

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To require surety bonds for rural broadband construction projects, and improve coordination of mapping for broadband infrastructure deployment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. PEREZ introduced the following bill; which was referred to the Committee on _____

A BILL

To require surety bonds for rural broadband construction projects, and improve coordination of mapping for broadband infrastructure deployment, 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 “Broadband Asset Sur-
5 ety Enhancement Mapping Act” or the “BASE Mapping
6 Act”.

1 **SEC. 2. SURETY BOND REQUIREMENTS FOR GRANT RECIPI-**
2 **ENTS AND THEIR CONTRACTORS.**

3 Sections 1738.252(a) and 1740.78(a) of title 7, Code
4 of Federal Regulations, are each amended by adding at
5 the end the following: “In all contracts for construction
6 or facility improvements, awardees shall require security
7 in the form of surety bonds to guarantee performance and
8 payment, each in the amount of 100 percent of the costs
9 of construction.”.

10 **SEC. 3. ENHANCED COORDINATION OF MAPPING FOR**
11 **BROADBAND INFRASTRUCTURE DEPLOY-**
12 **MENT.**

13 Section 6212 of the Agriculture Improvement Act of
14 2018 (7 U.S.C. 950bb-6) is amended—

15 (1) by redesignating subsections (c) and (d) as
16 subsections (d) and (e), respectively, and inserting
17 after subsection (b) the following:

18 “(c) CONSULTATION BETWEEN USDA, NTIA, AND
19 FCC.—

20 “(1) INVENTORY FOR GAP ANALYSIS AND CLUT-
21 TER MITIGATION.—【Pursuant to title VIII of the
22 Communications Act of 1934 (47 U.S.C. 641 et
23 seq.),】 **Note:** *It is not clear how the Secretary or the*
24 *Assistant Secretary would act pursuant to title VIII*
25 *of the Communications Act of 1934, since that title is*

1 *administered by the Commission.*】 the Secretary, the
2 Assistant Secretary, and the Commission shall—

3 “(A) populate, to the extent practical, the
4 Broadband Serviceable Location Fabric estab-
5 lished under section 802(b)(1)(B) of the Com-
6 munications Act of 1934 (47 U.S.C.
7 642(b)(1)(B)) with datasets showing existing
8 assets of 【wireless or broadband infrastructure,
9 including copper lines, fiber optic lines, commu-
10 nications towers, buildings, or other improve-
11 ments and assets located in the United States】
12 【*Note: ‘wireless’ can include things such as mo-
13 bile voice service that are not typically consid-
14 ered broadband. Should this be limited to
15 broadband (whether wireless or wireline)? Also,
16 the Fabric appears to relate only to fixed
17 broadband service (which can be either wireline
18 or wireless), not mobile broadband service.
19 Should this subparagraph (A) be limited to fixed
20 broadband? Should any other provisions of this
21 paragraph (1) or this subsection (c) be limited to
22 fixed broadband? After these questions are re-
23 solved, it may be helpful to create a defined term
24 relating to broadband infrastructure, so that the*

1 *‘including’ phrase does not have to be repeated*
2 *in each place throughout.】;*

 【*Note* also that the Commission establishes and maintains the Fabric, so the Secretary and Assistant Secretary probably cannot populate it directly. But a possible alternative could be to require the Commission to populate the Fabric with these datasets and, if the Secretary and Assistant Secretary should be involved, to require them to provide datasets to the Commission for population of the Fabric.】

3 “(B) identify areas of the United States
4 lacking location data on existing assets of
5 【wireless or broadband infrastructure】;

6 “(C) identify areas of the United States
7 lacking 【wireless or broadband】 coverage; and

8 “(D) consult with stakeholders 【to commence filling in the gaps】 【regarding how to
9 obtain the lacking data in areas identified
10 under subparagraph (B) and how to provide the
11 lacking coverage in areas identified under subparagraph (C),?】 in order to ensure maximum
12 【wireless and broadband】 coverage in the
13 United States.

14 “(2) FILLING NEEDS AND GAPS.—【Pursuant to
15 title VIII of the Communications Act of 1934 (47

