



H.R. 2289 — American Broadband Deployment Act of 2025,
a Look at Key Provisions & Impacts

Overview

This bill is a **deregulatory telecom (cable, broadband, fiber) infrastructure bill** using preemption to eviscerate state & local Public Rights of Way (PROW) management and establishing 'deemed granted' status to applicants with impossible 'shot clocks' for local and state government to handle.

Title I — State & Local Siting Processes

Sec. 101 – Wireless Facility Permitting Overhaul Rewrites Section 332(c) of the Communications Act to codify strict timelines for local governments to approve or deny wireless facility requests:

- **Standard facilities:** 90 days (on existing structures) or 150 days (new construction)
- **Small cell facilities:** 60 days (existing structures) or 90 days (other)
- **Deemed granted:** If a locality misses its deadline, the permit is automatically approved once the applicant sends written notice of the failure — no further government action required

Key impact: *Dramatically curtails local discretion. Localities cannot impose moratoria, and the "deemed granted" mechanism means silence equals approval. Local governments lose meaningful ability to slow-walk politically unpopular tower siting decisions.*

Sec. 101 also prohibits localities from:

- Discriminating among wireless providers or technologies
- Blocking service provision through aesthetic or concealment rules (though reasonable, nondiscriminatory aesthetic standards are still allowed)
- Regulating facilities based on RF emissions health concerns (so long as FCC emission standards are met)
- Charging fees beyond actual, documented, objectively reasonable costs

Sec. 102 – Telecommunications Barrier Removal

- Rewrites Section 253 very broadly to prohibit any state/local law that effectively blocks telecom service provision.
- Adds the same 90/150-day approval windows and deemed-granted mechanism for wireline telecom facilities.



- The FCC can preempt non-compliant state/local rules within 120 days of receiving a petition.

Sec. 103 – Streamlined Modifications Expands the existing "eligible facilities request" (EFR) (Section 6409) fast-track process — which previously only covered wireless tower modifications — to now also cover **wireline communications facility modifications** (adding, removing, or replacing equipment without substantially changing physical dimensions). The review window is 60 days, with deemed approval if missed. Pre-application requirements and unnecessary documentation demands are prohibited.

Title II — Cable

Sec. 201 – Franchise Approval Deadlines Franchising authorities must approve or deny new cable franchise requests within **120 days** or the franchise is deemed granted. Moratoria are prohibited.

Sec. 202 – Cable Equipment Siting Mirrors the wireless siting framework for cable equipment placement and construction: 90-day window for existing infrastructure, 150 days otherwise, with deemed-grant on inaction. Critically, localities **cannot** condition approval on:

- Installing conduit or fiber for the government's own use
- Paying for unrelated environmental, engineering, or design studies
- Any condition not specific to the precise deployment location

Sec. 203 – Perpetual Franchises This is one of the more significant structural changes. Franchises would **no longer expire** — they continue in perpetuity until revoked for cause or voluntarily terminated by the operator. Revocation requires the franchising authority to prove the operator knowingly and willfully failed to meet a material franchise term, provided an opportunity to cure, and the operator still failed.

Key impact: *Eliminates franchise renewal leverage entirely. Historically, renewal was the primary mechanism by which local governments could renegotiate terms, impose build-out requirements, or demand public-interest commitments. This provision would make it far harder for localities to update franchise terms to reflect changed circumstances.*

Sec. 204 – Franchise Transfers Franchising authorities cannot block a franchise transfer to any entity that agrees to accept the existing franchise terms. Only 15 days' written notice is required before a transfer occurs.



Title III — Environmental & Historic Preservation Review Exemptions

Sec. 301 – NEPA and NHPA Exemptions A broad set of "covered projects" are exempted from:

- **NEPA** (National Environmental Policy Act) — no Environmental Impact Statement or Environmental Assessment required
- **NHPA** (National Historic Preservation Act) — no Section 106 historic properties consultation required.
- Covered projects include: small cell deployments, collocations on existing structures, facilities in public rights-of-way, brownfield site deployments, facilities in disaster-declared areas, wireline modifications on existing infrastructure, and more. (Essentially, the vast majority of routine telecom deployments would be categorically excluded from environmental and historic review.)

Key impact: *These reviews — particularly Section 106 consultation with tribal nations — have historically been important tools for identifying and protecting culturally significant sites. Eliminating them broadly could accelerate deployment at the cost of losing a meaningful check on impacts to historic and tribal properties.*

Sec. 302 – Tribal Consultation Presumption If a tribe receives (or is reasonably expected to have received) an FCC Form 620/621 and doesn't respond within **45 days**, the tribe is **presumed to have disclaimed interest** in the project. The tribe can rebut this presumption, but the burden shifts to them.

Key impact: *Tribal nations with limited administrative capacity may effectively lose their Section 106 consultation rights simply by failing to respond fast enough, raising significant federal trust responsibility concerns.*

Sec. 303 preserves the FCC's duty to evaluate Radio Frequency Emissions (RF) exposure under NEPA.

Title IV — Other Matters

Sec. 401 – Federal Easement/ROW Applications Applies the same deemed-granted mechanism to federal agency applications for easements, rights-of-way, and leases — if a federal agency misses its deadline, the application is automatically approved.

Sec. 402 – Fee Transparency Report Directs the Assistant Secretary (NTIA) to report to Congress within 180 days on fees charged by broadband grant recipients, flagging any fees that are discriminatory, not cost-based, or otherwise non-compliant with the bill's fee standards.