

**[DISCUSSION DRAFT]**

114TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the National Telecommunications and Information Administration Organization Act to facilitate the deployment of communications infrastructure by providing for an inventory of Federal assets for use in connection with such deployment, to streamline certain Federal approvals of communications facilities, to provide for measures to promote the use of utility poles in the deployment of broadband, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

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

\_\_\_\_\_  
**A BILL**

To amend the National Telecommunications and Information Administration Organization Act to facilitate the deployment of communications infrastructure by providing for an inventory of Federal assets for use in connection with such deployment, to streamline certain Federal approvals of communications facilities, to provide for measures to promote the use of utility poles in the deployment of broadband, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 [“\_\_\_\_\_ Act of 2015”].

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. No additional appropriations authorized.
- Sec. 3. Inventory of Federal assets.
- Sec. 4. Tracking of applications to locate or modify communications facilities on Federal real property.
- Sec. 5. Regulation of pole attachments.
- Sec. 6. Common forms, fees, and master contracts for location of wireless facilities on Federal property.
- Sec. 7. Streamlining Department of the Interior process for communications facility location applications.
- Sec. 8. Streamlining Forest Service process for communications facility location applications.
- Sec. 9. Streamlining Department of Defense process for communications facility location applications.
- Sec. 10. Streamlining and acceleration of historic preservation review of communications facilities.
- Sec. 11. Streamlining and acceleration of the preparation of environmental impact statements relating to communications facilities.
- Sec. 12. Inclusion of communications conduit installation in certain highway construction projects.
- Sec. 13. Communications facility defined.

6 **SEC. 2. NO ADDITIONAL APPROPRIATIONS AUTHORIZED.**

7 (a) IN GENERAL.—No additional funds are author-  
8 ized to carry out this Act, or the amendments made by  
9 this Act. This Act, and the amendments made by this Act,  
10 shall be carried out using amounts otherwise authorized  
11 or appropriated.

12 (b) AVAILABILITY OF FEES COLLECTED UNDER  
13 THIS ACT.—Subsection (a) does not apply to section 7(f),  
14 8(e), or 9(e).

1 **SEC. 3. INVENTORY OF FEDERAL ASSETS.**

2 Part C of the National Telecommunications and In-  
3 formation Administration Organization Act (Public Law  
4 102–538) is amended by adding at the end the following:

5 **“SEC. 159. INVENTORY OF FEDERAL ASSETS.**

6 “(a) IN GENERAL.—Not later than 1 year after the  
7 date of the enactment of this section, the Assistant Sec-  
8 retary shall—

9 “(1) establish and maintain an inventory of cov-  
10 ered assets that includes the information provided  
11 under subsections (b) and (c); and

12 “(2) make such inventory available to any enti-  
13 ty that constructs or operates communications facili-  
14 ties or provides communications service.

15 “(b) PROVISION OF INFORMATION BY EXECUTIVE  
16 AGENCIES.—

17 “(1) IN GENERAL.—Not later than 9 months  
18 after the date of the enactment of this section, the  
19 head of an Executive agency shall provide to the As-  
20 sistant Secretary, in a manner and format to be de-  
21 termined by the Assistant Secretary, the information  
22 described in paragraph (2) with respect to a covered  
23 asset of such agency.

24 “(2) INFORMATION DESCRIBED.—The informa-  
25 tion described in this paragraph is—

26 “(A) the location of the covered asset;

1           “(B) the type of the covered asset, such as  
2           whether the asset is a building (and the type of  
3           building), land (and the type or use of the  
4           land), right-of-way, easement, utility pole, wire-  
5           less communications tower, underground utility  
6           route, or cable on which capacity is available for  
7           lease;

8           “(C) contact information for an officer or  
9           employee of the agency who may be contacted  
10          for permitting or other information about the  
11          covered asset;

12          “(D) whether the covered asset is historic  
13          property (as defined in section 300308 of title  
14          54, United States Code); and

15          “(E) such other information as the Assist-  
16          ant Secretary considers appropriate.

17          “(3) PROVISION OF UPDATED INFORMATION.—

18                 “(A) CHANGE IN INFORMATION.—In the  
19                 case of a change in any of the information pro-  
20                 vided to the Assistant Secretary under para-  
21                 graph (1) with respect to a covered asset of an  
22                 Executive agency, the head of such agency shall  
23                 provide updated information to the Assistant  
24                 Secretary not later than 30 days after such  
25                 change.

1           “(B) ACQUISITION OF NEW COVERED  
2 ASSET.—In the case of the acquisition of a cov-  
3 ered asset by an Executive agency after the  
4 date that is 9 months after the date of the en-  
5 actment of this section, the head of such agency  
6 shall provide to the Assistant Secretary the in-  
7 formation required by paragraph (1) with re-  
8 spect to such asset not later than 30 days after  
9 such acquisition.

10           “(4) EXCLUSION OF INFORMATION FOR NA-  
11 TIONAL SECURITY REASONS.—

12           “(A) CLASSIFIED INFORMATION.—The  
13 head of an Executive agency may exclude classi-  
14 fied information from the information provided  
15 to the Assistant Secretary under this sub-  
16 section.

17           “(B) OTHER INFORMATION.—If the head  
18 of an Executive agency determines, in consulta-  
19 tion with the Assistant Secretary, that inclusion  
20 of information (other than classified informa-  
21 tion) about a covered asset of such agency in  
22 the inventory established under subsection (a)  
23 would harm national security, the head of the  
24 agency may exclude such information from the

1 information provided to the Assistant Secretary  
2 under this subsection.

3 “(C) CLASSIFIED INFORMATION DE-  
4 FINED.—In this paragraph, the term ‘classified  
5 information’ means any information or material  
6 that has been determined by the Federal Gov-  
7 ernment pursuant to an Executive order, stat-  
8 ute, or regulation, to require protection against  
9 unauthorized disclosure for reasons of national  
10 security and any restricted data, as defined in  
11 section 11 y. of the Atomic Energy Act of 1954  
12 (42 U.S.C. 2014(y)).

