SEC. 1. HARMONIZING SHOT CLOCKS; REASONABLE RATES.

(a) HARMONIZING SHOT CLOCKS.—Section 332(c)(7)(B) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(B)) is amended—

(1) in clause (i)(I), by inserting “the same service or of” after “of”;

(2) by striking clause (ii) and inserting the following:

“(ii) Regulation by a State or local government or instrumentality thereof shall be deemed to prohibit or have the effect of prohibiting the provision of wireless services for purposes of clause (i)(II) if the regulation consists of an action that—

“(I) restricts access to a pole, right-of-way, or other facility owned by the State or local government or instrumentality to support equipment for use by providers of wireless services except in the case of insufficient capacity, or for reasons of—

“(aa) safety;

“(bb) reliability; or

“(cc) generally applicable—
“(AA) engineering purposes;

“(BB) objective design standards for decorative utility poles; or

“(CC) reasonable concealment requirements;

“(II) grants exclusive or preferential use to a pole, right-of-way, or other property owned or managed by the State or local government or instrumentality to—

“(aa) a particular provider of wireless service;

“(bb) a class of providers of wireless service; or

“(cc) any entity or class of entity to which access is provided under section 224(f)(1);

“(III) requires a demonstration of need for a wireless service facility, or otherwise evaluates radio frequency signal strength or existence, the adequacy of or demand for service coverage, capacity, or quality, or an ap-
plicant’s business decision on the technical or operational characteristics, type, and location of wireless service facilities, support structures, poles, or technology deployed;

“(IV) limits the ability of a provider of wireless service to make technology or capacity upgrades, updates, or enhancements to its existing wireless service, unless those limitations are consistent with this subsection;

“(V) imposes an express or de facto moratorium on the acceptance or processing of permits or other permissions to deploy wireless service facilities;

“(VI) grants the State or local government or instrumentality discretion to approve or deny permits or other permissions to deploy wireless service facilities without reasonable, objective, and non-discriminatory guidelines regarding the approval or denial;
“(VII) requires removal or replacement of a wireless service facility due to the passage of time or the availability of alternative technology or design, if the wireless service facility continues to be used by a provider of wireless service for non-de minimis purposes;

“(VIII) prohibits the placement of an emergency backup power system that otherwise complies with Federal and State—

“(aa) environmental regulations;

“(bb) safety regulations; and

“(cc) generally applicable—

“(AA) engineering standards;

“(BB) objective design standards; and

“(CC) reasonable concealment requirements; or

“(IX) requires wireless service providers to demonstrate an actual prohibition of service.”;}
(3) by redesignating clauses (iii) through (v) as clauses (vi) through (viii), respectively;

(4) by inserting after clause (ii) the following:

“(iii) The actions described in subclauses (I) through (IX) of clause (ii) shall not be construed to be an exhaustive list of regulations by a State or local government or instrumentality thereof that prohibit or have the effect of prohibiting the provision of wireless services for purposes of clause (i)(II) of this subparagraph.

“(iv)(I) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify wireless service facilities after the request is duly filed with the government or instrumentality, taking into account the nature and scope of such request, in accordance with this clause.

“(II) A State or local government or instrumentality thereof shall act on any request described in subclause (I) that constitutes collocation of wireless service facilities, as that term is defined by the Com-
mission, not later than 60 days after the
date on which the request is duly filed.

“(III) A State or local government or
instrumentality thereof shall act on any
other request described in subclause (I)
that is not described in subclause (II) not
later than 90 days after the date on which
the request is duly filed.

“(IV) The timeframes specified under
subclauses (II) and (III) shall apply collec-
tively to all proceedings required by a
State or local government or instrument-
tality thereof for the approval of the re-
quest.

“(V) The timeframes specified under
subclauses (II) and (III) may not be tolled
by any moratorium, whether express or de
facto, imposed by a State or local govern-
ment or instrumentality thereof on the
consideration of any request for authoriza-
tion to place, construct, or modify wireless
service facilities.