1 U.S.C. 641 et seq.),] **【*Similar comment* as in para-**
2 *graph (1). Is the goal for the data referred to in this*
3 *paragraph to be included in the Broadband Service-*
4 *able Location Fabric or the Commission’s broadband*
5 *coverage maps created under title VIII, or both? If so,*
6 *as in paragraph (1)(A), this could be a requirement*
7 *for the Commission, with the Secretary and Assistant*
8 *Secretary required to provide the data to the Commis-*
9 *sion for inclusion.】* the Secretary, the Assistant Sec-
10 retary, and the Commission shall maximize the use
11 of remote sensing and other geospatial data collec-
12 tion activities conducted **【for other purposes and**
13 **under other authorities】** **【*Does this mean* other than**
14 ***title VIII of the Communications Act of 1934?*】** to
15 support the continued improvement in existing ef-
16 forts to coordinate the acquisition and integration of
17 key data sets needed for broadband mapping data
18 management, mitigating the effects of **【clutter】**
19 **【*Note: This term is defined in section 801(5) of the***
20 ***Communications Act of 1934 (47 U.S.C. 641(5)).***
21 ***Should that definition be cross-referenced here?*】**, and
22 other purposes, including—
23 “(A) elevation data;
24 “(B) land use and land cover data;
25 “(C) critical infrastructure data;

1 “(D) structures data;

2 “(E) living resources and habitat data;

3 “(F) cadastral data; and

4 “(G) aerial imagery.

5 “(3) LEVERAGING FEDERAL PARTNERSHIPS.—

6 **【Pursuant to title VIII of the Communications Act**
7 **of 1934 (47 U.S.C. 641 et seq.),】** **【*Similar comment***
8 ***as in paragraph (1). Here, the Commission could be***
9 ***required to include these datasets in the Fabric or the***
10 ***Commission’s coverage maps created under title VIII,***
11 ***or both, and the requirements for the Secretary and***
12 ***the Assistant Secretary could be more general (not***
13 ***necessarily citing particular authorities).】*** the Sec-
14 retary, the Assistant Secretary, and the Commission
15 shall **【coordinate with and leverage other national**
16 **geospatial datasets available from Federal agencies】**
17 **【*Does this mean coordinate with other Federal agen-***
18 ***cies from which the other datasets are available? Note***
19 ***that the meaning of ‘coordinate’ is unclear in terms***
20 ***of the role of the other agency, but it probably means***
21 ***something beyond consultation. Also, what does it***
22 ***mean to ‘leverage’ a dataset for this purpose?】*** for as-
23 sistance with data collection and **【determining?】** the
24 feasibility of using more granular address level and
25 elevation data relevant to spatial awareness of clut-

1 ter in proximity to [assets of wireless or broadband
2 infrastructure, including copper lines, fiber optic
3 lines, communications towers, buildings, or other im-
4 provements and assets].

5 “(4) LEVERAGING OTHER FORMS OF INFRA-
6 STRUCTURE INVESTMENT.—[The Secretary, the As-
7 sistant Secretary, and the Commission shall consult
8 and coordinate with the Secretary of Transpor-
9 tation] [As noted in paragraph (3), the meaning of
10 ‘coordinate’ is unclear. What roles are intended for
11 these four officials/agencies?] to ensure that each
12 broadband conduit installed along an operational
13 right-of-way [or highway projects enabling and en-
14 hancing broadband coverage in the United States]
15 [What is this intended to add to ‘each broadband
16 conduit installed along an operational right-of-
17 way’?] is placed at a depth consistent with industry
18 best practices, as determined by the [Secretary]
19 [Note: This means the Secretary of Agriculture. Is
20 that the intent?], and that, in determining the depth
21 of placement, consideration is given to the location
22 of existing utilities and the cable separation require-
23 ments of State and local electrical codes.

24 “(5) SAFE AND EFFICIENT SUBSURFACE UTIL-
25 ITY ENGINEERING PRACTICES.—The Secretary, the

1 Assistant Secretary, and the Commission shall uti-
2 lize **【Subsurface Utility Engineering, in accordance**
3 **with the applicable professional standard,】** **【Will the**
4 **agencies know what this means? Is there a particular**
5 **professional organization that maintains this stand-**
6 **ard that could be referred to?】** as a means of devel-
7 oping a scope of work to obtain and depict data on
8 existing subsurface utilities to achieve a minimum of
9 **【Utility Quality Level B data】** **【Same question.】**
10 within **【the project】** **【What project does this refer**
11 **to?】** limits in order to assure the safe, efficient, and
12 environmentally sustainable installation of **【commu-**
13 **nications infrastructure】** **【Does this mean the same**
14 **thing as ‘wireless or broadband infrastructure’, used**
15 **elsewhere?】**.

16 “(6) CONTRACTING FOR SURVEYING, MAPPING,
17 AND GEOSPATIAL SERVICES FOR BROADBAND MAP-
18 PING AND INFRASTRUCTURE DEPLOYMENT.—

19 “(A) The Secretary, the Assistant Sec-
20 retary, and the Commission shall, to the max-
21 imum extent practicable, enter into such con-
22 tracts with private sector entities for such prod-
23 ucts and services necessary to collect, process,
24 and provide remote sensing and other
25 geospatial data and products for purposes of

1 **【the program】** **【What program does this refer**
2 **to?】**.

