GSA

U.S. General Services Administration

Executive Order 13821
"Streamlining and Expediting Requests to Locate
Broadband Facilities in Rural America"
Q2 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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I.   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 second quarter (Q2) 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.

II.   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] 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.

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[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."

III.   GSA Reporting Requirements under Executive Order 13821

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

(a) 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

(b) 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.

IV.   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 April 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 and Appendix D summarizes data at the agency level for review.

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 Q2 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 6 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	Q3 FY22	Q4FY 22	Q1 FY23	Q2 FY23
Total Applications Received Per Quarter	154	262	149	167
Approvals				
Aggregate Number of Applications approved	108	165	80	87
Average # days applications pending before approval	188	233	202	116
Applications approved < 270 days	99	114	64	87
Applications approved > 270 days	9	51	16	0
Applications authorized	86	74	58	58
Rejections				
Applications rejected	2	0	0	0
Average # days applications pending before rejection	927	N/A	N/A	N/A
Applications withdrawn	6	0	13	16
Pending				
Applications pending at the end of the reporting period	244	341	397	461
Average number of days pending	250	321	321	298
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.				

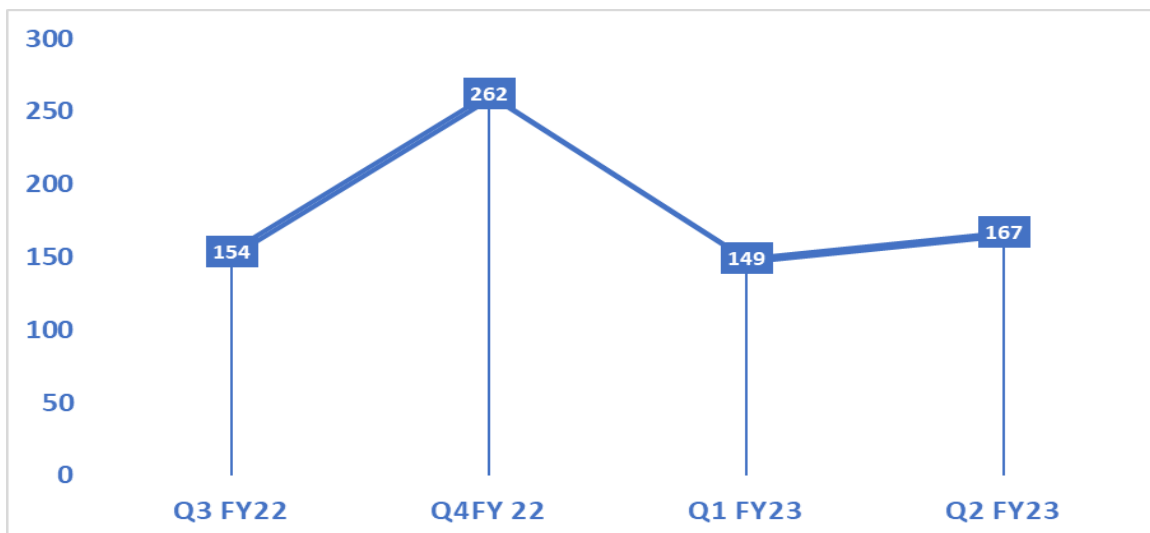## Chart 1: Aggregate Number of Applications Received

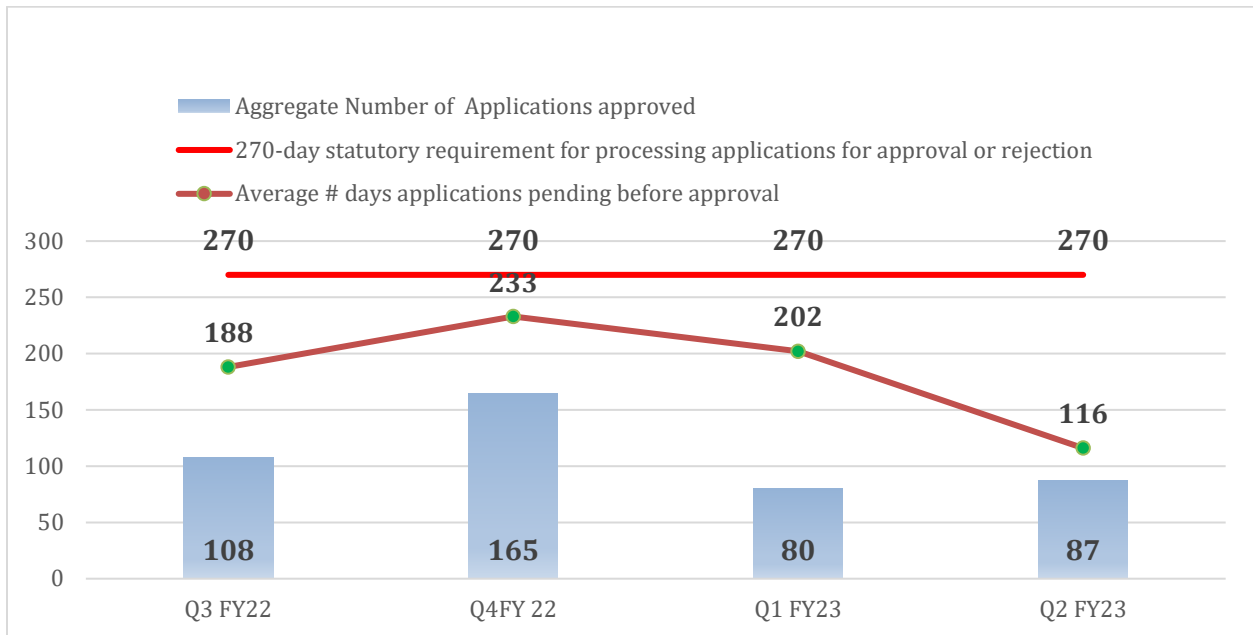**Chart 2: Aggregate # of Applications Approved & Avg. # of Days Applications Pending Prior to Approval**

