

119TH CONGRESS
2^D SESSION

S. 4561

To modernize and streamline the permitting process for broadband infrastructure on Federal land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2026

Mr. BARRASSO (for himself and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To modernize and streamline the permitting process for broadband infrastructure on Federal land, 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 “Closing Long Overdue
5 Streamlining Encumbrances To Help Expediently Gen-
6 erate Approved Permits Act” or the “CLOSE THE GAP
7 Act”.

8 **SEC. 2. DEFINITIONS.**

9 In this Act:

1 (1) COMMUNICATIONS FACILITY.—The term
2 “communications facility” has the meaning given the
3 term in section 8705(a) of the Agriculture Improve-
4 ment Act of 2018 (43 U.S.C. 1761a(a)).

5 (2) COMMUNICATIONS SITE.—The term “com-
6 munications site” means an area of Federal land
7 available for communications use.

8 (3) COMMUNICATIONS USE.—The term “com-
9 munications use” has the meaning given the term in
10 section 8705(a) of the Agriculture Improvement Act
11 of 2018 (43 U.S.C. 1761a(a)).

12 (4) COMMUNICATIONS USE AUTHORIZATION.—
13 The term “communications use authorization”
14 means an easement, right-of-way, lease, license, or
15 other authorization granted by the Secretary con-
16 cerned to locate or modify a communications facility
17 on Federal land for the primary purpose of author-
18 izing the occupancy and use of the Federal land for
19 communications use.

20 (5) COST RECOVERY FEE.—The term “cost re-
21 covery fee” means any fee collected by a Federal
22 land management agency related to—

23 (A) an application for a communications
24 use authorization; or

1 (B) the occupancy and use authorized by a
2 communications use authorization pursuant to
3 and consistent with authorizing law.

4 (6) COVERED LAND.—The term “covered land”
5 means land managed by the Secretary concerned.

6 (7) ELECTRONIC SF-299.—The term “electronic
7 SF-299” means a version of Standard Form 299, or
8 a substantially similar form, that has been digitally
9 modified for online interaction.

10 (8) FEDERAL LAND.—The term “Federal land”
11 means land under the jurisdiction and management
12 of a Federal land management agency.

13 (9) FEDERAL LAND MANAGEMENT AGENCY.—
14 The term “Federal land management agency”
15 means—

16 (A) the National Park Service;

17 (B) the Bureau of Land Management;

18 (C) the Bureau of Reclamation;

19 (D) the United States Fish and Wildlife
20 Service;

21 (E) the Bureau of Indian Affairs; and

22 (F) the Forest Service.

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

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

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

7 (B) with respect to the Forest Service—

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

12 (11) PREVIOUSLY ANALYZED FEDERAL
 13 LAND.—The term “previously analyzed Federal
 14 land” means any Federal land with respect to which
 15 the Secretary concerned has—

16 (A) granted a communications use author-
 17 ization; and

18 (B) conducted sufficient environmental or
 19 historical reviews, as determined by the Sec-
 20 retary concerned.

21 (12) SECRETARY CONCERNED.—The term
 22 “Secretary concerned” means—

23 (A) the Secretary of the Interior, with re-
 24 spect to Federal land under the jurisdiction and

1 management of the Secretary of the Interior,
2 acting through, as applicable—

3 (i) the Commissioner of Reclamation;

4 (ii) the Director of the National Park
5 Service;

6 (iii) the Director of the United States
7 Fish and Wildlife Service;

8 (iv) the Director of the Bureau of
9 Land Management; and

10 (v) the Director of the Bureau of In-
11 dian Affairs; and

12 (B) the Secretary of Agriculture, with re-
13 spect to National Forest System land, acting
14 through the Chief of the Forest Service.

15 (13) STANDARD FORM 299.—The term “Stand-
16 ard Form 299” means the form developed by the
17 Administrator of General Services under section
18 6409(b)(2)(A) of the Middle Class Tax Relief and
19 Job Creation Act of 2012 (47 U.S.C. 1455(b)(2)(A))
20 or any successor form.

21 (14) WORKING GROUP.—The term “working
22 group” means the Federal Land Management Agen-
23 cy Working Group established by section 11(a).

