U.S. General Services Administration

Executive Order 13821, “Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America”

Q1 FY 2023 Quarterly Report

Prepared for the Director of the Office of Management and Budget per the requirements of subsection 2(e) of Executive Order 13821

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# Executive Summary

The U.S. General Services Administration (GSA) is submitting this quarterly report to the Office of Management and Budget (OMB) per the requirements of Executive Order (E.O.) 13821, “Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America.” Pursuant to subsection 2(e) of E.O. 13821, this report provides an aggregated summary of the revised SF-299 application data submitted to GSA by the Federal property managing agencies during the first quarter (Q1) of fiscal year (FY) 2023. The aggregated summary of results includes data on the number of revised SF-299 applications received by each Federal property managing agency for wireless facility siting permits, the number and percentage of applications approved, the number and percentage rejected, the basis for any rejection, and the number of working days each application was pending before being approved or rejected.

# Background

On January 8, 2018, the President issued E.O. 13821, “Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America,” to accelerate the deployment and adoption of broadband connectivity in rural America and enable sustainable rural broadband infrastructure projects. The order directs Federal property managing agencies[[1]](#footnote-1) to:

* seek to reduce barriers to capital investment;
* remove obstacles to broadband services;
* use the GSA Common Form Application, as revised, if necessary, to evaluate requests to locate broadband facilities on Federal property; and
* report to GSA on a quarterly basis regarding their use of the Common Form Application.

Section 6409 of the Middle-Class Tax Relief and Job Creation Act of 2012 (Public Law No. 112-96) requires, among other things, that GSA develop a common form and master contract for siting wireless infrastructure on buildings and other property owned by the Federal Government. E.O. 13821 expands on section 6409 in several ways, including the requirement for GSA and Federal property managing agencies to report quarterly on the number of Common Form Applications received, the number and percentage approved, the number and percentage rejected, the basis for any rejection, and the number of working days each application was pending before being approved or rejected.

# GSA Reporting Requirements under Executive Order 13821

Subsections 2(d) and (e) of E.O. 13821 require the following:

1. Within 180 days of the date of the order, and on a quarterly basis thereafter, all Federal property managing agencies must report to GSA regarding their required use of the Common Form Application, the number of Common Form Applications received, the number and percentage approved, the number and percentage rejected, the basis for any rejection, and the number of working days each application was pending before being approved or rejected. Each report must include the number of applications received, approved, and rejected within the preceding quarter; and
2. Ninety days after the date of the order, and on a quarterly basis thereafter, GSA must prepare and provide to the Director of OMB an aggregated summary report detailing results from the reports submitted under subsection 2(d).

Pursuant to subsection 2(e) of the order, this report summarizes the results of the data submitted to GSA by the Federal property managing agencies under subsection 2(d) and includes an aggregated summary of the number of Common Form Applications received, the number and percentage approved, the number and percentage rejected, the basis for any rejection, and the number of working days each application was pending before being approved or rejected.

In collecting and summarizing the Common Form Application data, GSA counted agency use of either the Common Form Application or the SF-299, “Application for Transportation and Utilities Systems and Facilities on Federal Lands.” The SF-299 is required for use by all agencies for easements and rights-of-way; however, in conversations with other land management agencies, GSA discovered that many agencies were also using the SF-299 as their application for antenna installations. GSA discussed this point with the Executive Office of the President at a meeting in January 2018, where it was agreed that the SF-299, rather than the Common Form Application, should be revised to better meet both agency and industry needs regarding the common form antenna installation application. OMB approved the revised SF-299 on February 14, 2020. As a result, the SF-299, as revised, is now the exclusive form used by non-Federal entities to request approval to install telecommunications equipment on Federal assets and lands. Accordingly, for this report, GSA collected information from the Federal property managing agencies on the use of the SF-299, as revised.

