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.

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.

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
4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Communications Fa-
6 cilities Deployment on Federal Property Act of 2018”. 
SEC. 2. COMMUNICATIONS FACILITIES DEPLOYMENT ON FEDERAL PROPERTY.

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

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

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

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

“(1) GRANT.—If an entity applies for the grant of an easement, right-of-way, or lease to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, modify, or maintain a communications facility installation, the executive agency that is authorized to grant such easement, right-of-way, or lease for the building or other property may grant to the applicant an easement, right-of-way, or lease to perform such installation, construction, modification, or maintenance.

“(2) APPLICATION FORMS.—Not later than 30 days after the date of the enactment of the Communications Facilities Deployment on Federal Property Act of 2018, the Administrator of General Services...
shall develop a required common form for applica-
tions for easements, rights-of-way, or leases under
paragraph (1). An executive agency may not require
an applicant under paragraph (1) to use any form
for submitting the application other than the com-
mon form developed by the Administrator of General
Services under this paragraph and may not require
any significant information beyond the information
required by such common form.

“(3) COMMON FEES.—

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

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

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

“(ii) competitively neutral with regard
to other users of the building or other
property owned by the Federal Government.

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

“(i) in consideration of the public benefit provided by a grant of an easement, right-of-way, or lease; and

“(ii) in the interest of expanding wireless and broadband coverage.

“(4) USE OF FEES COLLECTED.—Any fee collected by an executive agency pursuant to paragraph (3) may be made available, as provided in appropriations Acts, to such agency to cover the costs of granting the easement, right-of-way, or lease.

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

“(1) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 151) or any other provision of law, not later 30 days after the date of the enactment of the Communications Facilities Deployment on Federal Property Act of 2018, the Administrator of General Services shall—
“(A) develop one or more master contracts that shall govern the placement of a communications facility installation on a building or other property owned by the Federal Government, which shall include offers of lease terms for the communications facility installation of not less than 10 years with automatic lease renewals; and

“(B) in developing the master contract or contracts, standardize the treatment of the placement of a communications facility installation on a building rooftop or facade, the placement of a communications facility installation on a rooftop or inside a building, the technology used in connection with a communications facility installation placed on a Federal building and other property, and any other key issues the Administrator of General Services considers appropriate.

“(2) APPLICABILITY.—The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government. An executive agency may not enter into a contract governing the place-
ment of a communications facility installation 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.

“(d) DEFINITIONS.—In this section:

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

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

“(B) any antenna or apparatus that—

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

“(ii) is designed to be operated, or is
operating, from a fixed location pursuant
to authorization by the Commission or is
using duly authorized devices that do not
require individual licenses; and

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

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

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

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