

[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 Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 **[“_____ Act of 2017”]**.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 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.

3 **SEC. 2. NO ADDITIONAL APPROPRIATIONS AUTHORIZED.**

4 (a) IN GENERAL.—No additional funds are author-
5 ized to be appropriated to carry out this Act, or the
6 amendments made by this Act. This Act, and the amend-
7 ments made by this Act, shall be carried out using
8 amounts otherwise authorized or appropriated.

9 (b) AVAILABILITY OF FEES COLLECTED UNDER
10 THIS ACT.—Subsection (a) does not apply to section 6(f)
11 or 7(e).

12 **SEC. 3. INVENTORY OF FEDERAL ASSETS.**

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

15 (1) the Administrator of General Services, in
16 coordination with the Assistant Secretary of Com-
17 merce for Communications and Information, shall
18 ensure that the database established under section

1 5(c) of Executive Order 13327 (69 Fed. Reg. 5895)
2 includes an inventory of covered assets, which shall
3 include the information provided under subsections
4 (b) and (c);

5 (2) the Administrator shall make such inven-
6 tory available to the Assistant Secretary for pur-
7 poses of paragraph (3); and

8 (3) the Assistant Secretary shall make such in-
9 ventory available to any entity that constructs or op-
10 erates communications facilities or provides commu-
11 nications service.

12 (b) PROVISION OF INFORMATION BY EXECUTIVE
13 AGENCIES.—

14 (1) IN GENERAL.—Not later than 9 months
15 after the date of the enactment of this Act, the head
16 of an Executive agency shall provide to the Adminis-
17 trator, in a manner and format to be determined by
18 the Administrator, the information described in
19 paragraph (2) with respect to a covered asset of
20 such agency.

21 (2) INFORMATION DESCRIBED.—The informa-
22 tion described in this paragraph is—

23 (A) the location of the covered asset;

24 (B) the type of the covered asset, such as
25 whether the asset is a building (and the type of

1 building), land (and the type or use of the
2 land), right-of-way, easement, utility pole, wire-
3 less communications tower, underground utility
4 route, or cable on which capacity is available for
5 lease;

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

10 (D) whether the covered asset is historic
11 property (as defined in section 300308 of title
12 54, United States Code); and

13 (E) such other information as the Admin-
14 istrator considers appropriate.

15 (3) PROVISION OF UPDATED INFORMATION.—

16 (A) CHANGE IN INFORMATION.—In the
17 case of a change in any of the information pro-
18 vided to the Administrator under paragraph (1)
19 with respect to a covered asset of an Executive
20 agency, the head of such agency shall provide
21 updated information to the Administrator not
22 later than 30 days after such change.

23 (B) ACQUISITION OF NEW COVERED
24 ASSET.—In the case of the acquisition of a cov-
25 ered asset by an Executive agency after the

1 date that is 9 months after the date of the en-
2 actment of this Act, the head of such agency
3 shall provide to the Administrator the informa-
4 tion required by paragraph (1) with respect to
5 such asset not later than 30 days after such ac-
6 quisition.

7 (4) EXCLUSION OF INFORMATION FOR NA-
8 TIONAL SECURITY REASONS.—

9 (A) CLASSIFIED INFORMATION.—The head
10 of an Executive agency may exclude classified
11 information from the information provided to
12 the Administrator under this subsection.

13 (B) OTHER INFORMATION.—If the head of
14 an Executive agency determines, in consultation
15 with the Administrator, that inclusion of infor-
16 mation (other than classified information)
17 about a covered asset of such agency in the in-
18 ventory established under subsection (a) would
19 harm national security, the head of the agency
20 may exclude such information from the infor-
21 mation provided to the Administrator under
22 this subsection.

23 (C) CLASSIFIED INFORMATION DE-
24 FINED.—In this paragraph, the term “classified
25 information” means any information or mate-

1 rial that has been determined by the Federal
2 Government pursuant to an Executive order,
3 statute, or regulation, to require protection
4 against unauthorized disclosure for reasons of
5 national security and any restricted data, as de-
6 fined in section 11 y. of the Atomic Energy Act
7 of 1954 (42 U.S.C. 2014(y)).

8 (c) INFORMATION ON STATE AND LOCAL ASSETS.—

9 (1) VOLUNTARY PROVISION OF INFORMA-
10 TION.—A State or local government may provide to
11 the Administrator for inclusion in the inventory es-
12 tablished under subsection (a), in a manner and for-
13 mat to be determined by the Administrator, informa-
14 tion with respect to a State or local asset that would
15 be a covered asset if under the custody and control
16 of an Executive agency.

