station may not receive any reimbursements under subparagraph (A).

(2) FM broadcast station defined

In this subsection, the term 'FM broadcast station' has the meaning given such term in section 73.310 of title 47, Code of Federal Regulations, and includes an FM translator, which has the meaning given the term ''FM translator'' in section 74.1201 of such title.

(m) Rulemaking

(1) In general

Not later than 1 year after March 23, 2018, the Commission shall complete a rulemaking to implement subsections (k) and (l).

(2) Matters for inclusion

The rulemaking completed under paragraph (1) shall include the development of lists of reasonable eligible costs to be reimbursed by the Commission pursuant to subsections (k) and (l), and procedures for the submission and review of cost estimates and other materials related to those costs consistent with the regulations developed by the Commission pursuant to subsection (b)(4).

(n) Rule of construction

(1) Nothing in subsections (j) through (m) shall alter the final transition phase completion date established by the Commission for full power and Class A television stations.

(Pub. L. 112–96, title VI, §6403, Feb. 22, 2012, 126 Stat. 225; Pub. L. 115–141, div. E, title V, §511, Mar. 23, 2018, 132 Stat. 563.)

Editorial Notes

AMENDMENTS

2018—Subsecs. (j) to (n). Pub. L. 115–141 added subsecs. (j) to (n).

§ 1453. Unlicensed use in the 5 GHZ band

(a) Modification of Commission regulations to allow certain unlicensed use

(1) In general

Subject to paragraph (2), not later than 1 year after February 22, 2012, the Commission shall begin a proceeding to modify part 15 of title 47, Code of Federal Regulations, to allow unlicensed U–NII devices to operate in the 5350–5470 MHz band.

(2) Required determinations

The Commission may make the modification described in paragraph (1) only if the Commission, in consultation with the Assistant Secretary, determines that—

(A) licensed users will be protected by technical solutions, including use of existing, modified, or new spectrum-sharing technologies and solutions, such as dynamic frequency selection; and

(B) the primary mission of Federal spectrum users in the 5350–5470 MHz band will not be compromised by the introduction of unlicensed devices.

(b) Study by NTIA

(1) In general

The Assistant Secretary, in consultation with the Department of Defense and other impacted agencies, shall conduct a study evaluating known and proposed spectrum-sharing technologies and the risk to Federal users if unlicensed U–NII devices were allowed to operate in the 5350–5470 MHz band and in the 5850–5925 MHz band.

(2) Submission

The Assistant Secretary shall submit to the Commission and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) not later than 8 months after February 22, 2012, a report on the portion of the study required by paragraph (1) with respect to the 5350–5470 MHz band; and

(B) not later than 18 months after February 22, 2012, a report on the portion of the study required by paragraph (1) with respect to the 5850–5925 MHz band.

(c) Definitions

In this section:

(1) 5350–5470 MHz band

The term ''5350–5470 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 5350 megahertz to 5470 megahertz.

(2) 5850–5925 MHz band

The term ''5850–5925 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 5850 megahertz to 5925 megahertz.

(Pub. L. 112–96, title VI, §6406, Feb. 22, 2012, 126 Stat. 231.)

§ 1454. Guard bands and unlicensed use

(a) In general

Nothing in subparagraph (G) of section 309(j)(8) of this title or in section 1452 of this title shall be construed to prevent the Commission from using relinquished or other spectrum to implement band plans with guard bands.

(b) Size of guard bands

Such guard bands shall be no larger than is technically reasonable to prevent harmful interference between licensed services outside the guard bands.

(c) Unlicensed use in guard bands

The Commission may permit the use of such guard bands for unlicensed use.

(d) Database

Unlicensed use shall rely on a database or subsequent methodology as determined by the Commission.

(e) Protections against harmful interference

The Commission may not permit any use of a guard band that the Commission determines would cause harmful interference to licensed services.

(Pub. L. 112–96, title VI, §6407, Feb. 22, 2012, 126 Stat. 231.)