# Data Collection and Reporting Results

To facilitate and streamline the collection of the information required under subsection 2(d) of E.O. 13821, GSA created and distributed a survey, in January 2023, to 41 Federal property managing agencies and bureaus. Appendix A lists the survey questions; Appendix B lists all the Federal property managing agencies and bureaus that GSA surveyed, and which agencies responded to the survey; and, for those agencies that responded to the survey, Appendix C identifies those agencies that processed applications for permits during the reporting period.

In accordance with EO 13821 and in collaboration with the Streamlining Federal Permitting Work Stream (SFP), GSA staff created the following definitions to classify more comprehensively the various stages of the permit application process:

* + **Application Received Date** – The date on which an agency receives a complete (duly filed) application, including any attachments.
	+ **Date Approved** – The date on which the authorizing agency completes its review of a duly filed application and transmits the authorization to the applicant, otherwise known as the date the authorization was offered to an applicant. For purposes of the survey, an authorization means a permit, lease, grant, or some other contractual agreement.
	+ **Date Rejected** – The date on which the agency rejects an application (usually an appealable decision).
	+ **Date Withdrawn** – The date on which an applicant notifies the agency it no longer wishes to pursue an application and withdraws the application.
	+ **Date Authorized** – The date on which both the agency and the applicant agree to the contractual terms and conditions of an authorization.
	+ **Application Pending** – An application that has been received by the agency, but not yet processed.

GSA has reviewed and aggregated the responses to the survey questions and provides data most recently collected for Q1 of FY 2023. Of the 41 agencies and bureaus surveyed that meet the E.O.’s definition of Federal property managing agencies, 33 responded to the survey and 7 processed applications during the reporting period. Table 1 provides an aggregated summary of the number of applications received, the number of applications approved, the number of applications rejected, the number of working days each application was pending before being approved or rejected, the number of applications authorized, and the number of applications withdrawn.

**Table 1: Aggregate Summary of Reporting Results**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Description** | **Q2 FY22** | **Q3 FY 22** | **Q4 FY22** | **Q1 FY23** |
| Applications received | 200 | 154 | 262 | 149 |
| *Approvals* |
|  Applications approved | 200 | 108 | 165 | 80 |
|  Average # days applications pending before approval | 231 | 188 | 233 | 202 |
|  Applications approved < 270 days | — | 99 | 114 | 64 |
|  Applications approved > 270 days | — | 9 | 51 | 16 |
| *Rejections* |
|  Applications rejected | 1 | 2 | 0 | 0 |
|  Average # days applications pending before rejection | 62 | 927 | N/A | N/A |
| Applications authorized  | 86 | 86 | 74 | 58 |
| Applications withdrawn  | 2 | 6 | 0 | 13 |
| *Pending* |
|  Applications pending at the end of the reporting period | 206 | 244 | 341 | 397 |
|  Average number of days pending | — | 250 | 320 | 321 |

**Note:** The “N/A” denotes that the average number of days applications are pending before rejection cannot be calculated when agencies do not reject any applications during the reporting period.

— Data unavailable prior to Q3 FY 22

The number of applications approved, pending or rejected during Q1 of FY 2023 is not directly tied to the total number of applications received by the agencies during this reporting period.  This is attributable to a continuous backlog in processing pending applications.  OMB, GSA and the SFP continue to encourage agencies to be more proactive in the processing of applications.  Changes in the data resulting from the targeted outreach to agencies, as well as other factors, are outlined below.

