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Part 1

DEPLOYING INFRASTRUCTURE WITH GREATER INTERNET TRANSACTIONS AND LEGACY APPLICATIONS ACT

JUNE 7, 2024.—Ordered to be printed

Mrs. RODGERS of Washington, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 3299]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3299) to require the Department of the Interior and the Department of Agriculture to establish online portals to accept, process, and dispose of certain Form 299s, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 3299, the "Deploying Infrastructure with Greater Internet Transactions And Legacy (DIGTIAL) Applications Act," introduced

on May 15, 2023, by Representatives Kat Cammack (R–FL) and Doris Matsui (D–CA), would direct the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, to establish an online portal for the acceptance, processing, and disposal of applications to deploy broadband on federal lands.

BACKGROUND AND NEED FOR LEGISLATION

According to the Federal Communications Commission (FCC), approximately 8.3 million homes and businesses lack access to high-speed broadband.[1] Many of these unserved locations are near property owned by the federal government. This federal property is managed by agencies such as the Department of Interior and Department of Agriculture, and their subagencies. Thus, these agencies are responsible for reviewing applications for broadband deployment on this property.

Unfortunately, federal agencies have historically taken a significant amount of time to review applications to deploy broadband on federal property, and the process is often opaque to the parties involved.[2] As one stakeholder stated, "[t]he existing federal permitting process takes too long . . . and is an impediment to the ability of broadband providers to meet the needs of their consumers and communities."[3] Today, "there is no transparency" where applications are in the review process.[4] Agencies "just move real slow"[5] and can go silent "for long stretches of time regarding the status of applications or what else might be needed to deem an application 'complete,'" followed by "serial requests for additional information that could have been caught earlier or avoided altogether with better guidance and communication upfront."[6] The uncertainty surrounding permit reviews makes it difficult to plan builds, ultimately delaying deployment.[7]

Online portals would help providers by offering transparency into the federal permitting process. Portals would allow applicants to track their applications through the review process so they know where the application is in the process, whether more information is needed, and how close the agency is to making a final decision. Stakeholders testified that portals would provide "clarity, accountability, and transparency with respect to permitting on federal lands."[8] They would "allow applicants to know where they are in the process."[9] They would be a "simple fix" that would "allow more predictability in the overall build cycle.[10]

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[1] Jessica Rosenworcel, FCC, National Broadband Map: It Keeps Getting Better, https://www.fcc.gov/national-broadband-map-it-keeps-getting-better, (May 30, 2023); FCC National Broadband Map, https://broadbandmap.fcc.gov/home (last accessed June 23, 2023).

[2] *Breaking Barriers: Streamlining Permitting to Expedite Broadband Deployment, Hearing before the Sub. on Commc'n. and Tech., H. Comm. on Energy and Commerce*, 118th Cong. (2023) ("Permitting Hearing") (Testimony of Michael Saperstein).

[3] *Id.* (Written Testimony of Louis Finkel at 1).

[4] *Id.* (Testimony of Michael Saperstein).

[5] *Id.* (Testimony of Louis Finkel).

[6] *Id.* (Written Testimony of Michael Romano at 7).

[7] *See id.* (Testimony of Michael Romano).

[8] *Id.* (Testimony of Michael Saperstein).

[9] *Id.; id* (Testimony of Louis Finkel).

[10] *Id.* (Testimony of Michael Saperstein).

COMMITTEE ACTION

On April 19, 2023, the Subcommittee on Communications and Technology held a hearing on several bills, including a discussion draft that became H.R. 3299. The title of the hearing was "Breaking Barriers: Streamlining Permitting to Expedite Broadband Deployment." The Subcommittee received testimony from:

- Michael Romano, Executive Vice President, NTCA—The Rural Broadband Association;
- Michael Saperstein, Senior Vice President of Government Affairs and Chief Strategy Officer, Wireless Infrastructure Association;
- Michael O'Rielly, President, MPORielly Consulting, LLC;
- Louis Finkel, Senior Vice President of Government Relations, National Rural Electric Cooperative Association; and,
- Ernesto Falcon, Senior Legislative Counsel, Electronic Frontier Foundation.

On May 17, 2023, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 3299, without amendment, to the full Committee by a voice vote.

On May 24, 2023, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 3299, without amendment, favorably reported to the House by a record vote of 51 yeas and 0 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

COMMITTEE ON ENERGY AND COMMERCE
118TH CONGRESS
ROLL CALL VOTE # 10

BILL: H.R. 3299, "Deploying Infrastructure with Greater Internet Transactions And Legacy Applications Act" or the "DIGITAL Applications Act"

AMENDMENT: A motion by Mrs. Rodgers to order H.R. 3299 favorably reported to the House, without amendment (Final Passage).