17 (2) INCLUSION OF INFORMATION.—The Admin-
18 istrator shall include in such inventory any informa-
19 tion provided by a State or local government in ac-
20 cordance with paragraph (1) in the same manner as
21 information provided by an Executive agency under
22 subsection (b).

23 (3) PROVISION OF UPDATED INFORMATION.—In
24 the case of a change in any of the information pro-
25 vided to the Administrator under paragraph (1) with

1 respect to a State or local asset, the State or local
2 government shall provide updated information to the
3 Administrator not later than 30 days after such
4 change. If a State or local government does not com-
5 ply with the preceding sentence, the Administrator
6 shall deny the State or local government access to
7 the inventory established under subsection (a).

8 (d) UPDATING OF INVENTORY.—After the establish-
9 ment of the inventory under subsection (a), the Adminis-
10 trator shall include in the inventory information provided
11 under subsection (b) or (c) not later than the date that
12 is 7 days after the Administrator receives such informa-
13 tion. The information with respect to each covered asset
14 in the inventory shall include the most recent date on
15 which such information was added or updated.

16 (e) FORMAT OF LOCATION INFORMATION.—The in-
17 formation in the inventory established under subsection
18 (a) about the location of a covered asset shall be in Geo-
19 graphic Information System format or another format
20 that the Administrator considers appropriate.

21 (f) INFORMATION SECURITY.—The Administrator
22 shall adopt measures to prevent unauthorized access to the
23 information in the inventory established under subsection
24 (a).

25 (g) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of General Serv-
3 ices.

4 (2) EXECUTIVE AGENCY.—The term “Executive
5 agency” has the meaning given such term in section
6 105 of title 5, United States Code.

7 **SEC. 4. TRACKING OF APPLICATIONS TO LOCATE OR MOD-**
8 **IFY COMMUNICATIONS FACILITIES ON FED-**
9 **ERAL REAL PROPERTY.**

10 (a) TRACKING BY SENIOR REAL PROPERTY OFFI-
11 CERS.—

12 (1) IN GENERAL.—For the first fiscal year that
13 begins more than 1 year after the date of the enact-
14 ment of this Act, and each fiscal year thereafter, the
15 Senior Real Property Officer of a covered agency
16 shall track applications to locate or modify commu-
17 nications facilities on covered assets of such agency.

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

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

- 23 (i) received;
24 (ii) approved; and
25 (iii) denied;

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

4 (C) the amount of time between the receipt
5 of an application described in such paragraph
6 and the issuance of a final decision on such ap-
7 plication;

8 (D) in the case of an application described
9 in such paragraph with respect to which the
10 agency is not in compliance with a deadline for
11 action that is imposed by statute or regulation
12 or has not achieved a performance goal included
13 in a performance plan of the agency under sec-
14 tion 1115(b) of title 31, United States Code,
15 the reasons for the delay; and

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

18 (3) REPORTS.—

19 (A) FROM SRPOS TO NTIA.—Not later than
20 90 days after the end of each fiscal year for
21 which the Senior Real Property Officer of a
22 covered agency is required under paragraph (1)
23 to track applications described in such para-
24 graph, the Senior Real Property Officer shall
25 submit to the Assistant Secretary a report on

1 the tracking of such applications during such
2 fiscal year that includes the information de-
3 scribed in paragraph (2).

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

14 (i) the information described in para-
15 graph (2) that was contained in each re-
16 port submitted by a Senior Real Property
17 Officer under subparagraph (A) for the fis-
18 cal year;

19 (ii) an analysis of the speed and effi-
20 ciency of the consideration by each covered
21 agency of such applications during the fis-
22 cal year; and

23 (iii) any recommendations on how to
24 improve the process of considering such

1 applications that the Assistant Secretary
2 considers appropriate.

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

12 (b) INCLUSION OF GOALS IN AGENCY PERFORMANCE
13 PLANS.—Beginning with the first performance plan that
14 the head of a covered agency is required to make available
15 under section 1115(b) of title 31, United States Code,
16 after the date that is 60 days after the date of the enact-
17 ment of this Act, the head of the agency shall include in
18 such plan performance goals for the speed and efficiency
19 of the consideration by the agency of applications de-
20 scribed in subsection (a)(1).

