

RURAL BROADBAND PERMITTING EFFICIENCY ACT OF  
2018

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AUGUST 3, 2018.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 4824]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4824) to allow certain State permitting authority to encourage expansion of broadband service to rural communities, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Rural Broadband Permitting Efficiency Act of 2018”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **BROADBAND PROJECT.**—The term “broadband project” means an installation by a broadband provider of wireless or broadband infrastructure, including but not limited to, copper lines, fiber optic lines, communications towers, buildings, or other improvements on Federal land.

(2) **BROADBAND PROVIDER.**—The term “broadband provider” means a provider of wireless or broadband infrastructure that enables a user to originate and receive high-quality voice, data, graphics, and video telecommunications.

(3) **INDIAN LANDS.**—The term “Indian Lands” means—

(A) any land owned by an Indian Tribe, located within the boundaries of an Indian reservation, pueblo, or rancharia; or

(B) any land located within the boundaries of an Indian reservation, pueblo, or rancharia, the title to which is held—

- (i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;
- (ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or
- (iii) by a dependent Indian community.

(4) INDIAN TRIBE.—The term “Indian Tribe” means a federally recognized Indian Tribe.

(5) OPERATIONAL RIGHT-OF-WAY.—The term “operational right-of-way” means all real property interests (including easements) acquired for the construction or operation of a project, including the locations of the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, copper and fiber optic lines, utility shelters, and broadband infrastructure as installed by broadband providers, and any rest areas with direct access to a controlled access highway or the National Highway System.

(6) SECRETARY CONCERNED.—The term “Secretary concerned” means—

- (A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and
- (B) the Secretary of the Interior, with respect to land managed by the Department of the Interior (including land held in trust for an Indian Tribe).

### SEC. 3. STATE OR TRIBAL PERMITTING AUTHORITY.

(a) IN GENERAL.—The Secretary concerned shall establish (or in the case where both Department of the Interior and National Forest System land would be affected, shall jointly establish) a voluntary program under which any State or Indian Tribe may offer, and the Secretary concerned may agree, to enter into a memorandum of understanding to allow for the State or Indian Tribe to prepare environmental analyses required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the permitting of broadband projects within an operational right-of-way on National Forest System land, land managed by the Department of the Interior, and Indian Lands. Under such a memorandum of understanding, an Indian Tribe or State may volunteer to cooperate with the signatories to the memorandum in the preparation of the analyses required under the National Environmental Policy Act of 1969.

(b) ASSUMPTION OF RESPONSIBILITIES.—

(1) IN GENERAL.—In entering into a memorandum of understanding under this section, the Secretary concerned may assign to the State or Indian Tribe, and the State or Indian Tribe may agree to assume, all or part of the responsibilities of the Secretary concerned for environmental analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) STATE OR INDIAN TRIBE RESPONSIBILITY.—

(A) IN GENERAL.—A State or Indian Tribe that assumes any responsibility under paragraph (1) shall be subject to the same procedural and substantive requirements as would apply if the responsibility were carried out by the Secretary concerned.

(B) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—A State or Indian Tribe that assumes any responsibility, including financial responsibility, under paragraph (1) shall be solely responsible and solely liable for carrying out, in lieu of the Secretary concerned, the responsibilities assumed under that paragraph until the date on which the program is terminated under subsection (g).

(C) ENVIRONMENTAL REVIEW.—A State or Indian Tribe that assumes any responsibility under paragraph (1) shall comply with the environmental review procedures under parts 1500–1508 of title 40, Code of Federal Regulations (or successor regulations), and the regulations of the Secretary concerned.

(3) FEDERAL RESPONSIBILITY.—Any responsibility of the Secretary concerned described in paragraph (1) that is not explicitly assumed by the State or Indian Tribe in the memorandum of understanding shall remain the responsibility of the Secretary concerned.

