entity al-
4 ready has a legally enforceable obligation to
5 provide broadband service in the area at 25
6 megabits per second upload speed and 3 mega-
7 bits per second download speed.

8 (15) LIMITATION ON STATE OR POLITICAL SUB-
9 DIVISION.—

10 (A) Any entity in a covered partnership
11 that is a State or political subdivision of a State
12 may not prohibit or have the effect of prohib-
13 iting the entity in a covered partnership that is
14 a provider of fixed broadband service that is not
15 owned (in whole or in part) or controlled by the
16 State or any political subdivision of the State
17 from entering into a covered partnership on the
18 basis of requiring any obligation, requirement,
19 duty, or regulation that is inconsistent with, or
20 exceeds in a material way, any grant condition
21 required by the Assistant Secretary.

22 (B) In the case of a covered partnership
23 that receives a grant under this section, the en-
24 tity in the partnership that is a State or polit-
25 ical subdivision of a State may not impose any

obligation, requirement, duty, or regulation that is inconsistent with, or exceeds in a material way, any grant condition required by the Assistant Secretary.

(16) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to permit an entity in a covered partnership that is a State or a political subdivision of a State to own or operate any facility used to provide broadband service at the conclusion of the covered partnership.

(c) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(2) BROADBAND SERVICE.—The term “broadband service” has the meaning given the term broadband internet access service in section 8.1(b) of title 47, Code of Federal Regulations (or any successor regulation).

(3) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(4) COVERED BROADBAND PROJECT.—The term “covered broadband project” means a competitively and technologically neutral project for the deployment of fixed broadband service that provides in

1 a eligible service areas broadband service with a
2 download speed of at least 25 megabits per second,
3 an upload speed of at least 3 megabits per second,
4 and a latency sufficient to support real-time applica-
5 tions.

6 (5) COVERED PARTNERSHIP.—The term “cov-
7 ered partnership” means—

8 (A) a partnership between—

9 (i) a State, if such State does not
10 offer broadband service;

11 (ii) one or more political subdivisions
12 of the State, if such political subdivision or
13 such political subdivisions (as the case may
14 be) do not offer broadband service; and

15 (iii) a provider of fixed broadband
16 service that is not owned (in whole or in
17 part) or controlled by the State or any po-
18 litical subdivision of the State; or

19 (B) a partnership between—

20 (i) one or more political subdivisions
21 of a State, provided such political subdivi-
22 sion or political subdivisions (as the case
23 may be) does not offer broadband service;
24 and

1 (ii) a provider of fixed broadband
2 service that is not owned (in whole or in
3 part) or controlled by the State or any po-
4 litical subdivision of the State.

5 (6) ELIGIBLE SERVICE AREA.—The term “eligi-
6 ble service area” means a household or business lo-
7 cation in which broadband service at 25 megabits
8 per second upload and 3 megabits per second
9 download speed is not available, as determined by
10 the Assistant Secretary solely on the basis of the
11 maps created under section 802(c)(1) of the Com-
12 munications Act of 1934 (47 U.S.C. 642(c)(1)), ex-
13 cept for those areas that are awarded funding in the
14 Rural Digital Opportunity Fund Phase II Auction
15 (FCC 20–5) or a High Cost Program.

16 (7) HIGH COST PROGRAM.—The term “high
17 cost program” means any of the following—

18 (A) any grant, loan, or loan guarantee pro-
19 vided by a State to the provider of broadband
20 service for the deployment of broadband service
21 in the proposed service area;

22 (B) any grant, loan, or loan guarantee
23 with respect to the proposed service area pro-
24 vided by the Secretary of Agriculture under title
25 VI of the Rural Electrification Act of 1936 (7

1 U.S.C. 950bb et seq.), including the Broadband
2 Grants, Loans, and Loan Guarantees program,
3 the Community Connect Programs, and the Re-
4 Connect Pilot Program;

5 (C) any high-cost universal service support
6 provided under section 254 of the Communica-
7 tions Act of 1934 (47 U.S.C. 254);

8 (D) any grant provided under section 6001
9 of the American Recovery and Reinvestment
10 Act of 2009 (47 U.S.C. 1305);

11 (E) the Education Stabilization Fund
12 under title VIII of division B of the CARES
13 Act (Public Law 116–136); or

14 (F) any grant, loan, or loan guarantee pro-
15 vided by the Federal Government for the provi-
16 sion of broadband service.

17 (8) PERSONAL WIRELESS SERVICES.—The term
18 “personal wireless services”—

19 (A) has the meaning given such term in
20 section 332 of the Communications Act of 1934
21 (47 U.S.C. 332); and

22 (B) includes commercial mobile data serv-
23 ice (as defined in section 6001 of the Middle
24 Class Tax Relief and Job Creation Act of 2012
25 (47 U.S.C. 1401)).

1 (9) POLITICAL SUBDIVISION.—The term “polit-
2 ical subdivision” includes a city, county, wireless au-
3 thority, or planning district commission.

4 (10) STATE.—The term “State” means the 50
5 States, the District of Columbia, the territories and
6 possessions of the United States, and federally rec-
7 ognized Indian Tribes.

8 (11) TELECOMMUNICATIONS SERVICE.—The
9 term “telecommunications service” has the meaning
10 given the term in section 3 of the Communications
11 Act of 1934 (47 U.S.C. 153).

12 **SEC. 102. MOBILE BROADBAND EXPANSION GRANT PRO-**
13 **GRAM.**

14 (a) NOTIFICATION OF CREATION OF BROADBAND
15 MAPS; DATA SHARING.—

16 (1) IN GENERAL.—Not later than 3 business
17 days after creating the maps required under section
18 802(c)(1) of the Communications Act of 1934 (47
19 U.S.C. 642(c)(1)), the Commission shall notify the
20 Assistant Secretary that such maps have been cre-
21 ated.

22 (2) DATA SHARING.—Not less frequently than
23 annually, the Commission shall, through the process
24 established under section 802(b)(7) of the Commu-
25 nications Act of 1934 (47 U.S.C. 642(b)(7)), provide

1 the Assistant Secretary any data collected by the
2 Commission pursuant to title VIII of such Act.

3 (b) MOBILE BROADBAND GRANT PROGRAM.—

4 (1) ESTABLISHMENT OF GRANT PROGRAM; NO-
5 TICE OF FUNDING OPPORTUNITY.—The Assistant
6 Secretary shall, not later than 1 year after the As-
7 sistant Secretary is notified as described in sub-
8 section (a)(1)—

9 (A) establish a program to make grants on
10 a competitive basis, from amounts made avail-
11 able to carry out this section, to covered part-
12 nerships for covered mobile broadband service
13 projects; and

14 (B) publish a Notice of Funding Oppor-
15 tunity in the Federal Register that includes in-
16 formation about such program, including any
17 requirement established by this section.

18 (2) LIMITATION; COORDINATION.—

19 (A) The Assistant Secretary may not make
20 a grant under this section before the date that
21 is 1 year after the date on which the Assistant
22 Secretary is notified as described in subsection
23 (a)(1).

24 (B) In making a grant award under para-
25 graph (1), the Assistant Secretary shall coordi-

1 nate with the Chairman of the Commission in
2 order to avoid overbuilding in areas where
3 funds are made available through the 5G Fund
4 Report and Order (FCC 20–150) adopted by
5 the Commission on October 27, 2020.

6 (3) ELIGIBILITY REQUIREMENTS.—

7 (A) IN GENERAL.—To be eligible for a
8 grant under this section, a covered partnership
9 shall submit an application at such time, in
10 such manner, and containing such information
11 as the Assistant Secretary may require, but the
12 application shall, at a minimum, include a de-
13 scription of—

14 (i) the covered partnership submitting
15 the application under this paragraph;

16 (ii) the covered mobile broadband
17 service project to be funded by the grant,
18 including the speed or speeds at which the
19 covered partnership plans to offer mobile
20 broadband service under the project;

21 (iii) the cost of the covered mobile
22 broadband service project to be funded by
23 the grant, including—

24 (I) a description of how the re-
25 quired construction will be funded;

1 (II) all estimated project costs
2 for all facilities that are required to
3 complete the project, including the
4 costs of upgrading, replacing, or oth-
5 erwise modifying the existing facilities
6 to expand coverage or meet perform-
7 ance requirements;

8 (III) a description of how grant
9 funds will be used in combination with
10 other funds to support the mobile
11 broadband service project;

12 (IV) in the case of a mobile
13 broadband service project that will be
14 partially supported by loans, financial
15 projections demonstrating that the
16 covered partnership can cover the nec-
17 essary debt service payments over the
18 life of any loan; and

19 (V) financial projects dem-
20 onstrating that the covered partner-
21 ship will remain financially stable at
22 the conclusion of the grant award;

23 (iv) the area to be served by the cov-
24 ered mobile broadband service project (in

1 this subsection referred to as the “pro-
2 posed service area”);

3 (v) how the State, political subdivi-
4 sion, or political subdivisions in the covered
5 partnership chose which provider of mobile
6 broadband service to enter into a partner-
7 ship with for the purposes of applying for
8 a grant under this section; and

9 (vi) any support (other than support
10 for a wireline service) that the provider of
11 mobile broadband service that is in the
12 covered partnership has received through—

13 (I) any grant, loan, or loan guar-
14 antee provided by a State to the pro-
15 vider of mobile broadband service for
16 the deployment of mobile broadband
17 service in the proposed service area;

18 (II) any high-cost universal serv-
19 ice support provided under section
20 254 of the Communications Act of
21 1934 (47 U.S.C. 254);

22 (III) any grant provided under
23 section 6001 of the American Recov-
24 ery and Reinvestment Act of 2009 (47
25 U.S.C. 1305);

1 (IV) the Education Stabilization
2 Fund under title VIII of division B of
3 the CARES Act (Public Law 116–
4 136);

5 (V) any other grant, loan, or loan
6 guarantee provided by the Federal
7 Government for the provision of
8 broadband service; or

9 (VI) any legally enforceable mo-
10 bile broadband deployment obligations
11 to which the provider of mobile
12 broadband service is subject in the eli-
13 gible service area.

14 (B) REQUIREMENT TO STREAMLINE PER-
15 MITTING PROCESS.—

16 (i) IN GENERAL.—In order for a cov-
17 ered partnership to be eligible for a grant
18 under this section each covered entity may
19 only charge a fee to consider an applica-
20 tion for the placement, construction, or
21 modification of a facility for the provision
22 of broadband service, personal wireless
23 services, or telecommunications service in
24 the proposed service area or an application
25 to use a right-of-way or a facility in a

right-of-way owned or managed by that entity for the placement, construction, or modification of a facility for the provision of any such service in the proposed service area, if the fee for considering such application is—

(I) nondiscriminatory;

(II) publicly disclosed; and

(III) based on actual and direct costs, such as costs for the review and processing of such applications.

(ii) COVERED ENTITY DEFINED.—In this subparagraph, the term “covered entity” means—

(I) an entity in the partnership that is a State or political subdivision of a State; and

(II) a political subdivision in which all or part of the proposed service area is located.

(4) PRIORITY.—In awarding grants under this section, the Assistant Secretary shall give priority to applications for covered mobile broadband service projects as follows (in decreasing order of priority):

1 (A) Covered mobile broadband service
2 projects designed to provide mobile broadband
3 service to an eligible service in which the great-
4 est number of households in the eligible service
5 area do not have fixed broadband service with
6 a download speed of 25 megabits per second
7 and an upload speed of 3 megabits per second,
8 as determined by the Assistant Secretary on the
9 basis of the maps required under section
10 802(c)(1) of the Communications Act of 1934
11 (47 U.S.C. 642(c)(1)).

12 (B) Covered mobile broadband service
13 projects designed to provide mobile broadband
14 service in an eligible service area that is wholly
15 within any area other than—

16 (i) a county, city, or town that has a
17 population of greater than 50,000 inhab-
18 itants; and

19 (ii) the urbanized area contiguous and
20 adjacent to such a city or town.

21 (C) Covered mobile broadband service
22 projects that are most cost-effective.

23 (D) Covered mobile broadband service
24 projects that are most rural.

1 (E) Covered mobile broadband service
2 projects designed to provide 5th Generation
3 long-term evolution or future generation of
4 service that meets the standards set forth in
5 Release 15, or any successor release, of the 3rd
6 Generation Partnership Project.

7 (F) Any other covered mobile broadband
8 service project that meets the requirements of
9 this section.

10 (5) FEDERAL CONTRIBUTION.—The amount of
11 any grant provided to a covered partnership under
12 this section may not exceed 75 percent of the total
13 cost of the covered mobile broadband service project.

14 (6) GRANT CONDITIONS.—

15 (A) REQUIREMENTS.—As a condition of
16 receiving a grant under this section for a cov-
17 ered mobile broadband service project, a cov-
18 ered partnership shall provide mobile broadband
19 service under the project using the facilities of
20 the provider of mobile broadband service in the
21 covered partnership and not exclusively through
22 the resale of the service of another provider of
23 personal wireless services.

1 (B) PROHIBITIONS.—As a condition of re-
2 ceiving a grant under this section, the Assistant
3 Secretary shall prohibit—

4 (i) a provider of mobile broadband
5 service that is in the covered partnership
6 receiving the grant under this section—

7 (I) from using grant amounts
8 provided under this section to repay,
9 or make any other payment relating
10 to, a loan made by any public or pri-
11 vate lender;

12 (II) from using grant amounts
13 provided under this section as collat-
14 eral for a loan made by any public or
15 private lender; and

16 (III) from using more than
17 \$75,000 of grant amounts provided
18 under this section to pay for the prep-
19 aration of an application for a grant
20 under this section; and

21 (ii) a State, or a political subdivision
22 of a State, that is in the covered partner-
23 ship receiving the grant under this section,
24 after accepting a grant under this section
25 from offering mobile broadband service.

1 (C) NONDISCRIMINATION.—The Assistant
2 Secretary may not require a provider of mobile
3 broadband service that is in an eligible partner-
4 ship to be designated as an eligible tele-
5 communications carrier pursuant to section
6 214(e) of the Communications Act of 1934 (47
7 U.S.C. 214(e)) for the covered partnership to
8 be eligible to receive a grant under this section
9 or as a condition of the covered partnership re-
10 ceiving a grant under this section.

11 (D) COLLOCATION.—A covered entity (as
12 defined in paragraph (3)(B)(ii)) may not pro-
13 hibit or have the effect of prohibiting the col-
14 location of personal wireless service facilities at
15 any site at which the covered partnership has
16 deployed a personal wireless service facility in
17 connection with a grant made available in this
18 section.

