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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To amend the Communications Act of 1934 to streamline siting processes for personal wireless service facilities, including small personal wireless service facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LATTA introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Communications Act of 1934 to streamline siting processes for personal wireless service facilities, including small personal wireless service facilities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Winning the Inter-
5 national Race for Economic Leadership and Expanding
6 Service to Support Leadership Act” or the “WIRELESS
7 Leadership Act”.

1 **SEC. 2. PRESERVATION OF LOCAL ZONING AUTHORITY.**

2 Section 332(c) of the Communications Act of 1934
3 (47 U.S.C. 332(c)) is amended by striking paragraph (7)
4 and inserting the following:

5 “(7) PRESERVATION OF LOCAL ZONING AU-
6 THORITY.—

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

14 “(B) LIMITATIONS.—

15 “(i) IN GENERAL.—The regulation of
16 the placement, construction, or modifica-
17 tion of a personal wireless service facility
18 by any State or local government or instru-
19 mentality thereof—

20 “(I) shall not unreasonably dis-
21 criminate among providers of the
22 same service using comparable equip-
23 ment, including by providing exclusive
24 or preferential use of facilities to a
25 particular provider or class of pro-
26 viders of personal wireless service; and

1 “(II) shall not prohibit or have
2 the effect of prohibiting the provision
3 of personal wireless service, including
4 by materially limiting or inhibiting the
5 ability of any provider or potential
6 provider of such service to compete in
7 a fair and balanced legal and regu-
8 latory environment, including by lim-
9 iting the ability of any such provider
10 or potential provider to—

11 “(aa) fill gaps in coverage of
12 personal wireless service;

13 “(bb) densify a personal
14 wireless service network;

15 “(cc) introduce new personal
16 wireless service; or

17 “(dd) otherwise improve per-
18 sonal wireless service capabilities.

19 “(ii) ENGINEERING STANDARDS; AES-
20 THETIC REQUIREMENTS.—It is not a viola-
21 tion of clause (i) for a State or local gov-
22 ernment or instrumentality thereof to es-
23 tablish for small personal wireless service
24 facilities objective, reasonable, and non-
25 discriminatory—

1 “(I) structural engineering stand-
2 ards based on generally applicable
3 codes;

4 “(II) safety requirements; or

5 “(III) aesthetic or concealment
6 requirements.

7 “(iii) TIMEFRAMES.—

8 “(I) IN GENERAL.—A State or
9 local government or instrumentality
10 thereof shall grant or deny a complete
11 request for authorization to place,
12 construct, or modify a personal wire-
13 less service facility not later than—

14 “(aa) in the case of a per-
15 sonal wireless service facility that
16 is not a small personal wireless
17 service facility—

18 “(AA) if the request is
19 for authorization to place,
20 construct, or modify such fa-
21 cility on an eligible support
22 structure, including in an
23 area that has not previously
24 been zoned for personal
25 wireless service facilities

1 (other than small personal
2 wireless service facilities), 90
3 days after the date on which
4 the complete request is re-
5 ceived by the government or
6 instrumentality; or

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

14 “(bb) in the case of a small
15 personal wireless service facil-
16 ity—

17 “(AA) if the request is
18 for authorization to place,
19 construct, or modify such fa-
20 cility on an eligible support
21 structure, including in an
22 area that has not previously
23 been zoned for personal
24 wireless service facilities, 60
25 days after the date on which

1 the complete request is re-
2 ceived by the government or
3 instrumentality; or

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

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

24 “(III) APPLICABILITY.—The ap-
25 plicable timeframe under subclause (I)

1 shall apply collectively to all pro-
2 ceedings required by a State or local
3 government or instrumentality thereof
4 for the approval of the request.

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

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

24 “(iv) DEEMED GRANTED.—

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

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

23 “(v) WRITTEN DECISION AND
24 RECORD.—Any decision by a State or local
25 government or instrumentality thereof to

1 deny a request for authorization to place,
2 construct, or modify a personal wireless
3 service facility shall be—

4 “(I) in writing; and

5 “(II) supported by substantial
6 evidence contained in a written
7 record.

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

18 “(vii) FEES.—Notwithstanding any
19 other provision of law, a State or local gov-
20 ernment or instrumentality thereof may
21 charge a fee to consider a request for au-
22 thorization to place, construct, or modify a
23 personal wireless service facility, or a fee
24 for use of a right-of-way or a facility in a
25 right-of-way owned or managed by the gov-

1 ernment or instrumentality for the place-
2 ment, construction, or modification of a
3 personal wireless service facility, if the fee
4 is—

5 “(I) competitively neutral, tech-
6 nology neutral, and nondiscrim-
7 inatory;

8 “(II) publicly disclosed;

9 “(III) calculated—

10 “(aa) based on actual and
11 direct costs, such as costs for—

12 “(AA) review and proc-
13 essing of requests; and

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

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

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

7 “(aa) nonrecurring fees and
8 recurring fees; and

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

17 “(C) RULE OF CONSTRUCTION.—Except as
18 provided in subparagraph (B)(iv), nothing in
19 this paragraph shall be construed to prevent
20 any State or local government or instrumen-
21 tality thereof from imposing any additional limi-
22 tation or requirement relating to consideration
23 by the government or instrumentality of a re-
24 quest for authorization to place, construct, or
25 modify a personal wireless service facility.

1 “(D) APPLICABILITY.—This paragraph
2 shall apply to any request to a State or local
3 government or instrumentality thereof for au-
4 thorization to place, construct, or modify any
5 personal wireless service facility, including a re-
6 quest for authorization to place, construct, or
7 modify a personal wireless service facility on an
8 eligible support structure.

9 “(E) JUDICIAL AND ADMINISTRATIVE RE-
10 VIEW.—

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

21 “(ii) ADMINISTRATIVE REVIEW.—Any
22 person adversely affected by an act or fail-
23 ure to act by a State or local government
24 or any instrumentality thereof that is in-

1 consistent with subparagraph (B)(vi) may
2 petition the Commission for relief.

3 “(F) WHEN REQUEST CONSIDERED COM-
4 PLETE; RECEIVED.—

5 “(i) IN GENERAL.—For purposes of
6 this paragraph, a request to a State or
7 local government or instrumentality thereof
8 shall be considered—

9 “(I) complete if—

10 “(aa) the requesting party
11 makes the request by submitting
12 to the government or instrumen-
13 tality the form required to be
14 used for making the request;

15 “(bb) the form submitted
16 contains all of the information
17 specified by the form as being re-
18 quired to be included in the form;
19 and

20 “(cc) the requesting party
21 has not received a written notice
22 from the government or instru-
23 mentality within 10 business
24 days after the date on which the

1 request is received by the govern-
2 ment or instrumentality—

3 “(AA) stating that the
4 form does not contain all of
5 the information required to
6 be included in the form; and

7 “(BB) identifying the
8 information required to be
9 included in the form that
10 was not included; and

11 “(II) received by the government
12 or instrumentality—

13 “(aa) in the case of a re-
14 quest submitted electronically, on
15 the date on which the form re-
16 quired to be used for making the
17 request is transmitted;

18 “(bb) in the case of a re-
19 quest submitted in person, on the
20 date on which the form required
21 to be used for making the re-
22 quest is delivered to the indi-
23 vidual or at the location specified
24 in the form for in-person submis-
25 sion; and

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

8 “(ii) TREATMENT OF MULTIPLE
9 FORMS.—If a State or local government or
10 instrumentality thereof requires the use of
11 multiple forms for making a request, such
12 forms shall be treated as a single form for
13 purposes of clause (i).

14 “(G) DEFINITIONS.—In this paragraph:

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

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

1 “(iii) COMMUNICATIONS SERVICE.—

2 The term ‘communications service’
3 means—

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

6 “(II) information service;

7 “(III) telecommunications serv-
8 ice; and

9 “(IV) personal wireless service.

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

21 “(v) GENERALLY APPLICABLE
22 CODE.—The term ‘generally applicable
23 code’ means a uniform building, fire, elec-
24 trical, plumbing, or mechanical code adopt-
25 ed by a national code organization, or a

1 local amendment to such a code, to the ex-
2 tent not inconsistent with this Act.

3 “(vi) NETWORK INTERFACE DE-
4 VICE.—The term ‘network interface device’
5 means a telecommunications demarcation
6 device and cross-connect point that—

7 “(I) is adjacent or proximate
8 to—

9 “(aa) a small personal wire-
10 less service facility; or

11 “(bb) a structure supporting
12 a small personal wireless service
13 facility; and

14 “(II) demarcates the boundary
15 with any wireline backhaul facility.

16 “(vii) PERSONAL WIRELESS SERV-
17 ICE.—The term ‘personal wireless service’
18 means—

19 “(I) commercial mobile service;

20 “(II) commercial mobile data
21 service (as defined in section 6001 of
22 the Middle Class Tax Relief and Job
23 Creation Act of 2012 (47 U.S.C.
24 1401));

1 “(III) unlicensed wireless service;

2 and

3 “(IV) common carrier wireless
4 exchange access service.

5 “(viii) PERSONAL WIRELESS SERVICE
6 FACILITY.—The term ‘personal wireless
7 service facility’ means a facility for the
8 provision of personal wireless service.

9 “(ix) SMALL PERSONAL WIRELESS
10 SERVICE FACILITY.—The term ‘small per-
11 sonal wireless service facility’—

12 “(I) means a personal wireless
13 service facility in which each antenna
14 is not more than 3 cubic feet in vol-
15 ume; and

16 “(II) does not include a wireline
17 backhaul facility.

18 “(x) UNLICENSED WIRELESS SERV-
19 ICE.—The term ‘unlicensed wireless serv-
20 ice’—

21 “(I) means the offering of tele-
22 communications service using a duly
23 authorized device that does not re-
24 quire an individual license; and

1 “(II) does not include the provi-
2 sion of direct-to-home satellite service,
3 as defined in section 303(v).

4 “(xi) WIRELINE BACKHAUL FACIL-
5 ITY.—The term ‘wireline backhaul facility’
6 means an above-ground or underground
7 wireline facility used to transport commu-
8 nications service or other electronic com-
9 munications from a small personal wireless
10 service facility or the adjacent network
11 interface device of such facility to a com-
12 munications network.”.

[DISCUSSION DRAFT]

116TH CONGRESS
2D SESSION

H. R. _____

To amend the Communications Act of 1934 to streamline siting processes for telecommunications service facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Communications Act of 1934 to streamline siting processes for telecommunications service facilities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Barriers and Regu-
5 latory Obstacles Avoids Deployment of Broadband Access
6 and Needs Deregulatory Leadership Act” or the
7 “BROADBAND Leadership Act”.

1 **SEC. 2. REMOVAL OF BARRIERS TO ENTRY.**

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

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

5 “(a) GENERAL AUTHORITY.—Except as provided in
6 this section, nothing in this Act shall limit or affect the
7 authority of a State or local government or instrumen-
8 tality thereof over decisions regarding the placement, con-
9 struction, and modification of telecommunications service
10 facilities.

11 “(b) LIMITATIONS.—

12 “(1) IN GENERAL.—The regulation of the
13 placement, construction, or modification of a tele-
14 communications service facility by any State or local
15 government or instrumentality thereof—

16 “(A) shall not prohibit or have the effect
17 of prohibiting the ability of any entity to pro-
18 vide any interstate or intrastate telecommuni-
19 cations service; and

20 “(B) shall not unreasonably discriminate
21 among providers of functionally equivalent serv-
22 ices.

23 “(2) TIMEFRAME.—

24 “(A) IN GENERAL.—A State or local gov-
25 ernment or instrumentality thereof shall grant
26 or deny a complete request for authorization to

1 place, construct, or modify a telecommuni-
2 cations service facility not later than—

3 “(i) if the request is for authorization
4 to place, construct, or modify such facility
5 in or on eligible support infrastructure, 90
6 days after the date on which the complete
7 request is received by the government or
8 instrumentality; or

9 “(ii) for any other action relating to
10 such facility, 150 days after the date on
11 which the complete request is received by
12 the government or instrumentality.

13 “(B) APPLICABILITY.—The applicable
14 timeframe under subparagraph (A) shall apply
15 collectively to all proceedings required by a
16 State or local government or instrumentality
17 thereof for the approval of the request.

18 “(C) NO TOLLING.—A timeframe under
19 subparagraph (A) may not be tolled by any
20 moratorium, whether express or de facto, im-
21 posed by a State or local government or instru-
22 mentality thereof on the consideration of any
23 request for authorization to place, construct, or
24 modify a telecommunications service facility.

1 “(D) TEMPORARY WAIVER.—The Commis-
2 sion may temporarily waive the applicability of
3 subparagraph (A) for not longer than a single
4 30-day period for any complete request upon a
5 demonstration by a State or local government
6 or instrumentality thereof that the waiver would
7 be consistent with the public interest, conven-
8 ience, and necessity.