3 “(B) **【Each broadband project authorized**
4 **to be carried out under this Act】** **【Note:** *Since*
5 *this language is in an amendment to section*
6 *6212 of the Agriculture Improvement Act of*
7 *2018, ‘this Act’ refers to the Agriculture Im-*
8 *provement Act of 2018. Subtitle B of title VI of*
9 *that Act (where section 6212 is located) consists*
10 *mostly of amendments to title VI of the Rural*
11 *Electrification Act of 1936, relating to USDA*
12 *broadband programs. Does this refer to those*
13 *broadband programs or is the intent broader?】
14 shall utilize contracts for current and accurate
15 surveying, mapping, and geospatial data and
16 services for research, planning, development,
17 design, construction, alteration, operation, or
18 maintenance of new or existing **【infrastruc-**
19 **ture】** **【Does this mean the same thing as ‘wire-**
20 **less or broadband infrastructure’, used else-**
21 **where?】** in accordance with applicable and ap-
22 propriate private or governmental standards.*

23 “(C) Any contract or subcontract to be
24 carried out using funds in whole or in part
25 made available by **【this Act】** **【Same question as**

1 *in subparagraph (B).*】 for program manage-
2 ment, construction management, feasibility
3 studies, preliminary engineering, design, engi-
4 neering, surveying, mapping, and geospatial, or
5 architectural related services shall be negotiated
6 in the same manner as a contract is negotiated
7 under chapter 11 of title 40, United States
8 Code, or an equivalent State qualifications-
9 based statute.

10 “(D) Nothing in 【this Act】 **【Similar ques-**
11 **tion as in subparagraph (B), but perhaps here**
12 *this just refers to section 6212, or just this new*
13 *subsection (c) of that section, or even just this*
14 *paragraph (6) of that subsection?*】 shall pre-
15 empt the law of any State relating to the per-
16 formance of services of a surveying, mapping,
17 or geospatial nature which, to any extent, are
18 required to be performed or approved by a per-
19 son licensed, registered, or certified to provide
20 such services under such State law.”; and

21 (2) in subsection (e) (as so redesignated), by
22 adding at the end the following:

23 “(4) SURVEYING, MAPPING, AND
24 GEOSPATIAL.—The term ‘surveying, mapping, and
25 geospatial’ includes such activities as measuring, lo-

1 cating, and preparing maps, charts, surveys, aerial
2 photographs, satellite images, or other graphical or
3 digital presentations depicting natural or manmade
4 physical features, phenomena, **【and】** **【or?】** legal
5 boundaries of the Earth, including elevation, plani-
6 metric, boundary, parcel, geodetic, and hydrographic
7 data. **【Note:** *Since this term is defined as ‘activities’,*
8 *the term itself would probably work better with a*
9 *noun at the end, perhaps ‘surveying, mapping, and*
10 *geospatial services’? However, the term is used in one*
11 *place (subparagraph (B) of subsection (c)(6)) with re-*
12 *spect to ‘data and services’. Is the reference to data*
13 *in that subparagraph necessary, or is the data in-*
14 *cluded in the services?】*

15 “(5) BROADBAND PROJECT.—The term
16 ‘broadband project’ means an installation by a
17 broadband provider of **【wireless or broadband infra-**
18 **structure, including copper lines, fiber optic lines,**
19 **communications towers, buildings, or other improve-**
20 **ments】**. **【Note:** *This term is only used once in the*
21 *text (in subparagraph (B) of subsection (c)(6)), but it*
22 *may not be necessary to define if it means a project*
23 *carried out under a specific Act, as the beginning of*
24 *that subparagraph seems to indicate.】*

1 “(6) OPERATIONAL RIGHT-OF-WAY.—The term
2 ‘operational right-of-way’ means all real property in-
3 terests (including easements) acquired for the con-
4 struction or operation of a [project] **Note:** *As the*
5 *term ‘operational right-of-way’ is used in subsection*
6 *(c)(4), above, this appears to refer to a highway*
7 *project. Should that be clarified? Are there any oper-*
8 *ational rights-of-way intended to be covered here that*
9 *are not associated with a highway project?],* includ-
10 ing the locations of the roadway, bridges, inter-
11 changes, culverts, drainage, clear zone, traffic con-
12 trol signage, landscaping, copper and fiber optic
13 lines, utility shelters, and broadband infrastructure
14 as installed by broadband providers, and any rest
15 areas with direct access to a controlled access high-
16 way or the National Highway System.”.

17 **SEC. 4. EFFECTIVE DATE.**

18 This Act shall take effect 6 months after the date
19 of enactment of this Act.