

and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

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

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

**(c) Definitions**

In this section:

**(1) 5350–5470 MHz band**

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

**(2) 5850–5925 MHz band**

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

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

**§ 1454. Guard bands and unlicensed use**

**(a) In general**

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

**(b) Size of guard bands**

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

**(c) Unlicensed use in guard bands**

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

**(d) Database**

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

**(e) Protections against harmful interference**

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

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

**§ 1455. Wireless facilities deployment**

**(a) Facility modifications**

**(1) In general**

Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

**(2) Eligible facilities request**

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

(A) collocation of new transmission equipment;

(B) removal of transmission equipment; or

(C) replacement of transmission equipment.

**(3) Applicability of environmental laws**

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

**(b) Federal easements and rights-of-way**

**(1) Grant**

If an executive agency, a State, a political subdivision or agency of a State, or a person, firm, or organization applies for the grant of an easement or right-of-way to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, and maintain wireless service antenna structures and equipment and backhaul transmission equipment, the executive agency having control of the building or other property may grant to the applicant, on behalf of the Federal Government, an easement or right-of-way to perform such installation, construction, and maintenance.

**(2) Application**

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

**(3) Fee**

**(A) In general**

Notwithstanding any other provision of law, the Administrator of General Services shall establish a fee for the grant of an easement or right-of-way pursuant to paragraph (1) that is based on direct cost recovery.

**(B) Exceptions**

The Administrator of General Services may establish exceptions to the fee amount required under subparagraph (A)—

(i) in consideration of the public benefit provided by a grant of an easement or right-of-way; and

(ii) in the interest of expanding wireless and broadband coverage.

**(4) Use of fees collected**

Any fee amounts collected by an executive agency pursuant to paragraph (3) may be made available, as provided in appropriations Acts, to such agency to cover the costs of granting the easement or right-of-way.

**(c) Master contracts for wireless facility sitings**

**(1) In general**

Notwithstanding section 704 of the Telecommunications Act of 1996 or any other pro-

<sup>1</sup> See References in Text note below.