13 “(c) INFORMATION ON STATE AND LOCAL ASSETS.—

14 “(1) VOLUNTARY PROVISION OF INFORMA-  
15 TION.—A State or local government may provide to  
16 the Assistant Secretary for inclusion in the inventory  
17 established under subsection (a), in a manner and  
18 format to be determined by the Assistant Secretary,  
19 information with respect to a State or local asset  
20 that would be a covered asset if owned, leased, or  
21 otherwise managed by an Executive agency.

22 “(2) INCLUSION OF INFORMATION.—The As-  
23 sistant Secretary shall include in such inventory any  
24 information provided by a State or local government  
25 in accordance with paragraph (1) in the same man-

1           ner as information provided by an Executive agency  
2           under subsection (b).

3           “(3) PROVISION OF UPDATED INFORMATION.—

4           In the case of a change in any of the information  
5           provided to the Assistant Secretary under paragraph  
6           (1) with respect to a State or local asset, the State  
7           or local government shall provide updated informa-  
8           tion to the Assistant Secretary not later than 30  
9           days after such change. If a State or local govern-  
10          ment does not comply with the preceding sentence,  
11          the Assistant Secretary shall deny the State or local  
12          government access to the inventory established  
13          under subsection (a).

14          “(d) UPDATING OF INVENTORY.—After the establish-  
15          ment of the inventory under subsection (a), the Assistant  
16          Secretary shall include in the inventory information pro-  
17          vided under subsection (b) or (c) not later than the date  
18          that is 7 days after the Assistant Secretary receives such  
19          information. The information with respect to each covered  
20          asset in the inventory shall include the most recent date  
21          on which such information was added or updated.

22          “(e) FORMAT OF LOCATION INFORMATION.—The in-  
23          formation in the inventory established under subsection  
24          (a) about the location of a covered asset shall be in Geo-

1 graphic Information System format or another format  
2 that the Assistant Secretary considers appropriate.

3 “(f) INFORMATION SECURITY.—The Assistant Sec-  
4 retary shall adopt measures to prevent unauthorized ac-  
5 cess to the information in the inventory established under  
6 subsection (a).

7 “(g) DEFINITIONS.—In this section:

8 “(1) COMMUNICATIONS FACILITY.—The term  
9 ‘communications facility’ has the meaning given  
10 such term in section 13 of the \_\_\_\_\_ Act  
11 of 2015.

12 “(2) COMMUNICATIONS SERVICE.—The term  
13 ‘communications service’ means a service for the  
14 transmission of writing, signs, signals, data, images,  
15 pictures, or sounds of all kinds.

16 “(3) COVERED ASSET.—The term ‘covered  
17 asset’ means, with respect to an Executive agency—

18 “(A) any real property or interest in real  
19 property that is owned, leased, or otherwise  
20 managed by such agency; and

21 “(B) any other property that is owned,  
22 leased, or otherwise managed by such agency—

23 “(i) on which a communications facil-  
24 ity could be constructed; or

1 “(ii) that could otherwise be made  
2 available to an entity—

3 “(I) that constructs or operates  
4 communications facilities for use in  
5 connection with such construction or  
6 operation; or

7 “(II) provides communications  
8 service for use in connection with such  
9 provision.

10 “(4) EXECUTIVE AGENCY.—The term ‘Execu-  
11 tive agency’ has the meaning given such term in sec-  
12 tion 105 of title 5, United States Code.”

13 **SEC. 4. TRACKING OF APPLICATIONS TO LOCATE OR MOD-**  
14 **IFY COMMUNICATIONS FACILITIES ON FED-**  
15 **ERAL REAL PROPERTY.**

16 Part C of the National Telecommunications and In-  
17 formation Administration Organization Act (Public Law  
18 102–538) is further amended by adding at the end the  
19 following:

20 **“SEC. 160. TRACKING OF APPLICATIONS TO LOCATE OR**  
21 **MODIFY COMMUNICATIONS FACILITIES ON**  
22 **FEDERAL REAL PROPERTY.**

23 “(a) TRACKING BY SENIOR REAL PROPERTY OFFI-  
24 CERS.—

1           “(1) IN GENERAL.—For the first fiscal year  
2 that begins more than 1 year after the date of the  
3 enactment of this section, and each fiscal year there-  
4 after, the Senior Real Property Officer of a covered  
5 agency shall track applications to locate or modify  
6 communications facilities on Federal real property  
7 owned, leased, or otherwise managed by such agen-  
8 cy.

9           “(2) INFORMATION INCLUDED.—The tracking  
10 required by paragraph (1) shall include tracking  
11 of—

12                   “(A) the number of applications described  
13 in such paragraph that are—

14                           “(i) received;

15                           “(ii) approved; and

16                           “(iii) denied;

17                   “(B) in the case of an application de-  
18 scribed in such paragraph that is denied, the  
19 reasons for the denial;

20                   “(C) the amount of time between the re-  
21 ceipt of an application described in such para-  
22 graph and the issuance of a final decision on  
23 such application;

24                   “(D) in the case of an application de-  
25 scribed in such paragraph with respect to which

1 the agency is not in compliance with a deadline  
2 for action that is imposed by statute or regula-  
3 tion or has not achieved a performance goal in-  
4 cluded in a performance plan of the agency  
5 under section 1115(b) of title 31, United States  
6 Code, the reasons for the delay; and

7 “(E) the cost to the agency of considering  
8 applications described in such paragraph.

9 “(3) REPORTS.—

10 “(A) FROM SRPOS TO NTIA.—Not later  
11 than 90 days after the end of each fiscal year  
12 for which the Senior Real Property Officer of a  
13 covered agency is required under paragraph (1)  
14 to track applications described in such para-  
15 graph, the Senior Real Property Officer shall  
16 submit to the Assistant Secretary a report on  
17 the tracking of such applications during such  
18 fiscal year that includes the information de-  
19 scribed in paragraph (2).

20 “(B) FROM NTIA TO CONGRESS.—Not  
21 later than 180 days after the end of each fiscal  
22 year for which the Senior Real Property Officer  
23 of a covered agency is required under para-  
24 graph (1) to track applications described in  
25 such paragraph, the Assistant Secretary shall

1 submit to the Committee on Energy and Com-  
2 merce of the House of Representatives and the  
3 Committee on Commerce, Science, and Trans-  
4 portation of the Senate a report that contains—

5 “(i) the information described in para-  
6 graph (2) that was contained in each re-  
7 port submitted by a Senior Real Property  
8 Officer under subparagraph (A) for the fis-  
9 cal year;

10 “(ii) an analysis of the speed and effi-  
11 ciency of the consideration by each covered  
12 agency of such applications during the fis-  
13 cal year; and

14 “(iii) any recommendations on how to  
15 improve the process of considering such  
16 applications that the Assistant Secretary  
17 considers appropriate.

