

**[DISCUSSION DRAFT]**

114TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To provide for the establishment of an inventory of Federal assets to provide information to entities that construct or operate broadband facilities or provide broadband service and to provide for the tracking of applications to locate or modify broadband facilities on Federal real property.

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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**A BILL**

To provide for the establishment of an inventory of Federal assets to provide information to entities that construct or operate broadband facilities or provide broadband service and to provide for the tracking of applications to locate or modify broadband facilities on Federal real property.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. 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 broadband facilities or  
10 provides broadband 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-

1 actment of this Act, the head of such agency  
2 shall provide to the Assistant Secretary the in-  
3 formation required by paragraph (1) with re-  
4 spect to such asset not later than 30 days after  
5 such acquisition.

6 **[(4) EXCLUSION OF INFORMATION FOR NA-**  
7 **TIONAL SECURITY REASONS.—**

8 **[(A) CLASSIFIED INFORMATION.—**The  
9 head of an Executive agency may exclude classi-  
10 fied information from the information provided  
11 to the Assistant Secretary under this sub-  
12 section.]

13 **[(B) OTHER INFORMATION.—**If the head  
14 of an Executive agency determines, in consulta-  
15 tion with the Assistant Secretary, that inclusion  
16 of information (other than classified informa-  
17 tion) about a covered asset of such agency in  
18 the inventory established under subsection (a)  
19 would harm national security, the head of the  
20 agency may exclude such information from the  
21 information provided to the Assistant Secretary  
22 under this subsection.]

23 **[(C) CLASSIFIED INFORMATION DE-**  
24 **FINED.—**In this paragraph, the term “classified  
25 information” means any information or mate-

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

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

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

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

23          (3) PROVISION OF UPDATED INFORMATION.—In  
24          the case of a change in any of the information pro-  
25          vided to the Assistant Secretary under paragraph

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

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

22 (f) INFORMATION SECURITY.—The Assistant Sec-  
23 retary shall adopt measures to prevent unauthorized ac-  
24 cess to the information in the inventory established under  
25 subsection (a).

1 (g) DEFINITIONS.—In this section:

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

5 [(2) BROADBAND SERVICE.—The term  
6 “broadband service” means communications service  
7 that offers advanced telecommunications capability  
8 (as defined in section 706 of the Telecommuni-  
9 cations Act of 1996 (47 U.S.C. 1302)).]

10 (3) COVERED ASSET.—The term “covered  
11 asset” means, with respect to an Executive agency—

12 (A) any real property or interest in real  
13 property that is owned, leased, or otherwise  
14 managed by such agency; and

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

17 (i) on which a broadband facility  
18 could be constructed; or

19 (ii) that could otherwise be made  
20 available to an entity—

21 (I) that constructs or operates  
22 broadband facilities for use in connec-  
23 tion with such construction or oper-  
24 ation; or

1 (II) provides broadband service  
2 for use in connection with such provi-  
3 sion.

4 (4) EXECUTIVE AGENCY.—The term “Executive  
5 agency” has the meaning given such term in section  
6 105 of title 5, United States Code.

7 **SEC. 2. TRACKING OF APPLICATIONS TO LOCATE OR MOD-**  
8 **IFY BROADBAND FACILITIES ON FEDERAL**  
9 **REAL PROPERTY.**

10 (a) TRACKING BY SENIOR REAL PROPERTY OFFI-  
11 CERS.—

12 (1) IN GENERAL.—For the first fiscal year that  
13 begins more than [30 days] after the date of the  
14 enactment of this Act, and each fiscal year there-  
15 after, the Senior Real Property Officer of a covered  
16 agency shall track applications to locate or modify  
17 broadband facilities on Federal real property owned,  
18 leased, or otherwise managed by such agency.

19 (2) INFORMATION INCLUDED.—The tracking  
20 required by paragraph (1) shall include tracking  
21 of—

22 (A) the number of applications described  
23 in such paragraph that are—

24 (i) received;

25 (ii) approved; and



1 (iii) denied;

2 (B) in the case of such an application that  
3 is denied, the reasons for the denial; and

4 (C) the amount of time between the receipt  
5 of such an application and the issuance of a  
6 final decision on such application.

7 (b) INCLUSION OF GOALS IN AGENCY PERFORMANCE  
8 PLANS.—Beginning with the first performance plan that  
9 the head of a covered agency is required to make available  
10 under section 1115(b) of title 31, United States Code,  
11 after the date that is **[30 days]** after the date of the en-  
12 actment of this Act, the head of the agency shall include  
13 in such plan performance goals for the speed and effi-  
14 ciency of the consideration by the agency of applications  
15 described in subsection (a)(1).

16 (c) REPORT BY FEDERAL REAL PROPERTY COUN-  
17 CIL.—Not later than 30 days after the end of the first  
18 fiscal year that begins more than **[30 days]** after the date  
19 of the enactment of this Act, and not later than 30 days  
20 after the end of each fiscal year thereafter, the Federal  
21 Real Property Council shall submit to Congress a report  
22 on the speed and efficiency of the consideration by covered  
23 agencies of applications described in subsection (a)(1).

24 (d) DEFINITIONS.—In this section:

1           (1) COVERED AGENCY.—The term “covered  
2           agency” means an agency for which a Senior Real  
3           Property Officer is designated under Executive  
4           Order 13327 (40 U.S.C. 121 note; relating to Fed-  
5           eral real property asset management).

6           (2) FEDERAL REAL PROPERTY.—The term  
7           “Federal real property” has the meaning given such  
8           term in Executive Order 13327.

9           **[SEC. 3. BROADBAND FACILITY DEFINED.]**

10          In this Act, the term “broadband facility” means any  
11          communications plant, equipment, supplies, cable, wire,  
12          box, device, meter, tower, pole, duct, conduit, or other fa-  
13          cility related to the provision of advanced telecommuni-  
14          cations capability (as defined in section 706 of the Tele-  
15          communications Act of 1996 (47 U.S.C. 1302)).**]**