

116TH CONGRESS
2D SESSION

H. R. 7367

To require the Assistant Secretary of Commerce for Communications and Information to report to Congress every 60 days on barriers to implementation by the Department of Interior and Department of Agriculture of an online portal to accept, process, and dispose of an application for the placement of communications facilities on certain Federal lands.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2020

Mr. MCKINLEY introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Assistant Secretary of Commerce for Communications and Information to report to Congress every 60 days on barriers to implementation by the Department of Interior and Department of Agriculture of an online portal to accept, process, and dispose of an application for the placement of communications facilities on certain Federal lands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Facilitating the De-
3 ployment of Infrastructure with Greater Internet Trans-
4 actions And Legacy Applications Act” or the “Facilitating
5 DIGITAL Applications Act”.

6 **SEC. 2. BARRIERS TO IMPLEMENTATION OF AN ONLINE**
7 **PORTAL FOR FORM 299.**

8 (a) DEFINITIONS.—In this Act:

9 (1) APPROPRIATE COMMITTEES OF CON-
10 GRESS.—The term “appropriate committees of Con-
11 gress” means—

12 (A) the Committee on Energy and Com-
13 merce of the House of Representatives;

14 (B) the Committee on Natural Resources
15 of the House of Representatives;

16 (C) the Committee on Commerce, Science,
17 and Transportation of the Senate; and

18 (D) the Committee on Environment and
19 Public Works of the Senate.

20 (2) ASSISTANT SECRETARY.—The term “Assist-
21 ant Secretary” means the Assistant Secretary of
22 Commerce for Communications and Information.

23 (3) COMMUNICATIONS FACILITY.—The term
24 “communications facility” includes—

25 (A) any infrastructure, including any
26 transmitting device, tower, or support structure,

1 and any equipment, switches, wiring, cabling,
2 power sources, shelters, or cabinets, associated
3 with the licensed or permitted unlicensed wire-
4 less or wireline transmission of writings, signs,
5 signals, data, images, pictures, and sounds of
6 all kinds; and

7 (B) any antenna or apparatus that—

8 (i) is designed for the purpose of
9 emitting radio frequency;

10 (ii) is designed to be operated, or is
11 operating, from a fixed location pursuant
12 to authorization by the Commission or is
13 using duly authorized devices that do not
14 require individual licenses; and

15 (iii) is added to a tower, building, or
16 other structure.

17 (4) COMMUNICATIONS USE.—The term “com-
18 munications use” means the placement and oper-
19 ation of a communications facility.

20 (5) COMMUNICATIONS USE AUTHORIZATION.—
21 The term “communications use authorization”
22 means an easement, right-of-way, lease, license, or
23 other authorization to locate or modify a commu-
24 nications facility on covered land by the Department
25 concerned for the primary purpose of authorizing

1 the occupancy and use of the covered land for com-
2 munications use.

3 (6) COVERED LAND.—The term “covered land”
4 means—

5 (A) public land administered by the Sec-
6 retary of the Interior; and

7 (B) National Forest System land.

8 (7) DEPARTMENT CONCERNED.—The term
9 “Department concerned” means the Department of
10 the Interior or the Department of Agriculture.

11 (8) FORM 299.—The term “Form 299” means
12 the form established under section 6409(b)(2)(A) of
13 the Middle Class Tax Relief and Job Creation Act
14 of 2012 (47 U.S.C. 1455(b)(2)(A)), or any successor
15 form.

16 (9) SECRETARY CONCERNED.—The term “Sec-
17 retary concerned” means—

18 (A) the Secretary of the Interior, with re-
19 spect to public land; and

20 (B) the Secretary of Agriculture, with re-
21 spect to National Forest System land.

22 (b) BARRIERS TO IMPLEMENTATION.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of enactment of this section, and every 60
25 days thereafter until the notification described in

1 paragraph (2), the Assistant Secretary shall submit
2 a report to the appropriate committees in Con-
3 gress—

4 (A) describing whether the Department
5 concerned has established an online portal for
6 the acceptance, processing, and disposal of a
7 Form 299; and

8 (B) describing barriers to the establish-
9 ment of an online portal for the acceptance,
10 processing, and disposal of a Form 299.

11 (2) NOTIFICATION DESCRIBED.—The Secretary
12 concerned shall notify the Assistant Secretary not
13 later than 3 business days after the Department
14 concerned has established an online portal for the
15 acceptance, processing, and disposal of a Form 299.

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