[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.

IN THE HOUSE OF REPRESENTATIVES

Mr. _______ 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,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "["Act of 2015"].

(b) Table of Contents.—The table of contents for 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.

SEC. 2. NO ADDITIONAL APPROPRIATIONS AUTHORIZED.

(a) In General.—No additional funds are authorized to carry out this Act, or the amendments made by this Act. This Act, and the amendments made by this Act, shall be carried out using amounts otherwise authorized or appropriated.

(b) Availability of Fees Collected Under This Act.—Subsection (a) does not apply to section 7(f), 8(e), or 9(e).
SEC. 3. INVENTORY OF FEDERAL ASSETS.

Part C of the National Telecommunications and Information Administration Organization Act (Public Law 102–538) is amended by adding at the end the following:

“SEC. 159. INVENTORY OF FEDERAL ASSETS.

“(a) In General.—Not later than 1 year after the date of the enactment of this section, the Assistant Secretary shall—

“(1) establish and maintain an inventory of covered assets that includes the information provided under subsections (b) and (c); and

“(2) make such inventory available to any entity that constructs or operates communications facilities or provides communications service.

“(b) Provision of Information by Executive Agencies.—

“(1) In General.—Not later than 9 months after the date of the enactment of this section, the head of an Executive agency shall provide to the Assistant Secretary, in a manner and format to be determined by the Assistant Secretary, the information described in paragraph (2) with respect to a covered asset of such agency.

“(2) Information Described.—The information described in this paragraph is—

“(A) the location of the covered asset;
“(B) the type of the covered asset, such as whether the asset is a building (and the type of building), land (and the type or use of the land), right-of-way, easement, utility pole, wireless communications tower, underground utility route, or cable on which capacity is available for lease;

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

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

“(E) such other information as the Assistant Secretary considers appropriate.

“(3) PROVISION OF UPDATED INFORMATION.—

“(A) CHANGE IN INFORMATION.—In the case of a change in any of the information provided to the Assistant Secretary under paragraph (1) with respect to a covered asset of an Executive agency, the head of such agency shall provide updated information to the Assistant Secretary not later than 30 days after such change.
“(B) Acquisition of new covered asset.—In the case of the acquisition of a covered asset by an Executive agency after the date that is 9 months after the date of the enactment of this section, the head of such agency shall provide to the Assistant Secretary the information required by paragraph (1) with respect to such asset not later than 30 days after such acquisition.

“(4) Exclusion of information for national security reasons.—

“(A) Classified information.—The head of an Executive agency may exclude classified information from the information provided to the Assistant Secretary under this subsection.

“(B) Other information.—If the head of an Executive agency determines, in consultation with the Assistant Secretary, that inclusion of information (other than classified information) about a covered asset of such agency in the inventory established under subsection (a) would harm national security, the head of the agency may exclude such information from the
information provided to the Assistant Secretary under this subsection.

“(C) Classified information defined.—In this paragraph, the term ‘classified information’ means any information or material that has been determined by the Federal Government pursuant to an Executive order, statute, or regulation, to require protection against unauthorized disclosure for reasons of national security and any restricted data, as defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

“(c) Information on State and Local Assets.—

“(1) Voluntary provision of information.—A State or local government may provide to the Assistant Secretary for inclusion in the inventory established under subsection (a), in a manner and format to be determined by the Assistant Secretary, information with respect to a State or local asset that would be a covered asset if owned, leased, or otherwise managed by an Executive agency.

“(2) Inclusion of information.—The Assistant Secretary shall include in such inventory any information provided by a State or local government in accordance with paragraph (1) in the same man-
ner as information provided by an Executive agency under subsection (b).

“(3) Provision of updated information.—In the case of a change in any of the information provided to the Assistant Secretary under paragraph (1) with respect to a State or local asset, the State or local government shall provide updated information to the Assistant Secretary not later than 30 days after such change. If a State or local government does not comply with the preceding sentence, the Assistant Secretary shall deny the State or local government access to the inventory established under subsection (a).