18 “(4) RESPONSE TO INQUIRIES.—Beginning on  
19 the first day of the first fiscal year for which the  
20 Senior Real Property Officer of a covered agency is  
21 required under paragraph (1) to track applications  
22 described in such paragraph, the Senior Real Prop-  
23 erty Officer shall respond to an inquiry about the  
24 status of such an application from the applicant not

1 later than 7 days after the date on which the Senior  
2 Real Property Officer receives the inquiry.

3 “(b) INCLUSION OF GOALS IN AGENCY PERFORM-  
4 ANCE PLANS.—Beginning with the first performance plan  
5 that the head of a covered agency is required to make  
6 available under section 1115(b) of title 31, United States  
7 Code, after the date that is 60 days after the date of the  
8 enactment of this section, the head of the agency shall  
9 include in such plan performance goals for the speed and  
10 efficiency of the consideration by the agency of applica-  
11 tions described in subsection (a)(1).

12 “(c) DEFINITIONS.—In this section:

13 “(1) COMMUNICATIONS FACILITY.—The term  
14 ‘communications facility’ has the meaning given  
15 such term in section 13 of the \_\_\_\_\_ Act  
16 of 2015.

17 “(2) COVERED AGENCY.—The term ‘covered  
18 agency’ means an agency for which a Senior Real  
19 Property Officer is designated under Executive  
20 Order 13327 (40 U.S.C. 121 note; relating to Fed-  
21 eral real property asset management).

22 “(3) FEDERAL REAL PROPERTY.—The term  
23 ‘Federal real property’ has the meaning given such  
24 term in Executive Order 13327.”

1 **SEC. 5. REGULATION OF POLE ATTACHMENTS.**

2 (a) APPLICATION TO FEDERALLY OWNED POLES.—

3 Section 224(a) of the Communications Act of 1934 (47  
4 U.S.C. 224(a)) is amended—

5 (1) in paragraph (1), by striking “the Federal  
6 Government or”;

7 (2) by striking paragraph (2); and

8 (3) by redesignating paragraphs (3) and (4) as  
9 paragraphs (2) and (3), respectively.

10 (b) SCOPE OF NONDISCRIMINATORY ACCESS AND

11 REPORTING REQUIREMENTS.—Section 224(a)(1) of the

12 Communications Act of 1934 (47 U.S.C. 224(a)(1)) is

13 amended by striking “Such term” and inserting “Except

14 with respect to a requirement for nondiscriminatory access

15 as described in subsection (f) or a report required by sub-

16 section (j) or (k), such term”.

17 (c) APPLICATION TO ATTACHMENTS BY INCUMBENT

18 LOCAL EXCHANGE CARRIERS.—Section 224(a) of the

19 Communications Act of 1934 (47 U.S.C. 224(a)) is fur-

20 ther amended by striking paragraph (5).

21 (d) PRESERVATION OF STATE AUTHORITY CONDI-

22 TIONED ON NONDISCRIMINATORY ACCESS REQUIRE-

23 MENT.—Section 224(c)(3) of the Communications Act of

24 1934 (47 U.S.C. 224(c)(3)) is amended—

25 (1) in subparagraph (A), by striking “; and”

26 and inserting a semicolon;

1 (2) in subparagraph (B), by striking the period  
2 at the end and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(C) unless the rules and regulations described  
5 in subparagraph (A) include a requirement for non-  
6 discriminatory access that is substantially similar to  
7 the requirement of subsection (f).”.

8 (e) REPORTS ON RATES.—Section 224 of the Com-  
9 munications Act of 1934 (47 U.S.C. 224) is amended by  
10 adding at the end the following:

11 “(j)(1) Each utility that owns or controls a pole, duct,  
12 conduit, or right-of-way on which a pole attachment is  
13 placed shall submit to the Commission an annual report  
14 on the rates charged by the utility for pole attachments.

15 “(2) The requirement of paragraph (1) applies with  
16 respect to the first year that begins on or after the date  
17 that is 180 days after the date of the enactment of this  
18 subsection and the following 4 years. The Commission  
19 may extend such requirement for not more than 5 addi-  
20 tional years if the Commission considers such an extension  
21 appropriate.”.

22 (f) REPORTS AND DATABASE ON POLE LOCA-  
23 TIONS.—Section 224 of the Communications Act of 1934  
24 (47 U.S.C. 224) is further amended by adding at the end  
25 the following:

1           “(k)(1) Beginning with the first year that begins on  
2 or after the date that is 180 days after the date of the  
3 enactment of this subsection, each utility that owns or  
4 controls a pole, duct, conduit, or right-of-way on which  
5 a pole attachment is placed shall submit to the Commis-  
6 sion an annual report that contains the location of each  
7 such pole, duct, conduit, or right-of-way.

8           “(2) The Commission shall maintain a database that  
9 contains the information submitted under paragraph (1)  
10 and make such database available to any cable television  
11 system, provider of telecommunications service, or other  
12 entity that constructs or operates communications facili-  
13 ties (as defined in section 13 of the \_\_\_\_\_ Act  
14 of 2015) or provides communications service (as defined  
15 in section 159(g) of the National Telecommunications and  
16 Information Administration Organization Act).”.

17           (g) POLE TOPS PART OF USABLE SPACE.—Section  
18 224 of the Communications Act of 1934 (47 U.S.C. 224)  
19 is further amended by adding at the end the following:

20           “(l) For purposes of this section, the top of a pole  
21 shall be considered to be part of the usable space on the  
22 pole.”.