1 **SEC. 3. PROMULGATION OF REGULATIONS FOR STREAM-**
2 **LINING PURPOSES.**

3 (a) REGULATIONS.—Notwithstanding section 6409 of
4 the Middle Class Tax Relief and Job Creation Act of 2012
5 (47 U.S.C. 1455), not later than 1 year after the date
6 of enactment of this Act, the Secretary concerned shall
7 promulgate regulations—

8 (1) to ensure, to the maximum extent prac-
9 ticable, that the process is uniform and standardized
10 across applicable organizational units;

11 (2) to require that applications to locate or
12 modify communications facilities on covered land be
13 considered and granted on a competitively neutral,
14 technology neutral, and nondiscriminatory basis; and

15 (3) to require that the cost recovery fee for lo-
16 cating or modifying covered facilities on covered land
17 be—

18 (A) calculated and assessed on an annual
19 basis; and

20 (B) based solely on costs incurred by the
21 organizational unit in processing applications
22 and overseeing any construction related thereto.

23 (b) REQUIREMENTS.—The regulations promulgated
24 under subsection (a) shall—

25 (1) include procedures for the tracking of appli-
26 cations described in subsection (a)(1), including—

1 (A) identifying on a publicly available
2 website the number of applications—

3 (i) received;

4 (ii) approved; and

5 (iii) denied;

6 (B) in the case of an application that is
7 denied, requiring that the applicant be provided
8 with—

9 (i) a written decision describing the
10 reasons for the denial; and

11 (ii) an opportunity to cure or appeal
12 the denial; and

13 (C) describing the period of time between
14 the receipt of an application and the issuance of
15 a final decision on an application; and

16 (2) provide for minimum lease terms of not less
17 than 30 years for leases with respect to the location
18 of communications facilities on covered land.

19 (c) ADDITIONAL CONSIDERATIONS.—In promul-
20 gating regulations under subsection (a), the Secretary con-
21 cerned shall consider—

22 (1) how discrete reviews in considering an ap-
23 plication described in paragraph (1) of that sub-
24 section can be conducted simultaneously, rather than

1 sequentially, by any organizational units that must
2 approve the location or modification; and

3 (2) how to eliminate overlapping requirements
4 among the organizational units with respect to the
5 location or modification of a communications facility
6 on covered land administered by the organizational
7 units.

8 (d) COMMUNICATION OF STREAMLINED PROCESS TO
9 ORGANIZATIONAL UNITS.—The Secretary concerned
10 shall, with respect to the regulations promulgated under
11 subsection (a)—

12 (1) communicate the regulations to the applica-
13 ble organizational units; and

14 (2) ensure that those organizational units follow
15 the regulations.

16 (e) SAVINGS PROVISIONS.—

17 (1) REAL PROPERTY AUTHORITIES.—Nothing
18 in this section provides any executive agency or or-
19 ganizational unit with any new leasing or other real
20 property authorities not in existence before the date
21 of enactment of this Act.

22 (2) EFFECT ON OTHER LAWS.—

23 (A) IN GENERAL.—Nothing in this section,
24 including any action taken pursuant to this sec-
25 tion, affects a decision or determination made

1 by any executive agency before the date of en-
 2 actment of this Act to sell, dispose of, declare
 3 excess or surplus, lease, reuse, or redevelop any
 4 Federal real property pursuant to title 40,
 5 United States Code, the Federal Assets Sale
 6 and Transfer Act of 2016 (40 U.S.C. 1303
 7 note; Public Law 114–287), or any other law
 8 governing real property activities of the Federal
 9 Government.

10 (B) AGREEMENTS.—No agreement entered
 11 into pursuant to this section obligates the Fed-
 12 eral Government to hold, control, or otherwise
 13 retain or use real property that may otherwise
 14 be deemed as excess, surplus, or that could oth-
 15 erwise be sold, leased, or redeveloped.

