

BROADBAND CENSUS OF AMERICA ACT OF 2007

---

NOVEMBER 13, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

Mr. DINGELL, from the Committee on Energy and Commerce,  
submitted the following

R E P O R T

[To accompany H.R. 3919]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3919) to provide for a comprehensive nationwide inventory of existing broadband service, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
Amendment .....	2
Purpose and Summary .....	7
Background and Need for Legislation .....	7
Hearings .....	9
Subcommittee Consideration .....	9
Committee Consideration .....	10
Committee Votes .....	10
Committee Oversight Findings .....	10
Statement of General Performance Goals and Objectives .....	10
New Budget Authority, Entitlement Authority, and Tax Expenditures .....	10
Earmarks and Tax and Tariff Benefits .....	10
Committee Cost Estimate .....	10
Congressional Budget Office Estimate .....	10
Federal Mandates Statement .....	12
Advisory Committee Statement .....	13
Constitutional Authority Statement .....	13
Applicability to Legislative Branch .....	13
Section-by-Section Analysis of the Legislation .....	13
Changes in Existing Law Made by the Bill, as Reported .....	21

## AMENDMENT

The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Broadband Census of America Act of 2007”.

**SEC. 2. CENSUS OF BROADBAND SERVICE DEPLOYMENT.****(a) DUTY TO COLLECT AND REPORT.—**

(1) **ANNUAL ASSESSMENT AND REPORT.**—The Commission shall, on an annual basis, conduct an assessment and publish a report on the nature and deployment of, and subscription to, broadband service capability throughout the States.

(2) **BANDWIDTH SERVICE TIERS.**—The Commission shall designate bandwidth service tiers by identifying tiers of increasing data transmission speeds of broadband service capability that will provide useful information about the nature and extent of deployment of broadband service capability. At a minimum, the tiers in the aggregate shall encompass all data transmission speeds deployed, and shall consist of multiple combinations of upstream and downstream data transmission speeds. Each tier shall be designated, to the extent possible, to correspond to the ability to support qualitatively different applications and services, which the Commission shall also identify.

(3) **INFORMATION COLLECTION.**—The Commission shall collect, or provide for the collection of, information from all commercial and public providers of broadband service capability under its jurisdiction in each State. Such information shall include—

(A) for each area encompassed by a United States postal zip code of the 5 digit level—

- (i) information concerning the types of technology used to provide broadband service capability in such area;
- (ii) the tiers designated under paragraph (2) used to provide such capability in such area; and
- (iii) the actual number of residential subscribers and the actual number of business subscribers in such area; and

(B) for each State, the actual number of residential subscribers and the actual number of business subscribers for each tier of service designated under paragraph (2).

(4) **INFORMATION REPORTED.**—In the annual report required by paragraph (1), the Commission shall provide to the public—

(A) for each area encompassed by a United States postal zip code of the 5 digit level—

- (i) a list of the types of technology used to provide such capability in such area; and
- (ii) the actual number of residential subscribers and the actual number of business subscribers to broadband service capability in such area, each in the aggregate; and

(B) for each State, the actual number of residential subscribers and the actual number of business subscribers for each tier of service designated under paragraph (2), each in the aggregate.

(b) **EVOLUTION OF ASSESSMENT.**—The Commission shall periodically review both the bandwidth service tiers and the types of technology utilized in its assessment under subsection (a) to take into account changes in technology and marketplace conditions.

**(c) INTERNATIONAL COMPARISON.—**

(1) **INTERNATIONAL COMPARISON.**—As part of the assessment and report required by this section, the Commission shall include information comparing the extent of broadband service capability (including data transmission speeds and price for broadband service capability) in a total of 75 communities in at least 25 countries abroad for each of the tiers designated pursuant to subsection (a)(2).

(2) **CONTENTS.**—The Commission shall choose communities for the comparison under this subsection in a manner that will offer, to the extent possible, communities of a population size, population density, topography, and demographic profile that are comparable to the population size, population density, topography, and demographic profile of various communities within the United States. The Commission shall include in the comparison under this subsection—

- (A) a geographically diverse selection of countries; and
- (B) communities including the capital cities of such countries.

(3) **SIMILARITIES AND DIFFERENCES.**—The Commission shall identify relevant similarities and differences in each community, including their market structures, the number of competitors, the number of facilities-based providers, the types of technologies deployed by such providers, the applications and services those technologies enable, and the regulatory model under which broadband service capability is provided.

(d) **PROTECTION OF INFORMATION.**—Except for the information provided to the public by the Commission in its annual report pursuant to subsection (a)(4), nothing in this section shall reduce or remove any obligation the Commission has to protect proprietary information, nor shall this section be construed to compel the Commission to make publicly available any proprietary information. Any information collected by the Commission pursuant to subsection (a)(3) that reveals any competitively sensitive information of an individual provider of broadband service capability shall not be disclosed by the Commission under subsection (a)(4) or otherwise.

(e) **REGULATIONS.**—The Commission shall, within 180 days after the date of the enactment of this Act, promulgate regulations to implement this section.

(f) **ENFORCEMENT AUTHORITY.**—The Commission shall enforce this section as if such section was a part of the Communications Act of 1934. For the purpose of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

### **SEC. 3. BROADBAND INVENTORY MAP.**

(a) **ESTABLISHMENT.**—To provide a comprehensive nationwide inventory of existing broadband service capability and availability, the NTIA shall develop and maintain a broadband inventory map of the United States that identifies and depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State.

(b) **INFORMATION SHOWN.**—The broadband inventory map developed and maintained pursuant to this section shall be capable of identifying and depicting, nationwide, for each State, and for each county or parish of each State—

(1) each area encompassed by a United States postal zip code of 9 digit level, census tract level, or functional equivalent in which broadband service capability is deployed at that time, including—

(A) each commercial or public provider of broadband service capability within such area; and

(B) subject to subsection (f)(5)—

(i) each type of technology used to provide broadband service capability within such area; and

(ii) which bandwidth service tiers designated pursuant to section 2(a)(2) are available within such area for each provider of broadband service capability; and

(2) each area encompassed by a United States postal zip code of 9 digit level, census tract level, or functional equivalent in which broadband service capability is not deployed at that time.

