

115TH CONGRESS  
2D SESSION

# H. R. 4795

To amend the Middle Class Tax Relief and Job Creation Act of 2012 to promote communications facilities deployment on Federal property, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2018

Mrs. MIMI WALTERS of California introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Middle Class Tax Relief and Job Creation Act of 2012 to promote communications facilities deployment on Federal property, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Communications Fa-  
5 cilities Deployment on Federal Property Act of 2018”.

1 **SEC. 2. COMMUNICATIONS FACILITIES DEPLOYMENT ON**  
2 **FEDERAL PROPERTY.**

3 (a) IN GENERAL.—Section 6409 of the Middle Class  
4 Tax Relief and Job Creation Act of 2012 (47 U.S.C.  
5 1455) is amended—

6 (1) in the heading, by striking “**WIRELESS**”  
7 and inserting “**COMMUNICATIONS**”; and

8 (2) by striking subsections (b), (c), and (d) and  
9 inserting the following:

10 “(b) FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND  
11 LEASES.—

12 “(1) GRANT.—If an entity applies for the grant  
13 of an easement, right-of-way, or lease to, in, over, or  
14 on a building or other property owned by the Fed-  
15 eral Government for the right to install, construct,  
16 modify, or maintain a communications facility instal-  
17 lation, the executive agency that is authorized to  
18 grant such easement, right-of-way, or lease for the  
19 building or other property may grant to the appli-  
20 cant an easement, right-of-way, or lease to perform  
21 such installation, construction, modification, or  
22 maintenance.

23 “(2) APPLICATION FORMS.—Not later than 30  
24 days after the date of the enactment of the Commu-  
25 nications Facilities Deployment on Federal Property  
26 Act of 2018, the Administrator of General Services

1 shall develop a required common form for applica-  
2 tions for easements, rights-of-way, or leases under  
3 paragraph (1). An executive agency may not require  
4 an applicant under paragraph (1) to use any form  
5 for submitting the application other than the com-  
6 mon form developed by the Administrator of General  
7 Services under this paragraph and may not require  
8 any significant information beyond the information  
9 required by such common form.

10 “(3) COMMON FEES.—

11 “(A) IN GENERAL.—Notwithstanding any  
12 other provision of law, not later than 30 days  
13 after the date of the enactment of the Commu-  
14 nications Facilities Deployment on Federal  
15 Property Act of 2018, the Administrator of  
16 General Services shall establish a common fee  
17 for the processing of applications under para-  
18 graph (1) and subsection (c).

19 “(B) FEE GUIDELINES.—The application  
20 fees established pursuant to subparagraph (A)  
21 shall be—

22 “(i) based on direct and actual cost  
23 recovery; and

24 “(ii) competitively neutral with regard  
25 to other users of the building or other

1 property owned by the Federal Govern-  
2 ment.

3 “(C) EXCEPTIONS.—The Administrator of  
4 General Services may establish exceptions to  
5 the fee amount required under subparagraph  
6 (A)—

7 “(i) in consideration of the public ben-  
8 efit provided by a grant of an easement,  
9 right-of-way, or lease; and

10 “(ii) in the interest of expanding wire-  
11 less and broadband coverage.

12 “(4) USE OF FEES COLLECTED.—Any fee col-  
13 lected by an executive agency pursuant to paragraph  
14 (3) may be made available, as provided in appropria-  
15 tions Acts, to such agency to cover the costs of  
16 granting the easement, right-of-way, or lease.

17 “(c) MASTER CONTRACTS FOR COMMUNICATIONS  
18 FACILITY INSTALLATION SITINGS.—

19 “(1) IN GENERAL.—Notwithstanding section  
20 704 of the Telecommunications Act of 1996 (Public  
21 Law 104–104; 110 Stat. 151) or any other provision  
22 of law, not later 30 days after the date of the enact-  
23 ment of the Communications Facilities Deployment  
24 on Federal Property Act of 2018, the Administrator  
25 of General Services shall—

1           “(A) develop one or more master contracts  
2           that shall govern the placement of a commu-  
3           nications facility installation on a building or  
4           other property owned by the Federal Govern-  
5           ment, which shall include offers of lease terms  
6           for the communications facility installation of  
7           not less than 10 years with automatic lease re-  
8           newals; and

9           “(B) in developing the master contract or  
10          contracts, standardize the treatment of the  
11          placement of a communications facility installa-  
12          tion on a building rooftop or facade, the place-  
13          ment of a communications facility installation  
14          on a rooftop or inside a building, the technology  
15          used in connection with a communications facil-  
16          ity installation placed on a Federal building and  
17          other property, and any other key issues the  
18          Administrator of General Services considers ap-  
19          propriate.

20          “(2) APPLICABILITY.—The master contract or  
21          contracts developed by the Administrator of General  
22          Services under paragraph (1) shall apply to all pub-  
23          licly accessible buildings and other property owned  
24          by the Federal Government. An executive agency  
25          may not enter into a contract governing the place-

1       ment of a communications facility installation on a  
2       building or other property to which such a master  
3       contract applies, unless the contract entered into by  
4       the agency is consistent with, and does not contain  
5       any significant terms beyond the terms contained in,  
6       such master contract.

7       “(d) DEFINITIONS.—In this section:

8               “(1) COMMUNICATIONS FACILITY INSTALLA-  
9       TION.—The term ‘communications facility installa-  
10      tion’ includes—

11               “(A) any infrastructure, including any  
12              transmitting device, tower, or support structure,  
13              and any equipment, switches, wiring, cabling,  
14              power sources, shelters, or cabinets, associated  
15              with the licensed or permitted unlicensed wire-  
16              less or wireline transmission of writings, signs,  
17              signals, data, images, pictures, or sounds of all  
18              kinds; and

19               “(B) any antenna or apparatus that—

20                   “(i) is designed for the purpose of  
21                   emitting or receiving radio frequency;

22                   “(ii) is designed to be operated, or is  
23                   operating, from a fixed location pursuant  
24                   to authorization by the Commission or is

1 using duly authorized devices that do not  
2 require individual licenses; and

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

5 “(2) EXECUTIVE AGENCY.—The term ‘executive  
6 agency’ has the meaning given such term in section  
7 102 of title 40, United States Code.”.

8 (b) EFFECTIVE DATE.—This Act, and the amend-  
9 ments made by this Act, shall take effect 30 days after  
10 the date of the enactment of this Act.

11 (c) EFFECT ON EXISTING APPLICATIONS.—An appli-  
12 cation for an easement, right-of-way, or lease that was  
13 made or granted under section 6409 of the Middle Class  
14 Tax Relief and Job Creation Act of 2012 (47 U.S.C.  
15 1455) before the effective date of this Act shall continue,  
16 subject to such section as in effect on the day before such  
17 effective date.

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