9 “(3) DEEMED GRANTED.—

10 “(A) IN GENERAL.—If a State or local
11 government or instrumentality thereof has nei-
12 ther granted nor denied a complete request
13 within the applicable timeframe under para-
14 graph (2), the request shall be deemed granted
15 on the date on which the government or instru-
16 mentality receives a written notice of the failure
17 from the requesting party.

18 “(B) RULE OF CONSTRUCTION.—In the
19 case of a request that is deemed granted under
20 subparagraph (A), the placement, construction,
21 or modification requested in such request shall
22 be considered to be authorized, without any fur-
23 ther action by the government or instrumen-
24 tality, beginning on the date on which such re-

1 quest is deemed granted under such subpara-
2 graph.

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

8 “(A) in writing; and

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

11 “(5) FEES.—

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

17 “(i) to consider a request for author-
18 ization to place, construct, or modify a
19 telecommunications service facility; or

20 “(ii) for use of a right-of-way or a fa-
21 cility in a right-of-way owned or managed
22 by the government or instrumentality for
23 the placement, construction, or modifica-
24 tion of a telecommunications service facil-
25 ity.

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

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

5 “(ii) publicly disclosed;

6 “(iii) calculated—

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

9 “(aa) review and processing
10 of requests; and

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

13 “(AA) components and
14 materials resulting from and
15 affected by the installation
16 or improvement of tele-
17 communications service fa-
18 cilities; or

19 “(BB) equipment that
20 facilitates the installation or
21 improvement of such facili-
22 ties; and

23 “(II) using, for purposes of sub-
24 clause (I), only costs that are objec-
25 tively reasonable; and

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

3 “(I) nonrecurring fees and recur-
4 ring fees; and

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

13 “(c) RULE OF CONSTRUCTION.—Except as provided
14 in subsection (b)(3), nothing in this section shall be con-
15 strued to prevent any State or local government or instru-
16 mentality thereof from imposing any additional limitation
17 or requirement relating to consideration by the govern-
18 ment or instrumentality of a request for authorization to
19 place, construct, or modify a telecommunications service
20 facility.

21 “(d) APPLICABILITY.—This section shall apply to any
22 request to a State or local government or instrumentality
23 thereof for authorization to place, construct, or modify any
24 telecommunications service facility, including a request for
25 authorization to place, construct, or modify a tele-

1 communications service facility in or on eligible support
2 infrastructure.

3 “(e) JUDICIAL REVIEW.—

4 “(1) IN GENERAL.—Any person adversely af-
5 fected by a final action or failure to act by a State
6 or local government or instrumentality thereof that
7 is inconsistent with this section may, not later than
8 30 days after the action or failure to act, commence
9 an action in any court of competent jurisdiction.

10 “(2) TIMING.—A court shall hear and decide an
11 action described in paragraph (1) on an expedited
12 basis.

13 “(f) PRESERVATION OF STATE REGULATORY AU-
14 THORITY.—Nothing in this section shall affect the ability
15 of a State to impose, on a competitively neutral and non-
16 discriminatory basis and consistent with section 254, re-
17 quirements necessary to preserve and advance universal
18 service, protect the public safety and welfare, ensure the
19 continued quality of telecommunications services, and
20 safeguard the rights of consumers.

21 “(g) PRESERVATION OF STATE AND LOCAL GOVERN-
22 MENT AUTHORITY.—Nothing in this section affects the
23 authority of a State or local government or instrumen-
24 tality thereof to manage the public rights-of-way or to re-
25 quire fair and reasonable compensation from telecommuni-

1 cations providers, on a competitively neutral and non-
2 discriminatory basis, for use of public rights-of-way on a
3 competitively neutral and nondiscriminatory basis, if the
4 compensation required meets the requirements of sub-
5 section (b)(5).

6 “(h) PREEMPTION.—If, after notice and an oppor-
7 tunity for public comment, the Commission determines
8 that a State or local government or instrumentality there-
9 of has permitted or imposed any statute, regulation, or
10 legal requirement that violates or is inconsistent with sub-
11 section (b), (f), or (g), the Commission shall preempt the
12 enforcement of such statute, regulation, or legal require-
13 ment to the extent necessary to correct such violation or
14 inconsistency.

15 “(i) COMMERCIAL MOBILE SERVICE PROVIDERS.—
16 Nothing in this section shall affect the application of sec-
17 tion 332(c)(3) to commercial mobile service providers.

18 “(j) RURAL MARKETS.—It shall not be a violation of
19 this section for a State to require a telecommunications
20 carrier that seeks to provide telephone exchange service
21 or exchange access in a service area served by a rural tele-
22 phone company to meet the requirements in section
23 214(e)(1) for designation as an eligible telecommuni-
24 cations carrier for that area before being permitted to pro-
25 vide such service. This subsection shall not apply—

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

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

8 “(k) WHEN REQUEST CONSIDERED COMPLETE; RE-
9 CEIVED.—

10 “(1) IN GENERAL.—For purposes of this sec-
11 tion, a request to a State or local government or in-
12 strumentality thereof shall be considered—

13 “(A) complete if—

14 “(i) the requesting party makes the
15 request by submitting to the government
16 or instrumentality the form required to be
17 used for making the request;

18 “(ii) the form submitted contains all
19 of the information specified by the form as
20 being required to be included in the form;
21 and

22 “(iii) the requesting party has not re-
23 ceived a written notice from the govern-
24 ment or instrumentality within 10 business
25 days after the date on which the request is

1 received by the government or instrumen-
2 tality—

3 “(I) stating that the form does
4 not contain all of the information re-
5 quired to be included in the form; and

6 “(II) identifying the information
7 required to be included in the form
8 that was not included; and

9 “(B) received by the government or instru-
10 mentality—

11 “(i) in the case of a request submitted
12 electronically, on the date on which the
13 form required to be used for making the
14 request is transmitted;

15 “(ii) in the case of a request sub-
16 mitted in person, on the date on which the
17 form required to be used for making the
18 request is delivered to the individual or at
19 the location specified in the form for in-
20 person submission; and

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

1 “(2) TREATMENT OF MULTIPLE FORMS.—If a
2 State or local government or instrumentality thereof
3 requires the use of multiple forms for making a re-
4 quest, such forms shall be treated as a single form
5 for purposes of paragraph (1).

6 “(1) DEFINITIONS.—In this section:

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

17 “(2) TELECOMMUNICATIONS SERVICE FACIL-
18 ITY.—The term ‘telecommunications service facility’
19 means a facility for the provision of any interstate
20 or intrastate telecommunications service.”.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To amend the Communications Act of 1934 to preserve cable franchising authority, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Communications Act of 1934 to preserve cable franchising authority, 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 “Cable Access for
5 Broadband and Local Economic Leadership Act” or the
6 “CABLE Leadership Act”.

1 **SEC. 2. PRESERVATION OF CABLE FRANCHISING AUTHOR-**
2 **ITY.**

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

6 “(g) **TIMING OF DECISIONS ON REQUESTS FOR**
7 **FRANCHISES AND OTHER AUTHORIZATIONS.—**

8 “(1) **REQUEST FOR NEW FRANCHISE.—**Not
9 later than 120 days after the date on which a fran-
10 chising authority receives a complete request for the
11 grant of a franchise (other than a renewal thereof),
12 the franchising authority shall approve or deny such
13 request.

14 “(2) **NONEMERGENCY REQUESTS.—**

15 “(A) **IN GENERAL.—**Not later than 90
16 days after a franchising authority receives a
17 complete nonemergency request, as determined
18 by the Commission, from a cable operator for
19 authorization to modify or upgrade a cable sys-
20 tem or facilities for the cable system, the fran-
21 chising authority shall grant or deny such re-
22 quest.

23 “(B) **DENIAL OF NONEMERGENCY RE-**
24 **QUEST.—**Any decision by a franchising author-
25 ity to deny a nonemergency request described
26 under subparagraph (A) shall be—

1 “(i) in writing;

2 “(ii) supported by substantial evidence
3 contained in a written record; and

4 “(iii) publicly released, contempora-
5 neously with the decision.

6 “(3) DEEMED GRANTS.—

7 “(A) DEEMED GRANT OF NEW FRAN-
8 CHISE.—If the franchising authority does not
9 grant or deny a request under paragraph (1) by
10 the day after the date on which the time period
11 ends under such paragraph, such request shall
12 be deemed granted on such day.

13 “(B) DEEMED GRANT OF NONEMERGENCY
14 REQUEST.—If franchising authority does not
15 grant or deny such request by the day after the
16 date on which the time period ends under such
17 paragraph or denies such request, but fails to
18 comply with paragraph (2)(B) with respect to
19 the denial, such request shall be deemed grant-
20 ed on such day.

21 “(4) WHEN REQUEST CONSIDERED COMPLETE;
22 RECEIVED.—For the purposes of this subsection, a
23 request under this subsection shall be considered—

24 “(A) complete if—

1 “(i) the cable operator makes the re-
2 quest by submitting to the franchising au-
3 thority the form required to be used for
4 making the request;

5 “(ii) the form submitted contains all
6 of the information specified by the form as
7 being required to be included in form; and

8 “(iii) the cable operator has not re-
9 ceived a written notice from the fran-
10 chising authority within 10 business days
11 after the date on which the request is re-
12 ceived by the franchising authority—

13 “(I) stating that the form does
14 not contain all of the information re-
15 quired to be included in the form; and

16 “(II) identifying the information
17 required to be included in the form
18 that was not included; and

19 “(B) received by the franchising author-
20 ity—

21 “(i) in the case of a request submitted
22 electronically, on the date on which the
23 form required to be used for making the
24 request is transmitted;

1 “(ii) in the case of a request sub-
2 mitted in person, on the date on which the
3 form required to be used for making the
4 request is delivered to the individual or at
5 the location specified in the form for in-
6 person submission; and

7 “(iii) in the case of a request sub-
8 mitted in any other manner, on the date
9 determined by the franchising authority for
10 the manner in which the request is made.”.

[DISCUSSION DRAFT]

116TH CONGRESS
2^D SESSION

H. R. _____

To prohibit a State or political subdivision thereof from providing or offering for sale to the public retail or wholesale broadband internet access service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To prohibit a State or political subdivision thereof from providing or offering for sale to the public retail or wholesale broadband internet access service, 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 “Communities Over-
5 regulating Networks Need Economic Competition Today
6 Act” or the “CONNECT Act”.

1 **SEC. 2. PROHIBITION ON GOVERNMENT OWNED**
2 **BROADBAND NETWORKS.**

3 (a) IN GENERAL.—Except as provided in subsections
4 (b)(1) and (c), a State or political subdivision thereof may
5 not provide or offer for sale to the public, a telecommuni-
6 cations provider, or to a commercial provider of broadband
7 internet access service, retail or wholesale broadband
8 internet access service.

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

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

21 (2) shall notify each subscriber of the State or
22 political subdivision if a commercial provider of re-
23 tail broadband internet access enters the market;
24 and

25 (3) may not construct or extend facilities used
26 to deliver broadband internet access service beyond

1 the geographic area in which the State or political
2 subdivision thereof lawfully operates.

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

6 (d) RULES OF CONSTRUCTION.—

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

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

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

1 (f) DEFINITIONS.—In this section:

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

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

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

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

1 (B) standards that are accredited by a rec-
2 ognized authority such as the American Na-
3 tional Standards Institute.

4 (4) EMERGENCY COMMUNICATIONS CENTER.—
5 The term “emergency communications center”
6 means a facility that is designated to receive a 9-
7 1-1 request for emergency assistance and perform
8 one or more of the following functions:

9 (A) Process and analyze 9-1-1 requests
10 for emergency assistance and other gathered in-
11 formation.

12 (B) Dispatch appropriate emergency re-
13 sponse providers.

14 (C) Transfer or exchange 9-1-1 requests
15 for emergency assistance and other gathered in-
16 formation with other emergency communica-
17 tions centers and emergency response providers.

18 (D) Analyze any communications received
19 from emergency response providers.

20 (E) Support incident command functions.

21 (5) EMERGENCY RESPONSE PROVIDER.—The
22 term “emergency response provider”—

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

1 (B) includes Federal, State, and local gov-
2 ernmental and nongovernmental emergency
3 public safety, fire, law enforcement, emergency
4 response, emergency medical (including hospital
5 emergency facilities), and related personnel,
6 agencies, and authorities.

7 (6) ENHANCED 9-1-1 SERVICE.—The term “en-
8 hanced 9-1-1 service” has the meaning given that
9 term in section 7(10) of the Wireless Communica-
10 tions and Public Safety Act of 1999 (47 U.S.C.
11 615b(10)).

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

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

4 (A) employs commonly accepted standards;

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

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

12 (D) supports sharing information related
13 to 9–1–1 requests for emergency assistance
14 among emergency communications centers and
15 emergency response providers.