(c) OFFER AND NOTIFICATION.—A State or Indian Tribe that intends to offer to enter into a memorandum of understanding under this section shall provide to the Secretary concerned notice of the intent of the State or Indian Tribe not later than 90 days before the date on which the State or Indian Tribe submits a formal written offer to the Secretary concerned.

(d) TRIBAL CONSULTATION.—Within 90 days of entering into any memorandum of understanding with a State, the Secretary concerned shall initiate consultation with relevant Indian Tribes.

(e) MEMORANDUM OF UNDERSTANDING.—A memorandum of understanding entered into under this section shall—

(1) be executed by the Governor or the Governor's designee, or in the case of an Indian Tribe, by an officer designated by the governing body of the Indian Tribe;

(2) be for a term not to exceed 10 years;

(3) be in such form as the Secretary concerned may prescribe;

(4) provide that the State or Indian Tribe—

(A) agrees to assume all or part of the responsibilities of the Secretary concerned described in subsection (b)(1);

(B) expressly consents, including through the adoption of express waivers of sovereign immunity, on behalf of the State or Indian Tribe, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary concerned assumed by the State or Indian Tribe;

(C) certify that State laws and regulations, with respect to States, or Tribal laws and regulations, with respect to Indian Tribes, are in effect that—

(i) authorize the State or Indian Tribe to take the actions necessary to carry out the responsibilities being assumed; and

(ii) are comparable to section 552 of title 5, United States Code, including providing that any decision regarding the public availability of a document under the State laws is reviewable by a court of competent jurisdiction;

(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed;

(E) agrees to provide to the Secretary concerned any information the Secretary concerned considers necessary to ensure that the State or Indian Tribe is adequately carrying out the responsibilities assigned to and assumed by the State or Indian Tribe;

(F) agrees to return revenues generated from the use of public lands authorized under this section to the United States annually, in accordance with the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(G) agrees to send a copy of all authorizing documents to the United States for proper notation and recordkeeping;

(5) prioritize and expedite any analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the memorandum of understanding;

(6) not be granted to a State on Indian Lands without the consent of the relevant Indian Tribe; and

(7) not be granted to an Indian Tribe on State lands without the consent of the relevant State.

(f) LIMITATION.—Nothing in this section permits a State or Indian Tribe to assume—

(1) any rulemaking authority of the Secretary concerned under any Federal law; and

(2) Federal Government responsibilities for government-to-government consultation with Indian Tribes.

(g) TERMINATION.—

(1) TERMINATION BY THE SECRETARY.—The Secretary concerned may terminate the participation of any State or Indian Tribe in the program established under this section if—

(A) the Secretary concerned determines that the State or Indian Tribe is not adequately carrying out the responsibilities assigned to and assumed by the State or Indian Tribe;

(B) the Secretary concerned provides to the State or Indian Tribe—

(i) notification of the determination of noncompliance; and

(ii) a period of at least 30 days during which to take such corrective action as the Secretary concerned determines is necessary to comply with the applicable agreement; and

(C) the State or Indian Tribe, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary concerned.

(2) TERMINATION BY THE STATE OR INDIAN TRIBE.—A State or Indian Tribe may terminate the participation of the State or Indian Tribe in the program established under this section at any time by providing to the Secretary concerned a notice of intent to terminate by not later than the date that is 90 days before the date of termination.

(3) **TERMINATION OF MEMORANDUM OF UNDERSTANDING WITH STATE OR INDIAN TRIBE.**—A State or an Indian Tribe may terminate a joint memorandum of understanding under this section at any time by providing to the Secretary concerned a notice of intent to terminate by no later than the date that is 90 days before the date of termination.

**SEC. 4. CATEGORICAL EXCLUSION FOR PROJECTS WITHIN OPERATIONAL RIGHTS-OF-WAY.**

(a) **CATEGORICAL EXCLUSION ESTABLISHED.**—Broadband projects carried out in an operational right-of-way are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) **AVAILABILITY OF CATEGORICAL EXCLUSION.**—On and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (a) in accordance with this section.