* The number of applications received by Federal property managing agencies decreased from 262 in the fourth quarter (Q4) of FY 2022 to 149 in Q1 of FY 2023 (see Figure 1 and Table 1, above).  Some agencies noted that wireless providers are opting to install 5G technology at new broadband sites while replacing previously installed 4G wireless installations with 5G wireless towers that are relatively more expensive.  This has likely resulted in a drop in the demand for broadband siting permits during the reporting period.
* The number of applications approved decreased from 165 in Q4 of FY 2022 to 80 in Q1 of FY 2023, and the number of applications authorized also decreased from 74 in Q4 of FY 2022 to 58 in Q1 of FY 2023 (see Table 1 and Figure 2, above).  Some agencies attributed both decreases to the inclement weather that was prevalent in many parts of the Pacific Northwest during Q1 of FY 2023.  The inclement weather prevented the resource and construction surveys, which are essential for all broadband site approvals and authorizations, from being conducted until early spring when the snow melts or the soil softens or thaws.  Thus, submitted applications could not be approved or authorized as quickly as they would have been had they been submitted at other times of the year.  Of the 80 applications approved, 64 were approved within the 270-day statutory time frame, while 16 of the applications required more than 270 days to be approved.
* The average number of days applications were pending prior to approval decreased from 233 days in Q4 of FY 2022 to 202 days in Q1 of FY 2023 (see Table 1 and Figure 2, above). Agencies noted that field office staff regularly receive training on how to work with applicants to ensure that siting permits are filled out correctly during the initial submission and this has resulted in applicants seeing shorter waiting periods between the application received date and the date of approval.
* There were 13 applications withdrawn in Q1 of FY 2023.  All these withdrawals came from one agency that was working with a single applicant.  The applicant originally requested a grouping of 13 installations that would be built concurrently but decided not to proceed with the projects at this time due to cost constraints.  There were no rejected applications during this reporting period.
* The number of applications pending increased from 341 at the end of Q4 of FY 2022 to 397 in Q1 of FY 2023 (see Table 1, above).  This increase in the number of applications pending is likely linked to the decrease in the number of applications approved as explained in the second bulleted paragraph above.  The number of applications pending at the end of the current reporting period (Q1 of FY 2023) was calculated by adding the number of applications pending from the previous quarter (Q4 of FY 2022) (*i.e.*, 341) to the number of applications received during Q1 of FY 2023 (*i.e.*, 149).  From this total, GSA staff then subtracted the number approved (*i.e.*, 80), the number withdrawn (*i.e.*, 13) and the number rejected (*i.e.*, 0) in Q1 of FY 2023.  The applications remaining at the end of the quarter had an average pending time of 321 days.  This figure is most likely the result of inconsistent approaches to counting what constitutes a newly received application and when the timeline starts.  Agencies have noted that some field offices count receipt of a new application from the moment any part of the application is received (*i.e.*, an incomplete application), while others wait until a fully completed application is received to start the clock.  GSA is aware of this issue and has been working with agencies to adopt a more consistent approach to logging and counting new and pending applications.  GSA is also exploring the possibility of migrating the E.O. 13821 data collection effort to a more robust platform that will enhance GSA’s ability to analyze the agencies’ submissions.

1. Does your agency have custody and control of, or responsibility for managing: federal lands, buildings and rights of way; federally assisted highways; or tribal lands? If yes, please answer question 2.

2. Did your agency process any applications during the preceding quarter?

For the purposes of this survey, "applications" refer to the revised SF-299 or similar application.

If an agency answers “yes” to both questions 1 and 2, they must enter detailed-level data in a spreadsheet for each application received.

3. For each permit received or processed, enter the respective information in the columns below. Please enter information on all permits submitted in previous quarters.

The spreadsheet data fields include the following:

* Agency/Bureau
* Permit Application ID
* Submittal date
* Status
	+ Approved
	+ Rejected
	+ Pending
	+ Withdrawn
	+ Authorized
* If approved, date approved; if rejected, date rejected; if withdrawn, date withdrawn; if authorized, date authorized
* Reason for rejection
	+ Inaccurate information
	+ Incomplete application
	+ Other

Appendix B lists all the Federal property managing agencies and bureaus that GSA surveyed, and which agencies responded to the survey.