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

22 (10) TELECOMMUNICATIONS PROVIDER.—The
23 term “telecommunications provider” means an eligi-
24 ble telecommunications carrier as designated under

1 section 214(e)(2) of the Communications Act of
2 1934 (47 U.S.C. 214(e)(2)).

116TH CONGRESS
2D SESSION

H. R. 6488

To amend the Communications Act of 1934 to provide that the Federal Communications Commission is not required to perform any review under the National Environmental Policy Act of 1969 or division A of subtitle III of title 54, United States Code, as a condition of permitting the placement and installation of a communications facility, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2020

Mr. SHIMKUS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, 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 amend the Communications Act of 1934 to provide that the Federal Communications Commission is not required to perform any review under the National Environmental Policy Act of 1969 or division A of subtitle III of title 54, United States Code, as a condition of permitting the placement and installation of a communications facility, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Streamlining Permit-
3 ting to Enable Efficient Deployment of Broadband Infra-
4 structure Act of 2020”.

5 **SEC. 2. EXEMPTION FROM REVIEW FOR CERTAIN COMMU-
6 NICATIONS FACILITIES.**

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

10 **“SEC. 14. EXEMPTION FROM REVIEW FOR CERTAIN COMMU-
11 NICATIONS FACILITIES.**

12 “(a) FOR PERMITTING BY COMMISSION.—

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

22 “(A) the new facility—

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

25 “(ii) is not more than 50 feet tall or
26 10 feet higher than any existing structure

1 in the public right-of-way, whichever is
2 higher;

3 “(B) the new facility is—

4 “(i) a replacement for an existing
5 communications facility; and

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

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

13 “(i) is described in subsection
14 (c)(2)(B); and

15 “(ii) meets the size limitation of a
16 small antenna established by the Commis-
17 sion; or

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

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

23 “(A) the obligation of the Commission to
24 evaluate radiofrequency exposure under the Na-

1 tional Environmental Policy Act of 1969 (42
2 U.S.C. 4321 et seq.);

3 “(B) except as explicitly provided in this
4 subsection, the obligation of any provider of a
5 communications service to comply with the Na-
6 tional Environmental Policy Act of 1969 (42
7 U.S.C. 4321 et seq.) or division A of subtitle
8 III of title 54, United States Code;

9 “(C) the authority of a State or local gov-
10 ernment to apply and enforce the zoning and
11 other land use regulations of the State or local
12 government to the extent consistent with this
13 subsection and sections 253, 332(c)(7), and
14 621; or

15 “(D) the authority or obligations estab-
16 lished under section 20156(e) of title 49,
17 United States Code.

18 “(b) FOR GRANT OF EASEMENT ON FEDERAL PROP-
19 ERTY.—No review shall be required under the National
20 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
21 seq.) or division A of subtitle III of title 54, United States
22 Code, as a condition of granting a covered easement for
23 a communications facility if a covered easement has been
24 granted for another communications facility or a utility

1 facility with respect to the same building or other property
2 owned by the Federal Government.

3 “(c) DEFINITIONS.—In this section:

4 “(1) ANTENNA.—The term ‘antenna’ means
5 communications equipment that transmits or re-
6 ceives electromagnetic radio frequency signals used
7 in the provision of wireless services.

8 “(2) COMMUNICATIONS FACILITY.—The term
9 ‘communications facility’ includes—

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

18 “(B) any antenna or apparatus—

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

21 “(ii) that—

22 “(I) is designed to be operated,
23 or is operating, from a fixed location
24 pursuant to authorization by the
25 Commission; or

1 “(II) is using duly authorized de-
2 vices that do not require individual li-
3 censes; and

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

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

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

17 “(A) means—

18 “(i) the area on, below, or above a
19 public roadway, highway, street, sidewalk,
20 alley, or similar property; and

21 “(ii) any land immediately adjacent to
22 and contiguous with property described in
23 clause (i) that is within the right-of-way
24 grant; and

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

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

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

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

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

○

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To provide that a request for the collocation of a personal wireless service facility is categorically excluded from the requirement to prepare certain environmental or historical preservation reviews.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide that a request for the collocation of a personal wireless service facility is categorically excluded from the requirement to prepare certain environmental or historical preservation reviews.

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 “Wireless Broadband
5 Competition and Efficient Deployment Act”.

1 **SEC. 2. CATEGORICAL EXCLUSION FROM NEPA AND NHPA**
2 **FOR WIRELESS COLLOCATIONS.**

3 (a) DEFINITIONS.—In this section:

4 (1) COVERED PROJECT.—The term “covered
5 project” means the placement, modification, or con-
6 struction of an eligible personal wireless facility that
7 exists at the time at which a complete request for
8 such authorization is filed with a State or local gov-
9 ernment or instrumentality thereof.

10 (2) ELIGIBLE PERSONAL WIRELESS SERVICE
11 FACILITY.—The term “eligible personal wireless
12 service facility” means any antenna, apparatus,
13 transmitting device, and any equipment, switches,
14 wiring, cabling, power sources, shelters, or cabinets,
15 for the provision of personal wireless service.

16 (3) PERSONAL WIRELESS SERVICE.—The term
17 “personal wireless service” means—

18 (A) commercial mobile service (as defined
19 in section 332(d) of the Communications Act of
20 1934 (47 U.S.C. 332(d)));

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

25 (C) unlicensed wireless service; and

1 (D) common carrier wireless exchange ac-
2 cess service.

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 (b) NEPA CATEGORICAL EXCLUSION.—

8 (1) IN GENERAL.—A covered project subject to
9 the approval of the Commission shall be categorically
10 excluded from the requirement to prepare an envi-
11 ronmental assessment or an environmental impact
12 statement under section 102 of the National Envi-
13 ronmental Policy Act of 1969 (42 U.S.C. 4332).

14 (2) RELATION TO EXTRAORDINARY CIR-
15 CUMSTANCES PROCEDURES.—The use of the cat-
16 gorical exclusion under paragraph (1) shall not be
17 considered to include extraordinary circumstances
18 under section 220.6 of title 36, Code of Federal
19 Regulations, or section 1508.4 of title 40, Code of
20 Federal Regulations (or any successor to those regu-
21 lations).

22 (c) NATIONAL HISTORIC PRESERVATION ACT EX-
23 EMPTION.—A covered project for which the Commission
24 is required to issue a permit or that is otherwise subject
25 to the jurisdiction of the Commission shall not be consid-

1 ered an undertaking under section 300320 of title 54,
2 United States Code.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To amend the Middle Class Tax Relief and Job Creation Act of 2012 to codify the 60-day time frame for certain eligible facilities requests.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Middle Class Tax Relief and Job Creation Act of 2012 to codify the 60-day time frame for certain eligible facilities requests.

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 “Wireless Resiliency and
5 Flexible Investment Act”.

1 **SEC. 209. CODIFYING 60-DAY TIME FRAME FOR CERTAIN EL-**
2 **IGIBLE FACILITIES REQUESTS.**

3 Section 6409(a) of the Middle Class Tax Relief and
4 Job Creation Act of 2012 (47 U.S.C. 1455(a)) is amend-
5 ed—

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

8 “(2) TIME FRAME.—

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

15 “(B) WHEN REQUEST CONSIDERED COM-
16 PLETE; RECEIVED.—

17 “(i) IN GENERAL.—For the purposes
18 of this paragraph, an eligible facilities re-
19 quest shall be considered—

20 “(I) complete if—

21 “(aa) the requesting party
22 makes the request by submitting
23 to the State or local government
24 the application form required to
25 be used for making the request;

1 “(bb) the application form
2 submitted contains all of the in-
3 formation specified by the form
4 as being required to be included
5 in form; and

6 “(cc) the requesting party
7 has not received a written notice
8 from the State or local govern-
9 ment within 10 business days
10 after the date on which the re-
11 quest is received by the State or
12 local government—

13 “(AA) stating that the
14 application form does not
15 contain all of the informa-
16 tion required to be included
17 in the form; and

18 “(BB) identifying the
19 information required to be
20 included in the form that
21 was not included; and

22 “(II) received by the State or
23 local government—

24 “(aa) in the case of a re-
25 quest submitted electronically, on

1 the date on which the application
2 form required to be used for
3 making the request is trans-
4 mitted;

5 “(bb) in the case of a re-
6 quest submitted in person, on the
7 date on which the application
8 form required to be used for
9 making the request is delivered
10 to the individual or at the loca-
11 tion specified in the form for in-
12 person submission; or

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

19 “(ii) TREATMENT OF MULTIPLE
20 FORMS.—If a State or local government re-
21 quires the use of multiple forms for mak-
22 ing an eligible facilities request, such forms
23 shall be treated as a single form for pur-
24 poses of clause (i).

1 “(C) DEEMED APPROVAL.—If a State or
2 local government does not approve an eligible
3 facilities request by the date required under
4 subparagraph (A), the request is deemed ap-
5 proved on the day after such date.”; and

6 (2) by adding at the end the following:

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

8 “(A) ELIGIBLE FACILITIES REQUEST.—
9 The term ‘eligible facilities request’ means any
10 request for modification of an existing wireless
11 tower, base station, or eligible support structure
12 that involves—

13 “(i) collocation of new transmission
14 equipment;

15 “(ii) removal of transmission equip-
16 ment;

17 “(iii) replacement of transmission
18 equipment; or

19 “(iv) placement, modification, or con-
20 struction of equipment that—

21 “(I) improves the resiliency of
22 the communications network; and

23 “(II) provides a direct benefit to
24 public safety, such as—

1 “(aa) providing backup
2 power;

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

6 “(cc) providing more reliable
7 connection capability.

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.”.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To amend the Communications Act of 1934 to prohibit franchising authorities from requiring approval for the sale of cable systems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Communications Act of 1934 to prohibit franchising authorities from requiring approval for the sale of cable systems, 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 “Consumer Access to
5 Broadband for Local Economies and Competition Act” or
6 the “CABLE Competition Act”.

1 **SEC. 2. SALES OF CABLE SYSTEMS.**

2 (a) IN GENERAL.—Section 621 of the Communica-
3 tions Act of 1934 (47 U.S.C. 541) is amended by adding
4 at the end the following:

5 “(g)(1) A franchising authority may not—

6 “(A) preclude a cable operator from transfer-
7 ring a franchise to a person to which such franchise
8 was not initially granted; or

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

14 “(2) In the case of the transfer of a franchise to a
15 person to which such franchise was not originally granted,
16 a franchising authority may require a cable operator to
17 which a franchise was initially granted to, not later than
18 15 days after a transfer of a franchise, notify the fran-
19 chising authority in writing of such transfer.

20 “(3) In this subsection, the term ‘transfer’ means the
21 assignment rights under a franchise through any trans-
22 action, including a merger, sale, assignment, restruc-
23 turing, or transfer of control of a cable operator or a cable
24 system.”.

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

4 (c) APPLICATION.—This section, and the amendment
5 made by subsection (a) shall apply to a franchise grant-
6 ed—

7 (1) on or after the effective date established by
8 subsection (b); or

9 (2) before such date, if such franchise (includ-
10 ing any renewal term thereof) is in effect on such
11 date.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To amend the Communications Act of 1934 to amend provisions relating to franchise term and termination and provisions relating to the elimination or modification of requirements in franchises, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MULLIN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Communications Act of 1934 to amend provisions relating to franchise term and termination and provisions relating to the elimination or modification of requirements in franchises, 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 “Cable Transparency
5 Act”.

1 **SEC. 2. CABLE FRANCHISE TERM AND TERMINATION.**

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

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

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

10 “(b) LIMITS.—

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

14 “(A) revoked by a franchising authority;

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

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

21 “(2) WHEN TERMINATION OR REVOCATION OF
22 FRANCHISE PERMITTED.—

23 “(A) TERMINATION BY CABLE OPER-
24 ATOR.—

25 “(i) IN GENERAL.—A cable operator
26 may terminate a franchise by submitting

1 to the franchising authority a written re-
2 quest for the franchising authority to re-
3 voke such franchise.

4 “(ii) TIME OF REVOCATION.—If the
5 cable operator submits a complete request
6 under clause (i), the franchising authority
7 shall revoke the franchise on the date that
8 is 90 days after the franchising authority
9 receives such request.

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

15 “(B) TERMINATION BY FRANCHISING AU-
16 THORITY.—A franchising authority may revoke
17 a franchise if the franchising authority—

18 “(i) finds that the cable operator has
19 knowingly and willfully failed to substan-
20 tially meet a material requirement imposed
21 by the franchise;

22 “(ii) provides the cable operator a rea-
23 sonable opportunity to cure such failure,
24 after which the cable operator fails to cure
25 such failure; and

1 “(iii) does not waive the material re-
2 quirement or acquiesce with the failure to
3 substantially meet such requirement.