**SEC. 5. FEDERAL BROADBAND PERMIT COORDINATION.**

(a) **ESTABLISHMENT.**—The Secretary concerned shall establish a broadband permit streamlining team comprised of qualified staff under subsection (b)(4) in each State or regional office that has been delegated responsibility for issuing permits for broadband projects.

(b) **MEMORANDUM OF UNDERSTANDING.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary concerned, in consultation with the National Conference of State Historic Preservation Officers and the National Tribal Historic Preservation Officers Association, shall enter into a memorandum of understanding to carry out this section with—

- (A) the Secretary of Agriculture or of the Interior, as appropriate;
- (B) the Director of the Bureau of Indian Affairs; and
- (C) the Director of the United States Fish and Wildlife Service.

(2) **PURPOSE.**—The purpose of the memorandum of understanding under paragraph (1) is to coordinate and expedite permitting decisions for broadband projects.

(3) **STATE OR TRIBAL PARTICIPATION.**—The Secretary concerned may request that the Governor of any State or the officer designated by the governing body of the Indian Tribe with one or more broadband projects be a party to the memorandum of understanding under paragraph (1).

(4) **DESIGNATION OF QUALIFIED STAFF.**—

(A) **IN GENERAL.**—Not later than 30 days after the date of entrance into the memorandum of understanding under paragraph (1), the head of each Federal agency that is a party to the memorandum of understanding (other than the Secretary concerned) may, if the head of the Federal agency determines it to be appropriate, designate to each State or regional office an employee of that Federal agency with expertise in regulatory issues relating to that Federal agency, including, as applicable, particular expertise in—

- (i) planning under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) and planning under the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);
- (ii) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or
- (iii) consultation and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

(B) **DUTIES.**—Each employee designated under subparagraph (A) shall—

- (i) be responsible for any issue relating to any broadband project within the jurisdiction of the State or regional office under the authority of the Federal agency from which the employee is assigned;
- (ii) participate as part of the team of personnel working on one or more proposed broadband projects, including planning and environmental analyses; and
- (iii) serve as the designated point of contact with any applicable State or Indian Tribe that assumes any responsibility under section 3(b)(1) relating to any issue described in clause (i).

Amend the title so as to read:

A bill to allow certain State and tribal permitting authority to encourage expansion of broadband service to rural and tribal communities, and for other purposes.

## PURPOSE OF THE BILL

The purpose of H.R. 4824, as ordered reported, is to allow certain State and tribal permitting authority to encourage expansion of broadband service to rural and tribal communities.

## BACKGROUND AND NEED FOR LEGISLATION

Approximately 40 percent of rural Americans do not have access to broadband internet.<sup>1</sup> Without adequate and consistent internet access, people are unable to effectively communicate, gain access to vital information services, and increasingly, participate in the workforce. An efficient and effective way to expand broadband to rural areas is through construction of broadband infrastructure in existing rights-of-way (ROW) for linear utilities and roads. However, duplicative federal permitting laws and regulations cause project delays and cost-overruns.

Currently, providers undertaking projects to install broadband infrastructure in existing ROWs may be required to obtain approval from multiple agencies, including the Federal Highway Administration, State Departments of Transportation, the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), and the U.S. Fish and Wildlife Service. If the infrastructure crosses Indian Country, the Bureau of Indian Affairs is also involved. This process can include extensive environmental review, in compliance with the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 et seq.), even though the ROWs already underwent NEPA analysis. These duplicative reviews cause unnecessary delays in permit processing and discourage providers and States from pursuing broadband deployment projects, particularly in rural areas.

H.R. 4824, the Rural Broadband Permitting Efficiency Act of 2018, streamlines broadband permitting in ROWs, saving time and money in broadband deployment.