19 (7) BUILD-OUT, NOTIFICATION, AND ACCOUNT-
20 ABILITY REQUIREMENT.—

21 (A) IN GENERAL.—The Assistant Sec-
22 retary shall establish build-out, accountability,
23 and (in accordance with paragraph (8)) report-
24 ing requirements for covered partnerships that
25 receive grants under this section, including, for

1 each covered partnership that receives a grant
2 under this section, milestones for the deploy-
3 ment of mobile broadband service under the
4 covered mobile broadband service project fund-
5 ed by the grant.

6 (B) NOTIFICATION TO COMMISSION.—

7 Upon establishing a build-out, accountability, or
8 reporting requirement under subparagraph (A),
9 the Assistant Secretary shall transmit to the
10 Commission a notification describing such re-
11 quirement.

12 (C) PENALTY.—If a covered partnership
13 fails to meet a build out requirement under
14 subparagraph (A), the Assistant Secretary
15 shall—

16 (i) recover any funds made available
17 to the covered partnership; and

18 (ii) assess a covered partnership (to
19 be split equally among each entity in the
20 partnership) a fine of not less than 50 per-
21 cent of the funds made available to the
22 covered partnership.

23 (8) REPORTING REQUIREMENTS.—

24 (A) IN GENERAL.—A covered partnership
25 that receives a grant under this section shall—

1 (i) semi-annually submit to the Assist-
2 ant Secretary a certification that identifies
3 the areas for which mobile broadband serv-
4 ice have been deployed under the covered
5 mobile broadband service project funded by
6 the grant, to assess compliance with mobile
7 broadband service build-out milestones es-
8 tablished by the Assistant Secretary under
9 paragraph (7) for the project; and

10 (ii) provide to the Assistant Secretary
11 complete, reliable, and precise information
12 (in a manner consistent with how informa-
13 tion is submitted under section 802 of the
14 Communications Act of 1934 (47 U.S.C.
15 642)) on each area receiving access to mo-
16 bile broadband service through the covered
17 mobile broadband service project funded by
18 the grant, not later than 90 days after—

19 (I) the date of completion of each
20 milestone established by the Assistant
21 Secretary under paragraph (6) for the
22 covered mobile broadband service
23 project; and

1 (II) the date of completion of the
2 covered mobile broadband service
3 project.

4 (B) PUBLICATION OF SEMI-ANNUAL CER-
5 TIFICATION.—The Assistant Secretary shall
6 publish in the Federal Register each certifi-
7 cation submitted under subparagraph (A)(i),
8 except that the Assistant Secretary shall not
9 publish any information in such certification
10 that the Assistant Secretary determines to be
11 confidential.

12 (C) SHARING OF INFORMATION.—Not later
13 than 30 days after receiving information under
14 subparagraph (A)(ii), the Assistant Secretary
15 shall provide such information to the Commis-
16 sion.

17 (9) TECHNICAL ASSISTANCE.—

18 (A) IN GENERAL.—The Assistant Sec-
19 retary may, at the request of a covered partner-
20 ship applying for a grant under this section,
21 provide technical assistance and training to
22 such partnership with respect to the application
23 process and the application to be submitted by
24 the partnership.

1 (B) FUNDING.—Not more than
2 \$1,000,000 of the amount made available to
3 carry out this section may be used for technical
4 assistance and training under subparagraph
5 (A).

6 (C) COORDINATION.—When providing
7 technical assistance to a covered partnership,
8 the Assistant Secretary shall coordinate with
9 any official of the State in which the political
10 subdivision or political subdivisions in the cov-
11 ered partnership are located that is responsible
12 for the expansion of personal wireless services
13 in the State.

14 (10) RELATION TO OTHER FEDERAL AND
15 STATE BROADBAND PROGRAMS.—

16 (A) UNIVERSAL SERVICE FUND.—Not later
17 than 5 business days after the Commission re-
18 ceives a request from the Assistant Secretary
19 for any information the Assistant Secretary de-
20 termines necessary to ensure that any grant
21 made under this section complements and is not
22 duplicative of high-cost universal service sup-
23 port provided under section 254 of the Commu-
24 nications Act of 1934 (47 U.S.C. 254), for an
25 area that includes any portion or all of the area

1 to be served by the covered mobile broadband
2 service project with respect to which the grant
3 is made, the Commission shall provide the As-
4 sistant Secretary such information.

5 (B) STATE BROADBAND GRANT PRO-
6 GRAMS.—The Assistant Secretary shall ensure
7 that any grant made under this section com-
8 plements and is not duplicative of grants, loans,
9 loan guarantees, or other support, provided by
10 a State to a provider of mobile broadband serv-
11 ice in the covered partnership, that establishes
12 a legally enforceable obligation for the provider
13 to provide broadband service with a download
14 speed of at least 25 megabits per second and an
15 upload speed of at least 3 megabits per second,
16 in an area that includes any portion or all of
17 the area to be served by the covered mobile
18 broadband service project with respect to which
19 the grant is made.

20 (11) CHALLENGE PROCESS.—In the Notice of
21 Funding Opportunity required to be published under
22 subsection (b)(1)(B), the Assistant Secretary shall
23 be required to establish a user-friendly challenge
24 process through which consumers, State, local, and
25 Tribal governmental entities, and other entities or

1 individuals may submit information to the Assistant
2 Secretary to challenge whether—

3 (A) with respect to an area, such area is
4 an eligible service area;

5 (B) with respect to an area, an entity al-
6 ready provides such service in the area; or

7 (C) with respect to an area, an entity al-
8 ready has a legally enforceable obligation to
9 provide mobile broadband service in the area.

10 (12) LIMITATION ON STATE OR POLITICAL SUB-
11 DIVISION.—

12 (A) Any entity in a covered partnership
13 that is a State or political subdivision of a State
14 may not prohibit or have the effect of prohib-
15 iting the entity in a covered partnership that is
16 a provider of mobile broadband service that is
17 not owned (in whole or in part) or controlled by
18 the State or any political subdivision of the
19 State from entering into a covered partnership
20 on the basis of requiring any obligation, re-
21 quirement, duty, or regulation that is incon-
22 sistent with, or exceeds in a material way, any
23 grant condition required by the Assistant Sec-
24 retary.

1 (B) In the case of a covered partnership
2 that receives a grant under this section, the en-
3 tity in the partnership that is a State or polit-
4 ical subdivision of a State may not impose any
5 obligation, requirement, duty, or regulation that
6 is inconsistent with, or exceeds in a material
7 way, any grant condition required by the Assist-
8 ant Secretary.

9 (13) RULE OF CONSTRUCTION.—Nothing in
10 this Act shall be construed to permit an entity in a
11 covered partnership that is a State or a unit of local
12 government to own or operate any facility used to
13 provide mobile broadband service at the conclusion
14 of the covered partnership.

15 (14) REPORT TO CONGRESS.—The Assistant
16 Secretary shall annually submit a report to Congress
17 on the progress of the program established under
18 this section, based on the information provided by
19 covered partnerships under paragraph (8)(A)(ii),
20 until every obligation under each grant provided
21 under this section is fulfilled.

22 (15) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to carry out
24 this section \$3,000,000,000 for fiscal year 2023

1 through fiscal year 2027, to remain available
2 through fiscal year 2027.

3 (c) DEFINITIONS.—In this section:

4 (1) ASSISTANT SECRETARY.—The term “Assist-
5 ant Secretary” means the Assistant Secretary of
6 Commerce for Communications and Information.

7 (2) BROADBAND SERVICE.—The term
8 “broadband service” has the meaning given the term
9 broadband internet access service in section 8.1(b)
10 of title 47, Code of Federal Regulations (or any suc-
11 cessor regulation).

12 (3) CELL EDGE PROBABILITY; CELL LOAD-
13 ING.—The terms “cell edge probability” and “cell
14 loading” have the meaning given those terms in sec-
15 tion 801 of the Communications Act of 1934 (47
16 U.S.C. 641).

17 (4) COMMISSION.—The term “Commission”
18 means the Federal Communications Commission.

19 (5) COVERED MOBILE BROADBAND SERVICE
20 PROJECT.—The term “covered mobile broadband
21 service project” means a competitively and techno-
22 logically neutral project for the deployment of mobile
23 broadband service in an eligible service area.

24 (6) COVERED PARTNERSHIP.—The term “cov-
25 ered partnership” means—

1 (A) a partnership between—

2 (i) a State, if such State does not
3 offer personal wireless services;

4 (ii) one or more political subdivisions
5 of the State, if such political subdivision or
6 such political subdivisions (as the case may
7 be) do not offer mobile broadband service;
8 and

9 (iii) a provider of mobile broadband
10 service that is not owned (in whole or in
11 part) or controlled by the State or any po-
12 litical subdivision of the State; or

13 (B) a partnership between—

14 (i) one or more political subdivisions
15 of a State, provided such political subdivi-
16 sion or political subdivisions (as the case
17 may be) does not offer mobile broadband
18 service; and

19 (ii) a provider of mobile broadband
20 service that is not owned (in whole or in
21 part) or controlled by the State or any po-
22 litical subdivision of the State.

23 (7) ELIGIBLE SERVICE AREA.—The term “eligi-
24 ble service area” means an area not smaller than a
25 census block in which mobile broadband service is

1 not available, as determined by the Assistant Sec-
2 retary solely on the basis of the maps created under
3 section 802(c)(1) of the Communications Act of
4 1934 (47 U.S.C. 642(c)(1)), except such areas that
5 are eligible for support or are awarded support
6 under the 5G Fund Report and Order (FCC 20–
7 150) adopted by the Commission on October 27,
8 2020.

9 (8) MOBILE BROADBAND SERVICE.—The term
10 “mobile broadband service” means 4th Generation
11 long-term evolution service, 5th Generation long-
12 term evolution service, or future generation of serv-
13 ice that meets the standards set forth in Release 10,
14 or any successor release, of the 3rd Generation Part-
15 nership Project.

16 (9) PERSONAL WIRELESS SERVICES.—The term
17 “personal wireless services”—

18 (A) has the meaning given such term in
19 section 332 of the Communications Act of 1934
20 (47 U.S.C. 332); and

21 (B) includes commercial mobile data serv-
22 ice (as defined in section 6001 of the Middle
23 Class Tax Relief and Job Creation Act of 2012
24 (47 U.S.C. 1401)).

1 (10) PERSONAL WIRELESS SERVICE FACIL-
 2 ITY.—The term “personal wireless service facility”
 3 means a facility for the provision of personal wire-
 4 less service.

5 (11) POLITICAL SUBDIVISION.—The term “po-
 6 litical subdivision” includes a city, county, wireless
 7 authority, or planning district commission.

8 (12) STATE.—The term “State” means the 50
 9 States, the District of Columbia, the territories and
 10 possessions of the United States, and federally rec-
 11 ognized Indian Tribes.

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

16 **TITLE II—BOOSTING** 17 **BROADBAND CONNECTIVITY**

18 **SEC. 201. WIRELESS LEADERSHIP.**

19 Section 332(c) of the Communications Act of 1934
 20 (47 U.S.C. 332(c)) is amended by striking paragraph (7)
 21 and inserting the following:

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

24 “(A) GENERAL AUTHORITY.—Except as
 25 provided in this paragraph, nothing in this Act

1 shall limit or affect the authority of a State or
2 local government or instrumentality thereof over
3 decisions regarding the placement, construction,
4 and modification of personal wireless service fa-
5 cilities.

6 “(B) LIMITATIONS.—

7 “(i) IN GENERAL.—The regulation of
8 the placement, construction, or modifica-
9 tion of a personal wireless service facility
10 by any State or local government or instru-
11 mentality thereof—

12 “(I) shall not unreasonably dis-
13 criminate among providers of the
14 same service, including by providing
15 exclusive or preferential use of facili-
16 ties to a particular provider or class of
17 providers of personal wireless service;
18 and

19 “(II) shall not prohibit or have
20 the effect of prohibiting the provision
21 or enhancement of personal wireless
22 service.

23 “(ii) ENGINEERING STANDARDS; AES-
24 THETIC REQUIREMENTS.—It is not a viola-
25 tion of clause (i) for a State or local gov-

ernment or instrumentality thereof to establish for small personal wireless service facilities objective, reasonable, and non-discriminatory—

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

“(II) safety requirements; or

“(III) aesthetic or concealment requirements.

“(iii) TIMEFRAMES.—

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

“(aa) in the case of a personal wireless service facility that is not a small personal wireless service facility—

“(AA) if the request is for authorization to place, construct, or modify such facility on an eligible support

1 structure, including in an
2 area that has not previously
3 been zoned for personal
4 wireless service facilities
5 (other than small personal
6 wireless service facilities), 90
7 days after the date on which
8 the complete request is re-
9 ceived by the government or
10 instrumentality; or

11 “(BB) if the request is
12 for any other action relating
13 to such facility, 150 days
14 after the date on which the
15 complete request is received
16 by the government or instru-
17 mentality; and

18 “(bb) in the case of a small
19 personal wireless service facil-
20 ity—

21 “(AA) if the request is
22 for authorization to place,
23 construct, or modify such fa-
24 cility on an eligible support
25 structure, including in an

1 area that has not previously
2 been zoned for personal
3 wireless service facilities, 60
4 days after the date on which
5 the complete request is re-
6 ceived by the government or
7 instrumentality; or

8 “(BB) if the request is
9 for any other action relating
10 to such facility, 90 days
11 after the date on which the
12 complete request is received
13 by the government or instru-
14 mentality.

15 “(II) TREATMENT OF BATCHED
16 REQUESTS.—In the case of complete
17 requests described in subclause (I)
18 that are submitted as part of a single
19 batch and received by the government
20 or instrumentality on the same day,
21 the applicable timeframe under such
22 subclause for each request in the
23 batch shall be the longest timeframe
24 under such subclause that would be
25 applicable to any request in the batch

1 if such requests were submitted sepa-
2 rately.

3 “(III) APPLICABILITY.—The ap-
4 plicable timeframe under subclause (I)
5 shall apply collectively to all pro-
6 ceedings required by a State or local
7 government or instrumentality thereof
8 for the approval of the request.

9 “(IV) NO TOLLING.—A time-
10 frame under subclause (I) may not be
11 tolled by any moratorium, whether ex-
12 press or de facto, imposed by a State
13 or local government or instrumentality
14 thereof on the consideration of any re-
15 quest for authorization to place, con-
16 struct, or modify a personal wireless
17 service facility.

18 “(V) TEMPORARY WAIVER.—The
19 Commission may temporarily waive
20 the applicability of subclause (I) for
21 not longer than a single 30-day period
22 for any complete request upon a dem-
23 onstration by a State or local govern-
24 ment or instrumentality thereof that
25 the waiver would be consistent with

1 the public interest, convenience, and
2 necessity.

3 “(iv) DEEMED GRANTED.—

4 “(I) IN GENERAL.—If a State or
5 local government or instrumentality
6 thereof has neither granted nor denied
7 a complete request within the applica-
8 ble timeframe under subclause (I) of
9 clause (iii), including any temporary
10 waiver granted under subclause (V) of
11 such clause, the request shall be
12 deemed granted on the date on which
13 the government or instrumentality re-
14 ceives a written notice of the failure
15 from the requesting party.