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

6 “(A) IN GENERAL.—For the purposes of
7 this subsection, a request shall be considered—

8 “(i) complete if—

9 “(I) the cable operator makes the
10 request by submitting to the fran-
11 chising authority the form required to
12 be used for making the request;

13 “(II) the form submitted con-
14 tains all of the information specified
15 by the form as being required to be
16 included in form; and

17 “(III) the cable operator has not
18 received a written notice from the
19 franchising authority within 10 busi-
20 ness days after the date on which the
21 request is received by the franchising
22 authority—

23 “(aa) stating that the form
24 does not contain all of the infor-

1 mation required to be included in
2 the form; and

3 “(bb) identifying the infor-
4 mation required to be included in
5 the form that was not included;
6 and

7 “(ii) received by franchising author-
8 ity—

9 “(I) in the case of a request sub-
10 mitted electronically, on the date on
11 which the form required to be used
12 for making the request is transmitted;

13 “(II) in the case of a request
14 submitted in person, on the date on
15 which the form required to be used
16 for making the request is delivered to
17 the individual or at the location speci-
18 fied in the form for in-person submis-
19 sion; or

20 “(III) in the case of a request
21 submitted in any other manner, on
22 the date determined by the fran-
23 chising authority for the manner in
24 which the request is made.

1 “(B) TREATMENT OF MULTIPLE FORMS.—

2 If a franchising authority requires the use of
3 multiple forms for making a request under this
4 subsection, such forms shall be treated as a sin-
5 gle form for purposes of subparagraph (A).

6 “(c) REVIEW BY COMMISSION.—

7 “(1) PETITION.—A cable operator may petition
8 the Commission for review of a determination by a
9 franchising authority to revoke a franchise under
10 subsection (b)(2)(B).

11 “(2) REVIEW.—The Commission shall review
12 the determination de novo.

13 “(3) ORDER.—If, based on the evidence pre-
14 sented during the review, the Commission deter-
15 mines that the franchising authority has not dem-
16 onstrated by a preponderance of the evidence that
17 the franchising authority revoked the franchise in
18 accordance with subsection (b)(2)(B), the Commis-
19 sion shall order the franchising authority to rein-
20 state the franchise.”.

21 (b) ELIMINATION OR MODIFICATION OF REQUIRE-
22 MENT IN FRANCHISE.—Section 625 of the Communica-
23 tions Act of 1934 (47 U.S.C. 545) is amended to read
24 as follows:

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

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

8 “(b) ELIMINATION OR MODIFICATION OF REQUIRE-
9 MENT IN FRANCHISE.—The franchising authority shall
10 eliminate or modify a requirement in accordance with a
11 complete request submitted under subsection (a) not later
12 than 120 days after receiving such request if the cable
13 operator demonstrates in the request—

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

16 “(2) that the mix, quality, and level of services
17 required by the franchise at the time the franchise
18 was granted will be maintained after the elimination
19 or modification of the requirement.

20 “(c) DEEMED ELIMINATION OR MODIFICATION.—
21 Except in the case of a request for the elimination or
22 modification of a requirement for services relating to pub-
23 lic, educational, or governmental access, if the franchising
24 authority fails to approve or deny the complete request
25 submitted under subsection (a) by the date described
26 under subsection (b), the requirement shall be deemed

1 eliminated or modified in accordance with the request on
2 the day after such date.

3 “(d) APPEAL.—

4 “(1) IN GENERAL.—Any cable operator whose
5 request for elimination or modification of a require-
6 ment in a franchise under subsection (a) has been
7 denied by a final decision of a franchising authority
8 may obtain the elimination or modification of such
9 franchise requirements pursuant to the provisions of
10 section 635.

11 “(2) GRANT OF REQUEST.—In the case of any
12 proposed elimination or modification of a require-
13 ment in a franchise under subsection (a), the court
14 shall grant such elimination or modification only if
15 the cable operator demonstrates to the court—

16 “(A) good cause for the elimination or
17 modification of the requirement; and

18 “(B) that the mix, quality, and level of
19 services required by the franchise at the time
20 the franchise was granted will be maintained
21 after the elimination or modification of the re-
22 quirement.

23 “(e) WHEN REQUEST CONSIDERED COMPLETE; RE-
24 CEIVED.—

1 “(1) IN GENERAL.—For the purposes of this
2 section, a request shall be considered—

3 “(A) complete if—

4 “(i) the cable operator makes the re-
5 quest by submitting to the franchising au-
6 thority the form required to be used for
7 making the request;

8 “(ii) the form submitted contains all
9 of the information specified by the form as
10 being required to be included in form; and

11 “(iii) the cable operator has not re-
12 ceived a written notice from the fran-
13 chising authority within 10 business days
14 after the date on which the request is re-
15 ceived by the franchising authority—

16 “(I) stating that the form does
17 not contain all of the information re-
18 quired to be included in the form; and

19 “(II) identifying the information
20 required to be included in the form
21 that was not included; and

22 “(B) received by franchising authority—

23 “(i) in the case of a request submitted
24 electronically, on the date on which the

1 form required to be used for making the
2 request is transmitted;

3 “(ii) in the case of a request sub-
4 mitted in person, on the date on which the
5 form required to be used for making the
6 request is delivered to the individual or at
7 the location specified in the form for in-
8 person submission; or

9 “(iii) in the case of a request sub-
10 mitted in any other manner, on the date
11 determined by the franchising authority for
12 the manner in which the request is made.

13 “(2) TREATMENT OF MULTIPLE FORMS.—If a
14 franchising authority requires the use of multiple
15 forms for making a request under this section, such
16 forms shall be treated as a single form for purposes
17 of paragraph (1).”.

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

21 (1) in section 601—

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

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

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

3 (2) in section 602(9)—

4 (A) by striking “initial”; and

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

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

11 (4) in section 612(b)(3)—

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

14 (B) by striking “, or proposal for renewal
15 thereof,”;

16 (5) in section 621(b)(3)—

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

19 (B) in subparagraph (D)—

20 (i) by striking “initial”; and

21 (ii) by striking “, a franchise re-
22 newal,”;

23 (6) in section 624—

1 (A) in subsection (b)(1), by striking “(in-
2 cluding requests for renewal proposals, subject
3 to section 626)” and

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

6 (7) in section 627—

7 (A) by striking subsection (a);

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

11 (C) by striking “(b) If” and inserting “If”;
12 and

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

14 (d) EFFECTIVE DATE; APPLICATION.—

15 (1) EFFECTIVE DATE.—This section, and the
16 amendments made by this section, shall take effect
17 6 months after the date of the enactment of this
18 Act.

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

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

24 (B) before such date, if such franchise (in-
25 cluding, notwithstanding the amendment made

- 1 by subsection (c)(2)(B), any renewal thereof) is
- 2 in effect on such date.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To provide an enhanced general penalty for any person who willfully or maliciously destroys a communications facility.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide an enhanced general penalty for any person who willfully or maliciously destroys a communications facility.

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 “Protecting Critical In-
5 frastructure Act”.

6 **SEC. 2. ENHANCED GENERAL PENALTY.**

7 (a) IN GENERAL.—Title V of the Communications
8 Act of 1934 (47 U.S.C. 501 et seq.) is amended by adding
9 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.”.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To provide that the deployment of a small personal wireless service facility shall not constitute an undertaking under section 300320 of title 54, United States Code, or a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SCALISE introduced the following bill; which was referred to the Committee on _____

A BILL

To provide that the deployment of a small personal wireless service facility shall not constitute an undertaking under section 300320 of title 54, United States Code, or a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reducing Antiquated
3 Permitting for Infrastructure Deployment Act” or the
4 “RAPID Act”.

5 **SEC. 2. REBUTTABLE PRESUMPTION ON SHOT CLOCK**

6 **TIMELINE BEGINNING FOR PURPOSES OF**

7 **NHPA.**

8 (a) DEFINITIONS.—In this section:

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

11 (A) commercial mobile service (as defined
12 in section 332(d) of the Communications Act of
13 1934 (47 U.S.C. 332(d)));

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

18 (C) unlicensed wireless service; and

19 (D) common carrier wireless exchange ac-
20 cess service.

21 (2) PERSONAL WIRELESS SERVICE FACILITY.—

22 The term “personal wireless service facility” means
23 a facility for the provision of personal wireless serv-
24 ice.

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

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

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

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

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

22 (c) REBUTTABLE PRESUMPTION.—

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

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

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

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

19 (2) OVERCOMING PRESUMPTION.—

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

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

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

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

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To provide that a request for the deployment or modification of a communications facility entirely within a brownfields site is categorically excluded from the requirement to prepare certain environmental or historical preservation reviews.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide that a request for the deployment or modification of a communications facility entirely within a brownfields site is categorically excluded from the requirement to prepare certain environmental or historical preservation reviews.

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 “Brownfields
5 Broadband Deployment Act”.

1 **SEC. 2. APPLICATION OF NEPA AND NHPA TO**
2 **BROWNFIELDS.**

3 (a) DEFINITIONS.—In this section:

4 (1) COMMUNICATIONS FACILITY.—The term
5 “communications facility” includes—

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

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

14 (C) any antenna or apparatus that—

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

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

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

21 (2) COMMUNICATIONS SERVICE.—The term
22 “communications service” means a service for the
23 transmission of writing, signs, signals, data, images,
24 pictures, or sounds of all kinds.

25 (3) COVERED PROJECT.—The term “covered
26 project” means a project for the deployment or

1 modification of a communications facility that is to
2 be carried out entirely within a brownfield site (as
3 defined in section 101 of the Comprehensive Envi-
4 ronmental Response, Compensation, and Liability
5 Act of 1980 (42 U.S.C. 9601)).

6 (b) NEPA CATEGORICAL EXCLUSION.—

7 (1) IN GENERAL.—A covered project subject to
8 the approval of the Commission shall be categorically
9 excluded from the requirement to prepare an envi-
10 ronmental assessment or an environmental impact
11 statement under section 102 of the National Envi-
12 ronmental Policy Act of 1969 (42 U.S.C. 4332).

13 (2) RELATION TO EXTRAORDINARY CIR-
14 CUMSTANCES PROCEDURES.—The use of the cat-
15 egorical exclusion under paragraph (1) shall not be
16 considered to include extraordinary circumstances
17 under section 220.6 of title 36, Code of Federal
18 Regulations, or section 1508.4 of title 40, Code of
19 Federal Regulations (or any successor to such regu-
20 lations).

21 (c) NATIONAL HISTORIC PRESERVATION ACT EX-
22 EMPTION.—A covered project for which the Commission
23 is required to issue a permit or that is otherwise subject
24 to the jurisdiction of the Commission shall not be consid-

1 ered an undertaking under section 300320 of title 54,
2 United States Code.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To provide that a request for the deployment or modification of a communications facility entirely within a floodplain is categorically excluded from the requirement to prepare certain environmental or historical preservation reviews.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide that a request for the deployment or modification of a communications facility entirely within a floodplain is categorically excluded from the requirement to prepare certain environmental or historical preservation reviews.

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 “Coastal Broadband
5 Deployment Act”.

1 **SEC. 2. APPLICATION OF NEPA AND NHPA TO**
2 **FLOODPLAINS.**

3 (a) DEFINITIONS.—In this section:

4 (1) COMMUNICATIONS FACILITY.—The term
5 “communications facility” includes—

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

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

14 (C) any antenna or apparatus that—

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

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

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

21 (2) COMMUNICATIONS SERVICE.—The term
22 “communications service” means a service for the
23 transmission of writing, signs, signals, data, images,
24 pictures, or sounds of all kinds.

25 (3) COVERED PROJECT.—The term “covered
26 project” means a project for the deployment or

1 modification of a communications facility that is to
2 be carried out entirely within a floodplain (as de-
3 fined in section 9.4 of title 44, Code of Federal Reg-
4 ulations, as of the date of enactment of this Act).

5 (b) NEPA CATEGORICAL EXCLUSION.—

6 (1) IN GENERAL.—A covered project subject to
7 the approval of the Commission shall be categorically
8 excluded from the requirement to prepare an envi-
9 ronmental assessment or an environmental impact
10 statement under section 102 of the National Envi-
11 ronmental Policy Act of 1969 (42 U.S.C. 4332).

12 (2) RELATION TO EXTRAORDINARY CIR-
13 CUMSTANCES PROCEDURES.—The use of the cat-
14 egorical exclusion under paragraph (1) shall not be
15 considered to include extraordinary circumstances
16 under section 220.6 of title 36, Code of Federal
17 Regulations, or section 1508.4 of title 40, Code of
18 Federal Regulations (or any successor to such regu-
19 lations).

20 (c) NATIONAL HISTORIC PRESERVATION ACT EX-
21 EMPTION.—A covered project for which the Commission
22 is required to issue a permit or that is otherwise subject
23 to the jurisdiction of the Commission shall not be consid-
24 ered an undertaking under section 300320 of title 54,
25 United States Code.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

To provide that a project eligible for reimbursement under the Secure and Trusted Communications Act of 2019 shall not constitute an undertaking under section 300320 of title 54, United States Code, or a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M__ . _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide that a project eligible for reimbursement under the Secure and Trusted Communications Act of 2019 shall not constitute an undertaking under section 300320 of title 54, United States Code, or a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Timely Replacement
3 Under Secure and Trusted for Early and Dependable
4 Broadband Networks Act” or the “TRUSTED Broadband
5 Networks Act”.