“(d) Updating of inventory.—After the establishment of the inventory under subsection (a), the Assistant Secretary shall include in the inventory information provided under subsection (b) or (c) not later than the date that is 7 days after the Assistant Secretary receives such information. The information with respect to each covered asset in the inventory shall include the most recent date on which such information was added or updated.

“(e) Format of location information.—The information in the inventory established under subsection (a) about the location of a covered asset shall be in Geo-
graphic Information System format or another format that the Assistant Secretary considers appropriate.

“(f) INFORMATION SECURITY.—The Assistant Secretary shall adopt measures to prevent unauthorized access to the information in the inventory established under subsection (a).

“(g) DEFINITIONS.—In this section:

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

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

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

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

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

“(i) on which a communications facility could be constructed; or
“(ii) that could otherwise be made available to an entity—

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

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

“(4) EXECUTIVE AGENCY.—The term ‘Executive agency’ has the meaning given such term in section 105 of title 5, United States Code.”.

SEC. 4. TRACKING OF APPLICATIONS TO LOCATE OR MODIFY COMMUNICATIONS FACILITIES ON FEDERAL REAL PROPERTY.

Part C of the National Telecommunications and Information Administration Organization Act (Public Law 102–538) is further amended by adding at the end the following:

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

“(a) TRACKING BY SENIOR REAL PROPERTY OFFICERS.—
“(1) IN GENERAL.—For the first fiscal year that begins more than 1 year after the date of the enactment of this section, and each fiscal year thereafter, the Senior Real Property Officer of a covered agency shall track applications to locate or modify communications facilities on Federal real property owned, leased, or otherwise managed by such agency.

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

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

“(i) received;

“(ii) approved; and

“(iii) denied;

“(B) in the case of an application described in such paragraph that is denied, the reasons for the denial;

“(C) the amount of time between the receipt of an application described in such paragraph and the issuance of a final decision on such application;

“(D) in the case of an application described in such paragraph with respect to which
the agency is not in compliance with a deadline for action that is imposed by statute or regulation or has not achieved a performance goal included in a performance plan of the agency under section 1115(b) of title 31, United States Code, the reasons for the delay; and

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

“(3) REPORTS.—

“(A) FROM SRPOS TO NTIA.—Not later than 90 days after the end of each fiscal year for which the Senior Real Property Officer of a covered agency is required under paragraph (1) to track applications described in such paragraph, the Senior Real Property Officer shall submit to the Assistant Secretary a report on the tracking of such applications during such fiscal year that includes the information described in paragraph (2).

“(B) FROM NTIA TO CONGRESS.—Not later than 180 days after the end of each fiscal year for which the Senior Real Property Officer of a covered agency is required under paragraph (1) to track applications described in such paragraph, the Assistant Secretary shall
submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains—

“(i) the information described in paragraph (2) that was contained in each report submitted by a Senior Real Property Officer under subparagraph (A) for the fiscal year;

“(ii) an analysis of the speed and efficiency of the consideration by each covered agency of such applications during the fiscal year; and

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

“(4) RESPONSE TO INQUIRIES.—Beginning on the first day of the first fiscal year for which the Senior Real Property Officer of a covered agency is required under paragraph (1) to track applications described in such paragraph, the Senior Real Property Officer shall respond to an inquiry about the status of such an application from the applicant not
later than 7 days after the date on which the Senior
Real Property Officer receives the inquiry.

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

“(c) DEFINITIONS.—In this section:

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

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

“(3) FEDERAL REAL PROPERTY.—The term
‘Federal real property’ has the meaning given such
term in Executive Order 13327.”.
SEC. 5. REGULATION OF POLE ATTACHMENTS.

(a) APPLICATION TO FEDERALLY OWNED POLES.—

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

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

(2) by striking paragraph (2); and

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

(b) SCOPE OF NONDISCRIMINATORY ACCESS AND REPORTING REQUIREMENTS.—Section 224(a)(1) of the Communications Act of 1934 (47 U.S.C. 224(a)(1)) is amended by striking “Such term” and inserting “Except with respect to a requirement for nondiscriminatory access as described in subsection (f) or a report required by subsection (j) or (k), such term”.

