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[Report No. 116–174]

To require the Federal Communications Commission to issue rules relating to the collection of data with respect to the availability of broadband services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2019

Mr. WICKER (for himself, Mr. PETERS, Mr. THUNE, Ms. KLOBUCHAR, Mrs. CAPITO, Mr. GARDNER, Mr. MORAN, Ms. BALDWIN, Ms. ROSEN, Ms. SINEMA, Mr. YOUNG, Mr. SCHATZ, Mr. TESTER, Ms. DUCKWORTH, Mr. UDALL, Mr. MARKEY, Mrs. BLACKBURN, Mrs. FISCHER, Mr. BLUMENTHAL, Mrs. HYDE-SMITH, Mr. SULLIVAN, Mr. KING, Mr. BARRASSO, Mr. CRAMER, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Mr. BURR, Mr. RISCH, Mr. TILLIS, Ms. MCSALLY, Mr. CRAPO, Mr. BOOZMAN, Ms. COLLINS, Ms. HASSAN, Ms. SMITH, Mr. COTTON, Mr. DURBIN, Mr. HOEVEN, Mr. SANDERS, Mr. PERDUE, Mrs. MURRAY, Mr. BROWN, Mr. CARDIN, Mr. LANKFORD, Mr. CORNYN, Mr. MERKLEY, Mrs. SHAHEEN, Ms. HARRIS, Mrs. GILLIBRAND, Mr. CASEY, Mr. JONES, Mr. BRAUN, Mr. GRAHAM, Ms. HIRONO, Mr. LEAHY, Ms. WARREN, Mr. COONS, Ms. ERNST, Mr. BLUNT, Mr. RUBIO, Mr. SCOTT of Florida, Ms. STABENOW, Mr. MANCHIN, Mr. JOHNSON, Mr. SCOTT of South Carolina, Mr. SCHUMER, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 12, 2019

Reported by Mr. WICKER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require the Federal Communications Commission to issue rules relating to the collection of data with respect to the availability of broadband services, 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 Deploy-
5 ment Accuracy and Technological Availability Act” or the
6 “Broadband DATA Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) ~~BROADBAND INTERNET ACCESS SERVICE.~~—

10 The term “broadband internet access service” has
11 the meaning given the term in section 8.1(b) of title
12 47, Code of Federal Regulations, or any successor
13 regulation.

14 (2) ~~CELL EDGE PROBABILITY.~~—The term “cell
15 edge probability” means the likelihood that the min-
16 imum threshold download and upload speeds with
17 respect to broadband internet access service will be
18 met or exceeded at a distance from a base station

1 that is intended to indicate the ultimate edge of the
 2 coverage area of a cell.

3 ~~(3) CELL LOADING.~~—The term “cell loading”
 4 means the percentage of the available air interface
 5 resources of a base station that are used by con-
 6 sumers with respect to broadband internet access
 7 service.

8 ~~(4) CLUTTER.~~—The term “clutter” means a
 9 natural or man-made surface feature that affects the
 10 propagation of a signal from a base station.

11 ~~(5) COMMISSION.~~—The term “Commission”
 12 means the Federal Communications Commission.

13 ~~(6) FABRIC.~~—The term “Fabric” means the
 14 Broadband Serviceable Location Fabric established
 15 under section 3(b)(1)(B).

16 ~~(7) FORM 477.~~—The term “Form 477” means
 17 Form 477 of the Commission relating to local tele-
 18 phone competition and broadband reporting.

19 ~~(8) MOBILITY FUND PHASE II.~~—The term “Mo-
 20 bility Fund Phase II” means the second phase of the
 21 proceeding to provide universal service support from
 22 the Mobility Fund (WC Docket No. 10–90; WT
 23 Docket No. 10–208).

24 ~~(9) PROPAGATION MODEL.~~—The term “propa-
 25 gation model” means a mathematical formulation

1 for the characterization of radio wave propagation as
 2 a function of frequency, distance, and other condi-
 3 tions.

4 (10) PROVIDER.—The term “provider” means a
 5 provider of fixed or mobile broadband internet access
 6 service.

7 (11) SHAPEFILE.—The term “shapefile” means
 8 a digital storage format containing geospatial or lo-
 9 cation-based data and attribute information—

10 (A) regarding the availability of broadband
 11 internet access service; and

12 (B) that can viewed, edited, and mapped in
 13 geographic information system software.

14 (12) STANDARD BROADBAND INSTALLATION.—
 15 The term “standard broadband installation”—

16 (A) means the initiation by a provider of
 17 new fixed broadband internet access service
 18 with no charges or delays attributable to the ex-
 19 tension of the network of the provider; and

20 (B) includes the initiation of fixed broad-
 21 band internet access service through routine in-
 22 stallation that can be completed not later than
 23 10 business days after the date on which the
 24 service request is submitted.