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

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

7 “(I) in writing; and

8 “(II) supported by substantial
9 evidence contained in a written
10 record.

11 “(vi) ENVIRONMENTAL EFFECTS OF
12 RADIO FREQUENCY EMISSIONS.—No State
13 or local government or instrumentality
14 thereof may regulate the placement, con-
15 struction, or modification of personal wire-
16 less service facilities on the basis of the en-
17 vironmental effects of radio frequency
18 emissions to the extent that such facilities
19 comply with the Commission’s regulations
20 concerning such emissions.

21 “(vii) FEES.—Notwithstanding any
22 other provision of law, a State or local gov-
23 ernment or instrumentality thereof may
24 charge a fee to consider a request for au-
25 thorization to place, construct, or modify a

1 personal wireless service facility, or a fee
2 for use of a right-of-way or a facility in a
3 right-of-way owned or managed by the gov-
4 ernment or instrumentality for the place-
5 ment, construction, or modification of a
6 personal wireless service facility, if the fee
7 is—

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

11 “(II) publicly disclosed;

12 “(III) calculated—

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

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

17 “(BB) repairs and re-
18 placement of components
19 and materials resulting from
20 and affected by the installa-
21 tion or improvement of per-
22 sonal wireless service facili-
23 ties, or repairs and replace-
24 ment of equipment that fa-
25 cilitates the installation or

1 improvement of such facili-
2 ties; and

3 “(bb) using, for purposes of
4 item (aa), only costs that are ob-
5 jectively reasonable; and

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

9 “(aa) nonrecurring fees and
10 recurring fees; and

11 “(bb) the use of facilities on
12 which personal wireless service
13 facilities are already located and
14 those on which there are no per-
15 sonal wireless service facilities as
16 of the date on which the complete
17 request is received by the govern-
18 ment or instrumentality.

19 “(C) JUDICIAL AND ADMINISTRATIVE RE-
20 VIEW.—

21 “(i) JUDICIAL REVIEW.—Any person
22 adversely affected by any final action or
23 failure to act by a State or local govern-
24 ment or any instrumentality thereof that is
25 inconsistent with this paragraph may,

1 within 30 days after the action or failure
2 to act, commence an action in any court of
3 competent jurisdiction, which shall hear
4 and decide the action on an expedited
5 basis.

6 “(ii) ADMINISTRATIVE REVIEW.—

7 “(I) IN GENERAL.—Any person
8 adversely affected by any final action
9 or failure to act by a State or local
10 government or any instrumentality
11 thereof that is inconsistent with this
12 paragraph may petition the Commis-
13 sion to order the government or in-
14 strumentality to reconsider the action
15 or failure to act.

16 “(II) PUBLIC NOTICE AND COM-
17 MENT; TIMING.—Not later than 60
18 days after receiving a petition under
19 subclause (I), the Commission shall—

20 “(aa) provide public notice
21 of, and an opportunity for public
22 comment on, such petition; and

23 “(bb) grant or deny such pe-
24 tition.

1 “(D) WHEN REQUEST CONSIDERED COM-
2 plete; RECEIVED.—

3 “(i) WHEN REQUEST CONSIDERED
4 COMPLETE.—

5 “(I) IN GENERAL.—For the pur-
6 poses of this paragraph, a request to
7 a State or local government or instru-
8 mentality thereof shall be considered
9 complete if the requesting party has
10 not received a written notice from the
11 government or instrumentality within
12 10 business days after the date on
13 which the request is received by the
14 government or instrumentality—

15 “(aa) stating that all the in-
16 formation (including any form or
17 other document) required by the
18 government or instrumentality to
19 be submitted for the request to
20 be considered complete has not
21 been submitted; and

22 “(bb) identifying the infor-
23 mation required to be submitted
24 that was not submitted.

1 “(II) DEFINITION.—In this
2 clause, the term ‘received by the gov-
3 ernment or instrumentality’ means—

4 “(aa) in the case of a re-
5 quest submitted electronically, on
6 the date on which the request is
7 transmitted;

8 “(bb) in the case of a re-
9 quest submitted in person, on the
10 date on which the request is de-
11 livered to the individual or at the
12 location specified by the govern-
13 ment or instrumentality for in-
14 person submission; and

15 “(cc) in the case of a re-
16 quest submitted in any other
17 manner, on the date determined
18 under regulations promulgated by
19 the Commission for the manner
20 in which the request is sub-
21 mitted.

22 “(ii) WHEN COMPLETE REQUEST CON-
23 SIDERED RECEIVED.—For the purposes of
24 this paragraph, a complete request shall be
25 considered received on the date on which

1 the requesting party submits to the gov-
2 ernment or instrumentality all information
3 (including any form or other document) re-
4 quired by the government or instrumen-
5 tality to be submitted for the request to be
6 considered complete.

7 “(E) DEFINITIONS.—In this paragraph:

8 “(i) ANTENNA.—The term ‘antenna’
9 means an apparatus designed for the pur-
10 pose of emitting radiofrequency radiation,
11 to be operated or operating from a fixed
12 location for the transmission of writing,
13 signs, signals, data, images, pictures, and
14 sounds of all kinds.

15 “(ii) COMMUNICATIONS NETWORK.—
16 The term ‘communications network’ means
17 a network used to provide a communica-
18 tions service.

19 “(iii) COMMUNICATIONS SERVICE.—
20 The term ‘communications service’
21 means—

22 “(I) cable service, as defined in
23 section 602;

24 “(II) information service;

1 “(III) telecommunications serv-
2 ice; and

3 “(IV) personal wireless service.

4 “(iv) ELIGIBLE SUPPORT STRUC-
5 TURE.—The term ‘eligible support struc-
6 ture’ means a tower, base station, or other
7 structure that supports a personal wireless
8 service facility at the time when a complete
9 request to a State or local government or
10 instrumentality thereof for authorization to
11 place, construct, or modify a personal wire-
12 less service facility on the structure is re-
13 ceived by the government or instrumen-
14 tality.

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

22 “(vi) NETWORK INTERFACE DE-
23 VICE.—The term ‘network interface device’
24 means a telecommunications demarcation
25 device and cross-connect point that—

1 “(I) is adjacent or proximate
2 to—

3 “(aa) a small personal wire-
4 less service facility; or

5 “(bb) a structure supporting
6 a small personal wireless service
7 facility; and

8 “(II) demarcates the boundary
9 with any wireline backhaul facility.

10 “(vii) PERSONAL WIRELESS SERV-
11 ICE.—The term ‘personal wireless service’
12 means—

13 “(I) commercial mobile service;

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

19 “(III) unlicensed wireless service;
20 and

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

23 “(viii) PERSONAL WIRELESS SERVICE
24 FACILITY.—The term ‘personal wireless

1 service facility’ means a facility for the
2 provision of personal wireless service.

3 “(ix) SMALL PERSONAL WIRELESS
4 SERVICE FACILITY.—The term ‘small per-
5 sonal wireless service facility’—

6 “(I) means a personal wireless
7 service facility in which each antenna
8 is not more than 3 cubic feet in vol-
9 ume; and

10 “(II) does not include a wireline
11 backhaul facility.

12 “(x) UNLICENSED WIRELESS SERV-
13 ICE.—The term ‘unlicensed wireless serv-
14 ice’—

15 “(I) means the offering of tele-
16 communications service using a duly
17 authorized device that does not re-
18 quire an individual license; and

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

22 “(xi) WIRELINE BACKHAUL FACIL-
23 ITY.—The term ‘wireline backhaul facility’
24 means an above-ground or underground
25 wireline facility used to transport commu-

1 communications service or other electronic com-
 2 munications from a small personal wireless
 3 service facility or the adjacent network
 4 interface device of such facility to a com-
 5 munications network.”.

6 **SEC. 202. BROADBAND LEADERSHIP.**

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

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

10 “(a) IN GENERAL.—No State or local statute or reg-
 11 ulation, or other State or local legal requirement, may pro-
 12 hibit or have the effect of prohibiting the ability of any
 13 entity to provide or enhance any interstate or intrastate
 14 telecommunications service.

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

17 “(1) PROHIBITION ON UNREASONABLE DIS-
 18 CRIMINATION AMONG PROVIDERS OF FUNCTIONALLY
 19 EQUIVALENT SERVICES.—The regulation of the
 20 placement, construction, or modification of a tele-
 21 communications service facility by any State or local
 22 government or instrumentality thereof shall not un-
 23 reasonably discriminate among providers of function-
 24 ally equivalent services.

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

3 “(A) IN GENERAL.—A State or local gov-
4 ernment or instrumentality thereof shall grant
5 or deny a complete request for authorization to
6 place, construct, or modify a telecommuni-
7 cations service facility not later than—

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

14 “(ii) for any other action relating to
15 such facility, 150 days after the date on
16 which the complete request is received by
17 the government or instrumentality.

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

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

posed by a State or local government or instrumentality thereof on the consideration of any request for authorization to place, construct, or modify a telecommunications service facility.

“(D) TEMPORARY WAIVER.—The Commission may temporarily waive the applicability of subparagraph (A) for not longer than a single 30-day period for any complete request upon a demonstration by a State or local government or instrumentality thereof that the waiver would be consistent with the public interest, convenience, and necessity.

“(3) DEEMED GRANTED.—

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

“(B) RULE OF CONSTRUCTION.—In the case of a request that is deemed granted under subparagraph (A), the placement, construction, or modification requested in such request shall

1 be considered to be authorized, without any fur-
2 ther action by the government or instrumen-
3 tality, beginning on the date on which such re-
4 quest is deemed granted under such subpara-
5 graph.

6 “(4) WRITTEN DECISION AND RECORD.—Any
7 decision by a State or local government or instru-
8 mentality thereof to deny a request to place, con-
9 struct, or modify a telecommunications service facil-
10 ity shall be—

11 “(A) in writing; and

12 “(B) supported by substantial evidence
13 contained in a written record.

14 “(5) FEES.—

15 “(A) IN GENERAL.—Notwithstanding any
16 other provision of law, a State or local govern-
17 ment or instrumentality thereof may charge a
18 fee that meets the requirements under subpara-
19 graph (B)—

20 “(i) to consider a request for author-
21 ization to place, construct, or modify a
22 telecommunications 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 modifica-
2 tion of a telecommunications service facil-
3 ity.

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

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

8 “(ii) publicly disclosed;

9 “(iii) calculated—

10 “(I) based on actual and direct
11 costs, such as 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 resulting from and
18 affected by the installation
19 or improvement of tele-
20 communications service fa-
21 cilities; or

22 “(BB) equipment that
23 facilitates the installation or
24 improvement of such facili-
25 ties; and

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

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

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

8 “(II) the use of facilities on
9 which telecommunications service fa-
10 cilities are already located and those
11 on which there are no telecommuni-
12 cations service facilities as of the date
13 on which the complete request is re-
14 ceived by the government or instru-
15 mentality.

16 “(c) JUDICIAL REVIEW.—

17 “(1) IN GENERAL.—Any person adversely af-
18 fected by a final action or failure to act by a State
19 or local government or instrumentality thereof that
20 is inconsistent with this section may, not later than
21 30 days after the action or failure to act, commence
22 an action in any court of competent jurisdiction.

23 “(2) TIMING.—A court shall hear and decide an
24 action described in paragraph (1) on an expedited
25 basis.

1 “(d) PRESERVATION OF STATE REGULATORY AU-
2 THORITY.—Nothing in this section shall affect the ability
3 of a 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
7 continued quality of telecommunications services, and
8 safeguard the rights of consumers.

9 “(e) PRESERVATION OF STATE AND LOCAL GOVERN-
10 MENT AUTHORITY.—Nothing in this section affects the
11 authority of a State or local government or instrumen-
12 tality thereof to manage the public rights-of-way or to re-
13 quire fair and reasonable compensation from telecommuni-
14 cations providers, on a competitively neutral and non-
15 discriminatory basis, for use of public rights-of-way on a
16 competitively neutral and nondiscriminatory basis, if the
17 compensation required meets the requirements of sub-
18 section (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 instru-
23 mentality thereof has permitted or imposed any stat-
24 ute, regulation, or legal requirement that violates or
25 is inconsistent with this section, the Commission

1 shall preempt the enforcement of such statute, regu-
2 lation, or legal requirement to the extent necessary
3 to correct such violation or inconsistency.

4 “(2) TIMING.—Not later than 60 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
8 grant or deny the petition.

9 “(g) COMMERCIAL MOBILE SERVICE PROVIDERS.—
10 Nothing in this section shall affect the application of sec-
11 tion 332(c)(3) to commercial mobile service providers.

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

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

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

3 “(i) WHEN REQUEST CONSIDERED COMPLETE; RE-
4 CEIVED.—

5 “(1) WHEN REQUEST CONSIDERED COM-
6 PLETE.—

7 “(A) IN GENERAL.—For the purposes of
8 this section, a request to a State or local gov-
9 ernment or instrumentality thereof shall be con-
10 sidered complete if the requesting party has not
11 received a written notice from the government
12 or instrumentality within 10 business days after
13 the date on which the request is received by the
14 government or instrumentality—

15 “(i) stating that all the information
16 (including any form or other document) re-
17 quired by the government or instrumen-
18 tality to be submitted for the request to be
19 considered complete has not been sub-
20 mitted; and

21 “(ii) identifying the information re-
22 quired to be submitted that was not sub-
23 mitted.

1 “(B) DEFINITION.—In this paragraph, the
2 term ‘received by the government or instrumen-
3 tality’ means—

4 “(i) in the case of a request submitted
5 electronically, on the date on which the re-
6 quest is transmitted;

7 “(ii) in the case of a request sub-
8 mitted in person, on the date on which the
9 request is delivered to the individual or at
10 the location specified by the government or
11 instrumentality for in-person submission;
12 and

13 “(iii) in the case of a request sub-
14 mitted in any other manner, on the date
15 determined under regulations promulgated
16 by the Commission for the manner in
17 which the request is submitted.

18 “(2) WHEN COMPLETE REQUEST CONSIDERED
19 RECEIVED.—For the purposes of this section, a com-
20 plete request shall be considered received on the date
21 on which the requesting party submits to the govern-
22 ment or instrumentality all information (including
23 any form or other document) required by the govern-
24 ment or instrumentality to be submitted for the re-
25 quest to be considered complete.

1 “(j) DEFINITIONS.—In this section:

2 “(1) ELIGIBLE SUPPORT INFRASTRUCTURE.—

3 The term ‘eligible support infrastructure’ means in-
 4 frastructure that supports or houses a facility for
 5 communication by wire (or is designed to and capa-
 6 ble of supporting or housing such a facility) at the
 7 time when a complete request to a State or local
 8 government or instrumentality thereof for authoriza-
 9 tion to place, construct, or modify a telecommuni-
 10 cations service facility in or on the infrastructure is
 11 received by the government or instrumentality.