(e) APPLICATION TO ATTACHMENTS BY INCUMBENT LOCAL EXCHANGE CARRIERS.—Section 224(a) of the Communications Act of 1934 (47 U.S.C. 224(a)) is further amended by striking paragraph (5).

(d) PRESERVATION OF STATE AUTHORITY CONDITIONED ON NONDISCRIMINATORY ACCESS REQUIREMENT.—Section 224(c)(3) of the Communications Act of 1934 (47 U.S.C. 224(c)(3)) is amended—

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

(3) by adding at the end the following:

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

(c) Reports on Rates.—Section 224 of the Communications Act of 1934 (47 U.S.C. 224) is amended by adding at the end the following:

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

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

(f) Reports and Database on Pole Locations.—Section 224 of the Communications Act of 1934 (47 U.S.C. 224) is further amended by adding at the end the following:
“(k)(1) Beginning with the first year that begins on or after the date that is 180 days after the date of the enactment of this subsection, each utility that owns or controls a pole, duct, conduit, or right-of-way on which a pole attachment is placed shall submit to the Commission an annual report that contains the location of each such pole, duct, conduit, or right-of-way.

“(2) The Commission shall maintain a database that contains the information submitted under paragraph (1) and make such database available to any cable television system, provider of telecommunications service, or other entity that constructs or operates communications facilities (as defined in section 13 of the Act of 2015) or provides communications service (as defined in section 159(g) of the National Telecommunications and Information Administration Organization Act).”.

(g) Pole Tops Part of Usable Space.—Section 224 of the Communications Act of 1934 (47 U.S.C. 224) is further amended by adding at the end the following:

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

(h) Rulemaking on Make-ready Costs.—Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall—
(1) review the rules of the Commission relating to the reasonableness of costs charged by utilities (as defined in section 224(a) of the Communications Act of 1934 (47 U.S.C. 224(a))) for preparing poles, ducts, conduits, and rights-of-way for pole attachments (as defined in such section); and

(2) amend such rules as the Commission considers appropriate.

(i) Effective Date.—The amendments made by this section (except for the amendments made by subsections (e) and (f)) shall apply beginning on the date that is 180 days after the date of the enactment of this Act.

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

(a) Common Forms and Fees for Easements and Rights-of-Way.—

(1) Common forms.—

(A) Deadline for development by GSA.—Section 6409(b)(2) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(b)(2)) is amended by striking “The Administrator” and inserting “Not later than 30 days after the date of the enactment of
the Act of 2015, the Administrator’.

(B) REQUIRED USE BY AGENCIES.—Section 6409(b)(2) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(b)(2)) is further amended—

(i) by striking “for all executive agencies that shall be used by applicants” and inserting “for use by all executive agencies”; and

(ii) by adding at the end the following: “An executive agency may not require an applicant for an easement or right-of-way under paragraph (1) to use any form for submitting the application other than the common form developed by the Administrator under this paragraph or a form that is consistent with such common form and does not require any significant information beyond the information required by such common form, as determined by the Assistant Secretary.”.

(2) COMMON FEES.—

(A) DEADLINE FOR ESTABLISHMENT BY GSA.—Section 6409(b)(3)(A) of the Middle
Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(b)(3)(A)) is amended by striking “the Administrator” and inserting “not later than 30 days after the date of the enactment of the  _____________ Act of 2015, the Administrator”.

(B) Required Use by Agencies.—Section 6409(b)(3)(A) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(b)(3)(A)) is further amended by adding at the end the following: “An executive agency may not charge a fee for the grant of such an easement or right-of-way other than a fee established by the Administrator under this paragraph.”.

(b) Master Contracts and Common Forms for Wireless Facilities Siting.—

(1) Master Contracts.—

(A) Deadline for Development by GSA.—Section 6409(c)(1) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(c)(1)) is amended by striking “not later than 60 days after the date of the enactment of this Act” and inserting “not later than
10 days after the date of the enactment of the Act of 2015”.