1 **SEC. 3. BROADBAND MAPS.**

2 ~~(a) RULES.—~~

3 ~~(1) IN GENERAL.—~~Not later than 180 days
4 after the date of enactment of this Act, the Commis-
5 sion shall issue final rules that shall—

6 ~~(A)~~ allow for the collection by the Commis-
7 sion of granular data—

8 ~~(i)~~ relating to the availability of ter-
9 restrial fixed, fixed wireless, satellite, and
10 mobile broadband internet access service;
11 and

12 ~~(ii)~~ that the Commission shall use to
13 compile maps that depict the availability
14 described in clause (i) (referred to in this
15 section as “coverage maps”), which the
16 Commission shall make publicly available;
17 and

18 ~~(B)~~ establish the challenge process de-
19 scribed in subsection (b)(4).

20 ~~(2) OTHER DATA.—~~In issuing the rules under
21 paragraph (1), the Commission shall consider wheth-
22 er to collect verified coverage data from—

23 ~~(A)~~ State, local, and Tribal governmental
24 entities that are primarily responsible for map-
25 ping or tracking broadband internet access

1 service coverage for a State, unit of local gov-
 2 ernment, or Indian Tribe, as applicable; and

3 ~~(B) other sources.~~

4 ~~(3) UPDATES.—~~The Commission shall revise
 5 the rules issued under paragraph (1) to—

6 ~~(A) reflect changes in technology;~~

7 ~~(B) ensure the accuracy of propagation~~
 8 ~~models; or~~

9 ~~(C) verify the accuracy of data submitted~~
 10 ~~under subsection (b)(2).~~

11 ~~(b) CONTENT OF RULES.—~~

12 ~~(1) ESTABLISHMENT OF A SERVICEABLE LOCA-~~
 13 ~~TION FABRIC REGARDING FIXED BROADBAND.—~~The
 14 rules issued by the Commission under subsection
 15 ~~(a)(1) shall—~~

16 ~~(A) require the Commission to engage with~~
 17 ~~an entity with expertise with respect to geo-~~
 18 ~~graphic information systems (referred to in this~~
 19 ~~subsection as “GIS”) to create a common~~
 20 ~~dataset of all locations in the United States~~
 21 ~~where fixed broadband internet access service~~
 22 ~~can be installed, as determined by the Commis-~~
 23 ~~sion;~~

24 ~~(B) establish the Broadband Serviceable~~
 25 ~~Location Fabric, which shall—~~

(i) subject to subparagraph (C), contain geocoded information for each location identified under clause (i);

(ii) serve as the foundation upon which all data relating to the availability of fixed broadband internet access service collected under paragraph (2)(A) shall be overlaid;

(iii) be compatible with commonly used GIS software; and

(iv) at a minimum, be updated annually by the Commission to ensure that GIS location data is continuously improved and current; and

(C) prioritize implementing the Fabrie for rural areas of the United States before implementing the Fabrie for urban and suburban areas of the United States.

(2) COLLECTION OF INFORMATION.—The rules issued by the Commission under subsection (a)(1) shall provide that the Commission shall collect—

(A) from each provider of terrestrial fixed, fixed wireless, or satellite broadband internet access service, data that—

1 (i) allows for an understanding of
 2 where a standard broadband installation
 3 can occur;

4 (ii) includes information regarding the
 5 download and upload speeds with respect
 6 to broadband internet access service that
 7 the provider makes available;

8 (iii) can be georeferenced to the GIS
 9 data in the Fabric regarding the service
 10 area of the provider; and

11 (iv) the provider shall report as—

12 (I) with respect to providers of
 13 fixed wireless broadband internet ac-
 14 cess service—

15 (aa) propagation maps and
 16 propagation model details that—

17 (AA) satisfy standards
 18 that are similar to those ap-
 19 plicable to providers of mo-
 20 bile broadband internet ac-
 21 cess service under subpara-
 22 graph (B) with respect to
 23 propagation maps and prop-
 24 agation model details; and

1 ~~(BB)~~ reflect the actual
 2 speeds and latency asserted
 3 by the provider; or

4 ~~(bb)~~ a list of addresses or lo-
 5 cations that constitute the service
 6 area of the provider, except that
 7 the Commission may only permit,
 8 and not require, a provider to re-
 9 port the data using that means
 10 of reporting; and

11 ~~(II)~~ with respect to providers of
 12 terrestrial fixed and satellite broad-
 13 band internet access service—

14 ~~(aa)~~ polygon shapefiles; or

15 ~~(bb)~~ a list of addresses or lo-
 16 cations that constitute the service
 17 area of the provider, except that
 18 the Commission may only permit,
 19 and not require, a provider to re-
 20 port the data using that means
 21 of reporting; and

22 ~~(B)~~ from each provider of mobile broad-
 23 band internet access service, propagation maps
 24 and propagation model details that—

(i) indicate the current (as of the date on which the information is collected) mobile broadband internet access service coverage of the provider, taking into consideration the effect of clutter; and

(ii) satisfy minimum standards relating to speed, cell edge probability, and cell loading that exceed the standards that providers of mobile broadband internet access service were required to satisfy when making submissions under the Mobility Fund Phase II information collection.