(c) **DATA USE ENCOURAGED.**—The NTIA shall—

(1) seek to overlay demographic data obtained from other sources in the Department of Commerce and elsewhere for use with such broadband inventory map; and

(2) make available such map, and the information on which it is based, to such other sources in the Department for demographic purposes, subject to section 7.

(d) **PUBLIC AVAILABILITY AND INTERACTIVITY.**—Not later than 2 years after the date of the enactment of this Act, the NTIA shall make the broadband inventory map developed and maintained pursuant to this section accessible by the public on a World Wide Web site of the NTIA in a form that is interactive and searchable.

(e) **UPDATING.**—The NTIA shall update the broadband inventory map developed and maintained pursuant to this section to ensure that the information provided by the broadband inventory map is timely and accurate.

(f) **OBTAINING INFORMATION.**—

(1) **IN GENERAL.**—The NTIA shall request and obtain such information as may be necessary to carry out this section from the following:

(A) eligible entities under section 4;

(B) the Commission; and

(C) commercial and public providers of broadband service capability.

(2) **PRIORITY OF INFORMATION REQUESTS.**—If the NTIA has not otherwise obtained such information pursuant to paragraph (3), the NTIA shall—

(A) first request and try to obtain such information from such eligible entities before requesting and obtaining such information from the Commission; and

(B) only request such information from commercial and public providers of broadband service capability if such information cannot be obtained in a timely fashion from such eligible entities or the Commission.

(3) COMPATIBLE FORMAT.—Such entities or such providers may elect to provide the NTIA with the information necessary for displaying a statewide map, provided that such map meets, at a minimum, the requirements of subsection (b) for that State and such information is in a format that NTIA is able to incorporate into the broadband inventory map required under this section. Nothing in this paragraph precludes such providers or any such entity, with agreement of the providers concerned, from providing to the NTIA, or using for its own purposes, more geographically-specific information than required by subsection (b).

(4) ADDITIONAL INFORMATION, INCLUDING WIFI HOTSPOTS.—The NTIA shall also try to obtain accurate information from reliable publicly available sources about broadband service capability that is offered to the public but that is not provided by either a commercial provider or a public provider directly to the public.

(5) OPT-OUT BY PROVIDERS.—Notwithstanding subsection (b)(1)(B), if a provider of broadband service capability requests that the map developed and maintained pursuant to this section shall not depict the information in clause (i) or (ii), or both, of such subsection for a particular area or areas, the NTIA shall comply with such request.

(g) PROTECTION OF INFORMATION.—Except for the information provided to the public by the NTIA in subsection (d), nothing in this section shall reduce or remove any obligation the NTIA has to protect proprietary information, nor shall this section be construed to compel the NTIA to make publicly available any proprietary information. Notwithstanding any other provision of this section, any information obtained by NTIA pursuant to subsection (f) that reveals competitively sensitive information of an individual provider of broadband service capability shall not be disclosed by NTIA.

#### SEC. 4. GRANTS TO STATES FOR BROADBAND MAP DEVELOPMENT.

(a) IN GENERAL.—The NTIA may, to the extent amounts are made available pursuant to section 10(b) for use under this section, make grants to an eligible entity to assist in providing the NTIA with information to facilitate the development of the broadband inventory map required under section 3.

(b) STATE ENTITY APPLICATION AND DESIGNATION.—An eligible entity in any State that seeks to obtain a grant under this section shall submit an application to the NTIA at such time, in such form, and containing such information and assurances as the NTIA may require.

(c) USE.—Amounts from a grant under this section may be used only for costs involved in developing and obtaining information for the broadband inventory map required under section 3.

(d) CONDITIONS.—

(1) INFORMATION SHARING.—As a condition of receipt of a grant under this section, the eligible entity shall agree to provide to the NTIA the information developed or obtained using such grant amounts and necessary for the broadband inventory map required under section 3.

(2) MATCHING REQUIREMENT.—An eligible entity may not obtain a grant under this section to carry out the activities under this section unless such entity agrees to provide, from non-Federal funds, an amount equal to not less than 20 percent of the amount of the grant toward the costs of carrying out such activities.

(e) GRANT CRITERIA.—The NTIA shall select an eligible entity to receive a grant under this section based upon criteria that shall include—

(1) whether such entity requesting a grant is organized on a statewide basis and prepared to develop information for use by NTIA on a timely basis;

(2) the need of such entity for financial support, taking into account the financial support from State or other sources, to fulfill the objectives of this Act; and

(3) whether the denial of such entity's grant request would—

(A) result in the inability of such entity to develop information on a timely or comprehensive basis; and

(B) result in a gap in the information for that State or otherwise thwart the objectives of this Act.

(f) REGULATIONS.—The NTIA shall issue such regulations as may be necessary to carry out the functions assigned under this section.

(g) **ELIGIBLE ENTITY.**—For the purposes of this section, the term “eligible entity” for any State means—

(1) an entity that is either—

(A) an agency or instrumentality of that State, or a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of that State; or

(B) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code; and

(2) the entity is the single eligible entity in such State that has been designated by the State to receive a grant under this section.

**SEC. 5. GRANTS FOR DEMAND-SIDE BROADBAND SERVICE IDENTIFICATION AND ASSESSMENTS.**

(a) **GRANT AUTHORITY.**—From the amounts appropriated under section 10(c), the NTIA shall establish a grant program to create and facilitate the work of local technology planning entities that represent a broad cross-section of their community, including representatives of business, telecommunications labor organizations, consumer organizations, elementary and secondary education, health care providers, libraries, higher education, community-based organizations, tribal organizations, and local government.