16 **SEC. 4. DATA COLLECTION PROCEDURES RELATING TO**
 17 **THE PROCESSING OF APPLICATIONS FOR**
 18 **BROADBAND PROJECT PERMITS ON FED-**
 19 **ERAL LAND; REPORT.**

20 (a) DEFINITION OF APPLICABLE DEADLINE.—In
 21 this section, the term “applicable deadline”, with respect
 22 to an application for a broadband project permit on Fed-
 23 eral land, means the deadline for that application estab-
 24 lished by section 6409(b)(3)(A) of the Middle Class Tax

1 Relief and Job Creation Act of 2012 (47 U.S.C.
2 1455(b)(3)(A)).

3 (b) DATA COLLECTION PROCEDURES.—Not later
4 than 1 year after the date of enactment of this Act, the
5 Secretaries concerned, acting jointly, shall establish stand-
6 ardized procedures for internally tracking within Federal
7 land management agencies the following data relating to
8 applications for broadband project permits on Federal
9 land:

10 (1) The number of applications that are pend-
11 ing on or after the applicable deadline.

12 (2) The number of applications that have been
13 approved by the applicable deadline.

14 (3) The number of applications that were ap-
15 proved after the applicable deadline.

16 (4) The number of applications that have been
17 denied by the applicable deadline.

18 (5) The number of applications that have been
19 denied after the applicable deadline.

20 (6) The number of applications that have been
21 withdrawn before the applicable deadline.

22 (7) The number of applications that were with-
23 drawn after the applicable deadline.

24 (8) The average processing time for applica-
25 tions.

1 (9) In the case of applications that were ap-
2 proved after the applicable deadline, the average
3 number of days by which the approval exceeded the
4 applicable deadline.

5 (c) REPORT ON DELAYS IN THE APPROVAL OF AP-
6 PLICATIONS FOR BROADBAND PROJECTS ON FEDERAL
7 LAND.—Not later than 1 year after the date on which the
8 Secretaries concerned establish the procedures under sub-
9 section (b), the Secretaries concerned, acting jointly, shall
10 submit to the Committees on Energy and Natural Re-
11 sources, Environment and Public Works, and Agriculture,
12 Nutrition, and Forestry of the Senate and the Committees
13 on Natural Resources, Energy and Commerce, and Agri-
14 culture of the House of Representatives a report that—

15 (1) describes and analyzes the data collected in
16 accordance with those procedures, including an anal-
17 ysis of any factors causing a delay in the approval
18 of applications for broadband project permits on
19 Federal land; and

20 (2) provides recommendations to address any of
21 the factors identified under paragraph (1) in order
22 to accelerate broadband project permitting on Fed-
23 eral land.

1 **SEC. 5. ONLINE TRACKING OF APPLICATION PROGRESS.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that communications projects (as defined in section
4 41001 of the FAST Act (42 U.S.C. 4370m)) should be,
5 under title XLI of the FAST Act (42 U.S.C. 4370m et
6 seq.), considered a high priority as having an increased
7 regional or national economic significance.

8 (b) COMMUNICATIONS PROJECTS AS COVERED
9 PROJECTS.—Section 41001 of the FAST Act (42 U.S.C.
10 4370m) is amended—

11 (1) by redesignating paragraphs (4) through
12 (18) as paragraphs (5) through (19), respectively;

13 (2) by inserting after paragraph (3) the fol-
14 lowing:

15 “(4) COMMUNICATIONS PROJECT.—

16 “(A) IN GENERAL.—The term ‘commu-
17 nications project’ means any construction
18 project carried out at a communications site.

19 “(B) OTHER TERMS.—For purposes of
20 this paragraph:

21 “(i) COMMUNICATIONS FACILITY.—

22 The term ‘communications facility’ has the
23 meaning given the term in section 8705(a)
24 of the Agriculture Improvement Act of
25 2018 (43 U.S.C. 1761a(a)).

1 “(ii) COMMUNICATIONS SITE.—The
2 term ‘communications site’ means an area
3 of Federal land available for communica-
4 tions use.

5 “(iii) COMMUNICATIONS USE.—The
6 term ‘communications use’ has the mean-
7 ing given the term in section 8705(a) of
8 the Agriculture Improvement Act of 2018
9 (43 U.S.C. 1761a(a)).

10 “(iv) FEDERAL LAND.—The term
11 ‘Federal land’ means land under the juris-
12 diction and management of a Federal land
13 management agency.