(B) Required use by agencies.—Section 6409(c)(2) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(c)(2)) is amended by adding at the end the following: “An executive agency may not enter into a contract governing the placement of a wireless service antenna structure on a building or other property to which such a master contract applies, unless the contract entered into by the agency is consistent with, and does not contain any significant terms beyond the terms contained in, such master contract, as determined by the Assistant Secretary.”.

(2) Common forms.—

(A) Deadline for development by GSA.—Section 6409(c)(3) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(c)(3)) is amended by striking “The Administrator” and inserting “Not later than 30 days after the date of the enactment of the Act of 2015, the Administrator”.”
(B) REQUIRED USE BY AGENCIES.—Section 6409(c)(3) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(c)(3)) is further amended—

(i) by striking “for all executive agencies that shall be used by applicants” and inserting “for use by all executive agencies”; and

(ii) by adding at the end the following: “An executive agency may not require such an application to be submitted using a form other than a common form developed by the Administrator under this paragraph or a form that is consistent with such a common form and does not require any significant information beyond the information required by such common form, as determined by the Assistant Secretary.”.

(e) EFFECTIVE DATE.—An amendment made by subsection (a)(1)(B), (a)(2)(B), (b)(1)(B), or (b)(2)(B) shall apply beginning on the date that is 30 days after the date on which the Administrator of General Services develops or establishes the forms, fees, or contracts to which the amendment relates.
SEC. 7. STREAMLINING DEPARTMENT OF THE INTERIOR PROCESS FOR COMMUNICATIONS FACILITY LOCATION APPLICATIONS.

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

(1) to streamline the process for considering applications to locate or modify communications facilities on lands administered by any bureau, office, or other unit of the Department of the Interior; and

(2) to ensure, to the maximum extent practicable, that such process is uniform and standardized across all such bureaus, offices, and other units.

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

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

(2) a policy under which an easement, license, or other authorization to locate a communications facility on lands administered by any bureau, office, or other unit of the Department renews automatically—
cally upon expiration, unless such authorization is revoked for good cause;

(3) requirements—

(A) for a decision on an application described in subsection (a)(1) to be issued not later than—

(i) in the case of such an application to perform maintenance on or otherwise modify, or collocate another communications facility with, a communications facility on lands administered by a bureau, office, or other unit of the Department, 30 days after the receipt of such application; and

(ii) in the case of any other such application, 120 days after the receipt of such application; and

(B) if a decision described in subparagraph (A) is contingent on a review required by statute—

(i) for each contingency and the applicable statutory requirement to be listed in the decision; and

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

(4) fees for—

(A) submitting an application described in subsection (a)(1), based on the cost to the Department of considering such an application; and

(B) granting an easement, license, or other authorization to locate or modify a communications facility on lands administered by any bureau, office, or other unit of the Department, based on the cost to the Department of any maintenance or other activities required to be performed by the Department as a result of the location or modification of the facility.

(e) ADDITIONAL CONSIDERATIONS.—In the proceeding required by subsection (a), the Secretary shall consider—

(1) how discrete reviews in considering an application described in subsection (a)(1) can be conducted simultaneously, rather than sequentially, by the bureaus, offices, and other units of the Department that must approve the location or modification; and
(2) how to eliminate overlapping requirements among the bureaus, offices, and other units of the Department with respect to the location or modification of a communications facility on lands administered by any such bureau, office, or other unit.

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

(e) REQUIREMENTS RELATING TO FISH AND WILDLIFE SERVICE.—Not later than 1 year after the date of the enactment of this Act, the Director of the Fish and Wildlife Service shall—

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

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

(B) clarify and standardize the mitigation policies of the Service; and
(2) consider the potential impact on wireless
tower siting of the proposed programmatic environ-
mental impact statement referred to in the notice of
intent entitled Migratory Bird Permits; Pro-
grammatic Environmental Impact Statement that
was published in the Federal Register on May 26,

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

(g) DEFINITIONS.—In this section:

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

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

SEC. 8. STREAMLINING FOREST SERVICE PROCESS FOR
COMMUNICATIONS FACILITY LOCATION AP-
PLICATIONS.

