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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

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Closing Long Overdue Streamlining Encumbrances To Help Expeditiously Generate Approved Permits Act'' or the ''CLOSE THE GAP Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMUNICATIONS FACILITY.—The term ''communications facility'' has the meaning given the term in section 8705(a) of the Agriculture Improvement Act of 2018 (43 U.S.C. 1761a(a)).

(2) COMMUNICATIONS SITE.—The term ''communications site'' means an area of Federal land available for communications use.

(3) COMMUNICATIONS USE.—The term ''communications use'' has the meaning given the term in section 8705(a) of the Agriculture Improvement Act of 2018 (43 U.S.C. 1761a(a)).

(4) COMMUNICATIONS USE AUTHORIZATION.—The term ''communications use authorization'' means an easement, right-of-way, lease, license, or other authorization granted by the Secretary concerned to locate or modify a communications facility on Federal land for the primary purpose of authorizing the occupancy and use of the Federal land for communications use.

(5) COST RECOVERY FEE.—The term ''cost recovery fee'' means any fee collected by a Federal land management agency related to—

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

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

(6) COVERED LAND.—The term ''covered land'' means land managed by the Secretary concerned.

(7) ELECTRONIC SF–299.—The term ''electronic SF–299'' means a version of Standard Form 299, or a substantially similar form, that has been digitally modified for online interaction.

(8) FEDERAL LAND.—The term ''Federal land'' means land under the jurisdiction and management of a Federal land management agency.

(9) FEDERAL LAND MANAGEMENT AGENCY.—The term ''Federal land management agency'' means—

(A) the National Park Service;

(B) the Bureau of Land Management;

(C) the Bureau of Reclamation;

(D) the United States Fish and Wildlife Service;

(E) the Bureau of Indian Affairs; and

(F) the Forest Service.

(10) ORGANIZATIONAL UNIT.—The term ''organizational unit'' means—

(A) with respect to Federal land administered by the Secretary of the Interior—

(i) a State office;

(ii) a district office;

(iii) a field office; or

(iv) a regional office; and

(B) with respect to the Forest Service—

(i) a regional office;

(ii) the headquarters;

(iii) an administrative unit; or

(iv) a ranger district office.

(11) PREVIOUSLY ANALYZED FEDERAL LAND.—The term ''previously analyzed Federal land'' means any Federal land with respect to which the Secretary concerned has—

(A) granted a communications use authorization; and

(B) conducted sufficient environmental or historical reviews, as determined by the Secretary concerned.

(12) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of the Interior, with respect to Federal land under the jurisdiction and

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

(i) the Commissioner of Reclamation;

(ii) the Director of the National Park Service;

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

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

(v) the Director of the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, with respect to National Forest System land, acting through the Chief of the Forest Service.

(13) STANDARD FORM 299.—The term ''Standard Form 299'' means the form developed by the Administrator of General Services under section 6409(b)(2)(A) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(b)(2)(A)) or any successor form.

(14) WORKING GROUP.—The term ''working group'' means the Federal Land Management Agency Working Group established by section 11(a).

SEC. 3. PROMULGATION OF REGULATIONS FOR STREAMLINING PURPOSES.

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

(1) to ensure, to the maximum extent practicable, that the process is uniform and standardized across applicable organizational units;

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

(3) to require that the cost recovery fee for locating or modifying covered facilities on covered land be—

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

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

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

(1) include procedures for the tracking of applications described in subsection (a)(1), including—

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

(i) received;

(ii) approved; and

(iii) denied;

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

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

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

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

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

(c) ADDITIONAL CONSIDERATIONS.—In promulgating regulations under subsection (a), the Secretary concerned shall consider—

(1) how discrete reviews in considering an application described in paragraph (1) of that subsection can be conducted simultaneously, rather than

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

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

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

(1) communicate the regulations to the applicable organizational units; and

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

(e) SAVINGS PROVISIONS.—

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

(2) EFFECT ON OTHER LAWS.—

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

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

(B) AGREEMENTS.—No agreement entered into pursuant to this section obligates the Federal Government to hold, control, or otherwise retain or use real property that may otherwise be deemed as excess, surplus, or that could otherwise be sold, leased, or redeveloped.

SEC. 4. DATA COLLECTION PROCEDURES RELATING TO THE PROCESSING OF APPLICATIONS FOR BROADBAND PROJECT PERMITS ON FEDERAL LAND; REPORT.

(a) DEFINITION OF APPLICABLE DEADLINE.—In this section, the term ''applicable deadline'', with respect to an application for a broadband project permit on Federal land, means the deadline for that application established by section 6409(b)(3)(A) of the Middle Class Tax

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

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

(1) The number of applications that are pending on or after the applicable deadline.

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

(3) The number of applications that were approved after the applicable deadline.

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

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

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

(7) The number of applications that were withdrawn after the applicable deadline.

(8) The average processing time for applications.

(9) In the case of applications that were approved after the applicable deadline, the average number of days by which the approval exceeded the applicable deadline.

(c) REPORT ON DELAYS IN THE APPROVAL OF APPLICATIONS FOR BROADBAND PROJECTS ON FEDERAL LAND.—Not later than 1 year after the date on which the Secretaries concerned establish the procedures under subsection (b), the Secretaries concerned, acting jointly, shall submit to the Committees on Energy and Natural Resources, Environment and Public Works, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Natural Resources, Energy and Commerce, and Agriculture of the House of Representatives a report that—

(1) describes and analyzes the data collected in accordance with those procedures, including an analysis of any factors causing a delay in the approval of applications for broadband project permits on Federal land; and

(2) provides recommendations to address any of the factors identified under paragraph (1) in order to accelerate broadband project permitting on Federal land.