Legend:
- Aggregate Number of Applications approved
- 270-day statutory requirement for processing applications for approval or rejection
- Average # days applications pending before approval

	Q3 FY22	Q4FY 22	Q1 FY23	Q2 FY23
270-day statutory requirement	270	270	270	270
Average # days applications pending before approval	188	233	202	116
Aggregate Number of Applications approved	108	165	80	87

Chart 3: Aggregate Number of Applications Authorized

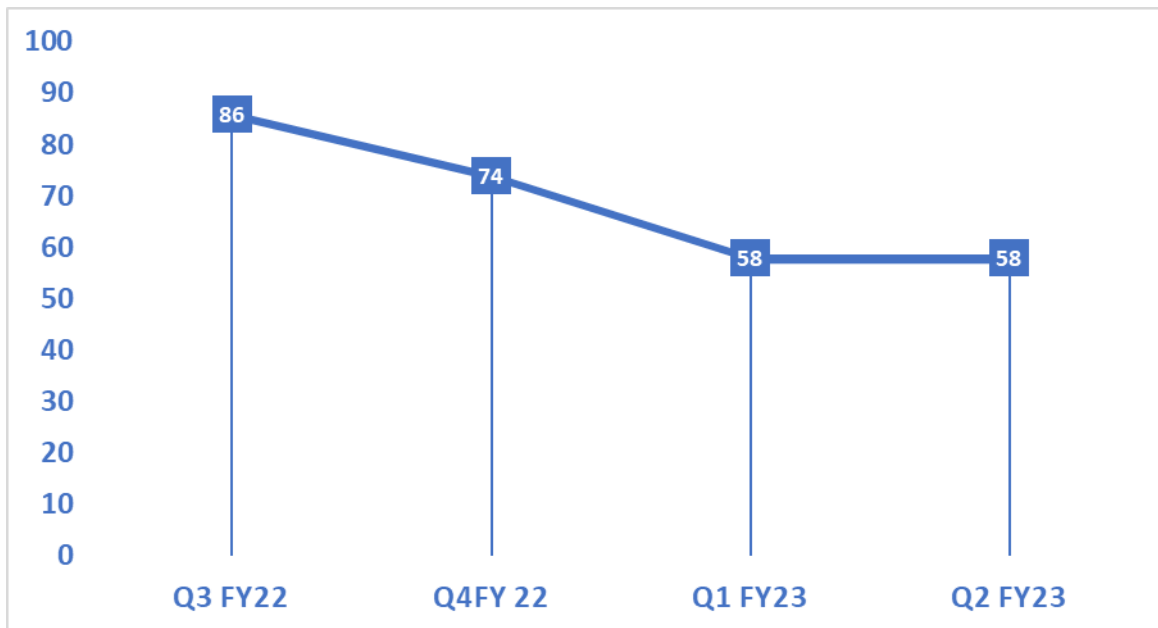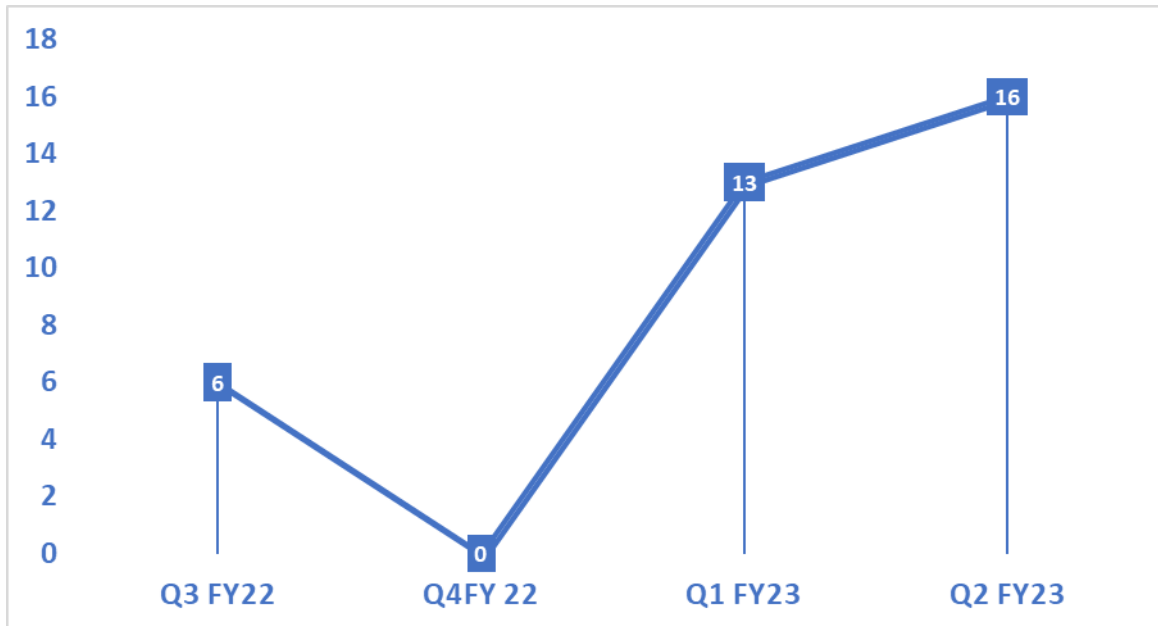| Q3 FY22	Q4FY 22	Q1 FY23	Q2 FY23
86	74	58	58

