

Union Calendar No. 861

115TH CONGRESS
2^D SESSION

H. R. 2425

[Report No. 115–1086, Part I]

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 16, 2017

Mr. HUFFMAN 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

DECEMBER 20, 2018

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

DECEMBER 20, 2018

Referral to the Committee on Agriculture extended for a period ending not later than December 28, 2018

DECEMBER 28, 2018

Additional sponsors: Mr. LAMALFA, Ms. DELBENE, Ms. TSONGAS, Mr. KILMER, and Ms. ESHOO

DECEMBER 28, 2018

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 16, 2017]

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Public Lands Tele-*
5 *communications Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *COMMUNICATIONS SITE.*—*The term “commu-*
9 *nications site” means an area of Federal lands avail-*
10 *able for communications use.*

11 (2) *COMMUNICATIONS USE.*—*The term “commu-*
12 *nications use” means the placement or operation of*
13 *infrastructure for wireline or wireless telecommuni-*
14 *cations, including cable television, television, and*
15 *radio communications, regardless of whether such*
16 *placement or operation is pursuant to a license issued*
17 *by the Federal Communications Commission or on an*
18 *unlicensed basis in accordance with the regulations of*
19 *the Commission. The term includes any ancillary ac-*
20 *tivities, uses, or facilities directly related to such*
21 *placement or operation.*

22 (3) *COMMUNICATIONS USE AUTHORIZATION.*—
23 *The term “communications use authorization” means*
24 *a right-of-way, permit, or lease granted, issued, or ex-*
25 *ecuted by a Federal land management agency for the*

1 *primary purpose of authorizing the occupancy and*
2 *use of Federal lands for communications use.*

3 (4) *FEDERAL LAND MANAGEMENT AGENCY.*—*The*
4 *term “Federal land management agency” means the*
5 *National Park Service, the United States Fish and*
6 *Wildlife Service, the Bureau of Land Management,*
7 *the Bureau of Reclamation, and the Forest Service.*

8 (5) *FEDERAL LANDS.*—*The term “Federal lands”*
9 *means lands under the jurisdiction and management*
10 *of a Federal land management agency.*

11 (6) *RENTAL FEE.*—*The term “rental fee” means*
12 *any fee collected by a Federal land management agen-*
13 *cy related to the occupancy and use authorized by a*
14 *communications use authorization pursuant to and*
15 *consistent with authorizing law.*

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

21 (a) *SPECIAL ACCOUNT REQUIRED.*—*The Secretary of*
22 *the Treasury shall establish a special account in the Treas-*
23 *ury for each Federal land management agency for the de-*
24 *posit of rental fees received by a Federal land management*
25 *agency for communications use authorizations on Federal*

1 *lands granted, issued, or executed by the Federal land man-*
2 *agement agency.*

3 (b) *COMPETITIVELY NEUTRAL.*—*Notwithstanding any*
4 *other provision of law, any rental fees collected pursuant*
5 *to this Act shall be imposed on a competitively neutral,*
6 *technology-neutral, and nondiscriminatory basis with re-*
7 *spect to other uses of the communication site.*

8 (c) *DEPOSIT AND RETENTION OF RENTAL FEES.*—
9 *Rental fees received by a Federal land management agency*
10 *shall—*

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

13 (2) *remain available for expenditure under sub-*
14 *section (d), to the extent and in such amounts as are*
15 *provided in advance in appropriation Acts.*

16 (d) *EXPENDITURE OF RETAINED FEES.*—*Amounts de-*
17 *posited in the special account for a Federal land manage-*
18 *ment agency shall be used for Federal land management*
19 *agency activities related to communications sites, including*
20 *the following:*

21 (1) *Administering communications use author-*
22 *izations, including cooperative agreements under sec-*
23 *tion 4.*

24 (2) *Preparing needs assessments or other pro-*
25 *grammatic analyses necessary to establish commu-*

1 *nications sites and authorize communications uses on*
2 *or adjacent to Federal lands.*

3 (3) *Developing management plans for commu-*
4 *nications sites on or adjacent to Federal lands on a*
5 *competitively neutral, technology-neutral, nondiscrim-*
6 *inatory basis.*

7 (4) *Training for management of communications*
8 *sites on or adjacent to Federal lands.*

9 (5) *Obtaining, improving access to, or estab-*
10 *lishing communications sites on or adjacent to Fed-*
11 *eral lands.*

12 (e) *NO EFFECT ON OTHER FEE RETENTION AUTHORI-*
13 *TIES.—This Act shall not limit or otherwise affect fee reten-*
14 *tion by a Federal land management agency under any other*
15 *authority.*

16 **SEC. 4. COOPERATIVE AGREEMENT AUTHORITY.**

17 (a) *DEPARTMENT OF THE INTERIOR.—The Secretary*
18 *of the Interior may enter into cooperative agreements to*
19 *carry out the activities described in section 3(d).*

20 (b) *FOREST SERVICE.—The Secretary of Agriculture,*
21 *acting through the Chief of the Forest Service, may enter*
22 *into cooperative agreements to carry out the activities de-*
23 *scribed in section 3(d).*

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