

[DISCUSSION DRAFT]

114TH CONGRESS
1ST SESSION

H. R. _____

To provide for the streamlining and acceleration of the historical review of broadband facilities and for the streamlining and acceleration of the preparation of environmental impact statements regarding such facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To provide for the streamlining and acceleration of the historical review of broadband facilities and for the streamlining and acceleration of the preparation of environmental impact statements regarding such facilities, 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. STREAMLINING AND ACCELERATION OF HIS-**
2 **TORICAL REVIEW OF BROADBAND FACILI-**
3 **TIES.**

4 (a) AGREEMENT GOVERNING FCC REVIEW OF
5 WIRELINE BROADBAND FACILITIES.—Not later than 1
6 year after the date of the enactment of this Act, the Fed-
7 eral Communications Commission and the Advisory Coun-
8 cil on Historic Preservation shall enter into an agreement
9 under which the Commission may comply with the require-
10 ment of section 306108 of title 54, United States Code,
11 to take into account the effects on historic property of the
12 approval by the Commission of the construction, modifica-
13 tion, or collocation of a wireline broadband facility.

14 (b) ELIMINATION OF DUPLICATIVE REVIEW.—

15 (1) PROGRAM COMMENT FOR WIRELINE
16 BROADBAND FACILITIES.—Not later than 1 year
17 after the date on which the agreement is entered
18 into under subsection (a), the Advisory Council on
19 Historic Preservation shall issue a program com-
20 ment under which an agency subject to such com-
21 ment is exempt from section 306108 of title 54,
22 United States Code, with respect to the construction,
23 modification, or collocation of a wireline broadband
24 facility that the Commission has reviewed or will re-
25 view under such agreement.

1 (2) ADDITION OF AGENCIES TO PROGRAM COM-
2 MENTS FOR WIRELINE AND WIRELESS BROADBAND
3 FACILITIES.—Not later than 6 months after the date
4 on which the program comment is issued under
5 paragraph (1), the Advisory Council on Historic
6 Preservation shall—

7 (A) determine whether the Department of
8 Defense, the Department of the Interior, or the
9 Forest Service may be added to—

10 (i) such program comment; or

11 (ii) the Program Comment for
12 Streamlining Section 106 Review for Wire-
13 less Communications Facilities Construc-
14 tion and Modification Subject to Review
15 Under the FCC Nationwide Programmatic
16 Agreement and/or the Nationwide Pro-
17 grammatic Agreement for the Collocation
18 of Wireless Antennas, published in the
19 Federal Register on September 30, 2015
20 (80 Fed. Reg. 58744); and

21 (B) in the case of an affirmative deter-
22 mination under clause (i) or (ii) of subpara-
23 graph (A) with respect to an agency described
24 in such subparagraph, add such agency to the
25 program comment described in such clause.

1 (c) ESTABLISHMENT OF DEADLINE FOR FCC RE-
2 VIEW.—Not later than 1 year after the date of the enact-
3 ment of this Act, the Federal Communications Commis-
4 sion shall promulgate regulations that establish a max-
5 imum amount of time for the Commission to conduct a
6 review under section 306108 of title 54, United States
7 Code, of the effects on historic property of the approval
8 by the Commission of the construction, modification, or
9 collocation of a wireline broadband facility.

10 [(d) WIRELINE BROADBAND FACILITY DEFINED.—
11 In this section, the term “wireline broadband facility”
12 means any communications plant, equipment, supplies,
13 cable, wire, box, device, meter, pole, duct, conduit, or other
14 facility related to the provision of advanced telecommuni-
15 cations capability (as defined in section 706 of the Tele-
16 communications Act of 1996 (47 U.S.C. 1302)) by wire
17 or cable.]

18 **SEC. 2. STREAMLINING AND ACCELERATION OF THE PREP-**
19 **ARATION OF ENVIRONMENTAL IMPACT**
20 **STATEMENTS RELATING TO BROADBAND FA-**
21 **CILITIES.**

22 (a) BY COUNCIL ON ENVIRONMENTAL QUALITY.—
23 Not later than 1 year after the date of the enactment of
24 this Act, the Council on Environmental Quality shall con-
25 duct a proceeding, subject to notice and comment, to—

1 (1) determine how to streamline and accelerate
2 the process by which Federal agencies prepare the
3 detailed statements required by section 102(2)(C) of
4 the National Environmental Policy Act of 1969 (42
5 U.S.C. 4332(2)(C)) with respect to major Federal
6 actions relating to the construction or modification
7 of broadband facilities; and

8 (2) adopt changes to the regulations, guidance,
9 or other policies of the Council, as appropriate to
10 implement the determination made under paragraph
11 (1).

12 (b) BY CERTAIN AGENCIES.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the adoption of changes under subsection (a)(2) by
15 the Council on Environmental Quality, the head of
16 each agency described in paragraph (2) shall con-
17 duct a proceeding, subject to notice and comment,
18 to—

19 (A) determine how to streamline and accel-
20 erate, in accordance with changes adopted by
21 the Council on Environmental Quality under
22 subsection (a)(2), the process by which such
23 agency prepares the detailed statements re-
24 quired by section 102(2)(C) of the National En-
25 vironmental Policy Act of 1969 (42 U.S.C.

1 4332(2)(C)) with respect to major Federal ac-
2 tions of such agency relating to the construction
3 or modification of broadband facilities; and

4 (B) adopt changes to the regulations, guid-
5 ance, or other policies of such agency, as appro-
6 priate to implement the determination made
7 under subparagraph (A).

8 (2) AGENCIES DESCRIBED.—The agencies de-
9 scribed in this paragraph are the Department of
10 Homeland Security, the Department of Defense, the
11 Department of the Interior, and the Forest Service.

12 [(c) BROADBAND FACILITY DEFINED.—In this sec-
13 tion, the term “broadband facility” means any commu-
14 nications plant, equipment, supplies, cable, wire, box, de-
15 vice, meter, tower, pole, duct, conduit, or other facility re-
16 lated to the provision of advanced telecommunications ca-
17 pability (as defined in section 706 of the Telecommuni-
18 cations Act of 1996 (47 U.S.C. 1302)).]