(a) IN GENERAL.—Not later than 1 year after the
date of the enactment of this Act, the Secretary of Agri-
culture shall conduct a proceeding, subject to notice and
comment—
(1) to streamline the process by which the Secretary considers applications to locate or modify communications facilities on National Forest System land; and

(2) to ensure, to the maximum extent practicable, that such process is uniform and standardized across units of the National Forest System.

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

(1) minimum terms of not less than 5 years and not more than 25 years for leases with respect to the location of communications facilities on National Forest System land;

(2) a policy under which an easement, license, or other authorization to locate a communications facility on National Forest System land renews automatically upon expiration, unless such authorization is revoked for good cause;

(3) requirements—

(A) for a decision on an application described in subsection (a)(1) to be issued not later than—

(i) in the case of such an application to perform maintenance on or otherwise modify, or collocate another communic-
tions facility with, a communications facility on National Forest System land, 30 days after the receipt of such application; and

(ii) in the case of any other such application, 120 days after the receipt of such application; and

(B) if a decision described in subparagraph (A) is contingent on a review required by statute—

(i) for each contingency and the applicable statutory requirement to be listed in the decision; and

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

(4) fees for—

(A) submitting an application described in subsection (a)(1), based on the cost to the Forest Service of considering such an application; and

(B) granting an easement, license, or other authorization to locate or modify a communications facility on National Forest System land,
based on the cost to the Forest Service of any
maintenance or other activities required to be
performed by the Forest Service as a result of
the location or modification of the facility.

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

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

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

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

(e) AVAILABILITY OF FEES.—Any fees collected
under subparagraph (A) or (B) of subsection (b)(4) shall
be made available, to the extent and in such amounts as
are provided in advance in appropriation Acts, to the Sec-
(f) **Definitions.**—In this section:

(1) **National Forest System.**—The term “National Forest System” has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

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

**Sec. 9. Streamlining Department of Defense Process for Communications Facility Location Applications.**

(a) **In General.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall conduct a proceeding, subject to notice and comment—

(1) to streamline the process by which the Secretary concerned will consider applications to locate or modify communications facilities on defense lands; and

(2) to ensure, to the maximum extent practicable, that such process is uniform and standard-
ized throughout the Department of Defense, including each military department.

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

(1) minimum terms of not less than 5 years and not more than 25 years for leases with respect to the location of communications facilities on defense lands;

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

(3) requirements—

(A) for a decision on an application described in subsection (a)(1) to be issued not later than—

(i) in the case of such an application to perform maintenance on or otherwise modify, or collocate another communications facility with, a communications facility on defense lands, 30 days after the receipt of such application; and
(ii) in the case of any other such application, 120 days after the receipt of such application; and

(B) if a decision described in subparagraph (A) is contingent on a review required by statute—

(i) for each contingency and the applicable statutory requirement to be listed in the decision; and

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

(4) fees for—

(A) submitting an application described in subsection (a)(1), based on the cost to the Secretary concerned of considering such an application; and

(B) granting an easement, license, or other authorization to locate or modify a communications facility on defense lands, based on the cost to the Secretary concerned of any maintenance or other activities required to be performed by the Secretary concerned as a result of the location or modification of the facility.
(c) ADDITIONAL CONSIDERATIONS.—In the proceeding required by subsection (a), the Secretary of Defense shall consider—

(1) how the process for applying to locate or modify a communications facility on defense lands can proceed without the use of a request for proposals;

(2) how discrete reviews in considering an application for the location or modification of a communications facility on defense lands can be conducted simultaneously, rather than sequentially, including reliance on the expertise of the Joint Spectrum Center, a field office of the Defense Spectrum Organization; and

(3) how to eliminate overlapping requirements within the Department of Defense with respect to the location or modification of a communications facility on defense lands.