23           (h) RULEMAKING ON MAKE-READY COSTS.—Not  
24 later than 1 year after the date of the enactment of this  
25 Act, the Federal Communications Commission shall—

1 (1) review the rules of the Commission relating  
2 to the reasonableness of costs charged by utilities  
3 (as defined in section 224(a) of the Communications  
4 Act of 1934 (47 U.S.C. 224(a))) for preparing poles,  
5 ducts, conduits, and rights-of-way for pole attach-  
6 ments (as defined in such section); and

7 (2) amend such rules as the Commission con-  
8 siders appropriate.

9 (i) EFFECTIVE DATE.—The amendments made by  
10 this section (except for the amendments made by sub-  
11 sections (e) and (f)) shall apply beginning on the date that  
12 is 180 days after the date of the enactment of this Act.

13 **SEC. 6. COMMON FORMS, FEES, AND MASTER CONTRACTS**  
14 **FOR LOCATION OF WIRELESS FACILITIES ON**  
15 **FEDERAL PROPERTY.**

16 (a) COMMON FORMS AND FEES FOR EASEMENTS  
17 AND RIGHTS-OF-WAY.—

18 (1) COMMON FORMS.—

19 (A) DEADLINE FOR DEVELOPMENT BY  
20 GSA.—Section 6409(b)(2) of the Middle Class  
21 Tax Relief and Job Creation Act of 2012 (47  
22 U.S.C. 1455(b)(2)) is amended by striking  
23 “The Administrator” and inserting “Not later  
24 than 30 days after the date of the enactment of

1 the \_\_\_\_\_ Act of 2015, the Adminis-  
2 trator”.

3 (B) REQUIRED USE BY AGENCIES.—Sec-  
4 tion 6409(b)(2) of the Middle Class Tax Relief  
5 and Job Creation Act of 2012 (47 U.S.C.  
6 1455(b)(2)) is further amended—

7 (i) by striking “for all executive agen-  
8 cies that shall be used by applicants” and  
9 inserting “for use by all executive agen-  
10 cies”; and

11 (ii) by adding at the end the fol-  
12 lowing: “An executive agency may not re-  
13 quire an applicant for an easement or  
14 right-of-way under paragraph (1) to use  
15 any form for submitting the application  
16 other than the common form developed by  
17 the Administrator under this paragraph or  
18 a form that is consistent with such com-  
19 mon form and does not require any signifi-  
20 cant information beyond the information  
21 required by such common form, as deter-  
22 mined by the Assistant Secretary.”.

23 (2) COMMON FEES.—

24 (A) DEADLINE FOR ESTABLISHMENT BY  
25 GSA.—Section 6409(b)(3)(A) of the Middle

1 Class Tax Relief and Job Creation Act of 2012  
2 (47 U.S.C. 1455(b)(3)(A)) is amended by strik-  
3 ing “the Administrator” and inserting “not  
4 later than 30 days after the date of the enact-  
5 ment of the \_\_\_\_\_ Act of 2015, the  
6 Administrator”.

7 (B) REQUIRED USE BY AGENCIES.—Sec-  
8 tion 6409(b)(3)(A) of the Middle Class Tax Re-  
9 lief and Job Creation Act of 2012 (47 U.S.C.  
10 1455(b)(3)(A)) is further amended by adding at  
11 the end the following: “An executive agency  
12 may not charge a fee for the grant of such an  
13 easement or right-of-way other than a fee estab-  
14 lished by the Administrator under this para-  
15 graph.”.

16 (b) MASTER CONTRACTS AND COMMON FORMS FOR  
17 WIRELESS FACILITIES SITING.—

18 (1) MASTER CONTRACTS.—

19 (A) DEADLINE FOR DEVELOPMENT BY  
20 GSA.—Section 6409(c)(1) of the Middle Class  
21 Tax Relief and Job Creation Act of 2012 (47  
22 U.S.C. 1455(c)(1)) is amended by striking “not  
23 later than 60 days after the date of the enact-  
24 ment of this Act” and inserting “not later than

1           10 days after the date of the enactment of the  
2           \_\_\_\_\_ Act of 2015”.

3           (B) REQUIRED USE BY AGENCIES.—Sec-  
4           tion 6409(c)(2) of the Middle Class Tax Relief  
5           and Job Creation Act of 2012 (47 U.S.C.  
6           1455(c)(2)) is amended by adding at the end  
7           the following: “An executive agency may not  
8           enter into a contract governing the placement  
9           of a wireless service antenna structure on a  
10          building or other property to which such a mas-  
11          ter contract applies, unless the contract entered  
12          into by the agency is consistent with, and does  
13          not contain any significant terms beyond the  
14          terms contained in, such master contract, as de-  
15          termined by the Assistant Secretary.”.

16          (2) COMMON FORMS.—

17          (A) DEADLINE FOR DEVELOPMENT BY  
18          GSA.—Section 6409(c)(3) of the Middle Class  
19          Tax Relief and Job Creation Act of 2012 (47  
20          U.S.C. 1455(c)(3)) is amended by striking  
21          “The Administrator” and inserting “Not later  
22          than 30 days after the date of the enactment of  
23          the \_\_\_\_\_ Act of 2015, the Adminis-  
24          trator”.

1 (B) REQUIRED USE BY AGENCIES.—Sec-  
2 tion 6409(c)(3) of the Middle Class Tax Relief  
3 and Job Creation Act of 2012 (47 U.S.C.  
4 1455(c)(3)) is further amended—

5 (i) by striking “for all executive agen-  
6 cies that shall be used by applicants” and  
7 inserting “for use by all executive agen-  
8 cies”; and

9 (ii) by adding at the end the fol-  
10 lowing: “An executive agency may not re-  
11 quire such an application to be submitted  
12 using a form other than a common form  
13 developed by the Administrator under this  
14 paragraph or a form that is consistent  
15 with such a common form and does not re-  
16 quire any significant information beyond  
17 the information required by such common  
18 form, as determined by the Assistant Sec-  
19 retary.”.

20 (c) EFFECTIVE DATE.—An amendment made by sub-  
21 section (a)(1)(B), (a)(2)(B), (b)(1)(B), or (b)(2)(B) shall  
22 apply beginning on the date that is 30 days after the date  
23 on which the Administrator of General Services develops  
24 or establishes the forms, fees, or contracts to which the  
25 amendment relates.