“(v) If a State or local government or
instrumentality thereof fails to act on a re-
quest to place, construct, or modify wire-
less service facilities within the applicable period of time under clause (iv), or denies such a request in a manner inconsistent with clause (vi), and the applicant provides written notice of the failure or denial to the government or instrumentality after the expiration of the applicable period—

“(I) the request shall be deemed granted on the date that is 31 days after the date on which the government or instrumentality receives the written notice; and

“(II) any additional rights an applicant may have under this section or otherwise based on the failure or denial shall be preserved.”;

(5) in clause (vi), as so redesignated, by inserting before the period the following: “that is publicly released contemporaneously with the denial” and

(6) by adding at the end the following:

“(ix) Nothing in this subparagraph shall be construed to affect the authority of a State or local government or instrumentality thereof to—
“(I) manage access to and use of poles, rights-of-way, or other property owned or managed by the State or local government or instrumentality for wireless service facilities or to require fair and reasonable compensation for that access or use if—

“(aa) the compensation is competitively neutral, technology neutral, and nondiscriminatory;

“(bb) the government or instrumentality publicly discloses the compensation;

“(cc) the compensation is based on actual and direct costs, except for compensation for a pole attachment provided under section 224, which shall be calculated in accordance with that section; and

“(dd) the management and access, including the requirement of fair and reasonable compensation, is not inconsistent with State law; or
“(II) charge a fee to consider a request for the placement, construction, or modification of wireless service facilities within the jurisdiction of the State or local government or instrumentality thereof if the fee is based on actual and direct costs of—

“(aa) issuing and processing permits;

“(bb) reviewing plans; and

“(cc) conducting physical inspections related to issuing and processing permits.”.

(b) DEFINITION OF WIRELESS SERVICE.—Section 332(c)(7) of the Communications Act of 1934 (47 U.S.C. 332(c)(7) is amended—

(1) by striking “personal” each place that term appears; and

(2) in subparagraph (C)—

(A) by striking clause (i) and inserting the following:

“(i) the term ‘wireless service’ means the transmission by radio communication of voice, video, or data communications services, including Internet Protocol or any
successor protocol-enabled services, or any
combination of those services, including
unlicensed wireless services;”;
(B) in clause (ii), by striking “and” at the end;
(C) by redesignating clause (iii) as clause (iv); and
(D) by inserting after clause (ii) the follow-
ing: “(iii) the term ‘regulation’ includes a
law, ordinance, rule, decision, policy, prac-
tice, franchising requirement, contract, re-
striction, or impediment, including the fail-
ure to act, or other legal requirement;
and”.
(e) REMOVAL OF BARRIERS TO ENTRY.—Section 253 of the Communications Act of 1934 (47 U.S.C. 253) is amended—
(1) by striking subsection (c);
(2) by redesignating subsections (b), (d), (e), and (f) as subsections (c), (e), (f), and (g);
(3) by inserting after subsection (a) the fol-
lowing:
“(b) STATE OR LOCAL REQUIREMENTS IDENTI-
FIED.—
“(1) IN GENERAL.—For purposes of subsection (a)—

“(A) the term ‘State or local legal requirement’ includes any law, regulation, decision, policy, practice, franchising requirement, contract, restriction, or impediment, including the failure to act, of any State or local government or instrumentality thereof related to the use of or access to a pole, right-of-way, or other property owned by the State or local government or instrumentality, by a provider of telecommunications service, including a provider of wireless service; and

“(B) a State or local legal requirement shall be deemed to prohibit or have the effect of prohibiting the ability of an entity to provide any interstate or intrastate telecommunications service if the legal requirement constitutes an action that would be described in section 332(e)(7)(B)(ii) if that section were applied by substituting ‘interstate or intrastate telecommunications service’ for ‘wireless service’.

“(2) LIST NOT EXHAUSTIVE.—For purposes of paragraph (1)(B), the actions described in subclauses (I) through (IX) of section 332(e)(7)(B)(ii)
shall not be construed to be an exhaustive list of actions that prohibit or have the effect of prohibiting the provision of interstate or intrastate telecommunications service.”;

(4) by inserting after subsection (c), as so redesignated, the following:

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of a State or a local government or instrumentality thereof to—

“(1) apply and enforce its zoning and other land use regulations to the extent consistent with this section and section 332(e)(7);

“(2) manage access to and use of poles, rights-of-way, or other property owned or managed by the State or local government or instrumentality, for telecommunications service facilities, including wireless service facilities; or

“(3) require fair and reasonable compensation for access or use described in paragraph (2), consistent with section 332(e)(7)(B)(ix).”;

(5) in subsection (e), as so redesignated, by striking “subsection (a) or (b)” and inserting “subsection (a), (b), (e), or (d) of this section or section 332(e)(7)(B)(i)(II)”; and

(6) by adding at the end the following:
“(h) DEFINITIONS.—In this section—

“(1) the term ‘pole’ means an upright pole or structure, used or capable of being used in whole or in part to provide electric distribution, lighting, traffic control, signage, or a similar function;

“(2) the term ‘telecommunications service provider’ includes a provider of wireless service;

“(3) the term ‘wireless service’ means the transmission by radio communication of voice, video, or data communications services, including Internet Protocol or any successor protocol-enabled services, or any combination of those services, including unlicensed wireless service (as that term is defined in section 332(c)(7)(C)(iii)); and

“(4) the term ‘wireless service facility’ means a facility for the provision of wireless service.”.

