

Bill Summary: S.2855**[S.2855](#) CLOSE THE GAP Act (Closing Long Overdue Streamlining Encumbrances To Help Expeditiously Generate Approved Permits Act)**

This bill promotes deployment of communications facilities (including wireless) on federal lands, which represent nearly 30% of all land area in the United States. It exempts a wide range of communications projects on federal land from NEPA and NHPA. It also exempts from NEPA and NHPA any expansion or addition of antennas to any existing antenna location, on any land anywhere in the country (not only federal land), with a provision similar to [HR 3557](#) Sec 301c. This bill was introduced on September 20 in the Senate Committee on Energy and Natural Resources, by Ranking Member John Barrasso (R-WY). Kyrsten Sinema (I-AZ) is a cosponsor. The subcommittee on Public Lands, Forests, and Mining held a [hearing on October 25](#), for which EHT [submitted testimony](#).

While the bill does not expressly require applications to be approved, it imposes significant procedural barriers that, in effect, will make it difficult for agencies to adequately assess or to deny applications.

Summary of provisions

- Promotes deployment of communications facilities (including wireless) on 670 million acres of federal lands, including national parks, rangeland, national forests, wildlife refuges, and on tribal lands, which represents over 95% of federal land and nearly 30% of all land area in the US.
- Forces land managers to be “technology neutral,” which makes it difficult if not impossible to favor wired deployments, while forcing them to accept minimum 30-year leases.
- Expands the purview of the [Federal Permitting Improvement Steering Council](#), which was intended for large infrastructure projects greater than \$200 million per project, to include communications projects with no minimum size, and requires taxpayers to fund 80% of the cost.
- Establishes a categorical exclusion from NEPA for any project related to an existing communications project on federal land, which is broad enough to likely include expansions or tangential build-outs.
- Exempts all communications facilities from NEPA and NHPA on any “previously disturbed federal land”. Throughout this bill, “communications” refers to licensed and unlicensed wireless, and wireline.
- Removes the savings clause for NEPA and NHPA from Section 6409a ([47 USC 1455](#)), which would have the effect of exempting any expansion of any site with an existing antenna from NEPA and NHPA (on all land in the US, not only federal land).
- Requires online portals to accelerate applications on federal land (similar to [HR 3299](#))
- Limits the fees that land management agencies can charge for communications facilities to costs of processing applications and construction (therefore excluding cost recovery for ongoing monitoring and compliance), while preventing agencies from accessing these funds unless appropriated by Congress; allows land managers to delegate review of applications to industry consultants.

Note: Other bills promoting wireless deployment on federal lands: [HR 3283](#), [HR 3293](#), [HR 3299](#), [HR 3309](#), [HR 3343](#), [HR 3557](#), [HR 4141](#), [S.2018](#)/ [HR 5919](#).