14 “(v) FEDERAL LAND MANAGEMENT
15 AGENCY.—The term ‘Federal land man-
16 agement agency’ means—

17 “(I) the National Park Service;

18 “(II) the Bureau of Land Man-
19 agement;

20 “(III) the Bureau of Reclama-
21 tion;

22 “(IV) the United States Fish and
23 Wildlife Service;

24 “(V) the Forest Service; and

1 “(VI) the Bureau of Indian Af-
2 fairs.”; and

3 (3) in paragraph (7)(A) (as so redesignated)—

4 (A) in the matter preceding clause (i), by
5 inserting “communications projects,” after
6 “carbon capture,”; and

7 (B) in clause (i), by striking subclause (II)
8 and inserting the following:

9 “(II) is likely to require a total invest-
10 ment—

11 “(aa) in the case of a commu-
12 nications project, of any amount; and

13 “(bb) in the case of any other ac-
14 tivity, of more than \$200,000,000;
15 and”.

16 **SEC. 6. IMPROVING PUBLIC SAFETY ON FEDERAL LAND.**

17 Not later than 30 days after the date of enactment
18 of this Act, the Secretary concerned shall direct the head
19 of each Federal land management agency under the juris-
20 diction of the Secretary concerned—

21 (1) to establish a new categorical exclusion
22 from the requirements of title I of the National En-
23 vironmental Policy Act of 1969 (42 U.S.C. 4331 et
24 seq.) for projects involving an existing communica-

1 tions facility that would improve public safety on
2 Federal land, such as—

3 (A) providing backup power for the com-
4 munications facility;

5 (B) improving supporting infrastructure at
6 the communications facility; or

7 (C) providing more reliable or redundant
8 connection capabilities using the communica-
9 tions facility; or

10 (2) to adopt an existing categorical exclusion
11 from another agency under section 109 of that Act
12 (42 U.S.C. 4336c) applicable to projects described in
13 paragraph (1).

14 **SEC. 7. PREVIOUSLY ANALYZED FEDERAL LAND.**

15 (a) NONAPPLICABILITY OF CERTAIN REVIEW RE-
16 QUIREMENTS.—The review requirements of the National
17 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
18 seq.) and division A of subtitle III of title 54, United
19 States Code, shall not apply to an application for a com-
20 munications use authorization on Federal land (including
21 Federal land on which authorized utilities, communica-
22 tions facilities, powerline facilities, or roads have been in-
23 stalled), if—

24 (1) the communications equipment is located in
25 or on existing infrastructure; or

1 (2) the communications facility is located on
2 previously analyzed Federal land.

3 (b) NO ADDITIONAL CONSULTATION REQUIRED
4 UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding
5 any other provision of law, the Secretary concerned shall
6 not be required to reinitiate consultation under the re-
7 quirements of the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.) or division A of subtitle
9 III of title 54, United States Code, for an application for
10 a communications use authorization on previously ana-
11 lyzed Federal land, regardless of whether new information
12 concerning the previously analyzed Federal land becomes
13 available.

14 **SEC. 8. WIRELESS FACILITY MODIFICATIONS.**

15 Section 6409(a) of the Middle Class Tax Relief and
16 Job Creation Act of 2012 (47 U.S.C. 1455(a)) is amended
17 by striking paragraph (3).

18 **SEC. 9. ESTABLISHMENT OF ONLINE PORTALS.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 date of enactment of this Act, each Federal land manage-
21 ment agency shall establish an online portal to accept an
22 electronic SF-299.

23 (b) COORDINATION.—The Federal land management
24 agencies shall coordinate with each other to establish uni-

1 form versions of the online portal required under sub-
2 section (a).

3 **SEC. 10. COLLECTION AND RETENTION OF COST RECOVERY**

4 **FEEES.**

5 (a) COLLECTION AND RETENTION OF COST RECOV-
6 ERY FEEES ASSOCIATED WITH COMMUNICATIONS USE AU-
7 THORIZATIONS ON FEDERAL LAND AND FEDERAL LAND
8 MANAGEMENT AGENCY SUPPORT FOR COMMUNICATIONS
9 SITE PROGRAMS.—

10 (1) SPECIAL ACCOUNT REQUIRED.—The Sec-
11 retary of the Treasury shall establish a special ac-
12 count in the Treasury for each Federal land man-
13 agement agency for the deposit of cost recovery fees
14 received by the Federal land management agency re-
15 lating to communications use authorizations grant-
16 ed, issued, or executed by the Federal land manage-
17 ment agency.