(3) CERTIFICATION.—With respect to a provider that submits information to the Commission under paragraph (2)—

(A) the provider shall include in each submission a certification from a senior executive of the provider that the senior executive has examined the information contained in the submission and that, to the best of the executive's knowledge, information, and belief, all statements of fact contained in the submission are true and correct; and

1 ~~(B)~~ the Commission shall verify the accu-
 2 racy of the information in accordance with
 3 measures established by the Commission.

4 ~~(4) CHALLENGE PROCESS.—~~

5 ~~(A) IN GENERAL.—~~In the rules issued
 6 under subsection (a), and subject to subpara-
 7 graph ~~(B)~~, the Commission shall establish a
 8 user-friendly challenge process through which
 9 consumers, State, local, and Tribal govern-
 10 mental entities, and other entities may submit
 11 coverage data to the Commission to challenge
 12 the coverage maps.

13 ~~(B) CONSIDERATIONS; VERIFICATION; RE-~~
 14 ~~SPONSE TO CHALLENGES.—~~In establishing the
 15 challenge process required under subparagraph
 16 ~~(A)~~, the Commission shall—

17 ~~(i) consider—~~

18 ~~(I)~~ the information that an entity
 19 submitting a challenge under that
 20 process should be permitted to provide
 21 to the Commission;

22 ~~(II)~~ the appropriate level of gran-
 23 ularity with respect to the information
 24 submitted by an entity described in
 25 subclause ~~(I)~~;

1 (III) the time and expense in-
2 curred by consumers and providers in
3 challenging the accuracy of a coverage
4 map; and

5 (IV) the costs to consumers and
6 providers resulting from a misalloca-
7 tion of funds for a period of more
8 than 1 year because of a reliance on
9 outdated or otherwise inaccurate in-
10 formation;

11 (ii) include a process for verifying the
12 data submitted through the challenge proc-
13 ess in order to ensure the reliability of that
14 data; and

15 (iii) allow providers to respond to
16 challenges submitted through the challenge
17 process.

18 (C) USE OF CHALLENGES.—The Commis-
19 sion shall use data submitted through the chal-
20 lenge process established under subparagraph
21 (A) to evaluate the accuracy of the coverage
22 maps and update the maps as the Commission
23 adjudicates challenges brought through that
24 process.

1 (5) REFORM OF FORM 477 PROCESS.—Not later
 2 than 180 days after the date on which the rules
 3 issued under subsection (a) take effect, the Commis-
 4 sion shall reform—

5 (A) the Form 477 broadband deployment
 6 service availability collection process of the
 7 Commission; and

8 (B) duplicative reporting requirements and
 9 procedures regarding the availability of broad-
 10 band internet access service that, as of that
 11 date, are in effect.

12 (c) MAPS.—The Commission shall—

13 (1) compile—

14 (A) a map that depicts the availability of
 15 fixed broadband internet access service, which
 16 shall reflect data collected by the Commission
 17 from providers under subsection (b)(2)(A), as
 18 refined and modified through the adjudication
 19 of challenges submitted under subsection (b)(4);
 20 and

21 (B) a map that depicts the availability of
 22 mobile broadband internet access service, which
 23 shall reflect data collected by the Commission
 24 from providers under subsection (b)(2)(B), as

1 refined and modified through the adjudication
 2 of challenges submitted under subsection (b)(4);
 3 ~~(2) use the coverage maps—~~

4 ~~(A) to determine the areas in which broad-~~
 5 ~~band internet access service is and is not avail-~~
 6 ~~able; and~~

7 ~~(B) before making any award of funding~~
 8 ~~with respect to the deployment of broadband~~
 9 ~~internet access service; and~~

10 ~~(3) update the coverage maps not less fre-~~
 11 ~~quently than annually using the most recent data~~
 12 ~~collected from providers under subsection (b)(2).~~

13 **SEC. 4. ENFORCEMENT.**

14 ~~(a) IN GENERAL.—It shall be unlawful for a person~~
 15 ~~to willfully and knowingly submit information or data~~
 16 ~~under this Act that is inaccurate with respect to the avail-~~
 17 ~~ability of broadband internet access service.~~

18 ~~(b) PENALTY.—Any person that violates subsection~~
 19 ~~(a) shall be subject to an appropriate penalty, as deter-~~
 20 ~~mined by the Commission, under—~~

21 ~~(1) the Communications Act of 1934 (47~~
 22 ~~U.S.C. 151 et seq.), including section 501 of that~~
 23 ~~Act (47 U.S.C. 501); and~~

24 ~~(2) the rules of the Commission.~~

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Broadband Deployment*
 3 *Accuracy and Technological Availability Act” or the*
 4 *“Broadband DATA Act”.*