(b) **STATE ENTITY APPLICATION AND DESIGNATION.**—Each eligible planning entity in any State that seeks to obtain a grant under this section shall submit an application to the NTIA at such time, in such form, and containing such information and assurances as the NTIA may require. Such application shall contain a demonstration that—

(1) the entity is an eligible planning entity; and

(2) the eligible planning entity—

(A) is the single eligible planning entity in such State that has been designated by the State for an exclusive geographic area within the State to receive a grant under this section; or

(B) is the single eligible planning entity that is designated by the governing body of an Indian tribe to receive a grant under this section.

(c) **USE OF FUNDS.**—Amounts from a grant under this section shall be used to assist an eligible planning entity to—

(1) assess the current use of broadband service capability across relevant community sectors;

(2) set goals for improving or maximizing such use within each sector;

(3) develop a plan for achieving the eligible planning entity’s goals, with specific recommendations for identifying and spurring demand for such capability;

(4) collaborate with providers of broadband service capability and other high technology companies to encourage the deployment and use of broadband service capability in unserved and underserved areas;

(5) identify local demand for broadband service capability and aggregate such demand;

(6) establish programs, but not acquire equipment or facilities, to improve computer ownership and Internet access for unserved and underserved populations; and

(7) facilitate the exchange of information regarding the use and demand for broadband service capability between the public and private sectors.

(d) **PROHIBITION.**—Funds made available by a grant under this section shall not be used for the provision of broadband service capability or the acquisition of equipment or facilities for such capability, except that this prohibition shall not prohibit an eligible planning entity’s use of such funds to acquire broadband service capability or equipment or facilities for such capability for use by such entity in its own conduct of planning activities.

(e) **REGULATIONS.**—The NTIA shall issue such regulations as may be necessary to carry out the functions assigned under this section.

(f) **ELIGIBLE PLANNING ENTITY.**—For the purposes of this section, the term “eligible planning entity” for any State means—

(1) an agency or instrumentality of that State, a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of that State, or an Indian tribe; or

(2) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.

**SEC. 6. CONSUMER SURVEY OF BROADBAND SERVICE CAPABILITY.**

(a) **AUTHORITY.**—For the purpose of evaluating, on a statistically significant basis, the national characteristics of the use of broadband service capability, the Commis-

sion shall conduct and make public periodic surveys of consumers in urban, suburban, and rural areas in the large business, small business, and residential consumer markets to determine the following:

- (1) The types of technology used to provide the broadband service capability to which consumers subscribe.
- (2) The amounts consumers pay per month for such capability.
- (3) The actual data transmission speeds of such capability.
- (4) The types of applications and services consumers most frequently use in conjunction with such capability.
- (5) For consumers who have declined to subscribe to broadband service capability, the reasons given by such consumers for declining such capability.
- (6) Other sources of broadband service capability which consumers regularly use or on which they rely.
- (7) Any other information the Commission deems appropriate for such purpose.

(b) **PUBLIC AVAILABILITY.**—The Commission shall make publicly available the results of surveys conducted under this section at least once per year.

**SEC. 7. CONFIDENTIALITY OF CONSUMER INFORMATION.**

(a) **IN GENERAL.**—The Commission shall, within 180 days after the date of the enactment of this Act, promulgate regulations—

- (1) to protect the confidentiality of personal consumer information collected for the purposes of this Act;
- (2) to require the Commission, the NTIA, and each other entity that collects or controls such information for the purposes of this Act (including any eligible entity under section 4, eligible planning entity designated under section 5(b)(2), and commercial and public provider of broadband service capability) to protect the confidentiality of such information; and
- (3) to permit such information to be disclosed by such entities only to the extent consistent with the provisions and for the purposes of this Act, or with the prior express authorization of the consumer to whom it pertains.

(b) **LIMITATION.**—The regulations promulgated under subsection (a) shall not preclude the ability of any consumer or other person or entity to search, by individual street address, the broadband inventory map developed and maintained pursuant to section 3, or any of the individual State maps that may compose it.

**SEC. 8. STATE OR LOCAL AUTHORITY.**

Except as provided in section 7, nothing in this Act shall be construed to expand or limit the authority of States, Indian tribes, or units of local government to compel the collection of information.

**SEC. 9. SUNSET PROVISIONS.**

(a) **BROADBAND DEPLOYMENT INFORMATION & CONSUMER SURVEY.**—Sections 2 and 6 shall cease to be effective after the end of the 6-year period beginning on the date of the enactment of this Act.

(b) **BROADBAND INVENTORY MAP.**—Section 3 shall cease to be effective after the end of the 7-year period beginning on the date of enactment of this Act.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out sections 3 and 4 of this Act—

- (1) \$20,000,000 for fiscal year 2008;
- (2) \$20,000,000 for fiscal year 2009; and
- (3) \$20,000,000 for fiscal year 2010.

(b) **BROADBAND MAP INFORMATION DEVELOPMENT GRANTS.**—Of any amounts appropriated in each fiscal year pursuant to subsection (a), not less than \$15,000,000 shall be available only for grants under section 4.

(c) **LOCAL TECHNOLOGY PLANNING GRANTS.**—In addition to the amount appropriated under subsection (a), there is authorized to be appropriated to make grants under section 5—

- (1) \$50,000,000 for fiscal year 2008;
- (2) \$100,000,000 for fiscal year 2009; and
- (3) \$125,000,000 for fiscal year 2010.

**SEC. 11. DEFINITIONS.**

For the purposes of this Act, the following definitions shall apply:

- (1) **BROADBAND SERVICE CAPABILITY.**—The term “broadband service capability” means an Internet Protocol-based transmission service that is offered to end users to enable such end users to send and receive voice, video, data, graphics, or a combination, to or from the Internet without regard to any transmission media or technology.