(d) COMMUNICATION OF STREAMLINED PROCESS.—The Secretary of Defense and the Secretary concerned shall ensure that the rules and other measures adopted in the proceeding required by subsection (a) are communicated to and followed throughout the Department of Defense, including military installations.
(e) Availability of Fees.—Any fees collected under subparagraph (A) or (B) of subsection (b)(4) shall be made available, to the extent and in such amounts as are provided in advance in appropriation Acts, to the Secretary concerned to cover the cost to the Secretary concerned described in such subparagraph.

(f) Definitions.—In this section:

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

(2) Secretary concerned.—The term “Secretary concerned” means the Secretary of a military department.

SEC. 10. STREAMLINING AND ACCELERATION OF HISTORIC PRESERVATION REVIEW OF COMMUNICATIONS FACILITIES.

(a) Agreement Governing Review by Department of the Interior and Forest Service.—Not later than 1 year after the date of the enactment of this Act, the Advisory Council on Historic Preservation, the Secretary of the Interior, and the Secretary of Agriculture (acting through the Chief of the Forest Service) shall enter into an agreement under which the Department of
the Interior and the Forest Service may comply with the
requirement of section 306108 of title 54, United States
Code, to take into account the effects on historic property
of the approval by the Department or the Forest Service,
as the case may be, of the construction, modification, or
collocation of a communications facility. The Council and
the Secretaries may enter into separate agreements under
this subsection with respect to wireline communications
facilities and wireless communications facilities.

(b) Elimination of Duplicitative Review by Depart-
ment of Defense.—Not later than 1 year after the
date on which an agreement is entered into under sub-
section (a), the Advisory Council on Historic Preservation
shall—

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

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

(c) Establishment of Deadlines for Review.—
(1) By Department of the Interior.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Interior shall promulgate regulations that establish a maximum amount of time for the Department of the Interior to conduct a review under section 306108 of title 54, United States Code, of the effects on historic property of the approval by the Department of the construction, modification, or collocation of a communications facility.

(2) By Forest Service.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture (acting through the Chief of the Forest Service) shall promulgate regulations that establish a maximum amount of time for the Forest Service to conduct a review under section 306108 of title 54, United States Code, of the effects on historic property of the approval by the Forest Service of the construction, modification, or collocation of a communications facility.
SEC. 11. STREAMLINING AND ACCELERATION OF THE
PREPARATION OF ENVIRONMENTAL IMPACT
STATEMENTS RELATING TO COMMUNICATIONS FACILITIES.

(a) By Council on Environmental Quality.—
Not later than 1 year after the date of the enactment of this Act, the Council on Environmental Quality shall conduct a proceeding, subject to notice and comment, to—

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

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

(b) By Certain Agencies.—

(1) In general.—Not later than 1 year after the adoption of changes under subsection (a)(2) by the Council on Environmental Quality, the head of each agency described in paragraph (2) shall conduct a proceeding, subject to notice and comment,
(A) determine how to streamline and accelerate, in accordance with changes adopted by the Council on Environmental Quality under subsection (a)(2), the process by which such agency prepares the detailed statements required by section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to major Federal actions of such agency relating to the construction, modification, or collocation of communications facilities; and

(B) adopt changes to the regulations, guidance, or other policies of such agency, as appropriate to implement the determination made under subparagraph (A).

(2) AGENCIES DESCRIBED.—The agencies described in this paragraph are the Department of Homeland Security, the Department of Defense, the Department of the Interior, and the Forest Service.

SEC. 12. INCLUSION OF COMMUNICATIONS CONDUIT INSTALLATION IN CERTAIN HIGHWAY CONSTRUCTION PROJECTS.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following:
§ 330. Inclusion of communications conduit installation in certain highway construction projects

(a) Requirement.—

(1) In general.—The Secretary shall require States to evaluate the need for communications conduit in accordance with this section as part of any covered highway construction project.