6 **SEC. 2. APPLICATION OF NEPA AND NHPA TO COVERED**
7 **EQUIPMENT AND SERVICES.**

8 (a) COVERED PROJECT DEFINED.—In this section,
9 the term “covered project” means a project for which the
10 Commission approves a reimbursement under section 4 of
11 the Secure and Trusted Communications Networks Act of
12 2019 (47 U.S.C. 1603).

13 (b) NEPA CATEGORICAL EXCLUSION.—

14 (1) IN GENERAL.—A covered project shall be
15 categorically excluded from the requirement to pre-
16 pare an environmental assessment or an environ-
17 mental impact statement under section 102 of the
18 National Environmental Policy Act of 1969 (42
19 U.S.C. 4332).

20 (2) RELATION TO EXTRAORDINARY CIR-
21 CUMSTANCES PROCEDURES.—The use of the cat-
22 egorical exclusion under paragraph (1) shall not be
23 considered to include extraordinary circumstances
24 under section 220.6 of title 36, Code of Federal
25 Regulations, or section 1508.4 of title 40, Code of

1 Federal Regulations (or any successor to such regu-
2 lations).

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

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To provide that an eligible facilities request under section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 is categorically excluded from the requirement to prepare certain environmental or historical preservation reviews.

IN THE HOUSE OF REPRESENTATIVES

M____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide that an eligible facilities request under section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 is categorically excluded from the requirement to prepare certain environmental or historical preservation reviews.

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 “Proportional Reviews
5 for Broadband Deployment Act”.

1 **SEC. 2. APPLICATION OF NEPA AND NHPA TO WIRELESS**
2 **FACILITIES DEPLOYMENT.**

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

6 “(3) APPLICATION OF NEPA; NHPA.—

7 “(A) NEPA CATEGORICAL EXCLUSION.—

8 “(i) IN GENERAL.—An eligible facili-
9 ties request shall be categorically excluded
10 from the requirement to prepare an envi-
11 ronmental assessment or an environmental
12 impact statement under section 102 of the
13 National Environmental Policy Act of
14 1969 (42 U.S.C. 4332).

15 “(ii) RELATION TO EXTRAORDINARY
16 CIRCUMSTANCES PROCEDURES.—The use
17 of the categorical exclusion under clause (i)
18 shall not be considered to include extraor-
19 dinary circumstances under section 220.6
20 of title 36, Code of Federal Regulations, or
21 section 1508.4 of title 40, Code of Federal
22 Regulations (or any successor to those reg-
23 ulations).

24 “(B) NATIONAL HISTORIC PRESERVATION
25 ACT EXEMPTION.—An eligible facilities request
26 shall not be considered an undertaking under

1 section 300320 of title 54, United States
2 Code.”.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To provide that construction, rebuilding, or hardening of communications facilities following a major emergency declared by a Governor relating to a wildfire is categorically excluded from the requirement to prepare certain environmental or historical preservation reviews.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide that construction, rebuilding, or hardening of communications facilities following a major emergency declared by a Governor relating to a wildfire is categorically excluded from the requirement to prepare certain environmental or historical preservation reviews.

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 “Wildfire Wireless Re-
5 siliency Act”.

1 **SEC. 2. APPLICATION OF NEPA AND NHPA TO COVERED**
2 **COMMUNICATIONS PROJECTS.**

3 (a) NEPA CATEGORICAL EXCLUSION.—

4 (1) IN GENERAL.—A covered project shall be
5 categorically excluded from the requirement to pre-
6 pare an environmental assessment or an environ-
7 mental impact statement under section 102 of the
8 National Environmental Policy Act of 1969 (42
9 U.S.C. 4332).

10 (2) RELATION TO EXTRAORDINARY CIR-
11 CUMSTANCES PROCEDURES.—The use of the cat-
12 egorical exclusion under paragraph (1) shall not be
13 considered to include extraordinary circumstances
14 under section 220.6 of title 36, Code of Federal
15 Regulations, or section 1508.4 of title 40, Code of
16 Federal Regulations (or any successor to those regu-
17 lations).

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

22 (c) DEFINITIONS.—In this Act:

23 (1) COMMUNICATIONS FACILITY.—The term
24 “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 services; 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 (2) 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 (3) COVERED PROJECT.—The term “covered
21 project” means a project that—

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

1 (B) is to be carried out not later than 5
2 years after the date the Governor made such
3 declaration; and

4 (C) replaces a communications facility
5 damaged by such disaster or emergency or
6 makes improvements to a communications facil-
7 ity in such area that could reasonably be con-
8 sidered as necessary for recovery from such dis-
9 aster or emergency or to prevent or mitigate fu-
10 ture disasters or emergencies.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To streamline the process for consideration of applications for the placement of communications facilities on certain buildings and other property owned by the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GIANFORTE introduced the following bill; which was referred to the Committee on _____

A BILL

To streamline the process for consideration of applications for the placement of communications facilities on certain buildings and other property owned by the Federal Government, 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 “Standard Fees to Ex-
5 pedite Evaluation and Streamlining Act” or the “Stand-
6 ard FEES Act”.

1 **SEC. 2. ESTABLISHMENT OF COMMON FEDERAL FEE**
2 **SCHEDULE.**

3 (a) IN GENERAL.—Section 6409 of the Middle Class
4 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
5 1455) is amended—

6 (1) by redesignating subsection (d) as sub-
7 section (e); and

8 (2) by inserting after subsection (c) the fol-
9 lowing:

10 “(d) COMMON FEE SCHEDULE.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of law, the Administrator of General Serv-
13 ices shall establish a common fee schedule for the
14 processing of applications under subsections (b)(1)
15 and (c).

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

18 “(A) based on direct and actual cost recov-
19 ery; and

20 “(B) competitively neutral with regard to
21 other users of the building or other property
22 owned by the Federal Government.

23 “(3) EXCEPTIONS.—The Administrator of Gen-
24 eral Services may establish exceptions to the fee
25 amounts established under paragraph (1)—

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

4 “(B) in the interest of expanding wireless
5 and broadband coverage.

6 “(4) USE OF FEES COLLECTED.—Any fee col-
7 lected by an executive agency under this section may
8 be made available, as provided in appropriation Acts,
9 to the agency to cover the costs of granting the ease-
10 ment, right-of-way, or lease.”.

11 (b) DEADLINE.—The Administrator of General Serv-
12 ices shall establish the fee schedule required under section
13 6409(d) of the Middle Class Tax Relief and Job Creation
14 Act of 2012 (47 U.S.C. 1455(d)), as added by subsection
15 (a), not later than 30 days after the date of enactment
16 of this Act.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To streamline the process for consideration of applications for the placement of communications facilities on certain Federal lands.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To streamline the process for consideration of applications for the placement of communications facilities on certain Federal lands.

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 “Broadband Deploy-
5 ment Streamlining Act”.

1 **SEC. 2. STREAMLINING DEPARTMENT OF THE INTERIOR**
2 **PROCESSES FOR CONSIDERATION OF COM-**
3 **MUNICATIONS FACILITY LOCATION APPLICA-**
4 **TIONS.**

5 (a) DEFINITIONS.—In this Act:

6 (1) 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 (2) COMMUNICATIONS SITE.—The term “com-
2 munications site” means an area of covered land
3 designated for communications uses.

4 (3) COMMUNICATIONS USE.—The term “com-
5 munications use” means the placement and oper-
6 ation of a communications facility.

7 (4) COMMUNICATIONS USE AUTHORIZATION.—
8 The term “communications use authorization”
9 means an easement, right-of-way, lease, license, or
10 other authorization to locate or modify a commu-
11 nications facility on covered land by the Department
12 for the primary purpose of authorizing the occu-
13 pancy and use of the covered land for communica-
14 tions use.

15 (5) COVERED LAND.—The term “covered land”
16 means public land administered by the Secretary of
17 the Interior.

18 (6) ORGANIZATIONAL UNIT.—The term “orga-
19 nizational unit” means with respect to public land
20 administered by the Secretary of the Interior—

21 (A) a State office;

22 (B) a district office; or

23 (C) a field office.

1 (7) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior, with respect to public
3 land.

4 (b) REGULATIONS.—Not later than 1 year after the
5 date of enactment of this Act, the Secretary shall issue
6 regulations—

7 (1) to streamline the process for considering ap-
8 plications to locate or modify communications facili-
9 ties on covered land of the Department of the Inte-
10 rior;

11 (2) to ensure, to the maximum extent prac-
12 ticable, that the process is uniform and standardized
13 across the organizational units of the Department of
14 the Interior;

15 (3) to require that the applications described in
16 paragraph (1) be considered and granted on a com-
17 petitively neutral, technology neutral, and non-dis-
18 criminatory basis;

19 (4) to ensure, to the maximum extent prac-
20 ticable, that any analyses required under the Na-
21 tional Environmental Policy Act or National Historic
22 Preservation Act may be completed concurrently;

23 (5) to allow for the use of categorical exclusions
24 funded the National Environmental Policy Act from

1 another department or agency for covered land of
2 the Department of the Interior;

3 (6) to revise land use designations for covered
4 land of the Department of the Interior;

5 (7) to provide that discrete reviews in consid-
6 ering an application described in paragraph (1) shall
7 be conducted simultaneously to the maximum extent
8 practicable, rather than sequentially, by any organi-
9 zational units of the Department of the Interior that
10 must approve the location or modification; and

11 (8) to eliminate overlapping requirements
12 among the organizational units of the Department of
13 the Interior with respect to the location or modifica-
14 tion of a communications facility on covered land ad-
15 ministered by those organizational units.

16 (c) REQUIREMENTS.—The regulations issued under
17 subsection (b) shall include the following:

18 (1) Procedures for the tracking of applications
19 described in subsection (b)(1), including—

20 (A) identifying the number of applica-
21 tions—

22 (i) received;

23 (ii) approved; and

24 (iii) denied;

1 (B) in the case of an application that is
2 denied, describing the reasons for the denial;
3 and

4 (C) describing the amount of time between
5 the receipt of an application and the issuance of
6 a final decision on an application.

7 (2) Provision for minimum lease terms of not
8 less than 15 years for leases with respect to the loca-
9 tion of communications facilities on covered land.

10 (3) A policy under which a communications use
11 authorization renews automatically on expiration,
12 unless the communications use authorization is re-
13 voked for good cause.

14 (4) A structure of fees for—

15 (A) submitting an application described in
16 subsection (b)(1), based on the cost to the De-
17 partment of the Interior of considering such an
18 application; and

19 (B) issuing communications use authoriza-
20 tions, based on the cost to the Department of
21 the Interior of any maintenance or other activi-
22 ties required to be performed by the Depart-
23 ment of the Interior as a result of the location
24 or modification of the communications facility.

1 (d) COMMUNICATION OF STREAMLINED PROCESS TO
2 ORGANIZATIONAL UNITS.—The Secretary shall, with re-
3 spect to the regulations issued under subsection (b)—

4 (1) communicate the regulations to the organi-
5 zational units of the Department of the Interior; and

6 (2) ensure that the organizational units of the
7 Department of the Interior follow the regulations.

8 (e) DEPOSIT AND AVAILABILITY OF FEES.—

9 (1) SPECIAL ACCOUNT.—The Secretary of the
10 Treasury shall establish a special account in the
11 Treasury for the Department of the Interior for the
12 deposit of fees collected by the Department under
13 subsection (e)(4) for communications use authoriza-
14 tions on covered land granted, issued, or executed by
15 the Department of the Interior.

16 (2) REQUIREMENTS FOR FEES COLLECTED.—
17 Fees collected by the Department of the Interior
18 under subsection (e)(4) shall be—

19 (A) based on the costs described in sub-
20 section (e)(4); and

21 (B) competitively neutral, technology neu-
22 tral, and nondiscriminatory with respect to
23 other users of the communications site.

24 (3) DEPOSIT OF FEES.—Fees collected by the
25 Department of the Interior under subsection (e)(4)

1 shall be deposited in the special account established
2 for that Department under paragraph (1).

3 (4) AVAILABILITY OF FEES.—Amounts depos-
4 ited in the special account for a Department of the
5 Interior shall be available, to the extent and in such
6 amounts as are provided in advance in appropriation
7 Acts, to the Secretary to cover costs incurred by the
8 Department of the Interior described in subsection
9 (c)(4), including the following:

10 (A) Preparing needs assessments or other
11 programmatic analyses necessary to designate
12 communications sites and issue communications
13 use authorizations.

14 (B) Developing management plans for
15 communications sites.