- (2) COMMISSION.—The term “Commission” means the Federal Communications Commission.
- (3) INDIAN TRIBE.—The term “Indian tribe” has the meaning given in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).
- (4) NTIA.—The term “NTIA” means the National Telecommunications and Information Administration of the Department of Commerce.
- (5) PERSONAL CONSUMER INFORMATION.—The term “personal consumer information”—
- (A) means information that allows a human being to be identified individually;
  - (B) includes the following information with respect to an individual:
    - (i) the first and last name;
    - (ii) a home or physical address;
    - (iii) a date or place of birth;
    - (iv) an email address or a telephone number;
    - (v) a Social Security account number, tax identification number, birth certificate number, passport number, driver’s license number, or any other any government-issued identification number; or
    - (vi) a credit card number or bank account or card number; and
  - (C) does not include any record of aggregate information that does not permit the identification of particular individuals.
- (6) PROVIDER.—
- (A) PUBLIC PROVIDER.—The term “public” when used with respect to a provider of broadband service capability means a provider that is an agency or instrumentality of a State, or a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of a State, regardless of the facilities used.
  - (B) COMMERCIAL PROVIDER.—The term “commercial” when used with respect to a provider of broadband service capability means a provider that offers broadband service capability for a fee, or on an advertising-supported basis, directly to the public or to such classes of users as to be effectively available to the public, regardless of the facilities used.
- (7) STATE.—The term “State” means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory and possession of the United States.

#### PURPOSE AND SUMMARY

The purpose of H.R. 3919, the Broadband Census of America Act of 2007, is to improve the quality and quantity of data that the government collects concerning broadband deployment and adoption, develop a national map displaying broadband availability, and facilitate State and local efforts to promote broadband deployment and adoption.

#### BACKGROUND AND NEED FOR LEGISLATION

An overarching telecommunications policy goal for the United States is achieving ubiquitously available, affordable, high-speed broadband service capability for all Americans. This is a goal supported not only on a bipartisan basis in Congress, but also by the President and numerous stakeholders in the telecommunications marketplace.

Affordable, high-speed broadband service capability is indispensable to various aspects of the United States economy, including public safety, education, entrepreneurial investment, innovation, job creation, healthcare delivery, and energy efficiency. The ability of the United States to promote deployment of high-speed broadband infrastructure will also be a key factor in determining our Nation’s success in the fiercely competitive global economy. In particular, the availability of broadband service capability at ever-higher transmission speeds could spur new growth and investment

in cutting-edge applications, services, and technologies that utilize higher bandwidth functionality.

Better data about broadband deployment and availability will help the Nation evaluate its progress toward its broadband policy goals, as well as compare its level of broadband deployment with that of other countries. The Government Accountability Office (GAO), in a May 2006 report, assessed the available data about broadband deployment and concluded that while such deployment is present in some form across the Nation, it remains difficult to decipher which geographic areas are unserved or underserved. It is also difficult to determine the type of service, the speed, and the price of broadband service capability available in discrete urban, suburban, and rural areas of the country. More and better data about the nature and extent of broadband deployment and adoption are clearly needed.

The fact that information concerning availability, speed, price, and type of broadband service capability is not readily available adversely affects the ability of policymakers to make sound decisions. For instance, the Federal Government could achieve significantly better performance from its multibillion-dollar grant and subsidy programs, and effectively reform them, if it had better and more comprehensive data. Discerning which parts of the country are served by broadband service capability and which parts are unserved has proven elusive to policymakers. Indeed, neither the Federal Communication Commission (Commission) nor the National Telecommunications and Information Administration (NTIA) has published comprehensive or sufficiently detailed data with respect to the deployment of broadband service and the adoption rate within selected geographic areas.

The reports that the Commission has issued as part of the proceeding required under Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 nt) have focused on “advanced telecommunications capability.” H.R. 3919 is intended to complement that effort. The legislation will provide useful data regarding actual subscribership to broadband service capability within 5-digit postal zip codes, along with the types of service being offered in such areas. In addition, the legislation will require actual subscribership numbers correlated to speed tiers designated by the Commission, on a statewide basis. The Commission is assigned the task of developing categories to divide all broadband service capability into speed tiers. By categorizing all broadband data transmission speeds currently deployed, policymakers will have more comprehensive data readily available to gauge the Nation’s progress over time and inform public policy decisions.

Another mechanism that has proven valuable to consumers and communities in spurring deployment and adoption of broadband service capability is visually depicting such availability on a searchable, interactive map. In Kentucky, for instance, an initiative to make publicly available a map of the availability of broadband service capability at individual locations throughout the State promoted interest in communities to maximize service deployment and spur greater adoption. The ability of communities to clearly identify the available providers in an area, or nearby areas, permits consumers, workers, business leaders, civic leaders, and others to organize around efforts to aggregate demand and induce greater



deployment and adoption of broadband service. In addition, mapping permits policymakers to target government resources more efficiently.

The implementation of the broadband mapping initiative in Kentucky is credited by many with the State's increase in broadband adoption over the last couple of years. A similar endeavor at the Federal level, designed to work in conjunction with other State efforts, to develop a national map and a national grant program for community broadband planning purposes will help promote broadband availability and adoption, reflecting its national importance.

To gain a better perspective from consumers across the Nation about the nature of and ways they use their broadband service capability, the bill requires the Commission to conduct periodic surveys of consumers. These surveys will include requests for information on the applications consumers use, the types of broadband service capability they use or subscribe to, the reasons why they may not subscribe to broadband service capability, and the actual data transmission speed of their broadband service capability.

To facilitate development of a national, searchable map, where a consumer could type in a street address and determine which providers are offering service in that area, the bill also authorizes appropriations for grant programs. The grants will be available to eligible entities in the States to help develop the national map. The bill also authorizes grants to assist local planning entities in communities across the country in local endeavors to bolster the local deployment and adoption of broadband service capability.

Given the fact that H.R. 3919 may result in the collection of information of a personal nature about individual consumers, the bill also contains a privacy provision to safeguard such information.

#### HEARINGS

The Subcommittee on Telecommunications and the Internet held a hearing on a discussion draft of legislation regarding broadband mapping and data collection on Thursday, May 17, 2007. The Subcommittee received testimony from the following witnesses: Mr. Larry Cohen, President, Communications Workers of America; Mr. Walter B. McCormick, President, United States Telecom Association; Mr. Steve Largent, President and Chief Executive Officer, CTIA—The Wireless Association; Mr. Kyle E. McSparrow, President and Chief Executive Officer, National Cable and Telecommunications Association; Mr. Ben Scott, Policy Director, Free Press; Mr. Brian Mefford, President and Chief Executive Officer, Connect Kentucky; and George S. Ford, Ph.D., Chief Economist, Phoenix Center for Advanced Legal and Economic Public Policy Studies.

