

115TH CONGRESS
2D SESSION

H. R. 4847

To streamline the process for consideration of applications for the placement of communications facilities on certain Federal lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 2018

Mrs. BROOKS of Indiana (for herself and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, Natural Resources, and 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 streamline the process for consideration of applications for the placement of communications facilities on certain Federal lands, 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 “Broadband Deploy-
5 ment Streamlining Act”.

1 **SEC. 2. STREAMLINING THE DEPARTMENT OF THE INTE-**
2 **RIOR AND THE FOREST SERVICE PROCESS**
3 **FOR CONSIDERATION OF COMMUNICATIONS**
4 **FACILITY LOCATION APPLICATIONS.**

5 (a) DEFINITIONS.—In this section:

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

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

16 (B) any antenna or apparatus that—

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

19 (ii) is designed to be operated, or is
20 operating, from a fixed location pursuant
21 to authorization by the Federal Commu-
22 nications Commission or is using duly au-
23 thorized devices that do not require indi-
24 vidual licenses; and

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

1 (2) COMMUNICATIONS SITE.—The term “com-
2 munications site” means an area of covered land
3 designated for communications uses.

4 (3) COMMUNICATIONS USE.—The term “com-
5 munications use” means the placement and oper-
6 ation of communications facility.

7 (4) COMMUNICATIONS USE AUTHORIZATION.—
8 The term “communications use authorization”
9 means an easement, right-of-way, lease, license, or
10 other authorization to locate or modify a commu-
11 nications facility on covered land by the Department
12 concerned for the primary purpose of authorizing
13 the occupancy and use of the covered land for com-
14 munications use.

15 (5) COVERED LAND.—The term “covered land”
16 means—

17 (A) public land administered by the Sec-
18 retary of the Interior; and

19 (B) National Forest System land.

20 (6) DEPARTMENT CONCERNED.—The term
21 “Department concerned” means the Department of
22 the Interior or the Department of Agriculture.

23 (7) ORGANIZATIONAL UNIT.—The term “orga-
24 nizational unit” means—

1 (A) with respect to public land adminis-
2 tered by the Secretary of the Interior—

- 3 (i) a State office;
4 (ii) a district office; or
5 (iii) a field office; and

6 (B) within the Forest Service—

- 7 (i) a regional office;
8 (ii) the headquarters;
9 (iii) a management unit; or
10 (iv) a ranger district office.

11 (8) SECRETARY CONCERNED.—The term “Sec-
12 retary concerned” means—

13 (A) the Secretary of the Interior, with re-
14 spect to public land; and

15 (B) the Secretary of Agriculture, with re-
16 spect to National Forest System land.

17 (b) REGULATIONS.—Not later than 1 year after the
18 date of enactment of this Act, the Secretary concerned
19 shall issue regulations—

20 (1) to streamline the process for considering ap-
21 plications to locate or modify communications facili-
22 ties on covered land of the Department concerned;

23 (2) to ensure, to the maximum extent prac-
24 ticable, that the process is uniform and standardized

1 across the organizational units of the Department
2 concerned; and

3 (3) to require that the applications described in
4 paragraph (1) be considered and granted on a com-
5 petitively neutral, technology neutral, and non-dis-
6 criminatory basis.

7 (c) REQUIREMENTS.—The regulations issued under
8 subsection (b) shall include the following:

9 (1) Procedures for the tracking of applications
10 described in subsection (b)(1), including—

11 (A) identifying the number of applica-
12 tions—

13 (i) received;

14 (ii) approved; and

15 (iii) denied;

16 (B) in the case of an application that is
17 denied, describing the reasons for the denial;
18 and

19 (C) describing the amount of time between
20 the receipt of an application and the issuance of
21 a final decision on an application.

22 (2) Provision for minimum lease terms of not
23 less than five years for leases with respect to the lo-
24 cation of communications facilities on covered land.

1 (3) A policy under which a communications use
2 authorization renews automatically on expiration,
3 unless the communications use authorization is re-
4 voked for good cause; and

5 (4) A structure of fees for—

6 (A) submitting an application described in
7 subsection (b)(1), based on the cost to the De-
8 partment concerned of considering such an ap-
9 plication; and

10 (B) issuing communications use authoriza-
11 tions, based on the cost to the Department con-
12 cerned of any maintenance or other activities
13 required to be performed by the Department
14 concerned as a result of the location or modi-
15 fication of the communications facility.

16 (d) ADDITIONAL CONSIDERATIONS.—In issuing regu-
17 lations under subsection (b), the Secretary concerned shall
18 consider—

19 (1) how discrete reviews in considering an ap-
20 plication described in subsection (b)(1) can be con-
21 ducted simultaneously, rather than sequentially, by
22 any organizational units of the Department con-
23 cerned that must approve the location or modifica-
24 tion; and

1 (2) how to eliminate overlapping requirements
2 among the organizational units of the Department
3 concerned with respect to the location or modifica-
4 tion of a communications facility on covered land ad-
5 ministered by those organizational units.

6 (e) COMMUNICATION OF STREAMLINED PROCESS TO
7 ORGANIZATIONAL UNITS.—The Secretary concerned
8 shall, with respect to the regulations issued under sub-
9 section (b)—

10 (1) communicate the regulations to the organi-
11 zational units of the Department concerned; and

12 (2) ensure that the organizational units of the
13 Department concerned follow the regulations.

