

115TH CONGRESS
1ST SESSION

S. 1363

To streamline the process for broadband facility location applications on Federal land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2017

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

A BILL

To streamline the process for broadband facility location applications 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 “Rural Broadband De-
5 ployment Streamlining Act”.

6 **SEC. 2. STREAMLINING THE DEPARTMENT OF THE INTE-**
7 **RIOR AND THE FOREST SERVICE PROCESS**
8 **FOR BROADBAND FACILITY LOCATION APPLI-**
9 **CATIONS.**

10 (a) **DEFINITIONS.**—In this section:

1 (1) BROADBAND FACILITY.—The term
2 “broadband facility” means any communications
3 plant, equipment, supplies, cable, wire, box, device,
4 meter, tower, pole, duct, conduit, or other facility re-
5 lated to the provision of advanced telecommuni-
6 cations capability (as defined in section 706 of the
7 Telecommunications Act of 1996 (47 U.S.C. 1302)).

8 (2) COVERED LAND.—The term “covered land”
9 means—

10 (A) public land administered by the Sec-
11 retary of the Interior; and

12 (B) National Forest System land adminis-
13 tered by the Secretary of Agriculture.

14 (3) DEPARTMENT CONCERNED.—The term
15 “Department concerned” means the Department of
16 which the Secretary concerned is the head.

17 (4) ORGANIZATIONAL UNIT.—The term “orga-
18 nizational unit” means—

19 (A) within the Bureau of Land Manage-
20 ment—

21 (i) a State office;

22 (ii) a district office; or

23 (iii) a field office; and

24 (B) within the Forest Service—

25 (i) a regional office;

- 1 (ii) the headquarters;
- 2 (iii) a management unit; or
- 3 (iv) a ranger district office.

4 (5) SECRETARY CONCERNED.—The term “Sec-
5 retary concerned” means—

- 6 (A) the Secretary of the Interior, with re-
7 spect to public land; and
- 8 (B) the Secretary of Agriculture, with re-
9 spect to National Forest System land.

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

13 (1) to streamline the process for considering ap-
14 plications to locate or modify broadband facilities on
15 covered land administered by the Secretary con-
16 cerned;

17 (2) to ensure, to the maximum extent prac-
18 ticable, that the process is uniform and standardized
19 across the organizational units of the Department
20 concerned; and

21 (3) to require that the applications described in
22 paragraph (1) be considered and granted on a com-
23 petitively and technologically neutral, non-discrimi-
24 natory basis.

1 (c) REQUIREMENTS.—The regulations issued under
2 subsection (b) shall include—

3 (1) procedures that require the tracking of ap-
4 plications described in subsection (b)(1), including—

5 (A) identifying the number of applica-
6 tions—

7 (i) received;

8 (ii) approved; and

9 (iii) denied;

10 (B) in the case of an application that is
11 denied, describing the reasons for the denial;
12 and

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

16 (2) minimum terms of not less than 5 years for
17 leases with respect to the location of broadband fa-
18 cilities on covered land;

19 (3) a policy under which an easement, license,
20 or other authorization to locate a broadband facility
21 on covered land renews automatically on expiration,
22 unless the authorization is revoked for good cause;
23 and

24 (4) fees for—

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

5 (B) granting an easement, license, or other
6 authorization to locate or modify a broadband
7 facility on covered land, based on the cost to
8 the Department concerned of any maintenance
9 or other activities required to be performed by
10 the Department concerned as a result of the lo-
11 cation or modification of the facility.

12 (d) ADDITIONAL CONSIDERATIONS.—In issuing regu-
13 lations under subsection (b), the Secretary concerned shall
14 consider—

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

21 (2) how to eliminate overlapping requirements
22 among the organizational units of the Department
23 concerned with respect to the location or modifica-
24 tion of a broadband facility on covered land adminis-
25 tered by those organizational units.

1 (e) COMMUNICATION OF STREAMLINED PROCESS TO
 2 ORGANIZATIONAL UNITS.—The Secretary concerned
 3 shall, with respect to the regulations issued under sub-
 4 section (b)—

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

7 (2) ensure that the organizational units of the
 8 Department concerned follow the regulations.

9 **SEC. 3. COMMUNICATIONS FACILITIES DEPLOYMENT ON**
 10 **FEDERAL PROPERTY.**

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

14 “(5) TIMELY CONSIDERATION OF APPLICA-
 15 TIONS.—

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

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

23 “(ii) notify the applicant of the grant
 24 or denial.

1 “(B) EXPLANATION OF DENIAL.—If an ex-
2 ecutive agency denies an application under sub-
3 paragraph (A), the executive agency shall notify
4 the applicant in writing, including a clear state-
5 ment of the reasons for the denial.

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

12 “(D) APPLICABILITY OF ENVIRONMENTAL
13 LAWS.—Nothing in this paragraph shall be con-
14 strued to relieve an executive agency of the re-
15 quirements of division A of subtitle III of title
16 54, United States Code, or the National Envi-
17 ronmental Policy Act of 1969 (42 U.S.C. 4321
18 et seq.).

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

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

2 (a) DEFINITION.—In this section, the term “National
3 Broadband Map” means the map established by the Na-
4 tional Telecommunications and Information Administra-
5 tion under section 6001(l) of the American Recovery and
6 Reinvestment Act of 2009 (47 U.S.C. 1305(l)).

7 (b) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Comptroller General of the
9 United States shall submit to Congress a report evalu-
10 ating—

11 (1) how the Federal Communications Commis-
12 sion ensures that the broadband data collected for
13 the National Broadband Map is accurate, complete,
14 and reliable, including—

15 (A) the source of the data; and

16 (B) whether data may be available from al-
17 ternative commercial sources;

18 (2) the extent to which Federal agencies or
19 other entities authorized to distribute Federal grants
20 or loans for broadband projects rely on data from
21 the National Broadband Map to—

22 (A) award grants or loans for broadband
23 projects; or

24 (B) determine whether Federal Govern-
25 ment funds will be used to deploy broadband in

1 areas already served by private broadband pro-
2 viders;

3 (3) the actions the Federal Communications
4 Commission has taken or plans to take to address
5 the limitations, if any, in using data from the Na-
6 tional Broadband Map for policy or funding deci-
7 sions;

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

12 (5) whether the Federal Communications Com-
13 mission should collect data for the National
14 Broadband Map from additional or alternative com-
15 mercial sources.

○