## SECTION-BY-SECTION ANALYSIS OF MAJOR PROVISIONS

*Section 3. State or tribal permitting authority*

This section requires the U.S. Department of Agriculture, with respect to National Forest System land, and the Department of the Interior (DOI), with respect to BLM land, to establish a program to allow States and Indian Tribes to enter into memoranda of understanding (MOU). These MOUs would allow States and Indian Tribes to conduct the environmental analysis under NEPA for the permitting of broadband within an operational ROW on USFS land, land under the jurisdiction of DOI, and on Indian land.

The Governor or an official designated by an Indian Tribe may enter into such an MOU for a term not to exceed 10 years if the State or Indian Tribe consents to federal court jurisdiction, federal environmental review procedures, judicial review of decisions regarding the public availability of documents, maintenance of necessary financial resources, and the provision of any information that the Secretary of Agriculture or the Secretary of the Interior needs to ensure that the State or Indian Tribe is carrying out its responsibilities.

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<sup>1</sup>Federal Communications Commission, FCC 16-6, 2016 Broadband Progress Report (2016).

*Section 4. Categorical exclusions for projects within operational rights-of-way*

This section creates a categorical exclusion under NEPA for broadband projects within an existing operational ROW. The Secretary of Agriculture or the Secretary of the Interior may use this categorical exclusion in the permitting of broadband projects within operational ROWs.

*Section 5. Federal broadband permit coordination*

This section requires that the Secretary of Agriculture or the Secretary of the Interior, as appropriate, enter into a MOU with specified agencies to coordinate and expedite permitting decisions for broadband projects. States and Indian Tribes may choose to participate in the MOU. Federal agencies that are parties to the MOU are to send qualified staff to each State or regional office delegated authority for issuing permits for broadband projects, with emphasis placed on staff with expertise in planning under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), NEPA, and the consultation and preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

COMMITTEE ACTION

H.R. 4824 was introduced on January 18, 2018, by Congressman John R. Curtis (R-UT). The bill was primarily referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. The bill was also additionally referred to the Committee on Agriculture. On May 17, 2018, the Subcommittee on Federal Lands held a hearing on the bill. On June 6, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee on Federal Lands was discharged by unanimous consent. Congressman John R. Curtis offered an amendment designated #1; it was adopted by voice vote. No additional amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 20, 2018.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4824, the Rural Broadband Permitting Efficiency Act of 2018.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

MARK P. HADLEY  
(For Keith Hall, Director).

Enclosure.

*H.R. 4824—Rural Broadband Permitting Efficiency Act of 2018*

H.R. 4824 would require the Bureau of Land Management (BLM) to establish a program to enhance the permitting process for broadband Internet projects in each of the agency's field offices. The bill also would authorize BLM and the Forest Service to enter into agreements with states and tribes to allow those entities to carry out environmental reviews under the National Environmental Policy Act (NEPA) for broadband projects within existing rights-of-way on federal lands.

Using information provided by BLM, CBO estimates that establishing a program to enhance the permitting process for broadband projects in each of the agency's 14 field offices would cost \$400,000 in 2019. CBO also estimates that administering those programs would cost about \$300,000 a year over the 2020–2023 period. Those amounts, totaling \$1.6 million over the next five years, would pay BLM staff to develop and administer the programs. Any spending to cover those costs would be subject to the availability of appropriated funds.

Because the bill would authorize BLM and the Forest Service to allow states and tribes to assume responsibility for completing analyses under NEPA, CBO estimates that implementing the bill could reduce the amount the agencies spend on those activities. However, CBO expects that any funds those agencies would have used for the analyses would instead be used for similar activities.

Enacting H.R. 4824 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4824 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 4824 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to allow certain State and tribal

permitting authority to encourage expansion of broadband service to rural and tribal communities.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.