18 (2) REQUIREMENTS FOR COST RECOVERY
19 FEEES.—Notwithstanding any other provision of law,
20 any cost recovery fees collected by a Federal land
21 management agency pursuant to this section shall
22 be—

23 (A) collected only to the extent provided in
24 advance in an appropriations Act;

1 (B) calculated and assessed on an annual
2 basis;

3 (C) based solely on costs incurred by orga-
4 nizational units in processing applications for
5 communications use authorizations and over-
6 seeing any applicable construction activities re-
7 lating to the communications use authoriza-
8 tions; and

9 (D) imposed on a competitively neutral,
10 technology-neutral, and nondiscriminatory basis
11 with respect to other uses of the applicable
12 communications site.

13 (3) DEPOSIT AND RETENTION OF COST RECOV-
14 ERY FEES.—Cost recovery fees received by a Federal
15 land management agency shall—

16 (A) be deposited in the special account es-
17 tablished for that Federal land management
18 agency under paragraph (1); and

19 (B) remain available for expenditure under
20 paragraph (4), to the extent and in such
21 amounts as are provided in advance in appro-
22 priations Acts.

23 (4) EXPENDITURE OF RETAINED FEES.—
24 Amounts deposited in the special account established
25 for a Federal land management agency under para-

1 graph (1) shall be used by the Federal land manage-
2 ment agency for activities relating to communica-
3 tions use authorizations or communications sites, in-
4 cluding the following:

5 (A) Administering communications use au-
6 thorizations, including through cooperative
7 agreements under subsection (b).

8 (B) Preparing needs assessments or other
9 programmatic analyses necessary to establish
10 communications sites and authorize communica-
11 tions uses on or adjacent to Federal land.

12 (C) Developing management plans for the
13 placement of communications sites on or adja-
14 cent to Federal land on a competitively neutral,
15 technology-neutral, nondiscriminatory basis.

16 (D) Training for management of commu-
17 nications sites on or adjacent to Federal land.

18 (E) Obtaining, improving access to, or es-
19 tablishing communications sites on or adjacent
20 to Federal land.

21 (F) Hiring and training personnel to per-
22 form duties that will help—

23 (i) to streamline permitting processes
24 associated with communications use au-
25 thorizations and the use of communica-

1 tions sites for communications use on Fed-
2 eral land; and

3 (ii) to reduce the time it takes for per-
4 mits relating to communications use au-
5 thorizations and the use of communica-
6 tions sites for communications use on Fed-
7 eral land to be approved.

8 (5) NO EFFECT ON OTHER FEE RETENTION AU-
9 THORITIES.—This subsection shall not limit or oth-
10 erwise affect fee retention by a Federal land man-
11 agement agency under any other authority.

12 (b) COOPERATIVE AGREEMENT AUTHORITY.—The
13 Secretary of the Interior may enter into cooperative agree-
14 ments to carry out the activities described in subsection
15 (a)(4).

16 **SEC. 11. FEDERAL LAND MANAGEMENT AGENCY WORKING**
17 **GROUP.**

18 (a) ESTABLISHMENT.—There is established a work-
19 ing group, to be known as the “Federal Land Management
20 Agency Working Group”.

21 (b) MEMBERSHIP.—The working group shall be com-
22 posed of 1 representative of each of the Federal land man-
23 agement agencies, to be appointed by the Secretary con-
24 cerned.

25 (c) DUTIES.—The working group shall—

1 (1) periodically meet to coordinate and expedite
2 the review of applications for communications use
3 authorizations; and

4 (2) coordinate with the Federal Communica-
5 tions Commission to use broadband location data
6 created under section 802(c) of the Communications
7 Act of 1934 (47 U.S.C. 642(c)) to identify unserved
8 locations that may need to use a Federal right-of-
9 way and prepare for potential communications use
10 authorization applications.

○