

**Statement for the Record  
Bureau of Land Management  
U.S. Department of the Interior**

**House Committee on Natural Resources  
Subcommittee on Federal Lands**

**H.R. 3293, Expediting Federal Broadband Deployment Review Act**

**July 24, 2024**

Thank you for the opportunity to provide this Statement for the Record on H.R. 3293, the Expediting Federal Broadband Deployment Review Act. H.R. 3293 directs the Department of Commerce to establish an interagency strike force to support the review of requests for communications use authorizations by the Bureau of Land Management (BLM) and the U.S. Department of Agriculture (USDA) Forest Service. The BLM supports the goals of H.R. 3293, which align with the Biden-Harris Administration’s priority to provide affordable, reliable high-speed internet to everyone in the United States. We would like to have further discussions with the Sponsor and the Subcommittee to clarify that the BLM retains decision making authority over land management actions and to ensure that any new coordinating body augments existing coordination efforts.

The BLM defers to the Department of Commerce regarding potential impacts to that agency associated with establishing the strike force. We also defer to the USDA regarding potential impacts to the USDA Forest Service.

**Background**

In an increasingly digital world, broadband communications are as essential as roads, bridges, powerlines, and water and sewer systems. As the nation’s largest land manager, BLM plays a major role in connecting communities to the internet as part of its management of approximately 245 million surface acres, located primarily in 12 western states. The Federal Land Policy and Management Act (FLPMA) sets forth the BLM’s multiple-use mission, directing that public lands generally be managed for a broad range of uses including broadband development, as well as renewable and conventional energy development, livestock grazing, timber production, and conservation – including protecting cultural and historic resources. FLPMA also requires the BLM to manage public land resources on a sustained-yield basis for the benefit of current and future generations.

Under Title V of FLPMA, the BLM is authorized to grant, issue, or renew rights-of-way (ROW) over, upon, under, or through public lands for specific projects, such as roads, pipelines, transmission lines, and communication sites. A ROW grant authorizes rights and privileges for a specific use of the land for a specific period of time. Generally, a BLM ROW is granted for a term appropriate for the life of the project. Additionally, a communications use authorization is required to modify or locate communications facilities on public lands.

The BLM currently administers more than 1,500 communications sites on public lands in the eleven Western states and Alaska. Most communications sites on BLM-managed public lands are located at geographic elevations and consist of one or more facilities (such as towers, antennas, or other buildings) owned by private or governmental entities. Activities at each site are managed by a local BLM field office under a resource management plan and a site-specific management plan. To date, the BLM has authorized the construction and operation of more than 4,000 facilities – ranging from radio and television transmitters to cellular and wireless broadband towers – using ROW grants. We also manage ROWs for approximately 5,000 miles of energy corridors that are compatible with fiber optic and telephone lines.

The BLM also recently updated its regulations for developing and operating broadband infrastructure on public lands. The final rule, titled *Update of the Communications Uses Program, Cost Recovery Fee Schedules, and Section 512 of FLPMA for Rights-of-Way*, was published in April and brings several key changes consistent with the provisions of H.R. 3293, including: committing the agency to making a decision on communications uses ROWs, easements, or lease applications within 270 days; providing consistency in the BLM’s review of applications to locate communications facilities on Federal land; and allowing project applications to be submitted electronically.

### **H.R. 3293**

H.R. 3293 directs the Department of Commerce to establish an interagency strike force to support the review of requests for communications use authorizations by the BLM and USDA Forest Service. Under the bill, the strike force would comprise the Assistant Secretary of Commerce for Communications and Information, the BLM Director, the Chief of the USDA Forest Service, a designee of the Secretary of Agriculture, and a designee of the Secretary of the Interior. H.R. 3293 requires that the strike force: 1) conduct periodic calls with strike force members to ensure that the BLM and USDA Forest Service prioritize the review of requests for communications use authorizations; 2) establish goals for the review of the requests; and 3) monitor and facilitate agency accountability for meeting the established goals. The bill also requires the strike force to report to Congress regarding its effectiveness.

The BLM supports the goals of H.R. 3293, which we understand aims to facilitate the deployment of broadband internet and aligns with the Administration’s priorities. However, we note that the proposed task force may be duplicative of work that the Department and its bureaus are already doing to support broadband deployment. For example, the BLM currently engages in several interagency working groups to support broadband, infrastructure, and streamline Federal permitting, which include the Department of Commerce, the USDA Forest Service, as well as agencies beyond those specified in H.R. 3293. These working groups have established processes to support and facilitate the expeditious review of communications projects. Moreover, the Permitting Council, which was established by Title 41 of the Fixing America’s Surface Transportation Act (FAST-41), includes the Department, the USDA, and other Federal agencies. The Permitting Council is charged with improving the transparency, predictability, and outcomes of the Federal environmental review and authorization process for certain large-scale critical

infrastructure projects, which includes broadband. As a result, the work stream and priority setting proposed by the bill may overlap or conflict with other ongoing work, potentially negatively impacting the BLM's ability to support broadband deployment. The BLM recommends that the Sponsor and the Subcommittee consider modifying the bill to better align the proposed strike force with existing coordination processes and to clarify that the BLM retains decision making authority over land management actions on public lands.

**Conclusion**

Thank you again for the opportunity to provide this Statement for the Record.