16 (C) Training for management of commu-
17 nications sites.

18 (D) Obtaining or improving access to com-
19 munications sites.

20 (5) NO ADDITIONAL APPROPRIATIONS AUTHOR-
21 IZED.—Except as provided in paragraph (4), no
22 other amounts are authorized to be appropriated to
23 carry out this section.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To require the Secretary of Interior and the Secretary of Agriculture to provide a plan to ensure adequate staffing throughout organizational units of the Department of Interior and Department of Agriculture to review communications use authorizations in a timely manner.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To require the Secretary of Interior and the Secretary of Agriculture to provide a plan to ensure adequate staffing throughout organizational units of the Department of Interior and Department of Agriculture to review communications use authorizations in a timely manner.

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 “Enhancing Adminis-
5 trative Reviews for Broadband Deployment Act”.

1 **SEC. 2. ENABLING ADMINISTRATIVE REVIEW.**

2 (a) DEFINITIONS.—In this Act:

3 (1) APPROPRIATE COMMITTEES OF CON-
4 GRESS.—The term “appropriate committees of Con-
5 gress” means—

6 (A) the Committee on Energy and Com-
7 merce of the House of Representatives;

8 (B) the Committee on Natural Resources
9 of the House of Representatives;

10 (C) the Committee on Commerce, Science,
11 and Transportation of the Senate; and

12 (D) the Committee on Environment and
13 Public Works of the Senate.

14 (2) COMMUNICATIONS FACILITY.—The term
15 “communications facility” includes—

16 (A) any infrastructure, including any
17 transmitting device, tower, or support structure,
18 and any equipment, switches, wiring, cabling,
19 power sources, shelters, or cabinets, associated
20 with the licensed or permitted unlicensed wire-
21 less or wireline transmission of writings, signs,
22 signals, data, images, pictures, and sounds of
23 all kinds; and

24 (B) any antenna or apparatus that—

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

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

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

8 (3) COMMUNICATIONS SITE.—The term “com-
9 munications site” means an area of covered land
10 designated for communications uses.

11 (4) COMMUNICATIONS USE.—The term “com-
12 munications use” means the placement and oper-
13 ation of communications facility.

14 (5) COMMUNICATIONS USE AUTHORIZATION.—
15 The term “communications use authorization”
16 means an easement, right-of-way, lease, license, or
17 other authorization to locate or modify a commu-
18 nications facility on covered land by the Department
19 concerned for the primary purpose of authorizing
20 the occupancy and use of the covered land for com-
21 munications use.

22 (6) COVERED LAND.—The term “covered land”
23 means—

24 (A) public land administered by the Sec-
25 retary of the Interior; and

1 (B) National Forest System land.

2 (7) DEPARTMENT CONCERNED.—The term
3 “Department concerned” means the Department of
4 the Interior or the Department of Agriculture.

5 (8) ORGANIZATIONAL UNIT.—The term “orga-
6 nizational unit” means—

7 (A) with respect to public land adminis-
8 tered by the Secretary of the Interior—

9 (i) a State office;

10 (ii) a district office; or

11 (iii) a field office; and

12 (B) within the Forest Service—

13 (i) a regional office;

14 (ii) the headquarters;

15 (iii) a management unit; or

16 (iv) a ranger district office.

17 (9) SECRETARY CONCERNED.—The term “Sec-
18 retary concerned” means—

19 (A) the Secretary of the Interior, with re-
20 spect to public land; and

21 (B) the Secretary of Agriculture, with re-
22 spect to National Forest System land.

23 (b) STUDY REQUIRED.—Not later than 1 year after
24 the date of enactment of this Act, the Secretary concerned

1 shall submit a report to the appropriate committees of
2 Congress—

3 (1) providing an assessment on programmatic
4 or administrative barriers to reviewing communica-
5 tions use authorizations by the Department con-
6 cerned or organizational units of the Department
7 concerned;

8 (2) providing an assessment whether there are
9 rules or regulations of the Department concerned
10 that could be revised to improve the efficiency of re-
11 viewing a communications use authorization;

12 (3) describing the process for prioritizing the
13 review of a communications use authorization; and

14 (4) providing a plan to ensure adequate staffing
15 throughout organizational units of the Department
16 concerned to review communications use authoriza-
17 tions in a timely manner.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To require the Assistant Secretary of Commerce for Communications and Information to establish an interagency strike force to increase prioritization by the Department of Interior and Department of Agriculture by senior management of the Department of Interior and Department of Agriculture, or an organizational unit of reviews for communications use authorizations.

IN THE HOUSE OF REPRESENTATIVES

M_____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To require the Assistant Secretary of Commerce for Communications and Information to establish an interagency strike force to increase prioritization by the Department of Interior and Department of Agriculture by senior management of the Department of Interior and Department of Agriculture, or an organizational unit of reviews for communications use authorizations.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Expediting Federal
3 Broadband Deployment Reviews Act”.

4 **SEC. 254. STRIKE FORCE.**

5 (a) DEFINITIONS.—In this section:

6 (1) APPROPRIATE COMMITTEES OF CON-
7 GRESS.—The term “appropriate committees of Con-
8 gress” means—

9 (A) the Committee on Energy and Com-
10 merce of the House of Representatives;

11 (B) the Committee on Natural Resources
12 of the House of Representatives;

13 (C) the Committee on Commerce, Science,
14 and Transportation of the Senate; and

15 (D) the Committee on Environment and
16 Public Works of the Senate.

17 (2) ASSISTANT SECRETARY.—The term “Assist-
18 ant Secretary” means the Assistant Secretary of
19 Commerce for Communications and Information.

20 (3) COMMUNICATIONS FACILITY.—The term
21 “communications facility” includes—

22 (A) any infrastructure, including any
23 transmitting device, tower, or support structure,
24 and any equipment, switches, wiring, cabling,
25 power sources, shelters, or cabinets, associated
26 with the licensed or permitted unlicensed wire-

1 less or wireline transmission of writings, signs,
2 signals, data, images, pictures, and sounds of
3 all kinds; and

4 (B) 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 pursuant
9 to authorization by the Commission or is
10 using duly authorized devices that do not
11 require individual licenses; and

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

14 (4) COMMUNICATIONS USE.—The term “com-
15 munications use” means the placement and oper-
16 ation of communications facility.

17 (5) COMMUNICATIONS USE AUTHORIZATION.—
18 The term “communications use authorization”
19 means an easement, right-of-way, lease, license, or
20 other authorization to locate or modify a commu-
21 nications facility on covered land by the Department
22 concerned for the primary purpose of authorizing
23 the occupancy and use of the covered land for com-
24 munications use.

1 (6) COVERED LAND.—The term “covered land”
2 means—

3 (A) public land administered by the Sec-
4 retary of the Interior; and

5 (B) National Forest System land.

6 (7) DEPARTMENT CONCERNED.—The term
7 “Department concerned” means the Department of
8 the Interior or the Department of Agriculture.

9 (8) ORGANIZATIONAL UNIT.—The term “orga-
10 nizational unit” means—

11 (A) with respect to public land adminis-
12 tered by the Secretary of the Interior—

13 (i) a State office;

14 (ii) a district office; or

15 (iii) a field office; and

16 (B) within the Forest Service—

17 (i) a regional office;

18 (ii) the headquarters;

19 (iii) a management unit; or

20 (iv) a ranger district office.

21 (b) STRIKE FORCE.—In this section:

22 (1) ESTABLISHMENT.—Not later than 180 days
23 after the date of enactment of this Act, the Assist-
24 ant Secretary shall establish an interagency strike
25 force to increase prioritization by the Department

1 concerned, senior management of the Department
2 concerned, or an organizational unit of reviews for
3 communications use authorizations.

4 (2) DUTIES.—In carrying out the study under
5 paragraph (1), the Strike Force shall—

6 (A) facilitate periodic calls between mem-
7 bers of the strike force pertaining to requests
8 for communications use authorizations; and

9 (B) facilitate monitoring and account-
10 ability of the Department concerned and orga-
11 nizational units to meet objective and reason-
12 able goals for the review of requests for commu-
13 nications use authorizations.

14 (3) MEMBERS.—The Strike Force shall be com-
15 posed of such representatives of Departments con-
16 cerned as the Assistant Secretary considers appro-
17 priate, in addition to—

18 (A) the Assistant Secretary;

19 (B) a representative of the Department
20 concerned;

21 (C) senior management of the Department
22 concerned; and

23 (D) the head of each organizational unit.

24 (4) REPORT TO CONGRESS.—Not later than
25 270 days after the date of enactment of this Act, the

1 Strike Force shall submit to the appropriate com-
2 mittees of Congress a report on the effectiveness of
3 the Strike Force in increasing the prioritization of
4 reviews for communications use authorization re-
5 quests.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To require the Federal Communications Commission to provide broadband availability data to the Department of Interior.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To require the Federal Communications Commission to provide broadband availability data to the Department of Interior.

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 “Federal Broadband
5 Deployment in Unserved Areas Act”.

6 **SEC. 2. LOCATING FEDERAL FACILITIES IN UNSERVED**
7 **AREAS.**

8 (a) 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 Natural Resources
7 of the House of Representatives;

8 (C) the Committee on Commerce, Science,
9 and Transportation of the Senate; and

10 (D) the Committee on Environment and
11 Public Works of the Senate.

12 (2) COMMISSION.—The term “Commission”
13 means the Federal Communications Commission.

14 (3) COMMUNICATIONS FACILITY.—The term
15 “communications facility” includes—

16 (A) any infrastructure, including any
17 transmitting device, tower, or support structure,
18 and any equipment, switches, wiring, cabling,
19 power sources, shelters, or cabinets, associated
20 with the licensed or permitted unlicensed wire-
21 less or wireline transmission of writings, signs,
22 signals, data, images, pictures, and sounds of
23 all kinds; and

24 (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 duly authorized devices that do not
7 require individual licenses; and

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

10 (4) COVERED LAND.—The term “covered land”
11 means—

12 (A) public land administered by the Sec-
13 retary of the Interior; and

14 (B) National Forest System land.

15 (5) DEPARTMENT CONCERNED.—The term
16 “Department concerned” means the Department of
17 the Interior or the Department of Agriculture.

18 (6) SECRETARY CONCERNED.—The term “Sec-
19 retary concerned” means—

20 (A) the Secretary of the Interior, with re-
21 spect to public land;

22 (B) the Secretary of Agriculture, with re-
23 spect to National Forest System land; and

24 (C) the Secretary of Commerce.

25 (b) SHARING BROADBAND AVAILABILITY DATA.—

1 (1) NOTIFICATION.—Not later than 2 business
2 days after creating the maps required under section
3 802(c)(1) of the Communications Act of 1934 (47
4 U.S.C. 642(c)(1)), the Commission shall notify the
5 Secretary concerned that such maps have been cre-
6 ated.

7 (2) PROVISION OF INFORMATION.—Not later
8 than 5 business days after the notification described
9 in paragraph (1), the Commission shall provide the
10 Secretary concerned any information the Commis-
11 sion has collected pursuant to title VIII of the Com-
12 munications Act of 1934 (47 U.S.C. 641 et seq.).

13 (3) CONTINUATION.—The Commission shall
14 provide the Secretary concerned the information de-
15 scribed in paragraph (2) every 6 months unless the
16 Commission no longer has such information.

17 (4) PROTECTION OF INFORMATION.—

18 (A) IN GENERAL.—The Commission shall
19 specify to the Secretary concerned which infor-
20 mation provided under paragraph (2) was col-
21 lected in a confidential or proprietary manner,
22 and the Secretary concerned may not make
23 such information publicly available.

24 (B) FOIA.—Information provided under
25 paragraph (2) shall not be disclosed to the pub-

1 lic pursuant to section 552(b)(3)(B) of title 5,
2 United States Code.

3 (c) WORKING GROUP.—

4 (1) ESTABLISHMENT.—Not later than 30 days
5 after the date of enactment of this section, the Com-
6 mission and the Secretary concerned shall establish
7 an interagency working group to facilitate the prepa-
8 ration and interoperability of information technology
9 systems for the provision and receipt of the informa-
10 tion described in subsection (b)(2).

11 (2) NONAPPLICABILITY OF FACA.—The Federal
12 Advisory Committee Act (5 U.S.C. App.) shall not
13 apply to the interagency working group established
14 under paragraph (1).

15 (3) DETAIL OF GOVERNMENT EMPLOYEES.—
16 Any employee of the Federal Government may be
17 detailed to the interagency working group estab-
18 lished under paragraph (1) without reimbursement,
19 and that detail shall be without interruption or loss
20 of civil service status or privilege.

21 (d) REPORTS.—

22 (1) PRELIMINARY ASSESSMENT OF POTENTIAL
23 BARRIERS.—Not later 120 days after the date on
24 which the interagency working group is established
25 pursuant to subsection (c)(1), the Commission and

1 the Secretary concerned shall jointly submit a report
2 to the appropriate committees of Congress with a
3 preliminary assessment of any potential barriers to
4 sharing the information described under subsection
5 (b)(2).

