[DISCUSSION DRAFT]

115TH CONGRESS  
1ST SESSION  

H. R. _____

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, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

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, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

3 (a) SHORT TITLE.—This Act may be cited as the []

G:\VHLC\022717\022717.270.xml  (65222614)  
February 27, 2017 (5:04 p.m.)
(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. Common forms, fees, and master contracts for location of wireless facilities on Federal property.
Sec. 6. Streamlining Department of the Interior process for communications facility location applications.
Sec. 7. Streamlining Forest Service process for communications facility location applications.
Sec. 8. Streamlining and acceleration of historic preservation review of communications facilities.
Sec. 9. Streamlining and acceleration of the preparation of environmental impact statements relating to communications facilities.
Sec. 10. Definitions.

SEC. 2. NO ADDITIONAL APPROPRIATIONS AUTHORIZED.

(a) IN GENERAL.—No additional funds are authorized to be appropriated 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 6(f) or 7(e).

SEC. 3. INVENTORY OF FEDERAL ASSETS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act—

(1) the Administrator of General Services, in coordination with the Assistant Secretary of Commerce for Communications and Information, shall ensure that the database established under section
5(c) of Executive Order 13327 (69 Fed. Reg. 5895) includes an inventory of covered assets, which shall include the information provided under subsections (b) and (c);

(2) the Administrator shall make such inventory available to the Assistant Secretary for purposes of paragraph (3); and

(3) the Assistant Secretary shall 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 Act, the head of an Executive agency shall provide to the Administrator, in a manner and format to be determined by the Administrator, 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 Administrator 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 Administrator under paragraph (1) with respect to a covered asset of an Executive agency, the head of such agency shall provide updated information to the Administrator 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 Act, the head of such agency shall provide to the Administrator 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 Administrator under this subsection.

(B) Other information.—If the head of an Executive agency determines, in consultation with the Administrator, 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 Administrator under this subsection.

(C) Classified information defined.—In this paragraph, the term “classified information” means any information or mate-
rial 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 Administrator for inclusion in the inventory established under subsection (a), in a manner and format to be determined by the Administrator, information with respect to a State or local asset that would be a covered asset if under the custody and control of an Executive agency.

(2) INCLUSION OF INFORMATION.—The Administrator shall include in such inventory any information provided by a State or local government in accordance with paragraph (1) in the same manner 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 Administrator under paragraph (1) with
respect to a State or local asset, the State or local
government shall provide updated information to the
Administrator not later than 30 days after such
change. If a State or local government does not com-
ply with the preceding sentence, the Administrator
shall deny the State or local government access to
the inventory established under subsection (a).

(d) Updating of Inventory.—After the establish-
ment of the inventory under subsection (a), the Adminis-
trator shall include in the inventory information provided
under subsection (b) or (c) not later than the date that
is 7 days after the Administrator receives such informa-
tion. 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 in-
formation 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 Administrator considers appropriate.

(f) Information Security.—The Administrator
shall adopt measures to prevent unauthorized access to the
information in the inventory established under subsection
(a).

(g) Definitions.—In this section:
(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) 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.

(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 Act, and each fiscal year thereafter, the Senior Real Property Officer of a covered agency shall track applications to locate or modify communications facilities on covered assets of 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 Act, the head of the agency shall include in such plan performance goals for the speed and efficiency of the consideration by the agency of applications described in subsection (a)(1).

(c) COVERED AGENCY DEFINED.—In this section, the term “covered agency” means an agency for which a Senior Real Property Officer is designated under Executive Order 13327 (69 Fed. Reg. 5895).
SEC. 5. 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 2017, 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 com-
mon form and does not require any signifi-
cant information beyond the information
required by such common form, as deter-
mined by the Administrator.”

(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 strik-
ing “the Administrator” and inserting “not
later than 30 days after the date of the enact-
ment of the _____________ Act of 2017, the
Administrator”.

(B) REQUIRED USE BY AGENCIES.—Sec-
ction 6409(b)(3)(A) of the Middle Class Tax Re-
lief 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
casement or right-of-way other than a fee estab-
lished 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 2017”.

(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 Administrator.”.

(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(e)(3)) is amended by striking “The Administrator” and inserting “Not later than 30 days after the date of the enactment of the __________ Act of 2017, 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 Administrator.”.

(c) 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. 6. 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 by which bureaus, offices, and other units of the Department of the Interior consider an application under Federal law for authority to locate or modify a communications facility on lands under the jurisdiction of the Department; 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 for leases with respect to the location of communications facilities on lands under the jurisdiction of any bureau, office, or other unit of the Department;

(2) a policy under which an easement, license, or other authority to locate a communications facility on lands under the jurisdiction of any bureau, office, or other unit of the Department renews automatically upon expiration, unless such authority 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 for authority to perform maintenance on or otherwise modify, or collocate another communications facility with, a communications facility on lands under the jurisdiction of 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 authority to locate or modify a communications facility on lands under the jurisdiction of 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.

(c) 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 grant of authority; 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 under the jurisdiction of 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 United States Fish and Wildlife Service shall—

(1) with respect to applications under Federal law for authority, the grant of which is subject to approval by the Director, to locate or modify communications facilities—

(A) ensure that the processing timeframes and review procedures for such an approval 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 environmental impact statement referred to in the notice of intent entitled Migratory Bird Permits; Programmatic Environmental Impact Statement that was published in the Federal Register on May 26, 2015 (80 Fed. Reg. 30032).

(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 Secretary to cover the cost to the Department described in such subparagraph.

(g) DEFINITIONS.—In this section:
1 (1) **DEPARTMENT.**—The term “Department” means the Department of the Interior.

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

5 **SEC. 7. STREAMLINING FOREST SERVICE PROCESS FOR COMMUNICATIONS FACILITY LOCATION APPLICATIONS.**

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

7 (1) to streamline the process by which the Secretary considers an application under Federal law for authority to locate or modify a communications facility on National Forest System land; and

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

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

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

11 (2) a policy under which an easement, license, or other authority to locate a communications facil-
ity on National Forest System land renews automatically upon expiration, unless such authority 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 for authority to perform maintenance on or otherwise modify, or collocate another communications 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 authority 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 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 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 National 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 Secretary to cover the cost to the Forest Service described in such subparagraph.

(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. 8. 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 duplicative review by Department of Defense.—Not later than 1 year after the date on which an agreement is entered into under subsection (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 facility 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. 9. STREAMLINING AND ACCELERATION OF THE PREP-
ARATION OF ENVIRONMENTAL IMPACT
STATEMENTS RELATING TO COMMUNICA-
TIONS 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 con-
duct 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 con-
duct 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. 10. DEFINITIONS.

In this Act:

(1) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.
(2) COMMUNICATIONS FACILITY.—The term “communications facility” includes—

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

(B) 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

(C) any antenna or apparatus that—

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

(ii) is designed to be operated, or is operating, from a fixed location; and

(iii) is added to a tower, building, or other structure.

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

(4) COVERED ASSET.—The term “covered asset” means, with respect to an agency, any Federal real property (as defined in section 2(a) of Ex-
Executive Order 13327 (69 Fed. Reg. 5895)) under the custody and control of such agency—

(A)(i) on which a broadband communications facility could be constructed; or

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

(1) constructs or operates broadband communications facilities for use in connection with such construction or operation; or

(II) provides broadband communications service for use in connection with such provision; and

(B) that is suitable for the deployment, or use in connection with the deployment, of broadband communications facilities or broadband communications services.