5 **SEC. 2. DEFINITIONS.**

6 *In this Act:*

7 (1) **BROADBAND INTERNET ACCESS SERVICE.**—

8 *The term “broadband internet access service” has the*
 9 *meaning given the term in section 8.1(b) of title 47,*
 10 *Code of Federal Regulations, or any successor regula-*
 11 *tion.*

12 (2) **BROADBAND MAP.**—*The term “Broadband*
 13 *Map” means the map created by the Commission*
 14 *under section 3(c)(1)(A).*

15 (3) **CELL EDGE PROBABILITY.**—*The term “cell*
 16 *edge probability” means the likelihood that the min-*
 17 *imum threshold download and upload speeds with re-*
 18 *spect to broadband internet access service will be met*
 19 *or exceeded at a distance from a base station that is*
 20 *intended to indicate the ultimate edge of the coverage*
 21 *area of a cell.*

22 (4) **CELL LOADING.**—*The term “cell loading”*
 23 *means the percentage of the available air interface re-*
 24 *sources of a base station that are used by consumers*
 25 *with respect to broadband internet access service.*

1 (5) *CLUTTER*.—The term “clutter” means a nat-
 2 ural or man-made surface feature that affects the
 3 propagation of a signal from a base station.

4 (6) *COMMISSION*.—The term “Commission”
 5 means the Federal Communications Commission.

6 (7) *FABRIC*.—The term “Fabric” means the
 7 Broadband Serviceable Location Fabric established
 8 under section 3(b)(1)(B).

9 (8) *FORM 477*.—The term “Form 477” means
 10 Form 477 of the Commission relating to local tele-
 11 phone competition and broadband reporting.

12 (9) *INDIAN TRIBE*.—The term “Indian Tribe”
 13 has the meaning given the term “Indian tribe” in sec-
 14 tion 4 of the Indian Self-Determination and Edu-
 15 cation Assistance Act (25 U.S.C. 5304).

16 (10) *MOBILITY FUND PHASE II*.—The term “Mo-
 17 bility Fund Phase II” means the second phase of the
 18 proceeding to provide universal service support from
 19 the Mobility Fund (WC Docket No. 10–90; WT Docket
 20 No. 10–208).

21 (11) *PROPAGATION MODEL*.—The term “propa-
 22 gation model” means a mathematical formulation for
 23 the characterization of radio wave propagation as a
 24 function of frequency, distance, and other conditions.

1 (12) *PROVIDER*.—The term “provider” means a
 2 provider of fixed or mobile broadband internet access
 3 service.

4 (13) *SHAPEFILE*.—The term “shapefile” means a
 5 digital storage format containing geospatial or loca-
 6 tion-based data and attribute information—

7 (A) regarding the availability of broadband
 8 internet access service; and

9 (B) that can be viewed, edited, and mapped
 10 in geographic information system software.

11 (14) *STANDARD BROADBAND INSTALLATION*.—
 12 The term “standard broadband installation”—

13 (A) means the initiation by a provider of
 14 new fixed broadband internet access service with
 15 no charges or delays attributable to the extension
 16 of the network of the provider; and

17 (B) includes the initiation of fixed
 18 broadband internet access service through routine
 19 installation that can be completed not later than
 20 10 business days after the date on which the
 21 service request is submitted.

22 **SEC. 3. BROADBAND MAPS.**

23 (a) *RULES*.—

1 (1) *IN GENERAL.*—Not later than 180 days after
 2 the date of enactment of this Act, the Commission
 3 shall issue final rules that shall—

4 (A) allow for the collection by the Commis-
 5 sion of accurate and granular data, not less fre-
 6 quently than biannually—

7 (i) relating to the availability of terres-
 8 trial fixed, fixed wireless, satellite, and mo-
 9 bile broadband internet access service; and

10 (ii) that the Commission shall use to
 11 compile the maps created under subsection
 12 (c)(1) (referred to in this section as “cov-
 13 erage maps”), which the Commission shall
 14 make publicly available; and

15 (B) establish—

16 (i) processes through which the Com-
 17 mission can verify the accuracy of data sub-
 18 mitted under subsection (b)(2);

19 (ii) processes and procedures through
 20 which the Commission, and, as necessary,
 21 other entities or persons submitting infor-
 22 mation under this Act, can protect the secu-
 23 rity, privacy, and confidentiality of—

24 (I) information contained in the
 25 Fabric;

1 (II) the dataset created under sub-
 2 section (b)(1) supporting the Fabric;
 3 and

4 (III) the data submitted under
 5 subsection (b)(2);

6 (iii) the challenge process described in
 7 subsection (b)(5); and

8 (iv) the process described in section
 9 5(b).