#### SUBCOMMITTEE CONSIDERATION

On Wednesday, October 10, 2007, prior to the introduction of H.R. 3919, the Subcommittee on Telecommunications and the Internet considered the text of the bill as a committee print, entitled the Broadband Census of America Act of 2007. The Subcommittee met in open markup session and favorably forwarded the approved text of the committee print to the full Committee by a voice vote, without amendment.

## COMMITTEE CONSIDERATION

A clean bill, H.R. 3919, was introduced on October 22, 2007, with the text of the committee print as approved by the Subcommittee, and was subsequently referred to the Committee. On Tuesday, October 30, 2007, the full Committee met in open markup session and ordered H.R. 3919 favorably reported to the House, amended, by a voice vote, a quorum being present.

## COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no record votes taken on amendments or in connection with ordering H.R. 3919 reported. A motion by Mr. Dingell to order H.R. 3919 favorably reported to the House, amended, was agreed to by a voice vote.

## COMMITTEE OVERSIGHT FINDINGS

Regarding clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Subcommittee on Telecommunications and the Internet held a legislative hearing on a draft version of H.R. 3919, and the oversight findings of the Committee are reflected in this report.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The purpose of H.R. 3919 is to improve the quality and quantity of data that the Government collects concerning broadband deployment and adoption, develop a national map displaying broadband availability, and facilitate State and local efforts to promote broadband deployment and adoption.

## NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Regarding compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3919 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

## EARMARKS AND TAX AND TARIFF BENEFITS

Regarding compliance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 3919 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

## COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 3919 prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

## CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate on H.R. 3919

provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

NOVEMBER 9, 2007.

Hon. JOHN D. DINGELL,  
*Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3919, the Broadband Census of America Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susan Willie.

Sincerely,

PETER R. ORSZAG.

Enclosure.

*H.R. 3919—Broadband Census of America Act of 2007*

Summary: H.R. 3919 would require the Federal Communications Commission (FCC) and National Telecommunications and Information Administration (NTIA) to collect and make available information about the availability and use of high-speed Internet service, also known as broadband service, throughout the country. The bill also would authorize appropriations for NTIA to award grants to various entities to support its data collection efforts.

CBO estimates that implementing the provisions of H.R. 3919 would cost \$54 million in 2008 and \$338 million over the 2008–2012 period, assuming appropriation of the necessary and authorized amounts. The bill would have no significant effect on direct spending or revenues.

H.R. 3919 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3919 is shown in the following table. The costs of this legislation fall within budget function 370 (commerce and housing credit).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
FCC Reports:					
Estimated Budget Authority .....	3	2	2	2	2
Estimated Outlays .....	2	2	2	2	2
NTIA Map of Broadband Service:					
Authorization Level .....	20	20	20	0	0
Estimated Outlays .....	15	19	19	7	0
NTIA Planning Grants:					
Authorization Level .....	50	100	125	0	0
Estimated Outlays .....	37	85	115	28	3
Spending Under H.R. 3919:					
Estimated Authorization Level .....	73	122	147	2	2
Estimated Outlays .....	54	106	136	37	5

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted by the end of calendar year 2007, that the necessary and authorized amounts will be appropriated each year, and that spending will follow historical patterns for similar programs. Based on information from FCC and NTIA, CBO estimates that im-

plementing the provisions of H.R. 3919 would cost \$54 million in 2008 and \$338 million over the 2008–2012 period, subject to appropriation of the necessary and authorized amounts.

*FCC reports*

Section 2 of the bill would require FCC to publish an annual report on the use of broadband services throughout the United States. The bill would require FCC to include the types of technology used, the number of users, and the speed of data transmission. Additionally, the report would include information about broadband services available in other countries.

Section 6 would require FCC to survey both residential and commercial users of broadband services to determine, among other things, the types of technology used to receive the service and the cost.

Based on information from FCC, CBO estimates that implementing sections 2 and 6 would cost about \$2 million in 2008 and \$10 million over the 2008–2012 period, assuming appropriation of the necessary amounts.

*NTIA map of broadband service*

Section 3 of the bill would require NTIA to create a map showing the availability of broadband service in all of the states and to make the map available on the Internet.

Section 4 would authorize NTIA to award grants to states, or agencies they designate, to develop the information needed by NTIA to create the map of broadband service. The bill would authorize the appropriation of \$20 million in each of fiscal years 2008 through 2010 to develop the map and provide grants. CBO estimates that implementing those provisions would cost \$15 million in 2008 and \$60 million over the 2008–2012 period, subject to appropriation of the authorized amounts.

*NTIA planning grants*

Section 5 would authorize NTIA to award grants to certain local agencies to develop a plan to increase the availability and use of broadband service within specific geographic areas. The bill would authorize the appropriation of \$275 million over the 2008–2012 period to carry out the grant program. CBO estimates that implementing this provision would cost \$37 million in 2008 and \$268 million over the 2008–2012 period, subject to appropriation of the authorized amounts.

Intergovernmental and private-sector impact: H.R. 3919 contains no intergovernmental or private-sector mandates as defined in UMRA; state, local, and tribal governments would benefit from grants authorized in the bill.

Estimate prepared by: Federal Costs: Susan Willie; Impact on State, Local, and Tribal Governments: Elizabeth Cove; Impact on the Private Sector: Jacob Kuipers.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 3919 prepared by the Director of the Congress-

sional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes, and in the provisions of Article I, section 8, clause 1, that relate to expending funds to provide for the general welfare of the United States.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act of 1995.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

Section 1 establishes the short title of the Act as the “Broadband Census of America Act of 2007”.

