

115TH CONGRESS
2D SESSION

H. R. 4839

To provide for the establishment of an inventory of Federal assets to provide information to entities that construct or operate communications facilities or provide communications service.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 2018

Mr. BEN RAY LUJÁN of New Mexico introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, 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 provide for the establishment of an inventory of Federal assets to provide information to entities that construct or operate communications facilities or provide communications service.

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 “Broadband Infrastruc-
5 ture Inventory Act of 2018”.

1 **SEC. 2. INVENTORY OF FEDERAL ASSETS.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of the enactment of this Act, the Assistant Secretary
4 shall—

5 (1) establish and maintain an inventory of cov-
6 ered assets that includes the information provided
7 under subsections (b) and (c); and

8 (2) make such inventory available to any entity
9 that constructs or operates communications facilities
10 or provides communications service.

11 (b) PROVISION OF INFORMATION BY EXECUTIVE
12 AGENCIES.—

13 (1) IN GENERAL.—Not later than 9 months
14 after the date of the enactment of this Act, the head
15 of an Executive agency shall provide to the Assistant
16 Secretary, in a manner and format to be determined
17 by the Assistant Secretary, the information de-
18 scribed in paragraph (2) with respect to a covered
19 asset of such agency.

20 (2) INFORMATION DESCRIBED.—The informa-
21 tion described in this paragraph is—

22 (A) the location of the covered asset;

23 (B) the type of the covered asset, such as
24 whether the asset is a building (and the type of
25 building), land (and the type or use of the
26 land), right-of-way, easement, utility pole, wire-

1 less communications tower, underground utility
2 route, or cable on which capacity is available for
3 lease;

4 (C) contact information for an officer or
5 employee of the agency who may be contacted
6 for permitting or other information about the
7 covered asset;

8 (D) whether the covered asset is historic
9 property (as defined in section 300308 of title
10 54, United States Code); and

11 (E) such other information as the Assist-
12 ant Secretary considers appropriate.

13 (3) PROVISION OF UPDATED INFORMATION.—

14 (A) CHANGE IN INFORMATION.—In the
15 case of a change in any of the information pro-
16 vided to the Assistant Secretary under para-
17 graph (1) with respect to a covered asset of an
18 Executive agency, the head of such agency shall
19 provide updated information to the Assistant
20 Secretary not later than 30 days after such
21 change.

22 (B) ACQUISITION OF NEW COVERED
23 ASSET.—In the case of the acquisition of a cov-
24 ered asset by an Executive agency after the
25 date that is 9 months after the date of the en-

actment of this Act, the head of such agency shall provide to the Assistant Secretary the information required by paragraph (1) with respect to such asset not later than 30 days after such acquisition.

(4) EXCLUSION OF INFORMATION FOR NATIONAL SECURITY REASONS.—

(A) CLASSIFIED INFORMATION.—The head of an Executive agency may exclude classified information from the information provided to the Assistant Secretary under this subsection.

(B) OTHER INFORMATION.—If the head of an Executive agency determines, in consultation with the Assistant Secretary, that inclusion of information (other than classified information) about a covered asset of such agency in the inventory established under subsection (a) would harm national security, the head of the agency may exclude such information from the information provided to the Assistant Secretary under this subsection.

(C) CLASSIFIED INFORMATION DEFINED.—In this paragraph, the term “classified information” means any information or material that has been determined by the Federal

1 Government pursuant to an Executive order,
2 statute, or regulation, to require protection
3 against unauthorized disclosure for reasons of
4 national security and any restricted data, as de-
5 fined in section 11 y. of the Atomic Energy Act
6 of 1954 (42 U.S.C. 2014(y)).

7 (c) INFORMATION ON STATE AND LOCAL ASSETS.—

8 (1) VOLUNTARY PROVISION OF INFORMA-
9 TION.—A State or local government may provide to
10 the Assistant Secretary for inclusion in the inventory
11 established under subsection (a), in a manner and
12 format to be determined by the Assistant Secretary,
13 information with respect to a State or local asset
14 that would be a covered asset if owned, leased, or
15 otherwise managed by an Executive agency.

16 (2) INCLUSION OF INFORMATION.—The Assist-
17 ant Secretary shall include in such inventory any in-
18 formation provided by a State or local government
19 in accordance with paragraph (1) in the same man-
20 ner as information provided by an Executive agency
21 under subsection (b).

22 (3) PROVISION OF UPDATED INFORMATION.—In
23 the case of a change in any of the information pro-
24 vided to the Assistant Secretary under paragraph
25 (1) with respect to a State or local asset, the State

1 or local government shall provide updated informa-
2 tion to the Assistant Secretary not later than 30
3 days after such change. If a State or local govern-
4 ment does not comply with the preceding sentence,
5 the Assistant Secretary shall deny the State or local
6 government access to the inventory established
7 under subsection (a).

8 (d) UPDATING OF INVENTORY.—After the establish-
9 ment of the inventory under subsection (a), the Assistant
10 Secretary shall include in the inventory information pro-
11 vided under subsection (b) or (c) not later than the date
12 that is 7 days after the Assistant Secretary receives such
13 information. The information with respect to each covered
14 asset or State or local asset in the inventory shall include
15 the most recent date on which such information was added
16 or updated.

17 (e) FORMAT OF LOCATION INFORMATION.—The in-
18 formation in the inventory established under subsection
19 (a) about the location of a covered asset or State or local
20 asset shall be in Geographic Information System format
21 or another format that the Assistant Secretary considers
22 appropriate.

23 (f) INFORMATION SECURITY.—The Assistant Sec-
24 retary shall adopt measures to prevent unauthorized ac-

1 cess to the information in the inventory established under
2 subsection (a).

3 (g) DEFINITIONS.—In this section:

4 (1) ASSISTANT SECRETARY.—The term “Assist-
5 ant Secretary” means the Assistant Secretary of
6 Commerce for Communications and Information.

7 (2) COMMUNICATIONS FACILITY.—The term
8 “communications facility” includes—

9 (A) any wireless or wireline infrastructure
10 for the transmission of writing, signs, signals,
11 data, images, pictures, or sounds of all kinds;

12 (B) any transmitting device, tower, or sup-
13 port structure, and any equipment, switches,
14 wiring, cabling, power sources, shelters, or cabi-
15 nets, associated with the provision of commu-
16 nications services; and

17 (C) any antenna or apparatus that—

18 (i) is designed for the purpose of
19 emitting radio frequency;

20 (ii) is designed to be operated, or is
21 operating, from a fixed location pursuant
22 to authorization by the Federal Commu-
23 nications Commission; and

24 (iii) is added to a tower, building, or
25 other structure.

1 (3) COMMUNICATIONS SERVICE.—The term
2 “communications service” means a service for the
3 transmission of writing, signs, signals, data, images,
4 pictures, or sounds of all kinds.

5 (4) COVERED ASSET.—The term “covered
6 asset” means, with respect to an Executive agency—

7 (A) any real property or interest in real
8 property that is owned, leased, or otherwise
9 managed by such agency; and

10 (B) any other property that is owned,
11 leased, or otherwise managed by such agency—

12 (i) on which a communications facility
13 could be constructed; or

14 (ii) that could otherwise be made
15 available to an entity that—

16 (I) constructs or operates com-
17 munications facilities for use in con-
18 nection with such construction or op-
19 eration; or

20 (II) provides communications
21 service for use in connection with such
22 provision.

1 (5) EXECUTIVE AGENCY.—The term “Executive
2 agency” has the meaning given such term in section
3 105 of title 5, United States Code.

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