10 (2) *OTHER DATA.*—In issuing the rules under
 11 paragraph (1), the Commission shall develop a proc-
 12 ess through which the Commission can collect verified
 13 data for use in the coverage maps from—

14 (A) State, local, and Tribal governmental
 15 entities that are primarily responsible for map-
 16 ping or tracking broadband internet access serv-
 17 ice coverage for a State, unit of local govern-
 18 ment, or Indian Tribe, as applicable;

19 (B) third parties, if the Commission deter-
 20 mines that it is in the public interest to use such
 21 data in—

22 (i) the development of the coverage
 23 maps; or

24 (ii) the verification of data submitted
 25 under subsection (b); and

1 (C) *other Federal agencies.*

2 (3) *UPDATES.—The Commission shall revise the*
 3 *rules issued under paragraph (1) to—*

4 (A) *reflect changes in technology;*

5 (B) *ensure the accuracy of propagation*
 6 *models, as further provided in subsection (b)(3);*
 7 *and*

8 (C) *improve the usefulness of the coverage*
 9 *maps.*

10 (b) *CONTENT OF RULES.—*

11 (1) *ESTABLISHMENT OF A SERVICEABLE LOCA-*
 12 *TION FABRIC REGARDING FIXED BROADBAND.—*

13 (A) *DATASET.—*

14 (i) *IN GENERAL.—The Commission*
 15 *shall create a common dataset of all loca-*
 16 *tions in the United States where fixed*
 17 *broadband internet access service can be in-*
 18 *stalled, as determined by the Commission.*

19 (ii) *CONTRACTING.—*

20 (I) *IN GENERAL.—Subject to sub-*
 21 *clauses (II) and (III), the Commission*
 22 *may contract with an entity with ex-*
 23 *pertise with respect to geographic in-*
 24 *formation systems (referred to in this*

subsection as “GIS”) to create and maintain the dataset under clause (i).

(II) *APPLICATION OF THE FEDERAL ACQUISITION REGULATION.*—A contract into which the Commission enters under subclause (I) shall in all respects comply with applicable provisions of the Federal Acquisition Regulation.

(III) *LIMITATIONS.*—With respect to a contract into which the Commission enters under subclause (I)—

(aa) the entity with which the Commission contracts shall be selected through a competitive bid process that is transparent and open; and

(bb) the contract shall be for a term of not longer than 5 years, after which the Commission may enter into a new contract—

(AA) with an entity, and for the purposes, described in subclause (I); and

1 *(BB) that complies with*
 2 *the requirements under sub-*
 3 *clause (II) and this sub-*
 4 *clause.*

5 *(B) FABRIC.—The rules issued by the Com-*
 6 *mission under subsection (a)(1) shall establish*
 7 *the Broadband Serviceable Location Fabric,*
 8 *which shall—*

9 *(i) contain geocoded information for*
 10 *each location identified under subparagraph*
 11 *(A)(i);*

12 *(ii) serve as the foundation upon which*
 13 *all data relating to the availability of fixed*
 14 *broadband internet access service collected*
 15 *under paragraph (2)(A) shall be reported*
 16 *and overlaid;*

17 *(iii) be compatible with commonly*
 18 *used GIS software; and*

19 *(iv) at a minimum, be updated annu-*
 20 *ally by the Commission.*

21 *(C) IMPLEMENTATION PRIORITY.—The Com-*
 22 *mission shall prioritize implementing the Fabric*
 23 *for rural and insular areas of the United States.*

24 *(2) COLLECTION OF INFORMATION.—The rules*
 25 *issued by the Commission under subsection (a)(1)*

1 *shall include uniform standards for the reporting of*
 2 *broadband internet access service data that the Com-*
 3 *mission shall collect—*

4 *(A) from each provider of terrestrial fixed,*
 5 *fixed wireless, or satellite broadband internet ac-*
 6 *cess service, which shall include data that—*

7 *(i) documents the areas where the pro-*
 8 *vider—*

9 *(I) has actually built out the*
 10 *broadband network infrastructure of*
 11 *the provider such that the provider is*
 12 *able to provide that service; and*

13 *(II) could provide that service, as*
 14 *determined by identifying where the*
 15 *provider is capable of performing a*
 16 *standard broadband installation, if ap-*
 17 *plicable;*

18 *(ii) includes information regarding*
 19 *download and upload speeds, at various*
 20 *thresholds established by the Commission,*
 21 *and, if applicable, latency with respect to*
 22 *broadband internet access service that the*
 23 *provider makes available;*

24 *(iii) can be georeferenced to the GIS*
 25 *data in the Fabric;*

1 (iv) *the provider shall report as—*

2 (I) *with respect to providers of*
 3 *fixed wireless broadband internet ac-*
 4 *cess service—*

5 (aa) *propagation maps and*
 6 *propagation model details that—*

7 (AA) *satisfy standards*
 8 *that are similar to those ap-*
 9 *plicable to providers of mo-*
 10 *bile broadband internet ac-*
 11 *cess service under subpara-*
 12 *graph (B) with respect to*
 13 *propagation maps and prop-*
 14 *agation model details, taking*
 15 *into account material dif-*
 16 *ferences between fixed wire-*
 17 *less and mobile broadband*
 18 *internet access service; and*