DISPOSITION: AGREED TO, by a roll call vote of 51 yeas to 0 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Rodgers	X			Rep. Pallone	X		
Rep. Burgess	X			Rep. Eshoo	X		
Rep. Latta	X			Rep. DeGette	X		
Rep. Guthrie	X			Rep. Schakowsky	X		
Rep. Griffith	X			Rep. Matsui	X		
Rep. Bilirakis	X			Rep. Castor	X		
Rep. Johnson	X			Rep. Sarbanes	X		
Rep. Bucshon	X			Rep. Tonko	X		
Rep. Hudson	X			Rep. Clarke	X		
Rep. Walberg	X			Rep. Cárdenas	X		
Rep. Carter	X			Rep. Ruiz	X		
Rep. Duncan	X			Rep. Peters	X		
Rep. Palmer	X			Rep. Dingell	X		
Rep. Dunn	X			Rep. Veasey	X		
Rep. Curtis	X			Rep. Kuster	X		
Rep. Lesko	X			Rep. Kelly	X		
Rep. Pence	X			Rep. Barragán	X		
Rep. Crenshaw	X			Rep. Blunt Rochester	X		
Rep. Joyce	X			Rep. Soto	X		
Rep. Armstrong	X			Rep. Craig	X		
Rep. Weber	X			Rep. Schrier	X		
Rep. Allen	X			Rep. Trahan	X		
Rep. Balderson	X			Rep. Fletcher	X		
Rep. Fulcher	X						
Rep. Pfluger	X						
Rep. Harshbarger	X						
Rep. Miller-Meeks	X						
Rep. Cammack	X						
Rep. Obernolte							

05/23/2023

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held a hearing and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 3299 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

H.R. 3299, DIGITAL Applications Act
As ordered reported by the House Committee on Energy and Commerce on May 24, 2023

By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	4	not estimated

Increases *net direct spending* in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases *on-budget deficits* in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 3299 would require the Department of the Interior (DOI) and the Department of Agriculture (USDA) to establish online portals to process requests to place and operate communications facilities on federal land. The bill also would require the Department of Commerce to publish links to those portals.

DOI already operates an online system that meets the bill's requirements. Later this year the USDA's online system will meet some of the bill's requirements but will need upgrades to meet all of them. Using information from the affected agencies, CBO estimates that upgrading, administering, and maintaining the systems to comply with provisions of the bill would cost $4 million over the 2024–2028 period. Any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Lilia Ledezma. The estimate was reviewed by Christina Hawley Anthony, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to expedite broadband deployment by streamlining the permitting process at the federal, state, and local level.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 3299 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following related hearing was used to develop or consider H.R. 3299:

- On April 19, 2023, the Subcommittee on Communications and Technology held a hearing on several bills, including a discussion draft that became H.R. 3299. The title of the hearing was "Breaking Barriers: Streamlining Permitting to Expedite Broadband Deployment." The Subcommittee received testimony from:
  - Michael Romano, Executive Vice President, NTCA—The Rural Broadband Association;
  - Michael Saperstein, Senior Vice President of Government Affairs and Chief Strategy Officer, Wireless Infrastructure Association;
  - Michael O'Rielly, President, MPORielly Consulting, LLC;
  - Louis Finkel, Senior Vice President of Government Relations, National Rural Electric Cooperative Association; and
  - Ernesto Falcon, Senior Legislative Counsel, Electronic Frontier Foundation.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 3299 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION BY SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provide that the Act may be cited as the "Deploying Infrastructure with Greater Internet Transactions And Legacy Applications Act" or the "DIGITAL Applications Act".

Section 2. Establishment of online portals to accept, process, and dispose of certain form 299s

Subsection (a) would direct the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, to establish an online portal for each agency to accept, process, and dispose of Special Form 299s, the federal government's application form to deploy communications facilities on federal property. The Secretaries would have one year from the date of enactment to create these portals. They would be required to notify the Assistant Secretary of Commerce for Communications and Information that they established the online portal within three days of establishment.

Subsection (b) would direct the Assistant Secretary of Commerce for Communications and Information to publish a link to each online portal on the website of the National Telecommunications and Information Administration.

Subsection (c) would define key terms used in H.R. 3299.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

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