14 (f) DEPOSIT AND AVAILABILITY OF FEES.—

15 (1) SPECIAL ACCOUNT.—The Secretary of the
16 Treasury shall establish a special account in the
17 Treasury for each Department concerned for the de-
18 posit of fees collected by the Department concerned
19 under subsection (c)(4) for communications use au-
20 thorizations on covered land granted, issued, or exe-
21 cuted by the Department concerned.

22 (2) REQUIREMENTS FOR FEES COLLECTED.—
23 Fees collected by the Department concerned under
24 subsection (c)(4) shall be—

1 (A) based on the costs described in sub-
2 section (c)(4); and

3 (B) competitively neutral, technology neu-
4 tral, and nondiscriminatory with respect to
5 other users of the communications site.

6 (3) DEPOSIT OF FEES.—Fees collected by the
7 Department concerned under subsection (c)(4) shall
8 be deposited in the special account established for
9 that Department concerned under paragraph (1).

10 (4) AVAILABILITY OF FEES.—Amounts depos-
11 ited in the special account for a Department con-
12 cerned shall be available, to the extent and in such
13 amounts as are provided in advance in appropriation
14 Acts, to the Secretary concerned to cover costs in-
15 curred by the Department concerned described in
16 subsection (c)(4), including the following:

17 (A) Preparing needs assessments or other
18 programmatic analyses necessary to designate
19 communications sites and issue communications
20 use authorizations.

21 (B) Developing management plans for
22 communications sites.

23 (C) Training for management of commu-
24 nications sites.

1 (D) Obtaining or improving access to com-
 2 munications sites.

3 (5) NO ADDITIONAL APPROPRIATIONS AUTHOR-
 4 IZED.—Except as provided in paragraph (4), no
 5 other amounts are authorized to be appropriated to
 6 carry out this section.

7 **SEC. 3. WIRELESS FACILITIES DEPLOYMENT ON FEDERAL**
 8 **PROPERTY.**

9 Section 6409(b) of the Middle Class Tax Relief and
 10 Job Creation Act of 2012 (47 U.S.C. 1455(b)) is amended
 11 by adding at the end the following:

12 “(5) TIMELY CONSIDERATION OF APPLICA-
 13 TIONS.—

14 “(A) IN GENERAL.—Not later than 270
 15 days after the date on which an executive agen-
 16 cy receives a duly filed application for an ease-
 17 ment or right-of-way under this subsection, the
 18 executive agency shall—

19 “(i) grant or deny, on behalf of the
 20 Federal Government, the application; and

21 “(ii) notify the applicant of the grant
 22 or denial.

23 “(B) EXPLANATION OF DENIAL.—If an ex-
 24 ecutive agency denies an application under sub-
 25 paragraph (A), the executive agency shall notify

1 the applicant in writing, including a clear state-
2 ment of the reasons for the denial.

3 “(C) DEEMED GRANTED.—If an executive
4 agency does not grant or deny a duly filed ap-
5 plication under subparagraph (A) by the dead-
6 line set forth in such subparagraph, the execu-
7 tive agency shall be deemed to have granted the
8 application.

9 “(D) APPLICABILITY OF ENVIRONMENTAL
10 LAWS.—Nothing in this paragraph shall be con-
11 strued to relieve an executive agency of the re-
12 quirements of division A of subtitle III of title
13 54, United States Code, or the National Envi-
14 ronmental Policy Act of 1969 (42 U.S.C. 4321
15 et seq.).

16 “(E) POINT OF CONTACT.—Upon receiving
17 an application under subparagraph (A), an ex-
18 ecutive agency shall designate one or more ap-
19 propriate individuals within the executive agen-
20 cy to act as a point of contact with the appli-
21 cant.

22 “(F) RULE OF CONSTRUCTION.—An appli-
23 cation shall not be considered duly filed for pur-
24 poses of this paragraph unless the application is
25 complete.”.

1 **SEC. 4. GAO REPORT.**

2 (a) REPORT.—Not later than 1 year after the date
3 of the enactment of this Act, the Comptroller General of
4 the United States shall submit to Congress a report evalu-
5 ating—

6 (1) how the Federal Communications Commis-
7 sion ensures that the broadband data collected for
8 the National Broadband Map is accurate, complete,
9 and reliable, including—

10 (A) the source of the data; and

11 (B) whether data may be available from al-
12 ternative commercial sources;

13 (2) the extent to which Federal agencies or
14 other entities authorized to distribute Federal grants
15 or loans for broadband projects rely on data from
16 the National Broadband Map to—

17 (A) award grants or loans for broadband
18 projects; or

19 (B) determine whether Federal Govern-
20 ment funds will be used to deploy broadband in
21 areas already served by private broadband pro-
22 viders;

23 (3) the actions the Federal Communications
24 Commission has taken or plans to take to address
25 the limitations, if any, in using data from the Na-

1 tional Broadband Map for policy or funding deci-
2 sions;

3 (4) the extent to which interested parties have
4 challenged the accuracy of information on the Na-
5 tional Broadband Map, including how the challenges
6 were resolved; and

7 (5) whether the Federal Communications Com-
8 mission should collect data for the National
9 Broadband Map from additional or alternative com-
10 commercial sources.

11 (b) NATIONAL BROADBAND MAP DEFINED.—In this
12 section, the term “National Broadband Map” means the
13 map established by the National Telecommunications and
14 Information Administration under section 6001(l) of the
15 American Recovery and Reinvestment Act of 2009 (47
16 U.S.C. 1305(l)).

○