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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Lands Telecommunications Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMUNICATIONS SITE.—The term “communications site” means an area of Federal lands designated for telecommunications uses.

(2) COMMUNICATIONS USE.—The term “communications use” means the placement and operation of infrastructure for wireline or wireless telecommunications, including cable television, television, and radio communications, regardless of whether such placement and operation is pursuant to a license issued by the Federal Communications Commission or on an unlicensed basis in accordance with the regulations of the Commission. The term includes ancillary activities, uses, or facilities directly related to such placement and operation.

(3) COMMUNICATIONS USE AUTHORIZATION.—The term “communications use authorization” means a right-of-way, permit, or lease granted, issued, or executed by a Federal land management agency for the primary purpose of authorizing the occupancy and use of Federal lands for communications use.
(4) **Federal Land Management Agency.**—The term “Federal land management agency” means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Bureau of Reclamation.

(5) **Federal Lands.**—The term “Federal lands” means lands under the jurisdiction and management of a Federal land management agency.

(6) **Rental Fee.**—The term “rental fee” means the fee collected by a Federal land management agency for the occupancy and use authorized by a communications use authorization pursuant to and consistent with authorizing law.

**SEC. 3. COLLECTION AND RETENTION OF RENTAL FEES ASSOCIATED WITH COMMUNICATIONS USE AUTHORIZATIONS ON FEDERAL LANDS AND FEDERAL LAND MANAGEMENT AGENCY SUPPORT FOR COMMUNICATION SITE PROGRAMS.**

(a) **Special Account Required.**—The Secretary of the Treasury shall establish a special account in the Treasury for each Federal land management agency for the deposit of rental fees received by the Federal land management agency for communications use authoriza-
tions on Federal lands granted, issued, or executed by the
Federal land management agency.

(b) Competitively Neutral.—Notwithstanding any other provision of law, any rental fees collected pursuant to this Act shall be competitively neutral, technology neutral, and nondiscriminatory with respect to other uses of the communication site.

(c) Rental Fees.—

(1) Limitation on Amount of Rental Fees.—Rental fees shall not exceed the fee schedules published by the Secretary of the Interior for communication use rights-of-way.

(2) Revision of Rental Fee Schedules for Communication Sites Rights of Way.—Not later than 1 year after the date of the enactment of this Act, through a public process that includes consideration of industry comments, the Secretary of the Interior shall revise the communication sites rights-of-way rental fee schedule to reflect current communication technologies, including the physical footprint of such technologies.

(d) Deposit and Retention of Rental Fees.—Rental fees received by a Federal land management agency shall—
(1) be deposited in the special account established for that Federal land management agency; and

(2) remain available for expenditure under subsection (e), to the extent and in such amounts as are provided in advance in appropriation Acts.

(e) EXPENDITURE OF RETAINED FEES.—Amounts deposited in the special account for a Federal land management agency shall be used solely for Federal land management agency activities related to communications sites, including the following:

(1) Administering communications use authorizations, including cooperative agreements under section 4.

(2) Preparing needs assessments or other programmatic analyses necessary to establish communications sites and authorize communications uses on or adjacent to Federal lands.

(3) Developing management plans for communications sites on or adjacent to Federal lands on a competitively neutral, technology neutral, non-discriminatory basis.

(4) Training for management of communications sites on or adjacent to Federal lands.
(5) Obtaining, improving access to, or establishing communications sites on or adjacent to Federal lands.

(f) No Effect on Other Fee Retention Authorities.—This Act shall not limit or otherwise affect fee retention by a Federal land management agency under any other authority.

SEC. 4. COOPERATIVE AGREEMENT AUTHORITY.

The Secretary of the Interior may enter into cooperative agreements to carry out the activities described in section 3(e).

SEC. 5. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY OF THE SECRETARY OF AGRICULTURE.

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

“(6) Cooperative agreement authority.—The Secretary may enter into cooperative agreements to carry out the activities described in subparagraphs (A) through (D) of paragraph (4).”