Chart 4: Aggregate Number of Applications Withdrawn

The number of applications approved, pending or rejected during Q2 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 increased from 149 in the first quarter (Q1) of FY 2023 to 167 in Q2 of FY 2023 (see Chart 1 and Table 1, above). Agencies were not able to attribute the increase to any specific reason but noted that wireless providers are pushing to install 5G technology at new broadband sites while replacing previously installed 4G wireless installations with 5G wireless towers to meet increased demand from broadband customers for enhanced wireless technology. For a breakdown of the number of applications received for each agency, see Chart D-1 in Appendix D.

The number of applications approved increased from 80 in Q1 of FY 2023 to 87 in Q2 of FY 2023, while the number of applications authorized stayed the same at 58 for both Q1 and Q2 of FY 2023 (see Table 1, Chart 2 and Chart 3, above). Agencies were not able to attribute the increase in applications approved to any single factor. Of the 87 applications approved, all 87 were approved within the 270-day statutory time frame. For a breakdown of the number of applications approved for each agency, see Chart D-2 in Appendix D.

The average number of days applications were pending prior to approval decreased from 202 days in Q1 of FY 2023 to 116 days in Q2 of FY 2023 (see Table 1 and Chart 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. For a breakdown of the average number of days an application was pending prior to approval per agency, see Chart D-2 in Appendix D.

There were no applications rejected in Q2 of FY 2023. The number of applications withdrawn increased from 13 in Q1 of FY 2023 to 16 in Q2 of FY 2023 (see Table 1 and Chart 4, above). It is important to note that, unlike rejected applications, withdrawn applications are initiated by the wireless provider/applicant and not the agencies and can occur for a multitude of reasons. In Q2 of FY 2023, reasons for withdrawn applications included an applicant deciding not to proceed with the permit due to increased cost projections and an applicant deciding the site was no longer needed. For a breakdown of the number of applications withdrawn for each agency, see Chart D-3 in Appendix D.

The number of applications pending increased from 397 at the end of Q1 of FY 2023 to 461 in Q2 of FY 2023 (see Table 1, above). This increase in the number of applications pending is linked to the increase in the number of applications received in Q2 FY 2023, as noted above. The number of applications pending at the end of the current reporting period (Q2 of FY 2023) was calculated by adding the number of applications pending from the previous quarter (Q1 of FY 2023) (i.e., 397) to the number of applications received during Q2 of FY 2023 (i.e., 167). From this total, GSA staff then subtracted the number approved (i.e., 87), the number withdrawn (i.e., 16) and the number rejected (i.e., 0) in Q2 of FY 2023. The applications remaining at the end of the quarter had an average pending time of 298 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 the ability to analyze agency submissions.

