

116TH CONGRESS
1ST SESSION

H. R. 2611

To support the establishment and improvement of communications sites on or adjacent to Federal lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture through the retention and use of rental fees associated with such sites, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2019

Mr. HUFFMAN (for himself, Ms. ESHOO, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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 support the establishment and improvement of communications sites on or adjacent to Federal lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture through the retention and use of rental fees associated with such sites, and for other purposes.

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 “Public Lands Tele-
3 communications Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **COMMUNICATIONS SITE.**—The term “com-
7 munications site” means an area of Federal lands
8 designated for telecommunications uses.

9 (2) **COMMUNICATIONS USE.**—The term “com-
10 munications use” means the placement and oper-
11 ation of infrastructure for wireline or wireless tele-
12 communications, including cable television, tele-
13 vision, and radio communications, regardless of
14 whether such placement and operation is pursuant
15 to a license issued by the Federal Communications
16 Commission or on an unlicensed basis in accordance
17 with the regulations of the Commission. The term
18 includes ancillary activities, uses, or facilities directly
19 related to such placement and operation.

20 (3) **COMMUNICATIONS USE AUTHORIZATION.**—
21 The term “communications use authorization”
22 means a right-of-way, permit, or lease granted,
23 issued, or executed by a Federal land management
24 agency for the primary purpose of authorizing the
25 occupancy and use of Federal lands for communica-
26 tions use.

1 (4) FEDERAL LAND MANAGEMENT AGENCY.—

2 The term “Federal land management agency”
3 means the National Park Service, the United States
4 Fish and Wildlife Service, the Bureau of Land Man-
5 agement, and the Bureau of Reclamation.

6 (5) FEDERAL LANDS.—The term “Federal
7 lands” means lands under the jurisdiction and man-
8 agement of a Federal land management agency.

9 (6) RENTAL FEE.—The term “rental fee”
10 means the fee collected by a Federal land manage-
11 ment agency for the occupancy and use authorized
12 by a communications use authorization pursuant to
13 and consistent with authorizing law.

14 **SEC. 3. COLLECTION AND RETENTION OF RENTAL FEES AS-**
15 **SOCIATED WITH COMMUNICATIONS USE AU-**
16 **THORIZATIONS ON FEDERAL LANDS AND**
17 **FEDERAL LAND MANAGEMENT AGENCY SUP-**
18 **PORT FOR COMMUNICATION SITE PRO-**
19 **GRAMS.**

20 (a) SPECIAL ACCOUNT REQUIRED.—The Secretary of
21 the Treasury shall establish a special account in the
22 Treasury for each Federal land management agency for
23 the deposit of rental fees received by the Federal land
24 management agency for communications use authoriza-

1 tions on Federal lands granted, issued, or executed by the
2 Federal land management agency.

3 (b) COMPETITIVELY NEUTRAL.—Notwithstanding
4 any other provision of law, any rental fees collected pursu-
5 ant to this Act shall be competitively neutral, technology
6 neutral, and nondiscriminatory with respect to other uses
7 of the communication site.

8 (c) RENTAL FEES.—

9 (1) LIMITATION ON AMOUNT OF RENTAL
10 FEES.—Rental fees shall not exceed the fee sched-
11 ules published by the Secretary of the Interior for
12 communication use rights-of-way.

13 (2) REVISION OF RENTAL FEE SCHEDULES FOR
14 COMMUNICATION SITES RIGHTS OF WAY.—Not later
15 than 1 year after the date of the enactment of this
16 Act, through a public process that includes consider-
17 ation of industry comments, the Secretary of the In-
18 terior shall revise the communication sites rights-of-
19 way rental fee schedule to reflect current commu-
20 nication technologies, including the physical foot-
21 print of such technologies.

22 (d) DEPOSIT AND RETENTION OF RENTAL FEES.—
23 Rental fees received by a Federal land management agen-
24 cy shall—

1 (1) be deposited in the special account estab-
2 lished for that Federal land management agency;
3 and

4 (2) remain available for expenditure under sub-
5 section (e), to the extent and in such amounts as are
6 provided in advance in appropriation Acts.

7 (e) EXPENDITURE OF RETAINED FEES.—Amounts
8 deposited in the special account for a Federal land man-
9 agement agency shall be used solely for Federal land man-
10 agement agency activities related to communications sites,
11 including the following:

12 (1) Administering communications use author-
13 izations, including cooperative agreements under sec-
14 tion 4.

15 (2) Preparing needs assessments or other pro-
16 grammatic analyses necessary to establish commu-
17 nications sites and authorize communications uses
18 on or adjacent to Federal lands.

19 (3) Developing management plans for commu-
20 nications sites on or adjacent to Federal lands on a
21 competitively neutral, technology neutral, non-
22 discriminatory basis.

23 (4) Training for management of communica-
24 tions sites on or adjacent to Federal lands.

1 (5) Obtaining, improving access to, or estab-
 2 lishing communications sites on or adjacent to Fed-
 3 eral lands.

4 (f) NO EFFECT ON OTHER FEE RETENTION AU-
 5 THORITIES.—This Act shall not limit or otherwise affect
 6 fee retention by a Federal land management agency under
 7 any other authority.

8 **SEC. 4. COOPERATIVE AGREEMENT AUTHORITY.**

9 The Secretary of the Interior may enter into coopera-
 10 tive agreements to carry out the activities described in sec-
 11 tion 3(e).

12 **SEC. 5. CLARIFICATION OF COOPERATIVE AGREEMENT AU-**
 13 **THORITY OF THE SECRETARY OF AGRI-**
 14 **CULTURE.**

15 Section 8705(f) of the Agriculture Improvement Act
 16 of 2018 (Public Law 115–334) is amended by adding at
 17 the end the following:

18 “(6) COOPERATIVE AGREEMENT AUTHORITY.—
 19 The Secretary may enter into cooperative agree-
 20 ments to carry out the activities described in sub-
 21 paragraphs (A) through (D) of paragraph (4).”.

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