##### *Section 2. Census of broadband service deployment*

Section 2(a)(1) requires the Commission annually to collect data and publish a report on the deployment of, and subscription to, broadband service capability across the Nation.

Section 2(a)(2) requires the Commission to designate bandwidth service tiers for use in the report. The service tiers should provide useful information about the nature and extent of broadband service capability. The tiers should encompass all data speeds and both upstream and downstream attributes of service. To the extent possible, the tiers should be designated in a way that roughly corresponds to the ability to support qualitatively different types of applications and services. For instance, one tier may encompass broadband capabilities and speeds necessary to simply surf the Internet or use basic E-mail services, others may encompass broadband capabilities and speeds necessary to upload pictures or short videos, while still other increasingly more robust tiers might encompass broadband capabilities and speeds necessary to download full-length movies in longer or shorter time-frames, or support video conferencing.

Section 2(a)(3) directs the Commission to collect, or provide for the collection of, information from each commercial and public provider of broadband service capability under the Commission’s jurisdiction. Thus, under this provision, the Commission, in fulfillment of its obligation to provide for the collection of information, may permit providers of broadband service capability to give their data to a third party that would then aggregate the data with data from

other providers of broadband service capability before providing it to the Commission, so long as this mechanism gives the Commission the information required.

Section 2(a)(3)(A) requires the Commission to collect, for each 5-digit postal zip code, information concerning the types of technology used to provide service in that zip code, the bandwidth speed tiers of service designated under section 2(a)(2) available in that zip code, the actual number of residential subscribers to broadband service capability in that zip code, and the actual number of business subscribers to broadband service capability in that zip code. Section 2(a)(3)(B) requires the Commission to collect for each State the actual number of residential subscribers and the actual number of business subscribers for each bandwidth speed tier. The Committee recognizes that some providers that offer broadband service capability do not separately market such service to business and residential customers. In such circumstances, determining whether a particular subscriber is a “residential” or “business” subscriber may be difficult. The Committee does not intend to require providers to restructure the way they market or offer service to comply with the reporting requirements in this section or others. In addition, many large, enterprise business customers use broadband service capability in ways that make it difficult to accurately quantify end user connections, and the Committee does not intend that the Commission, pursuant to this section or others, collect or report information on such large enterprise contracts.

Section 2(a)(4) governs the contents of the report the Commission will issue pursuant to section 2(a)(1).

Section 2(a)(4)(A) requires the Commission to set forth, for each 5-digit postal zip code, a list of the types of technologies used to provide broadband service capability in such area, as well as the actual number of residential subscribers in such area and the actual number of business subscribers in such area, aggregating for each the actual numbers from all providers of broadband service capability.

Section 2(a)(4)(B) requires the Commission to publish for each State the aggregate number of residential subscribers and the aggregate number of business subscribers, correlating such actual subscriber numbers to their respective speed tiers as designated under section 2(a)(2).

Section 2(b) instructs the Commission to periodically review the bandwidth speed tiers to take into account changes in technology and marketplace conditions.

Section 2(c) requires the Commission to conduct, as part of the report required under section 2(a), an analysis comparing broadband service capability in the United States with broadband service capability abroad. The Commission is instructed, to the extent possible, to make an “apples to apples” comparison of technologies and communities and should consider differences in regulatory regimes, market structure, geography, and other factors, even if doing so requires comparisons of different geo-political units of each country. For example, the Commission need not compare cities to cities if comparing certain U.S. cities or States to entire foreign countries makes a more suitable comparison in light of similarities in population size, population density, topography, or other factors.

Section 2(d) provides that, except for the information provided to the public by the Commission in its annual report pursuant to subsection (a)(4), nothing in section 2 reduces or removes any obligation the Commission has to protect proprietary information, nor should this section be construed to compel the Commission to make publicly available any proprietary information. This applies both to the sharing of information publicly and to sharing with other government entities, if such other government entities might make the information publicly available. The Committee does not intend for section 2 to alter the Commission's pattern or practice with respect to the treatment of proprietary information or the treatment of such information under existing law and applicable precedent. The Commission is also directed not to disclose any data collected pursuant to section 2 that would reveal competitively sensitive information about an individual provider of broadband service capability, even in the context of the specific information that the Commission is directed to otherwise disclose under section 2(a)(4).

Section 2(e) requires the Commission to adopt regulations to implement this section within 180 days after the date of enactment of H.R. 3919.

Section 2(f) states that the Commission shall enforce section 2 as if section 2 were part of the Communications Act of 1934.

### *Section 3. Broadband inventory map*

Section 3(a) requires the NTIA to develop and maintain an interactive, searchable broadband inventory map of the United States. The map will depict the extent to which broadband service capability is deployed and available across the country. The Committee recognizes the challenges the NTIA will face in gathering the data needed to develop the national broadband inventory map described in section 3, that the map will only be as good as the data available to the NTIA, and that the level of detail and the reliability of the information the NTIA receives may vary by source. The Committee also recognizes that creation of the map will be an iterative process and expects that the NTIA will do its best to eliminate gaps in information and to improve the reliability and level of detail over time.

Section 3(b)(1) states that the map must be capable of depicting, at the 9-digit postal zip code level, census tract level, or functional equivalent, each commercial and public provider of broadband service capability deployed at the time within such area. The map must also be capable of depicting, subject to section 3(f)(5), each type of technology used to provide broadband service capability and the bandwidth speed tiers that are available within such geographic area. Section 3(b)(2) states that the map must also depict where broadband service capability is currently not available. The NTIA may choose among the 9-digit zip code level, census tract level, or functional equivalent for different portions of the map, or even for different services, technologies, or providers, as necessary to create as accurate and robust a map as reasonably possible, taking into account limitations on the availability and reliability of data over time.

Section 3(c) encourages the NTIA to use other data and information available at the U.S. Department of Commerce in connection with the map. Section 3(c) also directs the NTIA to make the map

and the information on which the map is based available to other sources in the Department of Commerce for purposes of demographic analysis, consistent with section 3(g) and section 7. Nothing in this section is intended to affect what compensation, if any, is to be paid by government entities in exchange for the use or sharing of this data.