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APPENDIX A: Survey Questions

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: Federal Property Managing Agencies Surveyed

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

No.	Agency/Bureau	Survey Response Received
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

APPENDIX C: Agencies That Processed Permit Applications

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	No
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

No.	Agency/Bureau	Processed Permit Applications
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

APPENDIX D: Agency Level Data

Appendix D summarizes the application data for the agencies that responded yes in Appendix C (Back to Summary).

Chart D-1: Number of New Applications Received per Agency

Department of Energy had no applications received in Q1 and Q2 FY 23
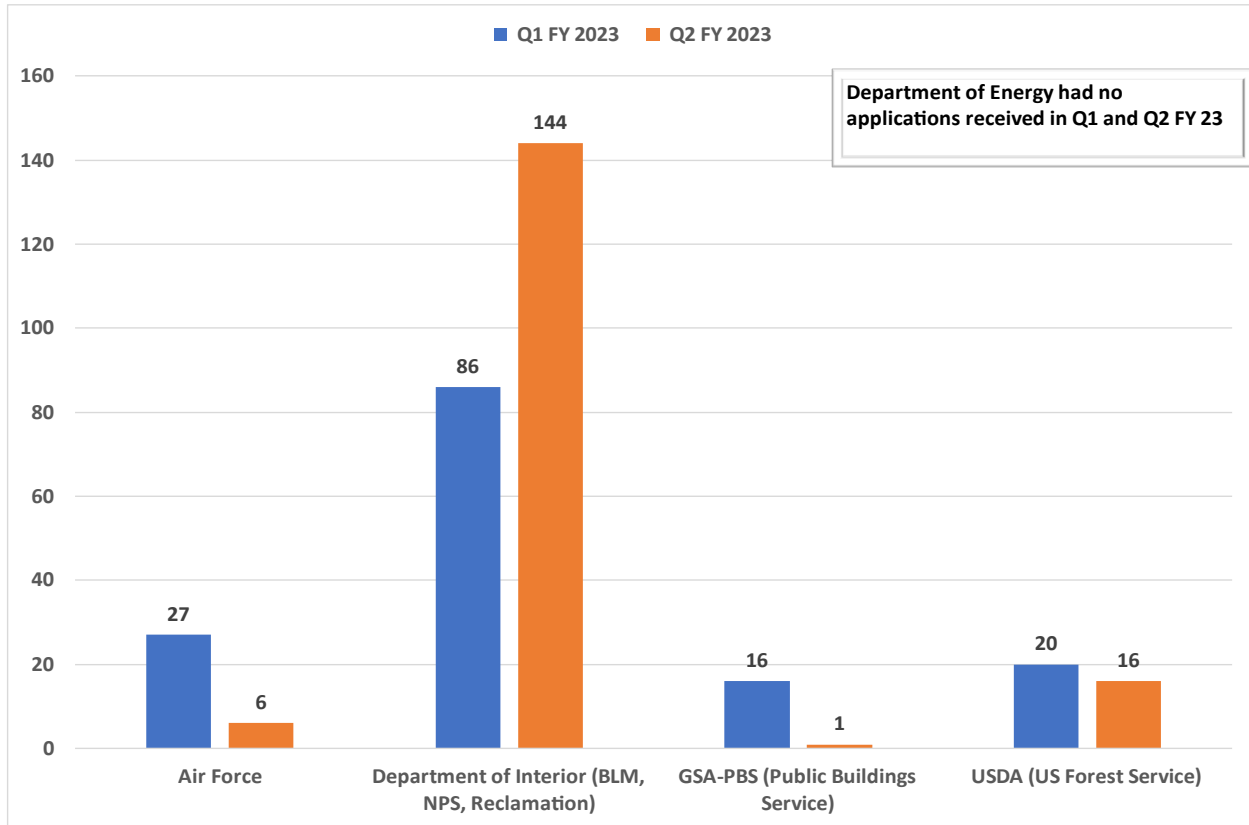
Chart D-1A: Q1 FY 23 # New Applications Received
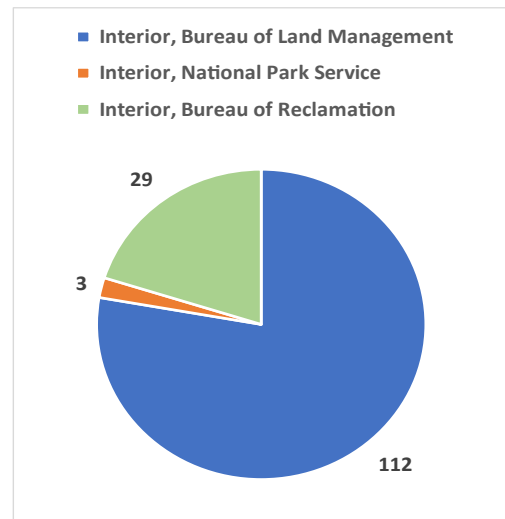