21 (c) COVERED AGENCY DEFINED.—In this section,
22 the term “covered agency” means an agency for which a
23 Senior Real Property Officer is designated under Execu-
24 tive Order 13327 (69 Fed. Reg. 5895).

1 **SEC. 5. COMMON FORMS, FEES, AND MASTER CONTRACTS**
2 **FOR LOCATION OF WIRELESS FACILITIES ON**
3 **FEDERAL PROPERTY.**

4 (a) COMMON FORMS AND FEES FOR EASEMENTS
5 AND RIGHTS-OF-WAY.—

6 (1) COMMON FORMS.—

7 (A) DEADLINE FOR DEVELOPMENT BY
8 GSA.—Section 6409(b)(2) of the Middle Class
9 Tax Relief and Job Creation Act of 2012 (47
10 U.S.C. 1455(b)(2)) is amended by striking
11 “The Administrator” and inserting “Not later
12 than 30 days after the date of the enactment of
13 the _____ Act of 2017, the Adminis-
14 trator”.

15 (B) REQUIRED USE BY AGENCIES.—Sec-
16 tion 6409(b)(2) of the Middle Class Tax Relief
17 and Job Creation Act of 2012 (47 U.S.C.
18 1455(b)(2)) is further amended—

19 (i) by striking “for all executive agen-
20 cies that shall be used by applicants” and
21 inserting “for use by all executive agen-
22 cies”; and

23 (ii) by adding at the end the fol-
24 lowing: “An executive agency may not re-
25 quire an applicant for an easement or
26 right-of-way under paragraph (1) to use

1 any form for submitting the application
2 other than the common form developed by
3 the Administrator under this paragraph or
4 a form that is consistent with such com-
5 mon form and does not require any signifi-
6 cant information beyond the information
7 required by such common form, as deter-
8 mined by the Administrator.”.

9 (2) COMMON FEES.—

10 (A) DEADLINE FOR ESTABLISHMENT BY
11 GSA.—Section 6409(b)(3)(A) of the Middle
12 Class Tax Relief and Job Creation Act of 2012
13 (47 U.S.C. 1455(b)(3)(A)) is amended by strik-
14 ing “the Administrator” and inserting “not
15 later than 30 days after the date of the enact-
16 ment of the _____ Act of 2017, the
17 Administrator”.

18 (B) REQUIRED USE BY AGENCIES.—Sec-
19 tion 6409(b)(3)(A) of the Middle Class Tax Re-
20 lief and Job Creation Act of 2012 (47 U.S.C.
21 1455(b)(3)(A)) is further amended by adding at
22 the end the following: “An executive agency
23 may not charge a fee for the grant of such an
24 easement or right-of-way other than a fee estab-

1 lished by the Administrator under this para-
2 graph.”.

3 (b) MASTER CONTRACTS AND COMMON FORMS FOR
4 WIRELESS FACILITIES SITING.—

5 (1) MASTER CONTRACTS.—

6 (A) DEADLINE FOR DEVELOPMENT BY
7 GSA.—Section 6409(c)(1) of the Middle Class
8 Tax Relief and Job Creation Act of 2012 (47
9 U.S.C. 1455(c)(1)) is amended by striking “not
10 later than 60 days after the date of the enact-
11 ment of this Act” and inserting “not later than
12 10 days after the date of the enactment of the
13 _____ Act of 2017”.

14 (B) REQUIRED USE BY AGENCIES.—Sec-
15 tion 6409(c)(2) of the Middle Class Tax Relief
16 and Job Creation Act of 2012 (47 U.S.C.
17 1455(c)(2)) is amended by adding at the end
18 the following: “An executive agency may not
19 enter into a contract governing the placement
20 of a wireless service antenna structure on a
21 building or other property to which such a mas-
22 ter contract applies, unless the contract entered
23 into by the agency is consistent with, and does
24 not contain any significant terms beyond the

1 terms contained in, such master contract, as de-
2 termined by the Administrator.”.

3 (2) COMMON FORMS.—

4 (A) DEADLINE FOR DEVELOPMENT BY
5 GSA.—Section 6409(c)(3) of the Middle Class
6 Tax Relief and Job Creation Act of 2012 (47
7 U.S.C. 1455(c)(3)) is amended by striking
8 “The Administrator” and inserting “Not later
9 than 30 days after the date of the enactment of
10 the _____ Act of 2017, the Adminis-
11 trator”.