12 “(2) TELECOMMUNICATIONS SERVICE FACIL-
 13 ITY.—The term ‘telecommunications service facility’
 14 means a facility for the provision of any interstate
 15 or intrastate telecommunications service.”.

16 **SEC. 203. CABLE LEADERSHIP.**

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

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

22 “(1) IN GENERAL.—Not later than 120 days
 23 after the date on which a franchising authority re-
 24 ceives a complete request for the grant of a fran-

1 chise (other than a renewal thereof), the franchising
2 authority shall approve or deny such request.

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

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

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

19 “(5) WRITTEN DECISION AND RECORD.—Any
20 decision by a franchising authority to deny a com-
21 plete request for a franchise shall be—

22 “(A) in writing;

23 “(B) supported by substantial evidence
24 contained in a written record; and

1 “(C) publicly released, contemporaneously
2 with the decision.

3 “(6) WHEN REQUEST CONSIDERED COMPLETE;
4 RECEIVED.—

5 “(A) WHEN REQUEST CONSIDERED COM-
6 plete.—

7 “(i) IN GENERAL.—For the purposes
8 of this subsection, a request to a fran-
9 chising authority shall be considered com-
10 plete if the requesting party has not re-
11 ceived a written notice from the fran-
12 chising authority within 10 business days
13 after the date on which the request is re-
14 ceived by the franchising authority—

15 “(I) stating that all the informa-
16 tion (including any form or other doc-
17 ument) required by the franchising
18 authority to be submitted for the re-
19 quest to be considered complete has
20 not been submitted; and

21 “(II) identifying the information
22 required to be submitted that was not
23 submitted.

1 “(ii) DEFINITION.—In this paragraph,
2 the term ‘received by the franchising au-
3 thority’ means—

4 “(I) in the case of a request sub-
5 mitted electronically, on the date on
6 which the request is transmitted;

7 “(II) in the case of a request
8 submitted in person, on the date on
9 which the request is delivered to the
10 individual or at the location specified
11 by franchising authority for in-person
12 submission; and

13 “(III) in the case of a request
14 submitted in any other manner, on
15 the date determined under regulations
16 promulgated by the Commission for
17 the manner in which the request is
18 submitted.

19 “(B) WHEN COMPLETE REQUEST CONSID-
20 ERED RECEIVED.—For the purposes of this
21 subsection, a complete request shall be consid-
22 ered received on the date on which the request-
23 ing party submits to the franchising authority
24 all information (including any form or other
25 document) required by the franchising authority

1 to be submitted for the request to be considered
2 complete.”.

3 **SEC. 204. CABLE EXPANSION.**

4 Section 624 of the Communications Act of 1934 (47
5 U.S.C. 544) is amended by adding at the end the fol-
6 lowing:

7 “(j) REQUEST REGARDING PLACEMENT, CONSTRUC-
8 TION, OR MODIFICATION OF CERTAIN FACILITIES.—

9 “(1) NO AFFECT ON AUTHORITY OF FRAN-
10 CHISING AUTHORITY.—Except as provided in para-
11 graph (2), and notwithstanding any other provision
12 of this section, nothing in this title shall limit or af-
13 fect the authority of a franchising authority over de-
14 cisions regarding the placement, construction, and
15 modification of a covered facility within the jurisdic-
16 tion of such franchising authority.

17 “(2) LIMITATIONS.—

18 “(A) ABILITY TO PROVIDE OR ENHANCE
19 CABLE SERVICE.—The regulation of the place-
20 ment, construction, or modification of a covered
21 facility by a franchising authority shall not pro-
22 hibit or have the effect of prohibiting the ability
23 of a cable operator to provide cable service, or
24 enhance cable service provided, under a fran-
25 chise granted by such franchising authority.

1 “(B) TIMING OF DECISIONS ON REQUESTS
2 FOR AUTHORIZATIONS TO PLACE, CONSTRUCT,
3 OR MODIFY FACILITY.—

4 “(i) REQUEST FOR AUTHORIZATION
5 TO PLACE, CONSTRUCT, OR MODIFY FACIL-
6 ITY.—

7 “(I) TIMEFRAME.—A franchising
8 authority shall approve or deny a
9 complete request for authorization to
10 place, construct, or modify a covered
11 facility not later than—

12 “(aa) if the request is for
13 authorization to place, construct,
14 or modify a covered facility in or
15 on an eligible support infrastruc-
16 ture, 90 days after the date on
17 which the franchising authority
18 receives the request; and

19 “(bb) if the request is not
20 for authorization to place, con-
21 struct modify a covered facility in
22 or on an eligible support infra-
23 structure, 150 days after the
24 date on which franchising author-
25 ity receives the request.

1 “(II) APPLICABILITY.—Notwith-
2 standing any provision of this title,
3 the applicable timeframe under sub-
4 paragraph (A) shall apply collectively
5 to all proceedings required by a fran-
6 chising authority for the approval of
7 the request.

8 “(III) NO TOLLING.—A time-
9 frame under subparagraph (A) may
10 not be tolled by any moratorium,
11 whether express or de facto, imposed
12 by a franchising authority on the con-
13 sideration of any request for author-
14 ization to place, construct, or modify
15 a facility for the provision of cable
16 service.

17 “(IV) WRITTEN DECISION AND
18 RECORD.—Any decision by a fran-
19 chising authority to deny a complete
20 request for authorization to place,
21 construct, or modify a covered facility
22 shall be—

23 “(aa) in writing;

1 “(bb) supported by substan-
2 tial evidence contained in a writ-
3 ten record; and

4 “(cc) publicly released, con-
5 temporaneously with the decision.

6 “(C) WHEN REQUEST CONSIDERED COM-
7 PLETE; RECEIVED.—

8 “(i) WHEN REQUEST CONSIDERED
9 COMPLETE.—

10 “(I) IN GENERAL.—For the pur-
11 poses of this subparagraph (B), a re-
12 quest to a franchising authority shall
13 be considered complete if the request-
14 ing party has not received a written
15 notice from the franchising authority
16 within 10 business days after the date
17 on which the request is received by
18 the franchising authority—

19 “(aa) stating that all the in-
20 formation (including any form or
21 other document) required by the
22 franchising authority to be sub-
23 mitted for the request to be con-
24 sidered complete has not been
25 submitted; and

1 “(bb) identifying the infor-
2 mation required to be submitted
3 that was not submitted.

4 “(II) DEFINITION.—In this
5 clause, the term ‘received by the fran-
6 chising authority’ means—

7 “(aa) in the case of a re-
8 quest submitted electronically, on
9 the date on which the request is
10 transmitted;

11 “(bb) in the case of a re-
12 quest submitted in person, on the
13 date on which the request is de-
14 livered to the individual or at the
15 location specified by the fran-
16 chising authority for in-person
17 submission; and

18 “(cc) in the case of a re-
19 quest submitted in any other
20 manner, on the date determined
21 under regulations promulgated by
22 the Commission for the manner
23 in which the request is sub-
24 mitted.

1 “(ii) WHEN COMPLETE REQUEST CON-
2 SIDERED RECEIVED.—For the purposes of
3 subparagraph (B), a complete request shall
4 be considered received on the date on
5 which the requesting party submits to the
6 franchising authority all information (in-
7 cluding any form or other document) re-
8 quired by the franchising authority to be
9 submitted for the request to be considered
10 complete.

11 “(D) DEFINITIONS.—In this subsection:

12 “(i) ELIGIBLE SUPPORT INFRASTRUC-
13 TURE.—The term ‘eligible support infra-
14 structure’ means infrastructure that sup-
15 ports or houses a facility for communica-
16 tion by wire (or is designed to and capable
17 of supporting or housing such facility) at
18 the time when a complete request to a
19 franchising authority for authorization to
20 place, construct, or modify a covered facil-
21 ity in or on the infrastructure is received
22 by the franchising authority.

23 “(ii) COVERED FACILITY.—The term
24 ‘covered facility’ means a facility—

1 “(I) for the provision of cable
2 service; and

3 “(II) that serves subscribers
4 using an easement or public right-of-
5 way.”.

6 **SEC. 205. CABLE COMPETITION.**

7 (a) IN GENERAL.—Section 627 of the Communica-
8 tions Act of 1934 (47 U.S.C. 547) is amended to read:

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

10 “(a) VALUE OF CABLE SYSTEM UPON SALE OR
11 TRANSFER.—

12 “(1) AFTER DENIAL OF FRANCHISE RE-
13 NEWAL.—If a renewal of a franchise held by a cable
14 operator is denied and the franchising authority ac-
15 quires ownership of the cable system or effects a
16 transfer of ownership of the system to another per-
17 son, any such acquisition or transfer shall be at fair
18 market value, determined on the basis of the cable
19 system valued as a going concern but with no value
20 allocated to the franchise itself.

21 “(2) AFTER REVOCATION OF FRANCHISE FOR
22 CAUSE.—If a franchise held by a cable operator is
23 revoked for cause and the franchising authority ac-
24 quires ownership of the cable system or effects a
25 transfer of ownership of the system to another per-

1 son, any such acquisition or transfer shall be at fair
2 market value.

3 “(b) LIMITATIONS ON AUTHORITY OF FRANCHISING
4 AUTHORITY WITH RESPECT TO TRANSFER OF FRAN-
5 CHISE.—

6 “(1) IN GENERAL.—A franchising authority
7 may not—

8 “(A) preclude a cable operator from trans-
9 ferring a franchise to a person to which such
10 franchise was not initially granted; or

11 “(B) require a cable operator to which a
12 franchise is initially granted to receive approval
13 from the franchising authority for the transfer
14 of such franchise to a person who to which such
15 franchise was not initially granted.

16 “(2) NOTIFICATION.—In the case of the trans-
17 fer of a franchise to a person to which such fran-
18 chise was not originally granted, a franchising au-
19 thority may require a cable operator to which a fran-
20 chise was initially granted to, not later than 15 days
21 after a transfer of a franchise, notify the franchising
22 authority in writing of such transfer.

23 “(3) TRANSFER DEFINED.—In this subsection,
24 the term ‘transfer’ means the assignment rights
25 under a franchise through any transaction, including

1 a merger, sale, assignment, restructuring, or trans-
 2 fer of control of a cable operator or a cable sys-
 3 tem.”.

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

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

10 (1) on or after the effective date established by
 11 subsection (b); or

12 (2) before such date, if such franchise (includ-
 13 ing any renewal term thereof) is in effect on such
 14 date.

15 **SEC. 206. CABLE TRANSPARENCY.**

16 (a) **IN GENERAL.**—Section 626 of the Communica-
 17 tions Act of 1934 (47 U.S.C. 546) is amended to read
 18 as follows:

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

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

24 “(b) **LIMITS.**—

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

4 “(A) revoked by a franchising authority;

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

6 “(C) revoked or terminated by operation of
7 law, including by a term in a franchise that re-
8 vokes or terminates such franchise on a specific
9 date, after a period of time, or upon the occur-
10 rence of an event.

11 “(2) WHEN TERMINATION OR REVOCATION OF
12 FRANCHISE PERMITTED.—

13 “(A) TERMINATION BY CABLE OPER-
14 ATOR.—

15 “(i) IN GENERAL.—A cable operator
16 may terminate a franchise by submitting
17 to the franchising authority a written re-
18 quest for the franchising authority to re-
19 voke such franchise.

20 “(ii) TIME OF REVOCATION.—If the
21 cable operator submits a complete request
22 under clause (i), the franchising authority
23 shall revoke the franchise on the date that
24 is 90 days after the franchising authority
25 receives such request.

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

6 “(B) TERMINATION BY FRANCHISING AU-
 7 THORITY.—A franchising authority may revoke
 8 a franchise if the franchising authority—

9 “(i) finds that the cable operator has
 10 knowingly and willfully failed to substan-
 11 tially meet a material requirement imposed
 12 by the franchise;

13 “(ii) provides the cable operator a rea-
 14 sonable opportunity to cure such failure,
 15 after which the cable operator fails to cure
 16 such failure; and

17 “(iii) does not waive the material re-
 18 quirement or acquiesce with the failure to
 19 substantially meet such requirement.

20 “(C) WHEN REQUEST CONSIDERED COM-
 21 PLETE; RECEIVED.—

22 “(i) WHEN REQUEST CONSIDERED
 23 COMPLETE.—

24 “(I) IN GENERAL.—For the pur-
 25 poses of this paragraph, a request to

1 a franchising authority shall be con-
2 sidered complete if the cable operator
3 has not received a written notice from
4 the franchising authority within 10
5 business days after the date on which
6 the request is received by the fran-
7 chising authority—

8 “(aa) stating that all the in-
9 formation (including any form or
10 other document) required by the
11 franchising authority to be sub-
12 mitted for the request to be con-
13 sidered complete has not been
14 submitted; and

15 “(bb) identifying the infor-
16 mation required to be submitted
17 that was not submitted.

18 “(II) DEFINITION.—In this
19 clause, the term ‘received by the fran-
20 chising authority’ means—

21 “(aa) in the case of a re-
22 quest submitted electronically, on
23 the date on which the request is
24 transmitted;

1 “(bb) in the case of a re-
2 quest submitted in person, on the
3 date on which the request is de-
4 livered to the individual or at the
5 location specified by the fran-
6 chising authority for in-person
7 submission; and

8 “(cc) in the case of a re-
9 quest submitted in any other
10 manner, on the date determined
11 under regulations promulgated by
12 the Commission for the manner
13 in which the request is sub-
14 mitted.

15 “(ii) WHEN COMPLETE REQUEST CON-
16 SIDERED RECEIVED.—For the purposes of
17 this paragraph, a complete request shall be
18 considered received on the date on which
19 the cable operator submits to the fran-
20 chising authority all information (including
21 any form or other document) required by
22 the franchising authority to be submitted
23 for the request to be considered complete.

24 “(c) REVIEW BY COMMISSION.—

“(3) ORDER.—If, based on the evidence presented during the review, the Commission determines that the franchising authority has not demonstrated by a preponderance of the evidence that the franchising authority revoked the franchise in accordance with subsection (b)(2)(B), the Commission shall order the franchising authority to reinstate the franchise.”.

19 "SEC. 625. ELIMINATION OR MODIFICATION OF REQUIRE-
20 MENT IN FRANCHISE.

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1 “(b) ELIMINATION OR MODIFICATION OF REQUIRE-
2 MENT IN FRANCHISE.—The franchising authority shall
3 eliminate or modify a requirement in accordance with a
4 complete request submitted under subsection (a) not later
5 than 120 days after receiving such request if the cable
6 operator demonstrates in the request—

7 “(1) good cause for the elimination or modifica-
8 tion of the requirement; and

9 “(2) that the mix, quality, and level of services
10 required by the franchise at the time the franchise
11 was granted will be maintained after the elimination
12 or modification of the requirement.