1 **SEC. 7. STREAMLINING DEPARTMENT OF THE INTERIOR**  
2 **PROCESS FOR COMMUNICATIONS FACILITY**  
3 **LOCATION APPLICATIONS.**

4 (a) **IN GENERAL.**—Not later than 1 year after the  
5 date of the enactment of this Act, the Secretary of the  
6 Interior shall conduct a proceeding, subject to notice and  
7 comment—

8 (1) to streamline the process for considering ap-  
9 plications to locate or modify communications facili-  
10 ties on lands administered by any bureau, office, or  
11 other unit of the Department of the Interior; and

12 (2) to ensure, to the maximum extent prac-  
13 ticable, that such process is uniform and standard-  
14 ized across all such bureaus, offices, and other units.

15 (b) **REQUIREMENTS.**—In the proceeding required by  
16 subsection (a), the Secretary shall, by rule, adopt—

17 (1) minimum terms of not less than 5 years  
18 and not more than 25 years for leases with respect  
19 to the location of communications facilities on lands  
20 administered by any bureau, office, or other unit of  
21 the Department;

22 (2) a policy under which an easement, license,  
23 or other authorization to locate a communications  
24 facility on lands administered by any bureau, office,  
25 or other unit of the Department renews automati-

1 cally upon expiration, unless such authorization is  
2 revoked for good cause;

3 (3) requirements—

4 (A) for a decision on an application de-  
5 scribed in subsection (a)(1) to be issued not  
6 later than—

7 (i) in the case of such an application  
8 to perform maintenance on or otherwise  
9 modify, or collocate another communica-  
10 tions facility with, a communications facil-  
11 ity on lands administered by a bureau, of-  
12 fice, or other unit of the Department, 30  
13 days after the receipt of such application;  
14 and

15 (ii) in the case of any other such ap-  
16 plication, 120 days after the receipt of  
17 such application; and

18 (B) if a decision described in subparagraph  
19 (A) is contingent on a review required by stat-  
20 ute—

21 (i) for each contingency and the appli-  
22 cable statutory requirement to be listed in  
23 the decision; and

24 (ii) for the decision to be made final,  
25 notwithstanding any such contingency, not

1 later than 1 year after the receipt of the  
2 application; and

3 (4) fees for—

4 (A) submitting an application described in  
5 subsection (a)(1), based on the cost to the De-  
6 partment of considering such an application;  
7 and

8 (B) granting an easement, license, or other  
9 authorization to locate or modify a communica-  
10 tions facility on lands administered by any bu-  
11 reau, office, or other unit of the Department,  
12 based on the cost to the Department of any  
13 maintenance or other activities required to be  
14 performed by the Department as a result of the  
15 location or modification of the facility.

16 (c) ADDITIONAL CONSIDERATIONS.—In the pro-  
17 ceeding required by subsection (a), the Secretary shall  
18 consider—

19 (1) how discrete reviews in considering an ap-  
20 plication described in subsection (a)(1) can be con-  
21 ducted simultaneously, rather than sequentially, by  
22 the bureaus, offices, and other units of the Depart-  
23 ment that must approve the location or modification;  
24 and

1           (2) how to eliminate overlapping requirements  
2           among the bureaus, offices, and other units of the  
3           Department with respect to the location or modifica-  
4           tion of a communications facility on lands adminis-  
5           tered by any such bureau, office, or other unit.

6           (d) COMMUNICATION OF STREAMLINED PROCESS TO  
7           FIELD OFFICES.—The Secretary shall ensure that the  
8           rules and other measures adopted in the proceeding re-  
9           quired by subsection (a) are communicated to and followed  
10          by all bureaus, offices, and other units of the Department,  
11          including all field offices of any such bureau, office, or  
12          other unit.

13          (e) REQUIREMENTS RELATING TO FISH AND WILD-  
14          LIFE SERVICE.—Not later than 1 year after the date of  
15          the enactment of this Act, the Director of the Fish and  
16          Wildlife Service shall—

17                 (1) with respect to applications to locate or  
18                 modify communications facilities the location or  
19                 modification of which is subject to approval by the  
20                 Director—

21                         (A) ensure that the processing timeframes  
22                         and review procedures for such approvals are  
23                         consistent among the offices of the Service; and

24                         (B) clarify and standardize the mitigation  
25                         policies of the Service; and

1           (2) consider the potential impact on wireless  
2 tower siting of the proposed programmatic environ-  
3 mental impact statement referred to in the notice of  
4 intent entitled Migratory Bird Permits; Pro-  
5 grammatic Environmental Impact Statement that  
6 was published in the Federal Register on May 26,  
7 2015 (80 Fed. Reg. 30032).

8           (f) AVAILABILITY OF FEES.—Any fees collected  
9 under subparagraph (A) or (B) of subsection (b)(4) shall  
10 be made available, to the extent and in such amounts as  
11 are provided in advance in appropriation Acts, to the Sec-  
12 retary to cover the cost to the Department described in  
13 such subparagraph.

14           (g) DEFINITIONS.—In this section:

15           (1) DEPARTMENT.—The term “Department”  
16 means the Department of the Interior.

17           (2) SECRETARY.—The term “Secretary” means  
18 the Secretary of the Interior.

19 **SEC. 8. STREAMLINING FOREST SERVICE PROCESS FOR**  
20 **COMMUNICATIONS FACILITY LOCATION AP-**  
21 **PLICATIONS.**

22           (a) IN GENERAL.—Not later than 1 year after the  
23 date of the enactment of this Act, the Secretary of Agri-  
24 culture shall conduct a proceeding, subject to notice and  
25 comment—

1 (1) to streamline the process by which the Sec-  
2 retary considers applications to locate or modify  
3 communications facilities on National Forest System  
4 land; and

5 (2) to ensure, to the maximum extent prac-  
6 ticable, that such process is uniform and standard-  
7 ized across units of the National Forest System.