Section 3(d) requires the NTIA to ensure that the broadband inventory map is accessible by the public on a public Internet site no later than 2 years after the date of enactment of this Act. In addition, the Committee intends that the national map be searchable. Ideally, a consumer would be able to type in an individual street address and discover which providers of broadband service capability offer service at such address and, consistent with section 3(f)(5), the type of service, and the broadband speed such providers offer.

Section 3(e) requires the NTIA to update the map periodically to ensure that the map remains accurate and timely.

Section 3(f) governs the manner in which the NTIA will collect information to construct the broadband inventory map.

Section 3(f)(1) directs the NTIA to request and obtain the information necessary to construct the broadband inventory map from the eligible entities set forth in section 4, the Commission, and commercial and public providers of broadband service capability.

Section 3(f)(2) requires the NTIA to request and obtain the mapping information from eligible entities first, and then the Commission, before requesting data from providers of broadband service capability. The information that the NTIA would collect from the Commission is that information the Commission may have that is necessary for creation of the map and might be data other than what the Commission collects under section 2, as the Commission will be collecting that data on a 5-digit zip code and statewide level and potentially in a different format. Moreover, the Commission is collecting subscribership data under section 2, whereas the NTIA is mapping the availability of broadband service capability, not subscribership, under this section. Section 3(f)(2) also instructs the NTIA to request and obtain information from providers of broadband service capability only if the information cannot be obtained in a timely fashion from the eligible entities or the Commission. Section 3(f)(2) is not, however, intended to preclude providers from submitting data directly to the NTIA if that is their preference. For example, some carriers may wish to provide the NTIA with their own coverage maps for the NTIA to assimilate into the broadband inventory map.

Section 3(f)(3) provides that broadband service capability providers or the eligible entities that collect data for use in the map must provide the data to the NTIA in a format that the NTIA is able to incorporate into the map. The Committee does not intend to preclude State efforts to produce broadband inventory maps or provide to the NTIA information that is more granular and detailed than the information required under this section.

Section 3(f)(4) directs the NTIA to endeavor to obtain information concerning broadband service capability provided to the public for free, such as at publicly available wi-fi hotspots. The Committee intends that the NTIA seek out reliable public information to capture broadband availability that may not be reflected in the data that



providers of broadband service capability submit to the NTIA, the Commission, or an eligible entity.

Section 3(f)(5) provides that a provider of broadband service capability may request that the map constructed pursuant to this section not display the type of technology or bandwidth service tiers that the broadband service capability provider offers in a particular area or areas. The Committee intends to give broadband service capability providers the option of requesting that the NTIA not display certain information if doing so would reveal competitively sensitive information of that broadband service capability provider in specified areas.

Section 3(g) includes language intended to protect from disclosure any proprietary or competitively sensitive data that broadband service capability providers submit to the NTIA. This section affirms that nothing in H.R. 3919 reduces or removes any obligation the NTIA has to protect proprietary information, nor does H.R. 3919 compel the NTIA to make proprietary information public. Even information the NTIA may share with other government entities pursuant to subsection (c) must be shared in a way that protects proprietary or competitively sensitive data. Furthermore, the NTIA is directed not to make public any information that would reveal competitively sensitive information of any broadband service capability provider.

#### *Section 4. Grants to States for broadband map development*

Section 4(a) gives the NTIA the ability to make grants to eligible entities, as defined in section 4(g), to assist in providing the NTIA with the information it needs to construct the broadband inventory map required under section 3.

Section 4(b) provides that an eligible entity from any State must submit an application to the NTIA in such form as the NTIA requires.

Section 4(c) provides that an eligible entity that receives grant funds may only use those funds for the costs involved in developing and obtaining the information required for the broadband inventory map.

Section 4(d) imposes certain conditions on the recipients of grant funds.

Section 4(d)(1) requires a recipient of grant funds to agree to provide to the NTIA the information developed or obtained using the grant funds only to the extent necessary to create the broadband inventory map.

Section 4(d)(2) provides that an eligible entity may only receive grant funds if the eligible entity agrees to provide, from non-Federal funds, at least 20 percent of the costs of carrying out the activities required to develop or obtain information for use in the broadband inventory map.

Section 4(e) provides that the NTIA shall select eligible entities to receive grants under this section based upon criteria that shall include the conditions set forth in this section.

Section 4(e)(1) states that the NTIA must consider whether an entity requesting a grant is organized on a statewide basis and is prepared to gather information for NTIA's use on a timely basis.

Section 4(e)(2) states that the NTIA must consider a grant applicant's need for financial support, taking into account other sources of funding available to the applicant.

Section 4(e)(3)(A) requires the NTIA to consider whether denial of an application would result in the inability of an eligible entity to develop information on a comprehensive or timely basis. Section 4(e)(3)(B) requires the NTIA to consider whether denial of an application would result in a gap in the information for a State or would otherwise thwart the objectives of H.R. 3919.

Section 4(f) requires the NTIA to issue rules and regulations necessary to carry out the functions assigned under this section.

Section 4(g) provides the definition of an eligible entity for any State.

Section 4(g)(1)(A) states that an eligible entity may be an agency or instrumentality of a State, a municipality, or other subdivision of that State, or an agency or instrumentality of a municipality or other subdivision of that State.

Section 4(g)(1)(B) states that an eligible entity may alternatively be a nonprofit organization as described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of that Code.

Section 4(g)(2) states that an eligible entity must be the only such entity designated by a State to receive a grant under this section.

*Section 5. Grants for demand-side broadband service identification and assessments*

Section 5(a) requires the NTIA to establish a grant program for eligible planning entities to facilitate local technology planning.

Section 5(b) provides that each eligible planning entity in any State that seeks grant funds must submit an application to the NTIA, in such form as the NTIA may require, that includes, at a minimum, certain information.

Section 5(b)(1) provides that an application must demonstrate that the applicant is an eligible planning entity.