6 (2) ASSESSMENTS.—Not later than 1 year after
7 the date on which the Commission provides the in-
8 formation described under subsection (b)(2) to the
9 Department concerned, the Commission and the Sec-
10 retary concerned shall jointly submit a report to the
11 appropriate committees of Congress with—

12 (A) an assessment of the effectiveness of a
13 user’s ability to locate broadband infrastructure
14 on covered land in an area to be determined as
15 unserved by the Commission on the basis of the
16 maps created under section 802(c) of the Com-
17 munications Act of 1934 (47 U.S.C. 642(c));
18 and

19 (B) an assessment of whether the Depart-
20 ment concerned prioritized the review of appli-
21 cations for a communications use authorization
22 in an area to be determined as unserved by the
23 Commission on the basis of the maps created
24 under section 802(c) of the Communications
25 Act of 1934.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To require the Department of Interior and Department of Agriculture to establish an online portal to accept, process, and dispose of an application for the placement of communications facilities on certain Federal lands.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To require the Department of Interior and Department of Agriculture to establish an online portal to accept, process, and dispose of an application for the placement of communications facilities on certain Federal lands.

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 “Deploying Infrastruc-
5 ture with Greater Internet Transactions And Legacy Ap-
6 plications Act” or the “DIGITAL Applications Act”.

1 **SEC. 2. ESTABLISHMENT OF AN ONLINE PORTAL FOR FORM**

2 **299.**

3 (a) DEFINITIONS.—In this Act:

4 (1) APPROPRIATE COMMITTEES OF CON-
5 GRESS.—The term “appropriate committees of Con-
6 gress” means—

7 (A) the Committee on Energy and Com-
8 merce of the House of Representatives;

9 (B) the Committee on Natural Resources
10 of the House of Representatives;

11 (C) the Committee on Commerce, Science,
12 and Transportation of the Senate; and

13 (D) the Committee on Environment and
14 Public Works of the Senate.

15 (2) ASSISTANT SECRETARY.—The term “Assist-
16 ant Secretary” means the Assistant Secretary of
17 Commerce for Communications and Information.

18 (3) DEPARTMENT CONCERNED.—The term
19 “Department concerned” means the Department of
20 the Interior or the Department of Agriculture.

21 (4) FORM 299.—The term “Form 299” means
22 the form established under section 6409(b)(2)(A) of
23 the Middle Class Tax Relief and Job Creation Act
24 of 2012 (47 U.S.C. 1455(b)(2)(A)), or any successor
25 form.

1 (5) SECRETARY CONCERNED.—The term “Sec-
2 retary concerned” means—

3 (A) the Secretary of the Interior, with re-
4 spect to public land; and

5 (B) the Secretary of Agriculture, with re-
6 spect to National Forest System land.

7 (b) ESTABLISHMENT OF ONLINE PORTAL.—

8 (1) ESTABLISHMENT.—Not later than 1 year
9 after the date of enactment of this Act, the Sec-
10 retary concerned shall establish an online portal for
11 the acceptance, processing, and disposal of a Form
12 299.

13 (2) NOTIFICATION.—Not later than 3 business
14 days after the date on which the online portal has
15 been established pursuant to paragraph (1), the Sec-
16 retary concerned shall notify the Assistant Secretary
17 of such establishment.

18 (c) AVAILABILITY OF ONLINE PORTAL.—The Assist-
19 ant Secretary shall publish on the internet website of the
20 National Telecommunications and Information Adminis-
21 tration a link to each online portal established pursuant
22 to subsection (b)(1).

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

To require the Assistant Secretary of Commerce for Communications and Information to report to Congress every 60 days on barriers to implementation by the Department of Interior and Department of Agriculture of an online portal to accept, process, and dispose of an application for the placement of communications facilities on certain Federal lands.

IN THE HOUSE OF REPRESENTATIVES

M____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To require the Assistant Secretary of Commerce for Communications and Information to report to Congress every 60 days on barriers to implementation by the Department of Interior and Department of Agriculture of an online portal to accept, process, and dispose of an application for the placement of communications facilities on certain Federal lands.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Facilitating the De-
3 ployment of Infrastructure with Greater Internet Trans-
4 actions And Legacy Applications Act” or the “Facilitating
5 DIGITAL Applications Act”.

6 **SEC. 2. BARRIERS TO IMPLEMENTATION OF AN ONLINE**
7 **PORTAL FOR FORM 299.**

8 (a) DEFINITIONS.—In this Act:

9 (1) APPROPRIATE COMMITTEES OF CON-
10 GRESS.—The term “appropriate committees of Con-
11 gress” means—

12 (A) the Committee on Energy and Com-
13 merce of the House of Representatives;

14 (B) the Committee on Natural Resources
15 of the House of Representatives;

16 (C) the Committee on Commerce, Science,
17 and Transportation of the Senate; and

18 (D) the Committee on Environment and
19 Public Works of the Senate.

20 (2) ASSISTANT SECRETARY.—The term “Assist-
21 ant Secretary” means the Assistant Secretary of
22 Commerce for Communications and Information.

23 (3) COMMUNICATIONS FACILITY.—The term
24 “communications facility” includes—

25 (A) any infrastructure, including any
26 transmitting device, tower, or support structure,

1 and any equipment, switches, wiring, cabling,
2 power sources, shelters, or cabinets, associated
3 with the licensed or permitted unlicensed wire-
4 less or wireline transmission of writings, signs,
5 signals, data, images, pictures, and sounds of
6 all kinds; and

7 (B) any antenna or apparatus that—

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

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

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

17 (4) COMMUNICATIONS USE.—The term “com-
18 munications use” means the placement and oper-
19 ation of a communications facility.

20 (5) COMMUNICATIONS USE AUTHORIZATION.—
21 The term “communications use authorization”
22 means an easement, right-of-way, lease, license, or
23 other authorization to locate or modify a commu-
24 nications facility on covered land by the Department
25 concerned for the primary purpose of authorizing

1 the occupancy and use of the covered land for com-
2 munications use.

3 (6) COVERED LAND.—The term “covered land”
4 means—

5 (A) public land administered by the Sec-
6 retary of the Interior; and

7 (B) National Forest System land.

8 (7) DEPARTMENT CONCERNED.—The term
9 “Department concerned” means the Department of
10 the Interior or the Department of Agriculture.

11 (8) FORM 299.—The term “Form 299” means
12 the form established under section 6409(b)(2)(A) of
13 the Middle Class Tax Relief and Job Creation Act
14 of 2012 (47 U.S.C. 1455(b)(2)(A)), or any successor
15 form.

16 (9) SECRETARY CONCERNED.—The term “Sec-
17 retary concerned” means—

18 (A) the Secretary of the Interior, with re-
19 spect to public land; and

20 (B) the Secretary of Agriculture, with re-
21 spect to National Forest System land.

22 (b) BARRIERS TO IMPLEMENTATION.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of enactment of this section, and every 60
25 days thereafter until the notification described in

1 paragraph (2), the Assistant Secretary shall submit
2 a report to the appropriate committees in Con-
3 gress—

4 (A) describing whether the Department
5 concerned has established an online portal for
6 the acceptance, processing, and disposal of a
7 Form 299;

8 (B) describing barriers to the establish-
9 ment of an online portal for the acceptance,
10 processing, and disposal of a Form 299.

11 (2) NOTIFICATION DESCRIBED.—The Secretary
12 concerned shall notify the Assistant Secretary not
13 later than 3 business days after the Department
14 concerned has established an online portal for the
15 acceptance, processing, and disposal of a Form 299.

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To require the Assistant Secretary of Commerce for Communications and Information to submit a plan to Congress to track requests for communications use authorization on Federal land.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To require the Assistant Secretary of Commerce for Communications and Information to submit a plan to Congress to track requests for communications use authorization on Federal land.

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 “Federal Broadband
5 Deployment Tracking Act”.

6 **SEC. 2. REPORT ON TRACKING FORM 299 REQUESTS.**

7 (a) **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; and

6 (B) the Committee on Commerce, Science,
7 and Transportation of the Senate.

8 (2) ASSISTANT SECRETARY.—The term “Assist-
9 ant Secretary” means the Assistant Secretary of
10 Commerce for Communications and Information.

11 (3) DEPARTMENT CONCERNED.—The term
12 “Department concerned” means—

13 (A) the Secretary of the Interior, with re-
14 spect to public land; and

15 (B) the Secretary of Agriculture, with re-
16 spect to National Forest System land.

17 (4) FORM 299.—The term “Form 299” means
18 the form developed pursuant to section
19 6409(b)(2)(A) of the Middle Class Tax Relief and
20 Job Creation Act of 2012 (47 U.S.C.
21 1455(b)(2)(A)), or any successor form.

22 (5) NTIA.—The term “NTIA” means the Na-
23 tional Telecommunications and Information Admin-
24 istration.

1 (6) SECRETARY CONCERNED.—The term “Sec-
2 retary concerned” means—

3 (A) the Secretary of the Interior, with re-
4 spect to public land; and

5 (B) the Secretary of Agriculture, with re-
6 spect to National Forest System land.

7 (b) REPORT ON TRACKING FORM 299 REQUESTS.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, the As-
10 sistant Secretary shall submit to the appropriate
11 committees of Congress a report with the elements
12 described in paragraph (2).

13 (2) ELEMENTS DESCRIBED.—The elements de-
14 scribed are as follows:

15 (A) A plan describing how NTIA will track
16 the acceptance, processing, and disposal of a
17 Form 299 submitted to the Department con-
18 cerned by a requesting party.

19 (B) A description of how NTIA would
20 most expeditiously implement the plan de-
21 scribed in subparagraph (A).

22 (C) How to increase transparency to a re-
23 questing party on the status of a Form 299 re-
24 ceived by the Department concerned.

1 (D) Any barriers the Assistant Secretary
2 determines could delay the implementation of
3 the plan described in subparagraph (A).

116TH CONGRESS
1ST SESSION

H. R. 4741

To provide that the Federal Communications Commission and communications service providers regulated by the Commission under the Communications Act of 1934 shall not be subject to certain provisions of the National Environmental Policy Act of 1969 and the National Historic Preservation Act with respect to the construction, rebuilding, or hardening of communications facilities following a major disaster or an emergency declared by the President, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2019

Mr. OLSON introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, 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 provide that the Federal Communications Commission and communications service providers regulated by the Commission under the Communications Act of 1934 shall not be subject to certain provisions of the National Environmental Policy Act of 1969 and the National Historic Preservation Act with respect to the construction, rebuilding, or hardening of communications facilities following a major disaster or an emergency declared by the President, 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 “Connecting Commu-
5 nities Post Disasters Act of 2019”.

6 **SEC. 2. APPLICATION OF NEPA AND NHPA TO COVERED**
7 **COMMUNICATIONS PROJECTS.**

8 (a) NEPA CONSIDERATIONS.—The Federal Commu-
9 nications Commission shall treat covered projects as a
10 class of action categorically excluded under section 1508.4
11 of title 40, Code of Federal Regulations (or successor reg-
12 ulation), from any requirement to prepare an environ-
13 mental assessment or environmental impact statement
14 under section 102(2)(C) of the National Environmental
15 Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

16 (b) NATIONAL HISTORIC PRESERVATION CONSIDER-
17 ATIONS.—Section 306108 of title 54, United States Code,
18 shall not apply with respect to a covered project for which
19 the Federal Communications Commission is required to
20 issue a permit or that is otherwise subject to the jurisdic-
21 tion of the Federal Communications Commission.

22 (c) DEFINITIONS.—In this Act:

23 (1) COMMUNICATIONS FACILITY.—The term
24 “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 services; 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 (2) 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 (3) COVERED PROJECT.—The term “covered
21 project” means a project that—

22 (A) is to be carried out within an area for
23 which the President has declared a major dis-
24 aster or an emergency under the Robert T.

1 Stafford Disaster Relief and Emergency Assist-
2 ance Act (42 U.S.C. 5121 et seq.);

3 (B) is to be carried out not later than 5
4 years after the date that the President made
5 such declaration; and

6 (C) replaces a communications facility
7 damaged by such disaster or emergency or
8 makes improvements to a communications facil-
9 ity in such area that could reasonably be con-
10 sidered as necessary for recovery from such dis-
11 aster or emergency or to prevent or mitigate fu-
12 ture disasters or emergencies.

○

116TH CONGRESS
1ST SESSION

H. R. 292

To allow certain State and Tribal permitting authority to encourage expansion of broadband service to rural and Tribal communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2019

Mr. CURTIS introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on 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 allow certain State and Tribal permitting authority to encourage expansion of broadband service to rural and Tribal communities, 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 “Rural Broadband Per-
5 mitting Efficiency Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) BROADBAND PROJECT.—The term “broad-
2 band project” means an installation by a broadband
3 provider of wireless or broadband infrastructure, in-
4 cluding but not limited to, copper lines, fiber optic
5 lines, communications towers, buildings, or other im-
6 provements on Federal land.

