

117TH CONGRESS  
2D SESSION

# H. R. 6982

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2022

Mr. HUFFMAN (for himself and Mr. KHANNA) 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

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## A BILL

To support the establishment and improvement of communications sites on or adjacent to Federal lands 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:

1           (1) COMMUNICATIONS SITE.—The term “com-  
2       munications site” means an area of Federal lands  
3       designated or approved for communications use.

4           (2) COMMUNICATIONS USE.—The term “com-  
5       munications use”—

6           (A) means the placement, operation, or  
7       both, of infrastructure for wireline or wireless  
8       telecommunications, including cable television,  
9       television, and radio communications, regardless  
10      of whether such placement or operation is pur-  
11      suant to a license issued by the Federal Com-  
12      munications Commission or on an unlicensed  
13      basis in accordance with the regulations of the  
14      Commission; and

15          (B) includes ancillary activities, uses, or  
16      facilities directly related to such placement or  
17      operation.

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

1           (4) FEDERAL LANDS.—The term “Federal  
2       lands” means lands under the jurisdiction and man-  
3       agement of a Federal land management agency.

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

9           (6) RENTAL FEE.—The term “rental fee”  
10      means a fee collected by a Federal land management  
11      agency for the occupancy and use authorized by a  
12      communications use authorization pursuant to and  
13      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 COMMUNICATIONS 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 pursuant to this Act.

1 (b) FAIR MARKET VALUE.—Notwithstanding any  
2 other provision of law, any rental fee collected pursuant  
3 to this Act shall be of a fair market value with respect  
4 to other uses of the communications site.

5 (c) RENTAL FEES.—

6 (1) LIMITATION ON AMOUNT OF RENTAL  
7 FEES.—Rental fees shall not exceed the fee sched-  
8 ules published by the Secretary of the Interior for  
9 communications use rights-of-way or the fair market  
10 value under subsection (b), whichever is greater.

11 (2) REVISION OF RENTAL FEE SCHEDULES FOR  
12 COMMUNICATIONS SITES RIGHTS-OF-WAY.—Not later  
13 than 2 years after the date of the enactment of this  
14 Act, through a public process that includes consider-  
15 ation of industry comments, the Secretary of the In-  
16 terior shall revise the communications sites rights-of-  
17 way rental fee schedule to reflect fair market value  
18 and current communications technologies, including  
19 the physical footprint of such technologies.

20 (d) DEPOSIT AND RETENTION OF RENTAL FEES.—

21 Rental fees received by a Federal land management agen-  
22 cy shall—

23 (1) be deposited in the special account estab-  
24 lished for that Federal land management agency  
25 under subsection (a); and

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

4           (e) EXPENDITURE OF RETAINED FEES.—Amounts  
5           deposited in the special account for a Federal land man-  
6           agement agency pursuant to this Act shall be used solely  
7           by that Federal land management agency for activities re-  
8           lated to communications sites on lands managed by that  
9           Federal land management agency, including the following:

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

13           (2) Preparing needs assessments or other pro-  
14           grammatic analyses necessary to establish commu-  
15           nications sites and authorize communications uses  
16           on or adjacent to Federal lands managed by that  
17           Federal land management agency.

18           (3) Developing management plans for commu-  
19           nications sites on or adjacent to Federal lands man-  
20           aged by that Federal land management agency 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 managed  
25           by that Federal land management agency.

1           (5) Obtaining, improving access to, or estab-  
 2           lishing communications sites on or adjacent to Fed-  
 3           eral lands managed by that Federal land manage-  
 4           ment agency.

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

9           **SEC. 4. COOPERATIVE AGREEMENT AUTHORITY.**

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

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

16          Section 8705(f) of the Agriculture Improvement Act  
 17          of 2018 (43 U.S.C. 1761a(f)) is amended by adding at  
 18          the end the following:

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

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