

FEDERAL BROADBAND DEPLOYMENT TRACKING ACT

OCTOBER 25, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. RODGERS of Washington, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 3343]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3343) to require the Assistant Secretary of Commerce for Communications and Information to submit to Congress a plan for the Assistant Secretary to track the acceptance, processing, and disposal of certain Form 299s, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 3343, the “Federal Broadband Deployment Tracking Act,” would direct the Assistant Secretary of Commerce for Communications and Information to develop a plan to track the acceptance, processing, and disposal of applications to deploy communications facilities on federal property.

BACKGROUND AND NEED FOR LEGISLATION

The United States faces a persistent digital divide. According to the Federal Communications Commission (FCC), approximately 8.3 million homes and businesses lack access to high-speed broadband.¹ A significant amount of these unserved locations are near property owned by the federal government. This property is managed by agencies such as the Department of Interior, Department of Agriculture, and General Services Administration (GSA).

In 2018, Congress directed GSA to develop a common application for federal agencies to use for requests to site communications facilities on federal property.² This common application is the Special Form (SF) 299.³

Federal agencies have historically taken a significant amount of time to review SF-299s, and the process is often opaque to the parties involved.⁴ Indeed, even though an SF-299 is required for applications, different agencies can require additional information.⁵ Further, agencies are not always clear on what they need or where applications are in the review process. Agencies can go silent “for long stretches of time regarding the status of applications or what else might be needed to deem an application ‘complete,’” followed by “serial requests for additional information that could have been caught earlier or avoided altogether with better guidance and communication upfront.”⁶ This process leads to uncertainty and significant project delays.⁷

COMMITTEE ACTION

On April 19, 2023, the Subcommittee on Communications and Technology held a hearing on several pieces of legislation, including a discussion draft titled “Federal Broadband Deployment Tracking Act.” The title of the hearing was “Breaking Barriers: Streamlining Permitting to Expedite Broadband Deployment.” The Subcommittee received testimony from:

- Michael Romano, Executive Vice President, NTCA—The Rural Broadband Association;
- Michael Saperstein, Senior Vice President of Government Affairs and Chief Strategy Officer, Wireless Infrastructure Association;

¹Jessica Rosenworcel, FCC, National Broadband Map: It Keeps Getting Better, <https://www.fcc.gov/national-broadband-map-it-keeps-getting-better>, (May 30, 2023); FCC National Broadband Map, <https://broadbandmap.fcc.gov/home> (last accessed June 23, 2023).

²47 U.S.C. § 1455(b)(3)(A).

³Gen. Serv. Admin., Standard Form 299, <https://www.gsa.gov/system/files/SF-299%20OMB%20Control%20Number%200596-0249.pdf>.

⁴*Breaking Barriers: Streamlining Permitting to Expedite Broadband Deployment, Hearing before the Sub. on Comm'n. and Tech., H. Comm. on Energy and Commerce*, 118th Cong. (2023) (“Permitting Hearing”) (Testimony of Michael Saperstein).

⁵*Id.*

⁶Permitting Hearing (Written Testimony of Michael Romano).

⁷See Permitting Hearing (Written Testimony of Michael Romano at 8).

- Michael O’Rielly, President, MPORielly Consulting, LLC;
- Louis Finkel, Senior Vice President of Government Relations, National Rural Electric Cooperative Association; and
- Ernesto Falcon, Senior Legislative Counsel, Electronic Frontier Foundation.

H.R. 3343 was introduced on May 15, 2023, by Representative Austin Pfluger (R–TX) and Representative Darren Soto (D–FL).

On May 17, 2023, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 3343, without amendment, to the full Committee by a voice vote. On May 24, 2023, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 3343, without amendment, favorably reported to the House by a record vote of 51 yeas and 0 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

**COMMITTEE ON ENERGY AND COMMERCE
118TH CONGRESS
ROLL CALL VOTE # 12**

BILL: H.R. 3343, Federal Broadband Deployment Tracking Act

AMENDMENT: A motion by Rep. Rodgers to order H.R. 3343 favorably reported to the full House, without amendment (Final Passage).