Chart D-1A: Q1 FY 23 # New Applications Received

Chart D-2: Applications Approved & Avg # of Days to Approve Pending Applications per Agency
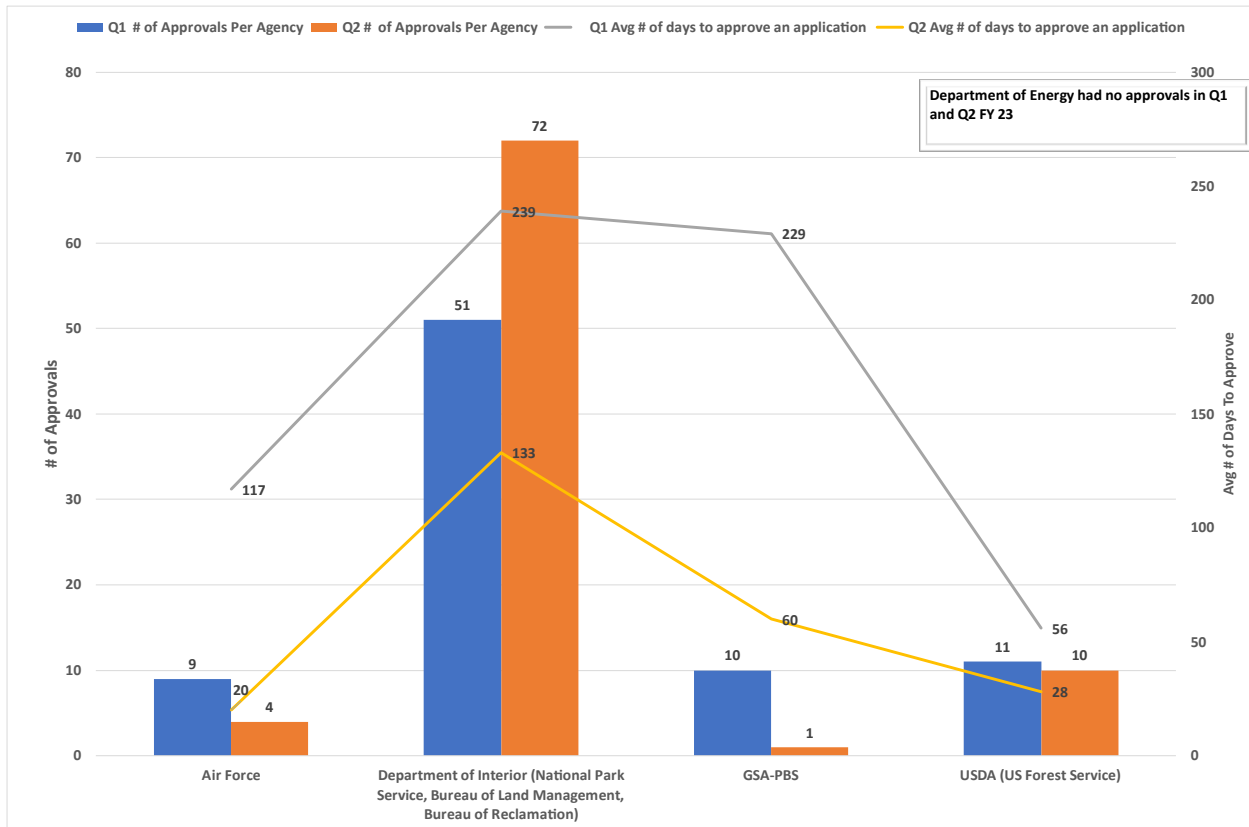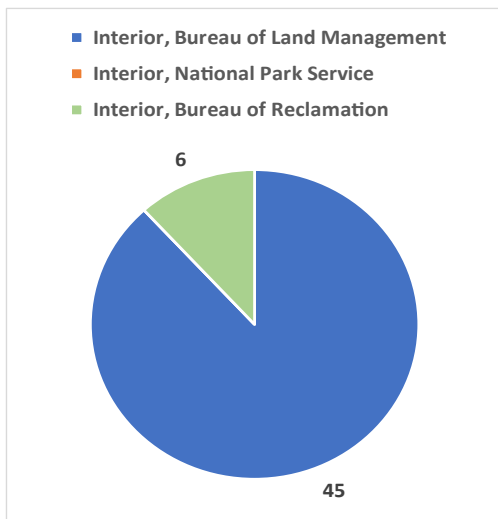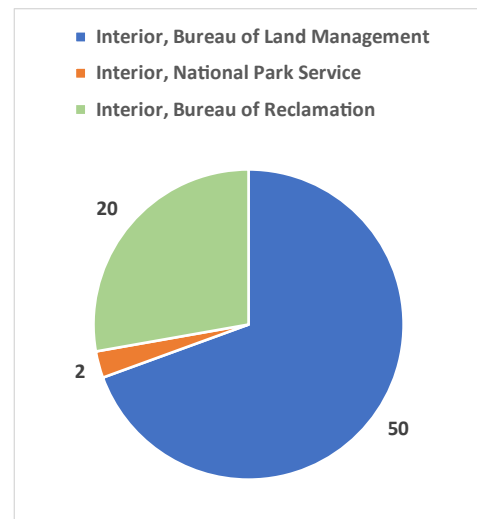