19 (BB) *reflect the speeds*
 20 *and latency of the service*
 21 *provided by the provider; or*

22 (bb) *a list of addresses or lo-*
 23 *cations that constitute the service*
 24 *area of the provider, except that*
 25 *the Commission—*

1 (AA) may only permit,
 2 and not require, a provider
 3 to report the data using that
 4 means of reporting; and

5 (BB) in the rules issued
 6 under subsection (a)(1), shall
 7 provide a method for using
 8 that means of reporting with
 9 respect to Tribal areas; and

10 (II) with respect to providers of
 11 terrestrial fixed and satellite
 12 broadband internet access service—

13 (aa) polygon shapefiles; or

14 (bb) a list of addresses or lo-
 15 cations that constitute the service
 16 area of the provider, except that
 17 the Commission—

18 (AA) may only permit,
 19 and not require, a provider
 20 to report the data using that
 21 means of reporting; and

22 (BB) in the rules issued
 23 under subsection (a)(1), shall
 24 provide a method for using

1 that means of reporting with
2 respect to Tribal areas; and

3 (v) the Commission determines is ap-
4 propriate with respect to certain tech-
5 nologies in order to ensure that the
6 Broadband Map is granular and accurate;
7 and

8 (B) from each provider of mobile broadband
9 internet access service, which shall include prop-
10 agation maps, and the propagation models on
11 which those maps are based, that indicate the
12 current (as of the date on which the information
13 is collected) fourth generation Long-Term Evo-
14 lution (commonly referred to as “4G LTE”) mo-
15 bile broadband internet access service coverage of
16 the provider, which shall—

17 (i) take into consideration the effect of
18 clutter; and

19 (ii) satisfy—

20 (I) the requirements of having—

21 (aa) a download speed of 5
22 megabits per second and an
23 upload speed of 1 megabit per sec-
24 ond with a cell edge probability of
25 not less than 90 percent; and

1 (bb) cell loading of 50 per-
2 cent; and

3 (II) any other parameter that the
4 Commission determines to be necessary
5 to create a map under subsection
6 (c)(1)(C) that is more precise than the
7 map produced as a result of the sub-
8 missions under the Mobility Fund
9 Phase II information collection.

10 (3) UPDATE OF REPORTING STANDARDS FOR MO-
11 BILE BROADBAND INTERNET ACCESS SERVICE.—For
12 the purposes of paragraph (2)(B), if the Commission
13 determines that the reporting standards under that
14 paragraph are insufficient to collect accurate propa-
15 gation maps and propagation model details with re-
16 spect to future generations of mobile broadband inter-
17 net access service technologies, the Commission shall
18 immediately commence a rule making to adopt new
19 reporting standards with respect to those technologies
20 that—

21 (A) shall be the functional equivalent of the
22 standards required under paragraph (2)(B); and

23 (B) allow for the collection of propagation
24 maps and propagation model details that are as
25 accurate and granular as, or more accurate and

1 *granular than, the maps and model details col-*
 2 *lected by the Commission under paragraph*
 3 *(2)(B).*

4 (4) *CERTIFICATION AND VERIFICATION.*—*With*
 5 *respect to a provider that submits information to the*
 6 *Commission under paragraph (2)—*

7 (A) *the provider shall include in each sub-*
 8 *mission a certification from a corporate officer of*
 9 *the provider that the officer has examined the in-*
 10 *formation contained in the submission and that,*
 11 *to the best of the officer's actual knowledge, infor-*
 12 *mation, and belief, all statements of fact con-*
 13 *tained in the submission are true and correct;*
 14 *and*

15 (B) *the Commission shall verify the accu-*
 16 *racy and reliability of the information in ac-*
 17 *cordance with measures established by the Com-*
 18 *mission.*

19 (5) *CHALLENGE PROCESS.*—

20 (A) *IN GENERAL.*—*In the rules issued under*
 21 *subsection (a), and subject to subparagraph (B),*
 22 *the Commission shall establish a user-friendly*
 23 *challenge process through which consumers,*
 24 *State, local, and Tribal governmental entities,*

1 *and other entities may submit coverage data to*
 2 *the Commission to challenge the accuracy of—*

3 *(i) the coverage maps;*

4 *(ii) any information submitted by a*
 5 *provider regarding the availability of*
 6 *broadband internet access service; or*

7 *(iii) the information included in the*
 8 *Fabric.*

9 *(B) CONSIDERATIONS; VERIFICATION; RE-*
 10 *SPONSE TO CHALLENGES.—In establishing the*
 11 *challenge process required under subparagraph*
 12 *(A), the Commission shall—*

13 *(i) consider—*

14 *(I) the types of information that*
 15 *an entity submitting a challenge*
 16 *should provide to the Commission in*
 17 *support of the challenge;*

18 *(II) the appropriate level of gran-*
 19 *ularity for the information described*
 20 *in subclause (I);*

