

103^D CONGRESS
1ST SESSION

H. R. 3657

To establish fees for communication sites on public lands.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1993

Mr. LAROCO (for himself, Mr. LEHMAN, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. RICHARDSON, Mr. SCHIFF, and Mrs. VUCANOVICH) introduced the following bill; which was referred jointly to the Committees on Natural Resources and Agriculture

A BILL

To establish fees for communication sites on public lands.

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. COMMUNICATION SITE USE FEES.**

4 (a) FEES.—Notwithstanding any other provision of
5 law, the Secretary of the Interior and the Secretary of Ag-
6 riculture (hereinafter referred to as the “Secretaries”),
7 shall assess and collect charges for utilization of radio and
8 television communications sites located on Federal lands
9 administered by the Forest Service or the Bureau of Land
10 Management at such rates as the Forest Service and the
11 Bureau of Land Management shall establish or at such

1 modified rates as are established pursuant to the provi-
2 sions of subsection (b) of this section.

3 (b) ADJUSTMENTS.—(1) The Schedule of Charges es-
4 tablished under this section shall be reviewed by the For-
5 est Service and the Bureau of Land Management on an
6 annual basis, and shall be adjusted by the Forest Service
7 and the Bureau of Land Management to reflect changes
8 in the Consumer Price Index. Increases or decreases in
9 charges shall apply to all categories of charges, but any
10 increase or decrease shall not total less than 3 percent
11 or more than 5 percent of the charge assessed to the user
12 in the preceding year. The Bureau of Land Management
13 and the Forest Service shall transmit to the Congress noti-
14 fication of any such adjustment not later than 60 days
15 before the effective date of such adjustment.

16 (2) Under the Schedule of Changes established under
17 the section, if any radio or television communications site
18 user is to be charged an amount that is greater than
19 \$1,000 more than the amount such site user pays to the
20 Bureau of Land Management or the Forest Service as of
21 January 1, 1993, then during the first year in which the
22 Schedule of Charges is in effect, such site user shall pay
23 an amount equal to the amount it paid to the Bureau of
24 Land Management of the Forest Service as of January
25 1, 1993, plus \$1,000. Each year thereafter, such site user

1 shall pay the full amount under the Schedule of Charges,
2 as modified pursuant to the subsection.

3 (3) Under the Schedule of Charges established under
4 this section, if any radio or television communications site
5 user is to be charged an amount that is less than the
6 amount such site user paid to the Bureau of Land Man-
7 agement or the Forest Service as of January 1, 1993, then
8 such site user shall continue to pay the higher amount
9 until such time as the charge to the site user in the Sched-
10 ule of Charges equals or exceeds that amount, as modified
11 pursuant to this subsection.

12 (c) ADDITIONAL USERS.—(1) If the radio or tele-
13 vision communications site user is permitted under the
14 terms of its site use authorization from the Bureau of
15 Land Management or the Forest Service to grant access
16 to the site to additional users, then the radio or television
17 communications site user shall pay annually to the Bureau
18 of Land Management or the Forest Service an amount
19 equal to 25 percent of the gross income it receives from
20 each such additional user during that year.

21 (2) Authorizations to radio and television commu-
22 nications site users shall require such site users to provide
23 the Bureau of Land Management or the Forest Service
24 with a certified list which identifies all additional users
25 of such sites and all gross revenues received from such

1 additional users. The Bureau of Land Management and
2 the Forest Service shall not require any additional user
3 of a radio or television communications site to obtain a
4 separate authorization to use such a site.

5 (d) ADMINISTRATIVE PROVISIONS.—(1) The Sec-
6 retaries shall prescribe appropriate rules and regulations
7 to carry out the provisions of this section.

8 (2) Ten years after the date of enactment of this sec-
9 tion, the Secretaries shall establish a broad-based advisory
10 group, including representatives from the radio and tele-
11 vision broadcast industry, to review the Schedule of
12 Charges and other acceptable criteria for determining fair
13 market value for radio and television communications site
14 uses. The advisory group shall report its findings to the
15 Congress no later than 1 year after it is established.

16 (e) EXISTING CHARGES.—(1) Until modified pursu-
17 ant to subsection (b) of this section, the Schedule of
18 Charges for television communications site users which the
19 Secretaries shall prescribe pursuant to subsection (a) of
20 this section shall be as listed in exhibit 3 (television rental
21 fee schedule) in the report of the radio and television
22 broadcast use fee advisory committee dated December
23 1992.

24 (2) Until modified pursuant to subsection (b) of this
25 section, the Schedule of Charges for radio communications

1 site users which the Secretaries shall prescribe pursuant
2 to subsection (a) of this section shall be as listed in exhibit
3 4, radio rental fee schedule in the report of the radio and
4 television broadcast use fee advisory committee dated De-
5 cember 1992.

6 **SEC. 2. NONBROADCAST COMMUNICATION SITE ADVISORY**
7 **BOARD.**

8 (a) ESTABLISHMENT.—The Secretaries of the Inte-
9 rior and Agriculture are directed to jointly establish a
10 broad-based advisory group comprised of representatives
11 from the nonbroadcast communications industry (users of
12 both private and public communication sites) and the 2
13 agencies to review recommendations on acceptable criteria
14 for determining fair market values and next best alter-
15 native use.

16 (b) REVIEW.—The advisory group shall review the
17 methodology used in any previous studies and reach con-
18 currence on such methodology.

19 (c) ASSESSMENTS.—The advisory group shall also as-
20 sess the validity of the results of such studies, taking into
21 account all reasonable options for the establishment of fair
22 market values and next best alternative use.

23 (d) REPORT.—The advisory group shall report its
24 findings to the Committee on Energy and Natural Re-
25 sources of the Senate and the Committee on Natural Re-

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- 1 sources of the House of Representatives within 1 year
- 2 after the enactment of this Act.

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