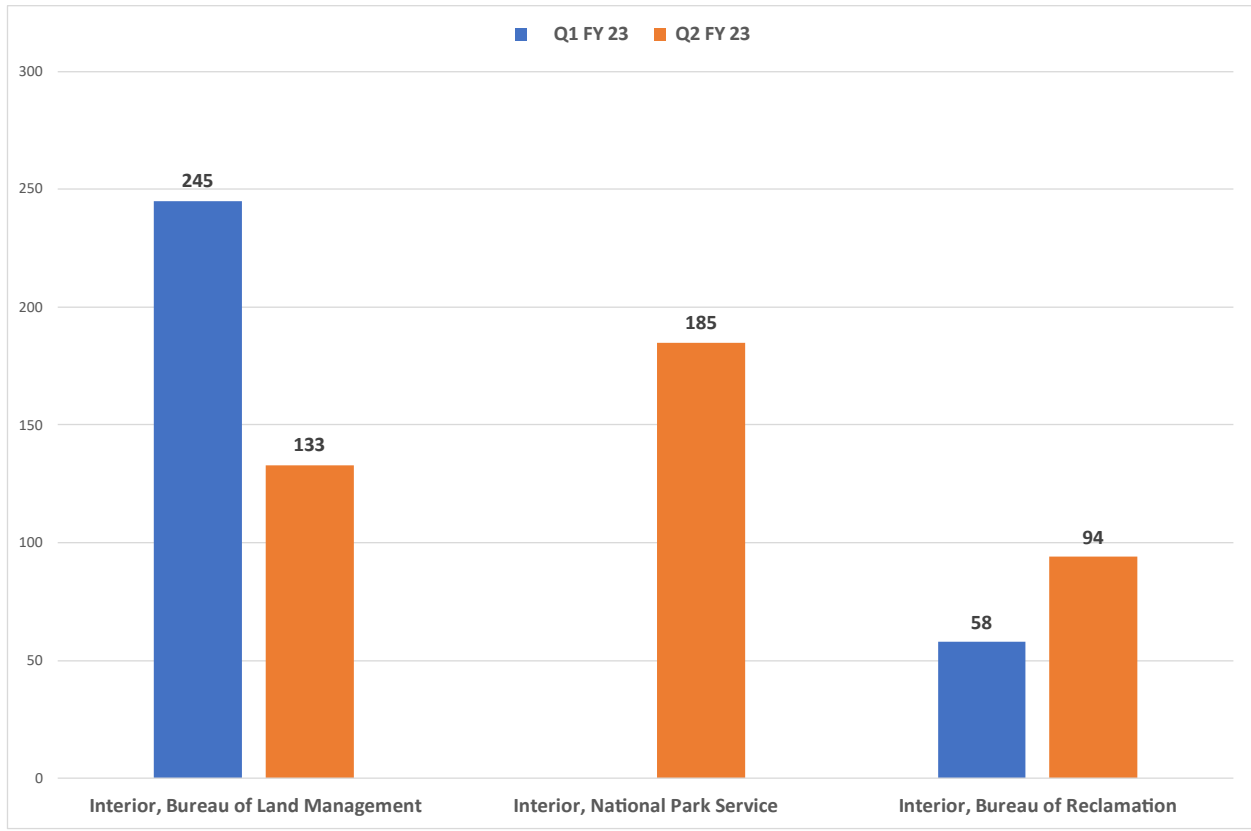## Chart D-1A: Q1 FY 23 # New Applications Approved

Note: *There were no new approved applications in Q1 FY23 for National Park Service.*

Chart D-2B: Q2 FY 23 # New Applications Approved

Chart D-2C: Avg. # Days to Approve

Note: *There were no new approved applications in Q1 FY23 for the National Park Service.*