SEC. 5. ONLINE TRACKING OF APPLICATION PROGRESS.

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

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

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

(2) by inserting after paragraph (3) the following:

''(4) COMMUNICATIONS PROJECT.—

''(A) IN GENERAL.—The term 'communications project' means any construction project carried out at a communications site.

''(B) OTHER TERMS.—For purposes of this paragraph:

''(i) COMMUNICATIONS FACILITY.—The term 'communications facility' has the meaning given the term in section 8705(a) of the Agriculture Improvement Act of 2018 (43 U.S.C. 1761a(a)).

"(ii) COMMUNICATIONS SITE.—The term 'communications site' means an area of Federal land available for communications use.

"(iii) COMMUNICATIONS USE.—The term 'communications use' has the meaning given the term in section 8705(a) of the Agriculture Improvement Act of 2018 (43 U.S.C. 1761a(a)).

"(iv) FEDERAL LAND.—The term 'Federal land' means land under the jurisdiction and management of a Federal land management agency.

"(v) FEDERAL LAND MANAGEMENT AGENCY.—The term 'Federal land management agency' means—

"(I) the National Park Service;

"(II) the Bureau of Land Management;

"(III) the Bureau of Reclamation;

"(IV) the United States Fish and Wildlife Service;

"(V) the Forest Service; and

''(VI) the Bureau of Indian Affairs.''; and

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

(A) in the matter preceding clause (i), by inserting ''communications projects,'' after ''carbon capture,''; and

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

''(II) is likely to require a total investment—

''(aa) in the case of a communications project, of any amount; and

''(bb) in the case of any other activity, of more than $200,000,000; and''.

SEC. 6. IMPROVING PUBLIC SAFETY ON FEDERAL LAND.

Not later than 30 days after the date of enactment of this Act, the Secretary concerned shall direct the head of each Federal land management agency under the jurisdiction of the Secretary concerned—

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

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

(A) providing backup power for the communications facility;

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

(C) providing more reliable or redundant connection capabilities using the communications facility; or

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

SEC. 7. PREVIOUSLY ANALYZED FEDERAL LAND.

(a) NONAPPLICABILITY OF CERTAIN REVIEW REQUIREMENTS.—The review requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and division A of subtitle III of title 54, United States Code, shall not apply to an application for a communications use authorization on Federal land (including Federal land on which authorized utilities, communications facilities, powerline facilities, or roads have been installed), if—

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

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

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

SEC. 8. WIRELESS FACILITY MODIFICATIONS.

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

SEC. 9. ESTABLISHMENT OF ONLINE PORTALS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, each Federal land management agency shall establish an online portal to accept an electronic SF–299.

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

form versions of the online portal required under subsection (a).

SEC. 10. COLLECTION AND RETENTION OF COST RECOVERY FEES.

(a) COLLECTION AND RETENTION OF COST RECOVERY FEES ASSOCIATED WITH COMMUNICATIONS USE AUTHORIZATIONS ON FEDERAL LAND AND FEDERAL LAND MANAGEMENT AGENCY SUPPORT FOR COMMUNICATIONS SITE PROGRAMS.—

(1) SPECIAL ACCOUNT REQUIRED.—The Secretary of the Treasury shall establish a special account in the Treasury for each Federal land management agency for the deposit of cost recovery fees received by the Federal land management agency relating to communications use authorizations granted, issued, or executed by the Federal land management agency.

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

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

(B) calculated and assessed on an annual basis;

(C) based solely on costs incurred by organizational units in processing applications for communications use authorizations and overseeing any applicable construction activities relating to the communications use authorizations; and

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

(3) DEPOSIT AND RETENTION OF COST RECOVERY FEES.—Cost recovery fees received by a Federal land management agency shall—

(A) be deposited in the special account established for that Federal land management agency under paragraph (1); and

(B) remain available for expenditure under paragraph (4), to the extent and in such amounts as are provided in advance in appropriations Acts.

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

graph (1) shall be used by the Federal land management agency for activities relating to communications use authorizations or communications sites, including the following:

(A) Administering communications use authorizations, including through cooperative agreements under subsection (b).

(B) Preparing needs assessments or other programmatic analyses necessary to establish communications sites and authorize communications uses on or adjacent to Federal land.

(C) Developing management plans for the placement of communications sites on or adjacent to Federal land on a competitively neutral, technology-neutral, nondiscriminatory basis.

(D) Training for management of communications sites on or adjacent to Federal land.

(E) Obtaining, improving access to, or establishing communications sites on or adjacent to Federal land.

(F) Hiring and training personnel to perform duties that will help—

(i) to streamline permitting processes associated with communications use authorizations and the use of communica-

tions sites for communications use on Federal land; and

(ii) to reduce the time it takes for permits relating to communications use authorizations and the use of communications sites for communications use on Federal land to be approved.

(5) NO EFFECT ON OTHER FEE RETENTION AUTHORITIES.—This subsection shall not limit or otherwise affect fee retention by a Federal land management agency under any other authority.

(b) COOPERATIVE AGREEMENT AUTHORITY.—The Secretary of the Interior may enter into cooperative agreements to carry out the activities described in subsection (a)(4).

SEC. 11. FEDERAL LAND MANAGEMENT AGENCY WORKING GROUP.

(a) ESTABLISHMENT.—There is established a working group, to be known as the ''Federal Land Management Agency Working Group''.

(b) MEMBERSHIP.—The working group shall be composed of 1 representative of each of the Federal land management agencies, to be appointed by the Secretary concerned.

(c) DUTIES.—The working group shall—

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

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

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