8 (b) REQUIREMENTS.—In the proceeding required by  
9 subsection (a), the Secretary shall, by rule, adopt—

10 (1) minimum terms of not less than 5 years  
11 and not more than 25 years for leases with respect  
12 to the location of communications facilities on Na-  
13 tional Forest System land;

14 (2) a policy under which an easement, license,  
15 or other authorization to locate a communications  
16 facility on National Forest System land renews auto-  
17 matically upon expiration, unless such authorization  
18 is revoked for good cause;

19 (3) requirements—

20 (A) for a decision on an application de-  
21 scribed in subsection (a)(1) to be issued not  
22 later than—

23 (i) in the case of such an application  
24 to perform maintenance on or otherwise  
25 modify, or collocate another communica-

1           tions facility with, a communications facil-  
2           ity on National Forest System land, 30  
3           days after the receipt of such application;  
4           and

5                   (ii) in the case of any other such ap-  
6                   plication, 120 days after the receipt of  
7                   such application; and

8                   (B) if a decision described in subparagraph  
9           (A) is contingent on a review required by stat-  
10          ute—

11                   (i) for each contingency and the appli-  
12                   cable statutory requirement to be listed in  
13                   the decision; and

14                   (ii) for the decision to be made final,  
15                   notwithstanding any such contingency, not  
16                   later than 1 year after the receipt of the  
17                   application; and

18          (4) fees for—

19                   (A) submitting an application described in  
20                   subsection (a)(1), based on the cost to the For-  
21                   est Service of considering such an application;  
22                   and

23                   (B) granting an easement, license, or other  
24                   authorization to locate or modify a communica-  
25                   tions facility on National Forest System land,

1 based on the cost to the Forest Service of any  
2 maintenance or other activities required to be  
3 performed by the Forest Service as a result of  
4 the location or modification of the facility.

5 (c) ADDITIONAL CONSIDERATIONS.—In the pro-  
6 ceeding required by subsection (a), the Secretary shall  
7 consider—

8 (1) how discrete reviews in considering an ap-  
9 plication described in subsection (a)(1) can be con-  
10 ducted simultaneously, rather than sequentially, by  
11 the Forest Service; and

12 (2) how to eliminate overlapping requirements  
13 of the Forest Service with respect to the location or  
14 modification of a communications facility on Na-  
15 tional Forest System land.

16 (d) COMMUNICATION OF STREAMLINED PROCESS TO  
17 UNITS.—The Secretary shall ensure that rules and other  
18 measures adopted in the proceeding required by subsection  
19 (a) are communicated to and followed by all units of the  
20 National Forest System.

21 (e) AVAILABILITY OF FEES.—Any fees collected  
22 under subparagraph (A) or (B) of subsection (b)(4) shall  
23 be made available, to the extent and in such amounts as  
24 are provided in advance in appropriation Acts, to the Sec-

1 retary to cover the cost to the Forest Service described  
2 in such subparagraph.

3 (f) DEFINITIONS.—In this section:

4 (1) NATIONAL FOREST SYSTEM.—The term  
5 “National Forest System” has the meaning given  
6 that term in section 11(a) of the Forest and Range-  
7 land Renewable Resources Planning Act of 1974 (16  
8 U.S.C. 1609(a)).

9 (2) SECRETARY.—The term “Secretary” means  
10 the Secretary of Agriculture, acting through the  
11 Chief of the Forest Service.

12 **SEC. 9. STREAMLINING DEPARTMENT OF DEFENSE PROC-**  
13 **ESS FOR COMMUNICATIONS FACILITY LOCA-**  
14 **TION APPLICATIONS.**

15 (a) IN GENERAL.—Not later than 1 year after the  
16 date of the enactment of this Act, the Secretary of Defense  
17 shall conduct a proceeding, subject to notice and com-  
18 ment—

19 (1) to streamline the process by which the Sec-  
20 retary concerned will consider applications to locate  
21 or modify communications facilities on defense  
22 lands; and

23 (2) to ensure, to the maximum extent prac-  
24 ticable, that such process is uniform and standard-

1            ized throughout the Department of Defense, includ-  
2            ing each military department.

3            (b) REQUIREMENTS.—In the proceeding required by  
4 subsection (a), the Secretary of Defense shall, by rule,  
5 adopt—

6            (1) minimum terms of not less than 5 years  
7            and not more than 25 years for leases with respect  
8            to the location of communications facilities on de-  
9            fense lands;

10           (2) a policy under which an easement, license,  
11           or other authorization to locate a communications  
12           facility on defense lands renews automatically upon  
13           expiration, unless such authorization is revoked for  
14           good cause;

15           (3) requirements—

16           (A) for a decision on an application de-  
17           scribed in subsection (a)(1) to be issued not  
18           later than—

19           (i) in the case of such an application  
20           to perform maintenance on or otherwise  
21           modify, or collocate another communica-  
22           tions facility with, a communications facil-  
23           ity on defense lands, 30 days after the re-  
24           ceipt of such application; and

1 (ii) in the case of any other such ap-  
2 plication, 120 days after the receipt of  
3 such application; and

4 (B) if a decision described in subparagraph  
5 (A) is contingent on a review required by stat-  
6 ute—

7 (i) for each contingency and the appli-  
8 cable statutory requirement to be listed in  
9 the decision; and

10 (ii) for the decision to be made final,  
11 notwithstanding any such contingency, not  
12 later than 1 year after the receipt of the  
13 application; and

14 (4) fees for—

15 (A) submitting an application described in  
16 subsection (a)(1), based on the cost to the Sec-  
17 retary concerned of considering such an appli-  
18 cation; and

19 (B) granting an easement, license, or other  
20 authorization to locate or modify a communica-  
21 tions facility on defense lands, based on the cost  
22 to the Secretary concerned of any maintenance  
23 or other activities required to be performed by  
24 the Secretary concerned as a result of the loca-  
25 tion or modification of the facility.

1 (c) ADDITIONAL CONSIDERATIONS.—In the pro-  
2 ceeding required by subsection (a), the Secretary of De-  
3 fense shall consider—

4 (1) how the process for applying to locate or  
5 modify a communications facility on defense lands  
6 can proceed without the use of a request for pro-  
7 posals;

8 (2) how discrete reviews in considering an ap-  
9 plication for the location or modification of a com-  
10 munications facility on defense lands can be con-  
11 ducted simultaneously, rather than sequentially, in-  
12 cluding reliance on the expertise of the Joint Spec-  
13 trum Center, a field office of the Defense Spectrum  
14 Organization; and

15 (3) how to eliminate overlapping requirements  
16 within the Department of Defense with respect to  
17 the location or modification of a communications fa-  
18 cility on defense lands.

