

116TH CONGRESS
2D SESSION

H. R. 7334

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2020

Mrs. BROOKS of Indiana introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

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

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”.

6 **SEC. 2. STREAMLINING DEPARTMENT OF THE INTERIOR**

7 **PROCESSES FOR CONSIDERATION OF COM-**

8 **MUNICATIONS FACILITY LOCATION APPLICA-**

9 **TIONS.**

10 (a) DEFINITIONS.—In this Act:

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

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

11 (B) any antenna or apparatus that—

12 (i) is designed for the purpose of
13 emitting radio frequency;

14 (ii) is designed to be operated, or is
15 operating, from a fixed location pursuant
16 to authorization by the Commission or is
17 using duly authorized devices that do not
18 require individual licenses; and

19 (iii) is added to a tower, building, or
20 other structure.

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

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

4 (4) COMMUNICATIONS USE AUTHORIZATION.—
5 The term “communications use authorization”
6 means an easement, right-of-way, lease, license, or
7 other authorization to locate or modify a commu-
8 nications facility on covered land by the Department
9 for the primary purpose of authorizing the occu-
10 pancy and use of the covered land for communica-
11 tions use.

12 (5) COVERED LAND.—The term “covered land”
13 means public land administered by the Secretary of
14 the Interior.

15 (6) ORGANIZATIONAL UNIT.—The term “orga-
16 nizational unit” means with respect to public land
17 administered by the Secretary of the Interior—

18 (A) a State office;

19 (B) a district office; or

20 (C) a field office.

21 (7) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior, with respect to public
23 land.

1 (b) REGULATIONS.—Not later than 1 year after the
2 date of enactment of this Act, the Secretary shall issue
3 regulations—

4 (1) to streamline the process for considering ap-
5 plications to locate or modify communications facili-
6 ties on covered land of the Department of the Inte-
7 rior;

8 (2) to ensure, to the maximum extent prac-
9 ticable, that the process is uniform and standardized
10 across the organizational units of the Department of
11 the Interior;

12 (3) to require that the applications described in
13 paragraph (1) be considered and granted on a com-
14 petitively neutral, technology neutral, and non-dis-
15 criminatory basis;

16 (4) to ensure, to the maximum extent prac-
17 ticable, that any analyses required under the Na-
18 tional Environmental Policy Act or National Historic
19 Preservation Act may be completed concurrently;

20 (5) to allow for the use of categorical exclusions
21 funded the National Environmental Policy Act from
22 another department or agency for covered land of
23 the Department of the Interior;

24 (6) to revise land use designations for covered
25 land of the Department of the Interior;

1 (7) to provide that discrete reviews in consid-
2 ering an application described in paragraph (1) shall
3 be conducted simultaneously to the maximum extent
4 practicable, rather than sequentially, by any organi-
5 zational units of the Department of the Interior that
6 must approve the location or modification; and

7 (8) to eliminate overlapping requirements
8 among the organizational units of the Department of
9 the Interior with respect to the location or modifica-
10 tion of a communications facility on covered land ad-
11 ministered by those organizational units.

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

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

16 (A) identifying the number of applica-
17 tions—

18 (i) received;

19 (ii) approved; and

20 (iii) denied;

21 (B) in the case of an application that is
22 denied, describing the reasons for the denial;
23 and

1 (C) describing the amount of time between
2 the receipt of an application and the issuance of
3 a final decision on an application.

4 (2) Provision for minimum lease terms of not
5 less than 15 years for leases with respect to the loca-
6 tion of communications facilities on covered land.

7 (3) A policy under which a communications use
8 authorization renews automatically on expiration,
9 unless the communications use authorization is re-
10 voked for good cause.

11 (4) A structure of fees for—

12 (A) submitting an application described in
13 subsection (b)(1), based on the cost to the De-
14 partment of the Interior of considering such an
15 application; and

16 (B) issuing communications use authoriza-
17 tions, based on the cost to the Department of
18 the Interior of any maintenance or other activi-
19 ties required to be performed by the Depart-
20 ment of the Interior as a result of the location
21 or modification of the communications facility.

22 (d) COMMUNICATION OF STREAMLINED PROCESS TO
23 ORGANIZATIONAL UNITS.—The Secretary shall, with re-
24 spect to the regulations issued under subsection (b)—

1 (1) communicate the regulations to the organi-
2 zational units of the Department of the Interior; and

3 (2) ensure that the organizational units of the
4 Department of the Interior follow the regulations.

5 (e) DEPOSIT AND AVAILABILITY OF FEES.—

6 (1) SPECIAL ACCOUNT.—The Secretary of the
7 Treasury shall establish a special account in the
8 Treasury for the Department of the Interior for the
9 deposit of fees collected by the Department under
10 subsection (c)(4) for communications use authoriza-
11 tions on covered land granted, issued, or executed by
12 the Department of the Interior.

13 (2) REQUIREMENTS FOR FEES COLLECTED.—
14 Fees collected by the Department of the Interior
15 under subsection (c)(4) shall be—

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

18 (B) competitively neutral, technology neu-
19 tral, and nondiscriminatory with respect to
20 other users of the communications site.

21 (3) DEPOSIT OF FEES.—Fees collected by the
22 Department of the Interior under subsection (c)(4)
23 shall be deposited in the special account established
24 for that Department under paragraph (1).

1 (4) AVAILABILITY OF FEES.—Amounts depos-
2 ited in the special account for a Department of the
3 Interior shall be available, to the extent and in such
4 amounts as are provided in advance in appropriation
5 Acts, to the Secretary to cover costs incurred by the
6 Department of the Interior described in subsection
7 (c)(4), including the following:

8 (A) Preparing needs assessments or other
9 programmatic analyses necessary to designate
10 communications sites and issue communications
11 use authorizations.

12 (B) Developing management plans for
13 communications sites.

14 (C) Training for management of commu-
15 nications sites.

16 (D) Obtaining or improving access to com-
17 munications sites.

18 (5) NO ADDITIONAL APPROPRIATIONS AUTHOR-
19 ORIZED.—Except as provided in paragraph (4), no
20 other amounts are authorized to be appropriated to
21 carry out this section.

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