Section 5(b)(2) provides that to receive a grant, the eligible planning entity be either the sole entity designated by that State for an exclusive geographic region within that State, or that the eligible planning entity be the only such entity designated by the governing body of an Indian tribe to receive a grant under this section.

Section 5(c) sets forth the permissible uses of funds awarded under this section.

Section 5(c)(1) provides that funds may be used to assess the current use of broadband service capability across the community.

Section 5(c)(2) provides that funds may be used to set goals to improve or maximize the use of broadband service capability.

Section 5(c)(3) provides that funds may be used to develop a plan for achieving the eligible planning entity's goals.

Section 5(c)(4) provides that funds may be used to collaborate with providers of broadband service capability and other high tech companies to encourage the deployment and use of broadband service capability in unserved and underserved areas.

Section 5(c)(5) provides that funds may be used to identify and aggregate demand for broadband service capability.

Section 5(c)(6) provides that funds may be used to establish programs, but not acquire equipment or facilities, to improve computer ownership and Internet access for unserved and underserved populations.

Section 5(c)(7) provides that funds may be used to facilitate the exchange of information between the public and private sectors regarding the use and demand for broadband service capability.

Section 5(d) provides that funds may not be used for the provision of broadband service capability or the acquisition of equipment or facilities for such capability, except that an eligible planning entity may use such funds to acquire broadband service capability or equipment or facilities for use by such entity in the conduct of its own planning activities.

Section 5(e) requires the NTIA to issue such regulations as may be necessary to carry out this section.

Section 5(f) defines the meaning of the term “eligible planning entity” for any State.

Section 5(f)(1) defines such an entity as an agency or instrumentality of a State, a municipality, or other subdivision of that State, or an agency or instrumentality of a municipality or other subdivision of that State, or an Indian tribe.

Section 5(f)(2) defines such an entity alternatively as a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of that Act.

#### *Section 6. Consumer survey of broadband service capability*

Section 6(a) directs the Commission to conduct and make public, on a periodic basis, a statistically significant survey of consumers in urban, suburban, and rural areas in the large business, small business, and residential consumer markets to evaluate the national characteristics of the use of broadband service capability.

Section 6(a)(1) directs the Commission to determine the type of technology used to provide the broadband service capability to which the consumer subscribes.

Section 6(a)(2) directs the Commission to determine the amounts consumers pay for broadband service capability. In doing so, the Commission should determine, to the extent feasible, the actual cost to the customer of the broadband service capability, taking into account common marketing and packaging practices, such as promotions and the bundling of services.

Section 6(a)(3) directs the Commission to determine the actual data transmission speeds consumers receive from their broadband service capability. Several web sites today purport to allow consumers to assess the actual transmission speed of their broadband service capability. The Committee intends that the Commission’s evaluation of the actual transmission speeds that consumers receive take into account factors that may affect the speed of broadband service capability, such as network congestion, and consider the differences in actual speed that a consumer may receive at varying times throughout a typical day. The Committee also recognizes that to make the data it reports as reliable, useful, and meaningful as possible, the Commission may need to collect data over periods of time that include both peak and low demand and

may need to take steps such as averaging the consumer speed responses it receives or providing ranges of results.

Section 6(a)(4) directs the Commission to determine the types of applications and services consumers most frequently use in conjunction with their broadband service capability.

Section 6(a)(5) directs the Commission to determine, if a consumer does not subscribe to broadband service capability, the reasons the consumer has elected not to subscribe.

Section 6(a)(6) directs the Commission to determine any other sources of broadband service capability that consumers regularly use or on which they rely. The Committee notes that such sources could include broadband service capability provided at a consumer's workplace or broadband service capability offered for free, such as at wi-fi hotspots.

Section 6(a)(7) directs the Commission to seek out any other information which the Commission deems appropriate for the survey.

Section 6(b) directs the Commission to make public the results of the survey required under this section at least once a year.

#### *Section 7. Confidentiality of consumer information*

Section 7(a) requires the Commission to promulgate certain regulations within 180 days after the date of enactment of H.R. 3919.

Section 7(a)(1) requires that such regulations protect the confidentiality of personal consumer information collected for the purposes of H.R. 3919.

Section 7(a)(2) provides that such regulations must require the Commission, the NTIA, and any other entity that collects or controls such information for the purposes of H.R. 3919 to protect the confidentiality of such information.

Section 7(a)(3) provides that such regulations must allow the disclosure of personal consumer information only to the extent consistent with the purposes and provisions of H.R. 3919, or with the prior express authorization of the consumer to whom it pertains.

Section 7(b) provides that the regulations promulgated under section 7(a) shall not preclude the ability of any consumer or other person or entity to search, by individual street address, the broadband inventory map developed and maintained pursuant to section 3, or of the individual State maps of which it may be comprised.

#### *Section 8. State or local authority*

Section 8 states that except as provided in section 7, nothing in this Act shall be construed to expand or limit the authority of States, Indian Tribes, or units of local government to compel the collection of information from providers of broadband service capability.

#### *Section 9. Sunset provisions*

Section 9(a) provides that section 2 and section 6 shall cease to be effective 6 years after the date of the enactment of H.R. 3919.

Section 9(b) provides that section 3 shall cease to be effective 7 years after the date of enactment of H.R. 3919.

#### *Section 10. Authorization of appropriations*

Section 10 authorizes appropriations to carry out H.R. 3919.

*Section 11. Definitions*

Section 11 sets forth definitions that shall apply only for the purposes of H.R. 3919. The definition of “broadband service capability” is intended to capture mass-market broadband services provided to end users to enable such end users to send and receive information to or from the Internet. This definition is intended to capture such services without regard to the technology used to provide service, including wireline, wireless, cable, satellite, and others. This definition is not intended to include distinct applications and services that use broadband service capability to provide a product or service offering to end users, such as voice over Internet protocol or video over Internet protocol services. This definition is also not intended to include carrier-to-carrier broadband service capability, such as Internet backbone services.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Regarding clause 3(e) of rule XIII of the Rules of the House of Representatives, H.R. 3919 does not amend any existing law.