§ 1455. Wireless facilities deployment

(a) Facility modifications

(1) In general

Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law

104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) Eligible facilities request

For purposes of this subsection, the term ''eligible facilities request'' means any request for modification of an existing wireless tower or base station that involves—

(A) collocation of new transmission equipment;

(B) removal of transmission equipment; or

(C) replacement of transmission equipment.

(3) Applicability of environmental laws

Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act[1] or the National Environmental Policy Act of 1969.

(b) Federal easements, rights-of-way, and leases

(1) Grant

If an executive agency, a State, a political subdivision or agency of a State, or a person, firm, or organization applies for the grant of an easement, right-of-way, or lease to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, modify, or maintain a communications facility installation, the executive agency having control of the building or other property may grant to the applicant, on behalf of the Federal Government, subject to paragraph (3), an easement, right-of-way, or lease to perform such installation, construction, modification, or maintenance.

(2) Application

(A) In general

The Administrator of General Services shall develop a common form for applications for easements, rights-of-way, and leases under paragraph (1) for all executive agencies that, except as provided in subparagraph (B), shall be used by all executive agencies and applicants with respect to the buildings or other property of each such agency.

(B) Exception

The requirement under subparagraph (A) for an executive agency to use the common form developed by the Administrator of General Services shall not apply to an executive agency if the head of an executive agency notifies the Administrator that the executive agency uses a substantially similar application.

(3) Timely consideration of applications

(A) In general

Not later than 270 days after the date on which an executive agency receives a duly filed application for an easement, right-of-way, or lease under this subsection, the executive agency shall—

(i) grant or deny, on behalf of the Federal Government, the application; and

(ii) notify the applicant of the grant or denial.

(B) Explanation of denial

If an executive agency denies an application under subparagraph (A), the executive agency shall notify the applicant in writing, including a clear statement of the reasons for the denial.

(C) Applicability of environmental laws

Nothing in this paragraph shall be construed to relieve an executive agency of the requirements of division A of subtitle III of title 54 or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(D) Point of contact

Upon receiving an application under subparagraph (A), an executive agency shall designate one or more appropriate individuals within the executive agency to act as a point of contact with the applicant.

(c) Master contracts for communications facility installation sitings

(1) In general

Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 151) or any other provision of law, the Administrator of General Services shall—

(A) develop one or more master contracts that shall govern the placement of communications facility installations on buildings and other property owned by the Federal Government; and

(B) in developing the master contract or contracts, standardize the treatment of the placement of communications facility installations on building rooftops or facades, the placement of communications facility installations on rooftops or inside buildings, the technology used in connection with communications facility installations placed on Federal buildings and other property, and any other key issues the Administrator of General Services considers appropriate.

(2) Applicability

The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator of General Services decides that issues with respect to the siting of a communications facility installation on a specific building or other property warrant nonstandard treatment of such building or other property.

(3) Application

(A) In general

The Administrator of General Services shall develop a common form or set of forms for communications facility installation siting applications that, except as provided

[1] See References in Text note below.

in subparagraph (B), shall be used by all executive agencies and applicants with respect to the buildings and other property of each such agency.

(B) Exception

The requirement under subparagraph (A) for an executive agency to use the common form or set of forms developed by the Administrator of General Services shall not apply to an executive agency if the head of the executive agency notifies the Administrator that the executive agency uses a substantially similar application.

(d) Definitions

In this section:

(1) Communications facility installation

The term ''communications facility installation'' includes—

(A) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets, associated with the licensed or permitted unlicensed wireless or wireline transmission of writings, signs, signals, data, images, pictures, and sounds of all kinds; and

(B) any antenna or apparatus that—

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

(ii) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Federal Communications Commission or is using duly authorized devices that do not require individual licenses; and

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

(2) Executive agency

The term ''executive agency'' has the meaning given such term in section 102 of title 40.