21 *(III) the need to mitigate the time*
 22 *and expense incurred by, and the ad-*
 23 *ministrative burdens placed on, enti-*
 24 *ties in—*

- 1 (aa) challenging the accuracy
- 2 of a coverage map; and
- 3 (bb) responding to challenges
- 4 described in item (aa); and
- 5 (IV) the costs to consumers and
- 6 providers resulting from a
- 7 misallocation of funds because of a re-
- 8 liance on outdated or otherwise inac-
- 9 curate information in the coverage
- 10 maps;
- 11 (ii) include a process for verifying the
- 12 data submitted through the challenge proc-
- 13 ess in order to ensure the reliability of that
- 14 data;
- 15 (iii) allow providers to respond to
- 16 challenges submitted through the challenge
- 17 process; and
- 18 (iv) develop an online mechanism,
- 19 which—
- 20 (I) shall be integrated into the
- 21 coverage maps; and
- 22 (II) allows for an entity described
- 23 in subparagraph (A) to submit a chal-
- 24 lenge under the challenge process.

1 (C) *USE OF CHALLENGES.*—*The rules*
 2 *issued to establish the challenge process under*
 3 *subparagraph (A) shall include—*

4 (i) *a process for the speedy resolution*
 5 *of challenges; and*

6 (ii) *a process for the regular and expe-*
 7 *ditious updating of the coverage maps as*
 8 *challenges are resolved.*

9 (6) *REFORM OF FORM 477 PROCESS.*—

10 (A) *IN GENERAL.*—*Not later than 180 days*
 11 *after the date on which the rules issued under*
 12 *subsection (a) take effect, the Commission shall—*

13 (i) *reform the Form 477 broadband de-*
 14 *ployment service availability collection*
 15 *process of the Commission to make the proc-*
 16 *ess consistent with this Act and the rules*
 17 *issued under this Act; and*

18 (ii) *remove duplicative reporting re-*
 19 *quirements and procedures regarding the*
 20 *deployment of broadband internet access*
 21 *service that, as of that date, are in effect.*

22 (B) *CONTINUED COLLECTION AND REPORT-*
 23 *ING.*—*On and after the date on which the Com-*
 24 *mission carries out subparagraph (A), the Com-*
 25 *mission shall continue to collect and publicly re-*

port subscription data that the Commission collected through the Form 477 broadband deployment service availability process, as in effect on July 1, 2019.

(c) MAPS.—The Commission shall—

(1) create—

(A) the Broadband Map, which shall depict—

(i) the extent of the availability of broadband internet access service in the United States, without regard to whether that service is fixed broadband internet access service or mobile broadband internet access service, which shall be based on data collected by the Commission from all providers; and

(ii) the areas of the United States that remain unserved by providers;

(B) a map that depicts the availability of fixed broadband internet access service, which shall be based on data collected by the Commission from providers under subsection (b)(2)(A); and

(C) a map that depicts the availability of mobile broadband internet access service, which

1 *shall be based on data collected by the Commis-*
2 *sion from providers under subsection (b)(2)(B);*

3 *(2) use the maps created under paragraph (1)—*

4 *(A) to determine the areas in which terres-*
5 *trial fixed, fixed wireless, mobile, and satellite*
6 *broadband internet access service is and is not*
7 *available; and*

8 *(B) when making any new award of fund-*
9 *ing with respect to the deployment of broadband*
10 *internet access service;*

11 *(3) update the maps created under paragraph*
12 *(1) not less frequently than biannually using the most*
13 *recent data collected from providers under subsection*
14 *(b)(2);*

15 *(4) establish a process requiring the Department*
16 *of Agriculture and the National Telecommunications*
17 *and Information Administration to consult the maps*
18 *created under paragraph (1) when, as of the date on*
19 *which the process is established or on any future date,*
20 *distributing funds relating to the deployment of*
21 *broadband internet access service under any program*
22 *administered by the Rural Utilities Service or the Ad-*
23 *ministration, respectively; and*

1 (5) *establish a process to make the data collected*
 2 *under subsection (b)(2) available to the National Tele-*
 3 *communications and Information Administration.*

4 **SEC. 4. ENFORCEMENT.**

5 (a) *IN GENERAL.*—*It shall be unlawful for a person*
 6 *or entity to willfully and knowingly, or recklessly, submit*
 7 *information or data under this Act that is materially inac-*
 8 *curate or incomplete with respect to the availability of*
 9 *broadband internet access service.*

10 (b) *VIOLATIONS.*—*A violation of this Act shall be treat-*
 11 *ed as a violation of the Communications Act of 1934 (47*
 12 *U.S.C. 151 et seq.), and the Commission shall enforce this*
 13 *Act in the same manner, by the same means, and with the*
 14 *same jurisdiction, powers, and duties as though all applica-*
 15 *ble terms and provisions of that Act were incorporated into*
 16 *and made a part of this Act.*

