

Promoting New Infrastructure Deployment

“Winning the International Race for Economic Leadership and Expanding Service to Support Leadership” or “WIRELESS Leadership” Act (Latta)

- The bill would streamline the permitting process for wireless providers that apply to deploy new or collocated macro towers and small cells.
- The bill would preserve local authority over siting wireless infrastructure while establishing a “responsibility to respond” on State and local governments and placing limits on aspects of such reviews such as reasonable, objective, and cost-based fees, establishing criteria for denial, ensuring reasonable and nondiscriminatory review requirements. Additionally, the bill would establish a timeline within which an application would be required to be approved or denied.
 - For collocations on a macro cell, within 90 days.
 - For any other application relating to macro cells, such as new deployments, within 150 days.
 - For collocations of small cells, within 60 days.
 - For any other application relating to small cells, within 90 days.

“Barriers and Regulatory Obstacles Avoids Deployment of Broadband Access and Needs Deregulatory Leadership” or “BROADBAND Leadership” Act (Griffith)

- The bill would streamline the permitting process for telecommunications service providers that apply to a State or local government to deploy new or collocated facilities.
- The bill would preserve local authority over siting facilities for telecommunications service facilities while establishing a “responsibility to respond” on State and local governments and placing limits on aspects of such reviews such as reasonable, objective, and cost-based fees, establishing criteria for denial, ensuring reasonable and nondiscriminatory review requirements. Additionally, the bill would establish a timeline within which an application would be required to be approved or denied.
 - For collocations, within 90 days.
 - For new deployments, within 150 days.

“Cable Access for Broadband and Local Economic Leadership” or “CABLE Leadership” Act (Long)

- The bill would require that a cable franchising authority act on a request for a new franchise within 120 days and that they provide written grounds for any denial of an application with substantial evidence contained in a written record for the request. For non-emergency requests for authorization to modify or upgrade a cable system or facilities for the cable system, within 90 days.
- The bill would deem both of these requests within the timeframes described for each request, and clarifies when those requests would be considered complete and received by a franchising authority.

“Communities Overregulating Networks Need Economic Competition Today” or “CONNECT” Act (Long)

- The bill would prohibit a State or political subdivision thereof from providing or offering for sale to the public retail or wholesale broadband service unless the Commission finds that there is no more than one other commercial provider of broadband service that provides competition in a particular area.
- The bill would grant a transition for those States or political subdivisions that currently provide such services that they may continue to provide until there is more than one additional commercial provider of broadband service, and would prohibit the State or political subdivision from constructing new, or extending existing, facilities beyond the geographic area in which the State or political subdivision lawfully operates. This bill does not apply to the Tennessee Valley Authority.

Promoting Collocation and Modifications to Existing Infrastructure for Competition and Consumer Choice

H.R. 6488, or “Streamlining Permitting to Enable Efficient Deployment of Broadband Infrastructure” or “SPEED” Act (Shimkus)

- H.R. 6488 would exempt broadband facilities from environmental and historic preservation reviews on federal property that have already granted another communications facility on the same property.
- The bill would exempt broadband facilities that meet certain parameters from environmental and historic preservation reviews in existing rights-of-way.
- The bill would exempt expansion of broadband facilities from environmental and historic preservation reviews if the expansion of the broadband facility is no more than 30 feet in any direction.

“Wireless Broadband Competition and Efficient Deployment Act” (Johnson)

- The bill would declare that collocations of wireless facilities are a category of activities to be excluded from the requirement to prepare an environmental or historic preservation review.

“Wireless Resiliency and Flexible Investment Act” (Kinzinger)

- The bill would expand the definition of an eligible facilities request under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 to facilities on an eligible support structure and facilities that would improve the resiliency of the communications network and provide a direct benefit to public safety, such as backup power, hardening the tower or structure, or providing more reliable connection capabilities. Currently, eligible facilities requests are requests to modify to an existing wireless tower or base station that do not substantially change the physical dimensions of the tower or base station that involves the collocation, removal, or replacement of transmission equipment.
- The bill would also codify the Commission’s existing 60-day shot clock for State and local governments to approve eligible facilities requests and clarify when a complete request is submitted and deemed granted for such requests under section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.