SEC. 2. GAO STUDY OF BROADBAND DEPLOYMENT ON TRIBAL LAND.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) study the process for obtaining a grant of a right-of-way from the Bureau of Indian Affairs to deploy broadband infrastructure on tribal land;
2 (2) in conducting the study under paragraph
1 (1), consider the unique challenges involved in
3 broadband deployment on tribal land; and
4 (3) submit to Congress a report on the study
5 conducted under paragraph (1).

6 SEC. 3. PROMOTING DEPLOYMENT OF BROADBAND INFRA-
7 STRUCTURE.
8 It is the sense of Congress that State and local gov-
9 ernments should consult with local and national tele-
10 communications providers, including telecommunications
11 service and equipment providers, and other stakeholders
12 before beginning a highway construction project to deter-
13 mine whether to install broadband conduit under hard sur-
14 faces as part of the highway construction project.

15 SEC. 4. ENSURING A LEVEL PLAYING FIELD FOR CABLE
16 FRANCHISES.
17 (a) GENERAL FRANCHISE REQUIREMENTS.—Section
18 621 of the Communications Act of 1934 (47 U.S.C. 541)
19 is amended—
20 (1) in subsection (a)(2)—
21 (A) by redesignating subparagraphs (A)
22 through (C) as clauses (i) through (iii);
23 (B) in the matter preceding clause (i), as
24 so redesignated, by striking “except that” and
25 all that follows and inserting the following:
“(B) In using easements under subparagraph (A), the cable operator shall ensure—”;

(C) by striking “Any franchise” and all that follows through “compatible uses,” and inserting the following: “(A) Except as provided in subparagraph (B), any franchise shall be construed to authorize—

“(i) the construction of a cable system and any facilities for the provision of telecommunications services or other services that may be attached to the cable system over public rights-of-way, and through easements, that—

“(I) are within the area to be served by the cable system or facilities; and

“(II) have been dedicated for compatible uses; and

“(ii) the operation of the system or facilities described in clause (i) to offer cable service, telecommunications service, or any other service or capability over the cable system or through the facilities.”; and

(D) in subparagraph (B)(i), as so designated, by inserting after “cable system” the following: “and for the provision of tele-
communications services or other services that
may be attached to the cable system”;

(2) in subsection (b)(3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i),

by inserting “or other services or capabili-
ties” after “telecommunications services”;

(ii) in clause (i), by striking “a fran-
chise under this title for the provision of
telecommunications services” and inserting
“any additional franchise for the provision
of telecommunications services or other
services or capabilities”; and

(iii) in clause (ii), by inserting “or
other services or capabilities” after “tele-
communications services”;

(B) in subparagraph (B)—

(i) by striking “under this title”; and

(ii) by inserting “or other service or
capability” after “a telecommunications
service”; 

(C) in subparagraph (C)—

(i) in clause (i), by inserting “or other
service or capability” after “a tele-
communications service”; and
(ii) in clause (ii), by inserting “or other service or capability” after “a telecommunications service” each place that term appears; and

(D) in subparagraph (D), by inserting “or other service or capability,” after “any telecommunications service or facilities,”; and

(3) by adding at the end the following:

“(g) For purposes of this section, the term ‘other service or capability’ includes—

“(1) advanced telecommunications capability (as defined in section 706(d)(1) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)(1)));

“(2) broadband Internet access service;

“(3) private carriage business data services;

and

“(4) interconnected VoIP service.”.

(b) FRANCHISE FEES.—Section 622 of the Communications Act of 1934 (47 U.S.C. 542) is amended—

(1) in subsection (b), in the first sentence, by inserting after “any cable system” the following: “, regardless of the services offered over the cable system or the facilities attached to the cable system,” and
(2) in subsection (g)(1), by striking “solely because of their status as such” and inserting “for use of the rights-of-way or otherwise”.