|  |  |  |
| --- | --- | --- |
| No.  | Agency/Bureau | Survey Response Received |
| 1 | Agency for Global Media | Yes |
| 2 | Barry Goldwater Scholarship and Excellence in Education Foundation | Yes |
| 3 | Chemical Safety and Hazard Investigation Board | No |
| 4 | Commodity Futures Trading Commission | No |
| 5 | Department of Agriculture, US Forest Service | Yes |
| 6 | Department of Commerce | Yes |
| 7 | Department of Energy | Yes |
| 8 | Department of Homeland Security |  Yes |
| 9 | Department of Labor | Yes |
| 10 | Department of State | No |
| 11 | Department of the Air Force | Yes |
| 12 | Department of the Army | Yes |
| 13 | Department of the Interior, Bureau of Land Management | Yes |
| 14 | Department of the Interior, Bureau of Reclamation | Yes |
| 15 | Department of the Interior, National Park Service | Yes |
| 16 | Department of the Navy | Yes |
| 17 | Department of the Treasury | No |
| 18 | Department of Transportation  | Yes |
| 19 | Department of Veterans Affairs | Yes |
| 20 | Environmental Protection Agency | No |
| 21 | Export-Import Bank | Yes |
| 22 | Farm Credit System Insurance Corporation | Yes |
| 23 | Federal Communications Commission  | Yes |
| 24 | Federal Housing Finance Agency | Yes |
| 25 | Federal Retirement Thrift Investment Board | Yes |
| 26 | General Services Administration | Yes |
| 27 | John F. Kennedy Center for the Performing Arts | Yes |
| 28 | Merit Systems Protection Board | Yes |
| 29 | Millennium Challenge Corporation | Yes |
| 30 | Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation  | Yes |
| 31 | National Aeronautics and Space Administration | Yes |
| 32 | National Archives and Records Administration | Yes |
| 33 | National Credit Union Administration | No |
| 34 | Overseas Private Investment Corporation | Yes |
| 35 | Peace Corps | Yes |
| 36 | Pretrial Services Agency for the District of Columbia | Yes |
| 37 | Securities and Exchange Commission | Yes |
| 38 | Smithsonian Institution | Yes |
| 39 | Tennessee Valley Authority | No |
| 40 | The Presidio Trust | No |
| 41 | United States Holocaust Memorial Museum | Yes |

Of those agencies that responded yes in Appendix B, Appendix C identifies those agencies that processed applications for permits during the reporting period.

|  |  |  |
| --- | --- | --- |
| **No.**  | **Agency/Bureau** | **Processed Permit Applications** |
| 1 | Agency for Global Media | No |
| 2 | Barry Goldwater Scholarship and Excellence in Education | No |
| 3 | Chemical Safety and Hazard Investigation Board | No |
| 4 | Commodity Futures Trading Commission | No |
| 5 | Department of Agriculture, US Forest Service | Yes |
| 6 | Department of Commerce | No |
| 7 | Department of Energy | Yes |
| 8 | Department of the Air Force | Yes |
| 9 | Department of the Army | No |
| 10 | Department of Homeland Security | No |
| 11 | Department of the Interior, Bureau of Land Management | Yes |
| 12 | Department of the Interior, Bureau of Reclamation | Yes |
| 13 | Department of the Interior, National Park Service | Yes |
| 14 | Department of Labor | No |
| 15 | Department of the Navy | No |
| 16 | Department of Transportation | No |
| 17 | Department of Veterans Affairs | No |
| 18 | Export-Import Bank | No |
| 19 | Farm Credit System Insurance Corporation | No |
| 20 | Federal Communications Commission | No |
| 21 | Federal Housing Finance Agency | No |
| 22 | Federal Retirement Thrift Investment Board | No |
| 23 | General Services Administration | Yes |
| 24 | John F. Kennedy Center of the Performing Arts | No |
| 25 | Merit Systems Protection Board | No |
|  26 | Millennium Challenge Corporation  | No |
|  27 | Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation | No |
| 28 | National Aeronautics and Space Administration | No |
| 29 | National Archives and Records Administration | No |
| 30 | Peace Corps | No |
| 31 | Pretrial Services Agency for the District of Columbia | No |
| 32 | Securities and Exchange Commission | No |
|  33 | United States Holocaust Memorial Museum  | No |

1. The E.O. defines “Federal property managing agencies” as “agencies that have custody and control of, or responsibility for managing, Federal lands, buildings, and rights of way, federally assisted highways, and tribal lands.” [↑](#footnote-ref-1)