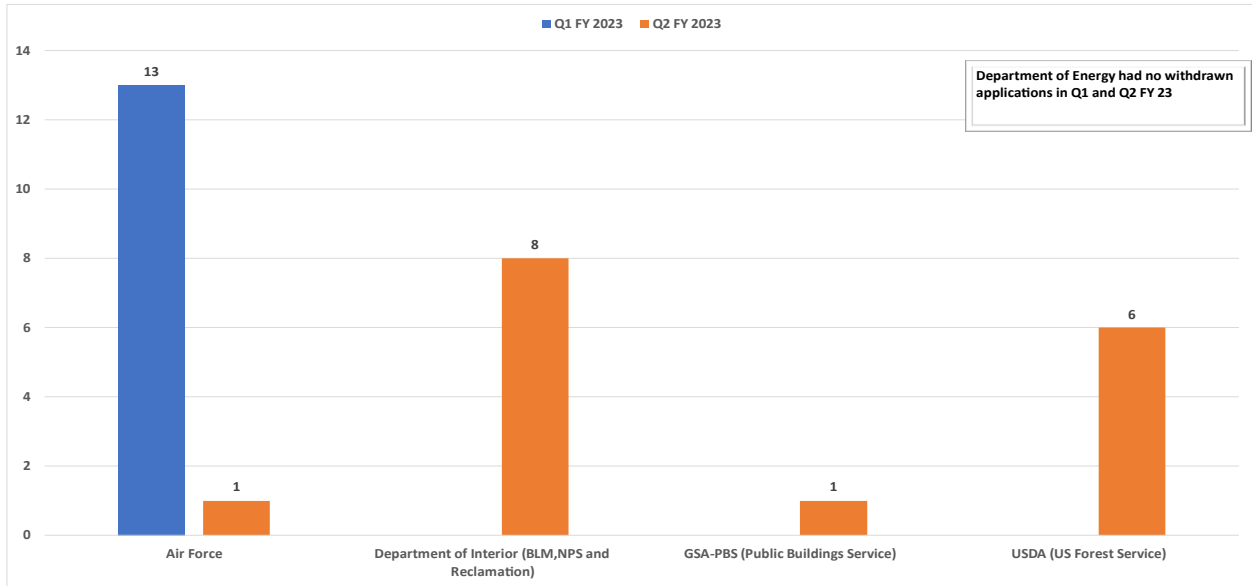## Chart D-3: Number of Withdrawn Applications per Agency

Department of Energy had no withdrawn applications in Q1 and Q2 FY 23

Chart D-3A: Q2 FY 23 # Applications Withdrawn

- Interior, Bureau of Land Management
- Interior, National Park Service
- Interior, Bureau of Reclamation
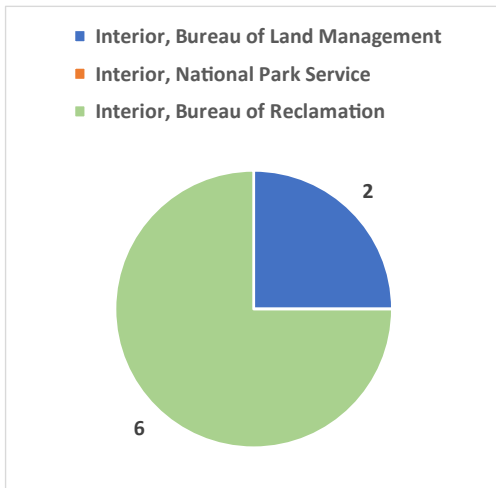
Note: *There were no applications withdrawn in Q1 FY23 for any bureau from the Department of Interior.*

