

AMENDMENT TO H.R. 2, AS REPORTED
OFFERED BY MR. LAMALFA OF CALIFORNIA

At the end of subtitle E of title VIII, add the following:

1 **SEC. 8506. STREAMLINING THE FOREST SERVICE PROCESS**
2 **FOR CONSIDERATION OF COMMUNICATIONS**
3 **FACILITY LOCATION APPLICATIONS.**

4 (a) DEFINITIONS.—In this section:

5 (1) COMMUNICATIONS FACILITY.—The term
6 “communications facility” includes—

7 (A) any infrastructure, including any
8 transmitting device, tower, or support structure,
9 and any equipment, switches, wiring, cabling,
10 power sources, shelters, or cabinets, associated
11 with the licensed or permitted unlicensed wire-
12 less or wireline transmission of writings, signs,
13 signals, data, images, pictures, and sounds of
14 all kinds; and

15 (B) any antenna or apparatus that—

16 (i) is designed for the purpose of
17 emitting radio frequency;

18 (ii) is designed to be operated, or is
19 operating, from a fixed location pursuant

1 to authorization by the Federal Commu-
2 nications Commission or is using duly au-
3 thorized devices that do not require indi-
4 vidual licenses; and

5 (iii) is added to a tower, building, or
6 other structure.

7 (2) COMMUNICATIONS SITE.—The term “com-
8 munications site” means an area of covered land
9 designated for communications uses.

10 (3) COMMUNICATIONS USE.—The term “com-
11 munications use” means the placement and oper-
12 ation of communications facility.

13 (4) COMMUNICATIONS USE AUTHORIZATION.—
14 The term “communications use authorization”
15 means an easement, right-of-way, lease, license, or
16 other authorization to locate or modify a commu-
17 nications facility on covered land by the Forest Serv-
18 ice for the primary purpose of authorizing the occu-
19 pancy and use of the covered land for communica-
20 tions use.

21 (5) COVERED LAND.—The term “covered land”
22 means National Forest System land.

23 (6) FOREST SERVICE.—The term “Forest Serv-
24 ice” means the United States Forest Service of the
25 Department of Agriculture.

1 (7) ORGANIZATIONAL UNIT.—The term “orga-
2 nizational unit” means, within the Forest Service—

3 (A) a regional office;

4 (B) the headquarters;

5 (C) a management unit; or

6 (C) a ranger district office.

7 (b) REGULATIONS.—Notwithstanding section 6409 of
8 the Middle Class Tax Relief and Job Creation Act of 2012
9 (47 U.S.C. 1455) or section 606 of the Repack Airwaves
10 Yielding Better Access for Users of Modern Services Act
11 of 2018 (Public Law 115–141), not later than 1 year after
12 the date of enactment of this Act, the Secretary shall issue
13 regulations—

14 (1) to streamline the process for considering ap-
15 plications to locate or modify communications facili-
16 ties on covered land;

17 (2) to ensure, to the maximum extent prac-
18 ticable, that the process is uniform and standardized
19 across the organizational units of the Forest Service;
20 and

21 (3) to require that the applications described in
22 paragraph (1) be considered and granted on a com-
23 petitively neutral, technology neutral, and non-dis-
24 criminatory basis.

1 (c) REQUIREMENTS.—The regulations issued under
2 subsection (b) shall include the following:

3 (1) Procedures for the tracking of applications
4 described in subsection (b)(1), including—

5 (A) identifying the number of applica-
6 tions—

7 (i) received;

8 (ii) approved; and

9 (iii) denied;

10 (B) in the case of an application that is
11 denied, describing the reasons for the denial;
12 and

13 (C) describing the amount of time between
14 the receipt of an application and the issuance of
15 a final decision on an application.

16 (2) Provision for minimum lease terms of not
17 less than 15 years for leases with respect to the loca-
18 tion of communications facilities on covered land.

19 (3) A policy under which a communications use
20 authorization renews automatically on expiration,
21 unless the communications use authorization is re-
22 voked for good cause.

23 (4) A structure of fees for—

24 (A) submitting an application described in
25 subsection (b)(1), based on the cost to the For-

1 est Service of considering such an application;
2 and

3 (B) issuing communications use authoriza-
4 tions, based on the cost to the Forest Service
5 of any maintenance or other activities required
6 to be performed by the Forest Service as a re-
7 sult of the location or modification of the com-
8 munications facility.