19 (d) COMMUNICATION OF STREAMLINED PROCESS.—  
20 The Secretary of Defense and the Secretary concerned  
21 shall ensure that the rules and other measures adopted  
22 in the proceeding required by subsection (a) are commu-  
23 nicated to and followed throughout the Department of De-  
24 fense, including military installations.

1 (e) AVAILABILITY OF FEES.—Any fees collected  
2 under subparagraph (A) or (B) of subsection (b)(4) shall  
3 be made available, to the extent and in such amounts as  
4 are provided in advance in appropriation Acts, to the Sec-  
5 retary concerned to cover the cost to the Secretary con-  
6 cerned described in such subparagraph.

7 (f) DEFINITIONS.—In this section:

8 (1) DEFENSE LANDS.—The term “defense  
9 lands” means public lands permanently withdrawn  
10 or reserved for military use and other lands under  
11 the jurisdiction of the Department of Defense or a  
12 military department.

13 (2) SECRETARY CONCERNED.—The term “Sec-  
14 retary concerned” means the Secretary of a military  
15 department.

16 **SEC. 10. STREAMLINING AND ACCELERATION OF HISTORIC**  
17 **PRESERVATION REVIEW OF COMMUNICA-**  
18 **TIONS FACILITIES.**

19 (a) AGREEMENT GOVERNING REVIEW BY DEPART-  
20 MENT OF THE INTERIOR AND FOREST SERVICE.—Not  
21 later than 1 year after the date of the enactment of this  
22 Act, the Advisory Council on Historic Preservation, the  
23 Secretary of the Interior, and the Secretary of Agriculture  
24 (acting through the Chief of the Forest Service) shall  
25 enter into an agreement under which the Department of

1 the Interior and the Forest Service may comply with the  
2 requirement of section 306108 of title 54, United States  
3 Code, to take into account the effects on historic property  
4 of the approval by the Department or the Forest Service,  
5 as the case may be, of the construction, modification, or  
6 collocation of a communications facility. The Council and  
7 the Secretaries may enter into separate agreements under  
8 this subsection with respect to wireline communications  
9 facilities and wireless communications facilities.

10 (b) ELIMINATION OF DUPLICATIVE REVIEW BY DE-  
11 PARTMENT OF DEFENSE.—Not later than 1 year after the  
12 date on which an agreement is entered into under sub-  
13 section (a), the Advisory Council on Historic Preservation  
14 shall—

15 (1) determine whether the Council may issue a  
16 program comment under which the Department of  
17 Defense is exempt from section 306108 of title 54,  
18 United States Code, with respect to the construction,  
19 modification, or collocation of a communications fa-  
20 cility that the Department of the Interior or the  
21 Forest Service has reviewed or will review under  
22 such agreement; and

23 (2) if the determination under paragraph (1) is  
24 affirmative, issue such a program comment.

25 (c) ESTABLISHMENT OF DEADLINES FOR REVIEW.—

1           (1) BY DEPARTMENT OF THE INTERIOR.—Not  
2 later than 1 year after the date of the enactment of  
3 this Act, the Secretary of the Interior shall promul-  
4 gate regulations that establish a maximum amount  
5 of time for the Department of the Interior to con-  
6 duct a review under section 306108 of title 54,  
7 United States Code, of the effects on historic prop-  
8 erty of the approval by the Department of the con-  
9 struction, modification, or collocation of a commu-  
10 nications facility.

11           (2) BY FOREST SERVICE.—Not later than 1  
12 year after the date of the enactment of this Act, the  
13 Secretary of Agriculture (acting through the Chief of  
14 the Forest Service) shall promulgate regulations that  
15 establish a maximum amount of time for the Forest  
16 Service to conduct a review under section 306108 of  
17 title 54, United States Code, of the effects on his-  
18 toric property of the approval by the Forest Service  
19 of the construction, modification, or collocation of a  
20 communications facility.

1 **SEC. 11. STREAMLINING AND ACCELERATION OF THE**  
2 **PREPARATION OF ENVIRONMENTAL IMPACT**  
3 **STATEMENTS RELATING TO COMMUNICA-**  
4 **TIONS FACILITIES.**

5 (a) BY COUNCIL ON ENVIRONMENTAL QUALITY.—

6 Not later than 1 year after the date of the enactment of  
7 this Act, the Council on Environmental Quality shall con-  
8 duct a proceeding, subject to notice and comment, to—

9 (1) determine how to streamline and accelerate  
10 the process by which Federal agencies prepare the  
11 detailed statements required by section 102(2)(C) of  
12 the National Environmental Policy Act of 1969 (42  
13 U.S.C. 4332(2)(C)) with respect to major Federal  
14 actions relating to the construction, modification, or  
15 collocation of communications facilities; and

16 (2) adopt changes to the regulations, guidance,  
17 or other policies of the Council, as appropriate to  
18 implement the determination made under paragraph  
19 (1).

20 (b) BY CERTAIN AGENCIES.—

21 (1) IN GENERAL.—Not later than 1 year after  
22 the adoption of changes under subsection (a)(2) by  
23 the Council on Environmental Quality, the head of  
24 each agency described in paragraph (2) shall con-  
25 duct a proceeding, subject to notice and comment,  
26 to—

1 (A) determine how to streamline and accel-  
2 erate, in accordance with changes adopted by  
3 the Council on Environmental Quality under  
4 subsection (a)(2), the process by which such  
5 agency prepares the detailed statements re-  
6 quired by section 102(2)(C) of the National En-  
7 vironmental Policy Act of 1969 (42 U.S.C.  
8 4332(2)(C)) with respect to major Federal ac-  
9 tions of such agency relating to the construc-  
10 tion, modification, or collocation of communica-  
11 tions facilities; and

12 (B) adopt changes to the regulations, guid-  
13 ance, or other policies of such agency, as appro-  
14 priate to implement the determination made  
15 under subparagraph (A).

16 (2) AGENCIES DESCRIBED.—The agencies de-  
17 scribed in this paragraph are the Department of  
18 Homeland Security, the Department of Defense, the  
19 Department of the Interior, and the Forest Service.