ROB BISHOP OF UTAH  
CHAIRMAN

CODY STEWART  
STAFF DIRECTOR

COMMITTEE CORRESPONDENCE

**U.S. House of Representatives**  
Committee on Natural Resources  
Washington, DC 20515

RAUL GRIJALVA OF ARIZONA  
RANKING MEMBER

DAVID WATKINS  
LEGISLATIVE STAFF DIRECTOR

August 1, 2018

The Honorable K. Michael Conaway  
Chairman  
Committee on Agriculture  
1301 Longworth HOB  
Washington, DC 20515

Dear Mr. Chairman:

I write regarding H.R. 4824, the Rural Broadband Permitting Efficiency Act of 2018, which was primarily referred to the Committee on Natural Resources and additionally referred to your committee. The Natural Resources Committee ordered the bill favorably reported by voice vote on June 6, 2018, and my staff has shared with your staff a draft bill report, a copy of the bill as ordered reported and the cost estimate prepared by the Congressional Budget Office.

I ask that you allow your committee to be discharged from further consideration of the bill so that it may be quickly scheduled by the Majority Leader. I agree that this discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have your committee be represented on the conference committee. Finally, I would be pleased to include this letter and your response in the report for the bill and in the Congressional Record during debate on the bill to document our agreement.

Thank you very much for your consideration of my request, and I look forward to bringing H.R. 4824 to the Floor soon.

Sincerely,



Rob Bishop  
Chairman  
Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker  
The Honorable Kevin McCarthy, Majority Leader  
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

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**U.S. House of Representatives**  
**Committee on Agriculture**  
 Room 1301, Longworth House Office Building  
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July 30, 2018

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The Honorable Rob Bishop  
 Chairman  
 Committee on Natural Resources  
 1324 Longworth HOB  
 Washington, D.C. 20515

Dear Mr. Chairman:

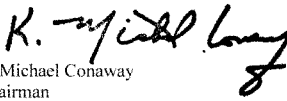
Thank you for the opportunity to review H.R. 4824, the Rural Broadband Permitting Efficiency Act of 2018. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 4824 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the *Congressional Record* during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,

  
 K. Michael Conaway  
 Chairman

cc: The Honorable Paul D. Ryan, Speaker  
 The Honorable Collin C. Peterson  
 The Honorable Raul Grijalva  
 The Honorable Thomas J. Wickham, Parliamentarian

## DISSENTING VIEWS

H.R. 4824 allows states to assume responsibility for the environmental review permits for broadband projects in existing operational rights-of-way, such as roads, bridges, trails and other disturbed areas, and establishes a broad categorical exclusion from the planning requirement of the National Environmental Policy Act (NEPA) for these projects.

The genesis of this bill is the idea that the current permitting process takes too long and the federal government can rely on resources provided by states to expedite the process. However, this is an issue that Congress has already addressed: the recently passed Consolidated Appropriations Act of 2018<sup>1</sup> contained several provisions designed to improve permitting efficiency for broadband and wireless. This included requiring the Administrator of General Services to develop a common application form and master contract to streamline applications for wireless broadband facilities of federal easements, rights-of-way, and leases. Federal agencies need time to implement these new provisions.

At markup, we were happy to support portions of an amendment offered by the bill sponsor that addressed many of our concerns with the bill, including ensuring adequate consultation with tribal governments and clarifying that the bill does not intend to provide states with the authority to approve federal permits. Ultimately, the amendment failed in one critical aspect: it mandated a categorical exclusion. Rather than require the agencies to go through the rulemaking process to establish a categorical exclusion, the amendment provided for the exclusion without further analysis. Legislatively-created categorical exclusions have the potential to bypass important guidelines that ensure agencies determine when it is appropriate to waive NEPA's environmental review and public involvement requirements.

While we support efforts to increase the broadband availability throughout rural America, we are concerned that H.R. 4824 upends critical safeguards that ensure public involvement in land management decisions.

RAÚL M. GRIJALVA,  
*Ranking Member, Committee  
on Natural Resources.*

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<sup>1</sup>P.L. 115-141, Sec. 606.