9 (5) Provision that if the Forest Service does not
10 grant or deny an application under subparagraph
11 (A) by the deadline established in section 6409 of
12 the Middle Class Tax Relief and Job Creation Act
13 as amended by the Repack Airwaves Yielding Better
14 Access for Users of Modern Services Act of 2018
15 (47 U.S.C. 1455(b)(3)(A)), the Forest Service shall
16 be deemed to have granted the application.

17 (6) Provision for prioritization or streamlining
18 the consideration of applications to locate or modify
19 communications facilities on covered land in a pre-
20 viously disturbed right-of-way.

21 (d) ADDITIONAL CONSIDERATIONS.—In issuing regu-
22 lations under subsection (b), the Secretary shall con-
23 sider—

24 (1) how discrete reviews in considering an ap-
25 plication described in subsection (b)(1) can be con-

1 ducted simultaneously, rather than sequentially, by
2 any organizational units of the Forest Service that
3 must approve the location or modification; and

4 (2) how to eliminate overlapping requirements
5 among the organizational units of the Forest Service
6 with respect to the location or modification of a com-
7 munications facility on covered land administered by
8 those organizational units.

9 (e) COMMUNICATION OF STREAMLINED PROCESS TO
10 ORGANIZATIONAL UNITS.—The Secretary shall, with re-
11 spect to the regulations issued under subsection (b)—

12 (1) communicate the regulations to the organi-
13 zational units of the Forest Service; and

14 (2) ensure that the organizational units of the
15 Forest Service follow the regulations.

16 (f) DEPOSIT AND AVAILABILITY OF FEES.—

17 (1) SPECIAL ACCOUNT.—The Secretary of the
18 Treasury shall establish a special account in the
19 Treasury for the Forest Service for the deposit of
20 fees collected by the Forest Service under subsection
21 (c)(4) for communications use authorizations on cov-
22 ered land granted, issued, or executed by the Forest
23 Service.

1 (2) REQUIREMENTS FOR FEES COLLECTED.—
2 Fees collected by the Forest Service under sub-
3 section (c)(4) shall be—

4 (A) based on the costs described in sub-
5 section (c)(4); and

6 (B) competitively neutral, technology neu-
7 tral, and nondiscriminatory with respect to
8 other users of the communications site.

9 (3) DEPOSIT OF FEES.—Fees collected by the
10 Forest Service under subsection (c)(4) shall be de-
11 posited in the special account established for the
12 Forest Service under paragraph (1).

13 (4) AVAILABILITY OF FEES.—Amounts depos-
14 ited in the special account for the Forest Service
15 shall be available, to the extent and in such amounts
16 as are provided in advance in appropriation Acts, to
17 the Secretary to cover costs incurred by the Forest
18 Service described in subsection (c)(4), including the
19 following:

20 (A) Preparing needs assessments or other
21 programmatic analyses necessary to designate
22 communications sites and issue communications
23 use authorizations.

24 (B) Developing management plans for
25 communications sites.

1 (C) Training for management of commu-
2 nications sites.

3 (D) Obtaining or improving access to com-
4 munications sites.

5 (5) NO ADDITIONAL APPROPRIATIONS AUTHOR-
6 IZED.—Except as provided in paragraph (4), no
7 other amounts are authorized to be appropriated to
8 carry out this section.

9 (g) SAVINGS PROVISIONS.—

10 (1) REAL PROPERTY AUTHORITIES.—Nothing
11 in this section, or the amendments made by this sec-
12 tion, shall be construed as providing any executive
13 agency with any new leasing or other real property
14 authorities not existing prior to the date of enact-
15 ment of this Act.

16 (2) EFFECT ON OTHER LAWS.—Nothing in this
17 section, or the amendments made by this section,
18 and no actions taken pursuant to this section, or the
19 amendments made by this section, shall impact a de-
20 cision or determination by any executive agency to
21 sell, dispose of, declare excess or surplus, lease,
22 reuse, or redevelop any Federal real property pursu-
23 ant to title 40, United States Code, the Federal As-
24 sets Sale and Transfer Act of 2016 (Public Law
25 114–387), or any other law governing real property

1 activities of the Federal Government. No agreement
2 entered into pursuant to this section, or the amend-
3 ments made by this section, may obligate the Fed-
4 eral Government to hold, control, or otherwise retain
5 or use real property that may otherwise be deemed
6 as excess, surplus, or that could otherwise be sold,
7 leased or redeveloped.