20 **SEC. 12. INCLUSION OF COMMUNICATIONS CONDUIT IN-**  
21 **STALLATION IN CERTAIN HIGHWAY CON-**  
22 **STRUCTION PROJECTS.**

23 (a) IN GENERAL.—Chapter 3 of title 23, United  
24 States Code, is amended by adding at the end the fol-  
25 lowing:

1 **“§ 330. Inclusion of communications conduit installa-**  
2 **tion in certain highway construction**  
3 **projects**

4 “(a) REQUIREMENT.—

5 “(1) IN GENERAL.—The Secretary shall require  
6 States to evaluate the need for communications con-  
7 duit in accordance with this section as part of any  
8 covered highway construction project.

9 “(2) CONSULTATION.—This evaluation shall be  
10 done in consultation with local and national commu-  
11 nications providers, including communications serv-  
12 ice and equipment providers.

13 “(3) RESULTS OF EVALUATION.—If the evalua-  
14 tion reveals an anticipated need in the next 15 years  
15 for communications conduit beneath hard surfaces  
16 to be constructed by the project, the conduit shall be  
17 installed under the hard surfaces as part of the cov-  
18 ered highway construction project.

19 “(b) INSTALLATION REQUIREMENTS.—In carrying  
20 out subsection (a), the Secretary shall ensure with respect  
21 to a covered highway construction project that—

22 “(1) an appropriate number of communications  
23 conduits, as determined by the Assistant Secretary  
24 of Commerce for Communications and Information,  
25 are installed along such highway to accommodate  
26 multiple communications service providers, with con-

1       sideration given to the availability of existing con-  
2       duits;

3             “(2) the size of each such conduit is consistent  
4       with industry best practices and is sufficient to ac-  
5       commodate potential demand, as determined by the  
6       Assistant Secretary; and

7             “(3) hand holes and manholes for communica-  
8       tions facility access and pulling with respect to each  
9       such conduit are placed at intervals consistent with  
10      industry best practices, as determined by the Assist-  
11      ant Secretary.

12      “(c) STANDARDS.—The Secretary, in consultation  
13      with the Assistant Secretary, shall establish standards,  
14      consistent with applicable requirements in section 156 of  
15      this title, section 1.23, part 645, and part 710 of title 23,  
16      Code of Federal Regulations, and the Approved Utility Ac-  
17      commodation Manual, to carry out subsection (b) that  
18      consider—

19             “(1) the ability to accommodate communica-  
20      tions facility installation without impacting the safe-  
21      ty, operations, and maintenance of the highway facil-  
22      ity, its users, or others;

23             “(2) population density in the area of a covered  
24      highway construction project;

1           “(3) the type of highway involved in such  
2           project; and

3           “(4) existing access to communications services  
4           in the area of such project.

5           “(d) PULL TAPE.—The Secretary shall ensure that  
6           each communications conduit installed pursuant to this  
7           section includes a pull tape and is capable of supporting  
8           techniques for the placement of communications facilities  
9           consistent with industry best practices, as determined by  
10          the Secretary.

11          “(e) DEPTH OF INSTALLATION.—The Secretary shall  
12          ensure that each communications conduit installed pursu-  
13          ant to this section is placed at a depth consistent with  
14          industry best practices, as determined by the Secretary,  
15          and that, in determining the depth of placement, consider-  
16          ation is given to the location of existing utilities and the  
17          cable separation requirements of State and local electrical  
18          codes.

19          “(f) ACCESS.—The Secretary shall ensure that any  
20          requesting communications service provider has access to  
21          each communications conduit installed pursuant to this  
22          section, on a competitively neutral and nondiscriminatory  
23          basis, for a charge not to exceed a cost-based rate.

24          “(g) WAIVER AUTHORITY.—The Secretary may  
25          waive the application of this section if the Secretary deter-

1 mines that the waiver is appropriate with respect to a cov-  
2 ered highway construction project based upon—

3 “(1) a showing of undue burden;

4 “(2) a determination that the installation of  
5 communications conduit beneath hard surfaces to be  
6 constructed as part of a covered highway construc-  
7 tion project is not necessary based on the availability  
8 of existing communications infrastructure;

9 “(3) a cost-benefit analysis; or

10 “(4) the consideration of other relevant factors.

11 “(h) COORDINATION WITH FCC.—In carrying out  
12 this section, the Secretary and the Assistant Secretary  
13 shall coordinate with the Federal Communications Com-  
14 mission, including in making determinations with respect  
15 to an appropriate number of communications conduits  
16 under subsection (b)(1), potential demand under sub-  
17 section (b)(2), and existing access to communications serv-  
18 ices under subsection (c).

19 “(i) PUBLICATION OF CONDUIT AVAILABILITY.—Not  
20 later than 1 year after the date of enactment of this sec-  
21 tion, the Secretary shall provide to the Federal Commu-  
22 nications Commission and the Assistant Secretary infor-  
23 mation about the availability of communications conduits  
24 installed pursuant to this section for inclusion within the  
25 National Broadband Map.

1       “(j) DEFINITIONS.—In this section, the following  
2 definitions apply:

3           “(1) ASSISTANT SECRETARY.—The term ‘As-  
4 sistant Secretary’ means the Assistant Secretary of  
5 Commerce for Communications and Information.

6           “(2) COMMUNICATIONS CONDUIT.—The term  
7 ‘communications conduit’ means a conduit for  
8 wireline communications facilities or, where appro-  
9 priate, wireless communications facilities.

10          “(3) COMMUNICATIONS FACILITY.—The term  
11 ‘communications facility’ has the meaning given  
12 such term in section 13 of the \_\_\_\_\_ Act  
13 of 2015.

14          “(4) COMMUNICATIONS SERVICE.—The term  
15 ‘communications service’ has the meaning given such  
16 term in section 159(g) of the National Telecommuni-  
17 cations and Information Administration Organiza-  
18 tion Act.

19          “(5) COVERED HIGHWAY CONSTRUCTION  
20 PROJECT.—The term ‘covered highway construction  
21 project’ means a project to construct a new highway  
22 or to construct an additional lane or paved shoulder  
23 for an existing highway that is commenced after the  
24 date of enactment of this section and that receives  
25 funding under this title.



1 (C) is added to a tower, building, or other  
2 structure.