17 **SEC. 5. IMPROVING DATA ACCURACY.**

18 (a) *AUDITS.*—*The Commission shall conduct regular*
 19 *audits of information submitted to the Commission by pro-*
 20 *viders under section 3(b)(2) to ensure that the providers are*
 21 *complying with this Act.*

22 (b) *CROWDSOURCING.*—

23 (1) *IN GENERAL.*—*The Commission shall develop*
 24 *a process through which persons in the United States*
 25 *may submit specific information about the deploy-*

1 *ment and availability of broadband internet access*
 2 *service in the United States so that the information*
 3 *may be used to verify and supplement information*
 4 *provided by providers of broadband internet access*
 5 *service for inclusion in the maps created under sec-*
 6 *tion 3(c)(1).*

7 (2) *COLLABORATION.*—*As part of the efforts of*
 8 *the Commission to facilitate the ability of persons to*
 9 *submit information under paragraph (1), the Com-*
 10 *mission shall issue guidance and other information as*
 11 *appropriate to ensure that the information submitted*
 12 *is uniform and consistent with the data submitted by*
 13 *providers under section 3(b)(2).*

14 (c) *TECHNICAL ASSISTANCE TO INDIAN TRIBES.*—

15 (1) *IN GENERAL.*—*Subject to paragraph (2), the*
 16 *Commission shall hold workshops for Tribal govern-*
 17 *ments in each of the 12 Bureau of Indian Affairs re-*
 18 *gions to provide technical assistance with the collec-*
 19 *tion and submission of data under section 3(a)(2).*

20 (2) *ANNUAL REVIEW.*—*Each year, the Commis-*
 21 *sion, in consultation with Indian Tribes, shall review*
 22 *the need for continued workshops required under*
 23 *paragraph (1).*

24 (d) *TECHNICAL ASSISTANCE TO SMALL SERVICE PRO-*
 25 *VIDERS.*—*The Commission shall establish a process through*

1 *which a provider that has fewer than 100,000 active*
 2 *broadband internet access service connections may request*
 3 *and receive assistance from the Commission with respect*
 4 *to geographic information system data processing to ensure*
 5 *that the provider is able to comply with the requirements*
 6 *under section 3(b) in a timely and accurate manner.*

7 **SEC. 6. COST.**

8 *(a) IN GENERAL.—Beginning with the first full fiscal*
 9 *year after the date of enactment of this Act, the Commission*
 10 *shall include in the budget submission of the Commission*
 11 *to the President under sections 1105(a) and 1108 of title*
 12 *31, United States Code, amounts sufficient to ensure the*
 13 *proper and continued functioning of the responsibilities of*
 14 *the Commission under this Act.*

15 *(b) COST OF FABRIC.—*

16 *(1) USF.—The Commission may not use funds*
 17 *from the universal service programs of the Commis-*
 18 *sion established under section 254 of the Communica-*
 19 *tions Act of 1934 (47 U.S.C. 254), and the regulations*
 20 *issued under that section, to pay for any costs associ-*
 21 *ated with this Act.*

22 *(2) OTHER FUNDS.—The Commission may re-*
 23 *cover costs associated with this Act under section 9 of*
 24 *the Communications Act of 1934 (47 U.S.C. 159) to*

1 *the extent provided for in an appropriation Act, as*
 2 *required under subsection (a) of that section.*

3 **SEC. 7. OTHER PROVISIONS.**

4 (a) *OMB.*—*Notwithstanding any other provision of*
 5 *law, the initial rule making required under section 3(a)(1)*
 6 *shall be exempt from review by the Office of Management*
 7 *and Budget.*

8 (b) *PRA.*—*Chapter 35 of title 44, United States Code*
 9 *(commonly known as the “Paperwork Reduction Act”),*
 10 *shall not apply to the initial rule making required under*
 11 *section 3(a)(1).*

12 (c) *EXECUTION OF RESPONSIBILITIES.*—*Except as*
 13 *provided in section 3(b)(1)(A)(ii), the Commission—*

14 (1) *including the offices of the Commission, shall*
 15 *carry out the responsibilities assigned to the Commis-*
 16 *sion under this Act; and*

17 (2) *may not delegate any of the responsibilities*
 18 *assigned to the Commission under this Act to any*
 19 *third party, including the Universal Service Adminis-*
 20 *trative Company.*

21 (d) *REPORTING.*—*Each fiscal year, the Commission*
 22 *shall submit to the Committee on Commerce, Science, and*
 23 *Transportation of the Senate and the Committee on Energy*
 24 *and Commerce of the House of Representatives a report that*
 25 *summarizes the implementation of this Act and associated*

- 1 *enforcement activities conducted during the previous fiscal*
- 2 *year.*

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116TH CONGRESS
1ST Session

S. 1822

[Report No. 116-174]

A BILL

To require the Federal Communications Commission to issue rules relating to the collection of data with respect to the availability of broadband services, and for other purposes.

DECEMBER 12, 2019

Reported with an amendment