DISPOSITION: AGREED TO, by a roll call vote of 51 yeas and 0 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Burgess	X			Rep. Pallone	X		
Rep. Latta	X			Rep. Eshoo	X		
Rep. Guthrie	X			Rep. DeGette	X		
Rep. Griffith	X			Rep. Schakowsky	X		
Rep. Bilirakis	X			Rep. Matsui	X		
Rep. Johnson	X			Rep. Castor	X		
Rep. Bucshon	X			Rep. Sarbanes	X		
Rep. Hudson	X			Rep. Tonko	X		
Rep. Walberg	X			Rep. Clarke	X		
Rep. Carter	X			Rep. Cárdenas	X		
Rep. Duncan	X			Rep. Ruiz	X		
Rep. Palmer	X			Rep. Peters	X		
Rep. Dunn	X			Rep. Dingell	X		
Rep. Curtis	X			Rep. Veasey	X		
Rep. Lesko	X			Rep. Kuster	X		
Rep. Pence	X			Rep. Kelly	X		
Rep. Crenshaw	X			Rep. Barragán	X		
Rep. Joyce	X			Rep. Blunt Rochester	X		
Rep. Armstrong	X			Rep. Soto	X		
Rep. Weber	X			Rep. Craig	X		
Rep. Allen	X			Rep. Schrier	X		
Rep. Balderson	X			Rep. Trahan	X		
Rep. Fulcher	X			Rep. Fletcher	X		
Rep. Pfluger	X						
Rep. Harshbarger	X						
Rep. Miller-Meeks	X						
Rep. Cammack	X						
Rep. Obermole							
Rep. Rodgers	X						

05/24/2023

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held a hearing and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 3343 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

H.R. 3343, Federal Broadband Deployment Tracking Act			
As ordered reported by the House Committee on Energy and Commerce on May 24, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 3343 would require the National Telecommunications and Information Administration to report to the Congress, no later than 180 days after enactment, on how it plans to track requests to place and operate communications facilities on federal land.

Using information about the cost of similar provisions, CBO estimates that the cost of the report would not be significant; any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is David Hughes. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to expedite broadband deployment by streamlining the permitting process at the federal, state, and local level.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 3343 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following related hearing was used to develop or consider H.R. 3343:

- On April 19, 2023, the Subcommittee on Communications and Technology held a hearing on several pieces of legislation, including a discussion draft titled “Federal Broadband Deployment Tracking Act.” The title of the hearing was “Breaking Barriers: Streamlining Permitting to Expedite Broadband Deployment.” The Subcommittee received testimony from:
 - Michael Romano, Executive Vice President, NTCA—The Rural Broadband Association;
 - Michael Saperstein, Senior Vice President of Government Affairs and Chief Strategy Officer, Wireless Infrastructure Association;
 - Michael O’Rielly, President, MPORielly Consulting, LLC;
 - Louis Finkel, Senior Vice President of Government Relations, National Rural Electric Cooperative Association; and
 - Ernesto Falcon, Senior Legislative Counsel, Electronic Frontier Foundation.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 3343 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or

accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that the Act may be cited as the “Federal Broadband Deployment Tracking Act.”

Section 2. Plan for Assistant Secretary to track the acceptance, processing, and disposal of certain Form 299s

Subsection (a) would direct the Assistant Secretary of Commerce for Communications and Information (Assistant Secretary) to submit to Congress a plan to track the acceptance, processing, and disposal of each Form 299 for communications use authorization; provide applicants with additional transparency on the status of their Form 299; and how the plan could be implemented expeditiously. The Assistant Secretary would also be required to identify any potential barriers to implementing this plan.

Subsection (b) would define key terms used in H.R. 3343.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

