

[DISCUSSION DRAFT]

114TH CONGRESS
1ST SESSION

H. R. _____

To provide for the streamlining of consideration by the Department of the Interior, the Forest Service, and the Department of Defense of applications to locate or modify broadband facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for the streamlining of consideration by the Department of the Interior, the Forest Service, and the Department of Defense of applications to locate or modify broadband facilities, 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. STREAMLINING DEPARTMENT OF THE INTE-**
4 **RIOR PROCESS FOR BROADBAND FACILITY**
5 **LOCATION APPLICATIONS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of the enactment of this Act, the Secretary of the

1 Interior shall conduct a proceeding, subject to notice and
2 comment—

3 (1) to streamline the process for considering ap-
4 plications to locate or modify broadband facilities
5 **【on lands administered by】** any bureau, office, or
6 other unit of the Department of the Interior; and

7 (2) to ensure, to the maximum extent prac-
8 ticable, that such process is uniform and standard-
9 ized across all such bureaus, offices, and other units.

10 (b) REQUIREMENTS.—In the proceeding required by
11 subsection (a), the Secretary shall, by rule, adopt—

12 (1) procedures that require the tracking of ap-
13 plications described in subsection (a)(1), including—

14 (A) the number of such applications—

15 (i) received;

16 (ii) approved; and

17 (iii) denied;

18 (B) in the case of such an application that
19 is denied, the reasons for the denial; and

20 (C) the amount of time between the receipt
21 of such an application and the issuance of a
22 final decision on such application;

23 (2) minimum terms of not less than 5 years
24 and not more than 20 years for leases with respect
25 to the location of broadband facilities **【on lands ad-**

1 ministered by] any bureau, office, or other unit of
2 the Department;

3 (3) a policy under which an easement, license,
4 or other authorization to locate a broadband facility
5 [on lands administered by] any bureau, office, or
6 other unit of the Department renews automatically
7 upon expiration, unless such authorization is revoked
8 for good cause;

9 (4) a requirement that a final decision on an
10 application described in subsection (a)(1) be issued
11 not later than—

12 (A) in the case of such an application to
13 perform maintenance on or otherwise modify, or
14 collocate another broadband facility with, a
15 broadband facility [on lands administered by]
16 a bureau, office, or other unit of the Depart-
17 ment, 90 days after the receipt of such applica-
18 tion; and

19 (B) in the case of any other such applica-
20 tion, 120 days after the receipt of such applica-
21 tion; and

22 (5) fees for easements, licenses, and other au-
23 thorizations that are based on the cost to the De-
24 partment.

1 (c) ADDITIONAL CONSIDERATIONS.—In the pro-
2 ceeding required by subsection (a), the Secretary shall
3 consider—

4 (1) how discrete reviews in considering an ap-
5 plication described in subsection (a)(1) can be con-
6 ducted simultaneously, rather than sequentially, by
7 the bureaus, offices, and other units of the Depart-
8 ment that must approve the location or modification;
9 and

10 (2) how to eliminate overlapping requirements
11 among the bureaus, offices, and other units of the
12 Department with respect to the location or modifica-
13 tion of a broadband facility [on lands administered
14 by] any such bureau, office, or other unit.

15 (d) COMMUNICATION OF STREAMLINED PROCESS TO
16 FIELD OFFICES.—The Secretary shall ensure that the
17 rules and other measures adopted in the proceeding re-
18 quired by subsection (a) are communicated to and followed
19 by all bureaus, offices, and other units of the Department,
20 including all field offices of any such bureau, office, or
21 other unit.