“Consumer Access to Broadband for Local Economies and Competition” or “CABLE Competition” Act (Burgess)

- The bill would amend the Cable Act to prohibit a franchise authority from: 1) precluding a cable operator from transferring a franchise; and 2) requiring a cable operator to receive approval from a franchise authority for the transfer of such franchise.
- The bill would permit a franchise authority to require a cable operator transferring a franchise to notify the franchise authority within 15 days of the transfer. This bill would make these amendments effective 6 months after the date of enactment.

“Cable Transparency Act” (Mullin)

- The bill would amend the Cable Act to provide that a cable franchise remains in place until terminated by either the cable operator or the franchising authority. The bill also provides that a cable operator may petition the franchising authority for elimination or amendment of a franchise agreement, which is deemed granted within 120 days if the franchising authority does not approve or deny the petition within such time. This deemed grant would not apply to petitions for the elimination or modification to a requirement for services relating to public, education, or governmental access.
- The bill would also establish conditions under which a cable operator or franchising authority could terminate the franchise. A cable operator would be able to terminate the franchising authority by providing 90 days’ notice to the franchising authority. A franchising authority would be able to terminate a cable franchise only when they have made a finding that the cable operator has knowingly and willfully failed to substantially meet a requirement imposed by the franchise, the cable operator has been afforded a reasonable opportunity to cure the alleged violation, and the franchising authority has not waived the noncompliance of a cable operator.

“Protecting Critical Infrastructure Act” (Bucshon)

- The bill would establish an enhancement to the general penalty of a 2-year prison term for anyone who willfully or maliciously destroys a communications facility.

Removing Unnecessary or Duplicative Barriers from Environmental and Historical Reviews

“Reducing Antiquated Permitting for Infrastructure Deployment” or “RAPID” Act (Scalise)

- The bill would clarify that small cell deployments are subject to neither environmental review under the National Environmental Policy Act (NEPA) nor historical review under the National Historic Preservation Act (NHPA).
- The bill would also establish a court’s presumption that a wireless provider has completed a request for review if a Tribal nation or Native Hawaiian Organization has received certain completed FCC forms relating to deployment of new or collocated wireless facilities.

“Brownfields Broadband Deployment Act” (Walberg)

- The bill would declare that the deployment of a broadband project entirely within a brownfields site is a category of activities to be excluded from the requirement to prepare an environmental or historic preservation review.

“Coastal Broadband Deployment Act” (Bilirakis)

- The bill would declare that the deployment of a broadband project entirely within a floodplain is a category of activities to be excluded from the requirement to prepare an environmental or historic preservation review.

“Timely Replacement Under Secure and Trusted for Early and Dependable Broadband Networks” or “TRUSTED Broadband Networks” Act (Guthrie)

- The bill would declare that projects subject to reimbursement under the Secure and Trusted Communications Networks Act of 2019 are a category of activities to be excluded from the requirement to prepare an environmental or historic preservation review.

“Proportional Reviews for Broadband Deployment Act” (Carter)

- The bill would amend section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 to declare that an eligible facilities request is a category of activities to be excluded from the requirement to prepare an environmental or historic preservation review. Currently, eligible facilities requests are requests to modify an existing wireless tower or base station that do not substantially change the physical dimensions of the tower or base station that involves the collocation, removal, or replacement of transmission equipment.

“Wildfire Wireless Resiliency Act” (McMorris-Rodgers)

- The bill would declare that a project carried out entirely within a disaster area relating to a wildfire of a broadband project within 5 years of such disaster, and that only replaces or makes improvements to a communications facility to recovery from that disaster, is a category of activities to be excluded from the requirement to prepare an environmental or historic preservation review.

Promoting Broadband Deployment on Federal Lands

“Standard Fees to Expedite Evaluation and Streamlining” or “Standard FEES” Act (Gianforte)

- The bill would establish a common fee for processing applications to deploy communications facilities on Federal property. This common fee will be allowed to cover the costs of granting an easement, right of way, or lease, provided that fee is made available in appropriation Acts.
- Such fees would be required to be based on actual and direct costs and competitively neutral with regard to other users of a building or other property owned by the Federal government.
- Exceptions to the fee will be allowed in consideration of the public benefit provided by a grant of an easement, right of way, or lease, as well as in the interest of expanding wireless and broadband coverage.