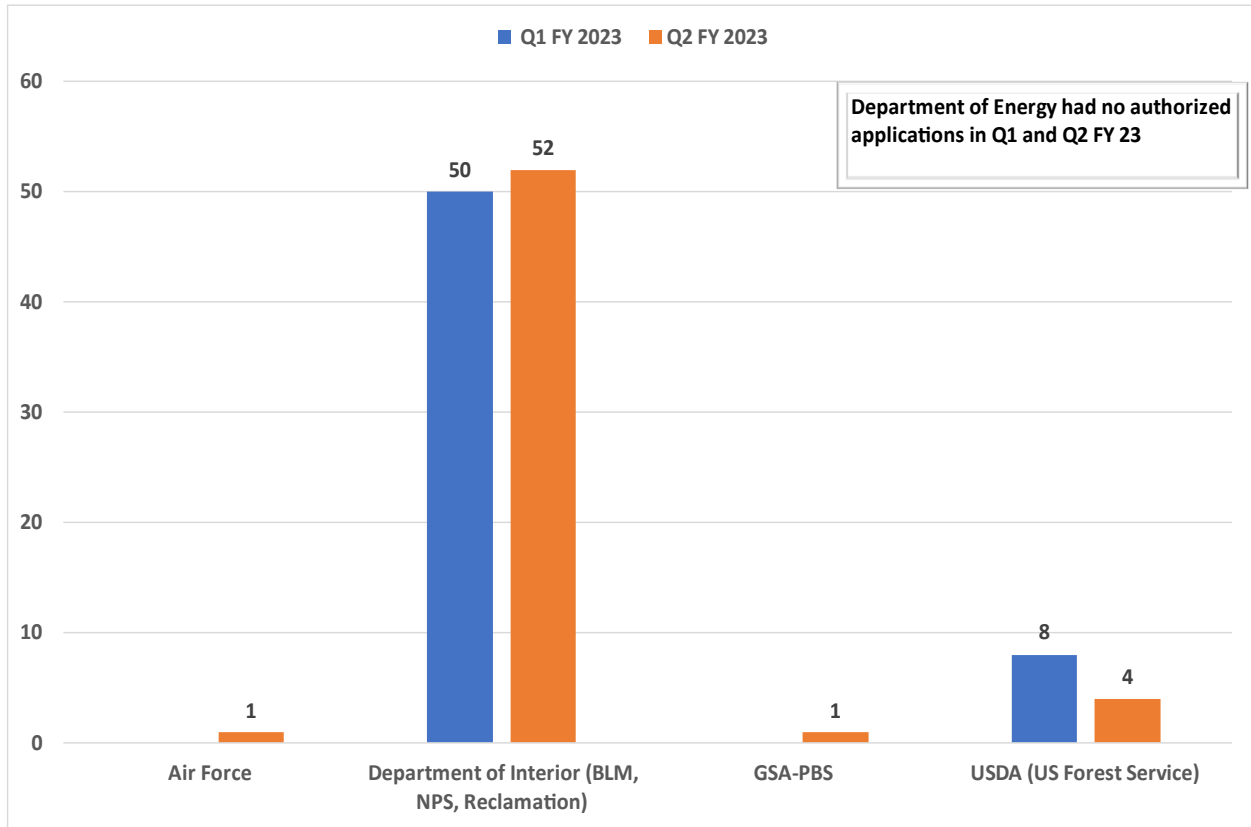## Chart D-4: Number of Applications Authorized per Agency

Legend: ■ Q1 FY 2023 ■ Q2 FY 2023

Department of Energy had no authorized applications in Q1 and Q2 FY 23

Agency	Q1 FY 2023	Q2 FY 2023
Air Force		1
Department of Interior (BLM, NPS, Reclamation)	50	52
GSA-PBS		1
USDA (US Forest Service)	8	4

Chart D-4A: Q1 FY 23 # New Authorized Applications

Legend: ■ Interior, Bureau of Land Management ■ Interior, National Park Service ■ Interior, Bureau of Reclamation

- Interior, Bureau of Land Management: 45
- Interior, Bureau of Reclamation: 5
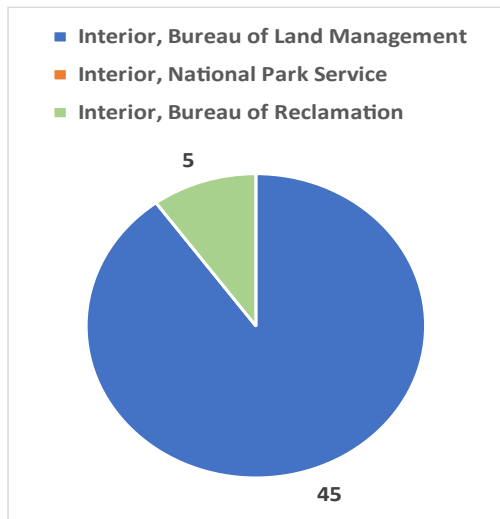
Chart D-4A: Q2 FY 23 # New Applications Authorized

Legend: ■ Interior, Bureau of Land Management ■ Interior, National Park Service ■ Interior, Bureau of Reclamation

- Interior, Bureau of Land Management: 34
- Interior, National Park Service: 2
- Interior, Bureau of Reclamation: 16
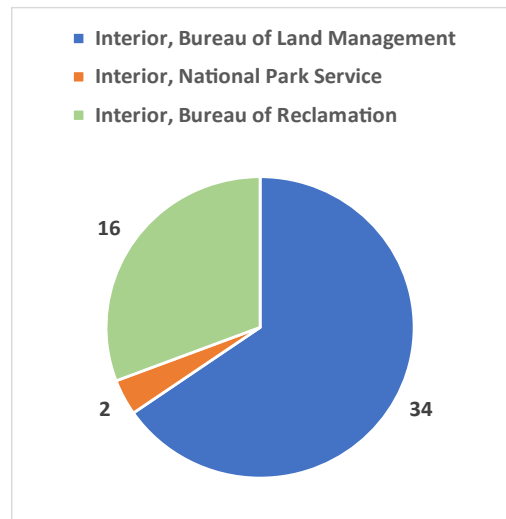
Note: There were No New Applications Authorized in Q1 FY 23 for the National Park Service.