22 (e) REQUIREMENTS RELATING TO FISH AND WILD-
23 LIFE SERVICE.—Not later than 1 year after the date of
24 the enactment of this Act, the Director of the Fish and
25 Wildlife Service shall—

1 (1) with respect to applications to locate or
2 modify broadband facilities the location or modifica-
3 tion of which is subject to approval by the Direc-
4 tor—

5 (A) ensure that the processing timeframes
6 and review procedures for such approvals are
7 consistent among the offices of the Service; and

8 (B) clarify and standardize the mitigation
9 policies of the Service; and

10 (2) consider the potential impact on wireless
11 tower siting of the proposed programmatic environ-
12 mental impact statement referred to in the notice of
13 intent entitled Migratory Bird Permits; Pro-
14 grammatic Environmental Impact Statement that
15 was published in the Federal Register on May 26,
16 2015 (80 Fed. Reg. 30032).

17 (f) DEFINITIONS.—In this section:

18 (1) DEPARTMENT.—The term “Department”
19 means the Department of the Interior.

20 (2) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

1 **SEC. 2. STREAMLINING FOREST SERVICE PROCESS FOR**
2 **BROADBAND FACILITY LOCATION APPLICA-**
3 **TIONS.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of the enactment of this Act, the Secretary of Agri-
6 culture shall conduct a proceeding, subject to notice and
7 comment—

8 (1) to streamline the process by which the Sec-
9 retary considers applications to locate or modify
10 broadband facilities on National Forest System land;
11 and

12 (2) to ensure, to the maximum extent prac-
13 ticable, that such process is uniform and standard-
14 ized across units of the National Forest System.

15 (b) REQUIREMENTS.—In the proceeding required by
16 subsection (a), the Secretary shall, by rule, adopt—

17 (1) procedures that require the tracking of ap-
18 plications described in subsection (a)(1), including—

19 (A) the number of such applications—

20 (i) received;

21 (ii) approved; and

22 (iii) denied;

23 (B) in the case of such an application that
24 is denied, the reasons for the denial; and

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

4 (2) minimum terms of not less than 5 years
5 and not more than 20 years for leases with respect
6 to the location of broadband facilities on National
7 Forest System land;

8 (3) a policy under which an easement, license,
9 or other authorization to locate a broadband facility
10 on National Forest System land renews automati-
11 cally upon expiration, unless such authorization is
12 revoked for good cause;

13 (4) a requirement that a final decision on an
14 application described in subsection (a)(1) be issued
15 not later than—

16 (A) in the case of such an application to
17 perform maintenance on or otherwise modify, or
18 collocate another broadband facility with, a
19 broadband facility on National Forest System
20 land, 90 days after the receipt of such applica-
21 tion; and

22 (B) in the case of any other such applica-
23 tion, 120 days after the receipt of such applica-
24 tion; and

1 (5) fees for easements, licenses, and other au-
2 thorizations to locate a broadband facility on Na-
3 tional Forest System land that are based on the cost
4 to the Forest Service.

5 (c) ADDITIONAL CONSIDERATIONS.—In the pro-
6 ceeding required by subsection (a), the Secretary shall
7 consider—

8 (1) how discrete reviews in considering an ap-
9 plication described in subsection (a)(1) can be con-
10 ducted simultaneously, rather than sequentially, by
11 the Forest Service; and

12 (2) how to eliminate overlapping requirements
13 of the Forest Service with respect to the location or
14 modification of a broadband facility on National
15 Forest System land.

16 (d) COMMUNICATION OF STREAMLINED PROCESS TO
17 UNITS.—The Secretary shall ensure that rules and other
18 measures adopted in the proceeding required by subsection
19 (a) are communicated to and followed by all units of the
20 National Forest System.

21 (e) DEFINITIONS.—In this section:

22 (1) NATIONAL FOREST SYSTEM.—The term
23 “National Forest System” has the meaning given
24 that term in section 11(a) of the Forest and Range-

1 land Renewable Resources Planning Act of 1974 (16
2 U.S.C. 1609(a)).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of Agriculture, acting through the
5 Chief of the Forest Service.