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

22 “(d) APPEAL.—

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

1 denied by a final decision of a franchising authority
2 may obtain the elimination or modification of such
3 franchise requirements pursuant to the provisions of
4 section 635.

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

10 “(A) good cause for the elimination or
11 modification of the requirement; and

12 “(B) that the mix, quality, and level of
13 services required by the franchise at the time
14 the franchise was granted will be maintained
15 after the elimination or modification of the re-
16 quirement.

17 “(e) WHEN REQUEST CONSIDERED COMPLETE; RE-
18 CEIVED.—

19 “(1) WHEN REQUEST CONSIDERED COM-
20 plete.—

21 “(A) IN GENERAL.—For the purposes of
22 this section, a request to a franchising author-
23 ity shall be considered complete if the cable op-
24 erator has not received a written notice from
25 the franchising authority within 10 business

1 days after the date on which the request is re-
2 ceived by the franchising authority—

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

8 “(ii) identifying the information re-
9 quired to be submitted that was not sub-
10 mitted.

11 “(B) DEFINITION.—In this paragraph, the
12 term ‘received by the franchising authority’
13 means—

14 “(i) in the case of a request submitted
15 electronically, on the date on which the re-
16 quest is transmitted;

17 “(ii) in the case of a request sub-
18 mitted in person, on the date on which the
19 request is delivered to the individual or at
20 the location specified by the franchising
21 authority for in-person submission; and

22 “(iii) in the case of a request sub-
23 mitted in any other manner, on the date
24 determined under regulations promulgated

1 by the Commission for the manner in
2 which the request is submitted.

3 “(2) WHEN COMPLETE REQUEST CONSIDERED
4 RECEIVED.—For the purposes of this section, a com-
5 plete request shall be considered received on the date
6 on which the cable operator submits to the fran-
7 chising authority all information (including any form
8 or other document) required by the franchising au-
9 thority to be submitted for the request to be consid-
10 ered complete.”.

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

14 (1) in section 601—

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

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

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

20 (2) in section 602(9)—

21 (A) by striking “initial”; and

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

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

4 (4) in section 612(b)(3)—

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

7 (B) by striking “, or proposal for renewal
8 thereof,”;

9 (5) in section 621(b)(3)—

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

12 (B) in subparagraph (D)—

13 (i) by striking “initial”; and

14 (ii) by striking “, a franchise re-
15 newal,”;

16 (6) in section 624—

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

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

22 (7) in section 627—

23 (A) by striking subsection (a);

1 (B) in subsection (b), by inserting “, as de-
 2 scribed in section 626(b)(2)(B),” after “for
 3 cause”; and

4 (C) by striking “(b) If” and inserting “If”;
 5 and

6 (8) in section 635A(a), by striking “renewal,”.

7 (d) EFFECTIVE DATE; APPLICATION.—

8 (1) EFFECTIVE DATE.—This section, and the
 9 amendments made by this section, shall take effect
 10 6 months after the date of the enactment of this
 11 Act.

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

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

17 (B) before such date, if such franchise (in-
 18 cluding, notwithstanding the amendment made
 19 by subsection (c)(2)(B), any renewal thereof) is
 20 in effect on such date.

21 **SEC. 207. COMMUNITIES OVER REGULATING NETWORKS**

22 **NEED ECONOMIC COMPETITION TODAY.**

23 (a) IN GENERAL.—Except as provided in subsections
 24 (b)(1) and (c), a State or political subdivision thereof may
 25 not provide or offer for sale to the public, a telecommuni-

1 cations provider, or to a commercial provider of broadband
2 internet access service, retail or wholesale broadband
3 internet access service.

4 (b) TRANSITIONAL RULE.—Any State or political
5 subdivision thereof providing or offering for sale, either
6 to the public, a telecommunications provider, or to a pro-
7 vider of broadband internet access service, retail or whole-
8 sale broadband internet access service, before the date of
9 the enactment of this section—

10 (1) notwithstanding subsection (a), may con-
11 tinue to provide or offer for sale such service if the
12 Commission finds there is no more than one other
13 commercial provider of broadband internet access
14 that provides competition for that service in a par-
15 ticular area;

16 (2) shall notify each subscriber of the State or
17 political subdivision if a commercial provider of re-
18 tail broadband internet access enters the market;
19 and

20 (3) may not construct or extend facilities used
21 to deliver broadband internet access service beyond
22 the geographic area in which the State or political
23 subdivision thereof lawfully operates.

1 (c) EXCEPTION.—Notwithstanding subsection (a),
2 this section does not apply to the Tennessee Valley Au-
3 thority.

4 (d) RULES OF CONSTRUCTION.—

5 (1) IN GENERAL.—This section may not be con-
6 strued to restrict a State or political subdivision
7 thereof, from allowing the nondiscriminatory use of
8 its rights-of-way, including access to utility poles,
9 conduits, ducts, or similar support structures used
10 for the deployment of facilities necessary to deliver
11 broadband internet access service.

12 (2) PUBLIC SAFETY.—This section may not be
13 construed to restrict a State or political subdivision
14 thereof, from providing broadband facilities or serv-
15 ices for 9–1–1, enhanced 9–1–1 service, or Next
16 Generation 9–1–1.

17 (e) LIMITATION OF COMMISSION AUTHORITY.—Not-
18 withstanding any provision of law, including section 706
19 of the Communications Act of 1934 (47 U.S.C. 706), the
20 Commission may not pre-empt State laws to permit a
21 State or political subdivision thereof to provide or offer
22 for sale to the public retail or wholesale broadband inter-
23 net access service.

24 (f) DEFINITIONS.—In this section:

1 (1) 9-1-1 REQUEST FOR EMERGENCY ASSIST-
2 ANCE.—The term “9-1-1 request for emergency as-
3 sistance” means a communication, such as voice,
4 text, picture, multimedia, or any other type of data
5 that is sent to an emergency communications center
6 for the purpose of requesting emergency assistance.

7 (2) BROADBAND INTERNET ACCESS SERVICE.—
8 The term “broadband internet access service” has
9 the meaning given that term in section 8.1(b) of title
10 47, Code of Federal Regulations, or any successor
11 regulation.

12 (3) COMMONLY ACCEPTED STANDARDS.—The
13 term “commonly accepted standards” means—

14 (A) the technical standards followed by the
15 communications industry for network, device,
16 and Internet Protocol connectivity, including
17 standards developed by the Third Generation
18 Partnership Project, the Institute of Electrical
19 and Electronics Engineers, the Alliance for
20 Telecommunications Industry Solutions, the
21 Internet Engineering Taskforce, and the Inter-
22 national Telecommunications Union; and

23 (B) standards that are accredited by a rec-
24 ognized authority such as the American Na-
25 tional Standards Institute.

1 (4) EMERGENCY COMMUNICATIONS CENTER.—

2 The term “emergency communications center”
3 means a facility that is designated to receive a 9–
4 1–1 request for emergency assistance and perform
5 one or more of the following functions:

6 (A) Process and analyze 9–1–1 requests
7 for emergency assistance and other gathered in-
8 formation.

9 (B) Dispatch appropriate emergency re-
10 sponse providers.

11 (C) Transfer or exchange 9–1–1 requests
12 for emergency assistance and other gathered in-
13 formation with other emergency communica-
14 tions centers and emergency response providers.

15 (D) Analyze any communications received
16 from emergency response providers.

17 (E) Support incident command functions.

18 (5) EMERGENCY RESPONSE PROVIDER.—The
19 term “emergency response provider”—

20 (A) has the meaning given that term under
21 section 2 of the Homeland Security Act (47
22 U.S.C. 101); and

23 (B) includes Federal, State, and local gov-
24 ernmental and nongovernmental emergency
25 public safety, fire, law enforcement, emergency

1 response, emergency medical (including hospital
2 emergency facilities), and related personnel,
3 agencies, and authorities.

4 (6) ENHANCED 9-1-1 SERVICE.—The term “en-
5 hanced 9-1-1 service” has the meaning given that
6 term in section 7(10) of the Wireless Communica-
7 tions and Public Safety Act of 1999 (47 U.S.C.
8 615b(10)).

9 (7) INTEROPERABLE.—The term “interoper-
10 able” means the capability of emergency communica-
11 tions centers to receive 9-1-1 requests for emer-
12 gency assistance and related data such as location
13 information and callback numbers from the public,
14 then process and share the 9-1-1 requests for emer-
15 gency assistance and related data with other emer-
16 gency communications centers and emergency re-
17 sponse providers, regardless of jurisdiction, equip-
18 ment, device, software, service provider, or other rel-
19 evant factors, and without the need for proprietary
20 interfaces.

21 (8) NEXT GENERATION 9-1-1.—The term
22 “Next Generation 9-1-1” means an interoperable,
23 secure, Internet Protocol-based system that—

24 (A) employs commonly accepted standards;

1 (B) enables the appropriate emergency
2 communications centers to receive, process, and
3 analyze all types of 9–1–1 requests for emer-
4 gency assistance;

5 (C) acquires and integrates additional in-
6 formation useful to handling 9–1–1 requests for
7 emergency assistance; and

8 (D) supports sharing information related
9 to 9–1–1 requests for emergency assistance
10 among emergency communications centers and
11 emergency response providers.

12 (9) STATE.—The term “State” means any
13 State of the United States, the District of Columbia,
14 Puerto Rico, American Samoa, Guam, the United
15 States Virgin Islands, the Northern Mariana Is-
16 lands, and any other territory or possession of the
17 United States.

18 (10) TELECOMMUNICATIONS PROVIDER.—The
19 term “telecommunications provider” means an eligi-
20 ble telecommunications carrier as designated under
21 section 214(e)(2) of the Communications Act of
22 1934 (47 U.S.C. 214(e)(2)).

1 **SEC. 208. STREAMLINING PERMITTING TO ENABLE EFFI-**
2 **CIENT DEPLOYMENT OF BROADBAND INFRA-**
3 **STRUCTURE.**

4 Title I of the Communications Act of 1934 (47
5 U.S.C. 151 et seq.) is amended by adding at the end the
6 following:

7 **“SEC. 14. EXEMPTION FROM REVIEW FOR CERTAIN COMMU-**
8 **NICATIONS FACILITIES.**

9 “(a) FOR PERMITTING BY COMMISSION.—

10 “(1) IN GENERAL.—Notwithstanding any provi-
11 sion of the National Environmental Policy Act of
12 1969 (42 U.S.C. 4321 et seq.) or division A of sub-
13 title III of title 54, United States Code, the Commis-
14 sion shall not be required to perform, and may not
15 require any entity regulated by the Commission to
16 perform, any review under such Act or division as a
17 condition of permitting the placement and installa-
18 tion of a communications facility if—

19 “(A) the new facility—

20 “(i) will be located within a public
21 right-of-way; and

22 “(ii) is not more than 50 feet tall or
23 10 feet higher than any existing structure
24 in the public right-of-way, whichever is
25 higher;

26 “(B) the new facility is—

1 “(i) a replacement for an existing
2 communications facility; and

3 “(ii) the same as, or substantially
4 similar to (as such term is defined by the
5 Commission), the communications facility
6 that the new communications facility is re-
7 placing;

8 “(C) the new facility is a type of commu-
9 nications facility that—

10 “(i) is described in subsection
11 (c)(2)(B); and

12 “(ii) meets the size limitation of a
13 small antenna established by the Commis-
14 sion; or

15 “(D) the placement and installation involve
16 the expansion of the site of an existing facility
17 not more than 30 feet in any direction.

18 “(2) SAVINGS CLAUSE.—Nothing in this sub-
19 section shall be construed to affect—

20 “(A) the obligation of the Commission to
21 evaluate radiofrequency exposure under the Na-
22 tional Environmental Policy Act of 1969 (42
23 U.S.C. 4321 et seq.);

24 “(B) except as explicitly provided in this
25 subsection, the obligation of any provider of a

1 communications service to comply with the Na-
2 tional Environmental Policy Act of 1969 (42
3 U.S.C. 4321 et seq.) or division A of subtitle
4 III of title 54, United States Code;

5 “(C) the authority of a State or local gov-
6 ernment to apply and enforce the zoning and
7 other land use regulations of the State or local
8 government to the extent consistent with this
9 subsection and sections 253, 332(c)(7), and
10 621; or

11 “(D) the authority or obligations estab-
12 lished under section 20156(e) of title 49,
13 United States Code.

14 “(b) FOR GRANT OF EASEMENT ON FEDERAL PROP-
15 PERTY.—No review shall be required under the National
16 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
17 seq.) or division A of subtitle III of title 54, United States
18 Code, as a condition of granting a covered easement for
19 a communications facility if a covered easement has been
20 granted for another communications facility or a utility
21 facility with respect to the same building or other property
22 owned by the Federal Government.

23 “(c) DEFINITIONS.—In this section:

24 “(1) ANTENNA.—The term ‘antenna’ means
25 communications equipment that transmits or re-

1 ceives electromagnetic radio frequency signals used
2 in the provision of wireless services.

3 “(2) COMMUNICATIONS FACILITY.—The term
4 ‘communications facility’ includes—

5 “(A) any infrastructure, including any
6 transmitting device, tower, or support structure,
7 and any equipment, switches, wiring, cabling,
8 power sources, shelters, or cabinets, associated
9 with the licensed or permitted unlicensed wire-
10 less or wireline transmission of writings, signs,
11 signals, data, images, pictures, and sounds of
12 all kinds; and

13 “(B) any antenna or apparatus—

14 “(i) that is designed for the purpose
15 of emitting or receiving radio frequency;

16 “(ii) that—

17 “(I) is designed to be operated,
18 or is operating, from a fixed location
19 pursuant to authorization by the
20 Commission; or

21 “(II) is using duly authorized de-
22 vices that do not require individual li-
23 censes; and

24 “(iii) that is added to a tower, build-
25 ing, support pole, or other structure.

1 “(3) COVERED EASEMENT.—The term ‘covered
2 easement’ means an easement, right-of-way, or lease
3 to, in, over, or on a building or other property owned
4 by the Federal Government, excluding Tribal land
5 held in trust by the Federal Government (unless the
6 Tribal Government of such land requests that the
7 Commission not exclude the land for purposes of
8 this definition), for the right to install, construct,
9 modify, or maintain a communications facility.

10 “(4) PUBLIC RIGHT-OF-WAY.—The term ‘public
11 right-of-way’—

12 “(A) means—

13 “(i) the area on, below, or above a
14 public roadway, highway, street, sidewalk,
15 alley, or similar property; and

16 “(ii) any land immediately adjacent to
17 and contiguous with property described in
18 clause (i) that is within the right-of-way
19 grant; and

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

23 “(5) SUPPORT POLE.—The term ‘support pole’
24 means an upright pole or structure used or capable
25 of being used to support a wireless service facility.