12 (B) REQUIRED USE BY AGENCIES.—Sec-
13 tion 6409(c)(3) of the Middle Class Tax Relief
14 and Job Creation Act of 2012 (47 U.S.C.
15 1455(c)(3)) is further amended—

16 (i) by striking “for all executive agen-
17 cies that shall be used by applicants” and
18 inserting “for use by all executive agen-
19 cies”; and

20 (ii) by adding at the end the fol-
21 lowing: “An executive agency may not re-
22 quire such an application to be submitted
23 using a form other than a common form
24 developed by the Administrator under this
25 paragraph or a form that is consistent

1 with such a common form and does not re-
2 quire any significant information beyond
3 the information required by such common
4 form, as determined by the Adminis-
5 trator.”.

6 (c) EFFECTIVE DATE.—An amendment made by sub-
7 section (a)(1)(B), (a)(2)(B), (b)(1)(B), or (b)(2)(B) shall
8 apply beginning on the date that is 30 days after the date
9 on which the Administrator of General Services develops
10 or establishes the forms, fees, or contracts to which the
11 amendment relates.

12 **SEC. 6. STREAMLINING DEPARTMENT OF THE INTERIOR**
13 **PROCESS FOR COMMUNICATIONS FACILITY**
14 **LOCATION APPLICATIONS.**

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

19 (1) to streamline the process by which bureaus,
20 offices, and other units of the Department of the In-
21 terior consider an application under Federal law for
22 authority to locate or modify a communications facil-
23 ity on lands under the jurisdiction of the Depart-
24 ment; and

1 (2) to ensure, to the maximum extent prac-
2 ticable, that such process is uniform and standard-
3 ized across all such bureaus, offices, and other units.

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

6 (1) minimum terms of not less than 5 years for
7 leases with respect to the location of communications
8 facilities on lands under the jurisdiction of any bu-
9 reau, office, or other unit of the Department;

10 (2) a policy under which an easement, license,
11 or other authority to locate a communications facil-
12 ity on lands under the jurisdiction of any bureau, of-
13 fice, or other unit of the Department renews auto-
14 matically upon expiration, unless such authority is
15 revoked for good cause;

16 (3) requirements—

17 (A) for a decision on an application de-
18 scribed in subsection (a)(1) to be issued not
19 later than—

20 (i) in the case of such an application
21 for authority to perform maintenance on or
22 otherwise modify, or collocate another com-
23 munications facility with, a communica-
24 tions facility on lands under the jurisdic-
25 tion of a bureau, office, or other unit of

1 the Department, 30 days after the receipt
2 of such application; and

3 (ii) in the case of any other such ap-
4 plication, 120 days after the receipt of
5 such application; and

6 (B) if a decision described in subparagraph
7 (A) is contingent on a review required by stat-
8 ute—

9 (i) for each contingency and the appli-
10 cable statutory requirement to be listed in
11 the decision; and

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

16 (4) fees for—

17 (A) submitting an application described in
18 subsection (a)(1), based on the cost to the De-
19 partment of considering such an application;
20 and

21 (B) granting an easement, license, or other
22 authority to locate or modify a communications
23 facility on lands under the jurisdiction of any
24 bureau, office, or other unit of the Department,
25 based on the cost to the Department of any

1 maintenance or other activities required to be
2 performed by the Department as a result of the
3 location or modification of the facility.

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

7 (1) how discrete reviews in considering an ap-
8 plication described in subsection (a)(1) can be con-
9 ducted simultaneously, rather than sequentially, by
10 the bureaus, offices, and other units of the Depart-
11 ment that must approve the grant of authority; and

12 (2) how to eliminate overlapping requirements
13 among the bureaus, offices, and other units of the
14 Department with respect to the location or modifica-
15 tion of a communications facility on lands under the
16 jurisdiction of any such bureau, office, or other unit.

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

24 (e) REQUIREMENTS RELATING TO FISH AND WILD-
25 LIFE SERVICE.—Not later than 1 year after the date of

1 the enactment of this Act, the Director of the United
2 States Fish and Wildlife Service shall—

3 (1) with respect to applications under Federal
4 law for authority, the grant of which is subject to
5 approval by the Director, to locate or modify com-
6 munications facilities—

7 (A) ensure that the processing timeframes
8 and review procedures for such an approval are
9 consistent among the offices of the Service; and

10 (B) clarify and standardize the mitigation
11 policies of the Service; and

12 (2) consider the potential impact on wireless
13 tower siting of the proposed programmatic environ-
14 mental impact statement referred to in the notice of
15 intent entitled Migratory Bird Permits; Pro-
16 grammatic Environmental Impact Statement that
17 was published in the Federal Register on May 26,
18 2015 (80 Fed. Reg. 30032).