6 **SEC. 3. STREAMLINING DEPARTMENT OF DEFENSE PROC-**
7 **CESS FOR BROADBAND FACILITY LOCATION**
8 **APPLICATIONS.**

9 (a) SPECIFIC REFERENCE TO BROADBAND FACILI-
10 TIES AMONG DOD EASEMENT AUTHORITIES.—Section
11 2668(a)(11) of title 10, United States Code, is amended
12 by inserting after “including” the following:
13 “broadband,”.

14 (b) PROCESS TO STREAMLINE APPLICATION PROC-
15 ESS.—Not later than 1 year after the date of the enact-
16 ment of this Act, the Secretary of Defense shall conduct
17 a proceeding, subject to notice and comment—

18 (1) to streamline the process by which the Sec-
19 retary concerned will consider applications to locate
20 or modify broadband facilities on defense lands; and

21 (2) to ensure, to the maximum extent prac-
22 ticable, that such process is uniform and standard-
23 ized throughout the Department of Defense, includ-
24 ing each military department.

1 (c) REQUIREMENTS.—In the proceeding required by
2 subsection (b), the Secretary of Defense shall, by rule,
3 adopt—

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

6 (A) the number of such applications—

7 (i) received;

8 (ii) approved; and

9 (iii) denied;

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

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

15 (2) minimum terms of not less than 5 years
16 and not more than 20 years for leases with respect
17 to the location of broadband facilities on defense
18 lands;

19 (3) a policy under which an easement, license,
20 or other authorization to locate a broadband facility
21 on defense lands renews automatically upon expira-
22 tion, unless such authorization is revoked for good
23 cause;

1 (4) a requirement that a final decision on an
2 application described in subsection (b)(1) be issued
3 not later than—

4 (A) in the case of such an application to
5 perform maintenance on or otherwise modify, or
6 collocate another broadband facility with, a
7 broadband facility on defense lands, 90 days
8 after the receipt of such application; and

9 (B) in the case of any other such applica-
10 tion, 120 days after the receipt of such applica-
11 tion; and

12 (5) fees for easements, licenses, and other au-
13 thorizations to locate a broadband facility on defense
14 lands that are based on the cost to the Secretary
15 concerned.

16 (d) ADDITIONAL CONSIDERATIONS.—In the pro-
17 ceeding required by subsection (b), the Secretary of De-
18 fense shall consider—

19 (1) how the process for applying to locate or
20 modify a broadband facility on defense lands can
21 proceed without the use of a request for proposals;

22 (2) how discrete reviews in considering an ap-
23 plication for the location or modification of a
24 broadband facility on defense lands can be con-
25 ducted simultaneously, rather than sequentially, in-

1 including reliance on the expertise of the Joint Spec-
2 trum Center, a field office of the Defense Spectrum
3 Organization; and

4 (3) how to eliminate overlapping requirements
5 within the Department of Defense with respect to
6 the location or modification of a broadband facility
7 on defense lands.

8 (e) COMMUNICATION OF STREAMLINED PROCESS.—
9 The Secretary of Defense and the Secretary concerned
10 shall ensure that the rules and other measures adopted
11 in the proceeding required by subsection (b) are commu-
12 nicated to and followed throughout the Department of De-
13 fense, including military installations.

14 (f) DEFINITIONS.—In this section:

15 (1) DEFENSE LANDS.—The term “defense
16 lands” means public lands permanently withdrawn
17 or reserved for military use and other lands under
18 the jurisdiction of the Department of Defense or a
19 military department.

20 (2) SECRETARY CONCERNED.—The term “Sec-
21 retary concerned” means the Secretary of a military
22 department.

23 **[SEC. 4. BROADBAND FACILITY DEFINED.]**

24 In this Act, the term “broadband facility” means any
25 communications plant, equipment, supplies, cable, wire,

1 box, device, meter, tower, pole, duct, conduit, or other fa-
2 cility related to the provision of advanced telecommuni-
3 cations capability (as defined in section 706 of the Tele-
4 communications Act of 1996 (47 U.S.C. 1302)).**】**