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

10 “(7) WIRELESS SERVICE.—The term ‘wireless
 11 service’ means the transmission by radio commu-
 12 nication of voice, video, or data communications
 13 services, including Internet Protocol or any suc-
 14 cessor protocol-enabled services, or any combination
 15 of those services, whether provided on a licensed or
 16 permitted unlicensed basis.

17 “(8) WIRELESS SERVICE FACILITY.—The term
 18 ‘wireless service facility’ means a facility for the pro-
 19 vision of wireless service.”.

20 **SEC. 209. WIRELESS BROADBAND COMPETITION AND EFFI-**
 21 **CIENT DEPLOYMENT.**

22 (a) NEPA EXEMPTION.—A covered project shall not
 23 be subject to the requirements of section 102(2)(C) of the
 24 National Environmental Policy Act of 1969 (42 U.S.C.
 25 4332(2)(C)).

1 (b) NATIONAL HISTORIC PRESERVATION ACT EX-
2 EMPTION.—A covered project shall not be considered an
3 undertaking under section 300320 of title 54, United
4 States Code.

5 (c) DEFINITIONS.—In this section:

6 (1) COMMISSION.—The term “Commission”
7 means the Federal Communications Commission.

8 (2) COVERED PROJECT.—The term “covered
9 project” means a project—

10 (A) for—

11 (i) the mounting or installation of an
12 eligible personal wireless service facility
13 with another eligible personal wireless serv-
14 ice facility that exists at the time at which
15 a complete request for authorization of
16 such mounting or installation is filed with
17 a State or local government or instrumen-
18 tality thereof; or

19 (ii) the modification of an eligible per-
20 sonal wireless service facility; and

21 (B) for which a permit, license, or approval
22 from the Commission is required or that is oth-
23 erwise subject to the jurisdiction of the Com-
24 mission.

1 (3) ELIGIBLE PERSONAL WIRELESS SERVICE
2 FACILITY.—The term “eligible personal wireless
3 service facility” means any antenna, apparatus, or
4 transmitting device, and any equipment, switches,
5 wiring, cabling, power sources, shelters, or cabinets,
6 for the provision of a personal wireless service.

7 (4) PERSONAL WIRELESS SERVICES.—The term
8 “personal wireless services”—

9 (A) has the meaning given such term in
10 section 332(c)(7)(C) of the Communications
11 Act of 1934 (47 U.S.C. 332(c)(7)(C)); and

12 (B) also includes commercial mobile data
13 service (as defined in section 6001 of the Mid-
14 dle Class Tax Relief and Job Creation Act of
15 2012 (47 U.S.C. 1401)).

16 (5) STATE.—The term “State” means the 50
17 States, the District of Columbia, the territories and
18 possessions of the United States, and each federally
19 recognized Indian Tribe.

20 **SEC. 210. BROADBAND COMPETITION AND EFFICIENT DE-**
21 **PLOYMENT.**

22 (a) NEPA EXEMPTION.—A covered project shall not
23 be subject to the requirements of section 102(2)(C) of the
24 National Environmental Policy Act of 1969 (42 U.S.C.
25 4332(2)(C)).

1 (b) NATIONAL HISTORIC PRESERVATION ACT EX-
2 EMPTION.—A covered project shall not be considered an
3 undertaking under section 300320 of title 54, United
4 States Code.

5 (c) DEFINITIONS.—In this section:

6 (1) COMMISSION.—The term “Commission”
7 means the Federal Communications Commission.

8 (2) COVERED PROJECT.—The term “covered
9 project” means a project—

10 (A) for the placement, construction, or
11 modification of a telecommunications service fa-
12 cility in or on eligible support infrastructure;
13 and

14 (B) for which a permit, license, or approval
15 from the Commission is required or that is oth-
16 erwise subject to the jurisdiction of the Com-
17 mission.

18 (3) ELIGIBLE SUPPORT INFRASTRUCTURE.—
19 The term “eligible support infrastructure” means in-
20 frastructure that supports or houses a facility for
21 communication by wire (or is designed to and capa-
22 ble of supporting or housing such a facility) at the
23 time when a complete request to a State or local
24 government or instrumentality thereof for authoriza-
25 tion to place, construct, or modify a telecommuni-

1 cations service facility in or on the infrastructure is
2 received by the government or instrumentality.

3 (4) STATE.—The term “State” means the 50
4 States, the District of Columbia, the territories and
5 possessions of the United States, and each federally
6 recognized Indian Tribe.

7 (5) TELECOMMUNICATIONS SERVICE.—The
8 term “telecommunications service” has the meaning
9 given such term in section 3 of the Communications
10 Act of 1934 (47 U.S.C. 153).

11 (6) TELECOMMUNICATIONS SERVICE FACIL-
12 ITY.—The term “telecommunications service facil-
13 ity” means a facility for the provision of any inter-
14 state or intrastate telecommunications service.

15 **SEC. 211. WIRELESS RESILIENCY AND FLEXIBLE INVEST-**
16 **MENT.**

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

20 (1) in paragraph (1), by striking “eligible facili-
21 ties request for a modification of an existing wireless
22 tower or base station that does not substantially
23 change the physical dimensions of such tower or
24 base station” and inserting “complete eligible facili-
25 ties request for a modification of an existing wireless

1 tower, base station, or eligible support structure that
2 does not substantially change the physical dimen-
3 sions of such tower, base station, or eligible support
4 structure”;

5 (2) by amending paragraph (2) to read as fol-
6 lows:

7 “(2) TIME FRAME.—

8 “(A) IN GENERAL.—Not later than 60
9 days after the date on which a State or local
10 government receives a complete eligible facilities
11 request described under paragraph (1), the
12 State or local government shall approve such
13 request.

14 “(B) DEEMED APPROVAL.—If a State or
15 local government does not approve an eligible
16 facilities request by the date required under
17 subparagraph (A), the request is deemed ap-
18 proved on the day after such date.

19 “(C) WHEN REQUEST CONSIDERED COM-
20 PLETE; RECEIVED.—

21 “(i) WHEN REQUEST CONSIDERED
22 COMPLETE.—

23 “(I) IN GENERAL.—For the pur-
24 poses of this paragraph, an eligible fa-
25 cilities request to a State or local gov-

1 ernment shall be considered complete
2 if the requesting party has not re-
3 ceived a written notice from the State
4 or local government within 10 busi-
5 ness days after the date on which the
6 request is received by the State or
7 local government—

8 “(aa) stating that all the in-
9 formation (including any form or
10 other document) required by the
11 State or local government to be
12 submitted for the request to be
13 considered complete has not been
14 submitted; and

15 “(bb) identifying the infor-
16 mation required to be submitted
17 that was not submitted.

18 “(II) DEFINITION.—In this
19 clause, the term ‘received by the State
20 or local government’ means—

21 “(aa) in the case of an eligi-
22 ble facilities request submitted
23 electronically, on the date on
24 which the request is transmitted;

1 “(bb) in the case of an eligi-
2 ble facilities request submitted in
3 person, on the date on which the
4 request is delivered to the indi-
5 vidual or at the location specified
6 by the State or local government
7 for in-person submission; and

8 “(cc) in the case of an eligi-
9 ble facilities request submitted in
10 any other manner, on the date
11 determined under regulations
12 promulgated by the Commission
13 for the manner in which the re-
14 quest is submitted.

15 “(ii) WHEN COMPLETE REQUEST CON-
16 sidered received.—For the purposes of
17 this paragraph, a complete eligible facilities
18 request shall be considered received on the
19 date on which the requesting party submits
20 to the State or local government all infor-
21 mation (including any form or other docu-
22 ment) required by the State or local gov-
23 ernment to be submitted for the request to
24 be considered complete.”; and

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

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

2 “(A) ELIGIBLE FACILITIES REQUEST.—

3 The term ‘eligible facilities request’ means any
4 request for modification of an existing wireless
5 tower, base station, or eligible support structure
6 that involves—

7 “(i) collocation of new transmission
8 equipment;

9 “(ii) removal of transmission equip-
10 ment;

11 “(iii) replacement of transmission
12 equipment; or

13 “(iv) placement, modification, or con-
14 struction of equipment that—

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

18 “(II) provides a direct benefit to
19 public safety, such as—

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

1 “(bb) hardening the wireless
2 tower, base station, or other eligi-
3 ble support structure; or

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

8 “(B) ELIGIBLE SUPPORT STRUCTURE.—
9 The term ‘eligible support structure’ means a
10 structure that supports a personal wireless serv-
11 ice facility at the time at which the eligible fa-
12 cilities request is made.

13 “(C) PERSONAL WIRELESS SERVICE FACIL-
14 ITY.—The term ‘personal wireless service facil-
15 ity’ means a facility necessary for the provision
16 of—

17 “(i) commercial mobile service;

18 “(ii) commercial mobile data service
19 (as that term is defined in section 6001 of
20 the Middle Class Tax Relief and Job Cre-
21 ation Act of 2012 (47 U.S.C. 1401));

22 “(iii) unlicensed wireless service; and

23 “(iv) common carrier wireless ex-
24 change access service.”.

1 (b) IMPLEMENTATION.—Not later than 180 days
2 after the date of the enactment of this Act, the Federal
3 Communications Commission shall issue final rules imple-
4 menting subsection (a), and the amendments made by
5 such subsection.

6 **SEC. 212. BROADBAND RESILIENCY AND FLEXIBLE INVEST-**
7 **MENT.**

8 (a) IN GENERAL.—Section 6409(a) of the Middle
9 Class Tax Relief and Job Creation Act of 2012 (47 U.S.C.
10 1455(a)) is amended—

11 (1) in paragraph (1), by striking “any eligible
12 facilities request” and inserting the following: “any
13 complete—

14 “(A) eligible facilities request for a modi-
15 fication of an existing wireless tower, base sta-
16 tion, or eligible support structure that does not
17 substantially change the physical dimensions of
18 such tower, base station, or eligible support
19 structure; and

20 “(B) eligible telecommunications facilities
21 request for a modification of any existing tele-
22 communications service facility in or on an eli-
23 gible support infrastructure that does not sub-
24 stantially change the physical dimensions of
25 such facility.”;

1 (2) by amending paragraph (2) to read as fol-
2 lows:

3 “(2) TIME FRAME.—

4 “(A) IN GENERAL.—Not later than 60
5 days after the date on which a State or local
6 government receives a complete request de-
7 scribed under paragraph (1), the State or local
8 government shall approve such request.

9 “(B) DEEMED APPROVAL.—If a State or
10 local government does not approve a request by
11 the date required under subparagraph (A), the
12 request is deemed approved on the day after
13 such date.

14 “(C) WHEN REQUEST CONSIDERED COM-
15 plete; RECEIVED.—

16 “(i) WHEN REQUEST CONSIDERED
17 COMPLETE.—

18 “(I) IN GENERAL.—For the pur-
19 poses of this paragraph, a request to
20 a State or local government shall be
21 considered complete if the requesting
22 party has not received a written notice
23 from the State or local government
24 within 10 business days after the date

1 on which the request is received by
2 the State or local government—

3 “(aa) stating that all the in-
4 formation (including any form or
5 other document) required by the
6 State or local government to be
7 submitted for the request to be
8 considered complete has not been
9 submitted; and

10 “(bb) identifying the infor-
11 mation required to be submitted
12 that was not submitted.

13 “(II) DEFINITION.—In this
14 clause, the term ‘received by the State
15 or local government’ means—

16 “(aa) in the case of a re-
17 quest submitted electronically, on
18 the date on which the request is
19 transmitted;

20 “(bb) in the case of a re-
21 quest submitted in person, on the
22 date on which the request is de-
23 livered to the individual or at the
24 location specified by the State or

1 local government for in-person
2 submission; and

3 “(cc) in the case of a re-
4 quest submitted in any other
5 manner, on the date determined
6 under regulations promulgated by
7 the Commission for the manner
8 in which the request is sub-
9 mitted.

10 “(ii) WHEN COMPLETE REQUEST CON-
11 sidered received.—For the purposes of
12 this paragraph, a complete request shall be
13 considered received on the date on which
14 the requesting party submits to the State
15 or local government all information (in-
16 cluding any form or other document) re-
17 quired by the State or local government to
18 be submitted for the request to be consid-
19 ered complete.”; and

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

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

22 “(A) ELIGIBLE FACILITIES REQUEST.—
23 The term ‘eligible facilities request’ means any
24 request for modification of an existing wireless

1 tower, base station, or eligible support structure
2 that involves—

3 “(i) collocation of new transmission
4 equipment;

5 “(ii) removal of transmission equip-
6 ment;

7 “(iii) replacement of transmission
8 equipment; or

9 “(iv) placement, modification, or con-
10 struction of equipment that—

11 “(I) improves the resiliency of
12 the wireless tower, base station, or eli-
13 gible support structure; and

14 “(II) provides a direct benefit to
15 public safety, such as—

16 “(aa) providing backup
17 power for the wireless tower, base
18 station, or eligible support struc-
19 ture;

20 “(bb) hardening the wireless
21 tower, base station, or other eligi-
22 ble support structure; or

23 “(cc) providing more reliable
24 connection capability using the

1 wireless tower, base station, or
2 other eligible support structure.

3 “(B) ELIGIBLE TELECOMMUNICATIONS FA-
4 CILITIES REQUEST.—The term ‘eligible tele-
5 communications facilities request’ means any
6 request for modification of an existing tele-
7 communications service facility in or on an eli-
8 gible support infrastructure that involves—

9 “(i) collocation of new telecommuni-
10 cations service facility equipment;

11 “(ii) removal of telecommunications
12 service facility equipment; or

13 “(iii) replacement of telecommuni-
14 cations service facility equipment.

15 “(C) ELIGIBLE SUPPORT INFRASTRUC-
16 TURE.—The term ‘eligible support infrastruc-
17 ture’ means infrastructure that supports or
18 houses a facility for communication by wire (or
19 is designed to and capable of supporting or
20 housing such a facility) at the time when a
21 complete request to a State or local government
22 or instrumentality thereof for authorization to
23 place, construct, or modify a telecommuni-
24 cations service facility in or on the infrastruc-

1 ture is received by the government or instru-
2 mentality.

3 “(D) ELIGIBLE SUPPORT STRUCTURE.—
4 The term ‘eligible support structure’ means a
5 structure that supports a personal wireless serv-
6 ice facility at the time at which the eligible fa-
7 cilities request is made.