“Broadband Deployment Streamlining Act” (Brooks)

- The bill would streamline the process to place or modify communications facilities on land under the control of the Department of Interior. It would also ensure applications will be considered and granted on a competitively neutral, technology neutral, and non-discriminatory basis.
- The bill further states that an authorization on land under the control of the Departments of Interior renews automatically on expiration unless the authorization is revoked for good cause.

“Enhancing Administrative Reviews for Broadband Deployment Act” (Flores)

- The bill would direct the Secretaries of Interior and Agriculture to study the programmatic and administrative barriers within the bureaucracy to reviewing communications use authorization requests to deploy on Federal land and provide an assessment to Congress whether there are rules or regulations that could be revised to improve the efficiency of reviewing such requests.

“Expediting Federal Broadband Deployment Reviews Act” (Duncan)

- The bill would direct NTIA to lead an interagency strike force with the Secretaries of Interior and Agriculture to increase prioritization of reviews for communications use authorization requests to deploy on Federal land and report to Congress within 9 months on the effectiveness of the Strike Force.

“Federal Broadband Deployment in Unserved Areas Act” (Curtis)

- The bill would require the FCC to share all mapping data collected under Title VIII of the Communications Act (as added by the bipartisan Broadband DATA Act) with the Department of Interior to integrate broadband availability data into DOI’s Joint Overview-Established Locations (JOEL) database showing Federal real property that can support communications facilities.
- The bill would direct the FCC Chairman and Secretary of Interior to establish a working group within 30 days of enactment to facilitate interoperability of the IT systems used by the FCC and the Department of Interior.
- The bill would also direct the Chairman of the FCC and Secretary of Interior to jointly submit a report to Congress with a preliminary assessment of any potential barriers to interoperability. In addition, the FCC Chairman and Secretary of Interior are also required to submit a report to congress within 1 year of enactment providing:
 - 1) an assessment of the effectiveness of a user’s ability to locate Federal real property that can support communications facilities in unserved areas through the JOEL database; and,
 - 2) an assessment of whether the Departments of Interior and Agriculture prioritized the review of applications for a communications use authorization for proposed deployments in unserved areas.

“Deploying Infrastructure with Greater Internet Transactions And Legacy Applications” or “DIGITAL Applications” Act (Upton)

- The bill would direct the Secretaries of Interior and Agriculture to establish an online portal to accept, process, and dispose of the common form application to deploy a communications facility on Federal real property.
- The bill also directs NTIA to publish on their Internet website a link to each online portal.

“Facilitating the Deployment of Infrastructure with Greater Internet Transactions And Legacy Applications” or “Facilitating DIGITAL Applications” Act (McKinley)

- The bill would direct NTIA to submit a report to Congress within 90 days of enactment, and every 60 days thereafter until the completion of the portal:
 - 1) describing whether the Departments of Interior and Agriculture have established an online portal for the acceptance, processing, and disposal of the common form application to deploy a communications facility on Federal real property; and,
 - 2) describing barriers to the establishment of an online portal for the acceptance, processing, and disposal of the common form application.

“Federal Broadband Deployment Tracking Act” (Hudson)

- The bill would require NTIA To submit a plan to Congress within 180 days of enactment describing how they would track the acceptance, processing, and disposal of requests for communications use authorizations on Federal real property, how they would implement that plan, any barriers to that plan, and how to increase transparency to requesting parties seeking a communications use authorization on Federal real property.

H.R. 4741, “Connecting Communities Post Disasters” (Olson)

- H.R. 4741 would provide a 5-year categorical exclusion from environmental and historical reviews for communications facilities in Presidentially-declared disaster areas to aid the replacement and improvements to such facilities.

H.R. 292, “Rural Broadband Permitting Efficiency Act of 2019” (Curtis)

- H.R. 292 would authorize Federal departments to delegate Federal environmental compliance for broadband projects to States and Indian Tribes.
- The bill requires the Department of Agriculture and the Department of Interior to establish a voluntary program whereby States or Indian Tribes may opt-in to an agreement allowing them to take responsibility of environmental review for the permitting of broadband projects.