7 (2) BROADBAND PROVIDER.—The term “broad-
8 band provider” means a provider of wireless or
9 broadband infrastructure that enables a user to
10 originate and receive high-quality voice, data, graph-
11 ics, and video telecommunications.

12 (3) INDIAN LANDS.—The term “Indian Lands”
13 means—

14 (A) any land owned by an Indian Tribe, lo-
15 cated within the boundaries of an Indian res-
16 ervation, pueblo, or rancharia; or

17 (B) any land located within the boundaries
18 of an Indian reservation, pueblo, or rancharia,
19 the title to which is held—

20 (i) in trust by the United States for
21 the benefit of an Indian Tribe or an indi-
22 vidual Indian;

23 (ii) by an Indian Tribe or an indi-
24 vidual Indian, subject to restriction against

1 alienation under laws of the United States;
2 or
3 (iii) by a dependent Indian commu-
4 nity.

5 (4) INDIAN TRIBE.—The term “Indian Tribe”
6 means a federally recognized Indian Tribe.

7 (5) OPERATIONAL RIGHT-OF-WAY.—The term
8 “operational right-of-way” means all real property
9 interests (including easements) acquired for the con-
10 struction or operation of a project, including the lo-
11 cations of the roadway, bridges, interchanges, cul-
12 verts, drainage, clear zone, traffic control signage,
13 landscaping, copper and fiber optic lines, utility shel-
14 ters, and broadband infrastructure as installed by
15 broadband providers, and any rest areas with direct
16 access to a controlled access highway or the National
17 Highway System.

18 (6) SECRETARY CONCERNED.—The term “Sec-
19 retary concerned” means—

20 (A) the Secretary of Agriculture (acting
21 through the Chief of the Forest Service), with
22 respect to National Forest System land; and

23 (B) the Secretary of the Interior, with re-
24 spect to land managed by the Department of

1 the Interior (including land held in trust for an
2 Indian Tribe).

3 **SEC. 3. STATE OR TRIBAL PERMITTING AUTHORITY.**

4 (a) IN GENERAL.—The Secretary concerned shall es-
5 tablish (or in the case where both Department of the Inte-
6 rior and National Forest System land would be affected,
7 shall jointly establish) a voluntary program under which
8 any State or Indian Tribe may offer, and the Secretary
9 concerned may agree, to enter into a memorandum of un-
10 derstanding to allow for the State or Indian Tribe to pre-
11 pare environmental analyses required under the National
12 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
13 seq.) for the permitting of broadband projects within an
14 operational right-of-way on National Forest System land,
15 land managed by the Department of the Interior, and In-
16 dian Lands. Under such a memorandum of understanding,
17 an Indian Tribe or State may volunteer to cooperate with
18 the signatories to the memorandum in the preparation of
19 the analyses required under the National Environmental
20 Policy Act of 1969.

21 (b) ASSUMPTION OF RESPONSIBILITIES.—

22 (1) IN GENERAL.—In entering into a memo-
23 randum of understanding under this section, the
24 Secretary concerned may assign to the State or In-
25 dian Tribe, and the State or Indian Tribe may agree

1 to assume, all or part of the responsibilities of the
2 Secretary concerned for environmental analyses
3 under the National Environmental Policy Act of
4 1969 (42 U.S.C. 4321 et seq.).

5 (2) STATE OR INDIAN TRIBE RESPONSIBI-
6 BILITY.—

7 (A) IN GENERAL.—A State or Indian
8 Tribe that assumes any responsibility under
9 paragraph (1) shall be subject to the same pro-
10 cedural and substantive requirements as would
11 apply if the responsibility were carried out by
12 the Secretary concerned.

13 (B) EFFECT OF ASSUMPTION OF RESPON-
14 SIBILITY.—A State or Indian Tribe that as-
15 sumes any responsibility, including financial re-
16 sponsibility, under paragraph (1) shall be solely
17 responsible and solely liable for carrying out, in
18 lieu of the Secretary concerned, the responsibil-
19 ities assumed under that paragraph until the
20 date on which the program is terminated under
21 subsection (g).

22 (C) ENVIRONMENTAL REVIEW.—A State
23 or Indian Tribe that assumes any responsibility
24 under paragraph (1) shall comply with the envi-
25 ronmental review procedures under parts 1500–

1 1508 of title 40, Code of Federal Regulations
2 (or successor regulations), and the regulations
3 of the Secretary concerned.

4 (3) FEDERAL RESPONSIBILITY.—Any responsi-
5 bility of the Secretary concerned described in para-
6 graph (1) that is not explicitly assumed by the State
7 or Indian Tribe in the memorandum of under-
8 standing shall remain the responsibility of the Sec-
9 retary concerned.

10 (c) OFFER AND NOTIFICATION.—A State or Indian
11 Tribe that intends to offer to enter into a memorandum
12 of understanding under this section shall provide to the
13 Secretary concerned notice of the intent of the State or
14 Indian Tribe not later than 90 days before the date on
15 which the State or Indian Tribe submits a formal written
16 offer to the Secretary concerned.

17 (d) TRIBAL CONSULTATION.—Within 90 days of en-
18 tering into any memorandum of understanding with a
19 State, the Secretary concerned shall initiate consultation
20 with relevant Indian Tribes.

21 (e) MEMORANDUM OF UNDERSTANDING.—A memo-
22 randum of understanding entered into under this section
23 shall—

24 (1) be executed by the Governor or the Gov-
25 ernor's designee, or in the case of an Indian Tribe,

1 by an officer designated by the governing body of
2 the Indian Tribe;

3 (2) be for a term not to exceed 10 years;

4 (3) be in such form as the Secretary concerned
5 may prescribe;

6 (4) provide that the State or Indian Tribe—

7 (A) agrees to assume all or part of the re-
8 sponsibilities of the Secretary concerned de-
9 scribed in subsection (b)(1);

10 (B) expressly consents, including through
11 the adoption of express waivers of sovereign im-
12 munity, on behalf of the State or Indian Tribe,
13 to accept the jurisdiction of the Federal courts
14 for the compliance, discharge, and enforcement
15 of any responsibility of the Secretary concerned
16 assumed by the State or Indian Tribe;

17 (C) certify that State laws and regulations,
18 with respect to States, or Tribal laws and regu-
19 lations, with respect to Indian Tribes, are in ef-
20 fect that—

21 (i) authorize the State or Indian Tribe
22 to take the actions necessary to carry out
23 the responsibilities being assumed; and

24 (ii) are comparable to section 552 of
25 title 5, United States Code, including pro-

1 viding that any decision regarding the pub-
2 lic availability of a document under the
3 State laws is reviewable by a court of com-
4 petent jurisdiction;

5 (D) agrees to maintain the financial re-
6 sources necessary to carry out the responsibil-
7 ities being assumed;

8 (E) agrees to provide to the Secretary con-
9 cerned any information the Secretary concerned
10 considers necessary to ensure that the State or
11 Indian Tribe is adequately carrying out the re-
12 sponsibilities assigned to and assumed by the
13 State or Indian Tribe;

14 (F) agrees to return revenues generated
15 from the use of public lands authorized under
16 this section to the United States annually, in
17 accordance with the Federal Land Policy Man-
18 agement Act of 1976 (43 U.S.C. 1701 et seq.);
19 and

20 (G) agrees to send a copy of all author-
21 izing documents to the United States for proper
22 notation and recordkeeping;

23 (5) prioritize and expedite any analyses under
24 the National Environmental Policy Act of 1969 (42

1 U.S.C. 4321 et seq.) under the memorandum of un-
2 derstanding;

3 (6) not be granted to a State on Indian Lands
4 without the consent of the relevant Indian Tribe;
5 and

6 (7) not be granted to an Indian Tribe on State
7 lands without the consent of the relevant State.

8 (f) LIMITATION.—Nothing in this section permits a
9 State or Indian Tribe to assume—

10 (1) any rulemaking authority of the Secretary
11 concerned under any Federal law; and

12 (2) Federal Government responsibilities for gov-
13 ernment-to-government consultation with Indian
14 Tribes.

15 (g) TERMINATION.—

16 (1) TERMINATION BY THE SECRETARY.—The
17 Secretary concerned may terminate the participation
18 of any State or Indian Tribe in the program estab-
19 lished under this section if—

20 (A) the Secretary concerned determines
21 that the State or Indian Tribe is not adequately
22 carrying out the responsibilities assigned to and
23 assumed by the State or Indian Tribe;

24 (B) the Secretary concerned provides to
25 the State or Indian Tribe—

1 (i) notification of the determination of
2 noncompliance; and

3 (ii) a period of at least 30 days during
4 which to take such corrective action as the
5 Secretary concerned determines is nec-
6 essary to comply with the applicable agree-
7 ment; and

8 (C) the State or Indian Tribe, after the no-
9 tification and period provided under subpara-
10 graph (B), fails to take satisfactory corrective
11 action, as determined by the Secretary con-
12 cerned.

13 (2) TERMINATION BY THE STATE OR INDIAN
14 TRIBE.—A State or Indian Tribe may terminate the
15 participation of the State or Indian Tribe in the pro-
16 gram established under this section at any time by
17 providing to the Secretary concerned a notice of in-
18 tent to terminate by not later than the date that is
19 90 days before the date of termination.

20 (3) TERMINATION OF MEMORANDUM OF UN-
21 DERSTANDING WITH STATE OR INDIAN TRIBE.—A
22 State or an Indian Tribe may terminate a joint
23 memorandum of understanding under this section at
24 any time by providing to the Secretary concerned a

1 notice of intent to terminate by no later than the
2 date that is 90 days before the date of termination.

3 **SEC. 4. FEDERAL BROADBAND PERMIT COORDINATION.**

4 (a) ESTABLISHMENT.—The Secretary concerned
5 shall establish a broadband permit streamlining team com-
6 prised of qualified staff under subsection (b)(4) in each
7 State or regional office that has been delegated responsi-
8 bility for issuing permits for broadband projects.

9 (b) MEMORANDUM OF UNDERSTANDING.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date of enactment of this Act, the Secretary con-
12 cerned, in consultation with the National Conference
13 of State Historic Preservation Officers and the Na-
14 tional Tribal Historic Preservation Officers Associa-
15 tion, shall enter into a memorandum of under-
16 standing to carry out this section with—

17 (A) the Secretary of Agriculture or of the
18 Interior, as appropriate;

19 (B) the Director of the Bureau of Indian
20 Affairs; and

21 (C) the Director of the United States Fish
22 and Wildlife Service.

23 (2) PURPOSE.—The purpose of the memo-
24 randum of understanding under paragraph (1) is to

1 coordinate and expedite permitting decisions for
2 broadband projects.

3 (3) STATE OR TRIBAL PARTICIPATION.—The
4 Secretary concerned may request that the Governor
5 of any State or the officer designated by the gov-
6 erning body of the Indian Tribe with one or more
7 broadband projects be a party to the memorandum
8 of understanding under paragraph (1).

9 (4) DESIGNATION OF QUALIFIED STAFF.—

10 (A) IN GENERAL.—Not later than 30 days
11 after the date of entrance into the memo-
12 randum of understanding under paragraph (1),
13 the head of each Federal agency that is a party
14 to the memorandum of understanding (other
15 than the Secretary concerned) may, if the head
16 of the Federal agency determines it to be ap-
17 propriate, designate to each State or regional
18 office an employee of that Federal agency with
19 expertise in regulatory issues relating to that
20 Federal agency, including, as applicable, par-
21 ticular expertise in—

22 (i) planning under the Forest and
23 Rangeland Renewable Resources Planning
24 Act of 1974 (16 U.S.C. 1600 et seq.) and
25 planning under the Federal Land Policy

1 Management Act of 1976 (43 U.S.C. 1701
2 et seq.);

3 (ii) the preparation of analyses under
4 the National Environmental Policy Act of
5 1969 (42 U.S.C. 4321 et seq.); or

6 (iii) consultation and the preparation
7 of biological opinions under section 7 of
8 the Endangered Species Act of 1973 (16
9 U.S.C. 1536).

10 (B) DUTIES.—Each employee designated
11 under subparagraph (A) shall—

12 (i) be responsible for any issue relat-
13 ing to any broadband project within the ju-
14 risdiction of the State or regional office
15 under the authority of the Federal agency
16 from which the employee is assigned;

17 (ii) participate as part of the team of
18 personnel working on one or more pro-
19 posed broadband projects, including plan-
20 ning and environmental analyses; and

21 (iii) serve as the designated point of
22 contact with any applicable State or Indian
23 Tribe that assumes any responsibility

- 1 under section 3(b)(1) relating to any issue
- 2 described in clause (i).

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