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

25 (g) DEFINITIONS.—In this section:

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

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

5 **SEC. 7. STREAMLINING FOREST SERVICE PROCESS FOR**
6 **COMMUNICATIONS FACILITY LOCATION AP-**
7 **PLICATIONS.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of the enactment of this Act, the Secretary of Agri-
10 culture shall conduct a proceeding, subject to notice and
11 comment—

12 (1) to streamline the process by which the Sec-
13 retary considers an application under Federal law
14 for authority to locate or modify a communications
15 facility on National Forest System land; and

16 (2) to ensure, to the maximum extent prac-
17 ticable, that such process is uniform and standard-
18 ized across units of the National Forest System.

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

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

24 (2) a policy under which an easement, license,
25 or other authority to locate a communications facil-

1 ity on National Forest System land renews auto-
2 matically upon expiration, unless such authority is
3 revoked for good cause;

4 (3) requirements—

5 (A) for a decision on an application de-
6 scribed in subsection (a)(1) to be issued not
7 later than—

8 (i) in the case of such an application
9 for authority to perform maintenance on or
10 otherwise modify, or collocate another com-
11 munications facility with, a communica-
12 tions facility on National Forest System
13 land, 30 days after the receipt of such ap-
14 plication; and

15 (ii) in the case of any other such ap-
16 plication, 120 days after the receipt of
17 such application; and

18 (B) if a decision described in subparagraph
19 (A) is contingent on a review required by stat-
20 ute—

21 (i) for each contingency and the appli-
22 cable statutory requirement to be listed in
23 the decision; and

24 (ii) for the decision to be made final,
25 notwithstanding any such contingency, not

1 later than 1 year after the receipt of the
2 application; and

3 (4) fees for—

4 (A) submitting an application described in
5 subsection (a)(1), based on the cost to the For-
6 est Service of considering such an application;
7 and

8 (B) granting an easement, license, or other
9 authority to locate or modify a communications
10 facility on National Forest System land, based
11 on the cost to the Forest Service of any mainte-
12 nance or other activities required to be per-
13 formed by the Forest Service as a result of the
14 location or modification of the facility.

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

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

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

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

6 (e) AVAILABILITY OF FEES.—Any fees collected
7 under subparagraph (A) or (B) of subsection (b)(4) shall
8 be made available, to the extent and in such amounts as
9 are provided in advance in appropriation Acts, to the Sec-
10 retary to cover the cost to the Forest Service described
11 in such subparagraph.

12 (f) DEFINITIONS.—In this section:

13 (1) NATIONAL FOREST SYSTEM.—The term
14 “National Forest System” has the meaning given
15 that term in section 11(a) of the Forest and Range-
16 land Renewable Resources Planning Act of 1974 (16
17 U.S.C. 1609(a)).

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

21 **SEC. 8. STREAMLINING AND ACCELERATION OF HISTORIC**
22 **PRESERVATION REVIEW OF COMMUNICA-**
23 **TIONS FACILITIES.**

24 (a) AGREEMENT GOVERNING REVIEW BY DEPART-
25 MENT OF THE INTERIOR AND FOREST SERVICE.—Not

1 later than 1 year after the date of the enactment of this
2 Act, the Advisory Council on Historic Preservation, the
3 Secretary of the Interior, and the Secretary of Agriculture
4 (acting through the Chief of the Forest Service) shall
5 enter into an agreement under which the Department of
6 the Interior and the Forest Service may comply with the
7 requirement of section 306108 of title 54, United States
8 Code, to take into account the effects on historic property
9 of the approval by the Department or the Forest Service,
10 as the case may be, of the construction, modification, or
11 collocation of a communications facility. The Council and
12 the Secretaries may enter into separate agreements under
13 this subsection with respect to wireline communications
14 facilities and wireless communications facilities.