(2) Consultation.—This evaluation shall be done in consultation with local and national communications providers, including communications service and equipment providers.

(3) Results of evaluation.—If the evaluation reveals an anticipated need in the next 15 years for communications conduit beneath hard surfaces to be constructed by the project, the conduit shall be installed under the hard surfaces as part of the covered highway construction project.

(b) Installation requirements.—In carrying out subsection (a), the Secretary shall ensure with respect to a covered highway construction project that—

(1) an appropriate number of communications conduits, as determined by the Assistant Secretary of Commerce for Communications and Information, are installed along such highway to accommodate multiple communications service providers, with con-
consideration given to the availability of existing conduits;

“(2) the size of each such conduit is consistent with industry best practices and is sufficient to accommodate potential demand, as determined by the Assistant Secretary; and

“(3) hand holes and manholes for communications facility access and pulling with respect to each such conduit are placed at intervals consistent with industry best practices, as determined by the Assistant Secretary.

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

“(1) the ability to accommodate communications facility installation without impacting the safety, operations, and maintenance of the highway facility, its users, or others;

“(2) population density in the area of a covered highway construction project;
“(3) the type of highway involved in such project; and

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

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

“(e) DEPTH OF INSTALLATION.—The Secretary shall ensure that each communications conduit installed pursuant to this section is placed at a depth consistent with industry best practices, as determined by the Secretary, and that, in determining the depth of placement, consideration is given to the location of existing utilities and the cable separation requirements of State and local electrical codes.

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

“(g) WAIVER AUTHORITY.—The Secretary may waive the application of this section if the Secretary deter-
mine that the waiver is appropriate with respect to a covered highway construction project based upon—

“(1) a showing of undue burden;

“(2) a determination that the installation of communications conduit beneath hard surfaces to be constructed as part of a covered highway construction project is not necessary based on the availability of existing communications infrastructure;

“(3) a cost-benefit analysis; or

“(4) the consideration of other relevant factors.

“(h) COORDINATION WITH FCC.—In carrying out this section, the Secretary and the Assistant Secretary shall coordinate with the Federal Communications Commission, including in making determinations with respect to an appropriate number of communications conduits under subsection (b)(1), potential demand under subsection (b)(2), and existing access to communications services under subsection (c).

“(i) PUBLICATION OF CONDUIT AVAILABILITY.—Not later than 1 year after the date of enactment of this section, the Secretary shall provide to the Federal Communications Commission and the Assistant Secretary information about the availability of communications conduits installed pursuant to this section for inclusion within the National Broadband Map.
“(j) DEFINITIONS.—In this section, the following definitions apply:

“(1) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of Commerce for Communications and Information.

“(2) COMMUNICATIONS CONDUIT.—The term ‘communications conduit’ means a conduit for wireline communications facilities or, where appropriate, wireless communications facilities.

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

“(4) COMMUNICATIONS SERVICE.—The term ‘communications service’ has the meaning given such term in section 159(g) of the National Telecommunications and Information Administration Organization Act.

“(5) COVERED HIGHWAY CONSTRUCTION PROJECT.—The term ‘covered highway construction project’ means a project to construct a new highway or to construct an additional lane or paved shoulder for an existing highway that is commenced after the date of enactment of this section and that receives funding under this title.
"(6) HARD SURFACES.—The term ‘hard surfaces’ means asphalt and concrete pavement, curb and gutter, and sidewalk.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by adding at the end the following:

"330. Inclusion of communications conduit installation in certain highway construction projects.”.

SEC. 13. COMMUNICATIONS FACILITY DEFINED.

In this Act, the term “communications facility” includes—

(1) any wireless or wireline infrastructure for the transmission of writing, signs, signals, data, images, pictures, or sounds of all kinds;

(2) any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets, associated with the provision of communications services; and

(3) any antenna or apparatus that—

(A) is designed for the purpose of emitting radio frequency;

(B) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Federal Communications Commission; and
(C) is added to a tower, building, or other structure.