(Pub. L. 112–96, title VI, §6409, Feb. 22, 2012, 126 Stat. 232; Pub. L. 115–141, div. P, title VI, §606(a), Mar. 23, 2018, 132 Stat. 1101.)

Editorial Notes

REFERENCES IN TEXT

Section 704 of the Telecommunications Act of 1996, referred to in subsecs. (a)(1) and (c)(1), is section 704 of Pub. L. 104–104, title VII, Feb. 8, 1996, 110 Stat. 151. Subsec. (a) of section 704 of Pub. L. 104–104 amended section 332 of this title. Subsec. (b) of section 704 of Pub. L. 104–104 is not classified to the Code. Subsec. (c) of section 704 of Pub. L. 104–104 is set out as a note under section 332 of this title.

The National Historic Preservation Act, referred to in subsec. (a)(3), is Pub. L. 89–665, Oct. 15, 1966, 80 Stat. 915, which was classified generally to subchapter II (§470 et seq.) of chapter 1A of Title 16, Conservation. The Act, except for section 1, was repealed and restated in division A (§300101 et seq.) of subtitle III of Title 54, National Park Service and Related Programs, by Pub. L. 113–287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of Title 16, see Disposition Table preceding section 100101 of Title 54.

The National Environmental Policy Act of 1969, referred to in subsecs. (a)(3) and (b)(3)(C), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

2018—Subsecs. (b) to (d). Pub. L. 115–141 added subsecs. (b) to (d) and struck out former subsecs. (b) to (d) which related to Federal easements and rights-of-way, master contracts for wireless facility sitings, and definition of executive agency, respectively.

Statutory Notes and Related Subsidiaries

SAVINGS PROVISIONS

Pub. L. 115–141, div. P, title VI, §606(b), Mar. 23, 2018, 132 Stat. 1103, provided that: ''An application for an easement, right-of-way, or lease that was made or granted under section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455) before the date of enactment of this Act [Mar. 23, 2018] shall continue, subject to that section as in effect on the day before such date of enactment.''

Pub. L. 115–141, div. P, title VI, §606(d), Mar. 23, 2018, 132 Stat. 1104, provided that:

''(1) REAL PROPERTY AUTHORITIES.—Nothing in this section [amending this section and enacting provisions set out as a note under this section], or the amendments made by this section, shall be construed as providing any executive agency with any new leasing or other real property authorities not existing prior to the date of enactment of this Act [Mar. 23, 2018].

''(2) EFFECT ON OTHER LAWS.—Nothing in this section, or the amendments made by this section, and no actions taken pursuant to this section, or the amendments made by this section, shall impact a decision or determination by any executive agency to sell, dispose of, declare excess or surplus, lease, reuse, or redevelop any Federal real property pursuant to title 40, United States Code, the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287) [40 U.S.C. 1303 note], or any other law governing real property activities of the Federal Government. No agreement entered into pursuant to this section, or the amendments made by this section, may obligate the Federal Government to hold, control, or otherwise retain or use real property that may otherwise be deemed as excess, surplus, or that could be otherwise sold, leased, or redeveloped.''

§ 1456. System certification

Not later than 6 months after February 22, 2012, the Director of the Office of Management and Budget shall update and revise section 33.4 of OMB Circular A–11 to reflect the recommendations regarding such Circular made in the Commerce Spectrum Management Advisory Committee Incentive Subcommittee report, adopted January 11, 2011.

(Pub. L. 112–96, title VI, §6411, Feb. 22, 2012, 126 Stat. 234.)

§ 1457. Public Safety Trust Fund

(a) Establishment of Public Safety Trust Fund

(1) In general

There is established in the Treasury of the United States a trust fund to be known as the Public Safety Trust Fund.

(2) Availability

Amounts deposited in the Public Safety Trust Fund shall remain available through fiscal year 2022. Any amounts remaining in the Fund after the end of such fiscal year shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.