8 “(E) PERSONAL WIRELESS SERVICE FA-
9 CILITY.—The term ‘personal wireless service fa-
10 cility’ means a facility necessary for the provi-
11 sion of—

12 “(i) commercial mobile service;

13 “(ii) commercial mobile data service
14 (as that term is defined in section 6001 of
15 the Middle Class Tax Relief and Job Cre-
16 ation Act of 2012 (47 U.S.C. 1401));

17 “(iii) unlicensed wireless service; and

18 “(iv) common carrier wireless ex-
19 change access service.

20 “(F) TELECOMMUNICATIONS SERVICE FA-
21 CILITY.—The term ‘telecommunications service
22 facility’ means a facility for the provision of any
23 interstate or intrastate telecommunications
24 service.”.

1 (b) IMPLEMENTATION.—Not later than 180 days
2 after the date of the enactment of this Act, the Federal
3 Communications Commission shall issue final rules imple-
4 menting subsection (a), and the amendments made by
5 such subsection.

6 **SEC. 213. PROPORTIONAL REVIEWS FOR BROADBAND DE-**
7 **PLOYMENT.**

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

11 “(3) APPLICATION OF NEPA; NHPA.—

12 “(A) NEPA EXEMPTION.—An eligible fa-
13 cilities request shall not be subject to the re-
14 quirements of section 102(2)(C) of the National
15 Environmental Policy Act of 1969 (42 U.S.C.
16 4332(2)(C)).

17 “(B) NATIONAL HISTORIC PRESERVATION
18 ACT EXEMPTION.—An eligible facilities request
19 shall not be considered an undertaking under
20 section 300320 of title 54, United States
21 Code.”.

22 **SEC. 214. PROTECTING CRITICAL INFRASTRUCTURE.**

23 (a) IN GENERAL.—Title V of the Communications
24 Act of 1934 (47 U.S.C. 501 et seq.) is amended by adding
25 after section 501, the following new section:

1 **“§ 501A. Enhanced general penalty**

2 “(a) OFFENSES.—Whoever, during and in relation to
3 a violation enumerated in section 501, willfully or mali-
4 ciously destroys any communications facility, in addition
5 to the punishment provided for a violation that includes
6 imprisonment, be sentenced to a term of imprisonment of
7 2 years.

8 “(b) CONSECUTIVE SENTENCE.—Notwithstanding
9 any other provision of law—

10 “(1) a court may not place on probation any
11 person convicted of a violation of this section;

12 “(2) except as provided in paragraph (3), a
13 term of imprisonment imposed on a person under
14 this section may not run concurrently with any other
15 term of imprisonment imposed on the person under
16 any other provision of law, including any term of im-
17 prisonment imposed for the violation of this section;
18 and

19 “(3) a term of imprisonment imposed on a per-
20 son for a violation of this section may, in the discre-
21 tion of the court, run concurrently, in whole or in
22 part, only with another term of imprisonment that
23 is imposed by the court at the same time on that
24 person for an additional violation of this section, if
25 the discretion is exercised in accordance with appli-
26 cable guidelines and policy statements issued by the

1 Sentencing Commission pursuant to section 994 of
2 title 28, United States Code.

3 “(c) COMMUNICATIONS FACILITY DEFINED.—In this
4 section, the term ‘communications facility’ includes—

5 “(1) any infrastructure, including any transmit-
6 ting device, tower, or support structure, and any
7 equipment, switches, wiring, cabling, power sources,
8 shelters, or cabinets, associated with the licensed or
9 permitted unlicensed wireless or wireline trans-
10 mission of writings, signs, signals, data, images, pic-
11 tures, and sounds of all kinds; and

12 “(2) any antenna or apparatus that—

13 “(A) is designed for the purpose of emit-
14 ting radio frequency;

15 “(B) is designed to be operated, or is oper-
16 ating, from a fixed location pursuant to author-
17 ization by the Commission or is using duly au-
18 thorized devices that do not require individual
19 licenses; and

20 “(C) is added to a tower, building, or other
21 structure.”.

22 **SEC. 215. REDUCING ANTIQUATED PERMITTING FOR IN-**
23 **FRASTRUCTURE DEPLOYMENT.**

24 (a) DEFINITIONS.—In this section:

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

3 (A) commercial mobile service (as defined
4 in section 332(d) of the Communications Act of
5 1934 (47 U.S.C. 332(d)));

6 (B) commercial mobile data service (as de-
7 fined in section 6001 of the Middle Class Tax
8 Relief and Job Creation Act of 2012 (47 U.S.C.
9 1401));

10 (C) unlicensed wireless service; and

11 (D) common carrier wireless exchange ac-
12 cess service.

13 (2) PERSONAL WIRELESS SERVICE FACILITY.—
14 The term “personal wireless service facility” means
15 a facility for the provision of personal wireless serv-
16 ice.

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

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

23 (B) does not include a wireline backhaul
24 facility.

1 (4) WIRELINE BACKHAUL FACILITY.—The term
2 “wireline backhaul facility” means an above-ground
3 or underground wireline facility used to transport
4 communications service or other electronic commu-
5 nications from a small personal wireless service facil-
6 ity or its adjacent network interface device to a com-
7 munications network.

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

14 (c) REBUTTABLE PRESUMPTION.—

15 (1) IN GENERAL.—If a federally recognized In-
16 dian Tribe or Native Hawaiian Organization is
17 shown to have received a complete Form 620 or
18 Form 621 (or any successor form), or can be rea-
19 sonably expected to have received a complete Form
20 620 or Form 621 (or any successor form), and has
21 not acted on a complete request contained in the
22 form within 45 days after such receipt—

23 (A) the Commission and a court of com-
24 petent jurisdiction (as the case may be) shall
25 presume the applicant has made a good faith

1 effort to provide the information reasonably
2 necessary for federally recognized Indian Tribes
3 and Native Hawaiian Organizations to ascertain
4 whether historic properties of religious and cul-
5 tural significance to them may be affected by
6 the undertaking; and

7 (B) the federally recognized Indian Tribe
8 or Native Hawaiian Organization (as the case
9 may be) shall be presumed to have disclaimed
10 interest in the application.

11 (2) OVERCOMING PRESUMPTION.—

12 (A) IN GENERAL.—Federally recognized
13 Indian Tribe or Native Hawaiian Organization
14 may overcome the presumption under para-
15 graph (1) upon favorably demonstrating one or
16 more of the factors to be considered under sub-
17 paragraph (B).

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

22 (i) whether the applicant made a rea-
23 sonable attempt to follow up with the fed-
24 erally recognized Indian Tribe or Native
25 Hawaiian Organization not earlier than 30

1 days, and not later than 50 days, after the
2 applicant submitted a complete Form 620
3 or Form 621 (as the case may be) to the
4 federally recognized Indian Tribe or Native
5 Hawaiian Organization; and

6 (ii) whether the rules of the Commis-
7 sion and Form 620 or Form 621 is found
8 to be in violation of a Nationwide Pro-
9 grammatic Agreement of the Commission.

10 **SEC. 216. COASTAL BROADBAND DEPLOYMENT.**

11 (a) NEPA EXEMPTION.—A covered project shall not
12 be subject to the requirements of section 102(2)(C) of the
13 National Environmental Policy Act of 1969 (42 U.S.C.
14 4332(2)(C)).

15 (b) NATIONAL HISTORIC PRESERVATION ACT EX-
16 EMPTION.—A covered project shall not be considered an
17 undertaking under section 300320 of title 54, United
18 States Code.

19 (c) DEFINITIONS.—In this section:

20 (1) COMMISSION.—The term “Commission”
21 means the Federal Communications Commission.

22 (2) COMMUNICATIONS FACILITY.—The term
23 “communications facility” includes—

1 (A) any wireless or wireline infrastructure
2 for the transmission of writing, signs, signals,
3 data, images, pictures, or sounds of all kinds;

4 (B) any transmitting device, tower, or sup-
5 port structure, and any equipment, switches,
6 wiring, cabling, power sources, shelters, or cabi-
7 nets, associated with the provision of commu-
8 nications service; and

9 (C) any antenna or apparatus that—

10 (i) is designed for the purpose of
11 emitting radio frequency;

12 (ii) is designed to be operated, or is
13 operating, from a fixed location; and

14 (iii) is added to a tower, building, or
15 other structure.

16 (3) COMMUNICATIONS SERVICE.—The term
17 “communications service” means a service for the
18 transmission of writing, signs, signals, data, images,
19 pictures, or sounds of all kinds.

20 (4) COVERED PROJECT.—The term “covered
21 project” means a project—

22 (A) for the deployment or modification of
23 a communications facility that is to be carried
24 out entirely within a floodplain (as defined in
25 section 9.4 of title 44, Code of Federal Regula-

1 tions, as in effect on the date of the enactment
2 of this Act); and

3 (B) for which a permit, license, or approval
4 from the Commission is required or that is oth-
5 erwise subject to the jurisdiction of the Com-
6 mission.

7 **SEC. 217. BROWNFIELDS BROADBAND DEPLOYMENT.**

8 (a) NEPA EXEMPTION.—A covered project shall not
9 be subject to the requirements of section 102(2)(C) of the
10 National Environmental Policy Act of 1969 (42 U.S.C.
11 4332(2)(C)).

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

16 (c) DEFINITIONS.—In this section:

17 (1) COMMISSION.—The term “Commission”
18 means the Federal Communications Commission.

19 (2) COMMUNICATIONS FACILITY.—The term
20 “communications facility” includes—

21 (A) any wireless or wireline infrastructure
22 for the transmission of writing, signs, signals,
23 data, images, pictures, or sounds of all kinds;

24 (B) any transmitting device, tower, or sup-
25 port structure, and any equipment, switches,

1 wiring, cabling, power sources, shelters, or cabi-
2 nets, associated with the provision of commu-
3 nications service; and

4 (C) any antenna or apparatus that—

5 (i) is designed for the purpose of
6 emitting radio frequency;

7 (ii) is designed to be operated, or is
8 operating, from a fixed location; and

9 (iii) is added to a tower, building, or
10 other structure.

11 (3) COMMUNICATIONS SERVICE.—The term
12 “communications service” means a service for the
13 transmission of writing, signs, signals, data, images,
14 pictures, or sounds of all kinds.

15 (4) COVERED PROJECT.—The term “covered
16 project” means a project—

17 (A) for the deployment or modification of
18 a communications facility that is to be carried
19 out entirely within a brownfield site (as defined
20 in section 101 of the Comprehensive Environ-
21 mental Response, Compensation, and Liability
22 Act of 1980 (42 U.S.C. 9601)); and

23 (B) for which a permit, license, or approval
24 from the Commission is required or that is oth-

1 erwise subject to the jurisdiction of the Com-
2 mission.

3 **SEC. 218. TRUSTED BROADBAND NETWORKS.**

4 (a) NEPA EXEMPTION.—A covered project shall not
5 be subject to the requirements of section 102(2)(C) of the
6 National Environmental Policy Act of 1969 (42 U.S.C.
7 4332(2)(C)).

8 (b) NATIONAL HISTORIC PRESERVATION ACT EX-
9 EMPTION.—A covered project shall not be considered an
10 undertaking under section 300320 of title 54, United
11 States Code.

12 (c) COVERED PROJECT DEFINED.—In this section,
13 the term “covered project” means a project to perma-
14 nently remove covered communications equipment or serv-
15 ices (as defined in section 9 of the Secure and Trusted
16 Communications Networks Act of 2019 (47 U.S.C. 1608))
17 and to replace such covered communications equipment or
18 services with communications equipment or services that
19 are not covered communications equipment or services (as
20 so defined).

21 **SEC. 219. CONNECTING COMMUNITIES POST DISASTER.**

22 (a) NEPA EXEMPTION.—A covered project shall not
23 be subject to the requirements of section 102(2)(C) of the
24 National Environmental Policy Act of 1969 (42 U.S.C.
25 4332(2)(C)).

1 (b) NATIONAL HISTORIC PRESERVATION ACT EX-
2 EMPTION.—A covered project shall not be considered an
3 undertaking under section 300320 of title 54, United
4 States Code.

5 (c) DEFINITIONS.—In this section:

6 (1) COMMUNICATIONS FACILITY.—The term
7 “communications facility” includes—

8 (A) any wireless or wireline infrastructure
9 for the transmission of writing, signs, signals,
10 data, images, pictures, or sounds of all kinds;

11 (B) any transmitting device, tower, or sup-
12 port structure, and any equipment, switches,
13 wiring, cabling, power sources, shelters, or cabi-
14 nets, associated with the provision of commu-
15 nications services; and

16 (C) any antenna or apparatus that—

17 (i) is designed for the purpose of
18 emitting radio frequency;

19 (ii) is designed to be operated, or is
20 operating, from a fixed location; and

21 (iii) is added to a tower, building, or
22 other structure.

23 (2) COMMUNICATIONS SERVICE.—The term
24 “communications service” means a service for the

1 transmission of writing, signs, signals, data, images,
2 pictures, or sounds of all kinds.

3 (3) COVERED PROJECT.—The term “covered
4 project” means a project that—

5 (A) is to be carried out within an area for
6 which the President has declared a major dis-
7 aster or an emergency under the Robert T.
8 Stafford Disaster Relief and Emergency Assist-
9 ance Act (42 U.S.C. 5121 et seq.);

10 (B) is to be carried out not later than 5
11 years after the date on which the President
12 made such declaration; and

13 (C) replaces a communications facility
14 damaged by such disaster or emergency or
15 makes improvements to a communications facil-
16 ity in such area that could reasonably be con-
17 sidered as necessary for recovery from such dis-
18 aster or emergency or to prevent or mitigate fu-
19 ture disasters or emergencies.

20 **SEC. 220. WILDFIRE WIRELESS RESILIENCY.**

21 (a) NEPA EXEMPTION.—A covered project shall not
22 be subject to the requirements of section 102(2)(C) of the
23 National Environmental Policy Act of 1969 (42 U.S.C.
24 4332(2)(C)).

1 (b) NATIONAL HISTORIC PRESERVATION ACT EX-
2 EMPTION.—A covered project shall not be considered an
3 undertaking under section 300320 of title 54, United
4 States Code.

5 (c) DEFINITIONS.—In this section:

6 (1) COMMUNICATIONS FACILITY.—The term
7 “communications facility” includes—

8 (A) any wireless or wireline infrastructure
9 for the transmission of writing, sign, signal,
10 data, image, picture, or sound of any kind;

11 (B) any transmitting device, tower, or sup-
12 port structure, and any equipment, switch, wir-
13 ing, cabling, power source, shelter, or cabinet,
14 associated with the provision of communications
15 services; and

16 (C) any antenna or apparatus that—

17 (i) is designed for the purpose of
18 emitting radio frequency;

19 (ii) is designed to be operated, or is
20 operating, from a fixed location; and

21 (iii) is added to a tower, building, or
22 other structure.

23 (2) COMMUNICATIONS SERVICE.—The term
24 “communications service” means a service for the

1 transmission of any writing, sign, signal, data,
 2 image, picture, or sound of any kind.

