

117TH CONGRESS  
1ST SESSION

# H. R. 1046

To require the Federal Communications Commission to provide broadband availability data to the Department of the Interior.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2021

Mr. CURTIS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Agriculture, 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

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## A BILL

To require the Federal Communications Commission to provide broadband availability data to the Department of the Interior.

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 “Federal Broadband  
5 Deployment in Unserved Areas Act”.

6 **SEC. 2. LOCATING FEDERAL FACILITIES IN UNSERVED**  
7 **AREAS.**

8 (a) DEFINITIONS.—In this section:

1           (1) APPROPRIATE COMMITTEES OF CON-  
2           GRESS.—The term “appropriate committees of Con-  
3           gress” means—

4                   (A) the Committee on Energy and Com-  
5                   merce of the House of Representatives;

6                   (B) the Committee on Natural Resources  
7                   of the House of Representatives;

8                   (C) the Committee on Commerce, Science,  
9                   and Transportation of the Senate; and

10                  (D) the Committee on Environment and  
11                  Public Works of the Senate.

12           (2) COMMISSION.—The term “Commission”  
13           means the Federal Communications Commission.

14           (3) COMMUNICATIONS FACILITY.—The term  
15           “communications facility” includes—

16                   (A) any infrastructure, including any  
17                   transmitting device, tower, or support structure,  
18                   and any equipment, switch, wiring, cabling,  
19                   power source, shelter, or cabinet, associated  
20                   with the licensed or permitted unlicensed wire-  
21                   less or wireline transmission of any writing,  
22                   sign, signal, data, image, picture, and sound of  
23                   any kind; and

24                   (B) any antenna or apparatus that—

1 (i) is designed for the purpose of  
2 emitting radio frequency;

3 (ii) is designed to be operated, or is  
4 operating, from a fixed location pursuant  
5 to authorization by the Commission or is  
6 using any duly authorized device that does  
7 not require an individual license; and

8 (iii) is added to a tower, building, or  
9 other structure.

10 (4) COVERED LAND.—The term “covered land”  
11 means land managed by a Federal land management  
12 agency.

13 (5) DEPARTMENT CONCERNED.—The term  
14 “Department concerned” means the Department of  
15 the Interior or the Department of Agriculture.

16 (6) FEDERAL LAND MANAGEMENT AGENCY.—  
17 The term “Federal land management agency”  
18 means—

- 19 (A) the Forest Service;  
20 (B) the Bureau of Land Management;  
21 (C) the National Park Service;  
22 (D) the Fish and Wildlife Service; and  
23 (E) the Bureau of Reclamation.

24 (7) SECRETARY CONCERNED.—The term “Sec-  
25 retary concerned” means—

1 (A) the Secretary of the Interior, with re-  
2 spect to land administered by such Secretary;

3 (B) the Secretary of Agriculture, with re-  
4 spect to National Forest System land; and

5 (C) the Secretary of Commerce.

6 (b) SHARING BROADBAND AVAILABILITY DATA.—

7 (1) NOTIFICATION.—Not later than 2 business  
8 days after the creation or update of any map re-  
9 quired under section 802(c)(1) of the Communica-  
10 tions Act of 1934 (47 U.S.C. 642(c)(1)), the Com-  
11 mission shall notify the Secretary concerned that the  
12 map has been created or updated.

13 (2) PROVISION OF INFORMATION.—Not later  
14 than 5 business days after the date on which the  
15 Secretary concerned is notified under paragraph (1),  
16 the Commission shall provide the Secretary con-  
17 cerned any data the Commission has collected pursu-  
18 ant to title VIII of the Communications Act of 1934  
19 (47 U.S.C. 641 et seq.).

20 (3) CONTINUATION.—The Commission shall  
21 provide the Secretary concerned the information de-  
22 scribed in paragraph (2) every 6 months unless the  
23 Commission no longer has such information.

24 (4) PROTECTION OF INFORMATION.—

1 (A) IN GENERAL.—The Commission shall  
2 specify to the Secretary concerned which infor-  
3 mation provided under paragraph (2) was col-  
4 lected in a confidential or proprietary manner,  
5 and the Secretary concerned may not make  
6 such information publicly available.

7 (B) FOIA.—Information provided under  
8 paragraph (2) is exempt from disclosure to the  
9 public under section 552(b)(3)(B) of title 5,  
10 United States Code.

11 (c) WORKING GROUP.—

12 (1) ESTABLISHMENT.—Not later than 30 days  
13 after the date of enactment of this section, the Com-  
14 mission and the Secretary concerned shall establish  
15 an interagency working group to facilitate the prepa-  
16 ration and interoperability of information technology  
17 systems for the provision and receipt of the informa-  
18 tion described in subsection (b)(2).

19 (2) NONAPPLICABILITY OF FACA.—The Federal  
20 Advisory Committee Act (5 U.S.C. App.) shall not  
21 apply to the interagency working group established  
22 under paragraph (1).

23 (d) REPORTS.—

24 (1) PRELIMINARY ASSESSMENT OF POTENTIAL  
25 BARRIERS.—Not later 120 days after the date on

1 which the interagency working group is established  
2 pursuant to subsection (c)(1), the Commission and  
3 the Secretary concerned shall jointly submit a report  
4 to the appropriate committees of Congress with a  
5 preliminary assessment of any potential barriers to  
6 sharing the information described under subsection  
7 (b)(2).

8 (2) ASSESSMENTS.—Not later than 1 year after  
9 the date on which the Commission provides the in-  
10 formation described under subsection (b)(2) to the  
11 Department concerned, the Commission and the Sec-  
12 retary concerned shall jointly submit a report to the  
13 appropriate committees of Congress with—

14 (A) an assessment of the effectiveness of a  
15 user’s ability to locate broadband infrastructure  
16 on covered land in an area to be determined as  
17 unserved by the Commission on the basis of the  
18 maps created under section 802(c) of the Com-  
19 munications Act of 1934 (47 U.S.C. 642(c));  
20 and

21 (B) an assessment of whether the Depart-  
22 ment concerned prioritized the review of appli-  
23 cations for a communications use authorization  
24 in an area to be determined as unserved by the

- 1 Commission on the basis of the maps created
- 2 under such section.

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