15 (b) ELIMINATION OF DUPLICATIVE REVIEW BY DE-
16 PARTMENT OF DEFENSE.—Not later than 1 year after the
17 date on which an agreement is entered into under sub-
18 section (a), the Advisory Council on Historic Preservation
19 shall—

20 (1) determine whether the Council may issue a
21 program comment under which the Department of
22 Defense is exempt from section 306108 of title 54,
23 United States Code, with respect to the construction,
24 modification, or collocation of a communications fa-
25 cility that the Department of the Interior or the

1 Forest Service has reviewed or will review under
2 such agreement; and

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

5 (c) ESTABLISHMENT OF DEADLINES FOR REVIEW.—

6 (1) BY DEPARTMENT OF THE INTERIOR.—Not
7 later than 1 year after the date of the enactment of
8 this Act, the Secretary of the Interior shall promul-
9 gate regulations that establish a maximum amount
10 of time for the Department of the Interior to con-
11 duct a review under section 306108 of title 54,
12 United States Code, of the effects on historic prop-
13 erty of the approval by the Department of the con-
14 struction, modification, or collocation of a commu-
15 nications facility.

16 (2) BY FOREST SERVICE.—Not later than 1
17 year after the date of the enactment of this Act, the
18 Secretary of Agriculture (acting through the Chief of
19 the Forest Service) shall promulgate regulations that
20 establish a maximum amount of time for the Forest
21 Service to conduct a review under section 306108 of
22 title 54, United States Code, of the effects on his-
23 toric property of the approval by the Forest Service
24 of the construction, modification, or collocation of a
25 communications facility.

1 **SEC. 9. STREAMLINING AND ACCELERATION OF THE PREP-**
2 **ARATION OF ENVIRONMENTAL IMPACT**
3 **STATEMENTS RELATING TO COMMUNICA-**
4 **TIONS FACILITIES.**

5 (a) BY COUNCIL ON ENVIRONMENTAL QUALITY.—

6 Not later than 1 year after the date of the enactment of
7 this Act, the Council on Environmental Quality shall con-
8 duct a proceeding, subject to notice and comment, to—

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

16 (2) adopt changes to the regulations, guidance,
17 or other policies of the Council, as appropriate to
18 implement the determination made under paragraph
19 (1).

20 (b) BY CERTAIN AGENCIES.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the adoption of changes under subsection (a)(2) by
23 the Council on Environmental Quality, the head of
24 each agency described in paragraph (2) shall con-
25 duct a proceeding, subject to notice and comment,
26 to—

1 (A) determine how to streamline and accel-
2 erate, in accordance with changes adopted by
3 the Council on Environmental Quality under
4 subsection (a)(2), the process by which such
5 agency prepares the detailed statements re-
6 quired by section 102(2)(C) of the National En-
7 vironmental Policy Act of 1969 (42 U.S.C.
8 4332(2)(C)) with respect to major Federal ac-
9 tions of such agency relating to the construc-
10 tion, modification, or collocation of communica-
11 tions facilities; and

12 (B) adopt changes to the regulations, guid-
13 ance, or other policies of such agency, as appro-
14 priate to implement the determination made
15 under subparagraph (A).

16 (2) AGENCIES DESCRIBED.—The agencies de-
17 scribed in this paragraph are the Department of
18 Homeland Security, the Department of Defense, the
19 Department of the Interior, and the Forest Service.

20 **SEC. 10. DEFINITIONS.**

21 In this Act:

22 (1) ASSISTANT SECRETARY.—The term “Assist-
23 ant Secretary” means the Assistant Secretary of
24 Commerce for Communications and Information.

1 (2) COMMUNICATIONS FACILITY.—The term
2 “communications facility” includes—

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

6 (B) any transmitting device, tower, or sup-
7 port structure, and any equipment, switches,
8 wiring, cabling, power sources, shelters, or cabi-
9 nets, associated with the provision of commu-
10 nications services; and

11 (C) any antenna or apparatus that—

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

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

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

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

22 (4) COVERED ASSET.—The term “covered
23 asset” means, with respect to an agency, any Fed-
24 eral real property (as defined in section 2(a) of Ex-

1 executive Order 13327 (69 Fed. Reg. 5895)) under
2 the custody and control of such agency—

3 (A)(i) on which a broadband communica-
4 tions facility could be constructed; or

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

7 (I) constructs or operates broadband
8 communications facilities for use in con-
9 nection with such construction or oper-
10 ation; or

11 (II) provides broadband communica-
12 tions service for use in connection with
13 such provision; and

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