3 (3) COVERED PROJECT.—The term “covered
 4 project” means a project that—

5 (A) is to be carried out entirely within an
 6 area for which a Governor has declared a major
 7 disaster or an emergency related to a wildfire;

8 (B) is to be carried out not later than 5
 9 years after the date the Governor made such
 10 declaration; and

11 (C) replaces a communications facility
 12 damaged by such disaster or emergency or
 13 makes improvements to a communications facil-
 14 ity in such area that could reasonably be con-
 15 sidered as necessary for recovery from such dis-
 16 aster or emergency or to prevent or mitigate
 17 any future disaster or emergency.

18 **SEC. 221. STANDARD FEES.**

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

22 (1) by redesignating subsection (d) as sub-
 23 section (e); and

24 (2) by inserting after subsection (c) the fol-
 25 lowing:

1 “(d) COMMON FEE SCHEDULE.—

2 “(1) IN GENERAL.—Notwithstanding any other
3 provision of law, the Administrator of General Serv-
4 ices shall establish a common fee schedule for the
5 processing of applications under subsections (b)(1)
6 and (c).

7 “(2) FEE GUIDELINES.—The application fees
8 established under paragraph (1) shall be—

9 “(A) based on direct and actual cost recov-
10 ery; and

11 “(B) competitively neutral with regard to
12 other users of the building or other property
13 owned by the Federal Government.

14 “(3) EXCEPTIONS.—The Administrator of Gen-
15 eral Services may establish competitively neutral ex-
16 ceptions to the fee amounts established under para-
17 graph (1)—

18 “(A) in consideration of the public benefit
19 provided by a grant of an easement, right-of-
20 way, or lease; and

21 “(B) in the interest of expanding wireless
22 and broadband coverage.

23 “(4) USE OF FEES COLLECTED.—Any fee col-
24 lected by an executive agency under this section
25 shall only be available to the extent, and in such

1 amounts, as are provided in advance in appropria-
2 tion Acts, to the agency to cover the costs of grant-
3 ing the easement, right-of-way, or lease.”.

4 (b) DEADLINE.—The Administrator of General Serv-
5 ices shall establish the fee schedule required under section
6 6409(d) of the Middle Class Tax Relief and Job Creation
7 Act of 2012 (47 U.S.C. 1455(d)), as added by subsection
8 (a), not later than 30 days after the date of enactment
9 of this Act.

10 **SEC. 222. EXPEDITING FEDERAL BROADBAND DEPLOY-**
11 **MENT.**

12 (a) DEFINITIONS.—In this section:

13 (1) APPROPRIATE COMMITTEES OF CON-
14 GRESS.—The term “appropriate committees of Con-
15 gress” means—

16 (A) the Committee on Energy and Com-
17 merce of the House of Representatives;

18 (B) the Committee on Natural Resources
19 of the House of Representatives;

20 (C) the Committee on Commerce, Science,
21 and Transportation of the Senate;

22 (D) the Committee on Environment and
23 Public Works of the Senate;

24 (E) the Committee on Agriculture of the
25 House of Representatives; and

1 (F) the Committee on Agriculture, Nutri-
2 tion, and Forestry of the Senate.

3 (2) ASSISTANT SECRETARY.—The term “Assist-
4 ant Secretary” means the Assistant Secretary of
5 Commerce for Communications and Information.

6 (3) COMMUNICATIONS FACILITY.—The term
7 “communications facility” includes—

8 (A) any infrastructure, including any
9 transmitting device, tower, or support structure,
10 and any equipment, switches, wiring, cabling,
11 power sources, shelters, or cabinets, associated
12 with the licensed or permitted unlicensed wire-
13 less or wireline transmission of writings, signs,
14 signals, data, images, pictures, and sounds of
15 all kinds; and

16 (B) any antenna or apparatus that—

17 (i) is designed for the purpose of
18 emitting radio frequency;

19 (ii) is designed to be operated, or is
20 operating, from a fixed location pursuant
21 to authorization by the Commission or is
22 using duly authorized devices that do not
23 require individual licenses; and

24 (iii) is added to a tower, building, or
25 other structure.

1 (4) COMMUNICATIONS USE.—The term “com-
2 munications use” means the placement and oper-
3 ation of a communications facility.

4 (5) COMMUNICATIONS USE AUTHORIZATION.—
5 The term “communications use authorization”
6 means an easement, right-of-way, lease, license, or
7 other authorization to locate or modify a commu-
8 nications facility on covered land by the Department
9 concerned for the primary purpose of authorizing
10 the occupancy and use of the covered land for com-
11 munications use.

12 (6) COVERED LAND.—The term “covered land”
13 means—

14 (A) public land administered by the Sec-
15 retary of the Interior; and

16 (B) National Forest System land.

17 (7) DEPARTMENT CONCERNED.—The term
18 “Department concerned” means the Department of
19 the Interior or the Department of Agriculture.

20 (8) ORGANIZATION UNIT.—The term “organiza-
21 tional unit” means—

22 (A) with respect to public land adminis-
23 tered by the Secretary of the Interior—

24 (i) a State office;

25 (ii) a district office; or

1 (iii) a field office; and

2 (B) within the Forest Service—

3 (i) a regional office;

4 (ii) the headquarters;

5 (iii) a management unit; or

6 (iv) a ranger district office.

7 (9) STRIKE FORCE.—The term “Strike Force”
8 means the interagency strike force established in
9 subsection (b)(1).

10 (b) STRIKE FORCE.—

11 (1) ESTABLISHMENT.—Not later than 180 days
12 after the date of enactment of this Act, the Assist-
13 ant Secretary shall establish an interagency strike
14 force to increase prioritization by the Department
15 concerned, senior management of the Department
16 concerned, or an organizational unit of reviews for
17 communications use authorizations.

18 (2) DUTIES.—In carrying out the prioritization
19 under paragraph (1), the Strike Force shall—

20 (A) conduct periodic calls between mem-
21 bers of the Strike Force relating to requests for
22 communications use authorizations; and

23 (B) monitor and facilitate accountability of
24 the Department concerned and organizational
25 units to meet objective and reasonable goals for

1 the review of requests for communications use
2 authorizations.

3 (3) MEMBERS.—The Strike Force shall be com-
4 posed of such representatives of Departments con-
5 cerned as the Assistant Secretary considers appro-
6 priate, in addition to—

7 (A) the Assistant Secretary;

8 (B) a representative of the Department
9 concerned;

10 (C) senior management of the Department
11 concerned; and

12 (D) the head of each organizational unit.

13 (4) REPORT TO CONGRESS.—Not later than
14 270 days after the date of enactment of this Act, the
15 Strike Force shall submit to the appropriate com-
16 mittees of Congress a report on the effectiveness of
17 the Strike Force in increasing the prioritization of
18 reviews for communications use authorization re-
19 quests.

20 **SEC. 223. FEDERAL BROADBAND DEPLOYMENT IN**
21 **UNSERVED AREAS.**

22 (a) DEFINITIONS.—In this section:

23 (1) APPROPRIATE COMMITTEES OF CON-
24 GRESS.—The term “appropriate committees of Con-
25 gress” means—

1 (A) the Committee on Energy and Com-
2 merce of the House of Representatives;

3 (B) the Committee on Natural Resources
4 of the House of Representatives;

5 (C) the Committee on Commerce, Science,
6 and Transportation of the Senate;

7 (D) the Committee on Environment and
8 Public Works of the Senate;

9 (E) the Committee on Agriculture of the
10 House of Representatives; and

11 (F) the Committee on Agriculture, Nutri-
12 tion, and Forestry of the Senate.

13 (2) COMMISSION.—The term “Commission”
14 means the Federal Communications Commission.

15 (3) COMMUNICATIONS FACILITY.—The term
16 “communications facility” includes—

17 (A) any infrastructure, including any
18 transmitting device, tower, or support structure,
19 and any equipment, switch, wiring, cabling,
20 power source, shelter, or cabinet, associated
21 with the licensed or permitted unlicensed wire-
22 less or wireline transmission of any writing,
23 sign, signal, data, image, picture, and sound of
24 any kind; and

25 (B) any antenna or apparatus that—

1 (i) is designed for the purpose of
2 emitting radio frequency;

3 (ii) is designed to be operated, or is
4 operating, from a fixed location pursuant
5 to authorization by the Commission or is
6 using any duly authorized device that does
7 not require an individual license; and

8 (iii) is added to a tower, building, or
9 other structure.

10 (4) COVERED LAND.—The term “covered land”
11 means land managed by a Federal land management
12 agency.

13 (5) DEPARTMENT CONCERNED.—The term
14 “Department concerned” means the Department of
15 the Interior or the Department of Agriculture.

16 (6) FEDERAL LAND MANAGEMENT AGENCY.—
17 The term “Federal land management agency”
18 means—

- 19 (A) the Forest Service;
20 (B) the Bureau of Land Management;
21 (C) the National Park Service;
22 (D) the Fish and Wildlife Service; and
23 (E) the Bureau of Reclamation.

24 (7) SECRETARY CONCERNED.—The term “Sec-
25 retary concerned” means—

1 (A) the Secretary of the Interior, with re-
2 spect to land administered by such Secretary;

3 (B) the Secretary of Agriculture, with re-
4 spect to National Forest System land; and

5 (C) the Secretary of Commerce.

6 (b) SHARING BROADBAND AVAILABILITY DATA.—

7 (1) NOTIFICATION.—Not later than 2 business
8 days after the creation or update of any map re-
9 quired under section 802(c)(1) of the Communica-
10 tions Act of 1934 (47 U.S.C. 642(c)(1)), the Com-
11 mission shall notify the Secretary concerned that the
12 map has been created or updated.

13 (2) PROVISION OF INFORMATION.—Not later
14 than 5 business days after the date on which the
15 Secretary concerned is notified under paragraph (1),
16 the Commission shall provide the Secretary con-
17 cerned any data the Commission has collected pursu-
18 ant to title VIII of the Communications Act of 1934
19 (47 U.S.C. 641 et seq.).

20 (3) CONTINUATION.—The Commission shall
21 provide the Secretary concerned the information de-
22 scribed in paragraph (2) every 6 months unless the
23 Commission no longer has such information.

24 (4) PROTECTION OF INFORMATION.—

1 (A) IN GENERAL.—The Commission shall
2 specify to the Secretary concerned which infor-
3 mation provided under paragraph (2) was col-
4 lected in a confidential or proprietary manner,
5 and the Secretary concerned may not make
6 such information publicly available.

7 (B) FOIA.—Information provided under
8 paragraph (2) is exempt from disclosure to the
9 public under section 552(b)(3)(B) of title 5,
10 United States Code.

11 (c) WORKING GROUP.—

12 (1) ESTABLISHMENT.—Not later than 30 days
13 after the date of enactment of this section, the Com-
14 mission and the Secretary concerned shall establish
15 an interagency working group to facilitate the prepa-
16 ration and interoperability of information technology
17 systems for the provision and receipt of the informa-
18 tion described in subsection (b)(2).

19 (2) NONAPPLICABILITY OF FACA.—The Federal
20 Advisory Committee Act (5 U.S.C. App.) shall not
21 apply to the interagency working group established
22 under paragraph (1).

23 (d) REPORTS.—

24 (1) PRELIMINARY ASSESSMENT OF POTENTIAL
25 BARRIERS.—Not later 120 days after the date on

1 which the interagency working group is established
2 pursuant to subsection (c)(1), the Commission and
3 the Secretary concerned shall jointly submit a report
4 to the appropriate committees of Congress with a
5 preliminary assessment of any potential barriers to
6 sharing the information described under subsection
7 (b)(2).

8 (2) ASSESSMENTS.—Not later than 1 year after
9 the date on which the Commission provides the in-
10 formation described under subsection (b)(2) to the
11 Department concerned, the Commission and the Sec-
12 retary concerned shall jointly submit a report to the
13 appropriate committees of Congress with—

14 (A) an assessment of the effectiveness of a
15 user’s ability to locate broadband infrastructure
16 on covered land in an area to be determined as
17 unserved by the Commission on the basis of the
18 maps created under section 802(c) of the Com-
19 munications Act of 1934 (47 U.S.C. 642(c));
20 and

21 (B) an assessment of whether the Depart-
22 ment concerned prioritized the review of appli-
23 cations for a communications use authorization
24 in an area to be determined as unserved by the

1 Commission on the basis of the maps created
2 under such section.

3 **SEC. 224. FEDERAL BROADBAND DEPLOYMENT TRACKING.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Assistant Secretary
6 shall submit to the appropriate committees of Congress
7 a report containing the elements described in subsection
8 (b).

9 (b) ELEMENTS DESCRIBED.—The elements described
10 in this subsection are the following:

11 (1) A plan describing how the Assistant Sec-
12 retary will track the acceptance, processing, and dis-
13 posal of a Form 299 submitted to the Secretary con-
14 cerned by a requesting party.

15 (2) A description of how the Assistant Sec-
16 retary would most expeditiously implement the plan
17 described in paragraph (1).

18 (3) A description of how the Assistant Sec-
19 retary may increase transparency to a requesting
20 party on the status of a Form 299 received by the
21 Secretary concerned.

22 (4) A description of any barriers the Assistant
23 Secretary determines could delay the implementation
24 of the plan described in paragraph (1).

25 (c) DEFINITIONS.—In this section:

1 (1) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

4 (A) the Committee on Energy and Com-
5 merce of the House of Representatives;

6 (B) the Committee on Commerce, Science,
7 and Transportation of the Senate;

8 (C) the Committee on Agriculture of the
9 House of Representatives; and

10 (D) the Committee on Agriculture, Nutri-
11 tion, and Forestry of the Senate.

12 (2) ASSISTANT SECRETARY.—The term “Assist-
13 ant Secretary” means the Assistant Secretary of
14 Commerce for Communications and Information.

15 (3) FORM 299.—The term “Form 299” means
16 the form developed pursuant to section
17 6409(b)(2)(A) of the Middle Class Tax Relief and
18 Job Creation Act of 2012 (47 U.S.C.
19 1455(b)(2)(A)), or any successor form.

20 (4) NATIONAL FOREST SYSTEM.—The term
21 “National Forest System” has the meaning given
22 the term in section 11(a) of the Forest and Range-
23 land Renewable Resources Planning Act of 1974 (16
24 U.S.C. 1609(a)).

1 (5) PUBLIC LAND.—The term “public land”
2 means land under the management of—

3 (A) the Bureau of Land Management;

4 (B) the National Park Service;

5 (C) the United States Fish and Wildlife
6 Service; or

7 (D) the Bureau of Reclamation.

8 (6) SECRETARY CONCERNED.—The term “Sec-
9 retary concerned” means—

10 (A) the Secretary of the Interior, with re-
11 spect to public land; and

12 (B) the Secretary of Agriculture, with re-
13 spect to National Forest System land.

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